

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

REQUÊTE

Affordable Housing – GP11

The States are asked to decide:-

Whether, after consideration of the Requête entitled “Affordable Housing – GP11” dated the 5th February, 2024 they are of the opinion:

1. To agree that the absence of the availability, and reasonably foreseeable availability, of affordable housing to purchase constitutes an immediate and critical threat to Guernsey’s economic and social well-being and that the preparation and adoption of policies and legislative measures to create the availability of such housing, as soon as possible, shall be prioritised above all other business of the States.
2. To note in particular that the requirement under Guernsey’s planning legislation to have regard to the provisions of Policy GP11 (Affordable Housing) of the Island Development Plan is discouraging developers from developing larger sites with units of private housing with a resultant diminution of supply and to note that no site to which Policy GP11 applies or has been applied has ever been developed and no contributions of land have been made to the Guernsey Housing Association.
3. To agree –
 - (a) that Guernsey’s planning legislation shall be amended in order to enable the States by Resolution to adopt such planning policies (to which, in the case of development plan amendments, the Development & Planning Authority shall have regard when determining any application for planning permission or outline planning permission) intended to encourage the provision of residential properties as they may think fit, without all or any of the current or prior procedures for amendments or replacements to development plans or the Strategic Land Use Plan including, without prejudice to the generality of the foregoing: public consultation, obtaining a certificate of consistency with the Strategic Land Use Plan and the holding of a public inquiry currently required by the planning laws, and
 - (b) that a Resolution of the type described in paragraph (a) may amend, suspend, delete, replace or add to any policy, direction or other provision in the Strategic Land Use Plan and any Development Plan, including the current IDP Policy GP11;

Provided that a Resolution may not extend to provisions relating generally to development requiring planning consent.

4. To agree that the preparation of such legislation is prioritized above the preparation of all other items of legislation which the States may have directed to be prepared.
5. To direct the preparation of such legislation as may be necessary to give effect to their above decisions

Rule 4(1) information

- (a) The propositions contribute to the States' objectives and policy plans by seeking to ensure that Guernsey's planning regime is effective in encouraging the provision of suitable and sufficient residential accommodation.
- (b) In preparing the proposition, consultation has been undertaken with local developers and further consultation will take place ahead of any Resolution being brought to the Assembly.
- (c) The propositions have been submitted to His Majesty's Procureur for advice on any legal or constitutional implications.
- (d) There are no financial implications of carrying the proposal into effect.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

REQUÊTE

Affordable Housing – GP11

THE HUMBLE PETITION of the undersigned Members of the States of Deliberation SHEWETH THAT:

1. IDP Policy GP 11 established pursuant to The Land Planning and Development (Guernsey) Law, 2005 (the 2005 Law) since its introduction in the Island Development Plan of November 2016 has proved problematic for developers of private residential housing on developments of 20 or more units as it requires from 20% up to 30% of the developable part of the site to be handed over to the Guernsey Housing Association for forms of social housing defined as “Affordable Housing”. Problems identified include:
 - i. economic: clearly, losing 20-30% of a site is detrimental to a profitable development and reduces viability;
 - ii. financial: attaching necessary planning covenants adds to complexity on the title and renders obtaining secured bank finance problematic and unattractive to lenders;
 - iii. management: establishing ongoing management and maintenance arrangements becomes complex on a site with mixed private and social ownership; and
 - iv. delays: implementing GP11 arrangements are complex legally and cause delays in implementing development plans.
2. As a result, since 2016 there have been no developments in Guernsey of any site to which IDP Policy GP 11 applies. Larger housing sites remain undeveloped. Accordingly, change, repeal or suspension of this Policy is vital for large sites, many of which have been designated for housing for some years to have any hope of development.
3. Amending the IDP in accordance with Section 12 of the Law and the Ordinances enacted pursuant thereto, in particular The Land Planning and Development (Plans) Ordinance, 2007 requires an extremely lengthy public enquiry process with a final decision to be made by an Inspector. Aside from the urgency of the current situation, the Requerants believe that this area is really one of tax and social policy for the States, NOT one to be determined by an individual Inspector appointed, most likely, from the UK.

THESE PREMISES CONSIDERED, YOUR PETITIONERS humbly pray that the States may be pleased to resolve:

1. To agree that the absence of the availability, and reasonably foreseeable

availability, of affordable housing to purchase constitutes an immediate and critical threat to Guernsey's economic and social well-being and that the preparation and adoption of policies and legislative measures to create the availability of such housing, as soon as possible, shall be prioritized above all other business of the States.

2. To note in particular that the requirement under Guernsey's planning legislation to have regard to the provisions of Policy GP11 (Affordable Housing) of the Island Development Plan is discouraging developers from developing larger sites with units of private housing with a resultant diminution of supply and to note that no site to which Policy GP11 applies or has been applied has ever been developed and no contributions of land have been made to the Guernsey Housing Association.
3. To agree –
 - (a) that Guernsey's planning legislation shall be amended in order to enable the States by Resolution to adopt such planning policies (to which, in the case of development plan amendments, the Development & Planning Authority shall have regard when determining any application for planning permission or outline planning permission) intended to encourage the provision of residential properties as they may think fit, without all or any of the current prior procedures for amendments or replacements to development plans or the Strategic Land Use Plan including, without prejudice to the generality of the foregoing: statutory public consultation, obtaining a certificate of consistency with the Strategic Land Use Plan and the holding of a public inquiry currently required by the planning laws; and
 - (b) that a Resolution of the type described in paragraph (a) may amend, suspend, delete, replace or add to any policy, direction or other provision in the Strategic Land Use Plan and any Development Plan including the current IDP Policy GP11,

Provided that a Resolution may not extend to provisions relating generally to development requiring planning consent.
4. To agree that the preparation of such legislation is prioritized above the preparation of all other items of legislation which the States may have directed to be prepared.
5. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

AND YOUR PETITIONERS WILL EVER PRAY

GUERNSEY

This fifth day of February 2024

Deputy J F Dyke

Deputy C Blin

Deputy M Helyar

Deputy S Vermeulen

Deputy N Inder

Deputy L MacKenna

Deputy M Leadbeater