

PlanForum

Guernsey Agents Forum
Meeting held 17th November 2016 @ Sir Charles Frossard House

NOTES OF THE MEETING

PlanForum members in attendance:

Chris Lovell – Lovells
Claire Smith – Ogier
Rob Le Page – R W Le Page
Carl Foulds – DAS
Gary Bougourd – Babbe McCathie
John Hibbs – PF+A Limited
Esther Male – CCD Architects
William Fish – Long Port Group
Annalisa Spencer – Lovell Ozanne & Partners Ltd
David Aslett – States Property Service
Alex Whitmore – PF+A
Ricky Mahy – Create Ltd
David De La Mare- DLM Architects
Mark Woodall – Naftel Associates

From the States of Guernsey:

Jim Rowles – Director of Planning (AJR)
Elaine Hare- Development Control Manager (EMH)
Andy Mauger – Building Control Manager (AAM)
Claire Barrett – Policy and Environment Manager (CB)
Alun White – Principal Conservation and Design Officer (AWW)
Nic Joyce – Conservation and Design Officer (NJ)
Louisa Driver – Technical Support Officer (meeting notes)

Apologies

Andy Merrett – Lovell Ozanne & Partners Ltd
Paul Jarvis – Long Port Group
Paul Le Tissier, Guernsey Electricity
Jason Morgan – Carey Olsen
Rachel Jones – Cary Olsen
David Falla – Falla Associates

Meeting commenced at 2.30pm

Welcome

AJR opened the meeting and welcomed all present.

1. Matters arising from last meeting (AJR)

Referring to matters arising from the last PlanForum meeting held in June 2016, AJR noted that steady progress was being made by the Planning Service with the upgrade of the iLAP software, although it was not yet possible to confirm when a dedicated agents' website area would be available. He also noted that the High Hedges legislation had been referred to the Privy Council following final States approval in early November. Regarding the amended Use Classes Ordinance, AJR said that whilst it had previously been anticipated that this would be approved by the States in late 2016, it now appeared that this would be delayed until early in 2017 due to other competing priorities. Drafting of the new Ordinance was however nearing completion. AJR also noted that since the last PlanForum meeting the Island Development Plan had been approved.

AJR gave agents the opportunity to refer to any other matters arising that were not covered elsewhere on the meeting agenda.

Chris Lovell asked whether there was any update regarding the Guernsey Water SuDS guidance document. AJR said that he understood that work on this had been progressing positively with consideration shortly by the Committee *for the* Environment & Infrastructure and that a draft should be available soon.

No other matter was raised.

2. The Island Development Plan – update and discussion (CB)

CB explained that after four years of hard work the Island Development Plan (IDP) had been approved unanimously by the States on 2nd November 2016. Along the way the Plan had broken several records, being the first Development Plan to span two different political committees and also having the most ever amendments laid (32 in total). CB informed agents that she had been able to attend the States debate which took place over a period of three and a half days and was an interesting and rewarding experience.

Purchasing copies of the Island Development Plan

The Island Development Plan is now available on the States website at www.gov.gg/planningpolicy and the interactive proposals map can also be accessed here <https://idp.digimap.gg/>

It was explained that the Island Development Plan online version will be made easier to navigate over the next few months. The main priority had been to get the Plan content online as quickly as possible following approval by the States and a more user-friendly version will follow shortly.

The team was focusing on the delivery and printing of the Plan and the aim was that

the hard copies of the Plan that have been ordered will be ready for collection from 22nd November.

A range of different documents can be purchased:

- The Island Development Plan (including the written statement, non-technical summary and the proposals map pack) = £35
- The map packs = £7
- The Environmental Statement (including the non-technical summary) = £35

Amendments to the Island Development Plan

CB outlined that although 32 amendments to the IDP had been laid, many of these were then superseded or were lost, with only ten amendments being carried by the States which resulted in changes being made to the IDP and a further six amendments being carried which required there to be further work/investigation by the Development & Planning Authority and/or other committees and the outcomes reported back to the States.

