



BILLET D'ÉTAT

WEDNESDAY, 30th NOVEMBER 2011

XIX
2011

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B I L L E T D ' É T A T

TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY

I have the honour to inform you that a Meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE, on WEDNESDAY, the 30TH NOVEMBER, 2011**, at 9.30 a.m, to consider the items contained in this Billet d'État which has been submitted for debate.

G. R. ROWLAND
Bailiff and Presiding Officer

The Royal Court House
Guernsey
21 October 2011

THE INSURANCE BUSINESS (BAILIWICK OF GUERNSEY) (AMENDMENT) ORDINANCE, 2011

The States are asked to decide:-

I. - Whether they are of the opinion to approve the draft Ordinance entitled “The Insurance Business (Bailiwick of Guernsey) (Amendment) Ordinance, 2011” and to direct that the same shall have effect as an Ordinance of the States.

THE INCOME TAX (GUERNSEY) (APPROVAL OF AGREEMENTS WITH ARGENTINA, THE BAHAMAS AND CAYMAN ISLANDS) ORDINANCE, 2011

The States are asked to decide:-

II. - Whether they are of the opinion to approve the draft Ordinance entitled “The Income Tax (Guernsey) (Approval of Agreements with Argentina, the Bahamas and Cayman Islands) Ordinance, 2011” and to direct that the same shall have effect as an Ordinance of the States.

THE ATTENDANCE AND INVALID CARE ALLOWANCES ORDINANCE, 2011

The States are asked to decide:-

III. - Whether they are of the opinion to approve the draft Ordinance entitled “The Attendance and Invalid Care Allowances Ordinance, 2011” and to direct that the same shall have effect as an Ordinance of the States.

THE HEALTH SERVICE (BENEFIT) (AMENDMENT) ORDINANCE, 2011

The States are asked to decide:-

IV. - Whether they are of the opinion to approve the draft Ordinance entitled “The Health Service (Benefit) (Amendment) Ordinance, 2011” and to direct that the same shall have effect as an Ordinance of the States.

**THE SOCIAL INSURANCE (RATES OF CONTRIBUTIONS AND BENEFITS
ETC) ORDINANCE, 2011**

The States are asked to decide:-

V. - Whether they are of the opinion to approve the draft Ordinance entitled “The Social Insurance (Rates of Contributions and Benefits etc) Ordinance, 2011 and to direct that the same shall have effect as an Ordinance of the States.

**THE SUPPLEMENTARY BENEFIT (IMPLEMENTATION) (AMENDMENT)
ORDINANCE, 2011**

The States are asked to decide:-

VI. - Whether they are of the opinion to approve the draft Ordinance entitled “The Social Insurance (Rates of Contributions and Benefits etc) Ordinance, 2011 ” and to direct that the same shall have effect as an Ordinance of the States.

THE FAMILY ALLOWANCES ORDINANCE, 2011

The States are asked to decide:-

VII. - Whether they are of the opinion to approve the draft Ordinance entitled “The Family Allowances Ordinance, 2011” and to direct that the same shall have effect as an Ordinance of the States.

**THE LONG-TERM CARE INSURANCE (GUERNSEY) (RATES) ORDINANCE,
2011**

The States are asked to decide:-

VIII. - Whether they are of the opinion to approve the draft Ordinance entitled “The Long-Term Care Insurance (Guernsey) (Rates) Ordinance, 2011” and to direct that the same shall have effect as an Ordinance of the States.

POLICY COUNCIL

APPOINTMENT OF ORDINARY MEMBER OF THE GUERNSEY FINANCIAL SERVICES COMMISSION

Executive Summary

This Report proposes the election of Mr Richard Hobbs as an ordinary member of the Guernsey Financial Services Commission

Report

1. The Guernsey Financial Services Commission is currently comprised of the Chairman Mr Peter Harwood, and the following Ordinary Members: Mr David Mallett, Ms Susie Farnon, The Lord Flight, Mr Alex Rodger and Dr Cees Schrauwers. Pursuant to paragraph 1 of Schedule 1 of the Financial Services Commission (Bailiwick of Guernsey) Law, 1987 the Commission shall consist of a maximum of seven members. Accordingly there is presently a vacant position on the Commission.
2. Mr David Mallett was first elected as an ordinary member of the Guernsey Financial Services Commission in 2003. Following 9 years of outstanding service as a Commissioner Mr Mallett has announced his intention to retire. The Policy Council wishes to place on record its appreciation of his effort, commitment and service during his term of office with the Commission. Mr Mallett has been instrumental in guiding the Commission through a period of substantial change. Mr Mallett's tenure expires in February 2012.
3. The Policy Council proposes that Mr Richard Hobbs be elected as a Commissioner. Mr Hobbs will assume the present vacant position on the Commission. Mr Hobbs' appointment will commence on 1 January 2012.
4. Mr Hobbs was born on 16th December 1951. He is a Member of the Chartered Institute of Personnel and Development (MCIPD). From 2009 to date he has been the Director of Regulatory Consulting at Lanson's Communications. He holds non executive directorships in Glencairn Limited and Barbican Managing Agency Limited. Prior to 2009 Mr Hobbs was employed: in the UK Civil Service, latterly as Director of the Insurance Division in the Department of Trade and Industry (1971-1997); as Head of the Life and Pensions Department at the Association of British Insurers (1997-2000); as an independent consultant (2000-2002); and as Managing Director at Beachcroft Regulatory Consulting (2002-2009).

Recommendation

The Policy Council recommends the States to elect Mr Richard Hobbs as an ordinary member of the Guernsey Financial Services Commission.

L S Trott
Chief Minister

5th October 2011

Deputy B Flouquet, Deputy Chief Minister
Deputy C N K Parkinson
Deputy C McNulty Bauer
Deputy M O'Hara
Deputy C Steere
Deputy P Sirett
Deputy A Adam
Deputy G Mahy
Deputy D Jones
Deputy M Dorey

(NB As there are no resources implications identified in this report, the Treasury and Resources Department has no comments to make.)

The States are asked to decide:-

IX.- Whether, after consideration of the Report dated 5th October, 2011, of the Policy Council, they are of the opinion to elect Mr Richard Hobbs as an ordinary member of the Guernsey Financial Services Commission.

POLICY COUNCIL

THE STRATEGIC LAND USE PLAN

1. EXECUTIVE SUMMARY

- 1.1 In September 2009 The Strategic Land Planning Group commenced the first fundamental review of the Strategic Land Use Plan for over 20 years. Through the Guernsey Tomorrow initiative, the Strategic Land Planning Group enabled people to have a say about the sort of place they would like Guernsey to be in the future. The initiative gathered together the thoughts and ideas of islanders, young and old and these have informed the review of the Strategic Land Use Plan.
- 1.2 The Strategic Land Use Plan is one of the four Island Resource Plans within the States Strategic Plan and is a statutory document. It sets the high-level agenda for the Environment Department's Development Plans (currently known as the Urban and Rural Area Plans) which are used to shape the Island through the planning system and it, therefore, influences how the States' economic, social and environmental objectives are met through the use of land.
- 1.3 The first and current Strategic Land Use Plan (known at the time as the Strategic & Corporate Plan) was produced in 1990. Over the two decades since it has been in force the basic principles underpinning the Plan have remained much the same. The Plan seeks to halt the spread of suburbia, keeping what remains of the countryside and focusing most new buildings in the town areas of St Peter Port and St Sampson. To a large extent, the Urban and Rural Area Plans have been successful in fulfilling those basic principles. Almost all new building has taken place on sites that have previously had buildings on them (known as brown-field sites) regenerating previously run down parts of town. At the same time, substantial areas of open countryside have been protected and restored.
- 1.4 However, the pressures on land use have changed and intensified in the 20 years since the last fundamental review of strategic land use policy. A significant amount of development has occurred and expectations have risen for what constitutes a modern and efficient form of accommodation, both in terms of commercial premises and housing. The Strategic Land Use Plan review process has therefore reflected on what has been achieved over the past 20 years, considered the way the Island is currently changing and addressed the challenges and opportunities that the Island will need to face over the next two decades.
- 1.5 In terms of the underlying spatial strategy, the Strategic Land Use Plan presented here represents a relatively subtle shift away from the 1990 strategy. The need to protect what is special about the Island remains an important factor as does the need to use resources wisely on a small island. However, the new spatial strategy offers a slight relaxation to the provision of housing beyond the main

centres of Town and the Bridge, enabling limited development to take place within the local centres in order to promote sustainable local centres as real communities. The Strategic Land Use Plan has been prepared on the basis that development will be concentrated within and around the edges of the urban centres of St Peter Port and St Sampson/Vale with some limited development within and around the edges of the other main parish or local centres to enable community growth and the reinforcement of sustainable centres.

- 1.6 The Plan notes that this will require a coordinated approach to managing physical change in the Island which will be achieved through:
 - the identification of a hierarchical structure of main (St Peter Port and St Sampson/Vale) and local centres and the promotion of safe and easy access within and between them
 - providing a range of business opportunities by recognising the main centres including Admiral Park as focal points for economic development and the role of local centres in providing local employment opportunities of an appropriate scale
 - encouraging the redevelopment of urban sites in the interests of the efficient use of land and protection of the natural environment. The redevelopment of Brownfield sites is particularly desirable
 - supporting the role of the main and local centres as socially inclusive and diverse communities and neighbourhoods
 - respecting the quality of the physical environment and local heritage and seeking high quality design of new development
 - protecting open countryside while facilitating a viable rural economy and enabling other small scale business and industrial development, where appropriate
 - a flexible approach to the control of development that can adapt to more or less growth or change over time and that enables reasonable development aspirations to be met
- 1.7 The parish or local centres, to be identified through the Development Plan preparation process carried out by the Environment Department, will play an important role in reinforcing sustainable settlements and meeting some of the Island's development needs at an appropriate scale to reflect their existing character.
- 1.8 The need to reduce the dependence on the motorised vehicle is likely to become increasingly important as the availability of fossil fuel becomes progressively more of an issue over the 20 year life of this Spatial Strategy. The needs of smaller scale, low-key industries have also been taken into account and greater flexibility is afforded to the location of these important support services.
- 1.9 Where the Plan is fundamentally different to its predecessor is that it clearly promotes more effective working practices and establishing policies that can

facilitate improved corporate working to enable the States, in partnership with others, to better meet social, economic and environmental expectations. The need for a more joined up approach is identified and promoted within section 4 of the Strategic Land Use Plan where a number of 'Linking Policies' highlight the connections that exist between land uses, activities and development types and identifies opportunities for working in a joined up way to better meet the overarching objectives of the States.

1.10 The Strategic Land Use Plan encourages the Environment Department to produce Development Plans that are more proactive, rather than simply regulatory in their approach. The Strategic Land Planning Group recognises that if strategic policies are not turned into action the Plan will have failed to deliver States objectives. Therefore Section C of the Plan identifies opportunities for alternative funding mechanisms for further exploration as part of the review of the Development Plans.

1.11 Section C of the Plan explains the value of corporate working, policy monitoring and review and how a new generation of Development Plans can be more responsive and adaptable. This section also provides guidance to the planning system on the important issue of appropriately balancing public and private interests and the Strategic Land Planning Group believes that striking the right balance is of paramount importance.

1.12 The balancing of social, economic and environmental issues on a small island will always be difficult. However, the SLPG considers that the spatial strategy that forms the core of this Strategic Land Use Plan will set a good balance between competing land use needs and aspirations for the next 20 years.

1.13 Membership of the Strategic Land Planning Group during the Plan preparation

- Deputy B M Flouquet (Chairman). Nominated by the Policy Council
- Deputy M H Dorey (Deputy Chairman). Nominated by the Policy Council
- Deputy P L Gillson. Originally nominated by the Commerce & Employment Department, but retained from February 2011 as a Co-opted Member
- Deputy G Guille. Nominated by the Housing Department
- Deputy T M Le Pelley. Nominated by the Public Services Department
- Deputy C S McNulty Bauer (from March 2011). Nominated by the Commerce & Employment Department
- Deputy M G O'Hara. Nominated by the Culture & Leisure Department
- Deputy P R Sirett. Nominated by the Environment Department

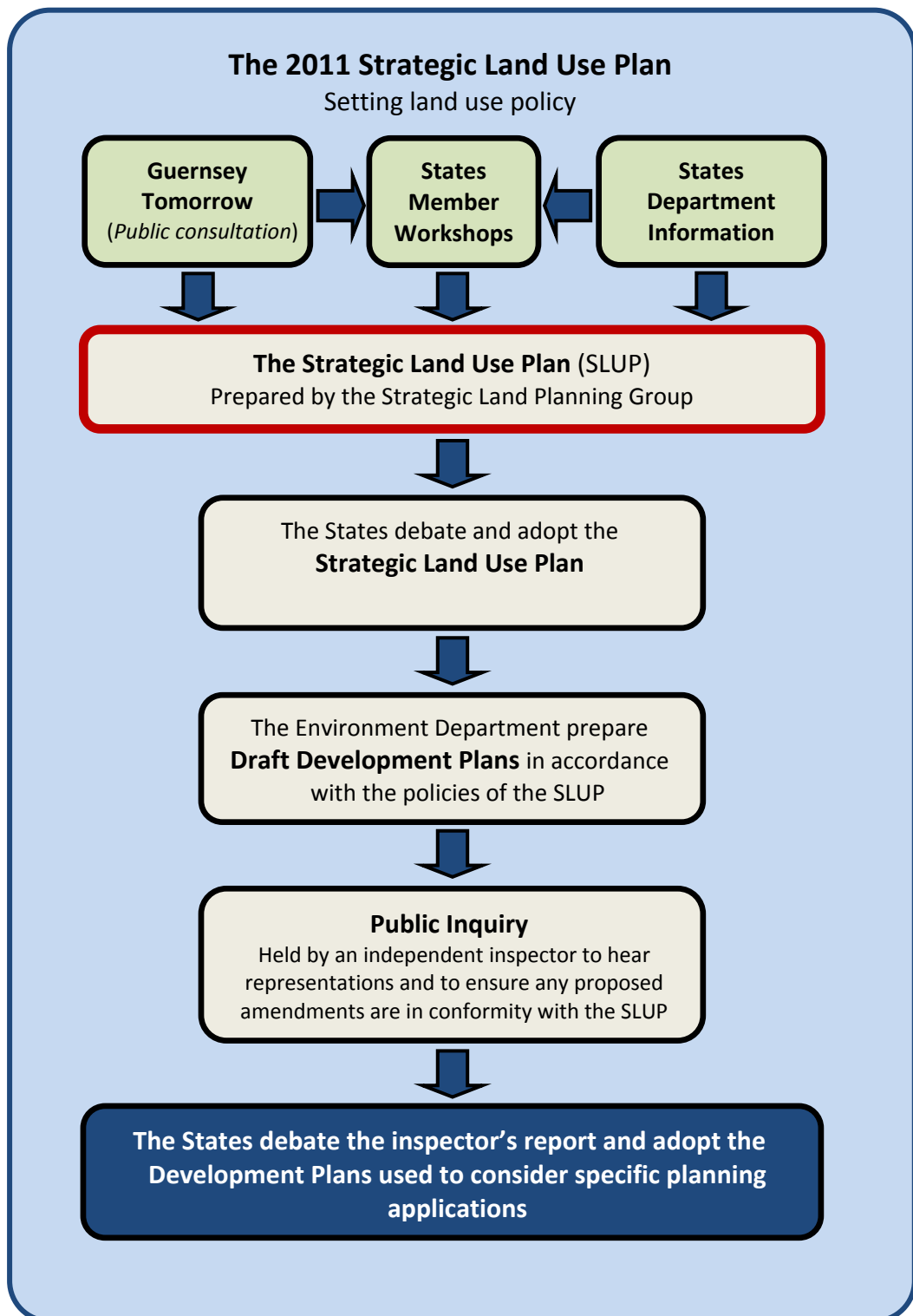
2. BACKGROUND

2.1 The States Strategic Plan and the Strategic Land Use Plan

- 2.1.1 The States Strategic Plan is the corporate planning document for the States of Guernsey.
- 2.1.2 The Strategic Land Use Plan is one of the four Island Resource Plans that form part of the States Strategic Plan and sets out the long term agenda for land use planning in Guernsey. The other Island Resource Plans cover Population Management, Energy and Island Infrastructure.
- 2.1.3 Through working within the framework set by the Social, Fiscal & Economic and Environmental Policy Plans, the Strategic Land Use Plan seeks to ensure that the objectives of the States are able to be delivered through the land planning system by guiding the Environment Department in the preparation of the more detailed policies set out within Development Plans (currently known as the Urban and Rural Area Plans) [see diagram overleaf].
- 2.1.4 The Strategic Land Use Plan sets a 20 year horizon but can be amended and replaced if at any time it is considered necessary or desirable to do so.

2.2 Consistency with States Strategic Plan

- 2.2.1 Section 5(2) of the Land Planning and Development (Guernsey) Law, 2005 provides that, on preparing a draft Strategic Land Use Plan, the Strategic Land Planning Group must submit the draft Plan to the Policy Council for the consideration of the States.
- 2.2.2 By virtue of section 5(3) of the 2005 Law, the Policy Council is obliged to determine whether the fresh draft Strategic Land Use Plan submitted to it by the Strategic Land Planning Group is consistent with the States Strategic Plan.
- 2.2.3 In laying this draft Plan before the States of Deliberation for their consideration, the Policy Council is pleased to be able to confirm that in its opinion the draft Plan is consistent with the States Strategic Plan.



2.3 Legal requirement for the review

- 2.3.1 The Strategic Land Use Plan has been prepared by the Strategic Land Planning Group¹ in accordance with Section 5. (1) of the Land Planning and Development (Guernsey) Law, 2005. This states it is the duty of the Strategic Land Planning Group to consider the implications for land planning and use of the strategic, economic, social and environmental objectives of the States in preparing the Strategic Land Use Plan and consider from time to time whether any alteration to the Strategic Land Use Plan is necessary.
- 2.3.2 The Plan will provide general guidance and specific directions to the Environment Department in the exercising of its functions under the Land Planning and Development (Guernsey) Law, 2005.
- 2.3.3 In accordance with section 5, (5) (a), the Strategic Land Planning Group has consulted the Environment Department in relation to guidance and directions set out in the Strategic Land Use Plan throughout the drafting process. This has been facilitated through; the Minister of the Environment Department being an active member of the Strategic Land Planning Group, the States Member workshops (held in late 2010 and early 2011) and through directly working with the Department's planning staff during the drafting of the Plan policies. The Strategic Land Planning Group presented the Plan to the Environment Department Board in September and its response to this consultation on the entire contents of the Plan is attached as Appendix 2.

2.4 The current Spatial Strategy

- 2.4.1 The current land use strategy dates back to the late 1980's. Before then, there was no overall direction for the physical planning of the Island. Since the introduction of a comprehensive planning system in the late 1960s, the States had embarked on a programme of Detailed Development Plans covering sections of the Island. There were to be six in all. However, no sooner had one Development Plan been produced than one or more of the preceding plans covering other sections of the island needed to be reviewed. Because there was no overall strategy, the Development Plan that was being prepared at any one time took the burden of the projected development requirements for the next five years. Just as there was no overall prioritisation over where development took place, there was equally no clear direction for what form of development was provided which meant that issues about competing land uses were unresolved.

¹ The Strategic Land Planning Group (SLPG) is a group appointed by the Policy Council in accordance with Section 3 of the Land Planning and Development (Guernsey) Law, 2005. Members are nominated by the Policy Council, the Environment Department and any other States Departments that appear to the Policy Council to have significant responsibility in relation to the environment.

- 2.4.2 Most damaging of all was the continuing spread of suburbanisation across the island (which started pre and inter-war) and was leading to the loss of open countryside and undermining the vitality and viability of the town through under-investment.
- 2.4.3 When the States considered an economic appraisal of the island in 1987, the need for a revised physical planning strategy was identified as a key component of the recommended policy planning process. The land use strategy that was subsequently agreed by the States has remained unchanged fundamentally for the last two decades. The basic foundation of the strategy is the need to reinforce the distinction between town and countryside. To do this, the strategy aims to accommodate the majority of new development in the towns of St Peter Port and St Sampson and to conserve and enhance what remains of the Island's countryside. This approach is sometimes described as the urban-rural split.
- 2.4.4 The land use strategy is enshrined in the Strategic Land Use Plan, which provides strategic direction for the preparation of Development Plans by the Environment Department. The first version of the plan was introduced in 1990, which provided an integrated and comprehensive framework for the land use requirements that needed to be addressed in the first round of Urban and Rural Area Plans. The plan was comprehensively revised and refreshed in 2000, as a precursor to the plan reviews for the Urban and Rural Areas, but without altering the underlying rationale. New strategic policies in relation to housing, the visitor economy, industry and waste have resulted in policy additions and adjustments that have informed amendments and revisions to the Urban and Rural Area Plans. The current version of the Strategic Land Use Plan was approved in 2007 (Billet d'État XVIII).
- 2.4.5 As intended, the strategy that has been in place over the past 20 years has successfully limited suburban sprawl and has shifted the focus to urban regeneration, bringing about the beneficial regeneration of many areas. The Strategic Land Use Plan has enabled the Island's economy to grow while also enabling social and environmental requirements to be met.
- 2.4.6 The majority of new development has taken place since 2002 on previously developed land (brown field sites) in the urban areas in the form of redevelopment or conversion of existing buildings. In terms of residential development, practically 100% is currently being provided on brown field sites with 68% of all new residential development being within the Urban Area and 32% within the Rural Area. Since 2002, none of the green field sites that are reserved in the Urban Area as Housing Target Areas have needed to be developed. However, the monitoring of specific housing needs (especially older people's accommodation) and levels of provision to satisfy those needs indicate that there may be a need to make land available in the short term to meet these requirements.

- 2.4.7 Some concerns have been expressed that concentrating major development in the urban areas has sometimes been at the expense of architectural heritage, open space and visual appearance and that increased development, traffic movements and activity have detracted from the quality of life in the urban areas. At the same time, while open land in the rural parts of the Island has been protected from unnecessary development there is pressure on the character of the countryside to accommodate a shift from one of farming and growing to other commercial and leisure uses of land.
- 2.4.8 There has also been some public and political concern over the perceived inflexibility of the current land use policies, with some regarding them more as a barrier to, rather than a facilitator of acceptable forms of development. Strategies and policies will inevitably age and it is the role of the Strategic Land Use Plan to ensure they remain fit for purpose and deliver contemporary objectives of the States as expressed through the States Strategic Plan.

2.5 Changes in Guernsey over the past 20 years

- 2.5.1 Quality of life for the majority of islanders remains high. Over the past 20 years the economy has grown successfully and largely sustainably. The result has been high levels of employment and for most, a good standard of living. This economic growth has required investment in the built environment and the development of new buildings, the most significant being those at Admiral Park and the Glatigny, where new large floor plate offices represent the physical manifestation of an economy largely based on the finance industry. This sector of the economy now directly employs over 21% of the Island's workforce and indirectly supports many other local industries and businesses.
- 2.5.2 Guernsey benefits from a very high quality natural environment and the cliff tops, common land and beaches are of outstanding natural beauty. Decades of dairy farming carried out on the Island has helped maintain a picture book appearance to much of the countryside. Newer developments have been accommodated whilst the Island's built heritage has been maintained and the town of St Peter Port is regarded by many as Guernsey's most attractive and defining feature. Guernsey's tourist trade has evolved over time but the physical attractiveness of the Island remains an economic driver in its own right by attracting individuals and businesses to the Island.
- 2.5.3 Major new issues such as the ageing population; global economic competitiveness and the evolution of the local economy; the availability of affordable housing and climate change; have come to the fore in recent years and a more sophisticated approach to strategic land use planning is required to accommodate development requirements while also satisfying economic, environmental and social aspirations. The past 20 years has also seen the further decline of the horticultural industry and there are an increasing number of glasshouses that are redundant. The Strategic Land Planning Group is of the

view that an appropriate policy approach for dealing with this is now urgently required.

- 2.5.4 Access to suitable housing remains a key issue for many. Housing affordability and the expected shift in the Island's demographic profile as a result of an aging population will need to be addressed throughout the life of this Strategic Land Use Plan and subsequent Development Plans.
- 2.5.5 While the Island has generally accommodated necessary development successfully, there have been difficulties in securing appropriate investment in the built environment beyond the immediate boundaries of building sites and some parts of the more built up areas of the Island are appearing tired and in need of improvement. However, despite the impression given by some extensive areas of ribbon development, the Island is not as highly developed as people might think. Including all buildings and roads, only 13.4% of its surface is developed. This indicates that the strategic framework introduced in 1990 has been largely successful and sets a good example for this Strategic Land Use Plan and the specific land use policies that will follow within the Development Plans.
- 2.5.6 Over the past 20 years, the issue of sustainable living has grown in prominence and has become a mainstream concern for developers, householders and business operators. In order to achieve future development and growth that is environmentally sustainable, it is necessary to find ways of achieving economic, social and environmental objectives whilst also considering the longer-term local and global implications and this will need to be pursued in an integrated way. The needs and aspirations of Islanders inevitably change over time and have done over the 20 years that the current spatial strategy has been in place. One thing that remains constant is the requirement for new development to meet the ongoing social, economic and environmental objectives of the States and increasingly the challenge for the Island will be to meet this in a sustainable way.
- 2.5.7 In addition to the physical changes to the Island over the past 20 years, the structure of Government has also been revised. The Review of Machinery of Government project culminated in a new government structure being put in place in 2004.

2.6 Baseline studies

- 2.6.1 In order to develop a comprehensive picture of the policy issues that need to be addressed by the Strategic Land Use Plan, the Strategic Land Planning Group collected baseline data from various sources, including other States departments. This formed the basis for the Guernsey Tomorrow consultation initiative and was constantly updated and amended as assumptions were tested and further research was carried out. The Strategic Land Planning Group directly consulted relevant States departments on the initial identification of key issues and

subsequently those departments have provided direct input to the development of the policies of the revised Strategic Land Use Plan.

3. GUERNSEY TOMORROW

3.1 A new approach to consultation

- 3.1.1 Amid increasing concerns about the pace and scale of development and change measured against the Island's capacity to accommodate the pressures for development, the Strategic Land Planning Group decided that it was essential to involve the public in the process of considering the appropriate direction for a new Strategic Land Use Plan and to do so in a fresh and open-minded way. Rather than be asked to comment on a pre-determined set of 'options', the public consultation process invited people to help generate ideas for possible courses of action.
- 3.1.2 Between September 2008 and December 2009, the Guernsey Tomorrow initiative engaged directly with close to 1000 people reflecting a broad cross section of the community in terms of age, gender and interests. Participants ranged in age from 90 years to 9 years, with about a third of those taking part being under 19 years. Men and women with a wide range of commercial, environmental, cultural and social interests took part and people with learning difficulties and with physical and visual impairment were also involved.
- 3.1.3 Given the longer term implications of any revised land use strategy, it was particularly important to engage with young people who themselves would have jobs, homes and families at the time that the strategy is taking effect.
- 3.1.4 A full audit of the Guernsey Tomorrow initiative can be found within the Guernsey Tomorrow Summary Report dated July 2010 and an explanation of the Guernsey Tomorrow initiative can be found on-line at www.guernseytomorrow.gg.

3.2 Guernsey Tomorrow findings

- 3.2.1 The Guernsey Tomorrow initiative has provided a wealth of information about the Island characteristics that people value the most and about what people perceive to be the major challenges and opportunities facing the island.
- 3.2.2 Through a series of workshops, drop-in sessions and focus groups, participants were asked to record their views on the best and worst things about Guernsey. In addition, lists of issues drawn from the baseline studies were displayed at each event under the four heading of; Business, Community & Social, Environmental and Functional. Participants indicated which of these they thought were the most important. Examples of business issues that were

strongly supported include: finding the best use for old glasshouse sites, keeping dairy farming alive in the Island and making the Island more attractive to visitors. Creating places where young people can meet and do things, tackling localised patterns of crime and making it easier for older people to live independently topped the list of community and social issues. With regard to functional matters, support for sorting and reusing and recycling waste, renewable energy production and making sure the airport can operate effectively were people's main concerns and improving sea quality, taking care of fragile habitats and looking after the Island's special landscapes lead the list of environmental concerns.

- 3.2.3 The feedback received has helped the Strategic Land Planning Group to define the nine desired outcomes and three spatial planning options as set out in section 3.3.2.

Outcome Statements (What do we want to achieve?)	Policy Issues to consider and points raised through ‘Guernsey Tomorrow’
Socially inclusive and diverse communities and neighbourhoods	<ul style="list-style-type: none"> • a range of housing types and tenure • ‘lifetime’ neighbourhoods and homes • facilities/services in urban and ‘village’ centres (including retail, social/community centres & cultural, leisure/ sports facilities) • health and social care facilities (including rationalisation of institutional sites)
A range of training and employment opportunities to match all skills and needs	<ul style="list-style-type: none"> • education and training facilities
A safe, secure and accessible environment for all	<ul style="list-style-type: none"> • town centre and community safety • informal places that encourage social interaction and places for young people to ‘hang out’ • accessibility and alternative modes of transport
A range of business opportunities for new and innovative enterprises	<ul style="list-style-type: none"> • innovation and diversification (non-finance exports; retail; visitor economy; creative industry) • lower value-added industry • business start-ups • hazardous and ‘bad neighbour’ industry
A globally competitive centre of economic growth	<ul style="list-style-type: none"> • modernisation of office stock • modern, competitive telecoms • airport • harbours (including fuel storage/imports) • security of liquid fuel supplies • streamlined planning procedures • Eastern Seaboard Initiative
Sustainable management and wise use of environmental resources	<ul style="list-style-type: none"> • farming, fishing and greater self sufficiency for local food production • macro-renewable energy sources
High quality and accessible physical environment	<ul style="list-style-type: none"> • clean air, water and soils • green open space (including beaches) • urban spaces (including quays and piers)
Effective and efficient conservation and use of land and buildings	<ul style="list-style-type: none"> • effective use of developable land (i.e. brown-field development and urban revival) • countryside management and development • coastal management (inc. rising sea level & sea defences) • resource efficiency (waste water and energy)
Protection and enhancement of the built and natural environment	<ul style="list-style-type: none"> • design and enhancement of the built environment • cultural and environmental heritage • biodiversity

3.3 Guernsey Tomorrow discussion document presented to the States in 2010

- 3.3.1 In September 2010 the Strategic Land Planning Group published within Billet XX a Strategic Land Use Plan Options Paper for discussion by the States Assembly. This report provided the States with an opportunity to consider and debate possible options for the future direction of strategic land use planning.
- 3.3.2 The three spatial planning options for the general Island were broadly defined as:
- 1) OPTION 1: Development continuing to be concentrated primarily in the urban centres of St Peter Port and St Sampson with some expansion in the outer areas
 - 2) OPTION 2: Development focused around a hierarchy of centres ranging from the principal centres of Town and the Bridge down to the main parish and other local centres
 - 3) OPTION 3: Development spread around the island on any site that meets standard criteria in terms of available services and acceptable impacts
- 3.3.3 While the Strategic Land Planning Group indicated that it favoured a preferred strategy based on Option 2, it stressed that it would listen to all points raised by States members in the debate and throughout the preparation of the Strategic Land Use Plan and would take them into account when developing a preferred strategy.
- 3.3.4 At the time of the debate the Strategic Land Planning Group envisaged that the new Development Plans would be very different from their forerunners with them being better geared towards managing change to successfully achieve the desired outcomes the public has helped identify, with greater emphasis on the priorities, initiatives and actions required to support the effective delivery of development and to ensure the sound management of urban, rural and coastal areas.

4. THE NEW SPATIAL STRATEGY

4.1 A complete review

- 4.1.1 Under the provisions of the law, the Strategic Land Planning Group was at liberty to carry out a relatively minor review of the Strategic Land Use Plan and to retain fundamentally the current spatial strategy. However, the pressures on land use have changed and intensified over the past 20 years and expectations have risen in terms of what constitutes acceptable standards of development. A considerable amount of development has also taken place during that time and the Group considered it necessary to determine whether the current spatial strategy would remain fit for purpose for a further 20 years.

- 4.1.2 The Guernsey Tomorrow initiative had highlighted that a new spatial strategy was required because public expectations could not be met without some revision. The Strategic Land Planning Group considered it was also necessary to seek early political input into the review process.

4.2 States Member Workshops

- 4.2.1 The Guernsey Tomorrow initiative was intentionally non-political in approach but intended to give the States Members a well informed basis for political decision making. Three workshop sessions were held between January and May 2011 for States Members to contribute to the development of the Strategic Land Use Plan and to help the Strategic Land Planning Group to develop the spatial strategy.

4.2.2 Workshop 1

- 4.2.3 The purpose of Workshop 1 was to inform States members of the key strategic land use issues to be taken into account when setting the agenda for the overall direction of the Strategic Land Use Plan. Representatives from all States departments with an interest in land use attended the workshop and informed States Members of their specific needs for and impacts on land in Guernsey. Members were reminded of the often conflicting demands on land and that ultimately a balance would have to be struck in order to meet the majority of individual departmental objectives within the new spatial strategy. Information gained through Workshop 1 was used during Workshop 2 to help States members identify the preferred spatial land use option.

