

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

DEVELOPMENT & PLANNING AUTHORITY

REVIEW OF THE LAND PLANNING AND DEVELOPMENT (EXEMPTIONS) ORDINANCE,
2007

The States are asked to decide: -

Whether, after consideration of the Policy Letter entitled 'Review of the Land Planning and Development (Exemptions) Ordinance, 2007', dated 8th November, 2021 they are of the opinion: -

1. To approve the proposed -
 - a) new exemptions from the requirement to obtain planning permission for development, and
 - b) amendments to existing exemptions from that requirement (currently set out in the Schedule to the Land Planning and Development (Exemptions) Ordinance, 2007),for specified descriptions of development subject to meeting required conditions as detailed in section 5 of the Policy Letter.
2. To approve the proposed new exemption from the requirement to obtain planning permission for a change of use of premises from a visitor economy use, falling within use class 7 or 8 of the Land Planning and Development (Use Classes) Ordinance, 2017, to a residential use within use classes 1 to 4 of that 2017 Ordinance, subject to restrictions as to the sites in relation to which the exemption applies and other specified conditions as detailed in section 6 of the Policy Letter.
3. To approve any necessary consequential and other amendments to the Land Planning and Development (Use Classes) Ordinance, 2017 and any other planning legislation necessary to give effect to the above decisions.
4. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

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The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port

8th November 2021

Dear Sir

1 Executive Summary

- 1.1 Planning exemptions allow for certain development to proceed without planning permission provided that any conditions attached are satisfied. These descriptions of development are listed in the Land Planning and Development (Exemptions) Ordinance, 2007 ("Planning Exemptions Ordinance"). The Ordinance came into effect in April 2009 and was a significant move forward for the Planning Service at the time, allowing for more exempt development than the 1997 Exemptions Ordinance.
- 1.2 Since the implementation of the ordinance in 2009, land planning policies have been updated and seek to balance protection of the physical and natural environment with the need to maintain a balance between the competing demands of the community for the use of land. It is important therefore, that the Planning Exemptions Ordinance is aligned to this.
- 1.3 The Exemptions are set out in the Schedule to the Planning Exemptions Ordinance and divided into Classes applying to similar kinds of development¹. Amendments to all Classes are recommended, albeit not all exemptions, in order to ensure that they reflect current policies, including in the Island Development

¹ These classes of exemptions are referred to as "Classes" in this policy letter. This is different from Use Classes which refer to the different classes of use of land set out in the Land Planning and Development (Use Classes) Ordinance, 2017. A change between uses in different use classes requires planning permission under planning legislation unless exempted under the Exemptions Ordinance.

Plan, but also remain fit for purpose for the years to come with potential technological or industry improvements. A new Class 12 is also proposed to exempt a change of use of redundant buildings on specific visitor accommodation sites to residential use.

- 1.4 The proposed changes to the existing exemptions and new additions will improve the customer experience, removing the need for planning applications where the development would be consistent with policies and other planning considerations and possible impacts can be dealt with by the general conditions in the exemptions. This will also free up resource within the Planning Service, enabling it to be more efficient and direct more resource into service improvements and delivery. This will also mean that there will not be the opportunity for public comment before exempt development is carried out as there will be no planning application stage but the Authority believes that the exemptions, with the conditions proposed, provide for development for which planning permission would normally be granted.
- 1.5 The exemptions proposed do not affect the need for any Building Control licences or self-certification for building work.

2 Introduction

- 2.1 In February 2008, the former Strategic Land Planning Group (SLPG) commissioned Mr Chris Shepley, former UK Chief Planning Inspector to carry out an independent review of Guernsey's Planning Service².
- 2.2 The review examined, amongst other things:
- How well the planning system was understood by the States and the public, and how it could be made more responsive;
 - The effectiveness of the current organisational arrangements in setting strategic policy objectives for the planning system; and
 - How the system could be improved to make legally robust and timely decisions on planning applications, and what the costs and benefits of this would be.
- 2.3 The Land Planning and Development (Guernsey) Law, 2005 and The Land Planning and Development (Exemptions) Ordinance, 2007 were introduced following the Shepley Report, which recommended that "the Law [was] brought into force without delay". The Law came into effect on 6th April 2009 along with a suite of essential ordinances to bring it into effect.
- 2.4 The Land Planning and Development (Exemptions) Ordinance, 2007, allowed for considerably more 'exempt development' than the previous 1997 Ordinance.

² [Shepley Report into Guernsey's Planning Service](#)

‘Exempt development’ is development that can proceed without the need for planning permission on most land provided any conditions set out in the relevant exemption are satisfied. Exemptions for domestic extensions and more substantial domestic outbuildings were included for the first time, along with a specific class of exemptions for States’ Development as this was not previously subject to formal planning control.

- 2.5 The Strategic Land Use Plan (SLUP)³ and The Island Development Plan (IDP)⁴ were subsequently adopted by the States of Guernsey in November 2011 and November 2016 respectively. The SLUP sets the high-level agenda for land use within the Island, with the IDP setting out the land planning policies for the whole of Guernsey.
- 2.6 New exemptions were added and amendments made to certain exemptions relating to changes of use in 2017 consistent with changes to the Use Classes Ordinance⁵, a minor amendment was added in 2018 to Class 8 relating to election signs and a temporary exemption was added in 2021 for changes of use of visitor accommodation to certain residential uses in response to impacts on that sector caused by the coronavirus pandemic. However, no holistic review has been undertaken since the Ordinance was introduced until this point.
- 2.7 The policies of the SLUP and IDP seek to balance protection of the physical and natural environment with the need to maintain a balance between the competing demands of the community for the use of land. It is important therefore, that the Planning Exemptions Ordinance is aligned to this.
- 2.8 To ensure the Development & Planning Authority’s (“the Authority”) mandate is implemented and development across the Island is controlled appropriately, there are processes in place which must be followed. Applying for planning permission does have a cost associated to it which varies depending on the type of application, and the process also takes time to complete.
- 2.9 The Authority has undertaken a thorough review of all current exemptions with the aim of removing unnecessary red tape from the planning process, removing costs and time where possible. In the same regard, removing the requirement for planning permission where ordinarily the proposals would be consistent with planning policy and other material considerations under the Law will free up resource within the Planning Service, enabling it to be more efficient and direct more resource into service improvements and delivery.

³ [Strategic Land Use Plan](#)

⁴ [Island Development Plan](#)

⁵ [Land Planning and Development \(Use Classes\) Ordinance, 2017 \(guernseylegalresources.gg\)](#)

- 2.10 A number of amendments to individual exemptions are proposed, as well as introducing new Classes for flats and visitor accommodation. It is also considered particularly important to increase exemptions for renewable energy equipment such as solar products which will enable wider environmental benefits. The inclusion of wider exemptions relating to renewable energy installations promotes sustainable development and supports the Government Work Plan.
- 2.11 It is recognised that one area where greater consistency and balance is needed, is regarding Protected Buildings, Protected Monuments and Conservation Areas. Therefore, a large proportion of the work has involved reviewing the requirements on development taking place within Conservation Areas or on Protected Buildings and Protected Monuments and including them within exemptions where deemed appropriate. Development taking place on Protected Monuments or Buildings is not exempt unless specifically set out within the exemption.

3 Current Exemptions

- 3.1 An 'Exempt Development' is when planning permission is not required as long as all the conditions within the exemption are met. Planning permission is separate to licences or certificates issued under Building Regulations. Therefore, if a building licence is required, a separate application complete with full construction details and specification must usually be made to Building Control⁶.
- 3.2 There are currently 64 exemptions where work can be carried out without requiring planning permission which fall within 12 Classes.
- 3.3 The existing Classes are as follows in the Schedule to the Exemptions Ordinance:

Class 1	Development within the curtilage of a dwelling-house
Class 1A	Residential Change of Use
Class 2	Development within the curtilage of non-domestic buildings
Class 3	Maintenance, repair, minor alterations and temporary structures and uses
Class 4	Agricultural development
Class 5	Development by the States and Public Utility Providers

⁶ Building work relating to installation of certain heating and hot water appliances etc. does not require a licence but the work must be carried out by a specified person in accordance with the self-certification scheme requirements under the Building Regulations.

Class 6	Storage, distribution and Industrial change of use
Class 7	Trees
Class 8	Signs and Advertisements
Class 9	Retail and administrative, financial and professional change of use
Class 9A	Temporary visitor accommodation change of use
Class 10	Demolition

3.4 There are currently:

- 22 exemptions within Class 1;
- 1 exemption within Class 1A;
- 4 exemptions within Class 2;
- 2 exemptions within Class 3;
- 2 exemptions within Class 4;
- 13 exemptions within Class 5;
- 4 exemptions within Class 6;
- 5 exemptions within Class 7;
- 7 exemptions within Class 8;
- 1 exemption within Class 9;
- 2 exemptions within Class 9A; and
- 1 exemption in Class 10.

3.5 The existing Land Planning and Development (Exemptions) Ordinance, 2007 is available on the Guernsey Legal Resources website at <https://www.guernseylegalresources.gg/CHttpHandler.ashx?documentid=82372>.

4 Policy Context

4.1 The Strategic Land Use Plan (SLUP) provides a high-level spatial planning framework that was endorsed by the States in November 2011. Land use planning is the term used to describe the whole function of making provision for and controlling development, including setting policies and controlling location and form of buildings.

4.2 The SLUP takes a broad and long-term view of land use and spatial matters but also focuses strongly on the successful achievement of desired outcomes. The

SLUP is strategic in scope, guiding the preparation of new development plan policies, rather than being directly relevant to the determination of planning applications by the Authority which are decided taking into account the development plan policies and other material considerations. The SLUP does provide a framework for different States' committees and other agencies to work together.

- 4.3 The SLUP is a 20-year plan and therefore extends beyond the Island Development Plan and allows the Island to accommodate sustainable development and growth in the long term and respond to changing economic, social and environmental circumstances.
- 4.4 The purpose of the SLUP is to "contribute positively to maintaining Guernsey as a desirable place to live, work and enjoy leisure time through the implementation of land use policies that create a socially and economically strong Island balanced with the protection and enhancement of Guernsey's physical environment and respecting international efforts to safeguard the global environment."
- 4.5 The Island Development Plan (IDP) was adopted by the States of Guernsey in November 2016 and sets out the land planning policies for the whole of Guernsey with a ten-year life span.
- 4.6 The IDP sets out, amongst other things, how householder applications for development will be assessed and how the local economy will be supported through the use of land. The planning policies of the IDP set out the policies against which development proposals must be assessed with additional considerations being set out in the planning legislation.
- 4.7 The IDP includes location-specific and general policies. Location-specific policy areas include but are not limited to: Main Centres, Main Centre Outer Areas, Local Centres, Safeguarded Areas, and Sites of Special Significance. General policies apply to development throughout the Island. Some are relevant to specific development; however, others will be relevant in all circumstances and it is important that all relevant General Policies are applied.

5 Proposed amendments to the Planning Exemptions Ordinance: Classes 1 -11

- 5.1 The Planning Exemptions Ordinance came into force in 2009. New Exemptions were added, and amendments were made to certain exemptions relating to changes of use in 2017 consistent with changes made in the Use Classes Ordinance. A minor amendment was added in 2018 to Class 8 relating to election signs and a temporary exemption was added in 2021 for changes of use of visitor accommodation to certain residential uses in response to impacts on that sector caused by the coronavirus pandemic. However, no holistic review has been undertaken since the Ordinance was introduced until this point. The Island's

circumstances have changed since 2009 and new planning policies have been implemented and therefore, it is vital that planning exemptions are updated to reflect the policy intention.

- 5.2 The Policy Letter titled 'Review of the Land Planning and Development (Use Classes) Ordinance, 2007'⁷, debated by the States in 2016, highlighted the need to reflect changed circumstances and the development of new policy approaches.
- 5.3 The policy principles for all proposed changes and additions to the Planning Exemptions Ordinance are set out in the tables within this section of the Policy Letter to allow for comparison between the existing and proposed exemptions. The Tables set out the policy principles, but certain points of detail are likely to need adjustment and proposed numbering of classes may alter when the legislation is drafted to achieve those in principle changes⁸. Most of the changes are to widen or add exemptions but certain proposals apply additional conditions to existing exemptions where considered appropriate during the review.
- 5.4 The exemptions do not apply to protected buildings and protected monuments unless expressly stated but will apply to conservation areas and sites of special significance unless specifically excluded. The Authority also felt it important to highlight some specific changes that are recommended.
- 5.5 Class 1 provides exemptions for development within the curtilage of a dwelling-house. The Authority is proposing that the majority of exemptions within Class 1 are broadened, not only to improve customer experience but to reflect industry standards, allowing for planning exemptions to remain applicable as technologies advance. It is recognised that over time people's expectations of what can be done to their own homes have changed and this has been reflected within the IDP. The broadening of the exemptions within Class 1 reflects these expectations and allows the proportionate flexibility for owners to carry out works to their houses.
- 5.6 The SLUP sets out expectations that all new development (including redevelopment and refurbishment) should demonstrate the wise use of natural resources and incorporate sustainable construction techniques. Policy GP9 in the IDP states that development will be supported where it is demonstrated that the proposals have been designed to take into account the use of energy and resources and any adverse impact on the environment, through paying particular regard to certain matters including appearance of the building and materials used. Policy IP1 also supports the installation of renewable energy installations,

⁷[Review of the Land Planning and Development \(Use Classes\) Ordinance, 2007](#)

⁸ Legislation may be by way of amendment to the current Ordinance or provide for a new Exemptions Ordinance.

subject to listed criteria being met, as Guernsey has a global responsibility to play its part in addressing the effects of use of fossil fuels on global climate change.

- 5.7 The Authority thought it necessary to broaden the exemptions relating to energy and solar products to encourage sustainable development in line with the above policies, but also the Energy and Climate Change Policies approved by the States of Deliberation in June and August 2020 respectively.
- 5.8 The Strategy for Nature was endorsed by the Assembly in June 2020 and it was subsequently adopted by the Authority as supplementary planning guidance. In line with this, changes are proposed which support biodiversity. Hard-surfaced areas will need to use permeable materials to effectively manage rainwater runoff, unless it is an extension of an existing surface in which case it is proposed that the same material as the existing area can be used.
- 5.9 Class 1A was added to the Planning Exemptions Ordinance in 2017 following changes to the Use Classes Ordinance to provide an exemption for a change of use from Residential Use Class 5 to use as a dwelling house or flat in Residential Use Class 1 or 2; this allows a dwelling for one household which has only up to two rooms used for business/professional/retail purposes to be changed to use solely as a dwelling house or flat for one household without a need for planning permission. This Policy Letter is proposing to allow part of a dwelling used for one household to be used for business/professional/retail purposes without the need for planning permission but subject to specified conditions. There is also a proposal to create a new exemption allowing a dwelling in multiple occupation in Use Class 6 of the Use Classes Ordinance to change to use as a house or flat used for one household within Use Class 1 or 2 of the Use Classes Ordinance without the need for planning permission. The proposed changes to this class respond to the changing world particularly post pandemic. It recognises the shift towards working from home and the ability to be able to change from a house in multiple occupation to a flat or house used by one household without the need for planning permission.
- 5.10 The Authority is proposing that a new exemption Class 1B is added to allow owners of flats the ability to develop their residence in certain ways without the need to apply for planning permission. Whilst it is not possible to allow the whole suite of exemptions which apply to dwelling-houses to apply to flats due to the nature of some of these works, the Authority has recognised that some exemptions can be given where none exist at present. Not only will this remove restrictions placed on residents, it will also remove the associated planning application fee. The addition of a new exemption class for flats is consistent with the Island Development Plan which in policy terms does not differentiate between occupiers of flats or occupiers of houses. The flexibility to develop residential properties as set out within the IDP will thus be reflected within this new exemption.

