

**THE STATES OF DELIBERATION**  
**of the**  
**ISLAND OF GUERNSEY**

23<sup>rd</sup> May, 2019

**MOTION UNDER ARTICLE 7(1) OF THE REFORM (GUERNSEY) LAW, 1948**

Proposed by: Deputy P T R Ferbrache

Seconded by: Deputy R G Prow

To suspend Rule 24(2)(b) of the Rules of Procedure to the extent necessary to permit the amendment set out below to be debated.

**Proposition No. P.2019/27**

**Requête – Deputy Neil Inder and 6 other Members**

**St Peter Port Harbour Development**

**AMENDMENT**

Proposed by: Deputy P T R Ferbrache

Seconded by: Deputy R G Prow

To delete all the Propositions and replace them with the following:

**“Harbour requirements**

1. To direct the States’ Trading Supervisory Board to carry out a detailed analysis of the future harbour requirements, including consideration of any requirement for new berth facilities east of the QEII marina or nearer to St Sampson’s Harbour, and an assessment of the impacts, practicalities, and potential benefits of relocating some commercial port operations away from St Peter Port, and to report back to the States by December 2020; and for this analysis to be funded by a capital vote of a maximum of £800,000 charged to the Capital Reserve.

**Planning**

2. To direct the Development & Planning Authority to consult relevant Committees and other stakeholders and prepare proposals for a local development strategy for the St Peter Port Harbour Action Area, this work to be funded by a capital vote of a maximum of £300,000 charged to the Capital Reserve; and to direct the Development & Planning Authority and the Committee *for the* Environment & Infrastructure to take all necessary steps under the Land Planning legislation to lay such proposals before the States for adoption by the end of 2020.

3. To direct the States' Trading Supervisory Board to carry out a detailed Environmental Impact Assessment on potential land reclamation and future development east of the QEII Marina, to be funded by a capital vote of a maximum of £350,000 charged to the Capital Reserve, to help inform the preparation of the local development strategy for St Peter Port Harbour Action Area.
4. To direct the Policy & Resources Committee to investigate options for the resourcing, management and delivery of the Seafront Enhancement Area programme, including the delivery mechanism for development, and to report back to the States with recommendations in relation to such options by the end of 2020.

#### **Management of inert waste**

5. To direct the States' Trading Supervisory Board, in consultation with the Development & Planning Authority, to consider options, including potential locations, to enable the temporary stockpiling of residual inert waste; and to make recommendations to the Committee *for the* Environment & Infrastructure on such options, as well as estimates of any associated costs, by December 2019.

## Report

The Requête proposal is essentially two-fold. First, that a new land reclamation project east of the QEII Marina would be a more beneficial means of disposing of inert waste than extending the current Longue Hougue land reclamation site, which was previously identified as the most appropriate option. Second, the land created could alleviate space constraints at St Peter Port Harbour, or have other unspecified strategic benefits.

In principle, there is nothing to preclude the use of inert waste for such a development, provided it can be shown to be of benefit, and subject to planning, waste licensing and any other statutory consents.

However, any such benefit has to be considered in a much broader context than proposed in the Requête. The setting is undoubtedly of unique significance to Guernsey, on many levels, and would be significantly affected by such major changes to the current harbour environment. Among other potential impacts, it would permanently and dramatically change the appearance of St Peter Port Harbour. Any such development would also cost many tens of millions, and would entail extensive and long-lasting disruption both to port operations and to other aspects of the island's 'capital'. The matter therefore warrants due consideration of all options.

The requirement for a long term solution for importing fuel to the island is also inextricably linked. There are significant safety and security of supply issues with the current method, and resolving these is a priority of the Policy & Resource Plan. That may involve the development of new berth facilities. That clearly has a bearing on the requirements for St Peter Port Harbour, what form any new infrastructure should take, and the most appropriate location for that infrastructure.

The best solution to the space constraints at St Peter Port Harbour might be to make it less busy, rather than bigger. Previous in depth studies have identified the relocation of commercial port activities away from St Peter Port as a viable option. What is perhaps more telling is that these reviews, despite recognising the impact of overcrowding, did not suggest land reclamation in St Peter Port was the solution.

Conversely, the 2013 Ports Master Plan actually stated:

*“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 conclusion contradicts a key premise within the Requête – namely that a new land reclamation site to the east of the QEII Marina will provide *“strategically important infrastructure.... in a way that the Longue Hougue South site never can”*.