4.2.4 Workshop 2

- 4.2.5 The purpose of Workshop 2 was to provide the Strategic Land Planning Group with an understanding of States Members' preferences about the future use of land.

- 4.2.6 The Workshop revealed that there was support for Option 1 and Option 2 but it also highlighted those areas where relaxation beyond the main centres might be necessary and that such relaxation should take place generally around a strategy of main centres and a hierarchy of identified local centres. Spatial Option 3 was not examined in detail because the strong message from those States Members in attendance was that this was not an option that was generally considered to be appropriate. While it was acknowledged by some of the States Members that certain forms of development (such as that relating to agriculture) should not be constrained to the main and local centres only, it was also agreed that some constraint on development is necessary in the interests of the community as a whole and to enable as the greatest amount of economic, social and environmental objectives to be met.

4.2.7 Workshop 3

- 4.2.8 Influenced by the findings of workshops 1 and 2, the purpose of Workshop 3 was to find the point between Options 1 and 2 that the majority of Members would agree offers the best approach for guiding future development. This workshop enabled States Members to evaluate the options for the specific land uses of; housing; industry; retail; community, social and leisure; and financial and business; together with their associated impacts, rather than assessing an overall spatial strategy for all uses. This enabled the States Members to refine the instruction for drafting the Strategic Land Use Plan.
- 4.2.9 In line with the objective of promoting planning as a proactive activity and to identify opportunities that may come forward during the 20-year life of the strategy, Workshop 3 also included an exercise which involved asking States Members to record their views on a number of positive outcomes or ‘wins’ that might be achieved through an amended Strategic Land Use Plan. The suggestions were made by States Members participating in Workshop 2 and during Workshop 3 they were asked for their views on whether these initiatives should be further investigated. This identified majority support for:
- limited scale land reclamation from the sea on the east coast for improved Town and Bridge road links and limited development opportunities
 - investigating applying a bespoke planning approach to large, redundant sites
 - improving harbour facilities for leisure and harnessing economic investment
 - the development of deep water berths on the east coast
 - addressing traffic and parking issues in Town
 - improving Town and the Bridge as retail destinations
 - addressing the issue of redundant and derelict glass, and
 - encouraging more local food production
- 4.2.10 Many of these issues are common with views expressed by the public through the Guernsey Tomorrow initiative. The Strategic Land Planning Group has taken these into account when preparing the Strategic Land Use Plan to ensure that adequate guidance is given to the Environment Department to harness such positive opportunities through future Development Plans.
- 4.2.11 Full reports of the three States Member Workshops are available from the Policy Council on request and can be found at www.guernseytomorrow.gg.

4.3 The outcome of States Member consultation

- 4.3.1 A majority of States Members attended each of the three workshop sessions. This reflects the fact that strategic land planning on the Island is regarded politically as a highly significant issue.
- 4.3.2 The message that came through clearly from the States Member workshops was that development will have to be constrained by a spatial strategy if Guernsey is to retain valuable open space while also enabling economic growth. It was recognised that a ‘one size fits all’ approach to setting strategic policy for all land uses would be unlikely to produce the most appropriate or effective outcome. Therefore it was acknowledged that there is merit, for example, in:
- concentrating areas of commercial activity
 - carefully planning housing development to create and enhance sustainable settlements for the future
 - not necessarily restricting land for low-key industry to the Town or the Bridge or the parish centres as greater flexibility over their location could support the interests of this economic sector without adversely affecting the Islands open landscapes
- 4.3.3 While there was political consensus about what represents the foundations of an acceptable spatial strategy for the Island, this decision was not unanimous. The Strategic Land Planning Group considered that this would be an inevitable outcome of the States Member workshops but nonetheless consider the conclusions represent clear directions for the drafting of the Strategic Land Use Plan.

4.4 How Guernsey Tomorrow & States member involvement have influenced the draft Strategic Land Use Plan

- 4.4.1 The spatial strategy of the Strategic Land Use Plan is set out below. As mentioned earlier in this report, this has been directly influenced by the findings of the Guernsey Tomorrow initiative and States Member input and the Strategic Land Planning Group considers it offers sound foundations to build land use policies that are fit for the future.
- 4.4.2 The unprecedented level of public input in setting strategic policy together with significant States Member involvement has served to reinforce the Strategic Land Planning Group’s view that the Island’s planning system should become more outcomes/results focused. The Group has therefore set about drafting a Strategic Land Use Plan that supports and encourages a proactive role for planning and produces a system that is more capable of harnessing opportunities through joined up working within the States and between the States and private and voluntary sectors. It has also helped the Strategic Land Planning Group to shape its views on what represents the most appropriate spatial strategy for the

Island. The Strategic Land Use Plan does not simply adopt one of the three options presented within its previous discussion report, but is based on a refined model that reflects the public and States Members' valuable input into the process.

5. THE DRAFT STRATEGIC LAND USE PLAN

5.1 How the new Plan is structured

5.1.1 While there are obvious similarities with the existing (2007) Strategic Land Use Plan, the new Plan differs in a number of very significant ways.

5.1.2 Section A. 1. The States Strategic Plan

5.1.3 The Plan begins by setting out in Section A its relationship with the States Strategic Plan and the role it will play in meeting the objectives of the States through the use of land. This section also sets out the purpose, vision and objectives of the Strategic Land Use Plan.

5.1.4 Section B. 3. Spatial Strategy

5.1.5 This section clearly sets out the spatial strategy that forms the foundation of the Strategic Land Use Plan. This links to the findings of the Guernsey Tomorrow initiative and the States Member workshops.

5.1.6 Section B. 4. Linking Policies

5.1.7 This section represents a significant departure from previous iterations of the Plan and includes a set of linking policies that identify the relationship between individual land use issues and how they should be considered together to achieve the most successful results. This is explained in detail within the following section of this States Report.

5.1.8 Section B. 5 to 12. Policies for specific land uses

5.1.9 This section sets out the strategic policies relating to specific types of land uses (e.g. housing, agriculture, etc.) and how they will be guided to accord with the spatial strategy of the Plan to deliver the corporate objectives of the States. A notable inclusion within this part of the Plan is the section relating to infrastructure. This is an area currently being addressed in some detail by the States and a strategy for dealing with this important subject will appear in future iterations of the Island Infrastructure Plan. This document will have a direct link with the Strategic Land Use Plan and both will need to work in harmony in order to ensure the objectives of both of these Resource Plans are satisfied.

5.1.10 Section C. Implementation, monitoring and review

- 5.1.11 This represents a vital component of the Strategic Land Use Plan. It explains the value of corporate working, policy monitoring and review and how the Development Plans can be responsive and adaptable. In so doing it is intended to turn the Strategic Land Use Plan from a static document into a plan against which the delivery of corporate objectives can be assessed. This section provides guidance to the planning system on the important issue of appropriately balancing public and private interests and also identifies opportunities for alternative funding mechanisms.
- 5.1.12 The plan is completed by a set of appendices that include the Guernsey Tomorrow summary report, the findings of the States Member workshops and a glossary of terms.

5.2 Overall focus of the new Plan

- 5.2.1 The Strategic Land Use Plan has been prepared on the basis that development will be concentrated within and around the edges of the urban centres of St Peter Port and St Sampson/Vale with some limited development within and around the edges of the other main parish or local centres to enable community growth and the reinforcement of sustainable centres.
- 5.2.2 The Plan notes that this will require a coordinated approach to managing physical change in the Island which will be achieved through:
- the identification of a hierarchical structure of main (St Peter Port and St Sampson/Vale) and local centres and the promotion of safe and easy access within and between them
 - providing a range of business opportunities by recognising the main centres including Admiral Park as focal points for economic development and the role of local centres in providing local employment opportunities of an appropriate scale
 - encouraging the redevelopment of urban sites in the interests of the efficient use of land and protection of the natural environment. The redevelopment of Brownfield sites is particularly desirable
 - supporting the role of the main and local centres as socially inclusive and diverse communities and neighbourhoods
 - respecting the quality of the physical environment and local heritage and seeking high quality design of new development
 - protecting open countryside while facilitating a viable rural economy and enabling other small scale business and industrial development, where appropriate

- a flexible approach to the control of development that can adapt to more or less growth or change over time and that enables reasonable development aspirations to be met
- 5.2.3 The parish or local centres, to be identified through the Development Plan preparation process carried out by the Environment Department, will play an important role in supporting sustainable settlements and meeting some of the Island's development needs at an appropriate scale to reflect their existing character.
- 5.2.4 The most significant change within the Plan, strongly influenced by the results of Guernsey Tomorrow and States Member workshops, is the identified need to put in place a strategic policy document that results in the delivery of corporate objectives.
- 5.2.5 The successful implementation of the Strategic Land Use Plan will therefore rely on a new approach in dealing with spatial issues and securing social, environmental and economic benefits through the land planning system. To realise the potential of the Strategic Land Use Plan fully there needs to be better corporate working within the States and with the private sector, improved policy monitoring, positive and adaptable Development Plans that are able to respond to changing circumstances and an exploration of new methods of funding to achieve greater public benefit. It is recommended therefore that planning should be promoted as an activity that provides opportunities to meet strategic needs and enables private sector investment in development so that it can be harnessed for the greater good of the community.
- 5.2.6 Section 4 of the Strategic Land Use Plan (Linking Policies) identifies those things that the States will benefit from better corporate working. This section highlights the linkages between land uses, activities and development types and encourages the Development Plans to be more proactive, actively promoting the delivery of States objectives, as set out within the States Strategic Plan. Through pulling together identified States needs, assets and resources it is possible to produce corporate outcomes that are not achievable by focusing on satisfying single targets or meeting individual policies alone.
- 5.2.7 The Strategic Land Planning Group considers that by including this section within the Strategic Land Use Plan it will enable the planning system to harness private sector involvement in the delivery of States objectives successfully. It will also enable a more joined up approach to addressing key issues that the Island is likely to face during the life of this Plan such as infrastructure provision, climate change adaptation, urban investment and dealing with the longstanding issue of redundant glasshouses.
- 5.2.8 The Strategic Land Planning Group believes the balance that is struck between the public interest and the individual choice of property owners is very important. The philosophy behind this Plan is to achieve the States objectives in a positive and where appropriate an enabling way, while ensuring the continuing protection and enhancement of the built and natural environment. While greater

levels of protection such as through the designation of conservation areas or sites of nature conservation importance is warranted, in other less sensitive circumstances, less prescriptive control will be appropriate. Therefore the level of control within the Development Plans will be expected to be reasonable and proportionate and respects the exercise of private choice in matters that have no significant bearing on the achievement of the strategic policies of the States.

5.3 Key points and policies of the new Plan

- 5.3.1 The Strategic Land Use Plan as presented here represents a relatively subtle shift in spatial strategy and the need to protect what is special about the Island remains a very important tenet of the Plan. The control of development within local centres has been relaxed to a degree in order to enable the development and reinforcement of sustainable settlements and acknowledges the significant changes to the Island's demographic profile over the next 20 years. It has also recognised the need to relax the control of small scale business development in order to assist this economic activity.
- 5.3.2 The Strategic Land Planning Group is of the opinion that these objectives cannot be achieved without a major review of the format and objectives of strategic land use policy together with the adoption of appropriate specific policies contained within the land use Development Plans.
- 5.3.3 The Strategic Land Use Plan can assist in the delivery of these opportunities by:
 - acting as a central reference point to initiate the examination of opportunities and threats facing various States Departments
 - providing a guide for the preparation of appropriate vision documents that seek to satisfy a number of States objectives through land use planning and development, and
 - promoting planning as an activity that provides opportunities to meet strategic needs and enables private sector investment to assist in the removal of the perception that planning automatically discourages development and change
 - ensuring States-adopted guidance relating to the planning system, such as that recently set out by Chris Shepley (a former Chief Planning Inspector and Chief Executive of the Planning Inspectorate Agency) within his April 2008 report to the Policy Council on the role of planning within the States.
- 5.3.4 As part of the new strategic approach to land use planning, the Development Plans will be expected to inform and take account of a number of other strategies and programmes, including; regeneration, economic development, education, housing, health, waste, energy, recycling, environmental protection and culture. However, in some cases the land planning system alone will not be able to deliver these strategies but will play an integral role in their successful implementation.

- 5.3.5 An example of this is the issue of dealing with redundant glasshouse sites. This is an issue that has received political and public attention for over 20 years. However, at this time there is no strategy in place to address this. There are however a number of options open to the States such as; the planning system offering some uplift in land value that can assist in financing complete removal, the States of Guernsey intervening by offering financial incentives or labour supply or by penalising dereliction or through the landowner deciding to remove the glass for personal reasons. It will be necessary for a number of States departments to work together to resolve this issue.
- 5.3.6 An audit of redundant glasshouse sites will enable decisions to be made about which sites are likely and able to contribute to the agricultural industry and therefore be afforded suitable protection and those that could possibly be used for other purposes.
- 5.3.7 The Strategic Land Planning Group is of the opinion that the Strategic Land Use Plan sets out policies that represent an appropriate starting point for galvanising action on the clearance of redundant glasshouses and will look to work with others to achieve this together with other objectives set out within the Strategic Land Use Plan.

5.4 The need for policy monitoring and review

- 5.4.1 To ensure the Development Plans successfully delivers the land use objectives of the States, as set out within this Strategic Land Use Plan, the Strategic Land Planning Group will work closely with the Environment Department to monitor key Development Plan policies in order to assess their robustness, continued relevance and effectiveness.
- 5.4.2 Under the new strategic framework, the Environment Department will submit regular reports to the Strategic Land Planning Group setting out how the Development Plans are satisfying specific economic, social and environmental objectives of the States. The Strategic Land Planning Group in turn will provide updates to the Policy Council for inclusion in the annual report on the Strategic Land Use Plan within the States Strategic Plan and so enable the States as a whole to consider how policies are working.
- 5.4.3 Through the Strategic Land Planning Group's assessment of the monitoring reports the Group aims to be able to identify and remove any blockages to the delivery of sustainable development and to identify any revisions to the Strategic Land Use Plan or Development Plans that need to be made to ensure the objectives of the States are adequately satisfied through the land use planning system.

6. CONCLUSIONS

- 6.1 This 20-year review of the Strategic Land Use Plan offers a valuable opportunity for the land use planning system to stop, draw breath and reset objectives and priorities through the development of new land planning policies. In order to ensure that the new strategic approach set out within this Strategic Land Use Plan is delivered it may be necessary to move away from some current practices that have been influenced by the current generation of land use policies. The Strategic Land Planning Group recognises that this change may not be easy and that the successful delivery of the policies of this Plan will rely on successful interpretation within the Environment Department's Development Plans. It will also require the appropriate interpretation of these policies by the Environment Department in reaching decisions on individual development proposals.
- 6.2 Section C of the Plan is vitally important in ensuring future Development Plans take into account the approach expected by the public, as expressed through the Guernsey Tomorrow initiative and by States Members throughout the drafting of this document.

7. RECOMMENDATIONS

- 7.1 The Policy Council recommends:
- 7.1.1 That the States approve the revised Strategic Land Use Plan, attached as Appendix 1 of this States Report.

L S Trott
Chief Minister

5th October 2011

Deputy B Flouquet, Deputy Chief Minister
Deputy C N K Parkinson
Deputy C McNulty Bauer
Deputy M O'Hara
Deputy C Steere
Deputy P Sirett
Deputy A Adam
Deputy G Mahy
Deputy D Jones
Deputy M Dorey

8. APPENDICES

8.1 Appendix 1

The Strategic Land Use Plan



STRATEGIC LAND PLANNING GROUP
THE STATES OF GUERNSEY

The Strategic Land Use Plan

Date: 3rd October 2011

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Part A

1. Legal Position

Section 5 of the Land Planning and Development (Guernsey) Law, 2005 states it is the duty of the Strategic Land Planning Group to consider the implications for land planning and use of the strategic, economic, social and environmental objectives of the States in preparing the Strategic Land Use Plan. The Plan will provide general guidance and specific directions to the Environment Department in the exercising of its functions under the Land Planning and Development (Guernsey) Law, 2005.

Transitional arrangements

This is the first Strategic Land Use Plan to be prepared under the terms of the law which was enacted in April 2009.

The current Development Plans [the Urban Area Plan (Review No.1) and Rural Area Plan (Review No. 1)] were formulated in accordance with the Strategic Land Use Plan as it stood at the time of their adoption by the States.

In accordance with the Land Planning and Development (Guernsey) Law, 2005 this revised Strategic Land Use Plan will guide the preparation of a new Development Plan or Plans but in the interim, nothing in this Plan shall entitle or require the Environment Department to permit or refuse any development which it would otherwise be precluded from permitting under the terms of the current Urban and Rural Area Plans. This Plan includes measures to ensure that there is a smooth transition from previous policies to new policies.

2. The States Strategic Plan

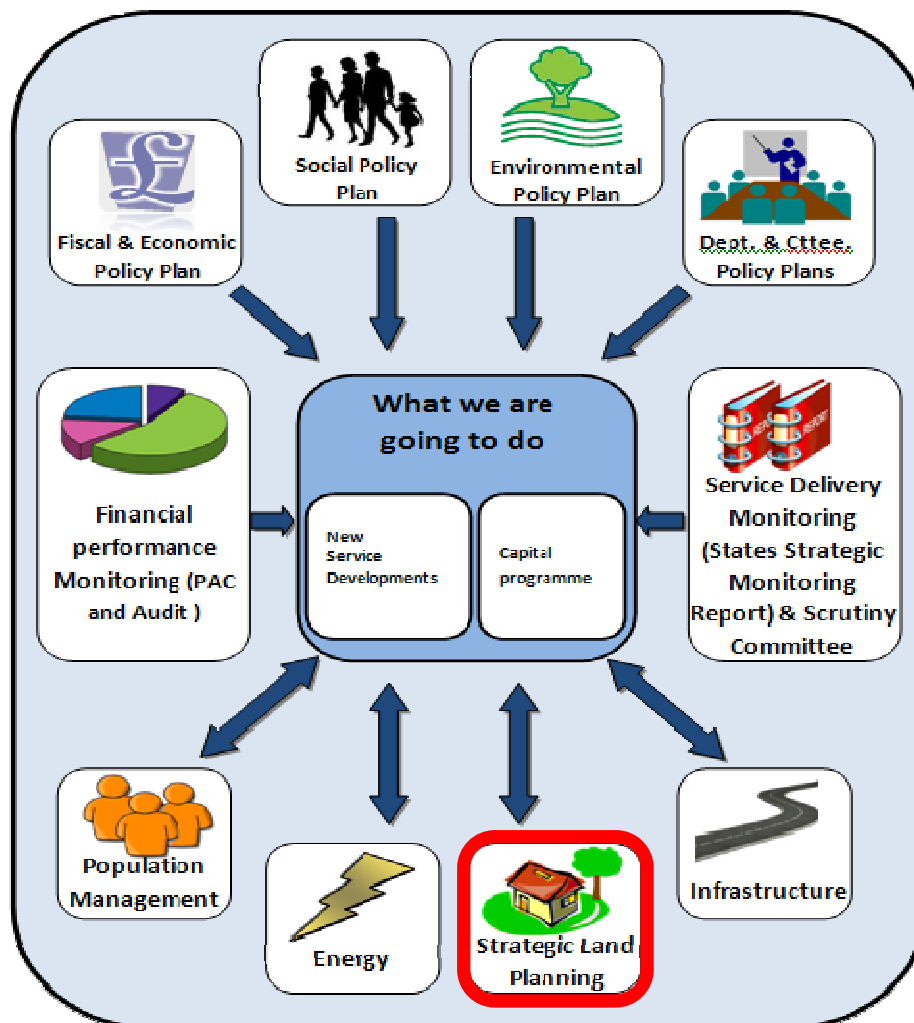
The States Strategic Plan is the corporate planning document for the States of Guernsey. This Strategic Land Use Plan is the document that sets out the long term agenda for land use planning¹ in Guernsey and its relationship with the States Strategic Plan is explained below and illustrated by the diagram on page 5. The Strategic Land Use Plan is a legal document that sets out guidance for the Environment Department² in achieving the States land use strategic, economic, social and environmental objectives.

The Strategic Land Use Plan's relationship with the States Strategic Plan

The Strategic Land Use Plan is one of the four Island Resource Plans (see diagram below) that form part of the States Strategic Plan. The other Island Resource Plans cover Energy, Population Management and Island Infrastructure. The Strategic Land Use Plan provides a high level spatial planning framework endorsed by the States to guide the Environment Department in the preparation of the more detailed Development Plans³.

- 1 *Land use planning is the term used to describe the whole function of making provision for and controlling development, including setting policies and controlling location and form of buildings*
- 2 *In the context of this document, the 'Environment Department' is referred to as the States department responsible for operating the Island's land planning system.*
- 3 *Development Plans are documents prepared by the planning section of the Environment Department that set out the detailed, specific policies for land use and planning and influence decisions in relation to the control of development. They are tested in public at an inquiry and are subsequently approved by the States.*

The States Strategic Plan A family of related plans



To support the delivery of policies aimed at achieving the economic, social and environmental objectives contained within the States Strategic Plan, the Strategic Land Planning Group has produced a new type of Strategic Land Use Plan that continues to take a broad and long term view of land use and spatial matters but which also focuses strongly on the successful achievement of desired outcomes. The Plan emphasises the importance of corporate working between States Departments and positive relationships between the public and private sectors in putting spatial policies into effect. This means that the Plan concentrates on the action that needs to be taken to achieve identifiable and measurable results through the use and management of land as a strategic resource, rather than only looking narrowly at individual topics and land supply targets. In this way the Plan is strategic in scope rather than impinging on the Environment Department's more detailed planning role but also provides a framework for different agencies to work together.

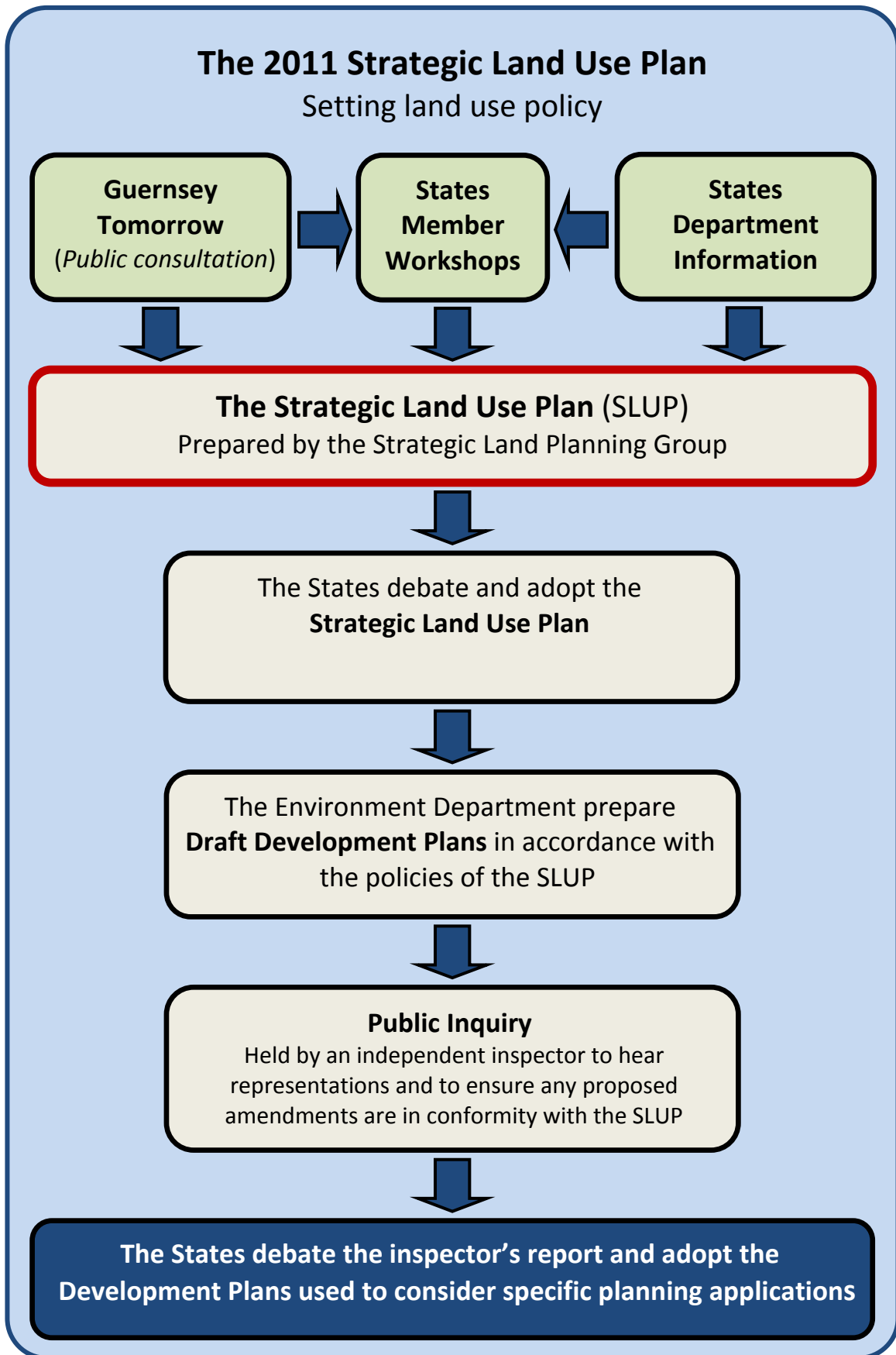
The planning horizon of the Strategic Land Use Plan is 20 years and extends far beyond the rolling 4-5 year plan period of the States Strategic Plan. It therefore needs to ensure that the Island can adapt to accommodate sustainable development and growth in the longer term and in response to changing economic, social and environmental circumstances.

Relationship with other plans and strategies

In addition to supporting the corporate direction set by the States Strategic Plan through its suite of contributory Policy and Island Resource Plans, the revised Strategic Land Use Plan takes into account other related plans and strategies that have been approved by the States such as the Corporate Housing Strategy and Programme as well as future plans and strategies addressing transport, infrastructure provision and environmental issues.

The Plan also makes reference to emerging policy approaches such as the strategy for older people's accommodation and the Economic Development Plan. The Commerce and Employment Department is leading the preparation of an Economic Development Plan as part of the ongoing review process of the Fiscal and Economic Plan and this will identify a direction for economic development within the Island. This will need to be taken into account when the Environment Department prepares future Development Plans.

This long term spatial framework is likely to influence other government strategies that need to take into account changing patterns of development and the Island's changing demographic profile that are envisaged over the next 20 years.



3. Purpose, Vision and Objectives

Purpose

The Strategic Land Use Plan will contribute positively to maintaining Guernsey as a desirable place to live, work and enjoy leisure time through the implementation of land use policies that create a socially and economically strong Island balanced with the protection and enhancement of Guernsey's physical environment and respecting international efforts to safeguard the global environment.

The Strategic Land Use Plan sets out the spatial framework for Guernsey for the next 20 years. It provides both general guidance and more specific directions to the Environment Department in preparing the Development Plans and exercising its other planning functions in order to achieve the States' agreed economic, social and environmental objectives set out within the States Strategic Plan. The Strategic Land Use Plan is a key instrument in identifying the best way to achieve these States objectives through land use and spatial planning.

The Strategic Land Use Plan includes a set of policies that relate to specific land uses and activities. These provide the framework for the preparation of specific land use policies within the Development Plans but these alone will not guarantee that the right development takes place in the right place at the right time. Identifying and promoting positive results that can be gained through considering issues together can better satisfy our social, economic and environmental aspirations. Therefore, this fundamental revision of the Strategic Land Use Plan is heavily 'outcomes focused' and aims to ensure positive things happen 'on the ground'. This emphasis on results is an important shift in strategic policy and will ensure Development Plan policies also focus on the delivery of positive sustainable development.

The physical characteristics of our surroundings contribute positively to our quality of life and play a key role in attracting economic investment. However, the Island cannot afford to stand still and the achievement of environmental objectives will need to be balanced with other States objectives to enable the Island's economy to flourish and social wellbeing to be maintained and enhanced.

The Strategic Land Use Plan needs to remain fit for purpose over time and be capable of adjusting to demographic change and future revisions to the strategic policies of the States, as set out within the States Strategic Plan. Therefore, adequate adaptability has been built into the Plan. Elements of the Plan can be revised if it appears to the Strategic Land Planning Group that an alteration is necessary or when directed to do so

by the Policy Council. The core objectives of the Strategic Land Use Plan are, however, unlikely to change significantly.

Core objectives of the Strategic Land Use Plan

To improve the quality of life of Islanders and to support a successful economy while protecting the Island's environment, unique cultural identity and rich heritage through spatial planning policies that enable:

- I. a diversified, broadly balanced economy with high levels of employment and a flexible labour market**
- II. the fostering and promotion of an inclusive and caring society which supports sustainable communities and removes barriers to social inclusion and social justice**
- III. levels of housing availability, quality and affordability to be improved, enabling people to help themselves become independent where possible**
- IV. the maintenance of a healthy society that safeguards vulnerable people, maintains Guernsey as a safe and secure place to live and provides for a wide range of leisure opportunities**
- V. the wise management of Island resources such as land, air quality, energy and water**
- VI. support to be given to corporate objectives and associated policies relating to the conservation of energy, reduction of our carbon footprint, development of renewable energy and adaptation to climate change**
- VII. the protection of local biodiversity and the countryside**
- VIII. the enhancement of the culture and identity of Guernsey by protecting local heritage and promoting high standards of new development**
- IX. the management of solid and liquid waste**
- X. the maintenance and enhancement of modern key strategic infrastructure**

The order of listing of these core objectives reflects the arrangement of the objectives within the States Strategic Plan and they are therefore not listed in order of priority

Part B – Core Strategic Policies

4. Spatial Strategy

As part of the Strategic Land Use Plan review a broad cross section of people were involved in the 'Guernsey Tomorrow'¹ consultation initiative to provide the Strategic Land Planning Group with a better understanding of the sort of place people want Guernsey to be in the future. The views and opinions gathered have been taken into account alongside the particular strategic requirements identified by the States Strategic Plan, other plans, policies and programmes and advice from relevant States departments. This process has established a set of nine desired outcomes that the revised land use strategy should aim to achieve. These are summarised in the table below:

SOCIAL & COMMUNITY	BUSINESS	ENVIRONMENT
Socially inclusive & diverse communities & neighbourhoods	A range of business opportunities for new & innovative enterprises	A high quality & accessible physical environment
A range of training & employment opportunities to match all skills & needs	A globally competitive centre of economic growth	Effective & efficient conservation & use of land & buildings
A safe, secure & accessible environment for all	Sustainable management & wise use of environmental resources	Protection & enhancement of the natural & built environment

Working with States Members through a series of meetings, the Strategic Land Planning Group has subsequently identified an appropriate Spatial Strategy for the distribution of development within the Island, namely:

Spatial Strategy

Development concentrated within and around the edges of the urban centres of St Peter Port and St Sampson/Vale with some limited development within and around the edges of the other main parish or local centres to enable community growth and the reinforcement of sustainable centres

¹ *Guernsey Tomorrow was a consultation exercise that preceded the drafting of the Strategic Land Use Plan and invited the views of over 1000 people through a number of different events including workshops, drop-in sessions and visits to schools.*

The Strategic Land Planning Group considers that this will require a coordinated approach to managing physical change in the Island which will be achieved through:

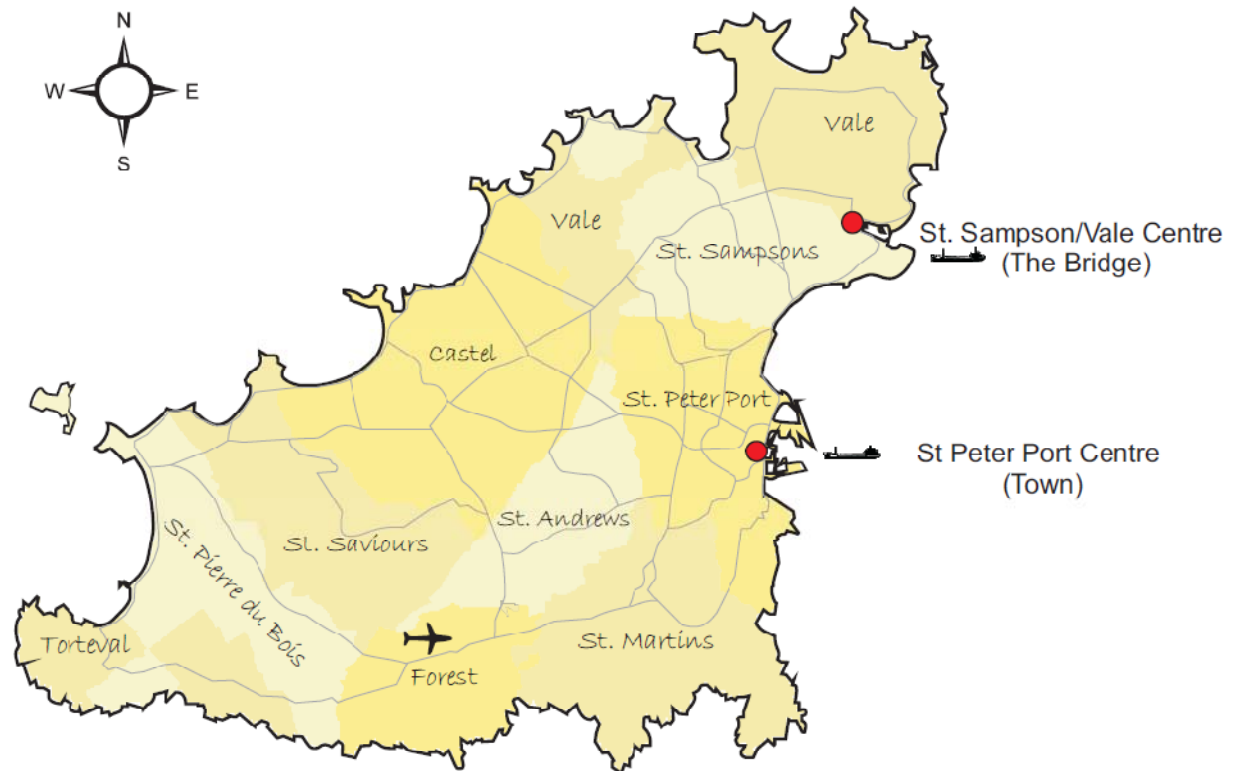
- the identification of a hierarchical structure of main (St Peter Port and St Sampson/Vale) and local centres and the promotion of safe and easy access within and between them
- providing a range of business opportunities, recognising the role of the main centres including Admiral Park and the Saltpans industrial site as focal points for economic development and the role of local centres in providing local employment opportunities of an appropriate scale
- encouraging the development of urban sites in the interests of the efficient use of land and protection of the rural environment. The redevelopment of brownfield sites is particularly desirable
- supporting the role of the main and local centres as socially inclusive and diverse communities and neighbourhoods
- respecting the quality of the physical environment and local heritage and seeking a good standard of design of new development
- protecting open countryside while facilitating a viable rural economy and enabling small scale business and industrial development, where appropriate ¹
- a flexible and proportionate approach to the control of development that can adapt to more or less growth or change over time

The parish or local centres will be identified through the Development Plan preparation process, based on an assessment of 'sustainability indicators', i.e. those services and facilities that contribute to an area's ability to meet local social, economic and environmental needs such as doctors surgeries, public transport links, convenience goods shops selling daily essentials, public open space, etc.

