



BILLET D'ÉTAT

WEDNESDAY, 27th APRIL, 2022

VIII
2022

ITEM DEFERRED FROM MEETING ON 30TH MARCH, 2022

1. Development & Planning Authority - Island Development Plan - Annual Monitoring Report 2020, P.2022/26

LEGISLATIVE BUSINESS

Legislation laid before the States

The European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) Regulations, 2022
The Abortion (Guernsey) Regulations, 2022
The Parochial Elections (St Peter Port) (No. 2) Regulations, 2022
The European Union (Trademark Law Treaty) (Brexit) (Bailiwick of Guernsey) Regulations, 2022
The Air Navigation (Restriction of Flying) (Russian Aircraft) (Bailiwick of Guernsey) Regulations, 2022
The Sanctions (Implementation of UK Regimes) (Bailiwick of Guernsey) (Brexit) (Amendment) Regulations, 2022
The Sanctions (Implementation of UK Regimes) (Bailiwick of Guernsey) (Brexit) (Amendment) (No. 2) Regulations, 2022
The Customs and Excise (Inbound Passenger Information Reports) (Bailiwick of Guernsey) Regulations, 2022

Legislation for Approval

2. Policy & Resources Committee - The Human Rights (Bailiwick of Guernsey) (Amendment) Law, 2022, P.2022/19

CONTINUED OVERLEAF

OTHER BUSINESS

3. Committee *for the* Environment & Infrastructure - L'Ancrese East Management Approach to 2030, P.2022/22
4. Committee *for the* Environment & Infrastructure - Proposed Amendments to the Public Highways (Temporary Closure) Ordinance, 1999 to allow the Designation of Al Fresco Zones, P.2022/21
5. Policy & Resources Committee - The Church of England - The Attachment of the Bailiwick of Guernsey to the Diocese of Salisbury, P.2022/20
6. Policy & Resources Committee - Review of COVID-19 Response, P.2022/23
7. Policy & Resources Committee - Schedule for Future States' Business, P.2022/27

APPENDIX REPORTS

Committee *for* Health & Social Care - Medicines Committee Annual Report 2021

Committee *for* Health & Social Care - Responsible Officer for the Bailiwick of Guernsey - Annual Report 2021

BILLET D'ÉTAT

TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY

I hereby give notice that a Meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE**, on **WEDNESDAY the 27th APRIL, 2022 at 9.30 a.m.**, to consider the items listed in this Billet d'État which have been submitted for debate.

R. J. McMAHON
Bailiff and Presiding Officer

The Royal Court House
Guernsey

4th April, 2022

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

DEVELOPMENT & PLANNING AUTHORITY

ISLAND DEVELOPMENT PLAN - ANNUAL MONITORING REPORT 2020

Pursuant to Rule 20(5) of the Rules of Procedure of the States of Deliberation and their Committees, the States are asked to decide:-

Whether, after consideration of 'Island Development Plan - Annual Monitoring Report 2020', they are of opinion:-

1. To take note of the Report.



Annual Monitoring

Report 2020



States of
Guernsey

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Executive Summary

Introduction

This document is the Island Development Plan (IDP) Annual Monitoring Report (AMR) for 2019 and 2020. The IDP was prepared by the Development & Planning Authority (DPA) and was formally adopted by the States in November 2016. The IDP manages the Island's physical and natural environment by putting in place policies which ensure that development is carried out in such a way as to deliver the social, economic and environmental objectives of the States of Guernsey, in so far as they relate to land use. The IDP provides the policy framework for the determination of planning applications, enables suitable development on appropriate sites, looks to conserve and enhance the best of Guernsey's physical and natural environment and helps to guide public and private investment in relation to land planning.

The AMRs include analysis of decisions on planning applications and appeals during the year and the findings of surveys and research carried out by the Planning Service and data collected from other States Committees in order to assess the continued effectiveness of the policies in the IDP in delivering the objectives of the States. The reports aim to provide a statistical basis for future reviews of the IDP with an analysis of any trends. The AMRs can recommend amendments to the IDP if policies are no longer effective and relevant. Ongoing monitoring enables the IDP to adapt to changing circumstances. Monitoring of the IDP is a statutory requirement on the DPA.

Government Work Plan

The IDP has a 10-year lifespan. Although there is regular monitoring throughout its life, the IDP sets out that there will be a review of housing land supply and employment land supply after five years, unless monitoring indicates a more urgent need to review the land supply sooner. As a result of the emergence of the COVID-19 pandemic, the States resolved to pause the 5-year review so that it could review the scope of, and priorities for, the 5 year review of the IDP and to incorporate the government's priorities for the Island's recovery. These priorities have now been established in the Government Work Plan (July 2021). Their implications for the IDP need to be reviewed and taken into account in

future monitoring, to ensure that the IDP fully supports the government priorities. In addition, States approved policies such as the Climate Change Policy & Action Plan and the Energy Policy 2020-2050 will also need to be reviewed.

Strategic Development and Infrastructure

The policies of the IDP that relate to strategic development and infrastructure support the States' priorities as set out in the Government Work Plan. Regeneration is a critical recovery action and the policies provide a positive and supportive framework to bring forward co-ordinated and comprehensive plans for the Seafront Enhancement Area and Regeneration Areas while managing development proposals in the meantime. The implications for the IDP of any future States decisions regarding air links and the supply of aggregates need to be kept under review. A Development Framework for the 3 Regeneration Areas in St Peter Port has been progressed and a draft has been published for public consultation at the time of writing. A Development Framework for Leale's Yard was approved by the Development & Planning Authority in May 2020.

Housing

The policies support housing development of all tenures in appropriate locations. There has been a consistent level of permissions, and completions of dwellings, to help meet housing need. **162** dwellings (**162** private market, **0** Affordable Housing) were approved in 2020. In total there is planning permission for **540** dwellings (**489** private market, **51** Affordable Housing) of which **355** (**304** private market, **51** Affordable Housing) are under construction. This is known as the 'pipeline supply'. Since the adoption of the IDP **440** dwellings (**291** private market, **149** Affordable Housing) have been completed. The majority of completed dwellings have been either in the St Peter Port Main Centre or Outside of the Centres. **39%** of completed dwellings since the adoption of the IDP and **30%** of the pipeline supply are located Outside of the Centres. The implications for the spatial strategy of the level of housing development Outside of the Centres needs to be kept under review. The decreasing level of permissions for Affordable Housing also needs to be kept under review. The Planning Service have been supporting the project to update the States Strategic Housing Indicator.

Offices

During 2019 and 2020 a total of **38** planning permissions relating to office accommodation were decided. **23** permissions related to a loss in floorspace and were typically associated with a change of use from small scale office accommodation (under 250m²) to residential dwellings, primarily in St Peter Port. **15** permissions were granted for a gain in floorspace and were typically associated with a change of use from small scale areas (under 250m²) to office spaces, also primarily in St Peter Port. Given the level of uncertainty post Brexit and the Covid-19 pandemic, it is difficult to predict the future requirements for office space and we need to develop a better understanding of the optimum office portfolio. Agile working and improvements in technology and establishment of digital strategies may reduce the overall demand for new space. Overall, there is a need to provide a range of different sizes and quality of accommodation within the portfolio to meet differing business needs. In 2020, the Authority commissioned Watts Property Consultants Ltd to prepare an Office Quality Audit. Following consultation with stakeholders, the report provides a definition of primary, secondary and tertiary office accommodation in Guernsey and an assessment of the quality of the existing stock within St Peter Port Main Centre. **11** premises (**48,571m²**) are classified as Prime, **80** premises (**91,338m²**) as Secondary and **160** premises (**55,931m²**) as Tertiary.

Industry and Storage

During 2019 and 2020 a total of **20** planning permissions relating to industry, storage & distribution premises were decided. **7** permissions related to a loss in floorspace, covering a range of **-39m²** to **-730m²** which included demolition and replacement by residential dwellings and change of use to offices and public amenity. **13** permissions were granted relating to a gain in floorspace, typically below 1,000m². Planning permissions granted over 2019 and 2020 resulted in an increase in floorspace and land, although it is important to note that large floorspace permissions related to storage & distribution rather than industry. As seen in previous years, the majority of the gains in 2019 and 2020 can be attributed to a few large sites (in particular the Domarie & Avondale Vineries on Oatlands Lane). The original Employment Land Study, 2014 stated that the Island has an overprovision of industry, storage & distribution space and over the 10-year life of the IDP there will be a continuing decline in need for such space. The overall gain of space in 2019 and 2020 is in marked contrast to this and is noted accordingly. The implications for the spatial strategy of the level of industry, storage & distribution development Outside of the Centres needs to be kept under review.

Visitor Accommodation

The policies of the IDP continue to support enhancement of existing establishments and new visitor accommodation. There were **33** planning permissions relating to visitor accommodation establishments in 2019 and **27** in 2020. The majority relating to works to existing hotels. There has been only a small increase in the number of inactive establishments. There were **150** establishments in 2020 (down from **165** in 2017). The Government Work Plan recognises that the COVID-19 pandemic has had a significant impact on tourism. The implications for the IDP of the proposed new Tourism and Accommodation Strategy for policies that relate to visitor accommodation and the tourism offer needs to be kept under review.

Agriculture & Horticulture

The planning policy framework continues to prioritise agricultural use within the Agriculture Priority Areas (APAs) where that falls within the remit of the planning system. There were **32** planning permissions within APAs in 2020 and **39** in 2019. There were **59** planning permissions on agricultural land outside APAs in 2020 and **78** in 2019. Where a change in the use of land was approved within APAs, this involved approximately **21,745m²** of land (**2.17 hectares** or **13 vergées**) in 2019, and **16,530m²** (**1.6 hectares** or **10 vergées**) in 2020. Of this, approximately **20,475m²** of agricultural land gained approval to change use to domestic garden in 2019, and **12,800m²** gained approval to change use to domestic garden in 2020. Applications for the change of use from agricultural land (but not necessarily actively farmed land) to domestic garden and the need for a revised figure of land required by the commercial agricultural industry to support the industry long-term need to be kept under review. A list of considerations for development proposals within APAs which are not for agricultural purposes has been published on the States' website. The IDP policies are supporting change in the horticultural industry, for example supporting the growth of the medicinal cannabis sector, as well as supporting diversification on farms.

Redundant Glasshouse Site

The IDP provides some opportunity to incentivise the removal of redundant glasshouses by allowing a change of use. There have been **46** planning permissions granted for redundant glasshouses sites under the IDP. The majority of permissions have been for conversion to dwelling including curtilage or small-scale storage/industry. The total area of redundant glasshouse sites is **75.5** hectares, down from **80.6** hectares in 2017. **16** planning applications have been refused. The monitoring has found that planning policies have prevented the change of use of redundant glasshouse sites, which are legally considered an agricultural use, within and adjacent to APAs so that agricultural use in the APA is prioritised where required in accordance with the IDP policies.

Natural Resources

There are a number of Government Work Plan recovery actions that relate to natural resources. These will need to be reviewed in future monitoring to consider whether the policies of the IDP that relate to natural resources remain appropriate to support the Government priorities. There is potential for a biodiversity net gain planning tool to implement the proposed green and blue economy supporting plans. A survey of the Areas of Biodiversity Importance has been initiated. This project is due to be completed by the end of 2021. There was a noticeable increase in permissions for renewable energy equipment in 2020 with **39** permissions compared to **28** in 2017, **25** in 2018 and **23** in 2019. Air source heat pumps and solar panels on domestic buildings accounting for most permissions.

Construction Waste

A similar proportion of planning applications each year (2017-2020) have been required to submit a Site Waste Management Plan (SWMP). There is some emerging evidence to suggest that quality of submissions needs to be standardised and whilst the publication of a SWMP Advice Note in 2018 has resulted in the improvement of submissions generally, there are still submissions that are not up to standard. **122** SWMPs have been submitted (2017-2020). **41%** of residential permissions submitted a SWMP in 2020. An issue to keep under review is capturing a greater level of data on construction waste through SWMPs, in particular for certain types of residential development.

Conclusions

In 2019 and 2020 there was a high rate of approval of planning applications (only **131** applications were refused out of **3,081** applications determined, representing **4.3%** - a small increase from 2018) and only **4** appeals against refusal of planning permission were decided during 2019/2020, **2** of which were allowed and **2** dismissed. This illustrates how the positive and flexible policies of the IDP, along with encouragement of high-quality pre-application discussions (**1,500** pre application enquires were answered in 2019/2020), have enabled positive outcomes to be reached for the vast majority of planning applications, and potentially costly appeals avoided.

The AMR has identified a small number of issues where emerging trends need to be kept under review, including, in some instances, the need for further research prior to any future review of the IDP. In the previous AMRs, a number of issues were identified where action was needed. Many of these actions have been resolved (see Appendix 1) including for example the publication of guidance, such as for Development Frameworks.

The AMR for 2020 has found that the IDP policies are generally performing as intended and contributing towards delivering the Strategic Land Use Plan (2011) and therefore, at this time, there is no immediate requirement to amend the IDP and there is no evidence of a need to amend the Strategic Land Use Plan.

The implications of the new priorities that have been established in the Government Work Plan (July 2021) for the IDP need to be reviewed to ensure that the IDP fully supports the government priorities. Emerging strategies, projects and policy decisions will require to be closely monitored to assess whether this would necessitate commencing a review of the IDP, in advance of the replacement of the IDP in 2026.



Housing



162

Dwellings were approved in 2020

162 private market

0 Affordable Housing



Total planning permission for

540

dwellings

489 private market

51 Affordable Housing



of which
355

are under construction

304 private market

51 Affordable Housing



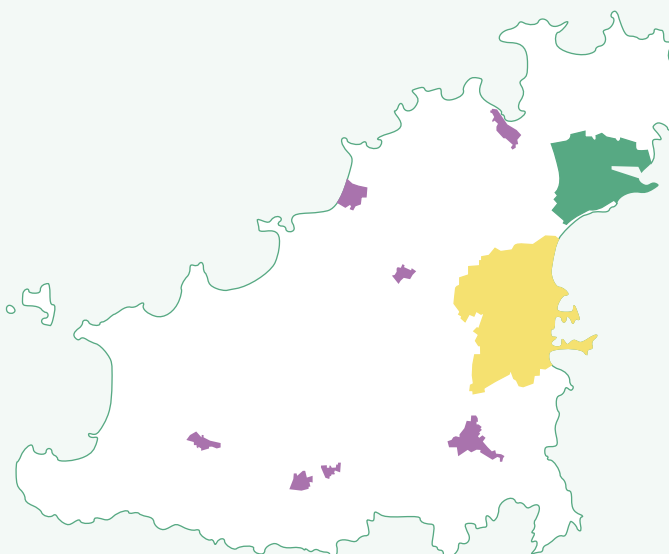
Since adopting the IDP

440

dwellings have been completed

291 private market

149 Affordable Housing



47%

of completed dwellings located in the St Peter Port Main Centre

11%

of completed dwellings located in the St Sampson / Vale Main Centre

3%

of completed dwellings located in Local Centres

39%

of completed dwellings located Outside of the Centres



Offices



38

planning permissions relating to office accommodation were decided in 2019 and 2020



11

premises (**48,571m²**) are classified as **Prime**



80

premises (**91,338m²**) are classified as **Secondary**

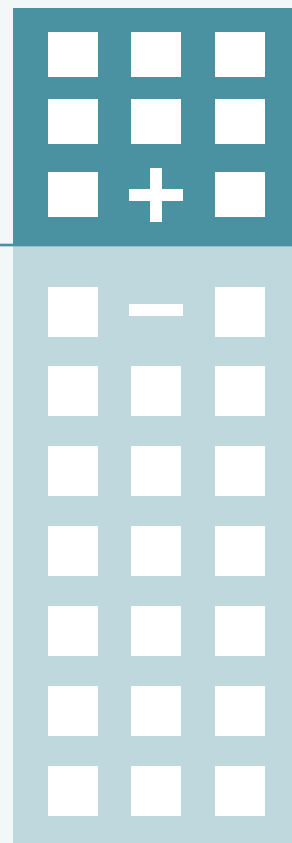


160

premises (**55,931m²**) are classified as **Tertiary**

15

permissions were granted for a gain in floorspace



23

permissions related to a loss in floorspace



Industry & Storage

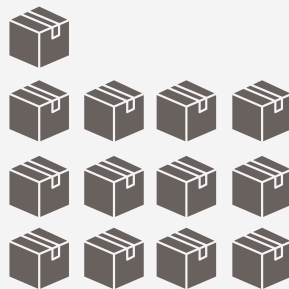


20

planning permissions relating to industry, storage & distribution premises were decided in 2019 and 2020

13

permissions
related to a gain
in floorspace



7

permissions
related to a loss
in floorspace



Visitor Accommodation



planning permissions
relating to visitor
accommodation were
approved in **2019**



planning permissions
relating to visitor
accommodation were
approved in **2020**

There has only been a small increase in the number of inactive establishments.

150
in 2020



165
in 2017





Agriculture & Horticulture



Planning permissions
within APAs

32
in 2020



39
in 2019



Planning permissions
outside APAs

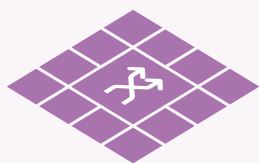
59
in 2020



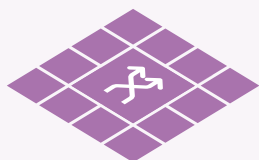
78
in 2019



Change in the use of land within
APAs involved approximately



21,745m²
in 2019



16,530m²
in 2020

Of this, the land that gained
approval to change use to domestic
garden was approximately



20,475m²
in 2019



12,800m²
in 2020



Redundant Glasshouse Sites



46

planning permissions have been **granted** for redundant glasshouse sites under the IDP.



16

planning permissions have been **refused** for redundant glasshouse sites under the IDP.

The total area of redundant glasshouse sites is

75.5
hectares
in 2020



80.6
hectares
in 2017



Natural Resources



There was a noticeable increase in permission for renewable energy equipment in 2020

39
in 2020



23
in 2019



25
in 2018



28
in 2017



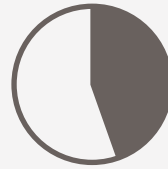


Construction Waste



122

Site Waste Management Plans (SWMP) have been submitted (2017-2020)

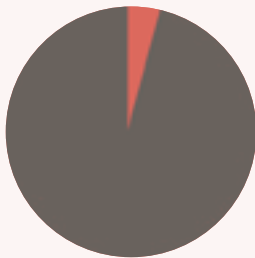


41%

of residential permissions submitted a SWMP in 2020



Conclusions



In 2019 and 2020 there was a high rate of approval of planning applications. Of **3,081** applications, only **131** were refused (**4.3%**)



Only **4** appeals against refusals were decided during 2019 and 2020, **2** of which were allowed and **2** dismissed.



1,500 pre application enquiries were answered in 2019 and 2020.

Section 1

Introduction



This document is the Island Development Plan (IDP) Annual Monitoring Report (AMR) for 2019 and 2020. This is the third AMR for the IDP. This AMR has a different look to previous reports as it focusses on monitoring and reporting on those policies which most support delivery of current States' priorities and it aims to be more user-friendly.



1.1 What is the Island Development Plan?

The IDP was prepared by the Development & Planning Authority (DPA) and was formally adopted by the States in November 2016. The IDP manages the Island's physical and natural environment by putting in place policies which ensure that development is carried out in such a way as to deliver the social, economic and environmental objectives of the States of

Guernsey, in so far as they relate to land use. The IDP provides the policy framework for the determination of planning applications, enables suitable development on appropriate sites, looks to conserve and enhance the best of Guernsey's physical and natural environment and helps to guide public and private investment in relation to land planning.

1.2 What is an Annual Monitoring Report?

The AMRs include analysis of decisions on planning applications and appeals during the year and the findings of surveys and research carried out by the Planning Service and data collected from other States Committees in order to assess the continued effectiveness of the policies in the IDP in delivering the objectives of the States of Guernsey.

1.3 Why monitor the Island Development Plan

The reports aim to provide a statistical basis for future reviews of the IDP with an analysis of any trends. The AMRs can recommend amendments to the IDP if policies are no longer effective and relevant. Ongoing monitoring enables the IDP to adapt to changing circumstances. Monitoring of the IDP is a statutory requirement on the DPA.

1.4 Where can I find out more

Information on the IDP and Supplementary Planning Guidance is available online on the States' website here: gov.gg/planningpolicy. Research and technical evidence reports are available here: gov.gg/amr. This includes IDP Annual and Quarterly Monitoring Reports, Main Centres Surveys, Local Centres Surveys and updates to the Employment Land Study.

The States publishes a range of statistical reports many of which include data of relevance to the IDP. These reports are available here: gov.gg/data.



The Planning Service publishes reviews of performance against targets for the speed of decisions on planning applications. The performance statistics are available here: gov.gg/planningperformance

1.5 How can I keep-in-touch for updates?



If you would like to be kept up to date with progress with the implementation of the IDP including the publication of any documents such as Development Frameworks (guidance for the development of sites), please let us know and we can add you to the Planning Service's Plan Review database.

Further information on the work of the Planning Service, including planning applications and decisions, is available here: www.gov.gg/planningandbuilding

We would value your feedback on the Annual Monitoring Report. You can do this by contacting us using the details below.

- ✉ planreview@gov.gg
- ☎ 01481 226200
- 📍 Planning Service, Sir Charles Frossard House, La Charroterie, St Peter Port, GY1 1FH

Section 2

Strategic Development and Infrastructure



2.1 Introduction

The Strategic Land Use Plan (SLUP) highlights opportunities for regeneration within the Main Centres, with the aim of promoting and enabling development that can deliver economic, social and environmental benefits to the positive advantage of the Island as a whole. The SLUP notes that many of the opportunities identified are located on the eastern coastal areas of the Main Centres. These are areas that accommodate land which is either inefficiently used or could be put to better alternative use through the implementation of a co-ordinated strategy.

The SLUP states that modern infrastructure is vital to the Island and the ability of the planning system to enable its timely provision is an important objective of the SLUP. The IDP includes policies to deliver infrastructure projects and major developments through Harbour Action Areas, Regeneration Areas, Safeguarded Areas and Airport Land.



2.2 Harbour Action Areas

The Harbour Action Areas (HAAs) have potential for significant development. The HAAs embrace extensive areas within and around the St Peter Port and St Sampson harbours recognising that in addition to vital operational activities that take place within the ports these are areas with significant potential to be developed and used to meet the economic, social and environmental objectives of the States.

IDP Policy MC10: Harbour Action Areas notes that detailed strategies for the development of

the St Peter Port HAA and the St Sampson's HAA will be provided in a Local Planning Brief for each area when approved by the States of Guernsey. In the meantime, the policy supports proposals where they are of a minor or inconsequential nature or do not prejudice the outcomes of the Local Planning Brief process.

53 planning permissions in 2019 and 29 in 2020 were approved in HAAs. All of these planning applications were assessed for the potential impact on the delivery of the comprehensive



master-planning and redevelopment of the harbours and found not to prejudice the outcomes of the Local Planning Brief process.

A Seafront Enhancement Area (SEA) programme was initiated in 2017 to develop and co-ordinate policies and develop a masterplan for the development and enhancement of the east coast of Guernsey including St Peter Port and St Sampson's HAAs. A political Steering Group was formed to co-ordinate the SEA programme. The Group agreed a series of enhancement objectives and principles and identified six States-owned sites along the St Peter Port seafront as shorter-term initial enhancement projects. Progress has been made on the regeneration of the La Vallette area and use of the Round Top site in St Peter Port Harbour.

The Government Work Plan includes a recovery work stream to 'Enable opportunities for regeneration'. Progress with the associated recovery actions will need to be taken into account in future reviews of the IDP policies to ensure that they continue to support delivery of the States priorities. A critical recovery action for the first 6 months is to 'establish a

development agency and enable work to begin on the development of the seafront masterplan'. In addition, following debate of a policy letter in June 2021 'Future Harbour Development', the States resolved to direct the States' Trading Supervisory Board to submit a policy letter for a scheme to develop within St Peter Port Harbour a 'Pool Marina', to direct the Policy & Resources Committee to establish a Development and Regeneration Board to replace the interim sub-committee established by the Committee to advise it on the development of the SEA and to direct the Policy & Resources Committee to submit a policy letter to detail the work of the Development and Regeneration Board and steps towards a seafront masterplan.

Progress with work on the SEA and the implications for the HAAs will be kept under review and will need to be taken in consideration in future reviews of the IDP policies. An extant States' resolution from 2020 is to direct the Authority to prepare proposals for a Local Planning Brief for the St Peter Port HAA. However, this cannot be progressed until direction is given in the wider SEA masterplan.

INDICATOR



Delivery of Local Planning Briefs for the Harbour Action Areas of St Peter Port and St Sampson informed by a strategic plan for the Seafront Enhancement Area.

PROGRESS



Work has not yet started on Local Planning Briefs for the Harbour Action Areas.

2.3 Regeneration Areas

Regeneration Areas are areas where a co-ordinated and flexible approach to planning of mixed-use development can achieve significant new sustainable place making, attracting inward investment and making improvements to and enhancement of the public realm and historic environment. The Regeneration Areas are located at South Esplanade and Mignot Plateau, Lower Pollet and Le Bordage/Mansell Street in St Peter Port and Leale's Yard at the Bridge in St Sampson / Vale.

IDP Policy MC11: Regeneration Areas requires a Development Framework for the Regeneration Areas prior to their redevelopment. In the meantime, the policy supports proposals where they are of a minor or inconsequential nature. 16 planning permissions in 2019 and 9 in 2020 were approved in Regeneration Areas. Given the policy context of the IDP, none of these permissions were for development of any significant scale.

A project is ongoing to produce a Development Framework for the three St Peter Port Regeneration Areas. A Development Framework for the Leale's Yard Regeneration Area was approved by the DPA in 2020.

The Frameworks set out the potential of the areas including opportunities for significant new sustainable place making, improvements to and enhancement of the public realm and historic environment, all of which will sustain the vitality of the Main Centres and ensure that they remain attractive places in which to live, shop, work and spend leisure time.

The Government Work Plan includes a recovery work stream to 'Enable opportunities for regeneration'. Actions include 'Complete Development Frameworks for all Regeneration Areas' and 'Conclude appraisal of government involvement in developing Leale's Yard'.



INDICATOR



Delivery of Development Frameworks for Regeneration Areas.

PROGRESS



Development Framework for Leale's Yard approved in 2020. A draft Development Framework for the 3 Regeneration Areas in St Peter Port published in 2021.

2.4 Safeguarded Areas

IDP Policy IP5: Safeguarded Areas states that Safeguarded Areas shall be protected from any development that may compromise their future implementation for strategically important development. Three areas are designated on the Proposals Map as Safeguarded Areas:



Chouet Headland for possible mineral extraction;



Les Vardes Quarry for possible water storage; and,



Land to the east of airport land for a possible runway extension.

There were no permissions in 2019 in Safeguarded Areas and only 1 permission in 2020. This was to install 3 antenna units to an existing telecommunications mast.

Policy IP5 says that a Development Framework may be required prior to development within a Safeguarded Area. Work began in 2017 on preparing a Development Framework for the Chouet Headland in relation to possible mineral extraction and a draft was published for consultation in April 2019. There has been no requirement to progress Development Frameworks for the other Safeguarded Areas.

The continued need for these sites to be safeguarded including the possible use they are safeguarded for, will be kept under review as will progress with the projects to use the land in relation to IDP Policies. If the sites are not needed for the identified safeguarded use other uses could be considered, if appropriate.



The Government Work Plan includes recovery actions to 'Determine the future aggregate supply policy' which will be debated in autumn 2021 and 'Determine the future strategic use of Les Vardes' which will need to be taken into account in any future review of the IDP policies. In addition, the resolutions to a policy letter 'The Island's Future Aggregate Supply' (June 2021) will need to be taken into account and will have implications for both Les Vardes and Chouet. Policy IP5 may require to be amended depending on these policy decisions.

2.5 Airport Land

IDP Policy IP4: Airport Related Development supports proposals relating to the operation or safety of the airport where they would ensure the continued effective, efficient and safe operation of the airport. The policy also supports proposals for development associated with airport related uses on 'Airport Land' (shown on the IDP Proposals Map), immediately adjoining Airport Land or within close proximity to Airport Land subject to a range of criteria.

There were 4 planning permissions at the airport in 2019 and 1 in 2020. These included a permission for a new storage unit and the remainder were for minor forms of development.

The Government Work Plan includes a recovery action to 'Conclude Guernsey Airport runway extension decision'. In addition, a masterplan for the Airport is being developed. These actions and any resolutions thereafter will need to be taken into account in any review of the IDP policies.

2.6 Conclusions

At present the policies of the IDP referenced above support the States' priorities as set out in the Government Work Plan. Regeneration is a critical recovery action and the policies provide a positive and supportive framework to bring forward co-ordinated and comprehensive plans for the SEA and Regeneration Areas while managing development proposals in the meantime. Delivery of a Local Planning Brief(s) for HAAs will be an important workstream to support the Government Work Plan. IDP policies safeguard areas of strategic importance to States' priorities for air links and the supply of aggregates in advance of policy decisions. Policy IP5 may require to be amended depending on these policy decisions.



Section 3 Housing



3.1 Introduction

The IDP has a Plan Objective to 'ensure access to housing for all' and generally supports the development of new dwellings in the Main Centres, Main Centre Outer Areas and Local Centres. New dwellings are also supported Outside of the Centres, in certain circumstances, through sub-division of existing dwellings or through conversion of redundant buildings. This is in accordance with the spatial strategy of the SLUP.

A number of recovery actions included in the Government Work Plan in 2021 relate to housing and will need to be taken into account in any future review of the IDP policies. Recovery actions include developing and seeking States' approval for the States Strategic Housing Indicator, establishing a (political) Housing Action Group, creating an Affordable Housing Development Plan and actions relating to accommodation for elderly people and key workers. A critical recovery action for the first 6 months is to scope and deliver urgent measures necessary to address housing pressures.

3.2 'Pipeline' Housing Supply

The SLUP requires the Authority to demonstrate, through regular monitoring, that there is a maintained minimum 2-year supply of housing permissions within the 'pipeline' that is able to come forward for development¹. In July 2018, the States resolved to agree the States' Strategic Housing Indicator be set at completing 635 new units of accommodation between 2017 and 2021, with a plus or minus variance of 149 new units to give the flexibility to react to market changes. It also agreed to separate the States' Strategic Housing Indicator into an Affordable Housing Indicator (considered in more detail below) set at completing 178 units of Affordable Housing over the next 5 years with a plus or minus variance of 32 new units to give the flexibility to react to demand and market changes and a private market housing indicator of 457 new units of accommodation with a plus or minus variance of 117 new units of accommodation for the same period. This equates to an annual indicator for the completion of 97-157 additional new dwellings

per year. The pipeline supply requirement is therefore planning permissions for at least 194-314 new dwellings (136-230 private market, 58-84 Affordable Housing). **Figure 1** overleaf demonstrates the number of dwellings in the pipeline at the end of 2020. **Figure 2** shows the location of development sites with planning permission in the pipeline.

The States Strategic Housing Indicator is currently under review. When this is agreed by the States, the IDP policies for housing development will need to be re-evaluated to ensure that they continue to be able support delivery of an appropriate supply of housing.

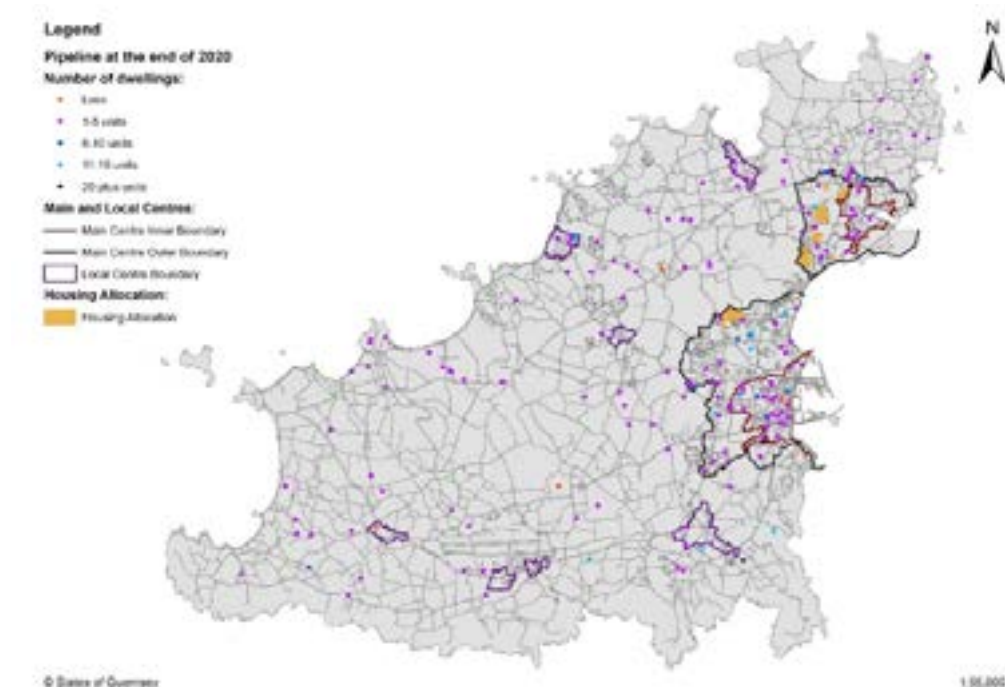
¹ Whilst the calculation of the 2 year pipeline supply is based on the Strategic Housing Indicator, which now relates to the completion of dwellings, it is used for planning purposes to provide a test to ensure there is sufficient land available and planning permissions for housing in place to meet recognised housing needs. This monitoring, alongside other research, enables the Authority to determine whether the IDP housing policies are meeting the objectives of the SLUP and whether there is a need to amend planning policies or to seek additional land for housing.

Figure 1: Pipeline Housing Supply at the end of 2020

Source of Supply - Private Market	Number of dwellings			
	Main Centres	Local Centres	Outside of the Centres	Total
Full permissions (work not commenced)	94	22	76	185
Outline permissions	0	0	0	0
Under Construction	224	15	58	304
Total	318	37	134	489

Source of Supply - Affordable Housing				
Full permissions (work not commenced)	0	0	0	0
Outline permissions	0	0	0	0
Under Construction	25	0	26	51
Total	25	0	26	51

Pipeline Supply	540			
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Figure 2: Location of Pipeline Housing Supply site at the end of 2020**INDICATOR**

A minimum 2-year supply of planning permissions for residential development that are able to come forward for development is maintained at any one time, so that there is sufficient land available to meet the annual requirements for housing need (currently 194-314 dwellings).

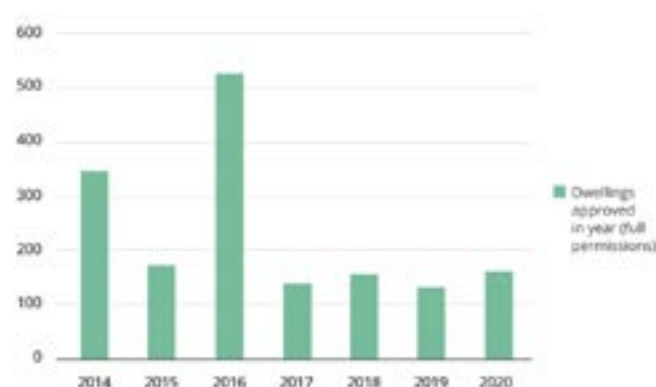
PROGRESS

2019: 594 dwellings. 2020: 540 dwellings. The pipeline supply has been decreasing since the adoption of the IDP. The pipeline supply at the end of 2016 was 1415 dwellings.

3.3 Planning Permissions in 2019 and 2020

Full planning permission was granted for a total of 162 additional dwellings (all private market dwellings) on 93 sites during 2020 (131 dwellings on 76 sites in 2019 – 130 private market and 1 Affordable Housing dwelling). This was below average for the past 5 years (233 dwellings) – see **Figure 3**. The delivery of Affordable Housing through IDP policies is considered in more detail below and will be kept under review.

Figure 3: Dwellings approved each year (excluding outline permissions)



3.4 Developments Commencing and Completed

Whilst the pipeline housing supply requirement in the IDP relates only to the number of permissions granted, it is also useful to monitor how many of these permissions get built (are taken-up). **Figure 4** shows development that has commenced or was completed during 2019 and 2020 (including developments approved under previous development plans and under the IDP).

The number of dwellings under construction at the end of each quarter has remained relatively stable – see **Figure 5**. The average is 339 dwellings.

Figure 4: Developments commencing and completing

	Commencements Private		Commencements Affordable		Completions Private		Completions Affordable	
	Sites	Units	Sites	Units	Sites	Units	Sites	Units
2019	63	127	3	34	29	68	1	10
2020	46	87	2	16	30	86	4	46
Running total since IDP adoption	203	376	12	167	127	291	12	149

Figure 5: Dwellings under construction

3.5 Location of Development

The IDP Spatial Policy is to concentrate the majority of new development in the Main Centres and the Main Centre Outer Areas to maintain the vitality of these areas. **Figure 6** shows the majority of housing supply is located in Main Centres.

Figure 6: Location of development

	2019 permissions		2020 permissions		Pipeline		Completions	
	Dwellings	%	Dwellings	%	Dwellings	%	2019	2020
Main Centres	79	60%	74	46%	343	63%	53	67
Local Centres	7	5%	16	10%	37	7%	1	7
Outside of the centres	45	35%	72	42%	160	30%	24	58
Total	131		162		540		78	132

Figure 7 below assesses where new residential development has been permitted in terms of greenfield² and brownfield sites to monitor how effective policies are at focusing development within Centres on brownfield sites. 77% of dwellings in 2019 and 2020 combined were on brownfield sites.

² Greenfield is open land that is not developed. Glasshouses are regarded as being greenfield sites as they are required to be treated as agricultural land under the Land Planning and Development (Guernsey) Law, 2005. Brownfield land is previously developed land and includes land within the curtilage of a building.

Figure 7: Dwellings approved in 2019 and 2020 by location and type of site

	Brownfield				Greenfield			
	Sites		Dwellings		Sites		Dwellings	
	2019	2020	2019	2020	2019	2020	2019	2020
St Peter Port Main Centre	10	11	23	29	0	0	0	0
St Peter Port Main Centre Outer Area	12	8	45	16	0	1	0	2
St Sampson's / Vale Main Centre	2	5	4	5	0	0	0	0
St Sampson's / Vale Main Centre Outer Area	2	5	2	9	1	2	5	13
Local Centres	4	4	7	5	0	2	0	11
Outside of the Centres	31	39	30	52	14	16	15	20
Total	61	72	111	116	15	21	20	46

Figure 8 shows that development is fairly evenly spread across the Main Centres and Main Centre Outer Areas and there is not a concentration of development in any one location. The largest proportion of sites are within the St Peter Port Main Centre Outer Area which includes the most land of the 4 areas assessed. 39% of completed dwellings since the adoption of the IDP and 30%

of the pipeline supply are located Outside of the Centres and are through sub-division of existing dwellings or through conversion of redundant buildings. The percentage of the pipeline supply has increased from 24% in 2018. This is an issue to be kept under review to ensure the IDP continues to deliver the SLUP spatial strategy.

Figure 8: Location of residential development sites completed since the adoption of the IDP (to end of 2020)

	St Peter Port Inner Area	St Peter Port Outer Area	St Sampson / Vale Inner Area	St Sampson / Vale Outer Area	Local Centres	Outside of the Centres
Completed Sites	10	24	14	8	11	72
Completed Dwellings	51	157	29	18	14	171

3.6 Sizes of dwellings permitted

The SLUP requires the IDP to ensure that provision is effectively made to meet the annual requirement for the creation of new homes of an appropriate mix of tenures, housing sizes and types, to meet the Island's housing needs. The States' Strategic Housing Indicator is based on the findings of a report by KPMG (Guernsey Housing Market Review, 2017) that was noted by the States as a resolution to the Policy Letter 'Local Market Housing Review and Development of Future Housing Strategy' in July 2018. The KPMG report sets-out the requirement for housing by both tenure and the size of the dwelling (expressed as a number of bedrooms). The split by number of bedrooms was not expressly endorsed by the States, however it represents the most up to date information available regarding housing need.

Figure 9 below shows the split in size of private market units that is considered appropriate on sites capable of providing a mix of dwellings – this is an update to the figures in the 2017 KPMG report based on the Planning Service's analysis of dwellings completed since 2017 - and compares this with the dwellings permitted in 2020. **Figure 9** shows that overall there has been an over-delivery of permissions for 1 bed and 4+ bed private market dwellings, as was the case in 2018, and an under delivery of permissions for 3 bed private market dwellings.

Figure 9: Size of private market dwellings permitted in 2020 (net of dwellings to be replaced via the implementation of new dwellings approved) compared to identified housing need. (Note that single dwelling sites do not need to meet the requirement for dwellings sizes so may be for a 4 or 5+ bed property)

Size of unit	Appropriate % of units required	% of units permitted
1 bed	20-21%	35
2 bed	40-41%	39
3 bed	39%	18
4 & 5+ bed	0%	9

3.7 Housing Supply

In accordance with the requirements of the SLUP the IDP identifies a minimum five-year land supply for housing. At the time the IDP came into force in 2016 the annual Strategic Housing Indicator was 300 additional new dwellings per year giving a five-year land supply requirement for 1,500 dwellings. In July 2018, the States resolved to agree the States' Strategic Housing Indicator be set at completing 635 new units of accommodation between 2017 and 2021, with a plus or minus variance of 149 new units. The Indicator is currently under review.

It should be noted that the indicator relates to the completion of new dwellings not the supply of land through the planning system. The supply of land must be sufficient to allow for the development of at least the number of units expressed as the States' Strategic Housing Indicator. The States has no control over implementation of planning permissions and this is why the Indicator is not expressed as a target.

The methodology used to identify the supply of land for housing to meet the housing indicator (the Strategic Housing Land Availability Assessment, 2014 (SHLAA)) identifies a 5-year supply of housing based on:

Figure 10: SHLAA Housing Supply (2014)

Source of housing supply	2014 SHLAA
A. Dwellings with permission / under construction	713
B. Allocated sites (estimated lower yield)	718
C. Windfall allowance	150-300
Total (with full windfall allowance)	1731



A summary explanation of the methodology used to identify the supply of land for housing is available [here](#) ('Approach to the Housing Sites Allocations in the Draft Island Development Plan, December 2014').

A. Dwellings with permission / under construction

The current pipeline supply (dwellings with permission or under construction) is 540 dwellings. See **Figure 1** above.

B. Allocated sites

There are 15 housing allocations in the IDP in the Main Centres and Main Centre Outer Areas which are identified to be used for housing development including ancillary complementary development. The progress in the delivery of housing on these sites as at the end of 2020 is set out in **Figure 11** below.

Figure 11: Progress of the housing site allocations

Housing allocation sites	Progress	Net units approved	Estimated Yield (SHLAA ³ / DFs ⁴)
Belgrave Vinery	Draft Development Framework published	-	125-313
Bougourd Ford	Development Framework adopted	-	15-20
Braye Lodge	Development Framework adopted	-	10-20
Cleveleys Vinery	Development Framework adopted	-	19-29
Education offices	Development Framework adopted	-	17-24
Priaulx Garage	Development completed	19	-
Franc Fief	None	-	106-190
King's Club	Under construction	13	-
La Vrangue	Permissions 2019 (Vrangue Manor) and 2020 (Route De La Ramee) not part of the main site for future development	5	188-339
Les Bas Courtils	Development Framework adopted Permission (house / barn) 2017 - lapsed	-	11-17
Maurepas Road	Under construction	6	-
Petites Fontaines	Permission 2016 - lapsed	-	14-18
Pointues Rocques	Development Framework adopted	-	75-125
Salt pans	Development Framework adopted	-	84-154
Warry's Bakery	Development completed	20	-
Total units (net) permitted on allocations		63	

³ Strategic Housing Land Availability Assessment (2020 update)

⁴ Development Frameworks

As at the end of 2020, 63 dwellings have been permitted on allocated sites. 24 of these dwellings form part of the pipeline supply. Taking account of updated yields from approved Development Frameworks, the remaining supply from allocated sites is therefore at least an estimated 664 dwellings.

C. Windfall allowance

The windfall allowance⁵ (sites other than the allocated sites) in the 5-year supply is up to 20% i.e. up to 20% of 1,500 dwellings which is 300 dwellings over 5 years, which was the indicator at the time the IDP was drafted. This is based on

historic trends of permissions for smaller sites and is an assumed allowance, not a target or limit, but is monitored here to inform future iterations of the SHLAA. Since the adoption of the IDP 584 dwellings have been permitted on windfall sites. Of these 584 dwellings, 293 dwellings were permitted on smaller sites (1-4 dwellings). The number of dwellings delivered through windfall to date has therefore exceeded expectations.

⁵ In the Strategic Housing Land Availability Assessment (SHLAA) only sites of 0.25 acres (0.1 Ha, 0.6 vergée) and over or that could provide 5 or more dwellings have been identified as contributing to the supply of land. It was envisaged that mainly sites below this threshold would contribute to windfall provision, although sites over this threshold may come forward as windfall. The Plan does not include housing site allocations in the Local Centres or Outside of the Centres and the SHLAA did not include those locations in the land supply. Any dwellings permitted in these locations would form part of the windfall provision.

Housing supply

In summary, the housing supply at the end of 2020 is shown in **Figure 12**.

Figure 12: Source of housing supply

Source of housing supply	End 2020
Dwellings with permission / under construction	540
Remaining capacity on allocated sites (lower estimated yield)	664
Windfall allowance	150-300
Total (with full windfall allowance)	1504

The supply of housing (in **Figure 12** above) is currently well in excess of the 5 years supply requirement (486-784 dwellings). **Figure 13** suggests that the supply of housing via planning permissions is broadly appropriate to meet housing need (in terms of the total number of dwellings required) at the current rate of delivery. The level of housing need as expressed in the Indicator is currently under review and there are market signals that the level of supply of housing and the type of housing available is not meeting demand. This is an issue for the Housing Action Group to consider and may have implications for any future review of the IDP policies.

INDICATOR



Minimum 5-year supply of housing land – the Strategic Housing Indicator is presently 635 new units of accommodation between 2017 and 2021 (+/- 149 units).

PROGRESS



Land supply of 1504 dwellings.

Figure 13: Dwellings completed in relation to the Strategic Housing Indicator (2017-2020)

	Strategic Housing Indicator (4 years)	Completed dwellings (2017 to 2020)
Private Market dwellings	272 - 459	291
Affordable Housing dwellings	117 - 168	149
Total	389 - 627	440

3.8 Strategic Housing Land Availability Assessment

The Strategic Housing Land Availability Assessment (SHLAA) was produced in June 2014 and is part of the evidence base that informed the preparation of the draft IDP. It is effectively a 'stock check' of the supply of potential development sites for housing in Guernsey. It provides information on the suitability and availability of each site; whether the development of a site is considered to be achievable; and if there are any significant constraints to development. It also demonstrates whether there is an adequate supply of land to meet the Island's Strategic Housing Indicator over the life of the IDP.

An update to the 2014 SHLAA has been undertaken. The SHLAA update assesses sites from a number of sources:

- » Remaining 'deliverable' and 'developable' sites from the 2014 SHLAA (including housing allocations) – undeveloped sites without an extant planning consent;
- » Remaining sites considered not deliverable/developable in the 2014 SHLAA where the circumstances have since changed and the site is undeveloped and without an extant planning consent;
- » Any other site in a Main Centre with an approved Development Framework in addition to the sites above, that is undeveloped and without an extant planning consent; and,
- » Regeneration Areas as designated in the IDP.



A total of 39 sites have been assessed. Each site has been subject to a desktop assessment of its suitability for development for housing in relation to the physical attributes of the site and its location, including accessibility, provision of services, environmental constraints and risks to the development of a site. 10 sites were considered unsuitable and discounted. This includes a number of States owned sites that are not available in the next 5 years, but that may become available thereafter.

Each site was assessed for its development potential (i.e. the number of dwellings that could be achieved on the site, or 'yield'). The estimated development potential is presented as a lower and higher range for the number of dwellings that could be achieved. The total estimated yield from the 29 sites is 1,016 to 2,025 dwellings. These figures included the full yield of all the sites, but in reality typical build rates in Guernsey mean that the larger sites are unlikely to be able to be developed in full within the next 5 years. Therefore, the true 5-year supply of land is lower. This would need to be considered in detail in a new SHLAA to support a review of the IDP.

