

PlanForum

Guernsey's Planning Agents' Forum
Meeting held Wednesday 25 May 2022 at **Sir Charles Frossard House**

NOTES OF THE MEETING

Planforum *Members in attendance:*

David Aslett, States' Property Service
Andre Bisson, A7 Design
Tom Bourgaize, The Drawing Room
Jill Bray, Courtillet Design
Chris Crew, Collas Crill
Charlie Hodder, PF+A
Rachel Jones, Carey Olsen
Andrew Merrett, Lovell Ozanne & Partners
Rob Le Page, R W Le Page
Stuart Pearce, CCD
David Radford, DLM Architects
Rachel Rogers, The Drawing Room
Rowland Tyson, Guernsey Water
Oliver Westgarth, Studio

From the States of Guernsey:

Jim Rowles, Director of Planning
Claire Barrett, Director of Infrastructure and Environment
Jayne Roberts, Development Control Manager
Andy Mauger, Building Control Manager
Alun White, Principal Conservation and Design Officer
Simone Whyte, Principal Forward Planning Officer

Apologies:

Carl Foulds, Direct Architectural Services
Alastair Hargreaves, Ferbrache & Farrell LLP
Chris Lovell, Lovells

The meeting commenced at 10:00hrs

1. General Update

The Director of Planning opened the meeting and welcomed all present.

No matters arising from the last meeting were raised.

- Digitisation

The Director of Planning advised that the Digitisation project for Planning and Building Control was currently paused due primarily to product development issues with the supplier. It was hoped that these would be resolved soon and further updates would be provided in due course.

- Customer Hub

The Director of Planning advised that the Planning Service Technical Support Team were in scope for inclusion in the new Customer Hub located at Edward T Wheadon House and could be moving as part of Phase 2 of that project in September 2022, joining Traffic & Highway Services who would move as part of Phase 1 on 13 June. However, as this would depend on progress with the currently paused Digitisation project, this move could also be delayed until further progress with that project had been made.

2. Policy & Environment – update and discussion

- Development Agency & Harbour Action Areas – update

The Director of Infrastructure and Environment explained the remit of the Development Agency which was currently at the recruitment stage and that it was moving at pace. She explained the inter-relationship between the Development & Planning Authority (D&PA), the Development Agency (DA) and the States, explaining that the first task for the DA was to draft a strategic direction for States' consideration before starting to develop a delivery plan. All this would need to be consistent with the approach to the Harbour Action Area Local Planning Briefs (LPBs) so close liaison with Planning would be essential. It was anticipated that the D&PA would commence work on the LPBs in January 2023 with delivery being 18 months (or sooner if possible) from the States' decision on the Future Commercial Port requirements, which should be by the end of 2022, but also dependent on States' agreement to the strategic direction proposed by the DA. Some data gathering for the LPBs had already commenced.

- IDP Review

The Principal Forward Planning Officer explained that the Island Development Plan (IDP) would be reviewed starting in Quarter 1 of 2023. The D&PA Committee were keen for the Plan to be reviewed within this political term (i.e. by 2025). To help ensure this was achieved, the D&PA argued for and it was agreed that the project be recognised in the latest update of the Government Work Plan (GWP).

The D&PA had also considered the approach to the IDP review. There was a certain group of issues that were being frequently raised or were highlighted by monitoring, e.g. housing including land supply, Affordable Housing (GP11); employment land supply, the policy approach to agricultural land including the

concern over loss of land to domestic curtilage; importance of protecting and increasing biodiversity; ensuring sufficient breathing space within the Main Centres, infrastructure and public amenity issues. To reflect that there were only certain areas of concern, to ensure effective use of resources and to achieve the Plan Review within the current political term it was proposed that the Plan Review be a focused project and not a full new plan but rather an update of the IDP.

The Principal Forward Planning Officer explained that the Plan Review process would be the same as for the IDP itself. Some research and consultation would be undertaken prior to drafting the plan amendments, then the draft amendments would be published and an Inspector appointed who would invite comments from everyone. An Inquiry hearing would be held and run by the Inspector to consider the issues raised. The Inspector would submit their report with any recommendations for changes to the draft planning policy and this, along with the draft plan amendments and any further changes recommended by the D&PA would be set out in a Policy Letter to the States. The States would then debate the matter and decide whether to approve/amend or reject the proposed changes. If the States' decision was to approve the changes, then they would have immediate effect.

The D&PA Committee expected to agree the scope for the IDP Review towards the end of 2022. Officers will then look to engage with agents and other stakeholders on the scope at the start of 2023. The importance of having meaningful discussion on the issues included within the scope was emphasised and agents were encouraged to engage with the IDP review and raise any additional issues at this early point in the project, rather than later. Officers highlighted that the more issues there were, the less likely it would be that the review would be completed within the proposed timeframe and therefore there should be focus on key issues.