This spatial strategy will enable the land planning process to achieve the desired outcomes set out above, with an emphasis on the priorities, initiatives and actions required to ensure the Island's development needs are effectively met and to ensure the sound management of urban, rural and coastal areas. **This Spatial Strategy applies to all subsequent policies contained within this Plan.**

¹ *While the overarching spatial strategy aims to concentrate development within and around the main centres with some limited development occurring within the local centres, the Plan will not seek to constrain the location of agricultural development or other commercial development where appropriate and where it would not undermine the adopted spatial strategy.*

Orientation map



5. Linking Policies

Introduction

This section highlights the linkages that exist between land uses, activities and development types and identifies opportunities for working in a joined up way to better meet the overarching objectives of the States. By pulling together identified States needs, assets and resources it is possible to produce corporate outcomes that are not achievable by focusing on satisfying single targets or meeting individual policies alone. In other words this section identifies those things we cannot do without better corporate working. The success of corporate working will rely not only on political and senior management commitment, but a commitment from all involved to meet a wide range of corporate objectives.

Through the Strategic Land Use Plan the Development Plans are encouraged to be more proactive in order to enthusiastically promote the delivery of States objectives,

as set out within the States Strategic Plan. This section will provide the Development Plans with an agenda that also identifies opportunities for the private sector to invest in the physical environment.

The Strategic Land Use Plan initiates the examination of spatial opportunities and pressures facing various States Departments, the private sector and the community as a whole. It provides guidance for the Development Plans to identify ways to achieve multiple States objectives through the preparation of subsidiary documents such as masterplans and community plans. Some of these will be statutory planning documents such as Local Planning Briefs which will directly influence planning decisions and others will be non-statutory which might be prepared by non-government organisations and will influence public and private sector thinking and inform the formal planning decision making process. Planning is promoted as an activity that provides opportunities to meet our strategic needs and enables private sector investment in development so that it can be harnessed for the greater good of our community.

Sustainable development

Sustainable development is about meeting the needs of the present while safeguarding the interests of future generations. In order to achieve development and growth that is environmentally sustainable, we need to find ways of achieving our current economic, social and environmental objectives whilst also considering the longer-term local and global implications.

Good land use planning is essential in delivering sustainable development. It is central to the delivery of housing, supports the business development necessary to create and maintain jobs and prosperity and in combination with any States adopted plans, enables the delivery of essential infrastructure.

However, there are issues concerning sustainability that make it difficult to achieve on a small island. With no significant local manufacturing almost everything we need to sustain our quality of life has to be imported. This includes; the majority of the food we eat, animal feed, almost all building materials, as well as the energy we need to heat our homes and power our motorised transportation. Consideration also needs to be given to issues such as decommissioning and disposing of goods once they reach the end of their useful life. Whilst recycling makes good use of the raw materials contained within goods no longer required for their original purpose, it does result in the exportation of elements of our waste stream.

It is inappropriate simply to import policies and directives from the UK or Europe where opportunities exist to strive for higher levels of sustainability. For example, the UK government is aiming to ensure all new homes are 'zero carbon' by 2016 with all non-domestic buildings following suit by 2019. At present neither the Environmental Plan nor the Energy Policy require such standards to be met and comparisons with the UK are difficult owing to the additional carbon costs of building in Guernsey that are accrued as a result of the importation of all building materials.

Sustainable development concerns need to be pursued in an integrated way rather than a narrow way. The needs and aspirations of Islanders inevitably change over time and it is essential that development takes place if we are to meet our social, economic and environmental objectives. The Strategic Land Use Plan seeks to ensure development is carried out in a sustainable manner, ensuring continuing investment in and care for our physical environment.

POLICY LP1: SUSTAINABLE DEVELOPMENT

Achieving social wellbeing and maintaining economic development with high levels of employment are sustainable development priorities for Guernsey. These will be realised through:

- i. achieving the prudent use of natural resources, including those that may enable the supply of renewable energy**
- ii. ensuring the physical and natural environment of the Island is conserved and enhanced**
- iii. reducing, where practicable, the Island's contribution to greenhouse gases**

Climate change mitigation

The 2011 States Environmental Plan explains that global population and energy use per capita doubled during the second half of the 20th century. Without redress this combination of pressures will continue to drive an exponential growth in fossil fuel use. Guernsey will have to play its part in addressing this. However, the Fiscal and Economic Policies and strategies seeking to deliver States corporate objectives also necessitate sustainable levels of economic growth.

The Environmental Plan does not set a target for reducing carbon dioxide emissions but instead sets out the general aim to reduce Guernsey's contribution to global warming by reducing greenhouse gas emissions. In the event of the States setting specific targets, they will be taken into account by the planning system when the Environment Department prepares future Development Plans. In the absence of firm guidance, the Development Plans will explore options for sustainability and demonstrate adequate balancing of economic and social objectives.

One of the main contributors of greenhouse gases in the Island is through the use of motorised vehicles. Therefore policies that lead to a reduction in the need to travel by car should be supported. This respects the spatial strategy set out within this Plan which seeks to support the development of sustainable settlements and to locate homes and shops and services within close proximity.

As there is no significant manufacturing in the Island and as the majority of goods are imported climate change mitigation is likely to focus on energy efficiency, renewable energy and waste management. Even so it must be appreciated that almost all building materials are imported into the Island and that this has its own carbon footprint and it may not be appropriate to adopt UK standards for carbon dioxide emissions when assessing building energy efficiency.

Opportunities to make use of locally produced renewable energy are under exploration within the Island's Energy Plan (an Island Resource Plan forming part of the States Strategic Plan). The ability to locally harness wind, tidal or other sea-derived power would reduce the Island's reliance on fossil fuels and the planning system will need to make provision for any associated development that may be required. The EU and International obligations regarding good environmental status of our seas and joined up management with a thematic marine approach (the marine framework directive) across jurisdictions has led to the States exploring the principle of establishing a Marine Spatial Plan. This will bring together multiple users of the sea to make informed and co-ordinated decisions about how to use marine resources sustainably. While this is in its infancy, the Strategic Land Use Plan will ensure both onshore and offshore requirements are correctly coordinated through appropriate policy.

At the time of preparing this Strategic Land Use Plan the Public Services Department is undertaking a major consultation exercise on the Island's future waste strategy. The current method of disposal to landfill creates significant emissions of greenhouse gases and any future strategy will need to consider this along with other economic and social considerations as the States seek to adopt a viable and appropriate approach to waste

treatment. It is acknowledged that all methods of waste disposal will result in some emissions to land, sea or air and will not be a carbon-neutral activity.

POLICY LP2: CLIMATE CHANGE MITIGATION

Mitigation, through reducing greenhouse gas emissions, will primarily be addressed through greater resource efficiency including:

- i. improving the energy efficiency and carbon performance of new buildings and encouraging existing building occupants to improve efficiency where reasonable**
- ii. reducing the need to travel and ensuring good accessibility to public and other sustainable modes of transport**
- iii. enabling the development and use of renewable energy**
- iv. putting policies in place that facilitate the development of an appropriate waste strategy**

Climate change adaptation

Climate change can lead to sea ingress and large areas of flooding. Whereas poorly managed development can have a negative impact on the effects of climate change, if it is well planned development can focus investment in areas vulnerable to the effects of climate change bringing in essential funding for improving flood defences and thereby protecting existing neighbouring properties as well as the new development.

Some land uses will be more vulnerable to flooding than others. For example, the provision of outdoor sport and recreation facilities will not be as adversely affected by flooding as, for example a new health facility. Therefore the Development Plans should enable the risk of flooding to be assessed on a case by case basis, rather than adopting a general policy approach that discourages development within vulnerable areas.

Greater levels of winter rainfall will require improved drainage systems to be incorporated into developments. Sustainable Urban Drainage systems replicate natural systems to control the quantity of run-off from a development; to improve the quality of the run-off and to enhance the nature conservation, landscape and amenity value of the site and its surroundings. This approach should be encouraged through appropriate Development Plan policies.

Through a co-ordinated approach to land planning it is possible to improve the Island's resilience to the effects of climate change by increasing adaptation capacity, especially in respect of coastal defences.

POLICY LP3: CLIMATE CHANGE ADAPTATION

Adaptation to risks and harnessing opportunities will be achieved through:

- i. assessing the level of risk and locating particular land uses appropriately and harnessing investment that would address flooding-related problems**
- ii. ensuring new and existing building stock is more resilient to climate change impacts**
- iii. incorporating sustainable drainage measures and high standards of water efficiency in new and existing building stock**

Sustainable design and construction

Sustainable construction includes both new building and altering existing building stock in such a way that it reduces or avoids adversely impacting on the built and natural environment. There are a number of principles that can be followed to achieve sustainable construction:

- encouraging the use of renewable resources
- reducing the use of energy and water in the construction and use of buildings
- minimising the production of waste associated with the construction and use of development

Satisfying these principles can pose choices between maintaining the traditional character and design of buildings and meeting higher environmental standards through the incorporation of non-traditional design features.

Meeting these principles may also result in locating development in such a way as to best respond to the effects of the natural environment on a particular site. In terms of efficient use of resources, multiple-storey buildings take up less land than single storey buildings with the same floor area and therefore should be encouraged unless there are overriding social or environmental reasons not to do so. There will clearly be circumstances where the protection of the historic built form including Protected Buildings will be a priority and sustainability and climate change criteria will need to be

applied appropriately. However in many other circumstances the pursuit of wise use of resources should take precedence.

Whilst the Island's built form has historically been constructed from stone produced by a local quarrying industry, the quality of stone extracted locally now means it is mainly limited to the production of aggregates. Therefore whilst the use of recycled local granite in new developments represents the wise use of natural resources, the importation of granite from places as far away as China represents poor resource use and raises issues of sustainability.

POLICY LP4: SUSTAINABLE DESIGN AND CONSTRUCTION

The design and construction of new development and the redevelopment and refurbishment of existing building stock will be expected to incorporate appropriate sustainable construction techniques. This will include:

- i. giving consideration to how the development can meet higher standards of sustainable development**
- ii. making the best use of natural resources**
- iii. balancing the need to protect the integrity of historic and otherwise important structures with sustainability and resource use priorities**
- iv. seeking flexibility of design to enable buildings to adapt and change over time whilst enabling the demolition and rebuilding of structures where greater long term efficiencies can be achieved**

Independent living for all

The States Population Policy Group's consultation document "Managing Guernsey's Population" published in January 2011 states that Guernsey's population is ageing and by 2039 the largest age groups are projected to be between 65 and 74 years for males and between 65 and 79 years for females. The number of people aged 60 years or over is projected to approximately double between 2009 and 2039. Conversely, the population under 60 years of age is projected to decrease over the same time period.

Dependency ratios are used to indicate the portion of a population that is economically dependent, i.e. those who are eligible for retirement and those who are still in compulsory full time education (represented by the 15 and under and the 65 and over years of age categories).

In 2010, the overall dependency ratio was 0.48, which means that for every 100 people of working age (between the ages of 16 and 64) there were 48 people of dependant age. The dependency ratio is projected to increase to 0.85 by 2070 (or 0.77 based on the upper limit of the working age group increasing to 66 years), compared to 0.48 in 2010, which means that for every one hundred people of working age there is predicted to be 85 people of non-working age.

An alternative model, forecasting a constant population and varying migration, reflects how the demographics of the population is projected to change if the States successfully implements its policy to keep the total population stable. This predicts the proportion of people under 15 would fall from 16.3% of the total population in 2010 to 13.0% in 2070. The proportion of people aged 16 to 64 would also decrease (from 67.3% to 57.1%), whilst the number of people over 65 would increase (from 16.4% to 29.8%). The result is a projected dependency ratio of 0.86 by 2050, reducing to 0.75 by 2070 (or 0.85 and 0.74 respectively based on the upper limit of the working age group increasing to 66 years), compared to 0.48 in 2010.

This 'ageing' of the population will have major economic and social consequences as we move towards a population where an unprecedented number of people beyond working age will be required to be supported, both physically and financially, by a diminishing proportion of people of working age.

HSSD's 2020 vision of the health and social services system document approved by the States in May 2011, states that the vision for the future of the health and social care system is to enable people to live healthy, independent lives. To deliver this vision HSSD will promote, improve and protect the health and social wellbeing of all and will achieve this by:

- promoting healthy lifestyle choices and social wellbeing
- improve services, continuously striving for safety, quality, efficiency and effectiveness
- protect and support the community

This section of the Strategic Land Use Plan emphasises the importance of creating sustainable communities in line with the desired outcome of creating socially inclusive and diverse neighbourhoods. The local centres will play an integral role in meeting this objective. Strategic housing requirements are set out in Section 8 below. However, achieving independent living will require more than simply making provision for housing development.

The need to provide greater choice of housing for older people to enable 'ageing in place' is clearly a significant factor but to ensure results are achieved on the ground a culture shift in housing provision is required. Clearly policies requiring such alterations to homes should be applied logically and reasonably.

Rather than solely focusing on the format of residential units it will be necessary to consider how all of the aspects of community life that contribute to independent living can be integrated and supported through the land planning process. Those aspects are:

- integrated communities (opportunities to be involved in community life)
- appropriately designed homes that offer flexible accommodation that can be easily modified to meet the changing requirements of the householder
- appropriately located homes with good access to shops, services, transport, neighbour support, etc.
- community shops and services
- appropriate levels of residential amenity space (not necessarily gardens - this can include access to public open spaces, usable balconies, an open view, etc.)
- appropriate public transport provision and safe and direct walking routes

In meeting the Plan's objective of supporting the role of the main and local centres as socially inclusive and diverse communities and neighbourhoods it will also be necessary to consider how people move around within and between the centres.

While it is not possible, or from an aesthetic perspective wholly desirable to alter the historic centre of St Peter Port to provide complete access for wheelchair users and parents with prams, the Development Plans will include policies to ensure the needs of all sectors of society are considered and that efforts are made to integrate good levels of accessibility into all new developments.

POLICY LP5: INDEPENDENT LIVING FOR ALL

In preparing Development Plan policies and other associated programmes particular regard should be given to the significant and increasing proportion of older people in the Island over the next 20 years and the following issues should be addressed:

- i. the need to create sustainable communities with appropriate support services**
- ii. adapting existing housing and building new housing to a standard that will offer flexible accommodation that can be easily modified to meet the changing requirements of the householder**
- iii. through the emerging Island Infrastructure Plan and working with States Departments and outside agencies, the promotion of good public transport, Information Technology and communications links to communities**
- iv. providing good quality and accessible community services, public open spaces and other leisure facilities to enable healthy and active lifestyles to be maintained**

Main centre vitality and viability

Introduction

The main centres are St Peter Port Town and the commercial centre at St Sampson/Vale known as the Bridge. Both are focal points for a range of community, leisure and commercial activities. St Peter Port Town faces many pressures that need to be managed successfully if current vitality and viability levels are to be retained and enhanced. The pressures of managing an historic town centre, dealing with high levels of traffic, providing for the shift in shopping habits to larger floor plate shops, accommodating a world class finance industry and meeting the future requirements of an expanding commercial port are huge, but with these pressures come opportunities that can be harnessed through a proactive land planning system to the wider benefit of Islanders.

Successful management extends beyond the confines of Town and the Bridge and the Development Plans will also need to ensure that development elsewhere does not dilute their role as the Island's main centres or detract from their current and future role as attractive and viable commercial, leisure and residential areas.

The Island's main parish or local centres will be defined through the Development Plan review process. These localised centres meet the needs of a community by building on the support services that currently exist while protecting and wherever possible enhancing these areas and the contribution they make to the sustainable development of the Island.

Main Centres as attractive places to do business

St Peter Port Town includes a wide range of business activities including retailing, the finance industry, port-related services and other supporting operations. It also includes a number of functions that benefit from the concentrated resident and working population such as restaurants, cafes, hairdressers, doctors, dentists and community facilities all of which contribute positively to the commercial mix and viability of the town centre.

The main focus of commercial activity at the Bridge is retail with industrial uses located on its edges and while relatively small scale at present (compared to Town), this provides a much valued shopping centre to residents in the northern parts of the Island in particular.

At the time of writing, planning permission has been granted in principle for a large scale retail and residential development on the Leale's Yard site to the west of the Bridge frontage. This area is likely to attract a broader range of customers in the future, which will enhance the shops and services available locally and offer greater competition to Town as a comparison goods¹ retail destination. Notwithstanding this however, Town will remain the primary retail centre on the Island.

Retail operations in Town clearly benefit from the lunchtime-spend of nearby office workers and this cross-pollination of business should be encouraged to continue. However, it is the role of Town and the Bridge as comparison goods centres and especially in Town as places to socialise at cafes and restaurants that draws in other customers and extends activity beyond the normal commercial operating hours of nine to five.

¹ *Comparison retail is a term used to describe the selling of goods including clothing and footwear, furniture, furnishings and household equipment, which generally involves comparing similar goods before buying. By contrast, convenience retail is the term used to describe the selling of often essential, daily items such as food and drink.*

The retail areas of Town are extensive, continuing from the South Esplanade in the south to St Julian's Avenue in the north and extending from the sea front as far west as Vauvert. The peripheral areas to the south are also located on one of the main vehicular routes into Town and the mix of activities in this area raises issues of accessibility, traffic management, pedestrian safety and air quality.

The Development Plans should assess the retail cores of Town and the Bridge and determine whether they need to be redefined in order to concentrate effectiveness and thereby enhance the vitality and viability of the main centres. There may be benefit in identifying primary and secondary retail areas to ensure land use policies adopt a more flexible approach to fringe areas where the market can best determine their future use whilst protecting the key areas from dilution of non-retail activities.

Some tough decisions will need to be taken if the Island is to meet the retail challenges resulting from greater internet use and in the case of Town, competition from the Leale's Yard development planned to take place at the Bridge. The topography of Town makes it difficult to accommodate buildings with modern retail floor space, but opportunities do exist on some of the flatter undeveloped parts of the Town waterfront and through the careful redevelopment of larger existing buildings where opportunities may exist to positively enhance an area. The adopted spatial strategy acknowledges that there will be a tension between absolute protection of our built environment and the need to accommodate modern, fit for purpose buildings that are capable of meeting our economic and social needs in the future.

At the time of writing the Commerce and Employment Department is undertaking a review of the Island's retail strategy. The findings of this review should be taken into account by the Environment Department in preparing retail policies within future Development Plans.

Section 6 sets out specific requirements for employment provision. The redevelopment of the Gategny Esplanade and Admiral Park Mixed Use Redevelopment Areas has substantially increased the stock of new office accommodation in the Island. However, there remains a continuing demand for accommodation as Guernsey's economic prosperity is likely to continue to depend on office based activities. High quality, value added activities require buildings that are fit for purpose and meet modern standards in respect of size, layout, facilities and access. In the case of St Peter Port, this raises issues with integrating the scale of such buildings into an historic town centre. This has been difficult to achieve successfully but good examples do exist and this economic investment within Town has many positive side effects such as inward investment in the built environment, encouraging

more people to work and live in Town and encouraging the recycling of buildings so that older office developments within Town are either redeveloped as modern offices or reused for other purposes such as housing. The need to protect the historic core of St Peter Port will be a significant factor in determining specific proposals for integrating such structures.

The development of Admiral Park as a consolidated commercial office centre has regenerated what was a run down, contaminated site and has taken some of the pressure off Town to integrate large floor plate buildings. Therefore further opportunities for commercial development should be explored as part of the review of the Development Plans.

A significant number of the Island's hotels are located within Town, reflecting current visitor aspirations to stay within central town environments. In terms of the viability and vitality of Town, hotels introduce an important additional activity to the area that contributes positively through comparison goods shopping and visiting the many cafes, bars and restaurants within the area. Previous strategic and land use policies have made provision for new hotels within Town but these have failed to bring about the construction of any new developments. It is therefore understood that the viability of new hotel developments is finely balanced and is likely to rely heavily on the inclusion of support facilities such as restaurants, bars and health suites available to non-residents.

Simply providing a land use policy that allows the consideration of new hotel development is unlikely to yield any significant provision. In line with the spirit of this section of the Strategic Land Use Plan, the States will be encouraged to explore the feasibility of new hotel provision within Town and to consider how best to work corporately to deliver a viable development. In land use terms, this will require provision to be made in the form of the development of a currently undeveloped site, the total redevelopment of a building or buildings that could be better used for alternative uses or through the conversion of historic buildings. This would link in well with the leisure activities within Town, as set out below.

In summary, the mix of commercial and support services in Town and the Bridge bring about greater interaction of activities and it is this mix and interplay that maintains their success and makes them attractive places to do business, live and spend leisure time.

POLICY LP6: MAIN CENTRE VITALITY AND VIABILITY - BUSINESS

The States will seek to instigate measures and support projects that enable Town and the Bridge to be maintained as the Island's main economic centres by:

- i. making provision for appropriate development to ensure the main centres of Town and the Bridge are able to accommodate the needs of modern commercial operations, including retail, supporting services and, in the case of the Bridge, industrial development
- ii. assessing the retail cores of Town and the Bridge to determine whether they need to be redefined in order to concentrate effectiveness and enhance vitality and viability
- iii. enabling the main centres to accommodate the needs of the office sector while respecting the historic core of Town and making the most efficient use of land such as at Admiral Park
- iv. ensuring they are accessible by a range of transportation methods, including walking to work and making adequate provision for appropriately located car parking
- v. adopting a flexible approach to the control of uses to enable a steady improvement of commercial accommodation while respecting the overall objective of protecting and enhancing the vitality and viability of the main centres
- vi. requiring high standards of building design
- vii. promoting the reuse of vacant buildings

Main centres as attractive places to live

Section 8 of this Plan sets out specific requirements for housing provision within the Island and Linking Policy LP5 addresses independent living for all. This is a concept that can be successfully delivered over time through the development of housing within the main centres, supported by some development within the local centres and the adaptation of existing homes.

Provision of homes in and around centres ensures that residents are close to shops and services and are provided with easy access to a range of activities. This in turn can reduce the need to travel, resulting in more sustainable living and fewer journeys

undertaken by the motor car. However, the main centres must also be attractive as desirable places to live to a broad spectrum of our society.

Some members of our community will prioritise access to good housing, others to good schooling while a number may appreciate easy access to leisure facilities and bars and restaurants. Provision needs to be made for a range of housing types along with the appropriate management of development within the urban environment which play a critical role in maintaining and enhancing diversity of the residents of Town and the Bridge.

Increasing the resident population of Town and the Bridge will also increase the 'critical mass' of these areas, meaning there will be more people to support the commercial and leisure facilities within them. People are the lifeblood of any town and increasing the resident population can extend the hours of operation of a town and rather than mainly operating between 9am and 5pm, can enhance vitality of the centres later into the evening thereby extending the social mix of people after 5pm. Increasing the resident population can also lead to an improvement in the level of natural surveillance of public streets and spaces. Residential properties will have windows looking out over the public areas that also provide the access to homes. This in turn can lead to lower crime rates and make the centres safer and more desirable places to be.

Additional homes can be achieved by the Development Plans making specific provision for new-build housing within the main centres, regenerating some of the more run down and less precious parts of these areas and in the case of Town making use of the vacant spaces above a number of existing shops within its core. This will require balancing the desire to conserve existing shop frontages and rear elevations of these buildings with the many benefits of providing new homes within existing floor space. Every effort should be made to promote such an initiative.

As part of the reassessment of the key retail cores of the main centres, the Environment Department should consider whether the relaxation of protection currently afforded to the retail activities in these areas could release some buildings or sites that could be more appropriately used for other uses such as housing.

Delivering residential development on urban sites may prove challenging and the Environment Department will need to consider the value of development proposals in terms of their contribution to maintaining and enhancing the vitality and viability of the main centres relative to other environmental considerations including the conservation of buildings.

POLICY LP7: MAIN CENTRE VITALITY AND VIABILITY - LIVING

The States will seek to instigate measures and support projects that enable Town and the Bridge to be maintained as attractive places to live by:

- i. making provision for the development of a wide range of housing types**
- ii. encouraging the regeneration of parts of Town and the Bridge to provide modern, attractive housing**
- iii. retaining and increasing residential accommodation within the main centres**
- iv. making provision for a good mix of support services to promote sustainable settlements**
- v. enabling householders to meet their reasonable development aspirations**
- vi. encouraging the appropriate management and development of public areas**
- vii. encouraging the reuse of vacant buildings and making better use of upper floors within the main retail areas**
- viii. giving consideration to the reuse of premises that are regarded as being no longer fit for their original purpose for housing accommodation**
- ix. managing traffic appropriately to ensure good levels of residential amenity but also enabling residents to have access to private transport without undue restriction**

Main centres as attractive places to spend leisure time

The historic core of St Peter Port contains Protected Buildings and groups of structures that respect the medieval street pattern and contribute positively to Town's very strong distinctive character and appearance. Some parts of Town, including the most central areas, are showing signs of inattention and there is a growing contrast between some of the reasonably well maintained privately owned buildings and the less well cared for public spaces that connect them.

It is therefore important to protect what sets St Peter Port apart from other towns but at the same time provision must be made for investment in order to ensure Guernsey keeps pace with other jurisdictions in terms of the quality of accommodation and services and to reinvest in the rehabilitation of the more neglected yet valuable parts of Town. The quality of the public areas will play a key role in attracting people to the

main centres who will see them as destinations to spend their leisure time and as a result will assist in supporting local businesses within the areas.

The Bridge frontage forms an edge to the inner harbour area and is recognised and valued by the local community. As in Town, there is a lack of co-ordination of hard and soft landscaping in public spaces and a disproportionate amount of space allocated for the exclusive use of the car. The development approved in principle at Leale's Yard could emphasise the contrast between a managed, privately operated site and a less well maintained public harbour frontage. As part of the review of the Development Plans the Environment Department should address this issue by encouraging appropriate enhancement of public areas. This may take the form of traffic management, improved lighting and better landscaping within both of the main centres, enabling the public, private and voluntary sectors to work together efficiently.

Town and the Bridge are both located on the eastern side of the Island and originally developed as trading destinations associated with the Island's main sea ports. This location was obviously chosen by the need to access deeper water for harbour development but it does mean the main frontages of Town and the Bridge lose direct sunshine by the late afternoon. However, there are places within these areas which could become attractive outdoor spaces and these should be identified and improved for greater social, economic and environmental benefit. By way of example, many of the piers in Town enjoy late sunshine and therefore offer opportunities for extended leisure use of Town beyond 5pm.

This raises issues of ensuring commercial harbour activity can adequately function, appropriately safeguarding our borders and dealing with issues of public car parking. These issues have historically been treated separately and consequently many positive opportunities have not been fully realised.

Through a co-ordinated approach to the planning of development, a strategy should be prepared that looks beyond the purely functional requirements of the ports and seeks to satisfy wider social, economic and environmental objectives. Such a strategy should identify areas for commercial development and expansion as well as areas attractively situated for leisure uses such as restaurants, bars, public open spaces and appropriate and associated retail development.

The harbours may offer opportunities for further marine-based leisure development that could harness opportunities to expand the contribution to the economy from visiting cruise liners and attract visiting yachtsmen currently unable to utilise Guernsey's facilities owing to vessel size restrictions. The average size of local craft has also increased since the construction of the QEII marina in the late 1980s and

therefore there is also scope to provide improved facilities for local boaters. This would make the most of one of our strongest natural assets and potentially draw in greater economic contributions while at the same time improving leisure facilities and the quality of the environment.

A comprehensive strategy might involve relocating some existing port functions from areas that constrain commercial activity and also making more productive use of areas currently used for parking. It may be considered appropriate to utilise more of the harbour and east coast areas as marinas. However, thought should be given to wider environmental enhancement that could be carried out as part of future development that would significantly enhance the setting and surroundings to the benefit of all those wanting to spend leisure time around the harbours and coastal areas. Care will be needed to ensure such initiatives impact positively on the overall performance of Town and the Bridge.

Leisure activities within Town and the Bridge could be enhanced through the introduction of facilities such as cinemas, performance venues and open spaces that can be used as informal leisure spaces where people can meet. Such facilities would extend the hours of operation of the main centres and contribute positively to a more diverse evening economy but commercial facilities have to be financially viable and will not simply be provided as a result of planning policy. However, commercial viability can be achieved through mixed use developments where the overall balance of commercial viability is tested, as opposed to analysing the commercial viability of all of the separate elements. Therefore, the Development Plans should seek to introduce policies that enable the delivery of commercially viable development incorporating leisure facilities.

Guernsey has a very high car ownership and there are long established expectations that individuals should have the personal choice to use cars rather than public transport. However, traffic affects the quality of the urban environment by contributing to localised noise and air pollution and often setting aside considerable amounts of public space for the exclusive use of vehicles. Consideration needs to be given to ensuring the main centres are accessible for all, including families with young children, offering safe and convenient access.

Town and the Bridge should not be primarily moulded to meet the requirements of motorised traffic and it is important to reduce negative effects in order to improve both centres as attractive leisure areas and places to live and work.

Finding a good balance will not always be easy. Town and the Bridge rely on easy access to areas of employment, shops, homes and services and therefore cannot

simply exclude vehicles. The Development Plans should therefore seek to implement policies that reduce the negative effects of traffic through carefully managed environmental enhancement schemes that identify and remedy those aspects of traffic that have a negative impact on that particular area. Rather than looking at these areas in isolation, enhancement plans should be worked up as part of an overall vision for Town and the Bridge in conjunction with users of the main centres and the traffic section of the Environment Department that will enable the rationalisation of private vehicle parking and reduce the requirement to drive through Town.

A fast, reliable and comfortable public transport system can provide a viable alternative means of transport to reduce the need to travel by private motor car. This in turn can lead to quieter, safer roads, more attractive centres and opportunities for new economic development benefitting from a more attractive environment. The land planning system therefore has an important role to play in ensuring public transport facilities are appropriately designed and located in order to maximise their use. The Development Plans should therefore make provision for public transport facilities, such as bus termini, that meet modern expectations for comfort and convenience.