Figure 14: Number of potential dwellings from sites identified in the SHLAA update

Site Characteristics	Number of sites	Yield	
Location		Min	Min
St Peter Port Main Centre	6	152	196
St Peter Port Main Centre Outer Area	9	295	507
St Sampson / Vale Main Centre	2	63	366
St Sampson / Vale Main Centre Outer Area	12	506	956
	29	1,016	2,025
Site type			
Brownfield	13	276	658
Brownfield / Greenfield	7	438	770
Greenfield	9	302	597

The review of the SHLAA takes into account Development Frameworks approved by the Authority. The IDP says that Development Frameworks may be required for certain sites to guide development. In 2019 and 2020 12 Development Frameworks for residential development were approved by the Authority. 3 sites in the St Peter Port Main Centre, 7 in the

St Sampson/Vale Main Centre and 3 in Local Centres. 22 Development Frameworks have been published to date. 1 site with an approved Development Framework has been constructed, a further 5 sites with a Development Framework have planning permission and there are live planning applications on a further 2 sites.

3.9 Affordable Housing⁶

IDP Policy GP11: Affordable Housing requires proposals for development resulting in a net increase of 20 or more dwellings to provide a proportion of the developable area of the site for Affordable Housing. In some cases the provision of units or, in exceptional cases, off-site land or unit provision is permitted. In addition, some permissions are given for Affordable Housing exclusively (such as developments by the Guernsey Housing Association).

As noted above, in July 2018, the States resolved to agree to separate the States' Strategic Housing Indicator into an Affordable Housing Indicator set at completing 178 units of Affordable Housing over the period 2017-2021 with a

⁶ Affordable housing means social housing provided for persons on low incomes, and intermediate housing. Social housing - dwellings owned or controlled by the Committee for Employment & Social Security, the GHA or any other person or legal arrangement which is offered to persons on low incomes or with other needs identified by the Committee a) Whose housing needs, as identified by the Committee, are not met by the private sale or rental market for dwellings, and b) Who meet the criteria set, from time to time, by the Committee, the GHA or other person or legal arrangement, as the case may be, for the occupation of such dwellings. Intermediate housing - dwellings owned or controlled by the Committee, the GHA or any other person or legal arrangement which are offered a) to persons whose housing needs, as identified by the Committee, are not met by the private sale or rental market for dwellings, b) on a basis which may include provision for part ownership, part share of equity or low cost ownership or similar scheme (however named), and c) to persons who meet the criteria set, from time to time, by the Committee, GHA or other person or legal arrangement, as the case may be, for the occupation of such dwellings.

plus or minus variance of 32 new units to give the flexibility to react to demand and market changes. This equates to 29-42 dwellings per year over the 5 year period.

No sites have had a Policy GP11 Affordable Housing requirement since the adoption of the IDP. Permission was granted for 1 additional unit of Affordable Housing in 2019 and 2020. The total Affordable Housing permitted to date under the IDP is 57 dwellings.

Policy GP11 was amended⁷ by the States in approving the IDP. This increased the threshold at which the policy requirement for Affordable Housing applies from 5 or more dwellings to 20 or more dwellings. In 2019 there were 5 permissions for 5 or more dwellings and 10 permissions in 2020, none of which were for 20 or more. These sites would have had a

requirement for 20-24% of the developable part of the site for Affordable Housing, or approximately 26 completed dwellings in total, under the policies of the draft IDP had the thresholds not been amended.

The Government Work Plan in 2021 includes recovery actions in relation to Affordable Housing. This includes a review of the existing stock to see if it is being used to its full potential and to establish the need for any new stock. The resulting Affordable Housing Development Plan and the review of the Indicator will need to be considered in any future review of the IDP policies and housing land allocations.

⁷ Billet D'Etat XXV & XXVII P.2016/25 Amdt 2 Proposed by Deputy P Roffey, Seconded by Deputy Laurie Queripel

3.10 Conclusions

At present the policies of the IDP referenced above support the States' priorities as set out in the Government Work Plan. The policies support housing development of all tenures in appropriate locations. There has been a consistent level of permissions, and completions of dwellings, to help meet housing need. There are also a number of housing allocation sites remaining without planning permission. The housing Indicator is under review however and this will need to be considered in future monitoring and any future review of the IDP policies. The level of permissions for Affordable Housing has been much lower in 2019 and 2020 than in previous years under the IDP and Policy GP11 has not delivered any Affordable Housing dwellings or land to date. This is an issue for the IDP to be considered alongside the proposed Affordable Housing Development Plan and any

direction given from workstreams for elderly tenures and key worker housing. The level of housing development permitted Outside of the Centres is also an issue to be kept under review to ensure the IDP continues to deliver the SLUP spatial strategy.



Section 4 Offices



4.1 Introduction

The SLUP directs the IDP to focus office use within and around the Main Centres, where there are existing clusters of offices, while recognising the need for large floorplate office space with the allocation of an Office Expansion Area at Admiral Park (for floorplates over 1,000m²). IDP policies allow smaller premises under 250m² within the Main Centres to change to an alternate suitable use, providing flexibility and to address an oversupply of, mainly tertiary, small office space. The change of use of larger substandard office premises to other uses, subject to demonstrating certain criteria are met, may also be considered.

Limited new office development within the Local Centres may be considered where it is shown they contribute to a Local Centre's range of services and facilities and reinforces them as sustainable centres.

Outside of the Centres, the SLUP directs the IDP to make provision for certain small-scale businesses, who have a justifiable need to be located Outside of the Centres based on the nature of operation and/or have difficulty in finding a suitable site within the Centres. New office development Outside of the Centres is supported through conversion of redundant buildings only.

Guernsey's finance sector is the central pillar of Guernsey's economy. This sector together with the supporting business services and legal sectors account for a quarter of all employment and contribute in the region of £1.3bn to the economy, equating to c.44% of the Island's economic output [source: Guernsey Facts & Figures, 2020]. These sectors are therefore the key driver for office accommodation on the Island.



The focus provided by the Government Work Plan 2021-2025 is critical in directing any ongoing and future monitoring and delivery of relevant policy. It is essential that present and future office stock allows for the sustainable prosperity of existing and emerging economic sectors, in particular the financial services industry, as well as providing opportunity for diversification and to prevent future untoward circumstances. Continuing engagement with stakeholders about the effectiveness of the IDP in delivering current and future office requirements is vital. The most relevant (but not the only) applicable actions in the Government Work Plan are:

- » Scope actions necessary to support local entrepreneurship and diversification post COVID-19.
- » Scope the options for Guernsey enterprise zones.
- » Conduct a second red tape review.
- » Support emerging economic opportunities.
- » Complete Development Frameworks for all Regeneration Areas.

4.2 Profile of office accommodation

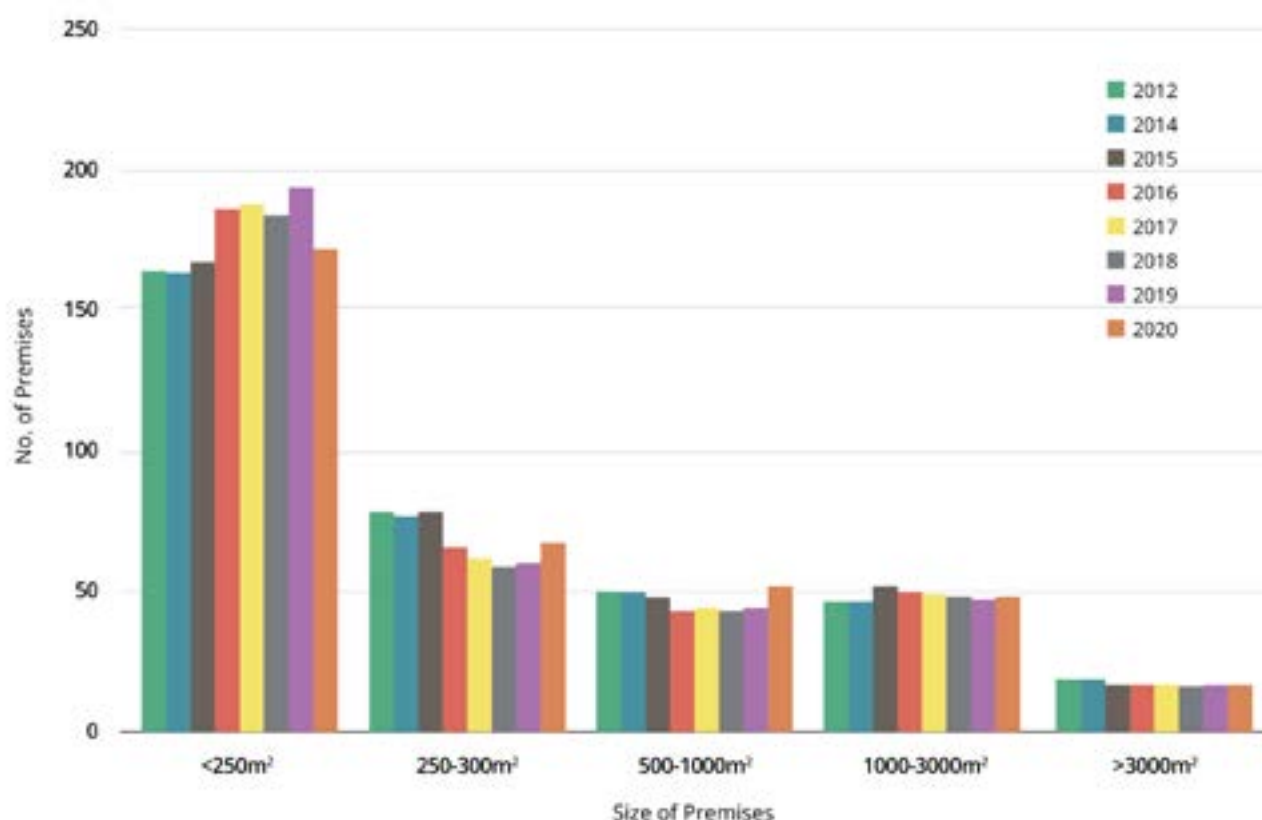
Over the last 8 years, there has been a slight (4.3%) decrease in the overall office stock in the Island with 356 premises providing 260,540m² of accommodation located on c17.2ha of land in December 2020 (see **Figure 1** below). Improvements to the data collection since 2018 indicates the decrease in accommodation stems largely from the loss of units of tertiary accommodation sized between 250-500m² from the sector together with the loss of a single large floor plate accommodation (4,355m²) at the Royal Bank of Canada site at Upland Road during 2019.

Figure 1: Total number of office premises 2012 and 2020

2012 Count	2012 Area (m ²)	2020 Count	2020 Area (m ²)
358	272,248	356	260,540

Overall, the majority of the Island's office premises remain small scale (under 250m²), with the number of this size of premises increasing compared to the baseline position in 2012. The number of premises over 3,000m² has decreased slightly but still accounts for the majority of the Island total office floorspace (38%) (see **Figures 2, 3 & 4** below).

Figure 2: Number of office premises in each size category (2012 to 2020)



Figures 3 & 4: Area of office premises in each size category (2012 & 2020)

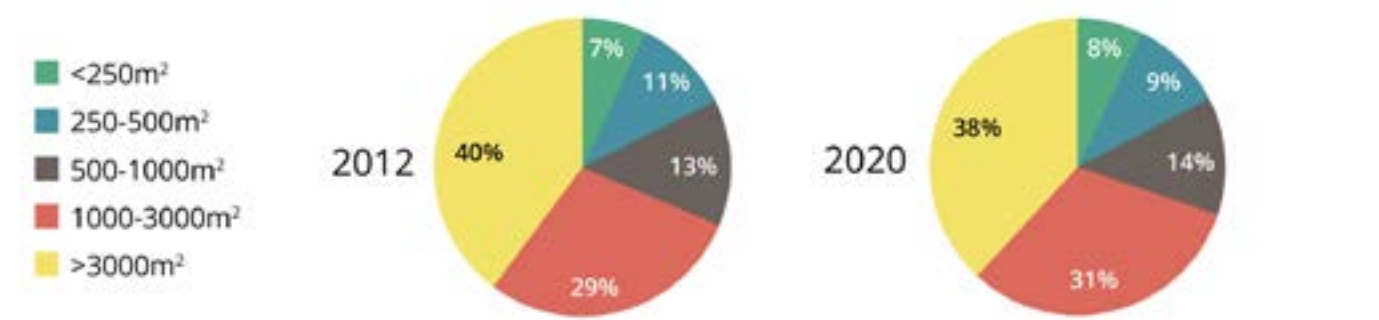
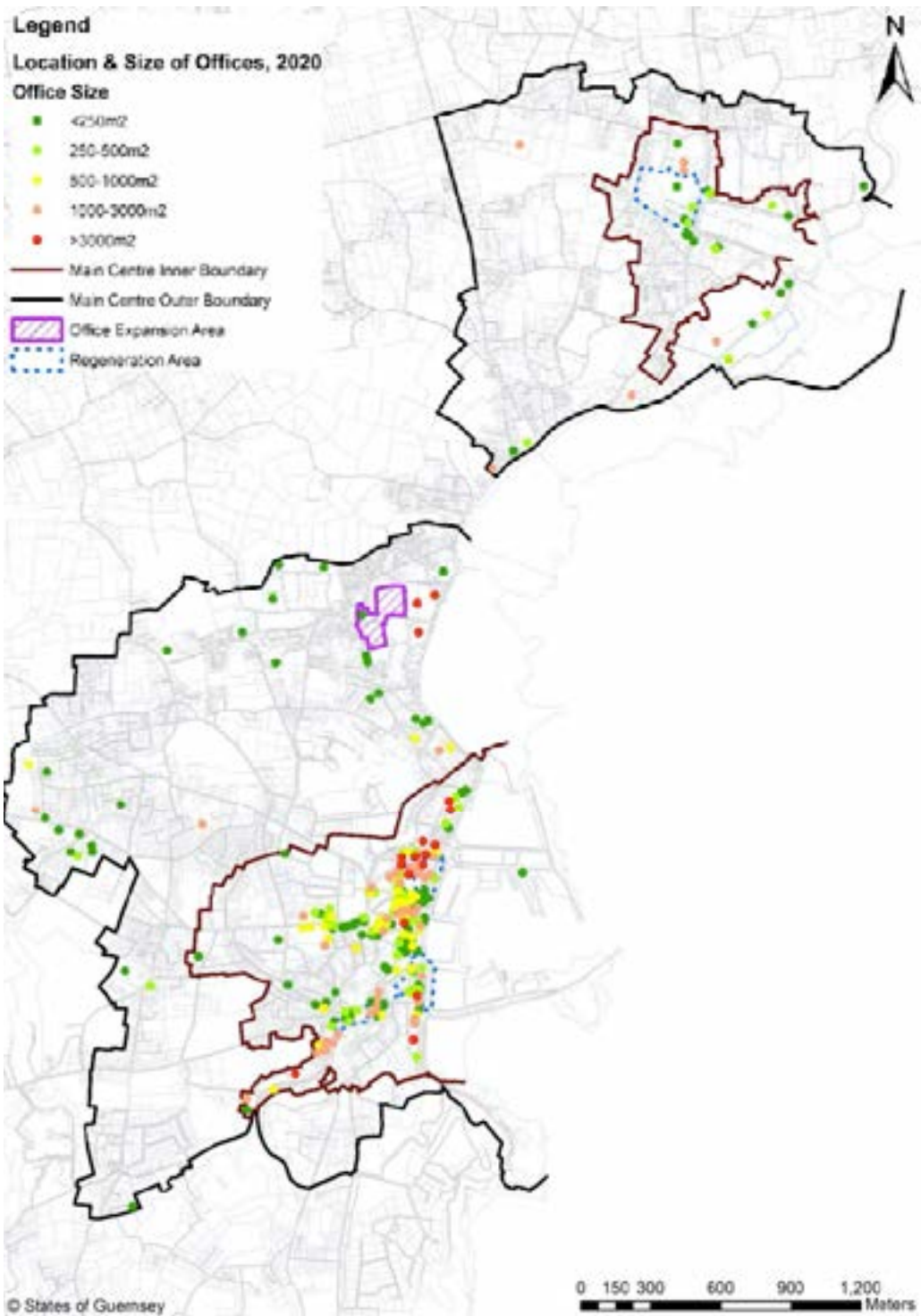


Figure 5 shows that the Main Centre of St Peter Port is the primary location for offices (88%), with the majority of this accommodation located within the inner area of this Main Centre. Similar to the 2012 baseline position, the St Sampson/Vale Main Centre provides a greatly reduced level of accommodation in comparison (5%) and continues to act as a minor office location.

Figures 5: Map of Main Centre Offices by size classification



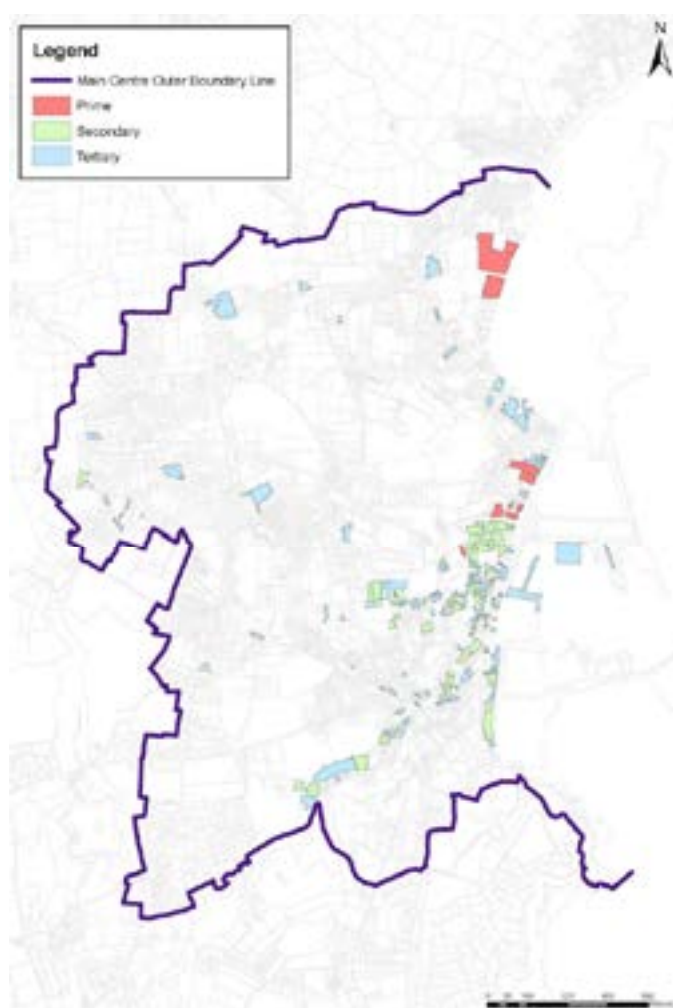
The 2018 AMR included an action for the Planning Service to liaise with industry representatives to determine appropriate classification for office quality. Further to this, in 2020 the Authority commissioned Watts Property Consultants Limited to undertake an audit of the existing office portfolio in St Peter Port Main Centre. As set out in further detail in the ELS update 2018 (gov.gg/CHttpHandler.ashx?id=121208&p=0), in consultation with relevant stakeholders, the criteria for Primary, Secondary or Tertiary office classifications were agreed. These classifications were then applied

to the existing stock within St Peter Port Main Centre and the findings are shown in **Figures 6 and 7** below.

Figures 6: Summary of findings from the Office Quality Audit 2020
(gov.gg/CHttpHandler.ashx?id=138897&p=0)

Classification	No. of Buildings	Area (m ²)
Prime	11	48,571
Secondary	80	91,338
Tertiary	160	55,931

Figures 7: Map of Main Centre offices by qualitative classification



Feedback from industry clearly states a portfolio is required with a range of primary, secondary and tertiary office accommodation to meet the business needs of the Island. The Office Quality Audit 2020 enhances our understanding of the existing portfolio. According to feedback and research, given the level of uncertainty post Brexit and the Covid-19 pandemic, it is difficult to predict the future requirements for office space. The initial response to the ongoing or post pandemic situation is that occupiers are expecting to return to full or majority full capacity in the near immediate future. It is however acknowledged that employers will likely undertake occupational reviews to forecast future office requirements. Going forward, agile working and improvements in technology and establishment of digital strategies may reduce the overall demand for new space. The full impact of the pandemic has yet to play out and will need further investigation to understand our optimum office portfolio and therefore inform any changes that may be required to current planning policy. It is recommended that this is prepared in partnership with the industry and other key stakeholders and the results

inform the full review of the IDP (2016). It is also recommended that an audit of existing stock should be undertaken every 3 years to inform monitoring and policy making.

The Authority in 2021 considered the interpretation of Policy MC4(A) in relation to change of use of office premises over 250m². In relation to criteria (a) the standard of accommodation will now be assessed against the required modern standard applicable at the time of application. The Authority will use the Office Quality Audit and quality definitions to inform that assessment. In some cases industry advice may be sought to further inform the assessment. In circumstances where the accommodation is demonstrated to be of an

unsatisfactory standard, criteria (b) of the policy requiring the marketing of the premises may be waived or altered as a minor departure of the IDP. This specifically addresses both low quality offices but also to allow residential use to come forward as appropriate in the Main Centres (in view of current critical recovery actions of the Government Work Plan). This policy interpretation has only come into effect in 2021 and any impact of this change will be monitored and reported in the next AMR. It is also noted there is a potential change to exemption ordinance at the beginning of next year that may also facilitate the change the use of upper floors away from office to residential.

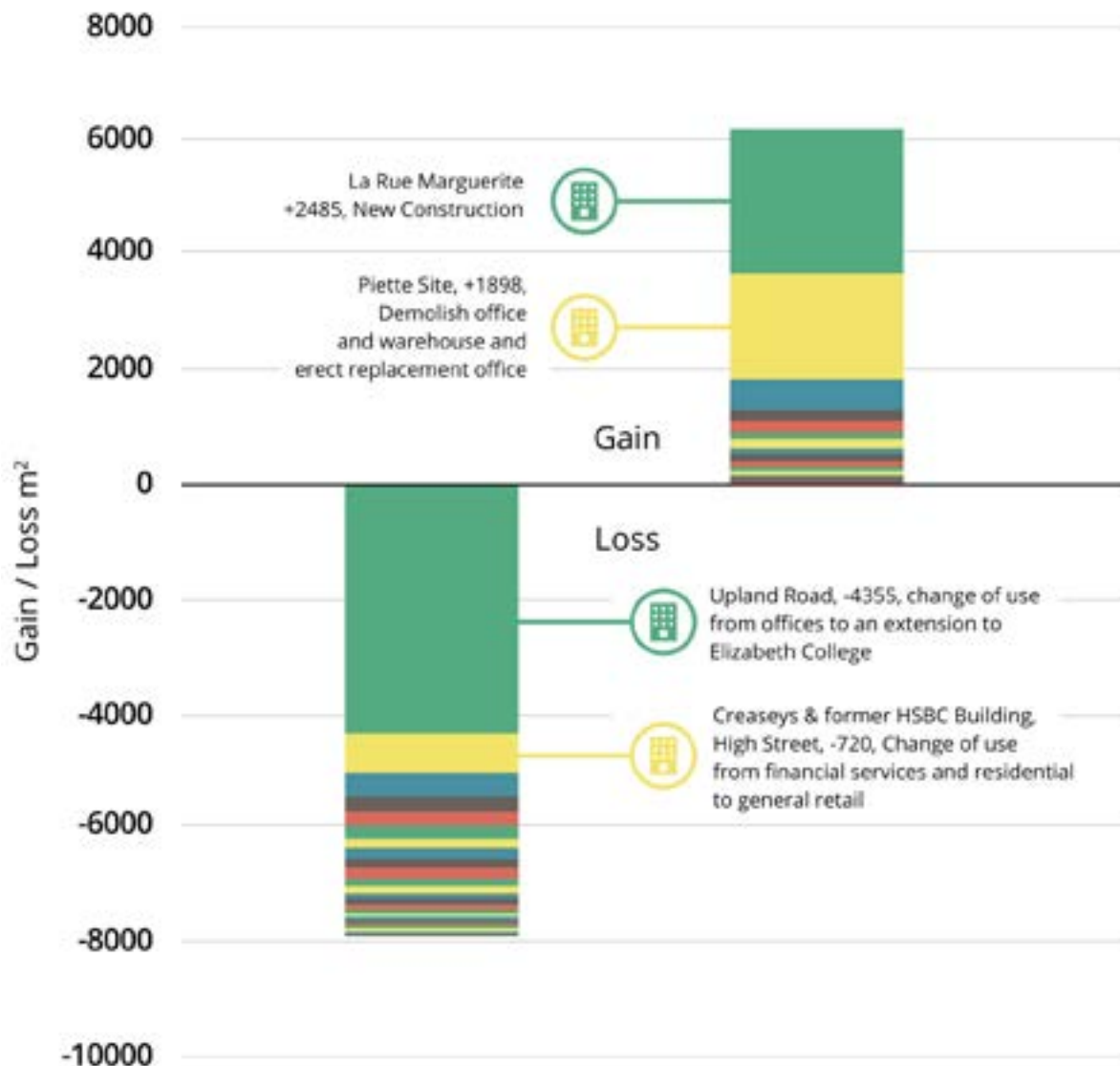
4.3

Planning permissions in 2019 and 2020

During 2019 and 2020 a total of 38 planning permissions relating to office accommodation were decided. 23 permissions related to a loss in floorspace and were typically associated with a change of use from small scale office accommodation (under 250m²) to residential dwellings, primarily in St Peter Port. 15 permissions were granted for a gain in floorspace and were typically associated with a change of use from small scale areas (under 250m²) to office spaces, primarily in St Peter Port. Review of permissions demonstrates the flexibility intended by the planning policy for small scale units within the Main Centre to change use in response to market demands.

Permission was granted for the construction of new large scale (2,485m²) purpose-built office accommodation at La Rue Marguerite, St Peter Port during 2019. However, a major loss in floorspace of 4,355m² was also recorded at the Royal Bank of Canada site on Upland Road, St Peter Port. This change of use from office accommodation to that of public amenity, specifically an extension of the Elizabeth College campus, was permitted under policy S5: Development of Strategic Importance in relation to educational purposes. Given the nature of the application, this is considered a one-off exceptional occurrence which is not likely to be repeated but does highlight the loss of any large floorplate accommodation can have a significant impact on the portfolio.

Figures 8: Chart displaying planning permissions relating to office floorspace gain/loss in 2019 & 2020



Although 2019 and 2020 saw an overall loss in office floorspace of 1,729m² this is not considered definitive of any ongoing trend of office floorspace loss. During this time, there were notable positive gains in floorspace which were counteracted by substantial losses related to an isolated occurrence and/or the ongoing loss of undesirable accommodation from the sector. Importantly, there was no loss of any primary grade accommodation.

INDICATOR



Provide 30,000m² additional office floorspace over 10 years (from 2016)

PROGRESS

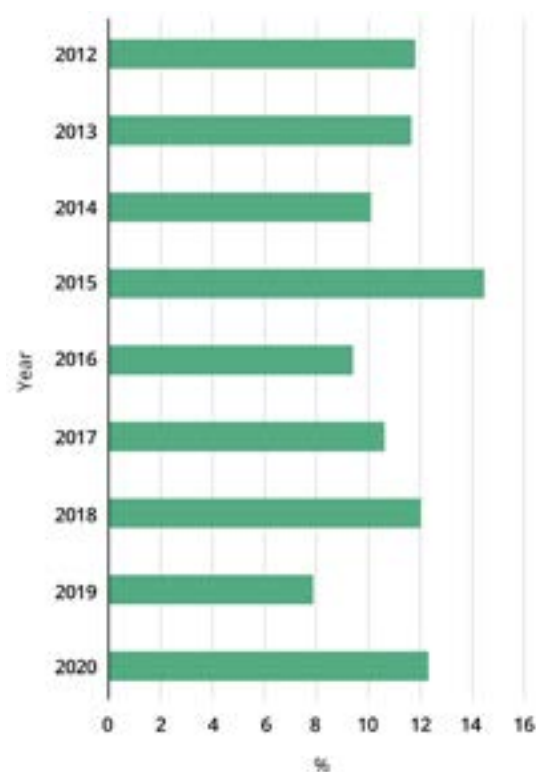


2019+2020: Overall loss of 1729m² not considered indicative of trend

4.4 Office Expansion Area

Substantial work has commenced on an extant planning permission (pre-2019) for mixed-use development within the Office Expansion Area at Admiral Park. This development will include office facilities, cafe and a hotel with expected floorspaces of 3,343m², 252m² and 3,593m² respectively. In addition, a multi-storey car park is currently under construction. Within the confines of the same site a 2021 planning application has been made for a further office building with a gross internal area of 7,549m². The aforementioned is noted for reference purposes and shall be further detailed in future AMR's if applicable. The original spatial extent of the Office Expansion Area originally measured 3.06 ha as defined in the IDP. Taking into consideration the site extent detailed above it has been calculated that c1.56ha will remain for future development and associated infrastructure.

Figures 9: Chart showing office vacancy rates from 2012 to 2020



4.5 Availability of office accommodation

At the end of 2019 office vacancy rates were recorded at their lowest rates since 2012 which corresponds with feedback from the agents stating high levels of activity in the market during this time. By end 2020 vacancy rates have returned to a similar level to 2018 at 12.3%. Post Brexit effects and the effects of the Covid-19 pandemic on the desire for office space and increased agile working are still playing out and require further research to understand long term implications. It is encouraging that the ongoing construction of modern, purpose-built office accommodation at La Rue Marguerite and Admiral Park may satisfy any demand in the short to medium term for larger floorplate accommodation.

Greater detail on current determinations of the office sector can also be found in the forthcoming publication of Employment Land Study Update Report 2020.

INDICATOR



Maintain a minimum 10% vacancy rate to provide headroom in the market with appropriate mix of sizes available

PROGRESS



2019 – 7.85%, 2020 – 12.32%

4.6 Conclusion

Overall, it is noted that given the level of uncertainty post Brexit and the Covid-19 pandemic, it is difficult to predict the future requirements for office space. The initial response to any ongoing or post pandemic situation is that occupiers are expecting to return to full or majority full capacity. It is however acknowledged that with expected occupational strategic reviews being conducted any future forecast is difficult to ascertain. Going forward, agile working and improvements in technology and establishment of digital strategies may reduce the overall demand for new space.

Overall, there is a need to provide a range of different size and quality of accommodation within the portfolio to meet differing business needs. The Office Quality Audit Report 2020 provides a useful baseline of the existing portfolio. Further investigation into future requirements for this sector is recommended to be undertaken by the States of Guernsey to understand the optimum office portfolio and therefore inform any changes that may be required to current planning policy protection. It is recommended that this is prepared in partnership with the industry and other key stakeholders and the results inform the full review of the IDP (2016). It is also recommended the office quality audit is updated every 3 years to inform monitoring and policy making. This work will further a previous action of AMR to identify the appropriate recommended portfolio.



Section 5

Industry & Storage



5.1 Introduction

The IDP, in its provision of a comprehensive range of land opportunities for employment, directs industry, storage and distribution to be focused within and around the Main and Local Centres. Provision is also considered Outside of the Centres where a justifiable requirement is demonstrated. Specific land is also provided in the form of four Key Industrial Areas (KIA), each with an associated expansion area (KIEA) with a further detached KIEA north of the airport. In addition, certain criteria must be satisfied before any loss of industrial, storage and distribution land outside of the KIA's and along the Inter-harbour route is allowed.

The focus provided by the Government Work Plan 2021-2025 is critical in directing any ongoing and future monitoring and delivery of relevant policy. It is essential that present and future accommodation and land for Industry, Storage and Distribution allows for the sustainable prosperity of existing and emerging economic sectors as well as providing opportunity for diversification and to prevent future untoward circumstances. Continuing engagement with stakeholders about the effectiveness of the IDP in delivering current and future requirements is vital. The most relevant (but not the only) applicable actions in the Government Work Plan are:

- » Scope actions necessary to support local entrepreneurship and diversification post COVID-19.
- » Scope the options for Guernsey enterprise zones.
- » Conduct a second red tape review.
- » Support emerging economic opportunities.
- » Promote and support innovation, transformation and entrepreneurial growth in the digital sector (scale-ups).
- » Develop a blue economy supporting plan.
- » Deliver a green economy supporting plan.
- » Determine the future aggregate supply policy.
- » Determine the future strategic use of Les Vardes.
- » Conclude decision making on the future inert waste facility.
- » Develop more detailed proposals for future harbour development and seek States' approval.
- » Maintain Essential Infrastructure and Systems.

5.2 Profile of industry, storage and distribution sector

As at December 2020 there are 694 premises providing 418,620m² of accommodation located on 197.85ha of land, the majority of which is industrial in nature (56.7% of premises and 79% of land). Over the last 8 years, this indicates industrial floorspace is remaining relatively static (2.2% increase) with a decrease in storage and distribution floorspace (-1.44%). However, there is a notable gain of 21.7% of storage and distribution land in the Island since 2012. This in part stems from the conversion of redundant vinery sites to Industry and Storage open yards as observed through a review of planning applications.

As shown in **Figures 1 and 2**, similar to 2018, the St Sampson/Vale Main Centre contains the most industrial, storage and distribution floor space (c.39%), largely located on designated land. However significantly, provision Outside of the

Centres (31.4%) now exceeds the provision within St Peter Port (c.26.5%). Premises for both industry and storage and distribution are typically under 250m², 59% and 48% respectively, with majority of floorspace provided through a few larger sites (>3,000m² sized accommodation).

Figure 1: Total number of Industry, Storage & Distribution premises 2018 to 2020

2018 Count	2018 Area (m ²)	2019 Count	2019 Area (m ²)	2020 Count	2020 Area (m ²)
707	419,164	708	409,698	694	418,620

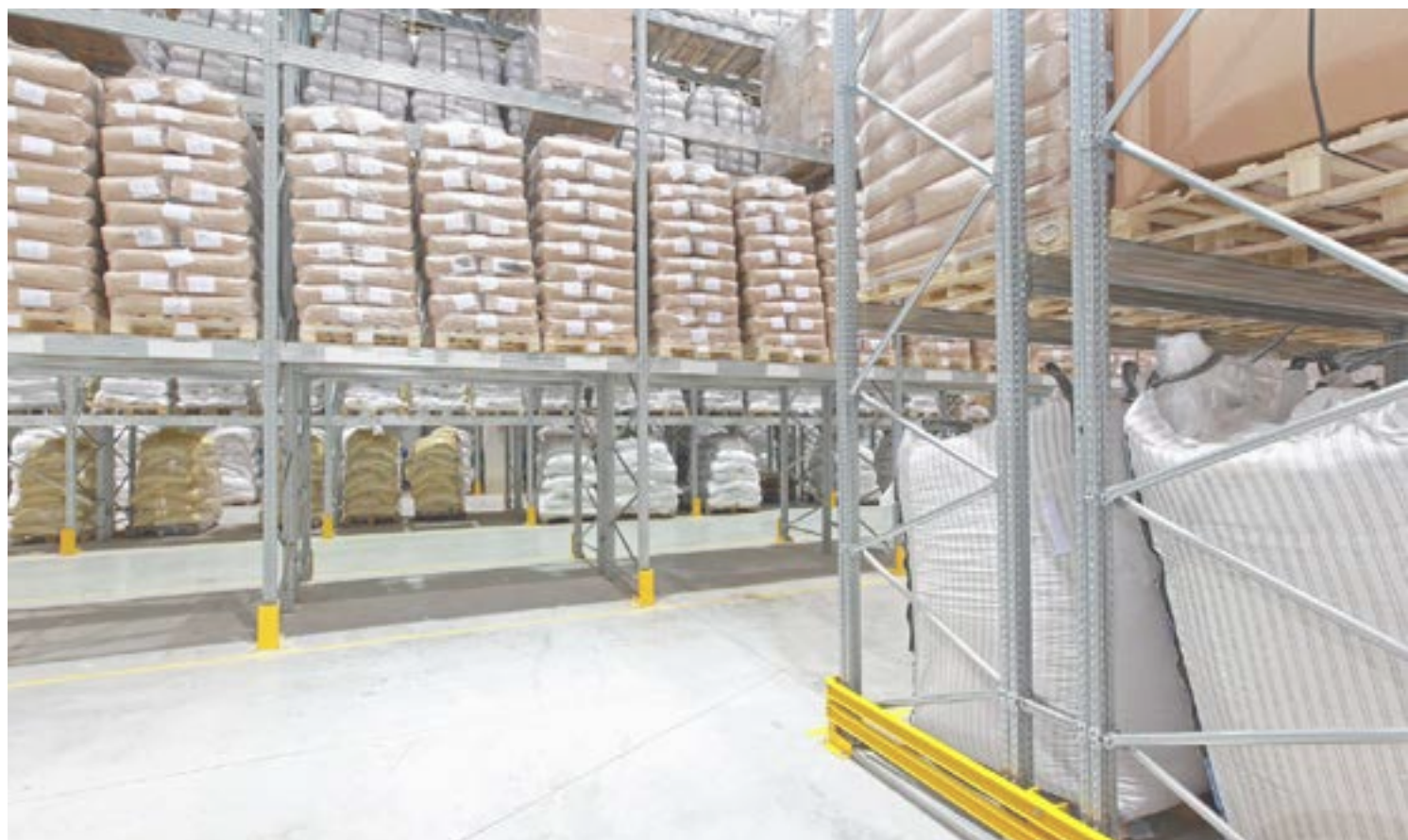


Figure 2: Map of Main Centre Industry, Storage & Distribution premises by size classification

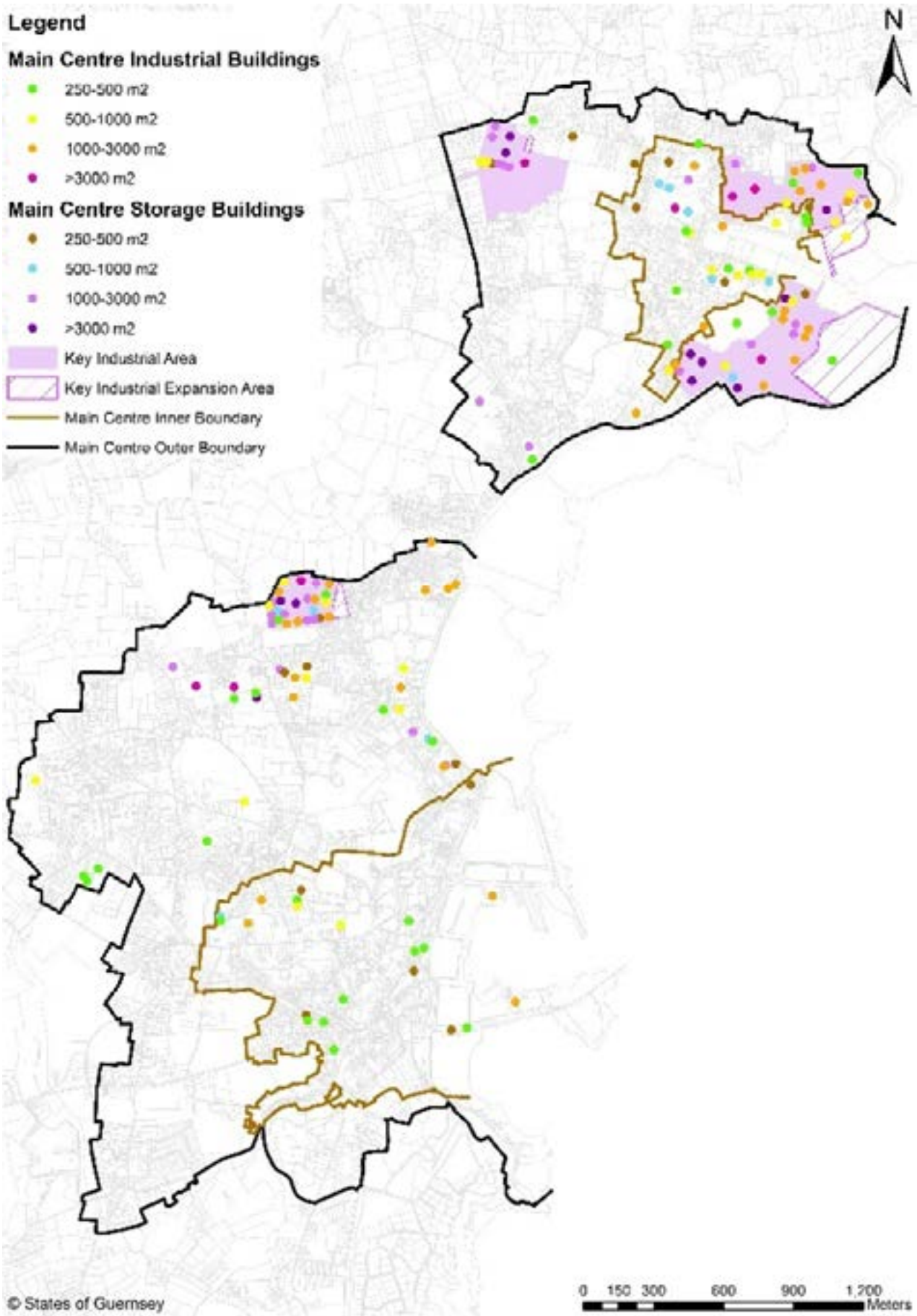
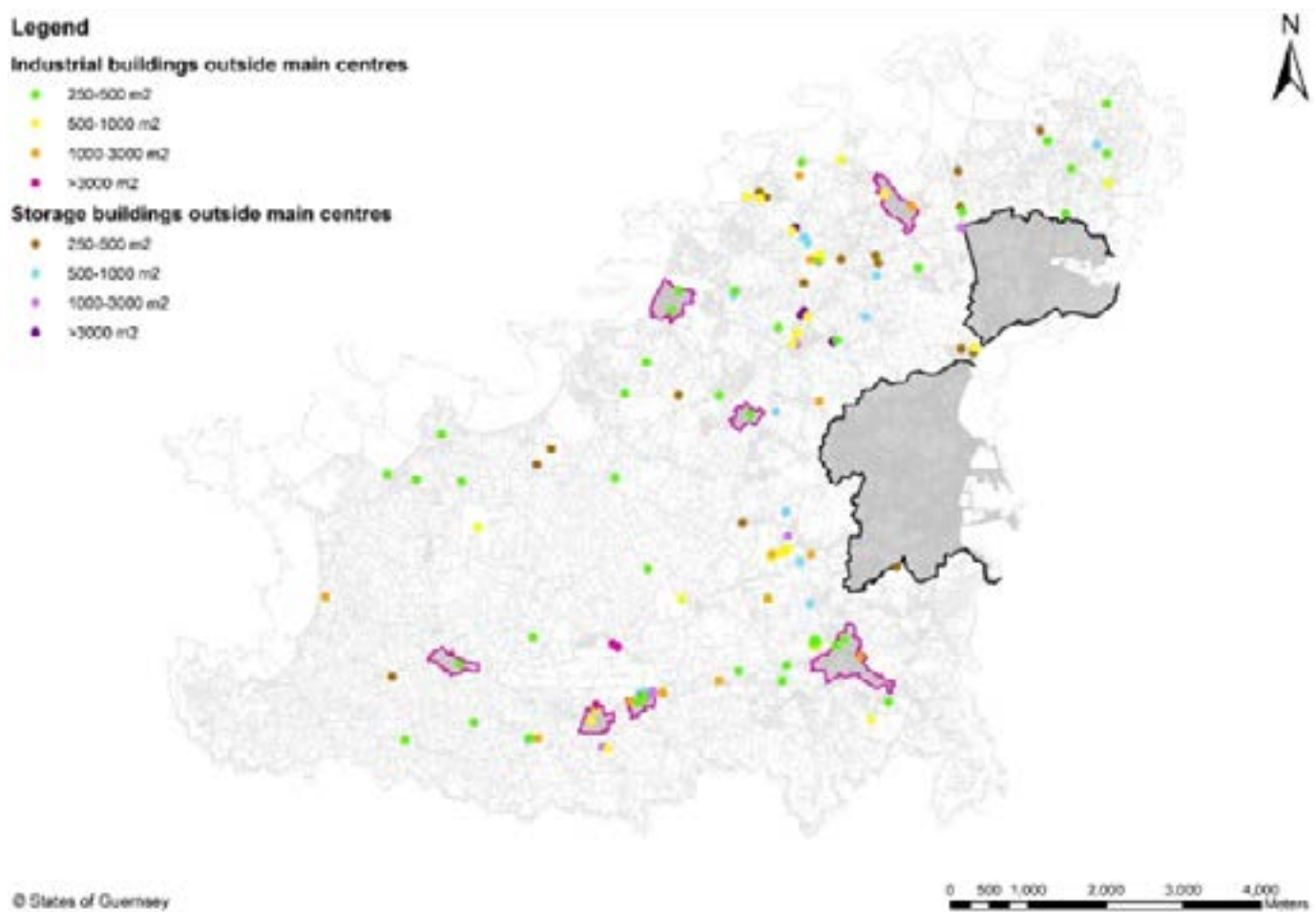


Figure 3: Map of Outside of the Main Centres for Industry, Storage & Distribution premises by size classification

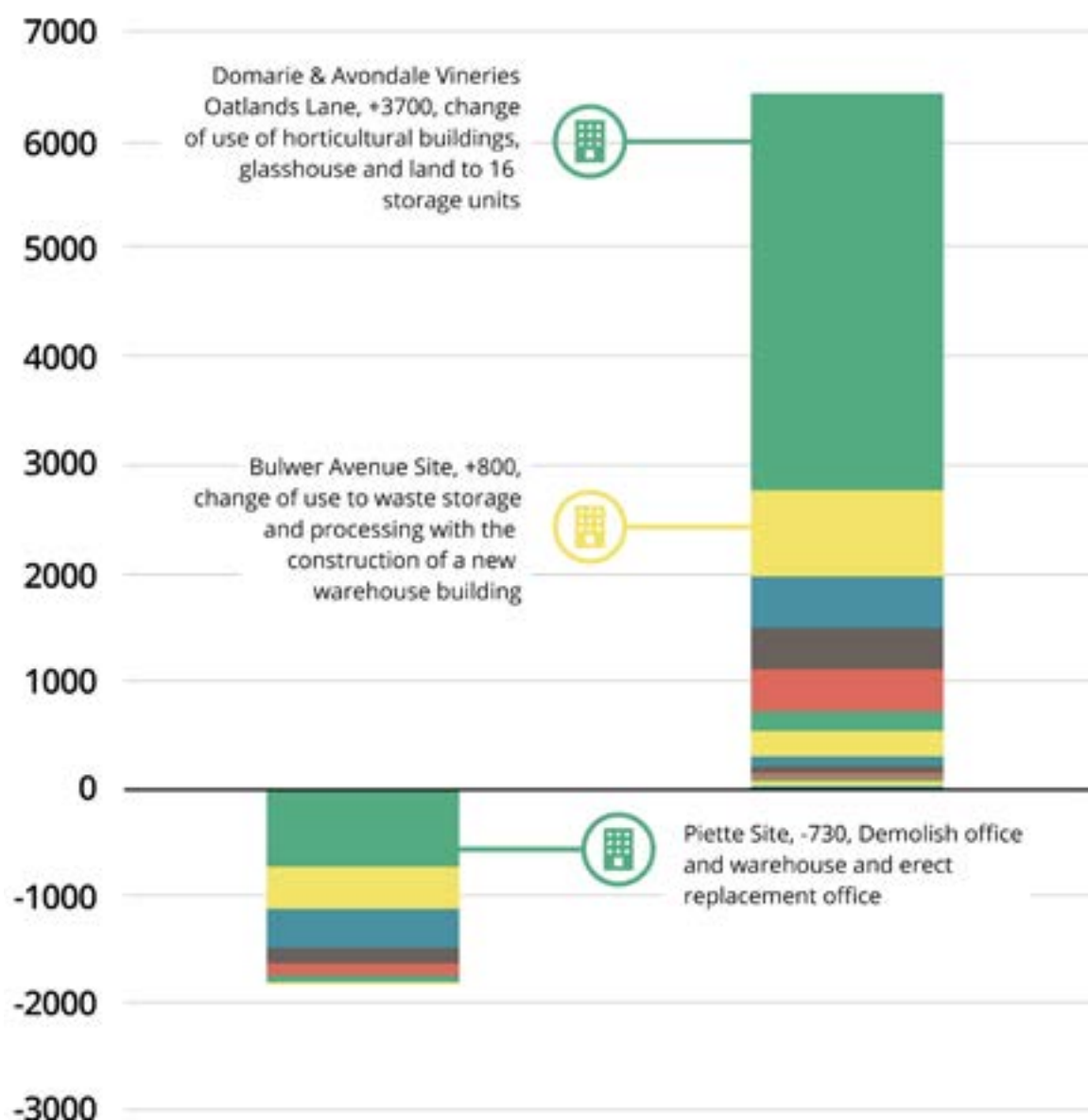


5.3

Planning Permissions in 2019 and 2020

During 2019 and 2020 a total of 20 planning permissions relating to Industry, Storage & Distribution premises were decided. 7 permissions related to a loss in floorspace, covering a range of -39m² to -730m² which included demolition and replacement by residential dwellings and change of use to offices and public amenity. 13 permissions were granted relating to a gain in floorspace, typically below 1,000m². This included an 800m² addition at the site alongside Bulwer

Avenue, within the Longue Hougue KIA, where there was a change of use to waste storage and processing with the proposed construction of a new warehouse building. In addition, planning permission for 3,700m² and c.1.9ha of land was granted on a redundant glasshouse site at Domarie & Avondale Vineries, Oatlands Lane, St Sampson where a change of use of redundant horticultural buildings and glasshouses to form 16 small scale storage units was approved.