- 5.11 Amendments to exemptions within Class 2 – Development within the curtilage of non-domestic buildings – are proposed in order to provide the commercial sector with additional scope to carry out works to their premises without the need to apply for planning permission. It is envisaged that this will allow additional flexibility to alter commercial buildings to adapt to changing business needs. The Planning system is a fundamental tool for enabling the Island to recover from the pandemic and this needs to be reflected in the Planning Exemptions Ordinance.
- 5.12 The Authority proposes that Class 4 be extended to include certain development for horticultural purposes. In addition, four new exemptions are proposed as well as a broadening of the existing two exemptions for fences and farm gates following feedback from industry and the community. Class 4 exemptions will apply to all land used for agricultural purposes, which is defined as all purposes directly connected with the use of land as arable, meadow or pastureland. The Authority recognises the need to allow the industry to work more freely within good farming practices. The broadening of the existing exemptions will allow for this whilst introduction of new exemptions will enable limited development to facilitate use of the land for horticultural/agricultural purposes for both the farming industry and individuals who wish to use parcels of agricultural land for independent growing.
- 5.13 Class 5 sets out exemptions for development by States and Public Utility providers. Through Public Service Reform, and the Island’s response to the pandemic, there is a need for efficiencies to be made across the whole States’ organisation. Therefore, the broadening of some existing exemptions is recommended, along with new exemptions for speed humps and other traffic calming measures, bus shelters, cycle shelters and hoops and water refill points. These are areas where planning applications are regularly submitted and approved and so, these exemptions would remove a layer of unnecessary red tape. It would also free up officer time in making planning applications and allow greater ability to schedule development accordingly.
- 5.14 The only proposed change to Class 6 – Storage, Distribution and Industrial Change of Use – is to remove the limitation of maximum floor area in paragraphs 3 and 4, allowing the required changes to be applied to any of the specified changes of uses in those paragraphs without restriction. This will enable flexibility within the commercial market in order to meet their needs and responds directly to industry feedback.
- 5.15 Within Class 8 – Signs and Advertisements – the Authority is proposing a number of new exemptions, including electric car charging points and parish signs, as well as the installation of temporary art installations for a 20-week period. The new exemptions proposed relating to signs will fall within Class 8 but further

consideration may be given as to where best to place the temporary art installation exemption.

- 5.16 Similarly to Class 6 exemptions, the Authority is proposing new exemptions within Class 9 - Retail and Administration, Financial and Professional Change of Use – to allow businesses to change the use of a building to certain uses more easily in response to market conditions, allowing more flexibility in particular within the Main Centres. However, units can only be altered subject to meeting the conditions in the exemption. The restrictions in place through the conditions would ensure that satisfactory living standards are maintained whilst not having a significant impact on the retail provision currently offered by St Peter Port and St. Sampson, utilising lesser-used upper floors of buildings to help encourage and complement active town centres. The changes include allowing an exemption for a change of use of an upper floor of a building in a Main Centre from use for retail or administrative, financial or professional services use class (office use) to use as a residential flat subject to specified conditions.
- 5.17 In addition to the above, a new exemption is proposed to allow a change of use between self-catering visitor accommodation within use class 7 of the Use Classes Ordinance and a residential use in Use Class 1 of the Use Classes Ordinance (a dwelling house). This includes a change from or to either type of use as long as the part of the property converted to residential use forms part of the original house and there are no more than 2 self-catering units on the site. This exemption can be applied to protected buildings and monuments. The self-catering units to be created, or lost, must have a valid boarding permit at the time of the change of use and the Planning Service must be notified of the change of use within 1 month of it occurring. The introduction of this exemption reflects the permissive approach adopted by the IDP policies in relation to units comprising single dwelling-houses with less than 3 self-catering units and removes the burden often felt by smaller operators within or wanting to be within the tourist accommodation sector.
- 5.18 It should be noted that all proposed changes and additions set out the policy principles only and exact wording, numbering and points of detail will be subject to legal drafting. The Planning Exemptions do not provide an exemption from any requirements under the Building Regulations.
- 5.19 All exemptions remain the same as the existing unless noted as change or superseded by proposed changes. Unless specified, exemptions will not apply to Protected Buildings or Protected Monuments. New exemptions will apply within Conservation Areas and Sites of Special Significance (SSS) unless specified otherwise.
- 5.20 Class 1 – Development within the curtilage of a dwelling-house

Table 1 – Proposed changes to Class 1 Exemptions

Existing exemption in full	Proposed changes
<p>1.1: Alterations to the external walls of a dwelling-house</p> <p>Alterations to the external walls of a dwelling-house consisting of rendering, removing render or re-cladding in natural stone or wood provided that the development is not carried out in relation to any building which was substantially constructed before 1900 or which is within a conservation area.</p>	<p>All exemptions remain the same as existing unless noted as changed or superseded by proposed changes. Unless specified, exemptions do not apply to Protected Buildings. New exemptions will apply within Conservation Areas and Sites of Special Significance (SSS) unless specified otherwise.</p> <p>Widen the exemption to include alterations to external walls of outbuildings within the curtilage of a dwelling-house.</p> <p>Broaden the range of materials that can be used when altering the external walls of a dwelling-house or outbuilding.</p> <p>Remove condition that building must not be within a conservation area but retain condition that building must not be pre-1900.</p> <p><i>NB. The Authority is considering allowing the use of render, cement boards, wood, natural stone but this could be widened.</i></p>
<p>1.2: Satellite dish antennas</p> <p>Installation of a satellite dish antenna on, or within the curtilage of, a dwelling-house provided that</p> <p>(a) there is only one satellite dish antenna on, or within the curtilage of, the dwelling-house,</p> <p>(b) the size of the satellite dish antenna, including any means of fixing, measured in</p>	<p>Increase the number and size of satellite dish antennas allowed on a dwelling-house subject to a condition that any dish is principally for domestic usage not principally for trade or business.</p> <p><i>NB. The Authority is considering up to 1m maximum size, but with a limitation of one dish on any one elevation of the house or within the garden area.</i></p>

<p>any dimension, does not exceed 90 centimetres.</p>	
<p>1.3: Solar panels</p> <p>Installation of a solar panel on, or within the curtilage of, a dwelling-house provided that-</p> <p>(a) where the panel is mounted on a roof, it is installed parallel to the plane of the roof slope and it projects no more than 30 centimetres from that plane,</p> <p>(b) the panel is not installed on any roof slope facing a highway,</p> <p>(c) where the panel is mounted on the ground, no part of it is located forward of any elevation of the dwelling-house that faces a highway,</p> <p>(d) where the solar panel is mounted on the ground-</p> <p>(i) it does not exceed 2 metres in height,</p> <p>(ii) the total area of the panel to be installed, or of that panel together with any other panel mounted on the ground within the curtilage, does not exceed 10 square metres, and</p> <p>(iii) it is not located more than 30 metres from the dwelling-house.</p>	<p>1.3: Solar products</p> <p>Increase the scope of the exemption to include other solar products and to apply on, or within the curtilage, of a protected building.</p> <p>Clarify that this permits installation of products on ancillary outbuildings and structures.</p> <p>Allow multiples of the same products to be installed without limitation on the same part of a building or on the ground except on or in the curtilage of more sensitive buildings.</p> <p>Amend existing condition requiring solar products are not installed on a roof slope facing a highway to only apply where the building is a protected building</p> <p>Where the building is not a protected building and the roof slope can be seen from a highway, the panels must be of an integrated design.</p> <p><i>NB. Sensitive buildings are those likely to have greater contribution to the character of the area, i.e. pre-1900 buildings and protected buildings.</i></p>
<p>1.4: Replacement of a door or window in existing aperture</p> <p>The replacement of a door or window within an existing aperture in a dwelling-house provided that where the dwelling-house is within a conservation area or is substantially constructed before 1900 the</p>	<p>Broaden the exemption to include roof lights and roof lanterns. Roof lanterns can also be described as pyramid roof lights.</p> <p>Remove the condition in relation to materials, design etc. of the replacement within a Conservation Area.</p>

<p>replacement is of the same design, means of opening and made of the same material as the one it replaces.</p>	
<p>1.5: Installation of a door or window in a new aperture.</p> <p>The installation of a door or window within a new aperture in a dwelling-house provided that -</p> <p>(a) the new door or window is not installed in any elevation of the dwelling-house that faces a highway,</p> <p>(b) where the new door or window is installed in any elevation of the dwelling-house that faces a boundary with a neighbouring dwelling-house, such door or window is not within 5 metres of that boundary unless that elevation already has a door or window,</p> <p>(c) the new door or window is not installed above ground floor level.</p>	<p>Broaden the exemption to incorporate the ability to insert a door or window in an altered opening, changed in order to accommodate the new door or window.</p> <p>Permit the creation of new doors and windows on elevations of houses facing a highway except where substantially constructed pre-1900.</p> <p>Change to allow insertion of windows and doors within 3m of the boundary with a neighbouring residential property where there are existing non-obscure or non-high-level windows or doors on that elevation. Otherwise retain as 5m where there is no existing window or door or if there are high level or obscure windows on that elevation.</p>
<p>1.6: Re-roofing</p> <p>The re-roofing of a dwelling-house or of an outbuilding within the curtilage of a dwelling-house provided that where the dwelling-house or outbuilding is within a conservation area or is substantially constructed before 1900 the material to be used is natural slate or clay tiles.</p>	<p>1.6: Re-roofing including the re-roofing of structures within the curtilage.</p> <p>Broaden the exemption to include the re-roofing of other structures, the original construction or placement of which was lawful, within the curtilage and allow limited increase in height of the roof [subject to re-roofing of these buildings/structures and to accommodate the re-roofing works].</p> <p>Amend the existing condition stipulating the finished roofing material so it only applies where the works are to a dwelling house within a conservation area or where that dwelling house or structure to be re-roofed was substantially constructed before 1900.</p>

	<p><i>NB. The widened exemption would include the re-roofing of structures such as sheds and stables and would allow up to a 30 cm increase in the height of a roof. It is intended to restrict roofing materials to be natural slate or clay tiles where the building is within the Conservation Area or substantially constructed pre-1900.</i></p>
<p>1.7: Installation of roof-light</p> <p>The installation of a roof-light on the roof of a dwelling-house provided that -</p> <p>(a) the roof-light does not exceed 1 metre x 0.6 metre, measured in any dimension,</p> <p>(b) the roof-light is installed on a roof slope that does not face a highway,</p> <p>(c) there are no more than two roof-lights, including that to be installed, on the roof-slope in question.</p>	<p>1.7: Installation of roof-light or roof lantern (not cabrio-rooflights⁹)</p> <p>Broaden exemption to include sun tunnels and roof lanterns installed on flat roofs.</p> <p>Conditions will be imposed/the exemption amended to -</p> <ul style="list-style-type: none"> • Introduce a minimum cill height from finished internal floor level if the roof light is installed on a roof slope within a certain distance of a boundary with a neighbouring residential property and limit size and number of roof lights, sun tunnels and pyramid roof lights where they would be installed on a roof slope facing a highway. • Clarify that this exemption does not relate to cabrio-roof lights or any roof light that creates a balcony/outlook area. <p><i>NB. The Authority is considering limiting to a total of 2 installations within a roof slope facing a highway and 1m x 1m in size and a minimum of 1.7m cill height where sited within 10m of a residential unit.</i></p>

⁹ Rooflights means a window, in the same alignment as a roof slope, which does not project substantially from that roof slope. Roof lantern means a three-dimensional structure used to allow light into a room and increases the height of the room. Cabrio rooflights means a roof light that can be opened to form a balcony area featuring a rail or balustrade which projects outside of the existing building form. Sun Tunnels is the use of a skylight with reflective tunnel that allows light to enter a room without exposing a view to the outside.

<p>1.8: Installation of dormer</p> <p>The installation of a dormer within the roof-space of a dwelling-house provided that -</p> <p>(a) the maximum width of the dormer, measured across its outside face, does not exceed 1.10 metres,</p> <p>(b) the dormer is not installed in a roof slope that faces a highway,</p> <p>(c) any glazing on the dormer is not within 10 metres, measured horizontally, of a boundary with a neighbouring residential property,</p> <p>(d) there are no more than two dormers, including that to be installed, on the roof-slope in question.</p>	<p>1.8: Installation of dormer and (re) cladding of dormer cheeks</p> <p>Broaden to include cladding/re-cladding the sides of dormers (cheeks) where the property is not substantially constructed before 1900.</p> <p>Where the property is substantially constructed before 1900 allow the cladding/re-cladding of the sides of dormers (cheeks) in certain materials.</p> <p>Increase size of and number of dormers allowed.</p> <p>Specify a minimum distance from any glazing elements installed in a roof slope within a certain distance of a boundary with a neighbouring residential property.</p> <p><i>NB. The Authority is considering –</i></p> <p><i>a maximum of 2 dormers on a roof slope, including that to be installed, of no more than 2m in width where not facing a highway and a maximum of 2 of no more than 1.1m in width where facing a highway;</i></p> <p><i>a minimum distance of 10m, measured horizontally from any glazing elements in a dormer, from a neighbouring residential boundary; and</i></p> <p><i>limiting materials on pre 1900 buildings to slate, cement boards or wood.</i></p>
<p>1.9: Erection of a porch</p> <p>The erection of a porch on any elevation of a dwelling-house provided that -</p> <p>(a) where the dwelling-house is within a conservation area or is substantially constructed before 1900, the porch is</p>	<p>1.9: Erection of a porch or enclosing an existing porch</p> <p>Broaden to include the enclosing of an existing porch as well as the erection of a new porch.</p> <p>Increase the allowed floor area and height of any new porch.</p>

<p>located on an elevation of the dwelling-house that does not face a highway,</p> <p>(b) the floor area of the porch does not exceed 3 square metres and the height of the porch does not exceed 3 metres,</p> <p>(c) the porch is not within 2 metres of a highway,</p> <p>(d) there is only one porch attached to the dwelling-house,</p> <p>(e) the dwelling-house is not within a site of special significance.</p>	<p>Where enclosing an existing open-fronted porch there would be no size restriction applied</p> <p>Increase the number of porches allowed but limit number on each elevation.</p> <p><i>NB. The Authority is considering exempting porches up to 6 sq.m in area, 3m in height and allowing one porch per elevation.</i></p>
<p>1.10: The erection of an extension to a dwelling-house</p> <p>The erection of an extension to a dwelling-house provided that -</p> <p>(a) no part of the extension extends forward of any elevation of that dwelling-house that faces a highway,</p> <p>(b) where the dwelling-house is within a conservation area or is substantially constructed before 1900, the extension does not have a flat roof and is located on an elevation of the house that is not visible from a highway,</p> <p>(c) where the dwelling-house is not within a conservation area, is not substantially constructed before 1900 and the extension has a flat roof, the extension is located on an elevation of the property that is not visible from a highway,</p> <p>(d) where the extension does not have a flat roof, the roof is a lean to or a double-pitched roof with, in both cases, a pitch of not less than 22 and a half degrees,</p> <p>(e) the floor area of the extension does not exceed 20 square metres,</p>	<p>Allow a flat roof extension to be built that can be seen from a highway but the proposed extension must not project forward of the existing elevation of the house that faces that highway.</p> <p>Increase the size and height of an extension that can be built.</p> <p>Not allow new glazing within 3m of a boundary with a neighbouring residential property.</p> <p>Remove condition (i) requiring the extension to be attached to the house as originally constructed.</p> <p>Remove the need for a pitch of 22 and half degrees if the extension has a lean to or a double-pitched roof.</p> <p>Remove the need for certain materials to be used in current conditions (j) and (k).</p> <p><i>NB. the Authority is considering –</i></p>