The 10 amendments that had resulted in changes to the Plan were in relation to the following subjects:-

- Affordable Housing – the threshold in Policy GP11 had been increased to 20.
- Visitor accommodation – the policy relating to change of use of visitor accommodation remained strict but the reference in the draft policy to achieving one-star grading had been removed. A requirement for marketing for two years had however been introduced.
- In a separate amendment, the policy wording relating to change of use of small-scale visitor accommodation establishments, i.e. self-catering units or guest houses had been subject to minor change to clarify the operation of the policy.
- Agriculture Priority Areas – a number of additional areas were designated and one was removed.
- Delancey Conservation Area – the designation of an additional Conservation Area at Delancey would not prevent development but introduced an additional test relating to effect on the character and appearance of the conservation area. It was noted that the conservation area includes a range of land uses along with an allocated housing site.
- Redundant glasshouse sites - a requirement had been introduced in Policy OC7 for removal of redundant glasshouses if not required for the proposed new use.
- Public parking – minor amendments had been made to the policy to increase flexibility for allowing public parking in defined circumstances.
- Maximum parking standards – the maximum figures for parking for housing and office uses in the Main Centres and Main Centre Outer Areas as contained in the Supplementary Planning Guidance had been increased.
- Forest West Local Centre – the boundary of the Local Centre had been amended (to omit some areas of land to the west and north).

- Cobo Local Centre – the boundary had been amended to omit an area of open land at the bottom of Route de Cobo.

The six amendments that required further work/investigation by the Development & Planning Authority (DPA) and/or other committees and the outcomes reported back to the States related to the following:-

- The potential for use of tariffs or commuted sums in lieu of affordable housing contributions (responsibility DPA with the Committees *for the Environment & Infrastructure* and *Employment & Social Security*)
- The possibility of a more flexible approach to retail uses at Oatlands (responsibility DPA with the Committee *for the Environment & Infrastructure*)
- The potential for a new Café for Stan Brouard Limited (responsibility DPA with the Committee *for the Environment & Infrastructure*)
- Identification of a four acre site for light industrial use (responsibility States Trading Supervisory Board)
- A Tourism strategy to be submitted to the States for approval by 31st October 2018 (responsibility Committee *for Economic Development*)
- DPA to have sole responsibility for laying development plans before the States (responsibility DPA in consultation with the Committee *for the Environment & Infrastructure*).

Supplementary Planning Guidance

CB advised that there were four draft Supplementary Planning Guidance (SPG) documents currently on the website at www.gov.gg/planningpolicy. These relate to:

- Affordable Housing
- Community Plans
- Parking Standards and Traffic Impact Assessment
- Visitor Accommodation

These draft SPGs had been updated following the outcome of the States debate on the IDP and had been published for three weeks for information following which they would be referred to the Development & Planning Authority for adoption. When adopted, they would form supplementary planning guidance which would be taken into account where relevant by the Authority in determination of planning applications.

CB advised that there will be more SPGs to follow soon, including guidance on:

- Waste management plans
- Agriculture Priority Areas – including guidance on circumstances when a site is considered to contribute to agriculture and when it is not.
- Sustainable construction (Policy GP9) - guidance will be provided on what information is expected to fulfil the requirements of the policy. The policy will be applied in a proportionate way and is intended to ensure that sustainable construction is taken into account from the outset in the design of a project, for example in relation to the materials used, position and orientation of buildings, etc.

- There will also be a toolkit to assist the preparation of development frameworks.

CB asked agents to be mindful that much of the existing guidance material on the website will be updated following adoption of the IDP and that consequently whilst this process takes place there will be documents that will have a 'health warning' on them that the document is under review.

CB asked agents to consider joining the Forward Planning database so they can be kept up to date with the latest developments on the new Plan. Members of the database will be informed when the final approved SPGs will be released, etc. Agents can email the Planning Service on Planning@gov.gg to be added to the database.

CB also confirmed that Forward Planning, Development Control and Building Control officers have held weekly forums to ensure that all officers are consistent in how the policies are applied.

