



BILLET D'ÉTAT

WEDNESDAY, 28th NOVEMBER 2018

XXV
2018

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BILLET D'ÉTAT

TO THE MEMBERS OF THE STATES OF THE ISLAND OF GUERNSEY

I hereby give notice that a Meeting of the States of Deliberation will be held at **THE ROYAL COURT HOUSE**, on **WEDNESDAY**, the **28th November, 2018** at **9.30 a.m.**, to consider the items listed in this Billet d'État which have been submitted for debate.

R. J. COLLAS
Bailiff and Presiding Officer

The Royal Court House
Guernsey

26th October, 2018

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

STATES' TRADING SUPERVISORY BOARD

APPOINTMENT OF NON-EXECUTIVE DIRECTORS – GUERNSEY POST LIMITED

The States are asked to decide:-

Whether, after consideration of the policy letter entitled 'Appointment of Non-Executive Directors – Guernsey Post Limited' dated 4 October 2018 they are of the opinion:-

1. To approve the appointment of Mark Dunster as a non-executive director of Guernsey Post Limited with immediate effect.
2. To approve the appointment of Peter Shaefer as a non-executive director of Guernsey Post Limited with immediate effect.

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

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

STATES' TRADING SUPERVISORY BOARD

APPOINTMENT OF NON-EXECUTIVE DIRECTORS – GUERNSEY POST LIMITED

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

4 October, 2018

Dear Sir

1 Executive Summary

- 1.1 The purpose of this policy letter is to seek the States' approval for the appointment of two new non-executive directors to the Board of Guernsey Post Limited (GPL).

2 Background

- 2.1 Under the terms of the States Trading Companies (Bailiwick of Guernsey) Ordinance, 2001 (as amended), non-executive directors of the States Trading Companies¹ are appointed by the States upon the recommendation of the States' Trading Supervisory Board (STSB).
- 2.2 Following a review of the company's succession plan by GPL in consultation with the STSB and, as a result of anticipated vacancies on the GPL Board, the company undertook an open recruitment process to identify candidates. Before doing so, it undertook an analysis of the skills against which it wanted to recruit and then consulted with the STSB to agree and finalise these. An advert was then placed to seek applications from interested individuals, which were then shortlisted against the agreed set of key criteria.
- 2.3 A total of twenty applications were received, of which a short list of ten candidates were put forward for interview.

¹ For the purposes of the Ordinance, only Guernsey Electricity Limited and Guernsey Post Limited are designated as States Trading Companies.

2.4 Following the recruitment process, GPL recommended to the STSB the appointment of Mark Dunster and Peter Shaefer as non-executive directors of the company. Having carefully considered these recommendations, the STSB supports these proposed appointments, which GPL is recommending become effective immediately.

2.5 Summaries of the candidates' curriculum vitae are included in Appendix 1.

3 Compliance with Rule 4

3.1 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.

3.2 In accordance with Rule 4(1), the Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications. She has advised that there is no reason in law why the Propositions should not to be put into effect.

3.3 In accordance with Rule 4(4) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the propositions above have the unanimous support of the Board.

3.4 In accordance with Rule 4(5), the Propositions relate to the duties of the STSB to carry out the States' role as shareholder of any incorporated companies which are owned by the States and which the States have resolved to include in the mandate of the Board.

Yours faithfully

P T R Ferbrache
President

J C S F Smithies
Vice-President

J Kuttelwascher
Member

S J Falla MBE
Non-States Member

J C Hollis
Non-States Member

CURRICULUM VITAE

Advocate Mark Dunster

Advocate Dunster is a partner at Carey Olsen specialising in litigation, compliance and financial regulatory matters. He undertakes a wide variety of commercial and civil litigation work and advises institutions on regulatory matters including anti-money laundering, data protection, employment law, e-Gambling and renewable energy.

In 1994 Advocate Dunster was called as a barrister and practised in London before returning to his native Guernsey, where he qualified as an advocate in 1997. He has been a partner at Carey Olsen since 2001 and became a Notary Public in 2006.

Advocate Dunster acts as both an executive and non-executive director on a number of Guernsey (and non-Guernsey) companies in sectors as wide as trust and fiduciary services, electronic gaming, credit card payment processing, commercial real estate and investment holding.

Advocate Dunster is a current member of the States of Guernsey legislative review committee advising on the implementation and drafting of new laws and ordinances. He is also the current Chairman of the Guernsey Association of Compliance Officers and the former Chairman of the Guernsey Bar Association.

Between 2004 and 2008 Advocate Dunster was a member of Guernsey's Health and Social Services Department. He was formally Connétable of St Pierre du Bois and is now a Douzenier for that Parish.

Advocate Dunster has a breadth of commercial experience with some very large and complex organisations. This experience includes reviews of corporate governance structures, developing strategy and evaluating the deployment of capital and resources between competing opportunities. He holds the Institute of Directors Chartered Director status.

Mr Peter Shaefer

Mr Shaefer currently holds a number of executive and non-executive positions, most recently being appointed as a Director of Synapcon (a global clinical research organisation) and a non-executive director and Chairman of PRTN AG (a global luxury baggage company). Subject to approval by the States of Deliberation Mr Shaefer will also be appointed as a non-executive director of Guernsey Electricity.

Mr Shaefer is also a Member of the Chartered Institute of Public Finance and Accountancy and the Institute of Directors and holds a degree in Geology with Industrial Management from the University of Liverpool.

He has enjoyed a varied career, including joining the global beauty company Coty Inc in 2000 which culminated in his appointment as Senior Vice President of Business Transformation in 2014 with responsibility for overseeing a company-wide reorganisation and restructuring programme.

His previous roles with Coty Inc included: Senior Vice President, CFO Europe and Asia (2002-2005) with overall responsibility for a team of 300, including the finance, IT and general services teams; and, Senior Vice President, Business Development (2005-2013) with responsibility for overseeing the integration of the Unilever Cosmetics International business and accelerating international development.

Mr Shaefer also previously worked for Japan Tobacco International between 1996 and 2000, undertaking a number of roles across Europe, including Manager, Audit – Netherlands (1996-1997), Director, Finance – Switzerland (1997-1998) and General Auditor and Senior Finance Director of Finance Transformation – Switzerland (1998 - 2000). His work with the company included responsibility for the management of the Global International Audit function.

Mr Shaefer's skills include managing strategic change and international development, project management, corporate governance and risk management, developing business and financial strategy and financial planning and analysis.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

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

No. 44 of 2018

THE ELECTORAL SYSTEM REFERENDUM (MISCELLANEOUS PROVISIONS) (NO.2) REGULATIONS, 2018

In pursuance of section 30(1)(c) of the Electoral System Referendum (Guernsey) Law, 2018, the Electoral System Referendum (Miscellaneous Provisions) (No.2) Regulations, 2018 made by the States' Assembly & Constitution Committee on 14th September, 2018, are laid before the States.

EXPLANATORY NOTE

These Regulations, made by the States' Assembly & Constitution Committee under the Electoral System Referendum (Guernsey) Law, 2018 ("the Law"), make provision in relation to the practicalities of holding the referendum on electoral reform under the Law. Amongst other things they establish polling stations, set out the form of the ballot paper, and make provision in relation to persons present at the count. They come into force on the day they are made.

These Regulations came into force on 14th September, 2018.

No. 45 of 2018

THE SOCIAL INSURANCE (COLLECTION OF CONTRIBUTIONS) (TRANSFER OF FUNCTIONS) REGULATIONS, 2018

In pursuance of sections 3 and 4 of the States (Reform) (Guernsey) Law, 2015, the Social Insurance (Collection of Contributions) (Transfer of Functions) Regulations, 2018, made by the Policy & Resources Committee and the Committee for Employment & Social Security on 26th September, 2018, are laid before the States.

EXPLANATORY NOTE

These Regulations transfer the functions of the Committee for Employment & Social Security relating to the collection of social insurance contributions under the Social Insurance (Guernsey) Law, 1978 to the Policy & Resources Committee. It is intended that those functions will be performed, on behalf of the Policy & Resources Committee, by the Director of Income Tax (to whom the functions will be delegated under the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991) until the establishment of the new office of Director of the Revenue Service, to which the collection of contribution functions will then be assigned.

These Regulations come into force on the 22nd October, 2018.

No. 46 of 2018

THE FIREARMS AND WEAPONS (APPROVED RANGES) (GUERNSEY) REGULATIONS, 2018

In pursuance of sections 22 and 55A of the Firearms and Weapons (Guernsey) Law, 1998, The Firearms and Weapons (Approved Ranges) (Guernsey) Regulations, 2018, made by the Committee for Home Affairs on 17th September 2018, is laid before the States.

EXPLANATORY NOTE

These Regulations are made under section 22 of the Firearms and Weapons (Guernsey) Law, 1998 ("**the Law**").

Regulation 1 provides for the Committee for Home Affairs ("**the Committee**") to approve the ranges at which firearms may be fired, and, in connection with this, the classes of firearms and ammunition that may be used and the standard operating procedures that must be followed on these ranges.

Regulation 2 imposes duties on owners and occupiers of approved ranges.

Regulation 3 authorises the Committee to suspend or revoke a range approval based on a number of grounds relating to breaches or safety.

Regulation 4 provides for the Chief Officer of the Island Police Force ("**the Chief Officer**") to approve shooting clubs to use an approved range for the firing of firearms and ammunition.

Regulation 5 authorises the Chief Officer to suspend or revoke a club approval based on a number of grounds relating to breaches, safety or failing to continue to meet an approval requirement for clubs.

Regulation 6 provides for the Chief Officer to approve a person as a range officer for an approved range.

Regulation 7 authorises the Chief Officer to suspend or revoke a range officer approval based on a number of grounds relating to breaches, safety or failing to continue to meet an approval requirement for range officers.

Regulation 8 prohibits the firing of firearms or ammunition on an approved range unless a number of specified conditions are met.

Regulation 9 prohibits a club from using or permitting the use of an approved range for the firing of firearms unless the club is approved to use the range and specified conditions are met.

Regulation 10 requires owners and occupiers of approved ranges, approved clubs and range officers to allow the Chief Officer or anyone authorised by the Chief Officer or the Committee to enter and inspect an approved range at any reasonable time on request.

Regulation 11 provides for appeals against determinations made under these Regulations to be made to the Royal Court of Guernsey.

Regulation 12(1) creates offences of breaching regulation 6(4) (approval and duties of range officers), 8 (mandatory conditions for discharge of firearms on approved ranges), 9(1) or (2) (use of approved ranges by shooting clubs) or 10(1) (inspection by Chief Officer, Committee, etc.). Regulation 12(2) makes it an offence to enter, without reasonable excuse, a 'danger area' designated in standard operating procedures for an approved range.

Regulation 13 provides for the defence of due diligence in relation to an offence under regulation 12(1) or (2).

Regulation 14 defines expressions used throughout these Regulations.

Regulation 15 revokes the Firearms and Weapons (Approved Ranges) (Guernsey) Regulations, 2017.

Regulations 16 and 17 are the citation and commencement clauses.

These Regulations come into force on the 1st April, 2019.

No. 47 of 2018

THE FINANCIAL SERVICES OMBUDSMAN (CASE FEE AND LEVIES) (BAILIWICK OF GUERNSEY) (AMENDMENT) ORDER, 2018

In pursuance of section 27 of, and paragraph 4 of Schedule 2 to, the Financial Services Ombudsman (Bailiwick of Guernsey) Law, 2014, the Financial Services Ombudsman (Case Fee and Levies) (Bailiwick of Guernsey) (Amendment) Order, 2018, made by the Committee *for* Economic Development on 1 October, 2018, are laid before the States.

EXPLANATORY NOTE

This Order further amends the Financial Services Ombudsman (Case Fee and Levies) (Bailiwick of Guernsey) Order, 2015 (“the Order”) in relation to the levy scheme prescribed by the Office of the Financial Services Ombudsman (“OFSO”).

The amendment to the Order postpones the ending of the equal splitting of the costs of OFSO between the Bailiwicks of Guernsey and Jersey from the end of 2018 to the end of 2019.

This Order comes into force on the 2nd day of October, 2018.

No. 50 of 2018

**THE ELECTORAL SYSTEM REFERENDUM (MISCELLANEOUS PROVISIONS) (NO.3)
REGULATIONS, 2018**

In pursuance of section 30(1)(c) of the Electoral System Referendum (Guernsey) Law, 2018, the Electoral System Referendum (Miscellaneous Provisions) (No.3) Regulations, 2018 made by the States' Assembly & Constitution Committee on 1st October, 2018, are laid before the States.

EXPLANATORY NOTE

These Regulations, made by the States' Assembly & Constitution Committee under the Electoral System Referendum (Guernsey) Law, 2018 ("the Law"), make provision in relation to lost postal ballot papers for the referendum on electoral reform under the Law, and provision dealing with a minor administrative error in respect of some issued postal voting documents.

These Regulations came into force on 1st October, 2018.

No. 52 of 2018

THE MOORING CHARGES (GUERNSEY) (No.2) REGULATIONS, 2018

In pursuance of section 2 of the Vessels and Speedboats (Compulsory Third-Party Insurance, Mooring Charges and Removal of Boats) (Guernsey) Law, 1972, sections 1 and 5 of the Fees, Charges and Penalties (Guernsey) Law, 2007 made by the States Trading Supervisory Board on 4th October, 2018, is laid before the States.

EXPLANATORY NOTE

These Regulations prescribe the mooring charges payable under section 2 of the Vessels and Speedboats (Compulsory Third-Party Insurance, Mooring Charges and Removal of Boats) (Guernsey) Law, 1972 (the "**1972 Law**"). Under the terms of the Fees, Charges and Penalties (Guernsey) Law, 2007, these charges may now be prescribed by regulations of the States' Trading Supervisory Board.

These Regulations come into force on the 1st April, 2019.

No. 53 of 2018

THE HARBOUR DUES AND FACILITIES CHARGES (GUERNSEY) (No.2) REGULATIONS, 2018

In pursuance of the powers conferred upon it by sections 2 and 3 of the Harbour Dues (Saint Peter Port and Saint Sampson) Law, 1957, section 33 of the Harbours Ordinance, 1988, sections 1 and 5 of the Fees, Charges and Penalties (Guernsey) Law, 2007, made by the States Trading Supervisory Board on 4th October, 2018, is laid before the States.

EXPLANATORY NOTE

These Regulations prescribe the harbour dues payable under section 2 of the Harbour Dues (Saint Peter Port and Saint Sampson) Law, 1957, and the charges payable for the use of harbour facilities under section 33(1) of the Harbours Ordinance, 1988. Under the terms of the Fees, Charges and Penalties (Guernsey) Law, 2007, these dues and charges may now be prescribed by regulations of the States' Trading Supervisory Board.

These Regulations came into force on 1st January, 2019.

No. 54 of 2018

THE PILOTAGE DUES (GUERNSEY) (No.2) REGULATIONS, 2018

In pursuance of the powers conferred upon it by sections 1, 2, 3 and 8 of the Pilotage Dues and Fees Ordinance, 1987 and sections 1 and 5 of the Fees, Charges and Penalties (Guernsey) Law, 2007, made by the States Trading Supervisory Board on 4th October, 2018, is laid before the States.

EXPLANATORY NOTE

These Regulations prescribe the pilotage dues and related charges payable under the Pilotage Dues and Fees Ordinance, 1987. Under the terms of the Fees, Charges and Penalties (Guernsey) Law, 2007, these dues and charges may now be prescribed by regulations of the States' Trading Supervisory Board.

These Regulations came into force on 1st January, 2019.

No. 55 of 2018

THE AIRPORT FEES (GUERNSEY AND ALDERNEY) (No.2) REGULATIONS, 2018

In pursuance of the powers conferred upon it by section 2(1) of the Airport Fees Ordinance, 1987, as amended, and as delegated to it by section 1(1)(d) of the Fees, Charges and Penalties (Guernsey) Law, 2007, made by the States Trading Supervisory Board on 4th October, 2018, is laid before the States.

EXPLANATORY NOTE

These Regulations prescribe the fees for the use of Alderney Airport and Guernsey Airport. Under the terms of the Fees, Charges and Penalties (Guernsey) Law, 2007, these dues and charges may now be prescribed by regulations of the States' Trading Supervisory Board.

These Regulations come into force on 1st April, 2019.

The full text of the statutory instruments can be found at:
<http://www.guernseylegalresources.gg/article/163343/2018>

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

PROJET DE LOI

Entitled

THE PROBATION (BAILIWICK OF GUERNSEY) LAW, 2018

The States are asked to decide:-

Whether they are of the opinion to approve the draft Projet de Loi entitled "The Probation (Bailiwick of Guernsey) Law, 2018", and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

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

EXPLANATORY MEMORANDUM

Part I of this Law sets out the principal function of the Probation Service to protect the public and work with offenders in order to reduce reoffending and aid rehabilitation. It provides an oath or affirmation to be taken before the Ordinary Court and highlights a probation officer's overriding duty to the Court; in addition, it permits the Chief Probation Officer to designate additional persons to carry out the duties of a probation officer with the same overriding duty to the Court.

Part II introduces modernised probation orders which aim to rehabilitate and prevent further offending by an offender and to protect the public. Clauses 5 and 6 set out how a probation order is made by a court and the following clauses make provision for variation or revocation of a probation order, breach proceedings (including the available disposals to the different courts) and powers on further conviction by a court.

Part III permits a court to impose absolute and conditional discharges on offenders and sets out the consequences of both types of discharge, including the consequences where an offender breaches a conditional discharge.

Part IV deals with miscellaneous matters including the repeal of the Loi relative à la Probation des Délinquants and consequential amendments.

The Schedule sets out the oath or affirmation that may be taken by a Probation Officer.

PROJET DE LOI

ENTITLED

Probation (Bailiwick of Guernsey) Law, 2018

ARRANGEMENT OF SECTIONS

PART I THE PROBATION SERVICE

1. The Probation Service.
2. Probation officers.
3. Designated persons.

PART II PROBATION ORDERS

4. Probation orders.
5. Making of a probation order.
6. Requirements of a probation order.
7. Variation or revocation of probation order due to change in circumstances.
8. Breach of probation order.
9. Breach - disposal by Magistrate's Court.
10. Breach - disposal by Royal Court.
11. Powers on further conviction by Magistrate's Court when existing Magistrate's Court order.
12. Powers on further conviction by Magistrate's Court when existing Royal Court order.
13. Disposal by Royal Court following order by Magistrate's Court under s.12(2)(c) and (3)(b).
14. Powers on further conviction by Royal Court when existing Magistrate's Court order.
15. Powers on further conviction by Royal Court when existing Royal Court order.
16. Supplemental provisions.
17. Probation orders made under the Loi relative à la Probation des Délinquants.

PART III
DISCHARGES

- 18. Absolute and conditional discharge.
- 19. Commission of further offence by person conditionally discharged.
- 20. Effect of discharge.

PART IV
MISCELLANEOUS

- 21. Repeal and amendments.
- 22. Power of court to make no order.
- 23. Power to enact Ordinances.
- 24. General provisions as to subordinate legislation.
- 25. Rules of Court.
- 26. Transitional provisions.
- 27. Interpretation.
- 28. Citation.
- 29. Commencement.

SCHEDULE : Oath and affirmation.

PROJET DE LOI

ENTITLED

Probation (Bailiwick of Guernsey) Law, 2018

THE STATES, in pursuance of their Resolution of the 15th May 2015^a, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

PART I

THE PROBATION SERVICE

The Probation Service.

1. (1) The principal function of the Probation Service of the States of Guernsey ("**the Probation Service**") shall be to -

- (a) protect the public, and
- (b) work with offenders to -
 - (i) reduce reoffending, and
 - (ii) aid rehabilitation.

^a Article VIII of Billet d'État No. XI of 2015.

(2) The States may by Ordinance make such provision as they see fit in respect of the administration of, responsibility for and management of the Probation Service.

Probation officers.

2. (1) An oath or affirmation shall be taken before the Ordinary Court by every person who is employed by the Committee as a probation officer.

(2) The oath and affirmation shall be in such form as is laid out in the Schedule to this Law, and the States may by Ordinance amend that Schedule.

(3) For the avoidance of doubt, a probation officer has an overriding duty to the court to act with independence in the interests of justice and must assist the court in the administration of justice.

Designated persons.

3. (1) The Chief Probation Officer may designate such persons, in addition to probation officers, as the Chief Probation Officer thinks fit to -

- (a) prepare reports,
- (b) give explanations,
- (c) act in a supervisory capacity, and
- (d) otherwise carry out the duties of a probation officer.

(2) For the avoidance of doubt, a designated person has an overriding duty to the court to act with independence in the interests of justice and must assist the court in the administration of justice.

(3) A designated person shall be deemed to be a probation officer for the purposes of any enactment, unless the Chief Probation Officer states otherwise when designating that person under subsection (1).

PART II

PROBATION ORDERS

Probation orders.

4. (1) Where a person is convicted of an offence punishable with imprisonment, the court by or before which the offender is convicted may make a probation order, on its own or in addition to any other sentence, for the purpose of -

(a) the rehabilitation of, and prevention of further offending by, an offender, and

(b) the protection of the public.

(2) A probation order may be made for a period not exceeding 3 years.

(3) Under a probation order -

(a) the offender will be supervised by a person ("**a supervisor**"), who shall be a probation officer or

designated person assigned by the Chief Probation Officer, and

- (b) the supervisor shall promote the offender's compliance with the purposes of the order.

Making of a probation order.

5. (1) A court considering making a probation order shall obtain and consider a written or verbal report ("**a social enquiry report**") from a probation officer or a designated person with a view to assisting the court in determining the most suitable method of dealing with the offender.

(2) A social enquiry report shall include -

(a) an assessment of the -

(i) behaviour,

(ii) personal circumstances,

(iii) risk of re-offending, and

(iv) risk of harm to others,

of the offender, and

- (b) an assessment of the interventions available and the suitability of the offender for the available interventions.

(3) Before making a probation order, the court shall satisfy itself that a probation officer or a designated person has explained to the offender in plain language and the offender has understood -

- (a) the purpose and effect of the order and, in particular the requirements described in section 6,
- (b) the power of the court under section 7 to vary or revoke the order on the application of either the offender or the supervisor, and
- (c) the consequences which may follow if the offender fails to comply with any of the requirements of the order, or if the offender is convicted of a further offence while the order is in force.

(4) The court shall as soon as practicable provide a copy of the order to the supervisor, who shall provide a copy to the offender as soon as practicable thereafter.

Requirements of a probation order.

6. (1) An offender in respect of whom a probation order is in force shall -

- (a) keep in contact with the supervisor in accordance with such instructions as the offender may from time to time be given by the supervisor,

- (b) notify the supervisor of any change of address or working arrangement,
- (c) comply with any requirements or prohibitions contained in the probation order in accordance with subsection (2), and
- (d) not do anything which would be likely to undermine the purposes of the order described in section 4(1).

(2) A probation order may contain such other requirements or prohibitions as the court, having regard to the particular circumstances of the case, considers necessary for the effective management and performance of the order.

(3) The Committee may by regulations provide for such matters as it deems appropriate in connection with the performance of probation orders.

Variation or revocation of probation order due to change in circumstances.

7. (1) Where a probation order is in force in respect of any offender and, on the application of the offender or the supervisor, it appears to the court which made the order that it would be in the interests of justice to do so having regard to the circumstances which have arisen since the order was made (which may include the progress of the offender whilst subject to the order), the court may -

- (a) vary the order,
- (b) revoke the order, or

- (c) revoke the order and deal with the offender for the offence in respect of which the order was made in any manner in which the offender could have been dealt with for that offence.

(2) The court may vary the probation order under subsection (1)(a) -

(a) by -

- (i) inserting (either in addition to or in substitution for any requirement or prohibition), or

- (ii) removing,

a requirement or prohibition made under section 6 as the court, having regard to the particular circumstances of the case, considers necessary for the effective management and performance of the order, or

- (b) by extending the period of the order, provided that the order is not extended for a period exceeding 3 years from the date on which the original order was made.

(3) Where the court proposes to consider exercising its powers under subsection (1) otherwise than on the application of the offender, the court may either direct the offender to appear before it on a date and at a time specified or issue a warrant to arrest and bring the offender before it at a time and place specified in the warrant.

(4) The court shall obtain and consider a written or verbal report from the supervisor with a view to assisting the court in determining the most suitable method of dealing with the offender.

Breach of probation order.

8. (1) If at any time while a probation order is in force, it appears to a supervisor that the offender has failed to comply with any requirement made under section 6(1) or (2), the supervisor may inform the Magistrate's Court that a breach of the order has occurred.

(2) On receipt of information under subsection (1), the Magistrate's Court may either -

- (a) direct the offender to appear before it on a date and at a time specified, or
- (b) issue a warrant to arrest and bring the offender before it at a time and place specified in the warrant.

(3) Where an offender is arrested under subsection (2), the Magistrate's Court may remand the offender in custody or on bail subject to such conditions (if any) as are considered fit.

(4) Prior to the appearance of the offender before the Magistrate's Court, a supervisor shall, if possible, inform the offender of the facts of the alleged breach of the order.

(5) If the offender admits having breached the order, the Magistrate's Court shall obtain and consider a written or verbal report from the supervisor with a view to assisting the court in determining the most suitable method of dealing with the offender.

(6) If the offender does not admit having breached the order, the Magistrate's Court shall hear evidence to determine whether any breach has occurred.

(7) If -

(a) the offender admits having breached the order, or

(b) it is proved to the satisfaction of the Magistrate's Court that the offender has breached the order,

the Magistrate's Court shall proceed in one of the ways described in section 9.

(8) For the avoidance of doubt, the Criminal Evidence and Miscellaneous Provisions (Bailiwick of Guernsey) Law, 2002^b, applies to any proceedings under this section.

Breach - disposal by Magistrate's Court.

9. (1) If the probation order which is the subject of proceedings under section 8 was made by the Magistrate's Court, that court may -

^b Order in Council No. I of 2003; as amended by No. XVIII of 2009.

- (a) order that the order continue (with or without variation) without any fine,
- (b) order that -
 - (i) the order continue (with or without variation), and
 - (ii) the offender pay a fine not exceeding level 4 on the uniform scale,
- (c) revoke the order and deal with the offence in respect of which the order was made, in any manner in which the offender could have been dealt with for that offence, or
- (d) revoke the order.

(2) If the order which is the subject of proceedings under section 8 was made by the Royal Court, the Magistrate's Court may -

- (a) order that the order continue without any fine,
- (b) order that -
 - (i) the order continue, and
 - (ii) the offender pay a fine not exceeding level 4 on the uniform scale, or

- (c) order that the offender appear before the Royal Court on a date and at a time specified in the order.

(3) If the Magistrate's Court hears evidence and decides that the offender has breached a requirement of section 6(1) and the court makes an order under subsection (2)(c), the court shall provide the Royal Court, the offender and the relevant officer with a note of the facts found by it.

(4) If the Magistrate's Court makes an order under subsection (2)(c), it shall remand the offender in custody or on bail subject to such conditions (if any) as are considered fit.

Breach - disposal by Royal Court.

10. When an offender appears before the Royal Court as a result of an order made under section 9(2)(c) the court may -

- (a) order that the order continue (with or without variation) without any fine,
- (b) order that -
 - (i) the order continue (with or without variation), and
 - (ii) the offender pay a fine,
- (c) revoke the order and deal with the offence in respect of which the order was made, in any manner in which the offender could have been dealt with for that offence, or

- (d) revoke the order.

Powers on further conviction by Magistrate's Court when existing Magistrate's Court order.

11. (1) When an offender, in respect of whom a probation order has been made by the Magistrate's Court, is convicted of a further offence by that court, the offender may be dealt with, as far as the order is concerned, in accordance with subsection (2).

(2) The Magistrate's Court may -

- (a) order that the order continue (with or without variation) without any fine,
- (b) order that -
 - (i) the order continue (with or without variation), and
 - (ii) the offender pay a fine not exceeding level 4 on the uniform scale,
- (c) revoke the order and deal with the offence in respect of which the order was made, in any manner in which the offender could have been dealt with for that offence, or
- (d) revoke the order.

Powers on further conviction by Magistrate's Court when existing Royal Court order.

12. (1) When an offender, in respect of whom a probation order has been made by the Royal Court, is convicted of a further offence by the Magistrate's Court, he may be dealt with, as far as the order is concerned, in accordance with subsection (2).

(2) The Magistrate's Court may -

- (a) order that the order continue without any fine,
- (b) order that -
 - (i) the order continue, and
 - (ii) the offender pay a fine not exceeding level 4 on the uniform scale, or
- (c) order that the offender appear before the Royal Court on a date and at a time specified in the order.

(3) If the Magistrate's Court makes an order under subsection (2)(c), the court shall -

- (a) remand the offender in custody or on bail subject to such conditions (if any) as are considered fit, and
- (b) order that the sentence for the further offence be determined by the Royal Court.

Disposal by Royal Court following order by Magistrate's Court under s. 12(2)(c) and (3)(b).

13. (1) When the offender appears before the Royal Court pursuant to an order made under section 12(2)(c), the offender may be dealt with as far as the order is concerned, in accordance with subsection (2).

(2) The Royal Court may -

(a) order that the order continue (with or without variation) without any fine,

(b) order that -

(i) the order continue (with or without variation),
and

(ii) the offender pay a fine,

(c) revoke the order and deal with the offence in respect of which the order was made, in any manner in which the offender could have been dealt with for that offence, or

(d) revoke the order.

(3) Where the Royal Court determines the sentence for the further offence pursuant to an order under section 12(3)(b), the Royal Court may not impose a greater penalty for the further offence than the maximum that may have been imposed by the Magistrate's Court.

(4) The Royal Court shall also deal with any other sentences or other orders of the Magistrate's Court of which the offender is in breach as a result of the commission of the offence for which the offender is to be sentenced pursuant to an order under section 12(3)(b).

Powers on further conviction by Royal Court when existing Magistrate's Court order.

14. (1) When an offender, in respect of whom a probation order has been made by the Magistrate's Court, is convicted of a further offence by the Royal Court, the offender may be dealt with, as far as the order is concerned, in accordance with subsection (2).

(2) The Royal Court may -

(a) order that the order continue (with or without variation) without any fine,

(b) order that -

(i) the order continue (with or without variation),
and

(ii) the offender pay a fine,

(c) subject to subsection (3), revoke the order and deal with the offence in respect of which the order was made, in any manner in which the offender could have been dealt with for that offence, or

- (d) revoke the order.

(3) Where the Royal Court deals with an offender under subsection (2)(c), the Court may not impose a greater penalty for the offence than the maximum that may have been imposed by the Magistrate's Court.

Powers on further conviction by Royal Court when existing Royal Court Order.

15. (1) When an offender, in respect of whom a probation order has been made by the Royal Court, is convicted of a further offence by that court, the offender may be dealt with, as far as the order is concerned, in accordance with subsection (2).

(2) The Royal Court may -

- (a) order that the order continue (with or without variation) without any fine,
- (b) order that -
 - (i) the order continue (with or without variation),
and
 - (ii) the offender pay a fine,
- (c) revoke the order and deal with the offence in respect of which the order was made, in any manner in which the offender could have been dealt with for that offence, or

- (d) revoke the order.

Supplemental provisions.

16. (1) A fine imposed under section -

- (a) 9(1)(b)(ii) or 9(2)(b)(ii),
- (b) 10(b)(ii),
- (c) 11(2)(b)(ii),
- (d) 12(2)(b)(ii),
- (e) 13(2)(b)(ii),
- (f) 14(2)(b)(ii), or
- (g) 15(2)(b)(ii),

shall be deemed for the purposes of any enactment to be a sum adjudged to be paid on a conviction.

(2) For the purposes of this Part, where a probation order has been made on appeal, it shall be deemed -

- (a) if it was made on an appeal brought from the Magistrate's Court, to have been made by that court, or

- (b) if it was made on an appeal brought from the Royal Court or from the Criminal Division of the Court of Appeal, to have been made by the Royal Court,

and any reference in this Law to the court which made the order shall be construed accordingly.

Probation orders made under the Loi relative à la Probation des Délinquants.

17. (1) Subject to subsection (2), where an offender has been sentenced before the commencement of this Law to a probation order made under the *Loi relative à la Probation des Délinquants*, 1929^c ("**the 1929 Law**"), that order, and any conditions made thereunder, shall continue in force after the commencement of this Law.

(2) Notwithstanding that a probation order mentioned in subsection (1) has been made before the commencement of this Law, sections 7 to 16 of this Law shall have effect in respect of such an order.

PART III

DISCHARGES

Absolute and conditional discharge.

18. (1) Where a court by or before which an offender is convicted of an offence (not being an offence the sentence for which is fixed by law) is of the opinion, having regard to the circumstances including the nature of the offence and the character of the offender, that it is inexpedient to inflict punishment, the court may make an order either -

^c Ordres en Conseil Vol. VIII, p. 363.

- (a) discharging the offender absolutely, or
- (b) if the court thinks fit, discharging the offender subject to the condition that the offender commits no offence during such period, not exceeding three years from the date of the order, as may be specified in the order.

(2) An order discharging an offender subject to such a condition as is mentioned in subsection (1)(b) is in this Part referred to as an "**order for conditional discharge**" and the period specified in any such order is in this Part referred to as "**the period of conditional discharge**".

(3) If, by virtue of section 19, an offender conditionally discharged under this section is sentenced for the offence in respect of which the order for conditional discharge was made, that order shall cease to have effect.

