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2010

# BILLET D'ÉTAT

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WEDNESDAY, 28th APRIL, 2010

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ALTERATIONS AND ADDITIONS  
TO THE URBAN AREA PLAN  
(REVIEW NO.1) AND THE RURAL AREA  
PLAN (REVIEW NO.1)

# ***B I L L E T D ' É T A T***

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## **TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY**

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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 **28<sup>th</sup> APRIL, 2010**, at 9.30am, to consider the item contained in this Billet d'État which has been submitted for debate.

**G. R. ROWLAND**  
Bailiff and Presiding Officer

The Royal Court House  
Guernsey  
26 March 2010

## **ENVIRONMENT DEPARTMENT**

### **ALTERATIONS AND ADDITIONS TO THE URBAN AREA PLAN (REVIEW No.1) AND THE RURAL AREA PLAN (REVIEW No.1)**

The Chief Minister  
Policy Council  
Sir Charles Frossard House  
La Charroterie  
St Peter Port

24<sup>th</sup> February 2010

Dear Sir

#### **EXECUTIVE SUMMARY**

- 1 The Environment Department is pleased to present to the States, for consideration, proposed alterations and additions (referred to as amendments) to the Urban Area Plan (Review No.1) and the Rural Area Plan (Review No.1). These proposed amendments are accompanied by the report and recommendations of the Inspector and the Department's comments and recommendations thereon.
- 2 The proposed amendments relate to a range of policies contained in the abovementioned Plans and were drafted by the Department in order to retain the responsive nature of the Plans pending the current review of strategic policy together with amendments arising in areas outlined within the Strategic Land Use Plan.
- 3 The Inspector is largely supportive of the proposed amendments with a few exceptions as raised and the Environment Department finds her recommendations to be acceptable.
- 4 The proposed amendments are reproduced in their original form in Appendix B.
- 5 The States Members are now asked to consider the recommendations of the Planning Inspector and those of the Environment Department.

#### **1 BACKGROUND**

- 1.1 It was recognised that a set of Detailed Development Plan amendments would be needed in a report requesting an extension of the period of validity of the Urban

Area Plan. (Review No.1) (as contained in Billet d'Etat XVI, 2007). The proposed amendments are restricted to:

- Urban Area Plan – Chapter 2 text, Policies HO9, EMP1, EMP2, EMP7, CEN4 and new Policies CEN3(A), ED1 and ED2.
- Rural Area Plan – Chapter 1, 2 and 3 text, Policies RCE14, RH1, RH3, RH6, RE4, RE7 and new Policies RE7(A) and RE7(B).

- 1.2 Under the provisions of Section 9 of the Island Development (Guernsey) Law, 1966, a planning inquiry has to be held into the proposed alterations.
- 1.3 The draft amendments, as required by the Law, were published and made available for public inspection on 31<sup>st</sup> July 2009. A Planning Inquiry was held on 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> November 2009. The Policy Council appointed Ms J C Kingaby of the Planning Inspectorate of England and Wales to consider the Department's proposals at the inquiry, together with seventy-four representations or further representations which were heard.
- 1.4 The Inspector's report has been received and attached as Appendix A.

## **2 THE PROPOSED AMENDMENTS**

- 2.1 An important emphasis of the Interim Amendments is to respond to the recent introduction of new planning legislation and implication for certain forms of development and the application of policy to domestic development which was highlighted in the Review of Guernsey's Planning Service by Chris Shepley. He recommended that the Department should look at the way the 'policy gateway' is applied to minor development and also, in more general terms, how the Plan might be interpreted in a reasonably flexible way.
- 2.2 In terms of land for industry, the reason for the proposed amendments is to meet a requirement expressed by the States of Guernsey through its Strategic Land Use Plan and the Strategic Economic Plan to help address the land needs of low key industry. In particular the maintenance of a viable industrial base in Guernsey depends on there being sufficient accommodation for starter businesses and service trades that require open storage areas and small workshops. Changes to the Urban Area Plan (UAP) and Rural Area Plan (RAP) have been put forward to increase the likelihood of additional sites, both allocations and windfall sites, coming forward.
- 2.3 Other main policy amendments in the UAP relate to the Retention of the Existing Housing Stock, (Policy HO9) Complementing the Retail Function (Policy CEN4) and new policies in respect of Central Area Gap Sites (Policy CEN3 (A)), Essential Development (Policy ED1) and Small-Scale Infrastructure Provision (Policy ED2).

### 3 THE INSPECTOR'S REPORT (SUMMARY)

- 3.1 The Inspector summarises her findings for the Urban Area Plan proposed amendments as follows:

‘I recommend that all the proposed changes should be made, with the exception of Change 10, Extension of the Area for Temporary (Employment) Uses at Belgrave Vinery. I also recommend that the wording in proposed changes 1 and 6 should be modified to improve the clarity and effectiveness of policies on Flexibility and Application to Domestic Development and on Central Area Gap Sites. (new Policy CEN3(A))’

and the Rural Area Plan proposed amendments as follows:

‘I recommend all the Proposed Changes be made, except that Land at Portinfer Road, Vale (IS5) should not be allocated for small workshops and yards use. I consider that a small extension to site IS1, Land adjoining Les Caches Business Centre, could usefully be made. Policy RE7(A) should be strengthened to make clear that development of the allocated sites must not harm the living conditions of neighbouring occupiers or interrupt the safe and free flow of traffic on the road network. Although I have not recommended their inclusion as allocations for industrial use, I consider that sites at La Cache, Rue de La Cache and Braye Vineries, Route Militaire, should be re-assessed in terms of their suitability for some future low key industrial use. I recommend that Policy RCE14 and the explanatory text could usefully be re-worded to provide more flexibility for conversion and re-use, in particular to facilitate the provision of sheltered housing.’

### 4 THE INSPECTOR'S PROPOSED CHANGES

- 4.1 The Environment Board has subsequently reconsidered the relevant parts of the documentation and agrees that the following modifications to the published Changes will meet the Inspector's concerns (modifications are shown in italic font where applicable):-

#### **Urban Area Plan proposed amendments**

- MChange 1 : Chapter 2 – Flexibility of the Plan and the application of policy to domestic development
- : Replace the reference to ‘the Conservation and Enhancement chapter’ for ‘the Design and Built Environment chapter’ in the final sentence of the second paragraph of new text after paragraph 4 of sub-section 2.3.1.

MChange 6 : Chapter 7 – Central Area Gap Sites

: The fourth sentence of the explanatory text should be amended as follows:

*‘The Department will ~~expect~~ require these to ~~secure~~ make the conservation of the historic built environment (in accordance with Policy DBE7) and help deliver a diverse range of office accommodation to match mixed use development principles.’ a positive and complementary contribution to the historic character and townscape of the Central Areas.’*

: Policy CEN3(A) should be amended as follows:

*‘Proposals for office development will be permitted on gap sites within the Central Areas where:*

- a) the form and scale of development is compatible with the function and character of the surrounding area;
- b) the proposed development ~~would~~ will make a demonstrable improvement to the built environment; ~~and~~ positive contribution to the architectural and spatial character of its setting, which enhances the townscape of the Central Area.
- c) ~~conservation area principles can be satisfied where appropriate~~

*(see also Policy DBE2 and DBE7 where appropriate)’*

MChange10 : Extension of the Area for Temporary (Employment) Uses at Belgrave Vinery Outline Planning Brief

: Neither the Outline Planning Brief nor the Proposals Map should be altered to show an extended area for temporary employment uses to the south-east of the waste transfer station at Belgrave Vinery.

**Rural Area Plan proposed amendments**

MChange 1(vi): Chapter 3-Conversion and re-use of buildings

: The fourth (proposed new) paragraph of sub-section 3.14 should be deleted and replaced with:

*‘In determining whether a building is capable of conversion, the Department will assess whether it can be carried out without extensive alteration, rebuilding or extension. Where a degree of alteration or extension is proposed, the acceptability of its extent will be assessed in*

*relation to the overall scale of the conversion as well as any impacts or benefits that would result. For example, in the case of a conversion to a single residential unit, there must be adequate space within the existing structure to accommodate the essential elements of a dwelling.'*

~~'In determining whether the building is capable of conversion, the Department will need to be satisfied that it can be carried out without extensive alteration, rebuilding or extension. In the case of conversions to residential use, there must be adequate space within the existing structure to accommodate all essential elements of a dwelling such as a kitchen, bathroom, living space and bedroom. Schemes that rely on extensions to make the conversion feasible will not be permitted.'~~

- : The following sentence should be moved from the end of proposed paragraph 6 to the end of proposed paragraph 5 in sub-section 3.14:

*'Particular care will be required where Policy RCE14 is used in conjunction with RE7(B) (Open Yards)'*

- : The second sentence in the final paragraph of Policy RCE14 should be amended as follows:

*'However, the rebuild ~~should~~ ~~must~~ wherever possible, be for the same nature and scale of development. Minor alterations to the footprint, siting, materials and external appearance of the structure that provide opportunities for environmental enhancement may be acceptable where this results in the physical enhancement of an area, including the consolidation or creation of open space.'*

MChange 4(i) : Chapter 5-Small Workshops and Yards

- : Policy RE7(A) should be amended by the addition of criteria (iii) and (iv) as shown:

*'Proposals for the development of the sites shown on the addendum to the Proposals Map as small workshops and yards will be permitted where:*

- i) the site is properly laid out with buildings, materials, parking, access, appropriate density of built form and open storage areas designed to be in sympathy with the character of the area; and
- ii) the proposal makes a positive contribution to the visual quality of the rural environment through an appropriate soft landscaping scheme designed to sufficiently screen the

industrial activities on the site and minimise any adverse effects on the character of the area

- iii) *there would be no adverse effect on the living conditions of neighbouring occupiers by reason of noise, odour, dust, pollution or significant visual intrusion. Mitigation measures should be put forward as appropriate;*
- iv) *highway safety and the free flow of traffic on the adjoining highway network would not be jeopardised by the proposal. A transport assessment may be required with details of any necessary mitigation measures.*

Where necessary, the Department will impose conditions on any consent to control the nature of the industrial use.....’

### **Allocation Sites/Addendum to the Proposals Map**

4.2 The Inspector’s report contains three site specific recommendations as follows:

MChange 10 : Belgrave Vinery Outline Planning Brief – Extension of the Area for Temporary (Employment) Uses

Neither the Outline Planning Brief nor the Proposals Map should be altered to show an extended area for temporary employment uses to the south-east of the waste transfer station at Belgrave Vinery.

The Inspector reasons as follows:

The site is closer to Rue de la Carriere and other residential properties than the existing temporary employment land, the proposed extension could lead to an increase in harm to living conditions from noise pollution and visual intrusion. The existing problems associated with bad neighbours and the uncertainty associated with ‘temporary’ employment uses should be more closely scrutinised and evidence that the problems can be resolved should be demonstrated, before the site at Belgrave Vinery is extended.

MChange 4(i) : Land adj Les Caches Business Centre, St Martin – Site IS1

Site IS1 should be extended to include the strip of land immediately north of the existing business park as illustrated on the submitted drawing 1185-BP-01.

The Inspector reasons as follows:

Inclusion of the strip of land in the enlarged business park would represent merely a rounding off of boundaries. Its use for parking, as suggested by the representor, would create a break between the south and north parts of the broader industrial area.

MChange 4(i) : Land at Portinfer Road, Vale – Site IS5

The Proposals Map should not be changed to show Site IS5, Land at Portinfer Road, Vale for small workshops and yards.

The Inspector reasons as follows:

It is uncertain how the present means of access including the junction can be improved as Portinfer Road is fronted by quite closely spaced residential properties. There needs to be some certainty that safe conditions for other road users and pedestrians along Portinfer Road and negligible harm to the amenity of residents close to the site access can be achieved, prior to site allocation. An ecological study of the likely impact of industrial use on the neighbouring Site of Nature Conservation Importance would also be beneficial before any use is confirmed.

## 5 LAND FOR INDUSTRY IMPLICATIONS

- 5.1 A major aspect of the Plan Amendments involves the creation of additional land opportunities for small workshops and yards. The modified package of proposals provides a reduced total of 3.2 acres (7.4 verg) for new allocated sites compared to the original figure of 4.6 acres. (11.4 verg) Therefore, if accepted the revised proposals will lower the amount of allocated industrial land put forward in the Plans.
- 5.2 This provision to a certain extent will be balanced by an improved level of windfall opportunities which will flow from approval of UAP, Change 5 (Policy EMP7) – Small Workshops and Yards, RAP, Change 3 (Policy RE7) – Industrial Development and RAP, Change 4(ii) Policy RE7(B) – Open Yards. It is also possible that further sites maybe realised through conversion or re-use of existing buildings under Policy RCE14.
- 5.3 Although the Inspector has not recommended Site IS5, Land at Portinfer Road, Vale as an allocation under Policy RE7(A); a useful steer has been provided for potential alternatives. These comprise of four possible sites (referenced in Section 3) as follows:
- Building and yard area, La Cache, Rue de la Cache, Vale (6,700 sqft)
  - Land at La Cache, Rue de la Cache, Vale (1 ac/2.5 verg)
  - Land at La Cache, east of Pleinheume Road, Vale (1.2 ac/2.9 verg)
  - Bray Vineries, Route Militaire, Vale (1.8 ac/4.4 verg)
- 5.4 None of the above complies sufficiently with the key determinants of access, open amenity value, neighbour impact, other strategic priorities and employment area location to justify site allocation against new Policy RE7(A) at this time. However, the forthcoming full review of the Detailed Development Plans will provide a suitable means to investigate the various technical survey requirements

indicated as needed by the Inquiry Inspector. It will also give an opportunity to re-examine coverage of existing key horticultural or agricultural status of certain potential sites jointly with the Commerce and Employment Department which the Inspector has suggested.

- 5.5 It should also be recognised that Land at Portinfer Road, Vale (Site IS5) although not recommended to be carried forward as a site allocation, still remains a possible future development option given the findings of the Inquiry Inspector. She concludes by stating further assessment of transport impact of new industrial use and ecological study of the likely impact of the same on the neighbouring Site of Nature Conservation Importance should be undertaken before moving forward with any industrial development scheme.

## **6 THE RESPONSE OF THE ENVIRONMENT DEPARTMENT**

- 6.1 The Environment Board recommends that the States approve the interim proposed amendments to the Urban Area Plan (Review No.1) and the Rural Area Plan (Review No.1) together with all the recommendations made by the Planning Inspector.

## **7 CONCLUSIONS**

- 7.1 On behalf of the Environment Department I would like to thank the Inspector and her staff for the fair, efficient and professional management of the Inquiry.
- 7.2 The Environment Department recommends the States approve the amendments to the Urban Area Plan (Review No.1) and Rural Area Plan (Review No.1) together with the modifications recommended by the Inspector and supported by the Department.
- 7.3 In the event of the States approving the amendments, addendums will be printed and included within the Urban and Rural Area Plans. The addendums will be lodged at the Greffe following signature by the President of the States, in accordance with section 13 (2) of the Island Development (Guernsey) Law, 1966, as amended. The Plan amendments however, will become operative immediately following approval by the States.

Yours faithfully

P R Sirett  
Minister



## The Planning Inspectorate

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The Minister  
 Environment Department of the States of  
 Guernsey  
 Sir Charles Frossard House  
 PO Box 43, La Charroterie  
 St Peter Port,  
 GUERNSEY  
 GY1 1FH

Your Ref:

Our Ref: LDF 1034

Date: 14 January 2010

Dear Sir

### **Report on Representations and Further Representations made to Interim Amendments to the Urban Area Plan (Review No.1), and to the Rural Area Plan (Review No.1)**

I was appointed by the Policy Council of the States of Guernsey to hold a Public Planning Inquiry into Representations and Further Representations made to Proposed Amendments to the Urban Area Plan (Review No.1), and to the Rural Area Plan (Review No.1).

The Proposed Amendments relate to a number of policies in both Plans. Two key themes underlying the proposed amendments are the application of the concept of 'policy gateways' and the retention of an appropriate degree of flexibility in decision-making, and maintaining a viable industrial sector with sufficient accommodation for starter businesses and service trades whilst protecting the quality and amenity of the Island of Guernsey and its population.

Some 74 representations and further representations were heard at the Public Planning Inquiry held at Les Cotils, St Peter Port, on 4, 5 and 6 November 2009, in accordance with the Island Development (Guernsey) Law 1966.

I wish to express my grateful appreciation of the support given to me in preparing for the Inquiry, for the Inquiry arrangements and the continued assistance given by Mrs Jo De Garis, the Inquiry Programme Officer.

My report is attached.

Yours faithfully

*Jill Kingaby*  
INSPECTOR



# **Report to the Minister, Environment Department of the States of Guernsey**

**by Jill C Kingaby BSc(Econ)  
MSc MRTPI**  
an Inspector appointed by the  
Secretary of State for Communities  
and Local Government

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Date : 14 January 2010

## **Interim Amendments to the Urban Area Plan – Review No. 1, and Rural Area Plan - Review No. 1, Guernsey**

Inquiry held on 4, 5, 6 November 2009

File Ref: LDF/1034

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## **INTRODUCTION**

1. In accordance with Section 9 of the Island Development (Guernsey) Law 1966 (as amended), I was appointed by the Policy Committee to hold a Planning Inquiry. My task at the Inquiry was to hear submissions or representations and further representations relating to the Proposed Amendments to the Guernsey Urban Area Plan - Review Number 1 adopted in July 2002, and the Rural Area Plan - Review Number 1 adopted in December 2005. This report contains my recommendations on the Proposed Amendments to both plans, pursuant to Section 11 of the Law.
2. The Proposed Amendments were advertised on 31 July 2009, in accordance with Section 9(2) of the Island Development (Guernsey) Law, for receipt of representations by 11 September 2009. This period was subsequently extended and a date for further representations of 16 October 2009 was given. By the time the period for comment ended, at close of the Inquiry as required under Section 10 of the Law, some 78 representations (or submissions) or further representations had been lodged. Four representations were withdrawn, leaving 74 which were heard at the Inquiry either in person, by an advocate of the Royal Court or other spokesperson. Under the provisions of Section 10(3), in addition to hearing the representors and responses from the Environment Department, I heard responses from the Commerce and Employment Department where their representatives were able to explain the background to policy considerations which lay outside the direct remit of the Environment Department. The outstanding 74 representations and further representations and the policies to which they relate are the subject of the recommendations in my report.
3. Whilst the Inquiry was completed within the allocated 3 days, there were some lengthy sessions and difficulty in adhering precisely to planned timetables. I have to agree with my predecessor Inspector Peter Robottom, who held the Inquiry into the Rural Area Plan Review No 1 in 2004, and concluded that the acceptance of written representations would have been beneficial to the Inquiry process. In addition to familiarisation tours before the opening of the Inquiry, I made additional site visits after the Inquiry. Most were undertaken unaccompanied or solely with the Programme Officer except where the character of the sites could not be appreciated without access onto private land or specific matters needed to be pointed out. In such cases I was accompanied by a representative of the Environment Department as well as the representors.

### **The Proposed Amendments**

4. As explained by Deputy Sirett, Minister, Environment Department, the proposed amendments to the Plans seek to update certain parts of the land use policy framework and ensure that land use policies are consistent with the strategic thinking of the States of Guernsey formulated by the Policy Council. A number of specific topics are addressed in the proposed amendments including a

response to new planning legislation which means that States development is no longer exempt from the Law. Amendments are also put forward to introduce a greater degree of flexibility following the emergence of the concept of 'policy gateways' and following the report by Mr Chris Shepley, "Review of Guernsey's Planning Service".

5. The States of Guernsey Strategic Land Use Plan and Strategic Economic Plan identify a requirement for the land needs of low key industry to be addressed in order to maintain a viable industrial base in Guernsey. Changes to the UAP and RAP have been put forward to increase the likelihood of additional sites, both allocations and windfall sites, coming forward. Consequent changes to the Proposals Map have been put forward. The Minister confirmed that the proposed alterations and additions to the Urban Area and Rural Area Plans are in conformity with the objectives of the Strategic Land Use Plan and have been endorsed by the Policy Council.
6. The proposed amendments are put forward only for selected, specific policies and supporting text. My report and recommendations are confined to these proposed alterations and additions. I respond to all the representations subsequently submitted.

## **THE URBAN AREA PLAN (UAP) INTERIM AMENDMENTS**

### **The Main Issues**

7. My report in respect of the UAP is structured around the main issues which emerged from the consideration of representations at the Inquiry. For the Proposed Amendments to the Urban Area Plan (UAP), I consider that the main issues are:
  - Whether the proposed additions to sub-section 2.3.1 of the UAP are likely to increase flexibility in planning and development which is intended (Change 1).
  - Whether removing the restriction on site size from Policy EMP7 would be reasonable and increase the accommodation available to starter businesses and service trades appropriately (Change 5).
  - Whether the area at Belgrave Vinery shown as an extension for temporary employment uses should be so designated, having regard for the needs of low key service industry, the impact on the living conditions of neighbouring occupiers and the prospect of temporary use becoming permanent (Change 10).
  - Whether Policy HO9 should be made more flexible and permit

replacement housing other than on commercial sites (Change 3).

