

PlanForum

Guernsey Agents Forum
Meeting 27th November 2013 @ Sir Charles Frossard House

MEETING NOTES

PlanForum members in attendance:

Alex Whitmore	PF+A
Chris Lovell	Lovell & Partners
Chris Martel	Naftel Associates
Gary Naftel	Naftel Associates
Rob Le Page	Robert W Le Page Architects & Chartered Surveyors
Tony Charles	Porchester Planning Consultancy
Carl Foulds	Direct Architectural Solutions
David Aslett	Aslett Architects
Ollie Brock	Lovell Ozanne and Partners
David Falla	Falla Associates International

Apologies:

Esther Male	CCD Architects
Max Babbe	Soup Architects
Peter Falla	PF+A

From States of Guernsey:

Jim Rowles	Director of Planning
Elaine Hare	Principal Planning Officer
Andy Mauger	Building Control Manager
Claire Barrett	Policy & Environment Manager
Michelle Hooper	Technical Support
Amy Harper	Technical Support

1. Development Control – update and progress

Performance and any issues

The monitoring report for DC performance 6th April 2013 - 5th October 2013, shows that during this period the Planning Division met its 8 week target for issuing of decisions and exceeded its 13 week target:

- **80%** of decisions were made within 8 weeks (target 80%)
- **93%** of decisions were made within 13 weeks (target 90%)

Elaine Hare (EMH) explained that there were 280 live applications currently; however a large number of pre-application and exemption enquiries were also received by the Department.

Agents were informed that invalid letters and similar correspondence that is currently copied to their clients as standard practice will no longer be sent to the clients. This will be on a trial basis and kept under review. Agents will be notified when this change will commence.

It is intended that as of January 2014 all planning reports (not just for refusals) will be posted online for the public to view. This was one of the operational recommendations made in the Shepley Report into the Planning Service regarding openness and transparency.

It was noted by Ollie Brock that in the last 2-3 years there had been a downturn in applications; the upturn of which was queried with regard to application officer ratio. Planning for this upturn of applications is already underway with the recruiting and training of local people including works experience in other areas of the Department.

Jim Rowles (AJR) advised that reports are currently being prepared to simplify use classes and extend exemptions. When implemented this should further reduce the number of planning applications received.

AJR informed Agents of changes that have been made to the registration process for applications. Cheques that are received with applications are no longer being banked immediately, but are banked at the point the application becomes valid. Cheques for overpayments would be returned and the correct amount requested. This will make the process more efficient and also less costly to the Department by avoiding refunds.

AJR reminded Agents that covering letters submitted with applications need not be long and complicated, but short and to the point with key issues. Elaine Hare (EMH) advised that policies don't need to be quoted in these letters.

Open Planning Meetings

The current approved scheme of open planning meetings, which was originally introduced following fact finding visits to Jersey and Hampshire, and has since been refined on a number of occasions, was discussed. On the whole, it was considered that the scheme works well, however Agents suggested some areas for improvement.

AJR read a letter written by Andrew Ozanne raising some matters of concern with regard to open planning meetings. Ollie Brock (representing Andrew Ozanne) believed that the current system falls short in some areas in comparison with the UK. The main concerns raised were; training of Board members, speaking times designated to representors and control of the public gallery and chairmanship. It was also noted that in the UK, Councils often have a legal officer present at the planning meeting to advise on legal points and material planning considerations.

AJR confirmed that the current Board members have had training with regard to reading plans, material considerations and relevant policies. Members' probity guidance has also been published. The current Board has a good level of understanding of these matters.

It was suggested by OB that the 5 minute rule that is currently used in the UK for representors could be adopted to address the balance between all speakers. Tony Charles noted that use of a five minute slot each for grouped representors and supporters was becoming increasingly common in the UK, and that representors were obliged to get together and organise their presentations beforehand. AJR reminded Agents that applicants have a right of appeal whereas representors do not. It was also noted that in the UK procedures still vary between different authorities and that the Department currently seeks to ensure that points are not repeated by successive speakers.

AJR agreed that interference or heckling from the public gallery should not be tolerated and that the Chairperson should have control at all times. AJR clarified that when a decision was reached contrary to the Planning Officer's recommendation, the result is discussed immediately with the Board in order to confirm full reasons which must relate to legitimate planning grounds.