POLICY LP8: MAIN CENTRE VITALITY AND VIABILITY - LEISURE

The States will seek to instigate measures and support projects that enable Town and the Bridge to be maintained as attractive places to spend leisure time by:

- i. respecting their special historic character while enabling development to take place that will permit them to respond to modern leisure and recreation expectations**
- ii. encouraging the improvement of public areas to ensure the centres are desirable places to spend leisure time**
- iii. making provision for opportunities to improve leisure and recreation facilities within and around the harbour areas while balancing this with essential port development and operational requirements**
- iv. developing a harbour strategy to balance competing uses**
- v. encouraging the development of a diverse range of economically viable leisure, culture and arts related developments within the main centres**
- vi. developing a vision for traffic and transport within and between the main centres that seeks to minimise the negative impact of the motor car on leisure spaces while also making provision for modern public transport facilities**

Making it all happen

The positive and comprehensive management of a town centre can ensure the economic growth and development of a town by drawing together all sectors of the community to improve the vitality and viability and delivering initiatives and plans produced either by the States or in partnership with the private sector. This requires the main centres to be regarded by everyone with an interest in them as unified places, rather than simply as locations for competing activities.

Harnessing appropriate investment will be the key to unlocking the full potential of the main centres and with public finances remaining tight for the foreseeable future this will rely on the States working closely with the private sector to mutual benefit. In the UK, for example, many town centres are investigating various mechanisms for collecting funding for the greater good of the town through schemes such as Business Improvement Districts or BIDs. The aim of a BID is to develop and implement a series of new and additional initiatives designed to both further promote and improve the trading environment of an area within a BID boundary in which rate payers operate their business. Many other mechanisms exist and should be actively investigated as part of the development of a vision for Town and the Bridge.

This will require the development of a strong framework for implementation in order to provide a co-ordinated approach to development and to enable the private sector to identify appropriate opportunities for working in partnership with the States. The Environment Department has previously prepared a Streetscape Strategy in an attempt to guide future enhancements to the public areas within Town but implementation has been poor mainly owing to a lack of public and private sector co-ordination and a scarcity of adequate opportunities to cross subsidise such improvements.

The Liberation Station bus terminus in St Helier, Jersey is a good example of where the inclusion of private sector funding, in the form of high quality holiday apartments over the terminus, has assisted in the delivery of a public facility. The result is an excellent modern bus terminus in the centre of town that significantly enhances the appeal of an alternative means of travelling to the private car.

In the interests of creating well connected centres that are easy, safe and enjoyable to move around, every opportunity should be explored to improve the walking environment within them and to introduce policies and initiatives that encourage greater use of cycling.

The Mixed Use Redevelopment Areas (MURAs) identified within the 1995 and 2002 Urban Area Plans have proved successful in identifying and delivering opportunities to combine uses across larger development sites. The Development Plans should investigate opportunities for further and similar mixed use re/development opportunities 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. This approach should seek to bring together a number of opportunities into a single vision that presents a picture of how the main centres may appear in the future and how various agencies can contribute to its successful delivery.

Engagement with all relevant stakeholders will be required if this is to genuinely meet the aspirations of Islanders and the Environment Department should clearly set out how such public consultation will be undertaken as part of the Development Plan preparation process.

Many of the opportunities for economic, social and environmental enhancements identified within this section of the Plan centre on the eastern coastal areas of the main centres. These areas do accommodate land which is either inefficiently used or could be put to better alternative use through the implementation of a co-ordinated strategy. Provision should be made within the Development Plan for the reclamation of land from the sea where this would facilitate the delivery of some of the social, economic and environmental benefits identified here. However, it is appreciated that such development is very expensive and the feasibility of reclamation should be evaluated as part of the development of a co-ordinated strategy for the harbour areas.

The reclamation of land from the sea to facilitate the development of future additional port facilities is addressed within Section 13 of this Plan.

POLICY LP9: MAIN CENTRE VITALITY AND VIABILITY - DELIVERY

Through corporate working and forging appropriate public and private partnerships, the States will seek to instigate measures and support projects for Town and the Bridge that:

- i. encourage a wide range of retail, commercial, leisure, business, culture and arts facilities and residential uses to ensure the main centres as attractive places to shop, work and spend leisure time
- ii. focus the retail operations in those areas best suited to meeting modern retailing requirements and enhancing the vitality and viability of the retail cores
- iii. promote the reuse of vacant buildings
- iv. retain and increase overall levels of residential accommodation
- v. promote environmental improvement, including development, through appropriate vision documents for Town and the Bridge
- vi. safeguard the historic character of Town and the Bridge while enabling appropriately scaled new development to meet the objectives of the States
- vii. improve pedestrian and cycle access, improve public transport links and facilities and provide for appropriate levels of car parking
- viii. make provision for land reclamation where such development can support and enable the objectives of the Strategic Land Use Plan to be met

Implementation of this policy will require the production of appropriate guidance by the Environment Department that identifies development opportunities for social, environmental and economic enhancement by combining individual needs for the greater overall good while balancing the need to respect the historic built environment and safeguard diversity of activity.

Local Centres

As set out in Section 4 above, the adopted spatial strategy for the distribution of development within the Island involves concentrating development within and around the edges of the urban centres of St Peter Port and St Sampson/Vale with some limited development around the main parish or local centres to enable community growth and the reinforcement of sustainable centres.

This will require the identification of a hierarchical structure of main (St Peter Port and St Sampson/Vale) and local centres. As previously stated, the main parish or local centres will be identified through the Development Plan preparation process, based on an assessment of 'sustainability indicators', i.e. those services and facilities that contribute to an area's ability to meet local social, economic and environmental needs.

There is and will continue to be considerable pressure for development beyond the main centres, particularly for residential development. However, in order to respect the Spatial Strategy and to avoid the urbanisation of the countryside, the Development Plans will seek to promote sustainable communities within the main parish or local centres, building on the support services that currently exist while protecting and wherever possible enhancing these areas and the contribution they make to the sustainable development of the Island.

As a result, it is not intended that substantial levels of development will take place within the main parish or local centres but the Development Plans should make provision for an adequate level of development that will support their role as socially inclusive and diverse communities and neighbourhoods.

Within the main and local centres and in line with the overarching Spatial Strategy the redevelopment of brownfield sites will be encouraged in the interests of the efficient use of land and protection of the natural environment.

Community Plans

The Land Planning and Development (Guernsey) Law, 2005 enables the Environment Department to prepare statutory Subject Plans and Local Planning Briefs to address issues affecting the development or use of land or planning issues within a specific location. These provide for a formal consultation mechanism and public opinion is considered in public by an independent inspector. Community Plans are not statutory planning documents but will act as conduits for harnessing local opinion and informing subsequent planning decisions in areas where the Development Plans allow for new development.

In this context, Community Plans are a means of a community coming together to contribute to discussions relating to the development of an area. It is not the intention that the local community will act as a second planning system but a Community Plan could represent an action plan that sets out the community's vision for improvements to the local centre. Through harnessing private sector investment within an area and the private sector and community working in partnership with the States, it could be possible to bring about environmental enhancements and other changes identified

within a Community Plan as being necessary or desirable. Examples might include traffic calming, improved landscaping, and improved public walkways, etc.

They will however be regarded as a formal consultation document and will inform future decisions made on development proposals within an area. The Development Plans will consider the specific role of Community Plans for the main parish or local centres and set out the community's role in influencing development within a specific area.

POLICY LP10: LOCAL CENTRES

The Development Plans will identify main parish or local centres based on the assessment of services and facilities (sustainability indicators) within the locality and enable limited development of a scale that is appropriate for the specific location and would not result in the centre affecting the vitality and viability of the main centres. This will be achieved by:

- i. respecting the quality of the physical environment and local heritage and seeking high quality building design**
- ii. protecting open countryside while facilitating a viable rural economy and enabling other small scale economic development, where it is appropriate to do so**
- iii. enabling a flexible approach to the management of development that can adapt to more or less growth or change over time**

The role of Community Plans will be clearly set out within the Development Plans

Infrastructure and implementation

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 Strategic Land Use Plan.

In the context of the Strategic Land Use Plan, infrastructure includes the basic physical structures and large physical networks needed for the functioning of a modern society.

This covers: transportation infrastructure (road network, seaports and lighthouses, airports, etc.), energy infrastructure (importation and distribution of fuel, electrical power network, etc.), water management infrastructure (drinking water supply,

sewage collection and disposal of waste water, etc.), communications infrastructure (fixed and mobile telephone networks, transmission stations, Internet, etc.) and solid waste management.

The Plan supports:

- making better use of existing infrastructure
- reducing demand through measures such as reducing reliance on the motor car through the development of sustainable communities
- providing additional capacity by extending existing or providing new infrastructure

The States of Guernsey are currently formulating the Island Infrastructure Plan and an update on progress has been included in the 2011 States Strategic Plan Report (page 1971 of Billet XVI 2011). The prime purpose of the Infrastructure Plan is to facilitate new infrastructure investment by the States and the private sector over the next 5 to 20 years in a co-ordinated way and to improve the management, use and value for money of Guernsey's existing infrastructure assets.

The chapter 'Main Centre Vitality and Viability' deals with land reclamation in the context of enhancing the roles of the main centres. However, it may be necessary to reclaim land from the sea for other purposes and development associated with the harnessing of renewable energy and accommodating development with a high environmental impact regarded as being of strategic importance could make use of such reclaimed areas and should be regarded as priority uses in this respect.

The airport and harbours represent key infrastructure that ensure our physical strategic links with the outside world are maintained. However, while it is essential that provision is made to enable this to continue, potential exists for cross subsidisation through private sector investment. This is explained in some detail in the section 'Main Centre Vitality and Viability', above, where it highlights potential economic, social and environmental benefits in adopting a joined up approach to the future development of the harbour areas.

In addition, opportunities may exist to adopt a similar strategy at the airport where a co-ordinated approach between the States and the private sector may harness additional investment opportunities which can in turn enhance operational viability. In accordance with the spatial strategy of the Strategic Land Use Plan, any economic opportunities identified will need to be balanced with the requirement to respect social concerns and the protection of the environment.

POLICY LP11: INFRASTRUCTURE AND IMPLEMENTATION

- i. **The Development Plan will make provision for the development of Guernsey's infrastructure to meet the social, economic and environmental objectives of the States**
- ii. **The location of strategically essential development should have first priority in existing and new areas of land reclamation**
- iii. **Through policy formulation and other initiatives, the States should investigate opportunities to harness investment to assist in maintaining and developing airport and harbour-related infrastructure**

Making the best use of sites where strategic opportunities exist

Introduction

The objective of the Strategic Land Use Plan is to concentrate development within and around the edges of the urban centres of St Peter Port and St Sampson/Vale, while allowing some limited development within and around the other main parish or local centres to enable community growth and the reinforcement of sustainable centres. Notwithstanding this however, the Plan also notes the importance of establishing a flexible approach to the control of development that can adapt to more or less growth or change over time and that enables reasonable development aspirations to be met.

Beyond the main and local centres there are sites which may require a more flexible approach to the control of development if they are to be fully and appropriately utilised in the future for the economic, social and environmental benefit of the Island. This policy is intended to provide very limited opportunities for the Development Plan to establish exceptions to the overarching spatial strategy in very specific circumstances while still satisfying the fundamental objectives of the Strategic Land Use Plan and not detracting from the intention to reinforce the role of the main and local centres.

There are a number of larger sites in the Island that are becoming obsolete for their intended purpose or are underused in their current form. Such sites include hospitals, schools and industrial areas. These sites, mainly in public ownership, present opportunities for reuse and redevelopment but their potential may be unduly constrained if planning policies designed for smaller scale sites beyond the main and local centres have to be applied without the ability to take a more comprehensive approach. Adopting a more flexible approach could potentially enable economic, social and environmental objectives of the States to be met through appropriate development.

The Development Plans will identify appropriate sites where, through the balancing of social, economic and environmental concerns and the adoption of appropriate mechanism/s (e.g. Local Planning Briefs) necessary to set a planning framework, development can bring about benefits to the wider community. Provision will be made within the Development Plans to enable full public consultation through either formal or informal mechanisms or by a combination of both. It is anticipated that formal mechanisms for consultation will involve the preparation of a planning framework document that would be subject to consideration by an independent inspector, through a public planning inquiry.

POLICY LP12: MAKING THE BEST USE OF SITES OFFERING STRATEGIC OPPORTUNITIES

Notwithstanding the spatial strategy set out within Section 4 of this Plan, the Development Plans will identify and make individual provision for the planning of sites where potential exists to meet the corporate economic, social and environmental objectives of the States through the adoption of a more flexible land use policy approach. The Development Plan will include an appropriate mechanism for full public consultation in establishing site-specific planning framework documents.

Tackling the adverse impacts of redundant glasshouse sites

Following the decline of the horticultural industry, the Island has been left with a legacy of significant areas of redundant glasshouses. Some of these structures are in reasonable condition while others are derelict, potentially dangerous and regarded by many as visually unattractive.

Glasshouses are often left derelict because of the financial costs involved in demolishing glass and ancillary buildings and fully clearing these sites. However, owing to their scattered location in largely open and otherwise attractive parts of the Island, their wholesale development would urbanise the countryside and run counter to this Plan's Spatial Strategy.

Such an approach could also reward dereliction, encouraging other landowners to allow their sites to become derelict. However, there are only a limited number of realistic options for glasshouse clearance which could include the planning system offering some uplift in land value (through enabling some form of development) that could assist in financing complete removal, the States of Guernsey offering direct financial incentives or supply of labour, penalising dereliction (i.e. through taxation) or the landowner deciding to remove the glass for personal reasons. Therefore, it may be necessary for a number of States departments to work together to fully resolve this issue.

Through the Development Plan review the Environment Department should work with the Commerce and Employment Department to assess all sites and determine the location of the most unsightly redundant glasshouse sites that can realistically be returned to valuable open space. This analysis of glasshouse sites is likely to also identify smaller areas of glass where an acceptable approach might be to include the site within the curtilages of adjoining properties.

Such an audit will enable decisions to be made about which sites are likely and able, to contribute to the agricultural industry and therefore be afforded suitable protection and those that are not contiguous with other areas of agricultural land and therefore can be used for other open purposes.

Within and around the main and the local centres the Development Plan may identify opportunities for development that coincides with the existence of areas of redundant glass and in such circumstances this will deal with the issue of site clearance.

However, care will be needed to ensure that areas of glass that can be cleared to make a positive contribution to agriculture or open space provision is safeguarded for such within the Development Plans. Once the scale and nature of the problem is fully understood, the Development Plans should explore how to deal with the most problematic sites.

POLICY LP13: REDUNDANT GLASSHOUSE SITES

The Development Plan will identify redundant glasshouse sites that, if cleared, are capable of making a positive contribution to open space/agricultural land provision within the Island and will introduce policies that facilitate their removal.

Policies for specific land uses

Economic Policies

6. Economic Development

Office development

The current focus of office accommodation is within the St Peter Port main centre with prime office accommodation recently being built at the Gategny Esplanade/St Julian's Avenue and at Admiral Park Mixed Use Redevelopment Areas (MURA). The third MURA, located at Leale's Yard (the Bridge), does not preclude significant office development from being built, but the developers have chosen not to include office accommodation as part of their proposals.

Guernsey's stock of office accommodation can be considered to comprise of three categories:

- Primary – recently developed or refurbished to modern standards
- Secondary – older purpose-built offices that may or may not be capable of being refurbished or redeveloped to modern standards
- Tertiary – existing offices resulting from the conversion of units of accommodation, retail, etc. that may never meet modern standards

Meeting the demands for office accommodation of modern standards requires a combination of:

- the development of Primary offices including large floor plate buildings on new sites
- the refurbishment or redevelopment of Secondary offices into Primary offices where feasible, and
- the release of unsuitable Secondary and Tertiary offices for other uses (which will have an effect on the availability of office space)

A strategic objective of the States is to make Guernsey a globally competitive centre of economic growth with a diversified economy. In order to support the advancement of this objective effectively the Development Plan will need to provide a strong framework for enabling an improvement in the physical quality of office accommodation on both existing and new sites. This requirement is important for the

high value, large floor plate schemes and the replacement or refurbishment of the older office stock. Recycling the latter for smaller businesses will remain important, although in certain circumstances it may be acceptable to utilise these for alternative uses.

A significant characteristic of the office land use pattern is the clustering of interrelated commercial activity around major offices and the inter-dependence of various sectors of the economy. The existence of high quality financial, legal and accounting services provides an attraction for new businesses in other sectors which require international standard services for branding, franchising and e-business to locate in Guernsey.

Office accommodation will also need to be provided for facilities that enable training and development of the existing workforce, including providing opportunities that support available employment for the workforce beyond the existing retirement age.

The actual provision levels of new large floor plate offices over the course of the Plan period will ultimately be determined by the scale of demand and the ability to accommodate it.

In spatial terms, new larger office developments will be focused in the main centres (including Admiral Park) but with the ability to make provision for new small-scale office development within certain local centres, based on an individual assessment of the impact of such on the local area. Redevelopment of brownfield sites within the core areas of centres will be prioritised over greenfield site development in order to achieve economic investment and environmental enhancement of the built environment and protection of important open spaces. However this will be balanced against the need to protect the valued historic buildings that contribute positively to the character of the centres.

POLICY SLP1

The Development Plans may make provision for new office development within the main centres, including Admiral Park, that would help deliver wider economic, social and environmental benefits

POLICY SLP2

The Development Plans will encourage the refurbishment and re-use of the existing office stock in the main centres.

Industrial and business land supply

The Guernsey economy has experienced structural transformation over recent decades. The switch from land-based primary industries to office/service based businesses requiring high specification ICT infrastructure, has led to a variety of opportunities and challenges for managing development.

A major objective of the Fiscal and Economic Plan is to support a ‘diversified, broadly balanced economy’ which includes the need to provide for a comprehensive range of accommodation for business and industry. This overall position will also include meeting the accommodation needs of the lower-value¹ industrial and service sector where appropriate in the Development Plan.

The main focus for industry will remain within or around the main centres of St Peter Port and St Sampson/Vale, Saltpans Park and Admiral Park. The local centres may also provide some opportunities.

The Development Plans will assess existing reserves of business land supply in order to test whether these can meet the Island’s current and longer term economic development needs. In preparing the Development Plans the Environment Department will investigate appropriate mechanisms for securing an adequate supply of land such as designating specific sites (possibly as strategic industrial reserves) and/or putting in place enabling policies that set criteria against which proposals would be assessed. The Commerce and Employment Department will be encouraged to provide regular reports on business needs to the Strategic Land Planning Group.

POLICY SLP3

The Development Plans will make provision for a comprehensive range of land opportunities for employment uses.

1 Lower value industrial development is regarded as including a variety of traditional service industries (i.e. construction-related trades, contractors and crafts) that are usually accommodated in small workshops and/or open storage areas.

Small scale business development

Certain small-scale businesses such as those requiring workshops, secure storage or open yards may have a justifiable need to develop outside the main and local centres due to the special requirements resulting from the nature of their operations. This could include small commercial businesses that have no operational requirement to be located within or on the edges of the main centres and are unable to find suitable sites within the Key Industrial Areas or businesses that are unable to compete with larger firms looking for higher quality accommodation.

Small scale business development could also include minor forms of office development, such as home-based working, that is required to operate small office-based businesses not requiring significant levels of support services such as parking, etc.

Provision should be made for these forms of development beyond the main and local centres but it is important that they are of such a scale and form that they respect the character of the surroundings of less developed areas and do not undermine the Spatial Strategy or the Core Objectives of this Plan.

Policy SLP4

Limited provision will be made within the Development Plans for small-scale business development outside the main and local centres that respects the scale and character of the surroundings.

Retail development

The Island is well served by convenience shopping outlets and new additional floor space requirements are likely to be relatively limited in the medium term according to a Retail Study (Roger Tym & Partners 2010). In general, the main centres offer a good level of provision which is complemented by shops elsewhere, such as at St Martin's local centre which provides a good range of convenience shopping and local services.

In terms of comparison shopping (see Main Centre Vitality and Viability in Section 5 for definition), some scope to strengthen the role of Town has been identified in the retail study, particularly from 2015 onwards. A substantial amount of comparison retail development is currently planned to be included as part of the Leale's Yard scheme at the Bridge. The Leale's Yard development will enable a critical mass of floor space to

be brought forward to provide a range of shops not currently available in the Island and will go some way to addressing 'leakage' from the local economy through special forms of trading such as internet shopping.

It is fundamental to ensure that the vitality and viability of Town and the Bridge are sustained and enhanced through continued new investment and regeneration. Retail areas need to constantly keep pace with the demands of the modern shopper, although this will represent a challenge within the historic town centre of St Peter Port.

As mentioned in Policy LP6, the Commerce and Employment Department is undertaking a review of the Island's retail strategy and its findings should be taken into account by the Environment Department in preparing retail policies within future Development Plans.

POLICY SLP5

The Development Plans will make provision for new large floor plate comparison retail development within Town and the Bridge to meet modern demand and to enhance the vitality and viability of the main centres. The scale of provision within each centre should be such that Town is maintained as the Island's primary retail centre.

POLICY SLP6

The Development Plans will make provision for a limited quantity of convenience retail development in local centres to sustain and enhance their roles as sustainable local settlements.

Tourism

Guernsey's high quality environment and cultural heritage are marketable products and yield economic value through tourism. Visitor attractions in St Peter Port include Guernsey Museum and Art Gallery in Candie Gardens, Castle Cornet and the house of Victor Hugo. There is also an impressive array of historic and archaeological sites including unusual churches and fortifications.

Both general and special interest leisure visitors to the Island are largely attracted by the beauty of the natural habitat and the authentic nature of Guernsey. This is partially reflected in an on-going trend for rationalisation and consolidation around smaller and often specialised facilities. It is also reflected in the importance of offering value for money and a high quality experience across all grades of hotel and self catering tourist accommodation as well as tourist and community led facilities. This includes the need for further improvements to various supporting facilities such as pedestrian and cycle trails, public facilities, signage, storyboards kiosks and parking areas and will be subject to further assessment in the emerging Infrastructure Plan.

It is essential that sufficient, good quality visitor accommodation across all types and grades is available to meet demand and to allow growth of the visitor economy. Policies to encourage upgrading the stock will be pursued where properties and sites still suitable to the industry have fallen into decline or where they are not currently utilised for tourism accommodation but would be potentially fit for purpose.

Whilst in exceptional circumstances the release of properties and sites that are no longer suitable for tourism purposes may be allowed, in general terms, almost all such properties have already left the sector. Any individual schemes for new accommodation and proposals, which upgrade the quality of existing accommodation within each grade band, will be encouraged where satisfactorily aligned with Development Plan policies. Building a large-scale high quality hotel for instance would potentially be complementary to this approach as would small to medium size properties at the two to three star end of the market.

POLICY SLP7

The Development Plans will seek to enable economically beneficial tourist-related development, especially where this improves quality and choice of facilities at all accommodation grades, whilst maintaining an adequate stock of visitor accommodation to support the future viability and growth of the industry.

Primary industries

The primary industries of agriculture and horticulture, although still covering major tracts of the Island, play a much reduced role in the economy as a whole. Agriculture and fisheries in recent years have represented only about 1% of gross national product. However, it is widely accepted that agriculture has a multi-functional role,

delivering not just food but other ‘public goods’ that have a considerable value for the local population, such as the protection and enhancement of the countryside.

Agriculture

The countryside is a ‘managed environment’ created by historical agricultural practice. Today, good agricultural management can:

- enhance the value of farmland for biodiversity
- sustain the beauty and diversity of the landscape
- enhance existing habitats and create new wildlife habitats
- conserve archaeological sites and historic features, such as the network of small fields and field boundaries
- improve opportunities for countryside enjoyment and
- enhance surface and groundwater quality

Milk production is the most important farm enterprise with dairy farmers, in view of their valued role in maintaining the traditional countryside, field pattern and the supply of locally produced milk and dairy products, receiving support that operates through a contract and quota system to control production and farm management.

Inevitably the cost of farming in Guernsey will remain high, with high cost of local labour, a scattered pattern of small fields that limits the use of large machinery and the expense of providing farm services to a small number of farms. Although the outlook for agriculture is challenging in the immediate future, the States has acknowledged the importance of securing a more balanced economy which provides a valuable land management regime for the countryside. In addition, dairy farming has played a large part in creating the traditional appearance of the countryside and this continues to be valued. Through the work undertaken as part of the Guernsey Tomorrow initiative, amongst those taking part, keeping dairy farming alive in the Island scored very highly as a priority objective for the States.

It is therefore clear that to manage and conserve its value the countryside needs viable agricultural businesses which promote and protect the rural environment, as further detailed in Section 10 – Countryside and Landscape Management.

One of the findings of the Dairy Industry Review, commissioned by the Policy Council (but not considered by the States at the time of writing) notes there is pressure on dairying due to the growing transfer of land to non-agricultural use which, according to the Dairy Review Panel, warrants control by legislation. The Panel therefore

recommends that consideration should be given to introducing legislation to retain land for agricultural use. This is a matter for consideration beyond the Strategic Land Use Plan. However, the policies of this document and subsequent Development Plans will need to be capable of delivering the agreed States position regarding the protection of agricultural land, be that through the introduction of new legislation or, as is the case now, through the exercising of land use policies.

The main consideration for this document is to determine how to adequately balance the protection of agricultural land for the industry's current and future needs with the need to ensure that an adequate amount of land can be made available for meeting other legitimate development requirements.

Larger areas of contiguous agricultural land offer greater efficiencies for farming and as a result smaller, more isolated areas of agricultural land that are not as desirable to the industry are facing increasing pressure to accommodate alternative uses. Accordingly, the Development Plans should focus on maintaining the most important areas of agricultural land for that purpose while also allowing other objectives of the States to be met through supporting physical development and other open land uses, where appropriate, which are considered compatible with the Spatial Strategy.

POLICY SLP8

The Development Plans will put in place policies that enable:

- i. a viable agricultural industry through integrated development linked to nature conservation and environmental management**
- ii. large areas of contiguous agricultural land and other areas well related to established agricultural operations identified as being of value to the industry to be protected for agricultural use**

Horticulture

The horticulture industry in recent years has represented only about 1% of gross national product.

The most important sector is now that which produces young plants (including cuttings) for export with a limited amount of flower and vegetable production, a proportion of which is sold locally. The edible crop sector has rationalised to a small

number of specialist growers who are producing high quality crops which has increased the viability of this industry for the top few businesses currently trading. A policy from local retailers towards buying Island-based produce and the introduction of more sustainable methods of production will also help to provide further support within a highly competitive business environment.

Commercial horticultural operations in the Island are greatly reduced in number and are consolidating on fewer, larger sites with the inevitable consequence of an increasing number of redundant horticultural sites.

POLICY SLP9

The Development Plans will support proposals that allow the extension of horticultural operations that are beneficial to the industry and where it would help maintain a sustainable level of horticultural production

Social Policies

7. Community, Social and Leisure facilities

Access to a range of social, community and leisure services and facilities is an important aspect of quality of life. There is a wide range of facilities in the Island, supporting sustainable communities, making for a healthy population and bringing about positive economic benefits through extended use of facilities and tourism.

The provision of adequate community, social and leisure facilities is fundamental to supporting sustainable local centres. The States Education and Health and Social Services Departments both have ongoing development programmes to improve current social and community infrastructure. Existing facilities should be permitted to develop and expand to meet the needs of the Island population.

A strategic approach to the provision of leisure services and facilities will be required by assessing need and demand. The Culture and Leisure Department's strategy for sport and leisure will identify the need for new services, but the continued and expanded use of school recreational facilities outside of school hours and full utilisation of existing leisure and recreational infrastructure will alleviate the need to develop entirely new stand alone facilities.

POLICY SLP10

Provision should be made in the Development Plans to enable the provision of an adequate range of community, social and leisure facilities to be developed according to need and demand whilst maximising the use of existing sites

Golf course development

Within the context of a small island, sports facilities such as golf courses require more extensive areas of land and any expansion of such facilities will inevitably include looking at land used currently for agriculture and horticulture. As a result, demand for new facilities must be very carefully assessed.

During the planning inquiry into the Rural Area Plan (Review No1) the matter of a third Island golf course was raised. Based on evidence received from all interested parties, the planning inspector was of the view that La Ramee represented the most likely place for an additional 18-hole golf course to be provided.

The Inspector's recommendation that the Rural Area Plan should include an area of search for an 18-hole golf course at La Ramee was accepted by the States when it adopted the Rural Area Plan in December 2005. It was also acknowledged at that time that the development of a golf course would rely on private sector investment.

In the absence of any further States decisions on this matter, the Environment Department, through the Development Plans, will make provision for an 'area of search' for an 18-hole golf course to be designated at La Ramee that takes into account the need to protect the most important areas of agricultural land and the potential to clear existing redundant glasshouses.

POLICY SLP11

The Development Plan will make provision for an 'area of search' for an additional 18-hole golf course to be designated at La Ramee

8. Housing

Introduction

The housing policies of the previous Strategic Land Use Plan led to the majority of housing provision being made within the Urban Area Plan in the form of:

- enabling policies,
- significant numbers being included as part of the approval of Mixed Use Redevelopment Areas, and
- strategic reserves, to be brought forward in the event of an unacceptable level of provision in the pipeline, known as Housing Target Areas.

The only provision made for housing within the Rural Area Plan was in the form of:

- the subdivision of existing units,
- the conversion of redundant buildings, and
- exceptionally, the development of sites adjacent to existing States Housing sites or near a Rural Centre for social housing only.

This policy approach has been successful in integrating new housing development into mixed-use urban schemes, making good use of existing structures and protecting the open, rural countryside. Based on figures from 2004 to 2008, an average of 87% of permissions are translated into actual development and the average completion time for small developments is around 18 months, with larger sites taking longer to finish.

There is a difficult balance to be struck in ensuring the right level of housing development results from the agreed policy base. If the market is flooded with housing opportunities and subsequent planning permissions, the market could stagnate with landowners being unwilling to sell and developers unwilling to buy land and build with uncertainties over the final value of the property. Alternatively, if too few housing opportunities are provided it could lead to the delivery of housing but at a very high cost per unit, reflecting the strong demand and low supply. As it is, economic conditions tend to dictate when land with planning permission is actually developed, with the result that the level of permissions granted is no guarantee of physical supply regardless of the level of demand.

The policies contained within this section of the Strategic Land Use Plan aim to strike the right balance of supply and demand but also seek to ensure that land that is appropriate for housing development, as defined by the spatial strategy, is actually

brought forward for that purpose. This will involve cross-departmental working and the adoption of a proactive attitude towards housing development.

Overall need and monitoring of provision

Core objectives of this Plan are to improve housing availability, quality and affordability and to enable people to remain independent in their own homes throughout their lives (as identified in Section 3, Purpose, Vision and Objectives).

In 2002 the first Housing Needs Survey was presented to the States by the former Housing Authority. The States agreed with the Housing Authority's recommendation that a target should be set to make effective provision for 300 new homes per year. This figure was agreed on an interim basis and it was anticipated that a later Survey would refine this target.

The figure of 300 homes substantially exceeded the minimum of 179 homes needed to satisfy the net annual shortfall in housing units identified by the Needs Survey. It was intended to provide for a sufficient 'surplus' to cater for the needs of a backlog of potential new householders wanting to obtain independent accommodation and to provide some spare capacity in the system to enable a better 'fit' between the size and type of housing people wanted and the accommodation that was available.

The 2006 Housing Needs Survey showed a demand for 340 new homes per year. The strategic target however was not revised after this survey and has remained at 300 since 2002. Notwithstanding this, however, the Environment Department has consistently met and exceeded the 'pipeline' figure of a minimum of 600 housing units (two year's supply) with planning permission at any one time.

In considering the strategic target, it is important to understand that the States cannot force developers to construct those housing units with consent, i.e. the figure of 300 units relates to the number of houses with planning permission and not to the number constructed per year. Nonetheless, to assist with strategic planning, at the time of writing the Housing Department is in the process of commissioning a further Housing Needs Survey, the results of which will be published in the first half of 2012.

Between Housing Needs Surveys, the Housing Department has been drawing upon a range of other monitoring sources to fully understand the overall need and composition of new housing. For example, it has been working closely with the Health and Social Services Department to better understand what the changing demographic profile of the Island and the significant increase in proportion of older people over the

next twenty years will mean in housing terms. It has also been working with employing departments to review the requirements to house public sector key workers¹. Finally, earlier this year saw the publication of the first Annual Housing Stock Bulletin that incorporates detailed information on the number, type, size and location of Guernsey's housing stock. This monitoring framework is delivered through individual departmental contributions and joint working between the Housing and Environment Departments and the Policy Council's Policy and Research Unit.

The Development Plans will be required to provide scope and flexibility for a sufficient quantity of housing provision to meet all the identified needs. The Plans will also be required to adopt a proactive role in overcoming barriers to housing delivery and to encourage the Environment Department to work proactively with the Housing Department to enable designated sites to contribute to meeting housing needs.

Therefore the number and type² of new homes being provided (in terms of size and tenure) need to be kept under regular review. Part C, Implementation, Monitoring and Review, sets out the requirements for monitoring housing figures. In the interim, however, the current overall housing supply target will remain in place, but this will be reviewed in line with the 2012 Housing Needs Survey.

POLICY SLP12

Arrangements will be put in place through the Development Plans 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. This should be monitored through regular research and data collection and reviewed as necessary through the Strategic Land Use Plan

Housing supply

Under the terms of the Land Planning and Development (Guernsey) Law, 2005, the Development Plans are valid for a 10 year period before requiring review, but may be reviewed in whole or in part at more frequent intervals if this appears necessary as a result of monitoring the effectiveness of policies in achieving States objectives.

