

**APPENDIX 5: REPORT OF THE PLANNING INSPECTORS APPOINTED TO
CONDUCT THE INDEPENDENT PLANNING INQUIRY, MARCH 2016.**

**Report of Planning
Inspectors appointed to
conduct the independent
Planning Inquiry into the
draft Island Development
Plan under the provisions
of the Land Planning and
Development (Guernsey)
Law, 2005**

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March 2016

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PREAMBLE

Introduction

- i. This Report outlines our findings in relation to the Planning Inquiry held into the draft Island Development Plan (“the draft IDP”) February 2015.

The Draft Island Development Plan

- ii. The draft IDP was prepared under section 8 of the Land Planning and Development (Guernsey) Law 2005. On 5 February 2015, the Strategic Land Planning Group (“the SLPG”) issued a certificate of consistency confirming the proposals set out in the draft Plan were consistent with the guidance and direction set out in the Strategic Land Use Plan¹, as required under section 5 of the 2005 Law. When adopted the IDP will replace the Urban Area Plan and the Rural Area Plan.

The Planning Inquiry

- iii. The Planning Inquiry was conducted to fulfil the requirement under section 12 of the Land Planning and Development (Guernsey) Law 2005. This requires that, in connection with the examination and adoption of a Development Plan, a Planning Inquiry is held.
- iv. In January 2015, the Policy Council appointed us to undertake the Planning Inquiry independently of the Environment Department, the Policy Council and all States departments and committees, in accordance with the requirements under section 7 of the Land Planning and Development (Plans) Ordinance, 2007. The Policy Council also confirmed the appointment of Advocate Elizabeth Dene as the Inquiry’s Programme Officer. Advocate Dene is an experienced civil servant and undertook her duties on behalf of us independently of the Policy Council, the Environment Department and all States departments and committees. As Programme Officer, she was the principal point of contact for the Inquiry.
- v. The Planning Inquiry was conducted under the provisions of the Land Planning and Development (Plans) Ordinance, 2007 and the Land Planning and Development (Plans Inquiry) Regulations, 2008.

¹ As approved by the States of Deliberation on 30 November 2011 (see Item 10, Billet d’État XIX of 2011 (Volume 1))

- vi. The purpose of the Planning Inquiry was to consider:
- Whether or not the requirements under sections 8 to 11 of the Land Planning and Development (Guernsey) Law 2005 and sections 1 to 5 and 8 of the Plans Ordinance have been complied with; and
 - Whether or not the proposals are sound, i.e. whether the policies are:
 - The best ones having considered alternatives;
 - Supported by robust and credible evidence;
 - Capable of being implemented and monitored; and
 - Reasonably flexible to respond to changing circumstances.
- vii. The draft IDP was published on 16 February 2015 and the Planning Inquiry was formally opened on the same day.
- viii. The Planning Inquiry was split into three stages of public consultation:
- Initial Representations* – i.e. an opportunity for individuals, groups, societies, agents etc. to comment on the policies in the draft IDP.
- Further Representations* – i.e. an opportunity for individuals, groups, societies, agents, etc. to respond to any of the Initial Representations.
- Plan Inquiry Hearing* – i.e. an opportunity for individuals, groups, societies, agents, etc. who submitted a representation during Initial or Further Representations to make oral representations to the Planning Inspectors at a public hearing.
- ix. On 16 February 2015, we issued an invitation, including publishing a notice as required under Regulation 3 of the Land Planning and Development (Plans Inquiry) Regulations, 2008 in *La Gazette Officielle*, for those wishing to make an Initial Representation to do so. This stage of the inquiry was initially set to close on 10 April 2015 but was extended until 13 April 2015. We received some 1,500 submissions.
- x. On 15 June 2015, we invited anybody wishing to make a Further Representation in response to any of the Initial Representations to do so. Further Representations closed on 24 July 2015. During this second consultation period, a further 350 representations were received.

- xi. All the Initial and Further Representations and the Environment Department's written responses to each of the 1,850 representations were made available for review online and printed copies were available at Sir Charles Frossard House and on request from the Planning Inquiry Administration Team.
- xii. The third stage of public consultation commenced on 16 September 2015 with the Preliminary Meeting (as required under Regulation 11 of the Land Planning and Development (Plan Inquiry) Regulations, 2007). At the Preliminary Meeting we introduced ourselves and set out the procedure we would be adopting for:
 - The conduct of the Public Hearings;
 - The topics to be considered at the Public Hearings;
 - How evidence should be presented; and
 - Site visits.
- xiii. Following the meeting we issued a formal minute of the meeting, including the timetable for the Public Hearings (as required under Regulation 10 of the Land Planning and Development (Plans Inquiry) Regulations, 2008).
- xiv. The Public Hearings commenced on 6 October 2015 and the final session was held on 18 November 2015. All the Hearings took the format of a round table, structured discussion chaired by us. From our experience of conducting Planning Inquiries over many years, we have found that this format has a number of advantages, including:
 - Allowing those attending to hear what other representors and the Environment Department Officers have to say on a particular issue;
 - Enabling us to more carefully pinpoint where views and opinions are divided; and
 - Avoiding the need for the formal presentation of evidence or any cross-examination of parties and so placing all participants on a more equal footing.
- xv. Prior to each public hearing, copies of the representations to be considered were made available for those attending. This enabled everyone to review what others had to say before the hearing and so prepare their submissions accordingly.
- xvi. We undertook the majority of the site visits unaccompanied and where appropriate we visited sites more than once, e.g. to understand traffic flows at different times of day and days of the week. On 13 November 2015, we undertook a number of accompanied site visits, together with individual representors and representatives of the Environment Department's Forward Planning Team.

- xvii. During the Public Hearing on Protected Buildings and Conservation Areas, one of the parties appearing requested to make a new representation proposing an additional Conservation Area be designated for the Delancey Area. Although outside the framework for representations, we agreed to allow the request, noting that the Environment Department did not raise any objection. To ensure fairness and transparency, we set a timetable for a further short period of public consultation on this representation which ran between 14 December 2015 and 11 January 2016.

Proposed Amendments

- xviii. At the Preliminary Meeting, the Environment Department formally submitted a number of proposed amendments to the draft Plan it was proposing based on its review of the Initial and Further Representations and, in some cases, to address errors or omissions identified following publication of the draft Plan. The Environment Department's submission categorised the proposed amendments as either minor and therefore potentially of little significance in terms of the planning policy and significant, i.e. the proposed amendment may have a significant impact on a landowner or potential developer in terms of planning policy. To ensure fairness and transparency, we set a timetable for a further short period of public consultation on the amendments proposed by the Environment Department, which ran between 17 September 2015 and 16 October 2015.
- xix. We received 27 representations on the proposed amendments from 5 representors. These representations were considered at the end of the Public Hearings, save where the matters had been addressed during other Hearing sessions.
- xx. Finally, on 30 October 2015, the Environment Department submitted a further letter to us setting out their responses to a number of matters we had raised during the course of the Public Hearings held between 6 and 23 October 2015. The submission was published on the Inquiry website and circulated to all those on the mailing list. Anybody wishing to respond to any matter raised in this letter was invited to do so before the close of the Public Hearings.

This Report

- xxi. We have considered the draft Plan and the evidence supporting its provisions, the written representations submitted and the material submitted and discussed at the inquiry hearings in October and November 2015.

- xxii. It is important to note that under section 8(2)(a) of the Land Planning and Development (Guernsey) Law, 2005, the draft Plan is required to facilitate the delivery of the States of Guernsey strategic objectives as set out in the Strategic Land Use Plan, as approved by the States of Deliberation on 30 November 2011². Accordingly it is not open to the IDP to challenge or revise the SLUP. We have therefore not made any recommendations that conflict with the strategic objectives of the SLUP nor have we given weight to representations that in essence seek to change the provisions of the SLUP. The overarching spatial strategy in the SLUP aims to concentrate development within and around the main centres of St. Peter Port and St. Sampson/Vale with some limited development within Local Centres that are to be defined in the draft IDP. The scale of development in the local centres is required to be appropriate to the specific locality and restricted in order to protect the vitality and viability of the two main centres.
- xxiii. This report does not seek to individually address each of the representations made. Rather we have had regard to what the draft IDP is seeking to do and have considered, under a series of headings, the major elements of the Plan that go to the heart of what it is seeking to achieve. Hence this Report deals with the overall soundness of the Plan in terms of how it relates to the SLUP and whether, in conjunction with the provisions of the Land Planning (Guernsey) Law 2005, it provides an appropriate basis for reaching decisions on applications for planning permission.
- xxiv. The structure of the Report generally reflects that of the draft IDP though, for the reasons indicated above, not every section is addressed specifically. However, a few topics cut across a number of elements of the draft Plan. To avoid duplication all aspects of those topics were considered together at the Public Hearings, and similarly we report on them together.
- xxv. The Environment Department has responded to all the representations. We have read all the representations and the Environment Department's response in each case. Where necessary for the sake of clarity, we have referred to specific representations and/or sites but, unless we disagree with the Environment Department's response, we have sought to present our findings in general terms. Those reading this report should not therefore necessarily expect to find specific reference to their representation in the Report.

Mr. Alan Boyland
Mr. Keith Holland

4th March 2016

² See Item 10, Billet d'État XIX of 2011 (Volume 1)

ABBREVIATIONS

ABI	Area of Biodiversity Importance
ACZ	Airport Consultation Zone
APA	Agriculture Priority Area
AR	Representation on the States' Proposed Amendments
EIA	Environmental Impact Assessment
FR	Further Representation
HAA	Harbour Action Area
IDP	Island Development Plan (when adopted)
IOL	Important Open Land
IR	Initial Representation
IITS	Integrated on Island Transport Strategy
MCOA	Main Centre Outer Area
PA	Proposed Amendment
PSZ	Public Safety Zone
RAP	Rural Area Plan
SLUP	Strategic Land Use Plan
SNCI	Sites of Nature Conservation Importance
SSP	States Strategic Plan
SSS	Site of Special Significance
UAP	Urban Area Plan

About the Planning Inspectors

In January 2015, in accordance with the requirements of section 7 of the Land Planning and Development (Plans) Ordinance, 2007, the Policy Council appointed Mr. Keith Holland and, Mr. Alan Boyland as the independent Planning Inspectors to carry out a public Planning Inquiry into the draft Island Development Plan.

Mr. Alan Boyland

Membership of Professional Bodies

Member of Chartered Institute of Highways and Transportation (current name)
Member of Institution of Civil Engineers
Chartered Engineer
Member of Royal Town Planning Institute

- 1992-2015 **Senior Planning Inspector, Planning Inspectorate**
Undertook over 600 planning appeals (general and specialist) up to highest levels; Orders under a wide range of legislations; development plan Inquiries, training new Inspectors; specialist training etc.
- 1989-1992 **Planning Inspector, Planning Inspectorate**
Undertook 300+ planning appeals (mainly general).
- 1982-1985 **Part-time Lecturer, Coventry Polytechnic (now Coventry University)**
Lecturing on strategic planning to postgraduate students.
- 1977-1989 **Principal Planning Officer/Group Manager, Warwickshire County Council**
Leader of planning policy team – preparing & reviewing County Structure Plans, Green Belt Local Plan and Minerals Local Plan; policy evidence at major planning Inquires.
- 1975-1976 **Senior Transport Planner, South East Joint Planning Team**
(on secondment from appointment below)
Member of team reviewing the Strategic Plan for the South East of England region.
- 1974-1977 **Senior Transport Planner (Policy), Oxfordshire County Council**
Transport policy input to Structure and Local Plans and transport initiatives.
- 1972-1974 **Transport Planner, Oxfordshire County Council**
Collection and analysis of transport data, modelling of transport networks.
- 1969-1972 **Graduate Civil Engineer, Oxfordshire County Council**

Mr. Keith Holland

Membership of Professional Bodies

Member of the Royal Town Planning Institute
Associate of the Royal Institution of Chartered Surveyors

Career

- 2013-2015 **Group Manager Special Projects, Planning Inspectorate**
Assist with management of Development Plan work undertaken by the Planning Inspectorate. Undertake Community Infrastructure Levy examinations and Development Plan examinations, undertake planning appeals, represent the Inspectorate at external events and liaise with the Department of Communities and Local Government. Deal with outstanding management issues relating to the integration of the Inspectorate and the Infrastructure Planning Commission
- 2008- 2013 **Assistant Director, Planning Inspectorate**
Management responsibility for the Development Plans and Major Casework Divisions of the Planning Inspectorate. Undertook the highest level Community Infrastructure Examinations. Represented the Inspectorate, provided an Inspectorate perspective to Government bodies, provided advice on emerging Government planning policy and liaised with the Planning Divisions of the Regional Government Offices
- 2005–2008 **Inspector Manager, Planning Inspectorate**
Management responsibility for the Planning Inspectorate’s Development Plans Division. Represented the Inspectorate at external events and in discussions regarding planning policy with the Office of the Deputy Prime Minister.
- 2002–2005 **Principal Housing & Planning Inspector, Planning Inspectorate**
Undertook major appeal casework and the highest grade Development Plan examinations. Led, provided professional support to and supervised a group of Planning Inspectors working in the field.
- 1999–2002 **Senior Housing and Planning Inspector, Planning Inspectorate**
Undertook senior level planning appeals and development plan examinations.
- 1996–1999 **Housing and Planning Inspector, Planning Inspectorate**
Undertook a range of standard appeal casework.
- 1989–1996 **Partner, Holland Taylor & Warde**

Provided professional planning advice to a wide range of private and public sector clients including representing clients at planning inquiries and hearings.

- 1982–1989 **Director of Planning, Raffety Buckland Chartered Surveyors**
Set up and managed a Planning Division for a firm of provincial Chartered Surveyors with 16 offices in three counties. Provided professional planning advice to a wide range of private sector clients.
- 1975–1982 **Senior Planning Officer/Deputy Planning Officer, Wycombe District Council**
Led the Local Plans and Policy team at the District Council and as Deputy supervised the Development Control Section of the Department. Presented planning applications to the Planning Committee.
- 1974–1982 **Senior Planning Officer, Thurrock Borough Council**
Managed a small team of local plan specialists at the Borough Council.
- 1970–1973 **Planning Assistant, Johannesburg City Council**
Junior role in the Planning Policy Section of the City Council.

ABOUT THE ISLAND DEVELOPMENT PLAN

Paragraph 1.8: Development Frameworks and Local Planning Briefs

Please see our comments as set out under Annex III

Paragraph 1.19: Reading of the Plan

1. Representors express concern that supplementary documents such as the Guernsey Employment Land Study (2014) that are not part of the draft IDP should not be treated as effectively part of it without prior consultation. They suggest that paragraph 1.19 should be fully explained and should fully comply with the definition of “Development Plan” in the Land Planning and Development (Guernsey) Law, 2005.
2. We share the view of the Environment Department that the paragraph is clear, and consider that it reflects the legislation cited. As the Environment Department indicates, various evidence bases inform the draft IDP, but are not part of it as each is drawn up in isolation whereas the Plan has to reconcile all the policy objectives, which often conflict with each other.
3. We are aware of the extents of public consultation exercises on the draft IDP and many associated documents, and note the Environment Department’s confirmation that any future supplementary planning guidance, revisions to the Plan and Local Planning Briefs will be subject to similar consultation.

We recommend no change in this respect.

SPATIAL POLICY

3.1 and Policy S1: Spatial Policy

4. The SLUP articulates the spatial strategy for the Island. Development is to be concentrated within and around the main urban centres of St. Peter Port (the Town) and St. Sampson/Vale (the Bridge). The IDP is required to be consistent with the SLUP, and that spatial strategy is reflected in Policy S1 of the draft IDP. A number of representors have expressed agreement with this approach. However, others have raised concerns regarding the balance struck between the scales of development in and around the urban and in the rural areas. Representations variously seek both a shift away from the Main Centres and towards them.
5. The Environment Department indicates that the draft IDP provides for around 80% of new dwellings to be located in and around the Main Centres and 20% elsewhere, in Local Centres and outside the Centres. However, this numerical split is not set as a policy target, and indeed there is no such quantification in the draft Plan. It is the result of the land identified as being available and suitable for development and allocated in the draft Plan, together with assumptions regarding windfall development elsewhere. These factors are to an extent 'policy-neutral', but the scale and distribution of land allocated in the Plan is a significant component of the split.
6. The 80/20 split compares with an equivalent 90/10 split under the RAP and UAP. The area covered by the UAP is broadly the same as the Main Centres and Main Centre Outer Areas in the draft Plan, but additionally includes a largely rural area around St. Sampson's Marais between Town and the Bridge.
7. While the Environment Department suggests that the draft IDP has thus shifted the urban/rural balance somewhat, a number of representors consider that it has not gone far enough. In most cases this view has been expressed in conjunction with either:
 - (a) resistance to certain housing allocations in and around the Main Centres and/or concern about urban density and pressures; or
 - (b) a wish to see more development in Local Centres or outside Centres generally or, frequently, on specific sites there.Those issues are addressed elsewhere in this Report.
8. It is notable that the actual split of development between the areas covered by the RAP and UAP has in recent years been 65/35, which demonstrates the strong potential for growth in the rural areas. Moreover, the Environment Department indicates that there is a significant number of unimplemented

planning permissions and planning briefs in place. There is clearly some potential for recent trends to continue, though new proposals would fall to be considered against all relevant policies in the IDP once that Plan is adopted by the States of Deliberation. Many of these are aimed at securing high quality development, supporting local communities, facilities and the economy, protecting the Island's environment, heritage and amenity. They would, if anything, be likely to constrain overall growth, particularly outside the Main Centres.

9. The Environment Department accepts that in practice the actual split under the IDP will probably also differ from the indicative 80/20. The balance appears more likely to tilt towards a higher proportion of development in the rural areas than the converse as suggested by some representors. Either way, in accordance with the draft Plan it will be for the Environment Department to monitor progress and, in the event of actual trends failing to accord with the strategy of concentration in and around the main urban centres, to bring forward amendments to the Plan to address this.
10. That being so, and being mindful of the spatial strategy in the SLUP to which the IDP must conform, we conclude that the spatial strategy in the draft IDP is appropriate.

We recommend no changes to section 3.1 and Policy S1: Spatial Policy.

3.2 and Policy S2: Main Centres and Main Centre Outer Areas

11. The basis for the Main Centres and Main Centre Outer Areas ("MCOAs") lies in the Spatial Strategy of the draft IDP, which in turn derives from the SLUP. They define the areas "*within and around the edges of the urban centres of St. Peter Port and St. Sampson/Vale*" within which the SLUP Spatial Strategy requires development to be concentrated.
12. The process and criteria by which the respective boundaries were defined are set out in the Environment Department's report *Identifying Main Centre Boundaries* (September 2014). They are delineated on the main Proposals Map and the inset maps for the two Main Centres.
13. A number of representations regarding this section and Policy S2 are supportive of the principle underlying this aspect of the draft Plan. However, most representations relate to the boundaries of these areas, particularly the outer boundaries of the MCOAs. Of these, almost all seek inclusion of additional land adjacent to the outer boundaries within the MCOAs.
14. We have considered the specific representations made on each individual area suggested for inclusion, together with the responses by the Environment

Department. We have also viewed every such site. However, irrespective of the attributes of individual pieces of land, the justification for inclusion of additional areas within the MCOAs rests on whether there is a need for this. The IDP will, when adopted, be a new Plan formulated in the light of current circumstances. The fact that a particular site might have been included in the Urban Area Plan area or any designation applied to it therein reflects the situation when it was adopted. It does not pre-empt policy decisions made now. Similarly, boundaries identified in the IDP would not be fixed for all time but would be subject to review and change in future Plans.

15. Policy S1 indicates that proposals within the Main Centres will generally be supported, and that within the MCOAs proposals will also be supported *“where this would not detract from the objective of ensuring the Main Centres remain the core focus for economic and social growth”*. As a result of this and other more detailed policies inclusion of a site within the Main Centres or MCOAs, even if it were not specifically allocated for development, would if anything increase the likelihood of its development. The question is not whether this is in the private interests of individual landowners (understandable though these may be), but whether it would be in the wider public interest.
16. The draft IDP already provides, as discussed above, for the majority of development to be focussed in and around the Main Centres, and many representations are supportive of this. There is capacity there to accommodate around 80% of the Island’s additional housing requirements over the Plan period. We have seen no evidence that it would be in the public interest or in accordance with the SLUP to shift further, at this stage, the balance away from the Main Centres and MCOAs and towards the Local Centres and elsewhere as many representors seek (though others resist this).
17. The additional areas proposed by representors for inclusion within the Main Centres and MCOAs boundaries would, in some cases individually and certainly in combination, represent very substantial extensions to the Main Centres and MCOAs. Increased potential for office and retail development on the fringes of the MCOAs sought by others would also prejudice the approach of focussing new such developments in the Main Centres themselves. We consider that to include these additional areas while there remains capacity to meet development needs within the Main Centres and MCOAs would be contrary to the SLUP strategy. In the event of a need to extend the boundaries to meet development requirements identified in future, this would be a matter to be addressed through reviews of the IDP.
18. Some representors point to the high densities of development in much of St. Peter Port and the Bridge, and suggest that their character and environment would be improved by lower densities for new development. This would, however, carry with it a need to develop a greater area in and around the Main

Centres and/or elsewhere in order to achieve the same numerical scale of development, which might be detrimental to the affected areas. Meeting the general requirement in Policy GP8 for high standards of design which respects and, where appropriate, enhances the character of the environment might necessitate lower densities in some instances. More specific policy and statutory provisions applying in Conservation Areas (which cover substantial parts of the Main Centres) and to Protected Buildings and their settings might further point in this direction. These considerations also have to be balanced against the need to make effective and efficient use of land, and for sustainable development. Such matters are in our view best considered on a case-by-case basis in the light of the relevant policies rather than through blanket specification of densities.