Figure 4: Industry, Storage & Distribution Floorspace gain/loss

Overall Industry, Storage and Distribution saw an increase as recorded by planning permissions granted of 4,639m² and c.2.2ha of land over 2019 and 2020. A large proportion of this increase is due to the Domarie & Avondale Vineries, a redundant glasshouse site. However, the Employment Land Study (ELS) 2014 stated that the Island has an overprovision of industry, storage and distribution space and over the 10-year life of the IDP there will be a continuing decline in need for such space (loss of 22.6ha). The analysis of 2019 and 2020 values in regard to the overall gain of space are in marked

contrast to this projected demand and need and are noted accordingly. Greater detail on current determinations of the Industry, Storage & Distribution sectors can be found in the forthcoming publication of the Employment Land Study Update Report 2020.

Any losses in floorspace were predominantly located in Main Centres on standalone sites with only limited occurrence Outside of the Centres and no loss within a KIA or KIEA. One proposal resulting in loss of floorspace related to a site off the inter-harbour route where it was

demonstrated the site was no longer required in accordance with planning policy. Of the 13 proposals relating to gains in floorspace, 5 permissions were Outside of the Centres and were typically of limited extent and related to supporting existing sites, for example Beaucette Marina. The exception to this is the substantial gain at the aforementioned Domarie & Avondale Vineries on a redundant glasshouse site. Policies OC3 and OC7 allow for the redevelopment of redundant glasshouse sites, subject to the satisfaction of certain criteria, allowing flexibility for industries that need to be Outside of the Centres. This permission and a number of other permissions continue to deliver significant floorspace and Industry, Storage and Distribution land Outside of the Centres, as previously seen in 2017 and 2018. The impact of the scale of development should continue to be monitored to ensure the effect of the policies remains in accordance with the spatial strategy to concentrate development within the Main and Local Centres and there are no adverse impacts on directing investment towards the KIAs.

7 permissions were granted within Main Centres and of these, 4 were within a KIA. Combined with previous levels of activity in the KIAs the

aforementioned continues to demonstrate the occurrence of positive investment to enhance the accommodation offering within KIAs (currently c.41% of all accommodation). Overall planning policies are working to support this sector.

INDICATOR



Forecast decline in the sector of 22.6ha of land and consolidation within the Key Industrial Areas and Key Expansion Areas of the Main Centres over 10 years (from 2016)

PROGRESS



2019+2020: Overall gain of 4,639m² floorspace and 2.2ha in land is in contrast to forecast decline. While c.41% of accommodation for this sector is located within KIAs and KIEAs, growing provision Outside of the Centres (31.4%) needs to be monitored closely moving forward.



5.4

Availability of Industry, Storage & Distribution Accommodation

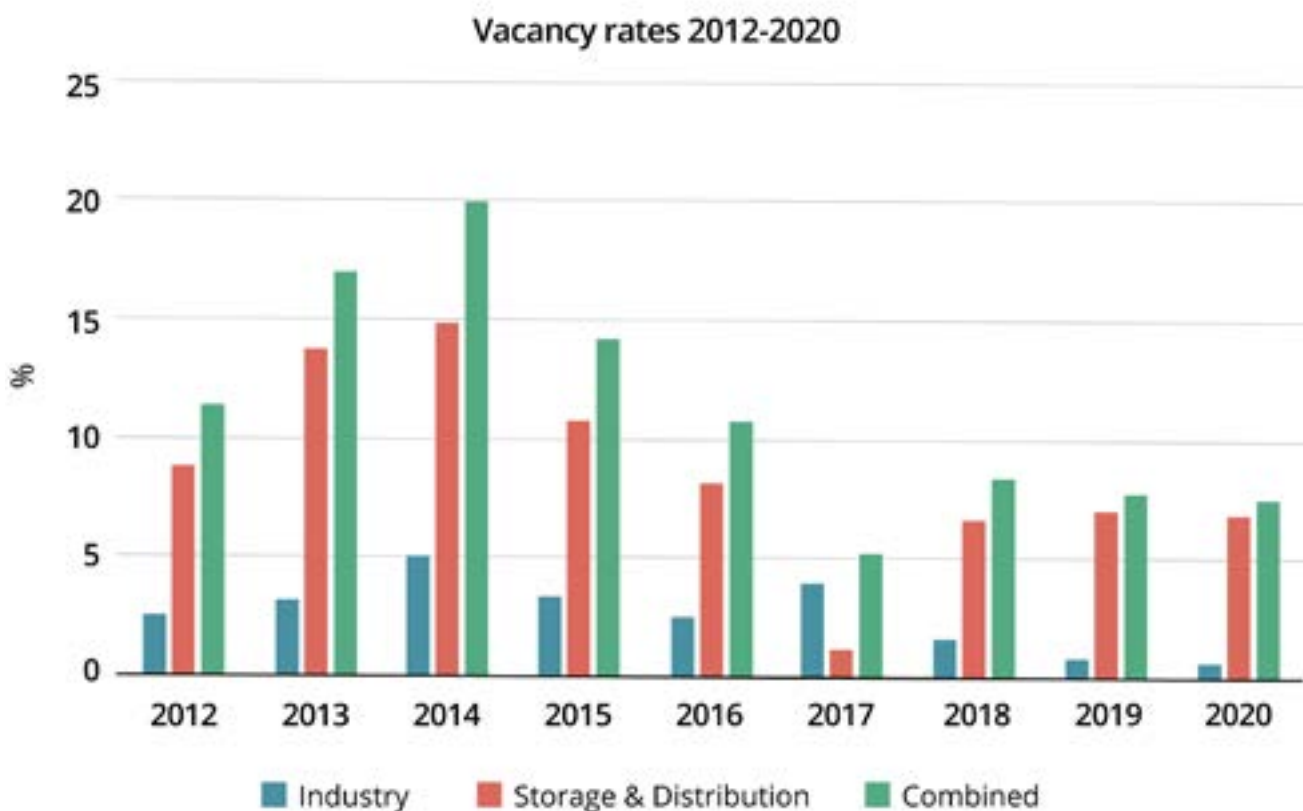
Current research indicates that Industry vacancy rates have fallen from a peak of 5.1% in 2014 to a low of 0.7% in 2019 and 0.6% in 2020. Storage & Distribution vacancy rates had also been falling from a 2014 peak of 15% to a low of 1.2% in 2017. Since then, the values for 2018 to 2020 have risen and stabilised to a consistent range of 6.7 to 7%.

Overall, at the end of 2020, there was little on the market for industrial uses and moderate availability for storage and distribution uses. Whilst overall demand is low, those seeking industrial, storage and distribution premises

may find there is limited choice of property within their price range or specification.

However, the range of size of industrial, storage and distribution premises available to the market has become more balanced, with increased availability of larger scale premises. During 2020, it is notable that the majority of premises are on the market for less than a year (64.7%) unlike previous years.

Figure 5: Industry, Storage & Distribution Vacancy rates



5.5 Conclusions

An accurate summary of Industry, Storage & Distribution requires careful consideration as to any observation made in relation to the data presented and the nuances contained within. In general terms it can be seen from the TRP data extraction that Industry and Storage & Distribution floorspace is relatively static over the last 8 years.

Planning permissions granted for Industry, Storage & Distribution over 2019 and 2020 resulted in an increase in floorspace and land, although it is important to note that large floor space permissions seem related to Storage & Distribution rather than Industry. As seen in previous years, the majority of the gains can be attributed to a few large sites. The original Employment Land Study (ELS) 2014 stated that the Island has an overprovision of industry, storage and distribution space and over the 10-year life of the IDP there will be a continuing decline in need for such space. The analysis of 2019 and 2020 values in regard to the overall gain of space are in marked contrast to this and are noted accordingly.

Overall, at the end of 2020, there was little on the market for industrial uses and moderate availability for storage and distribution uses. Whilst overall demand is low, those seeking industrial, storage and distribution premises may find there is limited choice of property within their price range or specification. However, the range of size of industrial, storage and distribution premises available to the market has become more balanced, with increased availability of larger scale premises

It is evident that KIAs continue to form an important and attractive area of focus with KIEAs providing a necessary buffer of land that may be used for any future emerging industry. In addition, under policies OC3 and OC7 change of use from redundant glasshouse sites, subject to the satisfaction of certain criteria, allow flexibility and growth for industries that need to be located Outside of the Centres. However, while the intention of the spatial strategy to concentrate Industry, Storage & Distribution development in the Centres and KIAs continues to be met, it should however be noted that the distribution of accommodation Outside of the Centres now exceeds that in St Peter Port and should continue to be monitored.



Section 6

Visitor Accommodation



6.1 Introduction

The IDP policies for visitor accommodation (hotels, self-catering, guest houses etc) try and support existing businesses with flexibility for proposals to enhance the quality and marketability of accommodation and to change between the types of visitor accommodation.

The IDP policies for change of use away from visitor accommodation aim to retain the core stock of accommodation other than in exceptional circumstances and therefore apply criteria, including a requirement for two years marketing for lease or for sale, that must be met before a change of use away from visitor accommodation is considered. The SLUP requires policies to maintain an adequate stock of visitor accommodation to support the future viability and growth of the industry.

A Supplementary Planning Guidance document was produced alongside the IDP to help with interpretation of the IDP policy requirements for change of use of visitor accommodation to an alternative use.

The Government Work Plan includes recovery actions to 'Establish a tourism plan and campaign' (which is a critical recovery action for the first 6 months) and to 'Prepare and invest in tourism product and accommodation'. These actions will give a potential new direction for tourism including a strategy for the potential use of heritage assets which will need to be taken into account in any future review of the IDP policies to ensure that they continue to deliver the States priorities.

In response to the impacts of Covid, the States resolved in February 2021 to implement a temporary exemption from the requirement for planning permission for certain changes of use of visitor accommodation. This is a change of use from visitor accommodation to residential use which took place or will take place between the 25/3/20 and 31/12/21. The change is specifically to address the pressures resulting from the pandemic and is subject to the use reverting back to its previous use prior to 31/1/22.

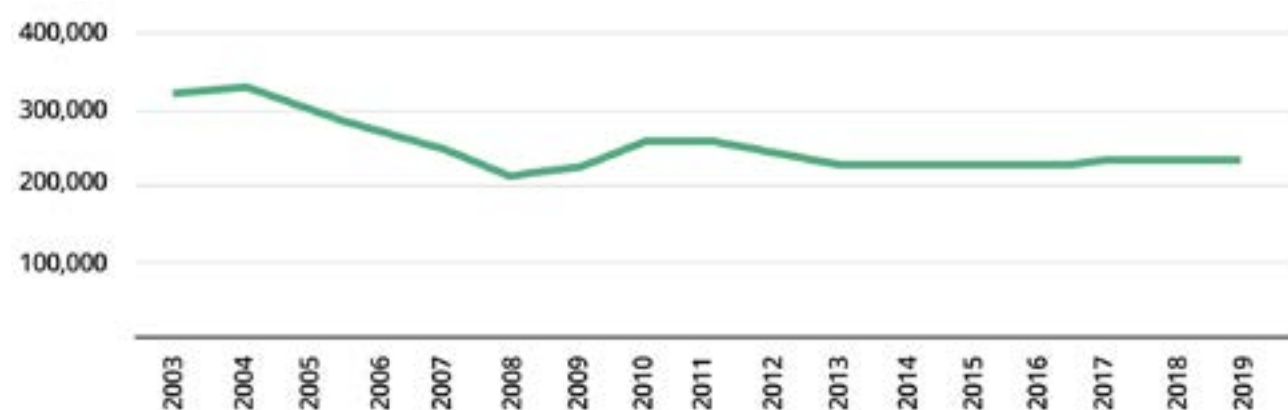


6.2 Staying Visitor Numbers

Trends in visitor numbers are kept under review. A significant decrease in staying visitor numbers could suggest that the IDP approach of restricting loss of accommodation may be too onerous. The overall trend in staying

visitor numbers over the period 2003-2019 is a decrease then a levelling off - see **Figure 1** below. No data was collected in 2020 due to Covid restrictions on travel.

Figure 1: Staying Visitors 2003-2019



6.3 Stock of Visitor Accommodation

The stock of active visitor accommodation is shown in **Figure 2** below. The stock has decreased slightly since 2017, with the impact of Covid on visitor numbers the most likely cause of a number of establishments becoming inactive in 2020. There are currently 8 hotels that are inactive, up from 4 hotels in 2017 and 2018 and 6 in 2019. Overall, in addition to the impact of Covid, the

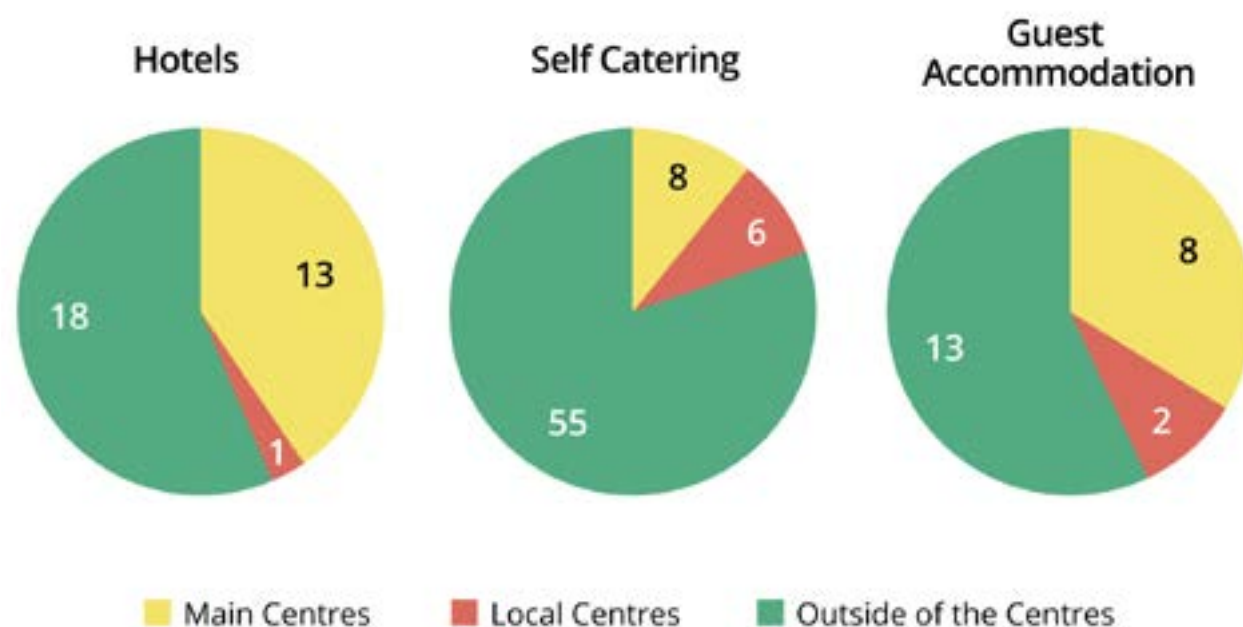
change in the number of active establishments between 2017 and 2020 is as a result of a smaller number of new establishments opening than existing establishments becoming inactive. Of those that have become inactive, a large proportion are either private dwellings that are no longer available for visitors or are smaller establishments that have reverted to a residential use.

Figure 2: Stock of active visitor accommodation

Type of accommodation	Number of Sites / Establishments			
	2017	2018	2019	2020
Guest Accommodation	28	29	28	23
Hotel	36	36	34	32
Self-Catering Accommodation	69	72	66	69
Private Dwelling	31	34	37	23
Group Accommodation	1	1	1	1
Total number of sites / establishments	165	172	166	150

The majority of accommodation of all types is located Outside of the Centres as shown in **Figure 3** below.

Figure 3: Location of the stock of active visitor accommodation (2020)



The IDP policies allow for smaller establishments to change use away from visitor accommodation. This is where the establishment comprises a single dwelling house with less than 3 self-catering units attached to it or located within its domestic curtilage or a guest accommodation establishment of less than 6 bedspaces that also comprises a single dwelling house where this will revert to a single dwelling house. Of the current stock of accommodation, 41 self-catering establishments have less than 3 units and 16 guest accommodation establishments are of less than 6 bedspaces and could potentially, if they are a single dwelling, change use away from visitor accommodation, under the terms of the IDP policies.



6.3 Planning Permissions

In 2019 there were 33 planning permissions relating to visitor accommodation establishments. In 2020 there were 27 planning permissions. The planning permissions in 2019 and 2020 combined were for:



Hotels: 35 permissions

There were no planning applications for new hotels in 2019 or 2020. Permission was granted to change the use of 1 hotel to residential use. 34 planning permissions were granted for works to existing hotels relating to 25 establishments.



Self-catering: 15 permissions

There were 7 planning permissions to create new self-catering accommodation, 2 permissions for additional units in existing establishments and 5 permissions to change use away from self-catering. There was 1 planning permission granted for works to support an existing self-catering establishment.



Guest accommodation: 2 permissions

There was 2 planning permission for new guest accommodation establishments.



Camping: 8 permissions

1 planning permission related to the times of use of an existing campsite. 7 permissions were for works to existing camping sites.

In relation to camping, there has been an emergence of a 'glamping' offer in Guernsey in recent years and a number of planning applications and pre-application enquiries for this use. A range of types of accommodation have been proposed and as such the DPA are working on an agreed definition for glamping with the Committee for Economic Development to inform future decisions and advice given on the application of the IDP policy for campsites.

INDICATOR



Change in the stock of visitor accommodation through planning permissions.

PROGRESS



Overall through planning permissions in 2019 and 2020 there was a potential increase in visitor accommodation should the projects be implemented (as was the case in both 2017 and 2018).

6.4 Conclusions

The policies of the IDP continue to support enhancement of existing establishments and new visitor accommodation, and there has been only a small increase in the number of inactive establishments. However, the Government Work Plan recognises that the COVID-19 pandemic has had a significant impact on tourism. A new tourism plan is proposed. This will need to be

reviewed to consider whether the policies of the IDP for visitor accommodation, and any other policy relevant to the tourism offer, remain appropriate to support the Government priorities.



Section 7

Agriculture and Horticulture



7.1 Introduction

The policies in the SLUP relating to agriculture and horticulture focus on protecting large areas of contiguous agricultural and other land (including redundant glasshouse sites) where likely and able to contribute to the agricultural industry. Policies also support proposals that allow the extension of horticultural operations that are beneficial to the industry, recognising that horticultural operations have reduced in number and are consolidating on fewer, larger sites. Inevitably this has led to an increasing number of redundant glasshouse sites, and where those sites are not contiguous with other large areas of agricultural land, there is scope for them to be used for purposes other than for agriculture (Policies LP13: Redundant Glasshouse Sites, SLP8: Agriculture and SLP9: Horticulture).

The IDP supports and prioritises agricultural use within the Agriculture Priority Areas (APA). Land in agricultural use is expected to remain in (or in the case of glasshouse sites to revert to) agricultural use unless it can be demonstrated that the site cannot positively contribute to or is no longer required for commercial agricultural use or cannot practically be used for commercial agricultural use without adverse environmental impacts (Policy OC5(A): Agriculture Outside of the Centres – within the Agriculture Priority Areas).

The APAs are broadly drawn and include areas of land which are not currently used for agricultural purposes and could not be expected to contribute positively to commercial agriculture in the future for example dwellings and their curtilages – on the IDP Proposals Map the APA designation does not pick out individual fields but is drawn to cover large areas of the island that include agricultural land, so also include some non-agricultural uses. The APAs prioritise



agricultural use to support the agricultural industry, but also allow for other forms of development within the APAs provided that they accord with all other relevant policies of the IDP. The APAs are not intended to safeguard the land for agricultural use if it is not appropriate or is not required for that use or where the inclusion of an area of land into a larger land parcel for agricultural purposes would have a negative environmental impact due, for example, to the loss of hedge banks or landscape features.

Outside the APAs, agricultural proposals relating to an existing farmstead or agricultural operation are supported, though the development of new farmsteads is not generally supported unless it is essential to the proper running of an agricultural holding. Development which would result in the loss of an existing farmstead or agricultural buildings or land will be supported where the new use accords with other relevant policies in the plan (Policy OC5(B): Agriculture Outside of the Centres – outside the Agriculture Priority Areas).

In relation to the horticultural industry, consistent with the SLUP, IDP policies generally support the principle of development which relates to the viability of an existing horticultural business. Whilst redundant glasshouse sites are expected to revert to agricultural use, there are provisions in policy to allow for other uses under certain circumstances (Policy OC6: Horticulture Outside of the Centres and Policy OC7: Redundant Glasshouse Sites Outside of the Centres). Redundant glasshouse sites are discussed in detail in the Redundant Glasshouse Sites monitoring.

Other policies in the IDP set out the criteria against which changes from agricultural land and buildings to other uses will be supported. These relate to, for example, the extension of curtilage (Policy GP15: Creation and Extension of Curtilage), the conversion of redundant agricultural and horticultural buildings (Policy GP16(A): Conversion of Redundant Buildings) and relevant appropriate uses as set out in the Outside of the Centres section of the IDP such as leisure and recreation (Policy OC9: Leisure and Recreation Outside of the Centres).

The overall emphasis of SLUP and IDP policy is to balance the protection of land for agriculture for the industry's current and future needs, also recognising the role it plays in countryside management, with ensuring land is available to meet other legitimate development requirements. In relation to horticulture, the emphasis of SLUP and IDP policy is to support existing horticultural businesses whilst managing the general decline of that industry and the resultant redundant glasshouse sites.

For the purposes of this monitoring, agricultural land is taken as the legal definition, where land, other than that used as a garden, is considered as agricultural where it is used, or is capable of being used (with the application of good husbandry), for dairy farming, livestock or market gardening, and includes land that is or was covered by a glasshouse. Accordingly, the planning applications analysed cover a range of land that technically falls under the agricultural definition and is assessed as such, but it is important to highlight that not all of the land falling under this classification is in, or is likely to be in, agricultural use or is actively farmed and it includes open land. All the applications in this section fall Outside of the Centres.

7.2

Planning determinations within the APAs

The APAs encompasses both agricultural and non-agricultural land and uses, however for the purposes of the AMR, applications in the APAs that relate to established non-agricultural uses (for example alterations to existing dwellings or replacement dwellings where there is no change to curtilage size) or do not impact on land area (for example new fencing or boundary treatments) are not included as they have no impact on the overall amount of agricultural

land within the APAs. Horticultural proposals and applications which affect horticultural land and buildings are included because this land is considered agricultural for the purposes of Planning Law and is expected to revert to other types of agricultural use on cessation of horticultural use.

Although the legal definition of agricultural land is used, because this definition is wide the data presented does not necessarily give an accurate representation of the amount of land actively farmed, or land lost from active agricultural use. This is a limitation of the data available.

Therefore, the relevant planning approvals fall into the following categories:

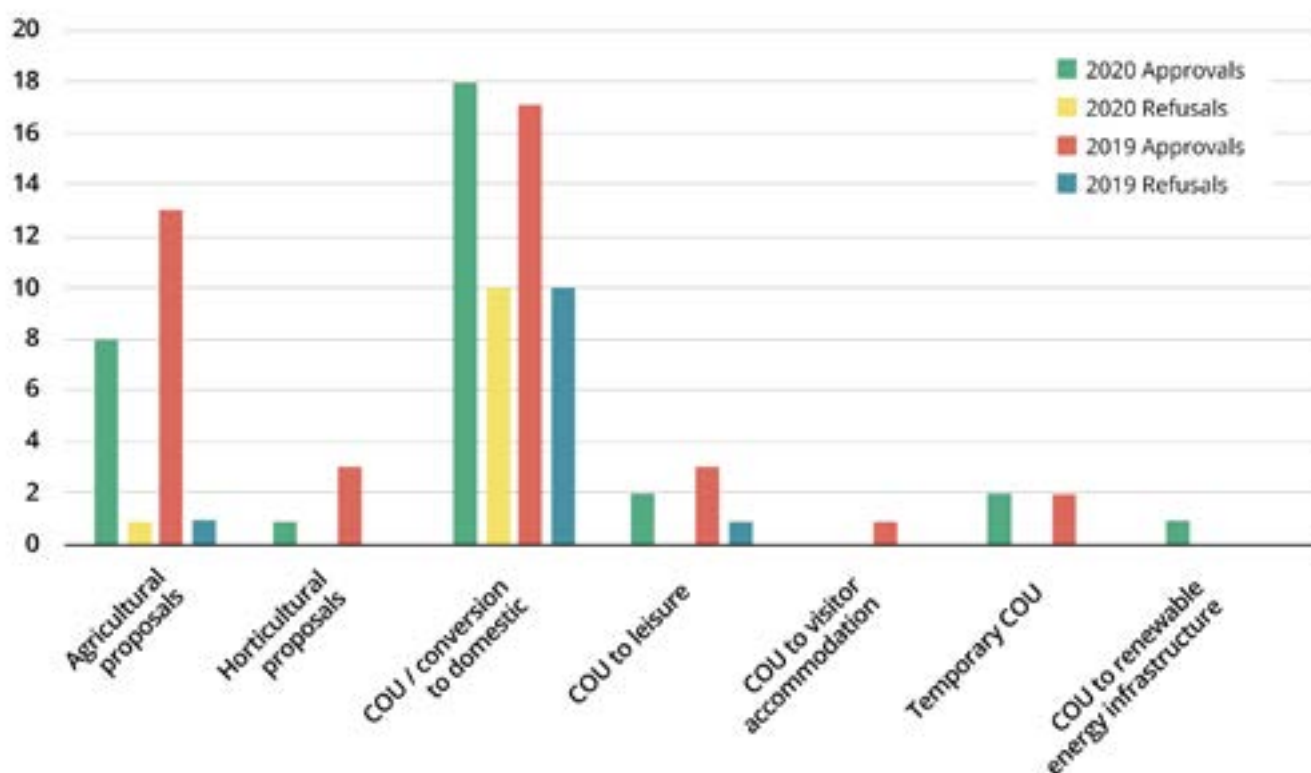
- » Agricultural proposals;
- » Horticultural proposals;
- » Change of use of agricultural (but not necessarily actively farmed land) or horticultural land⁸; and
- » Conversion of agricultural and horticultural buildings.

For the purposes of this report, change of use applications relate to a change of use of land, whereas conversions relate to the conversion of a redundant building. Applications for

⁸ The legal definition of agricultural land is used where land, other than that used as a garden, is considered as agricultural where it is used, or is capable of being used (with the application of good husbandry), for dairy farming, livestock or market gardening, and includes land that is or was covered by a glasshouse. It does not mean that the land is actively farmed.

the conversion of redundant buildings often incorporate the change of use of an area of land around the building to form the curtilage (e.g. domestic garden in the case of a conversion to residential use), so to avoid double counting these are grouped together in the figures presented in **Figure 1**. **Figure 1** shows the breakdown, by application type, of applications determined within the APA during 2019 and 2020. The greatest number of applications in the APA have been for the change of use of agricultural land (but not necessarily land which is actively farmed) to domestic garden.

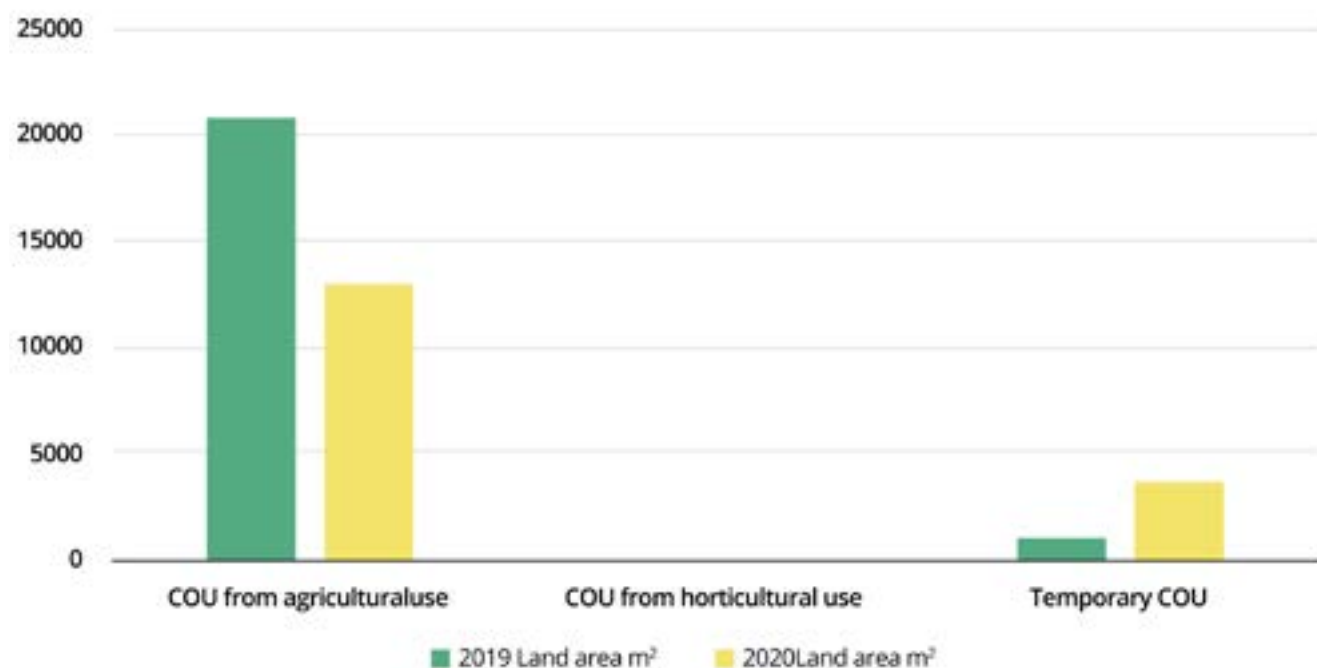
Figure 1: Relevant planning applications decided within the APAs during 2019 and 2020 by type (COU - Change of Use)



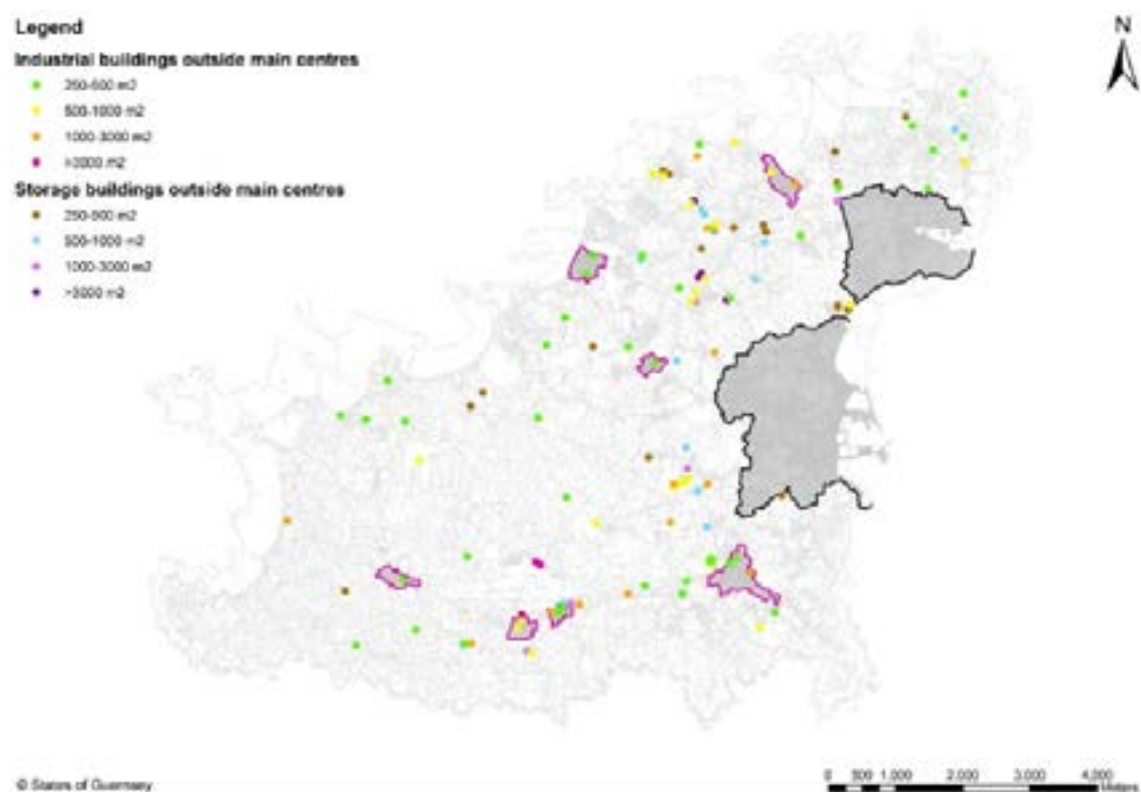
As part of the planning application process for development within the APA, applicants must demonstrate that the land in question meets certain criteria which ensures that only land that has been demonstrated to be no longer required for agricultural purposes or cannot make a positive contribution to an identified APA can change to other uses away from agriculture. Where the applicant has been unable to demonstrate that the site cannot positively contribute to the commercial agricultural use of an APA or cannot practically be used for commercial agriculture within an APA without unacceptable adverse environmental impacts, then the application has been refused.

Figure 2 shows the approximate area of land granted approval to change from agricultural to other uses within the APAs (m²) in 2019 and in 2020. As before, conversions are included in this figure as the proposals are often accompanied by an element of curtilage (for example the conversion of a redundant building to a dwelling with associated domestic garden).

Figure 2: Approximate area of land granted approval to change from agricultural / horticultural to other uses within the APAs (m²) in 2019 and 2020



Where a change in the use of land was approved, this involved approximately 21,745m² of land, or 2.17 hectares (13 vergées) in 2019, and 16,530m² (1.6 ha or 10 vergées) in 2020. Of this, approximately 20,475m² of agricultural land gained approval to change use to domestic garden in 2019, and 12,800m² gained approval to change use to domestic garden in 2020. The location of the planning approvals within the APAs are shown in **Figure 3**.

Figure 3: Location of planning approvals within the APAs

Analysis of the data from the Habitat Survey 2018 has been undertaken to gain a more precise understanding of the land currently available for agricultural use within the APAs.

The analysis found that within the APAs, there is approximately 1,373ha or 8,378v of agricultural land available (excluding that used for keeping horses or managed as curtilage). At the time of preparation and adoption of the IDP it was estimated that approximately 8,000 vergées of agricultural land was required for the dairy industry, plus 1,500 vergées for arable/other livestock. However, through the analysis of this data and officer level discussions with Agriculture, Countryside and Land Management Services (ACLMS) it has become clear that these estimates have a number of limitations. They do not, for example, take into account the additional amount of land required to enable rotation, and land required for other types of commercial farming such as other livestock farming (e.g. Guernsey goats, pigs, sheep etc.). There may also be a requirement in the future to grow more fodder crops to allow the industry to become more

self-sufficient and sustainable, along with a possible increase in demand for smallholdings, and if so this will be reflected in agricultural land requirements. At the time of drafting, ACLMS are currently working to provide a new estimated agricultural land requirement which takes into account these aspects.

INDICATOR



Provision of sufficient agricultural land in the APAs to meet the present and future needs of the commercial agricultural industry.

PROGRESS



ACLMS gathering data to provide an estimated requirement that aligns with the IDP definition of commercial agriculture which can be used to inform a review of the IDP policies.

7.3 Planning determinations outside the APAs

As with applications within the APAs, only relevant planning applications have been assessed which are:

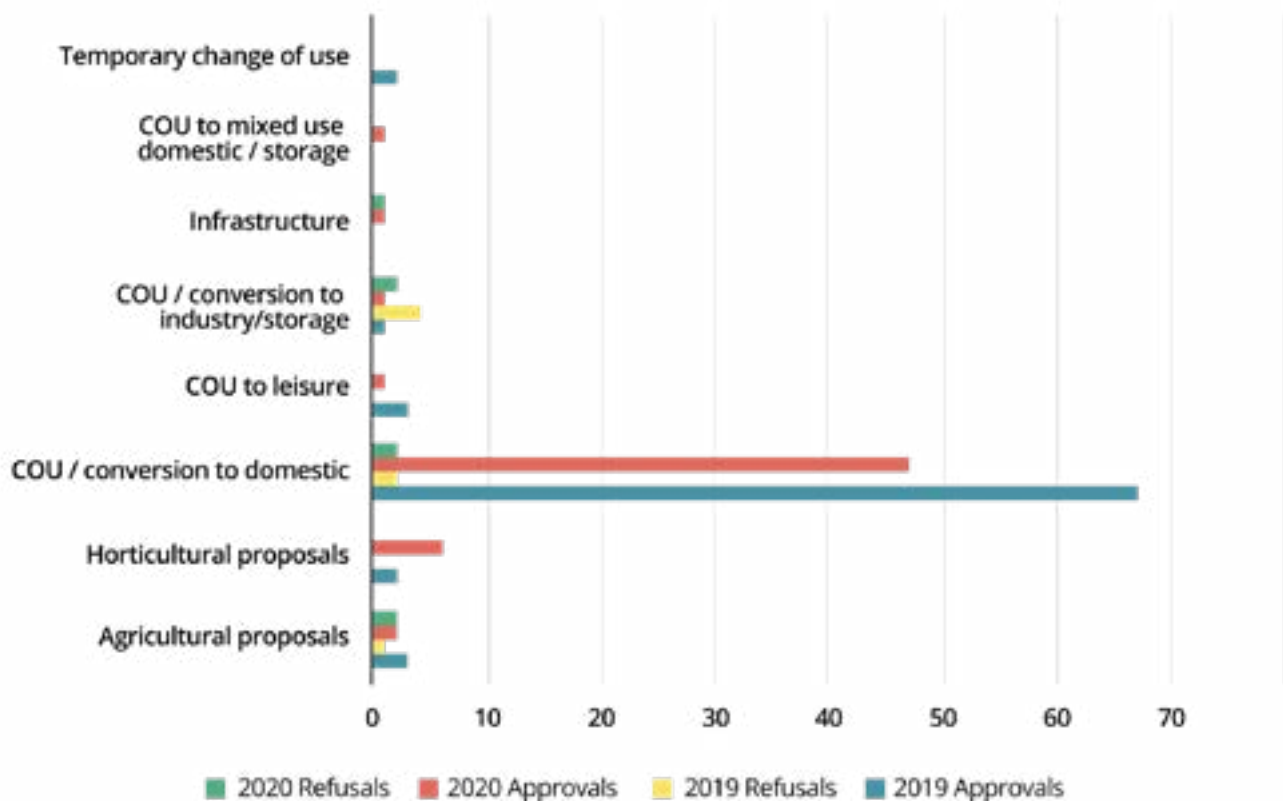
- » Agricultural proposals;
- » Horticultural proposals;
- » Change of use of agricultural or horticultural land⁹; and,
- » Conversion of agricultural or horticultural buildings.

⁹ The legal definition of agricultural land is used where land, other than that used as a garden, is considered as agricultural where it is used, or is capable of being used (with the application of good husbandry), for dairy farming, livestock or market gardening, and includes land that is or was covered by a glasshouse. It does not mean that the land is in active agricultural use.

As with the figures within the APAs, for the purposes of this report, change of use applications relate to a change of use of land, whereas conversions relate to the conversion of a redundant building. Applications for the conversion of redundant buildings often incorporate the change of use of an area of land around the building to form the curtilage (e.g. domestic garden in the case of a conversion to residential use), so to avoid double counting these are grouped together in the figures.

Figure 4 shows the number of applications decided by type outside the APAs in 2019 and 2020.

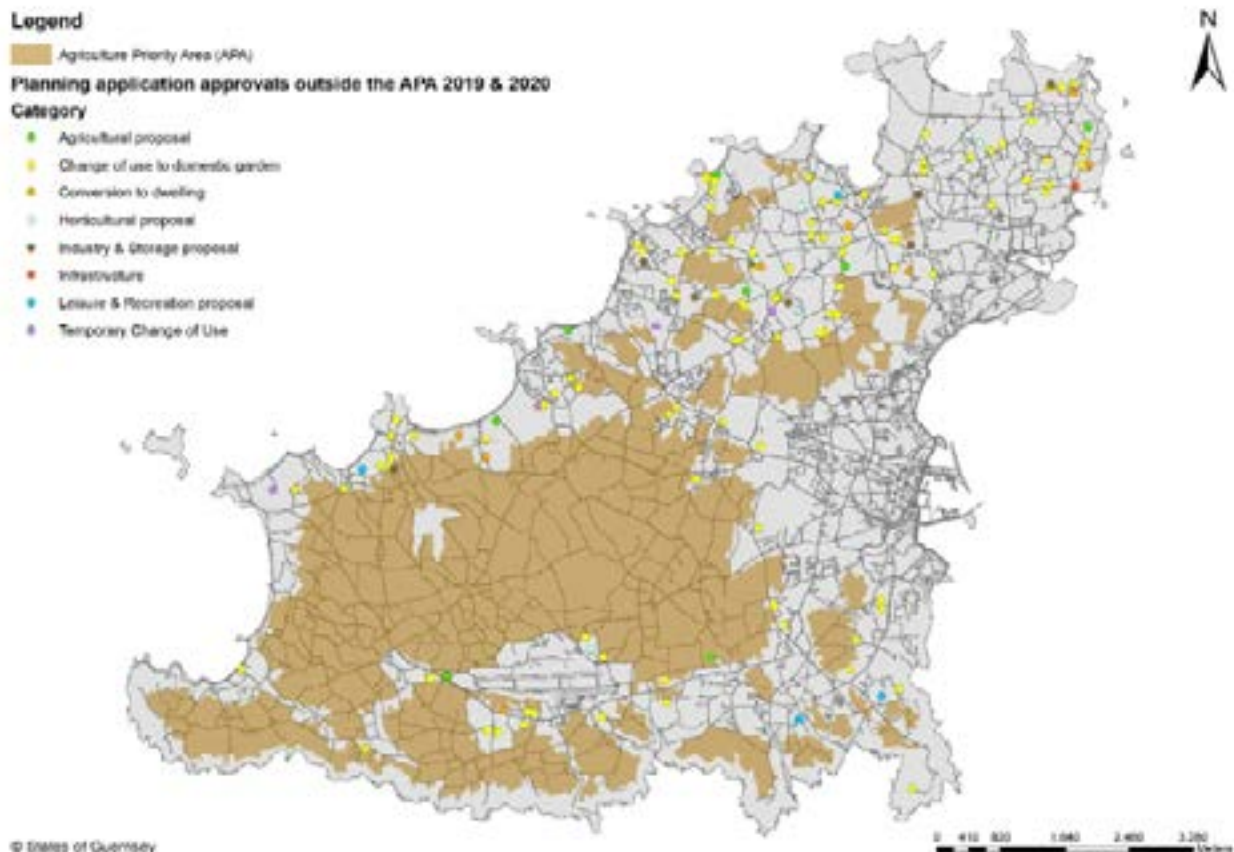
Figure 4: Number of planning applications determined on agricultural land outside the APAs by type (2019 and 2020)



Whilst the APA policy designation prioritises agricultural use, outside the APAs there is no such policy protection, the intention being to allow other legitimate land uses. As such, the applicant is not required to demonstrate that the

land is unsuitable for commercial agricultural use and land that is actively farmed can gain permission for other uses where the criteria set out in IDP policy are met (such as landscape impacts).

Figure 5: Location of relevant planning approvals Outside of the Centres, outside the APAs

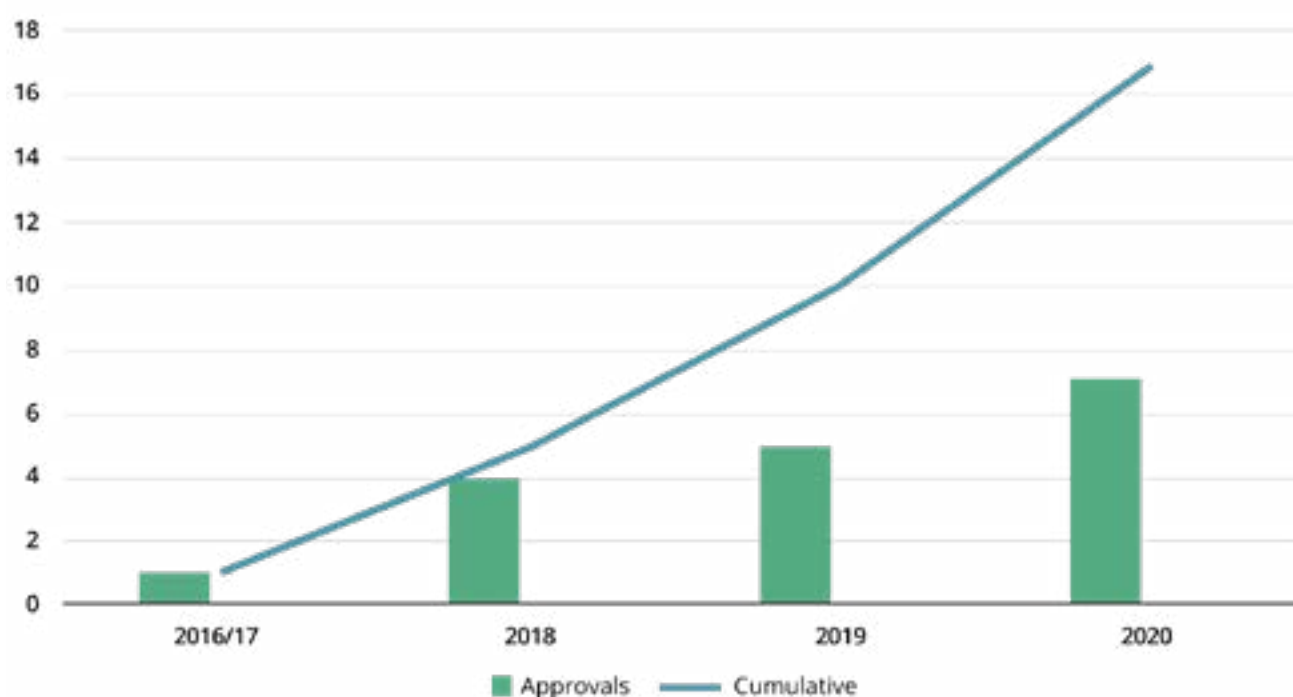


7.4 Horticultural Proposals

There has been an increase in the number of planning applications relating to commercial horticultural operations since 2016. Four planning approvals in 2019 related to security measures and ancillary infrastructure at three separate commercial horticultural sites, and in 2020 there were five planning approvals relating to security infrastructure at a further five separate commercial horticultural sites. This appears to indicate growth in the commercial horticultural sector, potentially in relation to the

growing of medicinal cannabis, representing diversification of the industry. **Figure 6** shows the number of planning determinations relating to commercial horticultural operations by year since the adoption of the IDP in November 2016.

Figure 6: Number of planning decisions relating to commercial horticultural operations from the adoption of the IDP (2nd November 2016) to 31st December 2020 (no applications have been refused)



7.5 Small-scale farming initiatives

The DPA previously committed to incorporating a review of IDP policies relating to small-scale farming initiatives in the 5 year review of the IDP. Small-scale farming has been interpreted to include initiatives from domestic level gardening to group initiatives like allotments which are essentially 'grow your own' initiatives and where there may be some ancillary sales of surplus produce. It could also include small holders working on part time or full-time basis who sell their produce. This latter group are considered to be part of the commercial horticultural and agricultural sector of the Island.

Initial assessment of the evidence found that the planning framework (including planning exemptions as well as IDP policies) is generally supportive of small-scale farming and local growing initiatives (including non-commercial

initiatives) but found that there are complexities in some areas and opportunities to improve clarity. For example, clarification of terminology in the IDP may be required (including but not necessarily limited to hobby farming, small-holding, agricultural holding), as well as ensuring consistency of approach when determining whether a proposal is commercial or a leisure use.

The emphasis of policies in the IDP on consolidation of commercial horticulture and clearance of redundant glasshouse sites potentially limits the scope for supporting small-scale commercial horticultural businesses, particularly within the APA, as proposals will only be supported where they are in connection with existing commercial horticultural holdings and only where they are capable of making a material contribution to the horticultural industry. There

is therefore no horticultural equivalent to 'commercial hobby farming'. Notwithstanding, there is a policy route via the leisure and recreation policies and via householder policies which enable ancillary development which could include small glasshouses. Where appropriate, OC9: Leisure and Recreation should be used as a policy route to supporting small-scale growing Outside of the Centres.