AJR asked agents if they would like to add anything else regarding the above.

David De La Mare asked when the GP9 sustainable construction guidance was likely to be available. CB stated that NJ is leading on this guidance and it would be issued as soon as possible. She explained that the guidance is not intended to be a 'tick box' exercise; instead it is a tool to ensure that sustainable construction is achieved by prompting relevant questions and getting agents to think about these issues at the start of the design process.

NJ added that production of sustainable construction guidance is a substantial undertaking. He noted that if agents are working to best practice - e.g. as defined in RIBA Job Book (for Architects) or equivalent, to which many agents will already be designing, the guidance should not be a surprise. Site analysis, understanding and justification will all be important aspects to consider.

Claire Smith noted that this issue was currently being approached differently in Jersey, where under the Jersey Building Regulations there was a requirement that 5% of the cost of a project be directed to environmental improvements. CB confirmed that the Guernsey policy approach was not intended to be so specific, but was directed towards encouraging people to think carefully about taking a more sustainable approach to design and construction from the outset of a scheme.

AJR asked if agents would like to add anything else regarding the above.

Agents had nothing else to report.

3. Development Control - update and discussion

EMH explained that the Development Control team had been focusing primarily on dealing with planning applications that may have been vulnerable as a result of the

change in planning policy with adoption of the IDP. As a result of this in the two weeks before introduction of the IDP the Planning Service issued decisions on 76 planning applications. Nearly 200 applications were decided in the preceding five weeks. Since June the team had determined full applications on more than 220 new build housing units. In addition, decisions had been made on a number of other major planning applications including for Admiral Park and Leale's Yard.

The team had also been working with the Forward Planning Officers on preparing policy guidance in relation to the IDP and was currently finalising new planning application forms to align with the new policies and monitoring requirements. These will be available from early December. EMH informed agents that the current planning application forms will be accepted until the end of 2016.

EMH said that over the fortnight since adoption of the IDP the team had concentrated mainly on householder development applications which engaged IDP Policy GP9 regarding sustainable development. To streamline the process the additional information required before an application could be determined had been requested by email. EMH thanked the agents present for responding promptly and constructively. Under IDP Policies GP8 and GP9 more significant applications will require more information including Waste Management Plans. Larger developers will already be used to considering such issues for cost and efficiency reasons.

In relation to staffing and resources, EMH informed agents that there was still a vacant post in the Development Control team following Steve Hartman's retirement earlier in the year and another post was temporarily vacant during a period of maternity leave. It was noted that the recruitment process to fill the vacancy left by Steve Hartman had been a challenge so far. The post had been re-advertised with a closing date in January.

CB updated agents on Forward Planning's staff changes. The Forward Planning team had managed to secure a graduate, Rebecca Verhaeg, for a one year contract (until September 2017) and a new Forward Planning Officer, Alice de la Rue, will join the team in January.

Agents were given the opportunity to ask any questions regarding the above.

Carl Foulds asked for the latest performance figures for planning applications in relation to the 8-13 weeks targets.

EMH said that performance was currently at around 75% of all planning applications decided in 8 weeks and 90% in 13 weeks. The performance figures are updated and published on the States website on a quarterly basis.

AJR drew attention to the current low refusal rate (less than 5%) for planning applications which reflected the Planning Service's approach to negotiating acceptable schemes.

EMH also took the opportunity to remind agents that pre-application advice is important to discuss, raise questions and understand issues early on in the process. However, agents should consider whether a meeting is really required before requesting one. It was also requested that email addresses are provided on the form for meeting requests as this is the most convenient way to provide the post-meeting notes.

4. Building Control - update and discussion

Since the last PlanForum meeting legal advice had been sought on the issue of whether engineers' calculations were required to be submitted for Building Control approval or not; however a definitive answer on this point remained outstanding. If there was no requirement for calculations it would be possible to work 100% electronically with engineers with no requirements for paper submissions at all.