19. A group of representors suggest exclusion of land at Havelet, St. Peter Port from the MCOA to preserve its open character and features of architectural and historic interest. However, the land concerned is within the Conservation Area. The Land Planning and Development (Guernsey) Law, 2005 requires special attention to be paid to the desirability of preserving the character and appearance of that area, and draft IDP Policy GP4 reflects this. Additionally, a number of key buildings within the areas are on the Protected Buildings List. Section 34 of the Land Planning and Development (Guernsey) Law, 2005 requires special attention to be paid to the desirability of preserving the special characteristics and settings of these, and Policy GP5 echoes this³. Save for one detail of the boundary here, which is addressed in amendments proposed by the Environment Department to which we refer below, the area referred to complies with the criteria for inclusion in the MCOA.

20. A further group of representors suggest exclusion of a small, triangular area east of the junction of Les Mares Pellées and Route du Braye, Vale. It is effectively surrounded by built development, particularly in the urban area to the south and east. We acknowledge that its size and isolation from other agricultural land limits its agricultural potential. Similarly, it is understandable that adjacent residents enjoy the amenity value afforded by the field, but that would be a factor to be considered in the event of any proposal for development here, as would matters such as protection of trees and nature conservation interests.

³ 34. It is the duty of any department of the States when exercising its functions under this Law –
(a) to secure so far as possible that the special historic, architectural, traditional or other special characteristics of buildings listed on the protected buildings list ("**protected buildings**") are preserved, and
(b) in particular, in exercising its functions with respect to a protected building or any other building or land in the vicinity of a protected building, to pay special attention to the desirability of preserving the protected building's special characteristics and setting.

21. The Environment Department's Proposed Amendments to the Draft Island Development Plan (September 2015) include minor amendments to the Main Centre inner and outer boundaries where they cut through buildings/features or do not reflect features on the ground or follow a line of sight. In many cases these were put forward in response to representations made, and they would bring the boundaries into accordance with the approach set out in the Identifying Main Centre Boundaries report. In most cases, the proposed changes are so slight that they are barely discernible on the Proposals Map and Inset Maps. We share the Environment Department's view that these amendments would not represent significant changes to the Plan, or materially affect the Environmental Impact Assessment ("the EIA") of the draft Plan. Nor would they render the Plan inconsistent with the SLUP. However, we suggest that it will, in any event, be necessary for the Environment Department to publish sufficient details in some form to enable the precise locations of these and other boundaries to be identified on the ground to avoid doubt.
22. In the event of any other modifications to the draft Plan that would significantly reduce the capacity for development within the Main Centres and MCOAs, it might be necessary to make compensatory adjustments to the boundaries of these areas. We address such issues elsewhere in this report, but make no such recommendations at this stage.

Recommendation 1 No changes to the Inner and Outer Main Centre boundaries except those set out in the Environment Department's proposed amendments to the Main Centre inner and outer boundaries.

3.3 and Policy S3: Local Centres

23. The SLUP articulates the spatial strategy for the Island. Development is to be concentrated within and around the main urban centres of St. Peter Port (the Town) and St. Sampson/Vale (the Bridge). Within and around the edges of the other main Parish and Local Centres some limited development is provided for with the specific purpose of enabling community growth and the reinforcement of sustainable centres. It is important to note that Local Centres are not intended to be growth points. The intention is that development in and around Local Centres will account for only a small percentage of the Island's growth.
24. In relation to housing the SLUP approach of defining Local Centres contrasts with the existing housing strategy in the UAP and the RAP. The UAP requires as much new housing as is practicable to be provided in the urban areas of St. Peter Port and St. Sampson. In the other parts of the Island the RAP severely restricts new market housing to the subdivision of existing dwellings, the conversion of buildings and the replacement of dwellings on a one for one basis within the same site.

25. It is clear that there are conflicting views about how the SLUP policy should be interpreted. These conflicts largely arise from the imprecision of phrases such as “limited development”, “within and around” and “to enable community growth and the reinforcement of sustainable communities”.
26. The Environment Department’s view is that as the SLUP does not promote the growth of the Local Centres, the Centres as defined allow for the limited development referred to in the SLUP. The Environment Department believes that the boundaries, as detailed, take into account the concept of “around” a settlement. At the inquiry hearings several States Deputies present stressed the need to support the vitality of the Town and Bridge areas by strongly restricting the growth of the Local Centres. Their concern is that if the policy of concentrating growth in the Main Centres is not rigorously applied, the Local Centres will take development that should, in the interest of the Main Centres’ vitality and economic strength, be directed to the Main Centres. The fear is that allowing too much growth in the Local Centres would result in perpetuating the dispersed nature of development on the Island and weaken the Main Centres contrary to the clear strategic approach detailed in the SLUP. This view is supported by a number of those making representations who are concerned that the rural parts of the Island would suffer from scattered development if the SLUP approach is not strictly applied.
27. The contrary view expressed by a number of representors is that the draft IDP has drawn the boundaries too tightly around the Local Centres and has not adequately taken account of the need to allow for community growth and development “around” the Centres. The contention is that, as drawn, there is too little scope for development, especially housing development, to meet the policy requirement in the SLUP. Some believe that although a good concept, the boundaries are so tightly drawn that they will do nothing to redress the problem of dispersed development throughout the Island because they do not offer adequate scope for housing development. A number of respondents suggest that the boundaries of the Local Centres should be relaxed or that outer Local Centre boundaries should be added. Concern is also expressed that more flexibility is needed in relation to comparison retailing in Local Centres.
28. As regards defining boundaries, one point of view is that, based on the wording of the SLUP, no boundaries should be defined for Local Centres until the needs of the local communities have been established. On the other hand there is the view that it is necessary to have boundaries to provide certainty and that in any event it is unrealistic to think of the Local Centres as individual sustainable communities or “villages” with their own quantifiable local needs. We agree with the Environment Department that the reality is that most people are unlikely to live, work, shop and spend their leisure time in the same Parish or neighbourhood. Consequently quantifying Local Centre specific needs with sufficient precision to base the boundaries on these needs is not realistic. We

consider that the IDP adopts the correct approach by seeking to draw Local Centre boundaries that provide certainty and reinforce the concentration approach detailed in the SLUP.

29. In relation to whether or not the defined Local Centre boundaries are too tightly drawn, especially bearing in mind housing, we were informed that the Environment Department estimates that over five years the Local Centres are likely to provide sufficient land for around 150 additional dwellings. The Environment Department accepts that under the IDP there would be very limited scope for additional housing in the Local Centres. However the Environment Department argues that the SLUP does not require additional housing in all the Local Centres and that the very limited scale of growth in the Centres is necessary to give effect to the concentration strategy in the SLUP. To promote the concentration strategy the IDP does not make any allocations for development of any sort within the boundaries of the Local Centres. Instead the SLUP requirement to allow for community growth in Local Centres is catered for by the more flexible policies (LC2 – LC7) that apply in the Local Centres compared to the policies applicable outside the Centres. The IDP deliberately draws the boundaries tightly around the Local Centres in order to ensure that the more flexible policies only apply to very restricted areas clearly concentrated around the core parts of the Local Centres.
30. Given the dispersed nature of development on the Island it is sometimes difficult to see precisely how the Local Centre boundaries have been defined. The criteria for considering an area as a Local Centre are clear in relation to facilities and services – for example the critical need for a convenience store that sells fresh food and produce. However, the way the boundaries have been defined is less obvious in some instances and an arguable case can sometimes be made for including in Local Centres certain developed areas of land adjoining the presently defined boundary. Specific areas are considered below but generally we agree that it is necessary to keep the boundaries relatively tightly drawn around the Local Centres. To follow the less tightly drawn approach urged by some would potentially threaten the concentration strategy of the SLUP, particularly when one bears in mind the degree of dispersal that has occurred on the Island notwithstanding the clear policies in the UAP and the RAP. To counter the tendency for dispersal it is necessary for the limited growth policy in Local Centres to be rigorously applied. This rigour is provided by the tightly drawn boundaries around the Local Centres.
31. Policies LC2 to LC7 provide for a range of development and facilities in Local Centres. The flexibility introduced by these policies is designed to meet the SLUP requirement for reinforcing sustainable Centres. We regard this as a sensible approach. In relation to new retail uses Policy LC5 restricts the flexibility to convenience retail only. The aim is to ensure that Local Centres do not detract from the Main Centres as the primary retail areas on the Island.

Policy LC5 is directly based on Policies SLP5 and SLP6 in the SLUP. Bearing in mind the Land Planning and Development (Guernsey) Law, 2005 the draft IDP is required to follow the SLUP and there is no basis for introducing a more flexible retail policy.

32. Additional flexibility within the Local Centres is provided for in the case of existing specialised housing in Policy LC2. We agree with the contention of an objector that the phrase “in exceptional circumstances” in LC2 and the explanatory paragraph 12.1.4 is unclear.

Recommendation 2 Noting that the Environment Department is content to delete the phrase “in exceptional circumstances” in Policy GP11 and paragraph 19.12.8:

- (i) delete this from Policy LC2 and paragraph 12.1.4;**
- (ii) replace the word “need” in paragraph 12.1.4 with “are proposed”, as suggested by the Environment Department.**

3.6 and Policy S5: Development of Strategic Importance

33. While a number of representors support this element of the draft Plan, concern is expressed that Policy S5 is flawed as it would continue the approach in Policy RD1 of the RAP. This is seen as a gateway for development, for example at the Airport or on States’ owned land, which is not provided for in the Development Plan and/or without changing the Plan or preparing a Development Brief.
34. As the Environment Department points out, Policy S5 stems from the requirement in the SLUP (section on Policy Gateways) for future Development Plans to avoid the situation where forms of development that were not envisaged at the time of drafting could not be considered. Also, while the status of, and weight attached to, supporting text was not clearly expressed, paragraph 1.19 in the draft IDP makes it clear that the text has the same weight as the policies. We welcome this clarification.
35. Concern was expressed by a representor that, while the draft IDP aims to provide for housing for all (paras 2.22-3 and Plan Objective 5), it is not clear how this can be realised in respect of housing for older people. The Environment Department acknowledged that outside Centres there were few opportunities other than through conversions of dwellings and, subject to meeting the policy tests, hotels. However, it drew attention to gateways through the normal housing policies for Main Centres and their Outer Areas and for Local Centres. Specialised housing might also fall within the ambit of affordable housing. More widely, there are also gateways through policies S5

where there is an identified need and S6 on Strategic Opportunity Sites. These are open to private developers as well as the States.

We recommend no changes to section 3.5 and Policy S5: Development of Strategic Importance.

HOUSING POLICIES

The Housing Context

36. The context for the strategic housing target is provided by decisions made by the States of Deliberation in the light of several housing needs surveys undertaken since 2002. In 2002, the States of Deliberation had agreed an interim housing target of 300 dwellings per year. This target was designed to meet the annual shortfall in housing identified in the 2002 Housing Needs Survey and to meet the shortfall from previous years. It was anticipated that this target would be refined following later survey work. In the event the 2006 Housing Needs Survey identified a demand for 340 new homes per year but the target of 300 per annum was not changed by this decision. The SLUP, approved by the States of Deliberation in 2011, retained the strategic housing target of 300 additional dwellings per year. This figure has informed the IDP.
37. In 2011 a further Housing Needs Survey was undertaken. This work, based on 1,500 interviews supplemented by secondary data, used conventional statistical sampling methods including weighting to take into account small flats. We have seen no evidence that challenges the approach taken which sought to identify housing requirements from three sources, namely:
- (a) households currently in need;
 - (b) future housing requirements of established and newly forming households; and
 - (c) inward migrants.

The work distinguishes between housing demand and housing need in order to assess the requirements for market housing, intermediate housing and social housing. Demand arises from households who can afford to purchase a dwelling or pay a market rent. Need arises from households who are without adequate housing or who are unable to resolve their housing issues without assistance.

38. The 2011 study identified a backlog of 679 households in housing need and assumed that this backlog would be addressed at a rate of 10% per annum over 10 years. Based on trends the work anticipated net in-migration of just over 1,000 households over 5 years. Household formation over 5 years was estimated at about 1,250 households taking into account new households formed less those lost through dissolution/death. The overall conclusion of the 2011 study was that over a 5 year period accommodation would need to be provided for some 451 additional households per annum on the Island.

39. In September 2015, the States of Deliberation noted the findings of the 2011 survey but, against the recommendation, did not agree that the strategic housing target should remain at 300 per year. However no alternative target was proposed and the States of Deliberation did not formally resolve to rescind the existing housing target of 300 per year. The States of Deliberation directed the Housing Department to carry out an objective Housing Needs Survey no later than June 2016 and to then review the target in the light of the study. The resolution of that issue lies outside the ambit of the IDP. Meanwhile, in the absence of an adopted housing target or evidence to support a specific target other than the 300 per year on which the adopted plan was based, and mindful that the States of Deliberation did not resolve to rescind its previous decision to set the housing target at 300 additional permissions per year, this report is based on the approach approved in the SLUP. In the event of a different target being adopted subsequently, it would be for the Environment Department to decide whether to recommend consequential amendments to the IDP.

We recommend no changes to the sections and policies relating to the housing context.

IMPORTANT OPEN LAND

5.1 and Policy MC1: Important Open Land in Main Centres and Main Centres Outer Areas

40. The IDP recognises that open land is not only important in the rural parts of the Island but also in the Main and Local Centres. Open land in Centres provides “breathing space”, contributes to visual amenity and in some instances serves as a recreational amenity. We regard these as important considerations and do not accept that there is no need for open space in the Local Centres because of the ready access to the countryside around the Centres. We note that there is some concern that ecological considerations are not considered in the Important Open Land (“IOL”) designation. We accept that the Environment Department is correct to see IOL as being based on landscape and amenity factors and that ecological considerations are adequately dealt with through the Sites of Special Significance and Areas of Biodiversity Importance policies and designations.
41. There is a lot of support for the open space provisions in the draft IDP. This part of our report deals with representations about specific sites.
42. Two of the representations relate to sites that have also been referred to in the context of an ABI. First, the small area of land at Les Amballes, St. Peter Port that forms part of the Les Cotils Open Land (IR747). While we appreciate the value of the wider open space designation in this area, this small parcel of land is below the ridge line and other than from very close views not obviously visually part of the wider scarp landscape. We consider that this very small site could be removed from the open land designation without any harm to the function of this area of IOL. Second, the land at Normandy Manor, Fosse André, St. Peter Port where the representation seeks to have two areas removed from the IOL designation (IR646 refers). One area contains a material/plant store and an electricity sub-station while the other is used for grass cuttings and a compost heap. While a case can be made for not treating these areas as IOL, they form part of an important and substantial area of open space within St. Peter Port. Reducing the sense of openness provided by this space by allowing development on parts of it, albeit small parts of the whole, would detract from the value of this open space.

Recommendation 3 Exclude the area of land referred to in IR747 at Les Amballes, St. Peter Port from the Important Open Land designation but that no change be made in relation to the land referred to in IR 646 at Normandy Manor, Fosse André, St. Peter Port.

43. In relation to the Les Cotils site itself, we appreciate the importance of an open space setting for the Les Cotils complex and the way the land forms part of the large swathe of open space climbing up the hill from St. Peter Port. However, the critically important part of the site from an open space/setting point of view is the Area of Biodiversity Importance and the grassed area between the buildings on the site and the trees along the scarp edge. Outside of the Les Cotils site, Cambridge Park is clearly a significant open space that contributes to the overall character of the area while Beau Séjour is a dominant building that has a substantial impact on the area. The area lying between the Les Cotils buildings and Beau Séjour does not serve any clear open space purpose. Taking all these considerations into account we consider that the parts of the Les Cotils site referred to in IR397 can be removed from the IOL designation without harm to the concept of IOL.

Recommendation 4 Remove the land at Les Cotils, St. Peter Port referred to in representation IR397 from the Important Open Land designation.

44. The land adjacent to the Pitronnerie Road Key Industrial Area, St. Peter Port, at first inspection, appears to be a logical extension to the adjacent commercial development. However the land is part of the St. Sampson's Marais and Château des Marais Site of Special Significance ("SSS"). Both the SLUP at Policy SLP30 and the draft IDP at Policy GP2 demonstrate the importance attached to environmental considerations on land designated as a SSS. No evidence has been produced that would justify allowing development on this site other than its relationship with the adjoining commercial site. This does not provide the exceptional justification needed to countenance the loss of a SSS.
45. The site at Mont Arrivé, St. Peter Port (IR454) forms part of the IOL that runs through Les Cotils and along the scarp. The critical part of this open area is the land designated as an ABI at the rear of the site. Development along the Mont Arrivé road frontage would clearly change the appearance of the immediate area but given its position within a built up part of St. Peter Port we do not consider that the whole of the site referred to should enjoy IOL status. There is no clear feature on the ground that would provide a logical boundary. Our view is that the front two thirds of the site could be excluded from the IOL designation without harming the ABI.

Recommendation 5 Review the Important Open Land status of the site at Mont Arrivé, St. Peter Port (IR454 refers) with a view to excluding the front two thirds of the site on the road frontage from the designation.

46. Representation IR1018 refers to a small part of the Montville Drive area of IOL in St. Peter Port. The land is also part of an Area of Biodiversity Importance following on from the previous designation of the Charroterie Valley Site of Nature Conservation Importance in the Urban Area Plan. Although small, the site in question is part of the St. Peter's Valley which is an important large tract of open land that penetrates into Town. In recognition of the importance of St. Peter's Valley to the character of Town we do not consider that it would be appropriate to exclude even the small parcel of land referred to from the designation of both IOL and Area of Biodiversity Importance.
47. IR643 refers to two parcels of land at the junction of Valnord Lane, Rozel Road and St. Jacques, St. Peter Port, which form part of the corridor of open spaces running from Valnord Lane to Les Cotils. Although well screened the parcels form the western start of the parcels of land that make up an important chain of open space running into Town. They are also of historic interest representing a remnant of the rural landscape that used to surround St. Peter Port. The same applies to the parcel of land off Guelles Road referred to in IR997. Accordingly we consider that the status of these three sites as IOL is justified.
48. The land within the St. Pierre du Bois Local Centre referred to in representation IR923 extends to two fields. These fields represent quite a substantial part of what is a small Local Centre. While it is appreciated that St. Pierre du Bois Local Centre is located in a more rural part of the Island than other Local Centres this does not negate the value placed on open space within the centre. Allowing development of this quite substantial area would harm the Centre by intensifying development in the Centre thereby reducing the open informal character of the Centre. In addition development of the scale that would be possible on these two fields would be contrary to the strategic approach of only allowing very limited development in the Local Centres. IR1035 refers to another parcel of open land in St. Pierre du Bois which is defined as IOL in the Local Centre. We agree with the Environment Department that this site contributes to the character of the settlement which is dependent on a relatively low density of development interspersed with open land. In addition this land provides a setting for the protected buildings at Les Caches Farm.
49. It is proposed by some that the field known as La Pointe at the junction of Les Mares Pellées and La Route du Braye, Vale should be included as IOL rather than included within The Bridge Main Centre Outer Boundary. This is a very small triangle of land that does not relate to any larger area of IOL. Taking into account the road layout and nature of the surrounding development the site is logically within the Main Centre and it would not be appropriate to include it as IOL.

50. The land at Saumarez Lodge Farm forms part of a large area of open space in St. Peter Port that includes Government House (IR 777 and FR 236 refer). Views across the land up towards Government House are an important part of the contribution that this expansive area makes to the character of this part of Town and thus it is important that the whole area is retained as IOL.
51. Representation IR1022 refers to a site occupied by a large house set in extensive grounds. It forms part of a larger area of open land within the St. Martin Local Centre. Removing this site from the IOL designation would split the open area into two parts, one of which would be relatively small and isolated. Even though the site is a residential property it forms an integral part of a wider area of open land including an adjacent field used for grazing. There are good public views of this field. Removing the respondent's site from the IOL would split up the open area and hence reduce its effectiveness as a "green lung" in a large and extensively developed Local Centre.
52. There is a view that there should generally be additional areas of IOL allocated in the Pointues Rocques, Saltpans and Franc Fief proposed housing allocation sites in St. Sampson. Allocating these sites, which are all identified as Housing Target Areas in the Urban Area Plan, as IOL would undermine the strategic approach in the SLUP and prevent the delivery of housing needed on the Island. In these circumstances it would be inappropriate to allocate these areas as IOL thereby preventing the implementation of the strategy adopted for accommodating development on the Island.