¹ See Billet d'Etat XI, March 2007.

² In this context 'type' means whether housing is intended to meet general or specialised needs. 'Specialised housing' includes sheltered, supported or extra care housing.

Applying an annual housing supply target as required by Policy SLP12 (300 units per year based on 2011 requirements), would assume that housing need remained constant over the 10-year life of the Development Plan and would result in a total requirement to grant sufficient planning permissions to deliver 3,000 housing units.

However, identifying the land supply necessary to achieve this potential requirement for a full decade may not take sufficient account of the need to manage supply in a more responsive way taking into account the effectiveness of the housing policies in place or longer-term variables in the development sector such as market conditions and the 'build capacity' of the local construction industry.

Accordingly, the Development Plans will be required to initially make provision for a 5-year supply of housing through a number of mechanisms that the Environment Department considers appropriate (such as allocated sites, enabling policies, etc.). However, throughout the first 5 years of the Development Plan, the Environment Department will be required to demonstrate, through regular monitoring and reporting to the Strategic Land Planning Group as set out within Part C, that there is a maintained minimum 2-year supply of housing permissions within the 'pipeline' that is able to come forward for development. This will enable the Environment Department and the Strategic Land Planning Group to monitor the outcome of housing policies over a shorter period to determine whether they are meeting the objectives of the Strategic Land Use Plan, conforming to the intentions of its spatial strategy and ensuring supply is in balance with demand.

Based on this monitoring, before the end of the first 5-year period of validity of the Development Plans, the Environment Department will review the delivery of housing units over that period and assess the appropriate scale of housing provision for the remaining 5 year period of the Development Plans.

This could result in an amendment to the Development Plans to identify additional areas of housing land and to test these through a planning inquiry process.

POLICY SLP13

Arrangements will be put in place through the Development Plans to ensure that a minimum 5 year land supply is effectively made to meet the annual requirement for new homes as determined by evidence supported by the Housing Department. Before the end of this 5 year period, the housing policies in the Development Plan will be reviewed in order to assess the appropriate scale of provision for housing that is required for the remaining duration of the Plan

The existing Housing Target Areas and meeting future housing needs

The Urban Area Plan (UAP) approved by the States in July 2002 will be replaced by the first Development Plans to be produced under the guidance of this Strategic Land Use Plan. The UAP allocates a number of sites as Housing Target Areas, which represent a strategic reserve of housing that is only to be developed when monitoring indicates that the housing supply is insufficient to satisfy the policies of the UAP or when the Environment Department is directed to do so by the States. At the time of writing, none of the Housing Target Areas designated within the UAP (first identified in 1989 as part of the Land Use Consultants' "Corridor Report") have been brought forward for development. However, the Environment and Housing Departments are holding discussions on whether the release of one or more Housing Target Areas is now required, but there are concerns that the release mechanism for the Housing Target Areas is currently too cumbersome and protracted.

There are a number of options for dealing with the existing Housing Target Areas and how to make adequate provision for housing beyond the first 5-year period of the Environment Department's Development Plan. Environment could assess which of the Housing Target Areas could be kept as strategic reserves for use some time in the future, as and when needed. Alternatively, they could be assessed in terms of which of them might form part of the first 5-year supply by, for example, identifying them as allocated sites that would not require an additional planning inquiry to be released for development.

Following the assessment of the existing Housing Target Areas, it may be considered appropriate to remove them from allocation for housing purposes entirely or look at them as part of meeting the second 5-year supply to meet the ongoing demand for housing units.

POLICY SLP14

The existing Housing Target Areas will be reviewed to determine how they can contribute to meeting the housing supply target set out within Policy SLP13 while meeting the requirements of the Spatial Strategy within Section 4 and the policies of Section 5 of this Strategic Land Use Plan

Building sustainable communities (location of development)

The provision of new housing can create opportunities to help strengthen and build sustainable communities. However, new housing development is also likely to have one of the greatest impacts on the character of the Island and it is essential that it is appropriately located to enhance and integrate with the existing character and form of the Island wherever possible.

The spatial planning framework and the hierarchical role of the main centres and local centres dictate that the majority of new housing development will take place within and around St Peter Port and St Sampson/Vale where sites will have, or be capable of being provided with, good public transport links and good links to walking and cycling networks, which can encourage a reduction in car use.

In addition, strategic housing land reserves mentioned above may be identified within and around the urban centres of St Peter Port and St Sampson/Vale in accordance with the Policies set out within Part B, Sections 4 and 5 of this Strategic Land Use Plan.

The Local Centres will provide more limited opportunities for housing development. This should be of a scale that is appropriate for the local centre concerned and that does not undermine the spatial strategy of the Plan which seeks to enable community growth within these areas, reinforcing them as sustainable centres (see Section 5, Local Centres).

POLICY SLP15

The Development Plans will make provision for the majority of new housing development within and around the main centres of St Peter Port and St Sampson/Vale

POLICY SLP16

The Development Plans will make provision for local centres to provide more limited opportunities for housing development to enable community growth and to reinforce them as sustainable centres

Social and specialised housing provision

A major component of this Plan's spatial strategy is to assist in the delivery of socially inclusive and diverse communities and neighbourhoods. Social and specialised housing provision is fundamental to this purpose because it addresses issues of

affordability and/or the ability for members of the community to be accommodated, wherever possible, in their existing locality, according to their specific housing needs.

Social housing includes social rental housing (for those on low incomes) and partial ownership housing; specialised housing includes sheltered housing, supported housing and extra-care accommodation for older Islanders (and younger adults with care and support needs). Although neither social nor specialised housing, provision also needs to be made for retirement housing for outright sale (to facilitate downsizing).

In fulfilment of the States Housing Strategy, the Housing Department is responsible for co-ordinating a comprehensive approach to meet the Island's overall housing needs through the Corporate Housing Programme³. Within this overall Programme, there are specific plans (e.g. the Social Housing Development Plan, which deals with social rental and partial ownership housing) and other work streams (e.g. the Supported Housing Strategy). The Social Housing Development Plan⁴ has, to date, focused on the redevelopment of run-down social housing estates that are mainly located in the main centres of St Peter Port and St Sampson/Vale, although it is acknowledged that this process is nearing an end and new sites are now urgently required.

With respect to design, the lack of available sites for housing development, combined with the Island's limited landmass, means that there is an urgent requirement for new homes to be built to provide flexible accommodation which is adaptable to the changing needs of the householder (as explained in Section 5 – Independent living for all, Policy LP5), where appropriate.

This approach is consistent with the emerging Older People's Housing, Care and Support Strategy⁵ and HSSD's 2020 Vision for the future of health and social care⁶, both of which aim to encourage a move away from institutionalised care to looking after people in their own homes and to extend the range of housing options, thereby giving older Islanders, and younger adults with care and support needs, more choice.

³ See Billet d'Etat XI, May 2010.

⁴ See Billet d'Etat XXV, December 2007.

⁵ *At the time of writing, the Older People's Housing, Care and Support Strategy has not been formally agreed by the States of Guernsey, but a list of provisional draft objectives was included as an appendix to a report on extra care housing debated in May 2011 (Billet d'Etat VIII) to indicate the direction of future policies emerging from the Health and Social Services Department and the Housing Department.*

⁶ Adopted by the States in May 2011: see Billet d'Etat VIII.

It is therefore necessary for the spatial strategy to enable provision of new dwellings of the right type and size in suitable locations in the Island that offer, amongst other things, good amenities, key services and transport connectivity. Providing a better mix of dwellings will help meet the needs of specific groups, assist in maximising densities, create varied designs and layouts, and contribute to the development of socially inclusive communities.

To meet the aims and objectives of this Plan, it will be necessary for the Development Plans to make allowance for a proportion of social and/or specialised housing to be secured through planning covenants or by condition on larger private development sites. Development Plan policies may also request the inclusion of a number of social and/or specialised housing units as part of general market housing developments. In such circumstances a mechanism for assessing the appropriate circumstances for triggering the inclusion of social and/or specialised housing will be clearly set out within the Development Plan. This mechanism could also be developed to enable the Environment Department to negotiate an appropriate proportion on each individual site. At all times effective provision will be guided by the spatial strategy and satisfactory compliance with levels of housing provision identified as appropriate by the Housing Department. Larger sites should allow for mixed tenure provision within a framework of creating balanced communities. The scale of the development will be limited to their ability to be successfully integrated into their surroundings so as to respect the scale of the settlement concerned.

Rather than setting prescriptive target levels for social and/or specialised housing, it will instead be for the Housing Department in conjunction with the Environment Department to determine and inform the Development Plan through the analysis of existing relevant data sources.

POLICY SLP17

The Development Plans will make provision for a range of social and specialised housing as part of the annual requirement for new homes as set out within Policy SLP13

Appropriate levels of provision of social and/or specialised housing on larger general market sites may be required through the use of planning condition or covenant and established through a specified mechanism

Making the best use of land and buildings

In order to meet anticipated housing demand, some greenfield land will need to be identified for housing development. However, the Development Plans will be expected to promote the development of pre-used brownfield sites in order to maximise the use of land and buildings in the most efficient and effective manner. This will include promoting high density development whilst ensuring good levels of accommodation, amenity and design.

Opportunities to reuse previously developed sites and convert, redevelop and/or reuse vacant buildings and accommodation should be thoroughly explored. This will include opportunities in the main centres to re-use and/or convert space above shops to promote sustainable living close to employment and services.

The inclusion of housing within mixed use schemes can also help create attractive and desirable communities. Where opportunities exist and are encouraged through the Development Plans, mixed use schemes that include an element of housing should be positively encouraged.

POLICY SLP18

In addressing housing need, the Development Plan should seek to make the most efficient and effective use of land and buildings by encouraging the re-use of previously developed land, promoting increased housing densities where appropriate and encouraging the inclusion of housing within mixed use schemes

Environmental Policies

9. Natural Resource Management

Water

The Island is reliant upon precipitation for its water supply which is collected and stored in reservoirs. Guernsey Water has a responsibility to ensure that it conserves and enhances the natural environment within the water catchment area. Overall, it is necessary to ensure that the maximum possible amount of rainwater is successfully channelled to the Island's reservoirs.

Although rainfall records show that the probability of a prolonged period of low rainfall is small, there is statistical evidence of climatic change towards lower rainfall and some evidence that fluctuations in weather conditions are becoming more extreme. If rainfall is lower and less reliable, there is an increasing risk that a prolonged and serious drought could occur and a need to carefully conserve water.

In response to the States resolution, as part of the review of its Strategy on Waste, Water and Stone (2006) Les Vardes Quarry should continue to be identified and safeguarded as a strategic asset for freshwater storage once quarrying activities there cease; unless the States prioritise its future use for an alternative form of strategically essential development.

The Island's bathing waters are important for recreational, environmental and economic reasons. Therefore, it is important that development is managed in such a way as to create minimal negative impact on the Island's beaches and sea water quality.

POLICY SLP19

The Development Plans will include measures to prevent the pollution of potable water supplies and sea water as a consequence of development

POLICY SLP20

Les Vardes Quarry, St Sampson will be safeguarded as a future strategic water reserve following the end of quarrying activities

The planning system plays an important role in safeguarding water resources through the careful management of new development. New developments will be expected to use water in an efficient manner wherever possible. See also Policy LP3 in Part B, referring to the requirement for the installation of Sustainable Urban Drainage Systems, where appropriate.

POLICY SLP21

The efficient use and reuse of all available sources of water should be maximised and new development should wherever possible have appropriate sustainable drainage systems to maximise the efficient capture, use and reuse of water

Flood management

Rising sea levels will increase the risk of inundation by sea water, especially during extreme storm surges and there is also a greater risk of flooding in low lying areas of the Island due to higher winter rainfall. However the level of risk associated with locating particular land uses should be carefully assessed as certain land uses will be affected to a greater extent than others. Findings from the Coastal Defence Flood Studies (2011) will help inform the Development Plans to pursue appropriate individual policy approaches to different situations across the Island.

The Development Plan should give consideration to adaptation measures needed to lessen the impact on the existing land drainage system to avoid exacerbating flooding problems. Even so, there must be an element of risk tolerance in flood management especially in the urban parts of the Island. The nature of the risk in any given circumstance must be weighed against competing economic, employment, social, environmental or recreation benefits that might accrue. Opportunities to harness investment that would address flooding-related problems should be identified when considering development proposals.

POLICY SLP22

The risk of flooding should be carefully evaluated and taken into account when planning for development

Air quality

Guernsey has generally excellent air quality. The use of low sulphur fuels at the Power Station and the importation of electricity via the cable link can help in keeping industrial pollution to a minimum.

The main factors affecting air quality are the growth in motor traffic and fuel consumption, which creates localised pollution. With a high level of car ownership and usage, existing peaks of atmospheric pollution associated with high pressure systems are likely to increase and potentially lead to more respiratory diseases. In response to this position the States Environmental Plan sets out an identified outcome for a reduction in air pollution.

The main control of emissions from development lies with the Island's Environmental Health Department and it would not be appropriate for the Development Plans to preclude the consideration of development based on the effect on air quality alone. The planning system is able, however, to influence the location of development and the movement of traffic by reducing the need to travel and subsequently addressing localised pollution problems and may condition planning approvals to support Environmental Health regulations.

POLICY SLP23

In the interests of air quality, the Development Plans will take into account:

- i. the location of development and the extent to which it is possible to influence a reduction of unnecessary vehicle journeys**
- ii. the degree to which planning policies may be able to support Environmental Health controls over air pollution**

Waste and Stone Extraction

Solid waste

The path to securing an acceptable solution to the Island's solid waste has been long and difficult.

In April 2002 the States approved an amendment to the Urban Area Plan to enable Longue Hougue to be developed for waste management purposes.

In May 2005 the States initiated a comprehensive review of the 1989 solid waste strategy including a worldwide search for alternative (to incineration) waste treatment solutions.

In November 2005 the States confirmed the previous strategy for the disposal of inert waste by land reclamation at Longue Hougue.

In February 2006 the States considered and rejected working with Jersey to provide a new waste incineration facility to serve the Channel Islands.

In July 2006 the States considered and rejected export of putrescible waste as an interim measure.

In February 2007 the States approved an interim Waste Disposal Plan with a target of recycling 50% of all commercial and household waste by 2010 and specifically directed provision to be made for dry materials recovery, mixed waste recovery, in vessel composting, civic amenity sites and scrap metal. The States also agreed to seek tenders for the design, build and operation of:

- Either a mass burn energy from waste plant;
- OR a mechanical biological treatment plant coupled to an energy from waste plant, which facility may be a mass burn or advanced thermal treatment plant;
- INCLUDING consideration of modular development options for such facilities and any combination of mechanical heat treatment, mechanical biological treatment and advanced thermal treatment.

This subsequently resulted in the appointment of Suez Environnement as the Preferred Bidder for the design, build and operation of a residual waste treatment facility. However, in February 2010 the States resolved to reverse the previous decisions of the States endorsing the Public Service Department's Procurement Strategy as set out in Billet d'État No. I, 2007. As a consequence, the Public Services Department was required to formally notify Suez that the States will no longer proceed to contract closure and to develop and report to the States on a revised strategy for waste disposal as soon as practicable.

At the time of writing, a Solid Waste Strategy is being prepared by the Public Services Department with extensive community engagement. It is expected that this will be presented to the States for its decision in the near future. With the possible exception of continued landfill, any agreed strategy is likely to have land use implications in terms of waste infrastructure which will need to be addressed in the review of the Development Plans. It is important that the Development Plans enable the implementation of a States strategy whatever the waste management approach may be.

POLICY SLP24

The Development Plans will include policies to ensure that sufficient land is made available for future solid waste treatment solutions forming part of the current or revised States-agreed solid waste strategy

Liquid waste

Wastewater currently undergoes preliminary treatment at Belle Greve before being pumped out to sea via a long outfall pipe. Guernsey Water is committed to undertaking improvement works to replace and substantially upgrade the existing works by 2012.

POLICY SLP25

The Development Plans will include policies that enable the implementation of appropriate wastewater treatment techniques and associated infrastructure

Quarrying

Stone extraction on the Island takes place at Les Vardes Quarry which is currently being extended with a view to continuing operations for another 15-20 years. The States has also agreed to safeguard it as a strategic asset for the future storage of potable water once extraction ceases (Billet d'Etat X, 2009), which accords with the States-agreed strategy on Waste, Water and Stone (2006).

A further area of stone exists at Chouet Headland (Vale) which is considered to be viable to extract. Through the review of the Development Plans the Environment Department will need to ensure that this area of land is suitably identified as a strategic reserve of stone and is protected from other forms of development that might otherwise adversely affect stone extraction.

POLICY SLP26

The Development Plans will safeguard Chouet Headland (Vale) as a strategic reserve for stone extraction

10. The natural environment

The quality of Guernsey's natural environment is important, not simply for its inherent value, but for its contribution to quality of life and social wellbeing and to the Island's economy.

Landscape

The character of Guernsey's landscape derives from many factors; underlying geological features, the wildlife it supports and the physical survivals of centuries of man's management of the land. It is a unique, small scale, intricate landscape which is found only in the Channel Islands, although it is similar to the landscapes of Brittany and Cornwall. Its quality and diversity is acknowledged in the States Environmental Plan which seeks to retain its distinctive character.

Coastal landscapes are especially dominant and the cliff tops with open pasture, low earth banks and fortifications characterise the south and south east coasts. Other important landscapes across the island comprise open common, managed fields, valleys and escarpments. The interplay between natural and manmade elements is of special significance.

At the same time there are parts of the Island, for instance associated with redundant horticultural land, that are of lesser quality and would benefit from enhancement (see Linking Policy LP13). Currently there is also a desire to tidy up and domesticate the landscape, which will have an impact on landscape character. While this generally runs counter to the desire to preserve the local character of our landscapes, minor shifts in the management style of small parcels of land not forming part of larger areas of open land and not visually prominent will not fundamentally alter the character of the Island. They will also retain the ability to be used for agricultural purposes, if needed, in the future.

POLICY SLP27

The distinctive qualities and features of Guernsey's countryside should be retained and enhanced. The Development Plans will provide an overall analysis of the Island's landscape character and will identify priority areas for the maintenance, enhancement and/or restoration of that character and circumstances where change can be accommodated without significant adverse impact

Open countryside

As well as providing the backdrop to the daily lives of Islanders, the rural environment continues to be a landscape defined by the working practices of man and although not as significant as previous times, farming, horticulture and fishing play an important role.

Core Strategic Policies set out in the Strategic Land Use Plan seek to ensure that open countryside is protected while also facilitating a viable rural economy and enabling other acceptable small-scale economic development to be further defined in the Development Plan (See Small Scale Business Development, Policy SLP4). Certain areas of land hold a particular value in terms of their potential for agricultural use and therefore need to be conserved where appropriate.

The Dairy Industry Review (Policy Council, 2010) has emphasised the continuing pressure on dairying due to the growing transfer of land to non-agricultural use. However, the dairy farming industry is a government-subsidised practice and is unlikely to be a viable industry without financial assistance. Therefore the farming industry is protected as much for the role it plays in managing open land as it is for its produce.

The general consolidation of farming activities suggests there will be parts of the countryside that are not likely to be required for farming purposes in the immediate future. These small, isolated land parcels are often located between and immediately behind areas of development where a change to other open land uses such as curtilage extensions will be acceptable providing the ability to use the land for agricultural purposes in the future is retained.

POLICY SLP28

Open land in the countryside will be protected and provision will be made within the Development Plans for appropriate development associated with facilitating a rural economy or enabling other small-scale economic development

Public access to the countryside

Public access to the countryside has an essential part to play in quality of life, especially as many people now live in urban or suburban parts of the Island.

Public access to coastal countryside areas for informal recreation purposes along the foot and cliff path network and through 'green lanes' is a well established part of Island life.

These lineal routes are complemented by 'ruettes tranquilles', (designated Narrow Lanes) which although part of the road network, give priority to walkers, cyclists and horse-riders. Opportunities to provide safe routes within and around the main centres and local centres should be explored.

Visual access (i.e. the ability to see beyond frontage development) to the countryside is of equal importance to physical access. Much of the Island's countryside is hidden from public view by a frontage of roadside ribbon development and while it is acknowledged that any reversal of this would be extremely difficult, owing to the financial implications of demolishing and relocating homes, the Development Plans should not preclude such action and should explore policies that encourage and support proposals to improve visual access to the countryside.

Policy SLP29

The Development Plans will promote improvement of public access to the countryside and explore opportunities for the development of green lanes and pedestrianised off-road routes

Biodiversity

Global biodiversity is being lost at an alarming pace. While it is not being lost at the same speed as other places, biodiversity loss is occurring in Guernsey. Some native species are suffering due to fragmentation of habitats and the loss of salt marshes, soft coastal defences, unimproved land and wetlands. Semi-improved grassland for instance has decreased by a significant extent during the first decade of this century. The Island's natural biodiversity is strongly evident and prevalent in the marine environment. A key area for consideration is therefore the intertidal zone.

The States of Guernsey's Environmental Policy plan seeks to 'ensure healthier biodiversity and support specific species and habitats'. Increasing knowledge of location, extent and distribution of species and habitats is essential and has been met to a significant degree by the completion of a Phase 1 Habitat Survey conducted in

2010. The Development Plan review process will interpret this information when preparing planning policies and will contain policies to resist the unnecessary loss of significant areas of biodiversity.

There may also be opportunities to enhance biodiversity through new development by conditioning the requirement for new or extended habitats, either on the site of a development or on an alternative site identified through the planning process.

POLICY SLP30

Through the preparation of the Development Plans the Environment Department will provide measures to maintain biodiversity through the protection and enhancement of key habitats and landscapes

Management of development along the coast

Guernsey's coast is highly valued. It consists of a number of landscape character types ranging from the cliffs in the south to low-lying wet 'mares' to the west and includes the important foreshore areas. In addition to its visual values, it also provides livelihoods to many who operate coastal restaurants and outdoor recreation facilities and represents an attractive place to live and enjoy. The coastal area has always been subject to considerable development demands and pressures and care will be needed to ensure its attractive character is protected and enhanced when considering proposals for new development.

In the future, the coastal area may also have a valuable role to play in providing for certain types of physical infrastructure, including improved sea defences required to respond to the effects of climate change and possibly any shore-based renewable energy equipment required as part of the development of a local programme.

POLICY SLP31

Particular regard will be given to maintaining the coastline as an environmental, economic and recreational resource while responding to climate change pressures including rising sea levels and to the possible future need for infrastructure development

11. The built environment

As with the natural environment, with which it is closely intertwined, maintaining the richness and diversity of Guernsey's built environment is important. The quality of the built heritage is a major component of this. It too supports the Island's quality of life and social and economic wellbeing. It forms the physical link to the Island's past and helps create its unique identity.

The built heritage

The Island's built heritage is made up of many elements from archaeological remains, ancient burials and historic fortification through to the many buildings of architectural and historic interest, many of which have formal legal protection as protected monuments and buildings.

In addition the Island is rich in traditional buildings and other structures – walls, earth banks, barns and watering places - many of which have no formal protection but which contribute to Guernsey's special character, or local distinctiveness as it is sometimes termed. Many of these collectively form attractive areas, or are set in the landscape in an attractive way that warrants conservation and enhancement.

The Island's heritage is an irreplaceable resource. The challenge is to secure its conservation and enhancement in an appropriate way, recognising its special values, acknowledging that development and adaptation may be the best way to achieve this and also to support social and economic objectives. The important thing is that change sustains the special values and character of the heritage for the future.

As with the landscape, policies relating to the built heritage should be informed by an understanding of the character and quality of its various elements and their relative value so that a proportionate approach can be taken to the level of protection afforded and to the reasonable management of change. This is particularly important in the case of protected monuments and buildings as designation can have significant consequences for property owners.

POLICY SLP32

The Development Plans will include policies to ensure that the unique built character and heritage of the Island is conserved and enhanced. Allied to landscape character studies, an overall analysis of the built character of the Island will be provided as a basis for the management of change

New development

It is important that new development contributes in a positive way to the Island's built environment and becomes the heritage of the future. This means an approach to design that responds to the special character and heritage of the Island but also maintains high standards of sustainable construction as mentioned within Linking Policy LP4.

As with the natural environment, there are elements of the Island's built environment that would benefit from enhancement and the Development Plans should put in place policies that adopt a flexible approach to the alteration of the less valuable building stock, while striving for high quality, sustainable design as appropriate.

POLICY SLP33

The Development Plans will include policies to promote quality and sustainability in new development and to enable the enhancement of the built environment where appropriate

'Public art' initiatives can enhance the cultural experience of the Island and are able to reflect the lives and aspirations of the parishes, the main centres and the Island as a whole. Therefore public art initiatives should be incorporated into the public realm and the built environment, particularly in new development where the scale of the scheme justifies this investment.

POLICY SLP34

The Development Plans may include policy mechanisms for incorporating works of public art in major new development schemes and in enhancements to the public realm

Infrastructure

12. Transport, road use and car parking

At the time of writing, a revised road transport strategy is being devised by the Environment Department. In preparing future Development Plans a proper co-ordinated approach will be required to ensure the successful integration and delivery of land use and transport policies (see Linking Policies LP6, LP7 and LP8).¹

Transport

Although the continuing long term trend for high levels of car travel remains a significant factor, a number of policies have been identified for this Plan which will help to address the issue. A key outcome statement identified by the Spatial Strategy is to work towards achieving ‘a safe, secure and accessible environment for all’. Within the context of an island that has already seen development occur, it is possible to shape travel behaviour to a certain extent by establishing development patterns that complement public transport provision and reduce car dependence, as reflected by Policy LP2 in Section 5.

The creation of compact, walkable communities centred on a high quality public transport system can make it possible to live a higher quality life without complete dependence on a motor car. It is therefore beneficial to provide improved and attractive infrastructure facilities for public transport, walking and cycling. It remains important for services to be well linked in relation to the main transit routes. These policy measures and others referenced below will ensure more effective utilisation of the road network.

POLICY SLP35

The States will work in a co-ordinated way to ensure a complementary relationship between land use and current and future road transport strategies, and the Development Plans will make provision for additional associated infrastructure required to ensure successful implementation

¹ The system of amending strategic and specific land use planning policies set out within the Land Planning and Development (Guernsey) Law, 2005, does enable adjustments to be made if necessary in the light of emerging road transport policies.

Road network

There are approximately three hundred miles of public roads in Guernsey, ranging from main arterial routes that are heavily used on a daily basis to minor lanes used infrequently. Given the distribution of residential and commercial property the roads network is extensive and plays a key role in the Island's social and economic well-being. Roadways form the principal routes shared by pedestrians, cyclists, public transport and rising numbers of vehicles of increasing average size. Therefore it is essential that safe, efficient and fair access is afforded to all users of the public roads and pavements.

The historic form of the public road network constrains the scope of potential highway improvements with buildings and other structures often positioned on the back edge of the pavement. This form of development is prevalent in the urban areas of St Peter Port and St Sampson and this is representative of the character of the Island. In the main, Guernsey has not undergone major highway improvements in an attempt to accommodate a high level of car ownership. Although this has helped to preserve local character, unconstrained traffic signage and other related infrastructure can have a negative impact on the character of streets and roads as public spaces. Detrimental effects on the physical character of areas and a deterioration of road safety are mitigated when alternatives to car travel are available.

Given the strategic importance of the east coast transport corridor between the two main centres, there is a clear need to see a high level of connectivity maintained. Opportunities for efficient vehicle movement together with measures to provide realistic alternatives to the car should therefore be explored.

POLICY SLP36

In setting policies to control development on or affecting the road network, consideration should be given to the need to:

- i. provide safe access and movement for all users**
- ii. support environmental enhancement**
- iii. ensure strategically important routes are maintained to safeguard links to and between strategically important development**

Vehicle parking management

Convenient access to and within the main centres of St Peter Port and St Sampson/Vale is important for those needing to get to work, to shop and to enjoy the facilities they offer.

Local reliance on car use has, however, led to the creation of large car parks especially within St Peter Port. A substantial area of the harbour is dedicated to surface parking which appears visually unattractive and does not represent an efficient use of land in a prime location.

POLICY SLP37

While ensuring economic and social objectives of the States can be met, opportunities should be explored to minimise the negative effects of car parking, particularly within the centres

13. Strategic Transport Links

Airport

Ensuring that Guernsey Airport is able to meet transport needs is critical to ensuring the co-ordinated and cost effective delivery of a key public service for Islanders and visitors. It is also vital to the local economy. The States have prioritised funding to upgrade the runway, taxiways and aprons to meet new safety requirements, which will ensure the airport remains fit for purpose for the foreseeable future.

However, while advances in aircraft technology might reduce the need for a longer runway in the future, this is something beyond local control. It is also possible that other external factors, such as UK hub airports not accepting smaller regional aircraft, may trigger the consideration of a runway extension some time in the future.

Moreover, future changes in aviation standards or legislation may lead to additional protection around the airport in terms of safeguarding areas.

Strengthening the trading position of Guernsey Airport may require additional private sector investment in commercial enterprises on or around the airport's operational area. This might include additional hangarage and new business/office development. The 'Infrastructure and Implementation' section (Policy LP11) identifies potential

opportunities that may exist to co-ordinate States and private sector initiatives that could harness investment in the operational aspects of the airport.

POLICY SLP38

The Development Plans will make provision for airport-related development that ensures Guernsey Airport is able to meet modern operational standards and respond to opportunities to strengthen its contribution to the economy

Harbours

The harbours at St Peter Port and St Sampson provide key infrastructure not only for the continuing import and export of goods and raw materials, but also in support of visiting yachts, cruise liners and commercial ferries. St Peter Port Harbour is the point of entry for the vast majority of the Island's foodstuffs and is a gateway to Guernsey for passengers visiting the Island by ferry.

The 'Main Centre Vitality and Viability' section (Policy LP8) identifies potential opportunities that may exist to co-ordinate States and private sector initiatives that could harness investment in the operational aspects of the main harbours.

The Island's fuel supplies are currently brought in through the tidal harbour at St Sampson. Volatile fuels are imported by means of a flat-bottomed ship that is able to take to the harbour floor during low tide and unload directly into a piped network feeding holding tanks at Northside and Southside. This situation is far from ideal but can only be addressed by either switching the importing of fuels to St Peter Port and addressing inherent problems that would arise, or constructing new deep water berths on the east coast of the Island.

This is a matter currently under investigation by the Public Services Department but from a land use perspective, the Development Plans will need to make provision should the development of new deep water berths and associated land reclamation be required, in the event that this is determined to be the most appropriate strategy for the importation of fuel and other goods.

The Environment Department, Public Services Department and other relevant States departments should work closely with the private sector to prepare an appropriate Harbour Strategy.

This document will identify the short, medium and longer term needs of the ports and balance the need to make provision for essential harbour-related development to ensure the continued successful operation of the harbours with identified opportunities to meet wider States economic, social and environmental objectives.

POLICY SLP39

In the event that the States agree that the development of new deep water berths and associated land reclamation on the east coast of the Island is required, the Development Plans will put in place appropriate policies to enable this

Through corporate working and forging appropriate public and private partnerships, the States will prepare a strategy for the harbours that enables essential operational harbour development and additional forms of development that is able to meet economic, social and environmental objectives of the States

Part C – Implementation, Monitoring and Review

Implementation

This Strategic Land Use Plan provides the overall policy direction for the planning system to regulate land use in Guernsey. The Plan will be delivered through the Development Plans prepared by the Environment Department and through integration into other States programmes that are likely to have a significant bearing on land use or are affected by the strategic planning policies set out within this Strategic Land Use Plan.

The Development Plans are documents prepared by the Environment Department that set out the detailed, specific policies for land use and influence decisions in relation to the control of development. They are tested in public at a planning inquiry before the Plan and the planning inspector's report are passed to the States for final approval.

The successful implementation of the Strategic Land Use Plan will rely on a new approach to dealing with spatial issues and securing social, environmental and economic benefits through the land planning system.

To fully realise the potential of the Strategic Land Use Plan there needs to be:

- better corporate working and relationships with the private sector
- policy monitoring and review to ensure that objectives are being met
- a form of Development Plan that is positive and adaptable to changing circumstances
- an exploration of new methods of funding to achieve greater public benefit

Better corporate working and relationships with the private sector

The Linking Policies contained within this Plan make it clear that there is much to be gained from States departments and the private sector working together to provide a framework within which development can be planned and regulated in accordance with the strategic policies of the States. Tackling some of the more difficult issues facing the Island such as transportation, urban regeneration and countryside management requires a change in States approach from that adopted at the time of writing.

The successful implementation of the Island Infrastructure Plan will also require a more co-ordinated approach to land use and States departments will need to fully understand and take into account the opportunities and restrictions presented by the planning system. The States will always need to take into account the challenges of delivering major infrastructure when Development Plan review cycles are relatively short in comparison with infrastructure delivery timescales (particularly harnessing renewable energy).

