

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

DEVELOPMENT & PLANNING AUTHORITY

DEVELOPMENT PLANS – AMENDMENT PROCESS

The States are asked to decide:-

Whether, after consideration of the policy letter entitled ‘Development Plans – Amendment Process’ dated 3rd March, 2025 they are of the opinion:-

1. To agree that the current procedures, under planning legislation, for making certain categories of amendments to Development Plans are disproportionate and do not allow amendments which reflect changes in States of Guernsey policy to be made sufficiently expeditiously.
2. To agree that there is merit in amending existing planning legislation to enable amendments to be made more expeditiously to Development Plans during the lifetime of those plans.
3. To agree that minor or inconsequential amendments made during the lifetime of Development Plans shall follow the simple procedure described in paragraphs 4.6 – 4.8 of the Policy Letter, providing in particular for –
 - publication of amendments in La Gazette Officielle or by alternative means as allowed under the Publication of Official Notices (Guernsey) Law, 2024;
 - approval of amendments by the Development & Planning Authority, and
 - laying of amendments before the States subject to annulment by the States,

and that the Development & Planning Authority shall have regard to criteria in published guidance in deciding whether amendments fall into this category.

4. To agree that significant policy amendments made during the lifetime of Development Plans shall follow a streamlined version of the current plan amendment procedures as described in paragraphs 4.9 – 4.14 of the Policy Letter, providing in particular for –

- public consultation by the Development & Planning Authority (the Authority),
- a power for the Authority to request a public inquiry into amendments instead of a duty to do so, and
- a new power for the Authority to require independent examination in writing of amendments by an independent inspector where written representations are made in response to public consultation,

and that the Development & Planning Authority shall have regard to criteria in published guidance in deciding whether amendments fall into this category.

5. To agree that exceptional or strategically essential amendments made during the lifetime of Development Plans shall follow the procedure described in paragraphs 4.15 – 4.18 of the Policy Letter providing in particular for –

- public consultation by the Development & Planning Authority (the Authority), and
- a power for the Authority to request a public inquiry into amendments instead of a duty to do so,

and that the Development & Planning Authority shall have regard to criteria in published guidance in deciding whether amendments fall into this category.

6. To agree that amendments are made to the Land Planning and Development (Plans) Ordinance, 2007 and other planning legislation in relation to amendments to Development Plans to:

- a. provide for more streamlined processes to be followed for amendments to a Development Plan; and
- b. remove the restriction which prevents a person being appointed as a planning inspector if that person has held a certain position at any time within the period of two years before the date of the proposed appointment, subject to appropriate safeguards in relation to potential conflicts of interest,

in order to streamline the Plan amendment process for significant policy changes and allow for more flexibility in the appointment of a plan inspector as detailed in paragraphs 4.12 and 4.13 of the Policy Letter.

7. To direct the preparation of such legislation as is necessary to give effect to the above decisions.
8. To direct the Development & Planning Authority to review the policy and legislation relevant to the creation of new Development Plans once the focused review of the Island Development Plan has been completed, and to bring recommendations for the improvement of this process back to the States once the amendments to the Plan are adopted.

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

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

DEVELOPMENT & PLANNING AUTHORITY

DEVELOPMENT PLANS – AMENDMENT PROCESS

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

3rd March, 2025

Dear Sir

1 Executive Summary

- 1.1 This Policy Letter seeks the approval of the States for revision of the existing land planning legislation to enable amendments to be made more expeditiously to the Island Development Plan and other development plans (“Development Plans”), such as site-specific Local Planning Briefs, during the course of their ten-year lifespan.
- 1.2 Under the current legislative framework, any amendments to Development Plans regardless of their significance or strategic importance, have to follow a lengthy and resource intensive process which the Development & Planning Authority (“D&PA”) considers in some cases to be overly bureaucratic and disproportionate. The statutory procedure for any amendment is currently the same as that used for the creation of an entirely new plan and can involve up to 12 steps¹ including the appointment of a Planning Inspector and the holding of a Planning Inquiry, although an inquiry hearing need not be held if all people who have made written representations indicate that they do not wish to appear². There is an alternative procedure for amendment, modification or disapplication of development policies but this only applies to policies which would prevent the D&PA granting permission for development which the States have resolved is strategically essential³. This power has not been used to date.

¹ See Appendix 3 - Summary of the Current Development Plans Amendment Procedure in Guernsey

² See regulation 9(1) of No. 7 - The Land Planning and Development (Plans Inquiry) Regulations, 2008 (Consolidated text)