- Whether proposals to change Policy CEN4 and add Policy CEN3(A) would protect the living conditions of central area residents appropriately and uphold the quality of the central area (Changes 7 and 6).
- Whether new Policy ED1 should extend to proposals for new telecommunications' masts; whether or not new Policies ED1 and ED2 have sufficient regard for the impact of subsequent development on the quality of the environment and the Island's resource base (Changes 8 and 9).

### **Summary of Recommendations**

8. In summary, for the UAP, I recommend that all the proposed changes should be made, with the exception of Change 10, Extension of the Area for Temporary (Employment) Uses at Belgrave Vinery. I also recommend that the wording in proposed Changes 1 and 6 should be modified to improve the clarity and effectiveness of policies on Flexibility and Application to Domestic Development, and on Central Area Gap Sites (new Policy CEN3(A)).

### **Proposed Additions to Sub-section 2.3.1 and Flexibility (Change 1)**

#### **Mr B Lockwood (015)**

9. Mr Lockwood supports the need for flexibility in interpreting the UAP where a proposed development is not directly envisaged by it. Drawing on his recent experience as a consultant, he is concerned that there is potential development which is not minor and would be beneficial or acceptable but is not covered by the plan. The plan, he observes, was not written so that it would reflect every possible development proposal, and it would be impossible to achieve this.
10. Historically, there was a 'presumption in favour of development' where no prohibitive policy existed. The 'policy gateway' approach is relatively recent and represents a significant shift in the legal interpretation of planning policy. Mr Lockwood queries whether it has been consciously endorsed by the States of Guernsey and draws attention to the Shepley report, especially recommendation 11 which addresses how "the policy gateway is applied in minor developments" but also recommends "amendments to the UAP to introduce greater flexibility." Change 1 is, he suggests, superfluous as it focuses only on Section 12(2) of the General Provisions Ordinance 2007. Where a proposal is minor and does not undermine the broad objectives of the plan, there is an opportunity to depart from it regardless of a statement to this effect in the plan. Focusing on minor development or domestic/householder development rather than the wider issue could constrain rather than liberalise the way law and policy will be interpreted.

11. The Environment Department pointed out that 'policy gateway' is not a term used in case law, notably in the *Island Development Committee v Portholme Properties Limited* Court of Appeal judgment [2002]. However, it conveys the principle that, if there is no policy in a plan to permit or support a development proposal, then it should be refused. My attention was drawn to recent case law and also to the current legislative background, in particular to Section 12 of the *Land Planning and Development (General Provisions) Ordinance 2007*.
12. I accept that whether there is a 'presumption in favour of development' or a requirement for a 'policy gateway' is a very important matter for the operation of the planning system. However, I agree with the Environment Department that Section 12 clearly defines the status of plans and the approach to development control. I consider that Proposed Change 1 follows its principles appropriately. The second and third sentences of the proposed new text to follow para 4 of sub-section 2.3.1 in the UAP fairly reflect Section 12(1) (a) & (b) of the Ordinance and need not be changed. The second paragraph of the proposed new text acknowledges that it is impossible to foresee all future circumstances and allows for development essential to the public interest. The 1<sup>st</sup> & 3<sup>rd</sup> paragraphs allow for a more flexible approach when considering development of a minor nature and domestic/householder development. This is consistent with Section 12(3) in my view.
13. The Shepley report recommends a number of actions to achieve greater flexibility. It seems to me that the proposed additions to sub-section 2.3.1 and new Policies ED1 and ED2 (Change 8) go some way to achieving a more flexible UAP. The Environment Department argued that it has proved challenging to make amendments to the UAP which do not "pull the document as a whole apart". A comprehensive re-drafting will be undertaken when the UAP and RAP are subject to further full review. I accept that it is difficult to make discrete changes on a subject such as flexibility, and that the future more comprehensive review would be the time to revisit the question more holistically.
14. Mr Lockwood suggested that, if the current wording of the text remains, then it should be clearer what is meant by 'minor development' and that a statement should be added along the lines: "the onus shall be on the Environment Department to show how any proposed development is contrary to the policies and/or objectives of the Plan...etc". The Shepley report section 11 emphasises that decision-making cannot be a mechanistic process, that even in the best plan, judgments (professional judgments) have to be made. I agree that planning decisions have to be based on logical thinking and clear reasons for refusal, but I see the practical difficulty in defining 'minor development' in general. I see no need to spell this out in the UAP.

15. I conclude that Change 1 with the proposed additions to sub-section 2.3.1 of the UAP is likely to increase flexibility in planning and development and should be made.

### **Recommendation**

**The proposed new text contains an erroneous reference to “the Conservation and Enhancement chapter”. Apart from a change to correct that to read “the Design and Built Environment chapter”, I recommend no further amendments. Change 1 should be made.**

### **Policy EMP7 Site Size Threshold and Need for Additional Sites (Change 5)**

**Rue de La Carriere Housing Association (003); Construction Industry Forum (006); Stanley Walter John Jehan (001); Messrs JF and SCA Slattery (002); Deputy Trott, Chief Minister (021); Deputy David De Lisle (019); Deputy J Gollop (020)**

16. The Strategic Land Use Plan (SLUP) affirms that an adequate supply of land and accommodation to meet the diverse needs of business and industry is vital to the creation of a sustainable economy. Its Strategic Policy 15 states that the majority of development for business and industrial purposes shall be accommodated within the Urban Area. Strategic Policy 12 expects detailed development plan policies to maintain an adequate supply of land and accommodation for business and industrial uses that would otherwise be disadvantaged in the commercial property market by higher value activities. The SLUP observes that high value uses generating large profits tend to squeeze out lower value ones, even though they may be just as valuable to overall community wellbeing.
17. Proposed Change 5 is put forward because there is perceived to be insufficient accommodation for starter businesses and service trades. It is acknowledged that sites for low key industries have not materialised in the way envisaged in the Urban Area Plan 2002. Support for this comes from a number of evidence documents. The Business Premises Needs Survey June 2005 – Commerce and Employment Department identified a need for some 12.6 acres of additional business premises, of which 4.5 acres was for open storage or small workshop/packing sheds. As the survey did not achieve 100% coverage and is now some 4 years old, I consider that this could be a conservative figure.
18. Deputy De Lisle supported by Deputy Gollop, on the other hand, drew attention to the Note on Analysis of Potential “Windfall Sites” for Industry in the Urban Area 2006. This reports on a joint analysis of sites by the Environment and Commerce and Employment Departments, and lists sites in the Urban Area

which cover more than 30 acres. The note indicates that some sites have great potential for future industrial use (eg. two being vacant industrial sites awaiting redevelopment) whilst others are clearly constrained (eg. 7 sites are described as having traffic or access issues). The need for relocation of existing uses is remarked on in some instances. Whilst I accept that further action should be taken to advance some of these sites and increase the amount of land for industry in the urban area, I cannot agree that this study confirms there to be an adequacy in the existing supply.

19. The Construction Industry Forum represents architects, surveyors, developers and builders and I attach weight to the opinion of those with empirical experience in this field. The Forum confirmed that, even after the credit crunch, there is a high level of demand for land and premises for employment purposes. They welcomed the proposed removal of the restrictive size threshold in Policy EMP7.
20. Rue de La Carriere Housing Association, however, objects to the change. It fears that removal of the site size threshold could lead to all of Belgrave and Fontaine Vineries being developed for permanent industrial use. Part of this former horticultural land has been used for industrial purposes in recent years and Housing Association residents described a series of harmful effects on their living conditions which they attribute to that use. I shall return to this issue in the consideration of Change 10 to the UAP below.
21. Whilst I recognise that industrial uses may have a serious and unsatisfactory impact on neighbours unless they are carefully sited, Policy EMP7 makes plain that the development of small workshops and yards should only be permitted where there is consistency with Policies EMP5 and 6. This means that there should be minimal impact on the amenities of adjoining users. In addition, permission will only be granted in very limited and exceptional circumstances. No justification was given for a threshold of 0.5 hectares and the Department itself has described it as an 'arbitrary barrier'. In view of the importance of sustaining the economy and the high level of need for additional sites for low key industry throughout the urban area, I am satisfied that Policy EMP7 should be changed as proposed.
22. I have seen no substantive evidence to support an alternative, perhaps higher threshold, than the current one. Therefore, the restriction on site size to "less than 0.5 hectares (3 verges)" should be removed, to increase the prospect of accommodation available to starter businesses and service trades.
23. Representors have argued that there are specific sites available in the urban area which could be identified to provide small workshops or yards. Mr Jehan owns a quarry/store at Colborne Road which has been used for many years for the laying up and maintenance of sailing boats. Applications have been made

unsuccessfully for the site to be used for private car parking, and it is suggested that the site should be re-zoned more sensibly as a small workshop and yard. However, the Department advises that the site forms part of an Area of Landscape Value and Site of Nature Conservation Importance. Therefore, re-zoning the site would result in conflict with Policies CO4 and CO5 of the UAP which are not currently being reviewed. I consider that the site is highly visible from the adjoining road and its use as a workshop and yard could be harmful to the Area of Landscape Value.

24. The site at Le Neuf Courtil Vinery off Route des Coutanchez is put forward by Messrs Slattery. This too is located within an Area of Landscape Value, outside the Settlement Areas of the UAP and adjacent to a Site of Nature Conservation Importance. The representors contend that small businesses are being evicted from sites in St Peter Port and are in urgent need of premises. I recognise that there is a strong requirement for additional sites for small workshops and yards and have some sympathy with the view that disused and abandoned horticultural units can be unsightly within the countryside. However Strategic Policy 34 of the SLUP, as well as Policies CO1 and CO4, and EMP7(d) of the UAP count against identifying this site for use for small workshops and yards.
25. Regarding the suggestions to change the wording of Policy EMP7, I am satisfied that paragraph 6.2.2.3 of the UAP adequately explains and puts into context what is meant by 'horticultural activity' and 'realistic prospect'. I shall not recommend changes to Policies EMP5 and 6, as none have been proposed by the Environment Department's current Proposals for Alterations and Additions. They have not therefore been consulted on, nor have the wider implications particularly for permitting development on a sensitive site outside the Settlement Areas been fully assessed. I conclude that the UAP should not be amended to add either of the above sites and identify them for employment purposes ie. small workshops and yards. Neither should Policy EMP7 or other policies in the UAP be changed to accommodate them.

### **Recommendation**

**I recommend that Change 5 to amend Policy EMP7 is made.**

#### **Belgrave Vinery (Change 10)**

**Rue de La Carriere Housing Association (004); Construction Industry Forum (007); Mr R Higgs (013); Deputy Trott, Chief Minister (022); Deputy J Gollop (023)**

26. Belgrave Vinery is identified as a Housing Target Area in the Urban Area Plan. The Outline Planning Brief (OPB) approved in January 2006 aims to ensure that

the release of land for housing is phased to meet targets for affordable and social housing established through the Corporate Housing Programme. The proposed phasing is shown by area on Figure 17 of the OPB, and land at the former Fontaines Vinery and Stones Quarry is identified for temporary uses “on a short term and on a strictly temporary basis.....to accommodate a number of clean, low key employment uses...”. As this land has largely been taken up for industrial use in the last few years, Change 10 of the Proposed Amendments to the UAP seeks to extend the area for temporary employment uses by about 1 acre to the south-east of the waste separation/transfer station.

27. Rue de La Carriere Housing Association residents object to the intended extension to the area for temporary employment use. They point out that the area in question is located in the Phase 2 area of the OPB where there is no allowance for such temporary uses. The existing industrial uses are said to have an adverse effect on residents' living conditions, and it is feared that the prevailing problems will be exacerbated if the area is extended. In detail, the residents object to the waste separation/transfer station with its large and unsightly green shed. They contend that the area for temporary employment uses with its fences splitting the area into compounds which contain vehicles, equipment, stone and building materials is an eyesore.
28. Residents inform that glass crushing operations were transferred from Longue Hougue early in 2009 to the waste station at Belgrave Vinery. This has led to noise nuisance from vehicles including diggers, lorries and reversing beepers as well as from machinery and from glass being crushed. Diaries kept for Environmental Health purposes indicate that noise disturbance has occurred at anti-social hours of the early morning, and it is proving difficult to control operations or secure more reasonable hours of operation. The site proposed as an extension to the land for temporary employment use would bring industrial uses closer to Rue de La Carriere, with the risk that noise and disturbance would be even more intrusive in future. Deputy Trott, the Chief Minister, described problems associated with road safety in the locality, with industrial noise and odour from the cesspit.
29. Residents comment that the ‘temporary’ employment uses started with the waste separation/transfer station in 2002 and there appears to be no time limit or definition of ‘temporary use’. In the absence of any guidelines, the worry is that industrial and business use will become permanent. Any increase in the size of the site is expected to magnify the problem of achieving future removal.
30. The Construction Industry Forum supports the proposal to extend the area for temporary employment uses at Belgrave Vinery, in order to provide for the high and urgent level of demand from low key industry. The Forum observed that the earlier vineries were industrial in character, and that only 1 acre of additional land would be used for temporary industrial purposes through Change 10.

Recent noise problems, it was suggested, had not been caused by private sector businesses. Deputy Gollop also supported the temporary employment uses at Belgrave Vinery, suggesting that the area might be remodelled to be greener with provision for small scale workshops and craft activity for the longer term.

31. I consider that there are powerful arguments for and against extending the temporary employment uses at this location. The Environment Department's report to The Board February 2008 records that a major joint exercise had been carried out to identify land Island-wide for open storage and small workshops and this yielded 7 short-listed sites. Officers were requested also to research the feasibility of extending the area at Belgrave Vinery. Consultation was undertaken with Environmental Health, Traffic and Transport Services, Guernsey Water and Law Officers. The subsequent report stated that Belgrave Vinery had the advantages of being in a relatively good strategic position between St Peter Port and St Sampson and, most importantly, the majority of it was within States ownership. In order to ensure environmental acceptance and avoid prejudicing the long-term intention for housing development, it drew attention to the criteria in section 4.2 of the OPB.
32. Notwithstanding the clear need for sites which are available to and affordable by low key industry, I have a number of concerns regarding proposed Change 10. I cannot disagree with the residents' description of the temporary employment use site as an eyesore. I found it to be readily visible and intrusive in public views. The diary detailing noise before 7am in the morning on a repeated basis suggests disregard for operations' guidance and practical difficulty for the authorities in applying the criteria in section 4.2 of the OPB. As existing operators are not showing consideration for neighbouring residents and the wider environment, I see no guarantee that new users on the adjoining, extended land would control their hours of operation, have regard for the appearance of the site or provide screening. As the site is closer to Rue de La Carriere and other residential properties than the existing temporary employment land, I consider that the proposed extensions could lead to an increase in harm to living conditions from noise pollution and visual intrusion.
33. The proposal to extend the area for temporary employment use would be more acceptable if it were time limited. The OPB explains that development of the site as a Housing Target Area would be phased, but is expected to take place over a period of many years. Paragraph 5.2.4 of the UAP describes Housing Target Areas as a reserve of land that may be needed in the future if housing supply is insufficient. In my view, the lack of certainty as to when housing development might occur on the site, and therefore when temporary employment uses might cease, compounds the problems and creates anxiety for neighbouring residents. Permission for change of use for storage/distribution space was granted in August 2006 for 3 years subject to conditions and a new application is currently under consideration. However, I have heard no evidence that this

application might be refused or subject to different conditions because past use of the site has caused harm to residential amenity.

34. On balance, I conclude that the existing problems associated with bad neighbours and the uncertainty associated with 'temporary' employment uses should be more closely scrutinised and evidence that the problems can be resolved should be demonstrated, before the site at Belgrave Vinery is extended. For these reasons, I am unable to support Change 10.
35. Mr Higgs supports the proposed extension of the area for temporary employment uses but wishes to see it taken further to include the adjoining Duval Vinery site. He identifies a number of features which would favour this proposition. Firstly, the site is next to the existing access road, it is further from Rue de La Carriere and its development would probably require less infrastructure, works and less incursion into the Housing Target Area than the site put forward in Change 10. However, the Environment Department argues that its designation would extend the temporary employment uses outward beyond the access road which forms a strong boundary, and along Le Murier, to the detriment of the more open side of the OPB. It suggests that part of the site remains in active horticultural use. The case for designating this land for temporary employment uses is not therefore clear cut, and I am unable to conclude that it should be designated for temporary employment purposes either in addition to or instead of the site to the south.

### **Recommendation**

**I recommend that Change 10 should not be made. Neither the OPB nor the Proposals Map should be altered to show an extended area for temporary employment uses to the south-east of the waste transfer station at Belgrave Vinery.**

### **Land off Saltpans Road, St Sampson (Change 10)**

#### **Mr Whalley (018)**

36. A plan was submitted showing land that might be suitable for future low key industry extending to the south-east from Saltpans Road. I have considered whether this might be included as an additional site for small workshops and yards to meet the need which underpins Proposed Changes 5 and 10. However, this land forms part of a housing target area and its use for industry would conflict with Policy HO8 which is restrictive of new development or redevelopment. I conclude that the UAP should not be amended to permit this site to be used for low key industry.

### **Recommendation**

**No change to the UAP should be made consequent to this representation.**

### **Retention of Housing Stock & Displacement - Policy H09 (Change 3)**

#### **Mr B Lockwood (017)**

37. Sub-section 5.2.5 of the UAP stresses the importance of maintaining the existing housing stock in the face of a growing demand for new homes. Where living accommodation is unsatisfactory, the aim will be the refurbishment of the property. Policy HO9 embodies these principles but allows, in exceptional circumstances, for some displacement with replacement housing to be provided "on a suitable commercial site in the Settlement Areas". Change 3 is proposed to remove the requirement that replacement housing should necessarily occupy commercial sites in the Settlement Areas, and to state that, in appropriate circumstances, it may mean the release of a Housing Target Area.
38. The representor supports the provision of greater flexibility within Policy HO9 but seeks additional amendments to those proposed by Change 3. He draws attention to residential accommodation in larger office developments in St Peter Port which typically have poor outlooks, outdoor amenity provision, parking and servicing arrangements. Many are currently unused because they can only be accessed from the commercial space below and this presents fears that security could be breached. These units, nevertheless, do not meet the criteria in Policy HO9 to be treated as substandard. A more permissive definition of substandard could facilitate their release and replacement with a net increase of better quality accommodation.
39. The Department acknowledges that there may be a source of unused flats, as described, which could usefully be released for other purposes. However, the representation looks for a dimension of change to policy not so far envisaged. Further research is required to ascertain the likely number of units and their spatial coverage. I accept that the extent of unused accommodation needs to be known, and liaison with the Housing and Commerce and Employment Departments undertaken, before any adjustments to planning policy are made. Further research should ensure that the best solution would be chosen to address the underlying problem related to the flats. I conclude that the amendment should not be made at this stage, but should be investigated further when the UAP is subject to a full review.
40. Mr Lockwood also suggested that the policy should require consultation with the Commerce and Employment Department in order to determine whether development would have substantial and overriding economic benefit. The Environment Department affirms that priorities identified in the States Strategic Economic Plan could have a bearing on the application of this policy. It stated that decisions would mostly be based on inter-departmental working, and I agree that this need not be spelt out in detail in the UAP. I conclude that Policy HO9 should be made more flexible and should permit replacement housing other than

on commercial sites as proposed by Change 3, and that no other changes are required to this sub-section.

### **Recommendation**

**Policy HO9 and its supporting text should be amended as proposed in Change 3.**

### **Central Area - Policy CEN4 and proposed Policy CEN3(A) (Changes 7 & 6)**

**Deputy David De Lisle (009), Deputy Gollop (014), Bill Lockwood (016)**

41. It was clarified at the Inquiry that the last two paragraphs of sub-section 7.2.2.2 are unaffected by the proposed changes to the UAP and are intended to remain in place. I consider that this is essential to retain the advice on blank frontages and to make clear that there should be no adverse impact on nearby residents.
42. The second paragraph of sub-section 7.2.2.2 is proposed to be amended so that the order of bullet points is changed, and to emphasise that it will only be necessary to provide evidence showing that efforts have been made to find another retail occupier in circumstances where there is an established impact on the retail function of a centre. I am satisfied that this change would add clarity to policy application and should be made.
43. Deputy De Lisle is strongly supportive of the principle that the character of the shopping area along High Street/the Pollet/Commercial Arcade/Market Street should be preserved. The variety of local shops with small shop fronts, rather than branches of UK multiples in enlarged and 'hollow' units, makes the centre colourful and unique. I agree that the UAP should do all it can to protect the local distinctiveness of Guernsey's principal shopping streets and prevent inappropriate development. Strategic Policy 21 of the SLUP supports measures and projects which will encourage a wide range of uses in the Town and the Bridge and safeguard the historic character among other things. It refers to exercising strict control over the scale and nature of new development. The Department advises that the recently commissioned Retail Study and Strategy for Guernsey will examine this issue and inform the future review of the Urban and Rural Area Plans.
44. I agree with the Department that the existing form, scale and character of buildings in St Peter Port centre do not lend themselves readily to the introduction of retail premises with large floorplates. In addition, it is important to recognise that there is no legal provision for planning policy to differentiate between local or UK owned shops. I shall not recommend adding the reference to "the range of local independent retail premises and retail choice", for these

reasons, and because sub-section 7.2.2 is concerned with change of use to non-retail. I conclude that Change 7 should be made.