(4) Nothing in this section shall be construed as preventing a court, on discharging an offender absolutely or conditionally in respect of any offence, from making -

- (a) an order imposing any disqualification on the offender,
- (b) a compensation order under the Criminal Justice (Compensation) (Bailiwick of Guernsey) Law, 1990^d, or

^d Ordres en Conseil Vol. XXXII, pg. 77; as amended by Orders in Council No. VI and XVI of 2009.

- (c) any other order that the court would have power to make in sentencing the offender for an offence.

Commission of further offence by person conditionally discharged.

19. (1) Where an order for conditional discharge has been made under section 18 and it appears to a court that an offender in whose case such an order has been made -

- (a) has been convicted by a relevant court of an offence committed during the period of conditional discharge,
- (b) has been dealt with in respect of that offence, and
- (c) the conduct which led to that conviction would also be an offence in the jurisdiction of the court which made the conditional discharge,

the court may direct the offender to appear at the place and time specified in it or issue a warrant for the offender's arrest.

(2) A direction or warrant issued under subsection (1) shall direct the offender to whom it relates to appear or to be brought before the court by which the order for conditional discharge was made.

(3) Where it is proved to the satisfaction of the court by which an order for conditional discharge was made that the offender in whose case the order was made has been convicted by a relevant court of an offence committed during the period of conditional discharge, the court by which the order was made may deal

with the offender, for the offence for which the order was made, in any way in which it could deal with the offender if the offender had just been convicted by or before that court of that offence.

(4) If the offender in whose case an order for conditional discharge has been made by the Royal Court is convicted by the Magistrate's Court of an offence committed during the period of conditional discharge, the Magistrate's Court may remand the offender in custody or on bail subject to such conditions (if any) as are considered fit until the offender can appear before the Royal Court.

(5) If an offender in whose case an order for conditional discharge has been made by the Magistrate's Court -

- (a) is convicted before the Royal Court of an offence committed during the period of conditional discharge, or
- (b) is dealt with by the Royal Court for any such offence in respect of which the offender was committed for sentence to the Royal Court,

the Royal Court may deal with the offender, for the offence for which the order was made, in any way in which the Magistrate's Court could deal with the offender if it had just convicted the offender of that offence.

(6) For the purposes of this section, where an order for conditional discharge has been made on appeal, it shall be deemed -

- (a) if it was made on an appeal brought from the Magistrate's Court, to have been made by that court, or
- (b) if it was made on an appeal brought from the Royal Court or from the Criminal Division of the Court of Appeal, to have been made by the Royal Court,

and any reference in this Law to the court which made the order shall be construed accordingly.

(7) In proceedings before the Royal Court under this section, any question whether any offender in whose case an order for conditional discharge has been made has been convicted of an offence committed during the period of conditional discharge shall be determined by the Bailiff sitting alone.

(8) For the purposes of this section, a "**relevant court**" means -

- (a) a court in any part of the Bailiwick, and
- (b) a court of criminal jurisdiction in a jurisdiction of the British Islands specified by an order of the Committee ("**a specified jurisdiction**").

(9) Except as provided by subsection (10), the requirement that the offender has been convicted of an offence in a specified jurisdiction is to be taken to be met unless, not later than rules of court may provide, the offender serves on Her Majesty's Procureur a notice -

- (a) stating that in the offender's opinion the requirement is not met,
- (b) showing the offender's grounds for that opinion, and
- (c) requiring Her Majesty's Procureur to prove that it is met.

(10) A court, if it thinks fit, may permit the person to require Her Majesty's Procureur to prove that the requirement is met without service of a notice under subsection (9).

Effect of discharge.

20. (1) Subject to subsections (3) and (4), a conviction of an offence for which an order is made under section 18 discharging the offender absolutely or conditionally shall be deemed not to be a conviction for the purpose of any criminal proceedings other than the purposes of the proceedings in which -

- (a) the order is made and of any subsequent proceedings which may be taken against the offender under section 19, or
- (b) the court makes an order to admit that conviction to the proceedings.

(2) For the avoidance of doubt, nothing in this Law shall prevent the admissibility of any conviction mentioned in subsection (1) for the purpose of any proceedings other than criminal proceedings.

(3) Where the offender had attained 18 years of age at the time of conviction of the offence in question and is subsequently sentenced under section 19 for that offence, subsection (1) shall cease to apply to the conviction.

(4) Subsections (1) and (3) shall not affect -

(a) any right of an offender discharged absolutely or conditionally under section 18 to rely on the conviction in bar of any subsequent proceedings for the same offence, or

(b) the restoration of any property in consequence of the conviction of any such offender.

(5) Subsection (1) shall not prevent an appeal under -

(a) the Magistrate's Court (Criminal Appeals) (Guernsey) Law, 1988^e,

(b) the Court of Appeal (Guernsey) Law, 1961^f, or

(c) any other relevant enactment,

and this subsection shall not be taken to prejudice any other enactment that excludes the effect of subsection (1) for particular purposes.

^e Ordres en Conseil Vol. XXXI, p. 83.

^f Ordres en Conseil Vol. XVIII, p. 315.

(6) In this section -

- (a) any reference to an order made under section 19 discharging an offender conditionally includes a reference to an order which was made under the 1929 Law discharging the offender conditionally, and
- (b) any reference to an offender who is discharged conditionally under section 19 includes a reference to an offender who was discharged conditionally under any provision of that Law.

PART IV MISCELLANEOUS

Repeal and amendments.

21. (1) The 1929 Law is hereby repealed and any reference to a probation officer appointed under the 1929 Law shall, subject to section 25, be read as a reference to a probation officer who has taken an oath or affirmation under this Law.

(2) In paragraph 4(b) of the Schedule to the Rehabilitation of Offenders (Bailiwick of Guernsey) Law, 2002^g, for "an order dismissing the charge

^g Order in Council No. XIV of 2002; as amended by the Criminal Justice (Children and Juvenile Court Reform) (Bailiwick of Guernsey) Law, 2008 (No. XVI of 2009).

under section 1(1)(I) of the Loi relative à la Probation des Délinquants, 1929", substitute "an absolute discharge".

(3) In the Bail (Bailiwick of Guernsey) Law, 2003^h -

(a) for section 2(4)(b), substitute the following paragraph -

"(b) section 8 of the Probation (Bailiwick of Guernsey) Law, 2018", and

(b) in section 19(6) in the definition of "**conviction**" -

(i) in paragraph (c), delete "and", and

(ii) delete paragraph (d).

(4) In the Criminal Justice (Community Service) (Bailiwick of Guernsey) Law, 2006ⁱ, in section 1(1), for the words "instead of dealing with him in any other way", substitute "without prejudice to any other way of dealing with him,".

Power of court to make no order.

22. Notwithstanding the repeal of section 1(1) of the 1929 Law, a court may make no order in relation to an offence where it is in the interests of justice to

^h Order in Council No. XVII of 2003; as amended by No. VI of 2009; Ordinance No. XXXIII of 2003 and Ordinance No. IX of 2016.

ⁱ Order in Council No. XIII of 2007, as amended by Ordinance No. XXXVIII of 2007, No. XXXIII of 2009 and No. IX of 2016.

do so, having regard to -

- (a) the character, antecedents, age, health or mental condition of the defendant,
- (b) the trivial nature of the offences, or
- (c) the extenuating circumstances under which the offence was committed.

Power to enact Ordinances.

23. (1) The States may by Ordinance make such additional provision as they think fit for the purposes of carrying this Law into effect.

(2) The power conferred by subsection (1) is without prejudice to any other power conferred by this Law to enact Ordinances (and vice versa).

General provisions as to subordinate legislation.

24. (1) An Ordinance, order or regulations under this Law -

- (a) may be amended or repealed by a subsequent Ordinance, order or regulations hereunder,
- (b) may contain such consequential, incidental, supplementary, transitional and savings provisions as may appear to be necessary or expedient, and
- (c) may, in the case of an Ordinance, and for the avoidance of doubt, repeal, replace, amend, extend,

adapt, modify or disapply any enactment or rule of customary or common law.

(2) Any power conferred by this Law to make an Ordinance, order, or regulations may be exercised -

(a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,

(b) so as to make, as respects the cases in relation to which it is exercised -

(i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),

(ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,

(iii) any such provision either unconditionally or subject to any prescribed conditions.

Rules of Court.

25. (1) The Royal Court may by order make rules of court dealing with all procedural matters arising under this Law and which may -

- (a) contain such supplementary, incidental, transitional and consequential provision as may appear to be necessary or expedient,
 - (b) be amended or repealed by subsequent rules, and
 - (c) make different provision in relation to proceedings before different courts of the Bailiwick.
- (2) Subsection (1) is without prejudice to any other power to make rules of court.

Transitional provisions.

26. Notwithstanding section 2(1), where any person is a probation officer on the day before the commencement of this Law, he shall continue to be a probation officer on or after that day irrespective of whether he has taken an oath or affirmation before the Ordinary Court;

Provided that any such probation officer shall take the oath or affirmation as soon as reasonably practicable after this Law has commenced.

Interpretation.

27. In this Law, unless the context requires otherwise -

"the 1929 Law" means the *Loi relative à la Probation des Délinquants*, 1929,

"Bailiff" means the Bailiff, Deputy Bailiff, Judge of the Royal Court, Lieutenant-Bailiff or Juge Délégué,

"Bailiwick" means the Bailiwick of Guernsey,

"British Islands" means the United Kingdom, the Channel Islands and the Isle of Man,

"Chief Probation Officer" means the person employed in that capacity by the Committee,

"the Committee" means the States of Guernsey Committee for Home Affairs,

"enactment" includes a Law, an Ordinance and any subordinate legislation and includes any provision or portion of a Law, an Ordinance or any subordinate legislation,

"the Magistrate's Court" includes -

- (a) in Alderney, the Court of Alderney, and
- (b) in Sark, the Court of the Seneschal,

"order for conditional discharge" and **"period of conditional discharge"** have the meaning given in section 18(2),

"Ordinary Court" means the Royal Court, sitting as an Ordinary Court, which may be constituted by the Bailiff sitting unaccompanied by Jurats,

"probation officer" means a person employed in that capacity by the Committee,

"probation order" has the meaning given in section 4(1),

"Probation Service" has the meaning given in section 1(1),

"requirement" includes a condition,

"Royal Court" means the Royal Court, sitting as a Full Court,

"social enquiry report" has the meaning given in section 5(1),

"States" means the States of Guernsey,

"subordinate legislation" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any statutory, customary or inherent power and having legislative effect, but does not include an Ordinance,

"supervisor" has the meaning given in section 4(3)(a), and

"**uniform scale**" means the uniform scale of fines for the time being in force under the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989^j.

Citation.

28. This Law may be cited as the Probation (Bailiwick of Guernsey) Law, 2018.

Commencement.

29. (1) This Law shall come into force on such date as the States may by Ordinance appoint.

(2) An Ordinance under subsection (1) may appoint different dates for different provisions of this Law and for different purposes.

^j Ordres en Conseil Vol. XXXI, p.278

SCHEDULE

Section 2(1)

OATH AND AFFIRMATION

1. Oath: You swear upon the faith and trust that you owe to God that well and faithfully you will perform the duties of a Probation officer.
2. Affirmation: You solemnly, sincerely and truly declare and affirm that well and faithfully you will perform the duties of a Probation officer.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

PROJET DE LOI

Entitled

THE REFERENDUMS (ENABLING PROVISIONS) (GUERNSEY) LAW, 2018

The States are asked to decide:-

Whether they are of the opinion to approve the draft Projet de Loi entitled "The Referendums (Enabling Provisions) (Guernsey) Law, 2018", and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

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

EXPLANATORY MEMORANDUM

This Law creates a mechanism to provide by regulations made by the Policy & Resources Committee ("the Committee") for the holding of a referendum in Guernsey when two thirds of the States have resolved that such a referendum be held and have agreed on the question or questions to be asked.

Section 1 requires the Committee to make regulations providing for the holding of a referendum in the circumstances set out there. Section 2 sets out who can vote in such a referendum, and section 3 gives effect to the Schedule which applies (with modifications) certain provisions in the 1948 and 1972 Reform Laws to the holding of such referendums, and provides for the Schedule to be susceptible to amendment by regulation: the application of these provisions creates an outline framework that will apply in respect of all referendums under the Law. Section 4 requires the Committee to take account of the relevant resolution of the States when making the regulations, requires the regulations to set out the question or questions to be asked in the referendum (to be the same as the question or questions set out in the States resolution), and provides that the regulations can make such other provision as the Committee thinks fit. Section 5 is a general standard form provision about regulations made under the Law, and sections 6, 7 and 8 deal with interpretation, citation and commencement.

PROJET DE LOI

ENTITLED

The Referendums (Enabling Provisions) (Guernsey) Law, 2018

THE STATES, in pursuance of their Resolution of the 1st day of August, 2002^a, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou.

Duty on Committee to make regulations.

1. (1) In the circumstances set out in subsection (2), the Committee shall as soon as reasonably practicable make regulations providing for the holding of a referendum.

(2) The circumstances referred to in subsection (1) are that –

- (a) the States have resolved, by a majority of two-thirds or more, that a referendum be held in respect of a question or questions, and
- (b) the exact wording of the question or questions to be asked in the referendum has been set out in the

^a Article X of Billet d'État No. XIX of 2002.

Resolution.

Eligibility to vote in a referendum.

2. A person who, on the date a referendum is to be held under this Law, is entitled to vote in an election in accordance with the provisions of the Reform (Guernsey) Law, 1948^b, is entitled to vote in that referendum.

Application of provisions of Reform (Guernsey) Law, 1948 and Reform (Amendment) Guernsey) Law, 1972 to referendums.

3. (1) The Schedule has effect.

(2) The Committee may amend the Schedule by regulations.

Regulations under section 1.

4. (1) The Committee shall take account of the Resolution of the States referred to in section 1(2) ("**the Resolution**") when making regulations under section 1(1).

(2) Regulations made under section 1(1) shall set out the question or questions to be asked in the referendum, and that question or those questions shall be the same as the wording specified for that purpose in the Resolution.

^b Ordres en Conseil Vol. XIII, p. 288; as amended by Ordres en Conseil Vol. XIV, p. 407; Vol. XV, p. 279; Vol. XVI, p. 178; Vol. XVIII, p. 275; Vol. XIX, pp. 84 and 140; Vol. XXII, p. 122; Vol. XXIII, p. 476; Vol. XXV, p. 326; Vol. XXVI, p. 255; Vol. XXIX, p. 56; Vol. XXX, p. 16; Vol. XXXI, p. 164; Vol. XXXII, p. 41; Vol. XXXIV, p. 397; Vol. XXXVI, p. 478; Vol. XXXVIII, pp. 150 and 295; Order in Council No. XIII of 2003; No. III of 2004; Nos. II and XX of 2007; Nos. XIII and XXII of 2008; No. VII of 2010; No. II and XIV of 2012; No. XVII of 2015; Ordinance No. XXXIII of 2003; No. XXVI of 2008; No. XXXII of 2011 and No. IX of 2016.

(3) Subject to subsection (1), regulations made under section 1(1) shall make such other provision as the Committee thinks fit in respect of the conduct and management of the referendum and associated matters.

(4) Without prejudice to the generality of subsection (3), regulations under subsection (1) may make provision in respect of –

- (a) the publication of the date of the referendum, and of other arrangements in respect of the holding of the referendum,
- (b) the establishment of polling stations,
- (c) expenditure by persons campaigning in the referendum,
- (d) the circumstances in which a recount of votes cast in the referendum shall be held, and general provision in respect of such a recount, and
- (e) the form of the ballot paper in the referendum.

General provisions as to regulations.

5. (1) Regulations under this Law -

- (a) may be amended or repealed by subsequent regulations hereunder,
- (b) may contain such consequential, incidental,

supplemental and transitional provision as may appear to the Committee to be necessary or expedient, and

- (c) shall be laid before a meeting of the States as soon as possible and shall, if at that or the next meeting the States resolve to annul them, cease to have effect, but without prejudice to anything done under them or to the making of new regulations.

(2) Any power conferred by this Law to make regulations may be exercised -

- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,

- (b) so as to make, as respects the cases in relation to which it is exercised -

- (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),

- (ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same case or class of case for different purposes,

- (iii) any such provision either unconditionally or subject to any conditions specified in the regulations.

Interpretation.

6. In this Law, "**the Committee**" means the States of Guernsey Policy & Resources Committee, and "**the Resolution**" has the meaning given in section 4(1).

Citation.

7. This Law may be cited as the Referendums (Enabling Provisions) (Guernsey) Law, 2018.

Commencement.

8. This Law shall come into force on the date of its registration on the records of the Island of Guernsey.

SCHEDULE

Section 3

APPLICATION OF PROVISIONS OF REFORM (GUERNSEY) LAW, 1948 AND REFORM (AMENDMENT) (GUERNSEY) LAW, 1972 TO REFERENDUMS HELD UNDER THIS LAW

Application of provisions of Reform (Guernsey) Law, 1948.

1. (1) The following provisions of the Reform (Guernsey) Law, 1948 shall apply in respect of the holding of a referendum under this Law, subject to the modifications set out in this paragraph: articles 27(3),(3A) and (4), 27A (Prisoners), 28 (Persons not to vote unless inscribed on the Electoral Roll. Penalties for plural voting), 30 (Elections to be determined by Secret Ballot Law), 34(9), 34(9A), 34(11A), 34(11B), 37 (Returning Officers), 38 (Supervision of Ballot), 38B (Maintenance of order at elections), 39 (Hours of polling), 40 (Duties on completion of Ballot), 43 (Persons physically incapable of recording a vote), 46 (Obligation of secrecy), 49 (Interpretation) and 74 (Limitation of application of the Secret Ballot Laws).

(2) In article 27(3) –

(a) for "At an election the Returning Officer" substitute "At a referendum to be held under the provisions of the Referendums (Enabling Provisions) (Guernsey) Law, 2018 (a "**Referendum**"), the Returning Officer", and

(b) for "that election" substitute "that Referendum".

(3) In article 27(4), for "any election", substitute "a Referendum".

(4) In article 27A(2) –

- (a) for "an election" substitute "a Referendum",
- (b) for "that election" substitute "that Referendum", and
- (c) in paragraph (a), for "or any Ordinance thereunder" substitute "(as applied in respect of the holding of a Referendum)".

(5) In article 28(1), for "at any election" (in both places) substitute "at a Referendum", and for "the election" substitute "the Referendum".

(6) In article 30, in the heading for "Elections" substitute "Referendums", and for "Elections" substitute "A Referendum".

(7) In article 34(9) for "at an election for any of the offices of People's Deputy, Constable or Douzenier, and at any election", substitute "at a Referendum, and at a Referendum", and in article 34(11A) delete "Notwithstanding paragraph (11),".

(8) In article 37, for "At every election" substitute "At a Referendum".

(9) In article 38(1) delete from "In each District" to the end of the subsection.

(10) In article 38B, in the section heading, for "elections" substitute "Referendums", and delete paragraph (2)(c).

(11) In article 39, for "at every election" substitute "on the day on which a Referendum is held".

(12) For article 46(2), substitute –

"(2) Any person who contravenes the provisions of this Article shall be guilty of an offence and liable, on conviction to a fine not exceeding level 5 on the uniform scale, or to a term of imprisonment not exceeding three months, or to both."

(13) In article 49, delete the definition of "Election".

Application of provisions of Reform (Amendment) (Guernsey) Law, 1972: voting by post in a referendum.

2. (1) Sections 2 to 15 of Part II (Voting by Post) of the Reform (Amendment) (Guernsey) Law, 1972^c shall apply in respect of the holding of a referendum under this Law, subject to the modifications set out in this paragraph.

(2) In section 2, for the words from "an election for" to the end, substitute "a referendum to be held under the provisions of the Referendums (Enabling Provisions) (Guernsey) Law, 2018 (a "**Referendum**)".

(3) In section 5, for "that election" substitute "that Referendum", in sections 5, 6A(1) and 14(1), for "an election" substitute "a Referendum", and in

^c Ordres en Conseil Vol. XXIII, p. 476; amended by Ordres en Conseil Vol. XXVI, p. 255; Vol. XXXIV, p. 397; Vol. XXXVI, p. 478; Vol. XXXVIII, p. 295; Order in Council No. XIII of 2003; No. VII of 2010; Ordinance No. III of 2004; No. LI of 2006; and No. XIII of 2012.

sections 8, 11, 12, and 13, for "the election" substitute "the Referendum".

(4) In section 15(1) –

(a) for "forty-eight hours", substitute "three days", and

(b) for "the date appointed for the holding of an election ",
substitute "the date of the Referendum".

(5) For section 15(2), substitute –

"(2) Not earlier than three days after the publication of the result of the Referendum (or of the result of any recount), the Registrar-General shall destroy all the sealed packages delivered to him in pursuance of subsection (1).".



2018/98

Date of Vote: 28th November, 2018

Billet d'État:	XXV
Article:	3
Committee:	Policy & Resources Committee
Subject:	The Referendums (Enabling Provisions) (Guernsey) Law, 2018 (as amended)

Whether they are of the opinion to approve the draft Projet de Loi entitled "The Referendums (Enabling Provisions) (Guernsey) Law, 2018", and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

CARRIED : **Pour: 26** **Contre: 8** **Ne vote pas: 1** **Absent: 5**

St. Peter Port South

Deputy Peter T. R. Ferbrache **C**
Deputy Jan Kuttelwascher **C**
Deputy Dawn A. Tindall **P**
Deputy Barry L. Brehaut **P**
Deputy Rhian H. Tooley **P**

St. Peter Port North

Deputy John A. B. Gollop **P**
Deputy Charles N. K. Parkinson **P**
Deputy Lester C. Queripel **P**
Deputy Michelle K. Le Clerc **P**
Deputy Marc P. Leadbeater **C**
Deputy Joseph I. Mooney **C**

St. Sampson

Deputy Lyndon S. Trott **A**
Deputy Paul R. Le Pelley **P**
Deputy Jennifer S. Merrett **C**
Deputy Gavin A. St Pier **P**
Deputy T. Jane Stephens **P**
Deputy Carl P. Meerveld **P**

Vale

Deputy Matthew J. Fallaize **C**
Deputy Neil R Inder **C**
Deputy Mary M. Lowe **P**
Deputy Laurie B. Queripel **P**
Deputy Jeremy C. S. F. Smithies **P**
Deputy Sarah T. Hansmann Rouxel **P**

Castel

Deputy Richard H. Graham **P**
Deputy Christopher J. Green **P**
Deputy Barry J. E. Paint **C**
Deputy Mark H. Dorey **P**
Deputy Jonathan P. Le Tocq **A**

West

Deputy Alvord H. Brouard **P**
Deputy Andrea C. Dudley-Owen **P**
Deputy Emilie A. Yerby **N**
Deputy David de G. De Lisle **A**
Deputy Shane L. Langlois **P**

South-East

Deputy Heidi J. R. Soulsby **P**
Deputy H. Lindsay de Sausmarez **P**
Deputy Peter J. Roffey **P**
Deputy Robert G. Prow **P**
Deputy Victoria S. Oliver **P**

Alderney

Alderney Representative Louis E. Jean **A**
Alderney Representative Mike Dean **A**

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

**THE INCOME TAX (GUERNSEY) (APPROVAL OF AGREEMENT WITH UNITED KINGDOM)
ORDINANCE, 2018**

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Income Tax (Guernsey) (Approval of Agreement with United Kingdom) Ordinance, 2018", and to direct that the same shall have effect as an Ordinance of the States.

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

EXPLANATORY MEMORANDUM

This Ordinance specifies, as an approved agreement, an agreement providing for the obtaining, delivery, making available, furnishing and/or exchanging of documents and information in relation to tax, made for the purposes of the Income Tax (Guernsey) Law, 1975.

The agreement specified is a double taxation agreement between the States of Guernsey and the Government of the United Kingdom of Great Britain and Northern Ireland for the Elimination of Double Taxation with Respect to Taxes on Income and on Capital Gains and the Prevention of Tax Evasion and Avoidance and Protocol given effect by an exchange of letters between the two governments on the 2nd July, 2018.

The Income Tax (Guernsey) (Approval of Agreement with the United Kingdom) Ordinance, 2018

THE STATES, in exercise of the powers conferred on them by section 75C of the Income Tax (Guernsey) Law, 1975, as amended^a, and all other powers enabling them in that behalf, hereby order:-

Approval of Agreement.

1. (1) Pursuant to section 75C of the Income Tax (Guernsey) Law, 1975, as amended, the agreement described in subsection (2) providing for the obtaining, delivery, making available, furnishing and/or exchanging of documents and information in relation to tax is specified for the purposes of that Law.

(2) The agreement is the double taxation agreement between the States of Guernsey and the Government of the United Kingdom of Great Britain and Northern Ireland for the Elimination of Double Taxation with Respect to Taxes on Income and on Capital Gains and the Prevention of Tax Evasion and Avoidance and Protocol given effect by an exchange of letters between the two governments on the 2nd July, 2018.

Citation.

2. This Ordinance may be cited as the Income Tax (Guernsey) (Approval of Agreement with the United Kingdom) Ordinance, 2018.

^a Ordres en Conseil Vol. XXV, p. 124; section 75C was inserted by section 5 of Order in Council No. XVII of 2005 and amended by Ordinance No. XVI of 2012; No. I of 2014; and No. XXXI of 2014.

Commencement.

3. This Ordinance shall come into force on the 1st December, 2018.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

THE INCOME TAX (SUBSTANCE REQUIREMENTS) (GUERNSEY) (AMENDMENT)
ORDINANCE, 2018

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Income Tax (Substance Requirements) (Guernsey) (Amendment) Ordinance, 2018", and to direct that the same shall have effect as an Ordinance of the States.

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

EXPLANATORY MEMORANDUM

The purpose of this Ordinance is to provide for the implementation of the EU Code of Conduct Group proposals on business taxation, the object of which is the deterrence and elimination of base erosion profit shifting, by requiring companies tax resident in Guernsey conducting certain activities [eg, banking business] to have a substantial economic presence, and to be undertaking real economic activity, in Guernsey ["substance requirements"] and to make changes to the Income Tax (Guernsey) Law, 1975 to enable the enforcement of, and consequential upon the enactment of, the Ordinance and underpinning regulations.

The Income Tax (Substance Requirements) (Guernsey) (Amendment) Ordinance, 2018

THE STATES, in pursuance of their Resolution of the 6th November, 2018^a, and in exercise of the powers conferred on them by sections 75Q, 203A and 208C of the Income Tax (Guernsey) Law, 1975^b and all other powers enabling them in that behalf, hereby order:-

Amendment of 1975 Law.

1. The Income Tax (Guernsey) Law, 1975, as amended, is further amended as follows.

2. In section 75B(1) for "or any provision thereof"^c substitute ", or international tax measure, or any provision thereof, or for the purposes of regulations made under section 171A (regulations in respect of substance requirements)".

3. In section 75C(4)^d, in the definition of "approved international agreement" -

^a Billet d'État No. ** of 2018 (proposition **).

^b Ordres en Conseil Vol. XXV, p. 124; sections 75Q and 203A were inserted by Order in Council No. XVII of 2005 and section 208C was inserted by Order in Council No. V of 2011.

^c Those words were inserted by the Income Tax (Approved International Agreements) (Implementation) (Guernsey) Ordinance, 2013 (No. I of 2014).

^d Section 75C was inserted by Order in Council No. XVII of 2005.

(a) after "in relation to tax" insert "or taxation", and

(b) after "without limitation, an agreement"^e insert "or arrangement".

4. In section 75CB(2)(a)(ii)^f for "or any provision thereof" substitute ", or international tax measure, or any provision thereof, or for the purposes of regulations made under section 171A (regulations in respect of substance requirements)".

5. In section 75CC^g, in the heading, after "approved international agreements" insert "and international tax measures".

6. After section 75CC(1) insert the following subsections -

"(1A) The Committee may, without prejudice to its powers under subsection (1), by regulation make such provision as it may consider necessary or expedient for the purpose of the implementation of, or of any provision of -

(a) any agreement or arrangement in respect of tax or taxation -

^e Those words were inserted by the Income Tax (Guernsey) (Approved International Agreements) (Amendment) Ordinance, 2014 (No. XXXI of 2014).

^f Section 75CB(2)(a)(ii) was inserted by the Income Tax (Guernsey) (Amendment) Ordinance, 2014 (No. XIII of 2014).

^g Section 75CC was inserted by the Income Tax (Approved International Agreements) (Implementation) (Guernsey) Ordinance, 2013 (No. I of 2014).

- (i) made between the States of Guernsey and the government of another territory (or their respective delegates acting within the scope of their authority), or
 - (ii) which is otherwise binding upon Guernsey and governed by international law (including, without limitation, an agreement or arrangement which has been acceded to or ratified by the United Kingdom on behalf of Guernsey), or
- (b) any regulation, directive, decision, recommendation, opinion, obligation, standard, report, code, guidance, finding or other measure in respect of tax or taxation made, issued, adopted, established or otherwise promulgated by or by any institution of the European Union or any international organisation or multilateral body or governed by international law.

(1B) An agreement, arrangement or measure described in paragraph (a) or (b) of subsection (1A) is referred to in this Law as an **"international tax measure"**.

(1C) The power to enact regulations conferred on the

Committee by subsection (1A) arises only in the case of an international tax measure which has been specified for the purposes of this Law by Resolution of the States."

7. In section 75CC(2) -

- (a) after "an approved international agreement" insert ", or international tax measure," and
- (b) after "the agreement" wherever appearing insert ", measure".

8. In section 75CC(3) -

- (a) after "an approved international agreement" insert "or international tax measure", and
- (b) in paragraphs (a) and (b) after "the agreement" wherever appearing insert "or measure".

9. In section 75CC(4) -

- (a) after "under subsection (1)" insert "or (1A)",
- (b) in paragraphs (a), (b) and (c) after "any approved international agreement" insert ", or international tax measure,"
- (c) in paragraph (c) after "which agreement" insert ", measure", and

- (d) in paragraph (d) after "any approved international agreement" insert ", or international tax measure,".

10. In section 75K(6)^h -

- (a) after "pursuant to the provisions of an approved international agreement" insert "or a request for information made pursuant to the provisions of an international tax measure",
- (b) after "in accordance with the provisions of the agreement" insert "or measure", and
- (c) in subparagraph (i) after "the requesting state" insert "or (as the case may be) of the territory from or in respect of which the request for information is made".

11. In section 75M(1) -

- (a) in paragraph (d)ⁱ after "an approved international agreement" insert "or international tax measure", and
- (b) after paragraph (d) insert the following paragraph -

"or (e) regulations made under section 171A

^h Section 75K was inserted by Order in Council No. XVII of 2005.

ⁱ Section 75M(1)(d) was inserted by the Income Tax (Approved International Agreements) (Implementation) (Guernsey) Ordinance, 2013 (No. I of 2014).

(regulations in respect of substance requirements),".

12. In section 75M(2) -

(a) in paragraph (d)^j after "an approved international agreement" insert "or international tax measure", and

(b) after paragraph (d) insert the following paragraph -

"or (e) regulations made under section 171A (regulations in respect of substance requirements), ".

13. In section 75O^k -

(a) after the definition of "electronic form" add the following definition -

""**international tax measure**" has the meaning given by section 75CC(1B),",

(b) for the definition of "tax" substitute the following -

^j Section 75M(2)(d) was inserted by the Income Tax (Approved International Agreements) (Implementation) (Guernsey) Ordinance, 2013 (No. I of 2014).

^k Section 75O was inserted by Order in Council No. XVII of 2005.

""**tax**" means -

- (a) income tax under this Law, and
- (b) any tax imposed by the laws of another territory and of a class or description specified in or under -
 - (i) an approved international agreement or international tax measure, or
 - (ii) regulations made under section 75CC,

and "**taxation**" shall be construed accordingly,".

14. After section 171 insert the following Part -

"PART XIVA
SPECIAL PROVISIONS AS TO BUSINESS TAXATION -
SUBSTANCE REQUIREMENTS

"Regulations in respect of substance requirements."

171A. (1) The Committee may by regulation make such provision as it thinks fit in respect of the requirements and criteria that must be complied with or fulfilled by or in respect of a company resident in Guernsey ("**substance requirements**") in order to ensure that real economic activity is being carried on or undertaken in Guernsey in respect of the profits and income of the company.

(2) In determining whether or not real economic activity is being carried on or undertaken for the purposes of subsection (1), regard may be had (without limitation, and in addition to the matters set out in subsection (3)) to the substantial economic presence and substantial activities of the company in question in Guernsey and to the adequacy of the nexus between the company's activities and its profits or income.

(3) Substance requirements may include, without limitation, requirements and criteria in respect of -

- (a) the company's connection with and activity and presence in Guernsey (whether business, financial, physical, legal, economic or otherwise),
- (b) its governance, decision-making, direction, management, administration, control and ownership (legal and beneficial),
- (c) without prejudice to paragraph (b), its board meetings and the minutes thereof and its company records,
- (d) its profits and income and the source and generation thereof,
- (e) its employees and other staff and their numbers, tasks, skills and qualifications,

- (f) its overheads, costs, expenses and other expenditure (operating, capital or otherwise),
 - (g) its offices and other premises and other physical assets,
 - (h) its core income-generating activity and the conduct thereof,
 - (i) its compliance with obligations arising under any statutory provisions applicable to it or its business or undertaking,
 - (j) the adequacy of any of the matters referred to in the preceding paragraphs.
- (4) For the purposes of this section -
- (a) subsection (4) of section 75CC applies to substance requirements as it applies to an approved international agreement, and
 - (b) the reference in section 75CC(4) to regulations under subsection (1) of section 75CC includes a reference to regulations under subsection (1) of this section.