Agents indicated broad support for the concept of a focussed review. An agent enquired whether Development Frameworks would fall within the scope of this review. Officers responded that although some steps had already been taken around the requirement for Development Frameworks, the topic was a good example of an area to consider within the scope of the review.

An agent queried whether the review could involve changes to policy to allow further scope for residential development Outside of the Centres and it was confirmed that this was not likely given the spatial strategy set out in the Strategic Land Use Plan (2011), with which the IDP had by Law to be consistent. Agents also sought further explanation on the issue of 'breathing spaces' within Main Centres and this was clarified to include reviewing Important Open Land within Main Centres and possibly could include depending on the requirements for future housing a review of boundaries for the Centres.

Officers reiterated that work on the project would start towards the end of 2022 when the draft of the scope would be prepared and then consultation with agents and other stakeholders would be likely to occur around January/February 2023. It would be at this point that agents would be asked for their views.

The Director of Infrastructure and Environment explained that alongside the review of the IDP, the D&PA would be looking at options for streamlining the Plan-making process, particularly regarding amendments to policies during the life of a Plan. There was general agreement by agents that this was a good thing to consider.

- Update on States' Strategic Housing Indicator (SSHI)

The Principal Forward Planning Officer explained that the States had reviewed and forecasted housing requirements for the Island every 5 years since 2000. Usually, this work involved commissioning an external consultant to prepare the modelling and report. However, concerns had grown among Deputies over the approach taken in the modelling and, for example, the inclusion of aspirational need. KPMG undertook the last modelling and forecasting for housing in 2017. Based on this report, the States reduced the Strategic Housing Indicator down from 300 units per year to 127 units a year (plus/minus 10%).

In response to the concerns raised, a project team of Officers from across relevant service areas was established to investigate the most suitable option for Guernsey to undertake future modelling and forecasting of housing requirements. An internal model had been developed which was tailor made for Guernsey but based on best practice in other jurisdictions. An internal model brought advantages that the States could 'get behind' the data, update annually rather than every 5 years and could be more responsive to any significant changes in the future. This model was based on the current population forecasts of plus 100 per year. A concurrent project was reviewing population management and investigating whether this level of net migration (100 plus a year) remained appropriate for the future. It was anticipated that a policy letter on this issue would be debated by the States in September 2022. The States' decision on this would be considered and inform the SSHI. The Committee *for the* Environment & Infrastructure held the mandate for housing policy and were expecting to bring a policy letter to the States in October 2022 on the SSHI. The new SSHI would then inform the IDP review and assessments over the existing housing land supply.

- GWP – work streams with planning involvement

The Director of Infrastructure and Environment referred to the following GWP work streams that involved Planning –

- Guernsey Enterprise Plan options - particularly around enterprise zones and other land use policy mechanisms focussed on regeneration areas
- States' Strategic Housing Indicator (SSHI)
- Development Agency and strategic direction
- Harbour Action Area LPBs
- Future use of Les Vardes Quarry for water or inert waste
- Supporting Planning Inquiry for Longue Hougue South inert waste site if this progresses after States' decision on Les Vardes

- Options for improving energy efficiency standards for buildings
- Review of the winter fuel allowance – linked to the above point

3. Development Management - update and discussion

- Staffing matters

The Development Control Manager provided an update on staff movements and recruitment to fill Planning Officer and Senior Planning Officer vacancies within the team. She noted that application caseloads were very high and included several major schemes, and that it was vital to use the limited resources effectively.

- Validation challenges from ours and your perspective

The Development Control Manager asked agents to please check their submissions carefully to eliminate simple mistakes that caused unnecessary delays in the validation process. Some agents questioned the proportionality of some validation requests which they felt was a delaying tactic and asked for more discretion on minor matters and to be phoned or emailed rather than written to over small issues which could be quickly resolved. It was noted however that audit trails for requests were still required and if agents did not respond promptly this would result in delay. It was recognised that the Authority was seeking to raise the quality of submissions and ensure consistency of approach.

- Using resources wisely - Ideas and solutions from a private perspective/what's important to you?

The Development Control Manager explained that the focus for the team was on dealing with planning applications and pre-application enquiries but that there were increasing demands on Officer time from agents asking that their work be pre-checked prior to submission, to determine fees and to query pre-application advice and advice on deferral of applications which was set out clearly in letters. Agents agreed that the focus should remain primarily on dealing with planning applications and pre-applications in a timely manner.

There was discussion around the value of pre-application enquiries with a variety of views expressed by agents. Overall, the value was recognised where the key issues were significant but it was acknowledged that they should not be used for simple queries which could generally be answered by reference to the IDP.

Officers raised the issue of minor amendments, which required significant resources within the Planning Service to deal with. Generally, agents agreed that these tended to dilute the quality of approved schemes and there was broad support for resisting such amendments.

- Exemptions update

The Development Control Manager provided an update on progress with the new and extended planning Exemptions which had been agreed in principle by the States in December 2021. Legal drafting was ongoing and it was hoped that the Exemptions would be in force later in 2022.

