



Policy & Resources
Committee

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14th May 2019

Dear Sir

**Letter of Comment – Proposition No. P.2019/27 – Requête: St Peter Port Harbour
Development**

I refer to the above Requête which is scheduled for debate by the States on 22nd May 2019. Deputy Inder and six other Members of the States of Deliberation are seeking to direct the States' Trading Supervisory Board to develop detailed plans for a phased development of St Peter Port Harbour using the Island's inert waste and to consult with the Committee *for the* Environment & Infrastructure and the Development & Planning Authority, along with any other relevant parties, to see how best proposals can be progressed as a medium to long-term solution for inert waste disposal.

The Policy & Resources Committee acknowledges that this subject has wide-ranging ramifications and has exercised its right to consult Committees mandated with these responsibilities.

Rule 28(2)(b) of the Rules of Procedures for the States of Deliberation and their Committees directs the Policy & Resources Committee to "set out its opinion in a letter of comment, appending thereto the views of all Committees so consulted".

Three of the requérants are Members of the Committee. Therefore, in accordance with Rule 40(1) of the Rules of Procedures, the Committee was unable to provide a letter of comment on the Requête.

In light of the above, the Committee has appended the responses received from the following committees for publication:

- Committee *for* Economic Development;
- Committee *for the* Environment & Infrastructure and the States' Trading Supervisory Board (joint response); and
- Development & Planning Authority.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'G A St Pier', written over a light blue horizontal line.

Deputy G A St Pier

President

Policy & Resources Committee

cc Deputy Inder

President, Committee *for the* Environment & Infrastructure

President, States' Trading Supervisory Board

President, Development & Planning Authority

President, Committee *for* Economic Development



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29th April 2019

Dear Deputy St Pier

Requête – P.2019/27 Proposal – St Peter Port Harbour Development

Further to your letter, dated 1st April 2019, at its recent meeting the Committee *for* Economic Development (the Committee) considered the Requête P.2019/27 lodged by Deputy Inder and six requerants, which is to be considered at a future States Meeting.

The Committee notes that the Requête is proposing land reclamation to the east of the QE2 marina, St Peter Port. Within the Requête there appear to be two drivers for the land reclamation:

- To provide land for commercial port infrastructure.
- To provide a site for the disposal of the island's inert waste.

The following comments therefore primarily relate to the land reclamation for commercial port infrastructure.

The Committee is aware that there are a number of significant issues at St Peter Port Harbour that are causing conflicts of use and preventing the appropriate economic development of the area. Specifically, the commercial operations at the port are having to function with inadequate space and outdated facilities which is leading to tensions between commercial port users, HGV operators, leisure port users, commuter car parking, staying commercial or leisure visitors, day trippers and other members of the community wanting to spend time within the harbour area. As a result, the Committee believes that there would be significant merit in resolving these conflicts between users to improve arrangements and facilities for all, whether island residents or visitors.

The Committee is also conscious of the fact that St Peter Port Harbour is inadequate for accommodating large, modern commercial freight and passenger ships and that it offers poor facilities for visiting super yachts and other private, often highly valuable, vessels.

The Committee is therefore keen to ensure that Guernsey's commercial and leisure port facilities are able to deliver the island's essential infrastructure requirements and provide the most appropriate facilities to encourage economic growth through sea/port-based activities, whether commercial or leisure oriented.

The Committee is also cognisant that the Seafront Enhancement Area Steering Group has been actively giving consideration to Guernsey's future infrastructure and development needs on the east coast of Guernsey.

The Committee notes that the requerants have put forward one solution for resolving some of the harbour and inert waste issues, which involves the extension of St Peter Port Harbour eastwards, from the White Rock. While this is one option that needs to be explored to determine its need and practicality, the Committee considered it highly likely that any unconsidered extension or relocation of commercial operations at St Peter Port Harbour would lead to additional unintended conflicts of use, which could inhibit future opportunities for economic development and environmental enhancement. The Committee therefore considered that it is most appropriate to undertake broader research to understand what the best solution might be to resolve the existing harbour problems, and not to pick one proffered suggestion without the necessary exploration of other, potentially better, options.

The Committee was also concerned that land reclamation at the entrance to St Peter Port Harbour would appear unattractive and would detract from the image the island wants to portray to visitors approaching the island on cruise liners, ferries and private vessels.

It could also lead to significant vehicular activity on the Town roads, detrimentally impacting on the attractiveness and viability of the town area.

As a result of the above issues, the Committee considered that deeper thought needs to be given to what might be the best possible way of determining whether there is a need for improved port facilities and how best to resolve the conflicting issues.

During its discussions the Committee also identified some land use planning issues regarding St Peter Port Harbour's mixed use but Members were content that these will be raised with you in more detail by the Development & Planning Authority under its mandate.