45. Proposed new Policy CEN3(A) provides for limited office development on Central Area gap sites. Deputy Gollop opposes further office development on gap sites, and would support only the sparing provision of non-retail outlets in retail zones because they can weaken the character of the old quarter. He points out that the demand for smaller office premises is limited and there is a strong need for housing development. However, it seems to me that gap sites pose specific problems and I note that the proposed amendment to add CEN3A would follow Policy CEN3 which supports mixed use development, including shopping and housing, in central areas.
46. Mr Lockwood argued that the absence of a definition in the explanatory text for CEN3(A) as to what would constitute 'limited' as opposed to 'major' office development could result in confusion and possible legal challenge. I consider that it would be difficult to give a precise but practicable definition to 'limited' in the context of development proposals. However, a gap site will be defined under Key Terms Used, and this should reduce any uncertainty. Policy EMP1 signals a restrictive approach to new office development in general. I am satisfied that proposed Policy CEN3(A) should not give encouragement to inappropriately large development on gap sites or cause confusion.
47. The representor's suggested re-wording of the fourth sentence in the explanatory text to proposed Policy CEN3(A) is accepted by the Environment Department. I consider that the revised wording adds simplicity and clarity and should be made. On the wording of criteria in the policy itself, it seems to me that the form of development, which should include aspects of the building, any structure and space around it, could be more or less well related to the function of an area. I see no need to re-write criterion a), but the replacement of criteria b) and c) with a single new one based on Mr Lockwood's wording would make Policy CEN3(A) more straightforward and positive in its purpose to secure a high quality of urban design. I shall recommend that the policy is changed accordingly.
48. With these amendments I conclude that the proposals to change Policy CEN4 and add Policy CEN3(A) would be consistent with protecting the living conditions of central area residents and upholding the quality of the central area.

### **Recommendation**

**I recommend that Change 7 to Policy CEN4 and its supporting text should be made. I recommend that Change 6 to add a new Policy CEN3(A) should be made, subject to these amendments:**

**The fourth sentence of the explanatory text should read: “The Department will require these to make a positive and complementary contribution to the historic character and townscape of the Central Areas.”**

**Policy CEN3(A) should read: “Proposals for office development will be permitted on gap sites within the Central Areas where:**

- a) **the form and scale of development is compatible with the function and character of the surrounding area;**
- b) **the proposed development will make a positive contribution to the architectural and spatial character of its setting, which enhances the townscape of the Central Area.**

**(see also Policy DBE2 and DBE7 where appropriate)”.**

**Proposed Policies ED1 and ED2 (Changes 8 and 9)**

**Deputy David De Lisle (008, 010 and 011); Deputy J Gollop (014)**

- 49. Deputy De Lisle is opposed to the statement in the text which precedes Policy ED1 : “For the avoidance of doubt proposals for new telecommunications masts will be subjected to this Policy ED1”. He argues that the health and safety issues in the public eye are real, especially when masts are erected close to residential areas, schools, hospitals and other community facilities. Deputy Gollop raises similar concerns. Deputy De Lisle acknowledges that the official position on health and safety is different.
- 50. I see that the SLUP Strategic Objective 5 and Policy 26 are supportive of telecommunications’ infrastructure which delivers economic and social benefits and minimises adverse effects on the environment. No firm evidence was submitted to the Inquiry to demonstrate that telecommunications’ development would be harmful to the public interest, health, safety etc. of the community. Any new proposal for development would be considered on its individual merits with reference to Policy ED1 and the remainder of the UAP. Notwithstanding alleged public opinion, I see no justification for a blanket ban on such development as proposed by the representors. I support the proposed change and recognise that it will give greater consistency between the UAP and RAP.
- 51. Changes to the wording of the last paragraph in the explanatory text to ED1 and to proposed Policies ED1 and ED2 themselves are also sought. I do not support the suggested amendments as I consider it unnecessary for explanatory text and policy to repeat each other. In my opinion, the meaning of the words is clear and appropriate, and gives consistency with the RAP.

52. It is argued that small scale, public utilities infrastructure has an increasing impact on the environment, and the location of facilities requires careful planning. I accept the Department's observation that making a policy provision for the consideration of such development, through a new Policy ED2, sets a test to ensure that resultant development represents the best practical environmental option and is not harmful to the public interest. The proposed additional policy reflects the new circumstances following introduction of the Land Planning and Development (Guernsey) Law 2005. Proposed Policies ED1 and ED2 would complement Policies RD1 and RD2 in the RAP.
53. I conclude that proposed Policy ED1 should extend to proposals for new telecommunications' masts, and that Policies ED1 and ED2 have sufficient regard for the impact of subsequent development on the quality of the environment and Island's resource base (Changes 8 and 9).

### **Recommendation**

**Changes 8 and 9 should be made to add new policies as proposed for Essential Development and Small-Scale Infrastructure Provision.**

## **THE RURAL AREA PLAN (RAP) INTERIM AMENDMENTS**

### **The Main Issues**

54. In respect of my inquiry into the Rural Area Plan (RAP) Interim Amendments, I consider that the main issues are:
- Whether the changes, especially Change 1(i) go far enough to increase flexibility in planning and development, or whether they go too far and are likely to lead to inappropriate development in the rural area.
  - Whether proposed Change 1(vi), to Policy RCE14, is internally consistent, and is likely to result in a more or less restrictive approach to the conversion and re-use of buildings with reference to the effect on future housing provision.
  - Whether additional industrial development should be permitted in the Rural Area in the exceptional circumstances provided for in changes proposed to Policy RE7, and in new Policies RE7(A) and RE7(B) (Changes 3 and 4).
  - Whether the sites proposed for allocation as suitable for small workshops and yards under Policy RE7(A) should be included in the revised RAP (Addendum to the Proposals Map).

- Whether other sites should be substituted or added to those proposed for allocation in the Addendum to the Proposals Map.

### **Summary of Recommendations**

55. For the RAP, I recommend all the Proposed Changes be made, except that Land at Portinfer Road, Vale (IS5) should not be allocated for small workshops and yards use. I consider that a small extension to site IS1, Land adjoining Les Caches Business Centre, could usefully be made. Policy RE7(A) should be strengthened to make clear that development of the allocated sites must not harm the living conditions of neighbouring occupiers or interrupt the safe and free flow of traffic on the road network. Although I have not recommended their inclusion as allocations for industrial use, I consider that sites at La Cache, Rue de La Cache and Braye Vineries, Route Militaire, should be re-assessed in terms of their suitability for some future low key industrial use. I recommend that Policy RCE14 and the explanatory text could usefully be re-worded to provide more flexibility for conversion and re-use, in particular to facilitate the provision of sheltered housing.

### **Flexibility in Planning and Development (Change 1)**

#### **Mr B Lockwood (052); Deputy A Brouard (043)**

56. Mr Lockwood is supportive of a more flexible approach in interpreting planning policy, and has similar concerns about the changes proposed to the RAP and the UAP. He argues that the concept of 'policy gateways' and the Portholme judgment have great consequences for planning in Guernsey, and legal advice should be taken as to how the Plans are to be written. The Department advised that the changes now put forward to both Plans were based on legal advice and consideration. For the reasons given in my paragraphs 9-14 above, I am satisfied that the changes proposed to sub-section 1.7 of the RAP reflect recent case law and the Shepley Review appropriately. The Department also indicates in its "Reason for the change" that its experience in dealing with proposals for domestic extensions has informed the proposed change. In my view, this is a material consideration in support of the proposed Change 1(i).
57. Deputy Brouard expressed a number of concerns about the proposed changes to the RAP and the UAP. He questioned whether there had been sufficient publicity or explanation of the wider implications of the proposed changes. The Department confirmed that publicity, including use of the press, had been carried out in accordance with normal practice under the relevant planning law. In general, it is clear to me from the Planning Inquiry that representors did understand what changes were proposed. However, the Department conceded that more graphic material to demonstrate what constitutes good design could be

helpful to promote awareness of the standards that are expected. The new Environmental Policy should enable a fuller policy review in future; more design guidance is intended and I consider that this would be helpful but need not be included in the Plan at this stage.

58. Deputy Brouard is concerned that the proposed changes represent a streamlining exercise that will result in less scrutiny of proposed developments by the planners. He identifies past development which, he claims, has damaged the rural landscape and introduced incongruous buildings, such as 'glass boxes' and 'Spanish villas'. Like litter, he suggested that badly designed developments could spread if a small amount was permitted to accumulate. He is worried that streamlining, perhaps for administrative purposes, will result in allowing more schemes which will be harmful to the landscape, culture and heritage (including traditional architecture). He questions whether the implications of proposed changes 1(ii), 1(iv) and 1(ix) have been properly thought through and presented.
59. I agree with the representor that, as the primary objective of the RAP is the conservation and enhancement of the rural environment, great care has to be taken in putting forward changes to the RAP to ensure that they do not counteract this ambition.
60. The Department confirmed that it has no intention of undermining this primary objective. It drew attention to the Shepley Report which suggests that currently "too many small developments fall within the ambit of development control, and steps have already been taken through the new Planning Law and the relevant Ordinance to tackle this problem. This will hopefully come into force in the foreseeable future ...." (Page 49). Mr Shepley goes on to question whether the scope for minor departures from development plan policies is being adequately employed, and comments that, in relation to smaller developments, it may not be (Page 60). It seems to me that a simpler planning approach with less detailed intervention in householder proposals, as in Proposed Changes 1(i), (ii), (iv) and (ix), would be in line with the Shepley Report.
61. Having looked in detail at the photographs which were presented to the Inquiry by the representor, I consider that the most striking examples may not be small scale householder extensions and alterations. If less attention were given to the small householder cases, I would expect that more time and energy could be devoted to the proposals for substantial development which have the potential to cause most harm.
62. Proposed change 1(ix) states that issues such as design, access, character, amenity and the effect on adjoining properties remain relevant planning considerations and will be assessed as material considerations, where appropriate. I consider that this provides the necessary safeguards to ensure that the character and appearance of all development proposals will be considered in

all future cases, in a proportionate way.

63. I conclude that Proposed Change 1, especially parts (i), (ii), (iv) and (ix) would go far enough to increase flexibility in planning and development, without enabling inappropriate development or poor design which would be contrary to conserving and enhancing the rural environment.

### **Recommendation**

**I recommend that Proposed Change 1 (i-v and vii-ix) should be made.**

### **The Conversion and Re-use of Buildings - Policy RCE14 (Change 1(vi))**

#### **Guernsey Sheltered Housing Group Limited (008); Mr R Plumley (019); Construction Industry Forum (010)**

64. Although the heading to Change 1 refers to “flexibility”, both the Construction Industry Forum and the Guernsey Sheltered Housing Group assert that proposed change 1(vi) would be more restrictive of extensions and therefore less flexible. The Guernsey Sheltered Housing Group states that extensions have been permitted in the past and a more restrictive stance would be a retrograde step. The existing structure may or may not be an efficient development of the site and valuable opportunities may be lost to increase the number of new units (especially when disused hotels are converted to residential use) in any redevelopment, if the scope for extensions in conversion schemes is removed. Sheltered housing schemes, for which there is an acknowledged under-provision in Guernsey, should include 25 units each in order to justify a full-time warden. Sheltered housing requires special access and mobility features such as lifts, and these may not easily be accommodated in existing buildings. New Strategic Policy 8(A) of the SLUP, a new policy since the last review of the RAP, states that “Notwithstanding Strategic Policy 3, Detailed Development Plans for the Rural Area shall, as an exception, provide for the development of a limited amount of sheltered housing ....” The representor argues that this change in the Strategic Plan is not adequately reflected in the proposed changes to the RAP.
65. Concern with proposed change 1(vi) was also expressed by the Construction Industry Forum. It too argued that the additional text in sub-section 3.14 could be too restrictive particularly “Schemes that rely on extensions to make the conversion feasible will not be permitted”. The Department agreed to the removal of this last sentence and this was welcomed by both representors. I support the amendment, as well as the Department’s proposal to relocate within the text the sentence which refers to Policy RE7(B).

66. With reference to Strategic Policy 8(A), the Department advised that the current proposed changes are not designed to tackle housing strategy. The overriding objective of the RAP is the conservation and enhancement of the rural environment. Therefore, the conversion policy seeks to make the best use of existing buildings rather than to secure the greatest number of new units, or other uses, from any conversion scheme. The overall housing strategy expects 90% of new housing to be provided in the Urban Area. Ongoing work with the Housing Department, Health and Social Services Department and Policy Council aims to secure the future delivery of sheltered housing and development of robust and clear land use policies.
67. I accept that sheltered housing is a major issue and should be addressed in the round with other housing and social matters, and be covered in the next full plan review. However, in view of the Sheltered Housing Group's argument that there may be a limited time opportunity to redevelop some former hotels for sheltered housing, I accept that Policy RCE14 as amended should permit some extensions. Small proportionate increases should be viewed favourably, perhaps to enable the provision of improved access and mobility features in suitably sized and appropriately located schemes for sheltered housing. I consider that the policy wording should be altered to achieve this, although I see no need to refer specifically to sheltered housing.
68. The Department argued that the proposed change 1(vi) would not preclude extensions related to conversions; the first sentence of the proposed additional text in 3.14 would only prevent "*extensive* alteration, rebuilding or extension." However, it offered alternative wording to clarify the point and draw a distinction between (a) conversion to a single residential unit where there would be a restrictive approach; and (b) more substantial conversions, where extensions could be considered more favourably if there were demonstrable public benefit and low adverse impact. I consider that this would remove the obvious confusion over the earlier wording and should provide more flexibility if appropriate schemes for affordable housing were brought forward. I recommend re-wording based on the Department's suggestion for paragraph 4 in sub-section 3.14.
69. Both representors were critical of the amended policy which would state "...the rebuild must be for the same nature and scale of development...". Development has to be viable, it was argued, as well as satisfy planning policy and environmental lobbyists' concerns. I accept that society's needs as well as technology and the operations of the building industry are continuously changing and that Policy RCE14 should not prevent beneficial development, and that some sites would be capable of accepting a sizeable, though proportionate extension. I have considered the proposed alterations to the wording of the final paragraph in the policy from both representors, and recommend a change to reflect the spirit of their argument.

70. A new additional paragraph at the end of Policy RCE14 will enable those who already have planning permission for conversion to request permission to demolish and rebuild instead. This, the Department contends, offers a more simplified and flexible approach to developers.
71. Mr Plumley argued that there is a conflict between clause b) of Policy RCE14 and the proposed additional paragraph, and that b) should be deleted. If a building is to be demolished, he queried whether it needed to be sound. He also questioned whether the phrase 'substantial construction' was clear, explaining that he was particularly interested in outbuildings on horticultural holdings eg. packing sheds, boiler houses or irrigation sheds which might be used by craftsmen or for storage, and should be distinguished from less substantial glasshouses. The Department confirmed that the policy was directed at achieving the best possible re-use of buildings in rural areas, but was designed to exclude flimsy buildings. I accept the Department's view that what is 'substantial' would have to be a matter of judgment in individual cases. Clearly, there is an intention to exclude disused glasshouses and temporary or makeshift agricultural structures from the policy. This approach is consistent with the overarching strategy to provide for the eventual removal of disused glasshouses and restoration of green spaces in the rural areas. For this reason, I conclude that clause b) should be retained. Also, in my opinion, the proposed new paragraph in Policy RCE14 provides an alternative way forward for developers, where RCE11 and RCE13 do not apply, and does not conflict with the preceding paragraph.
72. I conclude that, with the further amendments I recommend, proposed Change 1(vi) to Policy RCE14 would be internally consistent, and likely to result in more flexibility for the conversion and re-use of buildings, including for sheltered housing provision.

### **Recommendation**

**I recommend that the fourth (proposed new) paragraph of sub-section 3.14 should be deleted and replaced with: "In determining whether a building is capable of conversion, the Department will assess whether it can be carried out 'without extensive alteration, rebuilding or extension'. Where a degree of alteration or extension is proposed, the acceptability of its extent will be assessed in relation to the overall scale of the conversion as well as any impacts or benefits that would result. For example, in the case of a conversion to a single residential unit, there must be adequate space within the existing structure to accommodate the essential elements of a dwelling."**

**I recommend that the sentence "Particular care will be required where Policy RCE14 is used in conjunction with RE7(B) (open yards)" should be moved from the end of proposed paragraph 6 to the end of proposed paragraph 5 in sub-section 3.14.**

**The second sentence in the final paragraph of Policy RCE14 should be deleted and replaced with “ However, the rebuild should, wherever possible, be for the same nature and scale of development. Minor alterations to the footprint, .....”.**

**Industrial Development - Policy RE7 & new Policies RE7(A) and RE7(B) (Changes 3 and 4).**

**Deputy David De Lisle (004-006); Construction Industry Forum (011&12) Deputy Mark Dorey (046); Deputy J Gollop (051); Deputy Graham Guille (053)**

73. I referred to the importance of maintaining an adequate supply of land for the needs of business and industry in the context of the Urban Area Plan, in paragraphs 16-22. Deputy Guille, who explained that his concerns related to both the Urban and the Rural Area Plan, stated that the hardest battle to find industrial premises is for those who operate small, low value-added businesses. They commonly lose out in the competition for scarce land and other resources, but are nonetheless vital to the effective and efficient operation of any economy. Denied access to affordable approved sites, many small traders are forced to operate on the very edges of legality. Whilst not advocating the wholesale ‘concreting’ over of large tracts of Guernsey’s green spaces, Deputy Guille is convinced that with proper planning, a number of derelict sites across the Island could be released to small businesses without detriment to the wider community. Much of the existing vacant land was once used for other commercial activity (agriculture and horticulture) and there remain perfectly usable buildings, sheds and storerooms which should be available to business. He is supportive of the proposed change to Policy RCE14 for the conversion and re-use of buildings.
74. He argues that perhaps what is needed most of all is a planning system that can react more rapidly to changing circumstances. A decade ago, land was reserved for perfectly valid reasons but economic and social change altering needs, attitudes and imperatives mean that what is required and is economically viable today is quite different. Planning constraints can prevent the exploitation of opportunities and developing enterprises and could be costly to the Island. The importance of recognising that ‘life has to go on’ and ‘move forward’ was also emphasised by the Construction Industry Forum.
75. Whilst no-one wants noisy, dusty and disruptive industry in close proximity to where they live, he argued that these uses have to be accommodated somewhere for the good of the economy. Longue Hougue may be available in future for such uses, but it could be another 5 years before the incinerator is finished and the land is made available. The intended new Saltpans Business Park is likely to generate high rental costs and provide for the cleaner end of light industry. Small businesses in Guernsey require that more affordable land is made available to them now, so that they can prosper and grow, ultimately to the

benefit of all residents. Both Deputy Guille and the Construction Industry Forum strongly support the proposed changes which will make more land available for small-scale industrial purposes. Concern was raised that the use classes are wide and this might prevent sites granted permission for open yards under new Policy RE7(B) being retained in the low value industrial sector. However, the Department provided reassurance that the wording of the policy was sufficiently tight to ensure that it would not be exploited by high value industry which should be directed to different industrial sites or business parks.

76. By contrast, Deputy De Lisle considers that the proposed changes to the UAP and RAP to facilitate new industrial sites and extensions in the Rural Area amount to major ad hoc amendments which should be the subject of a comprehensive Planning Inquiry following further research. As Guernsey is a small and heavily populated island, its open spaces are extremely precious. The countryside must be protected from unrestrained free enterprise if future generations are to be able to enjoy it. He notes that the proposed change to Policy RE7 would provide opportunities for industrial expansion in two ways : a) by changing 'operation' to 'site' and b) by allowing adjoining land to be developed. Whilst not objecting to a), he points out that the requisite research has not yet been undertaken to support additional general industrial use as sought by SLUP Strategic Policy 14. This will have to await formal full review of the RAP. The Deputy recommends that further amendments are made to sub-section 5.7 and to Policy RE7 to limit any expansion to previously developed land and emphasise that it should occur only in exceptional circumstances.
77. The Environment Department accepts the need for a high level of protection for the rural area against unnecessary industrial development, but argues that Proposed Change 3 would enable only limited extension of existing industrial sites in specific circumstances. Restricting the policy to previously developed land would not satisfy a reasonable demand for a few extension sites legitimately sought by expanding businesses. The Department confirmed that Change 3 had been passed as in conformity with the SLUP. It is clear to me that Guernsey's economy and society are changing and there is a need for new and expanding industry, including some limited growth in the Rural Area. Policy RE7 should allow for a degree of flexibility sooner rather than later. I conclude that Change 3 would contribute to meeting this aim and should be made.
78. Turning to Policy RE7A, this allows for small workshops and yards on five sites to meet the requirements of low key service trades. Deputy De Lisle observes that, despite site survey work focused on access, open amenity value and neighbour impact, there are a number of conflicts with neighbouring uses in close proximity to the identified allocated sites. I address the representations which concern the merits or otherwise of each individual site in the following section. I am aware that these five sites were selected following an assessment of more than 40 alternatives.

