



BILLET D'ÉTAT

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WEDNESDAY, 30th OCTOBER, 2002

ISLAND DEVELOPMENT COMMITTEE

DRAFT AMENDMENT TO THE RURAL AREA PLAN,
PHASE 2 FOR LA VILLIAZE

BILLET D'ÉTAT

TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY

I have the honour to inform you that a Meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE, on WEDNESDAY, the 30th OCTOBER, 2002**, at 9.30 a.m.

ISLAND DEVELOPMENT COMMITTEE

DRAFT AMENDMENT TO THE RURAL AREA PLAN, PHASE 2 FOR LA VILLIAZE

The President,
States of Guernsey,
Royal Court House,
St. Peter Port,
Guernsey.

3rd September 2002

Sir,

**ALTERATIONS AND ADDITIONS TO THE RURAL AREA PLAN (PHASE 2) IN
RESPECT OF CHANGES TO POLICY AND ZONINGS REQUIRED TO FACILITATE
THE DEVELOPMENT OF LAND AT LA VILLIAZE, ST SAVIOUR / ST. ANDREW
FOR A CENTRE OF E-COMMERCE**

1.0 INTRODUCTION

- 1.1 This policy letter simply presents a resubmission of the IDC's letter that was laid before the States on 31st July this year. The original letter was withdrawn from that meeting in order to give the Board of Industry an opportunity to clarify the rationale behind their own proposed amendment to the IDC policy letter. In the event, however, the Board has confirmed that it no longer wishes to amend the Committee's original recommendations.
- 1.2 The Committee has now looked at the various issues and arguments raised at the States meeting, and indeed in the public arena since, and considers that the contents of the original policy letter should stand as submitted in July. One thing that has emerged, however, is the pressing need to clarify the term 'e-commerce'. Not only is an appropriate definition required but also firm guidance on what uses could be considered as being reasonably ancillary to a principal e-commerce use. It may be that such definitions are ultimately embodied in a new use class. More work is required on this aspect and Committee will report back to the States in due course.

[From this point onwards, the policy letter is identical, apart from paragraph numbering, to that withdrawn from the States Meeting on 31st July.]

2.0 BACKGROUND

- 2.1 The States considered a policy letter on 26th January 2000, submitted by the Board of Industry and resolved –

“That the development, implementation and marketing of a detailed e-commerce strategy and creating the conditions for the development of e-commerce is essential for the future economic well being of the Bailiwick”.

(Billet d'État II, 2000)

- 2.2 The Board of Industry prepared such a strategy and submitted a further policy letter, dated 17th January, 2001 to the States, entitled “Re-zoning of States Land at La Villiaze to Create a Hi-technology Park”. The principal aim of the strategy was –

“to develop and promote the Bailiwick of Guernsey as the preferred (offshore) centre for e-commerce, providing a world class infrastructure and environment and offering limitless opportunities to e-enterprises”.

- 2.3 It is in light of this strategy that the Board of Industry identified an area at La Villiaze as being the most appropriate site within the Bailiwick that could accommodate an e-commerce facility of the scale and nature envisaged. This land, which is partly within the airport boundary, adjoins land to the south of an existing zoning for light industrial purposes and is within States’ ownership. The essential requirements to meet the Board of Industry’s strategy in terms of site location are the ready availability of the land, the lack of significant constraints to the development of the land, the ability to accommodate all present and future foreseeable infrastructure and the ability to incorporate a significant degree of flexibility in order to keep pace with innovation in the high technology sector.

- 2.4 Subsequent to this report, the States resolved, among other things, on 28th February, 2001 –

“1. To note the States Board of Industry’s conclusions that the timely provision of suitable land for development as a hi-technology park forms a key part of the Island’s e-commerce strategy.

2. To agree in principle that land in States’ ownership along the northern boundary of the Airport at La Villiaze shall be developed along the lines set out in that Report.

3. To direct the Island Development Committee to prepare an amendment to the Rural Area Plan (Phase 2) as a matter of urgency in respect of the re-zoning of the area of land identified as Area A in that Report for the purpose described in that Report and report back to the States as soon as possible.

4. To note the potential for the future re-zoning for e-commerce of a further area of States land identified as Area B in that Report”.

(Billet d’État III, 2001)

- 2.5 These were the key resolutions as far as the IDC was concerned and resolutions 5 to 8 have been omitted from this letter for sake of brevity. Resolution 3 is the direction under which the IDC prepared the draft amendment to the Plan.

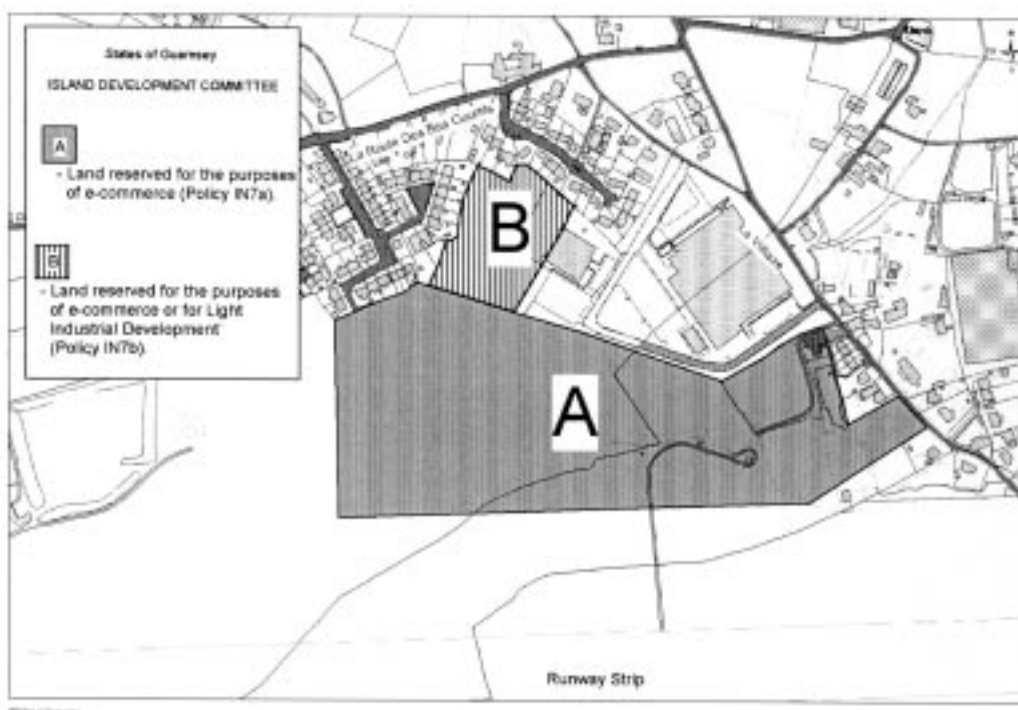
- 2.6 The IDC worked closely with the Board of Industry in producing the draft amendment which is embodied in the document entitled “Alterations and Additions to the Rural Area Plan, Phase 2 – La Villiaze”. This was published in November 2001 and is attached as Appendix B.