Specific matters in relation to which regulations may make provision.

- 171B.** (1) Regulations under section 171A may, without

limitation, and without prejudice to any other power under this Law in respect of the making of regulations, make provision in respect of -

- (a) the class or description of companies in respect of which substance requirements apply (including, without limitation, provision that substance requirements apply, exclusively or otherwise, in respect of companies carrying on or undertaking business or other activities of a class or description specified in the regulations as "**relevant activities**"),
- (b) the definition of relevant activities and other expressions used in section 171A and in the regulations,
- (c) the identification of companies -
 - (i) carrying on or undertaking relevant activities or other business or activities specified in the regulations,
 - (ii) of classes or descriptions specified in the regulations (including, without limitation, companies which are holding companies or collective investment vehicles or which receive income arising from intellectual property assets or rights), or

- (iii) in respect of which or the profits or income of which there is or is considered to be a greater risk of artificial profit shifting,
- (d) the substance requirements applicable to companies described in paragraph (c),
- (e) appeals in respect of determinations that the substance requirements are or are not applicable and met, penalties and other matters,
- (f) the issue by the Director of guidance -
 - (i) in respect of substance and the adequacy thereof and the meaning of expressions used in the regulations, and
 - (ii) generally for the purposes of providing clarification or guidance in respect of the provisions of or for the purposes of, or in connection with the administration, implementation or enforcement of, the regulations,
- (g) audit requirements,

- (h) the obtaining, delivery, making available, furnishing and/or exchanging of documents and information (including, without limitation, on a spontaneous basis),
- (i) the designation of competent authorities and other authorities, bodies or entities in Guernsey and in other jurisdictions and, without prejudice to paragraph (h), the disclosure of documents and information to them,
- (j) the reporting and notification of matters specified in the regulations and the filing of documents and information in respect thereof,
- (k) the making of statements and declarations,
- (l) the detection, investigation, prosecution, sanctioning and other consequences (civil, criminal, administrative or regulatory) of contraventions of or failures to comply with the regulations and otherwise in respect of enforcement, remedies, penalties, procedures and proceedings including, in relation to companies registered in the Register of Companies within the meaning of section 496 of the Companies (Guernsey) Law, 2008 or section 163 of the Companies (Alderney) Law, 1994, and without limitation, striking-off,

- (m) the supervision, monitoring and verification of compliance,
- (n) the making of site visits (with agreement, with notice and without agreement, or without notice or agreement and subject to judicial approval), including without limitation provision as to -
 - (i) the powers that may be exercised in the course of or in consequence of, or otherwise for the purposes of, site visits,
 - (ii) the persons who may exercise those powers,
 - (iii) the purposes for which, and the grounds upon which, site visits may be made or any of those powers may be exercised, and
 - (iv) the premises at which site visits may be made,
- (o) the suspension of the operation of all or any of the provisions of any regulations under section 171A during the period of operation of the suspending regulations or during such period

as may be specified therein.

(2) Regulations under section 171A may make provision in respect of persons or entities or classes or descriptions of persons or entities other than companies, and references in section 171A and this section to companies shall be construed accordingly."

15. In section 203A(1)(b) after "supplementary" insert ", savings".

16. In section 205(2) after "(within the meaning of section 75C)," insert "or international tax measure, or for the purposes of regulations made under section 171A (regulations in respect of substance requirements),".

17. In section 209(1) insert the following definitions in the appropriate alphabetical order -

""**relevant activities**": see section 171B(1)(a),"

""**substance requirements**": see section 171A(1),".

Citation.

18. This Ordinance may be cited as the Income Tax (Substance Requirements) (Guernsey) (Amendment) Ordinance, 2018.

Commencement.

19. This Ordinance shall come into force on the 1st December, 2019.

STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

28th November, 2018

Proposition No. P2018/97

Policy & Resources Committee

Income Tax (Substance Requirements) (Guernsey) (Amendment) Ordinance, 2018

AMENDMENT

Proposed by: H. M. Procureur
Seconded by: H. M. Comptroller

In section 19 of the draft Ordinance entitled "The Income Tax (Substance Requirements) (Guernsey) (Amendment) Ordinance, 2018" (on p. 16 of article 5 of Billet d'État No. XXV of 2018) for "2019" substitute "2018".

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

**THE SOCIAL INSURANCE (RATES OF CONTRIBUTIONS AND BENEFITS, ETC.)
ORDINANCE, 2018**

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2018", and to direct that the same shall have effect as an Ordinance of the States.

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

EXPLANATORY MEMORANDUM

This Ordinance sets the rates of contributions, the upper and lower income limits and the rates and amounts of benefits and prescribes the percentages for the Guernsey Health Service Fund Allocation and the Long-term Care Insurance Fund Allocation, in each case for 2019, under the Social Insurance (Guernsey) Law, 1978. The Ordinance is effective on 1st January, 2019.

The Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2018

THE STATES, in pursuance of their Resolution of the ** October, 2018^a, and in exercise of the powers conferred upon them by sections 5, 6, 8, 19, 48(2), 49(4), 61, 101, 101A and 116 of the Social Insurance (Guernsey) Law, 1978,^b and all other powers enabling them in that behalf, hereby order:-

Percentage rates of primary and secondary Class 1 contributions.

1. For the purposes of the Social Insurance (Guernsey) Law, 1978, ("the Law") -

- (a) the percentage rate of a primary Class 1 contribution shall be 6.6%, and
- (b) the percentage rate of a secondary Class 1 contribution shall be 6.6%.

^a Article IX of Billet d'État No. XXIII of 2018.

^b Ordres en Conseil Vol. XXVI, p. 292; amended by Ordres en Conseil Vol. XXVII, pp. 238, 307 and 392; Vol. XXIX, pp. 24, 148 and 422; Vol XXXI, p. 278; Vol. XXXII, p. 59; Vol. XXXIV, p. 510; Vol. XXXV(1), p. 164; Vol. XXXVI, pp. 123 and 343; Vol. XXXVIII, p. 59; Vol. XXXIX, p. 107; Order in Council No. X of 2000; No. IX of 2001; No. XXIII of 2002; No. XXIV of 2003; No. XI of 2004; No. XVIII of 2007; No. V of 2012; No. IV of 2014; No. III of 2016 and No. IV of 2018; Recueil d'Ordonnances Tome XXV, p. 148; Tome XXVI, p. 177; Ordinance No. XXXIII of 2003; No. XLIV of 2007; Nos. VII and XLII of 2009; Ordinance No. XVII of 2011; No. XXXVIII of 2012; No. XXX of 2013; Nos. IX and XXX of 2016; No's. XIII, XXIII and XXXIV of 2017; and Alderney Ordinance No. VIII of 2018.

Upper weekly and upper monthly earnings limits for the purpose of Class 1 contributions.

2. For the purposes of the Law -
 - (a) the upper weekly earnings limit for primary and secondary Class 1 contributions shall be £2,814, and
 - (b) the upper monthly earnings limit for primary and secondary Class 1 contributions shall be £12,194.

Lower income limit.

3. For the purposes of the Law, the lower income limit for Class 3 contributions shall be £18,330.

Percentage rate and amount of Class 2 contributions.

4. For the purposes of the Law -
 - (a) the percentage rate of a Class 2 contribution shall be, in respect of any person other than a person to whom the following paragraph of this section applies, 11.0%, and
 - (b) the amount of a Class 2 contribution shall be, in respect of an overseas voluntary contributor, being a person who is not resident in Guernsey and who, satisfying prescribed conditions, is desirous of paying Class 2 contributions under the Law, £106.31 per week.

Percentage rates and amount of Class 3 contributions.

5. (1) For the purposes of the Law -

- (a) the percentage rates of a Class 3 contribution shall be -
 - (i) in respect of a voluntary contributor, being a person who is not liable to pay a Class 3 contribution but, satisfying prescribed conditions, is desirous of paying contributions in accordance with section 8(4) of the Law, 5.7%,
 - (ii) in respect of a person who has attained pensionable age, 3.4%, and
 - (iii) in respect of all other persons, 10.4%, and
- (b) the amount of a Class 3 contribution shall be, in respect of an overseas voluntary contributor, being a person who is not resident in Guernsey and who, satisfying prescribed conditions, is desirous of paying Class 3 contributions under the Law, £96.16 per week.

(2) The percentage of a minimum Class 3 contribution payable in accordance with section 8(5) of the Law by a person who is normally in employed contributor's employment shall be 100%.

Amount of the Class 3 income allowance.

6. For the purposes of the Law, the amount of the Class 3 income allowance shall be £8,285.

Rates and amounts of benefits.

7. (1) For the purposes of the Law, the weekly rate of each description of benefit set out in column 1 of Part I of the first schedule to this Ordinance shall be the rate specified in relation thereto in column 2, and the amounts by which that rate may be increased in respect of an adult dependant shall be the amount specified in column 3.

(2) For the purposes of the Law, where the extent of the disablement is assessed for the period to be taken into account as amounting to 20% or more, industrial disablement benefit shall be payable for that period at the appropriate weekly rate specified in Part II of the first schedule to this Ordinance.

(3) For the purposes of the Law, the amounts of death grant, maternity grant, adoption grant and bereavement payment shall be the appropriate amounts specified in relation thereto in Part III of the first schedule to this Ordinance.

Guernsey Health Service Fund Allocation and Long-term Care Insurance Fund Allocation.

8. The percentages determined in respect of the contribution year for the purposes of sections 101 (the Guernsey Health Service Fund Allocation) and 101A (the Long-term Care Insurance Fund Allocation) of the Law are those specified in columns 2 and 3 of the second schedule to this Ordinance of the aggregate amount paid in respect of each of the classes of contribution specified in column 1 of that schedule.

Repeal.

9. The Social Insurance (Rates of Contributions and Benefits, etc.)

Ordinance, 2017^c is repealed.

Interpretation.

10. In this Ordinance, "**prescribed conditions**" means conditions prescribed by Regulations under the Law.

Citation.

11. This Ordinance may be cited as the Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2018.

Extent.

12. This Ordinance shall have effect in the Islands of Guernsey, Alderney, Herm and Jethou.

Commencement.

13. This Ordinance shall come into force on the 1st January, 2019.

^c Ordinance No. XXXIV of 2017.

FIRST SCHEDULE

Section 7

RATES AND AMOUNTS OF BENEFITS

PART I

**Benefit, other than industrial disablement benefit, death grant,
maternity grant, adoption grant and bereavement payment**

Description of Benefit (1)	Weekly rate (2)	Increase for adult dependant (where payable) (3)
1. Industrial injury benefit	£159.95	Nil
2. Incapacity benefit	£192.22	Nil
3. Maternal health allowance	£217.77	
4. Newborn care allowance	£217.77	
5. Parental allowance	£217.77	
6. Old age pension:		
(a) payable to a woman by virtue of her husband's insurance while he is alive	£108.88	-
(b) in any other case	£217.36	£108.88
7. Sickness benefit	£159.95	Nil
8. Unemployment benefit	£159.95	Nil
9. Widowed parent's allowance	£228.58	-
10. Widow's pension/Bereavement allowance	£196.55	-

PART II

Industrial disablement benefit

Degree of disablement	Weekly rate
100%	£175.17
90%	£157.65
80%	£140.136
70%	£122.62
60%	£105.10
50%	£87.59
40%	£70.07
30%	£52.55
20%	£35.03

PART III

Death grant, maternity grant, adoption grant and bereavement payment

Description of grant	Amount
1. Death grant	£625

2. Maternity grant	£400
3. Adoption grant	£400
4. Bereavement payment	£1,974

SECOND SCHEDULE

Section 8

GUERNSEY HEALTH SERVICE FUND ALLOCATION AND LONG-TERM CARE INSURANCE FUND ALLOCATION

Class and sub-class of contribution (1)	Health Service Fund Allocation (2)	Long-term Care Insurance Fund Allocation (3)
Class 1 secondary contributions paid in respect of employed persons of pensionable age (6.6%)	24.24%	Nil
Class 1 primary (6.6%) and secondary (6.6%) contributions other than those referred to above	21.97%	13.64%
Class 2 contributions paid in respect of overseas voluntary contributors	Nil	Nil
Class 2 contributions other than those referred to above (11.0%)	24.55%	16.36%
Class 3 contributions paid in respect of voluntary contributors (5.7%)	Nil	Nil
Class 3 contributions paid in respect of overseas voluntary contributors	Nil	Nil
Class 3 contributions paid by persons over the age of 65 years (3.4%)	38.24%	61.76%
Class 3 contributions other than those referred to above (10.4%)	26.92%	18.27%

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* EMPLOYMENT & SOCIAL SECURITY

SOCIAL SECURITY ORDINANCES

The President
Policy & Resources Committee
Sir Charles Frossard House
La Charroterie
St Peter Port
GY1 1FH

8th October 2018

Dear Sir

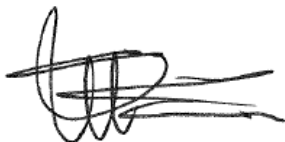
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- Severe Disability Benefit and Carer's Allowance Ordinance, 2018
- Family Allowances Ordinance, 2018
- Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2018

The Committee requests that the Ordinances, listed above, be considered at the earliest opportunity, to ensure that the benefit and contribution rates for 2019 can be applied from 1st January 2019.

Yours faithfully



Shane Langlois
Vice President

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President

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Mike Brown, Andrew Le Lievre
Non-States Members

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

THE HEALTH SERVICE (BENEFIT) (AMENDMENT) ORDINANCE, 2018

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Health Service (Benefit) (Amendment) Ordinance, 2018", and to direct that the same shall have effect as an Ordinance of the States.

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

EXPLANATORY MEMORANDUM

This Ordinance amends the prescription charge under the Health Service (Benefit) (Guernsey) Law, 1990 with effect from 1st January, 2019. As from that date the charge will be £4.00.

The Health Service (Benefit) (Amendment)

Ordinance, 2018

THE STATES, in pursuance of their Resolution of the ** October, 2018^a, and in exercise of the powers conferred upon them by sections 13 and 35 of the Health Service (Benefit) (Guernsey) Law, 1990^b and all other powers enabling them in that behalf, hereby order:-

Amendment of 1990 Ordinance.

1. For Schedule I to the Health Service (Benefit) Ordinance, 1990^c, substitute the schedule I set out in the Schedule to this Ordinance.

Repeal.

2. The Health Service (Benefit) (Amendment) Ordinance, 2017^d is repealed.

^a Article IX of Billet d'État No. XXIII of 2018.

^b Ordres en Conseil Vol. XXXII, p. 192; amended by Order in Council No. IX of 2003; No. II of 2011; No. IV of 2018; Recueil d'Ordonnances Tome XXVI, pp. 177 and 483; Ordinance Nos. XXII and XXVII of 2002; No. XXI and XXXIII of 2003; No. XLII of 2006; No. XLIII of 2007; No. XXII of 2015; Ordinance Nos. IX and XLIV of 2016; and No. XLIV of 2016; the Law is applied with modifications to Alderney by Recueil d'Ordonnances Tome XXV, p. 204.

^c Recueil d'Ordonnances Tome XXV, p. 191; amended by Order in Council No. IV of 2014; No. III of 2016; and No. IV of 2018; Recueil d'Ordonnances Tome XXV, p. 310; Tome XXVII, pp. 114, 247 and 378; Tome XXVIII, p. 262; Ordinance Nos. X XXXIII of 2003; No. II of 2004; No. VII of 2005; Nos. VI and XXXIX of 2012; No. XXXIV and XXXVI of 2013; No. XLVI of 2014; No. XLVI of 2015; Nos. IX and XXXVIII of 2016; and Nos. XXV and XXXIII of 2017.

^d Ordinance No. XXXIII of 2017.

Citation.

3. This Ordinance may be cited as the Health Service (Benefit) (Amendment) Ordinance, 2018.

Extent.

4. This Ordinance shall have effect in the Islands of Guernsey, Alderney, Herm and Jethou.

Commencement.

5. This Ordinance shall come into force on the 1st January, 2019.

SCHEDULE

Section 1

"SCHEDULE I

Section 2(1)

PRESCRIPTION CHARGES

WITH EFFECT FROM:	PER ITEM OF PHARMACEUTICAL BENEFIT SUPPLIED IN GUERNSEY:	PER ITEM OF PHARMACEUTICAL BENEFIT SUPPLIED IN ALDERNEY:
1 st January 2019	£4.00	£4.00".

THE STATES OF DELIBERATION
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COMMITTEE *FOR* EMPLOYMENT & SOCIAL SECURITY

SOCIAL SECURITY ORDINANCES

The President
Policy & Resources Committee
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La Charroterie
St Peter Port
GY1 1FH

8th October 2018

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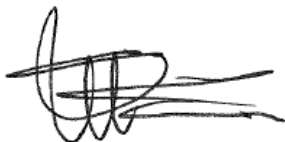
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- Health Service (Benefit) (Amendment) Ordinance, 2018
- Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2018
- Severe Disability Benefit and Carer's Allowance Ordinance, 2018
- Family Allowances Ordinance, 2018
- Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2018

The Committee requests that the Ordinances, listed above, be considered at the earliest opportunity, to ensure that the benefit and contribution rates for 2019 can be applied from 1st January 2019.

Yours faithfully



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Vice President

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President

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Mike Brown, Andrew Le Lievre
Non-States Members

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

THE LONG-TERM CARE INSURANCE (GUERNSEY) (RATES) ORDINANCE, 2018

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2018", and to direct that the same shall have effect as an Ordinance of the States.

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

EXPLANATORY MEMORANDUM

This Ordinance amends rates of long-term benefit and the weekly payment which a claimant must make, towards the cost of the claimant's care, under the Long-term Care Insurance (Guernsey) Law, 2002, with effect from 1st January, 2019.

The Long-term Care Insurance (Guernsey) (Rates)

Ordinance, 2018

THE STATES, in pursuance of their Resolution of the ** October 2018^a, and in exercise of the powers conferred on them by sections 5 and 31 of the Long-term Care Insurance (Guernsey) Law, 2002^b and all other powers enabling them in that behalf, hereby order:-

Rates of benefit.

1. (1) The maximum weekly rates of care benefit shall be -
 - (a) for persons resident in a residential home -
 - (i) £455.21, or
 - (ii) where also receiving EMI care, £599.83, and
 - (b) for persons resident in a nursing home or the Guernsey Cheshire Home, £849.94.
- (2) The maximum weekly rates of respite care benefit shall be -
 - (a) for persons receiving respite care in a residential home-

^a Article IX of Billet d'État No. XXIII of 2018.

^b Order in Council No. XXIII of 2002; amended by No. IV of 2014; Ordinance No. XXXIII of 2003; Ordinance No. XLII of 2007.

- (i) £660.66, or
- (ii) where also receiving EMI care, £805.28, and
- (b) for persons receiving respite care in a nursing home or the Guernsey Cheshire Home, £1,055.39.

Co-payment by way of contribution.

2. The weekly co-payment which a claimant shall make by way of contribution towards or for the cost of that claimant's care -

- (a) as a condition of the right to care benefit, and
- (b) which shall be taken into account for the purposes of determining the rate of care benefit,

shall be £205.45.

Interpretation.

3. In this Ordinance, unless the context requires otherwise -

"**EMI care**" means care which, in the opinion of the Administrator, is necessary to meet the needs of a person who is assessed by the Panel as having the characteristics of an elderly and mentally infirm person, and

"**nursing home**" and "**residential home**" have the meanings given by section 18(1) of the Nursing Homes and Residential Homes (Guernsey) Law,

1976^c.

Repeal.

4. The Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2017^d is repealed.

Citation.

5. This Ordinance may be cited as the Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2018.

Extent.

6. This Ordinance shall have effect in the Islands of Guernsey, Alderney, Herm and Jethou.

Commencement.

7. This Ordinance shall come into force on the 1st January, 2019.

^c Ordres en Conseil Vol. XXVI, p. 71; amended by Ordres en Conseil Vol. XXXI, p. 278; Order in Council No. VI of 2007; Ordinance No. XXXIII of 2003; and Ordinance No. IX of 2016.

^d Ordinance No. XXXV of 2017.

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COMMITTEE *FOR* EMPLOYMENT & SOCIAL SECURITY

SOCIAL SECURITY ORDINANCES

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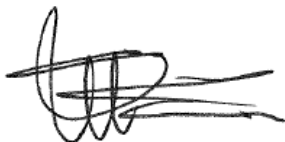
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Non-States Members

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

THE SEVERE DISABILITY BENEFIT AND CARER'S ALLOWANCE ORDINANCE, 2018

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Severe Disability Benefit and Carer's Allowance Ordinance, 2018", and to direct that the same shall have effect as an Ordinance of the States.

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

EXPLANATORY MEMORANDUM

This Ordinance amends rates of allowances and benefits under the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 1984 (formerly known as the Attendance and Invalid Care Allowances (Guernsey) Law, 1984) with effect from 1st January, 2019. It also specifies the annual income ceiling for the purposes of entitlement to Severe Disability Benefit and Carer's Allowance.

The Severe Disability Benefit and Carer's Allowance

Ordinance, 2018

THE STATES, in pursuance of their Resolution of the ** October, 2018^a, and in exercise of the powers conferred upon them by sections 1(4), 2(3)(b), 3 and 23 of the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 1984^b, and all other powers enabling them in that behalf, hereby order:-

Entitlement to severe disability benefit.

1. The amount determined for the purposes of section 1(4) of the Law is £99,300.

Entitlement to carer's allowance.

2. The amount determined for the purposes of section 2(3)(b) of the Law is £99,300.

Rates of allowances.

3. (1) The weekly rate of a severe disability benefit determined for the purposes of section 3 of the Law is £106.40.

(2) The weekly rate of a carer's allowance determined for the purposes of section 3 of the Law is £86.08.

^a Article X of Billet d'État No. XXIII of 2018.

^b Ordres en Conseil Vol. XXVIII p. 353; amended by Ordres en Conseil Vol. XXIX, p. 198; Vol. XXXI, p. 278, Vol. XXXIII, p. 238; Vol. XXXIV, p. 458; Vol. XXXIX, p. 107; Order in Council No. X of 2003; Order in Council No. IV of 2014; Recueil d'Ordonnances Tome XXVI, p. 177; Ordinance No. XXXIII of 2003; No. VII of 2009; No. XXX of 2013; No. IX of 2016; and No. XXXVI of 2017.

Interpretation.

4. In this Ordinance the expression "**the Law**" means the Severe Disability Benefit and Carer's Allowance (Guernsey) Law, 1984.

Repeal.

5. The Severe Disability Benefit and Carer's Allowance Ordinance, 2017^c is repealed.

Citation.

6. This Ordinance may be cited as the Severe Disability Benefit and Carer's Allowance Ordinance, 2018.

Extent.

7. This Ordinance shall have effect in the Islands of Guernsey, Alderney, Herm and Jethou.

Commencement.

8. This Ordinance shall come into force on the 1st January, 2019.

^c Ordinance No. XXXVI of 2017.

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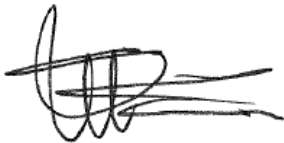
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THE STATES OF DELIBERATION
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THE FAMILY ALLOWANCES ORDINANCE, 2018

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Family Allowances Ordinance, 2018", and to direct that the same shall have effect as an Ordinance of the States.

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

EXPLANATORY MEMORANDUM

This Ordinance amends the rate of family allowance under the Family Allowances (Guernsey) Law, 1950 with effect from 1st January, 2019. On and from that date the rate will be £14.20 a week.

The Family Allowances Ordinance, 2018

THE STATES, in pursuance of their Resolution of the ** October, 2018^a, and in exercise of the powers conferred upon them by sections 1 and 3 of, and paragraph 1 of the Schedule to, the Family Allowances (Guernsey) Law, 1950^b, and all other powers enabling them in that behalf, hereby order:-

Amount of allowance.

1. The amount of allowance referred to in section 1(1) of the Family Allowances (Guernsey) Law, 1950, ("**the Law of 1950**") in respect of each child in the family shall be at the rate of £14.20 a week.

Amount as to contribution to the cost of providing for a child.

2. The amount in respect of the contribution to the cost of providing for a child referred to in -

(a) section 3(2) of the Law of 1950 shall be at the rate of £14.20 a week or more, and

(b) the proviso to paragraph 1(1) of the Schedule to the

^a Article X of Billet d'État No. XXIII of 2018.

^b Ordres en Conseil Vol. XIV, p. 332; amended by Ordres en Conseil Vol. XV, p. 212 ; Vol. XVI, p. 280; Vol. XVIII, p. 367; Vol. XIX, p. 286; Vol. XX, pp. 11, 59 and 63; Vol. XXI, p. 34; Vol. XXII, p. 318; Vol XXIII, pp. 3 and 238; Vol XXVI, pp. 150 and 292; Vol XXXVIII, p. 406; Vol XXXI, p. 278; Vol. XXXIX, p. 107; Order in Council No. III of 2001; No. IV of 2014; No. IV of 2018; Recueil d'Ordonnances Tome XXI, p. 460; Tome XXVI, p. 177; Ordinance No. XXXIII of 2003; No. VII of 2010; No. XLII of 2012; No. IX of 2016; Nos. XIII and XXXVII of 2017; Alderney Ordinance No. VIII of 2018; and G.S.I. No. 7 of 1971.

Law of 1950 shall be at the rate of £14.20 a week.

Repeal.

3. The Family Allowances Ordinance, 2017^c is repealed.

Citation.

4. This Ordinance may be cited as the Family Allowances Ordinance, 2018.

Extent.

5. This Ordinance shall have effect in the Islands of Guernsey, Alderney, Herm and Jethou.

Commencement.

6. This Ordinance shall come into force on the 1st January, 2019.

^c Ordinance No. XXXVII of 2017.

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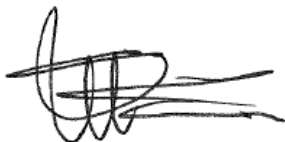
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- Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2018
- Severe Disability Benefit and Carer's Allowance Ordinance, 2018
- Family Allowances Ordinance, 2018
- Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2018

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Non-States Members

THE STATES OF DELIBERATION
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ISLAND OF GUERNSEY

**THE INCOME SUPPORT (IMPLEMENTATION) (AMENDMENT) (NO. 2) ORDINANCE,
2018**

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2018", and to direct that the same shall have effect as an Ordinance of the States.

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

EXPLANATORY MEMORANDUM

This Ordinance amends the benefit limitation rates (in effect the maximum amount of benefit a claimant can receive), the short term and long-term requirement rates on which calculation of income support is based and the level of maximum rent allowances added in calculating a claimant's requirements under the Income Support (Guernsey) Law, 1971 (formerly known as the Supplementary Benefit (Guernsey) Law, 1971) with effect from 4th January, 2019.

The Income Support (Implementation) (Amendment)

(No. 2) Ordinance, 2018

THE STATES, in pursuance of their Resolution of the ** October, 2018^a, and in exercise of the powers conferred on them by sections 3(2), 15 and 15B of the Income Support (Guernsey) Law, 1971^b, and all other powers enabling them in that behalf, hereby order:-

Amendment of Ordinance.

1. The Income Support (Implementation) Ordinance, 1971^c ("the **Ordinance**") is amended as follows.

2. For Tables 1 to 4 set out in the Appendix to the First Schedule to the Ordinance, substitute the numbered Tables 1 to 4 set out in the Schedule to this

^a Article X of Billet d'État No. XXIII of 2018.

^b Ordres en Conseil Vol. XXIII, p. 26; amended by Ordres en Conseil Vol. XXVI, p. 292; Vol. XXXI p. 278; Vol. XXXIX, p. 107; Order in Council No. XIII of 2014; No. VII of 2015; No. VI of 2016; No. IV of 2018; Recueil d'Ordonnances Tome XXVI, p. 177; Ordinance No. XXXIII of 2003; No. XXXIX of 2009; No. VII of 2010; No. IX of 2016; No. XIII of 2018; and Alderney Ordinance No. VIII of 2018; applied to Alderney by Recueil d'Ordonnances Tome XVII, p. 168 as amended by Tome XXVI, p. 462 and Ordinance Nos. XXVI and XLIX of 2014. Order in Council No. IV of 2018 is applied to Alderney by Ordinance No. XIV of 2018.

^c Recueil d'Ordonnances Tome XVII, p. 139; amended by Order in Council No. IV of 2014; No. IV of 2018; Recueil d'Ordonnances Tome XVIII, p. 119; Tome XXIV, pp. 471 and 495; Tome XXV, p. 49; Ordinance No. XXXV of 2004; Nos. VIII and XXV of 2005; No. XLVII of 2006; No. XLV of 2007; Nos. XXVI and XLI of 2012; No. XXXIX of 2013; Nos. XXV and XLVIII of 2014; No. XLVIII of 2015; Nos. IX, XXX and XLII of 2016; Nos. XIII and XXXVIII of 2017; No. XIII of 2018; and Alderney Ordinance No. VIII of 2018. The Ordinance is applied to the Island of Alderney by Recueil d'Ordonnances Tome XVII, p. 168.

Ordinance.

Extent.

3. This Ordinance has effect in the islands of Guernsey, Alderney, Herm and Jethou.

Repeal.

4. The Income Support (Implementation) (Amendment) Ordinance, 2017^d is repealed.

Citation.

5. This Ordinance may be cited as the Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2018.

Commencement.

6. This Ordinance shall come into force on the 4th January, 2019.

^d Ordinance No. XXXVIII of 2017; amended by Order in Council No. IV of 2018.

SCHEDULE

Section 2

"Table 1

(Paragraph 3)

Limitation of weekly benefit payable as from the week commencing
4th January 2019

<i>Community</i>	<i>Residential home</i>	<i>Nursing Home, etc</i>	<i>Personal Allowance</i>	<i>UK Personal Allowance</i>
£750.00	£562.00	£806.00	£32.16	£54.18

Table 2

(Paragraph 5(1) and

(2)))

Short-term Weekly Requirements as from week commencing
4th January 2019

<i>Description</i>	<i>Amount</i>
Married couple or other persons falling within paragraph 2(1) (" Couple ")	£186.39
Person not falling within paragraph 2(1) who is directly responsible for household necessities and rent (if any) (" Single householder ")	£106.68
Person who is not a householder (" Non-householder ") -	£81.36
Member of a household -	

Aged 11 years or over;	£75.99
Aged 5 years or over but less than 11;	£57.14
Aged less than 5 years	£38.31

Table 3 (Paragraph 5(2) and 2(A))

Long-term Weekly Requirements as from week commencing
4th January 2019

<i>Description</i>	<i>Amount</i>
Married couple or other persons falling within paragraph 2(1) (" Couple ")	£305.84
Person not falling within paragraph 2(1) who is directly responsible for household necessities and rent (if any) (" Single householder ")	£184.72
Person who is not a householder (" Non-householder ") -	£138.89
Member of a household -	
Aged 11 years or over;	£108.29
Aged 5 years or over but less than 11;	£81.37
Aged less than 5 years	£54.46

Table 4 (Paragraph 6(4))

Maximum Rent Allowances as from week commencing
4th January 2019

<i>Description</i>	<i>Amount</i>
Married couple or other persons falling within paragraph 2(1)	£227.00

("Couple") with no child dependants	
Person not falling within paragraph 2(1) who is directly responsible for household necessities and rent (if any) ("Single householder") with no child dependants	£227.00
Couple or Single householder with one child dependant	£264.63
Couple or Single householder with two child dependants	£337.48
Couple or Single householder with 3 or more child dependants	£413.00
Person living in shared accommodation	£176.71."

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* EMPLOYMENT & SOCIAL SECURITY

SOCIAL SECURITY ORDINANCES

The President
Policy & Resources Committee
Sir Charles Frossard House
La Charroterie
St Peter Port
GY1 1FH

8th October 2018

Dear Sir

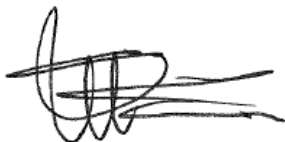
Preferred date for consideration by the States of Deliberation

In accordance with Rule 4(2) of the Rules of Procedure of the States of Deliberation and their Committees, the Committee *for* Employment & Social Security requests that the following Ordinances be considered at the States' meeting to be held on 28th November 2018:

- Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2018
- Health Service (Benefit) (Amendment) Ordinance, 2018
- Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2018
- Severe Disability Benefit and Carer's Allowance Ordinance, 2018
- Family Allowances Ordinance, 2018
- Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2018

The Committee requests that the Ordinances, listed above, be considered at the earliest opportunity, to ensure that the benefit and contribution rates for 2019 can be applied from 1st January 2019.

Yours faithfully



Shane Langlois
Vice President

Michelle Le Clerc
President

Matthew Fallaize, John Gollop, Emilie Yerby

Mike Brown, Andrew Le Lievre
Non-States Members

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* EMPLOYMENT & SOCIAL SECURITY

THE GUERNSEY LEGAL AID SERVICE – APPROVAL OF THE LEGAL AID (GUERNSEY AND
ALDERNEY) (SCHEMES AND MISCELLANEOUS PROVISIONS) ORDINANCE, 2018

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled ‘The Guernsey Legal Aid Service – Approval of the Legal Aid (Guernsey and Alderney) (Schemes and Miscellaneous Provisions) Ordinance, 2018’, dated 8th October 2018, they are of the opinion:

1. To note the contents, and
2. To approve the draft Ordinance entitled ‘The Legal Aid (Guernsey and Alderney) (Schemes and Miscellaneous Provisions) Ordinance, 2018’ and to direct that the same shall have effect as an Ordinance of the States.