<p>(f) the height of any elevation of the extension, where it meets the eaves of the roof of that extension, does not exceed 3 metres and the height of the roof of the extension, measured to the apex of that roof where that roof is pitched, does not exceed 4 metres,</p> <p>(g) where any part of the extension is within 1 metre of any boundary with a neighbouring property, the height of that part does not exceed 2 metres,</p> <p>(h) glazing is not included within any elevation which is located within 1 metre of a boundary with a neighbouring property,</p> <p>(i) the extension is attached to the external walls of the dwelling-house as it was originally constructed,</p> <p>(j) the walls, other than glazed areas, are constructed of the same material as the predominant material used in the construction of the walls of the dwelling-house,</p> <p>(k) the roof, other than glazed areas, is covered in a material to match the predominant material used in the existing roof of the dwelling-house,</p> <p>(l) any opening designed to admit a motor vehicle is set back at least 5 metres from a highway accessible from that opening,</p> <p>(m) the dwelling-house including the extension to be erected is not within a site of special significance.</p>	<p><i>a maximum of 30 sq.m in floor area;</i></p> <p><i>The maximum heights of the roofs of the finished building where located over 1m away from the boundary of 3.5m if a flat roof and 4.5m if a pitched roof.</i></p> <p><i>Providing that where any part of the extension is within 1m of the boundary with a neighbouring property the maximum height of that part can be up to 3m.</i></p>
<p>1.11: Erection of garden structure</p> <p>The erection of a structure designed and used for the support of plants within the curtilage of a dwelling-house provided that-</p>	<p>1.11: Erection of Pergola or other garden structure</p> <p>Amend the existing exemption to allow this type of development within the curtilage of a protected building or monument which is being utilised as a dwelling-house.</p>

<p>(a) no part of the structure extends forward of any elevation of the dwelling-house that faces a highway,</p> <p>(b) the height of the structure does not exceed 3 metres,</p> <p>(c) where any part of the structure is within 1 metre of the boundary of a neighbouring property the height of that part does not exceed 2 metres,</p> <p>(d) no part of the structure is located more than 30 metres from the dwelling-house,</p> <p>(e) neither the dwelling-house nor the structure to be erected is within a site of special significance.</p>	<p>Remove condition relating to maximum distance of structure from dwelling house.</p>
<p>1.12: Erection of shed</p> <p>The erection of a freestanding shed, within the curtilage of a dwelling-house, to be used solely for the non-commercial purposes of that dwelling-house provided that-</p> <p>(a) no part of the shed extends forward of any elevation of the dwelling-house that faces a highway,</p> <p>(b) the height of the shed does not exceed 3 metres,</p> <p>(c) where any part of the shed is located within 1 metre of the boundary of a neighbouring property the height of that part does not exceed 2 metres,</p> <p>(d) the base area of the shed does not exceed 6 square metres,</p> <p>(e) no part of the shed is located more than 30 metres from the dwelling-house,</p>	<p>Amend the existing exemption to allow this type of development within the curtilage of a protected building or monument which is being used as a dwelling-house.</p> <p>Increase the height and base area permitted.</p> <p>Remove the need for certain materials to be used.</p> <p>Amend height conditions –</p> <p>where any part of the shed is located 2 metres or more from any boundary with a neighbouring property, to allow increase in maximum height of any part of the shed to 3.5m where the roof is flat or 4.5m when the roof is pitched, or</p> <p>where any part of the shed is located less than 2m from any boundary with a neighbouring property, the height of that part must be no more than 3m.</p>

<p>(f) the walls of the shed, other than glazed areas, are constructed of timber, natural stone or rendered blockwork,</p> <p>(g) there is only one shed within the curtilage,</p> <p>(h) neither the dwelling-house nor the shed is within a site of special significance.</p>	<p><i>NB. the Authority is considering a maximum base area of 10 sq.m. for a shed.</i></p>
<p>1.13: Erection of glasshouse</p> <p>The erection of a freestanding glasshouse, within the curtilage of a dwelling-house, to be used solely for the non-commercial purposes of that dwelling-house provided that-</p> <p>(a) no part of the glasshouse extends forward of any elevation of the dwelling-house that faces a highway,</p> <p>(b) the height of the glasshouse does not exceed 4 metres,</p> <p>(c) where any part of the glasshouse is located within 1 metre of the boundary of a neighbouring property the height of that part does not exceed 2 metres,</p> <p>(d) the base area of the glasshouse does not exceed 20 square metres,</p> <p>(e) no part of the glasshouse is located more than 30 metres from the dwelling-house,</p> <p>(f) there is only one glasshouse within the curtilage,</p> <p>(g) neither the dwelling-house nor the glasshouse is within a site of special significance.</p>	<p>Amend the existing exemption to allow this type of development within the curtilage of a protected building or monument which is being utilised as a dwelling-house.</p> <p>Increase the size of the glasshouse.</p> <p>Increase the height permitted within 1m of a boundary with a neighbouring property.</p> <p>Remove condition relating to maximum distance from dwelling-house.</p> <p>Amend height conditions –</p> <p>where any part of the glasshouse is located 2 metres or more from any boundary with a neighbouring property, to allow a height of glasshouse where the roof is pitched of 4.5m, or</p> <p>where any part of the glasshouse is located less than 2m from any boundary with a neighbouring property, the height of that part must be no more than 3m.</p> <p><i>NB. the Authority is considering an increase in the base area of a glasshouse to 30sq.m.</i></p>
<p>1.14: Erection of freestanding garage or other outbuilding</p>	<p>Amend to expressly include the erection of a car port.</p>

<p>The erection of a freestanding garage or other freestanding outbuilding (not falling within paragraphs 12 or 13) within the curtilage of a dwelling-house, to be used solely for the non-commercial purposes of that dwelling-house provided that-</p> <p>(a) no part of the garage or other outbuilding extends forward of any elevation of the dwelling-house that faces a highway,</p> <p>(b) where the garage or other outbuilding is within a conservation area the roof-</p> <p>(i) is pitched and has a pitch of not less than 22 and a half degrees, and</p> <p>(ii) is of natural slate or clay tiles.</p> <p>(c) the height of any elevation of the garage or other outbuilding, where it meets the eaves of the roof of that garage or other outbuilding, does not exceed 3 metres and the height of the roof of the garage or other outbuilding, measured to the apex of that roof where that roof is pitched, does not exceed 4 metres,</p> <p>(d) where any part of the garage or other outbuilding is located within 1 metre of the boundary of a neighbouring property the height of that part does not exceed 2 metres,</p> <p>(e) the base area of the garage or other outbuilding does not exceed 20 square metres,</p> <p>(f) no part of the garage or other outbuilding is located more than 30 metres from the dwelling-house,</p> <p>(g) the walls of the garage or other outbuilding, other than glazed areas, are</p>	<p>Increase the height and size permitted.</p> <p>Broaden the materials allowed to be used in conditions (b(i), b(ii) and (g).</p> <p>Amend height conditions –</p> <p>where any part of the outbuilding is located 2 metres or more from any boundary with a neighbouring property, to allow increase in height of outbuilding or garage to 3.5m where the roof is flat or 4.5m when the roof is pitched, or</p> <p>where any part of the outbuilding is located less than 2m from any boundary with a neighbouring property, the height of that part must be no more than 3m.</p> <p><i>NB. the Authority is considering up to 30 sq.m in base area for a freestanding garage and including any type of cladding.</i></p>
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<p>constructed of timber, natural stone or rendered blockwork,</p> <p>(h) any opening designed to admit a motor vehicle is set back at least 5 metres from a highway accessible from that opening,</p> <p>(i) there is only one such structure within the curtilage,</p> <p>(j) neither the dwelling-house nor the garage or other outbuilding is within a site of special significance.</p>	
<p>1.15: Hard-surfaced areas. The creation, extension or re-surfacing of a hard-surfaced area, including timber decking, within the curtilage of a dwelling-house provided that -</p> <p>(a) where the dwelling-house or the hard-surfaced area is within a conservation area the material used is-</p> <p>(i) loose laid natural stone gravel,</p> <p>(ii) pavements or bricks made, in either case, from concrete or clay,</p> <p>(iii) natural stone setts or natural paving slabs,</p> <p>(iv) concrete with rolled-in aggregate, or</p> <p>(v) timber boarding,</p> <p>or, in the case of an extension or resurfacing of an existing hard-surface, is the same as the existing material,</p> <p>(b) no part of any area created or extended is more than 30 metres from the dwelling-house,</p>	<p>1.15: Hard surfaced, Decking and grid force areas</p> <p>Amend to expressly include non-natural timber decking including grid force and composite decking.¹⁰</p> <p>Clarify that hard-surfaced area does not include laying of artificial grass.</p> <p>Expressly exclude hard surface areas forming a new vehicle or pedestrian access onto a highway.</p> <p>Add condition requiring that where resurfacing an existing hard-surfaced area or creating a new hard-surfaced area, the new material must be permeable.</p> <p>Remove use of material as noted in (a) (iv)</p> <p>Where extending an existing area of hard standing the same material as the area which is being increased in size can be used whether or not it is permeable.</p>

¹⁰ Grid force is a system comprising of square grid shapes that provides ground reinforcement. Composite decking comprises of various parts or substances in this respect to produce decking boards.

<p>(c) the height of any timber decking or any other hard-surface created is not more than 50 centimetres above ground level,</p> <p>(d) neither the dwelling-house nor the hard-surfaced area is within a site of special significance.</p>	<p>Add new condition requiring that all permeable surfacing materials used must effectively manage rainwater runoff to a soakaway or SUDS¹¹.</p>
<p>1.16: Gates, fences, walls and earthbanks.</p> <p>The erection of a gate, fence, wall or earthbank within or along a boundary of the curtilage of a dwelling-house provided that-</p> <p>(a) the height of such a structure erected within or along a boundary of the curtilage of a dwelling-house does not exceed 2 metres in height above any land within 2 metres on either side,</p> <p>(b) the height of that part of a structure which is erected in front of any elevation of the dwelling-house that faces a highway does not exceed 90 centimetres in height above any land within 2 metres on either side,</p> <p>(c) any fence is of timber construction,</p> <p>(d) any gate is of timber or metal construction,</p> <p>(e) any wall is of natural stone or rendered blockwork,</p> <p>(f) neither the dwelling-house nor the structure to be erected is within a site of special significance.</p>	<p>Broaden to allow the replacement of gates, fences or walls where the original structure has been granted planning permission or was considered lawful at the time it was erected under the Ordinance.</p> <p>Remove the exemption in relation to earth banks as a separate new exemption is proposed for earth banks.</p> <p>Clarify that timber construction includes construction with composite fencing materials.</p>

1. ¹¹ Soakaway: a pit, typically filled with hard core, into which wastewater is piped so that it drains slowly out into the surrounding soil.

SUDS: Sustainable drainage systems (SuDS for short) encompass a range of techniques for holistically managing water runoff onsite to reduce the quantity, and increase the quality, of surface water that drains into sewers from a development.

<p>1.17: Domestic fuel containers.</p> <p>The installation within the curtilage of a dwelling-house, including where such house or its curtilage is, or is within the curtilage of, a protected building, of one container (including any associated catchpit) for any type of fuel and used exclusively for the domestic purposes of that dwelling-house, provided that-</p> <p>(a) where the container is sited forward of any elevation of the dwelling-house that faces a highway it is completely buried below the level of the ground surrounding it,</p> <p>(b) no part of the container (disregarding pipes and fittings) is more than 2.5 metres above the ground surrounding it,</p> <p>(c) the volume of the container does not exceed 1.50 cubic metres,</p> <p>(d) neither the dwelling-house nor the container is within a site of special significance.</p>	<p>No change</p>
<p>1.18: Domestic cesspits or soakaways.</p> <p>The installation of a cesspit or soakaway, wholly below ground, within the curtilage of the dwelling-house which it serves, including where such house or its curtilage is, or is within the curtilage of, a protected building, provided that neither the dwelling-house nor the cesspit or soakaway is within a site of special significance.</p>	<p>No Change</p>
<p>1.19: Installation of a swimming or other pool.</p> <p>The installation of a swimming or other pool within the curtilage of a dwelling-house, including where such house or its</p>	<p>Remove condition (b).</p>

<p>curtilage is, or is within the curtilage of, a protected building, provided that-</p> <p>(a) the swimming or other pool is not located forward of any elevation of the dwelling-house that faces a highway,</p> <p>(b) the swimming or other pool is located within 30 metres of the dwelling-house,</p> <p>(c) neither the dwelling-house nor the swimming or other pool is within a site of special significance,</p> <p>(d) the swimming or other pool is not located within 2 metres of a boundary with a neighbouring residential property.</p>	
<p>1.20: Installation of a traffic mirror.</p> <p>The installation of a traffic mirror within the curtilage of a dwelling-house, including where such house or its curtilage is, or is within the curtilage of, a protected building, provided that -</p> <p>(a) there is only one within the curtilage, and</p> <p>(b) the size of the mirror, including any means of fixing, measured in any dimension, does not exceed 90 centimetres.</p>	<p>Remove the limitation of only one mirror allowed within the curtilage of a dwelling house.</p> <p>Add a new condition or draft exemption to ensure that the mirror does not interfere with any movements of pedestrians or traffic flows.</p> <p>Allow within the curtilage of or on a building that is a protected building.</p>
<p>1.21: Installation of a flag pole.</p> <p>The installation of a free-standing flagpole within the curtilage of a dwelling-house, including where such house or its curtilage is, or is within the curtilage of, a protected building, provided that-</p> <p>(a) the height of the flagpole does not exceed 5 metres,</p> <p>(b) no advertising material is flown from the flagpole,</p>	<p>No change</p>

<p>(c) there is only one flagpole within the curtilage of the dwelling-house.</p>	
<p>1.22: Placing of a caravan.</p> <p>The placing of a caravan on land within the curtilage of a dwelling-house, including where such house or its curtilage is, or is within the curtilage of, a protected building, provided that-</p> <p>(a) the caravan is not used for human habitation,</p> <p>(b) there is only one caravan within the curtilage of the dwelling-house, and</p> <p>(c) the caravan is not placed forward of any elevation of the dwelling-house that faces a highway.</p>	<p>22. Placing of a caravan or motorhome</p> <p>Remove condition (c).</p>
	<p>NEW: 1.23: Removal of a hedge within the curtilage of a dwelling house</p> <p>To allow the removal of a hedge or part of a hedge within the curtilage of a dwelling-house, including where such house or its curtilage is, or is within the curtilage of a protected building during any period not falling within the bird breeding season.-</p> <p>This exemption will be subject to conditions/otherwise worded so that –</p> <ul style="list-style-type: none"> • where that hedge forms a boundary with a neighbouring property, the hedge is to be replaced with another hedge of native species within 2 months (8 weeks) from the removal of the old hedge, and • the removal of the hedge must not –