The plan for 2017 was to achieve a mobile working solution for all Building Control Surveyors. A pilot has been tested successfully. This will mean that all the information which was previously held on paper files will be accessible to the surveyor electronically on site and includes all applications processed since the beginning of 2016 and a large majority of those in 2015. This is largely as a result of the cooperation of all the agents in agreeing to and embracing the concept of electronically submitting applications along with the paper versions.

Gary Bougourd noted that this would enable agents to send information direct to surveyors electronically.

AAM suggested that to do so engineers could use the Websearch facility to find the name of the relevant Building Control Surveyor dealing with the project concerned and could then email them information directly. A meeting to discuss all of this will be convened early in the new year between Building Control and all local engineering practices.

Esther Male noted that some Architects would like to be copied into responses to engineering submissions in relation to the discharge of conditions, so they knew when these were signed off. AAM said that he would look into this. **Post meeting note** - *Since the meeting AAM has advised that the latest upgrade of the Service's IT system may allow multiple email addresses to be used. A question then is how to filter which correspondence to copy to agents as relatively few approved projects progress under the agent's engagement.*

AAM said that he was also hoping to be in a position to develop an electronic system for builders to request site inspections, rather than having to contact the Service by telephone as at present.

AAM mentioned that the position regarding acceptability of septic tanks and waste water treatment plants had not been reviewed for some time and was being

considered again by Building Control in conjunction with Guernsey Water. Gary Bougourd agreed this should be looked at and noted that some good new systems were available.

AAM noted that there had been recent calls from some quarters to review the position regarding communal cesspits for multiple unit developments. At present use of communal cesspits was not generally permitted but the matter would be reviewed in conjunction with States Works and other stakeholders and if some change was considered appropriate a report would be taken to the Development & Planning Authority for consideration. If then agreed, this would require changes to the Guernsey Technical Standards.

AAM confirmed that the Guernsey Technical Standards were last updated three years ago and a maintenance update is likely to be issued in 2017. Some changes have recently been made to the UK Building Regulations, in relation to introduction of new Part R (physical infrastructure for high speed electronic communications) and Part Q (security).

Ricky Mahy queried thermal insulation requirements and whether these would be updated. AAM explained that Guernsey's current standards are the 2012 standards where the core 'u' values are still based on the 2002 standards of the UK. However, other areas of this document are more in accordance with current UK standards (e.g. air pressure testing and condensing boilers). At the moment, Guernsey is not looking to change from the existing elemental method of calculating insulation requirements as Guernsey benefits from a more temperate climate, there is a carbon cost in the importation of materials and we have to be mindful of the effects of increasing the costs of construction on the industry at this time.

5. Managing the Historic Environment - update and discussion

AWW informed agents that the Planning Service's long-serving Landscape and Countryside Officer, Mr Alan Ritchie, had retired. Alan's duties were being picked up by other staff in the Planning Service. In particular, there had been a process of training specific Development Control Officers on landscape matters. Going forward, Tree Protection Orders will be administered by Andy McCutcheon from the Agriculture, Countryside and Land Management Service.

Visits had taken place to a number of architectural practices on the Island. This initiative would also extend to relevant teams within the States. Some common themes had emerged from the discussions so far, relating particularly to the benefits of internal co-ordination of the various teams within the Planning Service and how best to manage internal and external communications. It had also been noted that some agents were not aware of the extent of published guidance that already exists, for example relating to protected buildings and conservation areas.

AWW noted that the Protected Buildings review had started six years ago and that the time taken between survey and decision on buildings had often been slow. It was

proposed to re-adjust this and NJ was working on a further desktop survey of buildings not yet surveyed with the objective of reducing the number of buildings that will need to be physically surveyed. It was explained that there are around 1000 buildings left to be surveyed and the desktop survey aims to reduce this list to around 500.

It is also intended to take a slightly different approach to prioritising surveys of buildings to align more closely with other work streams arising from the IDP; hence for example prioritising surveys of buildings located in Regeneration Areas and Conservation Areas or in relation to Development Frameworks where appropriate to deliver a more co-ordinated approach. There may also be some ad-hoc surveys as at present.