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

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* EMPLOYMENT & SOCIAL SECURITY

THE GUERNSEY LEGAL AID SERVICE – APPROVAL OF THE LEGAL AID (GUERNSEY AND
ALDERNEY) (SCHEMES AND MISCELLANEOUS PROVISIONS) ORDINANCE, 2018

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

8th October 2018

Dear Sir

1. Executive Summary

- 1.1. The Legal Aid (Bailiwick of Guernsey) Law, 2003 ¹(‘the Law’) has been in force since 2005.
- 1.2. The Law provides for the creation and operational aspects of a Legal Aid Scheme to be given effect by Ordinance of the States. In 2001 (Billet d’État XVII of 2001) and 2005 (Billet d’État VI of 2005) there were a number of Resolutions of the States that described the elements of the scheme that should appear in legislation, including a Resolution directing the preparation of legislation. To date, however, the Guernsey Legal Aid Scheme has largely operated on an extra-statutory basis known as the ‘Interim Scheme’.
- 1.3. The Interim scheme for both civil and criminal legal aid has been working satisfactorily but the Committee considers it preferable to codify the scheme under an Ordinance, as was the intention of the States.
- 1.4. In view of the passage of time between the Resolutions of the States and the bringing forward of a draft Ordinance, the Committee considers it appropriate for the Ordinance to be accompanied by a Policy Letter in order to inform the current Assembly of the background to the legislation.

¹ <http://www.guernseylegalresources.gg/CHttpHandler.ashx?id=71961&p=0>

- 1.5. The States will be asked to approve the Legal Aid (Bailiwick of Guernsey) (Schemes and Miscellaneous Provisions) Ordinance, 2018, which is attached to this Policy Letter at Appendix 1.

2. Background

- 2.1. On 25th July 2001, the States resolved that a comprehensive system for the provision of civil and criminal legal aid be established in Guernsey to satisfy the Island's obligations under the European Convention on Human Rights and the International Covenant on Civil and Political Rights.
- 2.2. The Guernsey Legal Aid Service ('GLAS') was established on 1st September 2001, on a wholly non-statutory basis, and at first offering assistance in criminal matters only. The Service was broadly modelled on the voluntary scheme that was already in operation.
- 2.3. The extra-statutory civil scheme commenced later, on 1st January 2002. As there had been no previous voluntary scheme in place, it was recognised from the outset that it would take some time to develop this new and potentially complex service. There was a need to establish and refine procedures, set up an office, negotiate arrangements with the Guernsey Bar and, in particular, to take account of constantly evolving legislation which would have an impact on the service and its scope. Accordingly, it was decided to initially operate the schemes for civil and criminal legal aid on an extra-statutory basis, pending the development and review of the schemes and the subsequent drafting and States' approval of an Ordinance.
- 2.4. The Legal Aid (Bailiwick of Guernsey) Law, 2003, came into force on 28th September 2005. However, Part III and Sections 18 and 19 of the Law were excluded from commencement and have not been brought into effect.
- 2.5. The following areas are covered by Part III:
- Creation of a Legal Aid Fund: It was originally envisaged that such a fund would be separately constituted and vest in the Legal Aid Administrator with all the administration and overhead cost that this would necessarily entail. It was, however, subsequently decided that no such separate fund needed to be created. This would save costs and no dis-benefit was identified.
 - Grants and loans to Administrator: It was originally envisaged that the States would vote for the financing of the operation of the Administrator's office. However, Paragraph 2 of the First Schedule of the Law already requires the responsible Committee to provide such personnel, accommodation, equipment, support services and facilities

as the Administrator reasonably requires for the proper and effectual discharge of her functions.

- Investment of surplus funds
- Exemption from income tax
- Accounts and audit.

- 2.6. As the 'responsible Committee', being the Committee *for* Employment & Social Security, already has the legislative authority to finance the operation of the Legal Aid Administrator's office and other operating costs, it is envisaged that the Committee shall continue to bring annual proposals to the States for the provision of such resources through its annual budget submission. In addition, paragraph 27 of the draft Ordinance states that provided that the Legal Aid Administrator complied with the policies and procedures of the States governing the maintenance and production of annual accounts, the Administrator's obligations in this regard under the Law are deemed to be discharged.
- 2.7. Section 18, 'Power to establish a Legal Aid Board' provides the power to establish a Board by Ordinance. To the extent that a Legal Aid Board would have exercised some kind of strategic oversight or guidance role, then in the absence of establishing this as a formally constituted body, it may be necessary for the Committee to plan from time to time to commission an independent review of legal aid.
- 2.8. H. M. Comptroller has advised that it is preferable to retain the sections of the Law as above, rather than repeal them, although there is no intention to bring them into force in the foreseeable future.
- 2.9. Section 19, 'Power to enable authorised lawyer to represent legally assisted person' is not yet in force. However, it may be required either if a Public Defender model were to be implemented for criminal legal aid, if a lawyer other than an advocate were to provide legal assistance, or if the Police Powers and Criminal Evidence (Bailiwick of Guernsey) Law, 2003, were to be amended, as it currently provides that only advocates can give advice to detainees at the Police station or Border Agency.

3. The Interim Scheme

- 3.1. The Interim Scheme provides access to free or reduced cost legal advice, assistance and representation in criminal and civil cases for individual members of the public who could otherwise not afford the services of an advocate. Legal aid is only available in legal proceedings before a court within the Bailiwick, or appeal proceedings which were dealt with initially before a Bailiwick court.

- 3.2. The Guernsey Legal Aid Service financially assesses all relevant applicants for full legal aid and considers the legal merits of each application. It issues a certificate with conditions and limitations as appropriate, reviews the progress of legal aid certificates, reviews and pays interim accounts, assesses the reasonableness of advocates' fees claimed, and pays final accounts. The Service pursues the reimbursement of costs and assessed contributions to costs from assisted persons where appropriate.
- 3.3. The Service also provides information, advice and documentation concerning the provision of legal aid in the Bailiwick to the general public, advocates' firms and other agencies/interested parties.
- 3.4. The Interim Scheme operates in three main areas comprising:
- the Duty Advocate Scheme, which provides free legal advice 24 hours a day to any person who is detained or who voluntarily attends at the police station or offices of the Border Agency;
 - 'Green Form' Assistance, which usually provides up to two hours of advice and assistance on a means-tested basis and which can also include the preparation of a case or a legal document and limited representation at court;
 - Full Legal Aid, covering more prolonged or complex civil or criminal court cases. This is generally subject to both means and merits testing.
- 3.5. Legal aid services are currently delivered in Guernsey and Sark by way of an 'opt-in' system, whereby any qualified Guernsey advocate is able to take on legal aid matters. Other non-admitted lawyers (barristers and solicitors) and paralegals may also be accredited, subject to the Legal Aid Administrator being generally satisfied that they have the necessary qualifications and experience in relation to the work to be undertaken. The work is undertaken at agreed rates, which are subject to taxation (audit) of costs incurred. There are also fixed fee arrangements in some limited areas of work.
- 3.6. Special arrangements are in place to deliver legal aid services to Alderney.
- 3.7. Other models for the delivery of legal aid have previously been considered and rejected for the legal aid system as per the States report in 2007², and the current model and schemes have continued to be used and developed to date.

²Billet d'État XX of 2007, Article VII

- 3.8. Since May 2016, responsibility for legal aid has fallen within the mandate of the Committee *for* Employment & Social Security, having transferred from the Policy Council.

4. The Ordinance

- 4.1. The draft Ordinance is appended at Appendix 1 and is prepared in accordance with the powers under sections 4(j) and (k), 14, 15, 16, 17 and 30 of the Law. The Ordinance is required in order to bring the existing extra-statutory legal aid scheme onto a statutory basis.
- 4.2. The Ordinance largely maintains the status quo of the existing extra-statutory schemes for civil and criminal legal aid and establishes the statutory schemes on substantially the same basis as the interim arrangements.
- 4.3. Part I of the Ordinance enables the Legal Aid Administrator to terminate the obligations of the States under any current contracts that they have entered into for the purpose of providing legal assistance. If the Administrator terminates any such contract, she will "stand in the shoes" of the States and have the same obligations to which the States were subject and may exercise the same rights as were exercisable by the States. This part also establishes the four Legal Aid Schemes: the Transitional Scheme, the Legal Aid Advice and Assistance Scheme, the Civil Legal Aid Scheme and the Criminal Legal Aid Scheme.
- 4.4. Part II sets out the purposes of each Legal Aid Scheme. The Transitional Legal Aid Scheme enables existing recipients of legal assistance under the extra-statutory schemes to continue to receive that assistance. This part also limits the extent of advice, assistance and representation available under the Schemes only to matters arising in Guernsey and Alderney.
- 4.5. Part III of the Ordinance provides for various financial matters.
- 4.6. Part IV of the Ordinance provides for the establishment of the independent Office of the Legal Aid Commissioner ('the Commissioner') which will be a new statutory office. The Commissioner will review decisions of the Legal Aid Administrator, other than decisions relating to the financial ineligibility of an applicant or the level of contributions that an assisted person is assessed to have to make towards his or her legal aid. The establishment of the Office of Legal Aid Commissioner is to meet the requirement within the Law for an appeals process. If the Ordinance is approved, the Committee will select a candidate to nominate to the States for appointment as Commissioner.
- 4.7. It is considered that the appointment of a single Commissioner is the most cost effective and efficient way of providing a review process and the functions and processes to be implemented will largely reflect the appeals

processes already in operation under the Interim Scheme. It is intended that the Commissioner will be remunerated at an agreed daily rate, as and when required. It is not intended to have a retainer payment.

- 4.8. Part V of the Ordinance relates to General Provisions.
- 4.9. Once the Ordinance is implemented, in accordance with S21 of the Ordinance, the Legal Aid Administrator will have the power to issue guidance concerning the administration of the Scheme. However, the Committee's regulations or rules will take precedence over the Legal Aid Administrator's guidance where there is any conflict in relation to:
- Eligibility of an individual;
 - Scope of advice, assistance or representation that may be available to an individual;
 - Rates of remuneration; or
 - Rates of contribution.
- 4.10. The Committee will be able to develop the rules and regulations for the statutory schemes regarding these matters going forward. It is proposed that rules or regulations specified by the Committee will set out the detail of the legal aid schemes' scope, the financial criteria, eligibility and format for Guernsey and Alderney.
- 4.11. Section 22 of the Ordinance provides the statutory basis for the disclosure of any documentation or information to the Administrator for the purposes of carrying out her functions under the Law.
- 4.12. By the decision of this Committee made on 28th November 2017, the Ordinance will apply to Guernsey and Alderney but will not extend to Sark at this current time. This is due to the current joint review of the financial relationship between Guernsey and Sark and which will also include consideration of the provision of legal aid services in respect of Sark. The Policy and Performance Committee of the Chief Pleas of Sark has been advised of the Committee's decision. As a result, no further consultation of Sark regarding this draft Ordinance is required by the legislation.
- 4.13. It has been proposed that Sark may require tailored rules or regulations regarding these matters in the future, to reflect its individual set up and requirements. Pending such statutory schemes being brought into effect, the current interim legal aid schemes will continue to operate in Sark.
- 4.14. If the Ordinance is approved by the States, it will require a regulation to be made by the Committee to bring the Ordinance into effect.

- 4.15. Finally, it will be noted that the Ordinance creates a number of powers for the Committee to specify by rules various matters of detail for the purpose of the Schemes established under the Ordinance. These include eligibility criteria, the types of legal proceedings for which legal aid will be available, the conditions that will apply to funding for recipients of legal aid, and the rates of remuneration, contributions and other detailed provisions of the Schemes. The Committee takes the view that the delegation of such matters to the Committee is appropriate and necessary for the efficient operation and provision of a legal aid system and is consistent with the policy approved by the States when they first considered and approved the establishment of such a system in 2001. Members should note that under section 31 of the 2003 Law, rules made under an Ordinance must be laid before a meeting of the States and that once laid, a power to annul arises.

5. Financial impact

- 5.1. The Committee considers that transferring the extra-statutory legal aid schemes that are currently in existence into the statutory schemes as detailed in the Ordinance will not have any impact on formula-led expenditure. This is because the status quo of the way in which the current Interim Scheme is being administered and delivered will be maintained.
- 5.2. There may, however, be additional resources required within the Legal Aid office due to the work necessary to put the legal aid schemes onto a full statutory footing. This is not of sufficient substance, at this stage, to include in a budget provision. There may also be additional administration expenditure should the Commissioner, as provided for by the Ordinance, be required to review decisions of the Administrator. A budget provision of £5,000 has been included in the 2019 budget submission for the Guernsey Legal Aid Service in respect of the services of the Commissioner.

6. Consultation

- 6.1. Through the drafting of this Policy Letter, the Committee has consulted with the Policy and Finance Committee of the States of Alderney, in accordance with S30 (4) of the Legal Aid Law. The Policy and Finance Committee have resolved to approve the draft Ordinance.
- 6.2. Following the Committee's decision on 28th November 2017 (see para. 4.13), as the Ordinance does not extend to Sark at this time, no further consultation with Sark regarding the Ordinance is required by the legislation.
- 6.3. As a matter of courtesy the Guernsey Bar has also been consulted.

7. Conclusion

- 7.1. Although the Legal Aid Service has functioned well under the interim, extra-statutory arrangements, it is preferable to put the scheme under a legal framework as provided for in the enabling Law. This was intended to be done following Resolutions of the States in 2001 and 2005, but for various reasons has not been possible until now.
- 7.2. The Committee is satisfied that the attached draft Ordinance will put the Guernsey Legal aid Service on a statutory footing in accordance with the Law. The establishment, through the Ordinance, of the Office of the Commissioner will give a person who is aggrieved by a decision of the Legal Aid Administrator, other than a decision concerning financial eligibility, with recourse to an independent review of the decision.
- 7.3. Subject to approval of the draft Ordinance by the States, it will come into force by a subsequent regulation made by the Committee.

8. Compliance with Rule 4 of the Rules of Procedure

- 8.1. In accordance with Rule 4(4) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the propositions have the unanimous support of the Committee.
- 8.2. In accordance with Rule 4(5), the propositions relate to the Committee's responsibilities under The Legal Aid (Bailiwick of Guernsey) Law, 2003. Approval of the draft Ordinance will align with States' commitments to promote inclusion, equality of opportunity, to maintain a mature international identity and to meet international standards.

Yours faithfully

M K Le Clerc
President

S L Langlois
Vice-President

M J Fallaize
J A B Gollop
E A Yerby

M J Brown
Non-States Member

A R Le Lièvre
Non-States Member

**The Legal Aid
(Guernsey and Alderney) (Schemes and Miscellaneous
Provisions) Ordinance, 2018**

ARRANGEMENT OF SECTIONS

PART I

TERMINATION OF OBLIGATIONS OF STATES AND ESTABLISHMENT OF THE
SCHEMES

1. Termination of obligations of the States under relevant contracts.
2. Establishment of Legal Aid Schemes.

PART II

PURPOSES OF THE SCHEMES

3. Purpose of the Transitional Legal Aid Scheme.
4. Purpose of the Legal Aid Advice and Assistance Scheme.
5. Purpose of the Civil Legal Aid Scheme.
6. Purpose of the Criminal Legal Aid Scheme.
7. Limitation of Schemes to Guernsey and Alderney matters.

PART III

FINANCIAL MATTERS

8. Remuneration payable under the Schemes.
9. Contributions payable under the Schemes.
10. Reimbursement to Administrator of payments made under Schemes.
11. Payment to Administrator of legal costs recovered by, or on behalf of, legally assisted person.
12. Indemnity for costs of legally assisted person to enure for benefit of Administrator.
13. Costs in legal proceedings involving a legally assisted party.

PART IV
OFFICE OF COMMISSIONER AND
REVIEW OF ADMINISTRATOR'S DECISIONS

14. Establishment of the Office of the Commissioner.
15. Independence of the Office of the Commissioner.
16. Appointment.
17. Tenure of office.
18. Confidentiality of information.
19. Administrator's review of decisions.
20. Commissioner's review of decisions of Administrator under section 19(3).

PART V
GENERAL PROVISIONS

21. Power to issue guidance.
22. Disclosure of documents and information to Administrator.
23. Disclosure of documents and information to Advocate.
24. Exclusion of liability.
25. Interpretation.
26. Amendment of Law of 2003.
27. Accounts.
28. Extent.
29. Citation.
30. Commencement.

The Legal Aid (Guernsey and Alderney) (Schemes and Miscellaneous Provisions) Ordinance, 2018

THE STATES, in pursuance of their Resolutions of the 25th July 2001³ and 26th May, 2005⁴ and in exercise of the powers conferred on them by sections 4(j) and (k), 14, 15, 16, 17 and 30 of the Legal Aid (Bailiwick of Guernsey) Law, 2003⁵, and all other powers enabling them in that behalf, hereby order:-

PART I

TERMINATION OF OBLIGATIONS OF STATES AND ESTABLISHMENT OF THE SCHEMES

Termination of obligations of the States under relevant contracts.

1. (1) The Administrator may terminate the obligations of the States under any relevant contract, by notice in writing given to any person who is, together with the States, a party to any such contract.

(2) Upon termination of a relevant contract, the Administrator -

- (a) shall have the same obligations to which the States were subject, and
- (b) may exercise upon behalf of the States the same rights which were exercisable by the States,

³ Article VI of Billet d'État No. XVII of 2001.

⁴ Article IV of Billet d'État No. VI of 2005.

⁵ Ordres en Conseil Vol. XLIV (1), p. 104.

under the contract immediately prior to its termination.

(3) For the purposes of this section and section 3, a "**relevant contract**" is any contract, agreement or other form of arrangement for, or relating to, the provision of legal assistance entered into, or made, by the States -

- (a) prior to the commencement of this Ordinance, or
- (b) which the Administrator, following consultation with the Committee, determines as such.

Establishment of Legal Aid Schemes.

2. (1) There are established for the purposes described in Part II, four Schemes to be known as -

- (a) the Transitional Legal Aid Scheme,
- (b) the Legal Aid, Advice and Assistance Scheme,
- (c) the Criminal Legal Aid Scheme, and
- (d) the Civil Legal Aid Scheme.

(2) The Schemes established under subsection (1) are referred to in this Ordinance as "**the Schemes**".

PART II
PURPOSES OF THE SCHEMES

Purpose of the Transitional Legal Aid Scheme.

3. The purpose of the Transitional Legal Aid Scheme is to enable any individual beneficiary of legal assistance under a relevant contract to continue to receive that assistance in accordance with the terms and conditions of the contract.

Purpose of the Legal Aid, Advice and Assistance Scheme.

4. The purpose of the Legal Aid, Advice and Assistance Scheme (also known as the "Green Form Scheme") is to enable an individual, who satisfies specified eligibility criteria, to obtain -

- (a) advice about the application of the laws of Guernsey and Alderney to specified circumstances which have arisen in relation to -
 - (i) that individual, or
 - (ii) such other individual as may be specified, and
- (b) in specified circumstances, assistance in order to -
 - (i) settle a claim,
 - (ii) defend criminal proceedings,
 - (iii) bring or defend civil proceedings, or

- (iv) make any specified agreement or other document that has or is intended to have legal effect,

subject to specified conditions.

Purpose of the Civil Legal Aid Scheme.

5. The purpose of the Civil Legal Aid Scheme is to enable an individual, who satisfies specified eligibility criteria, to obtain advice, assistance and representation in relation to specified civil and family proceedings, subject to specified conditions.

Purpose of the Criminal Legal Aid Scheme.

6. The purpose of the Criminal Legal Aid Scheme is to enable an individual, who satisfies specified eligibility criteria, to obtain advice, assistance and representation in relation to specified criminal proceedings, subject to specified conditions.

Limitation of Schemes to Guernsey and Alderney matters.

7. Advice, assistance or representation under the Schemes is not available in relation to -

- (a) legal proceedings before a court outside Guernsey and Alderney (other than appeal proceedings relating to any matter dealt with at first instance before a court in Guernsey or Alderney), or
- (b) any matter where -

- (i) the relevant governing, or applicable, law is a law other than the law of Guernsey or Alderney, and
- (ii) the matter is not a matter that is justiciable before a court in Guernsey or Alderney.

PART III

FINANCIAL MATTERS

Remuneration payable under the Schemes.

8. (1) The rates of remuneration which shall be paid, and the persons to whom and the circumstances and conditions in, and subject to, which payments may be made in respect of -

- (a) legal or other services reasonably and necessarily rendered,
- (b) expenses reasonably and necessarily incurred, and
- (c) disbursements reasonably and necessarily made,

for the purposes of providing legal services under or in connection with the Schemes, shall be as specified.

(2) Without prejudice to the generality of the power under subsection (1), any matter specified thereunder may make provision for, or concerning the circumstances in which payments may be made on account of -

- (a) legal, or other, services reasonably and necessarily

rendered,

(b) expenses reasonably and necessarily incurred, and

(c) disbursements reasonably and necessarily made.

(3) Remuneration and other payments specified under this section shall be paid by the Committee from the general revenue account of the States.

Contributions payable under the Schemes.

9. (1) The amount of any contribution, the method of and time for payment of any contribution, the amount of interest payable in respect of any overdue contribution and the persons by whom, and circumstances in which, a contribution is payable under the Schemes, shall be as specified.

(2) Without prejudice to the generality of the power under subsection (1), any matter specified thereunder may make provision for, or concerning-

(a) the maximum and minimum contributions payable under the Schemes, and

(b) the payment of contributions by means of -

(i) periodical payments,

(ii) a capital sum, or

(iii) such other method as may be specified.

Reimbursement to Administrator of payments made under Schemes.

10. (1) A payment which has been made under any of the Schemes established under Part I -

- (a) in error,
- (b) in respect of a legally assisted person who is no longer eligible under a Scheme,
- (c) as a result of any misrepresentation made to the Administrator,
- (d) for the purpose of enabling a person to recover or preserve any property (and which has enabled the property to be recovered or preserved), or
- (e) in such other circumstances as may be specified,

shall be reimbursed, together with such interest as may be specified, to the Administrator by the persons referred to in subsection (2), who shall be jointly and severally liable.

(2) The persons for the purpose of subsection (1) are -

- (a) subject to subsection (3), the person to whom the payment has been made, and
- (b) the legally assisted person who has received advice, assistance or representation under a Scheme.

(3) Subsection (2)(a) shall not apply to a person to whom a payment has been made in circumstance where subsection (1)(c) has effect, except where the person to whom the payment has been made -

(a) knew, or ought reasonably in the circumstances to have known, at the time of payment, that a misrepresentation had been made to the Administrator, and

(b) has failed to notify the Administrator that a misrepresentation has, or appears to have, been made.

(4) Any sum paid to or received, or recovered, by the Administrator under this section shall be paid into the general revenue account of the States.

Payment to Administrator of legal costs recovered by, or on behalf of, legally assisted person.

11. (1) Any sum paid to or received, or recovered, by or on behalf of, a legally assisted person under -

(a) any order for legal costs made in favour of the legally assisted person, or

(b) any agreement pursuant to which costs are payable to, or for the benefit of -

(i) the legally assisted person, or

(ii) any person acting, or who has acted, on behalf of the legally assisted person,

shall be paid to the Administrator by the legally assisted person, or by any person to whom any such sum has been paid.

(2) Subject to subsection (3), any sum payable to the Administrator under subsection (1) may be recovered by the Administrator from -

(a) the legally assisted person, or

(b) any person to whom any such sum has been paid,

as a civil debt in accordance with section 7 of the Law of 2003.

(3) The amount of any liability of any person under subsection (1) shall not exceed the amount of any payment which –

(a) has been made under any of the Schemes for the benefit of the legally assisted person concerned, and

(b) has not been paid to or received, or recovered, by the Administrator further to any other provision of or under the Law of 2003 or otherwise.

(4) Any sum paid to or received or recovered by the Administrator under this section shall be paid into the general revenue account of the States.

(5) For the avoidance of any doubt, the courts of the Bailiwick shall have jurisdiction over any dispute or claim arising in connection with any sum recoverable by the Administrator under the Law of 2003; provided that this subsection shall not prevent the Administrator from commencing proceedings in a court having

jurisdiction outside the Bailiwick -

- (a) for recovery of any such sum, or
- (b) for enforcement of a judgment obtained from any court, whether within or outside the Bailiwick.

Indemnity for costs of legally assisted person to enure for benefit of Administrator.

12. (1) The right of any legally assisted person to be indemnified against any costs or expenses incurred in connection with any proceedings shall enure for the benefit of the Administrator.

(2) Where the Administrator is entitled to the benefit of any indemnity under subsection (1), she may enforce any right to be indemnified in the same manner as the legally assisted person could enforce her right under the indemnity.

(3) The amount of any sum, which may be recovered by the Administrator under an indemnity under this section, shall not exceed the amount of any payment which –

- (a) has been made under any of the Schemes for the benefit of the legally assisted person concerned, and
 - (b) has not been paid to or received, or recovered, by the Administrator further to any other provision of or under the Law of 2003, or otherwise.
- (4) Any sum paid to or received, or recovered, by the Administrator

under this section shall be paid into the general revenue account of the States.

Costs in legal proceedings involving a legally assisted party.

13. (1) In any legal proceedings involving a legally assisted party, a court may make an order requiring such costs as the court thinks fit to be paid by any party to the proceedings to the Administrator; provided that the amount of any such costs does not exceed the amount that –

- (a) has been paid or is payable under any of the Schemes in connection with the proceedings, and
- (b) has not been paid to or received, or recovered, by the Administrator further to any other provision of or under the Law of 2003 or otherwise.

(2) Any sum paid to or received, or recovered, by the Administrator under this section shall be paid into the general revenue account of the States.

PART IV

OFFICE OF COMMISSIONER AND REVIEW OF ADMINISTRATOR'S DECISIONS

Establishment of the Office of the Commissioner.

14. (1) There is established an office to be known as the office of the Legal Aid Commissioner (referred to in this Law as "**the Office of the Commissioner**").

(2) The Office of the Commissioner is a body corporate with perpetual succession.

(3) The holder of the Office of the Commissioner shall discharge the functions of that office and is referred to in this Law as "**the Commissioner**".

(4) The function of the Commissioner shall be to review decisions taken by the Administrator in accordance with the provisions of this Ordinance.

Independence of the Office of the Commissioner.

15. (1) The Office of the Commissioner is independent of the States and of the States of Alderney and of any committee of the same.

(2) Except to the extent provided otherwise under this Ordinance or any other enactment, the Office of the Commissioner -

(a) is not subject to any rule of law relating to, and

(b) does not have any right or privilege vested in, or enjoyed by,

a committee of the States or of the States of Alderney.

Appointment.

16. (1) The States shall, on the nomination of the Committee, appoint the Commissioner.

(2) The terms and conditions of the Commissioner's appointment shall be such as may from time to time be agreed between the Committee and the Commissioner, provided that none of those terms and conditions shall be -

(a) inconsistent with any provision of this Ordinance, or

(b) construed so as to create a contract of employment or agency between -

(i) the States, or

(ii) any committee,

and the Commissioner.

Tenure of office.

17. (1) Subject to the provisions of this section, the Commissioner shall hold office for such term not exceeding five years as may be agreed between the Committee and the Commissioner at the time of appointment.

(2) The Commissioner may only be relieved from office by the Committee before the expiration of the agreed term -

(a) pursuant to a Resolution of the States requiring the Committee so to do, or

(b) on receipt of a written request made by the Commissioner.

(3) When the Commissioner ceases to hold office by reason of the expiration of the agreed term he shall be eligible for reappointment.

Confidentiality of information.

18. (1) The Commissioner shall not disclose or cause or permit the disclosure of any document or information which relates to the business or affairs of

any person and which is acquired by the Commissioner in the course of performing the functions of the Office of Commissioner, except -

- (a) with the consent of the person to whom the document or information relates and (if different) the person from whom it was acquired, or
- (b) to the extent that the disclosure is necessary -
 - (i) to enable the Commissioner to perform those functions,
 - (ii) for the purposes of the investigation, prevention or detection of crime or with a view to the instigation of, or otherwise for the purposes of, any criminal proceedings, or
 - (iii) to comply with an order of a court.

(2) A person who, without reasonable excuse, discloses or causes or permits the disclosure of any document or information in contravention of subsection (1) is guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding level 5 on the uniform scale, or to both.

Administrator's review of decisions.

19. (1) A person aggrieved by a decision of the Administrator -
- (a) to refuse an application for legal assistance under any of the Schemes (other than a decision to refuse an application for a reason relating to an applicant's failure to meet specified financial criteria),
 - (b) to grant an application for legal assistance subject to any condition or limitation (other than a condition relating to the payment of any contribution),
 - (c) to vary any condition or limitation to which any grant of entitlement to legal assistance is subject (other than a decision to vary a condition relating to the payment of any contribution),
 - (d) to revoke a grant of entitlement to legal assistance (other than a decision to revoke a grant for a reason relating to an applicant's failure to meet specified financial criteria),
or
 - (e) of such other type as may be specified,

may require the Administrator to review the decision.

- (2) A review under this section must be instituted -
- (a) either -

- (i) within a period of 14 days immediately following the date of the notice of the Administrator's decision, or
 - (ii) within such longer period as the Administrator may allow, where the Administrator is satisfied that -
 - (A) it was not reasonably practicable for the review to be instituted within that period of 14 days, and
 - (B) it is fair in all the circumstances, and
 - (b) by written notice served on the Administrator stating the grounds and material facts on which the person making the review relies.
- (3) Following a review under this section the Administrator shall-
- (a) set the decision aside and substitute the decision with another decision, or
 - (b) confirm the decision, in whole or in part.

Commissioner's review of decisions of Administrator under section 19(3).

20. (1) A person aggrieved by a decision of the Administrator under section 19(3) may apply to the Commissioner to review the decision.

(2) The grounds of an application to review under this section are that -

- (a) the decision was ultra vires or there was some other error of law,
- (b) the decision was unreasonable,
- (c) the decision was made in bad faith,
- (d) there was a lack of proportionality, or
- (e) there was a material error as to the facts or as to the procedure.

(3) An application to review under this section shall be instituted-

- (a) either -
 - (i) within a period of 28 days immediately following the date of the notice of the Administrator's decision, or
 - (ii) within such longer period as the Commissioner may allow, where the Commissioner is satisfied that -
 - (A) it was not reasonably practicable for the application to be instituted within that

period of 28 days, and

(B) it is fair in all the circumstances, and

(b) by written notice served on the Administrator stating the grounds and material facts on which the person making the application relies.

(4) Following a review under this section the Commissioner may-

(a) set the decision of the Administrator aside and, if the Commissioner considers it appropriate to do so, remit the matter to the Administrator with such directions as the Commissioner thinks fit, or

(b) confirm the decision, in whole or in part.

(5) On a review under this section against or relating to a decision described in section 19(1)(b) or (c) the Commissioner may, upon the application of the applicant, and on such terms as the Commissioner thinks just, suspend or modify the operation of the condition or limitation in question, or the variation thereof, pending the determination of the review.

(6) An appeal from a decision of the Commissioner made under this Ordinance shall lie to the Royal Court on a question of law.

PART V
GENERAL PROVISIONS

Power to issue guidance.

21. (1) Subject to subsection (2), the Administrator may from time to time issue guidance concerning the administration of a Scheme.

(2) Where guidance under subsection (1) relating to -

- (a) the eligibility of an individual,
- (b) the scope of the advice, assistance or representation that may be available to an individual,
- (c) rates of remuneration, or
- (d) rates of contributions,

under a Scheme, conflicts with regulations or rules of the Committee relating to any of those matters, the regulations or rules, as the case may be, shall have precedence.

(3) Guidance under subsection (1) -

- (a) may provide for the circumstances in and conditions subject to which payments under, or in connection with, a Scheme may be made, and

- (b) may include provisions establishing such reasonable system of assessment and taxation of claims for payment as the Administrator may determine.

(4) Failure to comply with guidance issued by the Administrator shall entitle the Administrator to take such reasonable steps as she thinks fit including, without limitation -

- (a) making a decision of a type referred to in section 19(1),
- (b) refusing to make payment of any sum of money claimed under a Scheme, and
- (c) making payment of part only of any sum of money claimed under a Scheme.

Disclosure of documents and information to Administrator.

22. (1) This section applies where the Administrator gives written notice that she requires to have sight of, or access to, any document or information specified in the notice for the purposes of carrying out her functions under the Law of 2003.

(2) Where this section applies -

- (a) any prohibition or restriction on the disclosure of any document or information,
- (b) any duty of confidentiality, and

- (c) any obligation not to disclose any document or information,

is not infringed or breached by a relevant person, where the disclosure is made in accordance with a requirement under a notice given under subsection (1).

- (3) For the purposes of this section -

- (a) a prohibition, restriction, duty and obligation means a prohibition, restriction, duty and obligation of any type and whether arising under statute or otherwise,

- (b) a notice under subsection (1) may, without limitation, specify -

- (i) individual documents and/or specific information, and/or

- (ii) classes or descriptions of document and/or information, and

- (c) a "**relevant person**" means -

- (i) an Advocate, and

- (ii) such other person or body as the Administrator shall determine.

Disclosure of documents and information to Advocate.

23. (1) This section applies where a legally assisted person has instructed an Advocate ("**Advocate A**") in relation to a matter in the place of another Advocate, who has previously been instructed by that assisted person, in relation to the same or a similar matter.

(2) Where this section applies -

(a) the Administrator may disclose to Advocate A such documents and information relating to -

(i) the legally assisted person, and

(ii) the matter or matters referred to in subsection (1),

as the Administrator thinks fit for the purposes set out in subsection (3), and

(b) section 5 (confidentiality) of the Law of 2003 shall not apply to the disclosure.