79. It is suggested that the changes to the UAP should have been tried and tested before sites were allocated in the Rural Area. The RAP's Policy RCE1 and the supporting text on Page 23 indicate that development on greenfield sites outside the rural centres will only be considered in very special circumstances. Policy RE7(A) should be withdrawn, it is argued, until a full review of the RAP is carried out. If this is not done, then changes should be made to the policy to require development to avoid detrimental effects on neighbours and roads, and to be restricted to previously developed land.
80. Deputy Gollop supports the representation of Deputy De Lisle and believes that other methods should be used to achieve more commercial land. In addition to concern over creeping urbanisation, growing traffic congestion and noise in the rural areas, he considers that it is important to consider the potential for tourism and the recent upswing in organic fruit and vegetable production before allowing more industrial development in the Rural Area. He is opposed to the changes proposed by Policy RE7(A).
81. On balance, I am satisfied that the proposed change to allocate a limited number of sites for use by small workshops and yards should not undermine the fundamental principles of conservation and enhancement, and protecting open and undeveloped land, in the Rural Area. Their allocation should help to meet a need identified in the Strategic Economic Plan and the SLUP, and confirmed as real and urgent by representors at the Inquiry. Having visited all the sites and considered the representations from those who live in adjoining areas, I consider that the criteria in Policy RE7(A) should be extended in line with some of the matters identified by Deputy De Lisle, ie. to ensure that proposals to develop these sites do not harm the living conditions of neighbouring occupiers, and that the safety and free flow of the local road network is maintained. Whilst the policy as drafted refers to possible use of planning conditions and submission of a Design and Access statement which should address these issues, I consider that the policy needs to be more direct and make plain that harm to neighbours or highway safety will not be acceptable. I shall recommend accordingly.
82. Deputy De Lisle's concerns also extend to proposed new Policy RE7(B), Open Yards. He fears that this policy would open up the rural area, except for Areas of High Landscape Quality, to an array of industrial development. Notwithstanding paragraph 2, Page 12 of the Proposed Amendments, releasing redundant horticultural sites would have a negative effect on the rural landscape in the short and long term. The countryside is better served through clearance of redundant greenhouses and returning the land to agriculture, he suggests.
83. Deputy Dorey also objects to proposed new Policy RE7(B) referring to Pages 21 and 23 of the RAP, wherein the status of glasshouses is described as temporary structures sited on agricultural land. Policy RCE5 states that the Department will encourage the restoration and beneficial after use of derelict land.

Converting such sites to employment use is inconsistent with returning them to agricultural land, and conflicts with Guernsey Law. The Deputy fears that Policy RE7(B) could encourage owners to keep rather than remove their disused glasshouses, observing that the policy does not define a small number of specific locations to which it would apply. The result of more rural industrial sites will be bad odours, noise and ugliness in an undefined number of rural locations, he suggests.

84. However, I am satisfied that the proposed change to policy is in conformity with Strategic Policy 12 of the SLUP which relates to providing accommodation for business and industrial uses which would otherwise be disadvantaged in the commercial property market. More specifically, it responds to Action Point 8 of the Strategic Economic Plan by providing land for open storage areas and small workshops. All potential sites will have to meet policies set out in the General and Conservation and Enhancement chapters of the RAP. They will be permitted only in 'very limited and exceptional circumstances' on small sites not exceeding 0.5 hectares (3 verges). I consider that the policy should cater for an important sector of the Island's economy and includes sufficient safeguards to protect the environment of the Rural Area.
85. I conclude on Changes 3 and 4 that additional industrial development should be permitted in the Rural Area in the exceptional circumstances provided for in changes proposed to Policy RE7, and in new Policies RE7(A) and RE7(B). I conclude that new Policy RE7(A) should be extended to ensure that the living conditions of neighbouring occupiers and highway safety and free traffic flow are not compromised where new employment sites are developed.

### **Recommendations**

**I recommend that:**

**Sub-section 5.7 and Policy RE7 should be amended as proposed in Change 3.**

**New explanatory text after sub-section 5.7 should be inserted as shown in proposed Change 4(i), and a new Policy RE7(A) should be added. Policy RE7(A) should be amended by the addition of these two criteria:**

- iii) there would be no adverse effect on the living conditions of neighbouring occupiers by reason of noise, odour, dust, pollution or significant visual intrusion. Mitigation measures should be put forward as appropriate;**
- iv) highway safety and the free flow of traffic on the adjoining highway network would not be jeopardised by the proposal. A transport assessment may be required with details of any necessary mitigation measures.**

**New Policy RE7(B) and explanatory text should be inserted as shown in proposed Change 4(ii).**

**Long Camps Road, St Sampsons (Change 3)**

**Norman (Holdings) Ltd (050)**

86. The representor seeks confirmation that amendments to Policy RE7 would allow a portion of adjoining land within the company's ownership to be used for additional access to the industrial site. Minor changes to the wording of criterion b) of Policy RE7 were suggested to facilitate this. However, the Department confirmed that criterion b) had been carefully worded. I consider that this essentially site specific matter should not trigger an amendment to the RAP.

**Recommendation**

**I recommend no alteration to Policy RE7 in respect of this representation.**

**Policy RE7(A) Sites Proposed for Small Workshops and Yards**

87. The Proposed Amendments to the RAP conclude with an Addendum to the Proposals Map. This identifies 5 sites to be allocated for small workshops and yards under proposed Policy RE7(A). These sites would provide 4.6 acres of new land, just over half the total future supply of land identified for small workshops and yards for the Island (Table 2, Land for Low Key Industry). That document indicates that there is a current land requirement for some 9.1-9.6 acres throughout the Island. The RE7(A) sites are clearly a key component in the planning for new and expanding low key business in Guernsey. It concerns me that there appears to be no allowance for contingencies, for the possibility that one or more of these sites would not be brought forward for employment use or that some of the land might need to be used to provide buffers or open space to separate it from neighbouring users. However, I recognise that both the RAP and the UAP will be subject to a formal and full review in the near future. When this is undertaken, it seems to me that a major task will be to assess the long-term and short-term requirements for employment land to serve different sectors. The search for suitable sites should, of course, be focused on the Urban Area.
88. In the meantime, I am satisfied that the five sites have been identified as a result of a wide search for suitable sites. Over 40 sites were assessed against the following criteria: access, location/relationship to other built development, open space value, proximity to residential uses, other strategic priorities. The public's

views on the selected sites were sought in early 2009, as the Land for Low Key Industry - Consultative Leaflet, January 2009 records. Whilst a few representors argued that the publicity given to these sites could have been more, I am satisfied that the law was followed and the numbers appearing at the Inquiry indicate that there was local knowledge and discussion of the possible implications. I consider that an appropriate methodology was adopted to identify sites and report below on each of the five included in the Proposed Amendments.

**Mr AE and Mrs BE Stevens (007)**

89. The representors have seen that a change is proposed to remove the 0.5 hectare threshold from Policy EMP7. They are concerned that this could mean unbridled expansion of sites for employment uses in the rural areas, which would harm the natural environment and neighbouring properties. However, as the Environment Department advised, removal of the 0.5 hectare threshold applies to policy for employment sites in the Urban Area. New Rural Area Policy RE7(B) for open yards would still require sites not to exceed 0.5 hectares. The sites proposed under RE7(A) for allocation in the Rural Area Plan, IS1-IS5, have specific boundaries as shown in the back of the Proposed Amendments document. I accept that there is no need to specify a site size threshold in RE7(A).

**Recommendation**

**I recommend that the RAP should not be amended consequent to this representation.**

**Land adj. Les Caches Business Centre, St Martin – Site IS1**

**Culverwell Limited (015)**

90. The proposed change in use from vacant horticultural to low key industry would amount to an extension of the existing Les Caches Business Park, which I accept is an existing good quality development for commerce and industry. The representor points out that the IS1 site is set back from the public highway and the proposed new area is away from neighbouring residential properties. Any extension to Les Caches would be carried through to the same standard and level of detail as the recent built development. The policy of not accepting tenants who are noisy or likely to cause a hazard would be continued. I consider that the IS1 site is well-positioned to provide small workshop and yard accommodation.
91. Mr Foulds on behalf of Culverwell Limited proposes that an additional strip of land should be shown as land for low key industry. It would be used for parking

to serve the IS1 site. The Environment Department has not identified this land for industry and argued that some separation between the low key industry in the north and the higher quality uses in the south would be beneficial. However, it seems to me that inclusion of the strip of land in the enlarged business park would represent merely a rounding off of boundaries. In view of the acute shortage of suitable land for industrial use, I consider that the land should be included in IS1 and allocated for low key industry. Its use for parking, as suggested, would create a break between the south and north parts of the broader industrial area.

### **Recommendation**

**I recommend that the Proposals Map is changed to show site IS1 Land adj Les Caches Business Centre as an allocation for Small Workshops and Yards. I recommend that the IS1 site is extended to include the strip of land immediately north of the existing Business Park as illustrated on the submitted drawing 1185-BP-01.**

### **Grand Fort/Hougues Magues Lane, St Sampson – IS2**

#### **Mr I D Fisken (023); Mrs Margaret Bougard (024)**

92. Both representors have properties adjoining this site, and have grave concerns about the impact on their outlook and amenity. For Mr Fisken, the rear and side boundaries of his house and associated business border the site; his lounge window looks towards the site. Mrs Bougard's home is also surrounded by the site on two sides. The Environment Department observes that the IS2 site does not lie within the Area of High Landscape Quality and the landscape is not therefore a priority for protection.
93. I saw that the site is a pleasant, green and open area close to the sports field to the east and bordered by some distinctive tall trees. The plan in the Proposed Amendments shows that this site contained large horticultural structures in the past and has not always been green and open. Deputy De Lisle for Mrs Bougard referred to Policy RCE5 of the RAP which encourages the restoration of derelict land, glasshouses being temporary structures on agricultural land. In his view, it was inconsistent to promote development of land which had been restored to agriculture in accordance with policy. However, I recognise that times change and that the best use of land is not a constant factor. I am also unable to agree with the suggestion that, with outdoor sports fields to the east and north-east and the Pony Inn to the west, this is a distinctive recreational area. I saw a mixed rural area containing residential development, other small businesses and open space for various purposes.

94. The site is visible to travellers on Le Grand Fort Road and from Hougues Magues Lane. Mr Fiskén argues that it would be extremely difficult to achieve adequate screening of industrial development from the road and for occupiers of the nearby houses. As he points out, even conifer trees take many years to grow. However, I agree with the Department that visibility and screening is a matter which should be addressed when the future layout of the site is determined. In my opinion, it should be possible to achieve some low key industrial use here which is reasonably separated from the neighbouring dwellings, blends into the landscape and is suitably controlled by planning conditions so that it does not have a harmful effect on the locality. I have proposed additional criteria to Policy RE7(A) so that the effect on nearby residential occupiers receives prominence.
95. Mr Fiskén advised that the road past the site entrance and the crossroads by the Pony Inn have been the scene of accidents in the past. The main road is well used by children and their parents travelling to and from school. It is part of a one-way system to assist peak hour school travel. Deputy De Lisle pointed out the school and one-way system are new, arguably post-dating the identification of site IS2 for industrial use. The Department admits that safe and convenient access to the site is of fundamental importance and that Transport Services will require improvements in visibility for traffic leaving the site to reach the Grand Fort Road. With the change I have proposed to Policy RE7(A), any detailed development proposal will have to demonstrate that safe and convenient traffic conditions will be available for all users in the vicinity of the site. I am satisfied that detailed development proposals would be properly scrutinised to ensure this outcome and conclude that site IS2 should be allocated as proposed.

### **Recommendation**

**I recommend that the Proposals Map is changed to show site IS2 Grand Fort /Hougues Magues Lane as an allocation for Small Workshops and Yards.**

### **Les Vardes Farm Port Grat, St Sampson – IS3**

#### **Mrs D B Le Page (047); Miss L Le Page (048)**

96. The representors question the suitability of this site and Portinfer Road (IS5) for industrial purposes, especially in the light of alleged past misuse of the latter site. The natural beauty, tranquillity and presence of habitats for wild animals of this part of the Island make it a good place to live. Living conditions could be badly affected by the proposals to allocate sites for workshops and yards. The increase of traffic on an already very busy coastal road is also a matter of concern. I have visited the IS3 site, appreciate its relationship to residential properties and the coastal road. However, I consider that with care and attention

to layout, the exact nature of use and access arrangements, this IS3 site should not cause harm to neighbours and should be allocated for small workshop and yard use.

### **Recommendation**

**I recommend that the Proposals Map is changed to show site IS3 Les Vardes Farm Port Grat, St Sampson as an allocation for Small Workshops and Yards.**

### **Rue des Landes (at rear), Forest – IS4**

#### **Mrs Degnen for Mrs C Blondel (017)**

97. Rue de la Planque is described as a very busy lane with a garage, Aero Club and airport buildings, as well as a sewerage plant close by. Along Rue des Landes are two schools, a Co-op store and garage. Allocating the IS4 site for industrial use, the representors fear, is likely to increase noise and dirt pollution, as well as traffic volumes on the already extremely busy Rue des Landes. Additional commercial traffic would be dangerous to pedestrians especially children walking to and from the schools and elderly people.
98. The Department informs that the IS4 site would be accessed from 'the emptying point road' to the east and not from Rue de la Planque. In addition, the planning application procedure should deal with any additional specific traffic problems which development might cause in the wider area. It seems to me that there should, therefore, be negligible impact from industrial traffic on residents in Rue de la Planque or reduction in safety in the wider area. The relationship of the proposed sites for allocation with neighbouring land uses has been considered in the process of site selection and I am satisfied that the requirements of Policy RE7(A), RGEN11 and other policies in the RAP will ensure that proposals which might cause significant noise, dirt or other pollution for existing residents would be refused. I conclude that site IS4 should be allocated for small workshop and yard purposes.

### **Recommendation**

**I recommend that the Proposals Map is changed to show site IS4 Rue des Landes (at rear), Forest as an allocation for Small Workshops and Yards.**

### **Land at Portinfer Road, Vale – IS5**

**Mr J Le Provost (042); Mr John Le Page (014); Mr and Mrs Smith (018); Teresa Rouxel (037); Samuel Rouxel (038); Mr and Mrs B Rickard (026); PM & CJ Falla**

**(002); Mr A & Mrs H Le Tissier (027); Martin Wakely (028); Mr D & Mrs Y Windsor (029); Mrs F R Cobb (030); David Wilson (031); Mr & Mrs E J Renouf (032); R & RJ Platt (033); Paul Trebert (036); Jayne Carroll (039); Matt Fallaize (041); Mrs M Bichard (045); Mrs D B Le Page (047); Miss L Le Page (048); Mr & Mrs Stevens (007)**

99. This is the largest of the five selected sites, and its inclusion generated the most representations. Some suggested that its size would make it the most favoured for use by low key industry, and some that its large scale would mean that it could accommodate a multitude of large sheds with a king-sized builders' yard. This could give rise to a major impact on neighbours. Local residents described the natural beauty and tranquillity of the area which they do not wish to lose. It was argued that the proposed industrial site at Portinfer would conflict with the objectives and thrust of the RAP, in particular with Policy RCE1 which states there will be a presumption against the unacceptable loss of open and undeveloped land in the Rural Area.
100. The Environment Department argued that the land between Clos des Pecqueries and Goldcrest Avenue includes much land within an Area of High Landscape Quality where the provisions of Policies RCE1 and 3 apply. However, the IS5 site and adjoining land to the north is not so defined and its landscape has no protective designation. It is not accepted that the proposed site would extend much beyond the existing line of built development or be harmful to the protected landscape.
101. Mr Rickard, on behalf of a large number of local residents, pointed out that the site borders a Site of Nature Conservation Importance (SNCI). This includes Portinfer Lane Quarry being one of a number of water-filled quarries which have important ecological value. He described the very large number of plant species, some quite rare, and birds and butterflies which can be observed in the area. Whilst the Environment Department observes that the IS5 does not overlap with the SNCI, the preamble to Policy RCE4 of the RAP states that development proposed "within, *close to or potentially affecting* an SNCI" (my emphasis) will have to demonstrate the impact on nature conservation interest.
102. Local residents raised the possibility that there could be a wide range of harmful effects on the enjoyment of their homes if the IS5 site were developed. These include noise from large vehicles, scaffolding and machinery such as power tools; light pollution; odours and pollution from waste. Although it was suggested that the industrial site might be screened by way of a landscaping scheme, some argued that this would introduce an alien element into the area characterised by the open backlands of La Grande Mielles and Great Sands of Portinfer.

103. Local people said that there had been industrial use behind Portinfer Road in the past and they had experience of adverse effects. Mr Le Prevost who supports the IS5 proposal confirmed that the site has been used for industry since 1959 for a haulage business, tomato and flower growing, panel beating and paint spraying among other things. His view is that industry and residential uses can co-exist happily in this rural locality. The Environment Department stated that the proposed allocation would not necessarily lead to previous problems associated with some illegal uses operating in the area. I accept that new Policy RE7(A) would provide a basis for protecting the amenity of neighbours, and that appropriate planning conditions should enable use of the site to be managed properly. For example, hours of operation and extent of lighting could be controlled. Policy RGEN11 and environmental regulations should provide the mechanisms to prevent emissions and noise disturbance.
104. My principal concern in respect of this site, however, relates to transport and access. Some queried whether site IS5 met the criterion described in the proposed addition to sub-section 5.7 of the RAP that possible sites to be allocated under Policy RE7(A) should be within 10 metres of the main arterial routes. The site is said to be some 70-80 metres from the main Portinfer Road. It seems to me that it is a backland site reached by way of a narrow access drive between residential properties. Local residents contend that more intensive use of the junction with Portinfer Road will slow down traffic on the main road adding to congestion, and will increase the risk to pedestrians, there being a lack of pavements in the area. Mr Le Prevost observed that the drive onto the site used to carry much traffic in the past but what it might carry in future would be insignificant compared with the traffic on the main Portinfer Road.
105. The Department accepts that access to the site is a fundamental consideration in the context of Policy RGEN7 – Safe and Convenient Access. It also says that the present means of access including the junction with Portinfer Road will need to be improved if the site is to be used for industry. I am uncertain how this could be achieved as Portinfer Road is fronted by quite closely spaced residential properties. I agree with those who suggested that access to the other four sites, IS1-4, is perfectly clear whereas it is has not been spelt out for this site. This is the site with the largest capacity for development. It seems to me that the likely level and type of traffic which the site could generate should be known, and a scheme prepared to show how it could be accommodated. There needs to be some certainty that safe conditions for other road users and pedestrians along Portinfer Road and negligible harm to the amenity of residents close to the site access can be achieved, prior to site allocation. I consider that additional work should be in place before the site is allocated for industrial use under IS5.
106. I have also had regard for the argument that the allocation of the IS5 site could set a precedent for further development on other sites throughout the Rural Area.

As proposed Policy RE7(A) applies only to the limited number of named sites, I consider this fear to be unfounded. However, I conclude that the proposed site on land at Portinfer Road, Vale, should not be allocated for small workshops and yards until further work to assess the transport impact of this use has been undertaken. In addition, I consider that an ecological study of the likely impact of industrial use on the neighbouring SNCI would also be beneficial before any such use is confirmed.

### **Recommendation**

**I recommend that the Proposals Map should not be changed to show Site IS5, Land at Portinfer Road, Vale, for small workshops and yards.**

### **Other Potential Sites for Allocation as Small Workshops and Yards (Policy RE7(A))**

#### **Land at La Cache, Rue de La Cache, Vale**

**Mr M and Mrs C Gaudion (009); Deputy T Le Pelley (022); Mr P J English (025); Mr C Ozanne (003)**

107. Mr and Mrs Gaudion, Mr English and Mr Ozanne all put forward land at La Cache as suitable for small business use. The Gaudion site comprises a large former agricultural building (some 140x48 square feet) which was built in 1980, and a yard. Mr Gaudion's family has owned La Cache since 1945. The land, I was advised, has always been used for a number of purposes in addition to dairy farming and parts of it have been sold off in the last 20 years with the result that there are now 6 different ownerships. I saw at my site visit that the large building is surrounded by land used for various commercial, parking and storage purposes as well as residential. The building ceased to be used for farming in 1995 since when it has been empty. With no land adjacent to the building or available for rent closeby, Mr and Mrs Gaudion argued that farming use is no longer viable. Nevertheless, they stated that attempts to obtain permission for a change of use to the building have failed; the Agriculture and Countryside Board will not sanction its release.
108. Deputy Le Pelley supports the request that the former cattle shed be considered alongside the other areas put forward as low key industrial sites. With 40 years experience as a dairy farmer, he also contended that there was insufficient land for grazing animals within easy reach of the building, so that on animal welfare grounds it could not be considered for future agricultural use. Deputy Le Pelley suggested that the building should qualify for conversion under Policy RCE14, which it is proposed to amend (Change 1(vi)).

