

PlanForum

Guernsey's Planning Agents' Forum
Meeting held Wednesday 1 March 2023 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
Olly Brock, BHP (using MS:Teams)
Matthew Cooper, Jason Powers Consultants
David De La Mare, DLM Architects
Paul Dowinton, TDA
James Duguid, States' Property Service (using MS:Teams)
Peter Falla, PF+A
Carl Foulds, Direct Architectural Services
James Gavey, JG Architecture
Alastair Hargreaves, Ferbrache & Farrell LLP (using MS:Teams)
Jason Hobbs, Jason Hobbs Architectural Services
Charlie Hodder, CCD
Rachel Jones, Carey Olsen
Doug Langlois, PF+A
Rob Le Page, R W Le Page
Paul Le Tissier, Plan B (using MS:Teams)
Andrew Merrett, Lovell Ozanne & Partners
Gary Naftel, Naftel Associates (using MS:Teams)
Rowland Tyson, Guernsey Water
Oliver Westgarth, Studio (using MS:Teams)

States of Guernsey Officers:

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
Katie Lomax, Senior Planning Officer

Observing:

Deputy Victoria Oliver, President D&PA
Deputy Sasha Kazantseva-Miller, Committee Member, D&PA
Deputy John Dyke, Committee Member, D&PA

Apologies:

Jill Bray, Courtillet Design
Chris Crew, Collas Crill
Chris Lovell, Lovells
Ricky Mahy, Create
Stuart Pearce, CCD

The meeting commenced at 11:00hrs

1. General Update

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

- Digitisation

The Director of Planning updated agents on the progress made with the system supplier and optimism for system delivery by the end of 2023 with an emphasis on rigorous testing prior to implementation.

- Proposal to address land affecting the amenity of an area

The Director of Planning advised that a policy letter was to be debated by the States in March 2023 and briefly outlined the proposed provisions.

2. Policy & Environment – update and discussion

- Streamlining the Plan-making process – Review of relevant sections of the Planning Law
- Examination of certain IDP Policies

The Director of Infrastructure and Environment explained the very focused nature of the Plan review in relation to the statutory requirements for housing land supply and employment land supply, and alongside this consideration of the statutory Plan-making process with the intention of bringing forward proposals for a more streamlined process allowing the Plan to adapt more easily when States' strategies were adopted or changed. Alongside the housing land supply and employment land supply, the project included updating the Areas of Biodiversity Importance (ABIs).

The project had commenced in January, and was currently in evidence-gathering stage following which policy drafting was scheduled to take place to the end of 2023. Consultation on draft policies and the Planning Inquiry would be held in 2024, with the aim being for reference to the States prior to the General Election in 2025.

In response to questions from agents, the Director of Infrastructure and Environment confirmed that there would likely be a call for sites and that the project included consideration of Development Frameworks (DFs). Guernsey Water noted that DFs were useful for its infrastructure planning. It was also confirmed that engagement would be targeted to include those with an interest in particular topics.

The Director of Infrastructure and Environment also updated on the position existing at the time with the Harbour Action Area and Local Planning Briefs.

- Housing Indicator

The Director of Infrastructure and Environment advised that the States Strategic Housing Indicator had been submitted to the States and was awaiting debate, and would be a key piece of evidence to inform the Plan review.

- Staffing update

The Director of Infrastructure and Environment updated agents on staffing matters within the team which reinforced the need to maintain the tight focus of the review.

3. Building Control - update and discussion

- New editions of Guernsey Technical Standard B

The Building Control Manager explained that two new documents for fire safety had been issued in draft and following formal adoption would come into force on 1 May 2023. These Guernsey documents placed greater reliance on sprinklers and did not include a 'stay-put' policy, and in these respects differed from the equivalent UK documents. The documents also addressed cladding following the Grenfell Inquiry and included a requirement for passive and active Fire Safety Information to be passed on with a change in ownership of a building. Forum members felt that a workshop on the documents would be beneficial which the Building Control Manager agreed to consider.

- New Building Control staff

The Building Control Manager updated agents on recent recruitments to the Building Control team.

- Building Control briefing note

Previous information publications had been re-launched as a briefing note to the trade and agents. The Building Control Manager invited agents to contribute ideas regarding content to provide greatest benefit.

- Complex buildings/sites

The Building Control Manager emphasised that early input from Building Control into the design process was very useful, particularly for complex buildings/sites. Competency levels within the team were being developed in line with UK best practice.

- Other updates

Average processing time for plan checking was 4-5 weeks with the ability to prioritise where necessary.