	<ul style="list-style-type: none"> ○ affect an existing vehicle access or create a new vehicle access or result in the ability to encroach into neighbouring land; or ○ remove a field boundary. <p>Note that under the proposed exemption hedging cannot be removed during the bird breeding season between March to July.</p>
	<p>NEW: 1.24: Demolition and/or rebuild of a chimney</p> <p>To exempt the demolition of and/or rebuilding of an existing chimney. Removal/rebuilding would not be exempt if the building is a protected building or a protected monument.</p> <p>Where the building is pre-1900 the chimney must be rebuilt on a like for like basis (i.e. in the same design and including all details.</p> <p>If the chimney is demolished matching roofing materials must be used.</p>
	<p>NEW: 1.25: Installation of a chimney/flue</p> <p>To exempt the installation of a chimney or flue subject to the condition that where the property is substantially pre-1900 or within a Conservation Area the flue must not be inserted on a roof slope facing a highway.</p>
	<p>NEW: 1.26: Air source heat pump/air conditioning unit</p> <p>To exempt the installation of 1 air source heat pump or air conditioning unit, within the curtilage of a dwelling-house, provided that it does not exceed a certain size or goes above a certain sound level.</p>

	<p>Apply conditions limiting distance to a neighbouring boundary and number of fans in the air source heat pump/air conditioning unit.</p> <p><i>NB. the Authority is considering –</i></p> <p><i>requiring a minimum distance of 1m from any boundary with a neighbouring property</i></p> <p><i>only allowing one fan within a unit,</i></p> <p><i>requiring a unit to be no larger than 1m high x 1m wide x 350mm depth, and</i></p> <p><i>requiring that the noise level measured or calculated at 1-metre from any part of the nearest existing noise sensitive premises must not exceed a level 5 Decibels below the existing LA90 background noise level, including low frequency tones¹².</i></p>
	<p>NEW: 1.27: Excavation and changing ground levels (not involving the creation of a swimming or other pool)</p> <p>To allow the change in ground levels below or above the existing ground level of no more than 50 cms above ground level either side.</p> <p>Permitted providing there are no protected trees within the surrounding area and not within a Site of Special Significance.</p>
	<p>NEW: 1.28: External insulated render</p> <p>To allow the application of external insulated render on the outside of any dwelling-house subject to the condition that where the dwelling-house is situated in a conservation area or is substantially constructed prior to 1900, the application must not result in the</p>

¹² The background noise level is the average minimum background sound level which could include low frequency. LA90 means that the noise level should not exceed 5 decibels below the average level for 90% of the time recorded.

	<p>loss of or obscuring of any distinctive features¹³.</p>
	<p>NEW: 1.29: Widen existing vehicular access</p> <p>To allow the widening of a vehicle access where there is only one vehicle access serving the dwelling-house.</p> <p>Conditions will be imposed/the exemption drafted to -</p> <p>Restrict the extent of the widening permitted, and</p> <p>The exemption would not apply in a conservation area or where the dwelling house was substantially constructed prior to 1900.</p> <p><i>NB. The Authority is considering allowing up to 4m in width of an access.</i></p>
	<p>NEW: 1.30: Alterations to roof form (ancillary domestic buildings and extensions)</p> <p>To allow alterations to -</p> <p>a roof of an outbuilding within the curtilage of a dwelling-house, or to a roof of an extension to a dwelling-house,</p> <p>subject to conditions that –</p> <ul style="list-style-type: none"> • the construction of the original outbuilding or extension must have received planning permission to be constructed or that it was constructed as exempt development at the time it was constructed

¹³ Distinctive features could include render bands, decorative quoins, granite detailing, brick arches, for example.

	<ul style="list-style-type: none"> • the exemption does not apply where the outbuilding or extension is either substantially constructed pre-1900 or is attached to a dwelling-house which is substantially constructed pre-1900, and • limit the height of the roof as altered. <p><i>NB. The Authority is considering requiring that</i></p> <ul style="list-style-type: none"> • <i>where any part of the altered roof is located less than 1 metre from any boundary with a neighbouring property, the height of that part must be no more than 3m in height, or</i> • <i>in all other cases, the height of the altered roof must be no more than 3.5m if a flat roof or 4m if a pitched roof.</i>
	<p>NEW: 1.31: Electric charge points for use for charging electric vehicles</p> <p>To allow the installation of a vehicle charging point on a dwelling-house or outbuilding within the curtilage of a dwelling-house or a free standing charging point within the curtilage of a dwelling-house, including where that house is a protected building subject to the conditions that:</p> <p>The charging point must be principally for the use of a vehicle used for private transport and not principally used in the course of a trade or business.</p> <p>The charging point must be installed so that the vehicle is within the curtilage of the dwelling-house when being charged.</p>

	<p>NEW: 1.32: Placing of storage units or bike barns</p> <p>To allow the placing on land within the curtilage of a dwelling-house, including where such house or its curtilage is, or is within the curtilage of, a protected building of storage units or bike barns which are not fixed to the ground. The exemption will be subject to conditions imposing restrictions on –</p> <ul style="list-style-type: none"> • the size of the structures, and • where located forward of an elevation of a house that faces a highway, on the size and number of such structures. <p><i>NB. The Authority is considering a limit of –</i></p> <ul style="list-style-type: none"> • <i>one structure of a maximum of 1.2m in height for structures located in front of an elevation of a house facing a highway or located within 1m of a highway, or</i> • <i>in other cases, one structure of a maximum of 2m in height.</i>
	<p>NEW: 1.33: Replacement of Balustrade</p> <p>Allow the replacement of a balustrade around an existing terrace or balcony of a dwelling-house, outbuilding or annexe.</p> <p>The exemption will be subject to conditions to-</p> <ul style="list-style-type: none"> • require a minimum height for the balustrade but subject also to a limit on the maximum height, • ensure any existing privacy screen would be retained or replaced on a like for like basis.

	<p>No extension to the existing balcony or terrace would be permitted.</p> <p><i>NB. The Authority is considering requiring a balustrade to be a minimum height of 1.1m and a maximum height of 1.8m.</i></p>
	<p>NEW: 1.34: Construction of external steps</p> <p>Allow the construction of external steps within the curtilage of a dwelling-house.</p> <p>The exemption will be subject to conditions to</p> <ul style="list-style-type: none"> • limit the distance of the steps from the dwelling-house and the height of the steps above ground level where the steps are located less than 2m from any boundary with a neighbouring residential property, • provide a higher height limit for steps located more than 2m from any boundary with a neighbouring residential property. <p><i>NB. The Authority is considering requiring –</i></p> <ul style="list-style-type: none"> • <i>the steps are located no more than 30m from the dwelling-house</i> • <i>where any part of the steps is located less than 2 metres from the boundary with a neighbouring property, that the height of the steps is restricted to 50cms above ground level, and</i> • <i>where any part of the steps is located more than 2 metres from the boundary with a neighbouring property, that the height of the steps is restricted to 1.5m above ground level.</i>

	<p>NEW/REPLACEMENT: 1.35: Creation of earth banks</p> <p>This replaces the current exemption in 1.16 to move it to a separate exemption applying to earthbanks only.</p> <p>Allow the construction of earth banks within the curtilage of a dwelling-house including where that dwelling house is a protected building.</p> <p>Excludes dwelling-houses situated within an SSS.</p> <p>The exemption will be subject to conditions/otherwise drafted to-</p> <ul style="list-style-type: none"> • restrict the maximum height of an earth bank, where located adjacent to a highway to 90cms, and • impose requirements as to the gradient and planting of the earthbank; the Authority is considering requirements that the earth bank must be either of a 1:4 gradient and turfed using natural grass or a 1:3 gradient and seeded using natural grass.
	<p>NEW: 1.36: Construction of a ramp</p> <p>Allow the construction of an external ramp, within the curtilage of a dwelling-house, where that ramp provides access into the dwelling house including where that dwelling-house is a protected building.</p>
	<p>NEW: 1.37: Energy Storage</p> <p>To allow the installation of one piece of energy storage equipment, at ground floor level, on any elevation of a house not seen from a highway.</p>

	<p>NEW: 1.38: Polytunnels</p> <p>Allow the placement of polytunnels within the curtilage of a dwelling-house, including where such house or its curtilage is, or is within the curtilage of a protected building subject to conditions to –</p> <ul style="list-style-type: none"> • restrict the area of a polytunnel to a maximum of 30sqm, • restrict the height of a polytunnel where any part is located 2 metres or more from any boundary with a neighbouring property, to 3.5m, or • where any part is located less than 2m from any boundary with a neighbouring property, the height of that part must be no more than 3m • require the structure to be removed on cessation of use.
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Table 2 - Proposed changes to Class 1A Exemptions - Residential Change of Use

Existing exemption in full	Proposed changes
<p>1A. 1: Change from use as part of a dwelling for business purposes to other residential uses</p> <p>Change in the use of land, including of any land which is, or is within the curtilage of a protected building or protected monument, from an existing use falling within use class 5 (use of part of a dwelling for business purposes) to a use within use class 1 (dwellinghouse) or use class 2 (Flat).</p>	<p>Broaden to allow part of a dwelling to be used for business purposes but limit number of employees and number of rooms that can be used.</p> <ul style="list-style-type: none"> • Restrict outside storage for business purposes • Limit visitor numbers to property for business purposes to a maximum of no more than 8 clients per day and no more than 2 visiting together,

	<ul style="list-style-type: none"> • Limit the number of employees working at the dwelling-house, • Limit number of rooms utilised and require the principal use of the building to be residential; • Require that the Authority be notified within 1 month of change of use. <p><i>NB. The Authority is considering imposing conditions requiring no more than 2 employees.</i></p>
	<p>NEW: 2. Change from use from residential use class 6 (premises in multiple occupation) to use class 1 (dwelling-house) or use class 2 (Flat)</p> <p>Allow the use of a dwelling in multiple occupation to change to a house or flat, including in relation to a dwelling which is a protected building or located within the curtilage of a protected building, subject to conditions to –</p> <ul style="list-style-type: none"> • provide that it would not require subdivision, • The resultant unit would meet space standards, • require that the Authority is notified. <p>Clarify that space standards are the best practice standards by the DCLG¹⁴ as published on the www.gov.gg website.</p> <p><i>NB. The Authority is considering requiring notification of a change of use within a month of the change.</i></p>

¹⁴ DCLG refers to the Department of Communities and Local Government.

Table 3 – Proposed new class 1B – Development in relation to flats

Existing exemption in full	Proposed changes
<p>NEW 1B.1: Alterations to the external walls of a building containing flats</p>	<p>All exemptions remain the same as the existing unless noted as changed or superseded by proposed changes. Unless specified, exemptions do not apply to Protected Buildings. New exemptions will apply within Conservation Areas and Sites of Special Significance (SSS) unless specified otherwise.</p> <p>Allow specified changes to an external wall of a building containing flats providing the same changes cover the entire wall.</p> <p>Conditions will be imposed/the exemption drafted to –</p> <ul style="list-style-type: none"> • exclude buildings substantially constructed pre 1900, and • restrict the type of changes allowed and materials to be used <p><i>NB. The Authority is considering allowing changes to walls using render, cement boards, wood or natural stone but this could be widened.</i></p>
<p>NEW 1B.2: Satellite dish antennas</p>	<p>Allow the installation of a satellite dish on the external elevation of the flat it serves or sited within the curtilage of a flat.</p> <p>Conditions will be imposed/the exemption drafted to limit the size of the dish and its use principally for domestic purposes and not principally for a trade or business.</p> <p><i>NB. The Authority is considering up to 1m maximum size and one dish per flat.</i></p>
<p>NEW 1B.3: Solar Products</p>	<p>Allow installation of solar products on a building containing flats including where the building is a protected building or within the curtilage of such a building or within the curtilage of a flat forming part of the building.</p> <p>Conditions will be imposed/the exemption drafted –</p> <ul style="list-style-type: none"> • where the product is installed on a roof slope, to limit the projection of the product above the roof plane and require it to be installed parallel to the roof plane,

	<ul style="list-style-type: none"> • to only allow the installation of a solar product on the roof slope of a protected building, where the roof slope does not face a highway. • where the building is not a protected building and the solar product is installed on a roof slope that can be seen from a highway, to require the panels to be of an integrated design. • to limit the height and area of a solar product where mounted on the ground • not to permit installation of ground mounted products where any part is facing a highway. • for solar products mounted on the ground, to limit distance from the building containing the flats. <p>Allow multiples of the same products to be installed on or within the curtilage a building except on, or within the curtilage of, more sensitive buildings.</p> <p><i>Sensitive buildings are those likely to have greater contribution to the character of the area, i.e. pre-1900 buildings and protected buildings.</i></p> <p><i>NB. The Authority is considering –</i></p> <ul style="list-style-type: none"> • <i>for solar products mounted on the ground –</i> <ul style="list-style-type: none"> ○ <i>restricting the height and total area of a product to 2m in height from the ground and 10 sq.m in area, and</i> ○ <i>restricting the distance to no more than 30 metres from the building,</i> • <i>restricting the projection of a product installed on a roof slope to no more than 30cm projection from the roof plane,</i>
<p>NEW 1B.4: Replacement of a door, rooflight, roof lantern, sun tunnel or window in existing aperture</p>	<p>To allow replacement of any of the features in a flat or in a building containing a flat, within the existing aperture, provided that where the flat or building containing the flat is substantially constructed before 1900 the replacement is of the same design, means of opening and material as the one it replaces.</p>
<p>NEW 1B.5: Installation of a door or window in a new aperture including the</p>	<p>Allow the installation of a new door or window in a flat or in a building containing a flat.</p>

<p>partial blocking up of or alteration of an existing aperture.</p>	<p>Conditions will be imposed/the exemption drafted -</p> <ul style="list-style-type: none"> • to exclude new doors or windows at ground or raised basement level which overlook a communal area or another flat’s private area • Where the installation of the door or window would be on an elevation facing a highway, to exclude a flat, or a building containing a flat, substantially constructed prior to 1900. • to allow insertion of windows and doors where there are existing non-obscure windows or doors or non-high-level windows on the elevation where the window or door is to be installed, within 3m of the boundary with a neighbouring property. • to allow insertion of doors and windows in other cases, within 5m of a neighbouring property.
<p>NEW 1B.6: Re-roofing including the re-roofing of structures within the curtilage of a residential block of flats.</p>	<p>Allow re-roofing of – a building containing a flat, a structure within the curtilage of a flat or a building containing a flat.</p> <p>Conditions will be imposed/the exemption drafted –</p> <ul style="list-style-type: none"> • to allow a limited increase in the height of the ridge of the roof • to stipulate the finished roofing material where the works are to a building or other structure within a conservation area or where that building or other structure to be re-roofed is substantially constructed before 1900, and • so that the exemption only applies to buildings or other structures the original construction or placement of which was lawful. <p><i>NB. The Authority is considering no more than a 30cm increase to be allowed in the height of the ridge of the roof and requiring the roofing material to be in natural slate or clay tile where the building or other structure to be substantially reroofed is in a conservation area or was substantially constructed before 1900.</i></p>