109. The Commerce and Employment Department representative referred to the history of the site, indicating that in 1987 there was a very successful and viable farm there. He argued that action to split up the farm, and plans of the family to relocate or open new businesses elsewhere in the past, had contributed to the demise of the farming enterprise and to the building being separated from farmland. In his view, the building could have a future for stabling horses or rearing beef cattle. It seems to me that horses or beef cattle would also need grazing land, which is not readily available. Also, I heard no firm evidence that there would be a market for beef cattle. The Gaudions confirmed that there had been no interest from farmers to acquire or use the site but many enquiries since 1995 from people seeking space to rent for storage and light industry. Even if different operating and management arrangements in the past might have resulted in a viable farming enterprise today at La Cache, I consider that the site with the large vacant building now has no real prospect of early use for agriculture or horse-related industry. I have much sympathy with the position that it should be released from its out-of-date agricultural designation and made available to be legally used for needy industrial purposes. Good planning requires that present and likely future circumstances, rather than past history, should determine the way forward for this site and property.
110. The Environment Department advised that the proposal partly met the criteria for allocation as a site for small workshops and yards. The property is not located in an Area of High Landscape Quality, there would be limited impact on the amenity of neighbouring residents and it is close to other employment uses. On the other hand, La Cache is not served by a main arterial route, Rue de La Cache being a minor road/ruelle tranquille. I consider that provision of safe and convenient access for industrial traffic is an important requirement for designation as an industrial site. Even if agricultural and rural industrial uses in the past generated significant traffic, modern vehicles are often larger in size and traffic volumes generally have risen. However, there may be scope for improving access to the site. This and the impact of using the site for industrial purposes could be the subject of a detailed transport assessment.
111. Mr English puts forward the field to the west of the Gaudion's building as suitable for small workshops/stores. He points out that adjoining sites contain a skip hire company, car storage and scaffold firm and broken greenhouses. The Commerce and Employment Department argues that the field should be retained for agriculture, but I consider that its small size (about 1 acre), landlocked character and detachment from other farmland must reduce any chance of future agricultural use. The representor draws attention to other employment sites nearby at Barras Lane and La Garenne Park, although these are more than the 100 metre catchment used for the assessment of potential allocation sites. I consider that access arrangements are, as for the Gaudion site, the principal problem with allocating this site for industrial use.

112. Mr Ozanne's land is located immediately south and west of the two previously discussed sites, and has access from Pleinheume Road. Previously in horticultural use, a small part of the site has permission for industrial use. It abuts a conservation area to the north, and Areas of High Landscape Quality to the west and south, although the representor points out that the site is not readily seen from the public highway. The representation seeks re-zoning so that the site can be considered under proposed Policy RE7(B) for open yards. As the Environment Department states, Policy RE7(B) is not intended to allocate specific sites in the way that does Policy RE7(A). I accept that, if Policy RE7(B) is adopted, then it would be for Mr Ozanne to make application and demonstrate that his site would accord with the criteria of the policy. I shall not recommend change to Policy RE7(B).
113. However, I consider that in combination the three sites represent a substantial amount of land and building which has potential for a site under Policy RE7(A). I see no reason why the sites should not be considered together so that some or all might be taken forward for industrial uses. A transport assessment would be required to determine suitability and linkage, and this could consider the possibility of improved access from either Pleinheume Road or from Rue de La Cache. I am unable at this stage to recommend the inclusion of any of these sites in the Addendum to the Proposals Map relating to Policy RE7(A). However, I would urge that the scope for change in the future here should be investigated.

### **Recommendation**

**In respect of these three sites at La Cache, Rue De La Cache, Vale, I recommend no change to the RAP.**

### **Land off La Canurie Road, Vale**

#### **Mr and Mrs P J Wild (001); Mr and Mrs P A Henry (034; 035)**

114. On behalf of Mr and Mrs Wild, it is argued that the site has not been used for horticultural purposes for many years and there is no prospect of it being restored to agricultural or other open land use. Use as a builder's yard would create no more traffic on the existing access than the former horticultural activity. The site has no close neighbours and is not within an Area of High Landscape Quality. The representors wish the site to be allocated as a small open yard under Policy RE7(A).
115. That proposal is, however, opposed by Mr and Mrs Henry, who live on the adjoining site. They contend that the site has already been used for the storage of builders' equipment and supplies and for burning waste, and glasshouses

closeby have also been used for storage, car repair and workshop/joinery purposes. Large commercial vehicles accessing the site early in the morning have caused disturbance. The Department points out that the site does not meet the criteria for inclusion in Policy RE7(A) because access is by way of a narrow lane which is a ruelle tranquille, not a main arterial road. In addition, it is relatively isolated from other employment sites. I consider that these factors, in addition to the nuisance which the neighbours have described, count against including this site in Policy RE7(A) and allocating it as an open yard.

### **Recommendation**

**I recommend no change in respect of the site off La Canurie Road, Vale.**

### **Land at Ridgeway Vinery, Rue des Pointes, St Andrews**

#### **B D Tostevin (020)**

116. Mr Tostevin advises that this land is sequestered from Merton Vinery and is not part of a Strategic Horticultural Area. Access from Merton to Ridgeway is not permitted due to the erection of substantial fencing, and is complicated by the one way traffic system on Rue des Pointes. He contends that the Ridgeway site fulfils all the criteria in Policy RCE14 for the conversion and re-use of buildings and there is no realistic prospect for the site to be returned to horticulture. Prior to 1967, the property was a builder's store and yard and no change of use has ever been sought.
117. The Commerce and Employment Department disputes the present status of the site, stating that it has been identified as worthy of protection for horticultural purposes. Even if there is no real likelihood of future horticultural use of this site, I consider that the relatively poor access from the minor Rue des Pointes means that the site should not be allocated for low key industrial purposes under Policy RE7(A) at this time.

### **Recommendation**

**I recommend no change in respect of the site at Ridgeway Vinery.**

### **Land at Barras Lane Nurseries, Vale**

#### **Mr Trevor Le Page (016)**

118. The site includes extensive glasshouses and an open area, and is screened by a high stone wall. Although Barras Lane is defined only as a minor road, I

consider its location close to Barras Lane Industrial Estate to be a significant factor in favour of the proposed change of use. However, it also lies within a designated Area of High Landscape Quality where Policy RCE3 places emphasis on maintaining the visual quality and landscape character of the countryside. In these circumstances, I am satisfied that the site should not be allocated under Policy RE7(A) for low key industrial purposes.

### **Recommendation**

**I recommend no change in respect of the site at Barras Lane Nurseries.**

### **Land at Braye Vineries, Route Militaire, Vale**

#### **Mr K Opie (049)**

119. Braye Vineries, it is argued, currently contains a mix of uses including commercial, industrial and residential, although it has no immediate residential neighbours. It lies on a main arterial route and its position away from residential properties makes it superior to some of the sites proposed for allocation under Policy RE7(A). Although the site is linked to areas to the south and east defined as Areas of High Landscape Quality, it seems to me that a suitable layout and screening could be used to minimise any harm to the areas of designated sensitive countryside.
120. The principal constraint is that Braye Vineries is identified as a key horticultural site, and both Policy RE3 of the RAP and Policy 16 of the SLUP are clear that such sites should be safeguarded from proposals that would compromise their existing or potential contribution to horticulture. The representor informed the Inquiry that there had been no horticultural use for some time, and it should be feasible to develop part of the site for low key industrial purposes. I have some sympathy with this line of argument, although I accept that the future viability of the horticulture industry may require some expansion of the land currently utilised for this purpose. I shall not recommend that this site is allocated for small workshop/open yard use in this RAP. However, especially if the Department is minded to delete Site IS5, Land at Portinfer Road, I consider that it should look again at Braye Vineries. In collaboration with the Commerce and Employment Department, it should re-examine whether all the site needs to be safeguarded or whether part of it could be released to meet more immediate industrial needs.

### **Recommendation**

**I recommend no change in respect of land at Braye Vineries.**

**Land at Oakleigh Vinery, Landes du Marche, Vale****Alan Le Poidevin (013)**

121. The site which is put forward for inclusion in the list in the Addendum to the Proposals Map (Policy RE7(A) applies) includes a large, modern packing shed used in connection with a flower export business in the past. The representor referred to the sharp decline in demand for flower bulbs which the local industry has faced in recent years, and the failure of advertisements and marketing exercises to find a new horticultural or agricultural user for this site. Nevertheless, the Oakleigh Vinery has been identified as a horticultural site worthy of protection, being centrally located on the Island with good facilities especially for storage and packing. A recent change of use to non-horticultural application was not supported by the Commerce and Employment Department.
122. I saw on my site visit that the packing shed is accessed from a narrow and winding road, Douit Lane. Even if the packing shed was occupied by 25 employees in the past and was used by large vehicles, it seems to me that poor access arrangements should not be planned for in the future. The representor pointed out that the vinery as a whole adjoins Landes du Marche, and the conversion of this larger site could be considered. This would represent a larger area of land for low key industry than is shown on the plan submitted with the representation. I consider that the larger site is unsuitable as it is seen to be a continuing useful asset for horticultural use; the packing shed has poor road access. This leads me to conclude that it should not be allocated for small workshops and yards use or listed in the Addendum to the Proposals Map.

**Recommendation**

**I recommend no change in respect of land at Oakleigh Vinery, Landes du Marche, Vale.**

**Land at St John's Vinery, Rue Des Houmets****Mr Whalley (054)**

123. This old vinery site is located in an Area of High Landscape Quality where Policy RCE3 seeks to restrict development. In addition, access is gained from narrow lanes which are unsuitable for industrial traffic. I consider that the RAP should not be amended to enable use for small workshops and open yards on this site.

**Recommendation**

**I recommend no change in respect of land at St John's Vinery, Rue Des Houmets.**

**Land off Grand Douit Road, St Sampsons**

**R G Phillips & Son (Builders) (055)**

124. The representors stated that numerous applications had been made to enable them to use their land for some low key industrial/storage purposes in a more rational way. It seems to me that this is a site-specific matter for consideration through development control procedures, and that the RAP should not be altered to address it.

**Recommendation**

**I recommend no change in respect of land off Grand Douit Road.**

*Jill Kingaby*  
INSPECTOR

## List of Representations and Participants at the Inquiry

### Urban Area Plan – Review No 1 (Interim Amendments)

<u>Name of Representor</u>	<u>Advocate/ Spokesperson</u>	<u>Date Heard or Withdrawn</u>	<u>Reference Number</u>
Construction Industry Forum	Mr E Legg	04.11.09	06 & 07
Deputy D De Lisle		04.11.09	08, 09, 10, 11 & 19
Deputy J Gollop		04.11.09	14, 20 & 23
Mr R Higgs	Mr A J Male	04.11.09	13
Mr S W J Jehan		04.11.09	01
Mr B Lockwood		04.11.09	15, 16 & 17
D O Norman & Sons		Withdrawn	05
Rue de la Carriere H A	Mr A Bisson & Ms M Trott	04.11.09	03 & 04
Messrs J F & S C A Slattery	Advocate L Strappini	04.11.09	02
Deputy L Trott	Mr T Wilson	04.11.09	21 & 22
Mr F Whalley		06.11.09	18

### Rural Area Plan – Review No 1 (Interim Amendments)

<u>Name of Representor</u>	<u>Advocate/ Spokesperson</u>	<u>Date Heard or Withdrawn</u>	<u>Reference Number</u>
Mrs M Bichard	Mr B Rickard	06.11.09	45
Mrs C Blondel	Deputy D De Lisle	06.11.09	17
Mrs M Bougourd	Deputy D De Lisle	06.11.09	24
Deputy A Brouard		05.11.09	43
Mr J P Burtenshaw		Withdrawn	40
Mrs J Carroll	Mr B Rickard	06.11.09	39
Mrs F Cobb	Mr B Rickard	06.11.09	30
Construction Industry Forum	Mr E Legg	05.11.09	10, 11 & 12
Culverwell Ltd	Mr C Foulds	06.11.09	15
Ms Y Daley		Withdrawn	21
Deputy D De Lisle		05.11.09	04, 05 & 06
Deputy M Dorey		05.11.09	46
Mr P J English		05.11.09	25
P M & C J Falla	Mr B Rickard	06.11.09	02
Deputy M Fallaize	Mr B Rickard	06.11.09	41
Mr I D Fiske		06.11.09	23
A & J Froome		Withdrawn	44

Mr M & C Gaudion		05.11.09	09
Deputy J Gollop		05.11.09	51
Guernsey Sheltered H Group	Mr G Wilkinson	05.11.09	08
Deputy G Guille		05.11.09	53
Mr & Mrs P A Henry		05.11.09	34 & 35
Mrs D B Le Page	Mr B Rickard	06.11.09	47
Mr J Le Page		06.11.09	14
Miss L Le Page	Mr B Rickard	06.11.09	48
Mr T Le Page		05.11.09	16
Deputy T Le Pelley		05.11.09	22
Mr J Le Prevost		06.11.09	42
Mr A Le Poidevin	Advocate A Merrien	05.11.09	13
Mr A & Mrs H Le Tissier	Mr B Rickard	06.11.09	27
Mr B Lockwood		05.11.09	52
Norman (Holdings) Ltd	Mr A Merrett	05.11.09	50
Mr K Opie	Mr A Merrett	05.11.09	49
Mr C Ozanne		05.11.09	03
R G Phillips & Son		06.11.09	55
R & R J Platt	Mr B Rickard	06.11.09	33
Mr R Plumley		05.11.09	19
Mr & Mrs E J Renouf	Mr B Rickard	06.11.09	32
Mr & Mrs B Rickard		06.11.09	26
Mrs T Rouxel		06.11.09	37
Mrs S Rouxel		06.11.09	38
Mr & Mrs N D Smith		06.11.09	18
Mr A E Stevens &		05.11.09	07
Mrs B R Stevens			
Mr B D Tostevin		05.11.09	20
Mr P Trebert	Mr B Rickard	06.11.09	36
Mr M Wakely	Mr B Rickard	06.11.09	28
Mr & Mrs P J Wild	Advocate N J Barnes	05.11.09	01
Mr D Wilson	Mr B Rickard	06.11.09	31
Mr Wilson		06.11.09	54
Mr D & Mrs Y Windsor	Mr B Rickard	06.11.09	29

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### For the States of Guernsey

Deputy P Sirett	Minister of the Environment Department
Mrs F Rose	Director of Planning Policy Environment Department
Mr T Shaw	Forward Planning Officer Environment Department
Mr A Casebow	Agriculture and Environment Adviser Commerce and Employment Department
Mr R Nash	Director of Client Services Commerce and Employment Department

### List of Background Inquiry Documents

<b>Ref</b>	<b>Document/Paper</b>	<b>Date</b>
1	Commerce and Employment Dept, Business Premises Needs Survey	06.05
2	Environment Dept/States Report – Addition to the UAP Review 1 (2002) For the Belgrave Vinery Housing Target Area. (including Belgrave Vinery OPB, Planning Inquiry, Inspector’s Report (10 <sup>th</sup> Aug 2005))	25.01.06
3	Environment/Commerce & Employment Dept, Analysis of Potential Windfall Sites for Industry in the Urban Area	10.05.06
4	Environment/Commerce & Employment Dept, Joint Policy Statement on Land for Industry	02.07
5	Environment Dept/States Report – Extension of Period of Validity of Urban Area Plan (Review No.1)	28.06.07
6	Policy Council: Strategic Land Use Plan	27.07.07
7	Policy Council: Strategic Economic Plan	07.07
8	Belgrave Vinery – Land for Industry, Letter from Strategic Land Planning Group	08.07
9	Belgrave Vinery – Land for Industry, States consultees letters: Traffic & Transport Services, Guernsey Water, Environmental Health, Law Officers of the Crown	09.11.07
10	Environment Board Site Meeting Briefing Note: Belgrave Vinery –Extension of Area for Temporary (Employment) Uses	05.02.08
11	Environment Board Report: Belgrave Vinery – Extension of Area for Temporary (Employment) Uses	12.02.08
12	Environment Board Report: Amendments to Detailed Development Plans	12.02.08
13	Review of Guernsey’s Planning Service: Chris Shepley Planning	04.08
14	Strategic Land Planning Group: Land for Industry	28.07.08

15	Environment Board Reports: Land for Industry, Draft Alterations & Additions to the UAP, Draft Alterations & Additions to the RAP	28.10.08
16	Environment Board Reports: Proposed Amendments to the UAP Proposed Amendments to the RAP, Land for Low Key Industry Consultation	26.05.09
17	Strategic Land Planning Group: Amendments to Detailed Development Plans/Memorandum to Chairman & Members	02.07.09
18	Environment Board Report: Plan Amendments	14.07.09
19	Policy Council: Letter of Conformity with Strategic Land Use Plan	31.07.09
20	States/Fiscal & Economic Plan, (Extract) Supply Side Strategy	07.09
21	Environment Department: Land for Low Key Industry Leaflet	09.09
22	Opening Statement from the Minister of the Environment Department at Planning Inquiry	04.11.09

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# Proposals for Alterations and Additions to a Detailed Development Plan

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## PROPOSED AMENDMENTS

Urban Area Plan - Review No.1

July 2009



**ENVIRONMENT**

A STATES OF GUERNSEY GOVERNMENT DEPARTMENT

## **Environment Department Report**

### **Proposed Amendments to the Urban Area Plan**

#### **1. Format of the Changes Document**

The Changes document comprises a Written Statement together with text explaining the reason for the proposed change. This text is for explanatory purposes only and will not ultimately form part of the adopted plan. Proposed Changes to the adopted plan are shown in italic font to distinguish them from existing text.

As a whole the Changes document relates only to specific policies and zonings for housing, employment and centres topic areas in the Urban Area Plan. It has been prepared in accordance with Section 8 (2) of Part II of the Island Development (Guernsey) Laws, 1966-1990 (the Law) and is restricted to Changes to Chapter 2 text, Policies HO9, EMP1, EMP2, EMP7, CEN4 and new Policies CEN3(A), ED1 and ED2.

The Changes take full account of the requirements set out in the Strategic Land Use Plan and need to be considered alongside the adopted Urban Area Plan.

#### **2. The Proposed Changes**

##### **Change 1 Chapter 2 – Flexibility of the Plan and the application of policy to domestic development**

###### **Reason for the Change**

The need for the following changes has been recognised by the Planning division for some time, partly as a result of the case law that emerged from the Portholme case, and the introduction of the concept of ‘policy gateways’. It has been highlighted as a result of the Review of Guernsey’s Planning Service conducted by Chris Shepley. He recommended that the Department should look at the way the ‘policy gateway’ is applied in minor developments, to avoid over-complicated application of policy considerations to minor development and also, in more general terms, to ensure that the Plan could be interpreted in a reasonably flexible way.

To achieve this, it is intended to explain the changes to policy status as a result of case law since the adoption of the plan in July 2002 (and which has been enshrined in the new legislation) which introduced the concept of ‘policy gateways’. This will provide an opportunity to ensure that a degree of flexibility is retained within the Plan by explaining how the Department will assess development proposals of a type not envisaged at the time of drafting the Plan.

It will also be possible to clarify how domestic/householder extensions within an established domestic curtilage will be considered.

**UAP Proposed Change**

After para 4 of sub-section 2.3.1 insert the following text:

*The Land Planning and Development (Guernsey) Law, 2005 requires the Department to take the provisions of the relevant Development Plan into account when considering a planning application. Where a development does not conform to the requirements of the Plan, the Department must refuse permission, unless the departure is of a minor nature. As a result, the absence of a specific enabling policy for a particular form of development means that it is prohibited by the Plan and the Department cannot approve it.*

*The Department recognises, however, that it is not possible to foresee all the circumstances that may arise in relation to future development proposals. As a result, policies ED1 and ED2 of the Plan make provision for development essential to the public interest, health or security of the community even if they may conflict with other certain specific policies. However, there may be occasions when development that is not regarded as essential is not specifically provided for within the Plan but where it is of such a scale and nature that it would not significantly affect the objectives of the Plan. In such circumstances this development will be considered against the policies of the General chapter, the Conservation and Enhancement chapter and any others that the Department considers relevant.*

*Domestic/householder development, undefined by other policies of the Plan, will generally be permitted where it does not result in the loss of land allocated or protected for other uses and where it satisfies the requirements of relevant General and Design and the Built Environment policies.*

After para 6 of sub-section 2.3.1, add:

*The Department may publish further guidance on these and related planning matters in due course under the 2005 planning legislation.*

**Change 2 Chapter 2 – Plan Format****Reason for the Change**

This part of the plan is wholly descriptive providing an explanation about the breakdown of the Urban Area Plan to assist the reader. Given the passage of time since adoption of the Plan in July 2002 it would be helpful to bring certain elements such as Mixed Use Redevelopment Areas (MURA's) and Housing Target Areas (HTA's) up-to-date.