³ See Section 77, The Land Planning and Development (Guernsey) Law, 2005

- 1.3 The D&PA is recommending changes to the legislative framework to allow three different categories of amendments to be made under three different pathways set out in paragraphs 4.6 - 4.18 of this policy letter, such categories being:
- (1) Minor or inconsequential amendment (such as minor errors/alterations with no significant policy impact);
 - (2) Significant policy change; or
 - (3) Exceptional or strategically essential change
- 1.4 Mechanisms for continuous review of the Island Development Plan are already in place⁴ however any changes to policies are subject to the full procedure set out in the planning legislation.
- 1.5 The D&PA considers that making these changes will bring about benefits in terms of giving the Island the ability to react and adapt to changing environments from both on-island and global sources, making the process less resource intensive and bringing forward cost savings. Current examples of where this would be of benefit can be seen in the Island's current housing supply issues and the economy. There are certain to be further circumstances which arise during the ten-year lifespan of each Development Plan.
- 1.6 In developing its proposals, the D&PA has been mindful of any potential risks and impacts, unintended consequences and the need to balance the streamlining of amendments to Development Plans with the fundamental land planning principles of public consultation, robust and credible evidence and independent examination where appropriate. The D&PA reasserts its commitment to these principles and the importance of fairness and human rights considerations in presenting these proposals to the States.
- 1.7 A focused review of policies in the Island Development Plan is currently being undertaken and has been prioritised as part of the Government Work Plan⁵. The review process includes the appointment of an inspector and the holding of a planning inquiry. It is proposed that the D&PA review the policy and legislation relevant to the creation of new Development Plans once the focused review of the Island Development Plan has been completed, and bring recommendations for the improvement of this process back to the States once the amendments to the Plan are adopted next political term. The substantive proposals in this policy letter only relate to the process for **amendments** to Development Plans, not the creation of new Plans.
- 1.8 Consultation has been undertaken with the Policy & Resources Committee, the Committee *for the* Environment & Infrastructure and the Planning Panel. Their responses are attached at Appendix 1 and were considered by the D&PA when finalising the Policy Letter and Propositions. All three of these consultees support the D&PA's proposals to streamline the Plan Amendment process. The

⁴ Island Development Plan 2016, Section 21.6

⁵ Government Work Plan 2023-25

D&PA had originally suggested that Planning Panel Members be involved in the independent examination of proposals to amend Development Plans, however in the light of concerns expressed by the Planning Panel this was not considered workable and has therefore been omitted from the proposals.

- 1.9 In researching these proposals, the D&PA considered several different mechanisms to bring about the desired changes. The D&PA has considered the processes of other jurisdictions with similar planning systems – in particular England, Scotland, Ireland, the Isle of Man and Jersey, and has taken into account legislation and issued guidance and policy in these to date as set out in Appendix 2. However, it is aware that there is some ongoing work on policy and guidance relevant to streamlining plan amendment procedures in other jurisdictions that is still some way off publication.
- 1.10 The D&PA considers change to be necessary. Maintaining the status quo results in significant delays to the amendment of Development Plans and in particular the Island Development Plan which risks having an impact on commercial and housing development. Streamlining the amendment process will help to ensure that the land use planning process is an enabler in the delivery of government objectives and priorities, not an impediment.
- 1.11 The D&PA is therefore recommending the States agree that there is merit in changes being made to the existing land planning legislation to enable amendments to be made more expeditiously to Development Plans during the course of their lifespan.

2 Introduction

- 2.1 On 27 June 2002, after consideration of Billet d'État XI⁶, the States resolved to approve proposals concerning the drafting of new land planning and development legislation⁷. This legislation governs the creation and amendment of the Island Development Plan ("the Plan") which was published in 2016. At the time of the debate, the policy letter's propositions were amended to enable strategically essential development to be exempt from some or all provisions of the Law while remaining human rights compliant. Existing requirements for planning inquiries into plan amendments, in place since 1966, were also amended to allow representations to be made just in writing to an inspector rather than having to appear in person at an inquiry hearing. Formal procedures were also introduced with the aim of ensuring a more efficient and fairer process. The principle of holding planning inquiries into plan amendments was supported to ensure fairness and compliance with human rights requirements.
- 2.2 The Plan sets out land planning and development policy for the Island. Its policies are in place for ten years' duration after which it is either extended or

⁶ Review of the Island Development Laws, Billet d'État XI, 2002

⁷ Resolutions of the States, Review of the Island Development (Guernsey) Laws 1966-1990, Billet d'État XI, 2002

replaced by a new plan. Amendments may also be made to the Plan during the period it is in effect. The main rules governing the creation and amendment of Development Plans are set out in the following legislation, which result in the 12 steps as set out in Appendix 3:

- Land Planning and Development (Guernsey) Law, 2005⁸
- Land Planning and Development (Plans) Ordinance, 2007⁹
- Land Planning and Development (Plans Inquiry) Regulations, 2008¹⁰

- 2.3 During the ten-year lifecycle of the Plan it is usual for circumstances to arise which necessitate amendments, a recent example being the successful Requête requesting a change to Policy GP11¹¹ to address housing supply issues on the Island and the associated difficulties which islanders were experiencing in finding suitable and affordable properties to rent or buy.
- 2.4 The 2016 Island Development Plan is the first iteration of the Plan and concerns were raised early in its lifetime¹² about the requirement to hold a planning inquiry in order to make amendments to the Plan regardless of significance or strategic need, although as noted above this requirement had been in place since 1966.