<p>NEW 1B.7: Installation of roof-light, roof lantern or sun tunnel</p>	<p>Allow installation of a roof light, sun tunnel or roof lantern on the roof of a building containing a flat.</p> <p>Conditions will be imposed/the exemption worded –</p> <ul style="list-style-type: none"> • to limit the size and number of roof lights, roof lanterns and sun tunnels where the same are installed in an elevation of a roof facing a highway, • to allow roof lanterns on flat roofs only. • Introduce minimum cill height, from internal finished floor level, where the roof light or sun tunnel is installed on a roof slope facing a neighbouring residential property. • to exclude rooflights that create a balcony [cabrio roof-lights]. • Not on a roof slope facing a highway where that building is pre-1900 <p><i>NB. The Authority is considering limiting to a total of 2 installations within a roof slope facing a highway and 1m x 1m in size and a minimum of 1.7m cill height where sited within 10m of a residential unit.</i></p>
<p>NEW 1B.8: Erection of a porch or enclosing an existing porch</p>	<p>Allow erection of a new porch or enclosing of an existing porch including a communal porch in a building containing flats or a porch of a flat.</p> <p>Conditions will be imposed/the exemption drafted to limit the size and height of a porch and its distance from a highway.</p> <p><i>NB. The Authority is considering exempting porches up to 6 sq.m. in area, 3m high and not allowing one to be located within 2m of a highway.</i></p>
<p>NEW 1B.9: Hard-surfaced, grid force and Decking areas</p>	<p>Allow new hard standing, grid force, composite decking and decking or resurfacing or extension of the same.</p> <p>Where extending an existing area, the same material as the existing should be used.</p> <p>Require that all materials used must be permeable to effectively manage rainwater runoff to a soakaway or SUDS. Limit height above ground level and distance from main building.</p>

	<p>The works must not result in the extending of or creation of car parking, new vehicle or pedestrian accesses or require the removal of landscaping features.</p> <p>Clarify that this does not include the laying of artificial grass.</p> <p><i>NB. The Authority is considering the use of granite setts, block paviours, gravel where within a conservation area and no higher than 50 cms above ground level or 30m away from a building containing flats.</i></p>
NEW 1B.10: Construction of external steps.	<p>Limit height above ground level and distance from the main building depending on siting.</p> <p>The works should not require the removal of landscaping features.</p> <p><i>NB. The Authority is considering no higher than 50 cms in height or 30m away from the main building.</i></p>
NEW 1B.11: Gates, fences and walls.	<p>Allow erection or replacement of any lawful gates, fences and walls, either previously granted planning permission or exempt at the time of erection, but limit heights depending on siting.</p> <p>Control materials of gates, fences and walls and where gates open out to.</p> <p><i>NB. The Authority is considering allowing the use of timber including composite, timber or metal gates and natural stone or rendered blockwork walls along a residential boundary of 2m high or where erected in front of the building/flat facing a highway 90cms in height.</i></p>
NEW 1B.12: Installation of a traffic mirror.	<p>Allow within the curtilage of a protected building but limit the size of the mirror to 90cms in any dimension.</p> <p>Ensure that the mirror does not interfere with pedestrian or traffic flows.</p>
NEW 1B.13: Removal of a hedge within the grounds of flats	<p>To allow the removal of a hedge, or part of a hedge, within the curtilage of a flat, or a building containing a flat, including where such flat or its curtilage is, or is within the curtilage of a protected building providing that where the hedge forms a</p>

	<p>boundary of the site, the hedge is replaced with one of a native species within 2 months (8 weeks) of the date of removal of the existing hedge.</p> <p>The removal of the hedge should not however affect or create a vehicle access, cause encroachment into neighbouring land; remove a field boundary or be removed during the bird breeding season (March to July).</p>
NEW 1B.14: Demolition and/or rebuild of a chimney	<p>To allow the removal of and or rebuilding of a chimney.</p> <p>Where that building is pre-1900 the chimney must be rebuilt on a like for like basis including all details.</p> <p>If the chimney is not replaced matching roofing materials should be used.</p>
NEW 1B.15: External insulated render	<p>To allow the application of external insulated render on any building containing flats.</p> <p>Where the building is sited within a conservation area or is substantially constructed prior to 1900, the application of render should not result in the loss of or obscuring of any distinctive features.</p>
NEW 1B.16: Electric charge points for use for charging electric vehicles	<p>To allow the installation of a vehicle charging point on a flat or building containing flats or an outbuilding including protected buildings or a free standing charging point within the curtilage of a flat, including where that building is a protected building subject to the conditions that:</p> <p>The charging point must be principally for the use of a vehicle used for private transport and not principally used in the course of a trade or business.</p> <p>The charging point must be installed so that the vehicle is within the curtilage of the flat or building containing flats when being charged.</p>
NEW 1B.17: Placing of storage units or bike barns	<p>To allow the siting of storage units or bike barns which are not fixed to the ground, including where the building is protected.</p> <p>The structure should be limited in number and in size and not located within a communal area.</p>

	<i>NB. The Authority is considering one structure no more than 1.2m in height if facing a highway or within 1m of a highway or one structure no more than 2m in height if not facing a highway.</i>
NEW 1B.18: Construction of a ramp	Allow the construction of a ramp where that ramp will provide access into a flat or a communal entrance including where that building is a protected building.
NEW 1B.19: Energy Storage	To allow installation of one piece of energy storage equipment device on any elevation of a building containing flats not seen from a highway and at ground floor level.

5.21 Class 2 – Development within the curtilage of non-domestic buildings

Table 4 – Proposed changes to Class 2 Exemptions

Existing exemption in full	Proposed changes
	All exemptions remain the same as the existing unless noted as changed or superseded by proposed changes. Unless specified, exemptions do not apply to Protected Buildings or Protected Monuments. New exemptions will apply within Conservation Areas and Sites of Special Significance (SSS) unless specified otherwise.
<p>2.1: Replacement of a door or window in existing aperture. Replacement of any existing door or window of a non-domestic building provided that -</p> <p>(a) the door or window is not part of a shop front,</p> <p>(b) the replacement is of the same design, means of opening and made of the same materials as the one it replaces.</p>	Amend to remove the need for the replacement to be of the same design, means of opening and materials.

<p>2.2: Re-roofing. Re-cladding an existing felt-clad or corrugated-sheet-clad roof of a non-domestic building in natural slate or clay tiles.</p>	<p>Allow a limited increase in ridge height of the existing roof.</p> <p>Broaden exemption to include re-roofing of an existing felt clad flat roof in GRP/single ply</p> <p>Stipulate roofing material where in a conservation area or substantially constructed in 1900.</p> <p><i>NB. The Authority is considering a maximum increase of 30 cms and natural slate or clay tiles where in a conservation area or substantially constructed before 1900.</i></p>
<p>2.3: Hard-surfaced areas. The creation, extension or resurfacing of a hard-surfaced area within the curtilage of a non-domestic building provided that-</p> <p>(a) where the non-domestic building or hard-surfaced area is within a conservation area the material used is-</p> <p>(i) loose laid natural stone gravel,</p> <p>(ii) pavements or bricks made, in either case, from concrete or clay,</p> <p>(iii) natural stone setts or natural paving slabs, or</p> <p>(iv) concrete with rolled-in aggregate,</p> <p>or, in the case of an extension or resurfacing of an existing hard-surface, is the same as the existing material,</p> <p>(b) no part of any area created or extended is more than 30 metres from the non-domestic building,</p> <p>(c) the height of any hard-surface created is not more than 50 centimetres above ground level,</p>	<p>Require that where resurfacing or creating a new area of hard surface (excluding extending an existing area of hard surface) all materials used must be permeable to effectively manage rainwater runoff to a soakaway or SUDS.</p> <p>New or extended areas must not be used as additional car parking and works should not require the removal of landscape features.</p> <p>Clarify that this does not include the laying of artificial grass.</p> <p>Clarify that the exemption also includes the use of timber decking including composite decking.</p>

<p>(d) neither the non-domestic building nor the hard-surfaced area is within a site of special significance.</p>	
<p>2.4: Non-domestic cesspits or soakaways.</p> <p>The installation of a cesspit or soakaway, wholly below ground, within the curtilage of the non-domestic building which it serves provided that neither the non-domestic building nor the cesspit or soakaway is within a site of special significance.</p>	<p>Apply to protected buildings or within the curtilage of a protected building</p>
	<p>NEW: 2.5: CCTV</p> <p>Allow 2 cameras to be installed on each elevation of a non-domestic building at a minimum height of 2m to a maximum size, where not sited adjacent to any residential boundary and installed with any signage necessary to comply with the data protection legislation.</p> <p><i>NB. The Authority is considering 90cm x 25cm x 55cm</i></p>
	<p>NEW: 2.6: Insertion of new windows and doors</p> <p>Allow insertion of windows and doors within 3m of the boundary with a neighbouring property where there are existing non-obscure windows or doors or non-high-level windows on that elevation. Otherwise specify a 5m distance where there is no existing window or door or if there are high level or obscure windows on that elevation.</p>
	<p>NEW: 2.7: Air source heat pump/air conditioning unit</p> <p>Allow 1 unit of limited size and noise.</p> <p>Limit number of fans within unit and distance from boundaries of residential properties.</p>

	<p><i>NB. The Authority is considering 1m from a boundary with neighbouring residential property and only one fan within unit, no larger than 1m high x 1m wide x 350mm depth and the noise level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones.</i></p>
	<p>NEW: 2.8: Excavation and changing ground levels (not involving creation of swimming pools or other pools)</p> <p>Allow where not within an SSS with limit on increase of and excavation of no more than 50 cms above ground level either side, and where there are no protected trees in the surrounding area.</p>
	<p>NEW: 2.9: Electric charge points</p> <p>Permitted on, or within the curtilage of buildings that are protected buildings.</p> <p>For use only by staff, visitors, guests and patrons.</p> <p>Vehicle should be fully within the curtilage of the building where the charge point is installed.</p>
	<p>NEW: 2.10: Removal of hedge within curtilage of non-domestic building</p> <p>Allow the removal of a hedge within the curtilage of a non-domestic building and where the curtilage of that building forms part of a protected building, but where that hedge forms the boundary of the site it is replaced with a new hedge of a native species within 2 months (8 weeks) of the old hedge being removed.</p>

	<p>Must not be removed where the hedge is a boundary to a residential property or is a field boundary, where the removal would create or widen an access or during the bird breeding season of March to July.</p>
	<p>NEW: 2.11: Defibrillators and housing</p> <p>Allow the installation of defibrillators and their housing including where the building is a protected building but not where the building is located within a SSS.</p>
	<p>NEW: 2.12: Solar Products</p> <p>Install panels on any roof slope not facing a highway or seen from a highway and no more than 30 cms projection above existing roof slope.</p>
	<p>NEW: 2.13: Energy Storage</p> <p>To allow installation of one piece of energy storage equipment on any elevation not seen from a highway and at ground floor level.</p>
	<p>NEW: 2.14: Installation of a roof fall restraint system</p> <p>Allow installation of a roof fall restraint system¹⁵ using horizontal and vertical safety lines only.</p>

¹⁵ A fall restraint system is used to allow safety when working at height and can include rails to allow a safety harness to be connected.

5.22 Class 3 – Maintenance, Repair, Minor Alterations and Temporary Structure and Uses Exemptions

Table 5 – Proposed changed to Class 3 Exemptions

Existing exemption in full	Proposed changes
<p>3.1: Maintenance, repair, and minor alterations.</p> <p>The maintenance or repair of, or the making of any minor alteration to, a dwelling-house or a non-domestic building or to a structure or other feature within the curtilage of such a house or building, including where such house or building or the curtilage thereof is, or is within the curtilage of, a protected building, provided that-</p> <p>(a) the works are not exempt to the extent that they comprise development of a description for which an exemption is provided under another paragraph of this Schedule subject to the meeting of any provisos specified in that paragraph,</p> <p>(b) the works are not exempt to the extent that they comprise the painting for the first time of any significant part of any structure or other feature,</p> <p>(c) there is no material effect on the external appearance of any structure or other feature other than that arising from any repainting of the exterior of that structure or other feature.</p>	<p>All exemptions remain the same as the existing unless noted as changed or superseded by proposed changes. Unless specified, exemptions do not apply to Protected Buildings or Protected Monuments. New exemptions will apply within Conservation Areas and Sites of Special Significance (SSS) unless specified otherwise.</p> <p>No change</p>

<p>3.2: Temporary development required during approved operations.</p> <p>Temporary use of land on a site where building operations are currently taking place for purposes connected with those operations, and erection, installation or siting temporarily on such land of buildings, structures, works, plant and machinery provided that -</p> <p>(a) the building operations are taking place in accordance with a planning permission,</p> <p>(b) any such buildings, structures, works, plant and machinery are-</p> <p>(i) necessary for the purpose of those operations,</p> <p>(ii) not used for any other purpose,</p> <p>(iii) without prejudice to subitem (ii) of this proviso, not used for any residential purpose, and</p> <p>(iv) permanently removed from the site upon completion of those operations, or within 12 months of their erection, installation or siting, whichever is sooner</p>	<p>Broaden to allow the erection of structures (which includes hoardings, gates and fences) where development is exempt from the requirement for planning permission or is taking place in accordance with a planning permission.</p> <p>Increase the time scale allowed for these structures to remain in situ and stipulate the maximum number permitted.</p> <p>Draft exemption so it does not allow advertising.</p> <p>New requirement to restore land to its original condition.</p> <p>Not applicable where within a SSS.</p> <p><i>NB. The Authority is considering a period of 3 years and no more than 2 structures at ground level.</i></p>
	<p>NEW: 3.3: Temporary mesh/net fencing</p> <p>Allow in relation to the supporting of vegetation up to a maximum time period or until the vegetation is established whichever is sooner.</p> <p><i>NB. The Authority is considering a period of 1 year from erection.</i></p>

5.23 Class 4 – Agricultural/Horticultural Development

Table 6 – Proposed changes to Class 4 Exemptions

Existing exemption in full	Proposed changes
<p>4.1: Fencing of agricultural land. Erection of a post and wire fence for agricultural purposes provided that -</p> <p>(a) the fence is inside an existing hedge or earth bank,</p> <p>(b) the fence does not exceed 1.2 metres in height.</p>	<p>Broaden to allow certain other types of fencing to control animals on land anywhere on that land.</p> <p>Increase ability to be able to use post and wire fences for agriculture anywhere on the land.</p> <p><i>NB. The Authority is considering including the use of electric fencing and post and rail fencing.</i></p>
<p>4.2: Farm gates. Installation of a gate across an existing opening (and not involving the creation or widening of any opening) anywhere on land used for agricultural purposes.</p>	<p>Clarify that the exemption is not to provide gated parking and introduce a maximum height of a gate permitted</p> <p><i>NB. The Authority is considering a maximum of 1.2m high for a gate.</i></p>
	<p>NEW: 4.3 Structures for containing animals</p> <p>Allow moveable structures in connection with housing animals for agricultural purposes only.</p> <p>Limit number of and height of the structures on a site</p>

	<p>Structures to be removed on cessation of the agricultural activities.</p> <p><i>NB. The Authority is considering up to 4 such moveable structures not exceeding 1.2m in height.</i></p>
	<p>NEW: 4.4: Erection of temporary Polytunnels and temporary glasshouses</p> <p>Allow in connection with the purposes of growing only.</p> <p>Limit number, height and size of structures and base area of these structures.</p> <p>Structures to be removed on cessation of the growing activities.</p> <p><i>NB. the Authority is considering the erection of 1 structure of base area of 10 sq.m, 2m in height and on a non-permanent base.</i></p>
	<p>NEW: 4.5: Other Small-scale structures</p> <p>Allow in connection with the purposes of growing only.</p> <p>Limit number, height and size of structures and base area of these structures.</p> <p>Structures to be removed on cessation of the growing activities.</p> <p><i>NB. the Authority is considering the erection of 1 structure of base area of 6 sq.m, 2m in height and on a non-permanent base.</i></p>

	<p>NEW: 4.6: Clearing of glasshouses and other associated structures</p> <p>Formalise the ability to remove all parts of glasshouses and associated structures providing all waste is removed from the site and no land raising occurs.</p>
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5.24 Class 5 – Development by the States and Public Utility providers

5.25 The carrying out of any development specified in the Class 5 exemptions apply other than within a Site of Special Significance.