We recommend no change in respect of the representations referred to in paragraphs 46 to 52.

LIVING IN AND AROUND MAIN CENTRES

6.1 and Policy MC2: Housing in Main Centres and Main Centre Outer Areas

Annex II: Sites Allocated as Housing Sites

Proposals Map Insets 1 (St. Peter Port) & 2 (The Bridge)

53. In this section we address the specific provisions in the Plan for housing in the Main Centres (“the MCs”) and their Outer Areas (“the MCOAs”), particularly the housing allocations. Issues relating to the overall quantum and distribution of housing development and the boundaries of the MCs and MCOAs are covered elsewhere in this Report, as are Development Frameworks and affordable housing. The IDP is required to conform generally to the SLUP, so we have not considered representations seeking changes to the draft IDP that would not so conform.
54. The housing to meet the proportion of the target for the areas in and around the MCs is expected to arise from three elements. Firstly, existing commitments include units already under construction and those yet to commence but with planning permission. Secondly, an allowance is made for “windfall sites” as defined in the Glossary to the draft IDP. These include subdivisions, conversions and new build on sites not specifically identified in the Plan. The third element would be the sites allocated in the Plan. We note that while some of the remaining Housing Target Area (“HTA”) sites from the Urban Area Plan have also been allocated in the draft IDP, the policies relating to them are different.
55. Windfall sites are, by their nature, individually unidentified. They generally come forward through the sum of many planning applications on small sites. Therefore the allowance made for windfalls in the Plan can only be an estimate. The method by which it has been derived is set out in the Strategic Housing Land Availability Assessment (“the SHLAA”) and 20%, across the whole Island, has been assumed for the draft IDP. While some representors suggest that a greater proportion should be assumed, thereby reducing the need for land allocations, no evidence has been put to us to support a specific alternate figure or to demonstrate that a higher rate of such development is likely. The 20% figure represents an assumed allowance, not a target or limit. The established system of annual monitoring would identify any significant deviations from it, and any adjustments necessary could be made in reviews of the IDP.
56. A number of representations seek allocation of additional sites for housing. While the Plan allocates some specific sites and seeks to ‘reserve’ them for this purpose, Policy MC2 does not restrict housing development to them. On the contrary, it supports proposals elsewhere subject to provisos. Many of the additional sites suggested are modest in size, and could be brought forward

under this element of the policy as windfall sites contributing to the 20% assumed allowance. They would fall to be considered in the light of this and all other relevant policies in the Plan. Some designations such as Important Open Land might generally preclude development, but many of the suggested sites are 'white' land, i.e. not subject to any specific policy designation. Also, some of the sites suggested lie outside the defined MCOA boundaries and hence the Outside of the Centres policies apply. However, the absence of a housing allocation for a site in the Centres does not in principle prevent its development for that purpose.

57. There is both support for and disagreement with many of the housing allocations in the draft IDP. Representors disagreeing with allocations mostly come, for entirely understandable reasons, from people living adjacent to the site in question or nearby. However, from a wider perspective the need to accommodate new housing development to meet the scale and general disposition set by the Strategic Land Use Plan necessitates significant use of areas of brownfield and other land within the main built-up areas. The approach to the selection of sites is set out in the Environment Department's report *Approach to Housing Site Allocations in the Draft Island Development Plan* (December 2014). It takes into account suitability, availability and achievability. The Environmental Impact Assessment, in which the selected sites and alternatives to them were assessed against the principal aim of the Plan, also informed the exercise. That aim is:

"To ensure land planning policies are in place that are consistent with the Strategic Land Use Plan and which help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey's built and natural environment and the need to use land wisely."

58. In the absence of convincing evidence to the contrary we are satisfied that in this respect the approach in the draft IDP is sound. We fully recognise that development of the allocated sites would result in some local adverse impacts. However, the policies in the Plan would collectively ensure that these would be mitigated where possible by careful design, including aspects such as layout, the form of development, open space within it, roads and landscaping. Development that failed to meet the objectives of the Plan including conservation and enhancement of the high quality of the built and natural environment and the achievement of a healthy and inclusive society would not comply with the policies and so would be unlikely to gain planning permission, notwithstanding the IDP allocations.
59. Deletion of substantial allocations without making alternative provision would result in a Plan that would fail to conform to the SLUP, particularly in terms of the quantum of housing development to be provided and/or its concentration

in and around the Main Centres. In some instances it has been suggested that deletion of individual smaller allocations would not materially affect the overall provision, but the cumulative effect of a number of deletions on that basis would be significant. We have seen or heard nothing to lead us to conclude that there are viable alternatives to the allocations in the draft IDP that would meet the principal aim of that Plan and be consistent with the SLUP.

60. The above considerations apply to all of the allocated sites. However, a few of the allocated sites have attracted representations raising more specific issues.
61. The Education Department site in the Grange, St. Peter Port includes a Protected Building and lies within the Conservation Area that covers much of the Town. There are further Protected Buildings in the vicinity. These designations reflect the heritage value of the site and its surroundings, and the relevant policies and statutory provisions might well affect both the form and the scale of development that would be acceptable on it. However, neither designation would preclude residential development in principle. There seems to be some doubt about whether vehicular access rights to La Couperderie to the south of the site can be gained, but we have seen nothing to show that this is essential to the viability of development. There is an existing double-width access to the Grange to the north which could, if necessary and appropriate, adequately serve the site alone.
62. King's Club, St. Peter Port was at the time of the Inquiry the subject of a planning application, and a previous application had been refused and dismissed on appeal⁴. However, the Planning Tribunal found that the site is in a sustainable location and acceptable in principle for housing development subject to detailed design. We share that view. Concerns about the effect of additional traffic at the adjacent complex junction must be considered in the context of the number of additional movements (taking into account those generated by the existing two tennis courts) and the potential for measures to mitigate the effects on the highway. Given those factors and the likely scale of the development, we do not consider that traffic considerations would preclude residential development here. We concur with the view of the Environment Department that the loss of tennis courts could be addressed through policies MC8 (A) or (B) on leisure and recreation in Main Centres and MCOAs.
63. The Pointues Rocques allocation is one of a number of such sites along the western side of St. Sampson. Some representors question the concentration in this area, but it is consistent with the strategy of directing most growth to the

⁴ In February 2016, Kings Property Ltd was granted planning permission to build 13 apartments on part of the site (FULL/2015/2467 refers)

Main Centres and MCOAs and there are few potential alternative sites within this built-up area. Moreover, the Environment Department points out that around 35% of the Island's housing supply would be in St. Sampson/Vale against some 53% in St. Peter Port (as at early 2015). The concentration in this locality does however raise some issues over and above those concerning any one site in isolation.

64. The proposed allocation at Pointues Rocques is supported by a number of representors, some of whom have an interest in land there but also including some local residents. It is also opposed by a significant number of representors, mainly but not exclusively nearby residents. However, the allocation has to be considered on its planning merits rather than on the basis of a "show of hands". The general considerations above apply equally to this site.
65. There are, as we note in considering the provisions regarding Protected Buildings, a number of such buildings in the vicinity of this site. It has also been pointed out at the Hearings that there is a range of structures above and below ground remaining from the German Occupation. The full extent and historical significance of these structures have, it is suggested, not yet been fully recognised. Moreover, the hougue here is an important landscape feature. We do not seek to deny or minimise the value of such features. Nevertheless, there are policies in the draft Plan and statutory provisions for their protection where appropriate. These might well impose some constraints on, and influence the scale and details of development on the site. However, none of them separately or in combination necessarily precludes residential development here.
66. More generally, many of the policies in the draft Plan seek to ensure that development respects its surroundings, which of course include adjoining properties. Again these policies might influence the form and layout of development there. In this context we noted on our site visits that at its eastern end the site is at a lower level than the homes and gardens along Rue des Monts, which have high boundary walls. Also the main part of the site nearest to Robergerie is on a plateau with a marked break in the slope along the boundary, so that any houses set back a little way from the edge would largely be screened from the existing adjacent properties by the landform and boundary features rather than "towering over" them as was claimed at the Hearing at which this matter was discussed.
67. Robergerie Wood is not part of the allocation site; it would be protected by an Area of Biodiversity Importance ("ABI") designation. It and the remaining area north of the allocated site to Robergerie would also be designated as Important Open Land, ensuring separation between the allocation sites and additional to the continuous swathe of IOL running northwards from Delancey Park to La

Route du Braye. We have seen nothing to suggest that there would be public access to the ABI and IOL here and, while the nature of the allocation site would change, an area of residential development with its gardens and landscaping might well be as conducive to wildlife as extensive glasshouses, or more so. Again the proximity to the wood would be an important consideration in the detailed design of any development on adjacent land, controlled by policies in the IDP. However, while it has to be weighed in the balance with all other relevant considerations in making housing allocations, it does not preclude allocation in principle.

68. Representors question the ability of local schools and other services and facilities to cope with additional development here. Across the Island the totality of demands and needs arising from extra houses would be similar irrespective of the location of the houses, though of course the effects locally might differ. For those services and facilities provided by the States, it is reasonable to assume that due regard would be had to the changing pattern of needs in decisions on investment in new and expanded provision. For those provided commercially the principles of supply and demand would come into play. Ultimately, prospective occupiers of new dwellings would be able to exercise consumer choice having regard to the current and planned levels and locations of services and facilities.
69. Issues of traffic have been raised by a number of those disagreeing with this allocation in particular, but also in respect of the Franc Fief site and in combination with others. The roads in the immediate locality are, characteristically of Guernsey, narrow and poorly aligned. Many of the problems cited on them exist already, but the main concern is that they would be exacerbated. Clearly additional traffic generated by the proposed housing developments would increase the flows of vehicles, cyclists and pedestrians on the local roads, and hence the potential for conflicts between vehicles and other users.
70. In our experience, road congestion tends to constrain car use where alternatives exist. Policies in the IDP would, in accordance with the SLUP, seek generally to encourage a further shift to modes other than the car. If successful, these would moderate the increase in the number of car movements arising from new development and reduce the traffic from existing developments. We note that these sites are relatively close to the shops and facilities at The Bridge, so it is not unreasonable to expect at least a proportion of trips there to be on foot or by bicycle. Also bus services are available at Vale Road, Bas Courtils Road and, particularly serving the Saltpans and Clevellys Vinery sites, along La Route du Braye.

71. We recognise that significant measures to improve the capacity and safety of existing residential roads might, in at least some cases, be impracticable and/or harm the character of the area. Nevertheless development on the allocated sites might enable some improvements to capacity and safety to be made through the use of planning covenants. For example, it might be possible to ease the sharp, blind bends on Rue des Pointues Rocques within the site, to widen the narrowest part of Robergerie without affecting the fine trees on the south side, and potentially to create new routes through the sites to relieve existing ones and/or better distribute traffic. Other measures such as making some roads one-way could assist in removing conflicts, albeit at the cost of some inconvenience to residents along affected routes, and might make it possible to provide footways and cycle lanes in some places.
72. Consultants commissioned by the Housing and Environment Departments undertook a Traffic Study of the current HTAs. The report, published in early 2015, considered mainly the impact of the HTA sites (similar here to the proposed allocations) individually and in various combinations on the more major roads affected. It identified that the highway network is already congested with queues occurring at a number of junctions, some of which would increase with most permutations of development. It also assessed the potential for improvements at junctions and the residual impacts. We note that Pointues Rocques was found to have the least traffic impact of all the HTAs in this part of the Bridge. Moreover, the potential alternatives to this and other sites in the vicinity most commonly suggested by representors are to the west of the Route Militaire and would, in our judgement, largely affect the same junctions with similar impacts.
73. Some of those opposing housing development on the Pointues Rocques site seem to assume that if it were not allocated it would remain as largely open land, perhaps with some kind of low-key community use such as allotments. However, that cannot be guaranteed. The land remains, we understand, in private ownership and we have seen nothing to indicate that the owners would be willing to support such non-commercial uses. Much of the land retains its agricultural status, and could be re-used for that purpose, including reinstatement of the glasshouses or other buildings though the financial viability of this is at best uncertain. The Environment Department suggests that some form of industrial or tourist-related uses would be possibilities. These would themselves have implications for the local area.
74. We conclude that all the allocated housing sites are necessary and appropriate. In the absence of a need to make additional allocations and/or alternative provision to replace any housing allocations, we do not consider it appropriate to recommend allocation of any additional sites or to adjust the allowance for windfall sites.

We recommend no change in respect of section 6.1 and Policy MC2: Housing in Main Centres and Main Centre Outer Areas, Annex II: Sites Allocated as Housing Sites and Proposals Map Insets 1 (St. Peter Port) & 2 (The Bridge).

IDENTIFIED DEVELOPMENT OPPORTUNITY AREAS

9.2 and Policy MC10: Harbour Action Areas

75. The principle of the policy is broadly supported, but representors express concerns about some details.
76. The importance of integration of the harbour areas with the remainders of the town centres, and linkages between the two, are fully recognised in the SLUP and implicitly in Paragraph 9.2.1 of the draft IDP. Moreover, the latter Plan has to be read and applied as a whole, and Policy MC10 itself makes it clear that any development within the Harbour Action Areas would be subject to all relevant policies. Therefore we share the view of the Environment Department that it is unnecessary to make a more explicit reference here to integration.
77. We note the concern that addressing the negative effects of traffic entails removal of traffic, but that is not necessarily the case. It is a matter of acknowledging that traffic brings both positive and negative effects, and reducing the latter as clearly set out in the SLUP to which the IDP must generally conform.
78. The visual importance of the harbours, particularly St. Peter Port Harbour, to the Island is explicitly recognised in Paragraph 9.2.3, and subsequent paragraphs make clear the need to conserve and enhance their historic character. Again all relevant policies, including GP4: Conservation Areas, GP5: Protected Buildings, GP6: Protected Monuments and GP8: Design, would apply. Any proposed elements of development in the Harbour Action Areas such as taller buildings would fall to be considered in their contexts. We are satisfied that the heritage assets would be safeguarded in development under Policy MC10.
79. We share the view of the Environment Department that a suggested change to the policy to indicate that proposed development of a minor or inconsequential nature where there is not an approved Local Planning Brief will be supported (omitting reference to the three provisos) is inappropriate. It would effectively provide “carte blanche” to any such proposals, even if they would prejudice the Local Planning Brief process and its implementation and/or conflict with other relevant IDP policies.
80. In response to a representation the Environment Department has proposed an amendment to the boundary of the St. Sampson’s Harbour Action Area to exclude the graveyard to St. Sampson’s Parish Church and Church House (the Parish Church itself is already excluded). We agree that these are clearly associated with the Church rather than the harbour, and that this amendment would be appropriate.

81. Some other representations on this topic relate to issues of parking and Local Planning Briefs, which are addressed elsewhere in this Report.

Recommendation 6 No textual changes to section 9.2 and Policy MC10, but amend the boundary of the St. Sampson's Harbour Action Area as indicated in Inset 8 to the Proposed Amendments.

Section 9.3 and Policy MC11: Regeneration Areas

82. The principle of Regeneration Areas is generally accepted, though representors suggest several changes to their boundaries. The additional areas proposed for inclusion are within the designated Harbour Action Areas, and we share the view of the Environment Department that they would most appropriately be addressed as part of the co-ordinated development for those areas. The aims of Regeneration Areas are similar in many respects to those of the Harbour Action Areas, but the areas in question relate more to the economic, social and environmental aspects of the Main Centres generally than to the functions of the Harbours.

We recommend no change in respect of section 9.3 and Policy MC11: Regeneration Areas.

LOCAL CENTRES

The Designation of Local Centres

83. In July 2015, the Environment Department produced a paper detailing the process for designating Local Centres. This complements the September 2014 report which deals with how the Local Centre boundaries were identified. The SLUP requires the IDP to identify a hierarchical structure of Main and Local Centres. St. Peter Port and St. Sampson/Vale are identified as Main Centres in the SLUP but the Local Centres are left to be defined in the IDP. Local Centres are to be designated on the basis of sustainability indicators such as doctors' surgeries and community facilities, public transport links and convenience shops selling fresh produce and daily essentials.
84. The Environment Department has undertaken a comprehensive three stage assessment process incorporating public consultation. Stage one involved looking at possible approaches and developing a list of possible sustainability indicators. The indicators used to define rural centres in the RAP were reviewed as part of the stage one process and additional possible indicators were identified. At stage two the decision was taken to use a 420m radius for Local Centres in rural areas. This was based on a five minute walk at an average speed of 5km per hour. The concept of a walking distance radius seems to us to have limited value other than where the facilities in the Centre are concentrated into a small area. It is of very limited value in a Centre with an elongated/extended form. At stage two a weighted assessment matrix was designed. Twenty nine potential Local Centres were identified of which 10 were taken forward for further consideration including a qualitative assessment of each potential Local Centre in relation to the compactness of the centre, residential catchment, accessibility, pedestrian environment and identifying the potential to improve.
85. The third and final stage involved the refinement of the indicators used. Three of the potential ten centres were urban Local Centres. Following negative consultation feedback these urban Local Centres were eliminated. For rural Local Centres, the consultation showed the provision of a general convenience store selling fresh food and produce to be an essential requirement. The third phase assessment rationalised the indicators into ten categories. Based on these categories the final assessment identified six Local Centres to be included in the draft IDP: Cobo, the Forest, L'Aumone, L'Islet, St. Pierre du Bois and St. Martin.
86. The question of whether more Local Centres based on concentrations of development in various parts of the Island should be designated has been raised. It is clearly true that there are a number of areas on the Island where there are concentrations of housing such as that off Port Soif Lane/ Portinfer

Road in the Vale. Although these areas are relatively densely developed they do not have the community and commercial facilities, particularly a convenience store, that are necessary for Local Centre designation. Given the more flexible policies that are proposed for Local Centres it would undermine the SLUP if these areas of concentrated residential development were to be designated as Local Centres.

We recommend no changes to the sections and policies relating to the designation of Local Centres.

87. We consider that the process for identifying Local Centres has been comprehensive and logical and agree with the designation of the above as Local Centres. However consideration needs to be given to representations suggesting additional Local Centres at Les Capelles, Vazon, the Camp du Roi and the Forest.

The Local Centre Boundaries

Cobo Local Centre

88. The logic of the Cobo Local Centre boundary relates well to the present urban form. The boundary either marks areas where the built development adjoins open land or where there is a noticeable change in density. Les Genats Estate would logically be included on density grounds but it is clearly separated from the Local Centre by open land and hence we agree that it and the development in the vicinity of the Estate should be excluded from the Centre. Potential housing sites along the Route de la Hougue du Pommier are too far removed from the Local Centre of Cobo to be considered other than in terms of the policies that apply outside the Local Centres. The same applies to Les Maisieres, Rue de Galaad, Castel.
89. The exclusion of the small area of open land at the junction of the Route de Cobo and the Cobo Coast Road does not appear logical. We do not find the Environment Department's justification for excluding it from the Centre, regarding density change and views back to the Centre, convincing. Bearing in mind the inclusion of other properties in the vicinity on the south side of Route de Cobo

Recommendation 7 Amend the Cobo Local Centre boundary to include this small open area at the junction of the Route de Cobo and the Cobo Coast Road.

Forest Local Centre

90. The question of the option of a “Forest West” Local Centre is dealt with elsewhere in this report. For the most part the logic of the defined boundary of the Forest Local Centre is clear based as it is on the way the centre is bounded either by the airport or by open land/low density development. The weakest element of the logic for the boundary is on the eastern side. However if the proposed boundary is not accepted it is difficult to decide on an alternative. An arguable possibility would be to use the physical feature represented by La Soucique. However we have reached the view that the argument for extending the boundary does not outweigh the logic of the boundary as defined.

We recommend no change in respect of the Forest Local Centre.

L’Aumone Local Centre

91. The designated L’Aumone Local Centre occupies a very compact area clearly focussed on community facilities, the petrol filling station and the convenience store. Notwithstanding the relatively few Local Centre facilities, the concentration of the facilities gives the Centre a clear sense of having a functional core.
92. There is another small group of commercial premises to the west of the Centre in the direction of Cobo. The question of whether the Local Centre should be extended westwards to include these premises has been raised. While there is some logic for this, there is quite a distance between these premises and the defined Centre and the intervening residential development is at a relatively low density in comparison with the housing within the Centre. Our conclusion is that these factors mitigate against extending the Centre to the west. Excluding the open field fronting L’Aumone, the western boundary as defined reasonably marks the point where the intensity of development along the road frontage reduces. There have been representations about the open field suggesting that it should not be seen as part of the Centre and hence potentially a development site. While we understand this view, we note that the opportunities for development in the L’Aumone Local Centre are extremely limited and to meet the SLUP requirement that there should be scope for limited growth in the Local Centres we consider that it is logical to include this field within the Centre boundary.
93. To the south lies the former Castel Hospital and land within the Agriculture Priority Area. It would not be appropriate to include a large potential development site like the hospital land within a Local Centre given the explicit intention to limit development in Local Centres. We were told at the hearings that if the hospital site is to be redeveloped, the matter should be considered under Policy S6 which deals with Strategic Opportunity Sites. We agree with

this approach as the implications for the SLUP's concentration strategy of redeveloping this large site will need to be carefully considered. Including large tracts of Agriculture Priority Area within the Centre would clearly be contrary to the strategy of the SLUP.