(3) The purposes are -

(a) to ensure that no unreasonable or unnecessary cost or expenditure is borne by a Scheme,

(b) to inform Advocate A of anything that may be relevant for the purposes of the efficient and fair determination or disposal of any matter, and

- (c) to ensure that the interests of justice are satisfied.

Exclusion of liability.

24. (1) Subject to subsection (3), no person within subsection (2) is to be -

- (a) liable in damages, or
- (b) where an individual, personally liable in any civil proceedings,

in respect of anything done or omitted to be done in the discharge or purported discharge of her functions, or functions delegated to her, under the Law of 2003, unless the thing was done or omitted to be done in bad faith.

- (2) The persons within this subsection are -

- (a) the Administrator,
- (b) any person -
 - (i) to whom the Administrator has, under paragraph 6 of the First Schedule to the Law of 2003, delegated the carrying out of any function, or
 - (ii) appointed as Deputy Administrator under paragraph 7 of that Schedule, and
- (c) the Commissioner.

- (3) Subsection (1) does not apply so as to prevent an award of

damages in respect of the act or omission on the ground that it was unlawful as a result of section 6(1) of the Human Rights (Bailiwick of Guernsey) Law, 2000⁶.

Interpretation.

25. (1) In this Ordinance, unless the context requires otherwise –

"**the Administrator**" means the holder of the Office of the Administrator,

"**guidance**" includes codes of practice, memoranda, circulars, notes and information sheets,

"**the Law of 2003**" means the Legal Aid (Bailiwick of Guernsey) Law, 2003,

"**person**" includes any body or authority,

"**relevant contract**": see section 1(3),

"**specified**" means specified by rules made by the Committee,

"**the Schemes**": see section 2(2),

"**States**" means the States of Guernsey,

and other words or expressions which are defined in the Law of 2003 have the same meanings as in that Law.

⁶ Ordres en Conseil Vol. XL p. 396 as amended by Order in Council No. 1 of 2005 and G.S.I. No. 27 of 2006.

(2) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Amendment of Law of 2003.

26. (1) The Law of 2003 is amended as follows.

(2) In section 24, immediately after the words "the amount" insert "(together with interest thereon, calculated in accordance with such method as may be specified by regulations, under any Ordinance made under this Law or under the provisions of a Scheme)".

(3) Immediately after section 24, insert the following section-

"Recovery or preservation of property.

24A. For the purposes of this Part and any Ordinance, order, regulations or rules made under this Law, property which is recovered or preserved includes property -

- (a) that a court has confirmed or declared is vested in a person,
- (b) to which a court has confirmed or declared that a person is entitled, and
- (c) that has been recovered or preserved further to a settlement or agreement reached without recourse to legal proceedings."

(4) In section 29(1), insert the following definitions in the appropriate places -

""**property**"" means -

- (a) *immeubles* and *meubles* of any description, wherever situated, and any share, right or interest therein, and includes tangible or intangible property and any debt or other thing in action, and
- (b) in relation to rights and interests, includes rights and interests whether vested, contingent, defeasible or future,"

""**regulations**"" means regulations made by the Committee," and

""**uniform scale**"" means the uniform scale of fines for the time being in force under the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989."

(5) In section 30(2) -

- (a) for the full stop substitute a comma, and
- (b) insert the following subparagraph immediately after subparagraph (ii) -

"(iii) in the case of an Ordinance, provision –

- (A) enabling the Administrator to issue guidance concerning the administration of a Scheme, and
- (B) relating to the consequences of a failure to comply with guidance."

Accounts.

27. Provided that the Administrator complies with the policies and procedures of the States governing the maintenance and production of annual accounts, the obligations of the Administrator under paragraph 3(4) of the First Schedule to the Law of 2003 are deemed to be discharged.

Extent.

28. This Ordinance has effect in Guernsey and Alderney.

Citation.

29. This Ordinance may be cited as the Legal Aid (Guernsey and Alderney) (Schemes and Miscellaneous Provisions) Ordinance, 2018.

Commencement.

30. This Ordinance shall come into force on the day appointed by regulations.

THE LEGAL AID (GUERNSEY AND ALDERNEY) (SCHEMES AND MISCELLANEOUS PROVISIONS) ORDINANCE, 2018

The States are asked to decide:-

Whether they are of the opinion to approve the draft Ordinance entitled "The Legal Aid (Guernsey and Alderney) (Schemes and Miscellaneous Provisions) Ordinance, 2018", and to direct that the same shall have effect as an Ordinance of the States.

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

EXPLANATORY MEMORANDUM

This Ordinance is made under the Legal Aid (Bailiwick of Guernsey) Law, 2003 ("the 2003 Law") and is intended to place the current system of legal aid on a statutory footing.

Section 1 of the Ordinance enables the Legal Aid Administrator to terminate the obligations of the States under any current contracts that they have entered into for the purpose of providing legal assistance. If the Administrator terminates any such contract he or she will "stand in the shoes" of the States and have the same obligations to which the States were subject and may exercise the same rights as were exercisable by the States. Section 2 establishes four separate Legal Aid Schemes: the Transitional Legal Aid Scheme, the Legal Aid, Advice and Assistance Scheme, the Criminal Legal Aid Scheme and the Civil Legal Aid Scheme (collectively referred to as "the Schemes").

Part II of the Law (sections 3 to 6) prescribes the purposes for which each of the Schemes is established. Section 7 limits the extent to which advice, assistance or representation is available under the Schemes effectively to Guernsey and Alderney matters.

Part III of the Law deals with financial aspects of the Schemes. Section 8 provides for remuneration payable under the Schemes and enables the States Committee *for* Employment & Social Security ("the Committee") to make rules prescribing rates of remuneration payable to providers of services under the Schemes as well as payments in respect of expenses and disbursements reasonably and necessarily incurred or made. Section 9 enables the Committee by rules to specify the amount of any contribution that a person may be obliged to make in order to receive assistance under a Scheme. Section 10 provides for the circumstances in which payments made under the Schemes must be reimbursed to the Administrator – for example where a payment is made in error or a misrepresentation has been made to the Administrator. Section 11 requires any sum recovered by or on behalf of a legally assisted person under any order or agreement for legal costs to be paid to the Administrator and paid into the

general revenue account of the States. Section 12 enables the Administrator to benefit from any indemnity for costs which a legally assisted person may have and section 13 creates a power for a court, in any proceedings involving a legally assisted person, to make an order requiring such costs as the court thinks fit to be paid by any party to the proceedings to the Administrator.

Part IV establishes the office of the Legal Aid Commissioner and confers on the Commissioner the function of reviewing decisions taken by the Administrator. Section 15 provides for the independence of the office and under section 16 the States, on the nomination of the Committee is empowered to appoint the Commissioner on such terms and conditions as may from time to time be agreed between the Committee and the Commissioner. Section 17 deals with the Commissioner's tenure of office which under that section shall be for such term not exceeding 5 years as may be agreed between the Committee and the Commissioner. Section 18 places an obligation of confidentiality upon the Commissioner in relation to documents and information relating to the business or affairs of any person and which are acquired by the Commissioner in the course of the performance of his functions. Section 19 provides for the circumstances in which the Administrator must review certain decisions relating to applications for legal assistance under any of the Schemes and which he or she has taken. Section 20 enables any person aggrieved by a decision of the Administrator under section 19 to apply to the Commissioner in order that the Commissioner may review the Administrator's decision. The section also sets out the grounds on which an application may be made, the time period within which the application must be made and the powers of the Commissioner following any review.

Part V contains a number of general provisions including creation of a power for the Administrator to issue guidance (section 21), specifying the circumstances in which disclosure of documents or information to the Administrator shall not constitute a breach of any prohibition on disclosure or duty of confidentiality (section 22), providing for the disclosure of documents and information by the Administrator to Advocates in certain circumstances (section 23), an exclusion of liability for the Administrator and his or her delegates (section 24) and interpretation of the Ordinance (section 25). Section 26 makes a number of amendments to the 2003 Law. Section 27 deals with the duties of the Administrator to comply with the policies and procedures of the States governing maintenance and production of annual accounts. Sections 28, 29 and 30 are the extent, citation and commencement provisions respectively.

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* EMPLOYMENT & SOCIAL SECURITY

THE GUERNSEY LEGAL AID SERVICE – APPROVAL OF THE LEGAL AID (GUERNSEY AND
ALDERNEY) (SCHEMES AND MISCELLANEOUS PROVISIONS) ORDINANCE, 2018

The President
Policy & Resources Committee
Sir Charles Frossard House
La Charroterie
St Peter Port
GY1 1FH

8th October 2018

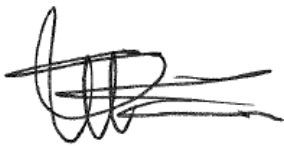
Dear Sir

Preferred date for consideration by the States of Deliberation

In accordance with Rule 4(2) of the Rules of Procedure of the States of Deliberation and their Committees, the Committee *for* Employment & Social Security requests that the Policy Letter entitled 'The Guernsey Legal Aid Service – Approval of the Legal Aid (Guernsey and Alderney) (Schemes and Miscellaneous Provisions) Ordinance, 2018' and the Ordinance which is attached to the Policy Letter, be considered at the States Meeting to be held on 28th November 2018.

It would be helpful for the Policy Letter and Ordinance to be considered at the earliest opportunity to allow for the Ordinance to come into force on 1st January 2019.

Yours faithfully



Shane Langlois
Vice President

Michelle Le Clerc
President

Matthew Fallaize, John Gollop, Emilie Yerby

Mike Brown, Andrew Le Lievre
Non-States Members

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

**AMENDMENTS TO STATUTORY MINIMUM WAGE ARRANGEMENTS TO COME INTO
FORCE ON 1ST JANUARY 2019**

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled 'Amendments to statutory Minimum Wage arrangements to come into force on 1st January 2019', dated 8th October 2018, they are of the opinion:-

1. To approve the Minimum Wage (Prescribed Rates and Qualifications) (Guernsey) (Amendment) Regulations, 2018 (as Appendix 1 to this Policy Letter), which pursuant to sections 1(3) and 3(1) of the Law, prescribe the hourly minimum wage rates set out below with effect from 1st January 2019:
 - adult minimum wage rate: £8.10 per hour (for workers aged 18 and over), and
 - young person's minimum wage rate: £7.50 per hour (for workers aged 16 and 17)
2. To note the proposals in the Policy Letter in respect of the Committee's medium term plan for increasing minimum wage levels.

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

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* EMPLOYMENT & SOCIAL SECURITY

AMENDMENTS TO STATUTORY MINIMUM WAGE ARRANGEMENTS TO COME INTO
FORCE ON 1 JANUARY 2019

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

8th October 2018

Dear Sir

1. Executive Summary

- 1.1. In accordance with the provisions of the Minimum Wage (Guernsey) Law, 2009, (“the Law”) the Committee *for* Employment & Social Security (“the Committee”) is seeking States’ agreement to its proposals to increase the Statutory Minimum Wage Rate.
- 1.2. Section 31(3) of the Law provides that Regulations made by the Committee that set the hourly minimum wage rates shall not have effect until approved by Resolution of the States.
- 1.3. Following the consultation undertaken in accordance with Section 5 of the Law and the consideration of the requirements of Section 6 of the Law, the Committee recommends the setting of the following Minimum Wage Rates:-
 - Adult Minimum Wage Rate at £8.10 per hour (currently £7.75 for workers aged 18 and over)
 - The Young Person’s Minimum Wage Rate at £7.50 per hour (currently £7.05 for workers aged 16 and 17)
- 1.4. The Committee proposes that the States approves 1st January 2019 as the date for the introduction of these revised Minimum Wage Rates.
- 1.5. The Minimum Wage (Prescribed Rates and Qualifications) (Guernsey) (Amendment) Regulations, 2018 (Appendix 1), have been drawn up to give effect to the change in rates.

- 1.6. The Committee also intends to increase the associated accommodation and food offsets (rates which set the maximum amount an employer is permitted to deduct from an employee's wage in compensation for providing accommodation and/or meals). These changes do not require the approval of the States.
- Accommodation & food offset: £109 per week (currently £105)
 - Accommodation only offset: £78 per week (currently £75)
- 1.7. It is the Committee's medium term plan for minimum wage rates to be increased annually over the course of the next five years in increments aiming to reach 60% of median earnings¹ by 2023.
- 1.8. The Committee proposes that the States continues to review Minimum Wage rates and offsets on an annual basis and may wish to alter the medium term plan under special circumstances, taking into consideration the factors required under Section 6 of The Minimum Wage (Guernsey) Law, 2009, (hereafter, 'the Law') and responses received from the annual consultations.

2. Introduction

- 2.1. Section 5 of the Law requires that the Committee carries out a public consultation prior to making regulations setting the Minimum Wage rates. A consultation began in June 2018, and the results are presented as Appendix 2.
- 2.2. The October 2007 States' Resolution (Billet d'État XXII of 2007, Article 9) to implement a statutory minimum wage, established the fundamental principle that it is unacceptable for employees and workers to be paid low wages to the point of exploitation.
- 2.3. The Minimum Wage rates are not intended to reflect a 'living wage' (especially as there is no one-size-fits-all solution because different households have different needs). There are several initiatives adopted by the Committee, such as a wide range of benefits, grants and social housing, which assist those with a low income.
- 2.4. In 2010, the States approved an Amendment from Deputy Matthews (Billet d'État XI of 2010, Article 2) which was worded as follows:

"To direct the Commerce & Employment Department, whilst having regard to the requirements of the Minimum Wage (Guernsey) Law, 2009, to take fully into account when reviewing

¹ Average earnings can be represented using the median or mean of total earnings. To illustrate the difference in approach, if three employees earned £19,837, £23,113 and £52,107 respectively, the median earnings of the three would be £23,113 however the mean earnings would be £31,685.

minimum wage rates that it is a policy objectives of the States of Deliberation that the Young Persons' Minimum Wage Rate and the Adult Minimum Wage Rate should be equalised as soon as possible."

- 2.5. A further Amendment, from Deputy Roffey, was successful in November 2017 (Billet d'État XXIII of 2017, Article 9), which directed that:

"when [the Committee *for* Employment & Social Security] brings proposals to the States for the adult and young persons' minimum wage levels for 2019 to provide clarity on their medium term plan for increasing minimum wage levels".

- 2.6. The Committee has considered both Amendments when determining the recommendations set out in this Policy Letter.

- 2.7. Following the introduction of the Statutory Minimum Wage in October 2010, the Committee's Employment Relations Service has received numerous enquiries from employers and employees regarding the Minimum Wage provisions. To date, four complaints have been determined by the Employment & Discrimination Tribunal and none by the Civil (Magistrate's) Court.

3. Considerations regarding the Minimum Wage & Associated Rates

- 3.1. The Law requires the Committee to consider and take into account a number of factors before making Regulations setting the Minimum Wage Rates. These are set out in this section.

The current rate of minimum wage in the United Kingdom, the Isle of Man and Jersey

Table 1 – Current Minimum Wage Rates – UK, the Isle of Man and Jersey

Minimum Wage Rates (Hourly)			
	Young Person	Adult	Effective from
Guernsey	£7.05 (aged 16-17)	£7.75 (aged 18 and over)	1 st Jan 2018
United Kingdom	£4.20 (aged 16-17)	£7.38 (aged 21-24)	1 st Apr 2018
	£5.90 (aged 18-20)	£7.83 (aged 25 and over)	
Isle of Man	£5.85 (aged over 16 but under 18)	£7.85 (aged 18+, except development workers)	1 st Oct 2018
		£6.95 (development worker)	

Jersey	Year 1: £5.63 Year 2: £6.56 ²	£7.50 (aged 16 and over)	1 st Apr 2018
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- 3.2. It is anticipated that the UK will increase their rates in April 2019 in aspiration of moving to the National Living Wage rate of £9.00 per hour by 2020. The Jersey Employment Forum released their Minimum Wage Consultation 2018 on 11th June 2018. The community was asked to complete a survey by 27th July 2018. The results of this survey are yet to be published.

The current economic and trading conditions prevailing in Guernsey

- 3.3. It has been estimated, by the Data & Analysis Unit, that the total Gross Domestic Product (GDP) for 2017 is estimated at £3,050 million, which is 2% higher than the estimate for 2016 in real terms (constant prices). Guernsey GDP per capita in 2017 is £49,041; 65% greater than in the UK in 2017 and 22% greater than Jersey GVA per capita in 2016
- 3.4. The Guernsey Annual GVA and GDP Bulletin for 2017, published in September 2018 by the Data & Analysis Unit, stated that the finance sector remains the largest single sector, accounting for 44% of the total GVA (£1,298 million) or 48% of Factor income in 2017. GVA is the total for all sectors including the households sector. Factor income is the total for all industry sectors and excludes the household sector. Non-finance industry sectors collectively contributed 48% of the total GVA (£1,435 million) or 53% of Factor Income in 2017. Of this, £183 million (6% of total GVA or 7% of Factor Income) was Legal, Accounting, Auditing, Office Administrative and other primarily finance industry support activities.
- 3.5. Median annual earnings were 0.5% lower in 2017, compared to the 2016 figures. At the end of December 2017, the four quarter median average earnings for women was £28,900 (2% higher than 2016) and £35,510 (1.3% higher than 2016) for men. People employed within the Finance sector had the highest average median earnings at £45,078. This was 39.8% higher than the overall median. The Hospitality sector had the lowest average median earnings at (£19,439), which was 39.7% lower than the overall median.
- 3.6. The Finance sector remained relatively static between 2015 and 2016, with several non-finance sectors, such as Scientific & Technical Activities; Waste Management and Remediation Activities, recording a growth. In comparison, Real Estate Activities and Construction saw a GVA decline.
- 3.7. An overview of the Guernsey Economy was set out in the Guernsey Economic Overview Bulletin, published in May 2018. The statistics available showed a

² The young person's rates in Jersey are referred to as the Trainee Rates. Those who are on a Social Security training programme can receive those rates for a maximum period of two years.

mixed picture of the economy, which largely mirrors conditions reported in the UK. Despite the continued fall in size of the population between compulsory school age (16 years old) and the state pension age (currently 65), the total size of the workforce has continued to grow. The wage inflation which might be expected in these kind of economic conditions has not been observed. Unemployment rates in Guernsey are consistently low, with a further slight decrease observed between April 2017 and April 2018. The Finance sector continued to be the largest employer, contributing to 21% of employment. The Construction sector had the largest number of self-employed people (892 people) contributing to 32.1% of the sector.

- 3.8. On Wednesday 18th July 2018, the President of the Policy & Resources Committee gave an update on the financial position of the States at the mid-point of the year, recording year-on-year growth in tax income of 3.4%, which was 1% ahead of the Budget forecast.

The annual rate of inflation in Guernsey

Table 2 – The rate of inflation through 2017 and 2018 to date

Year	Month	RPI	RPIX
2017	March	2.4%	2.9%
	June	2.3%	2.8%
	September	2.0%	2.4%
	December	2.4%	2.5%
2018	March	2.0%	1.9%
	June	2.6%	2.4%

- 3.9. According to the Guernsey Economic Overview Bulletin issued in May 2018, inflation in Guernsey typically follows the same broad trends as the UK, largely because of the common currency and the extent to which goods and materials are imported from UK based wholesalers. However, annual inflation measured on a consistent basis (by the annual percentage change in RPIX) has been approximately 1% lower than the UK equivalent over the last four reported quarters.
- 3.10. Throughout 2017, the rate of inflation fell from 2.9% to 2.5%, with a further sharp decrease to 1.9% in March 2018. Since 2009, both the RPI and RPIX measures have been lower than the UK. Prior to this, inflation was typically 0.5-1% higher in Guernsey. The differences in the level of inflation in the UK and Guernsey are not consistent across product types. For example, the prices of food have remained similar in both jurisdictions but the price of fuels has increased by roughly 3p more in the UK. Recent reports also suggest that the Bank of England may raise interest rates further in 2018.

The rate of unemployment in Guernsey

- 3.11. The level of unemployment in Guernsey remains low compared to the UK. At the end of April 2018, there were 306 people registered as unemployed. This is 14 more than in March 2018, and 68 fewer than in April 2017 (374).
- 3.12. Table 3 below shows the number of people registered as unemployed throughout 2017 and until July 2018.

Table 3 – The rate of unemployment in Guernsey

Year	Month	Number of registered unemployed
2017	January	371
	February	386
	March	380
	April	374
	May	337
	June	321
	July	284
	August	256
	September	276
	October	266
	November	279
	December	305
2018	January	299
	February	300
	March	292
	April	306
	May	305
	June	300
	July	281

- 3.13. There was an overall increase of 1.1% in the number of people employed or self-employed for the year 2017 totalling 31,195 people. The finance sector remained the largest employer with 6,755 employees and 72 self-employed people. The construction sector had the largest number of self-employed people at 892.
- 3.14. A review of the unemployment rate and minimum wage rate was conducted between 2013 and 2018 and no direct correlation was noted between an increased minimum wage and unemployment levels.

Current rates of pay in Guernsey

- 3.15. This information is currently not held by the States of Guernsey. Information regarding median earnings can be found in the Guernsey Population, Employment and Earnings Bulletin, and this will be provided in the next section of this Policy Letter.

The increase or decrease in rates of pay in Guernsey over the previous twelve months

- 3.16. The Guernsey Population, Employment and Earnings Bulletin, published on 26 July 2018, shows the median earnings for Guernsey employees as at the end of quarter one 2018. The figures are based on data collected from the Rolling Electronic Census IT system and reflects Guernsey only.
- 3.17. In real terms, nominal median earnings increased by 1.8% between the end of March 2017 and the end of March 2018 from £31,773 to £32,360. The average median earnings for women was 2% higher than the previous year at £29,031, in comparison to a 1.4% increase to £35,638 for men.
- 3.18. The figures above show the average median earnings for all industries. Those employed within the Finance sector had the highest four quarter average median earnings at £45,703 at the end of March 2018. This figure is 41.2% higher than the overall median. In contrast, the Hostelry sector had the lowest four quarter average median earnings at £19,837.

Such other factors that appear to the Committee to be relevant

- 3.19. The following were identified as relevant when considering the statutory Minimum Wage Rates:
- i. Public and political expectations
 - ii. Equalising the Minimum Wage Rates for all ages
 - iii. The medium term plan for increasing Minimum Wage Rates
 - iv. Ensuring Guernsey remains competitive with the UK, Jersey and the Isle of Man
 - v. The impact on businesses
 - vi. The In Work Poverty review by the Scrutiny Management Committee
 - vii. A Living Wage for Guernsey

4. The Committee's comments on the other relevant factors

Public and political expectations

- 4.1. The introduction of a statutory minimum wage aimed to ensure that the '... worst cases of financial exploitation in employment were eliminated'. Given that only four complaints have been determined by the Employment and Discrimination Tribunal, the Committee considers that the rate is respected by most employers.
- 4.2. In line with the requirements of The Minimum Wage (Guernsey) Law 2009, the Committee conducted a public consultation surveying the views of the Guernsey community, employers and employees with regards to the minimum wage rates due to come into force on 1st January, 2019. The consultation documentation included minimum wage rates from 2018 however, unlike the previous year, the Committee opted not to recommend a rate for 2019 within the documents.
- 4.3. The current public opinion, as expressed through the consultation is in favour of an increase in the rates. The Committee has taken these views into consideration when determining the increased rates proposed within this Policy Letter and deemed an increase, to £8.10 per hour, to be appropriate at this time, taking into account the needs of employees and of employers. Further details regarding the consultation are detailed in section 4 and Appendix 2.

Equalising the Minimum Wage Rates for all ages

- 4.4. The UK government introduced the "National Living Wage" of £7.20 per hour for employees over the age of 25 on 1st April, 2016 and have maintained three other age related rates for people below the age of 25, and a separate apprentice rate.
- 4.5. The Low Pay Commission Report (November, 2017) recommended that from 1st April, 2018 the UK Adult Rate (25 and over) rise to £7.83 per hour, to match the National Living Wage for UK. The other Adult Rate (21-24 years and over) should rise by 4.72% to £7.38 per hour. The rate for 18-20 year olds is £5.90 (5.4%) and for 16-17 year olds the rate is £4.20 (an increase of 3.7%). Apprentices' rate is recommended at £3.70 per hour (an annual increase of 5.7%). The accommodation offset is set at £7.00 per day (the increase of 60 pence was intended to help the horticulture sector in particular).

- 4.6. The Young Person's minimum wage in Guernsey is for 16-17 year olds at the rate of £7.05, young people over the age of 18 are immediately entitled to receive the Adult minimum wage (£7.75). Young people working as apprentices under the age of 18 are not subject to the Minimum Wage regulations. This is typically due to the fact that there are many training costs which are incurred by employers during the first two years of the apprenticeship in terms of up skilling the worker. As soon as an apprentice reaches 18 years of age, they must be paid the adult Minimum Wage. To be an apprentice, the worker must have entered into, or work under, a contract of apprenticeship with the States of Guernsey Apprenticeship Scheme.
- 4.7. In addition, the Committee is required to take into account the aspiration expressed in a States' Resolution from 2010: "To direct the Commerce & Employment Department, whilst having regard to the requirements of the Minimum Wage (Guernsey) Law, 2009, to take fully into account when reviewing minimum wage rates that it is a policy objective of the States of Deliberation that the Young Persons' Minimum Wage Rate and the Adult Minimum Wage Rate should be equalised as soon as possible".
- 4.8. Consultation meetings with representatives from Hospitality showed objection to the resolution of equalising the minimum wage for Adults and Young People. Representatives were of the view that the financial incentive to employ Young People was key in their recruitment of young, inexperienced staff. They were in favour of the UK model of four age brackets for minimum wage.
- 4.9. Many responses to the consultation felt that the adult and young people's rates should be equalised immediately, or within a short period of time. However, there were also multiple comments from employers and employees which disagreed with the principle of aligning the rates, for similar reasons to those given by the Hospitality sector representatives.
- 4.10. The Committee has taken into account the aspiration expressed in the 2010 States' Resolution regarding the youth rate and recommends that the two rates should be equalised over the course of the next five years. An increase in this rate to £7.50 per hour for 16-17 year olds in 2019 will be a further small step in narrowing the gap.

The medium term plan for increasing Minimum Wage Rates

- 4.11. The States have directed the Committee *for* Employment & Social Security "when they bring proposals to the States for the adult and young persons' minimum wage levels for 2019 to provide clarity on their medium term plan for increasing minimum wage levels" (Billet d'Etat XXIII of 2017, Article 9). The purpose of this is to provide greater certainty for both employers and

employees and to allow them to plan over the medium term. The Committee deems the medium term to be the next 5 years for the purpose of this Resolution.

- 4.12. The Committee has considered a variety of options for minimum wage levels over the medium term and invited the community to offer their views on the matter during consultations. Questions 7-10 in the Questionnaire, specifically designed for Businesses and Employers, aimed to obtain targeted views from respondents on where they see the future of the economy and what they feel would be the correct approach for Guernsey.
- 4.13. Among the options being looked at, the Committee considered whether minimum wage rates should be linked to median earnings, so that a person working a fulltime (40 hour) week should earn at least 60% of the median earnings figure. This option would also ensure that the gap between the Island's lowest paid workers and the workforce average could never grow too wide. A further option under consideration is for the minimum wage rate to automatically increase by inflation (RPIX). If this approach was adopted, the 2019 minimum wage rate would be £7.94 (a 19p increase) as a result of the 2.4% inflation from June this year.
- 4.14. If the median earnings approach was adopted, 60% of 2018 median earnings would produce an hourly rate of £9.33. As the jump from 2018 minimum wage (£7.75) to the median earnings figure (£9.33) is large, a gradual increase to reach this rate over the medium term would be necessary. Approximations of prospective annual increments are illustrated below in Table 4. The outcome in year 2020 is £9.35, rather than £9.33, which is due to rounding the increment to the nearest penny.

Table 4 – Minimum wage rates illustrated over the medium term, based on the 60% of median earnings approach

Year	Hourly rate based on 60% of median earnings
2018	£7.75
2019	£8.07
2020	£8.39
2021	£8.71
2022	£9.03
2023	£9.35

- 4.15. Feedback from consultations with the public showed a split response to the two medium term plan approaches (42% median earnings, 41% RPIX, with 17% opting for 'other'). Comments on the matter were generally more in favour of an RPIX linked increase due to the impact that skewed median

earnings were predicted to have on lower earning industries such as retail and hospitality. Members of the Industry Groups saw value in a medium term plan for business planning purposes. Further details regarding the consultation are in section 4 and Appendix 2.

- 4.16. Feedback from the consultation also showed that there was apprehension about having fixed projected values for the future, especially with economic uncertainties on the horizon. A caveat to agreeing the medium term plan will be that the minimum wage rate will still be reviewed before The States on an annual basis, with freedom to alter the rate of increase if special circumstances arise.
- 4.17. The Committee has taken these views into consideration when determining the medium term plan proposed within this Policy Letter and deemed linking minimum wage rates to 60% of median earnings, to be appropriate.
- 4.18. The young person's rate and accommodation and food offsets will also be increased annually in accordance with the medium term plan. Following the resolution to equalise the young person's rate with the adult minimum rate, the medium term plan for the young person's rate will require incremental steps to reach the adult minimum rate by 2023. The exact adult minimum wage in 2023 will be dependent on median earnings in 2022, however, if £9.33 is assumed for illustrative purposes, the young person's rate would increase by 46 pence per year. Rates over the next 5 years are illustrated below:

Table 5 – Young person's minimum wage rates illustrated over the medium term, based on the 60% of median earnings approach

Year	Young Person's Rate
2018	£7.05
2019	£7.51
2020	£7.97
2021	£8.43
2022	£8.89
2023	£9.35

Ensuring Guernsey remains competitive with the UK, Jersey and the Isle of Man

- 4.19. As many sectors in Guernsey rely on short term workers, the Committee believes that the minimum wage rates must not fuel the perception that Guernsey "pays low wages", while remaining affordable to all or most employers operating here. To date, the approach has been to set a rate that bears comparison with the UK, but which recognises the slightly higher cost of

living in Guernsey. The Committee recognised the need for employers to attract and retain quality staff. The Committee acknowledged that to do so, Guernsey must remain competitive with other comparable jurisdictions.

- 4.20. In consultation meetings with representatives from Care Homes, representatives noted that even though Jersey's Minimum Wage Rates are lower than Guernsey's, Jersey still offers a preferable relocation package for migrant workers where employees are paid more than they are in Guernsey. Jersey's cost of living is also lower, or perceived to be lower. When talking about Guernsey as a more competitive employer, representatives from Hospitality expressed views that Guernsey would not become a competitive destination based on its Minimum Wage Rate alone, because other considerations such as Personal Tax Allowance (PTA) and transport links play a part in this perception.
- 4.21. The UK National Living Wage Rate was set at £7.83 from 1st April 2018. Guernsey's Adult Minimum Wage Rate was £0.25 higher than the UK National Living Wage in 2017.
- 4.22. It should be noted that the qualifying age for the UK Adult Minimum Wage is 21 years. In Jersey, it is above the school leaving age of 16 compared to 18 years and over in Guernsey. In the UK, the adult rates (there are now two adult rates) apply to those over 21 and to those aged 25 and over.

The impact on businesses

- 4.23. The Committee gave consideration to businesses where the rate of pay is fundamental to their financial viability and which would be required to increase pay rates to at least match the statutory minimum wage. The Committee believes that the contribution of businesses to the economy, and their employment of local labour, has to be balanced by a recognition that the States effectively subsidises the operating costs of those that pay low wages, where employees may need to rely on financial assistance from the Income Support system. Data on the wage rates of working families receiving benefit top-ups is not captured at present.
- 4.24. Feedback from consultations with retail groups and the online questionnaire highlighted that some businesses may be unable to absorb changes in their operating costs without passing these onto the public or cutting down on staff numbers. The impact of maintaining pay differentials across all pay scales to make up for minimum wage increases, was referenced as one of the biggest concerns to businesses. The consultation also brought attention to the complexity of staff remuneration which was not always as simple as an hourly rate but often included discounts, healthcare and bonuses. It was noted that

employers might reduce some of these benefits in order to pay higher wages should minimum wage increase substantially.

A Living Wage for Guernsey

- 4.25. Although low pay may be an issue in some business sectors and working poverty persists in Guernsey, the Living Wage Report (2015) concluded after review that publicising a Living Wage Statistic would not be an effective way of addressing the associated social policy concerns.
- 4.26. The UK Living Wage Commission consider a Living Wage as “*an hourly wage defined as the minimum amount of money needed to enjoy a basic, but socially acceptable standard of living*”, unlike a Minimum Wage which is simply intended to prevent employers paying wages that are so low as to be considered exploitative. Guernsey’s Living Wage Project Group investigated the potential effects of calculating and publishing a local living wage, including a consultation with the public and employers on their views of such a statistic. Calculating a Living Wage in Guernsey was considered impractical and costly, requiring extensive detailed analysis of data annually, and was not projected to improve the working poverty situation in Guernsey, potentially negatively impacting local businesses. Following a local Living Wage was not considered a suitable plan for wages moving forward. The five year plan has been developed as alternative wage security in order to provide some insight into wages in the medium term for employees and employers.
- 4.27. The Scrutiny Management Committee is expected to be reporting to the States, at the same meeting as this Policy Letter is debated, on its Review of In-Work Poverty. The Scrutiny Management Committee has evaluated policies and strategies that may be contributing to the number of people who are in work but still unable to earn enough to enjoy a basic standard of living. Guernsey’s minimum wage was initially considered to be a significant contributing factor to in-work poverty, however the review process determined it to be a smaller influence than anticipated. The in-work policy investigation found that the majority of workers that were paid minimum wage or just above were predominantly employees in hospitality, care homes and horticulture sectors. These employees were typically single, non-islanders on short term contracts, living in employer-provided accommodation and rarely seeking in-work benefits from The States. Projections for an increase in minimum wage was deemed unlikely to alleviate in-work poverty in Guernsey due to the fact that most workers who are in poverty are typically paid modestly but at a level above the minimum wage; it is their high cost base arising from family dependents, accommodation and other factors which create the need for in-work benefits.