3 Current process for monitoring, review and amendment to the Plans

- 3.1 The first and current Plan¹³ was adopted in 2016¹⁴ and replaces the Urban Area Plan and Rural Area Plan. It is consistent with, and takes into account, the strategic guidance and direction set out in the Strategic Land Use Plan¹⁵.
- 3.2 The review and monitoring regime for the Plan is set out in Section 21 of the Plan and makes provision for continuous monitoring to ensure that policies are effective at delivering the objectives of the States of Guernsey as set out in the Strategic Land Use Plan (Section 21.6.1). Annual reports and monitoring reports identify any actions that need to be taken to rectify issues and highlight where further work is needed to update the Plan's evidence base (21.6.2). The Plan provides for reviews every five years to assess housing land supply and employment land supply (21.6.3).
- 3.3 The current procedures to amend the Plan are set out in the legislation referenced above in paragraph 2.2. The 12 steps are set out in Appendix 3. There are also provisions relating to the environmental impact assessment of

⁸ [Land Planning and Development \(Guernsey\) Law, 2005](#)

⁹ [Land Planning and Development \(Plans\) Ordinance, 2007 \(Consolidated text\)](#)

¹⁰ [Land Planning and Development \(Plans Inquiry\) Regulations, 2008](#)

¹¹ [Affordable Housing - GP11, Billet d'État V, 2024](#)

¹² [Development and Planning Authority Annual Monitoring Report 2017 Hansard \(November 2018\) Parts 1 & 2](#)

¹³ [Island Development Plan – Written Statement and Proposals Map, 2016](#)

¹⁴ [Resolutions, P.2016/25 The Island Development Plan – Development & Planning Authority Recommendations](#)

¹⁵ As approved by the States on 30th November 2011 ([Billet d'État XIX of 2011, Article X](#)).

policies allowing development which would itself require an environmental impact assessment at the planning application stage in the Land Planning and Development (Environmental Impact Assessment) Ordinance, 2007.

- 3.4 The legislation currently reflects standard practice for land planning and development across comparable jurisdictions in providing adequate periods of public consultation and the opportunity for independent examination of proposals¹⁶.
- 3.5 Some elements of the procedures, such as the appointment of a planning inspector and the holding of a public inquiry can incur significant costs and delays meaning the States is reactive rather than proactive in responding to changing economic circumstances. The D&PA therefore considers that amendments to Plans should follow a more streamlined process when they support approved States strategies (see the Plan paragraph 1.6.2¹⁷), for example when they support significant housing development.

4 Changes proposed

- 4.1 The D&PA is of the opinion that the process to amend Development Plans should be streamlined whilst at the same time continuing to respect the principles on which the Island's planning laws are founded: public consultation, robust and credible evidence, independent examination of proposals where appropriate, and ensuring a fair and human rights compliant process.
- 4.2 The D&PA has identified 3 categories of updates to the Development Plans which would follow different pathways to approval:
- Minor or inconsequential;
 - Significant policy change; or
 - Exceptional or strategically essential change
- 4.3 Further explanation of each category is provided below. Criteria to be taken into account by the D&PA in deciding which procedure should be used will be devised and published as statutory guidance to enable consistent decision-making.
- 4.4 The D&PA would determine which amendments fit the relevant category having regard to the published criteria mentioned above.
- 4.5 Provision will be made in the Land Planning and Development (Plans) Ordinance, 2007 and other planning legislation to provide for more streamlined procedures for the amendment of an existing Development Plan

¹⁶ In the Republic of Ireland there is no provision for independent examination but an equivalent effect is achieved through the legislation providing for comments on new or amended plan policies by an independent planning regulator.

¹⁷ Island Development Plan – Written Statement and Proposals Map, 2016

than for the creation of a replacement Development Plan.

Route 1 - Minor or inconsequential amendments

- 4.6 It is proposed that the minor amendment route would be used for minor errors or alterations with no significant policy impact. Examples would be where text needs clarifying for consistency purposes within the Plan or needs to be updated in line with wider approved States policy and legislation which might have come into force during the lifetime of the plan¹⁸.
- 4.7 Such amendments would not affect policy intent or purpose and any consequential amendments would also be minor.
- 4.8 This route would include public consultation through advertisement of the proposals for an appropriate period in the Gazette Officielle. The amendments could also be published other than in the Gazette (e.g. on a States' website) where allowed under the Publication of Official Notices (Guernsey) Law, 2024¹⁹. The D&PA will consider any comments made to it in response to the publication, including whether to make any revisions in response to those comments, and then decide whether to make the amendments. The amendments would be laid before the States after they are made and a power provided for the States to annul the amendments similar to the standard annulment procedure for statutory instruments.

Route 2 – Significant policy amendments

- 4.9 The category for significant policy amendments includes:
- new policies;
 - amendments to existing policies which change the purpose or intent of a policy;
 - amendments with consequential amendments which would change the purpose or intent of a policy;
 - amendments with significant consequences (in the IDP or for other States policies).
- 4.10 These amendments must support approved States policy or direction and would follow a streamlined version of the existing process including public consultation but with the optional appointment of an inspector and holding of a planning inquiry.
- 4.11 The D&PA would have a power to require independent examination in writing only of amendments, by an independent inspector, where written representations are made in response to public consultation. The D&PA would

¹⁸ For specific examples, see the current [targeted review of the Island Development Plan \(June 2024\)](#) which has 131 proposed minor amendments and clarifications to the Written Statement and Proposals Map.