94. The north east boundary of the proposed Centre is not logical. The house on the corner of Rue du Friquet and L'Aumone is included in the boundary whereas the other three properties to the north along Rue du Friquet are excluded for no clear reason. There is a strong tree screen to the rear of these properties.

Recommendation 8 Within the L'Aumone Local Centre amend the north east boundary to include the three properties to the north of the existing boundary along the Rue du Friquet and thereby logically taking the L'Aumone Local Centre boundary to the limit of the Agriculture Priority Area.

L'Islet Local Centre

95. The L'Islet Local Centre is relatively extensive but has a clear commercial core at the junction of Les Tracheries Road, Les Petites Mielles, La Route du Picquerel and La Route de L'Islet. The area to the south, west and south west of the Local Centre is characterised by more scattered residential development and is distinguishable from the defined Local Centre. However the "gateway" on Route Carré identified by the Environment Department is not convincing. Given the obvious importance of the Marks and Spencer retail store to the functioning of the centre, it would be more logical for the Local Centre boundary to be extended to include this retail unit. On the other side of Route Carré, the Ker Maria sheltered housing development is a prominent group of buildings that form a much more convincing gateway to the centre.
96. The roughly triangular area of land to the north east of the Centre has a different character to the defined Centre. This area is less intensively developed and gives the impression of being more closely related to the open countryside than to the Local Centre. For these reasons it is not recommended for inclusion in the Centre. The same applies to the area served by Rue de Houmet and Houmet Lane. Including these areas in the Local Centre would provide more scope for development than is justified given the strategic intention to limit development in the Local Centres.

Recommendation 9 Amend the south east corner of the boundary for the L'Islet Local Centre to include the Marks and Spencer retail unit and the Ker Maria housing development.

St. Martin Local Centre

97. The St. Martin Local Centre is very clearly a focus for commercial and community activity. The triangular shape of the defined Centre and the concentration of commercial/community activity at two distinct parts at two of the ends of the defined area make it difficult to use walking distance criteria for defining the extent of the Centre. We agree with the Environment Department that the gateways to this large Centre relate largely to a sense of approaching an area where there is a concentration of commercial and community uses. Defining the precise points where the boundary should be is consequently difficult along some parts of the boundary – for example the residential area to the south west of St. Martin Primary School and the housing fronting La Route des Blanches could quite logically be included as part of the Centre.
98. A number of those making representations consider that St. Martin is the sort of area where there is scope for allowing development to meet the needs of the Island, including the need for affordable housing. However we agree with the Environment Department that there are already reasonable opportunities for development in this large Local Centre, including a substantial potential development site at the former St. Martin’s Hotel in Les Merriennes. We also note that the proposed policies relating to specialized housing are more flexible in Local Centres than the existing RAP policies. We accept that extending the boundaries to allow for more development would pose a threat to the policy requirement to concentrate development in the Main Centres.

We recommend no change in respect of the St. Martin Local Centre.

St. Pierre du Bois Local Centre

99. The St. Pierre du Bois Local Centre is a small concentrated Centre with a range of commercial and community facilities. Unlike some of the other Centres, St. Pierre du Bois has some very clear boundaries such as Route de Lihou and Rue de l’Eglise. The boundaries are reinforced by the topography, notably the valley to the west of the Centre and by the more scattered nature of the development in the rural area that surrounds St. Pierre du Bois. Extending the boundary into the surrounding rural area would dilute the clear urban character of the Local Centre as proposed.

We recommend no change in respect of the St. Pierre du Bois Local Centre.

Proposals for Additional Local Centres

Les Capelles

100. While Les Capelles may look to be a reasonable potential Local Centre, this area may lose the modest convenience store currently operating in the area. It was agreed at the Inquiry Hearings that this retail unit is in need of significant investment to bring the building up to standard. The indications are that this investment may not be forthcoming because of poor business performance and the proximity of much better facilities nearby at L'Islet. Furthermore, permission exists to convert the retail unit and associated dwelling unit into two dwellings. In our view there is considerable uncertainty about the future of the existing convenience shop. As the presence of a convenience store is critical to the designation of a Local Centre, it is considered that Les Capelles should not at this stage be designated as a Local Centre. In the event of the existing store being retained and refurbished, or if a new convenience store were to open in the area, it would be appropriate for consideration to be given to reviewing the IDP and designating Les Capelles as a Local Centre.

We recommend no change in respect of the proposal to designate Les Capelles as a Local Centre.

Vazon

101. Vazon does have a convenience store that includes a cash point. Opposite there is a small retail unit selling clothing. There are community facilities in the Vazon area including a school and a church with a community room. On the coast there are two café/restaurant establishments and the Grande Mare Golf Course occupies adjoining land. There is public transport serving the area. While we appreciate that there may be a clear sense of a local community in the Vazon area, the various commercial and community uses are spread out and not concentrated within a relatively small area. Consequently the area lacks an identifiable core. In addition, we agree with the Environment Department that the restaurant/café facilities on the beach appear to be geared towards visitors rather than the local community. Overall, we do not believe that the area has the qualities necessary for it to be defined as a Local Centre.

We recommend no change in respect of the proposal to designate the Vazon area as a Local Centre.

Camp du Roi

102. As was forcefully pointed out at the hearings, the Camp du Roi area contains a number of commercial premises and facilities. The suggestion was made that a substantial Local Centre similar in geographic scale to the St. Martin's Local Centre should be designated. This would involve designating a Centre extending from Les Capelles, along the Camp du Roi, the Landes du Marché almost to the Route de la Charruée. While the extent of the suggested Local Centre would be similar to the St. Martin Local Centre, the nature of the area is very different. St. Martin's Local Centre has a clear commercial character with a strong sense of being a focus of activity. The Camp du Roi and Landes du Marché on the other hand have no such sense and no recognisable core. Rather, the area is characterised by residential development interspersed with small groups of commercial establishments located at relatively infrequent intervals. Accordingly, we do not consider that the Camp du Roi area should be designated as a Local Centre.

We recommend no change in respect of the proposal to designate the Camp du Roi as a Local Centre.

Forest (west of the Airport)

103. The Forest Local Centre presents something of a dilemma because there are Local Centre type facilities both to the east and the west of the entrance to the airport. Arguably the two sets of facilities could be linked and the airport included within the centre. On the other hand the open land to the south of Rue des Landes clearly separates the two areas and the airport is a specialised land use that is not related to what one would expect to find in a Local Centre.
104. Our view is that the area to the west of the airport entrance, including the Mallard Centre, garage/convenience store, the Venture Inn, the Forest Primary School and the Le Rondin School and Child Development Centre should be considered as an additional Forest West Local Centre. We are not in a position to recommend the precise boundaries of such a centre. This is a matter for the Environment Department to progress.

Recommendation 10 Add a Local Centre be designated at "Forest West", including the Mallard Centre, the garage/convenience store, the Venture Inn, the Forest Primary School and the Le Rondin School and Child Development Centre.

WORKING OUTSIDE OF THE CENTRES

17.1 and Policy OC3: Office Industry and Storage and Distribution Outside of the Centres

105. The draft IDP contains a comprehensive range of policies that deal with employment uses. These policies cover offices, industry and storage/distribution. The draft Plan explains that industry in this context includes traditional activities such as manufacturing and newer forms of activity such as data hosting and website development. The policies distinguish between the Main Centres, the Local Centres and the rural area outside of the Centres. As with other policies in the draft IDP there is a strong emphasis on concentrating development in the Main Centres. Generally there is less concern about the employment policies than about some other aspects of the draft IDP. Given the SLUP, the concentration of employment development in the Main Centres is logical and we support the spatial approach taken.
106. For offices, the SLUP favours the development of what it terms primary offices on new sites, the refurbishment and redevelopment of older office stock to create modern offices and the change of use of lower quality offices to other uses where appropriate. Interpreting this approach the IDP, following a comprehensive Guernsey Employment Land Study in 2014, identifies a need for three hectares (18 vergées) of additional office land over the period 2015 to 2025. We have seen no evidence that convincingly contradicts this assessment.
107. To meet the need, an Office Expansion Area is designated adjoining Admiral Park and policies exist to enable office development to take place within the identified Regeneration Areas and the Harbour Action Areas.
108. Within the Main Centres, there is general support for retaining offices capable of meeting modern needs but a more flexible approach to changes of use of small premises (less than 250m²) as there is an oversupply of small offices. Some have expressed a concern that the policies may lead to a loss of offices within the St. Peter Port “Central Business District”, i.e. the core area of the Town centre. Given the support offered to refurbishment where appropriate in the Main Centres and the reference to the Harbour Action Areas, we do not share this concern.
109. Within the Local Centres, the approach is to support modest office development that would reinforce their role as sustainable centres. Outside the Centres, the approach is to resist new office development other than through conversion of redundant buildings. Broadly, the provisions in the draft IDP for the provision of additional office space are logical and justified in the context of the SLUP.

110. There is some concern that the draft IDP does not contain enough design guidance for new employment generating development. We do not share that concern as there are a number of design policies within the IDP that would come into play when any new development is considered. We acknowledge that Policy GP8 (the policy dealing with design) is expressed in general terms. This is inevitable given the wide range of considerations that can apply in any given situation and we are satisfied that the policy gives the Environment Department sufficient ground for challenging poor design. Furthermore, there is a requirement for a Development Framework to be prepared for the Office Expansion Area which will give further guidance on the design approach for this site and will form Supplementary Planning Guidance once approved and be taken into account by the Environment Department when considering future planning applications for this area.
111. The situation with regards industry, storage and distribution is different to the position with offices in the sense that the available evidence points to an oversupply of land for these uses. Again based on the Guernsey Employment Land Study 2014, the assessment is that the Island will need 2.26 hectares (13.79 vergées) less land for these uses between 2012 and 2015. As with offices we have seen no evidence to contradict this view, although the argument had been put that the Plan is defective because it fails to reserve land for a "Saltpans 2" should the need arise. On the other hand, there are those who believe that even the existing Saltpans site will not be needed over the Plan period. We are satisfied that the available evidence does not point to the need for a contingency "Saltpans 2" allocation. If there is an unexpected change in the economy of the Island and a "Saltpans 2" is needed, it would be possible for this to be dealt with through a review of the Plan.
112. The SLUP requires the IDP to focus on these uses remaining within and around the Main Centres, specifically including Admiral Park and the Saltpans. The draft IDP approach is to consolidate industry, storage and distribution uses on four designated Key Industrial Areas ("KIA") each with an identified Expansion Area. The idea is that the existing sites within the KIA should be re-used and redeveloped before consideration is given to development within the Expansion Areas. Only where there is no suitable alternative site within any of the KIA or Main Centres would development be allowed in the Expansion Areas. The Expansion Areas also provide a buffer should the demand for employment floor space unexpectedly rise and is another reason why we do not consider that there is a need for a "Saltpans 2" contingency allocation.
113. IR 971 is a representation by Alliance Cash & Carry Ltd which occupies premises off the Braye Road and within the Saltpans KIA and use it for retailing. The use of the premises for retailing is, we understand, unauthorised but it has been carried out for over 10 years and it is no longer possible for enforcement action

to be taken⁵. The occupiers say that in these circumstances the property should not be included as part of the KIA. Although the occupiers say that the premises will not in the future be available for industrial, storage or distribution purposes this situation may change. Irrespective of their current use, the premises are clearly an integral and logical part of the Salt pans KIA and in our view should remain so.

114. There is some concern that the need for heavy industrial uses is not being adequately catered for. We do not share that concern as the KIA at Longue Hougue is specifically intended for heavy and specialist industrial uses.
115. The draft IDP addresses the need for small scale business premises through Policy OC3 which deals with employment uses outside the Centres. The approach, other than the designated site at La Villiaze, Forest (see below) is to use a criteria-based policy as the previous policy of allocating sites for small business uses was not successful. There is criticism that Policy OC3 is not flexible enough in relation to new industrial, storage and distribution uses. There is also a view that many of the existing small scale business premises are not up to modern standards and/or are too expensive and that the IDP does not make adequate provision for starter employment units. In relation to existing premises Policy OC3 allows for extensions, alterations and redevelopment subject to a range of conventional planning considerations such as the impact on the amenities of neighbouring occupiers and highway safety. We regard this approach as entirely reasonable. The upgrading of existing premises is a matter for the landlords rather than the IDP which goes as far as it reasonably can to facilitate improvements to premises and the question of the cost of small units outside the Main and Local Centres is a matter for negotiation between the landlords and the tenants.
116. In relation to new employment generating premises Policy OC3 takes a less flexible approach. The use must be one that, because of its nature, requires a location outside the Centres or because there is a demonstrable lack of suitable alternative sites in the Centres. In addition, the site must be either a brownfield site or a redundant glasshouse site. These requirements are undoubtedly onerous but as the Environment Department and others stress the clear emphasis in both the SLUP and the IDP is on concentrating development in the Centres. We do not consider that a more flexible approach in Policy OC3, and the related Policy OC7, would accord with the strategic approach that is fundamental to planning on the Island.

⁵ Section 48(4) places a statutory time limit for when a Compliance Notice may be issued for an alleged breach of planning control; the limitations are 10 years beginning with the date of the alleged breach or 4 years beginning with the date on which the facts alleged to constitute the breach were first known by the Environment Department.

117. In relation to the site at La Villiaze, the Environment Department has suggested a number of changes in response to representations by Specsavers International Healthcare Limited whose concerns related to the use to which the land can be put and the requirement for a Development Framework. The representor particularly wanted reference to “*research and development and e-commerce purposes*” as acceptable uses. The Environment Department is concerned that “e-commerce” is too vague and could for example allow office use of the site. The Environment Department suggests amending paragraph 17.1.6, Policy OC3 and the Glossary to make the area a Key Industrial Expansion Area. The changes to paragraph 17.1.6 include reference to the site’s strategic value and clarify that its use is not restricted to light industrial activities. The Environment Department considers that a Development Framework should be mandatory when considering proposals for the site. It rejects the suggestion that the policy should provide flexibility by referring to a “*Development Framework if needed*”. To provide further clarity the Environment Department suggests a change to Annex III paragraph III.7 to make it clear that where a Development Framework is prepared by a prospective developer, guidance should be sought from the Environment Department at the outset. We consider that the changes being suggested by the Environment Department are a reasonable and sensible response to the representation.

Recommendation 11 Amend paragraph 17.1.6, Policy OC3, the Glossary and Annex III as proposed by the Environment Department.

17.2 and Policy OC4: Retail Outside of the Centres

118. There is some support in principle for this policy.
119. A representor seeks more provision for small retail units outside Main Centres. The SLUP requires retail activity to be concentrated within the Main Centres with the Town as the prime retail location. The IDP reflects this, as it must. It does, however, provide for limited convenience shopping in Local Centres.
120. The issue of the distinction between convenience and comparison shopping is raised by several representors. We note the Environment Department’s indication that the distinction is to be clarified through changes to the use classes⁶.
121. Specific issues are raised in representations regarding two existing businesses located outside the Centres.

⁶ See Item 12 – Environment Department – Review of the Land Planning and Development (Use Classes) Ordinance, 2007 of Billet d’État I of 2016

Oatlands Village, Les Gigands, St. Sampson

122. This is an established mixed retail and visitor attraction use. The representor states that it is 70% retail overall. The Environment Department broadly concurs with that, though it submits that in planning terms the site comprises a range of uses, many restricted by planning conditions. Moreover, the Environment Department indicates that the “Visitor Economy Use Class 13⁷” is proposed to be deleted in the current review of the Land Planning and Development (Use Classes) Ordinance, 2007 and, in any event, mixed uses are considered according to the dominant use.
123. The representor stresses that the business serves both visitors and local people, and that its loss would be to the detriment of both. It is also claimed that the continued viability of the business depends on securing permitted retail use of at least 70% of the floor area (excluding restaurant use), including the courtyard area that comprises about half of the site. No evidence has been submitted to support these assertions, so we attach only limited weight to them.
124. The representor seeks permission for such retail use, rather than a policy change. The former would properly be a matter for consideration in the context of a planning application in the light of Policy OC4 and any other relevant policies. We have nevertheless considered whether a policy provision for a specific exception would be justified in this case. However, we conclude that, as the retail use here appears to fall primarily into the comparison category, such a policy would not conform to the SLUP strategy.

Stan Brouard Garden, Leisure and Furniture Store, Landes du Marché, Vale

125. It is undisputed that this store, which occupies a substantial part of a large complex of buildings in a variety of uses but predominantly storage and distribution, is for practical purposes a retail use. It is further undisputed that that use is not lawful because the change of use occurred without planning permission. However, the time period within which enforcement action could have been instigated has lapsed without such action being taken. Moreover, a Planning Tribunal held on appeal that the lawful use is not retail. As we understand it, the position therefore is that the use exists and is effectively immune from enforcement action, but in planning terms it remains unlawful. We understand that while there is nothing in Guernsey law to prevent the granting of retrospective planning permission, no such application has been

⁷ **Visitor economy use class 13** - Use as a visitor attraction other than –
(a) a use for a retail trade or business falling within use class 14, (b) a use as a theatre or cinema falling within use class 28, or (c) a use falling within use class 29.

made and there is no other mechanism for regularisation of unlawful development.

126. The business seeks expansion of the retail floorspace, including a café. It is claimed that without this the primary business of importing animal feed would no longer be financially viable, and that its closure would adversely affect the agricultural industry on the Island. We do not have evidence to support either assertion, so we attach only limited weight to them. However, a corollary of the existing situation here is that there is no gateway in the draft IDP for consideration of such a proposal other than on or in close proximity to the coast. Under Policy OC4 the expansion sought could not be considered to constitute an extension, alteration or redevelopment of existing retail premises since, in planning terms, these are not existing retail premises.
127. We accept the representor's points that this is a unique situation, that there is limited space within the Main Centres for a business on this scale, and that the costs of land and premises there are likely to be higher than outside Centres. However, we do not agree entirely that allowing the expansion sought would be unlikely to set a precedent, nor that this business does not compete with retail uses in the Main Centres. Although the representor describes this as a garden centre, one of only three on the Island, many of the goods we saw on sale are of general types commonly found in stores in shopping centres.
128. The representor suggests a series of complex modifications to the draft IDP. These are directed in essence at extending the scope of Policy OC4 so as to encompass a range of proposals here and generally; adding a new policy to address specifically development at the garden centres and imposing specific strict controls on creation of new garden centres; and widening the scope of the exceptions Policy GP20 to bring minor departures to other policies within its ambit.
129. Such changes would clearly and understandably be in the private interest of the representor's business, but we have seen or heard nothing to persuade us that they would represent a public interest or meet a strategic need for the proposed use. We share the view of the Environment Department that the Plan is formulated on a policy, rather than case-by-case, basis and that policies directed at specific businesses would not be consistent with this. Moreover, the suggested approach would again be contrary to the SLUP strategy of concentrating retail activity within the Main Centres, with Town as the prime retail location, which is not open to debate in this context. A further suggested relaxation of Policy GP20 would potentially bring many more proposed developments within its scope, effectively side-stepping other specific policies. This would prejudice the policy aim of addressing only forms of development not envisaged at the time of drafting the IDP. We cannot recommend such changes.

130. The unfortunate existing situation pertaining at this site brings no credit to the business, which made the change of use without the necessary planning permission and has not subsequently applied for retrospective planning permission; to the former Island Development Committee which failed or was unable to take enforcement action at the appropriate time; nor to the Island planning system, which does not provide the Environment Department with a route to regularise the situation other than through an application (by the developer) for retrospective planning permission. The situation at this site is most unusual, effectively a legacy of the legal framework prior to enactment of the current Planning Law and so unlikely to reoccur. It seems to us that it would be very much in the public interest for it and any similar cases to be remedied so that the development can be brought under proper planning control. However, as we understand it the potential remedies lie outside the ambit of the IDP and hence we cannot make any recommendation to that end.

We recommend no changes in respect of either representations for amendments the sections and policies relating to retail outside the Centres, as raised in the representations relating to the Oatlands Village or the Stan Brouard Garden, Leisure and Furniture Store.