**UAP Proposed Change**

Replace Sub-Section 2.3.2.8 with the following:

### 2.3.2.8 Mixed Use Redevelopment Areas

Mixed Use Redevelopment Areas (MURAs) are identified at Gategny Esplanade, Le Bouet and Leale's Yard. New development or redevelopment in MURAs will only be permitted where it is in accordance with the relevant Outline Planning Brief. *Since adoption of the Urban Plan in July 2002 significant progress has been made regarding development of the Mixed Use Redevelopment Areas (MURAs).*

#### **Gategny Esplanade**

The Outline Planning Brief for the Gategny Esplanade MURA was approved by the States in 1999 (Billet d'État VII, 1999) and shall remain in force. *Gategny Esplanade has witnessed a high level of take-up particularly for the larger-scale commercial elements in the southern section of the MURA on the former Royal Hotel site and adjoining parcels. As of April 2009 capacity still exists for additional residential development.*

#### **Le Bouet**

The Outline Planning Brief for the Bouet MURA was approved by the States in 1998 (Billet d'État XVIII, 1998) and remains in force. *Le Bouet, centred on the Admiral's Park scheme, has been comprehensively developed with most recent completed phase being the 85 apartments adjoining Les Banques in March 2008. As of April 2009 capacity still exists for commercial and residential development.*

#### **Leale's Yard**

An Outline Planning Brief ~~will be~~ *has been* prepared for the Leale's Yard MURA. ~~The Outline Planning Brief will guide new development and area-wide environmental improvements. The aim being to achieve an appropriate mix and balance of uses in keeping with Strategic Policy and a high standard of urban design, which will enhance the character and diversity of the area.~~ *and was adopted by the States on 24th November 2004 with a key objective of creating a linked and integrated extension to the commercial centre of The Bridge comprising retail, commercial, housing and other uses. It is envisaged that the scheme will provide a level of new retail facilities to revitalise The Bridge shopping area without creating an over provision to the detriment of Town. As of April 2009 an application has been received for the development of the Main Development Site in the south of the MURA. Additional development potential exists within the north and east portions of the MURA.*

*See especially Policy: HO3; EMPI; CEN2; SCR6*

## **Change 3 Chapter 5 – Policy HO9 – Retention of the Existing Housing Stock**

### **Reason for the Change**

The present approach of Policy HO9 in setting out a framework for protecting the existing housing stock in the context of redevelopment or change-of-use remains sound.

It would however be helpful to make an adjustment to part (d) by removing the reference to replacement on a suitable 'commercial site'. This is considered unnecessarily prescriptive when other either allocated or previously-developed sites may for all other reasons be acceptable. The change would also provide a policy gateway for opportunities to use existing housing sites for other purposes in the interests of good planning for the island's essential economic and social needs, as long as that housing can be replaced elsewhere.

### **UAP Proposed Change**

Amend third paragraph (final two sentences) of Sub-Section 5.2.5 as follows:

In exceptional circumstances, it may be acceptable to allow the loss of residential units that offer poor residential amenity and which are not practicable to improve. The loss of housing may also be justified where the site or building is needed to meet an essential social or community requirement.

In addition, the ~~Committee~~ *Department* may allow the displacement of residential accommodation where ~~in the opinion of the Advisory and Finance Committee, the development is likely to generate a substantial economic benefit to the Island through increased export earnings~~ *substantial and overriding to the economic and/or social wellbeing of the island*. However, in such a case, *equivalent* replacement housing must be provided on a suitable ~~commercial~~ site in the Urban Area.

Amend Policy HO9 as follows:

There will be a general presumption in favour of the retention and improvement of existing housing. Redevelopment or refurbishment schemes, which affect existing housing, will be required to retain or if possible increase the number and quality of housing units on the site.

The loss of existing housing or of a new building designed for residential use but presently vacant will only be permitted where:

- a) the accommodation is substandard by virtue of its size, location or means of access; and
- b) there is no reasonable prospect of upgrading the accommodation to provide satisfactory living conditions;

**OR**

- c) the site or building is needed to meet an essential social or community requirement;

**OR**

- d) the ~~loss~~ *displacement* of housing will facilitate a development with substantial and overriding economic *and/or social* benefit to the Island and *where* the housing will be replaced on a suitable ~~commercial~~ *alternative* site ~~in~~ *within* the ~~Settlement Areas~~ *terms of the housing policies of the Plan. In appropriate circumstances this may mean considering formally the release of a Housing Target Area.*

## **Change 4 Chapter 6 – Policy EMP2 – Small - Scale Professional and Support Services**

### **Reason for the Change**

Since adoption of the UAP there have been some problems of interpretation of Policy EMP2 in terms of actual size parameters, definition of professional and support services and implications of offering a direct service to members of the public. Informal Policy Guidelines previously approved by the former Island Development Committee address these concerns to a significant extent. Nevertheless, further relevant supporting text to accompany the policy is still warranted.

### **UAP Proposed Change**

At the beginning of sub-section 6.2.1.2 Insert the following text:

Small-scale professional and support services

Professional and support services often occupy small inexpensive office suites. Many of these are in older buildings, which possess features of special quality and interest and contribute to the character of their surroundings. The use of such buildings as offices can help to secure their retention, enhance the area and sustain the diversity of office accommodation. *Alternatively, there may be demand for new-build facilities of this description that cater for public demand.*

*Proposals for this type of office will be required to demonstrate that:*

- *the offices have been designed for the purposes of offering a direct service to members of the public calling at the site, for example, through the provision of public reception and waiting areas;*
- *the use proposed is genuinely for services provided principally to visiting members of the public (The Department may impose conditions restricting the use of the premises accordingly); and*
- *the proposals will be small scale having regard to the character of the surrounding area and the potential impact on residential amenity, traffic etc, acceptable size will therefore vary depending on physical circumstances.*

Advances in information and communication technologies will increasingly mean that more people can work from offices in their own homes. Provided the scale of such development is strictly limited and existing residential amenity is not adversely affected, such uses will normally be acceptable.

## **Change 5 Chapter 6 – Policy EMP7 – Small Workshops and Yards**

### **Reason for the Change**

The maintenance of a viable industrial sector in Guernsey depends on there being sufficient accommodation for starter businesses and service trades. Unfortunately, the original concept of allowing the potential for new opportunity sites to be developed for low key service industries has not materialised in the way envisaged since adoption of the Urban Area Plan in 2002. This is partly because of the way the size threshold has been set which is limited in terms of some potential sites.

A survey of the urban area has shown that most potential sites are located in areas where problems of access and proximity to residential property arise. However, there may be a small number of useful sites that could be brought forward if the criteria were made slightly more flexible without compromising environmental standards.

It would therefore be helpful to remove the reference to a size threshold of 0.5 hectare (3 verges) in the first part of the policy wording without substituting an alternative number.

### **UAP Proposed Change**

Amend Policy EMP7 as follows:

The development of small workshops and yards will only be permitted where the proposals are consistent with Policy EMP5 and Policy EMP6 and, in very limited and exceptional circumstances, on redundant horticultural sites ~~of less than 0.5 hectare (3 verges)~~, which meet all of the following criteria:

- a) the ~~Committee~~ *Department* is satisfied that there is no real prospect of the continuation or reinstatement of horticultural activity on the site;
- b) there is no realistic prospect of the site being restored to agriculture or other open land use;
- c) the site has adequate vehicular access; and
- d) the development would not adversely affect an Area of Landscape Value or detract from the character and amenity of the surrounding area.

Applications for such development would be required to demonstrate that:

- a) the site will be properly laid out with buildings, parking, access and open storage areas designed to be in sympathy with the landscape character of the area;
- b) the site will be sufficiently screened to minimise any adverse effect on the character of the area and the proposal is accompanied by full landscape and planting plans; and
- c) the proposals will meet the land and accommodation requirements for small workshops and yards

## **Change 6 Chapter 7 – Central Area Gap Sites**

### **Reason for the Change**

The provisions of Policy EMP1 are necessarily restrictive in setting out the parts of the plan area where new office development is acceptable. (ie main emphasis on Mixed Use Redevelopment Areas and Central Areas) Although these will remain the focus for the majority of new schemes including all larger-scale developments, the Strategic Land Use Plan (Policy 21) also provides a sound context for supporting a wide range of uses within the Town and Bridge which promote environmental improvement. A reasonable case can therefore be put forward for inclusion of certain gap sites in Central Areas where schemes offer potential for environmental enhancement if developed for office purposes providing it is not contrary to existing policies of the Plan.

### **UAP Proposed Change**

Insert the following explanatory text and new Policy CEN3(A) before sub-section 7.2.2.2:

#### *Central Area Gap Sites*

*Vacant sites within an otherwise built up length of street frontage in no form of beneficial use can have a detrimental effect upon the vitality and viability of the centres. However, in some cases these can be financially problematic to develop for lower value schemes. Therefore in suitable cases, where the Department is satisfied that the site is a genuine gap site, such locations within the Central Areas may provide an opportunity for limited office development where such schemes offer potential for environmental enhancement in accordance with Policy CEN9. The Department will expect these to secure the conservation of the historic built environment (in accordance with Policy DBE7) and help deliver a diverse range of office accommodation to match mixed use development principles. The inclusion of office development on gap sites within predominantly non-commercial areas will not however be permitted. Major office development schemes will be considered against the provisions of Policy EMP1.*

*Policy CEN3(A)*

*Proposals for office development will be permitted on gap sites within the Central Areas where:*

- a) the form and scale of development is compatible with the function and character of the surrounding area;*
- b) the proposed development would make a demonstrable improvement to the built environment; and*
- c) conservation area principles can be satisfied where appropriate*

Add the term ‘gap site’ to the Key Terms Used in the UAP Section of the Plan as follows:

*Gap site: Undeveloped land, in no form of beneficial use, in an otherwise built-up length of street frontage or otherwise surrounded by development.*

**UAP Proposed Change**

Amend Policy EMP1 as follows:

Proposals for new office floorspace will only be permitted where:

- a) it is in accordance with the approved Outline Planning Brief for a Mixed Use Redevelopment Area (MURA);
- or**
- b) it is located on an existing office site in the Central Areas and, where appropriate, provides for a mix of uses;
- or**
- c) it is in accordance with Policy EMP2 *or Policy CEN3(A)*

**Change 7 Chapter 7 – Policy CEN4 – Complementing the Retail Function****Reason for the Change**

Interpretation of Policy CEN4 has been variable and led to strains when seeking to prevent redevelopment of older retail units in some circumstances. Within the Central Areas it is important that there is scope for the market to react to changes quickly; an

overly rigid policy approach preventing changes of use can often be inappropriate. It is proposed therefore to offer a more flexible approach which will be defined by differing locational characteristics within the Central Areas and case history since adoption of the plan. Making a necessary adjustment to the emphasis and order of one of the provisions (dealing with evidence of marketing) in the supporting text and streamlining the policy criteria should be undertaken.

### **UAP Proposed Change**

Amend first paragraph of Sub-Section 7.2.2.2 as follows:

#### Complementing the retail function

Service trades (e.g. estate agents, yacht brokers, dry cleaners) and restaurants, pubs, wine bars etc, are complementary to the shopping function and can have a key role in maintaining a diverse and commercially prosperous centre. In certain areas, however, *particularly the primary shopping frontages of High Street/Le Pollet, Commercial Arcade, Market Street and The Bridge*, the replacement of significant numbers of shops with other uses will, if unchecked, break up continuous shop frontages and dilute the retail function of the centre. This will have a detrimental effect on the shopping environment and will affect the viability and vitality of the centres.

Amend second paragraph as follows:

In considering proposals for the change of use or redevelopment of retail units at street level, the impact of the proposal on the retail function of the centres will be determined having regard to:

- the particular nature and character of the use proposed, including the level of activity associated with it;
- the effect of the proposal on the retail frontage involved in terms of the size of the unit, the length of its frontage and the location of the unit within the frontage;
- the number, distribution and proximity of other premises in non-retail use or with permission for such uses;
- whether the new non-retail use would result in an over concentration or grouping of uses which could result in a long term loss of trade from the centre compared with a continued retail use;
- the design and appearance of the proposed frontage;

*and subject to individual conditions, where there is an established impact, it will be necessary to have recourse to:*

- *the length of time the unit has remained vacant and the evidence to show that attempts have been made to find a retail occupier.*

Amend Policy CEN4 as follows:

Proposals for change of use or redevelopment of retail units at ground level within the Central Areas will only be permitted where *the overall retail function and vitality of the frontage within which the shop unit is situated would not be adversely affected and the use is compatible with other Plan policies*'

- b) ~~the use would make a positive contribution to the overall role of the centre;~~
- e) ~~as appropriate, the proposals include the maintenance or provision of a display window at ground floor level;~~
- d) ~~the proposal would not cause significant adverse effects for nearby residents~~

## **Change 8 – Essential Development**

### **Reason for the Change**

The Urban Area Plan was adopted prior to the development of case law on policy gateways. A policy gateway is required to enable specific proposals for any essential development, such as that relating to health, safety and security of the community, not expressly provided for within the Plan to be considered. In addition, in terms of commencement of the new planning legislation which has brought States development within planning control, it is necessary to create policies for development that can be demonstrated to be essential to the community.

### **UAP Proposed Change**

Add a new Chapter 12 Essential Development & Infrastructure and Insert the following new explanatory text and Policy ED1:

#### *Essential Development*

*Where a development, including infrastructure provision, is clearly essential to the public interest, health, safety or security of the community, the Department will generally support the proposals where they are in compliance with the general policy principles of the Plan. All relevant General and Design and Built Environment policies will be complied with as far as possible. However, the Department will need to be satisfied that the particular choice of location, particularly when outside the Settlement Areas, can be clearly justified and that the proposals represent the best practicable*

*environmental option. For this reason a Planning and Design Statement or Development Brief (as set out in Annex1) together with more technical evidence such as environmental and/or traffic impact assessments may be requested.*

*For the avoidance of doubt, proposals for new telecommunications masts will be subjected to this Policy ED1.*

*Measures to minimise any harmful effects on the environment should be incorporated into any scheme from the outset.*

*Proposals which, whilst demonstrated to be essential, are of a scale or nature that cannot be reasonably reconciled with the general policy principles of the Plan as set out within section 3.2, will need to be the subject of a formal amendment of the Plan. This process can be carried out under Sections 76 and 77 of The Land Planning and Development (Guernsey) Law, 2005.*

***Policy ED1***

*Proposals for developments that are clearly demonstrated to be essential to the public interest, health, safety or security of the community and accord with the general policy principles will be allowed where the development does not conflict unacceptably with other relevant policies of the Plan'*

**Change 9 – Small-Scale Infrastructure Provision**

**Reason for the Change**

The Urban Area Plan was adopted prior to the development of case law on policy gateways. Therefore a policy gateway is required to enable specific proposals for minor forms of development, such as electricity distribution pillars and small-scale telecommunications equipment, which does not conflict with general policy principles of the Urban Area Plan.

**UAP Proposed Change**

Insert the following explanatory text and new Policy ED2 in new Chapter 12 Essential Development & Infrastructure:

***Small-Scale Infrastructure Provision***

*The Plan provides for minor forms of development such as electricity sub-stations and distribution pillars, small-scale telecommunications equipment (such as affixing additional or replacement antennae on existing structures), post boxes and other service apparatus to be supported where their siting and design does not conflict with*

*the general policy principles of the Plan. In this respect, the Department will encourage the sharing of existing facilities and supporting structures such as telecommunications masts.*

*Policy ED2*

*Proposals for developments that will contribute to the maintenance and support of an efficient and sustainable infrastructure will normally be permitted where they would not conflict unacceptably with other Plan policies.*

**Change 10 – Extension of the Area for Temporary (Employment) Uses at Belgrave Vinery, Belgrave Vinery Outline Planning Brief.**

**Reason for the Change**

In conjunction with Change 5, which provides a small amendment to Policy EMP7-Small Workshops and Yards, it has been necessary to also bring forward an additional site in the Urban Area at Belgrave Vinery. It should be emphasized that the land has been identified as a Housing Target Area in the Urban Area Plan and not for permanent employment/industrial uses. The overall Outline Planning Brief area has about 7.4 acres (18.3 verg) identified for interim industrial use based on Fontaine Vinery and Stones Quarry. These parcels have been largely taken up during the course of the last few years.

Following a request by the Strategic Land Planning Group to research the feasibility of extending the area for temporary employment uses; a technical consultation exercise was undertaken during September/October 2007. Respondents included Guernsey Water, Environmental Health, Traffic & Transport Services and Law Officers of the Crown. This showed that a proposal to extend the area for temporary industrial uses by about 1 acre would be possible, although conditional upon specific water drainage and access arrangements being met. In particular, protection of the nearby Le Marais and Les Nicolles water catchment is paramount, to avoid contamination, which comprises about a quarter of the whole Island's water gathering area. In transport terms, the current access points adjoining Le Murier and Vale Road do present a number of issues from road safety and traffic management perspectives which need to be addressed. There may well be neighbour impact issues concerning residential properties to the east of the site.(Albion Grove/Vale Road)

**OPB Proposed Change**

An alteration to Figure 17 of the Belgrave Vinery Outline Planning Brief showing an extended area for temporary (employment) uses of about 1 acre (2.5 verg) to the south-

east of the waste transfer station. (\*explanatory text for the temporary uses under Section 4.2, Phase 3 to remain unchanged)

## **General Change – Organisational Titles**

### **Reason for the Change**

A number of organisational titles have altered since publication of the Written Statement and following the major departmental structural change to government in May 2004. The most important ones are shown below. Due to the extensive number of references throughout the plan it has not been practical to propose a change for each particular one.

### **UAP Proposed Change**

Where the following organisational titles appear, insert the up-dated wording as listed:

- Advisory and Finance Committee – *Policy Council*
- Committee – *Department*
- Guernsey Tourist Board – *Commerce and Employment Department*
- Island Development Committee (IDC) – *Environment Department*

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# Proposals for Alterations and Additions to a Detailed Development Plan

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## PROPOSED AMENDMENTS

Rural Area Plan - Review No.1

July 2009



**ENVIRONMENT**

A STATES OF GUERNSEY GOVERNMENT DEPARTMENT

## **Environment Department Report**

### **Proposed Amendments to the Rural Area Plan**

#### **1. Format of the Changes Document**

The Changes document set out in Section 2 of this report comprises a Written Statement together with text explaining the reason for the proposed change. This text is for explanatory purposes only and will not ultimately form part of the adopted plan. Proposed Changes to the adopted plan are in italics to distinguish them from existing text.

As a whole the Changes document relates only to specific policies and zonings for General, Conservation & Enhancement, Housing and Rural Economy chapters in the Rural Area Plan. It has been prepared in accordance with Section 8 (2) of Part II of the Island Development (Guernsey) Laws, 1966-1990 (the Law) and is restricted to Changes to Policies RCE14, RH1, RH3, RH6, RE4, RE7 and new Policies RE7(A) and RE7(B).

The Changes document takes full account of the requirements set out in the Strategic Land Use Plan and needs to be considered alongside the adopted Rural Area Plan. (Review No 1)

#### **2. The Proposed Changes**

##### **Change 1 – Flexibility of the Plan and the application of policy to domestic development**

###### **Reason for the change**

The Rural Area Plan was adopted after the case Law that established the principle of ‘policy gateways’. It does therefore contain a statement about how the Department will assess development that is not specifically referred to in the Plan. However, it is considered that there would be advantage in making that statement broader and clearer, to mirror that proposed for the Urban Area Plan. In addition, it has been found that, in practice, applying the policies of the Plan to domestic extensions has been quite complex, partly because of the wording in this section.

These issues have been recognised by the Planning division for some time, but have been highlighted as a result of the Review of Guernsey’s Planning Service conducted by Chris Shepley. He recommended that the Department should look at the way the ‘policy gateway’ is applied in minor development and also, in more general terms, to ensure that the Plan could be interpreted in a reasonably flexible way.

## Plan format

### RAP Proposed Change 1(i)

Substitute para 5 of sub-section 1.7 with the following:

~~Where a particular development type or use of land is not specifically referred to in the Written Statement, then proposals for such will be considered against the policies of the General chapter, the Conservation and Enhancement chapter and any others that the Department considers relevant.~~

*The Land Planning and Development (Guernsey) Law, 2005 requires the Department to take the provisions of the relevant Development Plan into account when considering a planning application. Where a development does not conform to the requirements of the Plan the Department must refuse permission, unless the departure is of a minor nature. As a result, the absence of a specific enabling policy for a particular form of development means that it is prohibited by the Plan and the Department cannot approve it.*

*The Department recognises, however, that it is not possible to foresee all the circumstances that may arise in relation to future development proposals. As a result, policies RD1 and RD2 of the Plan make provision for development essential to the public interest, health or security of the community even if they may conflict with other certain specific policies. However, there may be occasions when development that is not regarded as essential is not specifically provided for within the Plan but where it is of such a scale and nature that it would not significantly affect the objectives of the Plan. In such circumstances this development will be considered against the policies of the General chapter, the Conservation and Enhancement chapter and any others that the Department considers relevant.*

After para 8 of sub-section 1.7, add:

*The Department may publish further guidance on these and related planning matters in due course under the 2005 planning legislation*

### RAP Proposed Change 1(ii)

At the end of sub-section 1.9 insert the following note:

Step 1: In all cases, please refer to the **General policies** in Chapter 2. These are, in effect, the basic planning considerations that the Department is duty bound to take into account.

Step 2: Ensure that your proposal respects and accords with the policies for **Conservation and Enhancement** in Chapter 3.

Step 3: Find your site on the **Proposals Map**. Consider any policies relevant to the policy area or areas within which the site is located.

Step 4: Refer to the policies specifically relevant to the existing use of the site and the proposed land use or building. For example, if the existing use of the site is industrial, refer to **Rural Economy Policy RE7 and RE8**; if the proposal is for a new house, then refer to **Housing Policy RH1**.