3.0 The Proposed Amendment to Rural Area Plan Phase 2

- 3.1 The proposed amendment relates primarily to Policy IN7 of the Plan which, currently, reserves a 12,000m² (3 acres) parcel of land at La Villiaze for light industrial, manufacturing, research and development processes. This land is the privately owned

site, immediately west of the existing commercial development and identified as Site B on the Alterations and Additions Plan.

- 3.2 The proposal was to put forward a re-wording of Policy IN7 in order that Site B would continue to be reserved for those uses quoted, with the addition of e-commerce as one of the reserved uses.
- 3.3 Of greater significance, however, the proposal set out to allocate an additional area of approximately 90,000m² (22 acres) immediately south of Site B for the purposes of e-commerce alone. This land is identified as Site A on the Alterations and Additions Plan and is currently zoned partly as Area of Landscape Value (Green Zone 2) and partly as Area of Rural Character (Green Zone 3).



- 3.4 The Alterations and Additions Plan (not to scale) identifies the areas involved in the originally proposed amendment –

4.0 Planning Inquiry

- 4.1 The Island Development (Guernsey) Law 1966 requires that a Planning Inquiry be held in public before presenting to the States any proposal for an alteration or addition to a Detailed Development Plan.
- 4.2 In this instance, the Inquiry was held over two days – 24th / 25th January 2002. The Advisory and Finance Committee appointed Mr. T. Cookson Dip.TP, MRTPI of The Planning Inspectorate of England and Wales as an independent, qualified and experienced adjudicator to hold the Inquiry.
- 4.3 The Inspector considered the proposed changes document, 9 representations and several counter-representations. His report of the Inquiry with subsequent recommendations has now been submitted to the IDC and is attached as Appendix A.

5.0 Summary of Inspector's Report

5.1 The Inspector's recommendations are –

“(a) that Site B on the Alterations and Additions Plan be reserved for the purposes of e-commerce in addition to light industrial, research and development processes in accordance with the proposed changes; and

*(b) that Site A on the Alterations and Additions Plan **not** be reserved for the purposes of e-commerce”.*

5.2 In effect, the recommendation, if approved and implemented, would not necessitate any alteration to the Proposals Map of Rural Area Plan (Phase 2). The only amendment required would be the addition of the phrase *“and for the purposes of e-commerce”* into the list of uses reserved for the undeveloped land at La Villiaze, currently embodied in Policy IN7 of the Plan.

5.3 The Inspector gives the following summary of the reasoning behind his recommendations *(the numbering is taken from the report, with paragraphs 32-37 comprising the entire summary)* –

“32. The principle of establishing an e-commerce park is far-sighted and pragmatic. It would be a sensible and sound progression of the island's financial and business base.

33. I am satisfied that the concerns raised on layout and design issues would be suitably resolved through a development brief and at the detailed application stage.

34. The allocation of Site B for e-commerce use in addition to the existing light industrial allocation is logical and appropriate. However, e-commerce development on Site A would run counter to the aims, objectives and spirit of Policy 32 of the 2001 Strategic and Corporate Plan and Policies CE6 and CE7 of the Rural Area Plan (Phase 2) (1997).

35. Other potential sites for e-commerce facilities exist, either singly or in a disaggregated form which would not cause detriment to the strategic planning policies governing development in the Green Zones and at the airport.

36. Not all the land in Site A could be developed because of the need to retain the airport radar and other equipment. Only the northernmost 40,000m² (10 acres) of land would be developed for e-commerce. NATS (National Air Traffic Services) is concerned with the safeguarding of the electronics systems at the airport, one can only infer that there is no objection in principle to development close to the runway in terms of safety.

37. Long term additional facilities and space are needed at the airport to cater for additional traffic and any changes in trends and patterns in air travel. The land on the north side of the runway could provide for such expansion. The proposed development is injudicious and short-sighted. It runs counter to Policy 16 of the 2001 Strategic and Corporate Plan by reducing and restricting the options for growth and modernisation to cater for the accepted growth in air traffic and transport”.

6.0 Comments of the IDC on the Inspector's Report

- 6.1 The Inspector's rationale in reaching his recommendations can be best explained by reference to the following extract of his report –

"18. The aims and objectives of the Green Zone policies in the Plan are clear and unequivocal. They seek to protect and preserve a scarce and special resource on the island – high quality rural landscape in the case of Green Zone 2, and the open, undeveloped character of the land in Green Zone 3. The types of development permitted in the Zones are exceptional, and in clearly prescribed categories which, to any material degree, would not diminish the essential character of the Zones.

19. However well-designed, by its very nature, form and function an e-commerce park would run counter to the aims, objectives and spirit of Policies CE6 and CE7. Importantly, these policies follow Policy 32 of the 2001 Strategic and Corporate Plan. This policy seeks to conserve and enhance the rural environment of the States. It recognises that any benefits to the community must not be at the unreasonable expense of the landscape, amongst other things. It seeks to achieve its objectives by ensuring that the new development is located within the built-up area wherever possible and preventing development which does not need to be located in the countryside.

20. The justification given for seeking these Alterations and Additions to the Plan is essentially that the land in question is in the States' ownership, and thus development could be undertaken apace. To me, to permit development for such a reason is unsound. It would undermine long-established land use planning principles and devalue the existing, above noted, approved planning policies. No evidence was presented to me that the nature and quality of the land had changed since the Rural Area Plan was approved in 1997 and the Strategic and Corporate Plan in 2001 sufficient to warrant a change in zoning. I consider that the long-term benefits to the environment of the island would be best served if the relatively recent planning policies governing development on the land are adhered to".

- 6.2 In preparing the draft amendment to RAP (2) the IDC took the States' direction to be authoritative, particularly on the question of essentiality, which was implicit in its acceptance of the Board of Industry's policy letter. The Inspector has, in effect, disputed the legitimacy of this assumption and takes as his authority the broader environmental policies of the States, in particular the Strategic and Corporate Plan and the overall objectives of the Rural Area Plan, as he was required to do so by Law.

7.0 RECOMMENDATIONS OF THE IDC

- 7.1 Given the unequivocal nature of the Inspector's recommendation and the justification that lays behind it, the Committee considers that it should recommend the States to accept it.
- 7.2 The IDC would also like to express its appreciation through this letter to Mr Cookson for the thorough manner in which he conducted the Inquiry.
- 7.3 The IDC recommends the States to adopt an Alteration to the Industry Chapter of the Written Statement of the Rural Area Plan (Phase 2) 1997, such that Policy IN7 reads –

IN7

The undeveloped site at La Villiaze will be reserved for light industrial manufacturing, research and development processes and for the purposes of e-commerce. Permission will only be granted where the Committee is satisfied that the proposed use can be carried on without detriment to the amenity of the locality particularly in terms of noise, vibration, smell, fumes, dust, grit, smoke, soot or ash. In addition, matters such as form, design, density, layout, access and the potential effects on other development will also be important considerations.