¹⁹ [Publication of Official Notices \(Guernsey\) Law, 2024 \(Consolidated text\)](#)

also have a power to request a public inquiry into amendments instead of a duty to do so. Proposed amendments in this category would be set out in a policy letter for approval by the States with written representations and/or the inspector's report appended if applicable.

- 4.12 The D&PA recommends changing certain provisions relating to eligibility of persons to be appointed as an inspector to remove the current restriction²⁰ which prevents persons being appointed as a planning inspector if that person has held a certain position at any time within the period of two years before the date of the proposed appointment. This proposal is intended to provide for more flexibility in the appointment of inspectors, in particular to widen the pool of persons available.
- 4.13 The above proposal (concerning the appointment of planning inspectors) would remain subject to appropriate safeguards in relation to potential conflicts of interest.
- 4.14 The D&PA's original proposals, on which consultation was carried out, had suggested that Planning Panel Members could be involved in the independent examination of proposals to amend Development Plans by means of a written representations process under proposed Route 2. However, whilst supportive of finding a process to streamline and speed up the amendment of Development Plans, the Planning Panel was not supportive of Planning Panel Members being involved in the independent examination process for reasons of capacity of the Panel and the risk of undermining the Panel's recognised independence. On further consideration of its proposals, the D&PA has accepted that the involvement of the Planning Panel would not be workable for these reasons and has therefore omitted this element from its final proposals.

Route 3 – Exceptional or strategically essential

- 4.15 This category would only apply to strategically essential development and would be used on an exceptional basis.
- 4.16 An Ordinance will be made to enable strategically essential amendments as approved by the States to be made to Development Plans without the requirement to appoint an Inspector and hold a planning inquiry. The D&PA would carry out appropriate public consultation and retain the discretion to request the Committee *for the* Environment & Infrastructure hold a planning inquiry.
- 4.17 The proposed change to the eligibility rules for appointment of inspectors, mentioned under route 2, would also apply to this category of amendments.

²⁰ See the [Land Planning and Development \(Plans\) Ordinance, 2007 \(Consolidated text\)](#), Section 7 (3).

- 4.18 There would be no power to require independent examination in writing only of amendments, by an independent inspector, where written representations are made in response to public consultation. The reason for the distinction in procedures is to provide for as streamlined a procedure as possible for exceptional and strategically essential amendments given their nature.
- 4.19 In its consultation response in relation to the D&PA's proposals, the Policy & Resources Committee suggested that the proposed amendments might benefit from including powers for that Committee to also have discretion to identify and direct that a planning inquiry is held, which is reserved only for the D&PA. On consideration of this point, the D&PA were of the view that as, under its current proposals, Plan amendments following Routes 2 and 3 would be referred to the States, at which point the Policy & Resources Committee's views would be known, it would not be necessary for the legislation to include a provision for Policy & Resources Committee to direct that a planning inquiry be held.
- 4.20 The D&PA agrees with the points made in their consultation responses by the Policy & Resources Committee and the Committee *for the* Environment & Infrastructure regarding effective public consultation, fairness and Human Rights considerations and the D&PA will have due regard to these principles in developing the proposals further through necessary legislation and statutory guidance.

General considerations

- 4.21 In the above routes, the principle of examination refers to the main issues relating to the Plan amendments being considered by an independent inspector through an examination or inquiry process. All proposed amendments in each category above must be based on robust and credible evidence in accordance with planning law²¹.
- 4.22 In addition to the three amendment routes proposed, other ways to streamline the amendment process were considered. The D&PA considered including a provision in planning legislation similar to that in Section 9 of the Competition (Guernsey) Ordinance, 2012²² to provide for an exemption for certain kinds of agreements from provisions of competition legislation where it is considered that there are compelling reasons of public policy making it desirable to do so, as used to provide a temporary and limited exception to enable Guernsey Airtel to exit the market through acquisition by a competitor²³. The exemption in this case would be from the normal procedures required for approval of new or amended Development Plans. Although it was noted that while this could be applied in the context of competition in the market it would not be appropriate in the context of land planning and development, an appropriate version of

²¹ The Land Planning and Development (Plans) Ordinance, 2007, Section 7 (5)(b)(i)

²² Competition (Guernsey) Ordinance, 2012 (Consolidated text)

²³ Resolutions 2024/75, Billet d'État XVI, 26 September 2024

this approach has been designed through proposed Route 3 for exceptional and strategically essential development which would result in a similar effect but include public consultation and the option of appointing an Inspector and holding a Planning Inquiry.

