



Access to Public Information Request

Date of receipt: 7th August 2020

Date of response: 7th August 2020

Access to Public Information request:

Request for information:

Please would you provide a timeline of events leading to the creation of the 2019 Certificate of Lawful Use legislation showing the people involved and their contribution?

Response:

Further to your request made under the Code of Practice on Access to Public Information, please see below for a timeline of events leading to the creation of the 2019 Certificate of Lawful Use legislation as requested.

November 2016 - The States resolved (Resolution 6) concerning Billet d'État No XXVII, The Island Development Plan – Development & Planning Authority Recommendations - dated 18th October 2016, to direct the Development & Planning Authority, after consultation with other relevant committees of the States, to determine which changes would need to be made to legislation or policy in order to establish a gateway for the development of a café on the current site of the Stan Brouard Group Garden, Leisure and Furniture Store; and if, during the course of the work and consultation described above, it becomes clear that such a gateway could not be established without first altering the Strategic Land Use Plan also to direct the Committee for the Environment & Infrastructure to consider whether it should exercise its powers under Section 5(2) of the Land Planning and Development (Guernsey) Law, 2005 to propose such alteration to the Plan; and also to direct that the Authority, and the Committee if appropriate, shall report its or their conclusions to the States in propositions and a policy letter or policy letters to be submitted to Her Majesty's Greffier by no later than the 30th of April, 2017.

June 2017 – The States resolved at its 7 June 2017 meeting after consideration of the report of the Development & Planning Authority attached to the Policy Letter entitled ‘The Island Development Plan – Provision for a café at Stan Brouard Group’s Landes du Marché site through the introduction of Certificates of Lawful Use’:

1. To approve the proposals to make provision for certificates of lawful use under the Land Planning and Development (Guernsey) Law, 2005, so as to allow applications to be made to regularise unlawful changes of use, where –

(a) a compliance notice cannot be issued in respect of that unlawful change of use under that Law, and

(b) the use does not amount to a contravention of a compliance notice in force at the time of the application, including provision for a right of appeal against the refusal of a certificate and other procedural provisions including the making of applications and revocations and provision for fees.

2. To direct the preparation of such legislation as may be necessary to give effect to the above decision.

2018 - The Land Planning and Development (Certificates of Lawful Use) Ordinance, 2019, was subsequently drafted by the Crown Advocates in consultation with various officers including the Director of Planning.

November 2018 – Land Planning & Development (Certificates of Lawful Use) Ordinance, 2019 approved by the D&PA at its meeting on 21 November 2018

January 2019 - Land Planning & Development (Certificates of Lawful Use) Ordinance, 2019 approved by the Legislation Review Panel on 7 January 2019

February 2019 - Land Planning & Development (Certificates of Lawful Use) Ordinance, 2019 approved by the States on 27 February 2019

April 2019 – Practice note 13 – Certificates of Lawful Use - drafted by Director of Planning in consultation with Law Officers and other officers

May 2019 – The Land Planning & Development (Certificates of Lawful Use) Ordinance, 2019 entered into force on 6th May, 2019. The Practice note was also introduced at this time and was published on the States’ website.

February 2020 - The Practice note was updated with minor alterations.