Table 7 – Proposed changes to Class 5 Exemptions

Existing exemption in full	Proposed changes
<p>5.1: Installation etc. of mains, drains, sewers, lines, pipes and cables.</p> <p>(1) Any development referred to in subparagraph (2) which is carried out by or on behalf of a person listed in subparagraph (3) in connection with the provision by that person of a public utility service.</p> <p>(2) The development referred to in subparagraph (1) is any development, not falling within paragraphs 4 to 7, which is necessary for the -</p> <p>(a) installation, inspection, maintenance, repair or renewal of mains, drains, sewers, pipes, cables, lines, or</p> <p>(b) making of connections to anything referred to in item (a),</p>	<p>All exemptions remain the same as the existing unless noted as changed or superseded by proposed changes. Unless specified, exemptions do not apply to Protected Buildings or Protected Monuments. New exemptions will apply within Conservation Areas unless specified otherwise.</p> <p>No change</p>

<p>provided that any hard surface which is disturbed by the development is restored with a finish which is not significantly different from the existing finish and in the case of granite cobbles or flags is restored with the same materials.</p> <p>(3) The persons referred to in subparagraph (1) are -</p> <p>(a) the States,</p> <p>(b) Guernsey Gas Limited, or</p> <p>(c) a person who is a licensee under the Telecommunications (Bailiwick of Guernsey) Law, 2001[h] or the Electricity (Guernsey) Law, 2001[i].</p>	
<p>5.2: Maintenance and the prevention of the obstruction of highways. Any development by or on behalf of the States which is necessary -</p> <p>(a) for the maintenance of any highway or any private pedestrian road, street, clos, track or path, however named, provided that such maintenance does not involve-</p> <p>(i) the hard surfacing of any lane, track or path that was not previously hard-surfaced, or</p> <p>(ii) the creation, laying out or material widening of a means of access to that highway or pedestrian road, street, clos, track or path, or</p> <p>(b) to avoid the obstruction of any highway or any private pedestrian road, street, clos, track or path, however named, by any tree or other vegetation.</p>	<p>Broaden to include pedestrian crossings and permit installation of or replacement of lighting and signage.</p> <p>Clarify that works can take place to also avoid damage to any highway or any private pedestrian road, street, clos, track, path, pedestrian crossing including the installation of lighting, replacement lighting and signage.</p> <p>Require the removal of any redundant lighting or signage that is being replaced.</p>

<p>5.3: Maintenance of water courses, outfalls or carrying out of land drainage works. Any development by or on behalf of the States which is necessary for the maintenance of water courses or outfalls or for the carrying out of land drainage works</p>	<p>No Change</p>
<p>5.4: Development in relation to minor equipment by suppliers of electricity and telecommunications services. Any development which -</p> <p>(a) is carried out by or on behalf of a person who is a licensee under the Telecommunications (Bailiwick of Guernsey) Law, 2001 or the Electricity (Guernsey) Law, 2001, and</p> <p>(b) is necessary for the maintenance or replacement of overhead lines, cables, surface wiring, block terminals and dish or multiple rod aerials used for the purpose of supplying electricity or providing telecommunications services to the public,</p> <p>provided that any replacement is not significantly different in terms of its siting, design, size and appearance to the equipment that it replaced and that any hard surface which is disturbed by the development is restored with a finish which is not significantly different from the existing finish and in the case of granite cobbles or flags is restored with the same materials.</p>	<p>Allow the replacement of dishes and masts provided that any replacement is not significantly different in terms of its siting, design, size and appearance to the equipment that it replaced.</p> <p>Require all redundant equipment that is being replaced to be removed.</p>
<p>5.5: Development in relation to the supply of electricity. Any development which -</p> <p>(a) is carried out by or on behalf of a person who is a licensee under the Electricity (Guernsey) Law, 2001, and</p> <p>(b) is necessary -</p>	<p>Broaden to allow works to enclose existing equipment but not where that equipment is within a conservation area.</p> <p>Require that where the enclosure would consist of fencing there would be a height limit for the fencing depending upon its location relative to a highway.</p>

<p>(i) for the replacement of roadside distribution pillars, high voltage switchgear and transformers, poles and street cabinets for the purpose of supplying electricity to the public, provided that any replacement is not significantly different in terms of its siting, size, design and appearance to the equipment that it replaced, or</p> <p>(ii) to avoid contact between any tree or other vegetation and overhead power lines, provided that any hard surface which is disturbed by the development is restored with a finish which is not significantly different from the existing finish and in the case of granite cobbles or flags is restored with the same materials.</p>	<p>Requirement that any hedging used as an enclosure is of native species.</p> <p><i>NB. the Authority is considering limiting the height of enclosures to 90cms where within 1m of a road and 1.8m otherwise.</i></p>
<p>5.6: Development within the operational areas of water treatment works, foul water treatment works, pumping stations and reservoirs etc.</p> <p>Any development by or on behalf of the States which is carried out within the operational areas of water treatment works, foul water treatment works, pumping stations, reservoirs or other places where water is stored, and which is necessary for -</p> <p>(a) the provision of water supplies, or</p> <p>(b) the maintenance or security of any such place,</p> <p>provided that such development is not carried out in relation to any land or structure forming any part of the perimeter of any such place.</p>	<p>Broaden to include works needed for monitoring water flows.</p>
<p>5.7: Development within the operational area of a power station.</p> <p>Any development by or on behalf of a person who is a licensee under the Electricity (Guernsey) Law, 2001 which is carried out</p>	<p>No Change</p>

<p>within the operational area of a power station and which is necessary for -(a) the relocation of pumping equipment and over ground piping within the operational area of a power station provided that there is no significant change to -</p> <p>(i) the siting, and</p> <p>(ii) the visibility from a highway, of such piping or equipment, or</p> <p>(b) the security of the power station, provided that such development is not carried out in relation to any land or structure forming any part of the perimeter of the power station.</p>	
<p>5.8: Development within the operational area of an airport.</p> <p>Any development by or on behalf of the States within the operational area of an airport which is necessary for -</p> <p>(a) the provision of air traffic control services,</p> <p>(b) the safe navigation of aircraft,</p> <p>(c) the security of the airport, or</p> <p>(d) the maintenance or resurfacing of an airport runway or to make minor alterations to the camber of such a runway,</p> <p>provided that such development is not carried out in relation to any land or structure forming any part of the perimeter of the airport and that, where carried out in relation to an airport runway, it does not extend that runway.</p>	<p>Broaden to include non-illuminated directional guidance not facing a road.</p> <p>Broaden to allow works needed for public safety/health generally and where this would include temporary buildings/other structures stipulate a time period that those structures are allowed to be in situ.</p> <p><i>NB. the Authority is considering a period of 1 year from the date of erection/siting for temporary buildings/other structures.</i></p>

<p>5.9: Development within the operational area of a harbour.</p> <p>Any development by or on behalf of the States within the operational area of a harbour which is necessary for -</p> <p>(a) the provision of harbour control or safe navigation of ships, or</p> <p>(b) the security of the harbour,</p> <p>provided that such development is not carried out in relation to any land or structure forming any part of the perimeter of the harbour.</p>	<p>Broaden to include non-illuminated directional guidance not facing a road.</p> <p>Broaden to allow works needed for public safety/health generally and where this would include temporary buildings/other structures stipulate a time period that those structures are allowed to be in situ</p> <p><i>NB. the Authority is considering a period of 1 year from the date of erection/siting for temporary buildings/other structures.</i></p>
<p>5.10: Minor works for navigational purposes.</p> <p>(1) Any development by or on behalf of the States outside the operational area of a harbour or an airport which is necessary to -</p> <p>(a) carry out any minor works for the purpose of –</p> <p>(i) the safe navigation of ships or aircraft, or</p> <p>(ii) the safe operation of the port or airport in question, or</p> <p>(b) avoid the obstruction of navigation points or navigation lights by any tree or other vegetation.</p> <p>(2) In this paragraph "minor works" means -</p> <p>(a) minor maintenance work, or</p> <p>(b) replacement of fixed plant,</p> <p>which does not involve any work to buildings, walls or fences.</p>	<p>Broaden to include works in connection with security of navigational equipment</p> <p>Increase the scope of what would be allowed under minor works to allow the erection of CCTV where not adjacent to a neighbouring residential boundary and fencing of a maximum height required to protect navigational equipment and where the CCTV is installed require it to be installed with any signage necessary to comply with the data protection legislation.</p> <p><i>NB. the Authority is considering limiting fencing required to protect navigational equipment to be no higher than 1.5m.</i></p>

<p>5.11: Coastal defences. Any development by or on behalf of the States necessary for the maintenance of existing coastal defences provided that such development does not include development consisting of land reclamation and does not affect any shingle bank or other natural feature forming part of such defences.</p>	<p>No Change</p>
<p>5.12: Street furniture. (1) Any development by or on behalf of the States necessary for the replacement or maintenance of any fixed street furniture, other than traffic signs, provided that any replacement is not installed in La Vallette (Bathing Pools) Conservation Area and those parts of the conservation areas identified in subparagraph (2). (2) The parts of the conservation areas referred to in subparagraph (1) are those parts of - (a) the St. Peter Port conservation area which fall within South Esplanade, the Quay, North Esplanade, Glatigny Esplanade, the Pollet, High Street, Hauteville, Fountain Street, Trinity Square, Mill Street, Mansell Street, Contree Mansell, Smith Street, Lefebvre Street, Rue du Manoir, College Street, Saint Julian's Avenue, Castle Emplacement, Crown Pier and La Salerie Harbour, and (b) the Bridge Conservation area which fall within South Quay, the Bridge and North Side. (3) In this paragraph - (a) "street furniture" includes lamp standards and other street lighting, public seating, cycle racks, signposts, signs, refuse bins, bollards, rails, fences and barriers for safeguarding persons using the public highway, and</p>	<p>Broaden to allow works necessary for the replacement or maintenance of any fixed street furniture within the parts of the conservation areas currently excluded providing it is of the same materials, design, form and scale of that it is replacing or maintaining. Include traffic lights and signals, all traffic signs and cycle hoops within the definition of street furniture.</p>

<p>(b) "public highway" means any vehicular or pedestrian road, street, lane or clos, track or path, however named, used by the public.</p>	
<p>5.13: Closed circuit television. Any development by or on behalf of the States necessary for the -</p> <p>(a) installation and maintenance of one closed circuit television camera on any one structure or object provided that the dimensions of the camera, including its housing and fixing bracket, do not exceed 90 centimetres by 25 centimetres by 55 centimetres, or</p> <p>(b) temporary installation and maintenance of closed-circuit television cameras to cover a public event or in an emergency provided that the cameras are in place for no more than 14 days.</p>	<p>Add conditions that CCTV must be installed –</p> <ul style="list-style-type: none"> • at 2m minimum height, and • with any signage necessary to comply with the data protection legislation.
	<p>NEW: 5.14: Speed humps/traffic calming measures/kerb buildouts/footways within existing carriageway on a public highway</p> <p>Allow for the purposes of traffic calming and improved pedestrian flows where the road or adjacent pavement is not within the Conservation Area or abutting a protected building or the curtilage of a protected building.</p>
	<p>NEW: 5.15: Bus Shelters</p> <p>Allow the installation over an existing bus stop providing that there is no obstruction of the public highway or pedestrian flows, no or removal of any landscape feature, and no advertising within or around the bus shelter.</p> <p>State that where installed on a footpath/pavement the minimum width of the remaining path is at least 1m wide.</p>

	<p>NEW: 5.16: Cycle shelters and cycle hoops</p> <p>Allow the installation of cycle shelters and cycle or e-scooter hoops on a public highway providing that there is no obstruction of highway or pedestrian flows or removal of any landscape feature and there is no advertising.</p> <p>State that where installed on a footpath/pavement the minimum width of the remaining path is at least 1m wide.</p>
	<p>NEW: 5.17: Water refill points</p> <p>Permit the erection of water refill points controlling the height and diameter and providing there is no obstruction of pedestrian and vehicle movement or loss of any landscape feature.</p>

5.26 Class 6 – Storage, Distribution and Industrial Change of Use

Table 8 – Proposed changes to Class 6 Exemptions

Existing exemption in full	Proposed changes
<p>6.1: Changes from general to light industrial use.</p> <p>Change in the use of any land, including of any land which is, or is within the curtilage of, a protected building or protected monument, from an existing use for any general industrial purpose within use class 25 to use for any light industrial purpose within use class 24.</p>	<p>No Change</p>

<p>6.2: Changes from special to general or light industrial use.</p> <p>Change in the use of any land, including of any land which is, or is within the curtilage of, a protected building or protected monument, from an existing use for any purpose within use classes 26 to 27 inclusive to use for any general industrial purpose within use class 25 or any light industrial purpose within use class 24.</p>	<p>No change</p>
<p>6.3: Changes between light industrial use and general storage or distribution use.</p> <p>Change in the use of any land, including of any land which is, or is within the curtilage of, a protected building or protected monument, to or from an existing use for any light industrial purpose within use class 24 to or from use for any general storage or distribution purpose within use class 22 provided that the land comprises premises the total area of which does not exceed 250 square metres.</p>	<p>Remove the limitation on maximum floor area.</p>
<p>6.4: Changes from general industrial use to general storage or distribution use.</p> <p>Change in the use of any land, including of any land which is, or is within the curtilage of, a protected building or protected monument, from an existing use for any general industrial purpose within use class 25 to use for any general storage or distribution purpose within use class 22 provided that the land comprises premises the total area of which does not exceed 250 square metres.</p>	<p>Remove the limitation on maximum floor area.</p>

	<p>NEW: 6.5: Change between light industrial use/general industry from or to general storage and distribution</p> <p>Allow the use of any land within a Key Industrial Area (KIA) to change to or from an existing use for any light industrial purpose in use class 24 or general industrial purpose in use class 25 to or from use for any general storage or distribution purpose in use class 22.</p>
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5.27 Class 7 – Trees (Relating only to trees with Tree Protection Orders; protected trees do not include hedges)

Table 9 – Proposed changes to Class 7 Exemptions

Existing exemption in full	Proposed changes
<p>7.1: Pruning of trees. The pruning of any protected tree provided that it is carried out in accordance with British Standard Specification 3998/1989 on Recommendations for Tree Work as revised or re-issued from time to time</p>	<p>No change</p>
<p>7.2: Dead and diseased trees. The cutting down, uprooting, topping, lopping or pruning of any protected tree or part of such a tree which has been certified as being dead or in a hazardous state by an -</p> <p>(a) arboriculturist, or</p> <p>(b) other person who has sufficient expertise to make such a certification,</p>	<p>Specify that the cutting down of any tree must be done outside of the bird breeding season of March to July.</p>