- 7.4 I, therefore, request that you be so good as to lay this matter before the States with appropriate propositions.

Yours faithfully,

JOHN E. LANGLOIS,

President,
Island Development Committee.



**Report to the States of
Guernsey Advisory and
Finance Committee**

by T Cookson DipTP MRTPI

Inspector

The Planning
Inspectorate
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Temple Quay
Bristol BS1 6PN
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Date 18 MAR2002

REPORT

into

DRAFT ALTERATIONS AND ADDITIONS

to the

RURAL AREA PLAN (PHASE 2)(1997)

In respect of land at

LA VILLIAZE

Inquiry held on 24 and 25 January 2002

at The Peninsula, Les Dicqs

Summary of Recommendations:

- (a) that Site B on the Alterations and Additions Plan be reserved for the purposes of e-commerce in accordance with the proposed changes; and**
- (b) that Site A on the Alterations and Additions Plan *not* be reserved for the purposes of e-commerce.**
-

- *The Proposed Alterations and Additions to the Rural Area Plan (Phase 2)(1997) were prepared by the Island Development Committee following a Direction by the States of Guernsey made on 28 February 2001 (Billet d'État III, 2001) under Section 8(2) of the Island Development (Guernsey) Law, 1966.*
- *The Direction resulted from a Policy Letter dated 26 January 2000 submitted by the Board of Industry (Billet d'État II, 2000) which resolved that "the development, implementation and marketing of a detailed e-commerce strategy and creating the conditions for the development of e-commerce is essential for the future economic well-being of the Bailiwick."*
- *The Board of Industry prepared a strategy whose prime aim was to "develop and promote the Bailiwick of Guernsey as the preferred off-shore centre for e-commerce, providing a world-class infrastructure and environment and offering limitless opportunities to e-enterprises."*
- *An area of land at La Villiaze was identified as being the most appropriate within the Bailiwick that could accommodate an e-commerce facility of the scale and nature envisaged.*
- *The changes proposed to the Rural Area Plan (Phase 2) (1997) are:*

Paragraph 10.4:

"The Committee does, however, fully recognise the important contribution that the La Villiaze complex has made and should continue to make to the manufactured goods and non-financial services sector. Following consultations with the Board of Industry, the Committee is satisfied that there are exceptional circumstances relating to this site and that the undeveloped portion of the site should continue to provide a significant resource for a specialised range of activities, based on high technology uses.

The undeveloped land forming the northern part of the site (B on the Proposals Map) will be reserved for light industrial and manufacturing, research and development processes and for e-commerce purposes.

The adjoining land to the south (A on the Proposals Map), will be reserved for uses that will facilitate the development of a world class centre of e-commerce. E-commerce, in this context, is taken to mean those uses that involve the collection, storage, secure hosting, management and controlled distribution of digital data. It may be that facilities such as ancillary administrative (including training) areas are required; these may be acceptable provided that it can be demonstrated that they are entirely ancillary to each main user. However, no independent office units will be permitted.

It is likely that a new Use Class covering e-commerce will be incorporated into the relevant Ordinance within the life of this Plan. Permissions granted for e-commerce on this site will, normally, be restricted to that Use Class.

All new buildings will be expected to be of a high standard of design with full regard being given to the requirements of the Civil Aviation Authority in respect of building heights, materials of construction and cladding and planting schemes.

Applications for planning permission may be required to be accompanied by an environmental impact assessment and compliance document, in accordance with the relevant Code of Practice by the Island Development Committee."

*Policy IN7**“Policy IN7a*

The undeveloped site to the south and west of La Villiaze Industrial Estate (marked A and B on the Proposals Map) will be reserved subject to Policy IN7b, for a comprehensive development for the purposes of e-commerce (as defined in paragraph 10.14). Permission will only be granted where the Committee is satisfied that the relevant planning application satisfactorily addresses the following points:—

- *Access to the site*
- *Maximum building/structure heights (including chimneys)*
- *Visual impact/design*
- *Floor-space and site coverage*
- *Compliance with the Environmental Impact Assessment Code of Practice and relevant environmental health requirements*
- *Details of the design and operation of any heat or power-generating plant*
- *Likely level of activity and hours of operation*
- *Impact on operation of the airport*
- *Controls during the construction period routing of fibre-optic cables and other infrastructure*
- *Exit strategy*
- *All other relevant policies of this Plan*

Conditions will be likely to be imposed on any planning permission granted, preventing the change of use of the buildings (falling outside the land identified in Policy IN7b) to uses that the Committee does not consider to be appropriate to either the site or to the States’ e-commerce strategy.

Policy IN7b

Notwithstanding Policy IN7a, the undeveloped site to the west of La Villiaze Industrial Estate (marked B on the Proposals Map) will also be available for light industrial manufacturing, research and development processes. Permission will only be granted where the Committee is satisfied that the proposed use can be carried on without detriment to the amenity of the locality, particularly in terms of noise, vibration, smell, fumes, dust, grit, smoke, soot or ash. In addition, matters such as form, design, density, layout, access and the potential effects of other development will also be important considerations.”

The RAP2 Proposals Map is to be amended to allocate the land in question.

- *In response to the Draft Alterations and Additions 16 Representations were received (9 Representations and 7 Further Representations).*

Procedural Matters

1. The Representations and Further Representations are considered on the basis of the issues that they raised, rather than considering each representation in turn. The aim of this approach is to avoid unnecessary repetition and to provide succinct and focused consideration of the issues. Neither are the cases recited in full. Only appropriate material points are discussed.

The Proposed Alterations and Additions

2. The Alterations and Additions relate primarily to Policy IN7 of the Rural Area Plan (Phase 2) (RAP2). They seek to reserve 2 parcels of land at La Villiaze for e-commerce. The larger parcel of land (Site A) is some 89,000m² (22 acres) in size. It is intended that this site would be reserved solely for e-commerce development. Currently the land is zoned partly as Area of Landscape Value (Green Zone 2) and partly as Area of Rural Character (Green Zone 3).

3. The smaller parcel (Site B), which is some 12,000m² (3 acres) in size, is currently reserved for light industrial, manufacturing, research and development purposes in RAP2. It is located immediately to the north of Site A. It is proposed to retain the existing allocation, but to include e-commerce as one of the reserved uses.

The Sites and their Surroundings

4. Site A forms part of Guernsey Airport. It consists of a large grassed area to the northern side of the runway upon which is a variety of electronic equipment used in the operation of the airport, most notably the radar tower. The main airport buildings, aircraft hangars and maintenance and servicing facilities are on the south side of the runway. There is no discernible boundary between the site and the remainder of the grassed area of the airfield to the south and west, and the runway. Immediately to the north are the business premises of Specsavers and Milvus, Site B, and housing. There is housing also to the east of the site.
5. Site B is visually and physically part of the existing premises of Specsavers and Milvus, which lie to the east. It is a large grassed area interspersed with clumps of trees, bushes and shrubbery evidently part of the original landscaping scheme for the light industrial development. The site is bounded to the north and west by substantial hedgerows, beyond which are dwellings. Site A is to the south, on slightly higher ground.