- 4.23 Section 77 of the Land Planning and Development (Guernsey) Law, 2005 provides for a special procedure to allow the amendment, modification or disapplication of a Development Plan policy which would prevent the D&PA from granting planning permission for development which the States have resolved is strategically essential. That procedure still provides for an independent planning inspector to hold a special planning inquiry with a view to making recommendations on the possible amendment, modification or disapplication of the policy but allows for different inquiry procedures from those applying to normal development plan amendments.
- 4.24 As that procedure only applies where a development would be prevented by a plan policy (e.g. it would be more than a minor departure from the plan) and only applies to development meeting the high test as to what is strategically essential in section 77(5) of the Land Planning and Development (Guernsey) Law, 2005, it is considered that the wider streamlining of procedures wanted could not be achieved solely by amendment to that section. However, if the D&PA's proposals are accepted by the States, consideration will need to be given to appropriate consequential amendments to the planning legislation which will include consideration of whether it is appropriate to retain or amend section 77. Section 77 has not been used to date probably because of the high test as to what is strategically essential and the need for new procedural rules to be drawn up in relation to the inquiry process under that section.
- 4.25 Should amendments to Development Plans be contrary to the Strategic Land Use Plan, a prior amendment to the Strategic Land Use Plan will be required.
- 4.26 A summary of the current Development Plans amendment procedure is attached at Appendix 3. A table showing the three new proposed amendment routes is attached at Appendix 4.
- 4.27 Public inquiries into amendments to Development Plans have been required under Guernsey legislation since the planning legislation was first enacted in 1966. The policy which provided for these principles was approved by the States in 2002 and the current legislation implementing the principles was approved by the States in 2007 and commenced by the States in 2009.
- 4.28 The review by the D&PA considers potential fairness and human rights considerations in deciding the extent to which procedures can be amended to be more expeditious whilst ensuring that they are adequate to comply with these requirements.

5 Costs and benefits of change

Strategic alignment

- 5.1 Making the proposed legislative changes will assist the States by ensuring planning policies support its strategic objectives in a quicker manner in areas such as housing, commercial development and the protection of the environment.

Resource implications

- 5.2 There are resource requirements for Law Officers' consultation and advice, legislative drafting and officer resource. The proposals are intended to result in resource savings through expedited processes. Future costs may be avoided where the requirements for the appointment of an inspector and the holding of an inquiry are removed from the process. To give an indication of potential cost avoidance, the current focused review of the IDP is expected to cost in the region of £100,000-£120,000. The proposed legislative changes should ensure that Development Plan amendments are achieved within a quicker timeframe removing barriers to housebuilding or other development with subsequent benefits to islanders in terms of housing supply, as an example.

6 Conclusions and recommendations

- 6.1 The D&PA recommends that planning legislation is amended to allow amendments to Development Plans to be made more expeditiously by following one of three routes:

- Minor or inconsequential (such as minor errors/alterations with no significant policy impact)
- Significant policy change; or
- Exceptional or strategically essential change.

- 6.2 In recommending these changes to the legislative framework for land planning policy the D&PA agreed that the following fundamental principles must be maintained as well as ensuring a fair and human rights compliant process:

- Public consultation;
- Robust and credible evidence;
- Independent examination where appropriate.

7 Compliance with Rule 4

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

7.2 In accordance with Rule 4(1):

- a) The propositions contribute to the States' objectives and policy plans by ensuring planning policies can be amended in a proactive manner to support the States' strategic objectives as they develop over time.
- b) In preparing the propositions, consultation has been undertaken with the Policy & Resources Committee, Committee *for the* Environment & Infrastructure and the Planning Panel. Their responses are attached at Appendix 1.
- c) The propositions have been submitted to His Majesty's Procureur for advice on any legal or constitutional implications.
- d) Bringing the proposals into effect will require Law Officers' consultation and advice, legislative drafting and officer resource, as set out in paragraph 5.2. These costs are expected to be met within current budgets. In the long-term, the proposals will help to avoid some future costs when the requirements for the appointment of an inspector and the holding of a planning inquiry are removed from the process. The changes should also bring economic benefits as described in paragraph 5.2.

7.3 In accordance with Rule 4(2):

- a) The propositions relate to the Committee's duties and powers to advise the States on land use policy and to develop and implement land use policies through Development Plans and any other relevant instruments.
- b) The propositions have the majority support of the Committee with Deputy A W Taylor dissenting to all propositions other than Proposition 3.

Yours faithfully

V S Oliver
President

A W Taylor
Vice President

C P A Blin
J F Dyke
A Kazantseva-Miller



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20th February 2025

Dear Deputy Oliver

DEVELOPMENT PLANS AMENDMENT PROCESS - DRAFT POLICY LETTER CONSULTATION

Thank you for your letter dated 11th February 2025 seeking the Policy & Resources Committee's ("the Committee") feedback on the Development & Planning Authority's ("the Authority") draft policy letter titled 'Development Plans – Amendment Process'.

The Committee discussed the policy letter at its meeting of 18th February and was supportive of the Authority's aims to streamline the current procedures for making amendments to development plans, agreeing that this will support the States' key strategic priorities of housing and infrastructure development by aiming to speed up processes and reduce costs. The Committee also supports the proposals to increase flexibility with regard to those who can act as planning inspectors, subject to safeguards surrounding conflicts of interest as noted in the policy letter.

In noting that guidance for each category will be produced, the Committee would request that due consideration is given to human rights and fairness in determining the nature of public consultations and whether a public inquiry is required under Routes 2 and 3 (significant policy change and exceptional or strategically essential change) balanced by the benefits afforded from the changes under consideration.