The Conservation & Design Team will also be working on policy and guidance arising from the IDP; for example on guidance relating to windows and doors in protected buildings, Conservation Area character appraisals for the 26 Conservation Areas, and Development Frameworks for various sites. The guidance will be subject of public consultation. In addition, the team will be taking a more project-team based approach to major projects and applications, working closely with colleagues in other teams within the Planning Service.

AJR asked agents if they would like to add anything regarding the above.

Agents had nothing to report.

6. Agent feedback

AJR gave the opportunity for agents to provide feedback.

Rob Le Page congratulated the Planning Service as a whole on achieving the adoption of the IDP and for dealing with so many planning applications in the run up to adoption of the new Plan.

Ricky Mahy queried whether any changes had been made to planning exemptions with adoption of the IDP. EMH confirmed that exemptions would remain the same, but in some cases land will now be within a Conservation Area or Site of Special Significance under the IDP where it was not before. In such instances the exemptions that would have related to the land previously may have changed or no longer apply. Particularly in the case of the Sites of Special Significance, the extended definition of development within the planning legislation means that even quite minor work such as disturbance of ground or removal of vegetation may now require planning permission where it would materially affect the special interest of the Site of Special Significance.

CB also confirmed that although not containing any domestic properties the Sites of Special Significance do include some existing commercial and recreational uses. The

IDP policy approach is not seeking to prevent existing activities from taking place at their current levels; however proposed new work would be controlled. It is intended to publish guidance which will set out in greater detail the special interest of the Sites of Special Significance and the reasons for designation to help understanding of how to best avoid any negative impacts of development on the special interest, to identify works that if carried out in a certain way would not need permission and to identify potential opportunities for enhancement of the designated areas.

AJR asked agents if there was any more feedback regarding the above.

Carl Foulds noted that when the Island Development Plan PDF is downloaded from the States website the quality decreases. CB confirmed that this would be looked into and improvements made in the near future.

7. Forthcoming CPD opportunities

AJR thanked all agents for providing information on CPD opportunities and requested that the positive communication on CPD opportunities continues.

8. AOB and items for next meeting

Alex Whitmore asked whether it was possible to have pre-application site visits. EMH stated that this can raise obvious resource issues, particularly at the present time, but officers could potentially meet on site if it is of particular benefit.

David De La Mare asked whether pre-applications could be given particular priority in certain circumstances; e.g. if a client is only on the island for a short amount of time. EMH said that the team will do what they can to assist in such cases and requested that in these cases they are notified to the Planning Service email address marked for the attention of EMH and/or AJR.

Rob Le Page referred to agents working together with the Planning Service and queried whether it would be best to contact via telephone rather than a letter if a problem arises. He noted that it can be quicker to deal with a query over the telephone rather than waiting for a letter in the post. EMH stated that if a problem arises it usually requires some thought before a response. AJR noted that it is important to have a record of the communication and a letter is a good way of ensuring this; however email communications are also useful to save time and maintain an audit trail. Essentially, the Planning Service would endeavour to use the most suitable and effective form of communication in any given circumstance.

AAM also mentioned that the Building Control 'meet at yours' initiative was proving successful and that he would continue to encourage meetings with Building Control Surveyors to be arranged at agents' practices or on site.

Esther Male questioned how waste management plans and sustainable construction requirements will be monitored and enforced in practice. EMH stated that guidance for the preparation of information was being produced which considered best practice elsewhere. The Planning Service would monitor implementation on the basis of the documents submitted, which should also enable costs for a developer to be reduced if implemented effectively. AWW said that the plans should be living documents which could adapt through the life of a project. Claire Smith suggested that if the more flexible approach advocated in the IDP was unsuccessful then the Island might then have to consider introducing legislation to control this issue as had happened elsewhere.

AJR asked if agents would like to add anything else regarding the above.

Agents had nothing else to report.

AJR closed the meeting.

Meeting ended 4:05pm

The next PlanForum meeting will be held in May/June 2017.