Inspector's Reasoning and Conclusions

The Need for E-commerce Facilities

Representations: 4, 5, 9, 10, 11, 12, 15

6. The need for e-commerce facilities was identified by the States as part of its e-business strategy as being essential to the development and maintenance of a healthy economy. It is seen as a logical progression and expansion of the island's existing business and commercial activities. The purpose of an e-commerce facility would be for the electronic storage and retrieval of such items as confidential records and archives, disaster recovery systems, and digital media programming; all in specialised, purpose-built units employing a low number of highly-skilled workers. The chosen developer or operator would undertake the construction of the facility in close co-operation with the States. It would be a centre of excellence in the field whereby the island would have what is termed 'first mover advantage'.
7. The representations expressed support for this facility on the island. In fact, no representation questioned the sagacity of an e-commerce park on Guernsey. To me, the establishment of such e-commerce facilities is far-sighted and pragmatic. It would be a sensible and sound progression of the island's existing financial and business base.

Layout and Design

Representations: 5, 7, 8, 9, 10, 12, 14, 15, 16

8. Due to the proximity of Site B to existing houses and the view taken in the representations that development on the site would physically and visually encroach upon the dwellings, the provision of a buffer zone is sought. This zone, effectively taking up the whole of Site B, would separate any development on the site from the dwellings in order to protect the amenities of the residents. Other representations seek, amongst other matters, the full development of Site B.

9. The inquiry and this report are concerned only with the principle of the use of Sites A and B for e-commerce. In this regard it must be borne in mind that the existing allocation of Site B for light industrial use remains and the argument as to whether or not this use should continue is outside the remit of this report.
10. I note that before any planning application is submitted, it is intended that a development brief would be prepared which would prescribe the nature and form of any e-commerce development on site. The brief would cover such matters as the siting of the buildings, design, landscaping, access, as well as the question of security. And whilst I acknowledge and appreciate the concerns of the residents and others, the development control process is the proper forum for the consideration of such matters. I am satisfied that the concerns raised could be resolved at that detailed stage.
11. However, I feel that development could take place on Site B such that the amenities of neighbouring residents would not be diminished. The development brief should also address the statement made in the inquiry that only the northern 10 acres of both Sites A and B would be developed.
12. The Traffic Impact Assessment (TIA) (Document 4) concludes that traffic generation from the e-commerce development is unlikely to be significant compared with the existing and allocated light industrial uses at La Villiaze. These uses already have a significant effect on the surrounding road network. The TIA does state, however, that the e-commerce facility should not be allowed to become a business park. In practical terms, the TIA recommends that a new access is created to the land. This would obviate the need to widen part of La Rue au Page; provide a high quality entrance; accommodate traffic management objectives; and would not affect the re-alignment of La Villiaze Road (part of the airport safety plan). I find no reason to question these conclusions.

Planning Policy

Representations: 3, 5, 9, 11, 12, 16

13. Site A is zoned as being within Green Zone 2 and Green Zone 3 in RAP2. Site B is reserved for light industrial development under Policy IN7.
14. Site B is visually and physically closely related to the adjoining industrial uses. Its allocation in the Plan for light industrial purposes is thus reasonable and realistic. And in view of the compatible nature of the e-commerce uses envisaged, I consider that the addition of this use to that already allocated is logical and appropriate in land use planning terms. However, I consider general office use would be inappropriate because of the increased traffic generation such a use would create.
15. On Site A, the Zone 2 land consists of the northern part of the site. The Zone 3 land is that strip of land within the site that is closest to the airport runway. RAP2 defines three different Green Zones in order to provide appropriate gradations in dealing with planning applications and to achieve the overriding objective of conserving and enhancing the rural environment, whilst at the same time seeking to accommodate the requirements of different land uses. The Zones range from strict protection to greater flexibility, and cover the predominantly open landscape of the island.

16. Policy CE6 deals with development in Green Zone 2. It states that the overall policy is to protect the character, quality and generally open nature of the rural landscape. New development is restricted to certain specific and limited uses that are related to agriculture, horticulture, recreation or tourism. New housing is precluded.
17. Policy CE7 deals with development in Green Zone 3. This policy seeks also to retain the predominantly open, undeveloped character of the land. Where appropriate, land in this Zone could accommodate essential development related to the use of land for agriculture, horticulture, outdoor recreation, tourism, or the provision of access to an otherwise acceptable Designated Site for New Housing. However, the erection of new housing will not be permitted.
18. The aims and objectives of the Green Zone policies in the Plan are clear and unequivocal. They seek to protect and preserve a scarce and special resource on the island – high quality rural landscape in the case of Green Zone 2, and the open, undeveloped character of the land in Green Zone 3. The types of development permitted in the Zones are exceptional, and in clearly prescribed categories which, to any material degree, would not diminish the essential character of the Zones.
19. However well-designed, by its very nature, form and function an e-commerce park would run counter to the aims, objectives and spirit of Policies CE6 and CE7. Importantly, these policies follow Policy 32 of the 2001 Strategic and Corporate Plan. This policy seeks to conserve and enhance the rural environment of the States. It recognises that any benefits to the community must not be at the unreasonable expense of the landscape, amongst other things. It seeks to achieve its objectives by ensuring that new development is located within the built-up area wherever possible and preventing development which does not need to be located in the countryside.
20. The justification given for seeking these Alterations and Additions to the Plan is essentially that the land in question is in the States' ownership, and thus development could be undertaken apace. To me, to permit development for such a reason is unsound. It would undermine long-established land use planning principles and devalue the existing, above-noted, approved planning policies. No evidence was presented to me that the nature and quality of the land had changed since the Rural Area Plan was approved in 1997 and the Strategic and Corporate Plan in 2001 sufficient to warrant a change in zoning. I consider that the long-term benefits to the environment of the island would be best served if the relatively-recent planning policies governing development on the land are adhered to.

Alternative Sites

Representations: 1, 4, 7, 10

21. Several alternative sites have been promoted in the representations as being potentially suitable for development as an e-commerce facility and which are argued as being better from the point of view of planning and the cost of development.
22. While I am not able to examine the merits and demerits of alternative locations in any great detail, it is appropriate in my view, to assess whether or not there are any other sites available which could be used for e-commerce and which could be acceptable from the planning standpoint. To this end I consider that the site put forward at La Villiaze Vineries suffers from being within a Green Zone 3 area, and hence it is unacceptable from the RAP aspect, a point made by the IDC.