Future Use of Reclaimed Land

Overall, the Committee considers that any land reclaimed whether at Longue Hougue South or St Peter Port Harbour will, on completion, have significant potential for development within the terms of existing land planning policies. Therefore, the Committee considers that all the viable options should be explored and considered prior to any one solution being prematurely decided upon.

In conclusion, the Committee is supportive of exploring all options for future development at St Peter Port Harbour but by a majority decided it is unable to support the Requête as currently drafted, which choses one development solution without understanding the demand or the costs/benefits of doing so.

Yours sincerely

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Charles Parkinson
President, Committee *for* Economic Development

The President
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23 April 2019

Dear Deputy St Pier

Requête – P2019/27

Proposal – St Peter Port Harbour Development

Thank you for your letter of 1 April 2019, seeking the Committee *for the* Environment & Infrastructure's (CfE&I's) and the States Trading Supervisory Board's (STSB's) views on the above Requête, which was discussed at our recent Board meetings.

Both the STSB and CfE&I wish to provide you with the following feedback.

The development envisaged in the Requête would entail a major construction project in the heart of St Peter Port, permanently changing the appearance of one of the island's most iconic locations.

Given the likely cost, the scale of disruption, and other associated impacts, not least visual, any such development will require a very strong case both of a requirement for additional land in St Peter Port and its future use. Those would be pre-requisite for securing the significant capital investment, and for meeting the requirement of the island's planning law.

However, previous detailed studies of the harbour requirements have not identified land reclamation at St Peter Port as a practical or affordable solution to addressing either operational needs or the condition of the existing infrastructure. Other options have been identified, which would alleviate current space constraints as well as the conflict between commercial port operations and other harbour users.

No strong case of a requirement for land reclamation at St Peter Port has yet been established. The Requête does seek to address that, and both the Committee and the Board support a review of the current harbour requirements. However the timescale to complete that work has to be realistic. Under the current Requête propositions it is not.

Furthermore, the investigation work proposed in the Requête appears predicated on assumptions as to the nature (i.e. a new berth) and location (i.e. St Peter Port) of any new harbour infrastructure. However, operational arrangements at St Peter Port cannot be considered in

isolation, given the need to also address the fuel imports, which is a priority under the Policy & Resource Plan.

The current method used at St Sampson's Harbour presents significant safety and security of supply issues. Work to identify the optimum future arrangements is being progressed, alongside the development of the Island Energy Policy, which clearly has significant bearing on future fuel requirements. Considerable progress has been made on both projects, and the Committee *for the Environment & Infrastructure* expects to bring proposals to the States later this year.

The potential development of new facilities elsewhere, and the opportunities that could provide, may clearly impact on the future requirements for St Peter Port Harbour. It is therefore premature to assume a requirement for new land.

The Requête makes reference to the 2013 Ports Master Plan, which was produced following consultation with both port users and the public. It is therefore worth reflecting that as well as recognising St Peter Port Harbour's *"distinct character and aesthetic beauty as a gateway to the island"*, one of the priorities identified within the Plan was to *"transfer heavy commercial activities to St Sampson's Harbour"*.

The Ports Master Plan states:- *"The Longue Hougue reclamation...[...]..... represents the optimum location for expansion and consolidation of future marine-based activities. Consideration should be given to the potential merits of further expansion of the reclamation southwards or seawards as part of the evaluation of significant infrastructure including the deep water fuel berth."*

That clearly does not support the central premise of the Requête, namely that land reclamation in St Peter Port will provide *"some strategically important infrastructure for the future, in a way that Longue Hougue South never can"*.

The assertion within Proposition 2 of the Requete, that *"such a development [...].... reflects the objectives of the 2013 Ports Master Plan"* is also difficult to reconcile with the content of that report. Nowhere in the Ports Master Plan, which was developed through extensive public consultation, is creation of additional land proposed as a solution to current issues at St Peter Port. The only such scheme that is mentioned is a potential deep water berth specifically for cruise liners, which the then Public Services Department had been directed by the States to investigate.

In respect of that specific proposal (a deep water berth for cruise liners), the Ports Master Plan actually concluded *"Resolution of the fuel discharge at St Sampson's Harbour and enhancement of the marine recreational and other elements in St Peter Port would appear to have stronger justification and a higher priority in terms of benefits to the overall community"*.

Besides any harbour requirements, there is now a pressing need to progress a long-term solution for the management of inert waste for when the existing Longue Hougue land reclamation site is full. Current estimates suggest a new solution is likely to be required by around 2022, but there is a considerable amount of work required before any new site would be available. That includes the completion of a detailed Environmental Impact Assessment – currently underway on Longue Hougue South – as well as completing the detailed design and procurement phases, before seeking planning and States approval. All these significant stages must be completed before construction can even begin, for an inert waste facility, which underlines the urgency of this project. Furthermore, the facility would take a significant amount of time to fill before it could be constructed for port use.