Clarification was sought with regard to the process in which an application is referred to an open planning meeting, and what influence the Minister has over the decision.

AJR confirmed that any Board Member may request that an application be considered by the Board at an Open Planning Meeting under the terms of the approved scheme of delegation, and noted that the Minister is consulted on occasion in respect of decisions as to whether an application is to be considered by the Board or determined under delegated authority.

2. Building Control – update and progress

Andy Mauger (AAM) informed Agents that the latest Building Control newsletter was almost complete and would be distributed electronically and also posted online. Any comments or suggestions should be forwarded to AAM.

Two concerns were raised with regard to Building Control.

Firstly that BC Surveyors were checking the adequacy of reinforcement in position prior to concreting, as is their normal duty, and instructing contractors to proceed. It was pointed out that design engineers, if employed to oversee the works onsite, also need to confirm the reinforcement under their warranties as a condition of their PI insurance. Therefore it was requested that BC Surveyors bear this in mind when giving contractors instruction. AAM agreed to pass on this request.

Secondly BC Surveyors instructing changes/additional work on site without the agents or clients' knowledge. This can lead to a potential cost implication to the client. AAM advised that changes/additional work should only be requested when works didn't comply with Building Regulations and reiterated that Building Control do not act as designers. Recommendations should be made via the Architects, if engaged to oversee construction, or contractors on site overseeing the works. AAM confirmed that staff will be reminded to consider the client when instructions for changes/additional work are made.

3. **Development Plan Review – update and progress**

Presented by Claire Barrett

Monitoring

As part of the preparation of the new Plan, the monitoring regime and data collection currently undertaken by the Department is being fully reviewed to improve understanding of performance of planning policies in delivering the objectives of the Strategic Land Use Plan (SLUP) and informing new policy.

SLUP sets specific directions for monitoring including a focus on; delivery of housing, provision of adequate employment related development and management of resources and delivery of infrastructure.

The Department has recently started monitoring the supply and availability of office, industrial and storage and distribution premises as part of the research for the new Plan.

The following two indicators are used; the amount of employment floor space given planning consent and the amount of employment floor space being marketed through local property agents.

In addition to the existing quarterly housing monitoring reports the Department will also report on Employment Land Monitoring, initially on a 6 monthly basis, as part of building towards a more comprehensive monitoring regime. The reports can now be found on the Department's web site. The report represents current trends, and over time will allow a picture to be built of what's needed in future.

The second stage public consultation

The second stage public consultation ran from 29th July to 13th September and the Department has published a summary report of the analysis of public responses and these can be found on the website.

CEB informed that consultations with individual States Departments and some technical consultees are ongoing however they do not form part of the report.

Consultations included the call for sites for housing and employment land. However, the Department will require more detailed analysis, and the results will inform the Strategic Housing Land Availability Assessment (SHLAA) and stage 3 Employment

Land Review which will be published at a later date as part of the draft Plan. The results of the call for sites do not form part of the summary report.

Some of the responses to the consultation are contrary to the spatial strategy. They have been noted and are included in the report but cannot be taken forward in drafting policies for the new plan

The consultation has been extremely successful providing feedback to Islanders on some of the evidence gathered by the Department to date, highlighting some of the key messages and issues whilst getting people to start to think about some of the potential options. As well as those attending targeted workshops approximately 530 people attended the various informal public information sessions and feedback has been very positive. However there were only 81 formal responses from people and organisations. The low number, as a proportion of the population, means that no particular weight can be given to any potential future policy direction as a result of the consultation.

The Department is reaching the end of the second stage of the 5 stage plan review process and will be progressing with stage 3, writing the draft Plan, at the beginning of next year.

SHLAA and Employment Land Review.

The call for sites exercise resulted in 511 submissions, most relating to housing land. Forward Planning are currently in the process of mapping the information and developing the analysis

As a result of the ongoing process and the consultation the methodology for both the SHLAA and the ELR are constantly being refined.

The SHLAA and ELR are being approached by two separate methods as a result of the different scale of the information.

ELR

Forward Planning are currently building on and refining the methodology set out in the evidence report and have moved to stage 3 (final stage) of the review.

This involves refining the typology and developing it to make it even more relevant to Guernsey. There are issues that are more prominent in Guernsey than elsewhere which need to be addressed.