23. The ACT Now site is a viable alternative, as is the Telecoms site at Guelles Road. And I note that the Board of Industry supports the use of these sites for e-commerce in that they would complement the La Villiaze proposal. I note that the other sites suggested could involve delays over land acquisition, or that there may be other competing uses (Salt Pans), or physical constraints (land north of the power station). There is, however, the substantial site at Belgrave Vinery that has been in the ownership of the States for some 20 years without being developed. It is relatively level and could be readily prepared for development. Evidence was presented that the land was considered originally for industrial development, and is now regarded as being suitable for housing. Be that as it may, it seems that a site such as this – in effect a well-located brownfield site presents an opportunity to locate e-commerce facilities as well as providing housing thereon. This view is re-inforced by the IDC evidence that, ideally, a brownfield site would be preferable in planning terms to a greenfield site for e-commerce facilities on the island.
24. Another approach is to examine sedulously whether or not the e-commerce facilities, rather than be located on one site, could be disaggregated to various locations around the island. The Board of Industry has effectively recognised this as a viable approach in expressing its support for complementary e-commerce development opportunities elsewhere other than on this land at the airport. From the evidence presented I am convinced that other potential sites do exist and are available which could provide the facilities for e-commerce but without detriment to the strategic planning policies governing development in the Green Zones and at the airport. That insufficient consideration has been given to the consideration of alternative ways of providing the e-commerce facilities is supported by firstly, the view expressed by the IDC that because of landscape requirements not all of the site would be developed. The figure quoted was that only the northernmost 40,000m² (10 acres) would be built upon. Secondly, there are the restrictions due to the existing airport equipment having to remain in situ because of lack of space for relocation elsewhere in the airport.

Airport Safety

Representations: 1, 2, 6, 7, 9, 13, 14

25. The main argument against the proposal is that an e-commerce park on the land would run counter to the introduction of increasingly stringent safety procedures and the need for greater areas of safety. The resultant conflict, it is claimed, could jeopardise the principal link for the island's inhabitants and commerce.
26. The question of airport safety is important, and rightly so. Yet without wishing to lessen its significance, in the planning process it is one of many factors to be taken into account when considering proposals of this nature. And regard must be taken of the advice and requirements of the appropriate regulatory bodies concerned with airport safety. Unfortunately, no views have been expressly made by the regulatory bodies about the acceptability or not of the principle of e-commerce development on the land as such. The letter from National Air Traffic Services (NATS) (Document 5) is concerned with the details of safeguarding the electronic systems at the airport. One can only infer from the letter that there is no objection in principle to development close to the runway. On matters of the design and siting of new buildings, in particular heights, profiles and materials, these are matters best left to the consideration of detailed planning applications. It appears that development could take place on the land without apparent detriment to safety considerations provided certain provisos are met. A matter covered by Policy TR5 of the RAP.

27. However, it is significant that whilst the existing electronic systems that are located close to or within the land in question could be moved in theory, in practice NATS considers this action would not be feasible because of the lack of suitable alternative sites on or near the airport. The equipment that could not be relocated is the approach radar, the Directional Variable Omnidirectional Radio (DVOR) and the Distance Measuring Equipment (DME). The net result is that not all of the land the subject of the inquiry could be developed. The NATS letter specifies the areas where development could take place. This view was reinforced by the IDC statement that development would only take place on the northern 40,000m² (10 acres) of the land.

The Need for the Land for Airport and Airport-Related Activities

Representations: 1, 2, 6, 11, 14

28. The representations display concern that the airport is becoming increasingly constrained. They feel that it will be unable to accommodate the numbers and types of aircraft that operate from and through it. Concern centres on three matters. The first is that there will be an increase in aircraft movements in the future, for example, with corporate aircraft, and that the airport will need to accommodate this increase. The second is that the runway may not be long enough. The third is that the new terminal building is to be located such that the amount of space for the parking of private aeroplanes will be reduced.
29. The view of the Board of Administration (BoA) is that in the past the area north of the runway has been considered as perhaps being suitable for purposes associated with general aviation at some time in the future. However, there have never been any specific plans as such. The drawbacks to using the northern side involve the need to duplicate security, parking, flight briefing and meteorological information facilities, fuel, and other support services. All this would involve substantial cost. In addition, there would be operational problems in that aircraft would have to cross an active runway in order to use the northern section. There would also be the problem of aircraft noise being introduced to an area where it does not occur at present. Overall, the BoA has favoured the development of the south side of the runway where the necessary infrastructure already exists. It considers also that there is a limit to the expansion of the airport, not because of the length of the runway, but because of the need to strengthen it to accommodate the weight of larger aircraft.
30. The 2001 Strategic and Corporate Plan supports and encourages the future development of the airport, but only by businesses and industries that require an airport location. The Plan states that the land surrounding the airport is by definition, scarce, and in a rural area of the island. Strategic Policy 16 gives consideration to development that requires accommodation at or adjacent to the airport. It is an up-to-date policy that recognises the important rôle the airport plays in the economy and general well-being of the island. It takes account of the steady forecast growth in passenger numbers. The UK Department of Environment, Transport and the Regions (DETR) produced air traffic forecasts (Document 6) which show (Table 5.1) that passenger numbers between the UK and the Channel Islands will grow from 1.9m in 1998 to between 3.6-4.8m in 2020. Even allowing for the events of 11 September 2001 and its effects on air travel, in the long-term air traffic will grow.
31. The net effect is that in the long-term additional facilities and space would be needed at the airport to cater for additional traffic and any changes in trends and patterns in air travel. Notwithstanding the problems outlined by the BoA, the land on the north side of the runway could provide for such expansion. It is part of the airport, and it has road access. And despite what was stated, it was evident to me that the airport is planning for the future with its

proposed new terminal. It is an attractive, well-designed scheme, and despite the largest aeroplane using the airport at present being the BAe 146, the plans for the new terminal show stands capable of accommodating several Airbus 320 series or Boeing 737 aeroplanes at the same time. To propose development which runs counter to the well-founded, up-to-date strategic planning policy, and which reduces and restricts the options for growth and modernisation to cater for the accepted growth in air traffic and transport, is injudicious and short-sighted.

Summary

32. The principle of establishing of an e-commerce park is far-sighted and pragmatic. It would be a sensible and sound progression of the island's financial and business base.
33. I am satisfied that the concerns raised on layout and design issues would be suitably resolved through a development brief and at the detailed application stage.
34. The allocation of Site B for e-commerce use in addition to the existing light industrial allocation is logical and appropriate. However, e-commerce development on Site A would run counter to the aims, objectives and spirit of Policy 32 of the 2001 Strategic and Corporate Plan and Policies CE6 and CE7 of the Rural Area Plan (Phase 2)(1997).
35. Other potential sites for e-commerce facilities exist, either singly or in a disaggregated form which would not cause detriment to the strategic planning policies governing development in the Green Zones and at the airport.
36. Not all the land in Site A could be developed because of the need to retain the airport radar and other equipment. Only the northernmost 40,000m² (10 acres) of land would be developed for e-commerce. NATS is concerned with the safeguarding of the electronics systems at the airport, one can only infer that there is no objection in principle to development close to the runway in terms of safety.
37. Long-term additional facilities and space are needed at the airport to cater for additional traffic and any changes in trends and patterns in air travel. The land on the north side of the runway could provide for such expansion. The proposed development is injudicious and short-sighted. It runs counter to Policy 16 of the 2001 Strategic and Corporate Plan by reducing and restricting the options for growth and modernisation to cater for the accepted growth in air traffic and transport.