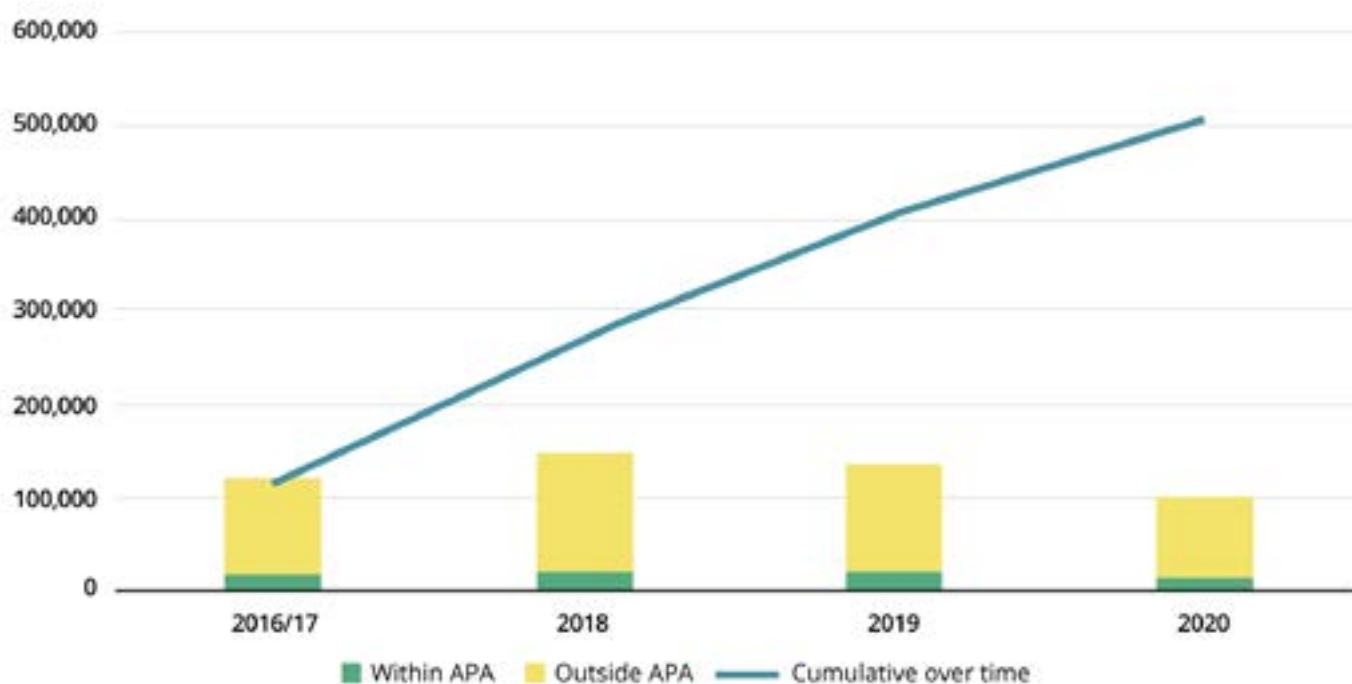
7.6

Change of Use of Agricultural Land (land actively farmed and land which could potentially be used for agriculture) to Domestic Gardens

Since the adoption of the IDP, Outside of the Centres a total of approximately 72,764m² (7.28 hectares or 44.4 vergées) of land within the APA gained approval to change to domestic garden, and 431,759m² (43.2 hectares or 263.4 vergées) of land outside the APA has been granted approval to change to domestic garden. This equates to a total of approximately 504,523m²

(50.5 hectares or 307.8 vergées) of land that has been granted permission to change use from agricultural to domestic, although this does not suggest that all, or any, of the land involved was in active agricultural use, only that it falls within the legal definition of agricultural land notwithstanding that some has never and may never be used for agriculture.

Figure 7: Approximate area of land (m²) which has changed use from agricultural land to domestic garden since the adoption of the IDP (2016) to the end of 2020



Planning permission is not always required for alternative land management techniques, for example the planting of hedges, trees and flowers or the mowing of grass or the use of land for keeping and grazing of horses does not generally involve works constituting development under the Planning Law and is therefore outside of the remit of the Authority.

In cases where proposals do require planning consent, paragraph 19.16.9 of the IDP states “Proposals for extending or creating curtilage should not result in an unacceptably negative impact on natural habitats. Where necessary, proposals will be required to demonstrate that there would be no significant detrimental impact in this regard and that, where necessary, such impacts can be mitigated”. As such there may be cases where the applicant is required to undertake an assessment of the biodiversity of a site prior to the determination of an application for change of use to curtilage although to date this has only occurred on sites falling within Areas of Biodiversity Importance. This is currently being explored further by the Authority.

The emphasis on biodiversity has been highlighted through the States’ adoption of the Climate Change Policy and Action Plan, and this has been supported by the adoption of the Strategy for Nature as an SPG by the Authority. The Government Work Plan includes a recovery

action to deliver a green economy supporting plan that would in part be implemented using a biodiversity net gain planning tool. The States resolutions and recovery actions in relation to this will need to be taken into account in future reviews of the IDP policies and will also enable more weight to be given to biodiversity in decision making, including in non-designated areas.

A separate issue is that the rural landscape character of the Island could potentially be undermined by the extent of change of use of agricultural or open land to domestic curtilage due to the differing land management regimes which might sometimes be adopted. Whilst this is not always the case and whilst the majority of applications for change of use of agricultural or open land to domestic curtilage relate to sites that are not easily visible from the public domain, there are some sites that are prominent and where it is not only the contribution of the site to the openness of the landscape that is important, but also the contribution to the rural character of the Island, sometimes providing a break in an otherwise continuous stretch of ribbon development. It is also important to acknowledge that different land management techniques that may affect the rural landscape character may not constitute development and as such would not require planning permission (for example the close mowing of grass or planting of ornamental shrubs).



7.7 Conclusions

There are clear links between the agricultural industry and a number of recovery actions arising in the Government Work Plan. Whilst the planning system has a clear role in managing land use, some of the issues being raised may need to be resolved outside of the planning system. For example, planning approval is not needed for a change of use to graze horses on agricultural land and this would need to be managed through other mechanisms if necessary. Fundamentally, there is no legal requirement for landlords to make agricultural land available for agricultural use.

A limitation of the monitoring of the IDP policies is that the legal definition of agricultural land is used, but it does not mean that the land has been actively farmed. Within the APAs, if the land is required for agricultural purposes then a change of use away from agricultural use would be refused and as such an assessment of the contribution (or potential contribution) of that land to the commercial agricultural industry is undertaken as part of the determination of a planning application. However, outside the APAs, agricultural use is not prioritised and other legitimate uses are supported, and as such an analysis of the contribution of the land to the agricultural industry is not necessarily undertaken as part of decision-making. Applications for the change of use from agricultural land (but not necessarily actively farmed land) to domestic garden still account for the majority of relevant applications within this topic area.

The Habitat Survey 2018 contains much relevant data to monitoring and is the most comprehensive data available at the current time. However, a revised figure of land required by the commercial agricultural industry to support the industry long-term is still needed, taking into account the limitations of the previous estimates as outlined in this report. Capturing a 5-year rolling data set showing agricultural land use will also be of use in identifying which land is of importance to the agricultural industry and ensuring that the right land in the right place is prioritised for agriculture.

Overall, the IDP policies are supporting change in the horticultural industry, for example supporting the growth of the medicinal cannabis sector, as well as supporting diversification on farms, however there is no horticultural equivalent to small-scale hobby farming as the emphasis of policy is to consolidate the industry on fewer larger sites to promote the removal of redundant glass.

The planning policy framework continues to prioritise agricultural use within the APAs where that falls within the remit of the planning system, however as evidence emerges relating to the use of land for activities that do not require planning permission, such as the grazing of horses, there could be a need to investigate options and mechanisms, including outside of the land planning system, to ensure that sufficient land is available for the agricultural industry in the future.

Section 8

Redundant Glasshouse Sites



8.1 Introduction

Commercial horticultural operations have greatly reduced in number which has had the inevitable consequence of an increasing number of sites across the island where the glasshouses and ancillary structures are no longer required or capable of being used.

The SLUP, Policy LP13, requires the IDP to introduce policies to facilitate the clearance of redundant glasshouse sites. The States has recognised, through adoption of the IDP, that land planning alone cannot provide a comprehensive solution to the clearance of such sites. Policy OC7 provides some opportunity to incentivise the removal of redundant glasshouses by allowing a change of use. However, it is recognised that this is limited and that a comprehensive solution across the States and with landowners is required.

Under the terms of the Planning Law, redundant glasshouse sites and any ancillary structures are treated as agricultural land and so, on the clearance of the structures, the land is expected to revert to agricultural use. However, IDP Policy OC7: Redundant Glasshouse Sites gives flexibility for certain development proposals on some redundant glasshouse sites, in specific circumstances, where they are consistent with the policies of the IDP.

The Authority has produced Supplementary Planning Guidance which was adopted in December 2018 to clarify the definition of a redundant glasshouse site, a copy of this guidance can be found [here](#).



8.2 Redundant glasshouse sites baseline

During 2020 the redundant glasshouse baseline was updated to coincide with the 2019 aerial photograph that was received by Digimap. This involved a systematic Island wide review of the 2016 redundant glasshouse baseline against the 2019 aerial photograph to see if any sites have been cleared of glass. At this stage, the condition and area of glass was also updated.

As part of the continued effort to refine and update the baseline, information provided by the Committee for Economic Development (CfED)

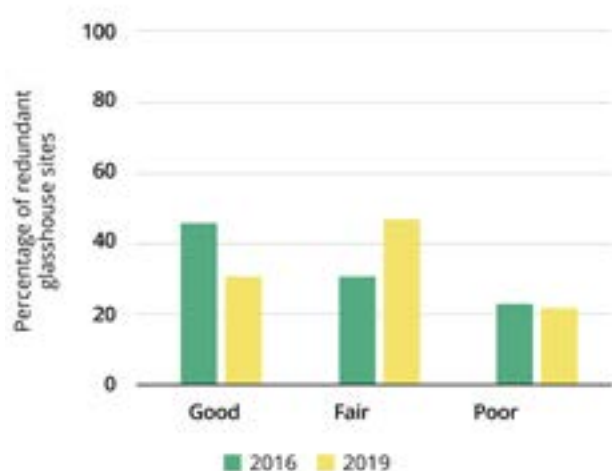
in relation to commercial horticultural sites was checked against the baseline. However, the CfED has confirmed that it will no longer be in a position to carry out the horticultural census in the future.

A comprehensive overview of the methodology for the redundant glass baseline can be found in the 2017 AMR [here](#).

8.3 Findings

The total area of redundant glasshouse sites for 2019 is approx. 75.5 hectares (460.7 vergées). Part of that figure may include remnants of former glasshouses, which may or may not at present have planning permission to be part of a domestic curtilage (approx. 6%).

Figure 1: Condition of redundant glasshouse sites identified through the base mapping exercise in 2016 and 2019



A total of 34 (approx. 3.9 hectares or 23.8 vergées) redundant glasshouse sites have been cleared since the previously identified redundant glasshouse mapping data (2016 until 2019). This has decreased since the 2017 baseline where 9 hectares (54.9 vergées) of glass had been cleared (from 2009 until 2016), albeit over a longer period of time. The majority of redundant glasshouse sites are being cleared as a result of action outside of the land planning system i.e. not as a result of a planning permission (removal of glasshouses in itself does not normally require a planning application), however there are still a proportion of sites that have been cleared as a result of planning permission (29.4%). This indicates, that whilst land planning alone cannot provide a comprehensive solution to the clearance of such sites, Policy OC7 does provide some opportunity to incentivise the removal of redundant glasshouses.

8.4 Redundant glasshouse sites - planning permissions

The types of development proposed on sites that include a redundant glasshouse is shown in **Figure 2**.

Figure 2: Type of development for change of use of redundant glasshouse sites to other uses.

Type of application	Number of applications							
	2017		2018		2019		2020	
	Approved	Refused	Approved	Refused	Approved	Refused	Approved	Refused
Conversion to dwelling including curtilage	1	-	5	1	1	1	3	1
Demolition of a redundant building	2	-	-	-	1	-	-	-
Domestic curtilage	3	-	11	-	7	1	4	3
Small scale storage/ industry	3	2	2	3	1	4	1	-
Leisure and recreation	-	-	-	-	-	-	1	-
Total	9	2	18	4	10	6	9	4

There continues to be a range of different types of development approved for redundant glasshouse sites. Since 2017, the largest proportion of approved planning applications relate to change of use to domestic curtilage.

A positive consequence of a change of use of a redundant glasshouse site to an alternative use in accordance with the IDP policy is that redundant glasshouses are conditioned to be removed as part of the planning permission. Policy OC7 does not intend to retain the glass to implement the permission on redundant glasshouse sites, however this can be done in exceptional and unique circumstances. In a minority of cases in 2019 and 2020 however the planning permission did not require the

removal of the redundant glasshouse(s). In 2019 a 'minor departure' from the policies of the IDP under the Planning Law was used so that glasshouses could be retained for a temporary five-year period to be used as a packing shed for a community workshop. This was because the particular proposals provided a valuable community contribution which, because of the exceptional circumstances, did not set a precedent and complied with all other IDP policies. In 2020, a permission for an extension to domestic curtilage did not have a planning condition applied to remove the glass on the grounds that the glass was capable of use and of an appropriate size for domestic usage in accordance with IDP policy.

8.5

Clearance of redundant glasshouse sites to implement planning permissions

If implemented the approvals for 2019 and 2020 will result in the removal of approximately 2.8 hectares (17.1 vergées) of redundant glasshouses. Therefore, over the two years, this is approximately 3.7% of the total 75.5 hectares (460.7 vergées) (identified in the 2019 baseline exercise). In comparison, for 2017 and 2018 the combined figure is 4.28 hectares (26.1 vergées) of redundant glass to be cleared if planning permissions are implemented.

Criterion iv of Policy OC7 requires proposals to include the demolition and removal from the site of all glasshouses and ancillary structures which are not capable of being used in accordance with the relevant policies of the IDP. In some cases, it may be possible to re-purpose existing structures as part of the new use and any ancillary buildings which are structurally sound may also have potential to be converted to a new use in accordance with Policy GP16(A). Glasshouses are not considered permanent structures for the purposes of this policy.

The States has recognised, through adoption of the IDP, that land planning alone cannot provide a comprehensive solution to the clearance of such sites. Policy OC7 provides some opportunity to incentivise the removal of redundant glasshouses by allowing a change of use. However, it is recognised that this is limited and that a comprehensive solution across the

States and with landowners is required. It will be important to continue to monitor to what extent glass is cleared as a result of planning policy and permissions to ensure the policies in the IDP continue to be flexible enough when determining redundancy of glasshouse sites in order to manage the decline of the horticultural industry.

INDICATOR



Clearance of redundant glasshouse sites to implement planning permissions.

PROGRESS



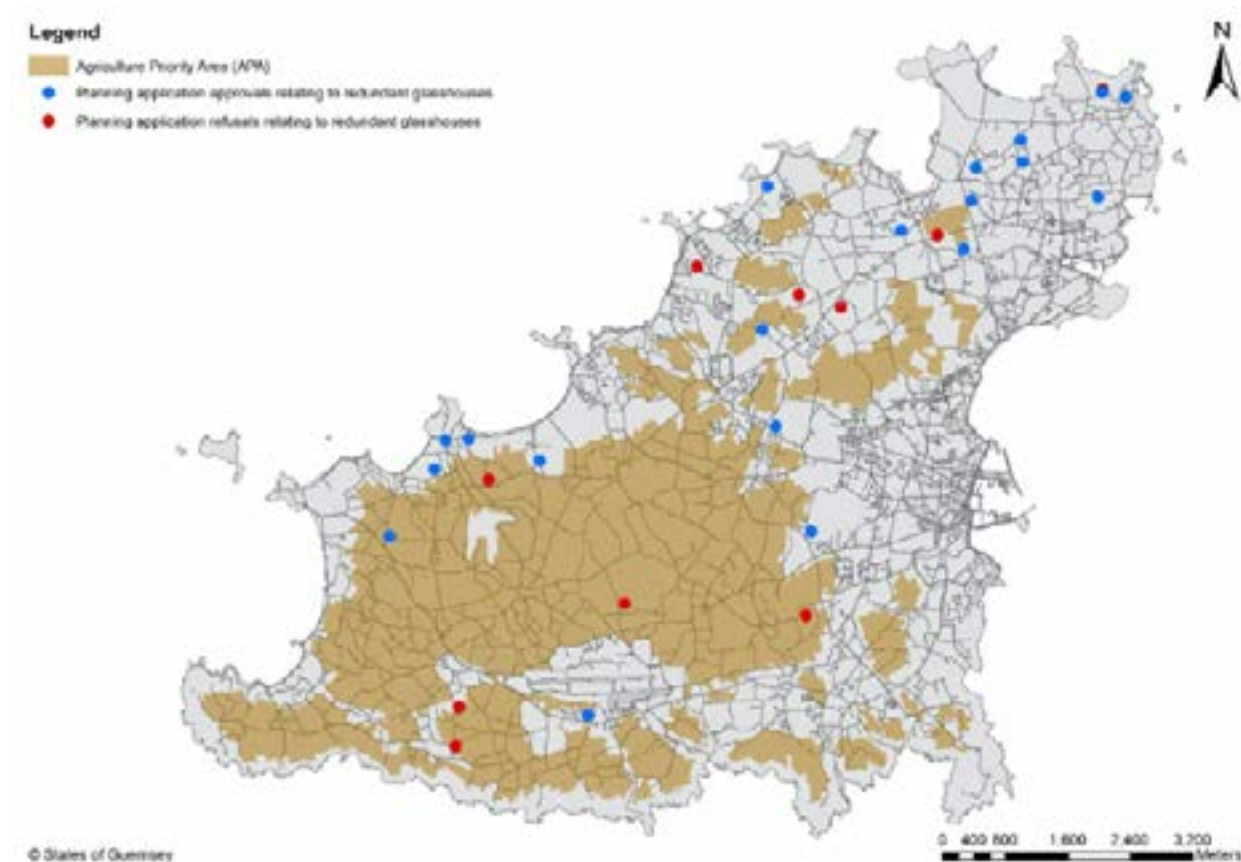
Further monitoring of the implementation of the permissions is needed to determine the impact of the IDP policies on the extent of redundant glasshouses. 7 hectares of glasshouses are required to be cleared should the permissions given since the adoption of the IDP be implemented.

8.6

Location of the redundant glasshouse sites within or adjacent to the Agriculture Priority Area

Figure 3 shows the location of the applications for change of use relating to redundant glasshouse sites.

Figure 3: Location of planning applications for change of use relating to redundant glasshouse sites, 2019-2020.



Where a redundant glasshouse site is located within or adjacent to an APA it will be expected to be used for other agricultural purposes, once cleared, unless it is demonstrated that it cannot positively contribute to commercial agricultural use or cannot practically be used for commercial agriculture without unacceptable adverse environmental impacts. Where a redundant glasshouse site is located within or adjacent to a wider area of open land, once cleared, it will be expected to contribute to the wider area of open land where it is capable of positively doing so.

In 2019 and 2020, there was 1 application approved for change of use of a redundant glasshouse site within the APA and 1 refusal adjoining the APA. There were 5 refusals within the APA. The majority of applications were approved outside of the APA (18 applications) and 5 were refused outside of the APA. The approved application within the APA, was for the conversion of an ancillary structure to a dwelling including curtilage and, in this case, it was successfully demonstrated that the site could not contribute to the commercial function of the APA.

Planning policies have prevented the change of use of redundant glasshouse sites which are legally considered an agricultural use within and adjacent APA in cases where it cannot be demonstrated that the land will not positively contribute to commercial agricultural use or cannot practically be used for commercial agriculture without unacceptable adverse environmental so that agricultural use in the APA is prioritised where required in accordance with the IDP policies.

INDICATOR



Monitoring of planning applications relating to redundant glasshouse sites within and adjacent to the APA.

PROGRESS



The number of permissions within or adjacent to the APA to change use away from agriculture remains relatively low with 1 permission in 2017, 4 in 2018 and 1 permission in 2019/2020

8.7

Conclusion

Overall, the IDP policy (Policy OC7) provides some opportunity to incentivise the removal of redundant glasshouses by allowing a change of use. The monitoring also demonstrates that planning policies have prevented the change of use of redundant glasshouse sites, which are legally considered an agricultural use, within and adjacent to APA in cases where it cannot be demonstrated that the land will not positively contribute to commercial agricultural use or cannot practically be used for commercial agriculture without unacceptable adverse environmental impacts so that agricultural use in the APA is prioritised where required in accordance with the IDP policies.

It is also recognised that land planning alone cannot provide a comprehensive solution to the clearance of such sites. Whilst Policy OC7 provides some opportunity to incentivise the removal of redundant glasshouses by allowing a change of use, it is also recognised that this is limited and that a comprehensive solution across the States and with landowners is required.

Section 9

Natural Resources



9.1 Introduction

The SLUP states that the quality of Guernsey's natural environment is important, not simply for its inherent value, and for its contribution to quality of life but also its importance for social well-being and to the Island's economy. There are also areas of acknowledged and important biodiversity. The SLUP also emphasises the importance of climate change adaptation and mitigation.

The IDP incorporates a range of policies that seek to deliver the SLUPs objectives and policies, both at a spatial strategy level, directing development and concentrating it in more sustainable locations thereby protecting biodiversity and open land, and at a detailed level with policies to encourage resilience to climate change and use of renewable energy. The amount and type of development approved is monitored to inform future iterations of policy and any guidance.

The States' Strategy for Nature (2020) has been approved as Supplementary Planning Guidance. Progress with implementing the Strategy will be monitored through proposed 'State of the Nature Annual Reports' by the Committee for the Environment & Infrastructure. A range of indicators relating to the natural environment are monitored in the annual [Guernsey Facts and Figures Booklet](#).

A number of States resolutions during 2019, 2020 and recovery actions in the Government Work Plan in 2021 relate to Natural Resources and will need to be taken into account in any future review of the IDP policies to ensure that the States priorities can be delivered. The resolutions include the Climate Change Policy

& Action Plan and the Energy Policy 2020-2050. The Government Work Plan highlights that while there are critical actions identified to address immediate issues, work will also commence on the longer-term policy objectives already established on climate change and sustainability. The Government Work Plan includes recovery actions to develop both green and blue economy supporting plans that would in part be implemented using a biodiversity net gain planning tool.



9.2 Sites of Special Significance

There are 9 Sites of Special Significance (SSSs) designated in the IDP, covering 839 hectares, that have been identified as having outstanding botanical, scientific or zoological interest. Works that do not normally require planning permission, such as any works which disturb the ground, or significant clearance of vegetation where this would materially affect the special

interest of a SSS, require planning permission in a SSS. In 2019 there were 21 planning applications permitted in SSSs and in 2020 there were 7. The types of development approved in SSSs is shown in **Figure 1** below. There continues to be a wide range of types of development approved in SSSs, which have not had significant implications for the special interest of the particular SSSs.

Figure 1: Type of development permitted in Sites of Special Significance (numbers of planning permissions)

	2017	2018	2019	2020
Works to existing building	2	2	3	1
Works to Martello Tower	2	2	-	-
Works to WW2 structure	1	-	-	-
Infrastructure	2	3	4	-
Temporary Site Hut	-	1	-	-
Storage Shed	-	1	-	-
Land Management	-	1	-	-
Bench	-	2	3	-
Interpretation Board	-	6	1	3
Event	2	1	1	-
Recreational Use	4	-	2	2
Landscaping	-	-	4	-
Domestic Curtilage	-	-	1	-
Defibrillator	-	-	1	-
Bus Shelter	-	-	1	-
Signage	-	-	-	1

In time it is the intention of the DPA to publish guidance for the whole or part of each SSS as Supplementary Planning Guidance (SPG). The aim of the guidance will be to help understanding of how best to avoid any negative impacts of development on the special interest of the SSS, to identify development that, if carried out in a specific manner, would not need planning permission and to identify the opportunities for enhancement of the area's special interest that might exist through development.

INDICATOR



Produce Supplementary Planning Guidance for the whole or part of each Site of Special Significance.

PROGRESS



Project paused pending the scope of work to be determined for the Government Work Plan recovery action for a Green Economy Supporting Plan.

9.3 Areas of Biodiversity Importance

Guernsey's most important sites for biodiversity are identified as SSSs and the planning legislation and policies in the IDP afford a high level of protection in these areas. There are, however, a number of other sites that do not have a sufficient level of special interest to be designated as a SSS but nevertheless contribute significantly to the biodiversity of the Island. The designation of Areas of Biodiversity Importance (ABI) is not intended to prevent development but provides a mechanism to offer a focus on biodiversity and some protection and enhancement of such sites when development

proposals are being considered. Some of the ABIs support the special interest of a SSS by providing either natural buffers or wildlife corridors. There are 84 ABIs designated in the IDP including an ABI for the Foreshore (the part of the shore between the high and low water marks). 27 ABIs are related to SSSs. In total, the ABIs cover an area of 196 hectares.

8 planning applications for sites that includes land within an ABI were approved in 2019 and 7 in 2020. These related to the forms of development shown in **Figure 2**.

Figure 2: Type of development permitted in Areas of Biodiversity Importance (numbers of planning permissions)

	2017	2018	2019	2020
Erect building	2	-	-	1
Works to a building	-	1	-	1
Landscaping works	1	-	4	1
Extend curtilage	1	-	2	-
Infrastructure	-	4	-	-
Lifebuoy	-	2	-	-
Bus shelter	-	1	-	-
Public bench	-	1	-	1
Interpretation Board	2	2	1	1
Signage	-	-	-	2
Event	-	-	1	-

Further to commitments made at the IDP planning inquiry and in previous AMRs, the evidence base to support ABI designations is being updated. This includes retaining or removing existing designations, as well as proposing new ABI designations.

INDICATOR



Survey existing Areas of Biodiversity Importance and propose any new Areas of Biodiversity Importance.

PROGRESS



Project initiated. This project is due to be completed by the end of 2021.

9.4 Important Open Land

Areas of Important Open Land provide 'breathing space' in the built environment and provide visual amenity. The special qualities of these areas need to be protected from inappropriate development. Policies support development on land designated as Important Open Land only where it relates to new outdoor formal recreation or informal leisure and recreation or it relates to work to existing buildings or structures

and subject to the impact of the development on the open character and visual or landscape character of the land.

There are areas of Important Open Land in the two Main Centres, Main Centre Outer Areas and the Local Centres at St Martin and St Pierre Du Bois. These areas are extensive within the Centres, as shown in **Figure 3** below.

Figure 3: Areas of Important Open Land in Main Centres and Local Centres and planning permissions granted

	Size of Centre (hectares)	Size of Important Open Land (hectares)	Important Open Land as a % of the Centre	Planning Permissions			
				2017	2018	2019	2020
St Peter Port Main Centre	413.44	61.66	14.9%	8	14	4	10
St Sampson / Vale Main Centre	221.17	25.298	11.4%	2	1	2	1
St Martin Local Centre	33.27	5.051	15.2%	0	0	0	0
St Pierre Du Bois Local Centre	10.7	3.217	30.1%	0	0	0	0

Planning permissions granted in 2019 and 2020 primarily related to works to existing buildings or landscaping work with the exception of electricity transformers and a switch gear room approved for Guernsey Electricity on land adjacent to Beau Sejour Leisure Centre following a detailed site selection process. The planning permissions figures reflect the fact that the Important Open Land in St Peter Port generally has more buildings within it, such as along St Peter's Valley.



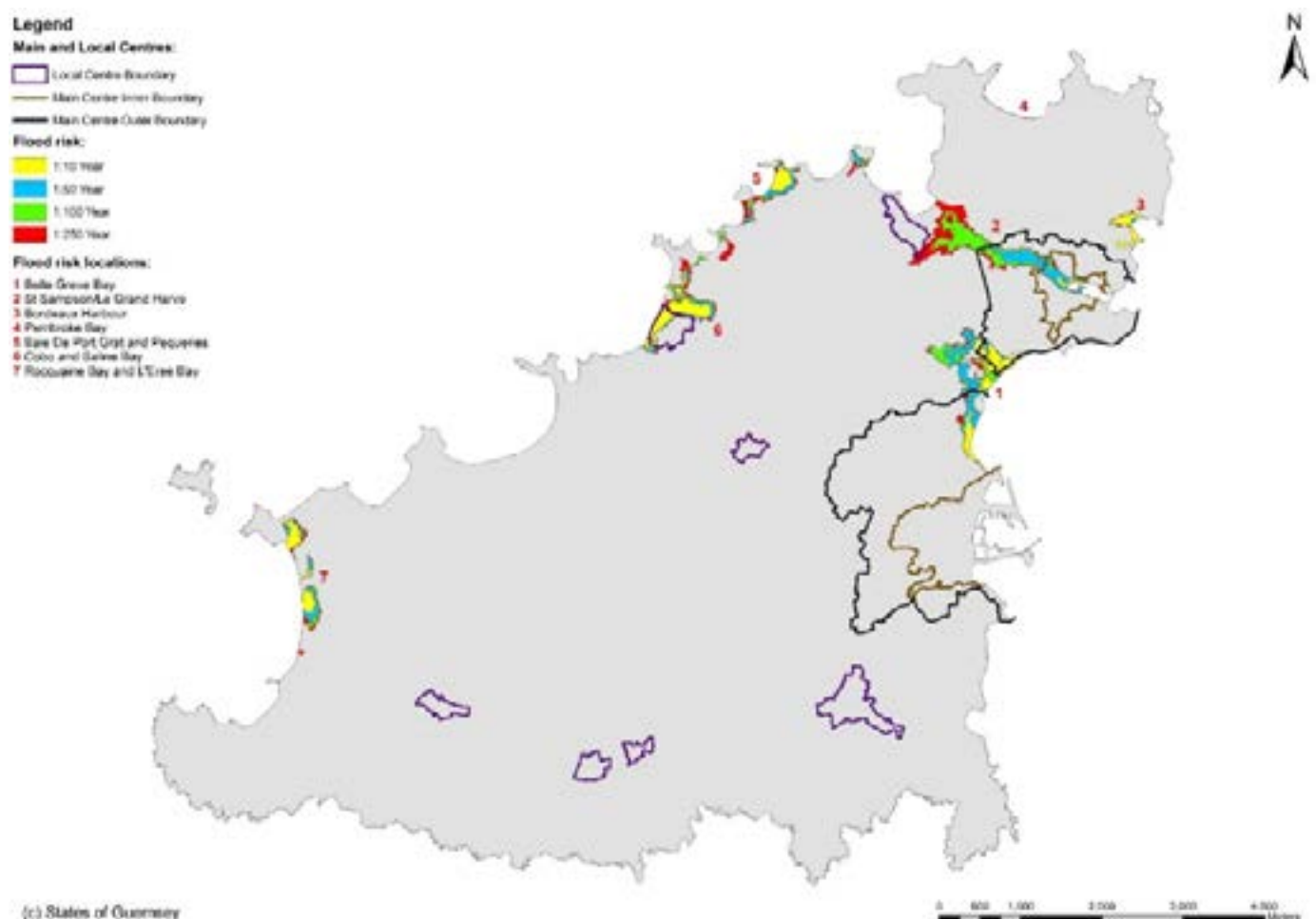
9.5 Flood Risk

There are a number of lower lying areas in Guernsey which are vulnerable to flooding during present day extreme high tides. This vulnerability will increase with anticipated sea level rise. The Guernsey Coastal Defence Flood Studies and approved strategy, 2013 (Billet d'État XV, July 2013) identifies extensive flooding caused by tidal or storm surge as a key corporate risk and focuses priority for capital works in the areas of St Sampson's Harbour and Belle Greve Bay. A Government Work Plan recovery action to develop and agree a 'Bridge Strategy' will include co-ordinated action on long-term solutions for the Bridge including in

relation to flooding and coastal defences at St Sampson's Harbour. A strong interdependency is noted with any decision on the use of the Leale's Yard Regeneration Area adjacent to the Bridge. The flood risk identified in Belle Greve Bay has implications for the development of the Belgrave Vinery housing allocation site.

The Flood Risk Assessment Studies have identified coastal areas within Guernsey considered to be at risk of flooding from 1 in 10, 50, 100 and 250 year coastal flood events as at 2012 see **Figure 4** below.

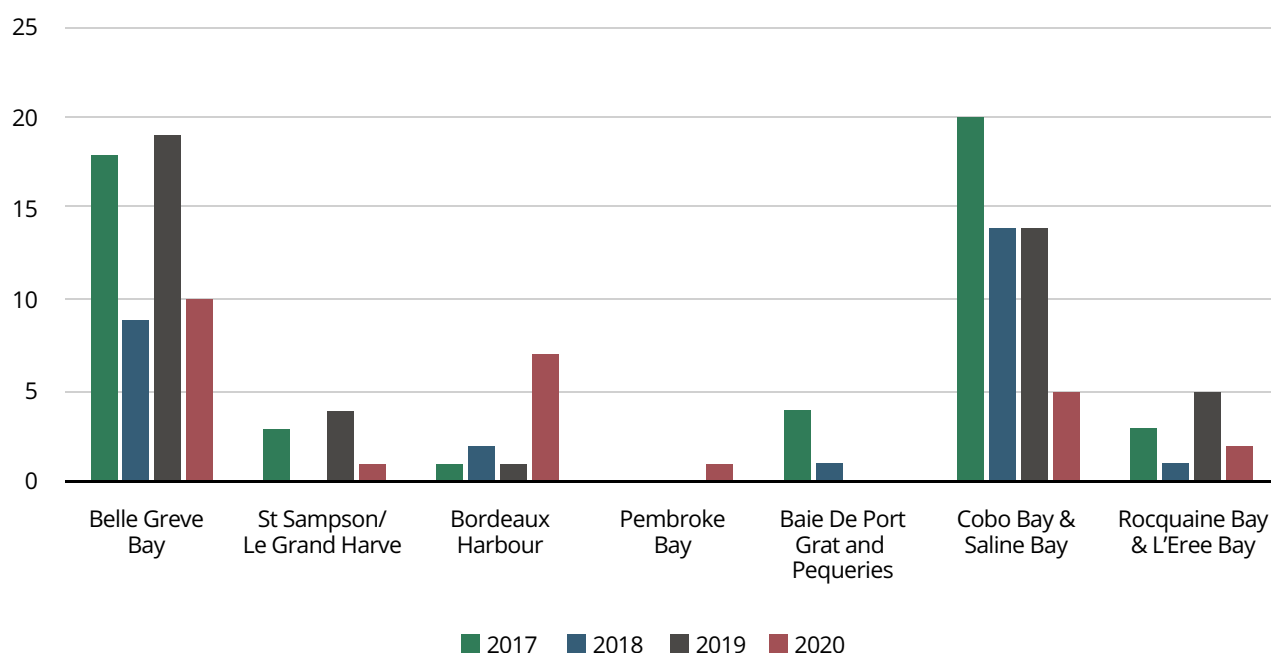
Figure 4: Flood risk areas



IDP Policy GP9: Sustainable Development requires development to be designed to take into account a building's resilience to climate change and flooding and include drainage solutions to address and, where necessary, mitigate any unacceptable increase in flood risk as a result of the development proposed.

Planning permissions in the 1:10 year flood risk areas, the areas most liable to flooding, are monitored – see **Figure 5**. The majority of development approved within the 1:10 year flood risk areas has been in those areas adjacent to Belle Greve Bay and Cobo/Saline Bay reflecting the level of existing development in those areas. The majority of the development approved was for works to existing buildings.

Figure 5: Planning permissions in the 1:10 flood risk area



9.6 Renewable Energy

Renewable generation of power is achieved by means such as the harnessing of energy from wind, tidal, wave, biomass or solar sources. 12% of the energy supplied to Guernsey consumers in 2019 was derived from nuclear or renewable sources, compared with 20% in 2018, the reduction due to a cable fault. In 2019, total energy consumption decreased by 4% from 2018 (source: Guernsey Facts and Figures, 2020). The Government Work Plan identifies the importance of renewable energy for the Island's resilience. The potential for marine renewables is an issue

for the proposed Blue Economy Supporting Plan to consider. Renewables can help to deliver the States' zero emissions target by 2050 or sooner. A recovery action is to develop a licensing framework for targeted competition to support the establishment of on-island (including territorial seas) renewables.

IDP Policy IP1: Renewable Energy Production supports proposals for installations for the harnessing of renewable energy. During 2019 and 2020 there were no planning applications

to produce energy on a commercial basis from renewable sources. IDP Policy GP9: Sustainable Development requires proposals for new development, and the refurbishment, extension and alteration of existing buildings, to be designed to take into account the use of energy and resources. The policies of the IDP support the delivery of the Energy Policy in particular in relation to greater energy independence, consumer choice and decarbonisation. Planning permissions to incorporate renewable energy equipment into the built form of an existing or proposed development are shown in **Figure 6** below.

INDICATOR



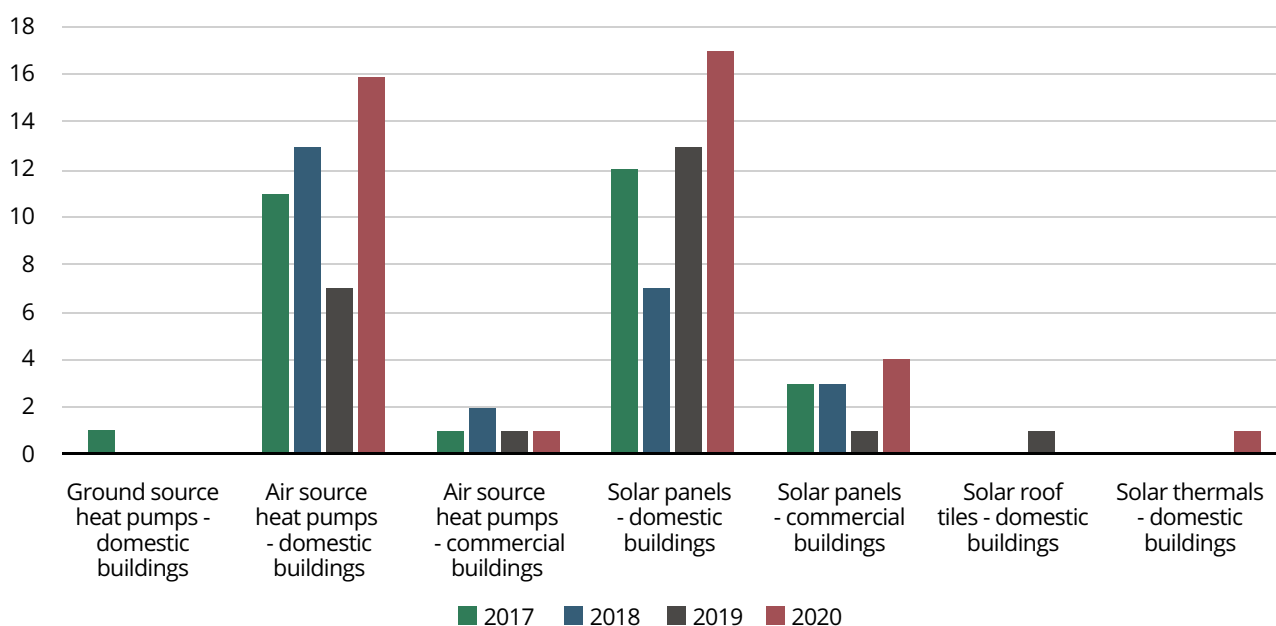
Increase the supply of energy through renewable sources.

PROGRESS



These permissions remain a small portion of the planning applications submitted each year. The effectiveness of the IDP policies to support the delivery of the Energy Policy to be reviewed in the next monitoring period and in any future review of the IDP policies.

Figure 6: Planning permissions for renewable energy equipment



9.7 Conclusions

There are a number of Government Work Plan recovery actions that relate to natural resources. These will need to be reviewed in future monitoring to consider whether the policies of the IDP that relate to natural resources remain appropriate to support the Government priorities. They will also need to be taken into account in any future review of the IDP policies. In addition, the Climate Change Policy & Action Plan, the Energy Policy 2020-2050 and the Strategy for Nature (2020) will be reviewed to ensure that the policies of the IDP fully support delivery. The proposed green and blue economy

supporting plans would in part be implemented using a biodiversity net gain planning tool. This will likely need to be reflected in the IDP policies. At present, there is a lack of evidence to reach any conclusions as to whether the policies of the IDP for natural resources are effective in protecting areas sensitive to change from inappropriate development. It is anticipated that the Government Work Plan priorities will provide better information.



Section 10

Construction Waste



10.1 Introduction

The SLUP emphasises the importance of sustainable development, climate change mitigation, waste mitigation and sustainability in design and construction. This is reflected in linking policies LP1, LP2, LP3 and LP4. These policies are supported by the Solid Waste Strategy which was adopted by the States in 2012. A policy letter entitled “Planning for a New Facility for Managing Residual Inert Waste” was approved on 24th April 2020, along with the Inert Waste Strategy. This directs the DPA to prepare proposals for a Local Planning Brief for a new residual inert waste facility at Longue Hougue South and to direct the DPA 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 and remains extant.

The Climate Change Policy & Action Plan was approved by the States in August 2020. This legislates the target objective for the island’s emissions as set by the Energy Policy 2020-2050, sets the scope of emissions to be included and the hierarchical approach to be applied to reduce emissions, in order to mitigate or compensate climate change impact.

The policies of the IDP support the policy direction of sustainability and climate change mitigation as directed by the SLUP and Climate Change Policy and Action Plan. Plan Objective 1 of the IDP sets out the importance of achieving and promoting sustainable development by requiring development to make the most effective and efficient use of land and resources whilst meeting the strategic objectives of the SLUP.

Policy GP9: Sustainable Development of the IDP promotes the provision of sustainable development. Developments, including new and refurbishment, extension and alteration of existing buildings will be supported where it has been demonstrated that the design of the development is sustainable, including the form of construction, orientation and materials used; also, Policy GP8 expects all developments, including commercial uses and multiple new dwellings to be designed in such a way that they provide adequate individual or communal areas for storage of refuse and recyclable materials. Policy GP9 also sets out when a Site Waste Management Plan (SWMP) is required. These requirements are also contained within Policies MC2, LC2, OC1, GP13, GP16(A) and GP16(B).

The IDP encourages the consideration of the reduction of construction waste at the earliest stages of the design process and throughout the pre-construction and construction phases of development through a requirement for the submission of a SWMP with planning applications for certain development. These are the demolition and rebuilding of dwellings on a one for one basis, or the demolition and rebuild of redundant buildings or dwellings which have planning permission to be subdivided or where development is for 5 or more dwellings or for any development of a minimum of 1,000 square metres of floor area.

A SWMP Planning Advice Note was published in June 2018 and is available here: https://www.gov.gg/planning_building_permissions.

Figure 1: Planning applications that submitted a SWMP based on type of development¹⁰

Type of Application	Number of Applications			
	2017	2018	2019	2020
Demolition and replacement of dwellings	7	23	18	25
Demolition and redevelopment of a redundant building	1	2	6	3
Five or more dwellings	3	8	7	8
Subdivision	0	1	1	0
Over 1,000m²	2	0	5	2
Total	13	34	37	38

There were 76 planning permissions in 2019 and 93 in 2020 for residential development. Approximately 49% (2019) and 41% (2020) of these permissions were required to submit a SWMP.

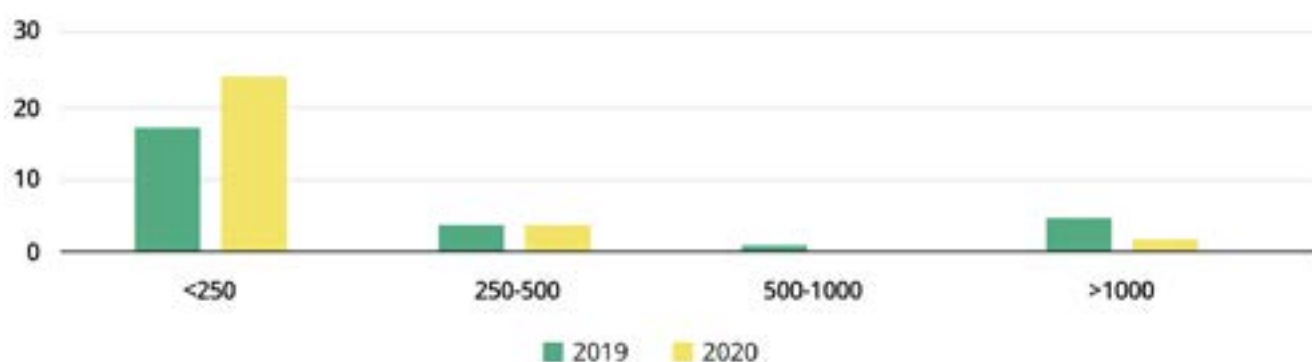
The number of applications submitting a SWMP has steadily increased since 2017. In 2019 and 2020, the majority of planning permissions that submitted a SWMP were for replacement dwellings on a one for one basis (57%) and the smallest percentage was for subdivision (1%).

There were 27 planning permissions (2019) and 30 planning permissions (2020) for office, industry and storage uses. In 2019 and 2020, there was a combined total of 7 permissions with a floorplate over the 1000m² threshold—see **Figure 2** below. Of the other applications

that were not required to submit a SWMP because the floorplate was below the 1000m² threshold, only 5 involved demolition.

The Authority must ensure that the thresholds for developments requiring SWMPs are set at an appropriate level in order to capture the developments most likely to involve demolition and therefore result in inert waste arising from the development. The extent of inert waste should be captured in order to discover any barriers to waste minimisation and reduce the quantity of materials that are sent to landfill.

¹⁰ Please note that a comprehensive review was undertaken in 2019 of the SWMP data and a new database was established.

Figure 2: Floorplate sizes of office, industry and storage planning permissions, 2019 and 2020.

The requirement for producing SWMPs does not include planning applications for the construction of a single dwelling (that is not a 1-for-1 replacement) or for residential developments for 2-4 new units¹¹.

There were 18 planning permissions granted in 2019 through until the end of 2020 for developments resulting in a net increase of 2-4 dwellings (excluding change of use applications and revised schemes). This represents approximately 11% of the planning permissions for residential developments during that time. 8 of the planning permissions involved the demolition of buildings. Over time and particularly because a lot of development in Guernsey is small scale, this could still result in a significant proportion of data regarding construction waste not being captured.

¹¹ Unless it is for the demolition and rebuild of redundant buildings or dwellings which have planning permission to be subdivided

INDICATOR



Proportion of planning applications for residential development requiring a Site Waste Management Plan.

PROGRESS



A similar proportion each year (2017-2020) have been required to submit a Site Waste Management Plan. A greater level of data could be captured, and this is an issue to consider in any review of the IDP.

10.2 Planning Conditions

As SWMPs are intended to be living documents, the information should be recorded continuously throughout a project. In order to ensure this information is captured there are often conditions attached to planning permissions when a SWMP is required. The information required is proportionate and there are a number of different planning conditions which are applied on a case-by-case basis.

In total, 97% of planning applications that received permission in 2019 and 2020 and required a SWMP, had conditions attached to the planning permission (increased from 62% in 2017). This ensures that information is captured

prior to the commencement of the development, prior to occupation of the development or within three months post completion.

All of the conditions regarding construction waste that are attached to planning permissions, require the submission of further information to the Authority regarding their SWMP.

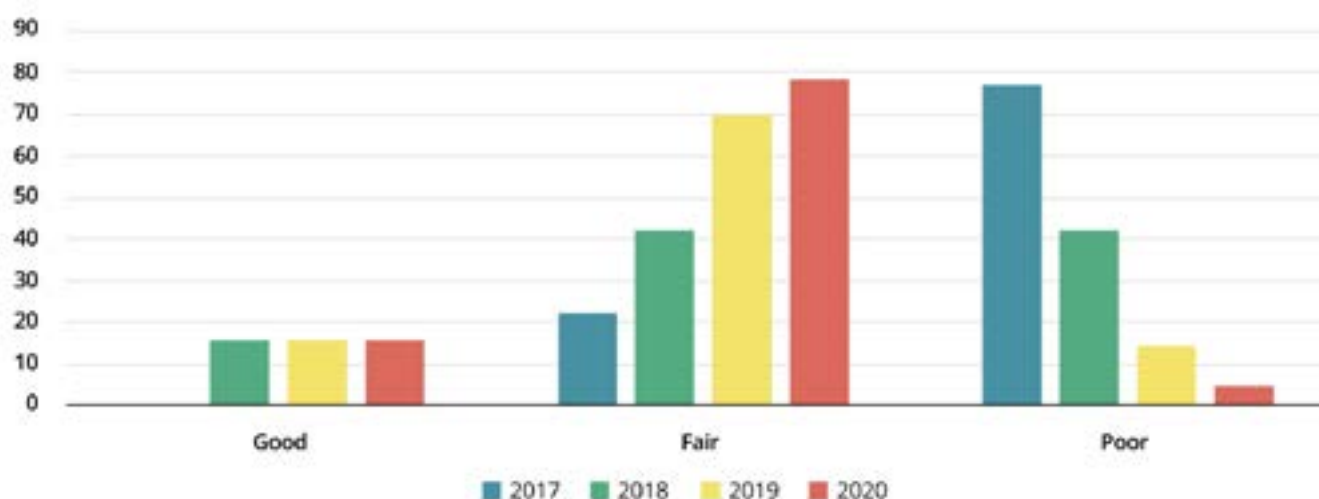
In total, 17% of planning permissions during 2019 and 2020 required the submission of further information prior to the commencement of works on site.