17.3 Agriculture Outside of the Centres Policy OC5(A): Agriculture Priority Areas

131. There is general acceptance of the concept of Agriculture Priority Areas (“APAs”). The draft IDP states that the APAs represent areas of contiguous agricultural land and other areas well related to established agricultural operations. The APA is broadly drawn based on a minimum size threshold of 30 vergées and is intended to support agriculture where it is appropriate and is required and would not have negative environmental impacts.
132. However some respondents, notably the Commerce and Employment Department and the Guernsey Farmers’ Association, challenge the way the APA has been defined. They consider that the threshold should be 5 vergées, especially given the modest size of many agricultural enterprises on the Island. The Environment Department has considered a lower threshold but takes the view that a lower threshold would not produce a reasonably coherent picture for the Island as a whole. Using a much lower threshold as advocated by some would result in a large number of small scattered parcels of APA. We agree with the approach taken by the Environment Department, particularly as Policy SLP8 in the SLUP refers to “large areas of contiguous land” and because the APA extends to some 15,394 vergées - well in excess of what is currently required for agricultural purposes.

133. While not accepting the general point made by the Commerce and Employment Department, the Environment Department acknowledges that there are errors in the designation of Agriculture Priority Areas on the draft Proposals Map. Namely to include the land referred to in Insert Map 11 (land at Rue de la Gallie, St. Pierre du Bois), Map 12 (land off Le Villocq Lane, Castel), Map 13 (land at Braye Road, Vale), Map 14 (land at Moulin Huet, St. Martin) and Map 15 (land at Rue du Panel, Torteval); and to exclude the land referred to in Insert Map 9 (land at La Grande Rue, St. Saviour), Map 10 (land at Les Tielles, Torteval) and Map 16 (land at Les Puits, Castel).

Recommendation 12 Amend the Proposals Map to rectify the errors in the designation of Agriculture Priority Areas on the draft Proposals Map, as set out in the Environment Department's letter to the Planning Inquiry dated 15 September 2015.

134. We also note and agree with the Environment Department that there is an error in relation to land at Courtil Simon Lane, Castel.

Recommendation 13 Amend the Agriculture Priority Area boundary in accordance with the Environment Department's response to FR140.

135. It is important to note that as the APA is broadly drawn it includes land not currently used for agricultural purposes and which is not expected to contribute positively to commercial agriculture in the future. The APA does not represent a formal zoning which safeguards land for agricultural use.
136. Following the SLUP the intention is that the draft IDP allows for a balance to be struck between the needs of agriculture and ensuring that land is available to meet other legitimate development requirements. Policy OC9 demonstrates the flexibility within the Plan. This policy allows for new formal leisure and indoor formal recreation development within the APA provided the land does not positively contribute to commercial agricultural use or cannot practically be used as such without adverse environmental impacts.
137. Policy OC9 also allows for existing formal leisure or indoor formal recreation facilities to be extended, altered or redeveloped subject to criteria regarding scale, character and the impact on the vitality of the Centres. While some, including the Guernsey National Trust in relation to Les Caches Farm, Forest, consider that they should be excluded from the designation and thus not subject to the policy, we consider that the approach in the Plan is soundly based given the need for a balance required by the SLUP.

138. Some are concerned that the Plan does not take adequate account of the needs of established businesses in the APA. The Environment Department recognises that Policy OC6, dealing with existing horticultural businesses outside Centres, needs to be reworded to take into account the specific needs of what the Plan describes as a niche market. We agree with the changes suggested.

Recommendation 14 **Reword the first paragraph of Policy OC6 to read:**
“Proposals for new glasshouses, extensions, alterations, rebuilding or other works to existing glasshouses or buildings or ancillary or ordinarily incidental development associated with existing commercial horticultural holdings will be supported provided that:”

139. Again taking into account the broadly based nature of the designation there are inevitably some small parcels of valuable agricultural land that are not including in the APA. There is concern from some that agricultural land not within the APA will be vulnerable to being lost to other uses. However the intention is not that such land should generally be available for development. Policy OC5(B) allows for other uses but only where that use accords with other relevant policies in the draft Plan. For example, Policy OC1 only allows for the creation of new dwellings outside of the Centres where this can be achieved through the subdivision of existing dwellings or the conversion of redundant buildings. Read as a whole we consider that other policies in the Plan provide adequate protection for agricultural land that is not within the APA.
140. Policy OC7 is challenged on the grounds that, notwithstanding Policy LP13 of the SLUP, no incentive is provided to encourage glasshouse clearance and the restoration of the land to agriculture. Policy LP13 refers to the need for the draft IDP to introduce policies that will facilitate the removal of redundant glasshouses. In response the Environment Department points out that under section 45A of the Land Planning and Development (Guernsey) Law, 2005⁸ redundant glasshouse sites and any ancillary structures are treated as agricultural land and on clearance of the structures the land is expected to revert to agricultural use. The Environment Department argues that while other Departments may be able to provide different incentives the IDP, as a

⁸ **“45A.** *In this Law and in [any Development Plan, Subject Plan or Local Planning Brief], land of the following descriptions, except for land used as a garden (other than a market garden) shall be treated as land used for agriculture –*

(a) land used or, with the application of good husbandry, capable of being used, for –
(i) dairy farming,
(ii) production, rearing or maintenance of livestock, or
(iii) market gardening or the outdoor cultivation of flowers, bulbs or nursery stock,
(b) land which is covered by a glasshouse, or
(c) land which was covered by a glasshouse and falls within paragraph (a).”

planning document that has to comply with the 2005 Law, can only include a limited range of incentive policies. The Environment Department suggests that Policy IP1 relating to renewable energy production and Policy OC7 relating to redundant glasshouse sites go as far as is acceptable in a planning document. To provide some additional incentive the Environment Department is suggesting an amendment to Policy IP7 to clarify the position regarding acceptable renewable energy infrastructure. While we have some sympathy with the argument that the IDP does not contain adequate incentives we accept that the scope for the IDP to offer incentives is limited and consider that the policies with the suggested amendment go as far as they reasonably can.

Recommendation 15 *Revise Policy IP1 by adding at the end of point c: “or the renewable energy infrastructure is of a design that would allow agricultural activity to continue on the site; or,”.*

141. There are a number of representations relating to specific sites that seek to have the APA designation removed usually on the grounds that the site is not suitable for agriculture, is not in agricultural use and has not been used for agriculture for many years. Looked at individually and out of the context of the policies in the Plan these arguments have merit. However, the APA is not a land use zoning and within the context of the broadly drawn APA it would be wrong to exclude some sites on these grounds but not others. The Plan specifically recognises that not all the land within the APA is in agricultural use or is ever likely to be used for agriculture and the policies do not put unreasonable constraints on land within the APA that is not used for agriculture. For example, Policy GP13: Householder Development applies to all householder development irrespective of whether or not the site is in the APA. Accordingly we support the broad approach taken in the draft Plan and do not recommend the removal of any sites from the APA on the grounds that they are unsuitable for agricultural purposes.
142. There is a request (IR640) for agricultural land at Les Blanchés, La Route des Blanchés, St. Martin to be included within the APA. The Environment Department rejects this and says that the land does not meet the criteria for APA designation. We are aware that an application for residential development on one of the fields in this locality has recently been refused planning permission for residential development⁹. We are also aware that it is claimed that these fields are high quality agricultural land. Be that as it may, the reason that we agree with the Environment Department is because these fields are not linked to any larger tract of APA and as the APA designation is based on a broad

⁹ In December 2015, outline planning permission to erect 20 dwellings and 17 flats with associated parking and landscaping was refused (planning application OP/2015/0649 refers)

brush approach it would be inconsistent to designate these two fields in isolation.

143. There is also a request (IR1325) for land adjacent to Fort Road, St. Peter Port to be designated within the APA. Although the land is clearly being used for agricultural purposes it is surrounded by residential development and would not logically link up with the APA in this area. There is also a request that this land be designated as IOL. However the site is outside the Main Centre of St. Peter Port and the IOL designation does not apply to the rural areas.

We recommend no change in this respect of the designation of the agricultural land at Les Blanches, Rue des Blanches, St. Martin and adjacent to Fort Road, St. Peter Port.

17.5 Redundant Glasshouse Sites Outside of the Centres

144. The SLUP makes it clear derelict glasshouse sites do not provide an opportunity for development. Given the extensive and widespread occurrence of redundant glasshouses on the Island the stance taken in the SLUP is entirely understandable. Allowing these sites to be developed because they are derelict or redundant would very obviously urbanise the countryside, conflict with the critical strategy of concentrating development in the Main Centres and would reward dereliction. Accordingly, we do not support the view expressed by some that housing development should be allowed on redundant glasshouse sites, including the idea that some development might be acceptable on part of a site in return for restoring the rest of the site to agricultural use.
145. The difficulty is that the removal of redundant glasshouses requires funding and in the absence of adequate incentives it is likely that many glasshouse sites will continue to be left derelict to the detriment of the appearance of the Island. In these circumstances, the SLUP recognises that the planning system can only provide very limited incentives but somewhat unhelpfully the SLUP charges the planning system with identifying the scale of the problem and then exploring how best to deal with the most problematic sites. The SLUP expects cleared glasshouse sites to make what is called a “... *positive contribution to open space/agricultural land provision*”. As a number of respondents forcefully point out, the problem is that without adequate incentives the owners of redundant glasshouses are very unlikely to incur the expense of clearing the land when the only alternative use is open space or agriculture.
146. We agree with the Environment Department that without the option of more lucrative alternative uses the planning system can do little to facilitate the removal of redundant glasshouses, notwithstanding the reference to “... *policies that will facilitate their removal*” in Policy LP13 of the SLUP. The IDP has to operate within a legal framework that treats redundant glasshouses and

any ancillary structures as agricultural land¹⁰. Hence, on clearance the land is expected to continue to be used for agricultural purposes. However, the Plan makes allowance for the development of some agricultural land where it relates to redundant glasshouse sites. In Main and Local Centres the policies which apply to these areas allow for the development of redundant glasshouse sites for a range of uses which provides some degree of incentive for the removal of redundant glasshouses. The draft IDP seeks to provide the incentives as required by the SLUP outside of the Centres in Policy OC7. The policy details different requirements for two different areas. First within or adjacent to the APA and secondly elsewhere on the Island. For the latter approach, outside the Centres and outside of the APA and adjacent areas, redevelopment of redundant glasshouse sites is acceptable for small scale industrial, storage and distribution use, subject to a range of criteria and there is also provision for the change of use to residential curtilage, the provision of infrastructure for the harnessing of renewable energy, the conversion of redundant ancillary structures, campsites, outdoor formal recreation and informal recreation and leisure, subject to criteria. Some want more guidance provided in relation to alternative uses but we accept the argument from the Environment Department that it would be difficult to do so given the range of considerations that might apply.

147. Within and adjacent to the APA Policy OC7 applies only where the site cannot contribute positively to commercial agriculture without adverse environmental impacts. Clarification is provided in a sensible amendment proposed by the Environment Department that renewable energy infrastructure is acceptable provided the design allows agricultural activity to continue on the site. In addition we agree with the Environment Department's proposal to amend the definition of glasshouses to include the phrase "*are no longer required or capable of being used for their authorised purpose*" as this increases the incentives offered by the draft IDP.
148. Policy OC7 does not apply within the Centres. The effective non application of Policy OC7 within the Main and Local Centres is not controversial. In the other two areas there are strongly contrasting views about the appropriateness of the policy. On the one hand there are those who feel that the policy does not provide the incentives sought by the SLUP. On the other hand there is a view that the policy is too flexible.
149. One strongly argued point is that Policy OC7 should be amended to allow redundant glasshouse sites closely related to the Main and Local Centres to be treated as if they are in the Centres – effectively meaning that redevelopment of these sites would be permissible in accordance with the range of policies in the Plan. It is contended that provided a sensible and reasonable approach is

¹⁰ Section 45A, Land Planning and Development (Guernsey) Law, 2005 and also footnote 8 (above)

taken this approach would not conflict with the strategy of concentrating development in the Centres. Further, it is argued that this would reflect the SLUP which allows for limited development “*within and around*” the edges of the Centres and requires a flexible and proportionate approach to the control of development. It is also argued that this approach will provide encouragement to younger people to live in the rural parts of the Island to assist with maintaining the vitality of the rural areas. The Environment Department counters by arguing that the defined boundaries of the Local Centres have embraced the notion of “around”. This point is considered in the section of this report dealing with Local Centre boundaries where we have concluded that the Environment Department’s approach is acceptable within the context of the concentration strategy in the SLUP.

150. Those in favour of a more flexible approach want viability considerations taken into account because it is argued that the cost of removing redundant glasshouses is prohibitive in the context of the restrictive policies that apply. The consequence it is said will be that the redundant glasshouse sites will remain as an eyesore on the Island. On the other hand the inquiry was told that a significant proportion of the original glasshouses on the Island have been removed without the incentive of development being allowed on these sites and that glasshouse clearance is continuing at this time, albeit at a modest rate.
151. A number of those making representations say that the policy is too flexible within the context of the concentration strategy and does not provide adequate protection for the rural areas. The argument is also made that the Jersey example should be followed and where appropriate redundant glasshouse land should be given over to Parish allotments. While this idea has attractions we do not see how it can be achieved given the expense of clearing glasshouse sites.
152. Another suggestion to help address the viability issue is to allow buildings on the sites such as packing sheds to be replaced with housing, not necessarily in the same position on the site if there is a more suitable location on the site. The Environment Department points to Policy GP16(B) which they believe addresses this point. It seems to us unlikely that many of the ancillary buildings on redundant glasshouse sites would meet the policy tests for redundant buildings although we agree that the policy tests are reasonable and necessary. Hence this suggestion is unlikely to provide much of an additional incentive but to adopt a less demanding policy would threaten the strategic concentration approach because of the extent of redundant glasshouse sites throughout the Island. The same applies to the variety of other suggestions which seek to provide additional incentives.
153. While we accept that the incentives provided by the policies in the draft IDP are very unlikely to provide a sufficient incentive to resolve the problem of

redundant glasshouses, we accept that the options available through the planning system are very limited by the legislation. As the SLUP notes “... *it may be necessary for a number of States departments to work together to fully resolve this issue*”. We conclude that the draft IDP goes as far as is reasonable in a planning context to resolve the problem of redundant glasshouse sites on the Island.

We recommend no changes to the sections and policies relating to redundant glasshouse sites outside of the Centres.

VISITOR ACCOMMODATION

7.6 and Policy MC8: Visitor Accommodation in Main Centres and Main Centre Outer Areas

13.4 and Policies LC6(A) and LC6(B): Visitor Accommodation in Local Centres

17.7 and Policies OC8(A), OC8(B) and OC8(C): Visitor Accommodation outside of Centres

154. The Commerce and Employment Department supports the Visit Guernsey and Chamber of Commerce Tourism Group Strategic Plan 2014-2025. As the draft IDP records at paragraphs 7.6.3 and 13.4.3, this forecasts growth in the Island's tourism economy resulting in an increase in visitor numbers from 300,000 in 2014 (Proposed Amendments PA15 and PA23 would amend this to 309,000 in 2015) to 400,000 per year by 2025. However, it seems to us that this represents an aspiration rather than a forecast of expected growth, and this is acknowledged in the Environment Department's Proposed Amendments.
155. The aspiration is laudable, but in considering planning policies regarding visitor accommodation it is necessary to have regard to how realistic it is. The Commerce and Employment Department cites a steady growth in the target market (UK visitors in the ABC1 groups). However, at the Hearing on this topic it accepted a representor's points that:
- a) There was a 7.5% fall in the total number of visitors staying in commercial accommodation in 2012-13;
 - b) Only around 60% of current visitors use commercial accommodation (with the remainder mainly staying with friends and relatives); and
 - c) Policy RE12 in the RAP sought to rationalise the Island's stock of visitor accommodation. The planned rationalisation is now complete, but actual occupancy rates are well below those envisaged.
156. Policy SLP7 in the SLUP, amongst other things, requires Development Plans to maintain an adequate stock of visitor accommodation to support the future viability and growth of the tourist-related industry. What constitutes an adequate stock has to be viewed in the context of considerations such as those above. To our minds these factors, and others such as the availability and popularity of cheap flights to destinations throughout Europe and beyond, cast doubt on the extent to which the growth sought in this sector in Guernsey, however desirable it may be, will be realised. Also, while the Commerce and Employment Department refers to "action plans" to increase visitor numbers, these seem largely to be continuations of existing measures rather than new initiatives with the potential to reverse recent trends.

157. The appropriateness of the level of accommodation available will depend on whether the recent decline in visitor numbers and accommodation occupancy is reversed. That will be a matter for monitoring and, if necessary, review of the Plan. Meanwhile it is still necessary to use planning policy and controls to manage the stock, as far as it can be managed through such means, to ensure that the quantum, quality and range of visitor accommodation is sufficient to meet current and future demand and provide for consumer choice.
158. A number of representors consider the draft IDP policies on visitor accommodation to be unduly onerous and impractical. They point out that RAP Policy RE12 allows for exit from the sector and consider that, while not perfect, it works. By contrast, they suggest, the policies in the draft IDP make exit very difficult. However, the change of approach is not surprising. The rationalisation process under Policy RE12 sought to maintain a core stock of visitor accommodation while accepting that other accommodation may leave the industry. With apparent completion of that process it is to be expected that the policy would change.
159. Paragraph 17.7.9 in the draft IDP explains that there is now a need to resist further loss of some visitor accommodation. Representors clearly feel that the resistance goes too far and fails to recognise the financial realities of the sector. A particular concern is that draft IDP policies MC8, LC6(B) and OC8(C) effectively prevent change of use of any visitor accommodation unless it cannot meet the minimum requirement for a One Star rating even if the enterprise is not viable.
160. Representors suggest that there is no financial viability criterion in the policies. However, we note that the third criterion of each of the policies does relate to financial viability and the return of a reasonable operational profit. Further, the draft Supplementary Planning Guidance on *Change of Use of Visitor Accommodation to Non-Visitor Accommodation Use* sets out how viability will be assessed. We note from our experience that such assessments through the planning system are fraught with difficulties, due not least to issues of commercial confidentiality.
161. Representors also suggest that where establishments of One Star rating and above are financially unviable it is virtually impossible to obtain finance for improvements in the absence of any potential to add value to the property through change of use. As they say, there may be only two options open to operators of unviable visitor accommodation. The first may be to close and leave buildings derelict. This has already happened in a number of instances with consequential visual and other harm to the areas involved, some of which are in prominent coastal locations. The other option is to run higher quality accommodation down until it falls below a One Star rating and then market it

for 12 months. The prospects of a successful sale as a going concern in such circumstances do not appear good.

162. It seems to us that if the aim of increasing visitor numbers is to have a chance of succeeding then it is essential to maintain a stock of accommodation of an appropriate scale and quality to meet foreseeable demand. As the Environment and Commerce and Employment Departments confirmed, that is the intention of the policies. The Environment Department acknowledges that the policies interfere with the market, but contends that this is justified in the wider interests of the Island economy. We share that view. Making it easier to exit the sector would run counter to the maintenance of an adequate stock, potentially leading to a shortfall in accommodation and a failure to meet the requirements of SLUP Policy SLP7. Operators' concerns that the policies would effectively penalise them by forcing them to continue running financially unviable businesses even if the visitor numbers fall short of the target are understandable, but the Environment Department has undertaken to keep the matter under review and to amend the policy criteria if circumstances change. Given the uncertainty about future demand, and the problems arising from a mismatch between supply and demand, we consider this to be very important.
163. We recognise that this is a difficult area, but no alternative approach that would satisfactorily balance the undoubtedly conflicting objectives has been put forward. This includes the suggested carrying-forward of RAP Policy RE12, for the reasons we have indicated. Therefore we cannot recommend any changes to these sections and policies beyond the Environment Department's Proposed Amendments. We urge the Environment Department to fulfil its undertaking to keep this matter under review and amend the policies as appropriate.

Recommendation 16 Amend 7.6 and Policy MC8: Visitor Accommodation in Main Centres and Main Centre Outer Areas, 13.4 and Policies LC6(A) and LC6(B): Visitor Accommodation in Local Centres, 17.7 and Policies OC8(A), OC8(B) and OC8(C): Visitor Accommodation outside of Centres in accordance with Proposed Amendments PA15, 16, 23, 24, 44, and 45 as set out in the Environment Department's letter to the Planning Inquiry dated 15 September 2015.