Recommendations

38. I recommend that:
 - (a) that **Site B** on the Alterations and Additions Plan be reserved for the purposes of e-commerce in addition to light industrial, research and development processes in the Rural Area Plan (Phase 2) (1997) in accordance with the proposed changes;
 - (b) that **Site A** on the Alterations and Additions Plan not be reserved for the purposes of e-commerce in the Rural Area Plan (Phase 2) (1997).



T Cookson

Appearances

Mr J Langlois	Island Development Committee
Mr A Coates	Island Development Committee
Mr N Lewis	Board of Administration
Mr K Green	Board of Administration
Mr R Dadd	Guernsey Chamber of Commerce
Mr J Gollop	
Mr P Domaille	Fuel Supplies (CI) Limited
Dr D De Lisle	
Mr R Plumley	
Mr H Lord	Specsavers
Mr C Ferbrache	Guernsey Aero Club
Mr I Timms	
Mr J Silvester	Board of Administration
Mr C Le Ray	
Mr A Bridle	Airport Director
Mr R Plant	Manager, Air Traffic Control
Mr R Le Page	Guernsey Chamber of Commerce

Documents

1. Letter of Conformity from the President of the States of Guernsey Advisory and Finance Committee dated 27 September 2001.
2. Plan showing Alterations and Additions Sites.
3. Extracts from States of Guernsey Strategic and Corporate Plan 2001.
4. Traffic Impact Assessment of E-commerce Park at La Villiaze.
5. Copy of letter from National Air Traffic Services dated 11 August 2000.
6. UK Department of the Environment, Transport and the Regions Air Traffic Forecasts 2000.
7. Plan showing location of La Villiaze Vinery.
8. Plan showing location of 'Cherry Trees', Woodland Park, St Saviour.
9. Bundle of plans of suggested alternative locations for e-commerce development.
10. Aerial photograph of Alterations and Additions sites.
11. Digimap of Alterations and Additions Sites.
12. Aerial photograph of airport runway, terminal buildings, aircraft stands and parking areas, and Alterations and Additions Sites.
13. Rural Area Plan (Phase 2) (1997).
14. States of Guernsey Environmental Impact Assessment Code of Practice 2001.
15. Billet d'État XV 1997: Inspector's Report regarding La Villiaze.
16. Billet d'État XI 1990: Inspector's Report regarding Rue au Page, St Saviour's.
17. Reprint from the Annual Report of La Société Guernesiaise: The Regional Impact of Population Change in Guernsey, Dr D de G De Lisle.
18. Copy of Flight Briefing Note for Guernsey Airport.

Appendix B

STATES OF GUERNSEY
**ISLAND
DEVELOPMENT
COMMITTEE**



**ALTERATIONS AND ADDITIONS
TO THE RURAL AREA PLAN
PHASE 2**

La Villiaze

DRAFT
November 2001
£1.00

ISLAND DEVELOPMENT COMMITTEE

**ALTERATIONS AND ADDITIONS TO THE RURAL AREA PLAN (PHASE 2)
IN RESPECT OF CHANGES TO POLICY AND ZONINGS REQUIRED TO
FACILITATE THE DEVELOPMENT OF LAND AT LA VILLIAZE,
ST SAVIOURS / ST. ANDREW FOR A
CENTRE OF E-COMMERCE**

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1. REASON FOR THE ALTERATIONS AND ADDITIONS (THE CHANGES)
2. FORMAT OF THE CHANGES DOCUMENT
3. THE PROPOSED CHANGES
 - Change 1 – Alterations to Chapter 10
 - Change 2 – Alterations to Policy IN7
 - Change 3 – Alteration to the Proposals Map

ISLAND DEVELOPMENT COMMITTEE

1. REASON FOR THE AMENDMENT

This proposed amendment to the Rural Area Plan, Phase 2, (RAP2) has been prepared by the Island Development Committee, following a Direction by The States of Guernsey on 28th February 2001 (Billet d'État III, 2001). Provision for such a Direction is made by section 8(2) of the Island Development (Guernsey) Law, 1966.

Prior to that Direction, the States considered a Policy Letter on 26th January 2000, submitted by the Board of Industry (Billet d'État II, 2000) and resolved... **“That the development, implementation and marketing of a detailed e-commerce strategy and creating the conditions for the development of e-commerce is essential for the future economic well being of the Bailiwick”**. The Board of Industry subsequently prepared such a strategy, the prime aim of which was... “to develop and promote the Bailiwick of Guernsey as the preferred (offshore) centre for e-commerce, providing a world-class infrastructure and environment and offering limitless opportunities to e-enterprises”. The type of e-commerce facility envisaged at that time was a prestigious, well-designed complex featuring the latest in high technology, but with a relatively small workforce.

It is in light of this resolution and strategy that the Board of Industry identified an area at La Villiaze as being the most appropriate site within the Bailiwick that could accommodate an e-commerce facility of the scale and nature envisaged. This land, which is partly within the airport boundary, adjoins land to the south of an existing zoning for light industrial purposes and is within States' ownership. The essential requirements to meet the Board of Industry's strategy in terms of site location are the ready availability of the land, the lack of significant constraints to the development of the land, the ability to accommodate all present and future foreseeable infrastructure and the ability to incorporate a significant degree of flexibility in order to keep pace with innovation in the high technology sector.

Comments on La Villiaze Site

The land at La Villiaze is no longer needed for the operational requirements of the airport and appears to be free of physical constraints. In other words, it is potentially available for development with immediate effect. It is also capable of accommodating all infrastructure requirements of the envisaged development. Other sites considered were either of insufficient size, in fragmented ownership or earmarked for other forms of development within the Detailed Development Plans.

The Civil Aviation Authority has confirmed that there are no fundamental objections to the principle of developing the site, subject to height restrictions on new buildings / structures and subject to control being exercised over the materials of construction to ensure that they do not cause glare to pilots or interfere with radar or radio systems. In order to minimise the risk of bird strikes on aircraft, any planting schemes will need to be carefully thought out so as to discourage flocking or roosting birds. Such details will be considered when plans are worked up in greater detail.

The States Traffic Committee has undertaken a traffic impact assessment, based on the assumption that a new access would be provided on La Villiaze Road. This concluded that the traffic generated by the proposed e-commerce centre at La Villiaze is not likely to be significant compared with that of existing uses and the previously approved expansion of the adjacent industrial park. However, the traffic impact assessment recommends that special attention be given to the control of uses on the site in order to prevent changes from e-commerce centre to business park. Such changes of use and methods of operation would be likely to result in a significant increase in traffic generation.

