

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

29<sup>th</sup> March, 2023

**Proposition No. P.2023/1**

**Development & Planning Authority**

**The Review of the Land Planning and Development (Exemptions) Ordinance, 2007**

**AMENDMENT**

Proposed by: Deputy L C Queripel

Seconded by: Deputy S P Haskins

After Proposition 4 insert the following proposition:-

“5. To direct the Development & Planning Authority, in conjunction with the Policy & Resources Committee, to review the provisions of the Land Planning and Development (Guernsey) Law, 2005 which limit the application of -

- (a) Part V (Enforcement) of the Law to enforcement, in respect of matters affecting land owned by the States, against persons other than the States, committees of the States and their officers, servants and agents, and
- (b) Part VI (Appeals) of the Law only to appeals in respect of matters affecting land owned by the States, when they are at the instance of persons other than the States, committees of the States and their officers, servants and agents, and

to report back to the States by 31<sup>st</sup> December 2023, as to whether such limitations should continue to remain in force and, if not, with appropriate recommendations for amendment of the Law and any other relevant legislation .”.

**Rule 4(1) Information**

- a) The proposition accords with the States objectives to support the community in response to the Covid-19 pandemic.
- b) In preparing the proposition, consultation has been undertaken with the Policy & Resources Committee and the Development & Planning Authority.

- c) The amendment has been submitted to His Majesty's Procureur for advice on any legal or constitutional implications.
- d) There are no financial implications to the States of carrying the proposal into effect.

#### Explanatory note

Part V of the Land Planning and Development (Guernsey) Law, 2005 contains provisions which enable the Development & Planning Authority (the Authority) to take various types of enforcement action. For example, where it appears to the Authority that there has been a breach of planning control, it may issue a compliance notice. Once such a notice is served on the owner and occupier (if not the owner) of the land the steps required to be taken to remedy the breach must be taken. If they are not taken within the time specified the person on whom the notice has been served commits an offence.

Section 76 of the Law provides that with some limited exceptions, Part V only applies to enforcement, in respect of land owned by the States, against persons "other than the States, States departments and their officers, servants and agents".

Part VI of the Law contains provisions relating to appeals and reviews of decisions of the Authority. Under this Part it is possible, for example, to appeal to the Planning Tribunal where the Authority refuses an application for planning permission.

Section 76 of the Law provides that Part VI only applies to appeals, in respect of matters affecting land owned by the States, when they are at the instance of persons other than the States, committees of the States and their officers, servants and agents. It also contains provisions which enable a committee of the States, where it is dissatisfied with a decision of the Authority as to which an appeal is prevented by section 76, to request the States to direct the Authority to revoke, reverse or modify the decision. These provisions in effect create a unique system of review by the States when a committee of the States wants a review of a decision relating to land owned by the States.

The amendment calls for a review of section 76 of the Land Planning and Development (Guernsey) Law, 2005 which create the limitations referred to above. These provisions of the 2005 Law reflect a policy that was agreed by the States over 20 years ago. The proposer and seconder of the amendment believe that there is a need to establish whether or not that policy is still considered to be appropriate in the modern era and, if not, for recommendations for suitable amendment of planning legislation to be put to the States.