4. Building Control - update and discussion

- Interim amendment to GTS B2

The Building Control Manager advised that an interim amendment was to be made to GTS B2 'Fire Safety'. The current requirement was that for any flats/apartments with a floor height 30m or more above ground level, it was required that the entire block be fitted throughout with sprinklers. This 'trigger height' was to be reduced to 11m.

Guernsey Water advised in relation to this item that the Island's water distribution system was maintained to provide a minimum pressure of 10m head at a property boundary but that Guernsey Water was unable to guarantee 100% availability of water supply. This would have implications for the design of sprinkler systems to meet the standards specified by GFRS for fire safety. In some cases it would mean that the system cannot be supplied directly off the water mains and the developer may need to install a break tank/booster pump to meet these standards. The cost of this to the developer could be reduced through early engagement with both Guernsey Water and GFRS during the planning and design process.

- Staffing changes

The Building Control Manager provided an update on staff movements and recruitment to fill two Building Control Surveyor vacancies within the team.

- Pre-registration approvals

The Building Control Manager advised that due to current delays in the registration process, some checking was being undertaken and feedback being given in advance of formal registration, using electronic copies of the submitted information. This was however a temporary measure responding to the registration backlog.

- Engineering submissions and further information

The Building Control Manager advised that responses regarding engineering submissions and further information would be issued by email rather than letter to save Surveyor time given the lack of resources within the team.

5. Historic Environment - update and discussion

- St Peter Port Conservation Area Appraisal

The Principal Conservation & Design Officer advised that the St Peter Port Conservation Area Appraisal had been published and was available to download from www.gov.gg. The Appraisal comprised of a broad study of the overall Conservation Area together with a detailed study of several of the Character Areas that were identified as subject to major development pressures. The Character Area studies have a section that gives broad guidance on typical developments.

- CN10 – Householder Guide to GP5 (Protected Buildings)

CN10 – Householder Guide to GP5 (Protected Buildings) had been published following agent feedback and was available to download from www.gov.gg. It was aimed primarily at householders considering small works/alterations to their protected building but might also be useful to agents who have been commissioned to advise on small works.

- CN11 – Windows and Doors in Protected Buildings

CN11 – Windows and Doors in Protected Buildings had also been published and was available to download from www.gov.gg. This guidance was aimed at householders/trades who as a group might otherwise submit 3-4 enquiries to the Planning Service per week. It would also be of use to agents who advise on these works and/or submit applications that include these works. This guidance identified the circumstances when it would be acceptable to replace windows and doors in Protected Buildings and, when replacement was acceptable, the quality of replacement windows and doors that should be used. It also set out the information required to accompany a pre-application enquiry or a planning application regarding these matters.

- Under construction CN12 – Understanding the Special Interest of a Protected Building.

The Principal Conservation & Design Officer advised that CN12 – Understanding the Special Interest of a Protected Building was currently being written. This was aimed at agents who submit applications for large works for protected buildings (e.g. multiple alterations in a single or multiple phases). It would set out the importance of understanding the special interest of a protected building before proposing alterations so that this could be used to inform the design and, where possible, the effect on the special interest of the building could be reduced/minimised. This guidance would highlight how the Planning Service can help agents. As an example of this, the heritage files for protected buildings had been scanned and can be provided on request by email to conservation.design@gov.gg, including the owners authorisation form. The information in the file varied from a lot of information to nothing, but typically the file had the description of the building when it was first protected.

- Tree Protection Orders in Guernsey

The Principal Conservation & Design Officer explained that guidance on Tree Protection Orders in Guernsey had been published and was available to download from www.gov.gg. This set out how and why Tree Protection Orders were made.

- Review of building protection in Regeneration Areas and Core Retail Area – update

The Principal Conservation & Design Officer explained that over the past three months the Conservation and Design team had been surveying and reviewing selected buildings in the St Peter Port Regeneration Areas and Core Retail Area. Where the building had been surveyed and assessed as not meeting CN6 - Criteria for Protected Buildings, they would be removed from the list or the extent of protection reduced (e.g. facade protection). In making this decision, account would be taken of the Conservation Area status and consideration given to whether this would be sufficient to proportionately protect the external appearance of the building.

- Future guidance notes

The Principal Conservation & Design Officer invited suggestions from agents for other guidance which might address typical problems/issues and thus reduce the enquiries sent to the Planning Service. Such guidance would be considered for drafting if this would not impact on delivering the Government Work Plan priorities.

6. Agent feedback

There was no additional feedback.

7. Forthcoming CPD opportunities

Agents were asked to please share information on any useful CPD opportunities.

8. AOB and items for next meeting

Guernsey Water advised that advice could be obtained at the design stage in relation to matters such as dealing with surface water and regarding assets running through private land by contacting them at services@water.gg.

Jill Bray advised that the consultation on the draft St Peters Community Plan closed on the preceding Saturday and that comments were being collated with a view to the draft being finalised for circulation to the D&PA.

The meeting ended at 11.45hrs