To date 9 updated SWMPs have been received since 2017, this is 50% of planning permissions that required the submission of further information prior to occupation of the site. This is lower than expected, however at present there is insufficient data to draw any long-term trends, but it will be important to continue to monitor the effectiveness of planning conditions relating to SWMPs.

Since 2017, 14 developments that required a SWMP have completed construction, out of these applications 6 post construction SWMPs have been submitted. At this stage there is insufficient data to draw any conclusions from the data, however it is anticipated that there will be more data to analyse and draw comparisons from pre-construction and post-completion submissions in the near future. This will ensure that any assumptions made at that time are corrected to reflect what has been found on the ground.

10.3 Quality of Submissions

Figure 3: Percentage of planning permissions that submitted a SWMP based on quality



As SWMPs are intended to be living documents, the information should be recorded continuously throughout a project. In order to ensure this information is captured there are often conditions attached to planning permissions when a SWMP is required. The information required is proportionate and there are a number of different planning conditions which are applied on a case-by-case basis.

In total, 97% of planning applications that received permission in 2019 and 2020 and required a SWMP, had conditions attached to the planning permission (increased from 62% in 2017). This ensures that information is captured

Figure 4: Percentage of planning permissions that submitted a SWMP based on quality

Quality	SWMP guidance template not used		SWMP guidance template used	
	2019	2020	2019	2020
Good	0%	17%	23%	16%
Fair	73%	66%	69%	81%
Poor	27%	17%	8%	3%
Total	100%	100%	100%	100%

The quality of submissions needs to be standardised and whilst the publication of the Advice Note has resulted in the improvement of submissions generally, there are still submissions that are not up to standard. Whilst SWMPs are intended to be proportionate to the type of development proposed, when considering the submissions so far, there

has been variation in the level of information required for different scales of development. The Advice Note will be kept under review to determine if further information regarding the scale of developments and the type of information expected is required.

10.4 Conclusions

At present the policies of the IDP referenced above remain fit for purpose to deliver the SLUP, the Waste Strategy, Inert Waste Strategy and the Climate Change Policy & Action Plan. A similar proportion of planning applications each year (2017-2020) have been required to submit a SWMP. A greater level of data could be captured, for example for the construction of a single dwelling (that is not a 1-for-1 replacement) or for residential developments for 2-4 new units, and this is an issue to consider in any review of the IDP. The number of planning permissions that require the submission of further information prior to occupation of the site is lower than expected, and it is anticipated that there will be

more data to analyse and draw comparisons from pre-construction and post-completion submissions in the near future. However, at present there is insufficient data to draw any long-term trends on these aspects. There is some emerging evidence to suggest that quality of submissions needs to be standardised and whilst the publication of the Advice Note has resulted in the improvement of submissions generally, there are still submissions that are not up to standard.

Section 11

Conclusions



11.1 Conclusions

The AMR for 2020 has found that the IDP policies are generally performing as intended and contributing towards delivering the SLUP and therefore, at this time, there is no immediate requirement to amend the IDP and there is no evidence of a need to amend the SLUP.

In 2019 and 2020 there was a high rate of approval of planning applications (only 131 applications were refused out of 3,081 applications determined, representing 4.3% - a small increase from 2018) and only 4 appeals against refusal of planning permission were decided during 2019/2020, 2 of which were allowed and 2 dismissed. This illustrates how the positive and flexible policies of the IDP, along with encouragement of high-quality pre-application discussions (1,500 pre application enquires were answered in 2019/2020), have enabled positive outcomes to be reached for the vast majority of planning applications, and potentially costly appeals avoided.

The AMR has identified a small number of issues where emerging trends need to be kept under review, including, in some instances, the need for further research prior to any future review of the IDP. These issues include:

- » The implications for the IDP of any future States decisions regarding air links and the supply of aggregates
- » Any changes to the States Strategic Housing Indicator
- » The decreasing level of permissions for Affordable Housing
- » The implications for the spatial strategy of the level of housing development Outside of the Centres
- » Developing a better understanding of the optimum office portfolio
- » The implications for the spatial strategy of the level of Industry, Storage & Distribution development Outside of the Centres
- » The implications for the IDP of the proposed new tourism plan for policies that relate to visitor accommodation and the tourism offer
- » Applications for the change of use from agricultural land (but not necessarily actively farmed land) to domestic garden and the need for a revised figure of land required by the commercial agricultural industry to support the industry long-term
- » The potential for a biodiversity net gain planning tool to implement the proposed green and blue economy supporting plans
- » Capturing a greater level of data on construction waste through Site Waste Management Plans, in particular for certain residential developments.

In the previous AMRs, a number of issues were identified where action was needed. Many of these actions have been resolved (see Appendix 1) including for example the publication of guidance, such as for Development Frameworks.

The IDP was approved by the States in 2016 and has a 10-year lifespan. Although there is regular monitoring throughout its life, the IDP sets out that there will be a review of housing land supply and employment land supply after five years, unless monitoring indicates a more urgent need to review the land supply sooner. The Authority took a policy letter to the States in April 2020 to set out an increased scope to the 5-year review of the IDP, taking into account the findings of

the 2017 and 2018 AMRs and feedback from the States on the IDP.

The States resolved that the scope of the review of the IDP should include:

- » housing land supply and employment land supply;
- » Areas of Biodiversity Importance and the protection given to the biodiversity interest of such areas as part of the review;
- » Development Frameworks thresholds and process (N.B. the thresholds were amended by the Authority in 2021);
- » development of greenfield land and prioritisation of brownfield land for residential purposes in Centres;
- » Important Open Land;
- » Agriculture Priority Areas, giving particular consideration to small-scale, sustainable farming projects and local growing initiatives;
- » visitor accommodation.
- » Regeneration including the eastern seafront, Regeneration Areas in Town and Leale's Yard, and the Bridge Strategy;
- » Unlocking enterprise including the potential for 'enterprise zones';
- » Housing, including supporting the work of the Housing Action Group, development of Affordable Housing and the States Strategic Housing Indicator;
- » Sites for waste, water and stone, including the future use of Les Vardes quarry, Chouet Headland and Longue Hougue South;
- » Tourism and any changes in approach to visitor accommodation sites and heritage tourism;
- » A range of proposed construction projects such as the future Guernsey Dairy;
- » Planning the future use of sites of a significant scale that may become available; and,
- » Supporting plans for the green and blue economies and introduction of a biodiversity net gain planning tool.

As a result of the emergence of the COVID-19 pandemic, the States resolved to pause the 5-year review so that it could review the scope of, and priorities for, the 5 year review of the IDP and to incorporate the government's priorities for the Island's recovery. This pause has been beneficial given the new priorities that have now been established in the Government Work Plan (July 2021). The implications of these new priorities for the IDP need to be reviewed to ensure that the IDP fully supports the government priorities. Emerging strategies, projects and policy decisions will require to be closely monitored to assess whether this would necessitate commencing a review of the IDP, in advance of the replacement of the IDP in 2026. The Government Work Plan actions of particular relevance to land use planning are for:

In addition, States approved policies such as the Climate Change Policy & Action Plan and the Energy Policy 2020-2050 will need to be taken into account.

Thank you for reading this Island Development Plan Annual Monitoring Report. Further information on planning in Guernsey is available here: www.gov.gg/planningandbuilding

Appendix 1

Actions and Monitoring Requirements - Update



The table in this section is an update to the actions and monitoring requirements identified within the 2018 Annual Monitoring Report (AMR). In many cases the actions / requirements relate to ongoing work. Page numbers relate to 2018 AMR.

2018 AMR Action / Monitoring Requirement	2020 AMR Update
Strategic Development and Infrastructure	
The Authority to work closely with, and be an intrinsic part of, the SEA group to help deliver the Local Planning Brief(s) (or other appropriate mechanism(s)) for the Seafront Enhancement Area (p. 16).	This action will be reviewed in the next AMR in light of the States resolutions in relation to the Government Work Plan.
The Authority to work closely with, and be an intrinsic part of, the SEA group to help deliver the Local Planning Brief (or other appropriate mechanism) for the St Peter Port Harbour Action Area (p. 16).	As above.
The Authority to work closely with, and be an intrinsic part of, the SEA group to help deliver the Local Planning Brief (or other appropriate mechanism) for the St Sampson's Harbour Action Area (p. 17).	As above.
The Authority to investigate options to progress Development Frameworks for Lower Pollet and Le Bordage/Mansell Street Regeneration Areas and complete work on the Development Framework for South Esplanade and Mignot Plateau (p. 19).	A Development Framework for the 3 Regeneration Areas in St Peter Port has been progressed and a draft has been published for public consultation at the time of writing.
Review progress with the Lower Pollet, Le Bordage/Mansell Street and South Esplanade and Mignot Plateau Regeneration Areas in future monitoring (p. 19).	This action is ongoing.
Review progress of the Leale's Yard Regeneration Area in future monitoring (p. 20).	Development Framework for Leale's Yard approved in 2020.

2018 AMR Action / Monitoring Requirement	2020 AMR Update
<p>Should the full planning permission for Leale's Yard lapse in 2019, the Authority to commence a Development Framework for the Leale's Yard Regeneration Area (p. 20).</p>	<p>A Development Framework for Leale's Yard was approved by the Development & Planning Authority in May 2020.</p>
Housing	
<p>Joint working between the Development & Planning Authority, the Committee for Employment & Social Security (whose mandate includes delivery of Affordable Housing), the Committee for the Environment & Infrastructure and the Policy & Resources Committee in order to implement the 'Programme of Works' endorsed by the States following the debate of the Policy Letter 'Local Market Housing Review and Development of Future Housing Strategy' in July 2018, particularly in relation to the monitoring of housing supply and need and the establishment of an appropriate data collection model and data collection processes (p. 26).</p>	<p>Joint working between the Development & Planning Authority, the Committee for Employment & Social Security (whose mandate includes delivery of Affordable Housing), the Committee for the Environment & Infrastructure and the Policy & Resources Committee in order to implement the 'Programme of Works' endorsed by the States following the debate of the Policy Letter 'Local Market Housing Review and Development of Future Housing Strategy' in July 2018, particularly in relation to the monitoring of housing supply and need and the establishment of an appropriate data collection model and data collection processes (p. 26).</p>
<p>The Development & Planning Authority to regularly liaise with the Committee for Employment & Social Security at an officer and political level to update on progress with the larger housing sites (p. 51).</p>	<p>This action is ongoing and liaison continues to take place.</p>
Offices	
<p>Development & Planning Authority to continue to liaise with the Committee for Economic Development and the Policy & Resources Committee at an officer level in order to support further work that may arise from the implementation of the recently approved States Economic Development Strategy, particularly on the monitoring of our economy (p. 60).</p>	<p>Elements of the States' Economic Development Strategy incorporated into the priority actions of the Government Work Plan. This action is ongoing, and liaison continues to take place.</p>

2018 AMR Action / Monitoring Requirement	2020 AMR Update
Offices cont.	
<p>Development & Planning Authority to continue to monitor delivery of the office accommodation within the Office Expansion Area and review the need to prepare a Development Framework for the Office Expansion Area in 2019 (p. 65).</p>	<p>Following commencement of works at Admiral Park site which represents over half of the available land within the Office Expansion Area, the Authority does not envisage the need to prepare a Development Framework at this time.</p>
<p>Continue to monitor the number of cases where applications for a use similar to office use are permitted as a minor departure to the IDP policies, reflecting the changing nature of businesses requiring office accommodation. If this rises, the Development & Planning Authority will need to reconsider whether an amendment to policy is required (p. 66).</p>	<p>No recent cases. No further action required at this time.</p>
<p>Monitor the changing nature of business and appropriateness of use classes and policy (p. 66).</p>	<p>No further action required at this time.</p>
<p>Development & Planning Authority to liaise with the Committee for Economic Development at officer level and commercial agents and industry representatives to assess the recommended portfolio set out by the ELS (2014) together with other existing stock within the Main Centres against the criteria for quality. Further analysis of whether this is an appropriate range of accommodation to meet business needs can then be undertaken with the Committee for Economic Development. This research should then inform the 5 year review of employment land supply and any requirement to amend planning policies (p. 68).</p>	<p>This action is ongoing and liaison continues to take place. In 2020, the Authority commissioned Watts Property Consultants Ltd to prepare an Office Quality Audit. Following consultation with stakeholders, the report provides a definition of primary, secondary and tertiary office accommodation in Guernsey and an assessment of the quality of the existing stock within St Peter Port Main Centre. Further analysis of whether this is an appropriate range of accommodation to meet business needs now needs to be undertaken with the Committee for Economic Development. This research should then inform the full review of IDP (2016) and any requirement to amend planning policies.</p>

2018 AMR Action / Monitoring Requirement	2020 AMR Update
Offices cont.	
Monitor the subdivision, vacancy levels and availability to the market of large scale premises (p. 75).	No longer undertaking the marketed premises audit.
Development & Planning Authority at an officer and political level to seek / encourage delivery of new high quality office accommodation in the development of the Office Expansion Area, Regeneration Areas and Harbour Action Areas that is adaptable to suit a range of businesses (p. 75).	This action is ongoing and liaison continues to take place.
Industry, Storage & Distribution	
The Development & Planning Authority to continue to liaise with the Committee for Economic Development and Policy & Resources Committee at an officer level in order to support further work that may arise from implementing the approved States' Economic Development Strategy, particularly on the monitoring of our economy (p. 80).	This action is updated to reflect the development of the Government Work Plan. This action is ongoing, and liaison continues to take place.
The Development & Planning Authority to continue dialogue with the Committee for Economic Development to discuss the needs of creative industries and other emerging sectors through creation of an officer level working group (p. 86).	This action is ongoing and liaison continues to take place.
Continue to incorporate the supply of States' owned land for such uses into monitoring (p. 88).	This action is ongoing and liaison continues to take place.
Further investigation into the extent and nature of employment development occurring Outside of the Centres to ensure that policies continue to deliver the Spatial Strategy. This should form part of the scheduled 5 year employment land supply review (p. 90).	This action ongoing and should be updated to inform the full review of the IDP (2016).

2018 AMR Action / Monitoring Requirement	2020 AMR Update
Industry, Storage & Distribution cont.	
The Development & Planning Authority should consider the impacts of increasing the threshold for exemptions from planning permission alongside a review of the full impact and benefits of the changes to the exemptions and the rationalisation of uses within the Use Class Ordinance, 2017 to inform the 5 year review of employment land supply (p. 91).	Review of exemptions ongoing.
Continue to monitor availability within Key Industrial Areas both 'for sale' and 'for let' (p. 92).	No longer undertaking the marketed premises audit.
Visitor Accommodation	
The Development & Authority to liaise with the Committee for Economic Development at both officer and political levels in the analysis of the implications of a potential change to IDP visitor accommodation policies introducing a more flexible approach (p. 101).	This action will be reviewed in the next AMR in light of the States resolutions in relation to the Government Work Plan and the proposed Tourism and Accommodation Strategy.
The Development & Authority will liaise with the Committee for Economic Development at officer level to review the potential and need to amend the Supplementary Planning Guidance where this is possible within the context of the IDP policies (p. 101).	As above.
Trends in occupancy levels of visitor accommodation may be included in future AMRs depending on the outcome of the States' debate on the Tourism Strategy (p. 102).	As above.

2018 AMR Action / Monitoring Requirement	2020 AMR Update
Agriculture and Horticulture	
Publication of Supplementary Planning Guidance on applying for planning permission in the Agriculture Priority Area in order to assist applicants and agents (p. 162).	List of considerations published on the States' website for development within Agriculture Priority Areas which is not for agricultural purposes.
Analysis of the 2018 Habitat Survey data to provide comprehensive data on land use, including that within the APA, and including agricultural, horticultural and undeveloped land (p. 162).	Analysis complete.
Continued liaison with the Committee for the Environment & Infrastructure at officer level regarding agricultural land use requirements and aspirations of the agricultural industry (p. 169).	Ongoing – ACLMS currently gathering data on agricultural requirements.
Continued monitoring of planning applications outside the APA that relate to agricultural/open land and horticulture (p. 169).	Complete to end of 2020 via AMR.
Continue to monitor approvals and refusals within the APA to identify trends and ensure that sufficient land remains available for agricultural use (p. 161).	Complete to end of 2020 via AMR.
Continued monitoring of extensions of domestic curtilage and the quality of new developments, noting residential amenity space (indicators currently being devised) (p. 169).	No update relating to residential amenity space and quality of design indicators. Monitoring of change of use of land to domestic gardens complete to end of 2020 via AMR.
Consider review of wording of Policy GP15: Creation and Extension of Curtilage in relation to the issues raised by the Appeals Panel when the IDP is reviewed (p. 156).	Paused until plan review.

2018 AMR Action / Monitoring Requirement	2020 AMR Update
Agriculture and Horticulture cont.	
At the point of review of the IDP, consideration to be given to amending the wording of Policy GP1: Landscape Character and Open Land and GP15: Creation and Extension of Curtilage within the policy summaries section, to clarify the land management function of agriculture, to align this with the main policy texts (p. 169).	Paused until plan review.
At the point of review of the IDP, ensure that the wording of the policy summary of Policy GP15: Creation and Extension of Curtilage is clarified to align this with the main policy text where it relates to small parcels of land which are not visually prominent (p. 169).	Paused until plan review. Any change to align with the Government Work Plan. In addition, at the point of review of the IDP, ensure that the Policy GP15: Creation and Extension of Curtilage is aligned with the Strategy for Nature SPG 2020, which requires proposals to achieve a positive biodiversity net gain.
Continued monitoring of the changing needs of the dairy industry (including possible requirements to grow more grain and fodder crops) (p. 172).	Ongoing via officer level discussion with ACLMS.
Continued monitoring of land farmed by dairy farmers relative to APA designation, including any losses of tenanted agricultural land outside the APA (p. 172).	Land farmed by dairy farmers monitored via data supplied by ACLMS. No current methodology to record losses of tenanted land but may be possible in the future if required.
Continued analysis of mapping data showing dairy farmed land (p. 172).	Ongoing via data supplied by ACLMS.
At the time of a full review of the IDP it is intended to combine 5 years information on land in active dairy farm use to inform an updated APA (p. 174).	ACLMS currently digitising mapping data to inform our analysis.

2018 AMR Action / Monitoring Requirement	2020 AMR Update
Agriculture and Horticulture cont.	
That the Development & Planning Authority continues to liaise with the Committee for Economic Development at officer level over horticultural issues as appropriate, but particularly in connection with the potential establishment of CBD businesses as outlined above (p. 173).	No update.
Continued monitoring of the nature of applications relating to horticultural proposals (p. 173).	Complete to end of 2020 via AMR.
Continue to gather accurate data on factors affecting the APA designation (p. 175).	Ongoing via liaison with ACLMS and analysis of planning service data.
Redundant Glasshouse Sites	
To maintain and regularly update and refine the redundant glasshouse baseline (p. 178).	Complete to end of 2020 via AMR. The next update of the baseline will coincide with the aerial photograph received by Digimap (every 3 years).
Liaison at staff level with the Committee for the Environment & Infrastructure regarding the identification of redundant glasshouse sites with particular biodiversity interest (p. 184).	No update.
Continued monitoring of planning permissions for change of use of redundant glasshouse sites (p. 184).	Complete to end of 2020 via AMR.
The Development & Planning Authority to continue to liaise with the Committee for the Environment & Infrastructure at an officer level in relation to the development of the Energy Policy and to monitor any likely impacts this emerging policy may have on the number of planning applications relating to change of use of redundant glasshouse sites for renewable energy (Policy IP1) (p. 184).	This action will be reviewed in the next AMR in light of the States resolutions in relation to the Government Work Plan (following debate in July 2021) in relation to the States of Guernsey Energy Policy 2020-2050.

2018 AMR Action / Monitoring Requirement	2020 AMR Update
Redundant Glasshouse Sites cont.	
To continue to monitor the clearance of redundant glasshouse sites following planning permission to determine which sites have been cleared from the baseline as a result of planning permission being granted (p. 185).	Complete to end of 2020 via AMR.
The Development & Planning Authority continue to liaise with the Committee for Economic Development at an officer and political level with regards to information on the small number of commercial glasshouse operations and the level of resources allocated to the horticultural census (p. 186).	This action will not be carried forward as the Committee for Economic Development has confirmed that it will no longer be in a position to carry out the horticultural census in the future.
Continued monitoring of planning applications relating to redundant glasshouse sites within and adjacent to the Agriculture Priority Area (p. 188).	Complete to end of 2020 via AMR.
Natural Resources	
Review the findings of Guernsey Habitat Survey when complete (p. 192).	This has taken place and the Habitat Survey is a consideration in the determination of planning applications. The survey will also inform any review of the IDP.
Progress the project to produce Supplementary Planning Guidance for the whole or part of each Site of Special Significance (p. 195).	Project paused pending the scope of work to be determined for the Government Work Plan recovery action for a Green Economy Supporting Plan.
Survey the Areas of Biodiversity Importance other than the Foreshore and those Areas associated with a Site of Special Significance and identify any new Areas of Biodiversity Importance (p. 197).	Project initiated. This project is due to be completed by the end of 2021.

2018 AMR Action / Monitoring Requirement	2020 AMR Update
Natural Resources cont.	
Monitor the use of Sustainable Urban Drainage Systems on larger developments approved under the IDP – those relating to sites with a Development Framework (p. 201).	No such developments have been approved to date.
Planning Service to liaise with Guernsey Water to review the design of new development to help ensure that development does not further reduce the capacity of the drainage systems to deal with climate change (p. 202).	This action is ongoing and liaison continues to take place.
Development & Planning Authority to liaise with the Committee for the Environment & Infrastructure at an officer and political level to promote the use of renewable energy equipment and infrastructure in accordance with Policy GP9 and IP1 as part of development of the Energy Policy (p. 204).	This action is ongoing and liaison continues to take place.
Construction Waste	
Continued monitoring of the type and scale of developments requiring a Site Waste Management Plan to ensure the threshold is at an appropriate level (p. 212).	Complete to end of 2020 via AMR.
Continue monitoring of the proportion of residential planning applications requiring the submission of a Site Waste Management Plan to ensure the threshold is set at an appropriate level (p. 214).	Complete to end of 2020 via AMR.
Monitoring of post completion submissions and analysis against baseline figures to determine which materials are successfully reused, recycled and minimised and to identify any barriers (p. 215).	This action is ongoing and some information is included in the AMR. Data to inform this is currently collected in a Site Waste Management Plan database.

2018 AMR Action / Monitoring Requirement	2020 AMR Update
Construction Waste cont.	
Continue to monitor the effectiveness of the Site Waste Management Plans Planning Advice Note and continue to seek feedback from stakeholders (p. 215).	This action is ongoing and some information is included in the AMR. Data to inform this is currently collected in a Site Waste Management Plan database.
Provide internal guidance for Development Control Officers to outline the information that is expected to be provided within a Site Waste Management Plan (p. 215).	A Site Waste Management Planning Advice Note was published in June 2018.
Secondary review of the Site Waste Management Plans Planning Advice Note following the completion of internal guidance (p. 215).	No update and not a priority.
Continued regular engagement with the Construction Industry Forum with regards to Site Waste Management Plans in order to monitor their effectiveness in delivering the requirements of the Island Development Plan policies (p. 216).	No update.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

The States of Deliberation have the power to annul the Statutory Instruments detailed below.

No. 7 of 2022

THE EUROPEAN UNION (SEA FISHERIES, ETC.) (BREXIT) (BAILIWICK OF GUERNSEY) (AMENDMENT) REGULATIONS, 2022

In pursuance of sections 5(1) and 11 of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018, "The European Union (Sea Fisheries, etc.) (Brexit) (Bailiwick of Guernsey) (Amendment) Regulations, 2022" made by the Policy & Resources Committee on 25th January, 2022, are laid before the States.

EXPLANATORY MEMORANDUM

These Regulations are made in consequence of the withdrawal of the United Kingdom from the European Union.

These Regulations insert into the Sea Fish Licensing (Bailiwick of Guernsey) Law, 2012 a definition of interim authorisation for the purposes of the prohibition on fishing by EU fishing boats before the introduction of the licensing regime which will operate from 1st February 2022. In addition, these Regulations clarify that the so-called "throwback" provisions apply to sea fish of a specified description which are taken on board when they are not permitted to be taken by EU fishing boats under a licence granted by the Committee, whether in a specified area or generally in Bailiwick territorial waters.

These Regulations will come into force on 1st February 2022.

No. 8 of 2022

THE ABORTION (GUERNSEY) REGULATIONS, 2022

In pursuance of sections 4 and 9 of the Abortion (Guernsey) Law, 1997 and section 11 of the Abortion (Amendment) Law, 2021 and all other powers enabling it in that behalf "The Abortion (Guernsey) Regulations, 2022" made by the Committee for Health & Social Care on 1st February 2022, are laid before the States.

EXPLANATORY MEMORANDUM

These Regulations revoke and replace the Abortion (Guernsey) Regulations, 1997 and the Abortion (Amendment) Regulations, 2012.

These Regulations require medical practitioners on whose opinion under section 3(1) of the Abortion (Guernsey) Law, 1997 a pregnancy is terminated to certify that opinion and give that certificate or a copy of it to the authorised person terminating the pregnancy before the termination is carried out. They also provide for that certificate to be kept as medical records. These Regulations also require notice of the termination to be given to the Director of Public Health by the certifying practitioner.

The Law and these Regulations came into force on 2nd February 2022.

No. 10 of 2022

THE PAROCHIAL ELECTIONS (ST PETER PORT) (NO. 2) REGULATIONS, 2022

In pursuance of the powers conferred on it by Articles 54(4) and 77C of the Reform (Guernsey) Law, 1948 and all other powers enabling it in that behalf, “The Parochial Elections (St Peter Port) (No. 2) Regulations, 2022” made by the States’ Assembly & Constitution Committee on 4th February, 2022, are laid before the States.

EXPLANATORY NOTE

These Regulations prescribe the date for an election to the office of Douzenier in the Parish of St Peter Port on the 9th February, 2022, following the vacation of office of the previous incumbent, and the holding of an electors' meeting on the 26th January, 2022.

These Regulations came into force on the 4th February, 2022.

No. 12 of 2022

THE EUROPEAN UNION (TRADEMARK LAW TREATY) (BREXIT) (BAILIWICK OF GUERNSEY) REGULATIONS, 2022

In pursuance of section 11(10) of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018, “The European Union (Trademark Law Treaty) (Brexit) (Bailiwick of Guernsey) Regulations, 2022” made by the Policy & Resources Committee on 22nd February 2022, are laid before the States.

EXPLANATORY NOTE

These Regulations amend the Trade Marks (Bailiwick of Guernsey) Ordinance, 2006 in order to implement the Trademark Law Treaty as a consequence of the UK withdrawal from the EU.

These Regulations came into force on 22nd February 2022.

No. 13 of 2022

THE AIR NAVIGATION (RESTRICTION OF FLYING) (RUSSIAN AIRCRAFT) (BAILIWICK OF GUERNSEY) REGULATIONS, 2022

In pursuance of Section 151(4) of the Air Navigation (Bailiwick of Guernsey) Law, 2012, “The Air Navigation (Restriction of Flying) (Russian Aircraft) (Bailiwick of Guernsey) Regulations, 2022,” made by the Acting Director of Civil Aviation, are laid before the States.

EXPLANATORY MEMORANDUM

These Regulations prohibit (subject to the granting of permission) all flights by Russian aircraft within Bailiwick airspace.

These Regulations came into force on 28th February, 2022.

No. 14 of 2022

THE SANCTIONS (IMPLEMENTATION OF UK REGIMES) (BAILIWICK OF GUERNSEY) (BREXIT) (AMENDMENT) REGULATIONS, 2022

In pursuance of section 2 and 27 of the Sanctions (Bailiwick of Guernsey) Law, 2018, “The Sanctions (Implementation of UK Regimes) (Bailiwick of Guernsey) (Brexit) (Amendment) Regulations, 2022”, made by the Policy & Resources Committee on 1st March, 2022, are laid before the States.

EXPLANATORY MEMORANDUM

The Sanctions (Implementation of UK Regimes) (Bailiwick of Guernsey) (Brexit) Regulations, 2020 (the “Principal Regulations”) gave effect with modifications within the Bailiwick, to the UK sanctions regime in respect of Russia under the UK’s Russia (Sanctions) (EU Exit) Regulations 2019 (U.K.S.I. 2019 No. 855). These Regulations amend the Principal Regulations in order to replicate within the Bailiwick recent changes made to the UK’s legislative framework for its Russian sanctions regime.

The Regulations come into force on 1st March, 2022.

No. 15 of 2022

THE SANCTIONS (IMPLEMENTATION OF UK REGIMES) (BAILIWICK OF GUERNSEY) (BREXIT) (AMENDMENT) (No.2) REGULATIONS, 2022

In pursuance of section 2 and 27 of the Sanctions (Bailiwick of Guernsey) Law, 2018, “The Sanctions (Implementation of UK Regimes) (Bailiwick of Guernsey) (Brexit) (Amendment) (No.2) Regulations, 2022”, made by the Policy & Resources Committee on 2nd March, 2022, are laid before the States.

EXPLANATORY MEMORANDUM

The Sanctions (Implementation of UK Regimes) (Bailiwick of Guernsey) (Brexit) Regulations, 2020 (the “Principal Regulations”) gave effect with modifications within the Bailiwick, to the UK sanctions regime in respect of Russia under the UK’s Russia (Sanctions) (EU Exit) Regulations 2019 (U.K.S.I. 2019 No. 855). These Regulations amend the Principal Regulations in order to replicate within the Bailiwick recent changes made to the UK’s legislative framework for its Russian sanctions regime.

The Regulations come into force on 2nd March, 2022.

No. 16 of 2022

THE CUSTOMS AND EXCISE (INBOUND PASSENGER INFORMATION REPORTS) (BAILIWICK OF GUERNSEY) REGULATIONS, 2022

In pursuance of sections sections 14B and 79 of the Customs and Excise (General Provisions) (Bailiwick of Guernsey) Law, 1972, The Customs and Excise (Inbound Passenger Information Reports) (Bailiwick of Guernsey) Regulations, 2022, made by the Committee *for* Home Affairs on 7th March 2022, is laid before the States.

EXPLANATORY NOTE

These Regulations require the owner of a vessel or aircraft arriving in the Bailiwick from a port or place outside the Bailiwick to make reports in respect of passengers carried on the vessel or aircraft. They specify the information required to be included in these reports, and the time and procedure for making them.

These Regulations will come into force on the 7th March 2022.

The full text of the legislation can be found at: <http://www.guernseylegalresources.gg>

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

PROJET DE LOI

Entitled

THE HUMAN RIGHTS (BAILIWICK OF GUERNSEY) (AMENDMENT) LAW, 2022

The States are asked to decide:-

Whether they are of the opinion to approve the draft Projet de Loi entitled "The Human Rights (Bailiwick of Guernsey) (Amendment) Law, 2022", and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

EXPLANATORY MEMORANDUM

The Law amends the Human Rights (Bailiwick of Guernsey) Law, 2000 ("the Law"). The amendments allow for damages to be awarded in proceedings under the Law to compensate a person for a judicial act done in good faith that is incompatible with Article 6 of the Convention (right to a fair trial), in circumstances where the person is detained and would not have been detained (or detained for so long) were it not for that incompatibility. Under section 1(2) the amendment has retrospective effect, applying to judicial acts done before, as well as after, the amendment comes into force.

PROJET DE LOI

ENTITLED

The Human Rights (Bailiwick of Guernsey) (Amendment) Law, 2022

THE STATES, in pursuance of their Resolution of the 15th October, 2021^a, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

Amendment of the Human Rights Law.

1. (1) For section 9(2) of the Human Rights (Bailiwick of Guernsey) Law, 2000^b, substitute –

"(2) In proceedings under this Law in respect of a judicial act done in good faith, damages may not be awarded otherwise than –

- (a) to compensate a person to the extent required by Article 5(5) of the Convention, or
- (b) to compensate a person for a judicial act that is incompatible with Article 6 of the Convention in circumstances where the person is detained

^a Article VII of Billet d'État No. XX of 2021.

^b Order in Council No. XIV of 2000. This enactment has been amended.

and, but for the incompatibility, the person would not have been detained or would not have been detained for so long."

(2) The amendment made by subsection (1) applies in relation to judicial acts occurring before (as well as to those occurring after) this Law comes into force.

Citation.

2. This Law may be cited as the Human Rights (Bailiwick of Guernsey) (Amendment) Law, 2022.

Commencement.

3. This Law shall come into force on the day of its registration on the records of the Island of Guernsey.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR THE* ENVIRONMENT & INFRASTRUCTURE

L'ANCRESSE EAST MANAGEMENT APPROACH TO 2030

The States are asked to decide: -

Whether, after consideration of the Policy Letter entitled 'L'Ancrese East Management Approach to 2030' dated 14th March, 2022 they are of the opinion: -

1. To agree the management approach for L'Ancrese East to 2030 as set out in section 3 of this policy letter.
2. To rescind resolutions 3 and 4 of the Requête entitled 'Suspension of carrying out of works further to proposals for the partial removal of the anti-tank wall in the eastern part of Pembroke Bay (L'Ancrese East) and the managed re-alignment of the coastline in that area and establishment of a suspension period of 10 years during which time suitable maintenance is undertaken to provide stability to the wall.'

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR THE* ENVIRONMENT & INFRASTRUCTURE

L'ANCRESSE EAST MANAGEMENT APPROACH TO 2030

The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port

14 March 2022

Dear Sir

1. Executive Summary

- 1.1 The aim of this Policy Letter is to agree the management approach for the 272-metre stretch of anti-tank wall (panels 1 – 23) at L'Ancrese East, for the period to 2030. The proposals in this Policy Letter align to the 'Government Work Plan 2021¹' and to the main aim of the Requête dated 27 November 2019² ("the Requête"), which was to suspend the managed realignment to 2030. The maintenance schedule prepared to meet the requirements of Requête would cost in excess of £1m, before implementation of managed realignment in 2030. In summary, the Committee *for the Environment & Infrastructure* ("the Committee") has put together proposals to manage the structure at least cost to the taxpayer. The management approach, which is set out in Section 3 of this policy letter, will be funded from existing coastline management budgets.
- 1.2 The Committee had estimated that the maintenance costs to meet the requirements of the Requête would be more than the amount that had been set out in the Requête. This was subsequently confirmed when, in September 2020, the maintenance schedule, was finalised and costed in the region of £1m. The Committee requested funding to deliver the schedule to discharge the Requête in September 2020; however, the Policy & Resources Committee did not approve the request in October 2020.³

¹ The Government Work plan is published online here: [Government Work Plan - States of Guernsey](#)

² The Requête is published online here: <https://www.gov.gg/CHttpHandler.ashx?id=122233&p=0>

³ There was a political changeover on 7 October 2020; the election had been delayed. The maintenance schedule to discharge the Requête was approved by the old and new Committees *for the Environment & Infrastructure*, and subsequent funding requests to the previous and current Committees *for the Policy & Resources* were rejected.

Following the election, the new Committee, together with the remaining requérants⁴ and the Policy & Resources Committee, agreed to revise the management approach.

- 1.3 The proposed management approach set out in this policy letter is to place rock armour at a section of the wall at L'Ancrese East that has been experiencing undermining and thereafter undertake reactive works. Should the need arise, the Committee will revert to the States for further direction.
- 1.4 Resource to fulfil the proposed management approach shall be met by existing resources.

2. Background

- 2.1 On 29th September 2017, Billet d'État XVIII, the States of Deliberation endorsed the proposals brought forward by the Committee to implement the managed realignment (Option 7b) of the coastline at L'Ancrese East Anti-Tank Wall⁵.
- 2.2 Following the States' approval of managed realignment, the Committee began work to develop and implement the strategy. This included the drafting and development of required planning applications and an environmental impact assessment (EIA). Work to progress the application and further development of the EIA paused when the Requête⁶ was initially developed and then submitted to the States. All work to implement managed realignment was paused, so as not to incur any further costs, in the lead up to submission of the Requête to the States in November 2019.
- 2.3 The Committee had submitted evidence ahead of the Requête debate⁷ that the likely costs would be more than the £200,000 outlined in the Requête. In April 2020, the States agreed to suspend work on the realignment of L'Ancrese East for the period up to 2030 and maintain the wall throughout this period, although the estimate included in the Requête was inadequate for that purpose.
- 2.4 Works were undertaken in winter 2020 pouring concrete at panels 8 & 9 (see Appendix 1, page 14), where a significant amount of material had been lost from behind the wall underneath the structure. As well as aiming to fill the voids underneath the wall, the works also undertook to fill the gaps forming between the apron and the wall. The cost of the works was approximately £25,000.

⁴ The requérants are a group of elected deputies who supported the Requête during the previous political term who were also elected for the political term 2020 – 2024.

⁵ In the Policy Letter entitled, 'Proposals for the partial removal of the anti-tank wall in the eastern part of Pembroke Bay (L'Ancrese East) and the managed realignment of the coastline in this area' Billet d'État XVIII is published online here: <https://gov.gg/CHttpHandler.ashx?id=109342&p=0>. The Hansard report of the 2017 debate on L'Ancrese East is published online here: <https://gov.gg/article/160644/States-Meeting-on-27-September-2017-Billet-XVIII>

⁶ The Requête is published online here: <https://www.gov.gg/CHttpHandler.ashx?id=122233&p=0>

⁷ Page 5 of the E&I response to the Requête as published ahead of the debate is published here:

<https://gov.gg/CHttpHandler.ashx?id=123445&p=0>

- 2.5 The maintenance schedule to discharge the Requête was drawn up in September 2020 and updated again in 2021 as part of the ongoing monitoring of the wall and has been included for information in Appendices 1 and 2. Total costs were estimated at around £1m, in line with the Committee's original cost estimates.
- 2.6 Following the election in October 2020, the Committee entered constructive dialogue with the Policy & Resources Committee. It was agreed that the requirements to discharge the Requête would be unsustainable and that alternative options should be explored.
- 2.7 The Committee worked up the proposals in this Policy Letter through engagement with the Policy & Resources Committee and the remaining requérants to establish a value-for-money solution for the suspension of managed realignment of the L'Ancrese East anti-tank wall.
- 2.8 Through dialogue with the requérants it was identified that a more affordable and pragmatic approach to the management of the wall represented a compromise position. This approach provides initial rock armour at panels 8 & 9 followed by a more reactive approach to address any breaches, and thereafter to revert to the States where needed for further direction. Managed realignment remains the long-term solution under the Requête, and substantial expenditure during the suspension period was not considered appropriate by the Committee and the requérants.
- 2.9 Further general background information on coastline management is contained in the Bailiwick Coastline strategy⁸.

3. Management Approach to L'Ancrese East to 2030

- 3.1 The Committee asks the States Assembly to approve the outlined approach to management of the L'Ancrese Anti-Tank wall up to 2030, as set out in this section.
- 3.2 The Committee proposes to carry out works to provide rock armour protection to panels 8 & 9, like that placed at panels 4 & 5. 1-3 Tonne and 4 Tonne rock armour units will be placed in front of panels 8 & 9 to provide protection to the apron in front of the wall. An additional health and safety measure, the installation of more permanent fencing behind the wall, is also included in this phase of works. Regular monitoring of the wall will continue, with an update report to be provided to the Committee annually. The estimated cost of this phase of works is approximately £100,000 to £150,000.
- 3.3 In the event of a breach, the Committee would take immediate action, which may include the placing of rock armour and concrete works, to reduce the risk of unravelling of adjacent panels and limiting the impact of further loss of materials from behind the wall. Estimated costs for reactive works involving the placing of rock armour are £50,000 to £75,000 per panel intervention.

⁸ An overview of coastline management along with the updated Bailiwick Coastline Strategy, is published online here: <https://gov.gg/coastalmanagement>

- 3.4 A breach, for the purposes of this policy letter, is to be defined as any hole, damage or failure of the wall which leads to the loss of material through the structure. In the event of a breach which, following the placing of material as outlined in 3.3, continued to pose an elevated risk of further damage or loss of material through the structure, the Committee will revert to the States to agree a revised approach.
- 3.5 Immediate and reactive works as outlined in paragraphs 3.2. and 3.3 will be met from existing coastal budgets.
- 3.6 The management approach outlined above represents the lowest cost short-term intervention which will offer some additional protection to a particularly vulnerable section of the wall.
- 3.7 Included for information are the following reports:
- Appendix 1 L'Ancrese Anti-Tank Wall Condition Survey September 2020;
 - Appendix 2 L'Ancrese Anti-Tank Wall Condition Survey - Update June 2021;
 - Appendix 3 Written correspondence between the Policy & Resources Committee and the Committee *for the* Environment & Infrastructure.

4. Extant States Resolutions

- 4.1 The management approach, as set out above, does not seek to change the primary aims of the Requête, which is to suspend work on the managed realignment of L'Ancrese East until 2030. As such, the Committee does not propose any changes to resolutions 1 and 2 of the Requête. However, it is proposing that Resolutions 3 and 4 are rescinded, as set out in Table 1.

TABLE 1: EXTANT STATES' RESOLUTIONS FOR RESCISSION	
Resolution Date	23 rd April, 2020
Billet and Article	Billet d'État X of 2020, Article IV
Original Sponsor	Requête
Title	Suspension of carrying out of works further to proposal for the partial removal of the anti-tank wall in the eastern part of Pembroke Bay (L'Ancrese East) and the managed re-alignment of the coastline in that area and establishment of a moratorium period of 10 years during which time suitable maintenance is undertaken to provide stability to the wall
Resolution	3. To direct the Committee for the Environment & Infrastructure to arrange for implementation of a maintenance schedule as proposed in Recital 6.
Update	The implementation of a maintenance schedule as outlined in Recital 6 of the Requête is incompatible with the funding afforded. If the propositions in this policy letter are approved, this extant resolution would be

	<p>superseded by the management approach as outlined in section 3 of this policy letter, which brings the cost in line with that set out in the Requête.</p> <p>The Committee therefore proposes that this extant States resolution is rescinded.</p>
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Resolution Date	23 rd April, 2020
Billet and Article	Billet d'État X of 2020, Article IV
Original Sponsor	Requête
Title	Suspension of carrying out of works further to proposals for the partial removal of the anti-tank wall in the eastern part of Pembroke Bay (L'Ancrese East) and the managed re-alignment of the coastline in that area and establishment of a moratorium period of 10 years during which time suitable maintenance is undertaken to provide stability to the wall
Resolution	4. In the event of a failure of the wall, resulting in the ingress of the sea onto the common, to direct the Committee for the Environment & Infrastructure to revert to the States with Proposals for minimising any damage to the Common, which may include a proposal for managed re-alignment in accordance with the Resolution of the States of 29th September 2017 referred to in Recital 1.
Update	<p>This resolution prevents the Committee from taking action in the event of a breach, instead directing the Committee to first revert to the States for approval. If the propositions of this policy letter are approved, this extant resolution would be superseded by the management approach, as outlined in section 3, so that the Committee can take immediate action in the event of a breach and revert to the States if further works would be required.</p> <p>The Committee therefore proposes that this extant States resolution should be rescinded.</p>

5. Compliance with Rule 4

- 5.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.

5.2. In accordance with Rule 4(1):

a) The propositions contribute to the States' objectives and policy plans and relate to the following Government Work Plan outcomes:

- Resilient and sustainable infrastructure; and
- More environmentally sustainable production, consumption, and management of resources.

b) In accordance with Rule 4(1)(b), the Committee can advise that in preparing the propositions, consultation has been undertaken with the Policy & Resources Committee and the requérants who remain within the States which informed the preparation of the Propositions.

c) In accordance with Rule 4(1)(c), the propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications.

d) The financial implications to the States of carrying the proposal into effect are anticipated to comprise an initial budget £100,000 - £150,000 for initial rock armour works plus £50,000 - £75,000 per subsequent reactive panel intervention. Costs can be accommodated from within existing coastline budgets.

5.3 In accordance with Rule 4(2)(a), the Propositions relate to the duties of the Committee *for the* Environment & Infrastructure, on which it is mandated to advise the States.

5.4 In accordance with Rule 4(2)(b) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the Proposition above has the unanimous support of the four members who could discuss this matter. One member of the Committee, Deputy Haskins, Vice-President of the Committee, declared an interest in the subject matter and recused themselves from all discussions and did not participate in voting.

Yours faithfully

H L de Sausmarez
President

A Cameron
S Fairclough
A Gabriel



States of Guernsey Property Services

L'Ancrese East Anti-Tank Wall Condition Survey May – August 2020

FOR

COMMITTEE FOR THE ENVIRONMENT AND INFRASTRUCTURE



Property Services
Sir Charles Frossard House
La Charroterie
St Peter Port
Guernsey, GY1 1FH

September 2020
v 1.0

L'Ancrese East Anti-Tank Wall Condition Survey

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- 1.2 Baseline Inspection Regime**
- 1.3 Ongoing Monitoring**
- 1.4 Constraints**

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3.0 Maintenance Schedule and Cost Estimate

L'Ancrese East – Anti-Tank Wall Condition Survey.

1.0 Introduction to Condition Report

Project Services have been requested to assist the Committee for the Environment and Infrastructure in regard the delivery of an assessment of condition of the L'Ancrese East Anti-Tank wall. The request follows a directive from the States of Guernsey to maintain the stability of the wall for a further 10 year period.

The following provides an outline of the basis of the report, the observations and subsequent recommendations.

1.1 Background

On 29th September 2017 the States of Guernsey resolved to endorse the implementation of managed realignment (Option 7b) of the coastline at L'Ancrese East.

Planning requirements determined that an Environmental Impact Assessment (EIA) would be necessary. Scoping for the EIA was provided.

A Requête was tabled in November 2019 proposing a moratorium period of 10 years to the implementation of Option 7b, “during which time suitable maintenance is undertaken to provide stability of the wall”.

The procurement process for the EIA was therefore halted pending a decision on the Requête.

The States resolved to support the Requête on 23rd April 2020.

Inspections were therefore undertaken to record the baseline condition of the wall at the beginning of the 10 year period. The inspections also help inform what work is likely to be required to maintain stability to the wall for the 10 year period and further inform the outline maintenance schedule as directed by resolution 3 of the Requête.

1.2 Baseline Inspection Regime

Wall inspections were undertaken during several site visits on 12th & 13th May 2020, 17th & 18th June 2020 and 18th August 2020 and thus represent a ‘snapshot’ of the condition of the wall on those days. The condition survey report also includes a photographic record of the wall.

The assessment of the wall condition has been made utilising a grading of 1 -10 (see table 1 below for rating description). In undertaking the assessment no section of wall was found to be graded less than 4.

The grading is used to guide the proposed maintenance works schedule as summarised in Section 3.

Table 1 - Condition rating description

Condition rating	Description
1	Condition of the wall is not a cause for concern
2	Minor deterioration to structure
3	Minor cracking/damage to structure.
4	Erosion/cracking of elements of wall structure which require monitoring to determine if/when works required to provide stability to wall.
5	Erosion/movement of structural elements of the wall potentially works required in year 1 -10 to provide stability to the wall
6	Movement/erosion in elements of the wall structure which require works in year 1-5 to provide stability to the wall.
7	Elements of the wall structure are cracked/damaged or undermined and works are required in year 0-1 or year 1-5 to provide stability to the wall.
8	Elements of the wall structure are cracked/damaged/moved/failed or undermined and works are required in year 0-1 to provide stability to the wall.
9	The wall panel is an immediate cause for concern as a section/element of the wall structure has failed. Action is required to provide stability to the wall
10	The wall panel is an immediate cause for concern and action is required to provide stability to the wall

This condition assessment will need to be revisited and revised, as appropriate, as further monitoring is undertaken during the 10 year maintenance period.

It is important to note that the assessment of condition observations reflect a condition of the wall at a point in time (summer 2020), they do not pick up in detail every single element of the structure and are as objective in nature as far as practicable. The assessment is both an assessment of the current condition of the structural elements of the wall together with an Engineers evaluation of the stability of the wall based on observations rather than calculations.