- 4.28. The Scrutiny Management Committee panel recommended to the ESS Committee in 2017 that proposals for any increase to the minimum wage should be planned over a three to five year timescale to allow employers a period of certainty. These recommendations are now present in the 2018 medium term plan. A recommendation in the 2018 Review invited the Committee to commit to improving their collection of data on the number of workers in Guernsey earning minimum wage.
- 4.29. The In-Work Poverty Review 2017 questioned the concept of a 'Living Wage' in Guernsey as it deemed that identifying a wage level at which people could support themselves and their families without the need for benefits to be an extremely complex issue that cannot be calculated.
- 4.30. An alternative approach was discussed, to link the minimum wage directly to Income Support rates and alleviate the need for benefit reliance. The Committee discussed the viability of aligning the minimum wage rate with the single adult Income Support rate however, once an allowance for tax and social security deductions was incorporated into this, the hourly rate became £13 per hour, akin to a living wage and not feasible at this time. Changes in basket of goods prices over the next five years were also envisioned to affect minimum wages in that scenario. Aligning minimum wage with Income Support was therefore agreed to be not viable at this time, but would be looked into further in the future.

The impact of Brexit

- 4.31. All eventualities of Brexit are likely to have an impact on the island and islanders, however the nature of these impacts are not easy to predict. Factors beyond the Bailiwick's control, including currency changes and reduced immigration are likely to affect recruitment and retention of staff. If reduced immigration to the island ensues, in the short term, minimum wage jobs that are currently taken by migrants could present a void that will need to be filled by local people. Given the island's low rate of unemployment, it is unclear to what extent this would take place. Alternatively, having high minimum wages that are competitive with UK's National Living Wage could become unaffordable and cause unemployment, increased prices and business failures. We do not yet know quite how Brexit will affect labour and wages in Guernsey. The States of Guernsey External Relations Team are monitoring all developments.

Consultation

- 4.32. Between 24th July, 2018 and 7th September, 2018, the Committee carried out a public consultation on minimum wage rates. Consultation papers were sent out to all employers and to targeted groups including hospitality, care and

residential homes, agriculture and horticulture, trade unions and staff associations, representatives of youth organisations, the Portuguese and Latvian communities, and industry groups of employers in Guernsey. Business associations, including the Chamber of Commerce, were invited to comment. The Committee *for* Economic Development was also asked to comment; Members are grateful for their response which is attached as Appendix 3.

- 4.33. Members of the public were also invited to contribute as individuals through the States of Guernsey website. The consultation was supported by a communication strategy which included issuing media releases and utilising a strong social media presence to reach a wider audience and encourage engagement. The Committee were particularly interested in consulting with employees and employers and workers currently employed in the traditionally lower paid industries.
- 4.34. For this year's public consultation a different approach from 2017 was taken for the questionnaires, whereby the proposed figures for the 2019 Adult Rate and Young Person's Rate were not published within the questionnaire. Another change from the previous year's approach was the inclusion of two new sections; the first seeking views of the public on the medium term plans for minimum wage, and the second a dedicated section for Businesses and Employers, designed to obtain greater levels of engagement from the under-represented employers sector as well as an increased quality in data collection.
- 4.35. Engagement with the consultation was particularly high when compared to previous years, with 211 respondents. The majority of the respondents were in favour of increasing both the Adult and Young Persons' Minimum Wage Rates and the associated offsets. The response to the proposed medium term plan was evenly split.
- 4.36. Respondents provided feedback on 14 questions pertaining to the adult minimum wage, the young person's wage and the Committee's medium term plan. Additional comments were submitted on subjects relating to business viability, the cost of living, the economy, a living wage and equality & inclusion. The results and responses of the consultation were carefully reviewed and taken into consideration when the Committee decided on their recommendations for the minimum wage rates and medium term plan. A full summary of the responses to the public consultation are set out in Appendix 2.

5. Conclusions

- 5.1. Having considered the criteria and relevant factors as set out in the Law, the Committee has concluded that there is a case to increase the statutory minimum wage rate with effect from 1st January, 2019.
- 5.2. It is the view of the Committee that the Adult Minimum Wage Rate should be increased from the current £7.75 per hour to £8.10 per hour.
- 5.3. The Committee considers the UK Government's aspiration to move to the "National Living Wage" rate of £9.00 per hour by 2020 needs to be borne in mind when setting the adult rate for 2019. It believes that if Guernsey does not keep pace with the UK rate, this could have serious implications for the Island's competitiveness and reputation.
- 5.4. In consideration of the Resolution of the States 'to provide clarity on their medium term plan for increasing minimum wage levels', the Committee has outlined its intentions for the minimum wage for the next 5 years. It is intended that increases in minimum wage rates will be with a view to reaching 60% of median earnings over the next 5 years. However, the rates will still be reviewed annually to account for changes in economic circumstances.
- 5.5. The Committee supports the aspiration expressed in the 2010 States' Resolution to equalise the Young Persons' Rate and the Adult Rate and consequently the equalisation has been incorporated into the Committee's medium term plan. The intention is for the Young Person's rate to be set at £7.50 an hour for 2019 and to increase incrementally to equal the adult minimum wage rate by 2023. The differential between the adult rate and young person's rate in 2019 will be 60 pence.
- 5.6. The Committee has decided to offer offset rates with an increase proportional to the minimum wage rates, linked to median earnings. These offsets are as follows:

Accommodation and Food	£78 per week
Accommodation only	£109 per week.

- 5.7. Increasing the Adult Minimum Wage Rate to the proposed level strikes a balance between setting rates that are affordable to responsible employers operating in Guernsey and reduces the risk of exploitation of workers. The Committee believes that its proposals align with its purpose which is "To foster a compassionate, cohesive and aspirational society in which responsibility is encouraged and individuals and families are supported through a scheme of social protection relating to pensions, other contributory

and non-contributory benefits, social housing, employment, re-employment and labour market legislation”.

Resource and Implementation Plan

- 5.8. Table 6 below shows how the Committee has considered the resources required to implement the propositions set out in this Policy Letter.

Table 6 – Resource and Implementation Plan

Details considered	Committee comment
Cost	No further costs will be required
Timescale	Implementation on 1 st January 2019
Resource requirements	No additional resources required.
Communications plan	A media release will be issued and relevant sections of the States of Guernsey website will be updated.

Compliance with Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees

- 5.9. The Committee has carried out the consultation required by section 5 of the Law, as set out in section 4 of this Policy Letter.
- 5.10. The Committee has not consulted with Alderney as the minimum wage legislation does not apply in that Island. This does give the Committee some cause for concern, including the possible impact on income support expenditure in respect of Alderney residents.
- 5.11. The Law Officers of the Crown have been consulted on the drafting of the necessary Regulations to give effect to the recommendations in this report.
- 5.12. The propositions contained within this Policy Letter relate to the Committee’s mandated responsibilities for social inclusion and labour market legislation and practices. The propositions are also in line with the visionary themes of the Policy & Resource Plan, approved by the States in November 2016 (Billet d’État XXVIII of 2016, Article 1), which are to be inclusive and equal, and to foster a mature international identity.
- 5.13. In accordance with Rule 4(4) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the attached proposition has the unanimous support of the Committee.

Yours faithfully

M K Le Clerc
President

S L Langlois
Vice-President

M J Fallaize
J A B Gollop
E A Yerby

M J Brown
Non-States Member

A R Le Lièvre
Non-States Member

GUERNSEY STATUTORY INSTRUMENT

2018 No.

**The Minimum Wage (Prescribed Rates and Qualifications)
(Guernsey) (Amendment) Regulations, 2018**

<i>Made</i>	<i>15th October, 2018</i>
<i>Coming into operation</i>	<i>1st January, 2019</i>
<i>Laid before the States</i>	<i>, 2018</i>

THE COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY, in exercise of the powers conferred on it by sections 1(3), 3(1) and 31 of the Minimum Wage (Guernsey) Law, 2009³ and all other powers enabling it in that behalf, hereby makes the following Regulations:-

Substitution of schedule to principal Regulations.

1. The principal Regulations are amended by substituting, for the Schedule to those regulations, the schedule contained in the Schedule to these Regulations.

Interpretation.

2. In these Regulations, "**the principal Regulations**" means the Minimum Wage (Prescribed Rates and Qualifications) (Guernsey) Regulations, 2012⁴.

³ Order in Council No. I of 2010; as amended by Order in Council No. XIII of 2010 and Ordinance No. IX of 2016.

⁴ G.S.I. No. 40 of 2012; as amended by G.S.I. No. 15 and No. 49 of 2014, No. 40 of 2015, No. 42 of 2016, and No. 89 of 2017.

Transitional and savings provisions.

3. (1) These regulations do not have effect in relation to any worker and his work until the first day of the first pay reference period of the worker in respect of that work.

(2) For the avoidance of doubt, before the first day of the first pay reference period of the worker in respect of that work, the principal Regulations have effect in relation to that worker and that work as if these Regulations had not been made.

(3) In this regulation, "**the first pay reference period**", in relation to a worker and his work, means the first pay reference period of the worker, in respect of that work, beginning on or after the date specified in regulation 4 for these Regulations to come into force.

Citation and commencement.

4. These Regulations may be cited as the Minimum Wage (Prescribed Rates and Qualifications) (Guernsey) (Amendment) Regulations, 2018 and come into force on the 1st January, 2019.

Dated this 15th day of October, 2018

M. K. LE CLERC

President of the Committee for Employment & Social Security

For and on behalf of the Committee

SCHEDULE

SCHEDULE TO BE SUBSTITUTED FOR THE SCHEDULE TO THE PRINCIPAL
REGULATIONS

"SCHEDULE
MINIMUM WAGE RATES

Regulations 1(1) and 2(1)

Adult Minimum Wage Rate	£8.10 per hour.
Young Person's Minimum Wage Rate	£7.50 per hour."

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace the minimum wage rates for adults and young persons with the new rates of £8.10 per hour and £7.50 per hour, respectively, for the purposes of the Minimum Wage (Guernsey) Law, 2009 ("the Law").

Under section 31(3) of the Law, these Regulations do not have effect until approved by a Resolution of the States. If so approved, these Regulations will come into force on the 1st January, 2019. The new rates will then take effect on and from the first day of the first pay reference period of each worker in respect of any particular work.

SUMMARY OF RESPONSES TO CONSULTATION**6. Response count**

- 6.1. The responses to the Minimum Wage Consultation 2018 have exceeded all previous response levels, with 211 respondents completing the online questionnaire and six consultation meetings taking place with industry representatives from retail, hospitality, tourism, care homes, members of the Guernsey Chamber of Commerce and the president of the island's Latvian Association. This year's response rate is 18% higher than the 2017 consultation (179 respondents).
- 6.2. Of the 211 respondents, there was a high response rate from both employees and employers with employees representing 56.4% of respondents and Employers 36.5%, this was a higher proportion of employers than previous years. The remaining respondents fell within the Third Sector category or 'Other', which consisted of a Deputy, company directors, human resource managers and unemployed people.

Table 1 – Consultation respondents split by capacity

Respondent Capacity	Number	Percentage of Total Responses
Employee	119	56.4%
Employer	77	36.5%
Employer's Association	0	0.0%
Third Sector	5	2.37%
Trade Union	0	0.0%
Other	10	4.74%

7. Industry representatives

- 7.1. Respondents were asked which industry they currently work in or would represent and the highest proportion of respondents were in retail, hospitality and financial Services (17%, 13% and 11% respectively). Respondents selecting 'other' included veterinary staff, hair dressers, students, those in creative arts, aquaculture, transport and online gambling

8. Size of business

- 8.1. The questionnaire requested an indication of the size of businesses being represented. The results indicated that the majority of respondents were from large businesses consisting of more than 50 employees (37.4%), with

only 2.8% of respondents being self-employed, as highlighted by selecting 0 for number of employees in the business.

Table 2 – Number of employees within each business

Number of employees working in the business	Number	Percentage of total responses
0	6	2.8%
1 to 5	34	16.1%
6 to 10	27	12.8%
11 to 20	36	17.1%
21 to 50	29	13.7%
51+	79	37.4%

9. Rates and offset responses- increase or maintain current rates

- 9.1. 169 out of 211 respondents, representing 80.1% of the total responses, indicated that the adult minimum wage should increase, while 135 of 210 respondents, representing 64.3% of the total response, were in favour of increasing the Young Persons' Rate.
- 9.2. The response of employees and employers was analysed separately, shown in the table below. 110 out of 119 employees, representing 92.4% were in favour of increasing the adult minimum wage, whereas only 45 out of 77 employers (58.4%) favoured an increase. 85 out of 119 (71.4%) were in favour of increasing the young persons' minimum wage, whereas employers were split on this matter, with 49.4% favouring an increase and 50.6% preferring the rate to remain the same.
- 9.3. 54% of all respondents were in favour of the maximum accommodation offset being increased with a similar 56.7% of all respondents being in favour of the maximum accommodation and food offset being increased.

Graph 1 – The proportion of respondents choosing to increase or maintain wage rates and offsets

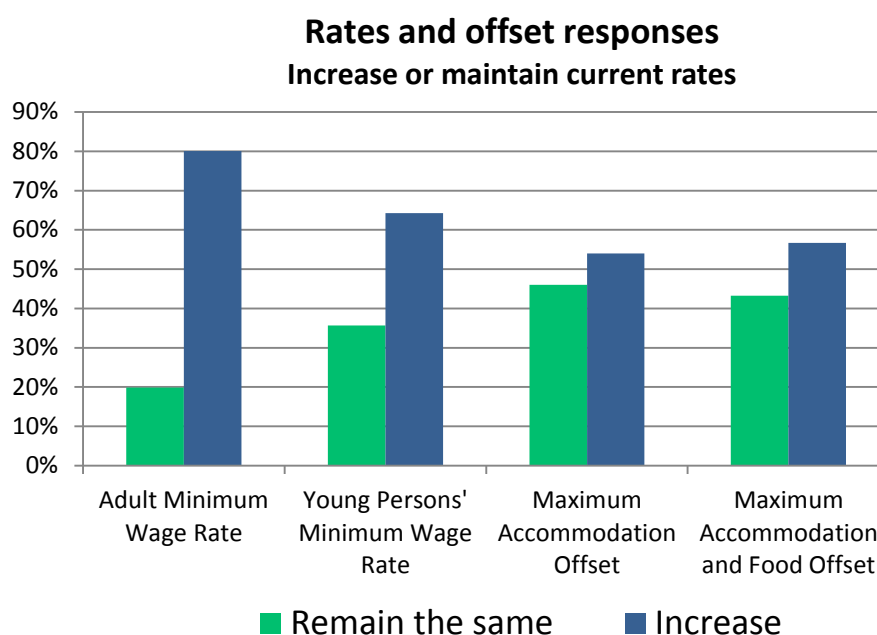


Table 3 – The proportion of all respondents choosing to increase or maintain wage rates and offsets

Rate/Offset	Remain the same		Increase		Total
Adult Minimum Wage	42	19.9%	169	80.1%	211
Young Persons' Minimum Wage	75	35.7%	135	64.3%	210
Maximum Accommodation offset	93	46.1%	109	54.0%	202
Maximum Accommodation and Food Offset	87	43.3%	114	56.7%	201

Table 4 – The proportion of respondents choosing to increase or maintain wage rates, split by employees and employers

	Adult Minimum Wage		Young Persons' Minimum Wage	
	Remain the same	Increase	Remain the same	Increase
Employee	7.6%	92.4%	27.7%	71.4%
Employer	41.6%	58.4%	50.6%	49.4%

10. Medium term plan for minimum wage rates

- 10.1. The questionnaire requested an indication from the respondents of which approach they favoured for increasing the minimum wage and associated offsets over the next 5 years. Of the 211 responses, 88 favoured linking the minimum wage increases to median earnings (41.7%), 86 favoured linking the increase to inflation (40.8%) and the remaining 17.5% would prefer another approach, selecting 'other'.

Table 5 – Preferred medium term plan approaches by all respondents

Medium term plan approach	Number	Percentage of total responses
Link to Median Earnings	88	41.7%
Link to RPIX (Inflation)	86	40.8%
Other	37	17.5%

Table 6 – Preferred medium term plan approaches split by employee and employer

	Number of responses	Link to Median Earnings	Link to RPIX	Other
Employee	119	53.78%	30.25%	15.97%
Employer	77	23.38%	57.14%	19.48%
Other	16	40.0%	40.0%	20.0%

- 10.2. Medium term plan responses were split further to show the break-down of responses from employees and employers. The majority of responses from employees were in favour of linking minimum wage to median earnings (53.78%) whilst the majority of employers were in favour of linking to RPIX (57.14%).

11. Equalising the young person's and adult minimum wage rate

- 11.1. The questionnaire asked for feedback on the period of time over which the equalisation process should take place. The responses were quite evenly split, however the highest number of people (39.3%) opted for the shortest period of time, within 1-2 years. Comments on the subject were generally relating to the principal of equalising the two rates, rather than the actual time period. Criticism was given over delaying such a change at all, with most written comments saying it should happen as soon as possible.

Table 7 – Timeframe for equalisation of young person's minimum wage rate

Period of Equalisation	Number	Percentage of total responses
Within 1-2 years	83	39.3%
Within 3-4 years	22	10.4%
Within 5 years	57	27.0%
Other	49	23.2%

- 11.2. The next section of the questionnaire was targeted at businesses and employers. 54 respondents skipped this section (questions 7-14).

12. Young people in employment

- 12.1. Respondents provided the number of young people they employed, aged between 16-18 years old, if any. 66 out of 120 respondents (55%) employed no young people at all, 31 out of 120 respondents (25.8%) employed between 1 and 3 young people, 15% employed between 4 and 20 young people, and the remaining 4.2% employed more than 20 young people.

Table 8 – Number of young people employed within the business

Number of young people employed	Number	Percentage of total responses
0	66	55.0%
1-3	31	25.8%
4-8	15	12.5%
9-20	3	2.5%
20+	5	4.2%

- 12.2. Employers were requested to comment on how many of the young people that they employed were working on a full time or part time basis. Of the 46 employers that answered the question, around 19.4% of their young people were working full time and 80.6% were working part-time. Part-time workers were mainly working weekends and holiday periods, with a large percentage being school or university students. Retail was the biggest employer of part-time workers with one retail outlet employing 109 young people, finance was the biggest full-time employer of young people with one employer employing 20 young people.

13. Impacts of minimum wage rate increases on staff

- 13.1. Respondents were asked about the impacts that increasing minimum wage rates has on remunerating their staff. 29 out of 91 employers that answered, representing 31.5%, said that wage rates are usually increased for all staff. A lot of the comments about this stated that this was done to ensure differentials, increasing wages for all employees was necessary to maintain a pay gap between pay grades. Other comments stated that their pay rises were linked to performance, based on annual reviews or on a case by case basis, and not linked to the minimum wage changes. 33.7% of respondents did not pay any of their staff minimum wage and so would not feel an immediate impact of raising minimum wage rates.

Table 9 – Impacts of minimum wage rate increases on staff according to employers

Option	Number	Percentage of total responses
'Wage rates are usually increased for all staff'	29	31.5%
'Wage rates are usually increased for some staff'	12	13.0%
'Wage rates are only increased for staff on the minimum wage'	11	12.0%
'No wage rates are increased, as all staff get paid more than the minimum wage'	31	33.7%
None of the above	9	9.8%

14. Impacts of minimum wage rate increase on business

- 14.1. Respondents were asked about the impacts that increasing minimum wage rates has on their business. 33% of respondents selected that pricing or tariff levels are impacted the most by annual increases in minimum wage, a large number of additional comments also said that staffing levels, recruitment & training would have to be tightened as wages increase. Other responses predicted overall negative effects on businesses as overheads go up, reduced profitability and operating margins would be narrowed. Lots of comments said they would have like to have chosen more than one of the options. One respondent said that it would be the remuneration package of their staff that would be reviewed to compensate for higher wages.

Table 10 – Impacts of minimum wage rate increases on business, according to employers

Option	Number	Percentage of total responses
Pricing or tariff levels	29	33.0%
Staffing levels and recruitment	15	17.05%
Service quality	4	4.5%
Employment terms and conditions	4	4.5%
Staffing structure	4	4.5%
None of the above	32	36.4%

15. Proportion of staff paid at minimum wage rates

- 15.1. 23 out of 93 respondents, making up 24.7% of participating employers, indicated that they paid some or all of their staff at minimum wage. The remaining 75.3% indicated that they paid all of their staff more than minimum wage.

Graph 2 – Proportion of employers paying staff at or above minimum wage

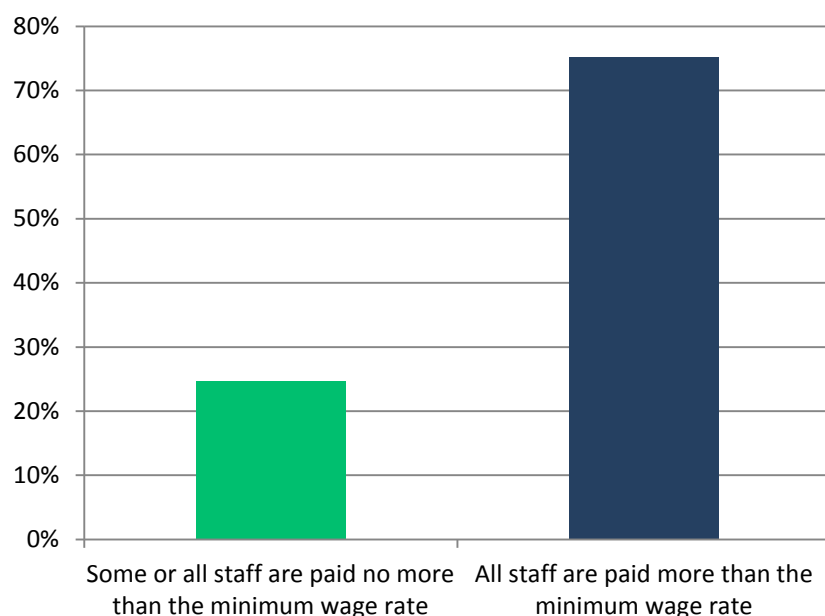


Table 11 – Proportion of employers paying staff at or above minimum wage

Proportion of staff paid at minimum wage rates	Number	Total percentage of responses
Some or all staff are paid no more than minimum wage	23	24.7%
All staff are paid more than minimum wage	70	75.3%

16. Remuneration above minimum wage rates

- 16.1. Only 85 employers answered this question. The vast majority (65.9%) of respondents answered that for their staff at the lower end of the salary scale, they were remunerated at greater than 5% more than the minimum wage. 10.5% answered saying that they their lowest paid staff were not on minimum wage rates, but were paid 1-2% above the minimum wage rates.

Table 12 – Remuneration of staff above minimum wage rates

Differential above minimum wage rates	Number	Percentage of total responses
1-2% higher	9	10.5%
2-3% higher	3	3.5%
3-4% higher	5	5.9%
4-5% higher	5	5.9%
Greater than 5%	56	65.9%
Employees are paid at current Minimum Wage	7	8.2%

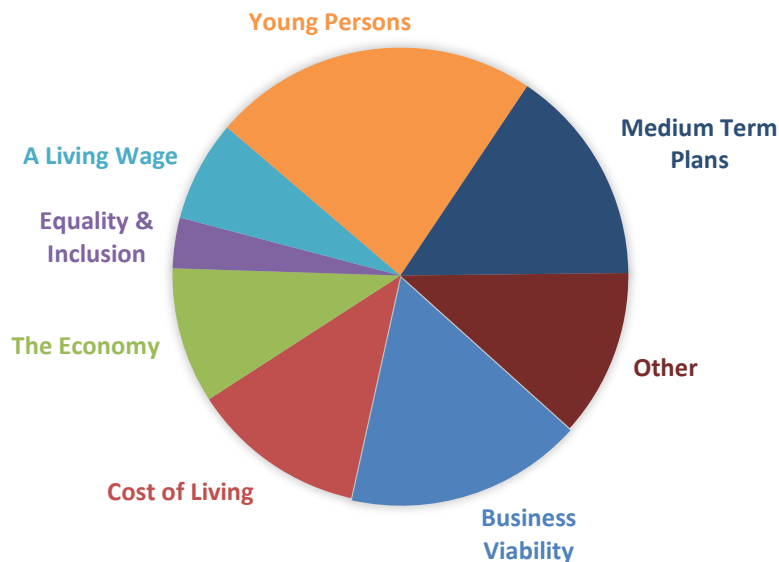
17. Comments provided by respondents

- 17.1. 370 comments were provided by respondents at different stages of the questionnaire, these comments have been categorised within eight categories to facilitate quantitative analysis. The eight categories identified were Business Viability; Cost of Living; The Economy; Equality and Inclusion; a Living Wage, Young Persons, the Medium Term Plan, and Other. Some of the comments referred to more than one of the above categories. For the purposes of quantitative analysis and to ensure that all category comments are captured, the figures below represent the number of times the particular category was mentioned as some comments spanned a number of categories. A summary of the response per category is as follows.

Table 13 – Theme of comments referenced in questionnaire feedback

Theme	Number of Category Referrals	Percentage of Total Category Referrals (%)
Business Viability	61	19.1%
Cost of Living	45	14.1%
The Economy	35	10.9%
Equality & Inclusion	13	4.1%
A Living Wage	26	8.1%
Young Persons	84	26.3%
Medium Term Plans	56	17.5%
Other	43	13.4%

COMMENT THEMES



Business viability

- 17.2. Comments relating to business viability remarked on the difficulty of containing costs when minimum wage rates require differential wage increases across all pay scales. A common impact to businesses, as demonstrated in 9.1 and brought up in multiple comments, was the pressure to increase prices in order to offset increased wage costs, which can lead to inflation. A common conception was that ‘prices will rise, social consumption will decrease’ with the prediction that public spending and business turnover would likely reduce and that these effects may affect quality of life for families who are no longer able to afford luxuries. Local retail representatives expressed concerns that passing costs onto customers is not always possible due to the competition from online shopping.

“If the minimum wage were to increase to £9.33 we would need to increase pricing on all products sold in order to cover the increased staff costs.”

“It is very difficult in the horticulture business to pass on increases in Guernsey our product is more expensive to export.”

Cutting down on staff numbers was another business impact that was referenced multiple times. Representatives of the hospitality trade explained that often managers are given wage percentages by hotel owners and so, with higher wages, cannot afford to employ as many staff. Service quality and health of employees may be effected as fewer staff are required to do the

same amount of work. Higher rates of unemployment and the consequential reliance on social benefits were commented on, one respondent stated that it would be 'better to have people meaningfully employed than not at all.'

"Raise the minimum wage too high and businesses will employ fewer people when times get tough."

Chamber of Commerce representatives and retail groups representatives both pointed out that minimum wage rates and offsets do not take into consideration the additional non-cash benefits which employees may be receiving such as discounts on food, fuel, clothes, pension, health care and bonuses. Business owners felt that they would be forced to rethink such generous remuneration packages in order to maintain appropriate hourly rates.

"Pricing levels have to increase to accommodate the additional expense, staff levels and structuring need reviewing and cutting wherever possible to reduce overheads which subsequently has a negative effect on quality of service."

Cost of living and The Living Wage

- 17.3. More than 30 comments referenced the high cost of living on the island and the inequitable rate of current minimum wage. Respondents said it was 'impossible' to live on a minimum wage in Guernsey which resulted in hard working people requiring income support top-ups. Representatives from the Committee for Health & Social Care (HSC) felt that any changes in minimum wage rates that would ensure individuals did not have to rely on income support, would be important progress. Many people said that expensive housing/rent was causing a disparity between wages and living costs, and that better governance of this would make wages go further.

"Many families, especially single parents, are struggling to maintain their high rent or mortgages as well as provide for their children, leaving them next to no room for other activities."

Respondents commented that the minimum wage was not actually linked to living costs. A lot of references were made to a real Living Wage being needed, as the current minimum wage was only enough for living in deprivation. The high cost of living in Guernsey and travel costs were also said to be a deterrent to attracting staff.

"The minimum wage should be linked to what people need to pay to have a decent life in Guernsey."

The Economy

- 17.4. Many respondents were of the opinion that higher wages would stimulate local economy as additional funds available to workers would result in money being recirculated into economy, rather than saved as a profit by business owners. The flipside of this was also referenced with comments suggesting that prices will rise with minimum wage which may reduce frivolous spending. The uncertainty of Brexit and its effect on local economy was touched on by a few people.

“A reasonable living wage would be mean more disposable income which could mean more spending locally as opposed to online.”

Young persons

- 17.5. The majority of people who commented on the Young Persons rate were of the strong opinion that the two rates should remain separate, 29 employers and 11 employees made comments on this. Employers expressed views that if the financial incentive to take a chance on young, untrained staff, who would be less productive and need more supervision, was removed, then employers would not be able to justify employing them and youth unemployment would be higher.

“Our youngest employees are still learning their profession. They are less productive and it costs much more to train them to maximise their opportunities. This should be reflected in their salaries.”

A lot of employers justified lower wages for young people due to their reduced financial outgoings, often still residing with parents and without families to support. Representatives for hospitality and retail, two of the biggest employers of young people, thought the two rates should remain separate. Other respondents were in favour of paying staff equal rates for the same job, regardless of age, with any pay differences resulting from skills, experience or appraisals.

“We already pay school leavers the same as what we pay adults. They are doing the same job.”

Equality and inclusion

- 17.6. Comments regarding this category generally related to the fair and equitable pay of hard work, with comments suggesting that low levels of pay, especially for physically demanding work, were akin to exploitation. If the rates were raised, fewer people would require income support and it was suggested that receiving part of their living costs through hand-outs was demeaning to those

people. When talking about closing the gap between earnings, one respondent said:

“Reducing inequality is an important endeavour socially and economically, though should probably be pursued through taxing the wealthy”

Medium term plan

- 17.7. Multiple comments about the medium term plan were critical of the proposal to link the minimum wage to median wages, however many of these comments were misinterpreting the definition of median. Despite the largely one-sided written comments, quantitative data showed 41% in favour of this approach. Many respondents were concerned that the high proportion of employed people working in very high paid industries would skew the earnings data. Respondents anticipated that such high rates could be potentially damaging to retail, hospitality and service industries.

“Linking to median earnings leaves it at a real risk of rising too high and could be a real disincentive to employers.”

Many comments preferred the RPIX linked minimum wage approach, however some respondents did not think RPIX alone would be an accurate benchmark. There were some concerns that a percentage increase such as RPIX may simply widen the gap between higher and lower earners. Other comments were apprehensive about having a perpetual automatic increase that would not be reviewed.

As mentioned in 12.3, a lot of respondents expressed views that in the medium term, linking the minimum wage to real living costs would be better than both of these options.

“If a minimum wage is not linked explicitly to living costs, then those on it are very vulnerable to the vagaries of the market, and on a great many things that are out of their control.”

One respondent objected to both options and commented that Guernsey's economy is unique and a more considered approach needs adopting. Members of the Chamber of Commerce recognised that a medium term plan would be valuable for business planning purposes but felt that there should still be room for flexibility, depending on economic circumstances.

Other

- 17.8. Comments relating to ‘other’ themes referenced labour shortages, in-work poverty, health benefits, productivity and competition.

“Unintended consequences in competing for employees in the health and care market would have to be considered if public sector pay did not stay ahead of private sector wage levels for the unregistered health and care workforce”

Multiple comments were received on the affect that Guernsey’s Population Management Law was having on recruitment and the ability to retain non-local staff. A large number of businesses employ non-local staff on short term licences due to the manpower shortages of the island, or on medium-term licences due to skill shortages. Recent changes in population laws such as a cap on the total number of years foreign workers can reside in Guernsey, and restrictions on housing, have been referenced as factors deterring the employment of foreign workers on the island, making other jurisdictions such as Jersey and UK more appealing. Some of the comments relating to population management are listed below:

“Population Management restrictions posed the greatest difficulty when recruiting staff such as kitchen porters and housekeeping, though they have not had the same difficulty recruiting professionally qualified/trained care staff.

“The new population law have squeezed qualified labour”

“..this combined with the population management regime could mean that it will be more difficult to attract migrant workers as Guernsey will become a less attractive place to come and work.”

“Locals do not wish to work within the hospitality trade so 99.9% of our staff are made up of non-locals. Due to housing rules they are not likely to purchase a house and those housed by us are governed by how much we can charge...”



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Economic Development

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28 September 2018

Dear Deputy Le Clerc

I refer to your Committee's recent correspondence regarding its consultation on a variety of options for minimum wage levels over the medium term, in which you seek the views of the Committee *for* Economic Development on its current position.

The Committee notes that you are considering whether minimum wage rates should be linked to median earnings, so that a person working a full-time (40 hour) week should earn at least 60% of the median wage. Your reasoning for this is to ensure that the gap between the Island's lowest paid workers and the workforce average does not increase disproportionately. You also refer to a further option under consideration which is for the minimum wage rate to automatically increase by inflation (RPIX).