An extension to the existing Longue Hougue land reclamation site could provide the benefits being suggested, by enabling some current freight operations to be relocated away from St Peter Port Harbour. This would improve port operations, and refocus activities at St Peter Port more toward leisure, social, and recreational uses. That would include facilities for inter-island passenger transport, a hub for private boatowners and associated marine leisure services, and transit arrangements for cruise passengers. It would also continue to accommodate the island’s fishing fleet, which complements the port’s character.

This would alleviate the current conflict between commercial port operations and other users of St Peter Port Harbour; release space in the heart of St Peter Port for other uses, including potential development opportunities; and offer potential to significantly enhance the area of The Bridge.

Nevertheless, creating additional land in St Peter Port might have benefit - whether that is to provide additional harbour facilities or some entirely different purpose. That has to be considered on its own merits, not as a short or medium term solution for inert waste disposal, and that action currently lies with the Seafront Enhancement Area programme.

Accepting there may be some value to land reclamation in St Peter Port, there are still significant issues with the propositions set out in the Requête. Most notably, the timescale for some of the proposed work is unrealistic and, although planning policies allow for the principle of such development, the proposals as presented would not be able to comply with the requirements of the island’s land use policy. It also 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, and looking to build a business case around that one ‘solution’.

This amendment would address these issues, and enable the proposed scheme to be properly considered, along with other options.

Concurrent to this, there remains an urgent need to progress a new solution for management of inert waste. Based on current estimates, the existing Longue Hougue site is expected to be full by around 2022. There are statutory requirements, in terms of identifying the most appropriate methods and locations for future inert waste

management. The Requête does not provide the necessary evidence to satisfy these requirements and be able to progress such a development at St Peter Port Harbour.

In the short term, there may be some benefit to stockpiling some inert waste from local construction and demolition work, to enable future beneficial use of any material for development of strategic importance. However this in itself does not remove the requirement or urgency for a long term solution for inert waste.

## The harbour context

A number of previous studies have identified and detailed the requirements for the island's harbours, the most recent and relevant being:-

- **2010 – Future Harbour Requirements Study (“FHRS”)** was a detailed, technical review looking specifically at the functional requirements of the ports. This followed an earlier Maritime Operations Review (Billet d’État XV 1999), which highlighted deficiencies in the island’s method for fuel import and proposed extending St Sampson’s Harbour to create a new deep water berth, by around 2020. The FHRS carried out a more detailed options appraisal for such a new berth, including potential locations and estimated costs. It also examined in detail arrangements at the two ports, and set out options for reconfiguring St Peter Port Harbour to address regulatory requirements and improve the efficiency and safety of port operations.
- **2013 – Ports Master Plan (“PMP”)** built further on the FHRS technical review, to consider the harbours requirements in a broader context, including the wider waterfront setting (St Peter Port and St Sampson’s), potential opportunities, and planning considerations. This was to inform future developments of both ports, and was debated by the States in May 2013 and subsequently noted. Priority actions arising from it have since been progressed.

The findings of both studies reflected input from various relevant stakeholders. In the case of the FHRS, as a technical review, this focussed primarily on key commercial port users. The PMP on the other hand was developed through a detailed consultation programme, including stakeholder workshops and focus groups with key port users, as well as public drop-in sessions to elicit views from a cross-section of islanders.

Both studies identified space constraints, and the associated conflict between commercial port activity and other users, as the most significant limitation in terms of the operation of St Peter Port Harbour. This is exacerbated by the current layout of facilities, which compromises security, safety and efficiency.

The studies considered options for reconfiguration of commercial operations, and wider development opportunities around both harbours and the wider waterfront areas. Neither proposed creating additional land at St Peter Port Harbour to address the current space constraints and conflicts.

Instead, they both identified the potential of relocating commercial port activity away from St Peter Port. This was in the context of a requirement for a new hydrocarbon import arrangement, necessitating the development of an entirely new berth facility.

The Policy & Resource Plan identifies Energy Policy, including hydrocarbons supply, as a key priority for the Committee *for the* Environment & Infrastructure. A programme to address the fuel import issue, including the requirements and options for a new import facility has therefore been progressed since the PMP.

This is an extensive area of work, extending beyond just import infrastructure and considering the full supply chain. For example, which facilities will fuel be sourced from; options for transport to the island; the nature and location of on-island storage, and anticipated future demand, which would be further affected by the advent of a second electrical supply cable between Guernsey and France, possibly within a five year time frame.