Step 5: Refer to any of the **annexes** that may be relevant to the site or proposal.

*Note: Other than those specifically referred to within Policy RH6, the General policies (chapter 2) and Conservation and Enhancement policies (chapter 3) will not apply to domestic/householder development within a recognised existing curtilage (garden area).*

## **General Policies**

### **RAP Proposed Change 1(iii)**

Amend the paragraph before sub-section 2.1 of Chapter 2 as follows:

**All the policies in this chapter are statements of general policy which will be applied in conjunction with the subsequent, more detailed policies of the Plan. These basic considerations apply to any form of development in any location *except where the proposals relate to domestic/householder development and in these circumstances Policy RH6 of this Plan sets out which of the general policies are applicable.* The basic planning principles outlined in this chapter underpin the whole Plan and introduce policy themes that are developed in more detailed and specific policies in the chapters that follow.**

## **Conservation and Enhancement Policies**

### **RAP Proposed Change 1(iv)**

Insert the following text in the introduction to Chapter 3 as follows:

The policies contained within this chapter seek to protect and enhance those valuable features of the rural environment that combine to shape its unique character. This includes open landscape through to buildings of special interest. Even gradual erosion of these features could have a detrimental impact on Guernsey's local distinctiveness and result in an island that is a less special place to live or visit.

**The majority of policies in this chapter will be applied in conjunction with the General policies and the subsequent, more detailed policies of the Plan, together with any other relevant parts, when assessing all forms of development in any location.**

*However, the Department is keen to ensure that householders are allowed flexibility in planning for extensions and other forms of domestic development within residential curtilages. Therefore the policies of this chapter will not apply to proposals relating to domestic/householder development, except those specifically identified as applicable within Policy RH6 of the Housing chapter of this Plan.*

**The preparation of Rural Planning and Design Statements will be encouraged in order to illustrate how design solutions have been reached, taking full regard of the policies of this chapter. Please refer to Annex 4 for further information.**

### **RAP Proposed Change 1(v)**

Delete the fourth paragraph of sub-section 3.1 as follows:

#### 3.1 Protecting open land & avoiding unnecessary development

The non-designated areas represent the foundation level of protection provided under Policy RCE1 that will be applicable throughout the Plan area either on its own or, where other designations exist, in conjunction with the policies relevant to those designations. In support of the strategic objectives of the States, the Plan aims to protect and enhance the open and undeveloped character of the rural area and to restrain development. Accordingly, under Policy RCE1, unnecessary incursions of development into the rural areas should be avoided. In this respect it is important to note that the Island's many glasshouse sites, whether still in operation, unused or derelict, are also regarded legally as undeveloped land with glasshouses being classified as temporary structures sited on agricultural land(4). Agricultural land will be protected from irreversible development wherever possible and particular care will be taken to protect the best and most versatile agricultural land in consultation with the Commerce and Employment Department.

The Department accepts that some forms of development may necessarily require a rural location such as those associated with agriculture, horticulture, extensions to existing rural tourist facilities and outdoor recreation. Similarly, it may occasionally be desirable that developments needed for public utilities such as pumping stations and wastewater treatment are located within the rural area outside of the more densely populated areas. However, it will only be in these non-designated areas that social housing within rural centres or elsewhere under Policy RH2, retail developments within Rural Centres under Policy RE4, garden centres under Policy RE5, airport related development under Policy RE14, creation of new community facilities other than by conversion under Policy RS1 and, creation of new recreation facilities other than by conversion under Policy RS3 will be permitted.

Where such development is considered appropriate it should, wherever possible, contribute positively to the area by protecting and enhancing the rural character of the locality or by consolidating and enhancing an existing group of buildings.

~~*The Department is keen to ensure that householders are allowed flexibility in planning for extensions and other forms of domestic development within residential curtilages*~~

~~provided that, having regard to their setting, the open character of the countryside and important public views are protected.~~

Development on Greenfield sites outside of the Rural Centres will only be considered in very exceptional circumstances where they are in the public interest, in full compliance with the provisions of Policy RD1.

### **RAP Proposed Change 1(vi)**

Insert the following text in sub-section 3.14 and amend Policy RCE14 as follows:

#### 3.14 Conversion and re-use of buildings

In considering proposed conversions, the Department will wish to be satisfied that the existing building is no longer useful or reasonably capable of being used for its original or last known purposes and, that the proposed new use represents a more appropriate use of that building. Conversions that would result in the unacceptable loss of accommodation to another sector of the rural economy or that would necessitate the construction of replacement buildings that may harm the open nature of the countryside will, generally, be resisted. The Commerce and Employment Department may be consulted on applications proposing the removal of buildings from agricultural use.

It is also important that conversions do not result in the continued retention of inappropriate buildings in open or potentially open areas. Hence, the Department will generally support the removal of undistinguished impermanent forms of building, and those that are clearly unsound, structurally. Conversions that would involve major re-building works may, depending on the scale and nature of works proposed, be assessed as being 'new-build' and will, accordingly, be considered under the relevant Plan policies.

In most cases, the Department will require the submission of a structural survey prior to determining an application for the conversion of a building. Glasshouses are, by definition, not regarded as being of sound and substantial construction as, in law, they are regarded as being temporary structures on agricultural land.

*In determining whether the building is capable of conversion, the Department will need to be satisfied that it can be carried out without extensive alteration, rebuilding or extension. In the case of conversions to residential use, there must be adequate space within the existing structure to accommodate all essential elements of a dwelling such as a kitchen, bathroom, living space and bedroom. Schemes that rely on extensions to make the conversion feasible will not be permitted.*

~~Conversion can, also, result in a significant change to the fabric of buildings and to their appearance in the landscape through the introduction of gardens, driveways, walls and fences and ancillary buildings. With this in mind, the Department will carefully consider whether such conversions can comply with the overriding conservation and enhancement objective of the Plan and will expect all ancillary features to be clearly~~

~~indicated on the planning application. Permission will not be given to proposals that would destroy the very character that would otherwise justify the building's retention.~~

*It is important that the new use is suitable to the site and its setting. A housing conversion, for example, can result in significant change to the fabric of buildings and to their appearance in the landscape through the introduction of gardens, driveways, walls, fences and ancillary buildings. A conversion for business use may have less effect on the fabric of the building and therefore may be considered acceptable where an application to convert the same structure to residential may not. However commercial uses may have potential effects on neighbour's amenity and this will need to be carefully considered.*

*The Department will carefully consider whether individual proposals can comply with the conservation and enhancement objectives of the Plan. All ancillary features should be clearly indicated in the planning application along with any proposed measures to mitigate potential impacts or to provide positive environmental improvements. Permission will not be given to proposals that would destroy the very character that would otherwise justify a building's retention. Particular care will be required where Policy RCE14 is used in conjunction with RE7B (open yards).*

As the Areas of High Landscape Quality represent the most sensitive landscapes within the rural area, the Department will only permit the conversion or re-use of buildings that make a positive contribution to them. The conversion or re-use of buildings that are not of any distinguished character or that detract from the character of the area will not be permitted within the Areas of High Landscape Quality.

Where a building is protected or of other special interest, great care will be taken to ensure that the original character of the building is retained. Policy RCE11 *and Policy RCE13* addresses this issue further.

#### **Policy RCE14**

Proposals to convert or re-use buildings will only be permitted where:

- a) it has been clearly demonstrated to the satisfaction of the Department that the building is no longer useful, or capable of being used for its current or last known viable purpose or that more appropriate buildings are available to accommodate such use;
- b) the building is of sound and substantial construction and is capable of conversion without extensive alteration, rebuilding or extension;
- c) in Areas of High Landscape Quality, the building is of architectural or historic interest or makes a positive contribution to the character of the rural environment;
- d) the conversion can be implemented without adversely affecting the character or appearance of the building; and,

- e) the provision of curtilage, road access, driveways and parking, ancillary buildings and boundaries would not adversely affect the character of the building or its setting.

*Where it is considered acceptable to convert an existing structure into an alternative use and the provisions of policies RCE11 and RCE13 are not applicable, an existing permission, without being implemented by carrying out the work would provide an adequate means from which to request permission to demolish and rebuild it on the same site. However, the rebuild must be for the same nature and scale of development. Minor alterations to the footprint, siting, materials and external appearance of the structure that provide opportunities for environmental enhancement may be acceptable where this results in the physical enhancement of an area, including the consolidation or creation of open space.*

*When the Department has determined that the conversion of a structure is acceptable, and has issued outline or planning permission, the Department will consider such permission to provide an adequate base from which to request permission to demolish and rebuild it on the same site. The actual redevelopment need not be carried out to enable this assessment to be made.*

*Clearly, such an approach would not apply in cases where the structure is regarded as a building of architectural or historic interest, for reasons explained above. Therefore, the option to seek permission to rebuild such a structure on the basis of receiving consent to convert will not apply in Areas of High Landscape Quality.*

*In assessing whether buildings located within non-designated areas are suitable for rebuilding following receiving consent for conversion, the Department will first need to be satisfied that the structure is of substantial construction, normally consisting of stone/block/brick walls and a durable roof covering. Bearing in mind the conversion of a building is likely to be more sustainable than total demolition and rebuild, through the use of fewer building materials and production of less waste, the Department will also need to be satisfied that some environmental benefit will be gained. This could be through physical enhancement of the locality, improvements to the levels of onsite and/or neighbour amenity or through longer-term environmental enhancements. The Department may require substantial supporting evidence before it is prepared to accept that rebuilding is an appropriate course of action.*

## **Housing Policies**

### **RAP Proposed Change 1(vii)**

Amend Policy RH1 as follows:

**Policy RH1**

Proposals for residential development (excluding the subdivision of existing dwellings) will only be permitted where:

- a) they involve the conversion of existing buildings or the replacement of existing dwellings on a one for one basis; and,
- b) the site is suitable having regard to the existing characteristics of the site and its relationship with the surrounding area;
- c) the development is acceptable in terms of siting, design, scale, massing, amenity and provision of a satisfactory living environment; and,
- d) in the case of replacement dwellings, they also satisfy the provisions of Policy RCE13 and where appropriate, RCE11.

~~Exceptionally, replacement of other buildings may be acceptable subject to the requirements of (d), provided that their conversion under Policy RCE14 had first been granted detailed planning permission and Building Regulations approval and the floorspace and volume of the approved conversion scheme are not exceeded. Replacement of a scheme for residential sub-division which has been granted detailed planning permission and Building Regulations approval under Policy RH3 may also be acceptable subject to (d) provided that the floorspace and volume of the approved sub-division scheme are not exceeded, nor the approved number of dwelling units exceeded.~~

**RAP Proposed Change 1(viii)**

Insert the following text at the end of sub-section 4.3 and amend Policy RH3 as follows:

*When the Department has determined that the subdivision of a dwelling is acceptable, and has issued outline or planning permission, the Department will consider such permission to provide an adequate base from which to request permission to demolish and rebuild the structure on the same site. The actual redevelopment need not be carried out to enable this assessment to be made.*

*However, the Department will need to be satisfied that such redevelopment will result in a similar physical form or that the rebuilding results in significant environmental benefits such as decreasing the impact of the structure on the landscape character of the area. The rebuilt structure will however be required to be similar in nature and scale to the existing building.*

**Policy RH3**

The subdivision of a dwelling into two or more self contained units or into a house of multiple occupation will only be permitted where:

- a) the density of occupation is compatible with the character and residential amenity of the surrounding area;
- b) the proposal would not result in an excessive concentration of such uses in the locality; and,
- c) the development would be acceptable in terms of provision of a satisfactory living environment and amenity.

Proposals must adequately demonstrate methods for addressing intensification of ancillary domestic fixtures and features and include these as part of the integral design of the development.

*Where it is considered acceptable to subdivide an existing dwelling into two or more self contained units and the provisions of policies RCE11 and RCE13 are not applicable, an existing permission would, without being implemented by carrying out the work, provide adequate means from which to request permission to demolish and rebuild the units on the same site.*

**RAP Proposed Change 1(ix)**

Amend the first and replace the second paragraphs of sub-section 4.6 and amend Policy RH6 as follows:

## 4.6 Extensions and alterations to dwellings

The Department acknowledges the reasonable aspirations of people to extend or alter their homes to provide greater comfort, additional living or storage space or simply to improve the appearance of their dwelling. For the avoidance of doubt, this policy includes curtilage development that is incidental to the enjoyment of a dwelling and is applicable in both non-designated areas and Areas of High Landscape Quality. ~~subject to the application of Policy RCE1 and, where appropriate, Policy RCE3.~~

*Domestic/householder development confined to the curtilage of a dwelling is unlikely to significantly adversely affect the primary objective of the Plan and therefore the Department will offer a greater degree of flexibility to such work. Development proposals can best accord with the objectives of the Plan by adopting good overall design and respecting the setting and prominence of the particular locality.*

*In accordance with this approach and in order to avoid unnecessary planning control over householder development, the policies of the General and Conservation and Enhancement chapters will be applied more selectively. This is not to say that the*

*matters these policies cover are not relevant, but do not need added control through planning policy. Therefore issues such as design, access, character and amenity and the effect of development on adjoining properties remain relevant planning considerations and together with other issues will, where appropriate be assessed as material considerations as set out within Part IV, sections 13 to 16 of the Land Planning and Development (Guernsey) Law, 2005.*

*In specific circumstances the following General and Conservation and Enhancement policies may be considered relevant in assessing domestic/household development:*

- *RGEN3 when considering extensions to domestic curtilages (see also Policy RCE6)*
- *RGEN4 when considering applications affecting the special quality of the built heritage*
- *RCE1 when considering extensions to domestic curtilages (see Policy RCE6)*
- *RCE2 when considering the demolition and reconstruction of dwellings or where development would affect a significant tree or landscape feature*
- *RCE3 when considering the rebuilding of dwellings on land designated an Area of High Landscape Quality*
- *RCE6 when considering extensions to curtilages*
- *RCE10 when assessing development within or affecting the setting of a Conservation Area*
- *RCE11 when assessing development affecting Protected Buildings and Monuments*
- *RCE13 when assessing proposals involving the demolition of distinctive buildings and features*

~~Generally, the Department will support such proposals where they comply with the policies of the General and the Conservation and Enhancement chapters of the Plan. In particular, policies RGEN6, 7, 8 and RGEN11 will be relevant, but as with any other development proposal, there may be other policies that may apply.~~

It is important, ~~therefore~~, that no part of the Plan is taken out of context. Staff of the Department will be pleased to advise when so required.

#### **Policy RH6**

Proposals for extensions or alterations to existing houses will normally be permitted ~~where they do not conflict with other policies of the Plan.~~ *In specific circumstances, policies RGEN 3 and 4 of the General chapter and policies RCE1, 2, 3, 6, 10, 11 and 13 of the Conservation and Enhancement chapter may be considered relevant and must be satisfied where appropriate.*

## **Change 2 Chapter 5 – Policy RE4 – Retail Development**

### **Reason for the Change**

Recently there has been a fair amount of rationalization of the petrol filling station/garage market with a number of closures across the plan area. Although existing policies do allow for different forms of redevelopment depending upon location, substantial development of such sites for retail uses where they do not relate to Rural Centres can be damaging to wider objectives of consolidation in the Urban Area Plan Settlement Areas and protection of the vitality and viability of the Rural Centres. Further, the prospect can also place a hope value on such sites which reduces their viability as locations for other employment uses. The wording of Policy RE4 (Part (b)) is sound in this respect, although an additional reference in the supporting text would be helpful.

### **RAP Proposed Change**

Insert the following text at the end of the second paragraph of sub-section 5.4

The Department will generally seek to resist the introduction of new retail development that would not serve to sustain the Rural Centres. This will help secure the primary objective of conserving and enhancing the rural environment and protect the vitality and viability of the existing centres. *Particular care will be taken with commercial garage (including car show-room) sites, which often occupy locations outside the Rural Centres. The non-definition of a specified use class by the Land Planning and Development (Use Classes) Ordinance 2007, (Section 4 (3)) or sui generis status, requires that such sites would need permission for a wholesale material change of use. However, the Department adopts the view that existing car showroom and ancillary convenience shop space do represent a form of retail function but that all other elements of the commercial garage operation, such as workshops and yards, do not. Therefore retail development of those areas will not be permitted on sites unrelated to a Rural Centre. In the event that the showroom and convenience shop space represents the majority of the premises, the Department will limit the amount of space considered as retail to 50% of the overall internal floor space of the commercial garage premises.*

## **Change 3 Chapter 5 – Policy RE7 – Industrial Development**

### **Reason for the Change**

Since adoption of the plan in 2005, Policy RE7 has been successful in helping to focus industrial development interest, where it exists in the rural area, on established sites rather than allowing new green field releases. In some cases however an emphasis on ‘existing industrial operations’ has possibly been counter-productive by negating the potential for existing industrial sites to be redeveloped and improved for purposes beyond those of an individual industrial operation. By withdrawing the term but retaining all other provisions of the policy would then allow for the type of

improvements (extensions, alterations or rebuilding) to occur more easily, which are reasonable to secure the longer term future of such sites.

In any case, proposals for expansion of rural-based businesses will be carefully assessed to ensure the scale of development and operations remains compatible with the character and amenities of the surrounding area. In some cases, the adverse impact of expansion will outweigh the employment benefits and the business would be better located on an industrial site within the Urban Area.

A more fundamental amendment at this time to make provision for additional general industrial development is not warranted. The requisite research has not so far been undertaken by the States to support such an expansion which the Strategic Land Use Plan identifies under Strategic Policy 14. In reality the consideration will now await formal full review of the Rural Area Plan.

In a few exceptional cases it may be appropriate for schemes which take up land adjoining existing industrial areas to be developed. Some businesses are housed in premises which are no longer adequate for present day needs whilst others require additional space for expansion. Although in the majority of circumstances it should be possible to accommodate the needs of most businesses in the urban area on Key Industrial Areas and other established sites, where this is not feasible, limited extension areas adjoining an existing industrial site/estate which represent a marginal rounding-off of the boundary configuration may be acceptable providing there is no significant environmental, amenity or highway objection. It may be possible to achieve this by relaxing Policy RCE6 (Creation or extension of curtilages), but the proposed Policy RE7(b) offers an alternative approach.

### **RAP Proposed Change**

Insert the following text at the end of sub-section 5.7 and amend Policy RE7 as follows:

*Occasionally it may be appropriate for land adjoining existing industrial areas to be developed. Where it is not feasible to develop in the urban area, as generally required, limited extension areas adjoining an existing industrial site/estate which represent a marginal rounding-off of the boundary configuration may be acceptable providing there is no significant environmental, amenity or highway objection. Policy RE7(b) offers a relevant context.*

*These proposals must accord with all relevant general policies of the Plan, particularly in terms of the proposed design, layout, amenity (including the amenity of nearby residents) and access.*

*In addition, schemes need to be of a scale appropriate to the character of their surroundings and not result in the destruction of significant landscape features. In addition they must be able to be absorbed into the landscape setting by landscape screening or other means. The proposals must contain measures for conserving and enhancing the quality of the rural environment.*

Policy RE7

- a) Proposals for extensions, alterations, re-building or other works ~~to~~ *at* an existing industrial ~~operation~~-*site* will generally be permitted where:
- i) they are incidental and essential to ~~its proper running~~ *the use of the site as an existing industrial reserve*; and
  - ii) they resolve any conflicting amenity issues of operations considered to be incompatible with neighbouring land uses.
- b) *Proposals for the limited extension of an industrial use on land adjoining existing industrial areas will be permitted where:*
- i) it can be demonstrated that the accommodation is ancillary and incidental to the proper running of the existing uses on the site; and*
  - ii) the site is not within an Area of High Landscape Quality and the requirements of Policy RCE6 (extension of curtilages) can be satisfied.*
- c) Proposals for the creation of new industrial establishments will not be permitted unless they satisfy the provisions of Policy *RE7(A)*, RCE14 or RE10 and all other relevant Plan policies.

Notwithstanding *c)* above, an area of land has been specifically allocated for 'Light Industrial Purposes' and indicated on the Proposals Map. Permission will only be granted for development on this site where the proposals can satisfy all other relevant policies of this Plan, particularly in terms of design, layout, amenity, protection of open spaces, access and safe and efficient operation of the airport.

## Change 4 Chapter 5 – Small Workshops and Yards

### Reason for the Change

The maintenance of a viable industrial sector in Guernsey depends on there being sufficient accommodation for starter businesses and service trades. This scenario is firmly advocated by States corporate policy in terms of the Strategic Land Use Plan (Strategic Policy 12) and Strategic Economic Plan (Action Point 8) respectively. The consultative paper entitled Land for Low-Key Industry (January 2009) outlines the proposed approach to land allocations for this purpose and puts forward a number of specific sites.

It is intended to supplement this with a small-scale version of the EMP7 policy in the Urban Area Plan to give limited opportunities for suitable sites to gain permission for low key uses. This policy will deal primarily with open uses that complement the

existing conversion policy (RCE14), which is capable of allowing the conversion of existing buildings to workshops in certain circumstances, and will be subject to strict tests to ensure that only the most suitable sites will meet its criteria.

