

**REPLY BY THE PRESIDENT OF THE DEVELOPMENT & PLANNING AUTHORITY
TO QUESTIONS ASKED PURSUANT TO RULE 14 OF THE
RULES OF PROCEDURE BY DEPUTY LESTER QUERPEL**

Question 1

Do the members of the political board of the Development and Planning Authority agree with me that a 'can do, must do, will do' type of approach is needed in relation to amending policies of the Island Development Plan, rather than a 'can't do, mustn't do, it'll cost far too much money and take too much staff time and the sky will fall in and the world as we know it will come to an end if we do' type of approach?

Answer

Yes.

Question 2

During the recent April 24th States debate, I asked (via a Rule 11 question) the President of the DPA if he agreed with me that Development Frameworks need to be removed from the Island Development Plan on the grounds that they are a complete waste of staff time and taxpayers money. In response, the President informed me that the DPA would not agree that Development Frameworks should be removed from the IDP.

- a) So with that in mind, can you tell me please whether that was a majority decision made by the DPA or a unanimous decision?
- b) Also, if it was a majority decision, can you please tell me who voted in favour of removing Development Frameworks from the process?

Answer

- a) The Committee had discussed the merits of Development Frameworks but had not taken a formal vote on whether or not they should be removed from the IDP. In answer to your Rule 11 Question on this topic, Deputy Gollop was giving his personal view on what he believed the Committee would have decided had the Committee taken such a vote. The reasons for this belief were contained in Deputy Gollop's answer to your Rule 11 Question.
- b) Not applicable.

Question 3

On occasion, an area of land or a property is included in a Development Framework, even though the owners have never even expressed any desire to develop that land or property. A prime example of that was when the public car park at St Martins',

opposite Valpy's hardware store, was included in a Development Framework recently, even though there'd been no interest expressed by the owners in developing the car park. So can you tell me what the rationale behind that is please? Why are staff spending time drawing up Development Frameworks for sites when the owners of the sites haven't even expressed any desire to develop them?

Answer

The Committee cannot comment regarding a specific case; however a Development Framework would be required where proposals are of a scale and nature described in IDP Policy LC2: Housing in Local Centres. This is irrespective of whether all owners have expressed an interest in development. The objective is to achieve and promote sustainable development through requiring development to make the most effective and efficient use of land which is a limited and finite resource.

Question 4

- a) Bearing in mind that not a single unit of Affordable Housing has been provided under Policy GP11 since the Island Development Plan was implemented in November 2016, do the DPA consider that to be sufficient evidence to justify amending the current threshold from 20 units to a lower number?
- b) If the answer to the question is 'no', then can you tell me please how much more evidence, and what type of evidence, would need to be available/provided, to convince the DPA that a reduction in the current threshold of 20 units is needed?
- c) If the answer to the question is 'yes', then can you tell me please whether or not the DPA have any intention of laying an amendment or Policy Letter, in front of the States anytime soon, that seeks to reduce that 20 unit threshold?
- d) Can you tell me please how many units of Affordable Housing would have been provided under GP11, since the implementation of the IDP in November 2016, if the threshold had been set at 10 units?

Answer

- a) The Committee believes that sufficient evidence currently exists to justify a re-examination of Policy GP11 but not necessarily to justify amending the current threshold.
- b) and c) As the Committee has not come to any decision in relation to a future re-examination of Policy GP11 it is unable to answer parts b) and c) of this question. Any re-examination of Policy GP11 is likely to be holistic and not merely relate to the current threshold.
- d) Approximately 8 additional units of affordable housing would have potentially been generated had the threshold been set by the States at 10 rather than 20 units.

Question 5

Would the DPA support a motion, if it were laid in front of the States during a debate, that seeks to review the Island Development Plan every three years, as opposed to the five year review period that's currently in place?