2. FORMAT OF THE CHANGES DOCUMENT

The Changes Document is made up of a Written Statement and Proposals Map. When formally adopted, the document will supersede the relevant parts of the RAP2. Also included is a simple interpretation of each of the proposed changes, as this will help people understand how the changes were arrived at. This interpretation is for general information only and will not form part of the amended Plan when it is adopted.

The proposed changes to the Plan are shown in *italics*.

The Changes Document relates only to amendments to Policy IN7 and accompanying text and an addition to the Proposals Map of the RAP2. The remainder of RAP2 is not altered.

The Changes Document takes full account of the various provisions of the Strategic and Corporate Plan and must be considered alongside the adopted RAP2.

3. THE PROPOSED CHANGES

Change 1 Alterations to chapter 10

Interpretation of the Change

The RAP2 was originally adopted at a time when e-commerce was considered to play only a supporting role to business and was not in itself considered to be an individual sector of the economy. Policy IN7 did not, therefore, take into account the possible need for an e-commerce development of the scale and nature envisaged.

The proposed change to Policy IN7 will still enable the 'Land Reserved for Light Industrial Development' on the original RAP2 to be developed for that purpose. However, it will also allow for this land and the adjoining land to the south, in States' ownership, to be developed as a major centre for e-commerce, important not only within the Bailiwick but as a strategic facility serving the requirements of businesses within the UK, the rest of Europe and, perhaps, further afield. The proposed change to the Policy will, therefore, fulfil the original States resolution.

Paragraph 10.14 Change paragraph to read:

– Start of amended text –

The Committee does, however, fully recognise the important contribution that the La Villiaze complex has made and should continue to make to the manufactured goods and non-financial services sector. Following consultations with the Board of Industry, the Committee is satisfied that there are exceptional circumstances relating to this site and that the undeveloped portion of the site should continue to provide a significant resource for a specialised range of activities, based on high technology uses.

The undeveloped land forming the northern part of the site (B on the Proposals Map) will be reserved for light industrial and manufacturing, research and development processes and for e-commerce purposes.

The adjoining land to the south, (A on the Proposals Map), will be reserved for uses that will facilitate the development of a world class centre of e-commerce. E-commerce, in this context, is taken to mean those uses that involve the collection, storage, secure hosting, management and controlled distribution of digital data. It may be that facilities such as ancillary administrative (including training) areas are

required; these may be acceptable provided that it can be demonstrated that they are entirely ancillary to each main user. However, no independent office units will be permitted.

It is likely that a new Use Class covering e-commerce will be incorporated into the relevant Ordinance within the life of this Plan. Permissions granted for e-commerce on this site will, normally, be restricted to that use class.

All new buildings will be expected to be of a high standard of design with full regard being given to the requirements of the Civil Aviation Authority in respect of building heights, materials of construction and cladding and planting schemes.

Applications for planning permission may be required to be accompanied by an environmental impact assessment and compliance document, in accordance with the relevant Code of Practice adopted by the Island Development Committee.

– End of amended text –

Change 2 Alteration to Policy IN7

Interpretation of the Change

The revised paragraph 10.14, set out above, gives the explanation behind the Policy. Policy IN7, therefore, requires re-wording to accommodate the rationale of that explanation. Owing to the undeveloped land at La Villiaze essentially being two separate development sites, it seems sensible to split the Policy to reflect this. Hence, Policy IN7a will now relate to the site as a combined parcel of land (A and B on the Proposals Map), the whole of which will be suitable for e-commerce purposes. Policy IN7b will relate to the smaller, northern portion only (B on the Proposals Map) which will be suitable for either e-commerce or for light industrial purposes as outlined above.

Policy IN7 Change Policy to read:

– Start of amended Policy text –

Policy IN7a.

The undeveloped site to the south and west of La Villiaze Industrial Estate (marked A and B on the Proposals Map) will be reserved, subject to Policy IN7b, for a comprehensive development for the purposes of e-commerce (as defined in paragraph 10.14). Permission will only be granted where the Committee is satisfied that the relevant planning application satisfactorily addresses the following points:–

- ***Access to the site***
- ***Maximum building / structure heights (including chimneys)***
- ***Visual impact / design***
- ***Floor-space and site coverage***
- ***Compliance with the Environmental Impact Assessment Code of Practice and relevant environmental health requirements***
- ***Details of the design and operation of any heat or power generating plant***

- *Likely level of activity and hours of operation*
- *Impact on operation of the airport*
- *Controls during the construction period, routing of fibre-optic cables and other infrastructure*
- *Exit strategy*
- *All other relevant Policies of this Plan*

Conditions will be likely to be imposed on any planning permission granted, preventing the change of use of the buildings (falling outside the land identified in Policy IN7b) to uses that the Committee does not consider to be appropriate to either the site or to the States' e-commerce strategy.

Policy IN7b

Notwithstanding Policy IN7a, the undeveloped site to the west of La Villiaze Industrial Estate (marked B on the Proposals Map) will also be available for light industrial manufacturing, research and development processes. Permission will only be granted where the Committee is satisfied that the proposed use can be carried on without detriment to the amenity of the locality particularly in terms of noise, vibration, smell, fumes, dust, grit, smoke, soot or ash. In addition, matters such as form, design, density, layout, access and the potential effects on other development will also be important considerations.