Currently assessment criteria/proforma for site assessment are being established which takes the EIA into account. Some assessment may be on a site basis but some may be for a cluster where issues are the same (e.g. in the historic core of St Peter Port where common themes of accessibility, market attractiveness, etc, apply).

Sites are also being assessed for quality and any future development potential. This includes sites that are known about, existing sites as well as those identified by call for sites.

SHLAA

A similar mapping exercise is currently being undertaken, however all submissions are being mapped and then they are being assessed according to criteria and spread/location/distribution.

Currently Forward Planning are refining the methodology and establishing assessment criteria, however unlike the ELR each site will have an assessment. The SHLAA will be published with the draft Plan.

SHLAA is a 10 stage process based on best practice in the UK; stage 5 has been completed and the Department is now moving onto stages 6 and 7 – site assessment.

It was noted that SHLAA is a tool to inform policy making, not a list of sites that will be developed. It will be subject to ongoing review in the future as part of the required monitoring regime.

Tony Charles commented on the Strategic Housing Marketing Assessment (SHMA) that is undertaken in the UK and questioned whether there will be a Housing topic paper with the results of the SHLAA before the draft Plan is published. The purpose of this would be to explain transparently the basis for the inclusion of some sites and exclusion of others. CEB confirmed that the SHLAA will be published, and due to the time constraints the paper maybe published at the same time as the draft Plan.

Ollie Brock said that he hoped that NIMBY interests in certain areas of the Island would not be overly influential in the process and mentioned a couple of concerns regarding sites that had not been highlighted by call for site queries, and whether the Department would be looking at sites that weren't submitted, also regarding site designation and whether sites could be changed from one use to another. CEB confirmed that the Department would be investigating sites it knew about as well as those coming forward through Call for Sites. Also with potential economic changes in the future it may be necessary to think about flexibility of use or redevelopment of existing sites to make more economically viable and this will also be taken into consideration as part of the Plan Review.

Chris Lovell raised concerns over the current practice of issuing average house price data and how this gave unrealistic expectations for land owners and adversely affected future development potential. CL commented particularly that the publication of 'average' house price figures by the States fuels expectations and consequently acts itself to increase prices.

David Falla queried whether the Department had taken a potential 'bounce back' in the economy into consideration when developing the SHLAA and ELR and whether this was being planned for. CEB confirmed that the Department is working closely with housing and that preparation for these circumstances was currently being undertaken.

4. Managing the Historic Environment – Update and progress

Presented by Claire Barrett

Review of the List – update and progress

The desk top assessment of the residential buildings on the evaluations list has been completed. Further surveys will be undertaken once criteria have been established.

Draft Criteria and Grading Proposals

During the Review of the Protected Building list criteria for protection will also be developed. The criteria will provide a baseline against which all existing and potential future protected buildings can be assessed.

The principal objectives of the criteria are to: inform building owners and professionals about the criteria which will be used in the assessment of buildings and help them understand what is considered important about the building and why the Department makes certain decisions, and to provide a transparent, robust and defensible framework to consistently assess buildings. They will be used to focus the Department and Public on the special character of Guernsey and may support the assessment of development proposals.

The criteria are based on the areas of special interest set out in the planning law such as special historic, architectural, traditional or other interest such as group value, features, setting etc.

The draft criteria have therefore been written taking into account the views and opinions of a range of local interest groups and bodies brought together as a focus group (involving representatives of the GSA, CIAT, Festung Guernsey, National Trust, La Societe and T&R as well as from C & D and Development Control)

The need to develop a grading system for Protected Buildings has become apparent so that an appropriate level of control can be applied. The consultation, which closes on 20th December, is seeking public opinion on proposals for two grades A & B. The consultation will inform the final criteria which will be submitted for the Board's consideration towards the end of Quarter 1 of 2014.

Chris Lovell raised concerns regarding properties that were being considered for the Protected Buildings List and that potential purchasers were being informed of this without current owners' knowledge which had adversely affected some sales. Jim Rowles confirmed that this should not be happening as the list is not yet confirmed, however this specific case would be looked into.

Rob Le Page suggested that there should be three grades of Protected Buildings and that the Department should possibly look at current systems used in the UK. CEB explained that the consultation was proposing a simplified two grade system but that any views submitted as part of the consultation would be taken into account.

5. Agent Feedback

Tony Charles commented that in his view and experience the Plan Review was progressing well.

6. AOB and items for next meeting

No items were recorded.