LEISURE AND RECREATION

8.1 and Policies MC9(A) and MC9(B): Leisure and Recreation in Main Centres and Main Centre Outer Areas

14.1 and Policies LC7(A) and LC7(B): Leisure and Recreation in Local Centres

18.1 and Policy OC9: Leisure and Recreation Outside of the Centres

164. There is widespread support for these sections and policies.
165. Some representations raise concern about the categories of leisure and recreation uses specified in these sections (paras 8.1.2, 14.1.2 and 18.1.2), suggesting that they exclude certain types of use. We consider such concerns to be unfounded. In each category a list of examples is given, but each list is preceded by “includes”. This clearly signals that they are not exclusive, and the following paragraph in each case further states that the list is not exhaustive. It also provides for any proposal for a use not listed to be considered on its merits taking into account its functionality and impact on the locality, including whether it is appropriately located in a Main Centre, Local Centre or outside the Centres as the case may be.
166. Several representors suggest that the draft IDP places too much emphasis on the Main and Local Centres for leisure and recreation, and is too restrictive outside them. However, this goes against the grain of most representations on the matter; these generally support the restrictive approach outside of the Centres. Moreover, a shift away from the Centres would be contrary to the spatial strategy.
167. Policy OC9 does provide for exceptions to the general prohibition on new facilities outside of the Centres, taking into account demand, operational and locational requirements, and effects on Centres and agricultural considerations. The operational and locational requirements might include complementarity with an existing leisure facility. The specific location referred to by one representor is a glasshouse site. Particular issues relating to these are addressed elsewhere in this report.
168. A further issue arises from the aspiration to expand the existing golf course at La Grande Mare Hotel and Country Club, Castel. Under Policy R6 of the Rural Area Plan an extensive ‘area of search’, within which proposals for an eighteen-hole golf course will be considered, was defined. The representor sees this as an in-principle presumption in favour of expansion of the course, but it has not been carried forward into the draft IDP. We understand that when approving the SLUP, the States resolved to omit the requirement to identify land for a golf course. The representor suggests that this related specifically to La Ramée, St. Peter Port, but the Environment Department advises that it has been applied generically as the protection of agricultural land was considered a significant

factor by the States in making that decision and the SLUP did not indicate a requirement for a specific Area of Search for golf course development anywhere else on the Island.

169. The representor seeks restoration of the area of search. However, significant parts of it are proposed to be designated as Area of Biodiversity Importance (ABI) and/or Agriculture Priority Area (APA). In our view an area of search as applied hitherto would be incompatible with these designations.
170. Specific issues relating to the ABI and APA designations are addressed elsewhere in this Report. However, the representor asserts that they would severely inhibit or preclude expansion of the golf course as there is insufficient space within the remaining “white” (undesigned) areas. We have seen no evidence to support this or to show the extents to which any constraints arise from policy, practical or commercial considerations.
171. A golf course, as the Environment Department points out, falls for the purposes of Policy OC9 into the outdoor formal recreation category, not formal leisure as the representor seems to assume. But again Policy OC9 is not absolute. As proposed to be modified (see below) it provides, for example, for exceptions to the general restriction where the land cannot positively contribute to the commercial agriculture use of the APA. Similarly Policy GP3 on ABIs supports developments in such areas where, in summary, biodiversity would be protected or enhanced. We saw on our visit to the La Grande Mare how such interests have been reflected in the design of parts of the existing course and have seen nothing to indicate that with careful attention this would not be possible to achieve in further areas if necessary.
172. We do not accept that the policies, taken together, would necessarily preclude appropriately designed extensions to the course, nor that specific policy presumption in favour of expansion of the course is required or appropriate. A decision on any specific proposal might necessitate a balancing of recreational, agricultural and biodiversity considerations, amongst others, but in our view the policies in the draft IDP would provide an appropriate basis for such an exercise.
173. While the Environment Department’s proposed amendments (PA47) to the criteria in Policy OC9 do not address these representors’ concerns, we support them as helpful clarifications.

Recommendation 17 Amend Policy OC9 as set out in the Environment Department’s letter to the Planning Inquiry dated 15 September 2015.

GENERAL POLICIES

19.3 and Policy GP2: Sites of Special Significance

19.4 and Policy GP3: Areas of Biodiversity Importance

174. At a general level, concern has been expressed that the draft Plan fails to take environmental considerations into account adequately and that, as a consequence, it is biased in favour of development. We do not share that concern. The IDP introduces a two tier approach which does not downgrade the importance of environmental considerations. If anything it enhances the protection of the environment by identifying as a top tier category Sites of Special Significance (SSS). Under the Land Planning and Development (Guernsey) Law, 2005 SSS can be identified because of their archaeological, historical, botanical, geological, scientific, cultural, zoological or other special interest. In the IDP nine SSSs are identified based on zoological, scientific and botanical grounds. The identification of these sites was based on a review of the Sites of Nature Conservation Importance (“SNCI”) as defined in existing Development Plans for the Island. Those SNCI not considered as outstanding enough to qualify as SSS are now designated as Areas of Biodiversity Importance (ABI) in the IDP. Accordingly all the sites presently protected for environmental reasons remain protected and nine of them have enhanced legal protection as SSS. In reaching this view we appreciate that ABI status does not prevent development, but development impacting on an ABI will under the terms of policy GP3 have to meet suitably stringent tests.
175. There is pressure for the foreshore areas, particularly Belle Greve Bay, to be designated as SSS. While the foreshore areas are undoubtedly important from an environmental point of view there are practical difficulties to a SSS designation. Under the legislation SSS designation would extend the definition of development to include many activities that currently take place on the foreshore including digging for bait, harvesting and stone turning. We accept the view of the Environment Department that it would be impractical and unnecessary to bring all these traditional foreshore activities within the scope of the planning legislation. In addition any major development that posed a threat to the foreshore areas would be likely to require an Environmental Impact Assessment under the Land Planning and Development (Environmental Impact Assessment) Ordinance, 2007. Accordingly we do not consider that the environmental quality of the foreshore is seriously threatened by the absence of a SSS designation.
176. On the other hand designating the foreshore areas as ABI would not introduce the complication of the extended definition of development that applies with SSS status. We note that following the hearings the Environment Department has indicated that it would not object to the foreshore being designated as ABI. Given the environmental importance of the foreshore areas we consider that

the foreshore areas should be designated as ABI. The Gilmore and Hooper Report 2014 Appraisal of Sites of Special Significance provides adequate evidence for the Environment Department to decide on which parts of the foreshore should be designated but we do agree with the Environment Department's view that the commercial harbours of St Peter Port and St Sampson, the Beaucette Marina and the reclaimed land at Longue Hougue should be excluded from the designation.

Recommendation 18 Recognise the biodiversity of the foreshore areas and, where justified, Area of Biodiversity Importance status should be accorded.

177. Dealing with specific areas other than the foreshore we agree with the Environment Department that the St Sampson's Marais and Chateau des Marais should be designated as a SSS. This area has suffered from past activity including dumping and land raising many years ago but these "marais" are of historic importance and as low-lying grassland provide a habitat for some important wetland insects, plants, birds, amphibians, reptiles and mammals on the Island. The area is also valuable as an open space on the outskirts of St Peter Port.
178. The very small area of land referred to in representation IR747 forms part of the Les Cotils/Rope Walk area in St Peter Port. In biodiversity terms this area is not clearly visually important as part of the wider scarp landscape and does not appear to contain any flora or fauna that would justify its inclusion in the ABI.

Recommendation 19 Exclude the small area of land referred to in representation IR747 which forms part of the Les Cotils/Rope Walk Area of Biodiversity Importance in St Peter Port from that designation.

179. The areas referred to land at Normandy Manor in representation IR647 by Fosse Andre Ltd form part of a larger open area on the outskirts of St Peter Port that has biodiversity interest. While some small parts of the area at present clearly have no or limited biodiversity interest, notably the area affected by the Japanese Knotweed, we accept the Environment Department's view that the intention of the Plan is to promote and enhance biodiversity and as part of a substantial Area of Biodiversity Interest it would not be appropriate to remove small parts of the larger area from the designation.
180. In relation to land at Les Prins Lane, Vale (IR986) we note the Environment Department's comments following the hearings, specifically the point that this land forms a habitat corridor. We accept that the land serves this function but consider that this function is essentially provided by the grassland part of the site. Notwithstanding the flexibility offered in the Plan to householder

development the small area of hard-standing and the area where there is permission for a garage do not make sense in biodiversity terms and should be excluded from the designation. We do not believe that excluding these areas would undermine the biodiversity function of the site as a whole.

Recommendation 20 Exclude the small area of land on the road frontage shown in red on submission IR986 from the Area of Biodiversity Importance designation at Les Prins Lane, Vale.

181. Submission IR159 refers to a small piece of land, at Rue des Salines, St. Pierre du Bois, on the edge of a substantial area of land which is designated as a SSS. While not disputing the value of the SSS to a variety of wildlife and plants we cannot see the justification for including this land in the SSS designation. The Environment Department's argument that it represents a safe area for wildlife is unconvincing. The site is used for growing vegetables, it is crossed by a concrete/tarmac driveway, contains a large block built shed, concrete footings and a large cesspit. Apparently it has in the past been used for storing old boats.

Recommendation 21 Remove the Site of Special Significance designation from the site at Rue des Salines, St. Pierre du Bois, as referred to in IR159 and FR148.

182. Robergerie Wood in St Sampson is designated as an ABI. There is pressure for the wood to be declared a SSS and the upper meadows of Pointues Rocques to be designated as an ABI. The wood which grew up around a quarry is largely undisturbed, was previously a Site of Nature Conservation Importance and the area contains a variety of animals, birds and plants including buzzards and rare species such as falcons. The argument is made that the evidence base for the assessment of this area is not up-to-date and comprehensive enough. The Environment Department has stressed that it is open to looking at new evidence in relation to any potential SSS and the IDP at paragraph 19.3.3 specifically refers to designating further SSS if justified by robust evidence. We accept that at the present time the Environment Department's assessment of the available evidence is reasonable. There is recognition that the wood is an area of importance from a biodiversity point of view, especially in relation to bryophytes, but not sufficient evidence at present to justify SSS status. We have not seen any convincing evidence that would justify giving ABI status to the upper meadows at Pointues Rocques.

19.5 and Policy GP4: Conservation Areas

183. There is general support for the policy and its supporting text, with the small number of representations disagreeing with them relating only to the geographical extent of Conservation Areas. Several representors have pointed out that fewer such areas are proposed in the draft IDP than were previously designated in the Urban and Rural Area Plans. While this is numerically correct (though the number is significantly larger than one representor claims), the Environment Department confirms that those now proposed are generally larger than the existing ones and in total they cover a greater area. Moreover they have the weight of law under the Land Planning and Development (Guernsey) Law, 2005, which introduces a more rigorous criteria-based approach to their identification, as set out in the Environment Department's report *Designating Conservation Areas* (March 2015), than hitherto appropriate.
184. On more specific points, a representor disagrees with the inclusion within the Forest Church Conservation Area of a building which, it is suggested, is of poor architectural quality. However, the function of such areas is not the protection of individual buildings but conservation or enhancement of the special character, architectural or historic interest and appearance of the particular area as a whole. In our view the general area within which the building in question is situated does warrant inclusion in the Conservation Area. We accept that this building does not itself make a positive contribution, but the designation would assist in ensuring that any future development at and around it would meet the aims of the designation.
185. Another representor seeks restoration of the Conservation Area designation to an area at Le Villocq, Castel. The area is currently included but is proposed in the draft IDP to be excluded. The representor's stated purpose is to prevent development and to protect biodiversity and agricultural land. Again this is based on a misunderstanding of the purpose of Conservation Areas. Other policies address the distribution of development and the protection of biodiversity and agricultural land.
186. Several representors question part of the boundary of the Bridge, Vale and St. Sampson Conservation Area between the former Dyson's Quarry and Church Road. We agree that the boundary here as drawn is illogical as it does not relate well to the topography and existing buildings in the locality. This is accepted by the Environment Department, which has addressed the point through a revised boundary as indicated on Inset 21 in the Proposed Amendments, with which we concur.

187. Similarly a representor points out that the boundary of the St. Martin's Church and Sausmarez Manor Conservation Area bisects a property at Les Hubits. Again this is accepted by the Environment Department, and we agree that the Proposed Amendment Inset 24 indicates a more appropriate boundary.
188. At the Hearings a representor put forward a proposal, not raised at the initial or further consultation stages, for an additional Conservation Area at Delancey, St. Sampson. Detailed and voluminous written representations and evidence in support of the proposal were submitted, to which the Environment Department responded in writing. These were subject to public consultation.
189. While there is, as the Environment Department confirms, currently no Conservation Area in the proposed area, it appears that parts of the Delancey area were so designated prior to 2002. The basis of the decision not to reconfirm the designation in the Urban Area Plan at that time is not relevant in the context of the emerging Plan. We share the view of the Environment Department that the issue of whether or not this area should be designated in the draft IDP is properly considered from first principles and consistently in accordance with the standard methodology set out in the 2015 report referred to above and applied to all Conservation Areas in the draft IDP.
190. The representor does not challenge the methodology, but suggests that it has not been properly applied. We have seen no evidence of any lack of professionalism, objectivity or consistency on the part of the Environment Departmental staff in the assessment of this area.
191. Nor do the Environment Department's submissions seek to deny that the area in question has many features of historic, architectural or archaeological importance, as appears to be suggested by the representor. We have been left in no doubt of the value that residents in this area attach to such features, though the same could equally be said of many parts of the Island and beyond. Having made many visits to the area, we fully recognise too that in parts there are concentrations of features that make a positive contribution to it, but for Conservation Areas the key consideration is the character of the area as a whole. We share the view of the Environment Department that, having regard to the methodology, the area as a whole falls short by a significant margin of the threshold for designation.
192. Where appropriate the special features within the area can be, and in many cases already are, protected specifically through designations as Protected Buildings, Protected Monuments and Archaeological Remains, for which there is both statutory and policy protection. In some cases, the process for such designations is outside the scope of the IDP, but the prospect of further designations as new information comes to light cannot be discounted. A range of other policies seek to conserve wider characteristics including Important

Open Land, Areas of Biodiversity Importance, landscape character and local distinctiveness.

193. Given the timing of the representations regarding the proposed Conservation Area, and their clear linkage with representations concerning the proposed housing site allocation at Pointues Rocques under Policy MC2 and Annex II to the draft Plan, it is difficult to escape the perception that resistance to the latter influences the Conservation Area proposal and its extent. The merits of the housing allocation are considered elsewhere in this Report. However, it is a common misconception that in Conservation Areas there is an embargo on development. Rather their role is to manage development to ensure, as indicated above, the conservation or enhancement of the special character, interest and appearance of the area as a whole. Accordingly the proposed housing allocation and the suggested Conservation Area are not necessarily mutually exclusive.
194. We conclude that there is no basis in the Island-wide methodology for designation of the suggested Conservation Area at Delancey. Consequently we have not considered the detailed points raised regarding the precise boundary of the suggested area.

Recommendation 22 Modify the boundaries of the Bridge, Vale and St. Sampson Conservation Area and the St. Martin's Church and Sausmarez Manor Conservation Area in accordance with Insets 21 and 24 respectively to the Environment Department's Proposed Amendments.

19.6 and Policy GP5: Protected Buildings

195. There is general support for the provisions of the draft IDP in respect of Protected Buildings. The procedures for the listing and regulation of such buildings are controlled by the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (Special Measures) Ordinance, 2007, rather than planning policy, and the draft IDP does not itself list Protected Buildings. Accordingly, while some representors refer to issues of the designation of specific buildings that are not currently protected, these are matters for consideration under processes other than the IDP.
196. Representations regarding the perceived effects of the housing site allocation at Pointues Rocques under Policy MC2 and Annex II to the draft Plan on certain Protected Buildings appear again to be directed primarily at the merits of the allocation, which are considered elsewhere in this Report. The Land Planning and Development (Guernsey) Law, 2005 requires the Environment Department to pay special attention to the desirability of preserving a Protected Building's special characteristics and setting.

We recommend no change in respect of the policies relating to Protected Buildings.

19.8 & Policy GP7: Archaeological remains

197. A representor considers that Policy GP7 fails to give adequate protection to archaeological remains, and that any sound remains should be conserved and identified.
198. It is undisputed that the Island has a wealth of archaeological remains, including, no doubt, many that are as yet unrecorded. Similarly, their historical and cultural importance is well recognised. While their conservation is clearly desirable in principle, we share the Environment Department's view that it would be unduly restrictive to apply it to all remains, however minor. It would potentially preclude much development regardless of the need for it, its merits in other respects and the significance of the remains affected.
199. Policy GP7 would provide for a proportionate approach to proposals that would be likely to affect sites or areas of archaeological importance. It would secure preservation of the most important remains, while requiring evaluation of whether the benefits of the proposed development would outweigh the importance of preserving other remains in-situ and require investigation, reporting and mitigation measures.

We recommend no change in respect of the policies relating to archaeological remains.

19.9 and Policy GP8: Design

200. The importance of design quality, which affects the acceptability of development, is undisputed. However, there are mixed views on the part of representors as to whether the draft Plan provides too little guidance or is too prescriptive on design.
201. Section 19 and Policy GP8 expand on principles set out in the SLUP, to which the draft IDP must generally conform. There are many interrelated aspects to good design, and the text explains these in the context of the strategic policies, with Policy GP8 setting in broad terms what will be required of new development. Given the importance of good design for all elements of the Plan, we do not share the view of a representor that the length of this section is excessive. Nor do we accept the further view that the need for good design can be 'taken as read' without needing to be expressly stated in the Plan. Such an approach would make it very difficult to resist proposals that failed to achieve the necessary standards.

202. On the other hand, the suggestion that a detailed design guide, covering the entire Island and all types of development, should be published alongside the draft IDP has some merit but is, we consider, impracticable. As the draft Plan acknowledges (paragraph 19.9.3), no single design approach is appropriate or desirable in all parts of the Island. Therefore design guidance of the scope apparently envisaged by the representor would need to cover the whole range of potential developments together with the rich diversity of the characters of locations across the Island. We accept the Environment Department's point that such an exercise would be beyond the resources available to it. In any event, as the representor recognises, good design is to an extent a subjective matter. It is therefore unlikely that any guidance, however detailed and specific, would eliminate the need for the exercise of judgement in assessing individual development proposals.
203. That is not to say that there is no guidance beyond this section and policy or that the absence of discrete design guidance would leave decisions 'at the whim of the planners', as a representor put it. Many other policies set requirements and parameters that guide decisions, and the Environment Department has to be able to justify decisions in the event of appeals.
204. On more detailed matters, Annex I sets out more detailed guidance on a range of topics that, while primarily aimed at securing appropriate levels of amenity in new development, also relate to wider aspects of design. Other representors refer to Lifetime Homes, which are specifically addressed in Section 19.9, and accessibility for people with limited mobility. Policy GP8 includes a requirement for accessibility to and within buildings for people of all ages and abilities to be demonstrated. We understand that such matters also fall within the ambit of the Building (Guernsey) Regulations, 2012 and associated technical guidance, though these are beyond the scope of the IDP.
205. Several representors call for quantified standards for private and communal open space within developments. However, for the reasons set out in Annex I at paragraph I.4 and I.5, we share the view of the Environment Department that this would not be practicable.
206. Paragraph 19.9.9 records the identification in the SLUP of multi-storey buildings as a more efficient use of land than single-storey buildings, and the draft IDP encourages consideration of multi-storey design from the outset subject to their acceptability in the locality. We therefore agree with the Environment Department that further specific reference as suggested by several representors is unnecessary.
207. The concept of village-type development within and outside Centres, including specialised retirement villages, has been raised by several representors. While the draft Plan does not make specific provision for such forms of development,

and the Environment Department points out that neighbourhood centres did not find general favour with the public at the consultation stages, nor does it preclude them in principle. Similarly policies MC2 and LC2 provide gateways for consideration of proposals that would bring population back into the town and Local Centres, such as residential use of space above shops. No specific provision for such types of development is required.

208. Finally, while we understand the sentiments of one representor who suggests that this section and policy should seek 'excellent' standards of design rather than (just) 'good', we do not consider a change of wording to be necessary. Policy GP8 opens by referring to high standards of design and, as the Environment Department notes, additional requirements apply in the most sensitive areas such as Conservation Areas.

We recommend no change in respect of the policies relating to design.

19.12 and Policy GP11: Affordable Housing

209. Affordable housing is defined in the Affordable Housing Supplementary Planning Guidance as housing for households whose needs cannot be met, or who cannot afford accommodation in the private sale or rental market, without assistance. Affordable housing includes both social housing and intermediate housing. Social housing is rented accommodation owned and controlled by the Housing Department or a registered Housing Association. Generally social housing is intended to cater for households on low incomes and also includes specialised housing. Intermediate housing includes partial ownership and similar schemes (N.B. the Proposed Amendments to the Glossary which deal with definitions particularly in relation to sheltered housing). Intermediate housing is intended to help households who cannot meet the full cost of renting or buying appropriate private market housing. The justification for including such households in the need category is challenged by some. However as these households are unable, without financial assistance to access the private sector market it is logical to include them in the need for affordable housing. This is reinforced by the States approach which is to regularly review the ability of its tenants to afford private market accommodation and to require those whose financial position improves to a sufficient extent to vacate the affordable housing provided. Furthermore Policy SLP 17 of the SLUP specifically requires the provision of specialised housing.
210. Broadly speaking these definitions are clear and appropriate and all rely on means testing. However it would be helpful if the definition of intermediate housing made it clear that this form of housing includes market housing sold at below market price, provided satisfactory arrangements are put in place to ensure that the resale price restrictions reflect the initial price reduction.