#### **RAP Proposed Change 4(i)**

After Sub-Section 5.7 Insert the following new explanatory text and new Policy RE7(A)

##### ***Small workshops and yards***

*The maintenance of a viable industrial sector in Guernsey depends on there being sufficient accommodation for low key service trades. These are especially important because they provide essential services and utilise diverse skills. These firms generally require small, inexpensive workshops and yards, on accessible sites, perhaps with some shared support services.*

*An extensive survey was undertaken by the Department which examined locational land requirements for the sector. A wide selection of places within ten metres of the main arterial routes was assessed. Site survey work also focused on key determinants of access, open amenity value, neighbour impact, other strategic priorities and employment area location. A sieve process which was informed by other States Departments (Public Services and Commerce & Employment) on such matters as highway safety and horticultural sites protection helped to narrow down appropriate potential sites.*

*In order to meet this demand, a small number of sites, shown on the addendum to the Proposals Map, have been allocated for small workshops/yards in addition to any conversion opportunities which may occur in accordance with Policy RCE14.*

##### ***Policy RE7(A)***

*Proposals for the development of the sites shown on the addendum to the Proposals Map as small workshops and yards will be permitted where:*

- i) the site is properly laid out with buildings, materials, parking, access, appropriate density of built form and open storage areas designed to be in sympathy with the character of the area; and*
- ii) the proposal makes a positive contribution to the visual quality of the rural environment through an appropriate soft landscaping scheme designed to sufficiently screen the industrial activities on the site and minimise any adverse effects on the character of the area.*

*Where necessary, the Department will impose conditions on any consent to control the nature of the industrial use and any future development as a low key workshop/ yard. These are likely to relate to the size of any buildings on the site and the type of industrial operation proposed.*

*Where appropriate, the Department will require the submission of a Planning and Design Statement with the formal request for planning permission.*

*In considering applications for non-industrial development on these sites prior to their development for small workshop and yards, such proposals will be assessed on their merits and against other relevant policies in the Plan, excluding Policy RE8, in order to avoid preventing the consideration of other forms of development on the site. Once an industrial activity has been established on the site Policy RE8 will also apply.*

### **RAP Proposed Change 4(ii)**

Insert the following additional Policy RE7(B) after Policy RE7(A)

#### ***Open Yards***

*An on-going demand for open yards has been confirmed by survey research undertaken since publication of the Draft Plan in July 2003. The Business Premises Needs Survey published by the Commerce and Employment Department showed that additional land (3.1 acres) was needed. The focus of this policy is therefore to provide new opportunities for businesses such as builders, scaffolding firms and stonemasons, where no indoor workspace is required. It is considered that Policies RCE14 and RE7(A) will continue to cater for the general requirement for small workshops and yards.*

*In very limited and specific circumstances, the use of redundant horticultural sites to provide small-scale yards for service trades may be acceptable. Whilst releasing these sites for general development would have a negative effect on the rural countryside both in the short and long term and conflict with the strategic objectives of the States, through permitting some limited commercial activity that does not require the development of built structures it is possible that some environmental enhancement of the land could be achieved. Inversely, the use of undeveloped Greenfield sites as open yards is only likely to lead to unacceptable environmental degradation.*

*Applications for open yards on redundant horticultural sites will be subject to rigorous assessment to ensure suitability for the proposed uses. Particular regard will be paid to the policy principles set out within the General and Conservation and Enhancement chapters including specific emphasis on Policy RCE5 (Derelict land in the countryside) together with the criteria set out within this Policy. The Development of open yards will not however be permitted within an Area of High Landscape Quality.*

*Where businesses grow or change to the extent that buildings are required, they will be directed to; suitable sites within the Urban Area, sites identified by Rural Area Plan Policy RE7(A) (where appropriate) or to sites which might provide suitable accommodation through the conversion of a redundant building through Policy RCE14. These sites will also share the same locational characteristics identified in the survey*

*for small workshops and yards detailed above.*

*Development of open yards recognised under Policy RE7(B) will only be granted in exceptional circumstances where there is a proven overriding need for such businesses to be located within the Rural Area and where it is either not practical or possible to accommodate such development within the Urban Area. It must also be proven to the satisfaction of the Environment Department that sites identified under Policy RE7(A) cannot provide a suitable site for the proposals.*

*Where these sites contain existing buildings, any development proposals which include them will in addition be considered under the provisions of Policy RCE14. In such circumstances, the Department may well accept the provision of less outside curtilage space than that required for a residential scheme. It may also be possible to convert a smaller structure for industrial purposes where the need for internal space is less than that required for residential purposes.*

#### *Policy RE7(B)*

*Development proposals for open yards will only be permitted in very limited and exceptional circumstances where they provide for appropriate measures for conserving and enhancing the quality of the rural environment on redundant horticultural sites and where they meet the following criteria:*

- i) it can be demonstrated to the satisfaction of the Department that there is no real prospect of the continuation or reinstatement of horticultural activity on the site in the short to medium term;*
- ii) there is no realistic prospect of the site being restored to agriculture or other open land use and areas of permanent hard surfacing are kept to an absolute minimum;*
- iii) the site has adequate vehicular access;*
- iv) the development would not be within an Area of High Landscape Quality or detract from the character and amenity of the surrounding area;*
- v) the site can be adequately screened through an appropriate soft landscaping scheme; and*
- vi) the usable site area, not including any screening or landscaping, would not exceed 0.5 hectares (3 verges)*

*Conditions will be imposed to control the use of the land as an open yard. Ancillary structures will not normally be permitted. Particular regard will be paid to the policy principles set out within the General and Conservation and Enhancement chapters including specific emphasis on Policy RCE5 (Derelict land in the countryside).*

## Change 5 – Annex 4 Planning & Design Statement

### Reason for the Change

In conjunction with the amendments proposed in relation to flexibility of the Plan and the application of policy to domestic development, (under Change 1) it is necessary to provide some text alterations to show when a Rural Planning and Design Statement will now be required.

### RAP Proposed Change

Amend the Rural Planning and Design Statements sub-section of Annex 4 as follows:

When will a Rural Planning and Design Statement be required?

A Rural Planning and Design Statement can be carried out for any form of development and is an aid to the planning and design process that can resolve potential conflicts at an early stage.

*As mentioned above, in appropriate circumstances the Department will require a Rural Planning and Design Statement to form part of a planning application for the development of specific sites. This is likely to include large-scale development or redevelopment proposals such as social housing proposals and substantial conversion schemes such as a disused hotel to residential accommodation.*

~~However, the Department will require the submission of a Rural Planning and Design Statement in the following circumstances:~~

- ~~• large scale development or redevelopment proposals such as social housing development~~
- ~~• larger scale conversion schemes, for example the conversion of a disused hotel to residential accommodation~~
- ~~• all development proposals within Areas of High Landscape Quality and Conservation Areas excluding minor extensions and alterations~~
- ~~• any other development likely to have a significant impact on the rural landscape due to its design, siting, scale or generation of activity.~~

The Department will not normally require a Rural Planning and Design Statement to be submitted with an application for a domestic extension. *However, On the other hand, applications for any form of development within particularly sensitive areas such as Areas of High Landscape Quality and Conservation Areas may well merit benefit from the preparation of a Statement. Applicants are therefore strongly advised to ask for advice on whether a Rural Planning and Design Statement is required or would be beneficial and how it should be prepared at an early stage.*

### Addendum to the Proposals Map

Policy RE7(A) Small Workshops and Yards

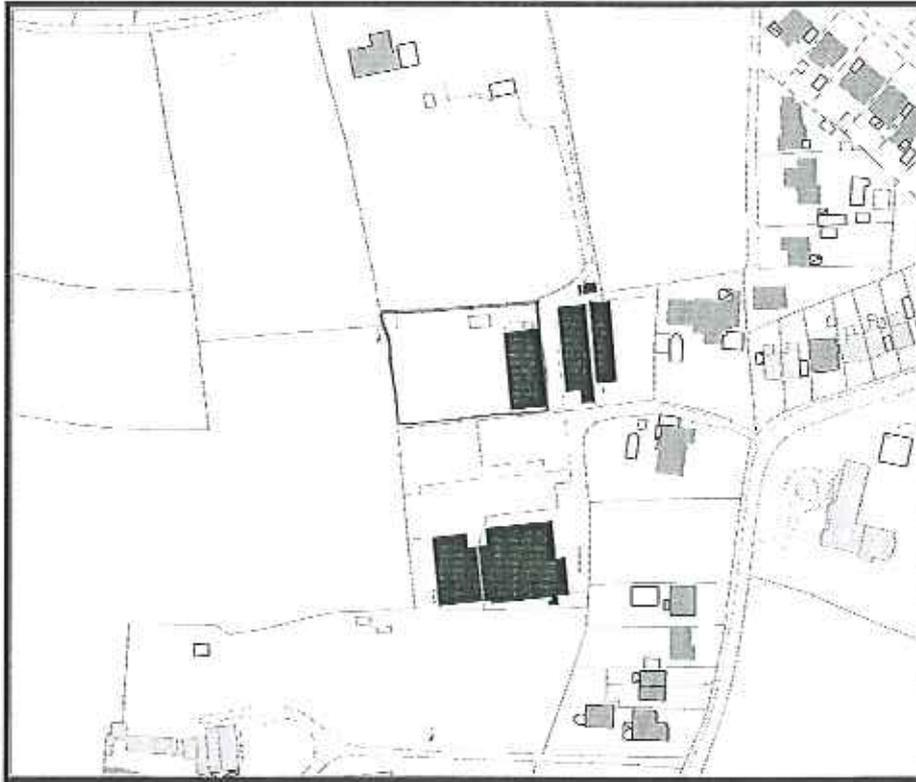
Allocation Sites

IS1	Land adj Les Caches Business Centre	St Martin	0.5 ac/1.2 verg
IS2	Grand Fort/Hougues Magues Lane	St Sampson	0.9 ac/2.2 verg
IS3	Les Vardes Farm Port Grat	St Sampson	0.6 ac/1.5 verg
IS4	Rue des Landes (at rear)	Forest	1.0 ac/2.5 verg
IS5	Land at Portinfer Road	Vale	1.6 ac/3.9 verg
		Total	4.6 ac/11.4 verg

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**Addendum to the Proposals Map**

**Change 4(i) – Policy RE7(A) Small Workshops and Yards**



Site Reference: IS1

Site Address: Land adj Les Caches Business Centre, St Martin

Site Area (Acres): 0.5

Existing Use: Horticultural/Vacant

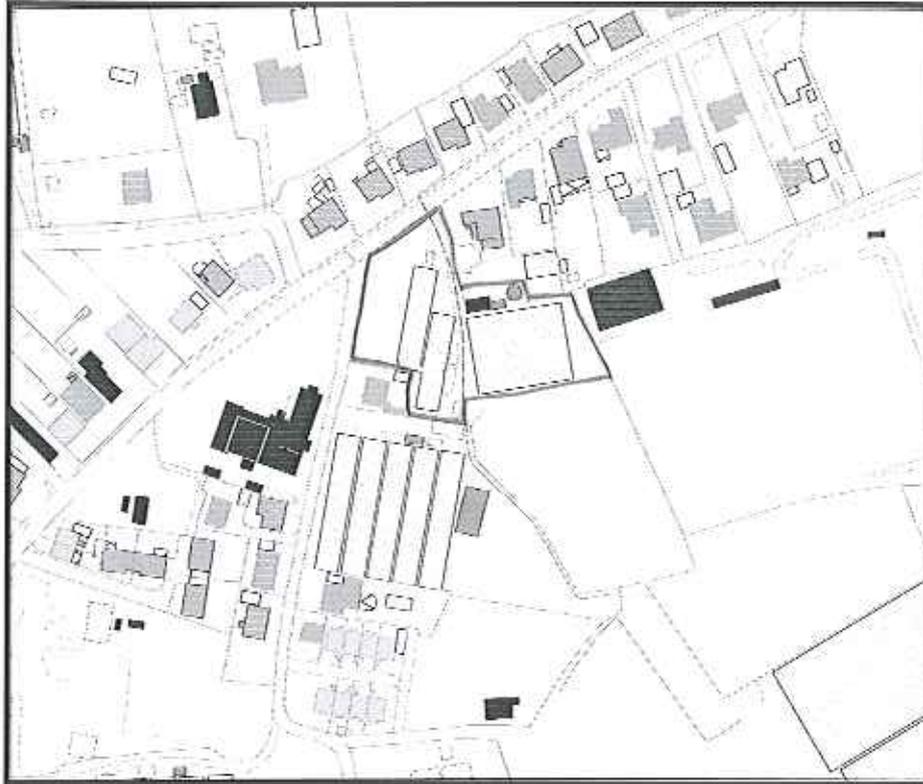
Planning Notation: RAP - Non-Designated

Planning History: Enforcement action (April 2006) to remove parked vehicles on eastern side.

Scale 1:2500



## Site Summary Sheet



Site Reference: IS2

Site Address: Grand Fort/Hougues Magues Lane, St Sampson

Site Area (Acres): 0.9

Existing Use: Horticultural/Agricultural

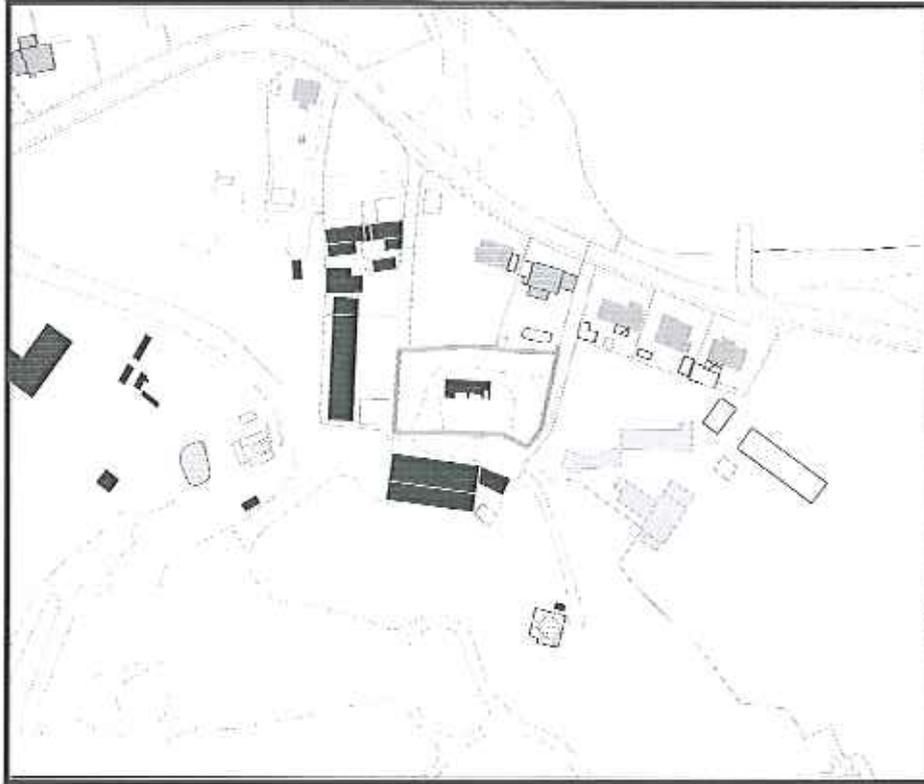
Planning Notation: RAP - Non-Designated

Planning History: Representations to RAP Review Planning Inquiry (Housing)

Scale 1:2500



## Site Summary Sheet



Site Reference: IS3

Site Address: Les Vardes Farm, Route de Port Grat, St Sampson

Site Area (Acres): 0.6

Existing Use: Agricultural Premises

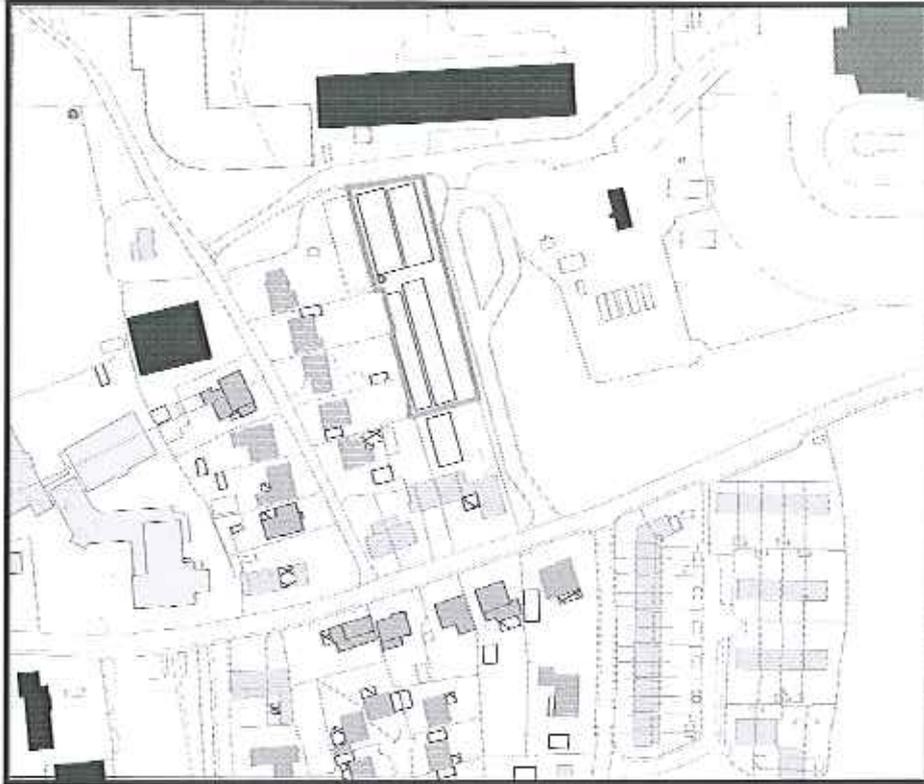
Planning Notation: RAP - Non-Designated

Planning History: No relevant history

Scale 1:2500



## Site Summary Sheet



Site Reference: IS4

Site Address: Rue des Landes (at rear), Forest

Site Area (Acres): 1.0

Existing Use: Horticultural/Agricultural

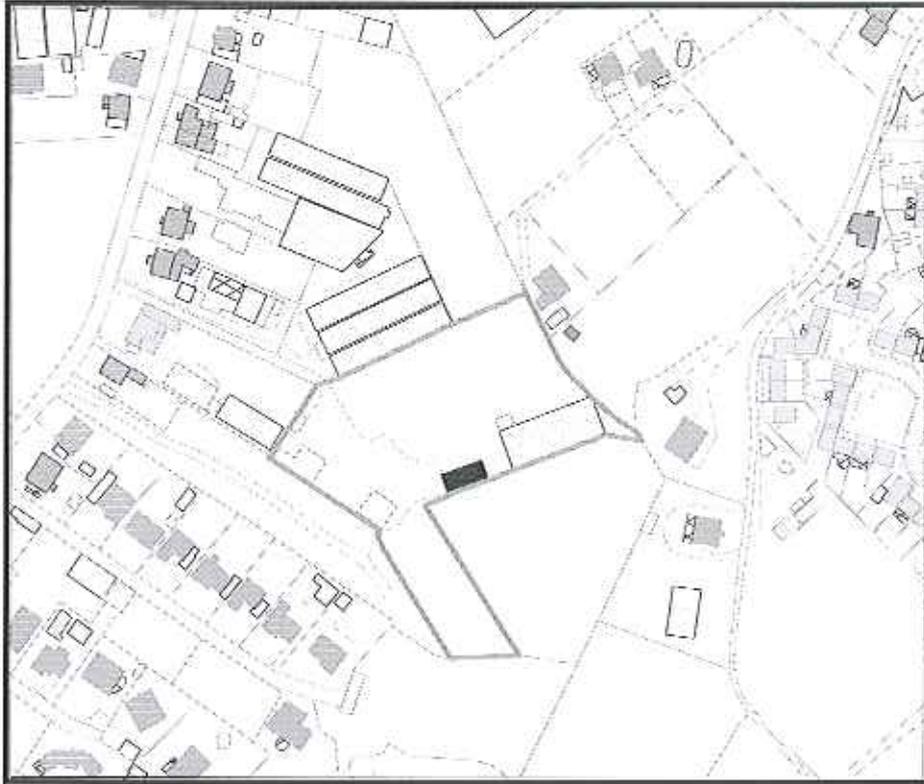
Planning Notation: RAP - Non-Designated

Planning History: No relevant history

Scale 1:2500



## Site Summary Sheet



Site Reference: IS5

Site Address: Land at Portinfer Road, Vale

Site Area (Acres): 1.6

Existing Use: Horticultural/Agricultural

Planning Notation: RAP - Non-Designated

Planning History: Representations to RAP Review Planning Inquiry (Housing)

Scale 1:2500



**(NB The Policy Council has no comment on the proposal.)**

**(NB The Treasury and Resources Department has no comment on the proposal.)**

The States are asked to decide:-

Whether, after consideration of the Report, dated 24<sup>th</sup> February, 2010, of the Environment Department, they are of the opinion:-

To approve the interim proposed amendments to the Urban Area Plan (Review No.1) and the Rural Area Plan (Review No.1) together with all the recommendations made by the Planning Inspector.