Answer

The Committee would not support a review of the IDP in 2019. A period of three years from adoption of the IDP in 2016 is too short to determine meaningful trends, given that the period of validity of a planning permission granted under the Law before the approved development needs to be commenced is itself normally three years. In addition, the financial and other resource costs of undertaking a review would be substantial. In relation to the principle of reviewing the IDP, which has a statutory 10-year life ending in 2026, every three years, the Committee has not discussed this.

Question 6

Currently, once the political members of the DPA have heard all of the evidence and asked all of the questions they want to ask of Planning Officers at an Open Plan Meeting, they then bring the meeting to a close and undertake a visit to the site under consideration. After they have visited the site, the authority then meet behind 'closed doors' to decide whether or not they support the application for the site under consideration. That seems to me, and to many others out in our community, to be a completely illogical and unnecessarily 'secretive' procedure to have in place. Therefore, I ask the following questions in relation to that.

- a) What is the reason for the DPA making their decision behind 'closed doors', instead of making it 'in public' at the Open Plan Meeting itself?
- b) Surely it would be far more logical, honest, open and transparent, if the authority were to visit the site under consideration prior to the Open Plan Meeting taking place (a day or two before for example) and then hear all of the evidence and ask all of the questions they want to ask of the Planning Officers, as well as making their decision, in public, at the OPM itself, instead of making that decision behind 'closed doors'. So can you tell me why the Authority don't adopt that logical, honest, open and transparent approach please?
- c) Seeing as the actual decision itself is made in private behind 'closed doors', it seems to me that the title, Open Plan Meeting, is no longer appropriate. Therefore, with that in mind, should the Authority be of the view that they want to continue with such an unnecessarily 'secretive' procedure, do they not feel that the title now needs to be changed to something more appropriate?

Answer

- a) and b) The Committee introduced its current approach to conducting site visits after hearing representors' oral submissions at Open Planning Meetings on a trial basis. This trial has not yet been concluded. The Committee however believes that where site visits are required, it would be illogical to hold them before the Committee has read all the relevant papers and heard all the oral submissions from representors and Planning Officers. The Committee therefore believes that the current order is logical and represents the correct sequence. The decision on the application is made following the site visit, and for logistical reasons the Committee does not reconvene in public as to do so would either mean members of the public waiting around for the site visit to be concluded or would unnecessarily delay the planning process whilst a further public meeting was convened.
- c) No.

Question 7

Focusing on illogical procedures once again, the vast majority of the DPA decided that the 2017 Annual Monitoring Review of the Island Development Plan, should be submitted as an Appendix Report in the November 2018 Billet, rather than as an agenda item. There then followed a period of total confusion, uncertainty and indecision within the DPA, as to whether or not they could, or even should, lay an amendment in front of the States during that November debate, containing a proposition asking the Assembly to agree to the report being debated. That total confusion, uncertainty and indecision, went on for several weeks and could have all been avoided, if the DPA had submitted the Annual Monitoring Report as an agenda item in the first place. So with that in mind, is the President able to give me an assurance that future Annual Monitoring Reports of the Island Development Plan, will be submitted as agenda items in Billets and not as appendix reports?

Answer

No Committee President can give such an assurance and in any event the Committee has not discussed or come to any decision on this issue.

Question 8

The members of this States Assembly received an email on April 1st this year, from a senior Media and PR Officer informing us that a media statement was going to be issued shortly on behalf of the Development and Planning Authority. Deputy Leadbeater, a member of the Authority, then sent an email in response, to all of the members of the States Assembly informing us that neither he or his Authority colleague, Deputy Oliver, had been consulted on that media statement and that he was, and I quote, 'unhappy with responses and media releases that continue to be issued on behalf of the DPA without the knowledge or agreement of the committee'. With that in mind, it would appear that there's a major problem with the levels of communication within the Authority, so is the President able to give me an

assurance that the Authority will improve their levels of communication from now on?

Answer

Following Member feedback, all media releases and responses are circulated to the Committee prior to issue.

Date of Receipt of the Questions: 28 April 2019

Date of Reply: 14 May 2019