Recommendation 23 Clarify the definition of intermediate housing.

211. The scale of the affordable housing problem is disputed. The Housing Needs Survey 2011 provided the basic information for the States' assessment of the scale of the problem. Criticism that the 2011 survey cannot be compared to earlier surveys because the questions asked were different means that trends cannot reliably be established but it does not invalidate the findings of the 2011 work. As at 2011 the forecast need for housing was 451 housing units annually of which 258 would need affordable housing and of these 158 would require social housing.
212. As at August 2015 the need list for social rented accommodation kept by the Housing Department stood at 142 households and the social housing list kept by the Guernsey Housing Association stood at 106 households. These two lists are mutually exclusive so there is no element of double counting. Hence the August 2015 assessment of need for social housing stands at 248 households. At the hearing sessions it was confirmed that the latest combined figure for the two lists is 250 households.
213. These statistics do not support the contention that the need for affordable housing is falling on the Island. While the lists may not entirely accurately reflect the need for social housing and may contain some households who are not genuinely in need, it is clear to us that there is a well- documented and substantial requirement for affordable housing in Guernsey.
214. The view of the States that there are a significant number of households who cannot access the market without assistance is challenged by some respondents. A number of housing developers argue that the problem is relatively small and that there is no need for an affordable housing policy. The contention is that introducing a policy for affordable housing will have catastrophic consequences for an industry that is already struggling. However the evidence indicates that affordability is a material issue in Guernsey. This is not surprising given that in the five years leading up to the 2013, earnings on the Island increased by an average of 8% while average dwelling prices increased by 28.5%. In 2005 the median price of a dwelling in Guernsey was the equivalent of 12.2 times the average wage. By 2013 the position had worsened to 15.1 times and the provisional figure for 2014 is 15.3 times. As for the argument that introducing the policy would devastate the house building industry in Guernsey, no convincing evidence has been produced to justify this view. It is perhaps not surprising that developers would prefer to not have to comply with an affordable housing policy at all, but the need for such a policy has been clearly established by the Environment Department. The fundamental challenge to the policy in principle is an assertion, not an evidence based argument.

215. Both the Environment Department and some objectors provided benchmarks based on a number of United Kingdom local authorities. We did not find this benchmarking approach helpful or informative because of the wide variation in circumstances and prices between local authorities within the United Kingdom and between UK authorities and Guernsey. Our attention was also drawn to the situation in Jersey and the Isle of Man. While these situations are more relevant to Guernsey we consider that the experience on other islands should not unduly influence the approach taken in Guernsey. The fact that one version of an affordable housing policy has been abandoned or suspended in Jersey does not mean that if justified an affordable housing policy should not be applied in Guernsey, especially as we understand that a revised affordable housing policy is now being considered in Jersey.
216. The proposed affordable housing policy is based on the notion that land owners in Guernsey will accept, albeit reluctantly, a lower price for their land in instances where the developer is required to provide an element of affordable housing. Given that providing affordable housing is a cost to the developer it is entirely logical that the consequence is that the residual land value of the development site will be lower than in instances where affordable housing is not required. Unless developers are prepared to reduce their profit margins the inevitable consequences of an affordable housing policy will be to reduce the value of housing development land or that landowners will withhold their land.
217. Experience in England is that unsurprisingly developers are reluctant to reduce their profit margins. Hence where an affordable housing policy applies development appraisals will usually include the cost of providing affordable housing on the costs side of a development appraisal with a resulting reduction in the amount of money available to pay for the land. Both landowners and developers have come to terms, however reluctantly, with this situation. In Guernsey the argument is advanced by some, notably developers, that landowners will be unwilling to compromise on development land values. Thus it is claimed that the introduction of an affordable housing policy will seriously impact on the ability of the development industry to provide the housing needed on the Island. If this contention is correct it clearly rules out an affordable housing policy. However there is no evidence to support the view that most landowners will not bring their land forward if an affordable housing policy is introduced, provided of course that they can still get a reasonable price for their land. Whether or not they can get a reasonable price depends very largely on the difference between the land value with planning permission and without permission.
218. It may well be that some landowners would be unwilling to compromise on the price they ask for their land even where the developer is required to provide affordable housing. However long experience in the United Kingdom

demonstrates that where there is a reasonably large difference between existing use value and development land value, most developers are able to negotiate successfully with landowners taking into account the cost of providing affordable housing. The consequence is that the market for development land adjusts to accommodate the consequences of an affordable housing policy.

219. We understand that in Guernsey open land with little “hope value” typically fetches around £70,000 to £90,000 per hectare. Hope value changes the situation dramatically. Large housing sites with high hope value or permission may command prices in excess, sometimes considerably in excess, of £3,600,000 per hectare. Work undertaken in 2012 assumed a threshold value of £3,000,000 per hectare, this being the level at which landowners would generally be prepared to bring their land forward for development. At levels between £2,000,000 and £3,000,000 the work assumed that it was less certain that land would sell for development while at less than £2,000,000 it was assumed that many landowners would be likely to withhold their land in the hope of getting a better price at some stage in the future.
220. Establishing a threshold value is difficult as individual landowners have different circumstances and different expectations. The 2012 work acknowledged this and noted that prices can vary significantly. The work was based on a conventional residual land value approach using a range of different development scenarios. This method of establishing land value depends on a range of variables including finance costs, construction costs, sales values, professional fees and marketing costs. Importantly the 2012 work seeks a broad overview of viability for residential development and does not aim to be site specific. Small variations in the variables can have a significant impact on the final residual land value and hence the method is vulnerable to challenge. In this instance, although some do dispute the variables, the 2012 work relies on reasonable and generally justified variables based on evidence relating to circumstances on the Island. Consequently it is considered that the 2012 work provides an adequate broadly based assessment of the viability of residential development in Guernsey.
221. The 2012 work was independently reviewed in February 2015 when it was concluded that the evidence base underpinning the viability assessment was sound and robust. A further review by the Environment Department in October 2015 updated the inputs to the viability work. The review concluded that some of the inputs such as the cost of finance remain largely unaltered while others such as construction costs and sales values have changed. The review re-runs a number of the original 2012 development scenarios to test viability using current data. Overall the review concludes that the broad assumptions about threshold values remain valid. Although there is robust criticism of the viability work done, those objecting to it have not produced convincing counter

evidence or alternative evidence based suggestions about the likely threshold land values.

222. Our view is that the extensive range of viability work undertaken by and on behalf of the Environment Department is adequate for the purposes of drafting an acceptable affordable housing policy. The evidence demonstrates that on undeveloped land the difference between existing land value and development value is very substantial. Hence the difference would allow a developer to offer a reasonable landowner a price that would be attractive to the landowner, albeit lower than might be achieved without an affordable housing policy.
223. On the wider question of affordable housing negotiations generally the Environment Department stresses that in considering the application of the proposed policy it will operate on a flexible and realistic basis. Many of those in the property development industry say that they have no confidence in the ability of the States to operate the policy in an efficient manner. No doubt there will be a need for both sides to adapt their working practices and approaches to the new circumstances that will flow from the policy. However it would be quite wrong to reject the notion of having an affordable housing policy because of a fear that the officers working for the States will be incapable of operating the policy in a reasonable and professional manner. In addition the Environment Department is committed to monitoring the situation and will if necessary adjust their approach.
224. We appreciate that the housing/housing land market on the Island is weak. Unlike the situation in Jersey the Guernsey market did not suffer from a decline after 2010 but the situation is apparently now reversed with the Jersey market improving while the Guernsey market is weakening. However the housing market in Guernsey is, like housing markets generally, no doubt subject to cyclical changes, depending on wider economic considerations. Experience shows that a depressed housing market is likely to recover at some point. In any event the policy includes specific provision for viability considerations to be taken into account and there is the possibility of the policy requirements being reduced where viability considerations show that it is not possible to meet the full requirements of the policy.
225. In relation to viability assessments we note and agree with the clarification to the text of Policy GP11 proposed by the Environment Department. This clarifies that the percentage requirement may be reduced but only after other possible ways of resolving viability issues have been taken into account.

Recommendation 24 Amend Policy GP11 and paragraph 19.12.8 as suggested by the Environment Department in its response to FR269

226. Having noted that the States are confident that the policy can be operated in a flexible manner it should be remembered that the affordable housing policy depends on the price of development land being lower than is the case at present. For this to come about it will be essential that the Environment Department bases its negotiations and discussions with developers on the clear understanding that the cost of providing affordable housing is essentially met by the landowner accepting less for their land. Notwithstanding the assertions of the development industry, the viability evidence shows that there is scope for this to happen without the supply of housing land drying up. If the Environment Department fails to take a robust stand in this regard the policy will not succeed as the development industry is likely to negotiate on the basis that they cannot acquire land at anything less than a price that does not allow for any reduction for the cost of providing affordable housing. Further if a robust view is not taken landowners may be inclined to withhold their land in the expectation either that the policy will be short lived or that the developer should be able to negotiate away the affordable housing policy requirement on viability grounds.
227. The question of a transition period for the introduction of the policy has been raised. The Environment Department is opposed to a transition period largely on the grounds that it would make for more uncertainty regarding the introduction and application of the policy. However there are merits in considering a transitional approach not least because of the weakness in the current housing market and because this is a new policy that will require all parties to adapt to the revised situation. Another factor in favour of a transition period is the complicated nature of option agreements on the Island which means that developers are unlikely to have option agreements in place that can be used to offset the additional cost to the developer of meeting the policy. In these circumstances there is a danger that the introduction of the policy without a transition period will to a lesser or greater extent undermine a recovery in the housing market on the Island. On the other hand having a transition approach may well assist the recovery of the market by encouraging developers to develop sites they have an interest in or already control before the full force of the policy comes into effect. A reasonable approach would be to introduce a sliding scale of the percentage of affordable housing to be provided over a three year transition period. Extending the transition period beyond three years would in our view not be appropriate for two reasons. First there is a current and pressing need for affordable housing on the Island. Second a longer period would send the wrong message about the commitment of the States to the introduction of an affordable housing policy.

Recommendation 25 Introduce a transition period of three years for the introduction of the affordable housing policy.

INFRASTRUCTURE POLICIES

20.5 and Policy IP4: Airport Related Development

228. The SLUP, to which the draft IDP must generally conform, recognises the role of the Airport in meeting transport needs and also that it is vital to the local economy. It also observes that strengthening the trading position of the airport may require additional private sector investment on or around its operational area, including 'new business/office development'. Policy SLP38 reflects these principles.
229. The draft IDP's acknowledgement of the economic and social importance of the airport to the Island is undisputed and indeed supported by a number of representors. However, some cast doubt on the need for, and benefits of, development in proximity to the airport beyond that strictly required for airport safety and operational purposes.
230. Draft Policy IP4 adopts a sequential approach to development related to the airport. Operational and safety development is supported, and development that would prejudice the effective, efficient and safe, operation of the airport will not be permitted. Beyond that, provision is made for development associated with airport related uses, subject to caveats to ensure that it complements and supports the efficient and effective operation of the airport or enhances the contribution the airport makes to the economy through ancillary development.
231. Further criteria are added to address particular circumstances, though we consider that for the avoidance of doubt it should be made explicit that these are additional to criteria (a) and (b) rather than alternatives. These, together with policies such as GP8 and GP9 would protect adjoining uses (including residential) from adverse impacts, and others would safeguard interests such as the landscape.
232. It seems to us that, notwithstanding development that may have taken place in the past, the draft policy together with other relevant policies should limit future development on or around the airport to that intended by the SLUP. It would not provide for general development that could equally be located on land allocated for such development. Such development is subject to other policies such as OC3.
233. Representors question specifically provision for car parking, maintenance and storage. With the possible exception of some aspects of aircraft maintenance these are, as they say, not safety needs. However, there is a further policy requirement to provide for the airport's *operational* needs and it is reasonable to accept that they may fall within this category. They would, therefore fall to

be assessed in accordance with the criteria in Policy IP4 and other relevant policies.

Recommendation 26 **Modify Policy IP4 as follows: after “Where the site is immediately adjoining airport land it is demonstrated”; and after “Where the site is in close proximity to the airport but not on or immediately adjoining airport land it is demonstrated”, insert “in addition to criteria (a) and (b)”.**

20.7 and Policy IP6: Transport Infrastructure and Support Facilities

234. In addition to the expressions of support for this policy, a number of representors consider that it fails to reflect the importance of car use, giving too much priority to walking, cycling and public transport. We address here the general aspects of that issue; related matters relating specifically to car parking are considered separately below.
235. As the draft IDP notes, the SLUP seeks ‘a safe, secure and accessible environment for all’. There are tensions inherent in that aim. In particular, while many Island residents clearly value their reliance on car use, as the draft Plan indicates this also imposes negative impacts on others and on the environment in a number of ways.
236. Measures to improve the energy-efficiency of transport such as a move to electrically powered vehicles would go some way to mitigate the environmental impacts, particularly on air quality and greenhouse gas emissions. However, the point raised by one representor that this depends on whether the electricity used comes from sustainable sources is a good one. The draft Plan is supportive of the use of electric vehicles. The specific measures it sets out in this respect are modest in scope, though further ones are not precluded. Consideration may need to be given to extending them as the technology develops and such vehicles become more established. In any event, many of the impacts of private car use such as on safety, accessibility for some, traffic congestion, delay, land-take and the visual effects of parking would not be reduced significantly in this way.
237. In our view the draft Plan is not anti-car as some seem to feel, but strikes an appropriate balance between the conflicting elements of the aim set by the SLUP. It does not seek to deny that for some journeys there is, and will remain, little alternative to the car, but seeks to encourage use of other modes when possible. To do otherwise, catering for ever-increasing demands for car travel, would necessitate acceptance of the cumulative impacts and/or measures such as large-scale road improvements to improve capacity that many would find objectionable.

238. In response to representations, the Environment Department has proposed an amendment (PA79) to Policy IP6 to make it clear that the policy of encouraging provision of a range of travel options applies Island-wide, not just in Main Centres and Main Centre Outer Areas. This is important, as the disposition of development and the Island's transport network are such that a high proportion of trips link those areas and the areas outside the Centres. We support this amendment, which would bring the policy into accordance with paragraph 20.7.7.

Recommendation 27 Modify Policy IP6 in accordance with Proposed Amendment PA79.

20.8 and Policy IP7: Private and Communal Car Parking

20.9 and Policy IP8: Public Car Parking

239. The Environment Department proposes an amendment to Policy IP8 to make it clear that the first paragraph applies only to Main Centres and Main Centre Outer Areas. We support this.
240. There are some representations in support of these policies, and for the principle of reducing reliance on motor vehicles that underlies them. However, most representations express opposition to restraint on parking, and indeed many seek increased provision of both private/communal and public car parking.
241. The strategic context for these policies is set by the SLUP and the approved *Guernsey Integrated on Island Transport Strategy* ("the IITS")¹¹. The draft IDP is required generally to conform to these.
242. The core objectives of the SLUP include enabling a diversified, broadly balanced economy but also the wise management of Island resources including land and air quality, whilst supporting corporate objectives and associated policies relating to, amongst other things, reduction of the Island's carbon footprint. It seeks to ensure that development is carried out in a sustainable manner, ensuring continuing investment in and care for our physical environment.
243. Policy LP1 in the SLUP states that social wellbeing and maintaining economic development will be realised through the prudent use of natural resources, ensuring the physical and natural environment is conserved and enhanced and reducing, where practicable, the Island's contribution to greenhouse gases. This is in accordance with the States' Environmental Plan. The SLUP requires the Island Development Plan to balance sustainability and economic and social objectives.

¹¹ Item 6 of Billet d'État IX (Volume 1) (30th April 2014)

244. The SLUP further notes that, as the use of motorised vehicles is one of the main contributors to greenhouse gases, policies that lead to a reduction in the need to travel by car should be supported. In approving the SLUP the States has agreed this approach, and it is not open to further debate in the context of the draft IDP. The SLUP also points out that land use planning has a role to play in influencing travel choice. It identifies working towards achieving ‘a safe, secure and accessible environment for all’ as a key outcome to work towards.
245. This outcome statement is echoed in the IITS and the Strategy’s vision for travel in Guernsey is,

“... to facilitate safe, convenient, accessible and affordable travel options for all the community, which are time and energy efficient, enhance health and the environment and minimise pollution.”¹²

The approved IITS also sets out a number of principles to be considered to encourage sustainable transport and accessibility for all. These include maximum (car) parking standards and minimum standards of cycle parking provision in new developments.

246. At the Hearing session on these topics a number of States’ Deputies offered differing views on the standing of the IITS following subsequent States’ Resolutions which have amended some of the policies agreed when the IITS was adopted by the States of Deliberation. Our understanding is that, while elements of the IITS have been rescinded and there is an obligation on the Environment Department to *consider* (our emphasis) the vision, based on that set out in the Minority Report which was approved in April 2014, the approved vision and principles still stand. We have proceeded on that basis.
247. The IITS seeks, amongst other things, to support and incentivise the transport alternatives and to reduce the dominance of the private vehicle, while still recognising the vital role of the private motor vehicle and not seeking to ban cars.
248. The IITS notes that a reduction in traffic can be achieved through reduced availability of parking spaces. Some representors contend that the converse is the case for a number of reasons. The IITS addresses such arguments in the following terms:

“This Strategy is principally designed to achieve ‘modal shift’, in other words to reduce the number of miles travelled in private motor vehicles in favour of walking, cycling and buses by changing from one mode of transport to a better one, and also to make significant progress towards

¹² See Paragraph 5 of the Minority Report (page 718 of Billet d’État IX of 2014 (Volume 1))

*the outcomes encapsulated in the Transport Strategy Vision. **The Strategy seeks to do this principally by making the alternatives significantly easier and more attractive than at present.***¹³

Further, the IITS refers to a report prepared by the Institute of Transport and Development Policy on the relationship between parking provision and congestion in a number of European cities:

*“Changes to parking policy in some European locations in recent decades have brought about impressive improvements by revitalising Town centres, improving air quality and making much better use of public space. In each case study it had become apparent over time that no matter how much more parking was built, traffic congestion only grew worse because the problem was being accommodated rather than regulated.”*¹⁴

We concur with that conclusion.

249. Policy IP7 refers to the levels of private and communal car parking set out in *Planning Guidance: Parking Standards and Traffic Impact Assessment*. This is currently in draft, but we assume that a definitive version will be approved and published alongside the adopted IDP. (We note that the document itself is entitled “*Supplementary Planning Guidance ...*” and it is described as such in the text preceding the policy. For consistency the policy should reflect this.)
250. The guidance specifies standards for the provision of car parking spaces for various types of development, expressed as maxima. A significant number of representations seek minimum standards instead, but it is difficult to see how providing for effectively unlimited parking provision would assist in achieving the reduction in the need to travel by car and the balance between sustainability and economic and social objectives sought by the SLUP. It would certainly be directly contrary to the IITS, which proposes maximum (car) parking standards.
251. The resistance to limitation of parking provision is understandable. While some households need only a single car (or none), in other cases families need or at least choose to own several. We accept that car ownership, and the need to keep them somewhere, is not necessarily directly related to car use as some people use their cars only occasionally. We also recognise that driving around searching for available parking spaces may lead to vehicle movements that would not occur if ample parking were available wherever they go. Nevertheless, in our judgement these factors do not negate or outweigh the

¹³ See Preamble to the Minority Report (page 714 of Billet d’État IX of 2014 (Volume 1))

¹⁴ See Paragraph 46 of the Minority Report (page 732 of Billet d’État IX of 2014 (Volume 1))

overall linkage between parking provision and car use with all the consequences that flow from that.

252. The Main Centres and Main Centre Outer Areas, to which the parking standards apply, are of relatively high density. Higher levels of parking provision would necessitate lower densities in new residential developments, reducing the efficiency of the use of land. As well as increasing motor vehicle use and congestion, it would reduce the number of dwellings that could be provided within sites in the urban areas, necessitating more development outside the Centres, contrary to the spatial strategy.
253. We recognise that limiting on-site parking provision might increase the pressure for parking on narrow and unsuitable roads, detracting from the characters of the areas and increasing congestion and safety risks, especially to pedestrians and cyclists. But the guidance advises that the car parking levels are not absolute or inflexible. It states that variations may be allowed depending on the individual characteristics of each site, and sets out criteria for assessment. The considerations above are covered by these criteria, and Policy IP7 requires the Environment Department to take into account the standards, rather than to apply them rigidly.
254. A representor suggests that there is a large disparity between the number of (private) parking spaces within office developments in the Centres and the number of people employed there. However, this does not take account of those who commute by means other than driving and those who use public car parks. The Environment Department pointed out that there is at least one such development without any on-site parking provision, which suggests that private provision is not vital in every case.
255. The proposed parking standards represent a significant change of approach for Guernsey, and the concerns expressed are understandable. However, even a gradual and modest shift in the balance between travel by car and by other modes is most unlikely to happen at all without a range of measures to discourage car use, in which limitations on private and communal parking provision would play an important part.
256. We conclude that the approach accords with the thrust of the SLUP and IITS. The flexibility built into the policy and standards should enable a pragmatic approach, responding to the circumstances of individual cases, within the overall strategy. A commitment to review the guidance from time to time and update it accordingly is set out therein, and separation of the standards from the draft IDP should enable this to be done relatively easily. We are satisfied that this would provide for the Environment Department to learn from and respond to experience in the operation of the standards.