The Committee would suggest that the amendments might also benefit from including powers for the Committee to also have discretion to identify and direct a planning inquiry is held, which is currently reserved only for the Authority.

The Committee is happy to lend its support to this policy letter and welcomes debate on this matter before the end of this political term.

Yours sincerely

Deputy Lyndon Trott OBE
President



Committee for the
Environment & Infrastructure

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25 February 2025

Dear Deputy Oliver

Development Plans Amendment Process

Thank you for your letter of 13 February 2025 inviting feedback on your draft policy letter on the Development Plans Amendment Process.

The Committee was supportive of the policy letter and the propositions. It was seen as a positive step forward allowing government to be adaptive and flexible to potential challenges.

The Strategic Land Use Plan (SLUP) was discussed, and it was felt that where elements of the SLUP were more prescriptive (such as retail planning policy) they might call for further consideration. The Committee suggested that there should be the ability to amend such elements in reasonable ways.

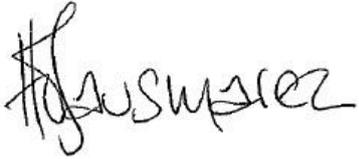
Members noted that even with recent changes to the way items were published in the Gazette, which includes online publication, there may still be a proportion of the public that would be unaware of any proposed changes without wider publicity.

The Committee supports reducing the criteria which prevent the appointment of the Planning Inspector. The Committee is aware of the restrictive nature of the criteria having explored the limitations during the Covid pandemic in relation to the potential process for Longue Hougue South.

In relation to the Planning Panel, it might be helpful, for the avoidance of doubt, to explain the difference in role between the professional members of the panel who are qualified experts, and lay members. Members also felt it was important to safeguard against potential conflicts of interest.

Thank you for the opportunity of commenting on the Development Plans Amendment Process.

Yours sincerely

A handwritten signature in black ink, appearing to read "Lindsay de Sausmarez". The signature is written in a cursive style with a large initial "L".

Deputy Lindsay de Sausmarez

President

Committee *for the* Environment & Infrastructure



Planning Panel

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Mr A J Rowles
Director of Planning
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25 February 2025

Dear Mr Rowles

Development Plans – Amendment Process

Thank you for your letter of the 11 February 2025 inviting the Planning Panel to comment on a policy letter from the Development & Planning Authority (“D&PA”) concerning a revised amendment process for Development Plans.

The Panel have given consideration to the proposals within the draft Policy Letter and make the following comments.

The Panel are supportive of finding a process to streamline and speed up the amendment of Development Plans. There is a recognition that the current process can be long and costly and therefore may produce plans that are out of date by the time they are finally adopted. They also feel a new process should benefit Guernsey from the general public to the legislators

However, there is general concern about the suggestion that members of the Planning Panel may be able to assist in the amendment process by way of independent examination in writing of amendments. There are a number of reasons for the concern:

1. The Panel feel only the Professional Members of the Panel would have the necessary credentials to carry out the work suggested in the proposals. Of the current Panel

only one member feels they would have the necessary skills and expertise.

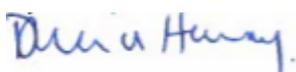
2. With only three professional members to carry out their primary function of dealing with appeals, using a member to carry out an independent examination could detrimentally reduce the capacity of the panel to carry out their primary function.
3. The Panel feel the foundation and the legitimacy, of the Panel is that it's interpretation of policy is independent of the States of Guernsey and DPA. There is concern that the assistance of the Panel, however minor, in shaping of Policy would undermine this. In practice this may only be to a minor extent but in terms of public perception (and potentially politically) this may be more problematic.

The Panel also recognise the public are reassured by the independence of Planning Inspectors in examining policies when assessing a new Development Plan and that of the Planning Panel is assessing development proposals against policies through Appeals.

The primary concern is the DPA would undermine the Professional Member's independence from the DPA, or at least (and no less importantly) the public's perception of independence.

Therefore, whilst the Planning Panel fully support the proposals to streamline the Plan Amendment process, unfortunately they do not support Planning Panel Members being involved in the independent examination of proposals to amend Development Plans.

Yours sincerely



D Harry
Chairman
Planning Appeals Panel

APPENDIX 2

Summary of Development Plan Amendment Procedures in other Jurisdictions

Jurisdiction	Plan	Legislation	Development Plan Amendment Procedure
Jersey	Island Plan	Planning and Building (Jersey) Law 2002 – Sections 3 and 4(A) Planning and Building (Island Plan) (Jersey) Order 2009	<p>The process is the same for a complete review of the existing Plan as a review of part of it.</p> <ul style="list-style-type: none"> • The Law makes provision for an Order to be made to prescribe the manner in which the publicising of proposals and public representations are to be made and also the procedures by which representations by the public and amendments lodged by States Members are to be heard in public; • The draft Plan (or parts to be revised) is publicised for a minimum of 8 weeks - initial representations are invited in writing; • Appointment of inspector to conduct an examination in public; • Second-round representations; • Public hearing(s) held; • Inspector's report is submitted to the Minister; • The Minister may direct the inspector to re-open the examination in public in specified circumstances; • Minister publishes inspector's report, revised draft Island Plan and justification; • Draft Island Plan presented to the States for debate. States Members may propose amendments; • Plan and amendments debated and approved by the States with or without amendment.
Isle of Man	The Island Development Plan (consisting of the Strategic Plan and a	Town and Country Planning Act 1999	<ul style="list-style-type: none"> • Public consultation during plan preparation; • Consideration of initial representations; • Publication of draft Plan and period of at least 42 days to make representations on plan; • Inquiry into plan proposals; • Publication of inspector's report; • Draft Order to adopt plan-