1.3 Ongoing Monitoring

The condition of the wall, even with the interventions outlined in the maintenance schedule, is anticipated to continue to deteriorate. It is therefore essential that the wall continues to be regularly inspected and monitored throughout the duration of the moratorium.

This monitoring will provide information on:

- The ongoing condition of the wall in areas awaiting maintenance;

- The condition of the wall directly following maintenance;
- The condition of the wall post maintenance; and
- Any requirements for acceleration, or delay, of maintenance to sections of wall.

It is suggested that inspections of the wall are undertaken during early Spring and late Autumn with additional site inspections to be undertaken following severe weather events, noting the condition of the wall following any maintenance.

Continued inspections will provide information to update the condition ratings, maintenance schedule and asset survey report. Note that all surveys should be additive from a reporting perspective and so no information will be removed from the report over the 10 year period.

1.4 Constraints

This condition report has been produced following visual inspections of the wall over the summer of 2020, meaning that the maintenance schedule is based on the most up to date information at that time. However, there are a number of caveats that need to be outlined that may lead to a change in the cost and timeline for delivery of the maintenance schedule. These are outlined below:

- The maintenance schedule has been established based on visual inspection by Project Services and information gathered from previous work undertaken at L'Ancrese East. Therefore the following need to be considered:
 - There has been no market testing of the values in the estimates. This extend across materials (including the availability of suitable sized stone for armouring), contractors rates and consultants rates for design.
 - The works identified have not been reviewed in any capacity by coastal defence specialists.
 - The works outlined are based upon visual inspections and historical costs only, they are not supported by any calculations.
- The inspection represents a “snapshot” in time. Therefore, the maintenance schedule should be considered indicative only. The nature of the structure and its exposure to the natural environment provides for a level of unpredictability that may require the schedule to be adapted to ongoing deterioration beyond that expected. This highlights the importance of ongoing monitoring.
- The work is scheduled into 3 periods – 0-1 years, 1-5 years and 5-10 years – however this is only based on initial observations and as detailed previously, works may need to be accelerated should the wall deteriorate at a greater rate than anticipated. As such work initially scheduled in the 5-10 year period may be required in advance of some work currently identified in the 1-5 year period.
- There is no allowance within the cost estimates for the following aspects:
 - Access to site given constraints of working behind the wall;
 - Protection works to the common;
 - Contingency works;
 - Continued monitoring/costs associated with officer time;

- Health and safety measures;
 - Concrete infilling in gaps between aprons.
- The costs and works outlined in this schedule are only aimed at arresting the deterioration of the structure for the 10 year period, they are not a long term solution for this section of coast.

2.0 Plan showing Wall Panel Locations

3.0 Maintenance Schedule and Cost Estimate

L'Ancrese East - Anti-Tank Wall Condition, Maintenance Schedule and Cost Estimate.

wall panel Number. (Blue indicates panels to be retained for 7b option.)	Condition Rating	When work required	comment	Year 0 - 1 Potential Costs rounded up, excluding consultants fees and contingency.	Year 1-5 potential additional Costs in next 1 - 5 year period.	Year 5-10 Potential additional Costs in next 5-10 years	Consultancy costs allowance.
1	5	Year 1 allowance for repair to topping. Potentially revetment required in 10 Year period	The aprons are moving and the gaps between the apron is also increasing. This will need to be monitored. Potentially revetment may be required to prevent further movement.	£1,000		£49,000	£3,000
2	5	Year 1 allowance for repair to topping. Potentially revetment required in 10 Year period	The aprons are moving and the gaps between the apron is also increasing. This will need to be monitored. Potentially revetment may be required to prevent further movement.	£1,000		£49,000	
3	5	Year 1 allowance for repair to topping. Potentially revetment required in 10 Year period	The aprons are moving and the gaps between the apron is also increasing. This will need to be monitored. Potentially revetment may be required to prevent further movement.	£1,000		£49,000	
4	5	Year 1 allowance for repair to topping. Potentially revetment required in 10 Year period	The aprons are moving and the gaps between the apron is also increasing. This will need to be monitored. Potentially revetment may be required to extended the full length to prevent further movement.	£2,000		£29,000	
5	7	Dowels QT3/QT4 2020 Grout repair QT3/QT4 2020	Maintenance to the revetment.	£13,000	£5,000	£5,000	
6	6.5	Year 1 allowance for repair to topping. Allowance for maintenance work to the revetment rock armour.	Significant erosion to face of rectangular apron. Also the sloping apron has been eroded away and is not offering a lot of protection. It may be necessary to extend the revetment from panel 5 in the next 5 years.	£2,000	£29,000	£0	
7	6.5		Some erosion to vertical face of rectangular apron, the rectangular apron concrete has previously been identified as concrete of a lower strength resulting in the concrete being eroded away. Erosion to the sloping apron which is cracked into sections and may require protection in the next 5 years.	£1,000	£49,000	£0	
8	9	Rectangular apron & Revetment QT3/QT4 2020		£26,000	£25,000	£0	
9	10	Rectangular apron & Revetment QT3/QT4 2020		£58,000	£0	£0	£3,000
10	7	Revetment QT3/QT4 2020		£25,000	£29,000	£0	
11	7		crack in rectangular apron, potentially undermined and would need revetment.	£1,000	£58,000		£3,000
12	8	Dowels & Revetment QT3/QT4 2020 /QT1 2021		£68,000	£0	£0	
13	8	Dowels & Revetment QT3/QT4 2020 /QT1 2021	as rotating look at underpinning but how easy as need to excavate, would revetment do. Would revetment construction undermine this?	£68,000	£0	£0	
14	8	Revetment QT3/QT4 2020 /QT 1 2021.		£60,000	£0	£0	

15	8	Revetment QT3/QT4 2020/QT1 2021	The apron is currently intact but it was observed in May 13 2020 inspectionthat the underside of the apron was exposed at that beach level. Further scouring could lead to the undermining of the apron and subsequent damage.	£60,000	£0	£0		
16	7		Allowance for 6m of revetment, not sure what impact that would have on steps use but would butt up to set back revetment for panel 17.	£30,000	£0	£0		
17	7	Revetment 2021		£1,000	£39,000	£0		
18	7	Revetment 2021		£1,000	£39,000	£0		
19	7	Revetment 2021		£1,000	£39,000	£0	£3,000	
20	7	Revetment 2021		£1,000	£39,000	£0		
21	5	Year 1 Allowance for topping and stone masonry at base.	Erosion occuring at the base of apron/bedrock interface. This requires additional work to add a layer of stone masonry to prevent erosion.	£4,000	£0	£0		
22	4	Year 1 Allowance for topping and stone masonry at base.		£4,000	£0	£0		
23	4	Year 1 Allowance for topping		£1,000	£0	£0		
Total				£430,000	£351,000	£181,000	£12,000	
							£3,000	General review .
								£977,000



States of Guernsey Property Services

L'Ancrese East Anti-Tank Wall Condition Survey April – June 2021

FOR

COMMITTEE FOR THE ENVIRONMENT AND INFRASTRUCTURE



Property Services
Sir Charles Frossard House
La Charroterie
St Peter Port
Guernsey, GY1 1FH

January 24 2022
v 1.0

L'Ancrese East Anti-Tank Wall Condition Survey

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L'Ancrese East – Anti-Tank Wall Condition Survey.

1.0 Introduction to Condition Report

Project Services have been requested to assist the Committee for the Environment and Infrastructure in regard the delivery of an assessment of condition of the L'Ancrese East Anti-Tank wall. The request follows a directive from the States of Guernsey to maintain the stability of the wall for a further 10 year period starting in 2020.

The following provides an outline of the basis of the report, the observations and subsequent recommendations.

1.1 Background

On 29th September 2017 the States of Guernsey resolved to endorse the implementation of managed realignment (Option 7b) of the coastline at L'Ancrese East.

Planning requirements determined that an Environmental Impact Assessment (EIA) would be necessary. Scoping for the EIA was provided.

A Requête was tabled in November 2019 proposing a moratorium period of 10 years to the implementation of Option 7b, “during which time suitable maintenance is undertaken to provide stability of the wall”.

The procurement process for the EIA was therefore halted pending a decision on the Requête.

The States resolved to support the Requête on 23rd April 2020.

Inspections were therefore undertaken to record the baseline condition of the wall at the beginning of the 10 year period. The inspections also help inform what work is likely to be required to maintain stability to the wall for the 10 year period and further inform the outline maintenance schedule as directed by resolution 3 of the Requête.

1.2 Baseline Inspection Regime

Wall inspections were undertaken during several site visits on 7th April 2021, 8th, 17th & 28 June 2021 and thus represent a ‘snapshot’ of the condition of the wall on those days. The condition survey report also includes a photographic record of the wall.

The assessment of the wall condition has been made utilising a grading of 1 -10 (see table 1 below for rating description). In undertaking the assessment no section of wall was found to be graded less than 4.

The grading is used to guide the proposed maintenance works schedule as summarised in Section 3.

Table 1 - Condition rating description

Condition rating	Description
1	Condition of the wall is not a cause for concern
2	Minor deterioration to structure
3	Minor cracking/damage to structure.
4	Erosion/cracking of elements of wall structure which require monitoring to determine if/when works required to provide stability to wall.
5	Erosion/movement of structural elements of the wall potentially works required in year 1 -10 to provide stability to the wall
6	Movement/erosion in elements of the wall structure which require works in year 1-5 to provide stability to the wall.
7	Elements of the wall structure are cracked/damaged or undermined and works are required in year 0-1 or year 1-5 to provide stability to the wall.
8	Elements of the wall structure are cracked/damaged/moved/failed or undermined and works are required in year 0-1 to provide stability to the wall.
9	The wall panel is an immediate cause for concern as a section/element of the wall structure has failed. Action is required to provide stability to the wall
10	The wall panel is an immediate cause for concern and action is required to provide stability to the wall

This condition assessment will need to be revisited and revised, as appropriate, as further monitoring is undertaken during the 10 year maintenance period.

It is important to note that the assessment of condition observations reflect a condition of the wall at a point in time (spring/summer 2021), they do not pick up in detail every single element of the structure and are as objective in nature as far as practicable. The assessment is both an assessment of the current condition of the structural elements of the wall together with an Engineers evaluation of the stability of the wall based on observations rather than calculations.

1.3 Ongoing Monitoring

The condition of the wall, even with the interventions outlined in the maintenance schedule, is anticipated to continue to deteriorate. It is therefore essential that the wall continues to be regularly inspected and monitored throughout the duration of the moratorium.

This monitoring will provide information on:

- The ongoing condition of the wall in areas awaiting maintenance;

- The condition of the wall directly following maintenance;
- The condition of the wall post maintenance; and
- Any requirements for acceleration, or delay, of maintenance to sections of wall.

It is suggested that inspections of the wall are undertaken during early Spring and late Autumn with additional site inspections to be undertaken following severe weather events, noting the condition of the wall following any maintenance.

Continued inspections will provide information to update the condition ratings, maintenance schedule and asset survey report. Note that all surveys should be additive from a reporting perspective and so no information will be removed from the report over the 10 year period.

1.4 Constraints

This condition report has been produced following visual inspections of the wall over the summer of 2021, meaning that the maintenance schedule is based on the most up to date information at that time. However, there are a number of caveats that need to be outlined that may lead to a change in the cost and timeline for delivery of the maintenance schedule. These are outlined below:

- The maintenance schedule has been established based on visual inspection by Project Services and information gathered from previous work undertaken at L'Ancrese East. Therefore the following need to be considered:
 - There has been no market testing of the values in the estimates. This extend across materials (including the availability of suitable sized stone for armouring), contractors rates and consultants rates for design.
 - The works identified have not been reviewed in any capacity by coastal defence specialists.
 - The works outlined are based upon visual inspections and historical costs only, they are not supported by any calculations.
- The inspection represents a “snapshot” in time. Therefore, the maintenance schedule should be considered indicative only. The nature of the structure and its exposure to the natural environment provides for a level of unpredictability that may require the schedule to be adapted to ongoing deterioration beyond that expected. This highlights the importance of ongoing monitoring.
- The work is scheduled into 3 periods – years 2021-2022, years 2022-2024 and years 2025-2029 – however this is only based on initial observations and as detailed previously, works may need to be accelerated should the wall deteriorate at a greater rate than anticipated. As such work initially scheduled in the 2025-2029 year period may be required in advance of some work currently identified in the 2022-2024 year period.
- There is no allowance within the cost estimates for the following aspects:
 - Access to site given constraints of working behind the wall;
 - Protection works to the common;
 - Contingency works;
 - Continued monitoring/costs associated with officer time;

- Health and safety measures;
 - Concrete infilling in gaps between aprons.
- The costs and works outlined in this schedule are only aimed at arresting the deterioration of the structure for the 9 year period, they are not a long term solution for this section of coast.

2.0 Plan showing Wall Panel Locations

3.0 Maintenance Schedule and Cost Estimate

L'Ancrese East - Anti-Tank Wall Condition, Maintenance Schedule and Cost Estimate.

wall panel Number. (Blue indicates panels to be retained for 7b option.)	Condition Rating	When work required	comment	Year 2021 - 2022 Potential Costs rounded up, excluding consultants fees and contingency.	Year 2022-2024 potential additional Costs in next 1 - 5 year period.	Year 2025-2029 Potential additional Costs in next 5-10 years	Consultancy costs allowance.
1	5	Year 1 allowance for repair to topping. Potentially revetment required in 10 Year period	The aprons are moving and the gaps between the apron is also increasing. This will need to be monitored. Potentially revetment may be required to prevent further movement.	£1,000		£51,000	£3,000
2	5	Year 1 allowance for repair to topping. Potentially revetment required in 10 Year period	The aprons are moving and the gaps between the apron is also increasing. This will need to be monitored. Potentially revetment may be required to prevent further movement.	£1,000		£51,000	
3	5	Year 1 allowance for repair to topping. Potentially revetment required in 10 Year period	The aprons are moving and the gaps between the apron is also increasing. This will need to be monitored. Potentially revetment may be required to prevent further movement.	£1,000		£51,000	
4	5	Year 1 allowance for repair to topping. Potentially revetment required in 10 Year period	The aprons are moving and the gaps between the apron is also increasing. This will need to be monitored. Potentially revetment may be required to extended the full length to prevent further movement.	£2,000		£30,000	
5	7	Dowels QT3/QT4 2020 Grout repair QT3/QT4 2020	Maintenance to the revetment.	£14,000	£5,000	£5,000	
6	6.5	Year 1 allowance for repair to topping. Allowance for maintenance work to the revetment rock armour.	Significant erosion to face of rectangular apron. Also the sloping apron has been eroded away and is not offering a lot of protection. It may be necessary to extend the revetment from panel 5 in the next 5 years.	£2,000	£30,000	£0	
7	6.5		Some erosion to vertical face of rectangular apron, the rectangular apron concrete has previously been identified as concrete of a lower strength resulting in the concrete being eroded away. Erosion to the sloping apron which is cracked into sections and may require protection in the next 5 years.	£1,000	£51,000	£0	
8	9	Revetment QT3/QT4 2021		£52,000	£0	£0	
9	9	Revetment QT3/QT4 2021		£52,000	£0	£0	£3,000
10	7	Revetment QT3/QT4 2021. Allowance for 6m section as overlap from Panel 9.		£27,000	£31,000	£0	
11	7		crack in rectangular apron, potentially undermined and would need revetment.	£1,000	£61,000		£3,000
12	8	Dowels & Revetment QT3/QT4 2021 /QT1 2022		£71,000	£0	£0	
13	8	Dowels & Revetment QT3/QT4 2021 /QT1 2022	as rotating look at underpinning but how easy as need to excavate, would revetment do. Would revetment construction undermine this?	£71,000	£0	£0	
14	8	Revetment QT3/QT4 2021 /QT 1 2022.		£63,000	£0	£0	

15	8	Revetment QT3/QT4 2020/QT1 2021	The apron is currently intact but it was observed in May 13 2020 inspectionthat the underside of the apron was exposed at that beach level. Further scouring could lead to the underminIng of the apron and subsequent damage.	£63,000	£0	£0		
16	7		Allowance for 6m of revetment, not sure what impact that would have on steps use but would butt up to set back revetment for panel 17.	£32,000	£0	£0		
17	8	Revetment 2021	repairs have cracked and levels dropped. Damage to panel 17 could impact adjacent panels which are a critical asset for the 7b managed realignment option. Whilst these are scored lower on condition the impact on the critical asset has dictated that the works should be progressed sooner.	£42,000	£0	£0		
18	8	Revetment 2021		£42,000	£0	£0		
19	8	Revetment 2021		£42,000	£0	£0	£3,000	
20	7	Revetment 2021		£42,000	£0	£0		
21	5	Year 1 Allowance for topping and stone masonry at base.	Erosion occuring at the base of apron/bedrock interface. This requires additional work to add a layer of stone masonry to prevent erosion.	£4,000	£0	£0		
22	4	Year 1 Allowance for topping and stone masonry at base.		£4,000	£0	£0		
23	4	Year 1 Allowance for topping		£1,000	£0	£0		
Total				£631,000	£178,000	£188,000	£12,000	
							£3,000	General review .
								£1,012,000



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President
Policy & Resources Committee
Sir Charles Frossard House
La Charroterie
GY1 1FH

29 September 2020

Dear Deputy St Pier

Maintenance to the L'Ancrese wall

On 17 April 2020, the States agreed a new approach for maintenance to the L'Ancrese anti-tank wall when it agreed the Requête entitled *"Suspension of carrying out of works further to proposals for the partial removal of the anti-tank wall in the eastern part of Pembroke Bay (L'Ancrese East) and the managed re-alignment of the coastline in that area and establishment of a moratorium period of 10 years during which time suitable maintenance is undertaken to provide stability to the wall"*.

Therefore, the Committee has ceased all work on managed realignment and prepared a maintenance schedule for implementation as directed in resolutions 1 and 3 of the Requête respectively.

Following detailed studies by officers in recent months, the Committee approved the maintenance schedule, appended to this letter, at its most recent meeting held on 23 September 2020.

The investigation by officers has confirmed the urgent need to undertake maintenance at the eastern end of L'Ancrese Bay ahead of this winter in the area of panels 8 – 15.

The initial estimated cost of the maintenance schedule is £977,000 over the ten year period which is considerably more than the £200,000 figure outlined in the Requête. The Committee did advise in writing and in debate that £200,000 was insufficient and a more realistic estimate was at least £825,000.

Following completion of the maintenance schedule, the Committee requests that funding be approved in principle for the programme of works as outlined in the

maintenance schedule, noting the caveats that could cause the price to increase further over the ten year period. Further, the Committee requests that funding be urgently agreed to enable works at panels 8-15 to be undertaken ahead of the worst of the winter weather at an estimated cost of £477,000. This is based on the figures as presented in the maintenance schedule for years 1-5 for those panels, however there is potential for cost savings by undertaking all of this work at the same time rather than returning later to fill in gaps.

This urgent funding request is to discharge the risk of failure over the coming winter months and is in accordance with the Requête's stated aim "that maintenance be undertaken to provide stability to the wall to give the optimum chance of the wall remaining intact for the 10 year period". The maintenance schedule has also been prepared with this aim in mind.

The Committee supports funding for this work being made available by de-prioritising the funding for the managed realignment of the bay which had been previously agreed by the States in 2017. This would return the funding allocation to the coastal defence capital budget which could then be reallocated, including on this programme of works. It is suggested that this is the most sensible way to proceed in the short-term. However, the Committee must highlight that, at the end of the 10 year period, additional funding will be required to deliver a long-term solution for coastal defence at this location.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'B L Brehaut', with a stylized flourish at the end.

Deputy B L Brehaut

President

Committee *for the* Environment & Infrastructure



Policy & Resources Committee

President
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5th October 2020

Dear Deputy Brehaut

MAINTENANCE TO L'ANCRESSE WALL – FUNDING REQUEST

Thank you for your letter dated 29 September 2020 which requests approval of a capital vote of £477,000 to undertake urgent maintenance works ahead of this winter on panels 8-15 of the anti-tank wall at the eastern end of L'Ancrese Bay. Due to the urgency of this matter, the Policy & Resources Committee considered this request at its meeting held on 2 October 2020 and I am grateful to you and your supporting officers for attending to answer Members' questions.

Members noted that the Requête agreed by the States in April 2020 directed your Committee to *"arrange for implementation of a maintenance schedule as proposed in Recital 6."* Recital 6 included a detailed specification of the works envisaged to be necessary *"to provide stability to the wall to give the optimum chance of the wall remaining intact for the 10 year period...."*.

The Requête also included that *"It would be prudent to have a maintenance budget of £200,000 set aside and taken from the Minor Capital Allocation for Coastal Repairs budget to cover the estimated cost of any maintenance programme."* The Committee *for the* Environment & Infrastructure has delegated authority to approve capital votes of up to £250,000 from the Coastal Repairs minor capital allocation.

Members noted that Property Services has conducted a condition survey of L'Ancrese East Anti-Tank Wall (May – August 2020) and produced a maintenance schedule (with a revised sequencing of works) aimed at arresting the deterioration of the structure for the ten year period. The cost estimate for this work (including a 20% allowance for consultant fees and contingency) is £1,170,000.

As the estimated cost of undertaking the maintenance schedule proposed by your Committee is considerably in excess of that indicated in the Requête, Members were unanimously of the view that the States would not expect or support the Policy & Resources Committee to use its delegated authority to approve the requested capital vote to commence the works.

Therefore, unless your Committee is able to fulfil the direction set by the Requête within the maintenance budget specified within the Requête, your Committee should seek States direction on the level and scope of works to be undertaken together with allocation of an appropriate budget. In the meantime, your Committee is, of course, able to use its existing revenue budget or the coastal repairs capital allocation to fund urgent minor repairs, etc.

Finally, I confirm that the capital vote of £1.015million which was opened following the States approval in September 2017 for implementing the managed re-alignment of the coastline at L'Ancrese East has been closed.

Yours sincerely

A handwritten signature in black ink, appearing to be 'G A St Pier', written in a cursive style.

Deputy G A St Pier
President



Committee *for the*
Environment & Infrastructure

Sir Charles Frossard House
La Charroterie
St Peter Port
Guernsey
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President
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14 March 2022

Dear Deputy Ferbrache

Policy Letter - L'Ancrese East Management Approach to 2030

In accordance with Rule 4(3) of the Rules of Procedure of the States of Deliberation and their Committees, the Committee for the Environment & Infrastructure requests that the L'Ancrese East Management Approach to 2030 be considered at the States' meeting to be held on 27 April 2022.

Yours sincerely

H L de Sausmarez
President
Committee *for the* Environment & Infrastructure

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR THE* ENVIRONMENT & INFRASTRUCTURE

PROPOSED AMENDMENTS TO THE PUBLIC HIGHWAYS (TEMPORARY CLOSURE)
ORDINANCE, 1999 TO ALLOW THE DESIGNATION OF AL FRESCO ZONES

The States are asked to decide:

Whether, after consideration of the policy letter entitled 'Proposed Amendments to the Public Highways (Temporary Closure) Ordinance, 1999 to allow the Designation of Al Fresco Zones' dated 8th March 2022, they are of the opinion: -

1. To agree to amend the Public Highways (Temporary Closure) Ordinance, 1999 so as to empower the Committee *for the* Environment & Infrastructure: -
 - a. to designate by order "al fresco" zones, and
 - b. within those zones, to grant "al fresco" permits,
 - c. noting that determination of any 'areas' falling within an al fresco zone would be subject to a process of public consultation before coming into effect,

as more particularly set out in the Policy Letter.

2. To direct the preparation of such legislation as may be necessary to give effect to the above decision.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR THE* ENVIRONMENT & INFRASTRUCTURE

PROPOSED AMENDMENTS TO THE PUBLIC HIGHWAYS (TEMPORARY CLOSURE)
ORDINANCE, 1999 TO ALLOW THE DESIGNATION OF AL FRESCO ZONES

The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port

14th March, 2022

Dear Sir

1 Executive Summary

- 1.1 Al fresco licences enable restaurant, café and public house proprietors to place tables and chairs, or for other activities to take place, on land which is on the public highway. The licensing system permits the licence holders to use the specified land with legal authority whilst ensuring that safety issues and other matters of public interest are taken into consideration.
- 1.2 The Public Highways (Temporary Closure) Ordinance, 1999 determines the process against which al fresco licence applications are made and granted. Applicants are required to advertise twice in the Gazette Officielle, consult with various States Committees and the relevant Constables at least 28 days prior to being represented by an advocate who presents the application to the Royal Court. This is a complicated, expensive and time-consuming process and anecdotal feedback suggests that some businesses are not applying for a licence because of this.
- 1.3 As such, it is recommended that a further Part be inserted into the Public Highways (Temporary Closure) Ordinance, 1999, to provide legislatively for the following:
 - Empowerment of the Committee *for the* Environment & Infrastructure by Order to designate 'al fresco zones'. N.B. definition of the sites/areas falling within any al fresco zone would be done as part of a process of public consultation; approval of the zone 'sites' does not form part of this Policy Letter.

- The processing of al fresco permit applications and issue of Al Fresco Permits by Traffic & Highway Services on behalf of the Committee *for the Environment & Infrastructure*, if the application is made in respect of premises or land falling within a designated al fresco zone
- Alteration of the date of validity of existing licences, to enable the change of renewal dates for licences as well as permits under the new system
- The introduction of transitional provisions for existing licence holders in the designated zones to enable them to convert to permits under the new procedure

1.4 This workstream is deemed relevant for the current political term as it supports key priorities of the Government Work Plan (GWP) including:

- Priority 3 Sustainable Economic Recovery post COVID-19 – ‘Unlock enterprise through the support local entrepreneurship post COVID-19’ and ‘Invest in the tourism economy: Prepare and invest in tourism product...’
- Seafront Enhancement Area support via enhanced facilitation of al fresco opportunities along the eastern seaboard

1.5 Once the permit scheme has been established and in operation for a while, consideration could be given to replacing the jurisdiction of the Royal Court altogether, at which time, if approved, new legislation would be enacted by Order in Council

2 Background and Introduction

2.1 Al fresco is the availability of eating and drinking outside, which helps restaurants and eateries to increase the number of tables they can offer and therefore their turnover. Al fresco is popular both with visitors and local communities and, according to Restaurant Engine, when the weather is good, diners feel merrier, and this feeling often leads to them ordering more and choosing higher priced items. Al Fresco dining also helps to bring life to streets and increases activity for the benefit of the nearby business and the community in general.

2.2 Al Fresco licences were introduced in Guernsey in 1999, to enable eateries to operate al fresco legally on specified areas of the public highway (no Al Fresco licence is required for areas that are not deemed to be the public highway but other permissions such as Planning may be). Licences are issued subject to certain prescribed conditions being met by the al fresco operator. Conditions

include such aspects as minimal space requirements around the al fresco area to ensure safe pedestrian access to the surrounding path or road area; access for emergency vehicles to reach the site or any corresponding building access points; hours of operation of the al fresco site; size, number of tables and chairs and layout of the al fresco site; adequacy of toilet facilities for customers and so forth. Prescribed conditions ensure that safety issues and other matters of public interest are considered. See **Appendix 1** for the current al fresco licence application process and prescribed conditions subject to which al fresco licences are issued currently.

- 2.3 With the system now having operated for some years, there are clearly opportunities to simplify the al fresco licensing process which were not apparent when it was first introduced.
- 2.4 Anecdotal feedback from restaurateurs in relation to the recent Quay al fresco trial, indicated the positive impact that the introduction of semi-permanent al fresco dining generated over and above normal trading. Increasing al fresco, particularly in key urban areas undoubtedly makes Guernsey a better place to live, work and enjoy, in line with the States-approved Strategic Land Use Plan and the Island Development Plan.
- 2.5 The proposal is to insert an additional Part in the Public Highways (Temporary Closure) Ordinance, 1999 to allow legislatively for the introduction of al fresco zones within which the application process would be simplified to reduce the time and cost involved for businesses wishing to operate al fresco in a designated zone. Within those zones, application could be made to the Committee *for the* Environment & Infrastructure for a permit, rather than to the Royal Court for a licence. The effect would be the same.
- 2.6 The current process for the application for extension of alcohol licences for the serving of alcohol as part of the al fresco service is not proposed to change.

3 Designation of al fresco zones

- 3.1 Implementation of al fresco zones is recommended. The al fresco zones proposed are focused on the Main Centres of Town and The Bridge where the greatest scope exists for this type of activity in planning terms. These areas also reflect concentrations of existing compatible uses.
- 3.2 The introduction of al fresco zones negates the current requirement for consultation to be done on an individual site application basis; rather a period of public consultation could be undertaken for all areas falling within the proposed defined al fresco zones at one time.

Proactive consultation with current stakeholders including the relevant Parishes,

the fire service, the Guernsey Police, Traffic & Highway Services, the Planning Service and the Health and Safety Executive would be completed. In this way, those organisations and departments currently consulting on individual al fresco licence applications would input into and feedback on the proposed zones.

- 3.3 Al fresco zones maps for the St Peter Port and St Sampson / Vale border can be found in **Appendix 2**. Note these are also working drafts and would be subject to future modification and public consultation. The draft zones consider highway and public safety and also the impact of the al fresco on the surrounding area and community. Site specific planning and building control requirements would be addressed through standard conditions.
- 3.4 Draft standard conditions subject to which permits would be issued under the new system are attached in **Appendix 3**. Again, these are working drafts and are subject to future modification and public consultation.
- 3.5 It should be noted that the current al fresco licence applications process will still be available to businesses located outside the designated zones. The al fresco permit applications process would only be relevant for sites falling within the designated al fresco zones.
- 3.6 The proposed al fresco zones include sites that may not be available at this present time, but that could be available for al fresco in the future. For instance, areas of St Peter Port currently used as car parks that may become pedestrianised as part of any future Seafront Enhancement Area development work. Any applications for sites within the al fresco zones that are currently in use would not be granted until such time as they became available.
- 3.7 Proposed al fresco zones and corresponding zone maps would be published as part of a formal consultation process. Formal consultation with the relevant Constables and States' Committees would take place, and the proposed zones would be published and made available for public inspection and comments invited.
- 3.8 Once responses were taken into consideration, the zones would be embodied in an Order of the Committee, becoming effective thereafter. At that stage, it would be open to businesses in the zone to apply for a permit.
- 3.9 If a site was not within an al fresco zone, applicants could not apply under the new procedure for an al fresco permit but could make an application for an al fresco licence under the existing system.
- 3.10 Al fresco zones would be reviewed periodically with any proposed updating of the designated zones subject to public consultation. Feedback would again be considered and then the new or modified zones embodied in a further Order.

4 Assessment of the Al Fresco Permit Application

- 4.1 Applications for al fresco permits will be assessed by officers and matters for consideration would include checking that the proposed al fresco site fell within a designated al fresco zone, that the proposed offering complies with the prescribed conditions for that zone, and whether any further conditions are necessary for the site in question.
- 4.2 It is proposed that the Committee would have the authority to vary the prescribed conditions in any particular case or to add further conditions to any al fresco permit it issued, whether by application by the permit holder or at the instigation of the Committee *for the Environment & Infrastructure*. Additional conditions could relate to the operational hours of the al fresco service, if the location was close to residential housing for instance.
- 4.3 Where an application for a permit is refused, the appeal process would be through the Royal Court.
- 4.4 Provision within the Ordinance for the suspension and forfeiture of permits is also proposed.

5 Al Fresco Permit Renewals

- 5.1 It is recommended that the current 31st December licence renewals deadline is changed to the end of September each year (December is traditionally the busiest time of the year for many eateries). This would apply both for al fresco licences granted by the Royal Court and for permits issued under the new system which would all be valid from October to September. Transitional provisions will enable existing licence holders whose premises are within the designated zones to convert to a permit at the expiration of their licences, and such initial permit would expire at the new renewal date. In such cases, fees would be reduced pro rata.

6 Application fees

- 6.1 It is proposed that permit application and renewal fees are payable to the States of Guernsey via the Committee *for the Environment & Infrastructure*. These are proposed to be the same as the licence fee, that is (currently) £176 per application and renewal respectively. Fees for licence applications made to the Royal Court would remain payable to the Greffe.

7 Compliance with Rule 4

7.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.

7.2 In accordance with Rule 4(1):

- a) The propositions contribute to the States' objectives and policy plans through supporting overarching aims of the Government Work Plan
- b) In preparing the propositions, consultation has been undertaken with the Planning Service, Property Services, the Greffe, St Peter Port, St Sampson and the Vale parish constables, along with the Committee *for* Economic Development, the Committee *for* Home Affairs and the Development & Planning Authority. All have expressed support for the proposals, with the exception of a St Sampson parish constable.
- c) The propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications.
- d) There are no financial implications to the States of carrying the proposal into effect.

7.3 In accordance with Rule 4(2):

- a) The propositions relate to the Committee's mandate to develop and implement policies on matters relating to its purpose, which include traffic and the road network, of which al fresco forms a part.

Additionally, facilitation of increased al fresco opportunities supports the Committee's overarching aim *"to develop infrastructure in order that present and future generations can live in a community which is clean, vibrant and prosperous"*.

- b) The propositions have the unanimous support of the Committee.

Yours faithfully

H.L. de Sausmarez
President

S.P. Haskins
Vice President

S. Fairclough
A. Gabriel
A. Cameron

APPENDIX 1

AI FRESCO LICENCE APPLICATION PROCEDURE FEBRUARY 2022

Applications for "al-fresco" licences are made to the Royal Court under the Public Highways (Temporary Closure) Ordinance, 1999, as amended (the "Ordinance").

The al-fresco licence application must contain the following:

- (a) the full name and address of the applicant;
- (b) the location of the area of the public highway for which the application is made ("proposed area"); and
- (c) full details of-
 - I. the purpose,
 - II. the hours of the day, and
 - III. the days of the year,

for which the "al-fresco" licence is being sought.

Under the Ordinance, at least 28 clear days prior to the date in which the application is made to the Royal Court, an applicant must send a notice containing specific details (see below) of the proposal to:

- ⇒ The Parish Constables of the Parish in which the proposed area is located
- ⇒ The Committee for the Environment & Infrastructure - Traffic & Highway Services (located at Bulwer Avenue, St Sampson)
- ⇒ The Committee for the Environment & Infrastructure - Planning Service (located at Sir Charles Frossard House, St Peter Port)
- ⇒ The Health and Safety Executive (on behalf of the Committee for Economic Development) (located at Raymond Falla House, St Martin)
- ⇒ The Committee for Home Affairs (located at Sir Charles Frossard House, St Peter Port)

The details to be supplied include:

- 1) A plan, drawn to scale, showing the proposed dimensions and layout of the proposed area, indicating positioning of tables, seating and other items of furniture and any means of marking the extent of the proposed area;

- 2) A full description of the tables, seating and other items of furniture proposed to be placed in the proposed area, which may include photographs, drawings or other visual representations;
- 3) Full details of any proposed screening, awnings or other means of enclosure and of any other fixtures and fittings;
- 4) Full details of the date and time of the proposed application.

On two weekly occasions prior to the proposed application, an applicant shall cause a notice to be published in La Gazette Officielle setting out the details required in the notice above and a statement indicating that further details of the proposed application, including plans, may be inspected at the premises of the Constables of the Parish in which the proposed area is situated.

Unless an "al-fresco" licence is already in force in respect of the proposed area, an applicant shall cause a notice containing the details set out in the Gazette Notice to be affixed on or near premises in the vicinity of the proposed area in question in such a manner as to be easily read by a person in a public place adjacent to those premises for 14 clear days prior to the date of the proposed application. An applicant in respect of a proposed area which is not adjacent to premises over which he exercises control is not required to comply with this requirement.

The Committee for the Environment & Infrastructure will, along with the other bodies mentioned above to which notice must be sent, provide reports for presentation to the Royal Court. Notice should be sent separately to Traffic & Highway Services (located at Bulwer Avenue, St Sampson) and the Planning Service (located at Sir Charles Frossard House) and separate reports will be provided by those Services on behalf of the Committee for the Environment & Infrastructure.

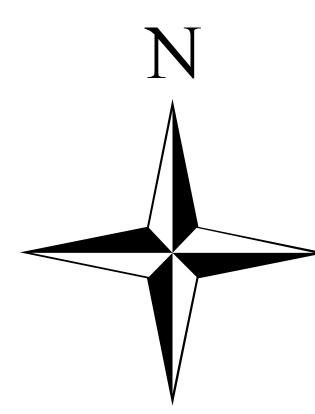
Potential matters to be addressed in reports provided by Traffic & Highway Services and the Planning Service on behalf of the Committee for the Environment & Infrastructure may include:

- ⇒ Maintaining unobstructed access for pedestrians and other traffic
- ⇒ Maintaining unobstructed emergency exits/means of escape from buildings
- ⇒ Adequacy of toilet facilities
- ⇒ Avoiding hazard to public safety
- ⇒ Visual impact of an al fresco facility in the location proposed
- ⇒ Extent and means of marking of the al fresco area
- ⇒ Design and appearance of tables, seating and other items of furniture
- ⇒ Details of any proposed screening, awnings or other means of enclosure
- ⇒ Avoiding poor quality, cluttered or obtrusive elements

⇒ Controls on signage or other advertising material

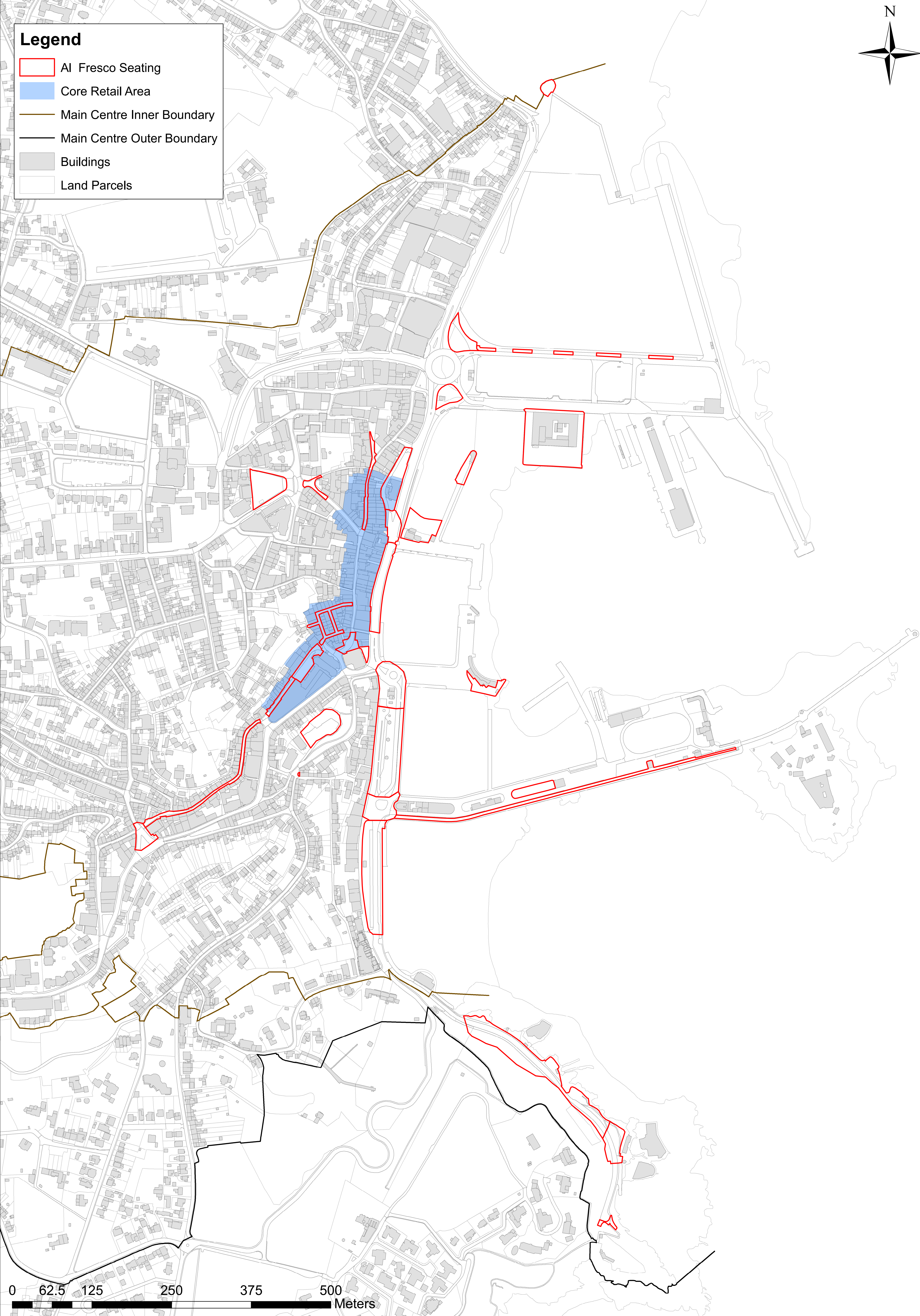
⇒ Ensuring that approved items are removed outside of the permitted al fresco period

Relevant Legislation can be found on the Legal Resources website: [The Public Highways \(Temporary Closure\) Ordinance, 1999.](#)

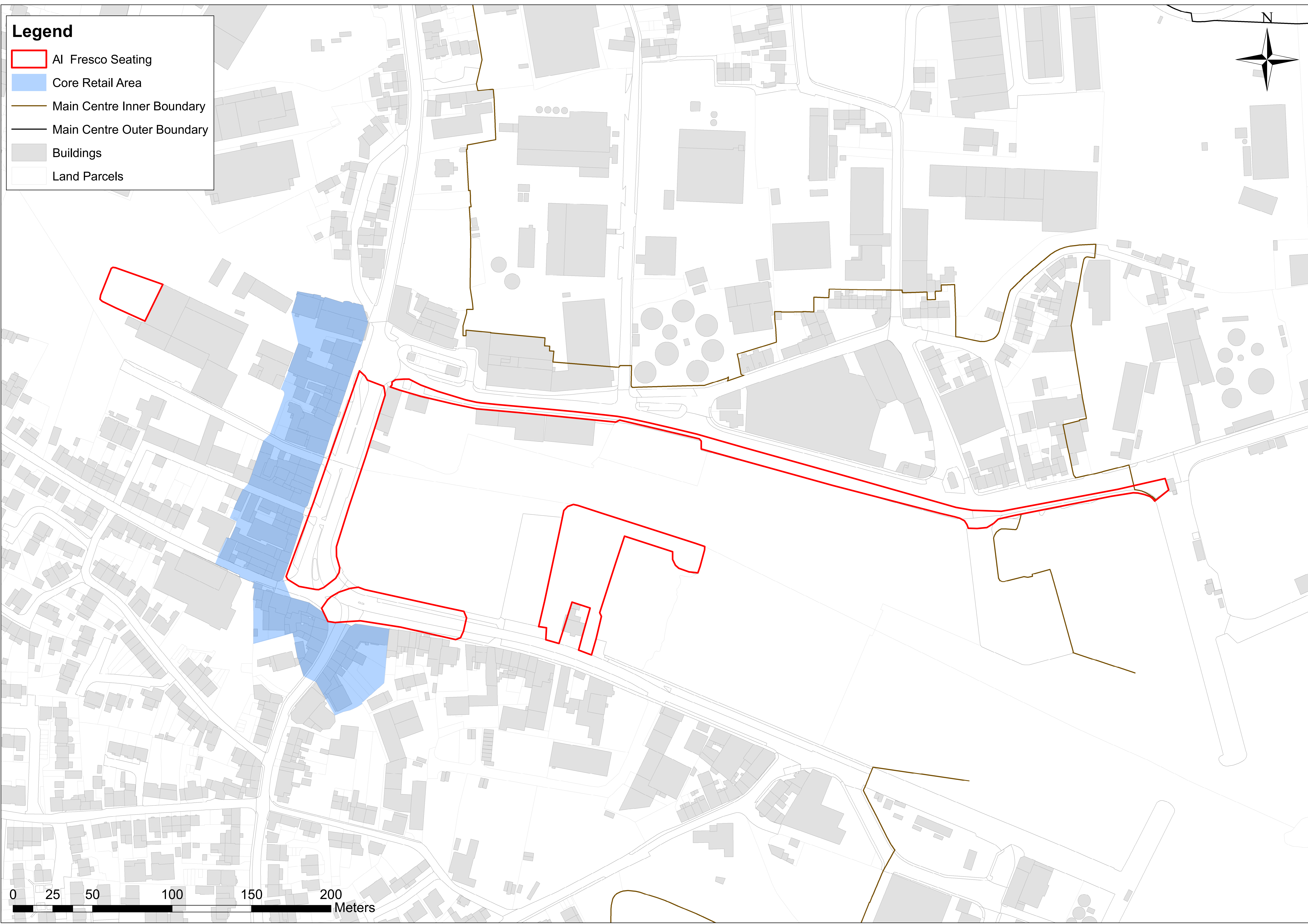


Legend

- AI Fresco Seating
- Core Retail Area
- Main Centre Inner Boundary
- Main Centre Outer Boundary
- Buildings
- Land Parcels



0 62.5 125 250 375 500 Meters



Legend

- AI Fresco Seating
- Core Retail Area
- Main Centre Inner Boundary
- Main Centre Outer Boundary
- Buildings
- Land Parcels

0 25 50 100 150 200 Meters

APPENDIX 3 - Draft Al Fresco Conditions

Condition	Detailed criteria against which the application would be reviewed
Maintain reasonable access for pedestrians and other traffic	<p><i>Model Condition - That the al fresco area, indicated on drawing number xx, does not obstruct pedestrian right-of-way along the adjoining pavement.</i></p> <p>THS considers whether the area is of low, medium, or high footfall. Generally, the minimum footway width that would be required to be maintained at all times is 1.2m for areas with low footfall, 1.5m for areas with medium footfall and 1.8m for areas with high footfall. However there might be specific reasons, where regular queues, gatherings or crowding occur (such as embarking/disembarking points for boats or buses) that may require footway widths to exceed the minimums stated.</p> <p>THS also takes into consideration the need to maintain access for emergency services. The minimum carriageway width that should be provided is 3.2m.</p>
Maintaining reasonable emergency exits/means of escape from buildings	<p>Building Control requires a defined exit/means of escape from the building and an equal width route for onward dispersal.</p> <p><i>Model Condition - There shall be a clear means of escape route from the building at all times. The means of escape through the</i></p>

	<p><i>al fresco area shall be the same width as the entrance doors and, for the avoidance of doubt, the position of the external tables and chairs must not impede the means of escape at any time.</i></p> <p>Guernsey Fire & Rescue requires minimum 3.2m width between kerbs on the highway (where applicable - e.g. North Plantation) for fire appliance access.</p> <p>Emergency exits, pedestrian accesses and vehicular accesses should not be obstructed. THS considers the seating plan and how this would work in practice to maintain access e.g. it often sees applications showing seating neatly up against tables which in practice would not be such when a person is sat in the chair. The layout must detail dimensions with adequate room for persons when seated.</p>
Adequacy of toilet facilities	<p>Building Control would consider this under Regulation G of the Guernsey Technical Standards, particularly where the proposed facility is of a significant scale.</p>
Avoiding hazard to public safety	<p>THS considers trip hazards such as temporary fencing used to delineate the Al Fresco area. When detailing the area that the al fresco will take up the plans should include any fencing proposed, including bases of fencing that may protrude outside the line of the fencing. Any</p>

	<p>protrusions should be adequately marked so they are visible to pedestrians and motorists (where applicable).</p>
<p>Visual impact of an al fresco facility in the location proposed</p>	<p>Is the location within a conservation area or adjacent to protected buildings/monuments and would the al fresco facility have any adverse visual or physical impact on these?</p> <p>This is unlikely to be a significant issue in practice given the temporary and ephemeral nature of al fresco facilities, but could be if more permanent facilities are envisaged. This would however be dealt with under Planning Law as such facilities would then require planning permission.</p>
<p>Extent and means of marking of the al fresco area</p>	<p>Is this discrete but effective? Removable screens or planters or metal studs at intervals are preferable to painted lines.</p> <p><i>Model Conditions - That the tables, associated chairs and perimeter screens are placed only in the positions indicated on drawing number xx.</i></p> <p><i>That the al fresco area is only delineated by the perimeter screens, as shown on drawing number xx and referred to in your letter dated yy, no part of which should extend beyond the boundaries of the al fresco area indicated on the submitted plan.</i></p> <p>THS recommends using permanent studs fixed to the footway to mark out an al fresco area.</p>

	<p>Barriers/fencing can also be used and in some circumstances, where the al fresco will be close to passing vehicular traffic, barriers/fencing should be provided on safety grounds.</p>
Design and appearance of tables, seating and other items of furniture	<p>Is this of an appropriate character and quality for the setting? E.g. metal bistro style furniture is preferable to wooden benches.</p> <p>THS considers table and chair layout and how this would work in practice and how this is likely to impact the footway width. THS also considers any potential overhang across footpaths by parked cars. The applicant should take into account the width of overhanging vehicles when detailing the remaining footpath width.</p>
Details of any proposed screening, awnings or other means of enclosure	<p>Is this of an appropriate quantity, character and design for the setting?</p> <p>Screenings used and requested by THS are generally of the thin lightweight type except for locations where the al fresco will be close to passing vehicular traffic, where more substantial barriers should be provided on safety grounds.</p>
Avoiding poor quality, cluttered or obtrusive elements	As above

	<p>THS is concerned primarily that the furniture does not obstruct pedestrians or vehicles, not only when it is in position but when it is being stored after operating hours</p>
Controls on signage or other advertising material	<p>Advertising is generally controlled under the Planning Law so if required a separate planning application should be made.</p> <p><i>Model Condition - No advertising or similar signage of any sort shall be provided at any time on or around any of the al fresco equipment (e.g. on parasols, screens, umbrellas, awnings or other canopies, benches, bins, etc.). It should be noted that the provision of advertising or similar signage would require prior planning consent under the Land Planning and Development (Guernsey) Law, 2005.</i></p>
Ensuring that approved items are removed outside of the permitted al fresco period	<p><i>Model Condition and note - All tables, chairs and any associated furniture or equipment shall be removed from the al fresco area at the close of business on each day.</i></p> <p><i>It should be noted that if, at any time, the al fresco facilities become a permanent or semi-permanent feature, not removed daily, the proposal would be likely to amount to a material change of use in planning terms for which planning permission would be required under the Land Planning and Development (Guernsey) Law, 2005, notwithstanding the existence of any al fresco licence.</i></p> <p>All seating, tables and barriers are required to be removed outside of operating hours.</p> <p>All above items are also required to either be stored inside the premises, or if outside, all items must be</p>

	securely stored in such a way as to not obstruct the footpath or carriageway
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THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE FOR THE ENVIRONMENT & INFRASTRUCTURE

PROPOSED AMENDMENTS TO THE PUBLIC HIGHWAYS (TEMPORARY CLOSURE)
ORDINANCE, 1999 TO ALLOW THE DESIGNATION OF AL FRESCO ZONES

The President
Policy & Resources Committee
Sir Charles Frossard House
La Charroterie
St Peter Port

14th March, 2022

Dear Sir,

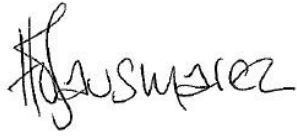
Preferred date for consideration by the States of Deliberation

In accordance with Rule 4(3) of the Rules of Procedure of the States of Deliberation and their Committees, the Committee *for the* Environment & Infrastructure requests that the Policy Letter titled 'Proposed Amendments to the Public Highways (Temporary Closure) Ordinance, 1999 to allow the Designation of Al Fresco Zones' be considered at the States' meeting to be held on **27th April 2022**.