Policy monitoring and review

Development Plans prepared so as to be consistent with the Strategic Land Use Plan will be the first to be drafted since the introduction of The Land Planning and Development (Guernsey) Law, 2005. Therefore, for the first time the Environment Department will need to take into account Section 6 (a) of the Law, which states that the purposes of the Law have to be balanced with the Strategic Land Use Plan.

The Purposes of the Law are to protect and enhance, and to facilitate the sustainable development of, the physical environment of Guernsey. Amongst other things the Law will seek to protect and enhance the Island's natural beauty and built heritage, preserve biological diversity, achieve high quality in the design and implementation of development, maintain a balance between the competing demands for the use of land, ensure that development is carried out in a sustainable manner and in such a way as to achieve a safe and healthy living and working environment.

The Law further states that a draft Development Plan must, in relation to the area covered by it, set out the Environment Department's proposals for managing the physical environment with a view to facilitating the achievement of the objectives of the Strategic Land Use Plan, having regard to the implications for land planning of those objectives.

As part of the Environment Department's general duties for the purposes of the Law, it is the responsibility of the Department to seek to achieve and, where they conflict, to balance, so far as possible, both the purposes of the Law and the objectives set out in the Strategic Land Use Plan.

It is clear therefore that satisfying these legal requirements will result in the Environment Department, through the preparation of the Development Plans, balancing potential conflicts within the purposes of the Law, potential conflicts within the Strategic Land Use Plan and potential conflicts between the purposes of the Law

and the objectives of the Strategic Land Use Plan. As a result the planning system has to do its best to give effect to the requirements of both documents.

In determining a Development Plan's conformity with the Strategic Land Use Plan, the Strategic Land Planning Group will have to decide whether the Development Plans achieve this difficult balance in a satisfactory way or whether too much emphasis has been placed on one particular element of either the Law or the Strategic Land Use Plan. In such circumstances the Strategic Land Planning Group may determine that the Development Plans are not in conformity with the Strategic Land Use Plan.

To ensure the Development Plans successfully deliver the land use objectives of the States, as set out within this Strategic Land Use Plan, the Strategic Land Planning Group will work closely with the Environment Department to monitor key Development Plan policies in order to assess their robustness, continued relevance and effectiveness.

Effective monitoring will be managed through the Environment Department submitting regular reports to the Strategic Land Planning Group setting out how the Development Plans are satisfying specific economic, social and environmental objectives of the States. These reports will be provided at quarterly intervals or such longer time periods as are agreed between the parties. In addition and on an annual basis the Environment Department will report to the Strategic Land Planning Group on how the Development Plans are playing their part in enabling the proactive elements of the Strategic Land Use Plan to be delivered, specifically those set out within Section 5 (Linking Policies) of the Plan. The Strategic Land Planning Group in turn will provide updates to the Policy Council for inclusion in the annual report on the Strategic Land Use Plan within the States Strategic Plan.

The objectives for the monitoring reports will be to:

- assess the implementation of the Strategic Land Use policies through the Development Plan policies and the management of development
- identify and remove any blockages to the delivery of sustainable development for which provision is made within the Strategic Land Use Plan
- identify potential revisions required to the Strategic Land Use Plan or Development Plans to ensure the objectives of the States are adequately satisfied by the land use planning system

The Monitoring Reports will be required to indicate the responses of other States Departments and members of the public to the implementation of policies within the Development Plans and whether any need for policy change has been identified.

SPECIFIC DIRECTIONS

The Environment Department will liaise with other relevant bodies and report on a regular basis to the Strategic Land Planning Group on the progress towards achieving the objectives of the Strategic Land Use Plan policies

Quarterly monitoring during the year will focus on assessing:

- **the delivery of housing in accordance with identified housing need**
- **the provision of adequate employment-related development as identified within States-adopted plans***
- **the management of natural resources**
- **the delivery of infrastructure identified as being required by the States-adopted plans***

Annual monitoring will focus on assessing:

- **how the Development Plans are delivering the proactive elements of the Strategic Land Use Plan, specifically those set out within Section 5 (Linking Policies) of the Plan**
- **whether any action is required to maintain and in particular to enhance the effectiveness of delivery of the strategic economic, social and environmental objectives mentioned in this section of the Plan**

- * The Plans referred to here are the Economic & Fiscal Policy Plan, the Environmental Policy Plan and the Social Policy Plan, together with the Island Resource Plans of Population Management, Energy and Infrastructure (The Strategic Land Use Plan is the fourth of the Island Resource Plans).

Responsive and adaptable Development Plans

Introduction

Under the guidance of this Strategic Land Use Plan, the Development Plans will be expected to be responsive to changing social, economic and environmental circumstances to ensure land use planning can continue to enable the corporate objectives of the States of Guernsey to be met.

Policy gateways

Within the planning policy framework established by the Urban and Rural Area Plans (produced in 2002 and 2005 respectively) an identifiable policy needs to exist within the Plans to enable the consideration of specific forms of development. In circumstances where a policy provision potentially enabling permission to be granted does not exist, the proposed development either has to be rejected or tested against exception principles to determine whether the development can be regarded as a minor departure or essential development, thereby providing a policy gateway for the consideration of the proposals. This could result in otherwise acceptable development failing the essentiality test and being rejected as outside the parameters of the Development Plan. Therefore, future Development Plan policies need to be drafted in such a way that they aim to avoid the situation arising where the Environment Department is unable to consider forms of development that were not envisaged at the time of drafting. This will ensure the Plan offers flexibility to consider proposals within a robust framework for managing development.

In assessing Development Plans consistency with the Strategic Land Use Plan, the Strategic Land Planning Group will take into account the entirety of the Strategic Land Use Plan, including all relevant policies, all of the policy preamble and the overall scheme and content of the Plan. Equally, Section 5 of the 2007 Plans Ordinance enables the Strategic Land Planning Group to comment on the style of the Development Plans and notwithstanding the wording of specific policies, to determine whether the overall approach of the Plan is in conformity with the specific policies and overall aspirations of the Strategic Land Use Plan.

Balancing public interest and personal choice

Land planning operates in the interests of the wider public good and is by its nature an encroachment into private property usage. The balance that is struck between the public interest and the individual choice of property owners is important.

The philosophy behind this Plan drawing on the wider spectrum of opinion, which was canvassed through the Guernsey Tomorrow consultation, is to achieve the States objectives in a positive and where appropriate, an enabling way while ensuring the continuing protection and enhancement of the built and natural environment.

When decisions are made on individual planning applications the outcome will reflect Development Plan policies relevant to the particular circumstances with a stronger emphasis on control in cases involving development of protected buildings and in

areas carrying a greater level of protection such as Conservation Areas or Sites of Special Significance, and less prescriptive control in less sensitive circumstances.

To achieve consistency with the Strategic Land Use Plan, however, a Development Plan will need to demonstrate that the level of control it provides for in all situations is reasonable and proportionate and that it respects the exercise of private choice in matters that have no significant bearing on the achievement of the strategic policies of the States.

Funding mechanisms

The funding of development within the Island has historically been achieved through the States investing in essential infrastructure or services or through the private sector identifying opportunities for achieving profit through development. The Guernsey Housing Association's partnership with the Housing Department as part of the Corporate Housing Programme is one notable exception of how different funding mechanisms have been used.

There will continue to be a commitment from the States to fund public sector-related development at an appropriate scale, where this satisfies corporate objectives. However, other mechanisms should be explored such as; harnessing profit obtained through the designation of land through the planning system, through the Environment Department entering into planning agreements with developers¹, by adopting local tariff approaches such as the Communities Infrastructure Levys and Business Improvement District schemes introduced in the UK and exploring other potential taxation methods. These mechanisms can create funding for project specific, area specific or general investments. Some of these mechanisms can be established through the land planning system but others will require the involvement of other States agencies and their commitment to better meeting overarching States objectives. The Strategic Land Planning Group encourages the Policy Council to investigate such opportunities that might arise through the use of land.

¹ The Land Planning and Development (Guernsey) Law, 2005 makes provision for the use of Covenants (Section 23). These allow the Environment Department to, amongst other things, require specific activities to be carried out on land and for land to be used, maintained or managed in a specific way.

Appendix 1

Glossary of terms

Glossary

Agricultural land	Any land used or capable of being used for the purpose of any trade or business in dairy farming, the producing, rearing or maintenance of livestock, market gardening or the outdoor cultivation of flowers, etc.
Biodiversity	Abbreviated from biological diversity, this refers to the variety of all plant and animal life and their habitats
Brownfield site	Also known as previously developed land. Land which is or was occupied by a permanent building or structure and infrastructure such as roads
Built environment	The combination of characteristics and features of a particular area that have been made in influenced by man
Curtilage	The area of land associated with a building and used for purposes in connection with the main use of that building
Decommissioning	To remove from service
Development Plan	A Plan prepared by the Environment Department that sets out the specific land planning policies for Guernsey, which have been prepared in accordance with the Strategic Land Use Plan
Escarpment	A steep slope separating two comparatively level of more gently sloping surfaces
Infrastructure	The basic facilities, services, and installations needed for the functioning of a community or society, such as transportation and communications systems, water and power lines, and public institutions including schools, post offices, and prisons
Putrescible Waste	Waste that is liable to decay and become putrid (often described as being the opposite of inert waste)
Ribbon Development	The building of often detached houses in a continuous row along a main road
Spatial	Relating to, occupying or having the character of space
Topography	The three-dimensional arrangement of physical attributes (such as shape, height, and depth) of a land surface in a place or region. Physical features that make up the topography of an area include hills, valleys, plains, and bodies of water.

Appendix 2

The Environment Department's consultation response



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Deputy B M Flouquet
 Chairman
 Strategic Land Planning Group
 c/o Policy Council
 Sir Charles Frossard House
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30 September 2011

Dear Deputy Flouquet,

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

Consultation on The Strategic Land Use Plan.

Thank you for attending our recent meeting and for your presentation on the draft Strategic Land Use Plan, copies of which had been provided to Environment Board members in advance. I understand that this constitutes the formal consultation under section 5(4) (a) of The Land Planning and Development (Guernsey) Law, 2005.

The Board considers that the draft Strategic Land Use Plan provides a sound basis for the preparation of the Development Plans. It successfully translates States' Strategic Plans, the Guernsey Tomorrow consultation and States Members' workshops into high level strategic spatial objectives and policies. The Department notes that these high level policies are the starting point and, if supported by the States, will guide the more detailed work that will be undertaken by the Department in preparing the Development Plans.

Board members noted the monitoring requirements of the draft Plan as set out in the specific directions to the Department and noted the considerable resource implications that such monitoring will entail. Whilst the Department recognises and supports the need for monitoring it feels obliged to point out that existing resources are most unlikely to be able to deliver the required outputs and that to take this work forward the States may need to approve a new service development bid in this respect.

Yours sincerely

Deputy Peter Sirett
 Minister, Environment Department

POLITICAL RESPONSIBILITIES

Environmental policy; Management of States and Crown land; Land use policy and plans; Control of development including conservation and heritage protection;
 Public transport, traffic management, road safety, road networks and co-ordination of road works; Driving licences, vehicle taxation

(NB The Treasury and Resources Department recognises the Plan's importance, it identifies key issues such as the need to ensure a joined up approach to its delivery and the potential for exploring new funding mechanisms including joint initiatives with the private sector. The Treasury and Resources Department would expect to be closely involved in the development of any such new funding mechanisms.)

The States are asked to decide:-

X.- Whether, after consideration of the Report dated 5th October, 2011, of the Policy Council, they are of the opinion to approve the revised Strategic Land Use Plan, attached as Appendix 1 of this States Report.

POLICY COUNCIL

STATES OFFICIAL GAZETTE

1. Executive Summary

- 1.1 In February 2008 concern at the escalating costs to the States of placing Notices in La Gazette Officielle and recognition that a mechanism designed to meet the communication needs of the 19th Century was no longer appropriate, led to a States Resolution to prepare legislation to create a States Official Gazette published in electronic format.
- 1.2 Since 2008 there have been a number of significant changes in circumstances such that the Policy Council is no longer convinced that the creation of a States Gazette should be pursued. These circumstances include:-
 - The transfer of public notices in respect of registered companies from La Gazette Officielle to the website of the new Company Registry which has reduced the cost to the States significantly;
 - The decision of the Guernsey Press Company Limited to hold Gazette Officielle Notices on line for a period of one year (in 2008 it was one week);
 - Confirmation by the Parishes that they have no desire to move from publication in the Guernsey Press to an electronic format and
 - the fact that a significant section of the population who do not use the internet as a prime source of information will be disadvantaged if the current arrangement is discontinued.
- 1.3 The Policy Council has concluded, however, that it would wish to minimise the length of Notices appearing in La Gazette Officielle and publish them in plain English – which will require legislation to be amended. While recommending legislative changes to achieve this objective, it no longer considers it appropriate to transfer responsibility for La Gazette Officielle from the Guernsey Press Company Limited to the States at this time and proposes therefore that the Resolution of 2008 be rescinded.

2. Background

- 2.1 In its Report published in Billet d'État II of 27 February 2008 the Policy Council expressed a view that La Gazette Officielle, which was designed to meet the communication needs of the States of the 19th Century was no longer entirely appropriate to the commercial and community needs of the 21st Century. The Report sought States agreement to provide a more modern and cost effective method of disseminating official Notices to the public.

- 2.2 A copy of the 2008 States Report, which sets out in detail the history of La Gazette Officielle and the case for change as envisaged at that time, is appended to this Report. (Appendix 1)
- 2.3 The Policy Council proposed that it should:
- establish and maintain a States Official Gazette, in which official notices, not only of States' Departments and Committees but also of the Parishes, and all those other notices required by law to be published, including Royal Court, Greffe and other judicial and administrative notices, and company notices, would be published.
 - initially publish such notices both online and in hard copy, displayed at such location and frequency as the Regulations of the Policy Council would prescribe.
 - prescribe by means of Regulations, fees to be charged by the States for the publication of Notices in the States Official Gazette.
- 2.4 Following States approval the Policy Council opened a dialogue with the Guernsey Press Company Limited, consulted further with States Departments and the Douzaines, sought the views of the Scrutiny Committee in the context of its Public Engagement Review and explored the cost of providing a States Official Gazette using "in house" resources.
- 2.5 A conscious decision was made to defer finalising plans for fulfilling the States Resolution until the impact on La Gazette Officielle and related States expenses of the publication of company information on the Company Registry website was known and plans to develop the States own website (the home of any new States Official Gazette) had been developed.

3. **Changes in circumstances since 2008**

3.1 Guernsey Press Company on line Gazette.

- 3.1.1 At the time when the previous Report was prepared, the Guernsey Press Company only published Gazette Notices online for a period of one week. This was seen as a disadvantage to those who may have missed a published Notice or who wished to check back on matters that may affect them. Following dialogue with the Company La Gazette Officielle is now published online for a period of one year.
- 3.1.2 The Policy Council believes this is a significant improvement in terms of public service. Furthermore when the new States website is fully functioning in 2012, it is planned to provide a link between the States site and the Guernsey Press site "thisisguernsey.com" to allow La Gazette Officielle to be viewed by enquirers.

3.2 The Douzaines

Although initially there was some interest on the part of the Parishes in moving away from the Guernsey Press to a States Gazette on the assumption that the cost of paying for Notices may be reduced, more recently the Guernsey Douzaine Council has expressed the view that *“the Parishes are of the unanimous opinion that they wish to continue publishing Notices in the Guernsey Press”*. In this connection in recent years it might reasonably be assumed that the costs to the Parishes in placing Notices has exceeded that paid by the States.

3.3 Company Registry

3.3.1 In the past the publication in La Gazette Officielle by HM Greffier of notices in respect of registered companies represented a significant cost to the States (which was not recovered through the company fees) and on occasions such information would occupy up to four full pages of the newspaper.

3.3.2 During the course of 2008 the Companies (Guernsey) Law 2008 was introduced and in accordance with its provisions the Registrar of Companies has adopted the practice of publishing Notices online and in hard copy. As a consequence the number of Notices appearing in La Gazette Officielle and the costs to the States has reduced significantly. Indeed the Guernsey Press Company Limited has advised the Policy Council that it reduced the staff in its unit working on La Gazette as a direct consequence.

3.3.3 More recently, changes have also been made such that the Guernsey Financial Services Commission will in future publish certain information on its website that previously was published in La Gazette Officielle. While the costs of such Notices was in the past not borne directly by the States, this is further evidence of the way in which communication of important information of particular interest to special groups is being changed to reflect the preferred method of communication of those groups.

3.4 States Departments

3.4.1 Given the different ways in which States Departments and Committees currently record financial information it is not an easy task to determine the precise annual cost of Gazette Notices to the Government. However as a result of an exercise undertaken for the period 1 July 2008 to 30 June 2009, the States spent in the region of £30,000 on Gazette Notices whereas the Parishes spent £38,000. It would appear that this balance has repeated itself in subsequent years.

3.4.2 It is important that the current expenditure of £30,000 a year by the States is put in context as this represents approximately 10% of the total advertising spend with the Guernsey Press Company Limited. The greater part of expenditure is in relation to recruitment advertisements and invitations to tender for States contracts. Efforts are being made to minimise the need for, and therefore the costs of, advertising in this manner and expenditure has been reduced with further reductions planned. By way of example, the Corporate Procurement

Service of the Treasury and Resources Department is now coordinating regular aggregated tender adverts on behalf of States Departments. These give a short headline description of the tenders and direct suppliers to the Channel Islands tender portal for fuller detailed information. This has resulted in fewer individual adverts having to be placed within the Guernsey Press.

- 3.4.3 With the introduction of a new States website in 2012 the States will be in a position to move away from placing individual detailed employment advertisements within the Guernsey Press in favour of shorter, less expensive inserts which direct the enquirer to the website. This reflects a growing trend amongst employers generally who are moving towards advertising posts online.
- 3.4.4 Paragraph 10 of the 2008 Report indicated that in the past the cost of publishing Notices for a Planning Inquiry on Rural Area Plan Review No. 1 was in the region of £120,000. Although there was no legal requirement for such Notices, it had been a political decision that Notices should be so published. Subsequently it was decided not to publish these Notices for future Planning Inquiries. However in consultation with Departments, the Social Security Department indicated that it published in La Gazette Officielle the quarterly reminders for employers, self-employed, and non-employed individuals to return their contribution schedules and cards by the due dates in January, April, July and October. The Department argued that such an approach, while not a statutory requirement, proved to be helpful in circumstances where there were subsequent court proceedings.
- 3.4.5. The Policy Council concluded from its consultation with Departments and its review of costs that, excluding the costs of Parish Notices, the cost to the States of advertising in La Gazette Officielle is significantly lower than it once was and, as evidenced by the Social Security Department example, the Gazette in the Guernsey Press continues to perform a function that may not be replicated by a Gazette in electronic format.

4. **Public Engagement**

- 4.1 Given that the cost to the States of La Gazette Officielle Notices has reduced significantly from historic levels for the reasons set out above, the fundamental question remaining is whether moving to an electronic format for publication supported by notices in public buildings such as States Departments and Douzaine Rooms, will ensure that the majority of the public is better served than under the current arrangements. As the Scrutiny Committee is undertaking a Public Engagement Review, an objective of which is to assess the current effectiveness of public engagements by the States of Guernsey and identifying areas where public engagement processes could be improved, the Public Engagement Review Panel was asked for their views on moving to a States online Gazette.
- 4.2 The Panel considered that *“relying on an electronic format only would not be appropriate for Notices aimed at informing a large percentage of the population and therefore universally rather than narrowly targeted”* in explaining its

reasons for its view, the Panel referred to the fact that the 2008 Report highlighted that *“recent statistics indicated that over 70% of the Island’s population have access to the internet at home”*. The Panel noted however that this excludes 30% of the population and gave no consideration to internet usage habits or what “access” consists of.

- 4.3 The Panel also based its conclusion on the fact that the Guernsey Press would appear to have a much wider reach than the internet. It is understood that the Guernsey Press claims 80% of the population read the newspaper with a 16,000 daily circulation and estimates that each copy is read 2.6 times. The Panel concluded, therefore, that an online Gazette might be useful as an additional rather than a replacement means of communication and its success could then be judged against La Gazette Officielle. It suggested that this might be reasonably reviewed when the new website is established.
- 4.4 On reflection, the Policy Council concurs with the view of the Panel and believes that to dispense with the publication of La Gazette Officielle in the Guernsey Press will indeed disadvantage a significant proportion of the population who neither choose nor are equipped to obtain public information via electronic means. In this respect the Policy Council recognises that as the generation for whom electronic means of communication are a normal part of everyday life get older the value of the current La Gazette Officielle may diminish but it believes that day is some years away.

5. **Resourcing a States Official Gazette**

- 5.1 The 2008 Report envisaged the States taking on responsibility for receiving, processing and publishing Notices within La Gazette Officielle using existing staff and covering costs or potentially making a modest profit.
- 5.2 A detailed examination of this option indicates that in order to provide an efficient service, staff would need to receive, check, proof and place Notices as well as dealing with enquiries, raise invoices and process payments. Under the 2008 approach staff would also be responsible for producing and physically distributing weekly hard copies of La Gazette and ensuring that they were then either posted in or removed from the States buildings, Douzaine rooms and other public places.
- 5.3 It was concluded that such work would need to be led by an Executive grade officer who would have to take responsibility on as part of their day job. The duties would also include making sure that the terms and conditions of any legal requirements, including data protection, had been met and this would expose the States to risks, particularly in relation to Notices received from Advocates on behalf of companies or private individuals.

Such a member of staff would need to be supported by at least two further staff members on a part time basis who would assist in administering the system and providing cover when the lead officer was absent on leave. While there is some difficulty in making an accurate assessment of the likely costs, bearing in mind

that the States has no experience of operating such a system, it is estimated that staffing costs could be in the region of £15,000 – £20,000 per annum with further costs of sending invoices and processing payments.

- 5.4 While the costs of providing this service is not excessive and the expectation is that raising charges will cover that cost, nevertheless given the wider concerns expressed in this Report, the Policy Council does not see this as a good use of staff time and one that would merit diverting its very limited resources from other important work.

6. **Moving Forward**

- 6.1 Against the background set out above, the Policy Council no longer believes that there is a compelling case for the States to take on responsibility for a States Official Gazette at the expense of the current arrangements with the Guernsey Press Company Limited. Indeed it believes that the population would not be well served by such a move at this time. While the arrangement could cover the costs of operating the system and produce a modest profit, this would be more than outweighed by the disadvantages in terms of reduced public engagement. Having concluded that it now prefers the status quo, nevertheless the Policy Council believes that there are further opportunities to improve the way in which public notices are presented through the La Gazette Officielle.

7 **Simplifying La Gazette Officielle Notices**

- 7.1 While recommending that the current arrangements continue, nevertheless the Policy Council believes that the States have a duty to the public to address the current format in which Gazette Officielle Notices appear as they are often difficult for the layman to understand, unnecessarily legalistic and lengthy to the point where this incurs unnecessary costs of publication.
- 7.2 This concern is best illustrated by a simple example. The Parking Places (Amendment) (No. 3) Order, 2008 advises the public of changes to a disc parking area at Le Bordage. It is difficult for the uninitiated to work out at first reading precisely what is proposed and it will be noted, from the Gazette Notice reproduced below, that a third of the Notice is taken up with a recitation of the connection between the new proposal and various related Ordinances, information which will be of no real value to the general public.

GUERNSEY STATUTORY INSTRUMENT
2008 NO. 61
THE PARKING PLACES (AMENDMENT)
(NO. 3) ORDER, 2008
Made 13th November 2008
Coming into operation 30th November 2008

THE ENVIRONMENT DEPARTMENT,
in exercise of the powers conferred upon it by section 1 of the Road Traffic,
(Parking Places) Ordinance, 1963, as amended,¹ hereby orders:-

1. The Parking Places order, 1991, as amended², is further amended as follows.
2. The Part C of Schedule 1, in the third column relating to Disc Parking Place No. DC9, the words "Place No. AB9" are deleted and the words, "Places Nos AB9 and AB9a" are inserted.
3. In Part B of Schedule 2, immediately following the entry relating to Approved Parking Place No. AB9 insert the following entry –

AB9	Le Bordage	At the eastern end of the off-street parking area that is on the south-east side of the portion of the road to the north-east of the junction with Pedvin Street.
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4. This Order may be cited as the Parking Places (Amendment) (No. 3) Order, 2008.

5. This Order shall come into force on the 30th November 2008.

Dated this 13th day of November, 2008

PETER SIRETT
Minister of the Environment Department
For and on behalf of the Department

¹ Recueil d'Ordonnances Tome XIII, p.292; Tome XXI, p.525; Tome XXII, p.49; Tome XXIV, pp.275 and 481; Tome XXVI, p.90.

² S.I. 1991 No.40; S.I. 1992 Nos 7,15,20 and 24; S.I. 1993 Nos 15,27 and 33; S.I. 1994 No. 7; S.I. 1995 Nos 1 and 25; S.I. 1996 Nos 5 and 26; S.I. 1997 Nos 5 and 25; S.I. 1998 Nos 2,13,14 and 22; S.I. 1999 Nos 10, 18, and 27; S.I. 2000 Nos 11, 15 and 21; S.I. 2001 No. 39; S.I. 2002 Nos 7 and 29; S.I. 2003 Nos 1 and 28; S.I. 2004 Nos 8,11,32. 36. 50 and 55 S.I. 2005 Nos 2.17.24. 34 and 42; S.I. 2006 Nos 1.4.20.28. 30 and 55; S.I. 2007 Nos 15 and 31; S.I. 2008 Nos 41 and 51

(JS928264/11/20)

- 7.3 The Policy Council hastens to point out that producing a Notice in this form is not the choice of the Environment Department rather it is a legal requirement under current legislation. To a greater or lesser degree the majority of Gazette Officielle Notices published by the States follow the requirements of legislation made many years ago and often produce a similar confusing picture.
- 7.4 Given that the Guernsey Press charges on the basis of the space occupied by the Notice these lengthy descriptions add considerably to the cost.
- 7.5 The Policy Council is proposing therefore that appropriate legislation is enacted or existing legislation amended such that Notices published in La Gazette Officielle may be written in plain English and in an abbreviated form but with

reference to a more detailed Notice, which conforms to the requirements of a particular law, available on the States website or in printed form on request.

- 7.6 The Policy Council has consulted with the Law Officers on this Report and understands that while it may be necessary to spend some time identifying all items of legislation that may need to be amended, drafting the amending legislation should not be too time-consuming. Prior to the drafting of the new legislation and as and when new legislation is enacted the opportunity should be taken to prescribe the presentation of Gazette notices as set out in paragraph 7.5.

8 Monitoring Developments

- 8.1 The Policy Council believes that as a matter of good practice the future use by the States of La Gazette Officielle should be monitored and that the possibility of a States Official Gazette may need to be revisited at some point in the future if and when electronic means of communication become the preferred mechanism for receiving public information amongst the general public.
- 8.2 The Policy Council is also mindful that in keeping with other local and regional newspapers, the Guernsey Press Company Limited relies heavily on income from advertising within the newspaper and that there is a general trend towards that income declining as organisations increasingly turn to the internet as a means of communicating with customers, potential employees and others. If in these circumstances there is any evidence in the future that the Guernsey Press is using its monopoly position as the Island's only daily newspaper and provider of La Gazette Officielle to increase charges for Gazette Notices to an unreasonable level, in order to compensate for either reduced Notices in terms of length of publication or because of lack of advertising generally, whether from the States or the private sector, then the matter may need to be revisited or even referred to the Competition Regulator.

9 Governance and Process

- 9.1 Given that the Policy Council is not recommending the development of a States Official Gazette at this time, there are no staffing or financial implications in what is proposed. The Law Officers have been consulted as have various interested parties as itemised in the Report including the Guernsey Press Company Limited. The Policy Council also believes that its proposals comply with the six principles of good governance, particularly in relation to engaging stakeholders and they are Human Rights compliant.

10 Conclusion

- 10.1 The Policy Council believes that the circumstances which prompted the approach to the States in 2008 and some of the assumptions made at the time about the advantages of an States Official Gazette to replace La Gazette Officielle published in the Guernsey Press have now changed to the point where a States Gazette as envisaged can no longer be justified.

In particular the evidence suggests that there will be minimal savings from such a move and more importantly a significant section of the population will be denied ready access to important public information.

- 10.2 In these circumstances the Policy Council is recommending that the Resolution of 2008 be rescinded and that for the time being La Gazette Officielle operated by the Guernsey Press Company Limited should continue but that in due course legislation should be amended to improve communication with the public by simplifying the language in the official Notices.

11 **Recommendations**

11.1 The Policy Council recommends the States to:-

1. rescind the Resolution of 27th February 2008 on Article VI of Billet d'État II of 2008, which directed the preparation of such legislation as may be necessary for the establishment and maintenance of the States Official Gazette, as set out in that Report;
2. resolve that the current legislation be amended so that it is no longer a requirement to publish a notice in full in La Gazette Officielle but rather to provide for an abbreviated notice to be placed in La Gazette Officielle with information on the full details provided on the States website or in printed form on request.
3. resolve that the current legislation be amended to permit the use of plain English in Notices that are published in La Gazette Officielle;
4. direct the preparation of such legislation as may be necessary to give effect to the above recommendations.

L S Trott
Chief Minister

5th October 2011

Deputy B Flouquet, Deputy Chief Minister
Deputy C N K Parkinson
Deputy C McNulty Bauer
Deputy M O'Hara
Deputy C Steere
Deputy P Sirett
Deputy A Adam
Deputy G Mahy
Deputy D Jones
Deputy M Dorey

Annex**Legal Drafting Requirements****1. Need for Legislation**

Amending the legislation to allow for shorter and clearer notices will have the dual benefit of saving money and improving communication with the public as outlined in the report.

2. Funding

There are no funding implications.

3. Risks and Benefits

The benefit of amending the legislation will be to simplify the notices to make them easier to understand and to save money. The risk of not proceeding is to continue inserting notices which are unnecessarily legalistic and lengthy and incur unnecessary cost.

4. Drafting Time

While it may be necessary to spend some time identifying all items of legislation that may need to be amended, it is not envisaged that drafting the amending legislation itself is likely to be too time-consuming. At most it is thought that perhaps half a day of drafting time may be required.

Appendix 1

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POLICY COUNCIL

STATES OFFICIAL GAZETTE

Executive Summary

While Guernsey has been well served by La Gazette Officielle as a primary means of public communication, it is now clear that a mechanism designed to meet the needs of the 19th Century is no longer entirely appropriate to the commercial and community needs of the 21st Century.

Accordingly in order to achieve a more cost effective modern approach to communication the Policy Council proposes that the States should establish a States Official Gazette, in which all official notices and information would be published, and enact enabling legislation by which any notice, document or information required by law or custom to be published in La Gazette Officielle will be published instead in the States Official Gazette. Furthermore the States Official Gazette will in future be presented in an electronic format.

Background History

1. Since at least the early part of the 19th century, official notices had been published in the weekly journal known as ‘La Gazette de Guernesey’. In 1935, the company publishing that journal informed the Royal Court that it would not be possible to continue, and accordingly by the *Loi par rapport à la Publication des Annonces Officielles, 1936*, every notice then (i.e. before 30th November, 1936) required by Law, Ordinance or custom to be published in ‘La Gazette de Guernesey’ was to be published in each of two daily newspapers published in the English language in Guernsey, or if thereafter should be only one such newspaper, published therein; and the Royal Court was authorised to make Ordinances relating to such publications.
2. Interestingly, the 1936 Law provided for notices to be made either in French or in English. *The Ordonnance par rapport à la Publication des Annonces Officielles, 1936*, made by the Royal Court to give effect to the 1936 Law, provided for the creation of what was to become known as ‘La Gazette Officielle’, to be published in the then two local newspapers, the ‘Guernsey Evening Press’ and ‘The Star’. It further provided that every notice shall be “authenticated with the signature stamp or seal of an official or Advocate of the Royal Court, or of a President of a States Committee, or of a States or Parochial Official as may be appropriate”.

3. The 1936 Ordinance required the Guernsey Evening Press and The Star to publish such notices in “the first column of the last page but one”, with the column being headed with “the arms of the Island of Guernsey” followed by the words “La Gazette Officielle” on each day but excluding public holidays, and each was obliged to publish any such notice delivered to their offices before 12.30 p.m. on the day preceding publication.
4. The Policy Council is not aware of the basis upon which “La Gazette de Guernsesey” came to be officially responsible for the publication of official notices. Of course by the early 19th century, ‘The London Gazette’ had been established for nearly 200 years as a government publication which whilst originally carrying news, came eventually to be the official means by which public notices should be published. ‘The London Gazette’ – as also its regional equivalents ‘The Edinburgh Gazette’ and ‘The Belfast Gazette’ - has been available not only in hard copy but on line for some years.