APPENDIX 2

Summary of Development Plan Amendment Procedures in other Jurisdictions

	number of Area Plans)		<ul style="list-style-type: none"> ○ if to adopt with modifications 21-day period must be given for further representations; ○ Cabinet Office must consider any objections or representations before adopting plan; ● Adoption of Plan by Tynwald and publication.
England	Local Plans	Town and Country Planning (Local Planning) (England) Regulations 2012 Part 6	<ul style="list-style-type: none"> ● Initial consultation during plan preparation with specific stakeholders; ● Publication and notification of pre-submission local plan and representations on same; <ul style="list-style-type: none"> ○ planning authority required to make draft plan available and the issues raised on initial consultation and to allow 6 weeks for public to make representations; ● Consideration of representations and consultation on any further changes to plan; ● Submission of draft plan to Secretary of State with any changes arising from representations and information on representations process to date; ● Plan published and made available for inspection; ● Examination of local plan by inspector- <ul style="list-style-type: none"> ○ this can be done by written representations if uncontentious and simple and no representors wish to be heard but this is rare; ● Examination hearing; ● Inspector recommend to adopt or not to adopt; ● Planning Authority consultation on main modifications; ● Publication of Inspector's report; ● Adoption of Plan. <p>The National Planning Policy Framework (NPPF) sets out the government's planning policies and states that Local Plans should be reviewed at least once every five years to ensure they remain effective.</p>

APPENDIX 2

Summary of Development Plan Amendment Procedures in other Jurisdictions

			<p>Updates to the NPPF require public consultation but do not require examination in public.</p> <p>The UK Government intends to bring a Planning and Infrastructure Bill in Spring 2025 which will reform the current planning system to support housebuilding, economic growth and the environment²⁴.</p>
Scotland	Local Development Plans	<p>The Town and Country Planning (Scotland) Act 1997 as amended by the Planning (Scotland) Act 2019</p> <p>The Town and Country Planning (Development Planning) (Scotland) Regulations 2023</p> <p>National Planning Framework (NPF) 4 (2023)</p> <p>Town and Country Planning (Amendment of Local Development Plan) (Scotland) Regulations 2024</p>	<p>The Town and Country Planning Act 1997 sets out the procedure as follows:</p> <ul style="list-style-type: none"> • Before preparing a local development plan, planning authorities must (a) invite local communities in their district to prepare local place plans and (b) prepare an evidence report. • Publication of proposed plan and period of at least 12 weeks to make representations on plan to the local authority. • Local authority submit the proposed plan to Scottish Ministers for examination with a report noting the extent to which the authority has consulted and involved the public under the requirements of the authority's Participation Statement. • Examination of Plan- <ul style="list-style-type: none"> ○ reporter considers conformity with Participation Statement; ○ no provision for further representations at this stage except at request of reporter; • Reporter issues conclusions and recommendations on main issues and report published by Planning Authority; • Adoption of Local Plan • There are additional statutory duties to prepare a Development Plan Scheme to support project planning, stakeholder engagement and community involvement in the plan.

²⁴ [Planning Reform Working Papers - GOV.UK](#)

APPENDIX 2

Summary of Development Plan Amendment Procedures in other Jurisdictions

			Section 20AA of the Planning (Scotland) Act 2019 introduces the ability to amend Local Development Plans (LDPs) in accordance with the Town and Country Planning (Amendment of Local Development Plan) (Scotland) Regulations, 2024, which commenced on 5 th December 2024. ²⁵
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²⁵ [Local development planning guidance - gov.scot](https://www.gov.scot/publications/local-development-planning-guidance/pages/100.aspx)

APPENDIX 3

Summary of the Current Development Plans Amendment Procedure in Guernsey

The steps set out below are the minimum required by Ordinance and Regulation.

1. Notification – D&PA

Once it has been decided that a policy amendment or change is required (either by the D&PA or by Resolution of the States) the D&PA must give notice by placing a notice in La Gazette and must also notify any States Department whose area of responsibility may be affected, any public utility provider whose operations may be affected, and the Constables of each parish affected.

2. Pre-publication consultation – D&PA

During preparation of the amended/changed policy and before publication the D&PA must consult on the main issues with States Departments, utility providers, Constables of affected parishes and, where an environmental impact assessment is required, any expert external bodies including on the scope of the environmental impact assessment where needed.

3. Certificate of Consistency with Strategic Land Use Plan – Committee *for the Environment & Infrastructure (CftE&I)*

Prior to publication the D&PA must obtain a certificate of consistency with the Strategic Land Use Plan by written request to CftE&I. The certificate must be sent to the planning inspector.