This is for the introduction of a new scheme to facilitate enhanced al fresco in the Main Centres and increased turnover and profit for hospitality businesses, many of whom have struggled during the COVID-19 pandemic.

The initiative supports achievement of priorities within the Government Work Plan including Priority 3 "Sustainable Economic Recovery post COVID-19 – 'Unlock enterprise through the support local entrepreneurship post COVID-19' and 'Invest in the tourism economy' " and also "Seafront Enhancement Area" support.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'H.L. de Sausmarez'. The signature is fluid and cursive, with the first part being more stylized and the last part ending in a long, horizontal stroke.

H.L. de Sausmarez
President

S.P. Haskins
Vice President

S. Fairclough
A. Gabriel
A. Cameron

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

POLICY & RESOURCES COMMITTEE

THE CHURCH OF ENGLAND - THE ATTACHMENT OF THE BAILIWICK OF GUERNSEY TO
THE DIOCESE OF SALISBURY

The States are asked to decide:-

Whether, after consideration of The Church of England – the Attachment of the Bailiwick of Guernsey to the Diocese of Salisbury policy letter dated 9th March, 2022 they are of the opinion:-

1. To note the recommendations as set out in the report of the Archbishop of Canterbury's Commission on the relationship of the Channel Islands with the wider Church of England;
2. Pursuant to Article 72A of the Reform (Guernsey) Law, 1948, as amended, to signify agreement to the substance of the provision of an Order in Council made under prerogative powers and under the Channel Islands Measure 2020, in respect of its application to Guernsey, including, but not limited to:
 - (a) the attachment of the Bailiwick of Guernsey to the Diocese of Salisbury;
 - (b) the transfer of the episcopal oversight of the Bishop of Winchester to the Bishop of Salisbury;
 - (c) that a man or a woman may be consecrated as a bishop; and
 - (d) the simplified mechanism for the application to the Bailiwick of Measures of the Church of England set out in section 5 of this policy letter;
3. To note the ongoing work to draft Canons for the Deanery of Guernsey and that, once drafted, these Canons will be given effect in the Bailiwick by way of an Order in Council.

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

POLICY & RESOURCES COMMITTEE

THE CHURCH OF ENGLAND - THE ATTACHMENT OF THE BAILIWICK OF GUERNSEY TO
THE DIOCESE OF SALISBURY

The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port
Guernsey

9th March 2022

Dear Sir

1. Executive Summary

- 1.1 The primary purpose of this policy letter is for the States of Deliberation to signify agreement to the substance of an Order in Council, which provides:
- (a) for the attachment of the Bailiwick of Guernsey to the Diocese of Salisbury;
 - (b) for the episcopal oversight of the Bishop of Winchester to be transferred to the Bishop of Salisbury;
 - (c) that a man or a woman may be consecrated as a bishop; and
 - (d) for the simplified mechanism set out in section 5 of this policy letter to have effect for the application to the Bailiwick of Guernsey of Measures of the Church of England.
- 1.2 This policy letter also provides an update on the introduction of Canons for the Deanery of Guernsey (see Section 6).
- 1.3 These proposals relate to the report of the Archbishop of Canterbury's Commission on the relationship of the Channel Islands to the wider Church of England (see Section 4).
- 1.4 In 1496, episcopal oversight for Guernsey was transferred from the Norman Diocese of Coutances to the Diocese of Salisbury. Subsequently, in June 1568 Elizabeth I confirmed that she had "*annexed and united*" the Islands to the Bishops of Winchester who were required by Her Majesty "*to govern and direct Our ecclesiastical estate in the said Isles*". This was subsequently confirmed by Order in Council of 11th March 1569 ("the 1569 Order in Council") to "*perpetually unite*" the Islands to the Diocese of Winchester.

- 1.5 In March 2014, following the breakdown of the relationship between the Deaneries of Jersey and Guernsey and the Bishop of Winchester, the Bishop of Winchester delegated to the Bishop of Dover the episcopal oversight and functions reserved or assigned to him, inter alia, ‘in all ecclesiastical legislation, canons, customs and protocols as may apply in the Islands’.
- 1.6 In June 2018, the Archbishop of Canterbury established a Commission to review the relationship of the Channel Islands to the wider Church of England. The Commission considered:
- (a) The current and future constitutional, legal, financial and other structural mechanisms governing the status in the Church of England of the Deaneries of Jersey and Guernsey, and their relationship with the wider Church of England; and
 - (b) The most appropriate mechanisms for the future relationship between the Deaneries and the wider Church of England.

The Commission published its report in June 2019¹.

- 1.7 In presenting this policy letter, the Policy & Resources Committee recognises that government should maintain a “light touch” on matters of administration and procedure relating to the function of the Church of England and its clergy in the Bailiwick. For this reason, the Propositions only address those recommendations where it is necessary to draft legislation to enable the Deanery to progress the Commission’s recommendations.

2. Background

- 2.1 The ecclesiastical relationships of the Bailiwick have developed over many centuries and changed significantly as events in history have unfolded, including following the Norman Conquest of England and the Reformation.
- 2.2 The following summary highlights the dates which mark the most important milestones in this ecclesiastical history and the relationship between the Church and the Bailiwick:
- (a) 933 – Guernsey integrated into the legal and administrative systems of the Duchy of Normandy and became part of the Diocese of Coutances;
 - (b) 1496 – King Henry VII obtained a Bull from Pope Alexander VI transferring the islands from the Diocese of Coutances to the Diocese of Salisbury;
 - (c) June 1568 – Queen Elizabeth I advised that she “*annexed and united*” the Islands to the Bishops of Winchester who were required by Her Majesty “*to govern and direct Our ecclesiastical estate in the said Isles*”.

¹ [The Report of the Archbishop of Canterbury’s Commission on the Relationship of the Channel Islands to the wider Church of England](#)

- (d) *March 1569* – by letter Queen Elizabeth I confirmed by Order in Council that the Islands were “*perpetually united*” to the Diocese of Winchester and constituted the Bishop as Ordinary of them; and
- (e) *March 2014* – following the breakdown of the relationship between the Deaneries of Jersey and Guernsey and the Bishop of Winchester, the Bishop of Winchester delegated to the Bishop of Dover the episcopal oversight and functions reserved or assigned to him, inter alia, ‘in all ecclesiastical legislation, canons, customs and protocols as may apply in the Islands’.

2.3 The 2014 delegation was seen as an interim measure until alternative arrangements for episcopal oversight for the Church of England in the Islands had been fully reviewed and consulted on.

2.4 In June 2018, the Archbishop of Canterbury appointed a Commission to review the constitutional, legal, finance and other structural mechanisms which currently govern the status in the Church of England of the deaneries of Jersey and Guernsey, and their relationship with the wider Church of England. The Commission was also directed to consider options for the future relationship between the deaneries and the wider Church of England, including whether the deaneries should be treated together or separately, and any measures needed to give effect to the future relationship.

3. Report of the Archbishop of Canterbury on the relationship of the Channel Islands to the wider Church of England

3.1 In September 2019, the Commission published its report, *The Report of the Archbishop of Canterbury’s Commission on the Relationship of the Channel Islands to the wider Church of England*. The report made a number of recommendations relating to the future relationship between the Deanery of Guernsey and the Diocesan Bishop and the wider Church of England. The principal recommendation (*recommendation 7 in the Commission’s report*) was that the Deaneries of Guernsey and Jersey should be attached to the Diocese of Salisbury. In addition, the report made the following further recommendations:

- (a) To introduce a streamlined process for adopting Church of England Measures (*recommendation 6 in the Commission’s report*); and
- (b) To review of the canonical provisions for the Deanery of Guernsey to either produce draft Canons for the Deanery, or an order applying the Church of England Canons with appropriate modifications (*recommendation 4 in the Commission’s report*).

3.2 For completeness, before the Canons for the Deanery of Guernsey are approved and apply, it is also recommended that provision is made to clarify that both a man and a woman can be consecrated as bishop.

3.3 This policy letter focuses on the principal recommendation and the three further recommendations, as set out above, as each will require the enactment of legislation to give them effect in the Bailiwick of Guernsey.

4. Attachment of the Bailiwick of Guernsey to the Diocese of Salisbury (*Commission's Recommendation (7)*)

4.1 The procedure for the attachment of the Bailiwick of Guernsey to the Diocese of Salisbury will require the making of an Order in Council. This Order in Council will also contain provision to transfer episcopal oversight of the Deanery of Guernsey from the Bishop of Winchester to the Bishop of Salisbury and make such other consequential and savings provision as are necessary, including any amendments to the 1569 Order in Council.

4.2 On the basis that the Order in Council will transfer the episcopal jurisdiction from the Bishop of Winchester to the Bishop of Salisbury, it is also considered prudent at this point to make specific provision relating to male and female bishops in that Order. Further provision on this point will in due course be made in the Canons to be drafted for the Deanery of Guernsey, but this is considered to be the minimum required for episcopal jurisdiction to be exercisable.

4.3 It is likely that a single Order in Council will be made encompassing the provisions required for the purposes of English and Bailiwick law under the Channel Islands Measure 2020 (a Measure of the General Synod) and Her Majesty's prerogative powers, respectively.

4.4 As the Order in Council will have effect in Guernsey, it falls within the provisions of Article 72A(1)(b)(iii) of the Reform (Guernsey) Law, 1948, as amended. Article 72A(1) requires the Policy & Resources Committee, unless it considers it unnecessary, to submit a proposal to make such an Order in Council to the States of Deliberation, in order that the States may signify their views on it.

4.5 Subject to the agreement of the States of Alderney and the Chief Pleas of Sark (see section 7), it is intended that the Order in Council will come into force as soon as possible.

4.6 The States of Jersey approved equivalent measures to provide for the attachment of the Bailiwick of Jersey to the Diocese of Salisbury at its meeting on 1st March 2022. These measures are also set out in an Order in Council, which will need to be made by the Privy Council in due course².

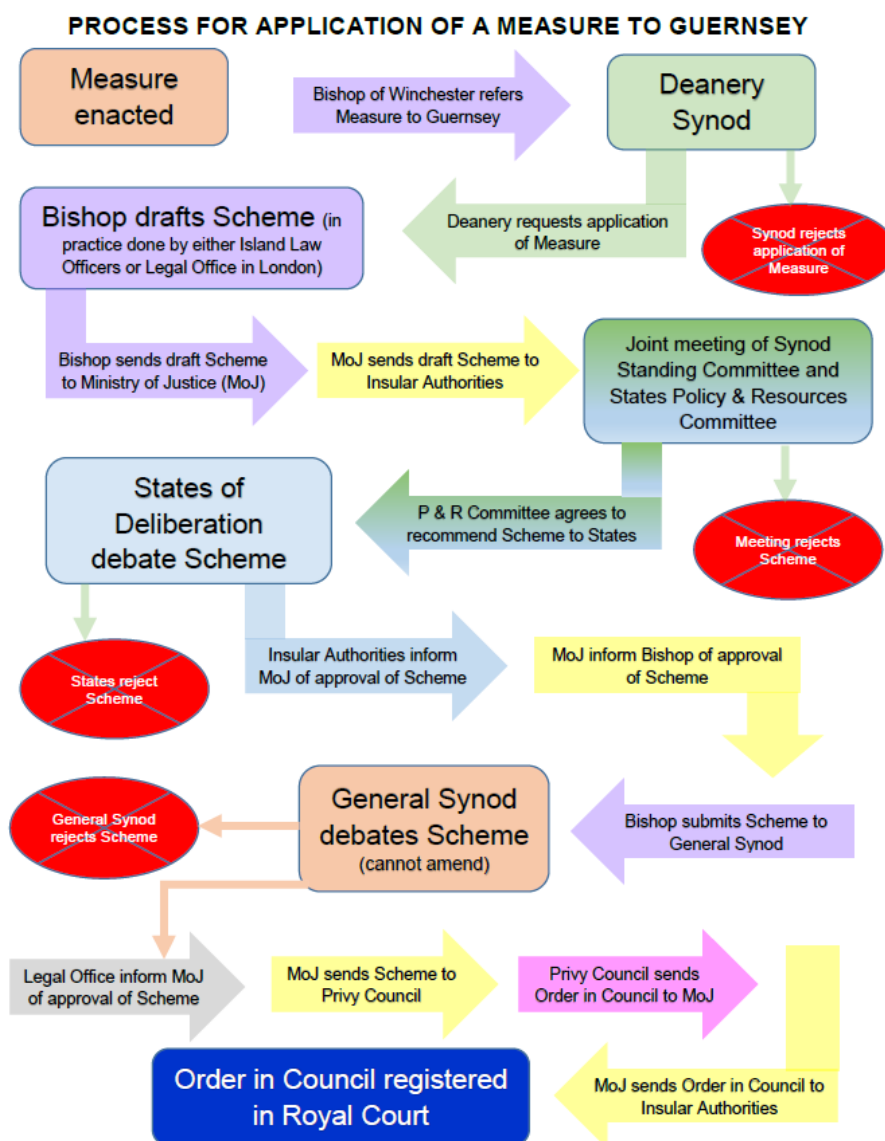
² [P.10/2022 – Vote for draft Ecclesiastical Legislation \(Consequential Amendments\) \(Jersey\) Law, 202-](#)
and [P.12/2022 – Vote on Order in Council: Adoption of New Canons](#)

5. The process for adopting Church of England Measures on the Bailiwick (*Commission's Recommendation (6)*)

5.1 The Commission's report highlighted that the current procedure for adopting Church of England Measures in the Bailiwick is complex and recommended that consideration be given to streamlining the current process.

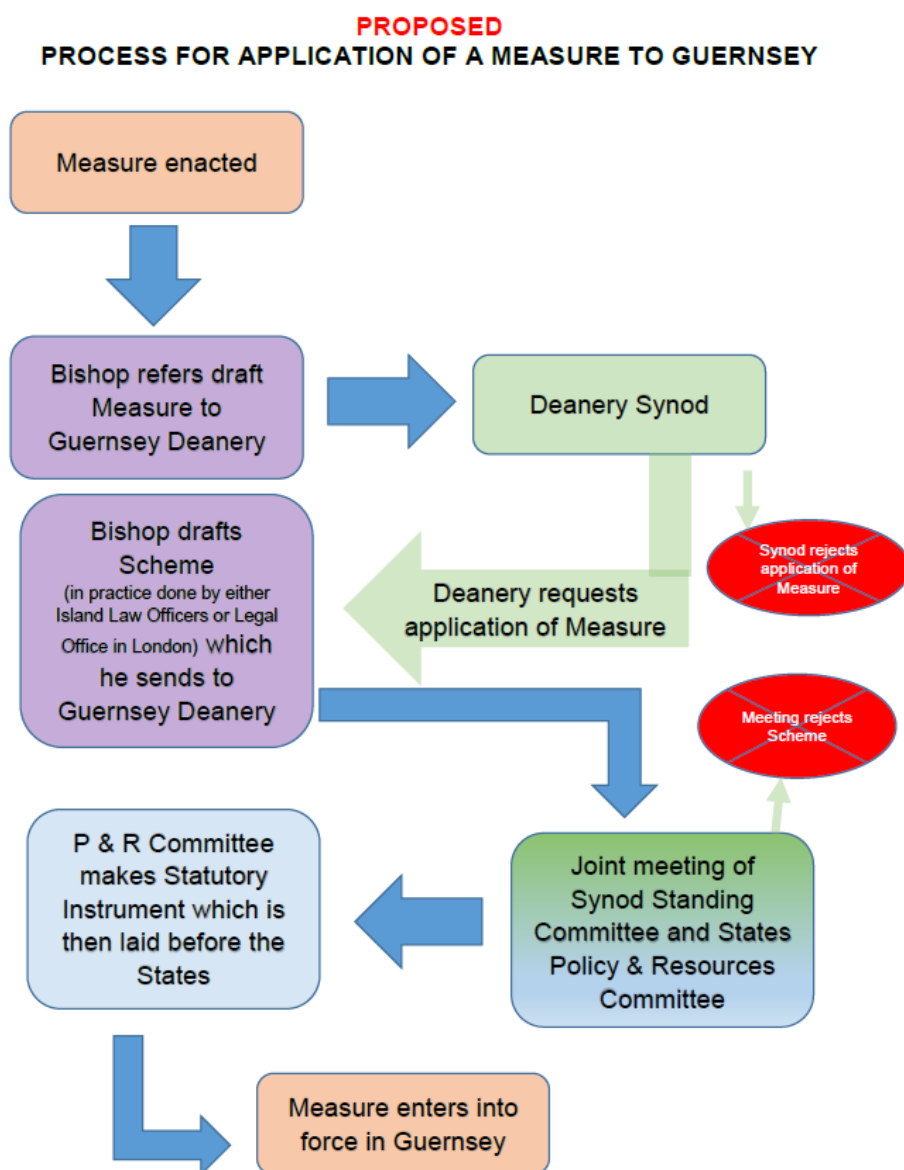
5.2 Figure 1 (below) sets out the current procedure which has twelve separate steps before the Order in Council is registered by the Royal Court.

Figure 1:



- 5.3 In seeking to streamline the process set out in Figure 1, it is essential for the appropriate checks and balances to be retained to ensure there is scrutiny to ensure that the Measures are proportionate, necessary and comply with other domestic Bailiwick legislation and international obligations, including compliance with the principles under the European Convention on the Protection of Human Rights and Fundamental Freedoms.
- 5.4 The proposed new procedure (see Figure 2 below) will ensure the conformity of ecclesiastical law and practice with human rights legislation and reflect the enhanced culture of accountability in the Church of England.

Figure 2:



- 5.5 The streamlined procedure proposed by Jurat Robilliard, the then Guernsey representative on the General Synod, was presented to the Commission and it received their full support. The proposed new procedure is supported by the Dean and the Deanery Synod.
- 5.6 The simplified procedure seeks ensures appropriate consultation at all stages and with the relevant parties so that there is accountability in the Church and conformity of ecclesiastical law and practice with human rights legislation. Once the Deanery Synod, having considered the draft Measure, requests its application to the Islands, the Scheme is drafted and sent to the Guernsey Deanery. It will then be considered at a joint meeting of the Synod Standing Committee and the Policy & Resources Committee.
- 5.7 Subject to the Scheme being approved at this meeting, the Policy & Resources Committee will make a Statutory Instrument and this will then be laid before the States. The Measure will enter into force when the Statutory Instrument is made, unless otherwise annulled by the States of Deliberation.
- 5.8 Having reviewed the proposed streamlined process, the Policy & Resources Committee believes that it strikes the right balance between the responsibility of government to oversee and scrutinise legislation that will have effect within its jurisdiction and the protection of the right to freedom of thought, belief and religion. The Policy & Resources Committee believes that government should maintain a “light touch” on matters of administration and procedure relating to the function of the Church of England and its clergy in the Bailiwick.
- 5.9 The involvement of government should be limited to oversight and scrutiny of such measures to ensure that they are proportionate, necessary and comply with other domestic legislation and international obligations, including compliance with the principles under the European Convention on the Protection of Human Rights and Fundamental Freedoms.
- 5.10 The Policy & Resources Committee has been advised by the Deanery authorities that Measures will be extended to the Bailiwick without amendment save where it may be necessary to reflect different structures of church administration locally compared with elsewhere in the Church of England. For example, any Measure where there is a reference to a Parochial Church Council will require an amendment before extension because in the Islands the duties of a Parochial Church Council rest with the Rector (or Vicar) and Church Wardens.
- 5.11 The Policy & Resources Committee recommends that the current procedure for bringing Church Measures into force in the Bailiwick be altered and simplified as set out in Figure 2. In adopting this more simplified approach, the necessary governance and oversight for bringing Church Measures into force

in the Bailiwick will be strengthened as such Measures can be progressed in a more timely manner.

- 5.12 Further, the proposed new procedure retains oversight and scrutiny by the Policy & Resources Committee and the States of Deliberation, but “lightens” the involvement of government in ecclesiastical matters and so provides a more equitable balance in the relationship between Church and State. Further, as such Measures will be made by way of Statutory Instruments under the proposed new procedure, this will mean that new Measures and any amendments to existing Measures can be made in a timely manner and significantly reduce the States’ resources required compared to the current procedure.

6. Adoption of a new legislative framework for the application of Canons for the Guernsey Deanery (*Commission’s Recommendations (4)*)

- 6.1 Recommendation 4 of the Commission’s Report proposed that the canonical provisions for the Deanery of Guernsey should be reviewed, either to produce draft Canons for the Guernsey Deanery, or for an Order applying the Church of England Canons with appropriate modifications to be approved.
- 6.2 The Dean has indicated that a draft of the Guernsey Canons has been prepared. The current English Canons have been reviewed, with sections not relevant to the Bailiwick of Guernsey being removed or amended. Inclusive language has been used throughout. The draft of the Jersey Canons have been considered carefully; where relevant, parallel elements will be brought into the draft of the Guernsey Canons.
- 6.3 An Order in Council would need to be drafted to give legal effect to the Guernsey Canons and would also fall within Article 72A(1) of the Reform (Guernsey) Law, 1948, as amended. The States of Deliberation may thereafter be requested by the Policy & Resources Committee to signify their views on the proposed Canons.
- 6.4 The Policy & Resources Committee therefore asks the States to note that it is consulting with the States of Alderney, Sark Chief Pleas and the Deanery Synod to progress the ongoing work to draft an Order in Council which will give effect to the Guernsey Canons.

7. Alderney & Sark

- 7.1 Given that the attachment to the Diocese of Salisbury is a significant constitutional change, the States of Alderney and the Chief Pleas of Sark will also be requested to approve the proposals set out in this policy letter, including the attachment of the Bailiwick to the Diocese of Salisbury.

8. Consultation

- 8.1 The Policy & Resources Committee has worked closely with the Law Officers of the Crown in the preparation of this policy letter.
- 8.2 The Policy & Resources Committee has also consulted with the Dean of Guernsey and representatives of the Deanery Synod. The Dean has confirmed that he and the Deanery Synod are fully supportive of the transfer to the Diocese of Salisbury and the associated changes as set out in this policy letter.
- 8.3 The Policy & Resources Committee has also consulted with the authorities in Alderney and Sark.

9. Conclusions

- 9.1 In preparing this policy letter, the Policy & Resources Committee has been mindful that the involvement of government in the management and oversight of ecclesiastical matters should be limited to where there is a necessity, i.e. because legislation is required to allow the Church of England to discharge certain duties or functions. For this reason, the Committee has not made any comment on the recommendations of the report commissioned by the Archbishop of Canterbury or the events which gave rise to the establishment of the Commission.
- 9.2 The Policy & Resources Committee has noted the wishes of the Dean and the members of the Deanery Synod to progress the Commission's recommendations, including the attachment of the Bailiwick to the Deanery of Salisbury and transfer of episcopal responsibility for the Bailiwick to the Diocese of Salisbury. It is satisfied that the Dean and the members of the Deanery Synod have carefully considered the recommendations and are satisfied that the proposed new arrangements will ensure that the future relationship between the Deanery of Guernsey and the wider Church of England will return to a stable basis and that the Islands will be "perpetually united" to the Diocese of Salisbury (or at least for the next 450 years).
- 9.3 The Policy & Resources Committee is satisfied that the recommendations set out in this policy letter are necessary to attach the Bailiwick of Guernsey to the Diocese of Salisbury (with the consequent transfer of episcopal oversight) and to ensure that the ongoing relationship between the Bailiwick and wider Church of England returns to a firm and stable footing.

10. Compliance with Rule 4

- 10.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.
- 10.2 The Proposition is in accordance with Rule 4(1):
- (a) The Propositions contribute to the States' objectives and policy plans in that they relate to the Island's constitutional position and the relationship with the Crown;
 - (b) The Proposition has been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications; and
 - (c) There are no new or additional financial implications to the States associated with the making of the Order in Council.
- 10.3 In accordance with Rule 4(2), the Proposition relates to the duties set out in the mandate of the Policy & Resources Committee, in particular (c) 1 – the Island's constitutional position and the relationship with the Crown and 9. – studying and reporting on schemes for the application of certain General Synod measures. The Propositions have the unanimous support of the Committee.

Yours faithfully

P T R Ferbrache
President

H J R Soulsby
Vice President

M A J Helyar
J P Le Tocq
D J Mahoney

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

POLICY & RESOURCES COMMITTEE

REVIEW OF COVID-19 RESPONSE

The States are asked to decide: -

Whether, after consideration of the Policy Letter entitled 'Review of COVID-19 response' (dated 15th March, 2022) they are of the opinion either: -

1. To direct the Policy & Resources Committee acting with the Committee *for* Home Affairs to complete a programme of debriefing reviews through the Guernsey Local Resilience Forum, co-ordinated with audit reviews; and that the reviews –
 - (i) will have regard to the States of Guernsey's strategic response and the effectiveness of that response in the management of the impact of the COVID-19 pandemic on the Bailiwick and its residents;
 - (ii) will include a high-level desk top review to create a factual record of the key strategic elements of the handling of the COVID-19 pandemic; and summarise the impact on the Bailiwick and its residents, and the cost, of the Bailiwick's handling of the pandemic; and
 - (iii) will be submitted for consideration by the Principal Committees, and the lead committees of the States of Alderney and the Chief Pleas of Sark, and the Scrutiny Management Committee.

Or

2. To direct the Scrutiny Management Committee to tender in accordance with States of Guernsey procedures for an independent entity or person to undertake a strategic review against the terms of reference set out at Appendix 1 of the above policy letter.
3. To direct the Policy & Resources Committee to use its delegated authority over the budget reserve to make funding available in line with the States' preferred option to progress a review in accordance with the costings set out in the policy letter.

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1)(c) of the Rules of Procedure of the States of Deliberation and their Committees.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

POLICY & RESOURCES COMMITTEE

REVIEW OF COVID-19 RESPONSE

The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port

15th March, 2022

Dear Sir

1 Executive Summary

- 1.1 At their meeting of 26th January 2022, the States of Deliberation ('the Assembly') directed the Policy & Resources Committee ('the Committee') to revert to the Assembly, in time for consideration at the April States' Meeting, with proposals for a review of the response to COVID-19, including terms of reference and resource requirements.
- 1.2 The Committee has explored how such a review could successfully be planned, resourced and progressed, acknowledging that the public sector's limited resources are necessarily focusing on fully restoring services and resuming work which has been suspended during the pandemic. The Committee has also been mindful of the need to avoid unnecessary duplication, noting that any review should build upon the work undertaken to date, and that already planned, both politically and operationally.
- 1.3 The Hearings undertaken by the Scrutiny Management Committee last term with the key Principal Committees, along with ongoing activity through internal audit, provide a wide-ranging and objective source of information and reflection on the Bailiwick response to date. Operationally, in line with national best practice in respect of the management of multi-agency responses, steps will be taken to prioritise a comprehensive debriefing process across the major pillars of the response and the production of recommendations and associated implementation report.
- 1.4 In light of the above work, the Committee has identified two potential options which the Assembly is invited to consider.

1. Continue with the internal audit reviews and complete a programme of debriefing reviews through the Guernsey Local Resilience Forum, supplemented by a high-level desk top review of fact to summarise impact and cost of the Bailiwick's response; or
 2. Commission an independent entity or person to undertake a review against the proposed terms of reference set out at Appendix 1. It is anticipated that this would cost in the region of up to £250,000 however it would only be possible to obtain precise figures once engagement with the market takes place with confirmed terms of reference. If, for example, a panel approach was engaged to address wide ranging topics, the costs should be expected to increase.
- 1.5 The Propositions have been drafted to allow the Assembly to determine its preferred approach.
- 1.6 The Committee recommends the first option to the Assembly, considering this provides a sufficiently robust yet proportionate approach to the review. The approach allows the core objectives of any review of the pandemic response to be fulfilled – an understanding of decision-making and operational frameworks to support future preparedness and resilience – without incurring significant expenditure or detracting unnecessarily from the ongoing recovery work.
- 1.7 Other jurisdictions have taken steps to commission independent reviews, varying in their approach and focus, however in the Bailiwick context committing to the investment of the necessary resources – both financial and the extraction of officer time - is considered premature. Continuing the scheduled reviews and debriefs allows organisational learning to be reflected, collated and actioned – the most important element of any review - and arrangements are in place to ensure that it is possible to learn from the activity of other jurisdictions. This provides the Bailiwick with the flexibility to adopt applicable learning from other jurisdictions.
- 1.8 The Scrutiny Management Committee – in accordance with its mandated responsibility to lead and co-ordinate the scrutiny of Committees of the States and those organisations which are in receipt of public funds - will receive and consider all reviews and debriefs and will be able to determine the next steps politically, be that further Hearings, a specific report to the Assembly or recommendations for any more detailed investigations. Such decision-making rightly sits with the Scrutiny Management Committee which can consider how the reviews fit with its previous work, how to ensure scrutiny is appropriately accessible and how to ensure public and political confidence in the processes adopted.

2 Introduction

- 2.1 The Assembly considered a policy letter titled 'Living Responsibly with COVID-19'¹ at its Meeting on 26th January 2022, and resolved² to direct the Policy & Resources Committee to revert to the Assembly setting out proposals for a review of the response to COVID-19.
- 2.2 The proposals must propose the terms of reference for a review of both the States of Guernsey's strategic response and effectiveness in the management of the impact of the COVID-19 pandemic on the Bailiwick and its residents, covering the period from the meeting of the Civil Contingencies Authority on 12th March 2020 until the end of January 2022.
- 2.3 The debate had demonstrated a wide variety of views held within the Assembly and therefore it was considered prudent to explore expectations with the Presidents of the Principal Committees, inviting the President of the Scrutiny Management Committee to the discussions.
- 2.4 The Committee has also engaged formally with the Scrutiny Management Committee given its interests in the approach adopted. Timeframes prevented extensive consultation with the Committee *for* Home Affairs as the proposals matured, however the Committee *for* Home Affairs has acknowledged that the Propositions are reflective of the work ongoing under its mandate for emergency planning.

3 Context for the Review

- 3.1 It is important that any review is conducted against the global, European and UK backdrop at the time. This had profound implication and impact on how the pandemic was managed and the contemporaneous decision-making based on the available data, knowledge, and information (clinical and non-clinical) at that time. Decisions and structures shifted considerably with the developing clinical understanding of the virus and, later, there was an improved level of robust data intelligence and significant vaccine coverage locally.
- 3.2 The review must keep in mind that at the early stages very little was known or certain, and every day was a different challenge with a rapidly changing picture. This will be echoed by all other jurisdictions. Matters to be considered in this context include availability of data and the approach to ensuring expert advice was applied in its interpretation; the understanding and application of lessons learnt from the impacts and experiences elsewhere as the pandemic spread; and

¹ [Billet d'État II of 2022](#)

² [Resolution 4 of Article I of Billet d'État II of 2022](#)

the engagement and response of islanders, government, and industry.

- 3.3 The Bailiwick is continuing its recovery; is managing the impact of Brexit; and the public sector is under sustained revenue expenditure pressure. It will be important that the review is given a clear direction by the Assembly on those areas which are of most importance in terms of political governance and cost to the taxpayer.
- 3.4 The most critical matter of context with respect to COVID-19 is that the world remains at pandemic status with the continued risk of new variants of concern.

4 Considerations in determining approach to the Review

- 4.1 The outcome intended for this work is not clearly defined; the period of activity to be reviewed is lengthy and interrupted by a General Election; and the scope of decision making, and actions, is significant. The Committee has concluded that the review should demonstrate an understanding of whether the critical strategic decisions taken during the height of the pandemic were robust in the context of when the decisions were taken and provide an assessment of whether they resulted in the Bailiwick navigating the pandemic satisfactorily.
- 4.2 The matter of determining overall effectiveness has been raised. This is very challenging. Decisions can only be made based on the information at the time, and with every jurisdiction having so many variables, there is very legitimate concern that meaningful comparisons cannot be made and indeed strong political considerations as to why they should not be attempted.
- 4.3 Many governments are targeting their resources on specifics determined by their own experiences and not root and branch reviews. This is understandable given few will wish the cost of the response to be exacerbated by complex and lengthy reviews which deflect limited resources from recovery. Notwithstanding the recently announced review in Jersey, the Committee would maintain that this is particularly acute in a small jurisdiction.
- 4.4 The Committee also determined that confidentiality is a particular challenge in a small jurisdiction where matters of fact can more easily lead to identification of individuals or entities. This will have to inform the approach adopted. The Civil Contingencies Authority, the Committee *for* Health & Social Care and the Policy & Resources Committee will need to determine whether to approve the release of all minutes/parts of minutes and papers; whether there are any third parties whose interests would be engaged by a release of material; and does release mean on a restricted basis to the reviewer or full publication? This will place a particular demand on the reviewer with respect to the presentation of fact and findings, but it is achievable.

- 4.5 The Policy & Resources Committee has taken the approach that this is neither a clinical review nor a review of legal advice received but is focused on what reasonably under the circumstances could be expected of the Bailiwick Assemblies. How prepared were they? How well did they do in making and delivering decisions?

5 Scope of the Review

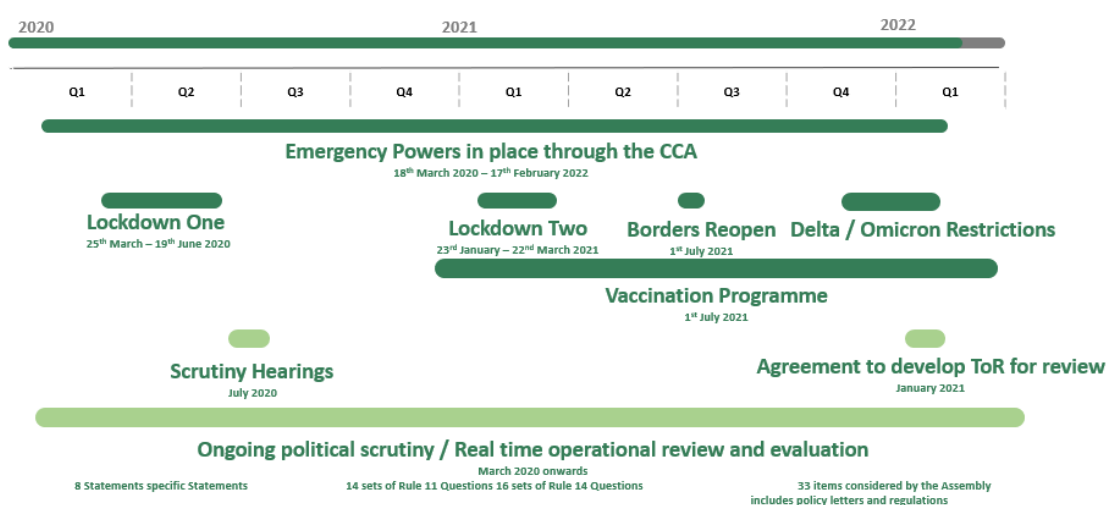
- 5.1 Careful consideration has been given to the explanatory note in the Amendment which anticipated that a review of this nature would examine closely both political decision-making including its evidence base and the legislative framework for operationalising a response. It would therefore specifically include an assessment of the suitability of Guernsey's statutory and regulatory public health regime, particularly in terms of enabling and facilitating an effective governmental response to the impact of a pandemic such as COVID-19.
- 5.2 The Assembly has also directed the Committee *for* Health & Social Care to assess the work required to review the Public Health Ordinance, 1936 and develop a new Public Health (Enabling Provisions) Law³ in order for the Policy & Resources Committee to report back in June 2022 within the refresh of the Government Work Plan. This legislative consideration is therefore out of scope.
- 5.3 In the 'Living Responsibly with COVID-19' policy letter the three sponsoring Committees noted that in consulting with the Committees of the States they had determined that the constitution, powers, and safeguards within the Civil Contingencies (Bailiwick of Guernsey) Law, 2012, alongside the operationalisation of the response by the Public Sector could neither be modified nor replaced to improve outcomes without compromise in efficiency and effectiveness. Furthermore, it was noted that it was unlikely that any action which restricts civil liberties would be taken outside a setting where the meaning of emergency in the 2012 Law was engaged.
- 5.4 It is therefore questionable whether there is value in resource and budget allocation for further exploration of that legislation. On balance, and further noting the views expressed in debate, the Committee remains of that view and has excluded a legislative review.
- 5.5 The Committee would also advise the Assembly that any reviews will need to respect the independent role of the Law Officers in relation to criminal prosecutions and investigations of deaths in the Bailiwick.
- 5.6 It was further noted that it was considered important that the terms of reference do not duplicate established internal reviews but that the outputs are available

³ [Resolutions 1-3 of Article I of Billet d'État II of 2022](#)

to the reviewers. *'This is to prevent duplication of work by the limited resource within the public sector which necessarily must now focus on fully restoring services and progressing with work that was suspended.'*

- 5.7 The Committee is also cognisant that political scrutiny has been applied 'in real time' as summarised in figure 1 which draws together all phases and key activity during the period when emergency regulations were in place. The Committee has set out in section 6 more detail for the Assembly's consideration.

Figure 1: Responding to the COVID-19 pandemic



6 Scrutiny and Reviews undertaken to date or planned

Scrutiny Management Committee Hearings

- 6.1 In July 2020, the Scrutiny Management Committee held public hearings ("the Hearings") with three Principal Committees – the Committee *for* Health & Social Care, the Committee *for* Home Affairs and the Committee *for* Education, Sport & Culture - to examine the Bailiwick's response to the COVID-19 pandemic. In place of a fourth planned Hearing with the Policy & Resources Committee, evidence was provided by correspondence as a change to the schedule of States' Meetings meant it was not possible to find a mutually convenient date.
- 6.2 The Hearings were consciously scheduled at a time where it would be possible to challenge constructively the actions and experiences associated with the first lockdown, recognising that the pandemic remained ongoing and further waves – and indeed lockdowns - were possible. The Hearings were designed to provide opportunity for the rapid identification of lessons learnt in what remained a constantly evolving situation so that learning could be incorporated into the Bailiwick's continued response. As was made clear in the Hearings, despite the pressures presented by pandemic, there had been a conscious commitment

throughout the response to acknowledging, documenting, and addressing challenges as and when they arose to support real time learning and development. This was established practice as recognised in the Influenza Plan framework that had been adopted and adapted from the start of the pandemic.

6.3 Evidence was provided by the Committees' three Presidents and their senior advisors with the subject matter of the three Hearings accordingly encompassing both political decision-making and operational implementation. Collectively the three Hearings provide a scrutinised record of the period October 2019 (the Hearings explored the Public Health influenza planning exercise) through to July 2020 focusing on:

- The immediate response to the pandemic in respect of preparedness, the evidence available to inform decision-making regarding restrictions, testing strategies, relationships with external parties;
- Case numbers to date including deaths;
- Health and social care provision in what is an already complex health and care system containing private, public and third sector partners – including the continuity of services and long-term impact on waiting lists, supply chains, relationships with the Medical Specialist Group and the care home sector, mental health and wellbeing;
- Operational law and order considerations when moving through the phases of lockdown;
- The support available to affected businesses and employees through adjustments to the Population Management regime; and
- The impact on education services in terms of continuity of learning and longer-term effects on the children and young people.

6.4 The correspondence between the Scrutiny Management Committee and the Policy & Resources Committee similarly focused on the political and operational management of the COVID-19 pandemic response to date, including:

- The scale, cost, responsiveness, and effects of the business support measures in place;
- The policy decisions underpinning the business support measures, balancing the need to support businesses against the financial burden on the taxpayer;
- Operational and strategic considerations centred on future economic support measures if necessitated by a second wave;
- The ongoing analysis of the sectors most affected by the pandemic and how this would inform the development and implementation of the Government Work Plan;
- The effectiveness of communications with affected employers and employees and the evolution of working practices.

- 6.5 The Hearings provide a near contemporaneous record of the first lockdown from the perspective of the three Principal Committees most engaged in strategic and operational response. Importantly, they highlight the challenging and unprecedented circumstances in which Principal Committees, and their officers, found themselves; evidence of ongoing reflection and self-evaluation; and a summary of the learning points recognised at that stage.

States of Deliberation scrutiny

- 6.6 Summarised at appendix 2 is the political scrutiny applied throughout the period when emergency regulations applied, demonstrating an active enquiry and challenge to the decisions and actions taken concomitant to their impact through Parliamentary Questions under Rule 11 and Rule 14; due political consideration on key matters through Statements and Question Time; and the consideration of policy letters and passing of law.

Policy & Resources Committee – review of business support and COVID-19 costs

- 6.7 Internal audit has already undertaken and reported on a review of Business Support Grant payments and will shortly commence a review of Payroll Co-funding support.
- 6.8 There are two specialist schemes running to the end of March 2022 – Visitor Accommodation Scheme and Visitor Attraction Scheme. Both will be subject to similar reviews but neither yet has a terms of reference.
- 6.9 Monthly reporting of COVID-19 costs was established and is a natural source for relevant information. No deficiencies in the controls centred on business support payments were found by external audit which will be auditing again as part of the annual audit.

Guernsey Local Resilience Forum – review of operationalising strategic response

- 6.10 A Local Resilience Forum (LRF)⁴ is a multi-agency forum formed in a police area of the United Kingdom by key emergency responders and specific supporting agencies. It is a requirement of the UK Civil Contingencies Act, 2004.
- 6.11 An LRF allows responders access to a forum to consult, collaborate and disclose information with each other to facilitate planning and response to emergencies, and produce a community risk register.
- 6.12 The States of Guernsey had previously adopted this approach as best practice and established the Guernsey Local Resilience Forum (GLRF).

⁴ [The role of Local Resilience Forums](#): a reference document published by the Cabinet Office

- 6.13 A framework to manage the multi-agency strategic response to COVID-19 was adapted from the GLRF Influenza Plan. While establishing organisational roles, responsibilities, and reporting, it did not replicate tactical and operational plans, and organisations were expected to maintain arrangements in accordance with the framework and applicable guidance.
- 6.14 The Civil Service implemented Command, Control and Co-ordination (CCC) structures in accordance with this best practice to provide the optimum chance of managing what was essentially the unknown. The CCC structure achieved the work required at the beginning (planning for the worst-case scenario, protecting public health/life and essentially locking the Bailiwick down). Once urgent and immediate mitigations were in place the CCC structure could start examining ways of easing the islands out of lockdowns, with a focus on community recovery and managing the economy.
- 6.15 The CCC structure was extensive and reporting/information sharing was stringent. Over time and as more information became available from other jurisdictions, together with more local data becoming available, the structures flexed and were used to address what was required, adapting to respond continually to the changing context.
- 6.16 Presented diagrammatically at Appendix 3, the diverse nature of the necessary operational activity is immediately clear. It also demonstrates the governance put in place through technical support and clinical advisors, and the role of the strategic decision-making led politically where mandates were engaged.
- 6.17 The framework to manage response is partnered by a framework for review from a LRF perspective following a major incident. This sets out an expectation that comprehensive debriefing will take place of the response across the Bailiwick, an implementation report produced, and recommendations shared within the Guernsey Local Resilience Forum.
- 6.18 The GLRF is facing the same issues with regards the enormity of scope for review and is yet to confirm the areas of operational response to COVID-19 that it will prioritise. It is likely, however, these will include the major pillars of the response i.e. border measures, vaccination programme and on-island testing. The scoping and resourcing of this work is under development.

Contingency Planning

- 6.19 Under 'The Civil Contingencies (Contingency Planning) (Bailiwick of Guernsey) Regulations, 2013,' before June of each year, named responders – a combination of senior postholders within the islands' emergency services and Principal Committees – are required to produce a business continuity plan and, if relevant, an emergency plan. Responders are placed under an ongoing duty to consider

whether their plans remain satisfactory. This supports the Civil Contingencies Authority duty to assess risk continuously and determine whether planning is sufficiently satisfactory.

- 6.20 Pandemic preparedness features heavily within the above and therefore steps will be ongoing ahead of June to update plans based on practical experiences within their particular sphere and will be informed by the work of the GLRF.

7 Options

- 7.1 The Policy & Resources Committee has discussed with the Scrutiny Management Committee the numerous issues identified in discharging this Resolution as set out here for the Assembly.

- 7.2 Two approaches were identified, and it was decided that the Assembly should be invited to consider each. The two options are:

1. Continue with the internal audit reviews and complete a programme of debriefing reviews through the GLRF, combined with a high-level desk top review of fact to summarise impact and cost of the Bailiwick's response; or
2. Commission an independent entity or person to undertake a review against the terms of reference set out at Appendix 1.

- 7.3 The Policy & Resources Committee is recommending option 1 at this time on the basis that the programme of best practice debriefs supplemented by a high-level desk top review:

- is best practice, with an established method that can be adopted and adapted, such as with the internal audits;
- will provide a swift, manageable and cost-effective approach and an at least equal opportunity to identify actions to improve preparedness across diverse range of multi-agency activity engaged in the response to the pandemic;
- provides factual accounts which can be considered by operational Committees and facilitates future Hearings as considered appropriate, thus continuing the method already deployed by the Scrutiny Management Committee for effective political accountability;
- allows the expedient consolidation at a cross-Committee level of an objective summary of fact, with associated evaluation of impact and cost, to serve as a permanent record. The development of high-level metrics

through this process may allow comparison with other jurisdictions as they complete their own reviews.