Recommendation 28 No change to Policy IP7 other than insertion of “Supplementary” before “Planning Guidance”.

257. Turning to public parking, many of the general considerations above also apply to this. No evidence of a shortage of spaces in the core areas of the two Main Centres has been put forward. Our observations suggest that there are usually free public car parking spaces throughout the day, albeit not necessarily those closest to the main shopping areas. This supports the Environment Department’s suggestion that a common perception to the contrary, especially in St. Peter Port, reflects people’s natural preference for spaces nearest to the town centre shops and facilities over those a few minutes’ walk away rather than an overall lack of available spaces.
258. As the draft IDP notes, large car parks such as those around the harbour in St. Peter Port are visually unattractive and do not make efficient use of land in a prime location. Developments such as multi-storey and underground car parks have been suggested. Where practicable, these might bring benefits in reducing the surface area devoted to car parking, but using them solely as a means to increase the overall number of spaces would again encourage more traffic with all the disbenefits that flow from this. Policy IP8 does provide for net increases in spaces in conjunction with a major, comprehensive development scheme through a Local Planning Brief and in accordance with relevant strategies. The Local Planning Brief process would enable consideration of the balance between the benefits and adverse effects of the development as a whole, including whether the development would give rise to a need for additional parking provision.
259. We conclude that Policy IP8 strikes an appropriate balance between sustainability and economic and social objectives in accordance with the SLUP.

Recommendation 29 Modify Policy IP8 in accordance with Proposed Amendment PA80.

20.10 and Policy IP9: Highway Safety, Accessibility and Capacity

260. Representors consider that the approach of Policy IP9 is too narrow. Amongst other things, it seeks to ensure that improvement to access or the highway network does not have an adverse impact on the character or appearance of Conservation Areas, Protected Buildings or Protected Monuments. The representors feel that this should apply Island-wide as indicated in paragraph 20.10.4 of the draft Plan.
261. The Environment Department’s Proposed Amendment PA81 would modify paragraph 20.10.4 to be consistent with Policy GP1, adding provision for a proportionate approach to protection of natural or built features that

contribute positively to the character of areas outside those specified in the policy. Proposed Amendment PA82 would similarly add to Policy IP9 reference to seeking to avoid adverse effects on landscape character or distinctive features elsewhere. We consider that these amendments would address the representors' point while recognising the greater protection rightly afforded to the designated areas, buildings and monuments.

262. One objector suggests further that greater weight should be given to the impacts of schemes to address existing highway problems than to those required to accommodate new development. We do not share that view; any development has to be considered against all relevant policies, and where there are conflicting objectives these collectively should secure the appropriate balance.

Recommendation 30 Amend paragraph 2.10.4 and Policy IP9 in accordance with Proposed Amendments PA81 and PA82 respectively.

ANNEXES

Annex II: Sites Allocated as Housing Sites

Please see our comments as set out under Policy MC2.

Annex III: Development Frameworks and Local Planning Briefs (See also under paragraph 1.8 in the About the Plan section)

263. There is support in principle for the proposed requirement for Development Frameworks for certain sites. However, some representors are concerned that it will introduce unacceptable delays into the development process and possibly even block progress. They indicate that such problems have arisen with many Planning Briefs, and express a lack of confidence on the part of developers in the process, though the Environment Department attributes the non-completion of a number of Planning Briefs to financial constraints on developers rather than planning or Departmental resource issues. Representors suggest that Frameworks would be likely to be more numerous than Briefs, and the guidance on what they should include (paras III.11-13 and 25-29 respectively) suggests that they would be more complex too.
264. Representors contend that, given the limited resources within the Environment Department, it is likely to be necessary to prioritise work, especially if a number of major sites were to come forward at the same time. That prioritisation would be at the sole discretion of the Environment Department and there would be no right of appeal against failure to prepare Development Frameworks within a reasonable timescale, or where prospective developers disagree with the content, as they are outside of the statutory planning framework.
265. At the Hearing, at which this matter was discussed, the Environment Department confirmed that a proportionate approach would be followed. Indeed, the draft IDP (paragraph III.11) indicates that the type and level of detail to be included will vary from case to case, subject to inclusion of sufficient information to allow an accurate assessment of the opportunities, constraints and development options. We recognise that this is a matter of judgement, and that there is potential for differences of opinion between parties as to what is appropriate and necessary in any particular case. However, it is difficult to see how the draft IDP could be more prescriptive in this respect, and no specific suggestions have been put forward.
266. As the requirement for Development Frameworks is a new one for Guernsey there is, as the Environment Department accepted at the Hearing session at which this matter was discussed, no experience on which to base predictions of their number and complexity. Peaks and troughs are likely, though the

suggestion of one representor that all 15 of the housing allocation sites might come forward at the same time seems very unlikely given the capacity of the construction /house building industry and the pattern of demand.

267. Contrary to the impression apparently held by some representors that Development Frameworks may only be prepared by the Environment Department, paragraph III.7 indicates that in some circumstances Development Frameworks prepared on behalf of a prospective developer will be considered. At the Hearing the Environment Department confirmed its openness to a collaborative approach with developers and/or landowners. Given the matters required to be included (at least some of which may involve information, expertise and resources not directly available within the Environment Department at the time), this seems to us to be desirable. Proposed Amendment PA85 would clarify this, indicating a need to seek guidance from the Environment Department in this regard prior to commencing work on a Development Framework. The clearly-expressed requirement for completed Development Frameworks to be approved by the Environment Department should secure its overall control of the process.
268. With such an approach, service level agreements might be appropriate in some instances. These might include programmes and/or timescales for the process. The Environment Department pointed out that there is nothing to prevent this and expressed its willingness to use such vehicles, as it has done in the past, in suitable cases. However, we share its view that these would need to be drawn up on an 'ad hoc' basis as the range of situations would make a generic agreement impractical.
269. Regarding the possibility of undue delay or disagreement about the provisions of Development Frameworks, we note the Environment Department's suggestion that most will come forward in conjunction with expressions of developer aspirations for sites, and all will be subject to public consultation. It also indicated that it is open to developers to submit planning applications, even without an agreed Framework. These would fall to be considered in the normal way in the light of all the relevant policies and the right of appeal would of course apply to such applications. We cannot make any recommendation relating to the legislative provisions.

We recommend no change in respect of Annex II: Sites Allocated as Housing Sites and Annex II: Development Frameworks and Local Planning Briefs.

Annex IX: Public Safety Areas

Development around, near or impacting on the Airport

Airport Consultation Zone (ACZ)

Outside the Airport Consultation Zone

270. Those making representations generally support the principle of seeking to ensure that development does not interfere with or inhibit safe and effective operation of the airport, and the extent of the ACZ. While, as one representor points out, the zone includes part of the Forest Local Centre, we do not accept that there is a conflict between this and the policies relating to the Local Centres. The ACZ does not preclude development in principle; it provides for proposals there to be assessed in the light of the above principle in addition to other relevant policies.
271. A representor suggests that the ACZ be extended to provide for a possible runway extension, but whether and when any such extension will occur remains uncertain. In the interim it is unnecessary to apply restrictions to a larger area, and we share the view of the Environment Department that any alterations to the boundary should be considered as and when a runway extension occurs.
272. There is support for, and no adverse representations regarding, the proposed provisions for the area outside the ACZ.

We recommend no change in respect of Annex IX: Public Safety Areas.

Airport Public Safety Zones (PSZs)

273. Again there is general support for the principle and extent of the PSZs.
274. However, the zones proposed in the draft IDP differ markedly from those defined at the time of the Rural Area Plan (RAP). Some representors submit that the previous zones should be retained, citing air accidents that have occurred outside the zones now proposed.
275. Unchallenged expert evidence for the Environment Department at the Inquiry Hearings indicated that the PSZs in the RAP were based on advice from the UK Civil Aviation Authority (CAA). That advice was prepared almost 20 years ago, and took into account aircraft types and movements (in terms of numbers and routes) at that time and as predicted for 2022. Those now proposed are founded on current advice from the UK National Air Traffic Service (NATS) in accordance with UK PSZ policy. That policy does not apply in Guernsey, but the advice from NATS is based on risk calculations for actual movements in 2007 on

the then current runway and for forecast movements for 2022 on the now displaced runway, with the resultant 120m westward movement of the runway thresholds. It takes account of actual current and forecast aircraft types, operations, numbers of movements and routes, taking into account the much greater use of Continuous Descent Approach (CDA) now than in 1997.

276. The resultant PSZs represent the areas where the level of risk to third parties - essentially those on the ground - is above the threshold used at airports in the UK and, we understand, in other safety contexts. It does not mean that there is no risk elsewhere, but represents an area within which it is most appropriate to minimise, as far as is reasonable, increases in population. Outside it the risk is less, but it is unlikely to be zero anywhere so a line has to be drawn somewhere.
277. In the absence of evidence to indicate that the data or methodology on which the NATS advice was based are unsound or inapplicable, we consider that the proposed PSZs are appropriate and proportionate. In our view the arbitrary parallel corridor suggested by a representor would impose unjustified restrictions on development over a significant area.
278. We note that the eastern PSZ impinges on the St. Martin Local Centre but, as the Environment Department points out, there is little potential for further development in the affected area and any changes to the PSZs consequential on any future runway extension would fall to be brought forward at the time.

We recommend no change in respect of Airport Public Safety Zones.

Major Hazards Public Safety Zone

279. There is support for, and there are no adverse representations regarding, the principle and extent of the proposed safety zones around fuel storage sites at St. Sampson and Vale as proposed in the draft IDP.
280. However, after the periods for Initial and Further Representations, the Environment Department proposed amendments to the text and to Map 4 indicating the relevant areas (PAs 87-90 including further consequential changes). These proposed amendments arise from information from the Health and Safety Executive, and take additional specific account of risks arising from unloading points on jetties. They were supported by the Commerce and Employment Department as the previous version was obsolete, and there were no other representations.

Recommendation 31 Modify paragraphs IX.14 to 20 and Map 4 in Annex IX in accordance with Proposed Amendments PA87 to PA90.

PROPOSED AMENDMENTS

Proposed Amendments – September 2015

281. For the most part the Proposed Amendments address points raised in representations and “flagged up” in the Environment Department’s responses to them. Some are instigated by the Environment Department itself, mainly for clarification or in response to new information since the draft IDP was published, with reasons stated. Also included are corrections to minor typographical errors in the draft Plan. We have considered all the responses to the consultation on the Proposed Amendments. Unless otherwise indicated in this Report we agree that the amendments should be made.
282. Most of the proposed amendments are categorised in the table of Proposed Amendments as “Not Significant”, with which we concur. A small number are more significant. Most of these are addressed elsewhere in this Report.
283. However, particular concern has been raised about Proposed Amendments to the Glossary definitions of “intermediate housing” and “specialised housing” (PA93 and PA97 respectively). The Environment Department’s Proposed Amendments to these definitions are intended to clarify them and to make them consistent with legislation and terms used by other States’ Departments. Representors express particular concern about the position regarding sheltered housing. In the draft Plan this fell within the definition of specialised housing, which in turn was included in the intermediate housing category. Representors point out that sheltered housing is included in the definition for specialised housing in the SLUP¹⁵ but the Environment Department now proposes to exclude such housing from the definition of specialised housing in the draft IDP and to exclude that in turn from the intermediate housing category.
284. It seems to be agreed that the specialised housing sector (in its widest sense) is evolving and fragmenting as new “sub-categories’ offering” for example, different levels of support and care emerge. The statutory framework is also changing, particularly with respect to use classes and covenants, both of which play a large part in planning considerations for such housing. In these respects things have moved on since the SLUP was adopted and it is appropriate for the draft IDP to reflect that where possible. We share the view of the Environment Department that in those circumstances a slightly different interpretation of the scope of specialised housing is not incompatible with the requirement of the IDP to conform *generally* (our emphasis) to the SLUP.

¹⁵ Page 50 at footnote 2

285. The Environment Department advises that, if the above Proposed Amendments were incorporated into the adopted IDP, sheltered housing would fall to be considered for planning policy purposes as general housing. Where it was necessary to make particular distinctions in consideration of proposals or to secure particular controls or provisions, this could be achieved through the use of classes, through covenants and/or through planning conditions. While we recognise that some representors wish to see a more differentiated approach in the IDP, we consider that this would provide the necessary controls and be responsive to future evolution in the sector.

Recommendation 32 Except where expressly recommended otherwise in this Report, amend the draft Island Development Plan in accordance with the Proposed Amendments submitted by the Environment Department in its letter to the Planning Inquiry dated 15 September 2015.

Further Proposed Amendments – October 2015

286. On 29 October 2015 the Environment Department submitted a response to some issues raised at the Inquiry Hearings by us and representors. The response took the form of a report with two appendices. These were all added to the published Inquiry document library.
287. Most of the matters covered by the response are addressed elsewhere in this Report. However, one that affects a number of paragraphs of the text and policies concerns the requirement to demonstrate “*to the satisfaction of the Environment Department*”. We had asked what was intended by this phrase, what its value is and how it contributes to the draft Plan and interpretation of the policies. Representors also expressed concern that it left too much to the unfettered discretion of the Environment Department.
288. We welcome the Environment Department’s acceptance that the phrase does not add value to the draft Plan or contribute to interpretation of the policies, and support its proposed deletion of every instance of it, with minor consequential changes to make sentences read correctly.
289. The Environment Department also suggests that, in some instances, where particular information to be submitted needs to meet a standard, the requirement should be to “*adequately*” demonstrate. We do not share this view. Something that is required to be demonstrated would either be demonstrated or not. If it were not, then the policy test would not be met. Use of the qualification in selected instances could weaken other policies by suggesting that less than adequate demonstration would suffice in those cases.

Recommendation 33 Amend the draft Plan in accordance with further Proposed Amendments set out in Appendix 1 to the Environment Department’s response to matters arising at the Planning Inquiry Hearings, dated 29 October 2015, subject to omission of proposed additions of “adequately”.

OVERALL CONCLUSION

292. In the light of the above considerations and all that we have seen and heard, we conclude that:

- (a) The Environment Department has complied with the statutory requirements under the Land Planning and Development (Guernsey) Law 2005 and the Land Planning and Development (Plans) Ordinance, 2007 in respect of the preparation and publication of the draft Island Development Plan;

and

- (b) The proposals set out in the draft Island Development Plan are sound i.e. they are in our view, notwithstanding the recommendations set out in our report:
 - (i) The best ones having considered alternatives;
 - (ii) Supported by robust and credible evidence;
 - (ii) Capable of being implemented and monitored; and
 - (iii) Reasonably flexible to respond to changing circumstances.

Mr. Alan Boyland
Mr. Keith Holland

4th March 2016

SUMMARY OF RECOMMENDATIONS

- Recommendation 1** No changes to the Inner and Outer Main Centre boundaries except those set out in the Environment Department's proposed amendments to the Main Centre inner and outer boundaries.
- Recommendation 2** Noting that the Environment Department is content to delete the phrase "*in exceptional circumstances*" in Policy GP11 and paragraph 19.12.8:
- (i) delete the phrase "*in exceptional circumstances*" from Policy LC2 and paragraph 12.1.4;
 - (ii) replace the word "*need*" in paragraph 12.1.4 with "*are proposed*", as suggested by the Environment Department.
- Recommendation 3** Exclude the area of land referred to in IR747 at Les Amballes, St. Peter Port from the Important Open Land designation but that no change be made in relation to the land referred to in IR 646 at Normandy Manor, Fosse André, St. Peter Port.
- Recommendation 4** Remove the land at Les Cotils, St. Peter Port referred to in representation IR397 from the Important Open Land designation.
- Recommendation 5** Review the Important Open Land status of the site at Mont Arrivé, St. Peter Port (IR454 refers) with a view to excluding the front part of the site on the road frontage from the designation.
- Recommendation 6** No textual changes to section 9.2 and Policy MC10, but amend the boundary of the St. Sampson's Harbour Action Area as indicated in Inset 8 to the Proposed Amendments.
- Recommendation 7** Amend the Cobo Local Centre boundary to include this small open area at the junction of the Route de Cobo and the Cobo Coast Road.
- Recommendation 8** Within the L'Aumone Local Centre amend the north east boundary to include the three properties to the north of the existing boundary along the Rue du Friquet and thereby logically taking the L'Aumone Local Centre boundary to the limit of the Agriculture Priority Area.

- Recommendation 9** Amend the south east corner of the boundary for the L'Islet Local Centre to include the Marks and Spencer retail unit and the Ker Maria housing development.
- Recommendation 10** Add a Local Centre be designated at "Forest West", including the Mallard Centre, the garage/convenience store, the Venture Inn, the Forest Primary School and the Le Rondin School and Child Development Centre.
- Recommendation 11** Amend paragraph 17.1.6, Policy OC3, the Glossary and Annex III as proposed by the Environment Department.
- Recommendation 12** Amend the Proposals Map to rectify the errors in the designation of Agriculture Priority Areas on the draft Proposals Map, as set out in the Environment Department's letter to the Planning Inquiry dated 15 September 2015.
- Recommendation 13** Amend the Agriculture Priority Area boundary in accordance with the Environment Department's response to FR140
- Recommendation 14** Reword the first paragraph of Policy OC6 to read:
"Proposals for new glasshouses, extensions, alterations, rebuilding or other works to existing glasshouses or buildings or ancillary or ordinarily incidental development associated with existing commercial horticultural holdings will be supported provided that:"
- Recommendation 15** Revise Policy IP1 by adding at the end of point c: *"or the renewable energy infrastructure is of a design that would allow agricultural activity to continue on the site; or,"*.
- Recommendation 16** Amend 7.6 and Policy MC8: Visitor Accommodation in Main Centres and Main Centre Outer Areas, 13.4 and Policies LC6(A) and LC6(B): Visitor Accommodation in Local Centres, 17.7 and Policies OC8(A), OC8(B) and OC8(C): Visitor Accommodation outside of Centres in accordance with Proposed Amendments PA15, 16, 23, 24, 44, and 45.
- Recommendation 17** Amend Policy OC9 as set out in the Environment Department's letter to the Planning Inquiry dated 15 September 2015.

- Recommendation 18** Recognise the biodiversity of the foreshore areas and, where justified, Area of Biodiversity Importance status should be accorded.
- Recommendation 19** Exclude the small area of land referred to in representation IR747 which forms part of the Les Cotils/Rope Walk Area of Biodiversity Importance in St Peter Port from that designation.
- Recommendation 20** Exclude the small area of land on the road frontage shown in red on submission IR986 from the Area of Biodiversity Importance designation at Les Prins Lane, Vale.
- Recommendation 21** Remove the Site of Special Significance designation from the site at Rue des Salines, St. Pierre du Bois, as referred to in IR159 and FR148.
- Recommendation 22** Modify the boundaries of the Bridge, Vale and St. Sampson Conservation Area and the St. Martin's Church and Sausmarez Manor Conservation Area in accordance with Insets 21 and 24 respectively to the Environment Department's Proposed Amendments.
- Recommendation 23** Clarify the definition of intermediate housing.
- Recommendation 24** Amend Policy GP11 and paragraph 19.12.8 as suggested by the Environment Department in its response to FR269.
- Recommendation 25** Introduce a transition period of three years for the introduction of the affordable housing policy.
- Recommendation 26** Modify policy IP4 as follows: after "*Where the site is immediately adjoining airport land it is demonstrated*"; and after "*Where the site is in close proximity to the airport but not on or immediately adjoining airport land it is demonstrated*", insert "*in addition to criteria (a) and (b)*".
- Recommendation 27** Modify Policy IP6 in accordance with Proposed Amendment PA79.
- Recommendation 28** No change to Policy IP7 other than insertion of "Supplementary" before "Planning Guidance".
- Recommendation 29** Modify Policy IP8 in accordance with Proposed Amendment PA80.

- Recommendation 30** Amend paragraph 2.10.4 and Policy IP9 in accordance with Proposed Amendments PA81 and PA82 respectively.
- Recommendation 31** Modify paragraphs IX.14 to 20 and Map 4 in Annex IX in accordance with Proposed Amendments PA87 to PA90.
- Recommendation 32** Except where expressly recommended otherwise in this Report, amend the draft Island Development Plan in accordance with the Proposed Amendments submitted by the Environment Department in its letter to the Planning Inquiry dated 15 September 2015.
- Recommendation 33** Amend the draft Plan in accordance with further Proposed Amendments set out in Appendix 1 to the Environment Department’s response to matters arising at the Planning Inquiry Hearings, dated 29 October 2015, subject to omission of proposed additions of “adequately”.