The Case for Change

5. Priority 12 of the Government Business Plan includes a specific work stream to improve communication between the States and the community. Against this background the Policy Council believes there is a compelling case both on the grounds of costs and the need to communicate on line to create and publish under the *aegis* of the States of Guernsey an official gazette, in which would be placed all those notices that are currently published in ‘La Gazette Officielle’. So what is so published, and under what authority?
6. Certain Guernsey legislation requires that, in particular circumstances, certain matters must be notified in ‘La Gazette Officielle’ on a number of occasions. Historically, legal and formal notices were displayed in the respective porches of Guernsey Parish Churches, and indeed on the outside of the west wall of Sark’s Church are still mounted boxes which display notices of a legal and administrative nature, that being the practice in Sark. For the purposes of this Report it is not necessary to identify all those instances in which publication in ‘La Gazette Officielle’ is required, because, in the opinion of the Policy Council a relatively straightforward approach should be adopted, which was, of course, the purpose behind the enactment of the 1936 Law and the 1936 Ordinance, both of which are recommended for repeal and replacement if the proposals that follow are accepted.
7. Even with the advent of radio and television, newspapers were the only means, on a daily or weekly or whatever basis, of ‘officially’ publishing notices, other than by *ad hoc* handbills or notices in e.g. Church porches, and, of course, publication in a newspaper provides some written record of the fact of publication, unlike radio and television which are, in their reception at least, transient media.

8. The internet is changing all this, and is available not only in Guernsey but internationally, i.e. anyone worldwide with access to the internet can obtain information. In its newspaper published format 'La Gazette Officielle', as prepared and printed by and in the 'Guernsey Press', is ordinarily available only daily in Guernsey and the other Islands, although the 'Guernsey Press' together with 'La Gazette Officielle' is also published on the internet. However, Gazette Officielle notices currently remain online for a period of one week only.
9. Departments and Committees of the States have provided the Policy Council with the approximate cost of notices published in 'La Gazette Officielle' in 2005. The Parishes were also asked to supply similar statistics, but St Sampson's and St Martin's did not reply, and St Andrew provided insufficient details. Notwithstanding the incomplete replies the following represents in approximate terms the cost of notices published by the States and the Parishes in 'La Gazette Officielle' in 2005 (the figures are net of discounts given by the publishers):

States Departments and Committees	£20,000
Parishes	£24,000
H.M. Greffier	<u>£23,000*</u>
	<u>£67,000</u>

**of which £17,000 relates to companies; strike-off notices*

10. The cost of publishing notices in 'La Gazette Officielle' in respect of the Planning Inquiry on Rural Area Review No 1 was in the region of £120,000. There is, however, no legal requirement for such notices, but it had been a political decision in such cases that notices should be so published. Subsequently it was decided not to publish such notices for future planning inquiries.

The Proposal

11. The Policy Council proposes that the States should
- i) Establish and maintain a States Official Gazette, in which official notices, not only of States' Departments and Committees but also of the Parishes, and all those other notices required by law to be published, including Royal Court, Greffe and other judicial and administrative notices, and company notices, would be published.
 - ii) Initially publish such notices both on-line and in hard copy, displayed at such location and frequency as Regulations of the Policy Council would prescribe.
 - iii) Prescribe by means of Regulations fees to be charged by the States for the publication of notices in the States Official Gazette.

12. It is envisaged that persons submitting a notice for publication will be required to do so in a prescribed format which will ensure that only a minimal effort is required by Policy Council staff to add the notice to the States website.

Enabling Law

13. Accordingly, the Policy Council recommends enactment of a simple enabling Project de Loi by which any requirement by or pursuant to any Law, Ordinance or other legislation, or any rule of law or custom, that any notice, document or information is published in 'La Gazette Officielle' would, in future, be by publication in the States' Official Gazette, which could be published appropriately on the States' website and also maintained in hard copy form, and as such displayed appropriately at the Royal Court and Sir Charles Frossard House.
14. The legislation would repeal the requirement to publish in 'La Gazette Officielle'.
15. This proposal has been substantially anticipated in Alderney, where the States are responsible for preparing and publishing an official gazette, pursuant to the *Official Gazette (Alderney) Law, 1994*. In Alderney the Official Gazette is normally published fortnightly on a Friday subject to copy being supplied by noon on the preceding Wednesday. Copies are sold at 20p each or by annual subscription (Bailiwick rate £39.05).
16. The proposed legislation, apart from the general provision referred to above, would enable the States by Ordinance not only to set up and maintain the States' Official Gazette but also to prescribe particular matters, e.g. locations at and/or occasions on which particular documents, notices or information might require to be published. In relation to any matters relating to or arising out of any judicial proceedings either in Guernsey or elsewhere, the Royal Court should be consulted before enactment of any such Ordinance for its views as to the frequency or duration of publication.
17. The Policy Council felt cautious about presently abandoning a hard copy States Official Gazette. Eventually it may be that a hard copy will be found unnecessary, but the Policy Council must assume that not everybody has access to the internet, whereas the present system assumes that everybody has access to the Guernsey Press. However, recent statistics indicate that over 70% of the Island's adult population have access to the internet at home. The Policy Council will ensure that provision is made to ensure that important public notices are still communicated to those persons who do not have internet access, or are not inclined to use it.

Communicating to Commerce

18. A moment's reflection suggests that for many of the commercial and corporate matters for which publication in 'La Gazette Officielle' of notices are required, publication on the inside back page of Guernsey's local newspaper is an inappropriate means nowadays of bringing such notices to the attention of those actually concerned, particularly as the majority of notices relate to the affairs of companies and are a means of bringing matters to the notice of third parties affected, many of whom being out of Guernsey will not have access to a hard copy of the Guernsey Press.
19. The Policy Council regards this proposal as one of importance, having regard not only to the development of the internet, but also to the purely domestic circulation of the Guernsey Press, and also to the costs attendant on publication in 'La Gazette Officielle'. Indeed in recognition of these facts Guernsey's new intellectual property regime provides for the Registrar of Intellectual Property to publish information that would formally have appeared in La Gazette Officielle by means of the Registry's website and in hard copy form on notice boards at the Registry and the Greffe. Building on this approach and against the background of recent States approval of the new electronic Company Registry the new Company Law provides for the Registrar of Companies to adopt a similar approach whereby notices can be published on the website and in hard copy.

Charges

20. The States should not publish their Official Gazette without charge: it should at least cover its costs, and may, with prudent management, be expected to make a modest profit, to accrue to the revenues of the States. It almost certainly will be cheaper to publish in the States Official Gazette rather than in 'La Gazette Officielle', which is nowadays considered rather expensive. By way of example, the cost of publishing notices relating to the annual parish meetings is now in the region of £1,000 per parish, taking into account the Constables' notices, Churchwardens' notices and Remède notice).

Resource Implications

21. Establishing the States Official Gazette is a function for which the Policy Council will be responsible. Once States approval has been received, detailed work will commence on identifying the most practical and cost effective means of developing and maintaining a States Official Gazette. It may be that the Policy Council will prepare and maintain the official gazette within its own staff or it might arrange for the functions to be handled by another States Department or body. The review will also examine the merits of outsourcing this rôle. Apart from its initial 'start-up' costs, the project is intended to be self-funding. Whilst it is difficult to quantify with precision the staff time which will be required, it is anticipated that provision can be made from existing resources.

Human Rights

22. The proposal has no human rights implications.

Implementation

23. Subject to completion of the legislative process it is anticipated that the States Official Gazette will commence on the 1st July 2009.

Consultation

24. The Policy Council has consulted with the Guernsey Press Company Limited which recognises the desire for change and in particular appreciates the appropriateness of providing company information on line. The Company welcomes the phasing of the approach whereby company information will be published on line by the Registrar during 2008 with the new legislation establishing the States Official Gazette coming into force in the middle of 2009.
25. The Law Officers have been consulted and raise no objection to the proposals.

Recommendation

26. The Policy Council therefore recommends the States to direct the preparation of legislation regarding the establishment and maintenance of the States Official Gazette, as set out in this report.

M.W. Torode
Chief Minister

14th January 2008

(NB The Treasury and Resources Department supports the proposal but has confined its consideration of the matter solely to resource issues in line with its mandate.)

The States are asked to decide:-

VI.- Whether, after consideration of the Report dated 14th January, 2008, of the Policy Council, they are of the opinion:-

To direct the preparation of such legislation as may be necessary for the establishment and maintenance of the States Official Gazette, as set out in that Report.

(NB As there are no resources implications identified in this report, the Treasury and Resources Department has no comments to make.)

The States are asked to decide:-

XI.- Whether, after consideration of the Report dated 5th October , 2011, of the Policy Council, they are of the opinion:-

1. To rescind the Resolution of 27th February 2008 on Article VI of Billet d'État II of 2008, which directed the preparation of such legislation as may be necessary for the establishment and maintenance of the States Official Gazette, as set out in that Report.
2. To resolve that the current legislation be amended so that it is no longer a requirement to publish a notice in full in La Gazette Officielle but rather to provide for an abbreviated notice to be placed in La Gazette Officielle with information on the full details provided on the States website or in printed form on request.
3. To resolve that the current legislation be amended to permit the use of plain English in Notices that are published in La Gazette Officielle.
4. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

POLICY COUNCIL

THE COURT OF APPEAL (GUERNSEY) LAW, 1961

Executive Summary

This report recommends a number of amendments to the Court of Appeal (Guernsey) Law, 1961, so as to make a range of improvements which experience has shown now to be desirable. If approved by the States the Guernsey Law will be more closely aligned to the Court of Appeal (Jersey) Law 1961 which has been amended on a number of occasions.

Proposals from Her Majesty's Procureur

Her Majesty's Procureur has written to the Policy Council in the following terms regarding proposals to amend the Court of Appeal (Guernsey) Law, 1961:

“Introduction

The Court of Appeal (Guernsey) Law, 1961 was and is the Guernsey element of a regime first proposed in the late 1940s to interpose a local Appeal Court between the Royal Courts of Guernsey and Jersey and the Judicial Committee of the Privy Council. That proposed regime had reached our statute book in the form of the Court of Appeal (Channel Islands) Order, 1949, sanctioned by His Majesty at the request of the States of both Bailiwicks, which would have established a single Court of Appeal for the Channel Islands; but it had been found impractical to implement such an arrangement, and in the result the Guernsey Law of 1961 and a Jersey Law of the same year established separate Courts of Appeal for each of the Bailiwicks, albeit that each Law was formulated in very similar terms to the other, both were in similar terms to the 1949 Order, and the “ordinary” judges (that is apart from the Bailiffs, and in Jersey the Deputy Bailiff, who are judges ex officio) have tended to be appointed by Her Majesty to both courts.

In addition the Bailiff of Guernsey customarily is appointed by Her Majesty to sit as an Ordinary member in the Jersey Court of Appeal and vice versa. Furthermore, a retired Bailiff may be appointed to sit as an Ordinary Judge in the Guernsey or Jersey Court of Appeal, as currently in the case of the present Bailiff of Guernsey's immediate predecessor.

The Court of Appeal (Jersey) Law, 1961 has been amended on numerous occasions whereas the Court of Appeal (Guernsey) Law 1961 has stood the tests of time reasonably well and is now exactly as it was at its commencement. Although many of the amendments made to the Jersey Law since 1961 are of a minor or clarificatory nature, some are more significant. I am of the opinion that those ought to be incorporated into the Guernsey Law, and whilst that is being done it would be convenient to “modernise” our Law so that the legislation governing the Courts of

Appeal in both Bailiwicks is once again broadly similar, as was the case in 1961. The Guernsey resident Judges of the Court of Appeal have been actively involved in the consultations resulting in the recommendations contained in this Report.

The changes proposed

1. Judges

It is proposed that the Deputy Bailiff as well as the Bailiff should be an ex officio judge of the Court of Appeal; the qualification of 10 years practice in the Channel Islands or United Kingdom should be slightly broadened so as to include practice in the Isle of Man; and the restriction on a Judge of the Court of Appeal practising at the Guernsey Bar should be extended to being concerned professionally with any matter arising within the Bailiwick. These changes would reflect the current Law in Jersey.

2. Civil jurisdiction

The 1961 Law vests in the Court of Appeal "... the appellate jurisdiction in civil matters which immediately before [the appointed] day was vested in the Royal Court sitting as a Cour des Jugements et Records". The need to consider the former jurisdiction of the Cour des Jugements et Records, some 50 years ago, in order to establish the Court of Appeal's civil jurisdiction is an arcane and increasingly elusive process which has been greatly simplified in Jersey by conferring jurisdiction to hear and determine appeals from any judgment or order of the Royal Court, subject only to limited exceptions. My proposal is therefore to confer on the Court of Appeal a general jurisdiction to hear and determine appeals from any judgment or order of the Royal Court when exercising jurisdiction in any civil cause or matter, other than a decision of the Full Court involving only the exercise of original or appellate discretion where no point of law is at issue. This would of course continue to be subject to the limitations provided for by the Law or by any other enactment, and to relevant rules of court .

Similarly the 1961 Law specifies that where the Law or rules of court make no provision as respects a matter of procedure or practice the jurisdiction is to be exercised as it might have been exercised by, in effect, the Cour des Jugements et Records, which is perhaps even more difficult to establish. A simplification does appear desirable but, having consulted the resident Court of Appeal judges, I recommend a small departure from the Jersey solution of leaving such matters to the Court, ad hoc: I propose that, beyond the proper but restrained use of discretion in order to do justice in a particular case which any court will of course employ, the Bailiff as ex officio President of the Court should be asked to specify the practice or procedure following such consultation as he considers necessary, and if appropriate by a Practice Direction.

3. Limitations on appeals in civil matters

Under the 1961 Law, no appeal lies to the Court of Appeal without leave, except where the value of the matter in dispute is more than £200 or the appeal is on a question of law; and no appeal lies from the Court of Appeal to the Privy Council without leave

except where the value of the matter in dispute is more than £500. Clearly the minimum amounts of £200 and £500 are out of date, but when the Jersey Law was reviewed in 2008 it was reported that there can be difficulties about identifying the monetary value of some disputes and the limitation concerning appeals to the Privy Council was at odds with the latter's rules anyway, and accordingly decided to repeal the corresponding provisions rather than increasing the limits. In reality it is difficult to conceive of any civil appeal to the Court of Appeal or the Privy Council not involving an issue of law anyway, and I propose similar repeals in the Guernsey Law.

4. Right of appellants to be present on criminal appeal

At present an appellant in custody does not have a right to attend the hearing of the appeal if it involves only a question of law. The proposal is to give an appellant the right to be present at any oral hearing of his appeal (as opposed to an application to a single judge for leave to appeal which would normally be dealt with on paper), irrespective of the grounds on which it is made. The right to be present should, however, be subject to the power of the Court to direct in any case that he the person concerned be present by video link. This may be appropriate, for example when an appellant is held in prison in England, or if security concerns would otherwise require excessive expenditure/resources, whether or not the point being argued is solely a point of law.

5. Retrials in criminal cases

Article 28 of the Jersey Law, inserted in 1998, empowers the Jersey Court of Appeal, when it allows an appeal against conviction but it appears to it that the interests of justice so require, to order that the appellant be retried on a fresh indictment. There are clearly cases in which a retrial would best serve the interests of justice, and one of the reasons for increasing the number of Jurats to 16 and providing for Jurés Justiciers Suppléants through the Royal Court (Reform) (Guernsey) Law, 2008 was to facilitate that (see Billet d'État XVI/2007 Art 5). Accordingly it is now proposed that provision for retrials following appeals in criminal cases should be included in the Guernsey Law.

6. Reference to Court of Appeal following acquittal

Article 45 of the Jersey Law, added in 1989, enables the Attorney General to refer a point of law to the Court of Appeal following an acquittal. The acquitted person is entitled to participate in the proceedings and the Court is required to give its opinion on the point but the reference or opinion does not override the particular acquittal. I recommend that a similar provision be written into the Guernsey Law.

7. Review of unduly lenient sentences

The Jersey Law now enables the Attorney General, if he considers that an offender has been sentenced unduly leniently in proceedings in the Royal Court, to refer the case to

the Court of Appeal for review of the sentence. This is subject to the Court of Appeal giving leave; and the offence concerned being either –

- (a) an offence for which the defendant was liable to imprisonment for a term of one or more years (whether or not it was one for which he was also liable to any other penalty); or*
- (b) an offence which the States of Jersey by Regulations has declared to be one in respect of which the Attorney General may bring such a reference.*

Upon such a reference, the Court of Appeal is empowered to quash the sentence passed by the Royal Court and replace it with the sentence it thinks appropriate. This is probably one of the most sensitive issues dealt with in this letter and I would fully respect concerns which may be expressed around any perceived diminution of the respect rightly afforded to the judgment of our Jurats, with their profound appreciation of local circumstances, concerning sentencing. However, and indeed not least because Law Officers will always understand that context, I can feel confident that the power to make a reference to the Court of Appeal is one which, if introduced in this Bailiwick, would be exercised only in respect of sentences which the Law Officers judged after the most anxious scrutiny to be seriously flawed. Examples might be

- a) a clearly mistaken assessment of relative seriousness resulting in a sentence well below the range which the Court would normally impose for offences of similar type and severity with no discernibly different mitigating circumstances; such a sentence, though unlikely, might well engender legitimate feelings of injustice in victims and/or offenders not so leniently treated; or*
- b) an offence with international parallels but not previously dealt with in the Guernsey Court, which has been visited for no apparent reason by a sentence very significantly more lenient than might be expected on conviction for similar offences in other jurisdictions; it would be most unsatisfactory if through misunderstanding Guernsey were perceived internationally as “soft” on, say, money laundering, terrorist financing or sanctions.*

Experience elsewhere confirms that Law Officers will rarely refer a sentence and Courts of Appeal will even more rarely disturb one: In Jersey, where the powers have existed since 2008, two cases have been referred and the Court of Appeal increased the sentence in only one of those. In my opinion there is merit in introducing a power for the Law Officers to refer unduly lenient sentences to the Court of Appeal, on the understanding that, as elsewhere, it is a power which would be used very sparingly. I recommend that the provision should be broadly along the lines of the Jersey amendment, except that I consider that the bar under the Jersey Law is set too low for Guernsey to adopt. I propose that an entitlement for the Law Officers to refer unduly lenient sentences to the Court of Appeal should be incorporated into our Court of Appeal Law, but only where the offence concerned is one in respect of which the maximum sentence imposable is 5 years imprisonment or more.

8. *Rights of appeal re confiscation orders*

Confiscation orders may be made by the Royal Court at the request of the Law Officers. Although appeals have in fact been brought, on the basis that such an order forms part of the sentence, the Court of Appeal Law does not explicitly so provide. Also, should the Royal Court refuse to make a confiscation order, or make an order in an amount less than that applied for, the Law Officers very possibly would have no right of appeal. In line with reforms made to the Jersey Law I propose that the Guernsey Law should state explicitly that a person against whom a confiscation order has been made by the Royal Court has a right to appeal to the Court of Appeal; and should enable the Law Officers – with the leave of the Court of Appeal – to appeal against a decision not to make a confiscation order, or against the amount of a confiscation order made, by the Royal Court. On such appeal, the Court of Appeal should be empowered to confirm, quash or vary the confiscation order; to itself make a confiscation order; or to remit the matter to the Royal Court.

9. *Time spent in custody – computation of sentences*

Under the 1961 Law, in certain circumstances, up to four weeks of the time which a prisoner spends in custody pending appeal are disregarded when calculating time to be served under any sentence of imprisonment which remains after determination of the appeal; but the Court of Appeal may direct that all or any part of that period is to be taken into account. The Jersey Law now reverses the presumption, by providing that all time which the prisoner spends in custody pending an appeal is to be taken into account unless the Court of Appeal directs that all or any part of that period be disregarded. I propose a similar amendment to the Guernsey Law.

10. *Prerogative of mercy and references to the Court of Appeal*

Although the Guernsey and Jersey Laws both state that they do not affect the prerogative of mercy, both provide for a reference to be made to the Court of Appeal in any case where an appeal would lie against conviction or sentence:

- a) of the whole case, for the Court of Appeal to deal with as per an appeal; or*
- b) for “assistance on any point arising in the case”, whereupon the Court is to provide its opinion.*

Both Laws originally provided, as the Guernsey Law still does, that such references are to be made through the Secretary of State, but in the Jersey Law that was changed to the Lieutenant Governor in 2008. It seems entirely appropriate in the 21st century that Her Majesty’s personal representative in the Bailiwick, rather than the Secretary of State, should be charged with this responsibility. His Excellency has been consulted and is in agreement; and I therefore recommend that a similar change should be effected in the Guernsey Law.

11. *Time within which to appeal in criminal matters*

The Jersey Law has now extended the time for appealing against conviction or sentence from 10 days to 28 days. Often short form notices of appeal are entered pending the production of a transcript which cannot easily be produced in 10 days in the case of lengthy proceedings. In such cases the grounds are invariably perfected subsequently, resulting in increased fees and more often than not additional legal aid funding. Changing the theoretical time limit of 10 days would make little difference in practice apart from avoiding duplication and additional expense in at least some cases. I see no reason why the Guernsey Law should differ from Jersey's and therefore propose a similar amendment to 28 days.

12. *Minor amendments*

A number of further, detailed and minor amendments have been made over the years to the Jersey Law which I suggest might usefully be reflected in the Guernsey Law. Those are:

- a) clarification that the powers of a single judge in a civil appeal pending before the Court may be exercised pending determination of an application for leave to appeal where leave is required*
- b) replacement of the present requirement in a criminal appeal for the presiding judge of the convicting court to provide a report to the Court of Appeal in every case, with a discretion to provide such a report and power for the Court of Appeal to require one in any particular case*
- c) express provision to the effect that the grant, refusal or revocation of bail pending appeal are matters for a single judge of the Court of Appeal*
- d) formal replacement of the requirement for shorthand note taking, which has been otiose since the Court Proceedings (Mechanical Recording) (Guernsey) Law, 1978*
- e) confirmation that a sentence imposed in proceedings subsequent to a person's conviction can indeed be appealed (subject to leave as usual)*
- f) a statement that an order made on an appeal to the Court of Appeal is effective and enforceable as if made by the court from which the appeal is brought*
- g) deletion of reference to penalty of death*
- h) updating of terminology, such as reference to "infants".*

Finally, I recommend two further clarificatory provisions as follows

- a) *in recent years provision has been written into the Laws governing the procedure of both the Royal Court and the Magistrates Court, for the avoidance of doubt, that those Courts may sit whether or not the Greffier, Sheriff or Sergeant or any of their Deputies is present. That being so, and in case there may be some who entertain doubt, I recommend that a similar provision be included in the Court of Appeal Law*
- b) *power to make orders as to costs should be expressly included in the matters which may be dealt with by a single judge of the Court.*

Proposals

I would accordingly request that the States of Deliberation be recommended to approve the above proposals and direct the preparation of legislation amending the Court of Appeal (Guernsey) Law, 1961 in those respects, together with minor consequential amendments.”

Recommendation

The Policy Council endorses the proposals put forward by Her Majesty’s Procureur and therefore recommends the States:

- a) to approve the proposals for amending the Court of Appeal (Guernsey) Law, 1961 as set out in Her Majesty’s Procureur’s letter; and
- b) to direct the preparation of such legislation as may be necessary to give effect to the foregoing.

L S Trott
Chief Minister
5th October 2011

Deputy B Flouquet, Deputy Chief Minister
Deputy C N K Parkinson
Deputy C McNulty Bauer
Deputy M O’Hara
Deputy C Steere
Deputy P Sirett
Deputy A Adam
Deputy G Mahy
Deputy D Jones
Deputy M Dorey

PRIORITISING LEGISLATION

- 1. The need for legislation**
Highly desirable – revision of the Court of Appeal Law will complete a comprehensive programme of Court reform undertaken in recent years, improving efficiency in the administration of justice.
- 2. Funding implications**
The proposed legislation will not result in a request for additional resources, indeed it is likely to simplify matters.
- 3. Risks/benefits associated with enactment/non-enactment**
A failure to enact the legislation would mean that the Courts of Appeal in Guernsey and Jersey would continue to operate under slightly differing provisions without good reason, and certain proposed powers would be unavailable to the Guernsey Court of Appeal. After some fifty years it is unsurprising that the need has arisen to recommend some amendments to the legislation in the light of experience.
- 4. Estimated drafting time**
Although a considerable amount of amendment is required, the preparation of the proposals has of necessity required careful analysis of the Jersey legislation and production of a draft consolidated version, which will greatly assist in reducing the actual drafting time. It is anticipated that the Guernsey resident judges of the Court of Appeal will be in a position to comment swiftly on the draft Law.

(NB As there are no resources implications identified in this report, the Treasury and Resources Department has no comments to make.)

The States are asked to decide:-

XII.- Whether, after consideration of the Report dated 5th October, 2011, of the Policy Council, they are of the opinion:-

1. To approve the proposals for amending the Court of Appeal (Guernsey) Law, 1961 as set out in Her Majesty's Procureur's letter.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

POLICY COUNCIL AND HOME DEPARTMENT

CIVIL CONTINGENCIES

1. Executive Summary

- 1.1 In 2005, the States resolved that proposals should be brought forward to replace the Emergency Powers (Bailiwick of Guernsey) Law, 1965 with new legislation on the lines of the UK Civil Contingencies Act 2004.
- 1.2 As well as providing powers to deal with an actual emergency, the Civil Contingencies Act also includes powers in relation to monitoring risks and contingency planning and to enable action to be taken to prevent a threat from turning into an emergency.
- 1.3 In accordance with the 2005 Resolution, this Report contains proposals for a new Bailiwick-wide Civil Contingencies Law with the powers described in the previous paragraph and proposals for the creation of a Civil Contingencies Authority to supersede the Emergency Powers Authority.
- 1.4 This Report is presented by the Policy Council and the Home Department as the Council has to respond to the States Resolution of 2005 and the Department provides much of the day to day resources requirements for civil protection.

2. Background

- 2.1 Prior to the machinery of government changes, the Emergency Council was responsible for exercising powers in the event of an emergency. Its mandate and responsibilities passed to the Policy Council in 2004.
- 2.2 Following the fuel crisis and the severe flooding of 2000 and the outbreak of Foot and Mouth Disease in 2001, the UK reviewed its emergency planning arrangements. It concluded that existing legislation was no longer adequate for modern civil protection efforts and that new legislation was needed. The outcome was the Civil Contingencies Act 2004 ("the 2004 Act").
- 2.3 The introduction of the 2004 Act prompted a review of local emergency measures, including a review of the Emergency Powers (Bailiwick of Guernsey) Law, 1965. Recommendations arising from the review were submitted to the States by the Policy Council in 2005.
- 2.4 As a result the States approved:
 - a) the creation of an Emergency Powers Authority,

- b) a proposal for new insular legislation, along the lines of the 2004 Act, to replace the 1965 Law; and
 - c) pending the introduction of new legislation, certain interim amendments to the 1965 Law.
- 2.5 The Emergency Powers Authority is therefore the body that is currently responsible for carrying out all executive and administrative acts of government in the event that a state of emergency is declared.
- 2.6 The membership of the Authority is the Chief Minister, the Minister of the Home Department and one other Minister chosen by the Chief Minister (having regard to the nature of an emergency) from an Emergency Powers Panel (which consists of five Ministers).
- 2.7 The Emergency Powers Authority can only declare a state of emergency, if an emergency is imminent or has occurred. In such circumstances the Authority **only** consists of three individuals: the Chief Minister, the Minister of the Home Department and one other Minister chosen from the Panel. Any remaining members of the Panel are not members of the Authority for the duration of an emergency.
- 2.8 The powers of the Authority are therefore effectively limited to the duration of an emergency situation and it only “exists” as a three-man body for a limited time.
- 2.9 The Emergency Powers Authority is supported by the Emergency Powers Advisory Group made up of senior officers from the Home Department and the Policy Council, together with a Law Officer and an Advocate from the Law Officers’ Chambers.

3. Tribunal of Inquiry

- 3.1 In March 2010 the Tribunal appointed to inquire into the industrial action by airport fire fighters at Guernsey Airport reported on its findings.
- 3.2 The Tribunal identified the shortcoming that whilst it was possible to recognise that developing circumstances might lead to a full emergency, there were no powers to deal with those circumstances at an early stage. Events had to proceed to the point that a state of emergency could be declared before statutory emergency powers became available.
- 3.3 It considered that it was possible to envisage from the mandate of the Emergency Powers Authority that it had a role to act at an early stage in a scenario of mounting concern (before an emergency had actually occurred), but that role could **only be advisory** and it **could not** carry out executive or administrative acts of government to avert an impending catastrophe.

- 3.4 Whilst the Chief Minister, the Minister of the Home Department and all of the members of the Emergency Powers Panel could meet as a group to discuss a developing situation, that group would **not** be the Emergency Powers Authority.
- 3.5 It was made clear during the Inquiry that the status and powers of a group that met in this way could be misconstrued by parties from outside of that group who might incorrectly assume that it was, in fact, the Emergency Powers Authority (with all of its associated powers).
- 3.6 The Tribunal therefore recommended that:

“...there should be an identifiable body with a mandate to deal with crises falling short of an emergency” (Billet d’État IX of 2010, paragraph 9.12).

- 3.7 As an interim and temporary measure, the Policy Council established a sub-committee called the Strategic Threats Group. Its mandate is entirely advisory, and it is intended to provide political and practical input in a situation where one or more strategic threats are emerging and where remedial action requires the co-ordinated efforts of a number of Departments and agencies.

4. Proposals for New Civil Contingencies Legislation

- 4.1 In accordance with the States Resolution of 2005, set out below are proposals for new Bailiwick civil contingencies legislation based on the 2004 Act.
- 4.2 The 2004 Act is in two main parts, the first part deals with monitoring, contingency planning and preventative measures, and the second part deals with emergency powers.
- 4.3 The 1965 Law only provides for emergency powers. New legislation based on the 2004 Act will not only retain such powers, but will also introduce additional powers to prevent an emergency from occurring if a threat is identified, as well as provisions relating to contingency planning and monitoring.
- 4.4 For the purposes of the proposed new legislation, an emergency will be -
- a) an event or situation which threatens serious damage to human welfare or the environment in the Bailiwick, or any part thereof, or
 - b) war, or terrorism, which threatens serious damage to the security of the Bailiwick, or any part thereof.

An event or situation will fall into sub-paragraph (a) only if it involves, causes or may cause loss of human life; human illness or injury; homelessness; damage to property; the disruption of the supply and distribution of food, water, energy,

fuel or money, the disruption of a system of communication, facilities for transport or services relating to health; contamination of land, water or air with biological, chemical or radioactive matter; or the disruption or destruction of plant life or animal life.

Civil Contingencies Authority

- 4.5 The Inquiry into the industrial action by airport fire fighters recommended that *“there should be an identifiable body with a mandate to deal with crises falling short of an emergency”*.
- 4.6 In order to address this recommendation, it is proposed to establish a Civil Contingencies Authority under a new Civil Contingencies Law which will have responsibility for:
 - a) monitoring and assessing risks,
 - b) taking action to prevent a threat developing into an actual emergency; and
 - c) dealing with an emergency should one occur.
- 4.7 This new Authority will supersede the Emergency Powers Authority and its title is intended to reflect the broader extent of its powers.
- 4.8 It is proposed that there should be a permanent membership of the new Authority, consisting of:
 - a) the Chief Minister,
 - b) the Minister of the Home Department (to provide an immediate link to the emergency services),
 - c) the Minister of the Public Services Department (to provide an immediate link to direct labour, plant and equipment, the public water supply and ports and hence links to external transport routes); and
 - d) the Minister of the Health and Social Services Department (to provide and immediate link to health services).
- 4.9 The permanent membership will be fixed in order to:
 - a) provide continuity, so that the members of the Authority can develop relevant knowledge and experience (particularly important as the Authority will have an ongoing monitoring and risk assessment role),
 - b) address the shortcoming discussed in paragraph 3.5 (it will be clear to all

parties who is a member of the Authority and the capacity in which such a member acts); and

- c) create the “identifiable body” recommended by the Tribunal of Inquiry.
- 4.10 It is also proposed that the Bailiff will have the right to attend, and offer advice at, meetings of the Authority.
- 4.11 There will be provision for the temporary membership of a representative from the States of Alderney and Chief Pleas of Sark if a threat or an emergency affects either Alderney or Sark or both Islands. The specific arrangements regarding these Islands are discussed in section 9.
- 4.12 In addition, the Authority will be able to take advice from any person who may have knowledge or experience that is relevant to any matter before it. Such a person will not be a member of the Authority and will have no vote.
- 4.13 In order to fulfil its role of monitoring and assessing risks and making decisions to prevent a situation developing into an emergency, the new Authority will have a “permanent existence”.

Identifying Risks, Contingency Planning and Preventing Emergencies

- 4.14 A further observation by the Tribunal of Inquiry was:

“Risk management is intrinsic to good governance. We note that Guernsey has a community risk register and we were told that some individual Departments, such as Health and Social Services, have well-developed procedures covering specific activities.” (Billet d’État XV of 2010, Paragraph 9.16),

and it went on to note that this was not, however, a universal practice.