<p>provided that the tree is not within a site of special significance.</p>	
<p>7.3: Cutting down etc. of trees in compliance with statutory requirements, to abate or prevent a nuisance or implement a planning permission.</p> <p>The cutting down, uprooting, topping, lopping or pruning of any protected tree or part of such a tree to the extent that such action is (a) necessary to comply with any requirements by or under any enactment including the Ordonnance relative à la Hauteur des Haies bordant les encoignures des Voies Publiques, 1931[k] and the Cutting of Hedges Ordinance, 1953[l],</p> <p>(b) necessary to prevent or abate a nuisance, or</p> <p>(c) required to enable a person to implement any planning permission except for an outline permission.</p>	<p>Specify that the cutting down of any tree must be done outside of the bird breeding season of March to July.</p>
<p>7.4: Cutting down etc. of trees to prevent obstruction of a highway or to ensure safe and efficient use for civil aviation purposes.</p> <p>The cutting down, uprooting, topping, lopping or pruning of any protected tree to the extent that such action is necessary -</p> <p>(a) to prevent obstruction of a highway, or</p> <p>(b) to ensure the safe and efficient use for civil aviation purposes of any land, structures, works or apparatus.</p>	<p>No change</p>
<p>7.5: Cutting down of certain species of trees.</p> <p>The cutting down, uprooting, topping, lopping or pruning of a tree of any of the following species which is a protected tree by virtue of being one of a group or area of</p>	<p>No change</p>

<p>trees or woodlands in relation to which a tree protection order has been made –</p> <p>(a) X Cupressocyparis leylandii (Leyland Cypress),</p> <p>(b) Chamaecypris nootkatensis (Nootka Cypress), or</p> <p>(c) Cupressus macrocarpa (Monterey Cypress),</p> <p>provided that such operations do not cause any significant damage to any other tree, not of any of such species, which forms part of that group or area of trees or woodlands.</p>	
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5.28 Class 8 – Signs and Advertisements

Table 10 – Proposed changes to Class 8 Exemptions

Existing exemption in full	Proposed changes
<p>8.1: Contractors signs.</p> <p>Temporary display of a contractor's signboard on a building or site where the contractor is currently engaged in building or other works provided that -</p> <p>(a) any planning permission required under the Law for those works has been granted,</p> <p>(b) there is only one such signboard on the building or site,</p> <p>(c) the signboard is not internally illuminated,</p> <p>(d) the signboard is removed upon completion of the works.</p>	<p>All exemptions remain the same as the existing unless noted as changed or superseded by proposed changes. Unless specified, exemptions do not apply to Protected Buildings or Protected Monuments. New exemptions will apply within Conservation Areas and Sites of Special Significance (SSS) unless specified otherwise.</p> <p>Clarify that exemption also applies to works that are exempt.</p>

<p>8.2: Nameplates. Display on a building of a nameplate identifying any individual, company or firm carrying on a trade, business or profession in or from that building provided that-</p> <p>(a) the trade, profession or business concerned is not being carried on in contravention of the Law,</p> <p>(b) the nameplate is not internally illuminated,</p> <p>(c) the size of the nameplate, measured in any dimension, does not exceed 60 centimetres.</p>	<p>Broaden to allow name plates to be inserted on the boundary of a site, such as on a fence or wall on a boundary, but not where that boundary comprises of a hedge or earth bank and provided it is not free standing.</p>
<p>8.3: Signs for charity and public events. Temporary display of a sign advertising, or giving directions to the location of, a charity or public event provided that –</p> <p>(a) the sign is not illuminated, either internally or by external illumination,</p> <p>(b) the sign is not displayed for more than 2 weeks prior to the date of the event,</p> <p>(c) the sign is removed immediately after the event has ended,</p> <p>(d) in the case of any banner displayed across a street in St. Peter Port or St. Sampson, the sign does not include any commercial advertising material.</p>	<p>Increase the time period for allowing the displaying of sign prior to the event and clarify the time period in which it must be removed after the event has ended.</p> <p><i>NB. The Authority is considering a period of 4 weeks prior to and 1 week after the event.</i></p>

<p>8.4: Election signs.</p> <p>Temporary display of a sign, including on or within the curtilage of a protected building or a protected monument, which –</p> <p>(a) promotes a candidate at, or the subject matter of which is otherwise in connection with, an election for any States or Parish office and which is displayed during the period immediately preceding the election, or</p> <p>(b) promotes a campaign in relation to a question to be asked at a referendum to be held in Guernsey pursuant to an enactment, or the subject matter of which is otherwise in connection with such a referendum, and which is displayed during the period immediately preceding the referendum."</p>	<p>No change</p>
<p>8.5: Signs advertising garden produce.</p> <p>Display within the curtilage of a dwelling-house, including where such house or its curtilage is, or is within the curtilage of, a protected building or a protected monument of one sign advertising the sale of produce grown, otherwise than on a commercial basis, within the curtilage of the dwelling-house provided that -</p> <p>(a) there is only one such sign within the curtilage,</p> <p>(b) the size of the sign does not exceed 60 centimetres measured in any dimension.</p>	<p>No Change</p>
<p>8.6: Repainting or replacement of existing signs.</p> <p>Repainting or replacement of an existing sign provided that -</p> <p>(a) the sign, as repainted or replaced, is not internally illuminated,</p>	<p>No change</p>

<p>(b) the overall size and location of the sign is not altered as a result of the repainting or replacement.</p>	
<p>8.7: Terre à l'amende signs. Display of a terre à l'amende sign on a wall or a building provided that-</p> <p>(a) the Royal Court has granted an application, in respect of the land in question, for notices to be published in La Gazette Officielle to the effect that the land is terre mis à l'amende,</p> <p>(b) the sign is not illuminated, either internally or by external illumination,</p> <p>(c) the size of the sign, measured in any dimension, does not exceed 60 centimetres.</p>	<p>Broaden to allow the sign to be displayed on a fence.</p>
	<p>NEW: 8.8: Heritage signs and interpretation boards</p> <p>Allow within curtilage of protected monuments or buildings as well as non-protected buildings non-illuminated signage displaying information in relation to the building or site to which it relates.</p> <p>Limit height from ground if ground mounted and where on a building or other structure limit the size permitted.</p> <p><i>NB. the Authority is considering dimensions of 1.2m high where ground mounted and 1m x 1m where mounted on a building or other structure.</i></p>

	<p>NEW: 8.9: Erection of signs within an existing fascia board</p> <p>Allow signage within an existing fascia board on a building or other structure but where erected in conservation areas or on, or within the curtilage, of a pre-1900 buildings any sign must consist of individual letters or be painted.</p> <p>Signs must be non-illuminated and not located above first floor level.</p>
	<p>NEW: 8.10: Internally applied signage to a glazed area</p> <p>Allow on a protected building but limit the glazed area to be covered.</p> <p><i>NB. the Authority is considering no more than 25% of a glazed area to be covered.</i></p>
	<p>NEW: 8.11: Installation of temporary art installations</p> <p>Allow temporary installations for a specified period and limit height of any structure from ground level.</p> <p>Not permitted within a SSS</p> <p>Clarify that an installation must not be illuminated.</p> <p>The siting must not obstruct traffic or pedestrian flows and must not contain advertising.</p> <p><i>NB. the Authority is considering a maximum period of 20 weeks for an installation and that it be no more than 2m in height.</i></p>

	<p>NEW: 8.12: Electric car charging signs</p> <p>Erection of a sign indicating car charge points erected on a wall, fence, pole, gate or building, including where such a building or its curtilage is, or is within the curtilage of a protected building.</p> <p>Excludes sites within an SSS.</p> <p>limit the size to 60 cms x 60 cms, require them to be non-illuminated, not sited more than 1.2m above ground level if pole mounted and not used for advertising.</p>
	<p>NEW: 8.13: Parish signs</p> <p>Allow the erection or replacement of signage by the Douzaine within their own parish that is in connection with Douzaine related activities and where sited on land owned by the Douzaine, except where that site is within an SSS. Signage must be no larger than 1m x 1m, non-illuminated and where mounted on a pole no more than 1.5m from ground level. Signage must not obstruct vehicle or pedestrian movements or be used for advertising.</p> <p>Redundant signage to be replaced must be removed.</p>

5.29 Class 9 – Retail and Administration, Financial and Professional Change of Use

Table 11 – Proposed changes to Class 9 Exemptions

Existing exemption in full	Proposed changes
<p>9.2: Changes from use as an office to use for temporary re-location in emergency. Change in the use of any land, including of any land which is, or is within the curtilage of, a protected building or protected monument, from an existing use within use class 16 (use as an administrative office) to a use within use class 17 (temporary re-location of administrative office in emergency).</p>	<p>No Change</p>
	<p>NEW: 9.2: Change of use from/to convenience retail in Use Class 9 of the Use Classes Ordinance from/to general retail in Use Class 10 of the Use Class Ordinance in Main Centre Inner Areas Only</p> <p>Allow within the Main Centre Inner Areas, as defined in the IDP, a change from or to convenience retail, from or to general retail use.</p>

	<p>NEW: 9.3: Change of use from a hot food take away in Use Class 12 of the Use Classes Ordinance to a use for food Use Class 11 of the Use Classes Ordinance in Main Centre Inner Areas Only</p> <p>Allow within the Main Centre Inner Areas, as defined in the IDP, a change from hot food take away to food use.</p>
	<p>NEW: 9.4: Change of use of upper floor retail or office to a residential flat</p> <p>Allow within the Main Centre Inner Areas and the Main Centre Outer Areas, as defined in the IDP, a change of use of upper floors of buildings above street level currently used as offices or retail, or purposes ancillary thereto, to be changed to a residential flat providing that no physical works are required and the residential unit accords with DCLG standards.</p> <p>The Planning Service should be notified of the change within a specified period.</p> <p><i>NB. The Authority is considering a notification period of 1 month.</i></p>

5.30 Class 9A – Temporary Visitor Accommodation Change of Use

Table 12 – Proposed changes to Class 9A Exemptions

<p>9A.1: Temporary change of use from a visitor economy use to certain residential uses</p> <p>(1) Change in the use of any land, including of any land which is, or is within the curtilage of, a protected building or a protected monument, from an existing use</p>	<p>No change, however, the Authority has submitted a separate Policy Letter and Propositions, recommending an extension of the current temporary exemption in Class 9A for certain changes of use of visitor accommodation - please see paragraph 6.11 below.</p>
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<p>falling within use class 7 (use as serviced visitor accommodation) or use class 8 (use as non-serviced visitor accommodation) to a use within use class 1 (dwelling house), use class 2 (flat) or use class 5 (use of part of dwelling for business purposes) provided that –</p> <ul style="list-style-type: none"> a) The change of use is one which occurs in the period starting on 25th March 2020 and ending on the 31st December 2021, b) The land reverts to its previous lawful use, immediately before the 25th March 2020, on or before the 31st January 2022, c) The owner or occupier of the land notifies the Authority in writing of the date the change of use occurred and of the matters in subparagraph (2) – <ul style="list-style-type: none"> (i) Where the change of use has occurred before 1st April 2021, by the 21st April 2021, or (ii) Where the change of use occurs after the 1st April 2021, within 21 days of the date of the change of use <p>(2) The notification referred to in subparagraph (1)(c) must include</p> <ul style="list-style-type: none"> a) The name and address of the land, b) Brief particulars of the use within use class 1, use class 2 or use class 5 to which the use of the land has changed, and 	
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<p>c) The expected duration of the use to which the use of the land has changed</p>	
<p>9A.2: Exemption for changes of use from certain residential uses to a visitor economy use</p> <p>Change in the use of any land, including of any land which is, or is within the curtilage of, a protected building or protected monument, from a use within use class 1 (dwelling house), use class 2 (flat) or use class 5 (use of part of dwelling for business purposes) to a use falling within use class 7 (use as non-serviced visitor accommodation) where the change of use is to revert to the previous lawful use immediately before 25th March 2020 in compliance with the proviso in item (b) of paragraph 1(1).</p>	<p>No change, however, the Authority has submitted a separate Policy Letter and Propositions, recommending an extension of the current temporary exemption in Class 9A for certain changes of use of visitor accommodation - please see paragraph 6.11 below.</p>
	<p>NEW 9A. 3: Change of use from/to Self-catering accommodation falling within use class 7 from/ to Residential use class 1 (dwelling house)</p> <p>Allow change from or to use for self-catering accommodation from or to use as a dwelling-house.</p> <p>Conditions will be imposed/the exemption drafted to –</p> <ul style="list-style-type: none"> • apply in relation to a protected building or a protected monument or buildings within the curtilage of the same, • require that the part converted to residential use as a dwelling-house forms part of the original house and comprises no more than 2 self-catering units

	<ul style="list-style-type: none"> • The self-catering units to be lost or created must have a valid boarding permit at the time of the change of use • The Planning Service must be notified of the change within a specified period. <p><i>NB. The Authority is considering a notification period of 1 month from the change of use.</i></p>
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5.31 Class 10 – Demolition

Table 13 – Proposed changes to Class 10 Exemptions

Existing exemption in full	Proposed changes
<p>10.1: Demolition of a shed, glasshouse, temporary or garden structure, fence, gate or exempt structure. The demolition of any shed, freestanding glasshouse, temporary structure, garden structure, fence, gate or exempt structure provided that-</p> <p>(a) the structure is not substantially constructed before 1900,</p> <p>(b) the demolition work would not create a vehicular access to premises,</p> <p>(c) in the case of partial demolition, the remaining structure is made good,</p> <p>(d) the structure to be demolished is not a wall or an earthbank which forms a field boundary or adjoins a highway,</p>	<p>All exemptions remain the same as the existing unless noted as changed or superseded by proposed changes. Unless specified, exemptions do not apply to Protected Buildings or Protected Monuments. New exemptions will apply within Conservation Areas and Sites of Special Significance (SSS) unless specified otherwise.</p> <p>Widen the exemption so that it applies to those structures for which planning permission has been granted or to unlawful structures removed as a result of a Compliance Notice.</p> <p>Clarify that this exemption does not relate to earth banks or hedging which cannot be removed without permission although new exemptions are proposed for removal of hedges</p> <p>Add condition requiring that any waste resulting from demolition must be recycled or disposed of appropriately and not retained on site.</p>

<p>(e) the structure to be demolished is not within a site of special significance, and in this paragraph "exempt structure" means a structure or other feature the erection, creation or installation of which would be exempt development pursuant to this Schedule.</p>	
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5.32 Other Provisions in the Ordinance to change

Table 14 – Existing provisions to change

<p>Existing Provision (Section 1 of the Ordinance)</p>	<p>Proposed changes</p>
<p>Exempt development.</p> <p>1. (2) The proviso referred to in subsection (1), is that the total area of ground within the curtilage of the dwelling-house, covered by development falling within any one or more of-</p> <p>(a) paragraphs 9 to 14 (porch, extension, garden structure, shed, glasshouse, garage or other outbuilding), and</p> <p>(b) paragraph 19 (swimming or other pool),</p>	<p>All exemptions remain the same as the existing unless noted as changed or superseded by proposed changes. Unless specified, exemptions do not apply to Protected Buildings or Protected Monuments. New exemptions will apply within Conservation Areas and Sites of Special Significance (SSS) unless specified otherwise.</p> <p>Broaden the provision to apply to hard surfaced areas, and external steps and increase overall total areas of curtilage allowed to be developed.</p> <p>Adapt as necessary in relation to any additional development proposed to be added to the paragraphs of Class 1 referred to in (2)(a) of (b) of this section.</p>

<p>of Class 1 to the Schedule (development within the curtilage of a dwelling-house), including that to be constructed, does not exceed 50% of the total area of the curtilage (excluding the ground area of the dwelling-house as it was originally constructed).</p>	
<p>Interpretation and construction</p> <p>2. (1) In this Ordinance, unless the context requires otherwise –</p> <p>“dwelling-house” does not include –</p> <ul style="list-style-type: none"> (a) a flat or a maisonette or a building containing one or more flats or maisonettes, or (b) any building which was originally constructed, adapted for use or is used, as self-catering holiday accommodation, <p>“non-domestic building” means a building which is not, and is not within the curtilage or, a dwelling-house</p>	<p>Remove proviso (b) in the definition of ‘dwelling-house’</p> <p>Amend the definition of ‘non-domestic building’ to mean a building which is not used for residential purposes falling within use classes 1 to 6 (inclusive) of The Land Planning and Development (Use Classes) Ordinance, 2017.</p>

6 Proposed new class – Class 11: Visitor Accommodation

- 6.1 In addition to the proposed changes mentioned above, the Authority is also recommending a further new exemption regarding the change of use of visitor accommodation following discussions with the Committee *for* Economic Development (“CfED”).
- 6.2 The visitor accommodation sector has been severely impacted by the pandemic.