The selection of Longue Hougue South as the current preferred location for a new site followed a comprehensive, rigorous assessment of more than 50 potential options. The process for that evaluation was set out, along with the findings, in the Joint Policy Letter from the Committee and Board which was debated by the States in December 2017. Those proposals were consulted on, including considerable public engagement.

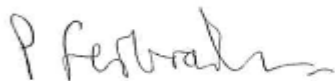
Given the urgency of a new solution for inert waste, and the thorough process that has already been followed, both the Committee and the Board cannot support the Requête's proposal to alter the current preference for Longue Hougue South. Without any clear strategic requirement, which is not evidenced from previous harbour studies, any proposal for a land reclamation site at St Peter Port Harbour will not be able to satisfy the legal planning or licensing requirements for a new inert waste site. Even if the Committee and the Board were to support such a change, it simply cannot be progressed as proposed in the Requête.

Both the Committee and the Board support further investigation into the strategic need for harbour developments that take into account the ongoing work on future fuel imports. If the strategic case can be made for the kind of project envisaged in the Requete, inert waste can of course be used in its construction, as identified in the Inert Waste Strategy.

I trust that this reply is helpful in setting out our careful consideration of the propositions contained in the Requête.

The Committee *for the* Environment & Infrastructure and the States Trading Supervisory Board would be grateful if your Committee would kindly circulate this letter to all States' Deputies ahead of the debate on the Requête, so that they are aware of these matters.

Yours sincerely



P T R Ferbrache
President, States Trading Supervisory Board

and



B Brehaut
President, Committee *for the* Environment & Infrastructure



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12 April 2019

Dear Deputy St Pier,

Requête – P2019/27
Proposal – St Peter Port Harbour Development

Thank you for your letter of 1 April 2019, seeking the Development & Planning Authority's views on the above Requete, which was considered at the Committee's meeting on 10 April.

The policies of the Island Development Plan (IDP) are flexible so that development of the type proposed in the Requete, which was not foreseen at the time of preparing the Plan, can be considered, and, in principle, may be acceptable in land use policy terms providing certain criteria are met and certain processes undertaken. It is important however that Deputies are aware of legal requirements and the factual requirements of the States' land use policies when considering the Requete.

The Requete is proposing land reclamation to the East of the QE2 marina. Within the Requete there are potentially two drivers for the land reclamation:

- To provide land for commercial port infrastructure
- To provide a site for the disposal of the island's inert waste

Carrying out land reclamation to provide land to accommodate port infrastructure may use diverted inert material but the primary driver for the development under this scenario would not be to provide an inert waste disposal site.

Land reclamation for commercial port infrastructure

The IDP says that land reclamation to provide ports and harbour infrastructure will be considered under Policy S5: Development of Strategic Importance.

Although this policy provides a route for consideration the area in question, in part at least, falls under the St Peter Port Harbour Action Area (SPPHAA) designation. As such Policy MC10: Harbour Action Areas is relevant. As St Peter Port Harbour is an identified area where a co-ordinated approach will be taken to the planning of mixed use development to provide for the modern functional requirements of the port but also with potential to secure significant inward investment and to promote wider economic, social and environmental objectives, the proposed land reclamation to facilitate the provision of port infrastructure would most effectively be supported through the Local Planning Brief for the SPPHAA. This would help to ensure that the land reclamation/port infrastructure proposals do not prejudice the maximisation of the economic, social, recreational, environmental and cultural potential of St Peter Port Harbour.

The drafting of a Local Planning Brief (LPB) for SPPHAA would be the responsibility of the DPA in consultation with the CfE&I, and the Seafront Enhancement Area (SEA) Group. This may require an Environmental Impact Assessment (EIA) of the St Peter Port Harbour area and of any policies in the LPB. The draft LPB for the SPPHAA would need to be successful at a planning Inquiry as required in Law (Section 12 of The Land Planning and Development (Guernsey) Law, 2005) before being approved by the States.

If the SPPHAA route is not pursued, Policy S5 still allows the proposal to be considered in principle on an exceptional basis providing it is demonstrated to be Development of Strategic Importance and clearly in the interest of the health, or well-being, or safety, or security of the community or otherwise in the public interest. This policy allows consideration of proposals which may conflict with the Spatial Policy or other specific policies of the IDP (including that relating to the SPPHAA) providing that:

- There is no alternative site that, based on evidence available to the Authority, is more suitable for the proposed development; and
- The proposals accord with the Principal Aim and relevant Objectives of the IDP.