- 7.4 The Scrutiny Management Committee will receive and consider all reviews and debriefs and will be able, in accordance with its mandate, to determine the next steps politically, be that further Hearings, a specific report to the Assembly or recommendations for any more detailed investigations. Such decision-making rightly sits with the Scrutiny Management Committee which can consider how the reviews fit with its previous work, how to ensure scrutiny is appropriately accessible and how to ensure public and political confidence in the processes adopted.
- 7.5 To expedite this work, a co-ordinator will need to be seconded from within the organisation or contracted on a task and finish basis, the funding for which would be authorised by the Committee through its delegated authority from the Budget Reserve. Subject to how the Scrutiny Management Committee decided to proceed with the reports it receives, some further funding to run Hearings may be required. The Policy & Resources Committee estimates that this would not likely exceed £40k.
- 7.6 The Committee does not recommend that steps be taken to commission an independent entity or person to undertake a review against the terms of reference at this time because:
- a comprehensive and independent review will be complex, engage a wider range of services and officers, impact current programmes of work and will be potentially long-running with questionable additional value compared with alternative approaches;
 - there would be value before commissioning work of this complexity and magnitude to better understand and learn from the reviews commissioned in other jurisdictions, specifically Jersey and the Isle of Man. While such jurisdictions are further along with the planning of their respective reviews, information continues to emerge regarding their approach, scope, timeframes and costs which could helpfully shape any Guernsey equivalent in due course;
 - the Bailiwick and its Civil Service is now monitoring and mitigating against new threats; and
 - the Bailiwick has only just ceased living under emergency regulations and the world is still at pandemic status. Risk remains and expediting determination of any improvements in the Bailiwick's response to COVID-19 should be encouraged.

7.7 The Committee anticipates that on the basis of early approaches to market, were steps taken to commission an independent entity or person, this would cost up to £250,000. However meaningful engagement with prospective suppliers can only take place once there is an agreed terms of reference from which a scope of works can be developed. Costs may prove higher, potentially considerably higher, for example Jersey' approach has resulted in anticipated costs of £500,000. The actual tenders received will vary, possibly significantly, should the Assembly broaden the terms of reference or scope of work. The Propositions have been drafted to provide for that eventuality.

7.8 Costs would be dependent on the specific scope and in turn the mix of skills required and approach adopted. Two potential approaches have been identified; a traditional procurement route to appoint an external consultancy provider or the engagement of a senior former UK civil servant. Should the Assembly resolve to commission a full review against the attached terms of reference, both options would be explored to determine which would best discharge the terms of reference.

8 Compliance with Rule 4

8.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.

8.2 In accordance with Rule 4(1)(a), the Propositions are brought to the States of Deliberation in accordance with the previous direction of the Assembly and supports the Government Work Plan Priority 1, 'Responding to COVID-19 Pandemic'.

8.3 In accordance with Rule 4(1)(b), the Committee can advise that in developing the proposals, discussions took place with the Presidents of the Principal Committees and the Scrutiny Management Committee. Timeframes prevented extensive consultation with the Committee *for* Home Affairs as the proposals matured, however the Committee has acknowledged that the Propositions are reflective of the work ongoing under its mandate for emergency planning. Discussion with Alderney and Sark took place ahead of the January "Living Responsibly with COVID-19" debate; both Assemblies wished their respective experiences and views to be considered which would be achieved through the recommended approach.

8.4 In accordance with Rule 4(1)(c), the Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications.

8.5 In accordance with Rule 4(1)(d), the financial implications to the States of carrying the proposal into effect is set out at paragraphs 7.5 and 7.6.

- 8.6 In accordance with Rule 4(2)(a), the Propositions relate to the duties of the Policy & Resources Committee, which is mandated to develop and implement policies and programmes relating to non-operational matters in an emergency to preserve life, wellbeing and law and order.
- 8.7 In accordance with Rule 4(2)(b), it is confirmed that the Propositions have the unanimous support of the Policy & Resources Committee.

Yours faithfully

P T R Ferbrache
President

H J Soulsby MBE
Vice President

M A J Helyar
J P Le Tocq
D J Mahoney

APPENDIX 1

Terms of reference

1. To create a factual record, limited to the period under review, of:
 - a. the status of the States of Guernsey's policies and practices relating to:
 - i. national risk management; and
 - ii. emergency planning;
 - b. how the key strategic decisions relating to the Bailiwick's response to the COVID-19 pandemic were made,
 - c. the actions of the Civil Contingencies Authority, in the context of the phase of the pandemic at the time and the expert advice and available data; and
 - d. the actions of the Policy & Resources Committee in handling the pandemic, with respect to initiating the development and delivery of business support and its cost management in COVID-19 mitigation.
2. To establish how appropriately the Bailiwick was served by these strategic decisions, considering relevant health and infection metrics and an evaluation of the cost and impact on the community and economy.
3. To draw on the facts and present a conclusion in order that the States of Guernsey can identify any steps necessary to improve preparedness for any future circumstances similar to those arising during the period under review.

Period of Review

To properly establish the context for strategic decision making, the review should consider the period 1st October 2019 – 16th February 2022 inclusive. This captures the period when international attention started to focus on activity in Wuhan through to the cessation of emergency regulations in the Bailiwick.

Commissioning, Support and Publication

The report will be formally commissioned by the Scrutiny Management Committee. It will receive the final report, co-ordinate its consideration by the Committees of the States as necessary and appropriate, and will lay it before the States.

The reviewer will receive full administrative support and impartial advice from officers working in the Office *of the* Scrutiny Management Committee. Internal Audit will also provide an avenue for the reviewer to direct more operational queries that would not be part of the strategic review but may be raised.

APPENDIX 2

SCRUTINY MANAGEMENT ACTIVITY TO DATE				
	Committee	Date	Evidence provided by	Topics
SCRUTINY MANAGEMENT COMMITTEE HEARINGS	Committee for Health & Social Care	14 th July 2020	Deputy Heidi Soulsby, President, Dr Dominic Bishop, Consultant Psychiatrist, Dr Nicola Brink, Director of Public Health Dr Peter Rabey, Medical Director	<ul style="list-style-type: none"> - Guernsey as a small jurisdiction and the implications on managing the pandemic; - Management of Hospital facilities and impact on the provision of care including continuity of wider services (including elective surgery and screening programmes) and impact on waiting lists - Preparedness and activity undertaken at the emergence of the virus; - Testing– policy and on-island arrangements, practical experience and future sustainability and scalability - Care homes – relationship with/ regulatory powers, support/ assistance available, business continuity, pathways for infected residents - Procurement of PPE – supply chain - CCA (NB Deputy Soulsby made clear that she was attending in her capacity as President of the Committee <i>for</i> Health & Social Care and not in her role on the Civil Contingencies Authority) - Mental Health and Wellbeing – demand, continuity of services, community wide wellbeing - Access to data - Future – transition to Phase 6, wearing of face coverings, contact tracing apps, antibody testing

	<u>Committee for Home Affairs</u>	28 th July 2020	Deputy Mary Lowe, President Adrian Lewis, Chief Secretary Dave Le Ray, Director of Operations Vicky Lajoie, Acting Administrator, Pop Man Ruari Hardy, Law Enforcement John de Carteret, Prison Jon Le Page, Fire Officer	<ul style="list-style-type: none"> - Operational challenges, impact on business as usual service provision, operating with restricted staff availability, case numbers and breakdown, travel and isolation checks, critical worker arrangements - Population Management – responding to the employment context created by the pandemic - Operational considerations in moving through the phases of lockdown
	<u>Committee for Education, Sport & Culture</u>	28 th July 2020	Deputy Matthew Fallaize, President, Nick Hynes, Head of Inclusion and Services for Children and Schools; Sophie Roughsedge, Business Change Manager, Transforming Education	<ul style="list-style-type: none"> - Impact on education services, including distance learning arrangements, children with special education need, feedback from parent survey, support for vulnerable children and young people, relationship with Public Health, experiences across different age groups, public examinations, mental health and wellbeing - Viability of local sporting and cultural events - Learning for the future

ENGAGEMENT WITH SMC	Letter to SMC from HSC re Primary Care during COVID-19	23rd July 2020	n/a	- Summary of arrangements and processes, benefits to the public and final contracts
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PARLIAMENTARY PROCESSES – RULE 11 AND 14 QUESTIONS				
	Questioner	Date	Committee	Topics
RULE 11 QUESTIONS	Deputy Gollop	20 May 2020	Policy & Resources Committee	Financial assistance for bodies affected by the virus pandemic – support for community, third sector organisations
	Deputy Gollop	20 May 2020	Committee <i>for</i> Economic Development	Recovery and regeneration strategies – for particularly affected sectors
	Deputy Gollop	17 June 2020	Committee <i>for</i> Home Affairs	Housing Licences for Key Workers – licensing considerations for those affected by the pandemic
	Deputy Gollop	17 June 2020	Committee <i>for</i> Health & Social Care	Ability for boards and committees to meet other than virtually – impact of pandemic on the Election
	Deputy Queripel	26 May 2021	Committee <i>for</i> Health & Social Care	The pandemic, its impact on mental health and vaccinations

	Deputy Queripel	16 June 2021	Committee <i>for</i> Health & Social Care	COVID-19
	Deputy St Pier	8 September 2021	Civil Contingencies Authority	Civil Contingencies Law
	Deputy Gollop	8 September 2021	Policy & Resources Committee	Vaccination Certificates
	Deputy Queripel	8 September 2021	Committee <i>for</i> Health & Social Care	Immune system supplement
	Deputy Gollop	29 September 2021	Committee <i>for</i> Health & Social Care	Review of mental health and well-being in relation to the COVID-19 pandemic
	Deputy Gollop	29 September 2021	Committee <i>for</i> Health & Social Care	Unvaccinated persons in the health and social care sector
	Deputy Gollop	29 September 2021	Committee <i>for</i> Health & Social Care	Transfer of some Civil Contingencies Authority powers to the Committee <i>for</i> Health & Social Care
	Deputy St Pier	29 September 2021	Policy & Resources Committee	An investigation into potential Civil Contingencies Authority breaches of confidentiality
	Deputy Burford	24 November 2021	Committee <i>for</i> Education, Sport & Culture	Recent increases in COVID cases in schools

RULE 14 QUESTIONS	Deputy Dorey	21 May 2020	Policy & Resources Committee	COVID-19 Pandemic - Initial Economic and Financial Response – necessity of borrowing up to £250 million
	Deputy Green	11 June 2020	Policy & Resources Committee	COVID-19 Payroll Co-Funding Scheme – how were rates established, comparisons to Jersey and UK, data re uptake, scheme duration
	Deputy Merrett	16 June 2020	Committee <i>for</i> Home Affairs	Proportionality of COVID-19 regulations – resource availability, incident rates, compliance with COVID restrictions,
	Deputy Merrett	13 July 2020	Committee <i>for</i> Health & Social Care	Impacts of lockdown on the health and well-being of the community – access to mental health services, arrangements for emerging from lockdown, resources, community need, child protection
	Deputy Tindall	18 August 2020	States' Trading Supervisory Board	Aurigny Flights for University Students - shareholder guidance given to Aurigny on the operation of flights
	Deputy St Pier	1 December 2020	Policy & Resources Committee	COVID-19 Response Appeal – donation levels and expenditure
	Deputy Murray	17 February 2021	Policy & Resources Committee	States of Guernsey Workforce – working from home rates, access for those working from home, furlough, performance management,
	Deputy St Pier	17 March 2021	Committee <i>for</i> Education, Sport & Culture	Media releases regarding reinstatement of international exams – communications regarding public examinations
	Deputy St Pier	30 March 2021	Committee <i>for</i> Education, Sport & Culture	Distance Learning during Lockdown – availability of live lessons and steps to address the 'digital divide', wellbeing support, lessons from second lockdown, comparison to grant aided colleges

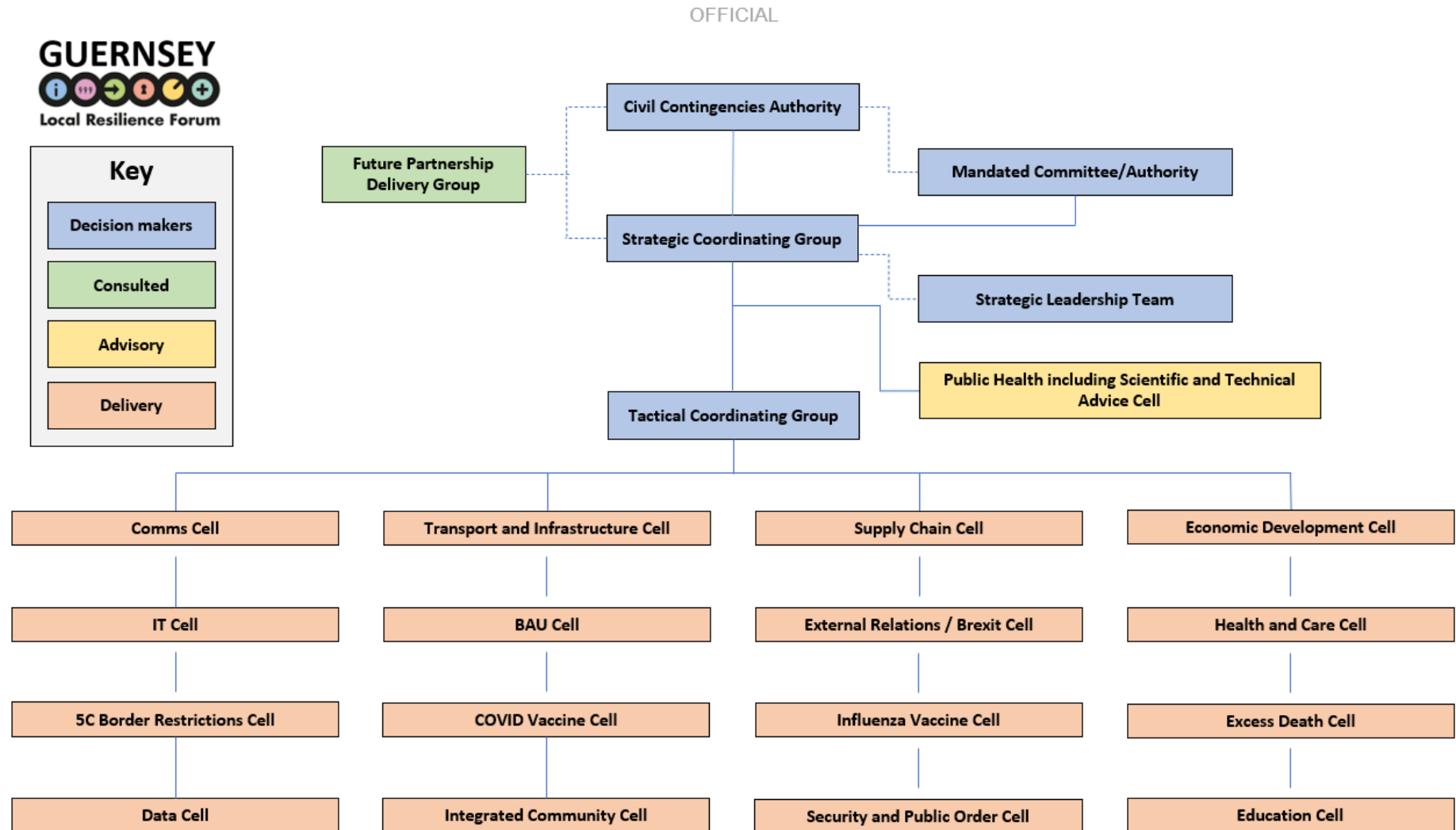
	Deputy St Pier	12 May 2021	Civil Contingencies Authority	Visit of British Lions' coach – arrangements for, and communications surrounding, a visit by the British Lions' coach
	Deputy Queripel	21 May 2021	Committee <i>for</i> Health & Social Care	COVID-19 – longer term side effects from COVID-19 vaccination, alternative treatments to COVID-19, treatment of non-vaccinated islanders, vaccination availability, side effect monitoring, mortality recording
	Deputy St Pier	3 July 2021	Civil Contingencies Authority	Civil Contingencies Authority Modelling - modelling in place, triggers for a third lockdown, expected mitigation
	Deputy Queripel	28 September 2021	Committee <i>for</i> Education, Sport & Culture	COVID-19 testing of schoolchildren and potential discrimination – application of testing policy in schools
	Deputy St Pier	12 October 2021	Committee <i>for</i> Health & Social Care	COVID-19 Vaccination of 12-15 year olds – considerations in extending COVID-19 vaccinations to 12-15 year olds and decision making process
	Deputy St Pier	20 January 2022	Policy & Resources Committee	Travel Tracker Data – data retention and data sharing policies
	Deputy Queripel	3 February 2022	Committee <i>for</i> Health & Social Care	COVID-19 Death & Vaccine Injuries – data provision

PARLIAMENTARY PROCESSES – STATEMENTS (EXCLUDES ROUTINE STATEMENTS)			
STATEMENTS	Date	Committee	Topics
	2 March 2020`	Committee <i>for</i> Health & Social Care	Global Coronavirus situation - global situation and the Bailiwick's preparedness
	18 March 2020	Policy & Resources Committee	Proposed Initial Economic Response to the COVID-19 Pandemic – immediate support and wider context
	18 March 2020	Committee <i>for</i> Health & Social Care	Global Coronavirus Situation – cases update, advice to schools, HSC operational arrangements
	20 May 2020	States' Trading Supervisory Board	Aurigny Air Services - Flight Cancellations – update on Aurigny announcement
	16 June 2021	Civil Contingencies Authority	COVID Vaccination Certificates – format to prove vaccination status
	14 July 2021	Civil Contingencies Authority	Strategic direction in relation to the COVID pandemic – travel rules, testing strategy, vaccination update
	29 September 2021	Civil Contingencies Authority	Update on Workstreams – alternatives to emergency powers
	2 November 2021	Policy & Resources Committee	From emergency to living with COVID – alternatives to emergency powers
POLICY LETTERS	18 March 2020	Policy & Resources Committee	COVID-19 Pandemic - Initial Economic and Financial Response – delegation to P&R to approve direct financial assistance to companies or individuals, to make a temporary overdraft facility to Aurigny, to facilitate a loan guarantee scheme
	18 March 2020	States' Assembly & Constitution Committee	Proposed Postponement of the 2020 General Election – postponement of General Election
	14 April 2020	States' Assembly & Constitution Committee	Remote attendance at Committee Meetings and extending proxy voting at States' Meetings – amend the Rules of Procedure to allow remote attendance and proxy voting
	29 April 2020	Policy & Resources Committee	COVID-19 Pandemic - Funding of Financial Response – delegation for business support
	1 July 2020	States' Assembly & Constitution Committee	General Election 2020: Review of the date of the General Election – postponement of General Election to October 2020

	2 July 2020	Policy & Resources Committee	Revive and Thrive: Our Recovery Strategy for Guernsey Together – approach towards recovery
	18 August 2020	Committee <i>for</i> Health & Social Care	Developing the legislative framework necessary for vaccination against SARS-COV-2: The virus causing COVID-19 – agreement of voluntary vaccination programme and associated legislative changes
	18 August 2020	Committee <i>for the</i> Environment & Infrastructure	Modification of requirements relating to Planning Tribunals where there are restrictions in relation to travel to and from the Bailiwick under the Civil Contingencies Law – amendment to legislation
	18 August 2020	Civil Contingencies Authority	Exit from Lockdown - A framework for lifting the Covid-19 Restrictions in the Bailiwick of Guernsey – note the Framework
	24 March 2021	Policy & Resources Committee	Government Work Plan – stage 1 - recovery
	21 July 2021	Policy & Resources Committee	Government Work Plan 2021 – 2025 - recovery
	24 November 2021	States' Assembly & Constitution Committee	Hybrid meetings – changes to rules
	15 December 2021	States' Assembly & Constitution Committee	Hybrid meetings
	26 January 2021	Policy & Resources Committee, Committee for Health & Social Care and the Committee for Home Affairs	Living Responsibly with COVID
REGULATIONS	14 April 2020	Civil Contingencies Authority	11 sets of Emergency Regulations - States Meeting on 14 April, 2020 (Billet d'État VII & Urgent Propositions) - States of Guernsey (gov.gg)
	22 April 2020	Civil Contingencies Authority	2 sets of Emergency Regulations States Meeting on 22 April 2020 (Billet d'Etat X & Urgent Propositions) - States of Guernsey (gov.gg)
	29 April 2020	Civil Contingencies Authority	1 set of Emergency Regulations CHttpHandler.ashx (gov.gg)
	20 May 2020	Civil Contingencies Authority	2 sets of Emergency Regulations States Meeting on 20 May & 3 June 2020 (Billets d'Etat XI, XII & Urgent Propositions)) - States of Guernsey (gov.gg)

	17 June 2020	Civil Contingencies Authority	2 sets of Emergency Regulations States Meeting on 17 & 24 June and 1 July 2020 (Billets d'Etat XIII & XIV and Urgent Propositions) - States of Guernsey (gov.gg)
	15 July 2020	Civil Contingencies Authority	1 set of Emergency Regulations - States Meeting on 15 & 22 July 2020 (Billet d'État XV - States Accounts) - States of Guernsey (gov.gg)
	18 August 2020	Civil Contingencies Authority	2 sets of Emergency Regulations - States Meeting on 18 August 2020 (Billet XVI, XVII & XVIII) - States of Guernsey (gov.gg)
	4 November 2020	Civil Contingencies Authority	5 sets of Emergency Regulations - States Meeting on 4 November 2020 (Billets d'État XXIII & XXIV) - States of Guernsey (gov.gg)
	16 December 2020	Civil Contingencies Authority	2 sets of Emergency Regulations States Meeting on 16 December 2020 (Billet d'État XXVIII) - States of Guernsey (gov.gg)
	1 February 2021	Civil Contingencies Authority	8 sets of Emergency Regulations States Meeting on 1 February, 2021 (postponed from 27 January 2021, Billets d'Etat II, III & IV) - States of Guernsey (gov.gg)
	24 February 2021	Civil Contingencies Authority	2 sets of Emergency Regulations - States Meeting on 24 February 2021 (Billets d'Etat V & VII) - States of Guernsey (gov.gg)
	24 March 2021	Civil Contingencies Authority	4 sets of Emergency Regulations - States Meeting on 24 March 2021 (Billet d'Etat VIII) - States of Guernsey (gov.gg)
	26 May 2021	Civil Contingencies Authority	2 sets of Emergency Regulations - States Meeting on 26 May 2021 (Billets d'État XI & XII) - States of Guernsey (gov.gg)
	14 July 2021	Civil Contingencies Authority	8 sets of Emergency Regulations - States Meeting on 14 July 2021 (Billet d'État XIV & XVI) - States of Guernsey (gov.gg)
	8 September 2021	Civil Contingencies Authority	2 sets of Emergency Regulations - States Meeting on 8 September 2021 (Billet d'État XVII) - States of Guernsey (gov.gg)
	2 November 2021	Civil Contingencies Authority	1 set of Emergency Regulations - States Meeting on 2 November 2021 (Billet d'État XXI) - States of Guernsey (gov.gg)
	24 November 2021	Civil Contingencies Authority	1 set of Emergency Regulations - States Meeting on 24 November 2021 (Billets d'État XXIII & XXIV) - States of Guernsey (gov.gg)
	15 December 2021	Civil Contingencies Authority	1 set of Emergency Regulations - States Meeting on 15 December 2021 (Billet d'État XXV) - States of Guernsey (gov.gg)
	26 January 2022	Civil Contingencies Authority	1 set of Emergency Regulations - States Meeting on 26th January 2022 (Billets d'Etat I, II & III) - States of Guernsey (gov.gg)

APPENDIX 3



Office of the Committee for Health & Social Care

Medicines Committee

Annual Report 2021

MEDICINES COMMITTEE ANNUAL REPORT 2021

Introduction to the Medicines Committee

The Medicines Committee, and its membership, is established under section 2(1) and 2(3) of the Medicines (Human and Veterinary) (Bailiwick of Guernsey) Law, 2008 (“the Law”). While the Law has been in force since October 2009, the Medicines Committee was only formally established by the Committee for Health & Social Care (the CfHSC) in September 2020¹. Prior to this, where specific advice has been required, it has been provided on an extra-statutory basis by the most relevant States of Guernsey officers.

As detailed in the original 2004 Policy Letter, “Medicines (Bailiwick) Law”, Article XIV, Billet d’Etat XIV of 2004, the Medicines Committee is designed to bring together experts in their relevant fields to advise the Department on matters relating to medicines and the execution of the Medicines Law. The planned commencement of a COVID-19 vaccination programme necessitated the establishment of the statutory Medicines Committee so that formal advice could be provided on the potential designation of vaccines, building upon the States’ direction when considering a mass vaccination programme for COVID-19 ([Billet d’État XVIII of 2020](#)), that every step should be taken to ensure robust governance.

In accordance with the Law, the Medicines Committee combines pharmacy, public health, veterinary and nursing expertise. It provides a wide ranging, and robust, evaluation of the scientific evidence available and the associated governance so to make informed recommendations to the CfHSC in respect of the use of medicines locally.

Functions of the Committee

Section 3(1) of the Medicines Law states that:

The [Medicines] Committee shall advise the Department on matters -

- (a) relating to the execution of the above Law,*
- (b) relating to the exercise of any power conferred by or under the above Law, or*
- (c) otherwise relating to the regulation of medicinal products.”*

Section 3(2) also states that it is the duty of the Medicines Committee –

¹ The membership of the Medicines Committee is defined in s.2(2) of the Medicines Law and includes the Chief Pharmacist, the Director of Public Health, the States Veterinarian, a senior nurse, and a senior civil servant.

- “(a) to give advice with respect to –*
- (i) safety, quality and efficacy in relation to medicinal products, and*
 - (ii) local practice regarding the manufacturing, wholesale distribution and dispensing of medicinal products in the Bailiwick,*
- (b) to promote the collection and investigation of information relating to adverse reactions, for the purposes of enabling the advice in paragraph (a) to be given,*
- (c) to undertake any other function related to the regulation of medicinal products which may be conferred by this Law or any enactment made thereunder except in so far as those functions may otherwise be assigned to a committee established under section 4 (establishment of sub-committees), and*
- (d) to advise the regulatory authority in cases where –*
- i) it is required by the provisions of Part II (Regulatory provisions relating to medicinal products), or by the provisions of any other enactment, to consult the Committee with respect to any matter arising under those provisions, or*
 - (ii) it so requests, in relation to any matter arising under any of the provisions referred to in sub paragraph (i).*

Activity of the Medicines Committee

The Medicines Committee has provided advice on the designation of COVID-19 vaccines to the CfHSC, as per the agreed process for designating a vaccine authorised for use by the UK Secretary of State for Health and Social Care under Regulation 174 of the Human Medicine Regulations 2012. This process sets out the actions, and their associated governance arrangements, required prior to the CfHSC considering the designation of a COVID-19 vaccine for use in the Bailiwick of Guernsey. The ‘Process for designating a vaccine for the virus causing COVID-19 in the Bailiwick of Guernsey’ can be seen in appendix 1.

By considering the information publicly available - published by the Medicines and Healthcare products Regulatory Agency (“the MHRA”) and by the Joint Committee on Vaccination and Immunisation (“the JCVI”) – the Medicines Committee was satisfied by

the evidence available that the vaccines were safe, well-tolerated and had a high efficacy.

Accordingly, the Medicines Committee made a recommendation to the CfHSC to designate the following vaccines:

- Pfizer/BioNTech Vaccine on 3rd December 2020
- AstraZeneca Vaccine on 4th January 2021
- Moderna Vaccine on 19th January 2021

In recommending the designation of the above vaccines, the Medicines Committee advised the CfHSC that it would keep under review any emerging evidence both locally and from other jurisdictions in respect of adverse reactions associated with the vaccine. As with any new medicine, the products have been closely monitored to allow for the quick identification of new safety information and the Medicines Committee has considered the summary information published weekly on the Yellow Card reporting scheme² by the MHRA and remains satisfied that the expected benefits of the vaccines in preventing COVID-19 and serious complications associated with COVID-19 far outweigh any currently known side effects.

All vaccines and medicines have some side effects, and the vast majority of suspected adverse reaction reports have been for comparatively minor reactions such as sore arms, or generalised symptoms such as headaches, nausea etc. In the case of the more severe, and extremely rare, potential side effect associated with the AstraZeneca vaccine regarding a specific type of blood clot with low blood platelets, the Medicines Committee is satisfied that the updated advice provided by the UK, and adopted in Guernsey, is appropriate to the risk.

The Medicines Committee noted that in the months following the designation of the three vaccines set out above, the MHRA issued a marketing authorisation with conditions to both the Pfizer BioNTech (re-branded as the Comirnaty vaccine) and Moderna vaccines. This type of authorisation from the regulator is automatically recognised in The Medicines (Human) (Exemptions and Recognition of Marketing Authorisations) (Bailiwick of Guernsey) Regulations, 2009 for the purposes and provisions of the Law and its subordinate legislation.

² The UK system for collecting and monitoring information on safety concerns such as suspected side effects or adverse incidents involving medicines and medical devices. More information is available online at <https://yellowcard.mhra.gov.uk/the-yellow-card-scheme/>

The Medicines Committee has additionally benefited from the opportunity to discuss amendments to the Law with policy officers supporting the CfHSC. Recent experiences have demonstrated the value of ensuring Laws remain reflective of ever-evolving clinical practice and appropriately aligned to equivalent UK provisions. The Medicines Committee fully supports any steps to ensure that the legislative framework locally is responsive and flexible and would be happy to support the CfHSC further in this regard.

Looking forward – 2022

The Medicines Committee intends to reconvene early in the new year to:

- Draft the terms of reference for the Committee, establishing the frequency of meetings, quorum, reporting arrangements and secretary responsibilities, among other things;
- Progress arrangements to appoint a lay member;
- Establish a schedule of meetings for the calendar year; and
- Review any learning from its activities during 2021 and make recommendations to the CfHSC, as necessary.

APPENDIX 1:

PROCESS FOR DESIGNATING A VACCINE FOR THE VIRUS CAUSING COVID-19 IN THE BAILIWICK OF GUERNSEY

	Action	Governance
1	The Medicines and Healthcare products Regulatory Agency (MHRA) will recommend a vaccine to the Secretary of State, possibly initially as a temporarily authorised product	<p>The MHRA is an executive agency sponsored by the Department of Health and Social Care which regulates medicines, medical devices and blood components for transfusion in the UK. The MHRA has been actively involved in the Vaccine Taskforce and is responsible for regulatory oversight of vaccine manufacture. It is also involved with vaccine safety surveillance and monitoring.</p> <p>Approval by the Secretary of State will permit a mass vaccination programme to proceed using a vaccine that has a temporary authorisation.</p> <p>In doing so, The Health Protection (Vaccination) Regulations 2009 require the Secretary of State to ensure, so far as is reasonably practicable, that the recommendations of Joint Committee on Vaccination and Immunisation (JCVI)³ are implemented, and where those recommendations relate to new provisions for vaccination under a national vaccination programme in response to a question referred to the JCVI by the Secretary of State are based on an assessment which demonstrates cost-effectiveness.</p> <p>The JCVI is an independent expert body which advises the UK Government in respect to vaccination and immunisation. The JCVI will take into account all of the clinical evidence relating to efficacy and risks of the proposed vaccine for COVID-19 and will also make recommendations as to the priority cohorts to receive the vaccine.</p>
2	Medicines Committee to convene to provide advice to the CfHSC	This will fulfil the statutory duties set out in Sections 2 and 3 of the Medicines Law to advise the CfHSC.

³ <https://www.gov.uk/government/groups/joint-committee-on-vaccination-and-immunisation>

		In respect of making regulations to designate a vaccine, the role of the Medicines Committee would be to consider as much information as is available about the safety, quality and efficacy of the proposed vaccine against the virus COVID-19, including the recommendations of the JCVI, before providing advice to the CfHSC about the designation of the proposed vaccine in the Bailiwick.
3	Consultation	<p>When considering whether to designate a vaccine, the CfHSC must consult with the Policy & Resources Committee, the Policy & Finance Committee of the States of Alderney and the Medical & Emergency Services Committee of the Chief Pleas, Sark.</p> <p>Consideration will be given to consultation with other stakeholders, as appropriate.</p>
4	Consideration by the Committee <i>for</i> Health & Social Care	<p>The CfHSC will consider the advice of the Medicines Committee when considering whether to designate a named vaccine for use in the Bailiwick. The Committee will be provided with as much information as possible about the safety, efficacy and cost-effectiveness of the vaccine. The Committee will also consider what, if any, measures to mitigate the risks and associated liability are available and practicable.</p> <p>In doing so, the CfHSC will take into account feedback received from the consultation in 3 above.</p>
5	Signing and registration of regulations	If approved by the CfHSC, regulations to designate a vaccine, exempt the vaccine from various regulatory provisions in the Medicines Law, and make the necessary consequential amendments to a number of existing regulations made under that Law, would be finalised and signed by the President, and lodged at the Greffe.

RESPONSIBLE OFFICER FOR THE BAILIWICK OF GUERNSEY

**Under “The Regulation of Health Professions
(Medical Practitioners) (Guernsey and Alderney)
Ordinance, 2015”**

ANNUAL REPORT FOR THE YEAR 2021

Dr Peter Rabey, MBChB, FRCA.

Responsible Officer

States of Guernsey.

Date: 23 February 2022

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1. Executive summary

The Responsible Officer is required to submit an annual report to the States of Guernsey, through the Committee *for* Health & Social Care, as to the discharge of his or her functions. This report provides a summary of activity relating to regulation and revalidation of doctors in 2021.

Key Findings:

- At the end of 2021 there were a total of 245 doctors on the Bailiwick Register and with a licence to practice. Of these 152 were “local practitioners” and 93 were “UK-connected Practitioners”. A breakdown is given in section 7 of this report.
- 98.6% of local practitioners had completed appraisals in 2021. This is similar to previous years and compares favourably with the most recently published UK rates of 91.5%.
- Revalidation recommendations were made for 23 local doctors to the GMC by the RO in 2021. Positive recommendations were made for 22 of these doctors.
- Two local doctors began 2021 with ongoing General Medical Council investigations from 2020. One doctor received a warning; the other’s case was concluded with no action or finding against the doctor. No new cases are outstanding.
- Governance: The Responsible Officer continues to maintain strong links with the General Medical Council, NHS England, and the Faculty of Medical Leadership and Management (FMLM).

2. Purpose of the Report

This report is to inform the Committee *for* Health & Social Care and through them the States of Guernsey, as to the discharge of the Responsible Officer’s functions during the calendar year 2021. This is a requirement of the Responsible Officer under the Ordinance.

3. Background

In 2015 the Bailiwick established the role of Responsible Officer for the States of Guernsey as part of “The Regulation of Health Professions (Medical Practitioners) (Guernsey and Alderney) Ordinance, 2015” (“the Ordinance”). The role mirrors, to a significant extent, that established in 2010 UK legislation (“The Medical Profession (Responsible Officers) Regulations 2010”).

The Responsible Officer has prescribed obligations regarding medical practitioners which include ensuring that appropriate annual appraisals take place (for local

practitioners), liaising with UK RO's (for UK-connected doctors working here), making recommendations to the General Medical Council (GMC), investigating and referring concerns, protecting patients, and ensuring that any conditions are complied with.

The ordinance describes two classes of medical practitioner: "Local Practitioners" (those doctors on the local register who do not have a connection to UK designated body), and "UK Connected Practitioners" (those who do).

Although defined as Responsible Officer in local law, the GMC recognise a Suitable Person role for local practitioners in the Bailiwick, rather than a Responsible Officer role under the UK Regulations. This is because the Bailiwick is not a UK Designated Body under their legislation, and is the same in the other Crown Dependencies. The Suitable Person role is similar to the UK Designated Body Responsible Officer role in terms of making recommendations to the GMC about revalidation of doctors.

Dr Rabey remained the Responsible Officer for all but one local doctor in the Bailiwick in 2021. Dr John McInerney, Responsible Officer in Jersey, continued to act as RO for one doctor working in the Bailiwick because of a conflict of interest (as described in previous reports).

Every licensed doctor who practices medicine in the Bailiwick of Guernsey must be registered with the General Medical Council and must take part in medical revalidation.

4. Duties of the Responsible Officer

Previous reports have set out the duties of the Responsible Officer with respect to revalidation of doctors. These remain as set out in schedules 2 and 3 of the Ordinance.

5. Impact of the Covid-19 Pandemic on Revalidation

My 2020 report recorded how the Covid-19 pandemic had impacted on appraisal and revalidation. In 2021 the GMC moved back to accepting recommendations for revalidation of doctors in normal timeframes.

As described in my 2020 report, the GMC took emergency measures to re-register doctors who had recently left the Medical Register on a temporary basis, in order to support efforts to tackle the pandemic. A total of 31 doctors with local addresses were re-registered in this way. Three doctors opted out of re-registration. One re-registered doctor continued to take an active part in providing Covid-related services in the Public Health team in 2021.

As in 2020 the great majority of off-island appraisals in 2021 were conducted remotely using applications such as "Teams".

6. Governance Arrangements

Governance arrangements remained largely unchanged from my 2020 report. The local register of doctors may be accessed by the public through the HSC website at <https://gov.gg/healthprofessionalregisters>. The GMC register may be accessed through their website at <https://www.gmc-uk.org>.

No decisions of the RO were appealed to the Registration Panel in 2021.

The RO remains an active participant in the Responsible Officer Network organised by NHS England, and takes part in Suitable Person Reference Group meetings organised by the General Medical Council.

The RO meets regularly with their designated GMC Employment Liaison Advisor and has further ad-hoc communication as required. A contract is in place with NHS Resolution to provide expert advice, support, and interventions for concerns regarding doctors. The RO has an external Responsible Officer – Mr Peter Lees of the Faculty of Medical Leadership and Management and takes part in appraisal and revalidation under their auspices. The RO's appraisal position is fully up to date.

7. Register of Doctors

The Register of doctors is a live document and is amended regularly to reflect additions, departures, and other changes. The Bailiwick Register is available in summary form on-line at <https://gov.gg/healthprofessionalregisters>.

At the end of 2021 there were a total of 245 doctors on the Guernsey Register and with a licence to practice - a decrease of 4 from 2020. Of these 152 were "Local Practitioners" and 93 were "UK-connected Practitioners".

A breakdown for the position at the end of 2021 is provided in the table below, with the change from 2020 identified in brackets.

Local Register of Medical Practitioners 2020										
	HSC		MSG		GP's		Others		Total	
	2021	+/-	2021	+/-	2021	+/-	2021	+/-	2021	+/-
Local Practitioners	32	(-2)	51	(+1)	68	(+6)	1	(-2)	152	(+3)
UK-Connected Practitioners	57	(-)	13	(-1)	8	(-6)	15	(0)	93	(-7)
Total	89	(-2)	64	(-)	76	(-)	16	(-2)	245	(-4)

UK Connected Doctors: 57 UK-connected doctors worked for HSC in 2021. This includes locums, visiting doctors, and visiting appraisers for doctors. 13 doctors working for MSG in 2021 retained a UK connection, most were here as locums. Only 8 GP's were connected to UK designated bodies; most acted as locums (including for Alderney and Sark) while in the Bailiwick.

Doctors Classed as “Others”: This group consist largely of doctors who hold private clinics, provide medical advice to local firms, and services to Guernsey prison. The local RO is able to identify and communicate with the RO of any UK-connected doctors through use of GMC Connect – the GMC’s online portal for revalidation of doctors. All but one had UK connections in 2021.

Conditions: The RO has powers to add conditions to a doctor’s local registration. In 2021 this power was not exercised. The GMC also did not impose conditions on the practice of any locally registered doctors in 2021.

8. Medical Appraisal

a. Appraisal and Revalidation Performance Data

In 2021 there were 152 locally connected doctors who required an appraisal in-year. A total of 151 appraisals were completed within the agreed time period. The table below gives details:

Appraisals 2021					
	HSC	MSG	GP's	Others	Total
Number with appraisal due in 2021	34	51	68	1	152
Appraisals within agreed time period	34	49	68	1	150
%	100%	96%	100%	100%	98.6%

The only two appraisals not completed in the prescribed time period were MSG doctors who had late appraisals. One required a deferral of their recommendation for revalidation to the GMC. An action plan was put in place to remedy the position.

The overall in-year appraisal rate for local practitioners was nearly 99%. GP’s in Guernsey have historically had high compliance, and the improvement for doctors in secondary care reflects the efforts of the Appraisal Lead, Dr Flambert. This compares favourably with the most recent NHS England rate of 91.5% [NHS England Professional Standards Report to Ministers for 2018/19. (Note NHS England reporting was suspended in 2020 in response to the Covid-19 pandemic.)

No cases of non-engagement with appraisal were notified to the GMC in 2021, although the GMC were made aware of the late appraisal which resulted in a deferral of revalidation.

b. Appraisers

Medical appraisal remains the cornerstone of revalidation of doctors. Doctors with a UK connection take part in appraisal and revalidation with their UK designated body. For locally-connected doctors there are 2 main groups of appraisers. Most doctors fit cleanly into one of these groups, but for doctors in the “other” category, their appraiser is determined by best-fit (nearly always obvious).

Primary Care; Doctors in General Practice in Guernsey continue to demonstrate high levels of engagement in appraisal. GP’s undertake appraisals with the Wessex Appraisal Service, a service run by Health Education England; they use a mix of off-island and on-island appraisers.

Secondary Care: Approximately half of appraisals in secondary care are conducted on-island, with the remainder conducted by an off-island appraiser (usually remotely). The on-island appraisals were delivered by a group of eight trained doctors comprising of both States-employed doctors and doctors from the Medical Specialist Group. Off-island appraisers were largely delivered by experienced appraisers from Southampton.

Over a five-year revalidation cycle every secondary care doctor will have at least 2 off-island appraisals as part of a continuing programme to facilitate specialty-specific and independent appraisals over the revalidation cycle. Individual appraiser feedback continues to demonstrate high levels of satisfaction with the quality of appraisers.

A local Appraisers Network meeting takes place regularly, chaired by the Appraisal Lead, Dr Flambert.

Others: The only locally-connected doctor in this category sourced an appraisal from an independent scheme.

c. Quality Assurance

As in previous years, routine ongoing quality assurance continues with active involvement of the appraisal leads and the RO, including reviews of appraisal portfolios and reflection and feedback for individual appraisers.

d. Access, Security and Confidentiality

The Responsible Officer is registered with the Data Protection Commissioner, and has up-to-date Data Protection training.

e. Clinical governance

Prior to their appraisal, doctors receive information about all complaints and incidents in which they are named. This report is available to the appraiser, appraisal lead and to the RO. In addition some doctors may be asked to reflect with their appraiser about specific incidents or events at their appraisal. The appraisal systems allow for such

specific items to be identified clearly to both the appraiser and to the RO, to ensure that appropriate reflection and learning has taken place and been evidenced.

9. Revalidation Recommendations

Revalidation typically takes place over a five-year cycle, at the end of which the GMC seek a recommendation from the doctor's RO / Suitable Person (if they have one).

In 2021, the RO made a total of 23 revalidation recommendations to the GMC. Positive recommendations were made for 22 doctors, following review of their appraisal portfolios.

One deferral recommendation was made, for a doctor who had not produced sufficient evidence to support a positive recommendation. The doctor engaged with a remedial plan to resolve matters by early 2022.

There were no notifications to the GMC of non-engagement by a doctor in processes for revalidation.

All 23 recommendation were made on schedule and were accepted by the GMC. (Appendix B presents numerical details using the NHS England audit template.)

10. Recruitment and engagement background checks

Background checks remain in place for doctors seeking to join the local Register, including:

- Checks of GMC registration:
 - o Current GMC Registration
 - o Holds a valid Licence to Practice
 - o On the Specialist Register or GP Register (as appropriate)
- Curriculum Vitae (CV) of the doctor
- References (minimum of two)
- Recent enhanced Disclosure and Barring Service (DBS) check
- Form of information completed (contact details, training, qualifications, etc.)
- Specimen Signature
- Registration fee paid.

When a doctor's name is added to the local register a circular is sent widely (including all island pharmacies) informing them of the name, specialty, and role of the new doctor, and providing a specimen signature.

Doctors undergo normal employment checks by their prospective employer in addition to the process of adding to the local register.

Guernsey remains in a favourable position in terms of obtaining appropriate information for background checks before a doctor's name is added to the local register. The use of very short-term locums is impractical for geographical and regulatory reasons, and there are robust processes for identifying and checking on any new doctors who work in the Bailiwick.

11. Responding to Concerns and Remediation

As noted in previous reports, concerns about doctors can be raised in many ways. In addition to the powers given to the RO under the Ordinance, local policies for responding to concerns are in place for both Primary and Secondary Care. The policies are based on “Maintaining High Professional Standards” (MHPS) and provide pathways for action when a concern arises.

Concerns about doctors may result in informal or formal management. Informal management typically is used for minor matters when there is no risk to patients and the doctor demonstrates insight.

One formal investigation under the Ordinance was undertaken in 2021, with the appointment of an Authorised Person. The conclusion was that no substantive concern was upheld against the doctor. The doctor received words of advice in relation to the concern. This course of action was supported by the GMC Employment Liaison Advisor. Another doctor has been the subject of an MHPS process with informal action.

Appendix A presents numerical information about formal management of new concerns raised about doctors in 2021.

General Medical Council and Medical Practitioners Tribunal Service.

My 2020 report referred to two local doctors then awaiting GMC investigation or proceedings at the Medical Practitioner Tribunal Service (MPTS). Both cases concluded in 2021. One doctor received a warning from the MPTS in relation to their conduct. This is in the public domain and will remain visible to the public on the GMC website for 2 years. After that period the warning will still be made available to employers. The second doctor’s hearing resulted in no finding against the doctor.

12. Risks and Issues:

Complaints: No new complaints were received in 2021 about the discharge of the RO function.

Conflicts of Interest: No new conflicts of interests were reported in 2021.

13. Conclusion

This annual report has presented details of the discharge of the Responsible Officer’s functions in the year 2021. Standards around revalidation remain high, and processes for identifying and acting on concerns are in place and working effectively.

The RO would like to thank all those involved in helping to deliver high quality regulation of doctors in the Bailiwick in 2021.

14. Annual Report Appendix A: Audit of concerns about a doctor's practice.

Concerns about a doctor's practice	High level ¹	Medium level	Low level	Total
Number of doctors with concerns about their practice in 2021 (new concerns).	0	1	1	2
Capability concerns (as the primary category) in the last 12 months	0	0	0	0
Conduct concerns (as the primary category) in the last 12 months	0	1	1	2
Health concerns (as the primary category) in the last 12 months	0	0	0	0
Remediation/Reskilling/Retraining/Rehabilitation				
Numbers of doctors with whom the designated body has a prescribed connection as at 31 December 2021 who have undergone formal remediation between 1 January 2021 and 31 December 2021. Formal remediation is a planned and managed programme of interventions or a single intervention e.g. coaching, retraining which is implemented as a consequence of a concern about a doctor's practice				0
Consultants				0
Staff grade, associate specialist, specialty doctor				0
General practitioner				0
Trainee: doctor on national postgraduate training scheme				0
Doctors with practising privileges who are independent healthcare providers				0
Temporary or short-term contract holders				0
Other (including all responsible officers, and doctors registered with a locum agency, members of faculties/professional bodies, some management/leadership roles, research, civil service, other employed or contracted doctors, doctors in wholly independent practice, etc) All Designated Bodies				0
TOTALS				0
Other Actions/Interventions				
Local Actions:				
Number of doctors who were suspended/excluded from practice between 1 January 2021 and 31 December 2021:				0
Duration of suspension: Less than 1 week				0

¹ http://www.england.nhs.uk/revalidation/wp-content/uploads/sites/10/2014/03/rst_gauging_concern_level_2013.pdf

1 week to 1 month (*Doctor did not return from exclusion due to sickness)	0
1 – 3 months	0
3 - 6 months	0
6 - 12 months	0
Number of doctors who have had local restrictions placed on their practice in the last 12 months?	0
GMC Actions: 1 Jan 2021 to 31 Dec 2021 Number of doctors who:	
Were referred by the designated body to the GMC	0
Underwent or are currently undergoing GMC Fitness to Practice procedures (includes investigations; see section 10 above)	0
Had conditions placed on their practice by the GMC or undertakings agreed with the GMC	0
Had their registration/licence suspended by the GMC	0
Were erased from the GMC register (*Not including those who voluntarily relinquished their registration due to normal retirement).	0
National Clinical Assessment Service actions:	
Number of doctors about whom the National Clinical Advisory Service (NCAS) has been contacted between 1 January 2021 and 31 December 2021 for advice or for assessment. (NCAS now part of NHS Resolution)	0
Number of NCAS assessments performed	0

15. Annual Report Appendix B: Audit of revalidation recommendations.

Revalidation recommendations between 1 January 2021 to 31 December 2021	
Recommendations completed on time (within the GMC recommendation window)	23
Late recommendations (completed, but after the GMC recommendation window closed)	0
Missed recommendations (not completed)	0
TOTAL	23
Primary reason for all late/missed recommendations: For any late or missed recommendations only one primary reason must be identified	
No responsible officer in post	0
New starter/new prescribed connection established within 2 weeks of revalidation due date	0
New starter/new prescribed connection established more than 2 weeks from revalidation due date	0
Unaware the doctor had a prescribed connection	0
Unaware of the doctor's revalidation due date	0
Administrative error	0
Responsible officer error	0
Inadequate resources or support for the responsible officer role	0
Other	0
Describe other	-
TOTAL [sum of (late) + (missed)]	0