All these elements will either impact on, or be impacted by, local import arrangements.

Recommendations are expected to be presented to the States later in 2019 for some initial decisions, and it is anticipated this will enable further work to focus on a more defined set of options. Proposals to progress with the development of some form of deep water fuel import facility are therefore likely to be debated in the near future.

As part of the FHRS, Guernsey Pilots were consulted on potential locations for a new deep water berth on the east coast. These covered an area extending from north of Bordeaux to Castle Cornet in the south.

The report subsequently identified two potential areas. These were in adjacent zones extending from just north of St Sampson's Harbour to just south of the current Longue Hogue land reclamation site. These provided naturally deep water close to the coastline, reduced tidal currents, shelter through natural land forms, and were preferred by pilots with respect to navigation. Proximity to the existing land reclamation was also noted as an advantage.

The port developments proposed in the PMP further set out:-

*“The present configuration of St Peter Port’s commercial port is constrained by its configuration, utilisation and adjacency to marina and public parking areas. The option to relocate the Lo-Lo function to St Sampson’s, potentially to a deep water pocket berth alongside (to the north of) Longue Hougue or to a berths alongside deep water fuel structure, would consolidate bulk cargo, aggregate and liquid bulks into an area that is generally industrial in nature, and would alleviate current constriction within St Peter Port’s handling areas.....”*

## Development proposed in the Requête

Paragraph 5 of the Requête sets out:

*“the Ports Master Plan identified the need for an extension to the Restricted Zone,..... and referred to an extension to St Peter Port Harbour as one of the concept options to potentially explore further”.*

The Requête also makes reference to *“exploring any options for developing St Peter Port Harbour along the lines of the concept noted in the 2013 Ports Master Plan”*, and that the PMP *“has already provided a detailed investigation of what that redevelopment should involve”*.

The ‘concept’ and ‘redevelopment’ referred to is an outline scheme to provide a dedicated cruise liner berth, which the then Public Services Department had been separately directed by the States to investigate. The concept shown is almost identical in shape and location to the illustrative schemes included in the Requête.

The PMP estimated an order of magnitude cost for such a scheme as *“at least £183 million”*. It concluded that as a cruise liner berth, the extremely high investment requirement could not be justified based on financial revenues or economic benefits.

It may therefore be wrong to infer from references to the PMP that this ‘concept’ was in any way supported, either as a cruise liner berth or for other use, or recommended as a solution to the issues of space constraints. Had the Department not been directed to investigate a cruise liner berth, this concept may not have featured in the PMP.

That is not to say there would not be merit or value in such a development. However, as the FHRS and PMP have clearly demonstrated, an extension to St Peter Port Harbour is not the only option for alleviating current congestion and operational conflicts. Nor has either study proposed it as a preferred option.

In relation to this particular 'concept', the PMP did conclude:-

*“Resolution of the fuel discharge issues 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.”*

As such, consideration of the merits or otherwise of the development proposed in the Requête has to be considered alongside alternatives. That would include relocation of some freight operations to a new berth, near or adjacent to Longue Hougue.

Therefore any review of port requirements, as proposed in the Requête, should not assume the optimum location for these is St Peter Port Harbour, or that an extension to the current land area there is the only solution to the current space constraints.

## Planning context

No States’ decision that results in development can avoid the requirement to comply with the Island’s Planning Law. Therefore, unless there are specific legal provisions, all development proposals, including any arising from States decisions, must comply with the States approved land use policies, as set out in the Island Development Plan (IDP).

Those policies would allow development of the type proposed in the Requête to be considered, provided certain criteria are met, and certain processes are undertaken. That includes appropriate phases of analysis, and clear and robust evidence of what is required and the best location.

### **Inert waste management**

The IDP would allow an inert waste management facility to be considered as *Development of Strategic Importance*<sup>1</sup> provided it could be clearly demonstrated as in the public interest. However a wide-ranging review, in accordance with best practice, has already identified Longue Hougue South as the best location. To comply with States land use policy, a similar comprehensive study would have to indicate the St Peter Port Harbour option as better or at least equal to Longue Hougue South, for it to be considered principally as an inert waste site. The current evidence does not support such a conclusion.