- 4.15 Many public bodies and some statutory officials have important functions in relation to the provision of essential services and supply of essential commodities in the Bailiwick. Whilst some of them already carry out risk assessments and maintain plans for emergency situations, it is considered necessary to be able to require them to carry out such action, if they have not done so, in order to:
- a) reduce the risks of an emergency occurring and
 - b) reduce, control and mitigate the effects of an emergency which does occur, especially by minimising disruption to the provision of such services or the supply of such commodities.
- 4.16 Monitoring risks and dealing with threats will be a key role of the Civil Contingencies Authority. Threats can develop over time or build up quickly and

the circumstances of each are invariably different. This means that a “standard” response to each is not always possible and such a response may require the intervention of a number of agencies working together.

- 4.17 It is essential that there is a body that takes responsibility for:
- a) alerting relevant bodies or individuals to a risk or threat,
 - b) ensuring that such a risk or threat is addressed (and thus avoiding the further risk that every party will assume that somebody else is dealing with it); and
 - c) bring together relevant bodies or individuals to plan a response to a threat and to coordinate the action taken to address that threat.
- 4.18 The proposed Civil Contingencies Authority will therefore have an overarching and ongoing responsibility to identify, assess and monitor threats to the Islands. If it believes that such a threat could develop into an emergency situation, it will be able to:
- a) direct the appropriate body or official to take that threat into account in a contingency plan,
 - b) bring relevant parties together to plan action to prevent a threat from becoming an emergency, co-ordinate the response to the threat and, if necessary, direct the appropriate body or official to take action to prevent it or, if that is not possible, to reduce or mitigate the effects of the anticipated emergency; or
 - c) take action itself to prevent or to reduce or mitigate the effects of an anticipated emergency.
- 4.19 The small geographical areas of the Islands and their insular positions mean that it is especially important of prevent an emergency from occurring if that is possible. An emergency in a larger territory might affect a part of it or a region which means that resources can be drawn from unaffected areas to address a disaster. The Bailiwick does not enjoy the benefit of the same circumstances.
- 4.20 In addition, in order to assist it with its role of identifying and assessing risks, it is proposed that the Authority will be able to require specified public bodies and private organisations and individuals to provide it with specific information that is relevant to that role.

Emergency Powers

- 4.21 Unfortunately, not every emergency can be foreseen and it is proposed that the Civil Contingencies Authority will also be able to make regulations when urgent

action is necessary because an emergency has occurred or is about to occur. Similar, though less well defined powers, exist in the current 1965 legislation.

- 4.22 The Authority will be able to act to prevent, control or mitigate an aspect or effect of an emergency in order to, for example, protect human life, health or safety, property, supplies of food, water, energy, fuel or money, communication systems, facilities for transport, health services, prevent the contamination of land, water and air and damage to the environment, reduce or mitigate the effects of war or terrorism.
- 4.23 Emergency regulations will only be used when quick action is necessary and decisive intervention is required in order to control the effects of an emergency and reduce them to the point that they can be managed by the normal mechanisms of government. Moreover, such regulations will be time-limited and subject to proper scrutiny (see below).

Oaths and unauthorised disclosures of information

- 4.24 It is proposed that both permanent and temporary members of the Civil Contingencies Authority will be required to take an oath or affirmation that will be specified by Ordinance. Members, and States of Guernsey employees and contractors, will be guilty of an offence if they disclose without lawful authority any document, information or other article available to them under the Law; it will be a defence to show that they had no reasonable cause to believe that the disclosure was damaging to the work of the Authority or that it related to the work of the Authority.
- 4.25 It will be necessary to repeal and replace the Emergency Powers (Forms of Oath) Ordinance, 2005.

Advice and Scrutiny

- 4.26 A Law Officer will have to be present at all meetings of the Authority and will advise on the proportionality of the exercise of certain powers by the Authority (it will not be able to exercise those powers without such advice) and, when appropriate, the exercise of powers in relation to a committee of the States of Alderney or a committee of the Chief Pleas of Sark.
- 4.27 As indicated above, the Bailiff will also be able to provide advice to the Civil Contingencies Authority.
- 4.28 Any regulations made by the Authority will have to be laid before the States of Deliberation (which could annul them) at the earliest opportunity and, where appropriate, before a meeting of the States of Alderney or a meeting of the Chief Pleas of Sark.
- 4.29 The Authority will be required, each year, to report to the Policy Council on the

risks of an emergency affecting the Islands.

Public Health Emergencies

- 4.30 Article X of the Ordonnance relative à la Santé Publique, 1936 provides powers to the “Sanitary Authority” to apply to the Royal Court for the declaration of a state of emergency in relation to public health. As the proposed Civil Contingencies Law will provide for emergency powers in relation to significant public health risks, it is proposed that this Article be repealed.

5. Economic and Reputational Threats

- 5.1 The issue of whether to include economic and reputational threats in the definition of an emergency for the purposes of a Civil Contingencies Law was considered and rejected.
- 5.2 The types of emergencies listed in paragraph 4.4 generally lend themselves to management by means of the deployment of resources, usually in the form of manpower and equipment. Economic and reputational threats cannot necessarily be dealt with in a similar way.
- 5.3 As an example, in the case of the industrial action by airport fire fighters at Guernsey Airport, the Tribunal of Inquiry made a series of recommendations to address the causes of that action. As the Policy Council reported to the States in September of this year (Billet d’État XV of September 2011), fulfilling some of those recommendations will include an examination of the mechanisms of public sector pay determination, the adoption of a partnership approach to industrial relations and new arrangements for corporate working.
- 5.4 The developing threat of industrial action could not have been addressed by a “blue light” type response that would be appropriate in the case of a threat to the health and safety of individuals in the Community. As the Tribunal report suggests, the underlying causes of the industrial action were institutional and as reported by the Policy Council, the necessary response involves a review of organisation, practices and relationships.
- 5.5 Other economic and reputational threats might take the form of an OECD blacklisting or dissatisfaction with the Island’s tax system in the EU. These types of threat have to be countered in different ways, possibly by means of negotiation or changes in policy that may need to be considered by the States of Deliberation.
- 5.6 Whilst these types of threat are of great significance to the Island, it was not considered that the powers proposed in a Civil Contingencies Law could properly (or effectively) be used to counter them and they would have to be dealt with in other ways.

6. Strategic Threats Group and the Mandate of the Policy Council

- 6.1 As indicated at 3.7, the Policy Council established the Strategic Threats Group to provide political and practical input to a situation where one or more strategic threats were emerging and where remedial action required the co-ordinated efforts of a number of Departments and agencies.
- 6.2 In a report to the States on progress on fulfilling recommendations made by The Tribunal of Inquiry into Industrial action by Airport Fire Fighters at Guernsey Airport (Billet d'État XV of September 2011), the Policy Council stated that it had:
"..... always seen the Strategic Threats Group as a temporary measure pending a complete review of the Emergency Powers (Bailiwick of Guernsey) Law, 1965....."
- 6.3 It is therefore proposed that the Group be dissolved when the Civil Contingencies Authority comes into being.
- 6.4 Section (a)(xi) of the Mandate of the Policy Council makes it responsible for:
"The coordination of non –operational matters in the event of an emergency, to preserve life and the well being of the community and the preservation of law and order; "
- 6.5 As the effectiveness of any response to an emergency will be reduced if more than one agency is attempting to deal with a crisis and as the Civil Contingencies Authority will have the powers to affect such a response, it is proposed that this sub-section of the Mandate of the Policy Council be repealed when the Authority is established.

7. Civil Defence and the Mandate of the Home Department

- 7.1 The review of civil contingencies and emergency powers drew into its ambit the consideration of civil defence.
- 7.2 Civil defence arrangements were introduced in the early post World War II era and they focussed on preparations for a further (possibly nuclear) conflict that was feared at that time.
- 7.3 Since then, civil defence has evolved into civil protection which has the much broader focus of ensuring that there is a joined up, coordinated response to a major incident or emergency by the emergency services and key supporting organisations.
- 7.4 Civil defence is therefore an outdated concept that is not relevant today and as the proposed Civil Contingencies Authority will be responsible for monitoring and addressing a broader range of threats, the Home Department considers that

reference to the Civil Defence Committee in its Mandate (in section (d)) is no longer necessary and proposes that that reference be deleted.

- 7.5 In addition, the Mandate of the Home Department makes it responsible for:

“The infrastructure maintained under the auspices of the Civil Defence organisation”(sub-section (a)(xi)),

- 7.6 Civil defence infrastructure no longer exists and the Home Department therefore believes that responsibility for it is therefore irrelevant and proposes that the relevant section of its Mandate be repealed.

- 7.7 The Home Department is also responsible for the Civil Defence (Guernsey) Law 1952 and the Civil Defence (Additional Powers) (Guernsey) Law 1962. These Laws were introduced for the purpose described in paragraph 7.2 and as circumstances have changed significantly from the time of their introduction, the Home Department considers that they are not longer relevant or necessary and proposes that they be repealed.

8. Mandate of the Public Services Department

- 8.1 The review of civil contingencies and emergency powers also highlighted the fact that part of the Mandate of the Public Services Department includes responsibility for:

“The management of environmental emergencies, control of essential commodities.....” (sub-section (a)(xv)).

- 8.2 For the same reasons as those set out in paragraph 6.5, it is considered that a single body should be responsible for responding to emergencies and it is therefore proposed that this sub-section of the Mandate of the Policy Council be repealed when the Civil Contingencies Authority is established. The Public Services Department supports this proposal.

9. Alderney and Sark

- 9.1 The authorities on Alderney and Sark have been consulted on these proposals and partly as a result of those consultations, it is proposed that the Law contains the following provisions in relation to Alderney and Sark:

- a) when a threat or emergency affects Alderney or Sark, the authorities on those Islands will be invited to nominate a representative who will become a temporary member of the Civil Contingencies Authority, with the same rights and responsibilities of the permanent members,
- b) such a temporary member will be able to veto a proposal by the Authority to take action to prevent an emergency in Alderney or Sark if

that representative opposes it; and

- c) emergency regulations made by the Authority that have affect in Alderney or Sark will have to be laid before the States of Alderney or the Chief Pleas of Sark as soon as practicable after being made, and shall immediately cease to have effect in the relevant Island if the States of Alderney or the Chief Pleas (as the case may be) resolve that they be annulled.

- 9.2 The authorities in Alderney and Sark support the principle that the new civil contingencies legislation should be a Bailiwick Law.

10. Resource Implications

- 10.1 The Emergency Powers Authority is currently served by the Emergency Powers Advisory Group (described in paragraph 2.9). It is proposed that this arrangement should continue for the Civil Contingencies Authority and therefore there is no requirement for additional staff resources.
- 10.2 Day to day operational costs of the Authority will be met from the existing Home Department budget.
- 10.3 Any exceptional costs arising from an emergency will, as is the case at the moment, require exceptional funding from the Treasury and Resources Department in accordance with established procedures.

11. Consultation

- 11.1 The Policy Council and Home Department has consulted those parties (in both the public and private sectors, in some cases more than once) that were likely to be affected by a Civil Contingencies Law There was constructive input from a number of sources that was taken into account in the preparation of the proposals in this Report and no significant opposition to those proposals.
- 11.2 As noted above, the authorities in Alderney and Sark have been consulted and support the principle of a Bailiwick-wide law.
- 11.3 The Law Officers have been closely involved in the preparation of these proposals.
- 11.4 The Department believes that it has complied fully with the six principles of corporate governance in the preparation of this States Report.

12. Recommendations

- 12.1 The Policy Council and the Home Department recommend the States to:

- a) approve the proposal that the “Emergency Powers (Bailiwick of Guernsey) Law, 1965”, as amended, shall be repealed and replaced by a Bailiwick-wide Civil Contingencies Law as set out in section 4 of this Report;
- b) approve the proposal that when the Civil Contingencies Law comes into effect:
 - i) section (a)(xi) of the Mandate of the Policy Council shall be repealed
 - ii) section (a)(xi) of the Mandate of the Home Department shall be repealed,
 - iii) reference to the Civil Defence Committee in section (d) of the Mandate of the Home Department shall be deleted; and
 - iv) references to the management of environmental emergencies and the control of essential commodities in section (a)(xv) of the Mandate of the Public Services Department shall be repealed;
- c) approve the proposal that:
 - i) “the Emergency Powers (Forms of Oath) Ordinance 2005”,
 - ii) “the Civil Defence (Guernsey) Law 1952”,
 - iii) “the Civil Defence (Additional Powers) (Guernsey) Law 1962”; and
 - iv) “Article X of the Ordonnance relative à la Santé Publique, 19362, shall be repealed; and
- d) direct the preparation of the necessary legislation.

L.S.Trott
Chief Minister

G.Mahy
Minister, Home Department

Date: 27 September 2011

Date: 27 September 2011

Policy Council

B. M. Flouquet
Deputy Chief Minister

C. S. McNulty Bauer
M. G. O'Hara
C. A. Steere
P. R. Sirett
G. Mahy
A. H. Adam
D. B. Jones
M. H. Dorey
C. N. K. Parkinson
Members

Home Department

F W Quin
Deputy Minister

J M Tasker
M S Laine
B N Kelly
States Members

A L Ozanne
Non States Member

ANNEXE**DRAFTING OF LEGISLATION – PRIORITY RATING SCHEME
STATES REPORT – CIVIL CONTINGENCIES****Criterion 1 – Need for legislation**

To comply with a Resolution of the States.

Criterion 2 – Funding

There are no immediate funding requirements.

Criterion 3 – Risks and benefits associated with enacting/not enacting the legislation

The scope of existing legislation does not provide for powers to deal with emerging threats. The new legislation will enable such threats to be addressed before they develop into an emergency situation as well as providing for powers to deal with actual emergencies.

Criterion 4 – Estimated Drafting Time-

Much of the drafting of the primary legislation has been completed and it is not anticipated that the remainder will take longer than two weeks to draft.

(NB As there are no resource implications identified in these report, the Treasury and Resources Department has no comments to make.)

The States are asked to decide:-

XIII.- Whether, after consideration of the Report dated 27th September, 2011, of the Policy Council and Home Department, they are of the opinion:-

1. To approve the proposal that the Emergency Powers (Bailiwick of Guernsey) Law, 1965, as amended, shall be repealed and replaced by a Bailiwick-wide Civil Contingencies Law as set out in section 4 of this Report.
2. To approve the proposal that when the Civil Contingencies Law comes into effect:
 - i) that section (a)(xi) of the Mandate of the Policy Council shall be repealed;
 - ii) that section (a)(xi) of the Mandate of the Home Department shall be repealed;
 - iii) that reference to the Civil Defence Committee in section (d) of the Mandate of the Home Department shall be deleted;
 - iv) that references to the management of environmental emergencies and the control of essential commodities in section (a)(xv) of the Mandate of the Public Services Department shall be repealed.
3. To approve the repeal of:
 - i) “the Emergency Powers (Forms of Oath) Ordinance 2005”;
 - ii) “the Civil Defence (Guernsey) Law 1952”;
 - iii) “the Civil Defence (Additional Powers) (Guernsey) Law 1962”;
 - iv) “Article X of the Ordonnance relative à la Santé Publique, 1936”.
4. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

COMMERCE AND EMPLOYMENT DEPARTMENT**ANIMAL WELFARE LEGISLATION**

The Chief Minister
Policy Council
Sir Charles Frossard House
La Charroterie
St Peter Port

14th September 2011

Dear Sir

1. Executive Summary

- 1.1 In 2003 the States approved proposals for new animal welfare legislation and in 2008 the Animal Welfare (Enabling Provisions) (Guernsey) Law, 2008 was registered in Guernsey.
- 1.2 The enabling provisions law allows the States to make detailed provisions for the welfare of animals by Ordinance. Work is in progress on drafting an animal welfare Ordinance and that process has revealed that various amendments of, and additions to, the original proposals would be desirable or are necessary because of changes in circumstances and practice since 2003.
- 1.3 Proposals for these additions and amendments are set out in this Report. They will enable the drafting of an animal welfare Ordinance to be finalised and the Department believes that they will enhance the overall package of measures on the protection and welfare of animals as well as improve the mechanisms for administering those measures.

2. Background

- 2.1 In February 2003, the States approved proposals for new animal welfare legislation (submitted by the then Agriculture and Countryside Board) and in September 2006 it also approved a Projet de Loi entitled “The Animal Welfare (Enabling Provisions) (Guernsey) Law, 2006.
- 2.2 In February 2008 the Policy Council reported that three Projets de Loi, which were then awaiting the Sanction of Her Majesty in Council (including the animal welfare law), were the subject of discussions with the Ministry of Justice on specific details of the drafting of certain provisions. These Projets were

resubmitted to the States with proposed changes to the text and these amendments were approved by the States in March 2008.

- 2.3 An Order approving the Animal Welfare (Enabling Provisions) (Guernsey) Law, 2008 was made at the Privy Council on 9 October 2008 and the Law was registered in Guernsey on 28 October 2008.
- 2.4 The enabling provisions Law allows the States to make detailed provision for the welfare of animals by Ordinance. Work is in progress on drafting an extensive animal welfare Ordinance and the drafting process has revealed that various amendments of, and additions to, the proposals approved in 2003 would be desirable or are necessary. As these amendments and additions were not covered by the original policy they need the further approval of the States.
- 2.5 The reasons for the proposed amendments and additions are set out below.

3. Proposed Amendments and Additions

3.1 Welfare of Animals during Transport

- 3.1.1 In 2003, the States approved proposals for the regulation of the welfare of animals during transport. For “international” journeys (such as to the UK or France) the principles of European Community legislation were to be adopted. At that time these were set out in Directive 91/628/EEC on the protection of animals during transport. Separate proposals on the welfare of animals transported within the Channel Islands were also proposed and approved.
- 3.1.2 Directive 91/628/EEC was subsequently repealed and replaced by Council Regulation (EC) No 1/2005 on the protection of animals during transport and the Department proposes that insular legislation should now be based on this Regulation rather than the Directive as anyone transporting animals to the UK from Guernsey would in any event have to meet the standards set out in the EU Regulation. As the scope of the Regulation is wider than the 1991 Directive, covering all commercial transports, separate provision for Channel Island journeys not covered by the Directive, is no longer required.
- 3.1.3 The 2003 proposals also included provision for minimum standards for the welfare of animals transported within Guernsey. Commercial journeys within the island will now be covered by implementation of the EU Regulation.
- 3.1.4 It is now proposed that minimum standards should now apply to non-commercial journeys not covered by the EU Regulation. It is proposed that such provisions will be based on similar provisions adopted in the UK for such journeys so that offences will be created in relation to the transporting of animals -

- a) in a way which causes, or is likely to cause injury or unnecessary suffering, or
- b) other than under conditions (e.g. means of transport, ventilation and space) which are appropriate for the particular species.

3.2 Animal Fighting

3.2.1 The proposals in 2003 included provisions relating to animal fights. They were based on UK legislation that was in force at that time. Since then, the UK and Jersey have amended their animal welfare legislation and that now also provides for offences in relation to the following matters regarding animal fights:

- (a) taking part in an animal fight,
- (b) receiving money for admission to an animal fight,
- (c) betting on the outcome of an animal fight,
- (d) keeping any premises for use for an animal fight; and
- (e) supplying, publishing, showing and possessing a video recording of an animal fight.

3.2.2 The Department proposes that insular legislation should also provide for such matters in order that that legislation provides for the same range of offences in relation to animal fights as in the UK and Jersey.

3.3 Codes and Guidance

3.3.1 The 2003 proposals provide that the Department will be able to issue codes of recommendations for the welfare of particular animals, such codes would have a special evidential weight so that a failure to comply with such a code can be relied upon in court proceedings as tending to establish liability for breach of a relevant provision of the legislation. It is now proposed that the Department should also be able to issue such codes providing practical guidance to animal owners or keepers on a particular provision of the legislation e.g. such as the duty of care on owners or keepers.

3.3.2 It is also proposed that the Department have an additional power to issue general guidance which would not have this special weight in court proceedings.

3.3.3 The Department proposes that it should have the power to issue codes and guidance as described above.

3.4 Improvement Notices

- 3.4.1 The 2003 proposals provide that the Department will have the power to issue an improvement notice if it appears that the owner or keeper of an animal is contravening a code of recommendations for the welfare of that animal. It was also proposed that breach of the improvement notice would not be an offence but would simply tend to establish liability for an offence.
- 3.4.2 However, the Department has been advised that as such a code would only amount to "recommendations" and not be binding it would be more appropriate if an improvement notice were issued for breach of the duty of care of an owner or keeper of an animal under the Ordinance. It is also proposed it would then be an offence to breach a requirement of such an improvement notice, so that there would be a dissuasive sanction for breach of the notice.
- 3.4.3 The Department therefore proposes that the animal welfare Ordinance include provision for an offence if a person fails to comply with an improvement notice.

3.5 Offences and Penalties

- 3.5.1 A review of animal welfare legislation in the UK has led to higher penalties for certain animal welfare offences. The proposals approved by the States in 2003 were for maximum penalties of 6 months imprisonment, a fine of a maximum of level 5 (now £10,000) on the uniform scale for all offences or both.
- 3.5.2 The Department proposes that higher penalties of 12 months imprisonment, a fine of a maximum of twice level 5 on the uniform scale or both for offences in relation to:
- a) the unnecessary killing, injury, ill-treatment or suffering of an animal,
 - b) prohibited operations (such as tail docking) and operations without anaesthetic on animals,
 - c) animal fighting,
 - d) the administration of poisons to animals,
 - e) taking or disturbing etc. of wild animals and their nests etc.; and
 - f) animal experiments,

in order that penalties in the Island are in line with those in the UK.

- 3.5.3 The Department also proposes that it should be an offence if a person:

- a) causes or permits the carrying out of prohibited operations or operations without anaesthetic on animals (such as tail docking); and
- b) knowingly permits offences against wild animals (including taking of wild animals or nests and eggs).

3.5.4 The proposal in subparagraph (a) simply carries forward an offence in existing legislation that the new Ordinance will repeal. The proposed offence in relation to wild animals is new but reflects provisions in other jurisdictions and would prevent a loophole which could arise if people could knowingly permit taking of birds etc. on land controlled by them.

3.6 Additional Powers of the Court

3.6.1 The 2003 proposals provided for the court to have various powers to make orders on conviction of a person for an animal welfare offence, including an order disqualifying a person from owning or possessing a specified animal. However, the 2003 proposals do not include provision for the court to act if such an order is ignored.

3.6.2 The Department therefore proposes that the court should have the power to issue a seizure order if a disqualification order is ignored. In order to ensure fairness and compliance with human rights obligations, there will also need to be provision for appeals against the various court orders.

3.7 Licensing

3.7.1 The 2003 proposals include a number of provisions relating to licensing, however the Department recommends two further additions to those proposals.

3.7.2 The first is that there should be a prohibition on a person who is disqualified by court order from carrying out an activity that requires a licence or from holding a licence for that activity, from applying for such a licence whilst so disqualified. A licence issued to such a person in error would be invalid.

3.7.3 The second is that there should be provision to allow a licensed activity to continue on the death of a sole licensee. For example a person might operate licensed boarding kennels and (according to the 2003 proposals) if that person were to die, the licence would cease to be valid and hence the business would be unlicensed.

3.7.4 The Department recommends that there should be provision for a person (such as a member of the family or an employee) to continue to operate the business, temporarily, until a new permanent licence can be granted to a new licensee.

3.8 Fees

- 3.8.1 The 2003 proposals provide for the option of charging a fee for the grant of a licence, but not for charging a fee for any other matter relating to licensing. The Department recommends that it should be able to charge for any application in relation to a licence including applications for, variations and transfers of licences. This will allow it to recover some of the costs of operating the licensing system and to charge for all applications including where a licence is refused. It is proposed that such fees should be set by regulations of the Department.

3.9 Authorised Persons

- 3.9.1 Standard provisions are now used in relation to powers such as entry, seizure and inspection, including safeguards to ensure fairness and restricting the exercise of such powers to ensure compliance with obligations under the Human Rights (Bailiwick of Guernsey) Law, 2000.
- 3.9.2 These standard provisions vary from those proposed in 2003 and the Department recommends that the animal welfare Ordinance reflects current practice in relation to such matters.
- 3.9.3 The Department also recommends that certain powers, including certain powers of entry and seizure, also be given to police officers where animals are in distress or an animal welfare offence is suspected to allow the police sufficient powers to enforce the Ordinance alongside Authorised Persons appointed by the Department. This reflects similar police powers in current animal welfare legislation.
- 3.9.4 Consistent with this it is proposed that the court have powers to make orders in relation to such animals in distress seized and taken into custody by authorised persons or police officers. This would allow the court powers to make orders in relation to animals so seized and detained whilst a possible offence is being investigated and not just upon conviction which may be several months later in a complex case. It is also proposed for natural justice and human rights reasons that provision is made for appeals against such court orders. This would reflect similar provisions in the UK.

3.10 Strays

- 3.10.1 The proposals in 2003 included a number of provisions regarding the seizure and detention of stray animals. Specific measures were proposed and approved for different types of animal. To avoid overly complicated provisions it is now proposed that general arrangements that carry forward the principles of existing legislation relating to stray dogs can apply to the seizure and detention of **all** stray animals and the Department recommends that is the case.

3.10.2 It is proposed that the new provisions, consistent with the existing legislation relating to stray dogs, allow the Department to sell or euthanise stray animals if these are not claimed by an owner following a specified period of notification by the Department. It is proposed that the new provisions spell out for clarity the rights of owners where animals are sold and of those buying such animals. It is proposed that a person buying a stray animal from the Department in good faith will have good title to that animal but that an owner may claim any proceeds from such a sale, after deduction of the Department's costs incurred in caring etc for the animal, within 6 months of the sale after which time the Department may apply the proceeds as it thinks fit.

3.11 Schedules

3.11.1 Two schedules, one on prohibited operations (i.e. tail docking, hot branding etc.) and another listing the activities that will require a licence (covering activities relevant to the running of pet shops, stables, kennels etc.) will be included in the proposed animal welfare Ordinance.

3.11.2 There was no provision in the 2003 proposals to vary any schedules by statutory instrument and the Department proposes that it should have the power to amend the schedules described above by regulations, in order that it can react quickly if change is necessary and in order to avoid the need to bring amending Ordinances to the States. Such statutory instruments would have to be laid before the States.

3.12 Appeals against decisions of the Department

3.12.1 In 2003 the States agreed that appeals against decisions of the Department in relation to licences etc. for activities carried out in relation to animals under the animal welfare legislation would be made to a general Tribunals Service which it was then anticipated would be created. Such a Tribunals Service has not been established so that a specific animal welfare Tribunal would have to be set up to consider such appeals.

3.12.2 Under the new animal welfare legislation, a number of activities will require a licence (such as operating boarding kennels and pet shops) and therefore the majority of decisions of the Department, that might be appealed, will relate to licensing.

3.12.3 The Department has done a significant amount of work on preparing model conditions that will form a basis for inclusion in specific licences. Those model conditions will be adapted to be appropriate and specific to the particular activity in question. It is intended to make the model conditions public and therefore an applicant will know in general terms the standards that should be met to obtain a licence for a particular kind of business.

- 3.12.4 It is anticipated that the number of appeals against licensing decisions is likely to be lower than for areas of wide applicability such as planning, employment or tax. In addition, the Department intends to publish the model conditions and it is anticipated that such publicity, together with a transitional period of 12 months for existing businesses to meet the standards set out in those conditions will significantly reduce the number of, if not eliminate, appeals against licensing decisions.
- 3.12.5 In view of this, the Department is not convinced that the number of likely appeals would justify the cost of setting up and maintaining a new animal welfare appeals Panel and Tribunal. It therefore proposes that appeals should be made to the Royal Court.
- 3.12.6 The Policy Council has been consulted on this matter (as it would have had to provide for an animal welfare Tribunal in order to ensure impartiality) and it expressed its preference for appeals to be made to the Royal Court.

4. Resource Implications

- 4.1 As indicated in section 6, the Department plans to recruit a new States Veterinary Officer and part of the duties of that Officer will be to assist with the implementation and administration of new animal welfare legislation. Provision for this appointment has been made in the Department's budget.
- 4.2 Appeals to the Royal Court will have resource implications for the Court, however, based on the information currently available to it, the Department does not believe that there will be a significant number of activities that will require a licence each year and therefore the potential for appeals will be small.

5. Consultation

- 5.1 The Law Officers Chambers have been consulted regarding this proposal and have raised no issues.
- 5.2 The Department has consulted the Guernsey Society for the Prevention of Cruelty to Animals and Protecting Animal Welfare on these proposals.
- 5.3 The Department has consulted the Policy Council on the issue of appeals.
- 5.4 The Department believes that it has complied fully with the six principles of corporate governance in the preparation of this States Report.

6. Implementation

- 6.1 When the proposals for new animal welfare legislation were first brought forward the Department carried out extensive consultation, including

consultation with individuals and businesses that carried on an activity that would require a licence.

- 6.2 The Department is currently progressing plans to recruit a new States Veterinary Officer with the intention that, once appointed, that person will prepare for the implementation of the new legislation. The work will include once again consulting individuals and businesses that carry on an activity that will require a licence under the new animal welfare Ordinance so that they can be made aware of the licensing requirements before the legislation is brought into effect.
- 6.3 In order to allow time for such preparation and consultation, the Department intends that the animal welfare Ordinance (subject to States approval) will come into force in 2012.

7. Recommendations

7.1 The Department recommends the States to:

- a) approve the proposals:
 - i) in relation to the welfare of animals during transport (as set out in section 3.1),
 - ii) for additional offences in relation to animal fighting (as set out in section 3.2),
 - iii) for powers for the Department to issue codes and guidance (as set out in section 3.3),
 - iv) for powers for the Department to issue improvement notices (as set out in section 3.4),
 - v) for offences and increased penalties for certain offences (as set out in section 3.5),
 - vi) for powers of the court in relation to disqualification orders (as set out in section 3.6),
 - vii) in relation to applications for a licence by a disqualified person and the temporary operation of a business that is a licensed activity (as set out in section 3.7),
 - viii) in relation to fees for all aspects of licensing (as set out in section 3.8),
 - ix) in relation to the powers of authorised persons and Police Officers (as set out in section 3.9),

- x) for powers in relation to the seizure and detention of stray animals (as set out in section 3.10),
 - xi) for powers for the Department to amend schedules by regulations (as set out in section 3.11); and
 - xii) for appeals against decisions of the Department to be made to the Royal Court (as set out in section 3.12); and
- b) direct the preparation of legislation necessary to give effect to the proposals.

Yours faithfully

C S McNulty Bauer
Minister

M Laine
Deputy Minister

R Matthews
R Sillars
M Storey
States Members

P Mills
Non States Member

APPENDIX 1**DRAFTING OF LEGISLATION – PRIORITY RATING SCHEME
STATES REPORT ANIMAL WELFARE****Criterion 1 – Need for legislation**

These amendments are required to take account of changes in circumstances since the proposals were approved in 2003 and issues that have arisen as the result of work on drafting an Ordinance that deals with the protection and welfare of animals.

Criterion 2 – Funding

The Department has made budgetary provision for additional staff resources to oversee and assist with the introduction and administration of new animal welfare legislation.

Criterion 3 – Risks and benefits associated with enacting/not enacting the legislation

The introduction of new animal welfare legislation is the subject of a certain amount of public anticipation. The proposals in this Report will enable the drafting of the Ordinance that deals with the protection and welfare of animals to be concluded.

Criterion 4 – Estimated Drafting Time

Additional drafting time will be minimal as the recommended additions and alterations have already been identified in the process of drafting the animal welfare Ordinance. Some additional resource will be needed for the drafting of the new proposals relating to transport of animals but it is not anticipated that this would delay the main animal welfare provisions as these provisions can be put into a separate Ordinance.

(NB As there are no additional resource requirements arising from this Report the Treasury and Resources Department has no comments to make.)

(NB The Policy Council has no comments on the proposals contained in this Report.)

The States are asked to decide:-

XIV.- Whether, after consideration of the Report dated 14th September, 2011, of the Commerce and Employment Department, they are of the opinion:-

1. To approve the proposals:

- i) in relation to the welfare of animals during transport (as set out in section 3.1).
- ii) for additional offences in relation to animal fighting (as set out in section 3.2).
- iii) for powers for the Department to issue codes and guidance (as set out in section 3.3).
- iv) for powers for the Department to issue improvement notices (as set out in section 3.4).
- v) for offences and increased penalties for certain offences (as set out in section 3.5).
- vi) for powers of the court in relation to disqualification orders (as set out in section 3.6).
- vii) in relation to applications for a licence by a disqualified person and the temporary operation of a business that is a licensed activity (as set out in section 3.7).
- viii) in relation to fees for all aspects of licensing (as set out in section 3.8).
- ix) in relation to the powers of authorised persons and Police Officers (as set out in section 3.9).
- x) for powers in relation to the seizure and detention of stray animals (as set out in section 3.10).
- xi) for powers for the Department to amend schedules by regulations (as set out in section 3.11).

- xii) for appeals against decisions of the Department to be made to the Royal Court (as set out in section 3.12).
- 2. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.