4. Development Management - update and discussion

- Staffing update

The Development Control Manager updated agents on recent staff recruitment/movements in the Development Control team.

- Priorities of the Section, focussing on May 2022 Agents' Forum discussion

Team priorities remained as discussed with the Forum in May 2022 which were to process planning applications and pre-application enquiries.

- Planning Exemptions Ordinance

The Planning Exemptions Ordinance was lodged in January 2023 and was awaiting States' debate, this being hoped to occur on 29 March. Guidance notes were being developed with priority for dwelling houses and flats. Workshops and drop-ins would be arranged in due course.

- Fees Workshops

It was intended to arrange fee workshops once the exemptions were in force.

- Other updates

Fast tracking of applications remained in place but was an internal process initiated at validation stage which was managed by Officers.

The number of hard copies of plans required for a planning application had been reduced to two copies, with one copy of the application form. In addition, an identical electronic copy of the application was required to be submitted.

Only one hard copy of the plans and information was required with requests for minor amendments and discharge of conditions. The purpose of the submission and details of any changes requested as minor amendments should be clearly identified.

The Development Control Manager thanked agents for their continued support during the challenges arising from previous staff shortages within the team.

In answer to questions, the Development Control Manager said that although the validation process was up to date agents should expect applications to take around 13 weeks to determination, although this varied according to specific Officer workloads. It was recognised that some applications for Protected Buildings could take longer particularly where the proposals involved harm to the special interest of the building. Consultation delays could also add considerable time to the process and these processes were being reviewed with the relevant consultees. Pre-application discussions with consultees would not avoid the need to consult at application stage and could divert consultee resources.

Extension of time letters were noted as an important aspect of communication on an application. Agents generally indicated they would prefer deferral to a refusal and would prefer a phone call or email to receiving a letter when additional or amended information was requested. Officers confirmed that refusal rates remained low although some long-standing cases had been refused where there was no prospect of a positive outcome. Phone calls were made for simple issues but more formal written communications were required to ensure an audit trail.

5. Historic Environment - update and discussion

- CN12 – Understanding Special Interest Guidance Note

The Principal Conservation & Design Officer reported that CN12 relating to larger scale alterations to Protected Buildings was in the final stages of drafting. This was intended to give guidance to agents on how to support their planning applications with the best information available, which would in turn enable the Authority to assess the applications more easily and quickly. In this respect, it was important that agents submit relevant information concerning the benefits of the application, as well as the harm, to enable a balanced assessment in accordance with Policy GP5.

- Heritage files

Heritage files for all Protected Buildings had been scanned and could be accessed by agents on request with owner's authority. Information on file could be variable but if the building was reviewed or Protected after 2012 a building survey report would be included. In answer to a question, the Principal Conservation & Design Officer confirmed that the files would not be made available publicly or without owner's authority for privacy reasons.

- The Bridge Conservation Area Appraisal

This appraisal aligned with the Harbour Action Area and Local Planning Brief and was anticipated to be published in Q2, 2023.

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

The Director of Planning reported that the fee for an application for an Immunity Certificate would rise to £250 from 27 March 2023, and that an amendment was being made to the High Hedges Law to clarify that the Law related to a single tree.

In answer to questions, Officers clarified that the normal three-year validity of a planning permission related to commencement of the approved development within that period, not its completion. If a development was not commenced during the period of validity of a permission, a further application and grant of planning permission would be required. The Authority could advise on what constituted commencement in any particular case. A Completion Notice could potentially be served by the Authority in a case where development was not completed in a timely period.

In answer to a question, it was confirmed that retail in Local Centres would not be considered as part of the focused examination of certain IDP policies. The retail strategy had not changed since the IDP was adopted in 2016. The workstream to consider streamlining the Plan review process could assist with implementing a policy change if required should a revised retail strategy be brought forward by the relevant Committee.

In answer to a question concerning the focused examination of certain IDP policies in relation to the Local Centres, the Director of Infrastructure and Environment clarified the process for considering housing land supply and circumstances under which further development in these areas might be considered, depending on evidenced requirements identified through that process. She confirmed that the spatial strategy set out in the Strategic Land Use Plan would continue to apply and that, if required, information would be publicised regarding a call for sites in due course.

The Principal Conservation & Design Officer advised that the energy efficiency workstream conducted for the Committee *for the* Environment & Infrastructure and associated questionnaire results provided good evidence about how to deal with energy efficiency in historic buildings which would be fed back into the Planning and Building Control processes. Agents suggested that this topic be explored further in a future Forum meeting.

The meeting ended at 12.40hrs