Business support measures were put in place and policy changes were agreed by the States to help as many businesses in the visitor accommodation sector as possible to survive the pandemic and be in as healthy a position as is possible to welcome visitors to the Island. The current temporary exemption for a change of use of visitor accommodation in Class 9A to certain residential uses allows a temporary change of use to certain residential uses, to assist the sector, but requires the use to revert back to visitor accommodation at a specified date.

- 6.3 The business support measures put in place and the temporary exemption in Class 9A were designed to help existing businesses survive the pandemic, but these measures are not relevant for the visitor accommodation sites that have in effect been redundant prior to the pandemic. Therefore, the Authority is proposing a further exemption to provide a time-limited opportunity for buildings on specific visitor accommodation sites to change use to certain residential uses without the requirement for a planning application to be made.
- 6.4 The primary aim of the exemption is to enable a select group of longstanding in effect redundant and derelict sites with no prospect of being developed as visitor accommodation, and that no longer add value to the tourism industry, to be brought back into use for an economic or social positive gain. Some of these sites have laid dormant for many years and detract from the attractiveness of Guernsey.
- 6.5 The exemption will allow for the change of use of an existing hotel, self-catering unit or guest house located on a visitor accommodation site (currently falling within Use Classes 7 and 8) to residential units (falling within Use Classes 1-4) in circumstances where the premises has been without a valid boarding permit since 31 December 2020 and has not been actively promoted as part of the active visitor accommodation bed stock.
- 6.6 The exemption is only in relation to the change of use and would not permit any physical alteration or changes to the building/s concerned which would require planning permission in the normal way (unless otherwise exempt). Building control approvals would also be required.
- 6.7 The exemption would operate for a limited period of two years from the date of coming into effect. At the end of that period, the effect of the exemption will be reviewed to ensure that there is no longer-term impact on the visitor economy.
- 6.8 Following consultation with the CfED, the exemption would apply to the following visitor accommodation sites only:

Table 15 – Use Class 11 Visitor Accommodation Sites

Hotels	Guest Accommodation	Self-catering
Bon Port	La Roche	La Brigade Farm
Forest Park	Rouvets Farm	Wisteria
L'Eree Bay		Mille Fleur
Sunnydene		
Idlerocks		

- 6.9 The approval of the Authority would be required in relation to impacts on highway safety and neighbourhood amenity arising from the change of use proposed as allowed under section 28(2) of the Land Planning and Development (Guernsey) Law, 2005. It is proposed that the submission of plans that are drawn to a suitable specified scale and which accurately describe the site and proposal would be required for such an approval. If the Authority does not give such approval the exemption would not apply and the proposal must be subject of a formal application for planning permission.
- 6.10 It is likely that a refusal to approve would only be made where the Authority is of the opinion that the change of use is likely to have significant adverse effects on highway safety or neighbour amenity as set out in section 13(e) and (i) of the Land Planning and Development (General Provisions) Ordinance, 2007. However, the Authority will need to consider the full facts when the application for approval is made. There would be a right of appeal against such a refusal under section 68(1)(f) of the Land Planning and Development (Guernsey) Law, 2005.
- 6.11 The Authority has submitted a separate Policy Letter and Propositions, recommending an extension of the current temporary exemption in Class 9A for certain changes of use of visitor accommodation, enabling providers to offer certain longer-term residential accommodation to non-visitors without requiring planning permission. That Policy Letter specifically addresses the impact of the pandemic on the tourist economy and current recruitment challenges within the sector and proposes that the temporary exemption which is due to expire in December is extended to the end of 2022.
- 6.12 The proposed new exemption is detailed below.

Table 16 – Proposed new exemption under Class 11 – Visitor Accommodation

<p>NEW 11.1: Change of use from specified visitor accommodation site to certain residential uses</p>	<p>Allow change of use for redundant buildings on specific visitor accommodation sites to residential use within use classes 1 to 4</p> <p>The change of use must be made within two years of this exemption coming into effect.</p> <p>The exemption applies only to the following sites:</p> <ul style="list-style-type: none"> • Bon Port Hotel • Forest Park Hotel • L'Eree Bay Hotel • Sunnyside Hotel • Idlerocks Hotel • La Roche Guest Accommodation • Rouvets Farm Guest Accommodation • La Bridgade Farm (Self-catering) • Wisteria (Self-catering) • Mille Fleur (Self-catering) <p>The exemption applies to change of use only and does not include any physical alterations.</p> <p>The exemption is subject to approval by the Authority in relation to impacts of the change of use on highway safety and neighbourhood amenity.</p>
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7 Engagement undertaken

- 7.1 The Authority recognised that not only would the proposed changes have an impact on the industry generally, but that working with subject matter experts to develop the exemptions would be extremely valuable to ensure that the proposed changes are appropriate and allow for technical developments.
- 7.2 Two separate consultation exercises have been undertaken, one for the

proposed new Class 11 exemption and one for the remaining, wider proposed changes and additions. The wider consultation exercise included all States' Members, Douzaines and technical and industry specialists.

7.3 The following Committees were also consulted with as some of the proposed changes and additions will impact their mandated responsibilities:

- The Committee *for* Economic Development
- The Committee *for* Education, Sport & Culture
- The Committee *for* Employment & Social Security
- The Committee *for the* Environment & Infrastructure
- The Committee *for* Health & Social Care
- The Committee *for* Home Affairs
- The Policy & Resources Committee
- The States Trading Supervisory Board

7.4 The feedback received from Committees was positive overall, and supportive of the proposed changes. The Policy & Resources Committee noted that Town Centres should not suffer by discouraging people from visiting the town centres which would severely impact on businesses and put forward additional exemptions and minor changes to others. It is considered that by including the changes proposed there is a balance achieved between allowing flexibility and encouraging reuse of buildings within town centres.

7.5 The Committee *for* Education, Sport & Culture raised concerns over the proposed changes in relation to defibrillators and heritage/interpretation signs on protected buildings and were of the view that both still needed to be controlled. In this respect and in light of correspondence from other Committees and external stakeholders, coupled with the likely favourable outcomes of applications submitted for these types of development, it was considered that the concerns of the CfES&C could be appropriately managed through the conditions attached to the relevant exemption.

7.6 Following the feedback from the Committee *for* Home Affairs, a new exemption regarding the erection of signage for CCTV has been included as it is necessary for data protection purposes.

7.7 A number of changes were made following the detailed response from the Committee *for the* Environment & Infrastructure. The height of fencing and earthbanks where facing a roadside boundary has been amended to have a maximum height of 90cms as concern over visibility splays and traffic safety were raised. The size of traffic mirrors has also been reduced back to the current limits following feedback, and definitions of street furniture and landscape features have also been added to the proposed exemption.

- 7.8 11 Deputies responded outside of the Committee consultation process. The majority of responses were positive and welcomed change. However, comments were raised regarding the inefficiencies of wind turbines; the placing of caravans; proposed height increases of domestic structures; the encouragement of the use of recycled materials and the opportunity to deter the use of artificial grass was welcomed.
- 7.9 A meeting with Douzaine representatives was held, with 7 out of 10 parishes represented. Forest, Torteval and St Martins were unrepresented although an email response from St Martins was received subsequently which supported the proposals. Parish representatives raised concerns over the proximity to boundaries of some structures and development, the insertion of glazing adjacent to boundaries and heights of fences where not facing a highway. In addition, representatives were of the view that the Class 5 Exemptions relating to development by the States and Public Utility providers should not be extended to the level proposed as it would remove the opportunity for Douzaines to comment on proposals.
- 7.10 A meeting was held with representatives from the renewable energy industry, where 3 of the 4 renewable energy companies were present. The meeting was beneficial and enabled the industry to feed in their specialist knowledge to the exemptions. Suggestions were made on how to test noise levels and other amendments to future proof for new developments. Suggestions were also made on how to secure competency and limit negative impacts on visual amenity using solar products.
- 7.11 6 responses were received from external stakeholders including industry representatives and specialists. Concerns were raised from La Société Guernesiaise in relation to expanding exemptions to include Protected Buildings and the impact of changing ground levels, but the remaining stakeholders welcomed the new exemptions and believe they will assist their business areas.
- 7.12 Responses were received from 8 agents, these being professionals who regularly submit development applications on behalf of their clients. One responder was of the opinion that widening the scope of exemptions would result in the planning service losing control over development, but the remaining 7 responses were positive and encouraging.
- 7.13 The Cardiac Action Group raised concerns that if the installation of defibrillators fell under a planning exemption, they may not be installed correctly or managed appropriately. However, the Authority was of the view that it would be inappropriate for the exemption to be applied to one specific organisation and that it is the responsibility of the individual or company purchasing the device to ensure it is installed and managed appropriately.

- 7.14 The majority of feedback received from the consultation process has been incorporated into the proposed changes and additions. Suggestions that were not in line with the States of Guernsey's strategic aims or the Authority's ambition to improve the efficiencies within the planning service whilst improving the customer experience have not been incorporated.
- 7.15 In relation to the proposed new Class 12 exemption, the Authority undertook a separate consultation exercise with States' Members, visitor accommodation establishments, the Guernsey Hospitality Association, the Chamber of Commerce and the Institute of Directors.
- 7.16 The majority of respondents supported the proposed exemption, with many within the industry requesting that the exemption is broadened to apply to all visitor accommodation properties and not be limited only to those specific premises listed above.
- 7.17 Although additional residential units on previously developed land, rather than new sites, will be beneficial for the current housing market, this is not the justification for implementing the exemption. The aim is to enable derelict visitor accommodation sites to be brought back into use for an economic or social positive gain and without any potential negative impact on the visitor accommodation sector. Therefore, the proposed exemption has not been widened.

8 Conclusion

- 8.1 The proposed changes will align the Land Planning and Development (Exemptions) Ordinance, 2007 to the Island Development Plan, allowing development to be carried out more easily across the Island. The amendments will also result in a reduction of planning applications required in circumstances where they would have been likely to be approved by the Authority under the current policy direction. Not only will this improve the customer experience but enable the Planning Service to be more efficient and direct more resource into service improvements and delivery. Efficiencies across the wider States' organisation will also be recognised as exempt development undertaken by the States and Public Utility Providers is broadened.

9 Compliance with Rule 4

- 9.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.

- 9.2 Rule 4(1)(a) concerns whether, and how, Propositions contribute to the objectives and policies of the States of Deliberation. In accordance with Rule 4(1)(a), the Propositions align with the Government Work Plan priority to enable opportunities for regeneration and support the community and economy in response to the COVID-19 pandemic.
- 9.3 Rule 4(1)(b) concerns what joint working or consultation has taken place with Committees or relevant stakeholders. As set out in section 7, the Authority has consulted with:
- The Policy & Resources Committee;
 - The Committee *for* Economic Development;
 - The Committee *for* Education, Sport & Culture;
 - The Committee *for* Employment & Social Security;
 - The Committee *for the* Environment & Infrastructure;
 - The Committee *for* Health & Social Care;
 - The Committee *for* Home Affairs;
 - The States Trading Supervisory Board;
 - All States' Members; and
 - External industry specialists.
- 9.4 In accordance with Rule 4(1)(c), the Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications.
- 9.5 In accordance with Rule 4(1)(d), the Authority does not anticipate any financial implications for the States of Guernsey as a result of the Propositions.
- 9.6 In accordance with Rule 4(2), the Propositions relate to the duties of the Authority to advise the States on land use policy and to develop and implement land use policies through relevant instruments. It is confirmed that Propositions 1 and 3 within this Policy Letter have the unanimous support of the Authority. Proposition 2 has the majority support of the Authority. Deputy Taylor does not support Proposition 2.

Yours faithfully

V S Oliver
President

A W Taylor
Vice-President

J F Dyke
A Kazantseva-Miller
R C Murray

The President
Policy & Resources Committee
Sir Charles Frossard House
La Charroterie
St. Peter Port
Guernsey
GY1 1FH

8th November 2021

Dear Deputy Ferbrache,

**Development & Planning Authority Propositions and Policy Letter: Review of The Land
Planning and Development (Exemptions) Ordinance, 2007**

Preferred date for consideration by the States of Deliberation

In accordance with Rule 4(3) of the Rules of Procedure of the States of Deliberation and their Committees, the Development & Planning Authority requests that the Propositions be considered at the States' meeting to be held on 15th December 2021.

The proposed changes will align the Land Planning and Development (Exemptions) Ordinance, 2007 to the Island Development Plan, allowing development to be carried out more easily across the Island. The amendments will also result in a reduction of planning applications required in circumstances where they would have been likely to be approved by the Authority under the current policy direction. Not only will this improve the customer experience but enable the Planning Service to be more efficient and direct more resource into service delivery and improvements. Efficiencies across the wider States' organisation will also be recognised as exempt development undertaken by the States and Public Utility Providers is broadened.

The Planning system is a fundamental tool for enabling the Island to recover from the COVID-19 pandemic, with a number of workstreams within the Government Work Plan involving development. The proposed changes to the Exemptions Ordinance will remove unnecessary red tape for the whole community, but specifically the States and Public Utility providers through Class 5, where ordinarily the proposals would be consistent with planning policy and other material considerations under the Law.

In drafting its Policy Letter, the Authority has consulted with:

- The Policy & Resources Committee;
- The Committee *for* Economic Development;
- The Committee *for* Education, Sport & Culture;
- The Committee *for* Employment & Social Security;

- The Committee *for the* Environment & Infrastructure;
- The Committee *for* Health & Social Care;
- The Committee *for* Home Affairs;
- The States Trading Supervisory Board;
- All States' Members; and
- External industry specialists.

Although the Policy Letter may appear somewhat complex and lengthy, the policy principles proposed are, in fact, generally straightforward. Given this and the extensive consultation undertaken by the Authority, I hope that the Policy & Resources Committee will support the Authority's request that the Propositions be considered at the States' meeting to be held on 15th December 2021.

Yours sincerely

A handwritten signature in black ink, appearing to be 'V. Oliver', followed by a long horizontal line extending to the right.

Deputy Victoria Oliver
President, Development & Planning Authority