## **Ports and harbour infrastructure**

The IDP would also allow land reclamation to provide ports and harbour infrastructure to be considered as *Development of Strategic Importance*<sup>1</sup>. A comprehensive study would still be needed to identify the best site, having considered all alternatives, and that would require a detailed analysis of future port requirements and options for locating any new infrastructure, taking account of all relevant economic, social and environmental considerations.

## **Independent planning inquiry**

Under this policy<sup>1</sup>, the nature and scale of development proposed by the Requête would require a Local Planning Brief. The requirements for that are likely to include an Environmental Impact Assessment (EIA), for the area concerned and any proposed policies, and it would need to be considered at a full independent planning inquiry<sup>2</sup>, before being presented to the States. The whole process could easily take a year, depending on availability of inspectors, how quickly they can report back, and how complex the proposals.

An independent planning inspector is legally required to consider whether policy proposals are appropriate, based on robust and credible evidence, and having considered relevant alternatives. For *Development of Strategic Importance*, unless it can be demonstrated the proposed site is the best practicable option, it is highly likely that any proposals would fail at the planning inquiry stage.

## **Amendment to IDP**

If the requirements under current policies cannot be met, a proposal could be progressed by first amending the IDP. Any such amendment would still, legally, have to be consistent with the Strategic Land Use Plan, unless that plan is also amended. Either would have implications for timelines and resources, and would impact on other workstreams. Amendment of the IDP policy could also impact on the delivery of other *Development of Strategic Importance* that the States may need to advance.

It should also be remembered that the IDP was developed over a considerable period of time, including consultation with public and stakeholders as well as Committees, and the policies tested and agreed through public inquiry. Any amendment should therefore be considered carefully, and supported by robust evidence, rather than on an ad hoc basis.

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<sup>1</sup> Policy S5

<sup>2</sup> Section 12 of The Land Planning and Development (Guernsey) Law, 2005

## **Unlocking seafront enhancement potential**

Seafront Enhancement has been identified as a States priority in the Policy & Resource Plan. It relates specifically to the development and coordination of policies focussing on the St Peter Port Harbour Action Area (SPPHAA).

However the whole of the east coast, from north of St Sampson Harbour to south of St Peter Port Harbour, requires a co-ordinated approach to development. That is essential to ensure the provision of key infrastructure, not just to meet the modern functional requirements of the ports, but for the effective delivery of other strategic requirements, such as energy policy, importation of fuel, and addressing climate change. It will also ensure synergies are identified and allow informed prioritisation.

From a planning perspective, the most expeditious means by which to unlock that potential will be through the preparation of local development strategies for the two Harbour Action Areas. Those would facilitate some appropriate development in those areas without detriment to the production of a wider strategic plan, in the form of a Local Planning Brief for the whole east coast area. Such development could secure significant inward investment and promote wider economic, social and environmental objectives, while retaining and enhancing any unique aesthetic, cultural or heritage importance.

If it is concluded that St Peter Port is the best location to provide the port infrastructure, land reclamation could be supported through a local development strategy (as part of a wider strategic plan) for the St Peter Port Harbour Action Area. This would help to ensure that any development, including of the type proposed by the Requête, does not prejudice the existing economic, social, recreational, environmental and cultural capacity of St Peter Port Harbour or its future potential. However such a strategy would not, of itself, remove the requirement for a robust case, evidencing the need for development and demonstrating the most appropriate location.

Therefore to unlock some of the key development potential, the amendment proposes resources are provided to prepare a local development strategy for the St Peter Port Harbour Action Area, with a view to facilitating positive development in this area in as timely a way as possible.

The Seafront Enhancement Programme is currently overseen by a cross-Committee working party, led by Policy & Resources. To provide additional impetus, and ensure the effective delivery of this important programme, the amendment also directs P&RC to identify the most appropriate options for delivering development. This could be through a delivery mechanism, such as an established Development Company, or some

other means that enables progress to be delivered at pace, without undue bureaucracy. Again, this would be for consideration by the current Assembly.

### **Stockpiling**

The IDP allows for the principle of temporary stockpiling as Development of Strategic Importance. As with the requirements already outlined, this may require an EIA, Development Framework or Local Planning Brief, depending on the nature, scale and impact of the works.

### **Future use of reclaimed land**

Land use policies relevant to Main Centres and Main Centre Outer Areas, as well as those relating to Development of Strategic Importance and Strategic Opportunity Sites would allow for a range of uses of any reclaimed land at Longue Hougue South or St Peter Port.

## **EXPLANATORY NOTE**