Policy S5 sets out that, to fulfil the first criteria, a detailed and comprehensive site selection study, together with more technical evidence such as environmental, economic and social assessments will be expected to demonstrate the proposed site is the best practicable option taking into account all relevant economic, social and environmental considerations. This would need to demonstrate a detailed analysis of future port requirements and an assessment of various site options for the location of new port infrastructure in order to fulfil the requirements of policy S5. For the scale and type of development proposed this would require an EIA and would be presented through a LPB and independent planning inquiry, as required in Law, which is the same as for the SPHAA LPB route.

The independent Planning Inspectors at an inquiry are legally required to consider whether the policies in the proposal represent the most appropriate ones in all the circumstances, having considered relevant alternatives, and whether they are founded on robust and credible evidence. Therefore if the required environmental,

economic and social assessments and site selection study is not provided there is a significant risk that the LPB (and therefore the proposals) would fail at the planning inquiry stage.

Land reclamation to provide a site for the disposal of the island's inert waste

If the primary driver for land reclamation at St Peter Port Harbour is inert waste disposal this development is also provided for, in principle, under Policy S5: Development of Strategic Importance on an exceptional basis providing it is demonstrated to be clearly in the interest of the health, or well-being, or safety, or security of the community or otherwise in the public interest. As with the proposal for land reclamation for port infrastructure above, a detailed site selection study would be required to demonstrate the site to be the best practicable option taking into account all relevant economic, social and environmental considerations. For the scale and type of development proposed this would also require an EIA and to be presented through a Local Planning Brief and independent planning inquiry as required in Law. Again if the required analysis, assessments and site selection study are not provided there is a significant risk that the LPB (and therefore the proposals) would fail at the planning inquiry stage.

The comprehensive site selection process that has already been carried out over the last year and half, in accordance with best practice, has identified that Longue Hougue South (LHS) is the best option to provide a site for inert waste disposal. Only if that situation changes and the St Peter Port option is identified, after a site selection study, as the best option or at least an equal option to LHS would it comply with States' land use policy.

Stockpiling

The Requete highlights the possibility of exploring stockpiling of inert waste. It is recognised that some inert material has a commercial value where it can be used for strategically important developments. The IDP policies allow for the principle of temporary stockpiling of inert material in land use terms under Policy S5: Development of Strategic Importance in accordance with the same requirements and procedures set out above. Stockpiling may require an EIA, Development Framework or LPB depending on the type and scale of works and its impacts.

Future use of reclaimed land

Whether reclaimed land is located at LHS or St Peter Port, on completion many potential uses would be available to the States within the terms of land planning policies. Policies relevant to Main Centres and Main Centre Outer Areas allow for a range of uses and policies S5: Development of Strategic Importance and S6: Strategic Opportunity Sites would allow, in principle, the States to use reclaimed land for strategically important development or for development which would deliver the strategic objectives of the States. This would apply equally to LHS and the St Peter Port Harbour site.

Resources

For any of the options outlined above resources would need to be identified to carry out technical analyses, economic, social and environmental assessments (including

EIAs), site selection studies and option reports, drafting of LPBs, and independent planning inquiries.

Summary

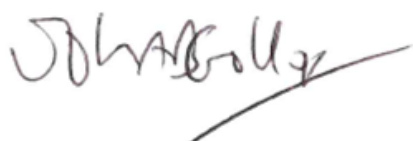
The policies of the IDP are flexible so that development of the type proposed in the Requete, which was not foreseen at the time of preparing the Plan, can be considered, and, in principle, may be acceptable in land use policy terms. This includes land reclamation for port infrastructure or for development of an inert waste site and stockpiling, through policies MC10 or S5. However, there are certain legal processes that must be adhered to and policy requirements that must be met including appropriate phases of analysis to provide clear evidence of what is required and to demonstrate the best site to locate such development.

Generally no States' strategy, policy or States' decision can legally 'trump' the requirement to comply with the Planning Law and policies. Therefore, notwithstanding the above, if there was an intention to progress the St Peter Port option, or any other site, as development of strategic importance, which has not been identified as the best practicable option as required by Policy S5 there is likely to be a requirement to change the IDP policy to allow this to happen. This would have implications for time lines as well as resources, costs and impacts on other work streams as well as impacts on the potential delivery of other States' development of strategic importance. It should also be remembered that this policy was developed over a considerable period of time involving consultations with public and stakeholders as well as Committees and tested and agreed through public inquiry and should not therefore be amended unless there is considerable evidence of need to do so.

I trust that this reply is helpful in setting out the requirements of the Planning Law and the factual requirements of the land use policies, as described above.

The Committee would be grateful if your Committee would kindly circulate this letter to all States' Deputies ahead of the debate on the Requete so that they are aware of such requirements.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'John Gollop', with a long horizontal stroke extending to the right.

Deputy John Gollop
President,
Development & Planning Authority