The Committee has considered these matters and while it is of the view that the market could bear some limited real increase in minimum wage rates, caution is needed to avoid negative, unintended consequences. The Committee is also of the view that your suggested high level proposal for the minimum wage (£9.33) would bring about significant risk to inflation and unemployment, particularly if it coincides with the introduction of secondary pensions. These points are explained in more detail, below.

At present, the sectors most likely to be paying at minimum wage are hostelry and agriculture and these are highly dependent on migrant labour, of which many would not be eligible to receive benefits. There is therefore an argument in favour of allowing the market to set these rates, based on what is required to recruit the right staff with the right skills from elsewhere. The devaluation of sterling has almost certainly put an upward pressure on the rates that potential employees are demanding.

The Committee is of the view that minimum wage rates are not, at present, artificially inflating unemployment and in the short term the market could bear some limited real increase in minimum wage. However, in the longer term if the figure of 60% of median "wage" is adopted as an aspiration (i.e. the £9.33) the issue becomes much more significant. As stated above, an increase in minimum wage of this scale is likely to be a significant problem for the hostelry sector and will almost certainly negatively impact

Guernsey's affordability as a tourist destination. It is likely to push up prices in restaurants and hotels as well as increase the cost of cleaning and basic care services.

The Committee notes that the 60% threshold is only usually applied to total household incomes, not individual earnings from employment. Due to the way the median earnings figure is calculated, linking anything directly to that could see the median earnings figure decrease over time. For example, if zero hours contracts increase in popularity, the median earnings could decrease over time (even though in total, employees' earnings might increase).

At the new rates, minimum wage is also likely to become an issue for those sectors currently employing more local, unskilled labour in sectors such as retail, administrative support services and, potentially, in health services. It is estimated that the current pay rate in retail is about £8.50 to £9.00 per hour, if employers were to struggle to afford an increase in wages to £9.33, the impact on the truly resident population and therefore on unemployment becomes more significant. On one hand, this might start to make some impact on the number of people claiming income support top-ups, but on the other it may also start to put upward pressure on unemployment levels.

As mentioned above, if an uplift in the minimum wage feeds through to employer costs at the same time that secondary pensions are introduced (due to commence c 2020), the pressure on employers of largely local, low skilled workers could be significant. As with the impact on the hospitality sector, this has the potential to drive up retail, domestic services and construction prices, creating an inflation effect.

Finally, it is also worth bearing in mind that the lowest paid Public Sector workers are likely to be earning less than £9.33 per hour, which could then put additional pressure on the States General Revenue Budget.

The Committee requests that you take these comments into account when reaching a decision on the minimum wage.

Yours sincerely,

A handwritten signature in dark ink, appearing to be 'CP', with a long horizontal flourish extending to the right.

Charles Parkinson
President
Committee *for* Economic Development

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* EMPLOYMENT & SOCIAL SECURITY

AMENDMENTS TO STATUTORY MINIMUM WAGE ARRANGEMENTS

The President
Policy & Resources Committee
Sir Charles Frossard House
La Charroterie
St Peter Port
GY1 1FH

8th October 2018

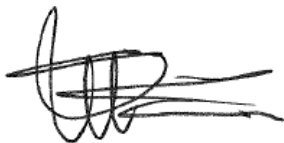
Dear Sir

Preferred date for consideration by the States of Deliberation

In accordance with Rule 4(2) of the Rules of Procedure of the States of Deliberation and their Committees, the Committee *for* Employment & Social Security requests that 'Amendments to Statutory Minimum Wage Arrangements' be considered at the States Meeting to be held on 28th November 2018.

It would be helpful for the Policy Letter to be considered at the earliest opportunity as employers need time to prepare for the increase in the minimum wage prior to implementation on 1st January 2019.

Yours faithfully



Shane Langlois
Vice President

Michelle Le Clerc
President

Matthew Fallaize, John Gollop, Emilie Yerby

Mike Brown, Andrew Le Lievre
Non-States Members

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* HEALTH & SOCIAL CARE

ORGAN DONATION- INTRODUCTION OF A 'SOFT' OPT OUT SCHEME

The States are asked to decide:

Whether, after consideration of the Policy Letter entitled 'Organ Donation- Introduction of a 'Soft' Opt Out Scheme', dated 4th October 2018, they are of the opinion:

1. To approve the introduction of an organ donation scheme based on 'deemed consent' subject to the safeguards and exemptions set out in this Policy Letter;
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

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

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE FOR HEALTH & SOCIAL CARE

ORGAN DONATION- INTRODUCTION OF A 'SOFT' OPT OUT SCHEME

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

4th October 2018

Dear Sir

1. Executive Summary

- 1.1 This Policy Letter recommends that Guernsey moves from the current system of organ donation where individuals, or their families on their behalf, need to actively consent to donation taking place to a scheme based on 'deemed consent'. Under the proposed scheme to be established through legislation, subject to the appropriate safeguards and exemptions, people would be deemed to consent to donating their organs unless they actively opt out. This will assist the majority of Islanders who are happy to donate their organs and tissues when they die while at the same time respecting the decisions of those who do not wish to donate.
- 1.2 Organ donation saves and transforms lives but hundreds of people die every year in the UK while waiting for an organ transplant. While many people express support for organ donation, very many have not formally registered their views. Not surprisingly, many people only realise the importance of organ donation when they become exposed to it. While moving to a deemed consent model for organ donation is unlikely to lead to a marked increase in donations given the size of Guernsey's population and the limited circumstances when donation is potentially possible, by symbolically moving the default position the proposals will reinforce the positive view of organ donation and may increase the likelihood of organ donation when the situation arises. A single organ donor can potentially save or enhance the lives of up to nine individuals.
- 1.3 Guernsey is part of a UK wide organ donation and transplant system and across the United Kingdom, steps are being taken to move to an opt-out model. Wales introduced "deemed consent" in December 2015 and the Scottish Government published on 11th June 2018 the Human Tissue (Authorisation) (Scotland) Bill which includes provision for a "deemed authorisation system." Within England, the results of a public consultation is due for publication shortly. Separately, a Private Member's

Bill in support of “presumed consent” for organ donation is currently progressing through Parliament. Earlier this year, Jersey approved their Human Transplantation and Anatomy (Jersey) Law 2018 by some 44 votes to 1 which will introduce a soft opt out scheme and the Isle of Man launched a consultation in March of this year on an “opt out” system.

1.4 This Policy Letter recommends the drafting of legislation which will establish within Guernsey an organ donation scheme where:-

- People will be considered willing to be an organ donor unless they decide to opt-out
- Family members will retain a role in confirming decisions
- It is easy for people to register their decision on organ and tissue donation
- Safeguards and exemptions exist for certain groups.

2. What is Organ Donation?

2.1 Organ donation is where organs are removed from one person – a donor – to be transplanted into a person who needs a new organ - the recipient. A single donor can save the lives of up to nine people. Donors who have just died may donate their kidneys, liver, heart, lungs, pancreas and small bowel. In addition, it is possible for tissue to be donated, for example eyes, heart valves, bones and skin. Under both the opt-in and opt-out schemes described below, it is possible to consent to the donation of some organs/tissue and not others.

2.2 Less than one percent of people die in circumstances where it is possible for them to be an organ donor. To donate, death must occur in hospital, typically in Intensive Care, and even then there may be medical or legal reasons why organ donation is not possible. This means that where someone dies in circumstances where organ donation is an option it is especially important that steps are taken to support organ donation.

2.3 Organ donation is managed through NHS Blood and Transplant (NHSBT). In order to maximise the chances of donation being successful, a national transplant waiting list is maintained by the NHSBT which carefully matches organs to the recipient, considering factors such as blood group, age, weight and the tissue type of the donor and potential recipient. Donated organs may go to people in any part of the UK network.

2.4 2016/2017 figures from the NHSBT show that 1,413 deceased donors donated 4,741 organs. Despite a 2% increase in the number of donated organs from the previous year, as at March 2017 there were 6,388 patients on the active transplant list and a further 3,357 who were temporarily suspended from the active list as they were unfit or otherwise unavailable for transplantation. During 2016/2017, 470 patients died while awaiting a transplant on the active/suspended list or within a year of being removed. A further 875 individuals were removed from the list because they were too ill for surgery. There is a particular shortage of donated organs for certain

ethnic groups, with individuals from a black or Asian background waiting on average six months longer for a matched donor.

3. How does Organ Donation work in Guernsey currently?

- 3.1 Currently organ donation is based on an opt-in system governed by the provisions of the Human Tissue (Bailiwick of Guernsey) Law, 1981. In summary, individuals may consent to donating some or all of their organs by expressing a view in their lifetime, typically through registration on the Organ Donation Register (the number who do so is low around 13%) or telling a family member. If such a decision has not been made, the individual's family may be asked to give consent.
- 3.2 For organ donation to proceed, the support of the donor's family is necessary. While consent rates have increased over recent years, figures from the UK indicate that where a patient has not expressed their wishes surrounding donation, the current family consent rate is 46.7%. This rises significantly to 91% where the patient's wish to donate is known. Unfortunately, very many individuals do not talk to their families about their wishes.
- 3.3 In circumstances where someone has died, or is dying, in circumstances where organ donation may be an option, a designated Specialist Nurse for Organ Donation will check if the patient has authorised organ donation and a sensitive discussion will take place with the patient's family. If the family is supportive of donation, a series of clinical checks are made to assess the feasibility of donation. At all times, the clinical team caring for the patient remains focused on ensuring the patient is comfortable and their needs are met. Continued support is provided to the donor's family.
- 3.4 Where a decision is made to proceed with donation, a specialist team of surgeons travel from the UK to retrieve the organs. Following the retrieval, the organs are carefully stored and transported to the hospital(s) where a separate team of surgeons will carry out the transplant(s).

4. Deemed Consent Organ Donation

- 4.1 The model of organ donation being proposed by the Committee is termed 'deemed (or presumed) consent'. In such a system, the default legal position would shift from one where organ donation needs specific consent to one where adults are deemed to have given their consent unless they specifically opt-out. Individuals would still be able to express their wishes regarding specific organs.
- 4.2 Under this model, in circumstances where someone has died or is dying in circumstances where organ donation may be an option:-
 - If the person has opted-out, no donation would proceed.
 - If the person has opted-in, their family would be informed and with their co-operation the viability of donation would be examined.

- If the person had not registered any decision, they would be deemed to have consented to donation. Family or friends would be asked if the individual had expressed any objections to organ donation. If they had not, the assumption would be that donation could proceed. If, however, it was apparent donation may distress the family and may lead to them potentially refusing to provide the background information necessary to safeguard the quality and safety of donated organs, then donation would not proceed. Similarly, where it was not possible to contact family or friends, donation would not proceed as it would not be possible to obtain important information about the deceased person's lifestyle and medical history.

4.3 Deemed consent would not apply for a limited number of groups, those under 18, those not ordinarily resident in Guernsey for the last 12 months and those without capacity. In these circumstances express consent would be required from an appropriate person for donation to proceed. Express consent would be needed for:-

- Anyone under the age of 18, either from the parent or guardian if the child is under 16 or from the young person themselves if they are 16 or 17 and have sufficient understanding to make an informed decision. If a 16 or 17 year old did not give express consent in their lifetime, their parents or guardians would be able to provide express consent upon their death.
- Anyone who, for a period of time before their death, did not have the mental capacity to understand the choices regarding organ donation due to cognitive impairment. Express consent would be required from their family or someone appointed on their behalf to make such decision. New capacity legislation is a priority for the Committee and it is very much anticipated that this will be in place to inform the drafting of any new legislation regarding organ donation.
- Anyone who has not been ordinarily resident in Guernsey for 12 months. In common with the approach adopted in Wales and Jersey, it is proposed that a minimum residency criteria be introduced in order to safeguard people who have only been resident for a short time and might be unaware of the arrangements and the opportunity to opt-out. In these cases, efforts would be made to check whether they had opted-in and, if applicable, to contact their next of kin regarding medical checks and authority to proceed.

4.4 In all cases, notwithstanding the move to deemed consent, families would retain a key role in the donation process. The inclusion of a donor's family means this approach is often termed a soft opt-out system, contrasting to a hard opt-out where family views are not taken into account and organs may be removed from any individual who has not registered to opt-out. This means that the scheme further accommodates individuals who may object to organ donation due to religious or moral reasons. Donation would not proceed where the family indicate their loved one did not want to be a donor or where proceeding is likely to cause the family severe distress or lead to conflict. The intention would be that under the new arrangements there would be increased encouragement for families to discuss their wishes.

- 4.5 Any Law drafted would only apply in Guernsey or the Bailiwick in the event that agreement is reached with Alderney and Sark in relation to a Bailiwick wide Law (see paragraphs 6.3. and 6.4 below). Guernsey residents (or Bailiwick residents in the event of Bailiwick wide legislation) who die in other jurisdictions would not be deemed to have consented. If, for example, someone died in the UK, having been sent to a tertiary centre for treatment which proves unsuccessful, and they are a potential donor, checks would be made of the Organ Donation Register. If they had opted-in, staff would approach their next of kin about their suitability as a donor and if they had not made a choice, the family would be approached to consider giving consent.
- 4.6 In any move to an opt-out consent model, it is important that individuals are aware of the change and are able to simply and clearly make and record their decision. Should the proposals be approved by the Assembly, prior to any legislation being introduced, there would be a high-profile awareness campaign explaining the changes, the choices available to Islanders and the respective implications. This would be designed to encourage people to think about, and discuss with their families, organ donation and would be funded within the Committee's existing resources. All providers in the future Partnership of Purpose will have a role to play in raising awareness and prompting discussion in the spirit of making every contact count.
- 4.7 In conjunction with NHSBT, arrangements will be put in place to ensure that simple and clear processes are in place for Islanders to register their wishes. Opportunities to combine efforts with Jersey will be explored and individuals would be able to expressly appoint someone to make decisions on their behalf after their death.
- 4.8 In common with practice in other jurisdictions, the Committee recommends that the legislation makes clear that the retrieval and use of organs will only be lawful if carried out by a registered medical practitioner or qualified individual and that anyone carrying out a specified activity (e.g. organ removal) under the proposed system without the required consents and permissions will be guilty of a criminal offence. Additionally, the proposed legislative framework would make clear that the Law will not apply to anything done for purposes of the discharge of the functions of the Law Officers of the Crown or any Bailiwick court relating to the holding of an inquest or a post mortem examination and that the integrity of the Inquest function is not compromised. The Law would repeal the Human Tissue (Bailiwick of Guernsey) Law, 1981.
- 4.9 The proposed new primary legislation would contain ordinance-making powers to support the practical application of the Law. These would include powers to specify additional activities to be covered by the Law in keeping with developing medical opinion and ethics, to provide for special circumstances in which consent may be deemed to have been given and to prescribe the processes surrounding the registration of consent or refusal and consequential and supplementary provisions needed to give effect to a model based on deemed consent and the Law as a whole. In addition, in order to support the operation of the scheme, it is recommended that

the Committee is authorised under the Law to issue Codes of Practice and guidance on the application of Codes for the benefit, for example, of health professionals. These will be issued following consultation with appropriate bodies and persons including health professionals.

5. Other Jurisdictions

- 5.1 Wales was the first jurisdiction in the British Isles to introduce deemed consent, with the Human Transplantation (Wales) Act coming into force in December 2015. Individuals over 18 who live and die in Wales are considered as having consented to donate their organs unless they have registered a wish not to be a donor. The family of the deceased is involved in the process and may object to the donation based on their knowledge of the views of the deceased. A review published in November 2017 in respect of the first two years of the Welsh soft-opt out model concluded that while donations had not increased since the Act's introduction, there had been an increase in the percentage of families giving approval for donation. While a longer time period was necessary in order to draw firm conclusions on the impact of the Law, awareness of and support for the model was found to be high both among the general public and NHS staff albeit that publicity of the law needs to be maintained. Particular recommendations included the need to provide greater clarity regarding the family's role and additional training for NHS staff in respect of how to discuss organ donation with family members.
- 5.2 Following a public consultation in 2017 in which 82% of respondents supported a move to an opt-out system, the Scottish Government published on 11th June 2018 the Human Tissue (Authorisation) (Scotland) Bill which includes provision for a "deemed authorisation system." The Bill contains safeguards akin to those which exist in the Welsh Law for those without capacity, those who have lived in Scotland for less than 12 months and children.
- 5.3 In England, a consultation was launched in December 2017 on the introduction of an opt-out consent system. The consultation sought to obtain a range of views on organ donation, how best to honour the wishes of potential donors, how to make registering views as simple as possible, the role of the family and possible safeguards.
- 5.4 Separately, the Organ Donation (Deemed Consent) Bill 2017-2019, a Private Member's Bill seeking to amend the Human Tissue Act 2004 so that where a person in England has not made a decision regarding organ donation, the default position will be that consent will be deemed to have been given is currently proceeding through Parliament. The Bill had its second reading debate on 23rd February 2018 and has been committed to a Public Bill Committee. The Government has indicated its support for the Bill and has indicated that if approved, the new system will come into effect in England in spring 2020 allowing a one-year transition period for friends and family to discuss their organ donation preferences.

- 5.5 A 2015 Private Bill in Northern Ireland proposing the introduction of an opt-out organ donation consent was unsuccessful due to opposition from the Committee for Health, Social Services and Public Safety. The Health (Miscellaneous Provisions) Act (Northern Ireland) 2016 subsequently imposed a duty on the Government to promote transplantation and between December 2017 and March 2018, the Northern Irish Department of Health published a consultation on the draft policy for improving organ donation rates without changing the law on consent.
- 5.6 In the 2017 Opinions and Lifestyle Survey, Jersey asked a series of questions in relation to organ donation. This highlighted that while three quarters of adult respondents would accept an organ transplant if needed, people were less inclined to donate their own organs – with over half saying they would, nearly a third not sure and 14% saying they would not. Only a quarter of those who were happy to donate had formally registered on the Organ Donation Register, with many who had not citing that they had not got round to it, were not sure how to, or did not realise that Jersey residents could register. A deemed consent approach to donation was supported by a majority of respondents and in April 2018, the States of Jersey approved the Human Transplantation and Anatomy (Jersey) Law 2018 by some 44 votes to 1. Colleagues in Jersey are currently working with the NHSBT to establish the practical arrangement of a deemed consent approach.
- 5.7 The Isle of Man launched a consultation in March of this year on an opt-out system following a Private Member's Bill. This consultation ran until 8th June 2018.
- 5.8 Professional bodies have indicated their support of opt-out schemes. The British Medical Association has for many years actively campaigned for the introduction of an opt-out system believing that this would help in addressing the shortage of organs and, following a consultation earlier this year, the Royal College of Nursing have set out their qualified support for an opt-out system of consent subject to safeguards and resources being in place.

6. Consultation

- 6.1 The Committee undertook a public consultation earlier this year. In summary 80% of the 688 respondents were in favour of the Committee's proposals. Respondents recognised the need for some groups to be excluded from the proposals and a majority of respondents did not believe that families should be able to decide if organ donation takes place if this decision is different to that made by the individual when they were alive.
- 6.2 The Committee specifically consulted the Youth Forum, 100% of Forum Members present voted in favour of moving to a soft opt-out model, with 88% of their Members indicating that such a change would make them want to become an organ donor after their death. The Forum felt that there were circumstances where someone's family should make the final decision and suggested the development of a list of circumstances where this would be appropriate. Their membership gave a series of suggestions in relation to how best to communicate any future changes to young people and

suggestion the inclusion of a session on organ donation within the PHSE curriculum in order that young people can make an informed decision.

- 6.3 The Committee wrote to the States of Alderney earlier this year in respect of the geographical scope of the scheme. The States of Alderney debated without resolution organ donation in May of this year, prompting public consultation in Alderney. The States of Alderney advised that while there was a relatively limited response to the consultation, a majority of respondents were in favour of a soft opt-out system. In correspondence to the Committee, the Chairman of the Policy & Finance Committee has advised that should the States of Guernsey decide to move to a soft opt-out system, he will recommend that the States of Alderney adopt the same approach.
- 6.4 Similarly, discussions are ongoing with Sark and their Medical & Emergency Services Committee. While both Islands recognise that the legislation would have, in practical terms, limited bearing on the operational delivery of health and care services within their jurisdiction, both Islands recognise the potential merit of Bailiwick legislation so to cover the deaths of their residents who may die in Guernsey. The Committee therefore intends to work closely with both Islands during the drafting process with the view of proposing a Bailiwick-wide law. In so doing, the Committee would consequentially wish to repeal the Human Tissue (Bailiwick of Guernsey) Law 1981, acknowledging that the provisions in that Law will be reinstated through the proposed Bailiwick wide legislation in a manner premised on a deemed consent model.

7. Conclusion

- 7.1 The Committee recommends to the Assembly that Guernsey moves towards an opt-out consent system, complemented by wider initiatives to encourage Islanders to consider organ donation and discuss this with their families.

8. Compliance with Rule 4 of the Rules of Procedure

- 8.1 In accordance with Rule 4(1), the Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications. She has advised that there is no reason in law why the Propositions should not to be put into effect.
- 8.2 In accordance with Rule 4(4) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the propositions above have the unanimous support of the Committee.
- 8.3 In accordance with Rule 4(5), the Propositions relate to the primary duty of the Committee to protect, promote and improve the health and well-being of individuals and the community.
- 8.4 Also in accordance with Rule 4(5), the Committee consulted with Alderney and Sark in developing these proposals and undertook public consultation.

Propositions

9.1 The States are asked to decide whether, after consideration of this policy letter, they are of the opinion:

1. To approve the introduction of an organ donation scheme based on 'deemed consent' subject to the safeguards and exemptions set out in this Policy Letter;
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

Yours faithfully

H J R Soulsby
President

R H Tooley
Vice President

R G Prow
D A Tindall
E A Yerby

R Allsopp



Date of Vote: 28th November, 2018

Billet d'État:	XXV
Article:	14
Committee:	Committee for Health and Social Care
Subject:	Organ Donation – Introduction of a “Soft” Opt Out Scheme
Proposition type:	Propositions 1 & 2

- To approve the introduction of an organ donation scheme based on ‘deemed consent’ subject to the safeguards and exemptions set out in this Policy Letter;*
- To direct the preparation of such legislation as may be necessary to give effect to their above decision.*

CARRIED : **Pour: 23** **Contre: 14** **Ne vote pas: 0** **Absent: 3**

St. Peter Port South

Deputy Peter T. R. Ferbrache **C**
Deputy Jan Kuttelwascher **C**
Deputy Dawn A. Tindall **P**
Deputy Barry L. Brehaut **P**
Deputy Rhian H. Tooley **P**

St. Peter Port North

Deputy John A. B. Gollop **P**
Deputy Charles N. K. Parkinson **P**
Deputy Lester C. Queripel **P**
Deputy Michelle K. Le Clerc **P**
Deputy Marc P. Leadbeater **C**
Deputy Joseph I. Mooney **C**

St. Sampson

Deputy Lyndon S. Trott **P**
Deputy Paul R. Le Pelley **C**
Deputy Jennifer S. Merrett **P**
Deputy Gavin A. St Pier **P**
Deputy T. Jane Stephens **C**
Deputy Carl P. Meerveld **C**

Vale

Deputy Matthew J. Fallaize **P**
Deputy Neil R Inder **C**
Deputy Mary M. Lowe **P**
Deputy Laurie B. Queripel **C**
Deputy Jeremy C. S. F. Smithies **C**
Deputy Sarah T. Hansmann Rouxel **P**

Castel

Deputy Richard H. Graham **C**
Deputy Christopher J. Green **P**
Deputy Barry J. E. Paint **C**
Deputy Mark H. Dorey **P**
Deputy Jonathan P. Le Tocq **A**

West

Deputy Alvord H. Brouard **P**
Deputy Andrea C. Dudley-Owen **C**
Deputy Emilie A. Yerby **P**
Deputy David de G. De Lisle **C**
Deputy Shane L. Langlois **P**

South-East

Deputy Heidi J. R. Soulsby **P**
Deputy H. Lindsay de Sausmarez **P**
Deputy Peter J. Roffey **P**
Deputy Robert G. Prow **P**
Deputy Victoria S. Oliver **P**

Alderney

Alderney Representative Louis E. Jean **A**
Alderney Representative Mike Dean **A**

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *for* ECONOMIC DEVELOPMENT

PROPOSED AMENDMENTS TO THE BANKING DEPOSIT COMPENSATION SCHEME
(BAILWICK OF GUERNSEY) ORDINANCE, 2008

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

20th September 2018

Dear Sir

1 Executive Summary

- 1.1 This Policy Letter recommends the enactment, by the States of Guernsey, of amendments to the Banking Deposit Compensation Scheme (Bailiwick of Guernsey) Ordinance, 2008 (the “**Ordinance**”) to reflect compliance with certain of the core principles issued by the International Association of Deposit Insurers (“**IADI**”). The aim, of the proposed amendments, is to augment the Guernsey Banking Deposit Compensation Scheme’s (the “**Scheme**”) liquidity to provide it with adequate funding to ensure prompt reimbursement of depositors’ claims in the event of a bank failure.

2 Background

- 2.1 The Scheme board (the “**Board**”), in conjunction with the deposit compensation schemes in the other Crown Dependencies, has been reviewing the operation of the Scheme against the core principles issued by IADI.
- 2.2 The core principles are not mandatory, but they do represent the views of a major international body and compliance with them, to the greatest extent possible, will stand the Bailiwick in good stead in future international reviews of the finance sector by parties such as the International Monetary Fund. The core principles represent best practice and the Committee *for* Economic Development (the “**Committee**”) is of the view that certain of them should be addressed at this time. The Committee has consulted on proposed changes to the Ordinance to reflect new funding arrangements.

- 2.3 The Committee is of the view that a priority is addressing the recommendations of core principle 9 relating to liquidity. In simple terms this requires the availability of funds and funding mechanisms to ensure the prompt reimbursement of depositors' claims. The proposed changes to the Ordinance are set out in section 3 below.

3 Proposed Amendments

3.1 Modification of Payment Caps

The maximum amount the Scheme pays in any five year period is £100,000,000, which is funded on the following basis:-

- (i) £10,000,000 which is levied on all participant banks equally (the “**Primary Levy**”); and
- (ii) £90,000,000 which is also levied on all participant banks (the “**Secondary Levy**”), but is apportioned between such participants according to a formula set out in the Banking Deposit Compensation Scheme (Liability of Participant to Compensation Levy) (Bailiwick of Guernsey) Regulations, 2010.

While the maximum the Scheme can claim, in respect of the Secondary Levy is £90,000,000 this, in turn, is limited by a restriction, in the Ordinance, which caps a participant's payment obligation in any calendar year to a maximum of £1,000,000 or, if less, 50% of its average profits for the previous three (3) years¹. The Committee considers this to be a material restriction on the amount which can be collected, in each calendar year, by way of the Secondary Levy.

The Committee is of the view that the:-

- (i) £1,000,000 annual cap should be increased to £2,000,000 to ease funding pressure on the Scheme; and
- (ii) profits cap should be repealed. The fact that a participant bank is unprofitable domestically should not restrict its duty to fund the Scheme².

¹ See section 18(4) of the Ordinance.

² The profits cap is no longer considered appropriate particularly where banks are, more commonly, parts of larger international groups which are often profitable where domestic subsidiaries or branches are not.

3.2 Negative Interest Rates

When the Ordinance was enacted, negative interest rates were not being applied in the banking sector. In recent times they have become more common. The Committee identified that the Ordinance does not legislate for this possibility, and that in some circumstances depositors could be paid more than their account was worth, at the expense of the participant banks. The Committee is of the opinion that the Ordinance should be amended to remove this anomaly. The Committee is also of the opinion that the Ordinance requires amending to allow the Scheme, if subject to a negative interest charge, to be able to deduct the same from the Scheme's administration or compensation funds where appropriate.

3.3 Clarification of the obligations of participant banks in respect of data provision

Section 20 of the Ordinance currently requires data disclosure by a participant bank. While this section of the Ordinance is wide in scope, the Committee notes that it does not explicitly provide that such data may include personal data on account holders (and thus data subject to the provisions of the Data Protection (Bailiwick of Guernsey) Law, 2017), nor that such data should be provided promptly. The Committee is of the view that the Ordinance be amended, for the avoidance of doubt, so that there is an explicit obligation on participant banks to provide depositor data.

3.4 Alteration of the Participant banks' payment period

3.4.1 The Primary Levy, is payable in equal shares by all participant banks. It is currently payable, in accordance with the terms of the Ordinance³, on a date set by the Scheme which may "not be later than 14 days" after the issue, by the Scheme, of the required notice.

The Committee is of the view that the Ordinance be amended to specifically state that payment must be made within five (5) working days of the issue of the Primary Levy notice. The Committee does not expect any participant bank to have any difficulty in effecting payment within this timeframe.

3.4.2 The timing, in respect of payment of the Secondary Levy, has a restriction such that the Board cannot request payment earlier than fourteen (14) days after the date of the Secondary Levy notice (effectively providing a minimum two (2) week grace period).

³ As per Section 18(7)(c) of the Ordinance.

The Committee is of the opinion that such a grace period is not required and proposes that the Ordinance be amended so that payments pursuant to the Secondary Levy be effected, as with the Primary Levy, within five (5) working days of the issue of the Secondary Levy notice.

4 Consultation

- 4.1 A consultation paper in respect the above proposals was issued by the Committee which received 9 substantive responses. Following an analysis of the responses, the above policy proposals were developed which set out the changes which the Committee has developed and intends to take forward.
- 4.2 The Law Officers have been consulted regarding these proposals.

5 Propositions

The States are asked to decide whether they are of the opinion:-

1. To approve the proposals set out in section 3 of the Policy Letter to amend the Banking Deposit Compensation Scheme (Bailiwick of Guernsey) Ordinance, 2008 (the “**Ordinance**”) as follows:
 - a. to increase the existing aggregate payment cap, applicable to participant banks in section 18(4)(a) of the Ordinance, from £1,000,000 to £2,000,000 in any calendar year;
 - b. to repeal the three year profits cap, applicable to participant banks, in section 18(4)(b) of the Ordinance;
 - c. to allow for negative interest rates and to protect against possible adverse effects upon participant banks and the Guernsey Banking Deposit Compensation Scheme (the “**Scheme**”);
 - d. to clarify that each participant bank’s duty to co-operate with the Scheme board (the “**Board**”) includes the provision of personal data, where required, and to explicitly require participant banks to provide data promptly to the Board;
 - e. to amend section 18(7)(c)(i) of the Ordinance, to provide that payment by participant banks must be made within five (5) working days of the issue of payment levy notices by the Scheme; and
 - f. to repeal the fourteen (14) day restriction during which the Scheme is prohibited from requesting payment, from the participant banks, in respect of the second levy notice.
2. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

6 Committee Support for Propositions

- 6.1 In accordance with Rule 4(4) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the propositions above have the unanimous support of the Committee.

Yours faithfully

C Parkinson
President

A C Dudley-Owen
Vice-President

D de Lisle
J I Mooney
D Tindall

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *for* ECONOMIC DEVELOPMENT

IMPLEMENTING THE STATES OF GUERNSEY'S ECONOMIC DEVELOPMENT STRATEGY

The States are asked to decide:-

Whether, after consideration of the policy letter entitled 'Implementing the States of Guernsey's Economic Development Strategy', dated 8th October, 2018, they are of the opinion:-

1. Pursuant to Resolutions III (3) (a) and (b) of Billet d'Etat XVIII of 2018, to note the content of the policy letter entitled 'Implementing the States of Guernsey's Economic Development Strategy'.

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

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *for* ECONOMIC DEVELOPMENT

IMPLEMENTING THE STATES OF GUERNSEY'S ECONOMIC DEVELOPMENT STRATEGY

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

8th October, 2018

Dear Sir

1. Executive summary

- 1.1. In its policy letter of 18th May, 2018, the Committee *for* Economic Development (the "Committee") put forward a vision for Guernsey's economy and proposed a strategy (the "Economic Development Strategy") to enable the States of Guernsey to achieve this vision. The Committee set out in that policy letter its intention to enable the States of Guernsey to diversify and grow the economy; to secure long-term prosperity; reaffirm that Guernsey is open for business; and more actively monitor and report on our economy and act on those insights.
- 1.2. The Committee prepared that policy letter under its mandated responsibility to advise the States and develop and implement policies relating to its purpose, and with regard to the objectives of the States of Deliberation (the "States"), as set out in phases one and two of the Policy & Resource Plan, approved by the States in 2016 and 2017 respectively.
- 1.3. The States approved the Economic Development Strategy at its meeting of 28th June, 2018.
- 1.4. In addition to the original propositions put forward by the Committee, the States also approved the following proposition, as a result of a successful amendment from Deputy J S Merrett and Deputy H J R Soulsby:

“To direct the Committee for Economic Development to come back to the States by October 2018 with a report containing –

- a) an implementation plan (which will reflect the ‘20 actions to promote stronger growth’ contained in Appendix 1 of the policy letter) and which clearly sets out an order of priority and time frames for reporting back to the States on all key work streams set out in that policy letter and*
- b) confirmation as to which policies and strategies the Committee for Economic Development will submit to the States for debate, together with respective timelines.”*

- 1.5. The Committee is mindful that the Rules of Procedure state that *“the States should concern themselves with debating legislation, broad policies and priorities, items of significant expenditure and matters of major public interest, and setting the framework in which the rest of the administration should operate... Generally the principle of subsidiarity should apply: as far as possible matters ought to be handled by the smallest, lowest or least centralised competent authority.”*
- 1.6. With that in mind the Committee is submitting this policy letter under Rule 3 (24): *“Any proposition the effect of which is to note the contents of an accompanying policy letter shall be construed as a neutral motion, neither implying assent for, nor disapproval of, the contents of the policy letter concerned.”*

2. Implementation plan

- 2.1. The ‘20 actions to promote stronger growth’ are set out in Appendix 1 of the Economic Development Strategy policy letter of 18th May, 2018 and also below (not listed in any particular order):
- Strengthen air and sea links
 - Support the finance sector with a plan that supports growth and diversification
 - Support innovative businesses and products
 - Prioritise seafront area enhancement work
 - Develop a plan for investing in Guernsey’s tourism product
 - Update the retail strategy
 - Establish a pipeline of construction opportunities and develop construction skills
 - Support the development of a long-term Skills Guernsey development plan
 - Ensure the population management regime is flexible and supports skills needs

- Attract High Net Worth Individuals through the Open Market
- Put in place a framework to foster entrepreneurialism (supporting start-up and scale-up businesses)
- Continue to develop and implement the digital framework
- Develop plans for an international university presence in Guernsey
- Develop plans for the blue economy
- Develop plans for renewable energy as part of the Energy Policy
- Develop a clinical and medical services 'medtech' plan
- Implement the telecommunications sector strategy
- Identify and remove red tape to boost competitiveness and reduce the cost of doing business in Guernsey
- Develop a clear jurisdiction-wide economic risk appetite
- Work to develop new markets and consolidate existing markets (support the Brexit work in relation to access to markets)

2.2. The actions reflect a number of different types of work streams:

- Actions that are new and will be led and delivered by the Committee;
- Actions that are ongoing and will continue to be led and delivered by the Committee;
- Actions that are new which will be delivered by the Committee as part of a bigger piece of work being led by other Principal Committees of the States; and
- Actions that are ongoing and being led by other Principal Committees of the States where the Committee will have a role to play.