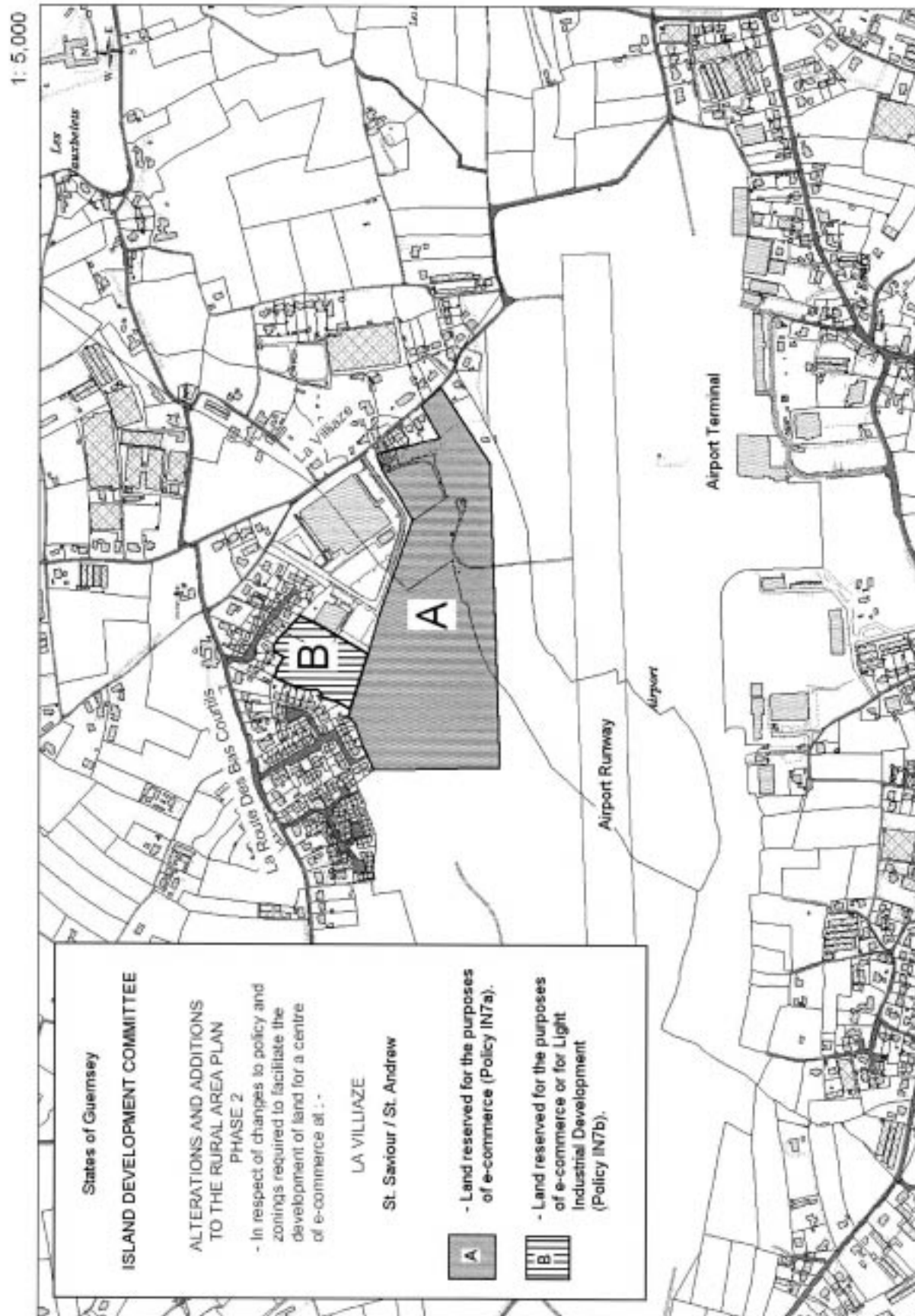
– End of amended Policy text –

Change 3 Addition to the RAP2 Proposals Map

Interpretation of the Addition

The area of land identified as 'Land Reserved for Light Industrial Development' on the original Proposals Map is not of sufficient size to accommodate the scale of development envisaged and does not allow for the provision of a major e-commerce centre. It is, therefore, necessary to allocate a significantly larger piece of land in order to facilitate the States' adopted e-commerce strategy.

Proposals Map – Alter plan as per the attached draft



The President,
States of Guernsey,
Royal Court House,
St Peter Port,
Guernsey,
GY1 2BP.

19th September, 2002.

Dear Sir,

ALTERATIONS AND ADDITIONS TO THE RURAL AREA PLAN (PHASE 2) IN RESPECT OF CHANGES TO POLICY AND ZONINGS REQUIRED TO FACILITATE THE DEVELOPMENT OF LAND AT LA VILLIAZE, ST. SAVIOUR / ST. ANDREW FOR A CENTRE OF E-COMMERCE.

I refer to the policy letter dated 3rd September 2002 from the President of the Island Development Committee on the above subject.

The Advisory and Finance Committee has carefully reconsidered the issues raised by this policy letter taking into account the concerns expressed in the debate at the end of July when this matter was previously presented to the States. The Committee has also borne in mind the wider controversy arising from the debate and particularly, the criticism that the public was being misled about the nature of uses that would be accepted as e-commerce activities.

In commenting on the original policy letter, the Committee remarked that *"The States have already expressed their support and committed significant resources, to the development of e-commerce as another leg to the Island economy. While there can be no guarantees of success, the Committee strongly believes that it is in the overall strategic interests of the Island to continue to invest in this potential new revenue stream for the Island"*.

The Committee continues to hold the view that the potential advantages of establishing high quality e-commerce facilities in Guernsey should be fully explored but it is also concerned to act prudently and to maintain public confidence in the probity with which this initiative proceeds.

As the Board of Industry has decided that it will no longer seek to amend the Island Development Committee's recommendation to accept the findings of the Planning Inspector, the Committee is content to raise no objection to the policy letter.

The Committee welcomes the Island Development Committee's undertaking to return to the House as soon as possible with an authoritative definition of e-commerce uses and ancillary activities that can be enshrined in the Use Classes Ordinance. It is apparent that this is a necessary clarification for the future development of businesses in this sector.

In addition, given the public disquiet that has been expressed since the July debate, the Committee considers that the forthcoming review of the Rural Area Plan will provide an excellent opportunity to consider the potential costs and benefits of developing sites for e-commerce outside the Urban Area in a comprehensive context that will ensure that all the relevant issues can be taken into account.

Yours faithfully,

R. C. BERRY,

Member,
States Advisory and Finance Committee.

The States are asked to decide:—

Whether, after consideration of the Report dated the 3rd September, 2002, of the Island Development Committee, they are of opinion:—

To adopt an Alteration to the Industry Chapter of the Written Statement of the Rural Area Plan (Phase 2) 1997, such that Policy IN7 reads —

IN7

The undeveloped site at La Villiaze will be reserved for light industrial manufacturing, research and development processes and for the purposes of e-commerce. Permission will only be granted where the Committee is satisfied that the proposed use can be carried on without detriment to the amenity of the locality particularly in terms of noise, vibration, smell, fumes, dust, grit, smoke, soot or ash. In addition, matters such as form, design, density, layout, access and the potential effects on other development will also be important considerations.

DE V. G. CAREY,
Bailiff and President of the States.

The Royal Court House,
Guernsey.
The 27th September, 2002.

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 30TH DAY OF OCTOBER, 2002

The States resolved as follows concerning Billet d'Etat No. XXI
dated 27th September, 2002

ISLAND DEVELOPMENT COMMITTEE

**DRAFT AMENDMENT TO THE RURAL AREA PLAN,
PHASE 2 FOR LA VILLIAZE**

After consideration of the Report dated the 3rd September, 2002, of the Island Development Committee:-

To adopt an Alteration to the Industry Chapter of the Written Statement of the Rural Area Plan (Phase 2) 1997, such that Policy IN7 reads –

IN7

The undeveloped site at La Villiaze will be reserved for light industrial manufacturing, research and development processes and for the purposes of e-commerce. Permission will only be granted where the Committee is satisfied that the proposed use can be carried on without detriment to the amenity of the locality particularly in terms of noise, vibration, smell, fumes, dust, grit, smoke, soot or ash. In addition, matters such as form, design, density, layout, access and the potential effects on other development will also be important considerations.

**K. H. TOUGH
HER MAJESTY'S GREFFIER**