4. Appointment of Inspector – CftE&I

D&PA must request CftE&I in writing to appoint an inspector to conduct an inquiry as soon as possible after receiving the certificate of consistency. It can request this earlier as soon as it submits the request for the certificate. CftE&I must appoint the inspector in accordance with the Ordinance.

5. Publication of draft changes to IDP policies – D&PA

As soon as possible after receiving the certificate the D&PA must publish that there are draft policy changes in La Gazette (on 2 consecutive weeks) setting out specific things like where proposals can be viewed, next steps etc. and must make changes available for inspection by the public as well as informing CftE&I, Constables and anyone previously consulted and anyone else it thinks appropriate.

6. Inquiry – D&PA and CftE&I

The Inspector determines procedure at Inquiry. The Inspector will hold a preliminary meeting if he/she expects the hearing to last 8 or more days or they think it necessary. Such a meeting will need to be advertised giving at least 2 weeks' notice.

7. Initial Representations – D&PA

The Inspector must, as soon as possible, put an advert in La Gazette setting out the main steps, when the hearing will be and inviting initial representations in writing.

The D&PA must send to the Inspector a written response on each initial representation (or group of representations) by the date set by the Inspector. A copy of its response is sent to the representor and also published.

APPENDIX 3

Summary of the Current Development Plans Amendment Procedure in Guernsey

8. Further representations – D&PA

Between the end of the Initial Representations round and at least 4 weeks before the Inquiry hearing the Inspector must invite further representations (in the same way as before) but only on the initial representations.

The D&PA must send to the Inspector a written response on each further representation (or group of representations) as before and a copy is sent to the representor and published.

9. Inquiry hearing – Independent Planning Inspector

Prior to the hearing the inspector must publish a statement about the matters he wishes to cover and a timetable and order for matters to be considered

The inspector runs the hearing and identifies what are the main matters to be considered.

10. Inspectors report – Independent Planning Inspector

After the close of the Inquiry the inspector must make a report to the D&PA on his conclusions and recommendations and reasons for them.

The D&PA considers the inspector's report and other matters and refers to *CftE&I* the inspector's report and a report of its own conclusions and reasons.

CftE&I can give comments to D&PA.

11. States of Guernsey – D&PA and States

The DP&A lays before the States the draft changes to policies, the inspector's report, any written comments from *CftE&I*, D&PA's conclusions and reasons and any further changes it recommends.

The States may adopt, reject or amend. Amendments may be required to go back to Inquiry if substantially different from that proposed.

12. Next steps – D&PA

Once adopted by the States the D&PA must inform the public through *La Gazette*.

APPENDIX 4

Proposed Amendment Routes

Amendment category ¹	Consultation ²	Independent examination	States approval
Route 1 - Minor or inconsequential amendments (Proposition 3; paragraphs 4.6-4.8)	✓ Proposed amendments will be published in La Gazette Officielle or alternative and comments invited ³	✗ The D&PA will consider the proposed amendments in light of any comments received and decide whether to make the amendments.	✓ Amendments will be laid before the States after they are made and can be annulled if the States see fit.
Route 2 - Significant policy amendments (Proposition 4; paragraphs; paragraphs 4.9-4.14)	✓ Public consultation by the D&PA	✓/✗ The D&PA may refer written representations (if received) for independent examination in writing only by an inspector. The D&PA has the power to request a public inquiry if it considers it necessary.	✓ Proposed amendments will be set out in a policy letter for approval by the States with written representations and/or the inspector's report appended if applicable.
Route 3 - Exceptional and strategically essential amendments (Proposition 5; paragraphs 4.15-4.18)	✓ Public consultation by the D&PA	✓/✗ The D&PA has the power to request a public inquiry if it considers it necessary.	✓ Proposed amendments will be set out in a policy letter for approval by the States with written representations and/or the inspector's report appended if applicable.

¹ The D&PA will have regard to criteria in published guidance in deciding which amendments fall into which category

² All routes will provide for the right, via public consultation, to comment on initial representations, i.e. a second shorter round of consultation on suggested changes to original proposals, for fairness and human rights considerations.

³ See [Publication of Official Notices \(Guernsey\) Law, 2024 \(Consolidated text\)](#)



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3rd March 2025

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

DEVELOPMENT & PLANNING AUTHORITY

DEVELOPMENT PLANS – AMENDMENT PROCESS

Dear Deputy Trott,

Preferred date for consideration by the States of Deliberation

In accordance with Rule 4(3) of the Rules of Procedure of the States of Deliberation and their Committees, the Development & Planning Authority requests that the Development Plans – Amendment Process policy letter be considered at the States' meeting to be held on 9th April 2025.

The propositions aim to streamline the current procedures for making amendments to Development Plans such as the Island Development Plan, removing barriers to development which in turn will support the Island's economy and the States' current priority area of housing. If approved by the States of Deliberation, the proposed changes will require legislative amendments; the Authority therefore respectfully requests that the propositions be debated at the earliest opportunity in order for the legislative drafting to be progressed.

Yours faithfully,

V S Oliver
President
Development & Planning Authority

cc: propositions@gov.gg