2.3. The actions are intended to combine to build a strong 'brand Guernsey' that is based on two principles: of defined areas of specialism; and of the substance behind these specialisms. This brand will assist in marketing and promotion, to enhance global perceptions of Guernsey; and also in strengthening on-island confidence in Guernsey's future. The brand will be aligned with Guernsey's values of quality, innovation and stability, and each of the actions reflect these values.

2.4. The Committee's view is that all of the actions are viable, deliverable and of benefit to Guernsey's economy and the achievement of the objectives set out in the economic development strategy, namely: to diversify and grow the economy; to secure long-term prosperity; reaffirm that Guernsey is open for business; and more actively monitor and report on our economy and act on those insights.

- 2.5. The Committee's view is that many of the steps that will be taken in respect of these actions will be undertaken in partnership or consultation with other Principal Committees as well as external parties, and it values this collaborative approach.
- 2.6. The actions set out in the appendix to the above-referenced policy letter are grouped below in section 5. Each contains a short commentary on what the output will be, and on which will be submitted to the States for debate, with indicative timelines.

3. Submission to the States

- 3.1. The Committee's approach is in line with the reference to the Rules of Procedure set out in paragraph 1.5 above. In approving the Economic Development Strategy, the States has set the framework of broad policies, priorities and objectives for the Committee, and the Committee will now return to the States with legislation and items of significant expenditure and/or where it is deemed there is a major public interest in relation to that framework.
- 3.2. The above-referenced proposition directed the Committee to confirm which policies and strategies the Committee will submit to the States for debate, together with respective timelines. The Committee will bring the following policy letters to the States:
- The air route policy during Q4 2018;
 - The revised tourism strategy during Q1 2019;
 - The telecommunications strategy during Q2 2019;
 - On an international university presence in Guernsey during Q3 2019;
 - To support the finance sector strategy, on:
 - smart contracts during Q4 2018;
 - the regulation of lending and credit finance during Q1 2019
 - the preferred creditor status of the Guernsey Banking Deposit Compensation scheme during Q1 2019;
 - the establishment of a Bank Resolution Authority during Q2 2019; and
 - amendments to the Companies Law (and legislative changes to the insolvency provisions) during Q2 2019.

4. Prioritisation considerations

- 4.1. In working through this further stage of prioritisation, the Committee has considered a number of factors in relation to the 20 actions to promote growth:
- Potential overall positive impact on the economy (short and long-term) in terms of (a) increasing GDP, (b) increasing productivity and (c) enabling diversification to further strengthen the economy;
 - Level of resources required – officer level and also financial – and whether those resources are in place or can be accessed;
 - Deliverability – are the legislative and regulatory foundations in place to enable effective implementation?;
 - Enabling aspects – will it support other work in the Economic Development Strategy being implemented?;
 - Alignment with the Policy & Resource Plan agreed by the States, including the capital investment portfolio;
 - Alignment with other prioritised States strategies including the Disability & Inclusion Strategy, supporting greater inclusion of those currently under-represented among the economically active; and
 - Capability and capacity of non-government partners to deliver parts of each work stream.
- 4.2. Using this methodology, the Committee has given each action a designation of either critical, important or beneficial. Critical is of the highest priority; important a second tier priority; and beneficial a third tier priority.
- 4.3. It should also be noted that many of the actions are inter-connected, and no one action has been considered in isolation of the other actions.

Critical actions

- 4.4. Critical actions are those which score the highest most consistently against the criteria in paragraph 4.1 above. These are the actions that the Committee believes will most successfully grow the economy if delivered effectively and therefore current and future resource will be deployed to support them as a priority.
- 4.5. The Committee's view is that the Future Guernsey Economic Fund may be deployed to support the delivery of those actions prioritised as critical along with the Committee's general revenue budget. In addition, funding may be sought in due course from the Capital Investment Reserve where the action is aligned with the capital portfolio and where significant investment is required.

Important actions

- 4.6. Important actions are those which score highly against some of the criteria in paragraph 4.1 above, and score at a median level against others. These are actions that the Committee believes will grow the economy if delivered effectively and therefore current and future resource will be deployed to support them as a priority if it can be done without diverting resource from the work on the actions deemed to be critical.
- 4.7. The Committee's general revenue budget will be prioritised to support those actions prioritised as important. The Committee will not seek to make use of the Future Guernsey Economic Fund to support these actions unless a case can be made where there is the potential for a return on investment.

Beneficial actions

- 4.8. Beneficial actions are those which score consistently at the median level against the criteria set out in paragraph 4.1 above. These are actions that the Committee believes can support the growth of the economy if delivered effectively and will bring economic benefits in themselves but will not deliver the significant outcomes of the scale of critical or important actions.
- 4.9. Where budget is needed and also available, funding will be deployed to support those actions prioritised as beneficial. It is however likely that in each case, as set out below, funding will not at this stage be required.

5. Prioritisation and implementation of the 20 actions to promote stronger growth

5.1. Critical actions

5.1.1. *Strengthen air and sea links*

This an ongoing action being led by the Committee, and it has categorised this action as **critical**. In July 2018, the States agreed the Committee's policy letter on air transport licensing and the tendering of the public service obligations for lifeline links is now underway. The Committee is continuing to actively explore commercial opportunities for route development. In addition, the Committee is continuing to work with Condor to ensure the best possible service schedule for islanders for 2019, and has piloted additional inter-island services through 2018 working with the States of Jersey. The President of the Committee gave an update on this work to the States in a statement on 26th September, 2018.

The Policy & Resources Committee has commissioned an external strategic review of air and sea links infrastructure and the Committee understands that this will result in a policy letter to the States during Q4 2018. The Committee will be seeking to bring a policy letter on its air route policy to the same meeting of the States in order to provide the necessary context for the policy letter relating to the review.

5.1.2. Implement the telecommunications sector strategy

This is a new action to be delivered by the Committee and it has categorised this action as **critical**. In November 2017, the States approved the implementation of the telecommunications sector strategy as a priority in the capital portfolio. The telecommunications sector policy statement was published in June 2018 by the Committee. The business case for investment is now being developed in partnership with the Policy & Resources Committee, and will be presented to the States during **Q2 2019**.

5.1.3. Support the finance sector with a plan that supports growth and diversification

This an ongoing action being developed by the Committee in partnership with Guernsey Finance and the finance sector and has been accorded **critical** priority by the Committee. The five areas of development set out in the Economic Development Strategy approved by the States in June 2018 are:

- Green and sustainable finance
- Family office and private wealth services
- Fintech: electronic AML and distributed ledger technology
- Funds: global distribution and product development
- Wealth management, investment and brokerage services

All five will have working groups established and policy statements on a scope of work and objectives will published by each by the **end of 2018**. In addition an overall policy framework will also be published by the **end of 2018**.

In addition to this work the Committee will continue to put in place the foundations that ensure Guernsey has the legislative and regulatory bases to remain a competitive and innovative international finance centre. A policy letter on smart contracts will be put to the States during **Q4 2018**. Policy letters in relation to the regulation of lending and credit finance, and the preferred creditor status of the Guernsey Banking Deposit Compensation scheme will be brought to the States during **Q1 2019**. Policy letters in relation to the establishment of a Bank Resolution Authority and amendments to the Companies Law will be brought to the States during **Q2 2019**.

5.1.4. Continue to develop and implement the digital framework

This is an ongoing action being led by the Committee, and it has categorised this action as **critical**. The Committee published the digital framework in April 2017 and provided an update to States Members and the community on progress against the ten work streams in the framework in April 2018. A further update will be given in **April 2019**.

5.1.5. Support the development of a long-term Skills Guernsey development plan

This is a new action that will be delivered by the Committee as part of a bigger piece of work being undertaken with the Committee for Education, Sport & Culture. The Committee has categorised this action as **critical**. Working with Skills Guernsey and business and education representatives, a skills action plan will be published in October 2018. The Committee will work with the Committee for Education, Sport & Culture and other partners involved in Skills Guernsey to deliver this action plan. An update on progress will be provided in **Q3 2019**.

5.1.6. Seafront enhancement area

This is an ongoing action that will be delivered by the Committee as part of the overall approach being co-ordinated by the Policy & Resources Committee, which has the potential to support multiple economic sectors and infrastructure requirements identified as part of the objective of strengthening sea links. The Committee has categorised this action as **critical**.

5.2. Important actions

5.2.1 Develop a plan for investing in Guernsey's tourism product

This is an ongoing action being led by the Committee and it has categorised this action as **important**. A new tourism strategy is being developed with the tourism and hospitality industry. Although due in Q3 2018, the policy letter will be brought to the States in **Q1 2019** in order to enable the outcomes of the ongoing strategic review of air and sea links infrastructure that is being co-ordinated by the Policy & Resources Committee to be taken into account.

5.2.2. Attract high net worth individuals through the Open Market

This is an ongoing action being led by the Committee and it has categorised this action as **important**. Following the completion of the Policy & Resources Committee's strategic review of the population management regime, in which the Committee is actively participating, work will be undertaken in 2019 to further develop and promote the Open Market as an economic enabler. An action plan will be published in **Q1 2019**.

This work will be supported by new objectives for Locate Guernsey that relate clearly to the growth of the Open Market. In July 2018 the Committee agreed further funding for Locate Guernsey up to the end of 2021.

5.2.3. Ensure the population management regime is flexible and supports skills needs

The Committee has accorded this action as **important**. The work is part of the ongoing overall review of the Population Management Law that is being co-ordinated by the Policy & Resources Committee. This will inform the Committee's approach to the work on the Open Market referenced in paragraph 5.2.2, the tourism strategy referred to in paragraph 5.2.1, and the retail strategy referred to in 5.3.1.

5.2.4. Develop plans for an international university presence in Guernsey

This an ongoing action being led by the Committee and it has categorised this action as **important**. A cross-Committee working party has been established and work is continuing to identify a partner to establish a clear Guernsey offer and to set out in detail the investment required and economic benefits that could be delivered. An update was given to the States by the President of the Committee on 26th September, 2018, and a policy letter will be submitted to the States during **Q3 2019**.

5.2.5. Develop plans for the blue economy

This a new action that the Committee will co-ordinate with other Committees and external parties, and which will be supported by the seafront enhancement area work. The Committee has categorised this the progression of this action as **important**. A cross-Committee working party will be established in Q4 2018 and will publish a report on opportunities and actions to capitalise on any opportunities during **Q3 2019**.

5.2.6. Develop plans for renewable energy as part of the energy policy

The Committee has categorised the progression of this action as **important**. The Committee will seek to ensure the ability to create economic activity and growth through the development of renewable energy as part of the development of the overall energy policy being led by the Committee *for the* Environment & Infrastructure, and also through the work on the blue economy. The Committee will set out a position paper scoping potential opportunities relating to this action during **Q4 2018**.

5.2.7. Develop a clear jurisdiction-wide economic risk appetite

The Committee has categorised this action as **important**. The Committee will support the work of the Policy & Resources Committee, which is leading on this work, and will submit to the Policy & Resources Committee a position paper on economic risk appetite during **Q4 2018**.

5.2.8. Support the Brexit work in relation to access to markets

The Committee has categorised this action as **important**. The work is part of the ongoing overall Brexit work being co-ordinated by the Policy & Resources Committee. As part of this work, the Committee recently commissioned a survey of businesses across various economic sectors in the Bailiwick of Guernsey on the subject of Brexit and membership of the World Trade Organisation and to gather information on new markets being developed or considered by these businesses. The results of this survey are now being analysed.

5.3. Beneficial actions

5.3.1. Update the retail strategy

Further to discussions with the representatives of the Chamber of Commerce, the Committee has categorised this action as **beneficial**. The effective implementation of other actions in relation to the digital strategy and the skills action plan will support the island's retail sector, and a retail sector policy statement will be published by the **end of Q1 2019**. The Committee will then work with the Chamber of Commerce and retailers in order to deliver the objectives set out in the policy statement.

5.3.2. Establish a pipeline of construction opportunities and develop construction skills

The Committee has accorded this action as **beneficial**. The effective implementation of other actions in relation to the skills action plan will support the development of the island's construction sector, and a construction sector policy statement will be published by the **end of Q1 2019**. This will include consultation with the Policy & Resources portfolio team and the work on the Island Infrastructure Investment Plan led by the Committee *for the* Environment & Infrastructure. The Committee will then work with the sector in order to assist in the delivery of the objectives set out in the policy statement.

5.3.3. Develop a clinical and medical services 'medtech' plan

The Committee has categorised this action as **beneficial**. The Committee will develop a position statement in relation to medtech as part of the work on the *Partnership of Purpose* being led by the Committee *for* Health & Social Care. A

position paper scoping potential opportunities relating to this action will be set out during **Q2 2019**.

5.3.4. Identify and remove red tape to boost competitiveness and reduce the cost of doing business in Guernsey

This is a new action to be delivered by the Committee and it has categorised this action as **beneficial**. The Committee has established a review panel comprising representatives of the private and public sectors, to undertake this work. The review's chair, panel members and terms of reference have been agreed and were confirmed to the States in the President of the Committee's update statement of 26th September 2018. The review will report back to the Committee during **Q1 2019**.

5.3.5. Supporting start-up and scale-up businesses

This an ongoing action being led by the Committee, and it has categorised this action as **beneficial**. It is continuing to review what the role of government should be, in addition to the work being undertaken through the digital framework, the skills action plan and the review of red tape. An action plan will be published during **Q1 2019**.

5.3.6. Support innovative businesses and products

This an ongoing action being led by the Committee and it has categorised this action as **beneficial**. It will support this through the effective co-ordination of the actions and a can-do attitude to support businesses and new product development where it is appropriate.

To support this from a marketing perspective, the Committee is supporting the Confederation of Guernsey Industry in the establishment of a Guernsey marque – *Golden Guernsey* – for locally made and designed products and services, to assist with the on-island and off-island marketing of those products and also support the Guernsey brand. The Confederation of Guernsey Industry has indicated that the Guernsey marque will be launched during **Q1 2019**.

6. Compliance with Rule 4

- 6.1. 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.
- 6.2. In accordance with Rule 4(1), the Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications.

- 6.3. In accordance with Rule 4(4) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the propositions above have the unanimous support of the Committee.
- 6.4. In accordance with Rule 4(5), the Propositions relate to the duties of the Committee to advise the States and to develop and implement policies on matters relating to its purpose, which is to secure prosperity through the generation of wealth and the creation of the greatest number and widest range of employment opportunities possible by promoting and developing business, commerce and industry in all sectors of the economy.

Yours faithfully

C N K Parkinson
President

A C Dudley-Owen
Vice-President

D de G De Lisle
J I Mooney
D A Tindall

Timeline of next steps

Date	Output
Q4 2018	Air route policy letter to the States Finance sector strategy policy framework and working group statements Smart contracts policy letter to the States Position paper on economic risk appetite Position paper on renewable energy
Q1 2019	Tourism strategy policy letter to the States Regulation of lending and credit finance policy letter to the States Preferred creditor status - Banking Deposit Compensation scheme policy letter to the States Red tape review reports back to Committee Retail sector policy statement Construction sector policy statement Open Market action plan Entrepreneurialism action plan Launch of <i>Guernsey marque</i> by the Confederation of Guernsey Industry
Q2 2019	Telecommunications strategy policy letter to the States Digital framework update Position paper on medtech Establishment of a Bank Resolution Authority policy letter to the States Amendments to the Companies Law policy letter to the States (and legislative changes to the insolvency provisions)
Q3 2019	International university policy letter to the States Skills action plan update Outline of work on the blue economy
Ongoing 2018-19	Air and sea links work – regular updates Brexit and international markets work – regular updates

ORIGINAL PROPOSITION

**THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY**

POLICY & RESOURCES COMMITTEE

SCHEDULE FOR FUTURE STATES' BUSINESS

The States are asked to decide:-

Whether, after consideration of the attached Schedule for future States' business, which sets out items for consideration at the Meeting of the 12th December 2018 and subsequent States' Meetings, they are of opinion to approve the Schedule.

STATES OF DELIBERATION

SCHEDULE for FUTURE STATES' BUSINESS (For consideration at the ordinary Meeting of the States commencing on the 28th November, 2018)

Items for Ordinary Meeting of the States commencing on the 12th December, 2018

- (a) communications by the Presiding Officer including in memoriam tributes;
- (b) statements;
- (c) questions;
- (d) elections and appointments;

P.2018/116 – Committee for Home Affairs – Independent Monitoring Panel – Appointment of a Chairperson*

- (e) motions to debate an appendix report (1st stage);
- (f) articles adjourned or deferred from previous Meetings of the States;
- (g) all other types of business not otherwise named;

The Chemical Weapons (Restrictive Measures) (Guernsey) Ordinance, 2018

No. 48 of 2018 - The Wastewater Charges (Guernsey) Regulations, 2018

No. 49 of 2018 - The Water Charges (Amendment) Regulations, 2018

No. 57 of 2018 - The Prison (Guernsey) (Amendment) Regulations, 2018

No. 61 of 2018 - The Wastewater Charges (Guernsey) Regulations (No. 2), 2018

No. 62 of 2018 - The Waste Disposal and Recovery Charges Regulations (No. 2), 2018

No. 63 of 2018 - The Parochial Collection of Waste (Guernsey) Law, 2015
(Commencement and Transitional Provisions) Order, 2018

No. 65 of 2018 - The Financial Services Commission (Fees) (Amendment) Regulations, 2018

P.2018/119 – The Register of Driving Instructors (Guernsey) Law, 2018*

P.2018/118 – The Customs and Cross-Border Trade (General and Enabling Provisions) (Bailiwick of Guernsey) Law, 2018*

P.2018/129 – The Financial Services Ombudsman (Bailiwick of Guernsey) (Amendment) Ordinance, 2018*

P.2018/120 – The Criminal Justice (Proceeds of Crime) (Bailiwick of Guernsey) (Amendment) Ordinance, 2018*

P.2018/121 – The Terrorism and Crime (Bailiwick of Guernsey) (Amendment) Ordinance, 2018*

P.2018/122 – The Terrorist Asset-Freezing (Bailiwick of Guernsey) (Amendment) Ordinance, 2018*

P.2018/123 – The Disclosure (Bailiwick of Guernsey) (Amendment) Ordinance, 2018*

P.2018/124 – The Income Tax (Zero 10) (Company Intermediate Rate) (Amendment) (Guernsey) Ordinance, 2018*

P.2018/125 – The Disclosure (Bailiwick of Guernsey) (Amendment) (No. 2) Ordinance, 2018*

P.2018/126 – The Income Tax (Pension Amendments) (Guernsey) Ordinance, 2018*

P.2018/127 – The Income Tax (Guernsey) (Amendment) (No. 2) Ordinance, 2018*

P.2018/128 – The Merchant Shipping (Miscellaneous Repeals, etc.) (Bailiwick of Guernsey) Ordinance, 2018*

P.2018/91 - Requête – Drug Funding*

P.2018/130 – States' Trading Supervisory Board – Aurigny Air Services – Aircraft Acquisitions*

P.2018/135 – Committee for the Environment & Infrastructure and Policy & Resources Committee – Road Transport and Driving Licence Implications for Driving in Europe Post-Brexit and Other Related Matters*

P.2018/133 – Committee for Economic Development – States of Guernsey Air and Sea Route Policy Development and Investment Objectives*

P.2018/134 – Committee for Home Affairs – Amendments to the Population Management Law – Resident Permits and Certificates*

P.2018/136 – Policy & Resources Committee – Reform of the Marriage Law*

P.2018/110 – Policy & Resources Committee – Revision of Double Taxation Agreements (Arising from the Effects of the OECD/G20 Base Erosion and Profit Shifting Multilateral Instrument)*

P.2018/111 – Policy & Resources Committee – Double Taxation Agreement with the Government of the United Kingdom of Great Britain and Northern Ireland for the Elimination of Double Taxation with Respect to Taxes on Income and on Capital Gains and the Prevention of Tax Evasion and Avoidance*

P.2018/117 – Policy & Resources Committee – Implementation of International Sanctions Measures*

P.2018/131 – States' Trading Supervisory Board – Guernsey Post Limited – Annual Report and Accounts*

P.2018/132 – States' Trading Supervisory Board – Guernsey Electricity Limited – Annual Report and Accounts*

(h) motions to debate an appendix report (2nd stage);

(i) Schedule for future States' business.

Amendments to the proposed Meeting dates and order are permitted only for those items marked with an *.

Items for Special Meeting of the States commencing on the 25th June, 2019

P. 2019/xx Policy & Resource Plan

P. 2019/xx States' Accounts

Item for Special Meeting of the States commencing on the 5th November, 2019

P. 2019/xx States' Budget

*Date of Vote: 28th November, 2018*

Billet d'État:	XXV
Subject:	<u>Appendix report 1</u> Development & Planning Authority Annual Monitoring Report, 2017
Proposition type:	Motion to debate an appendix report under Rule 20
Proposer:	Deputy D. A. Tindall
Seconded	Deputy V.S. Oliver

CARRIED : **Pour: 32** **Contre: 1** **Ne vote pas: 0** **Absent: 7**

St. Peter Port South

Deputy Peter T. R. Ferbrache **C**
Deputy Jan Kuttelwascher **P**
Deputy Dawn A. Tindall **P**
Deputy Barry L. Brehaut **P**
Deputy Rhian H. Tooley **P**

St. Peter Port North

Deputy John A. B. Gollop **P**
Deputy Charles N. K. Parkinson **P**
Deputy Lester C. Queripel **P**
Deputy Michelle K. Le Clerc **P**
Deputy Marc P. Leadbeater **P**
Deputy Joseph I. Mooney **A**

St. Sampson

Deputy Lyndon S. Trott **A**
Deputy Paul R. Le Pelley **P**
Deputy Jennifer S. Merrett **P**
Deputy Gavin A. St Pier **P**
Deputy T. Jane Stephens **P**
Deputy Carl P. Meerveld **P**

Vale

Deputy Matthew J. Fallaize **P**
Deputy Neil R Inder **P**
Deputy Mary M. Lowe **P**
Deputy Laurie B. Queripel **A**
Deputy Jeremy C. S. F. Smithies **P**
Deputy Sarah T. Hansmann Rouxel **P**

Castel

Deputy Richard H. Graham **P**
Deputy Christopher J. Green **P**
Deputy Barry J. E. Paint **P**
Deputy Mark H. Dorey **P**
Deputy Jonathan P. Le Tocq **A**

West

Deputy Alvord H. Brouard **P**
Deputy Andrea C. Dudley-Owen **P**
Deputy Emilie A. Yerby **P**
Deputy David de G. De Lisle **A**
Deputy Shane L. Langlois **P**

South-East

Deputy Heidi J. R. Soulsby **P**
Deputy H. Lindsay de Sausmarez **P**
Deputy Peter J. Roffey **P**
Deputy Robert G. Prow **P**
Deputy Victoria S. Oliver **P**

Alderney

Alderney Representative Louis E. Jean **A**
Alderney Representative Mike Dean **A**

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

11th October 2018

Billet d'État No. XXV

Appendix 1

Development & Planning Authority – Annual Monitoring Report, 2017

MOTION TO DEBATE

Proposed by: Deputy Dawn A. Tindall.

Seconded by: Deputy Victoria S. Oliver

To resolve, pursuant to Rule 20 of the Rules of Procedure of the States of Deliberation, to debate the Appendix to Billet d'État No. XXV

Proposition:

To take note of the Report

Reason for Motion to Debate:

This is Guernsey's first in – depth monitoring of a development plan. It contains a wealth of factual information about how the Island Development Plan is performing in delivering its aim of creating a socially inclusive, healthy and economically strong island, whilst balancing these objectives with the protection and enhancement of the island's built and natural environment and the need to use land wisely.

There is very useful and comprehensive factual information in the Annual Monitoring Report, 2017 which will be of value to Committees and other key stakeholders. The Annual Monitoring Report, 2017 should be debated to ensure that facts and information are understood and disseminated as widely as possible, to allow for questions and clarification on particular issues and so that the monitoring process is robust and transparent.



Annual Monitoring Report, 2017



Development &
Planning Authority

Foreword

Welcome to the first Island Development Plan Annual Monitoring Report.

This Annual Monitoring Report (AMR) for 2017 contains a wealth of information on how the Island Development Plan (IDP) is performing in delivering its aim of creating a socially inclusive, healthy and economically strong Island, whilst balancing these objectives with the protection and enhancement of Guernsey's built and natural environment and the need to use land wisely.

Monitoring of progress in implementing the IDP is essential to ensure the Plan is achieving what we set out to deliver for Guernsey and that it is up-to-date and responsive to change. The main purpose of the AMR is to establish, via evidence, whether the IDP policies are delivering what was intended by the States, whether there are any blockages to this and whether any amendment is required to enable policies to operate more effectively. To be clear the AMR's purpose is not about re-visiting the States' clear decisions of policy principle in terms of the spatial distribution of development, but is focused on how effective the IDP policies have been in delivering positive outcomes against those decisions.

Through monitoring we can identify if any adjustments are needed to the Plan or if any guidance would help to ensure the policies are fully understood by our customers.

The AMR includes information on a wide range of topics including:

- The planning permissions granted for housing in 2017 and the overall supply of housing;
- The impact the IDP is having on development of protected buildings and in Conservation Areas;
- Changes in the stock of premises for industry and storage;
- An update on progress with tackling the legacy of the horticultural industry including the change in the number of redundant glasshouses sites;
- A review of the impact of the maximum Parking Standards for new development; and,
- An overview of the 'health' of Guernsey's 2 Main Centres and 7 Local Centres.

As this is Guernsey's first in-depth monitoring of a development plan, it is anticipated that the level of detail provided in the annual reports will expand over time as the impact of IDP policies can be more readily examined over a longer period. Some data is being analysed for the first time in 2017 and this AMR establishes a baseline of data against which change can be monitored over the lifetime of the Plan.

The Annual Monitoring Reports can react to emerging issues and a number of States' strategies and projects that are likely to have an implication for the IDP are emerging and may be debated by the States in 2018.

This document is not just intended to be a tool for policy makers, it is for everyone on the Island. It enables you to directly track trends and data on key indicators that show how the

Island Development Plan is affecting Guernsey's built and natural environments, the life of Islanders and the local economy.

If there is information in this report you want to find out more about, or if you think there is data that should be included in future annual reports, please get in touch using the contact details below.

I would like to recognise the benefits from the joint training exercise undertaken with the States of Jersey last November, where both staff and Deputies received training in 'Design Thinking' by the Design Council UK. The knowledge and techniques learned have proved invaluable not only for developing this monitoring framework for the first time but for other projects and ongoing day to day work.

Lastly, I would like to say thank you to all those who have taken the time to provide feedback, to the Planning Service for producing this report and to everyone who takes the time to read it.

Deputy John Gollop
President, Development & Planning Authority

Further information on the Island Development Plan can be obtained from the Forward Planning team at:

Website: www.gov.gg/planningpolicy

E-mail: planreview@gov.gg

Telephone: 01481 717200

Twitter: @PlanReviewGsy

Guide to the Annual Monitoring Report

This is the Island Development Plan (IDP) Annual Monitoring Report (AMR) for 2017. This is the first AMR for the IDP, which was adopted by the States in November 2016.

Monitoring of the IDP is a statutory requirement on the Development & Planning Authority (the Authority). The Authority's mandate includes advising the States on land use policy and developing and implementing land use policies through development plans (such as the IDP) and any other relevant instruments. It has the responsibility for preparing development plans, subject plans, local planning briefs, guidance notes and development frameworks. The Authority also has a duty to determine development applications of all kinds, including planning, building control, protected buildings and scheduled sites. The Authority is supported by the Planning Service.

Ensuring that the IDP remains effective and relevant requires on-going monitoring of the success and progress of its policies, to make sure it is achieving its objectives, the objectives of the Strategic Land Use Plan and is able to support the delivery of the States priorities as set out in the Policy & Resource Plan 2017. An AMR is a comprehensive report that contains both quantitative and qualitative information, analysing the effectiveness and relevance of IDP policies, including feedback from stakeholders and relevant Committees, and sets out actions, if any, that need to be taken. The AMR also assesses if the IDP is playing its part in enabling the proactive elements of the States' Strategic Land Use Plan, 2011 (SLUP) to be delivered.

The AMR 2017 concludes that the policies of the IDP continue to be effective, robust and relevant. The IDP is performing as intended, is flexible and is delivering the land use requirements of the States as required by the SLUP. No specific blockages have been identified to delivering these requirements. Therefore, at this stage, there is no proposal to amend the IDP and there is no evidence of a need to amend the SLUP.

This AMR includes feedback from key stakeholders and States' Committees. It is the intention to undertake consultation with a wider range of stakeholders for future AMRs, including representative organisations and a wider range of service users.

The Introduction section of the AMR includes details of the IDP, the monitoring of the IDP, the structure of the AMR, the Planning Inspectors' comments and recommendations regarding monitoring and review of the IDP and the data sources for the AMR.

This AMR contains 14 'thematic reports'. The reports can be read separately or as part of the whole AMR. These reports contain 'indicators' to assess progress with delivery of the IDP's 'Plan Objectives'. There are 6 Plan Objectives which are listed below. Please see the IDP here for further information: www.gov.gg/planningpolicy

The introduction to Section 2 of the AMR (Monitoring Policy Performance) sets out how the thematic reports have been produced.

There are abbreviations used in this AMR and a full list of abbreviations is provided at the end of the document. There are a number of documents referred to and a list of references is provided at the end of the document – the online version of the AMR has links to the documents.

A list of the actions identified in the thematic reports including monitoring requirements is provided at the end of the document for ease of reference.

This AMR is available online on the States' website here: www.gov.gg/planningpolicy. The website also has IDP Quarterly Monitoring Reports, the IDP and all the documents associated with it. This includes a number of technical studies completed in support of this AMR – a Main Centres Survey, Local Centres Survey and update to the Employment Land Study.

The AMR refers to a number of forthcoming States' debates on issues such as the housing market and tourism. Information on States' meetings is available here: <https://www.gov.gg/parliament> or by contacting the Greffe on 725277.

If you have any queries about this AMR please get in touch – see the Contact Us page at the end of the document. If you would like to be kept up-to-date with progress with the implementation of the Island Development Plan including the publication of any documents such as Development Frameworks, please let us know and we can add you to the Planning Service's Plan Review database. Further information on the work of the Planning Service, including planning applications and decisions, is available here: <https://www.gov.gg/planningandbuilding>

The next AMR will be for 2018 and will be published in 2019. The 2018 AMR will provide updates on progress with the actions identified in this AMR.

Island Development Plan – Plan Objectives

- Plan Objective 1: Make the most effective and efficient use of land and natural resources - To achieve and promote sustainable development through requiring development to make the most effective and efficient use of land and resources while meeting the strategic objectives of the States of Guernsey as set out within the Strategic Land Use Plan.
- Plan Objective 2: Manage the built and natural environment - To conserve and enhance the high quality of the built and natural environment while appropriately balancing the protection of important buildings or structures and open and undeveloped land with the need to ensure that an adequate amount of land can be made available for meeting legitimate development requirements, in accordance with the Strategic Land Use Plan and the Principal Aim of the Island Development Plan.
- Plan Objective 3: Support a thriving economy - To achieve and promote economic development that meets the strategic objectives of the States of Guernsey as set out within the Strategic Land Use Plan and the Principal Aim of the Island Development Plan.
- Plan Objective 4: Support a healthy and inclusive society - To achieve and promote development that supports a healthy and inclusive society where this meets the

strategic objectives of the States of Guernsey, as set out within the Strategic Land Use Plan and the Principal Aim of the Island Development Plan.

- Plan Objective 5: Ensure access to housing for all - To achieve and promote a broad range of housing development that ensures an appropriate amount, mix and type of housing, including affordable housing, where this meets the strategic objectives of the States of Guernsey, as set out within the Strategic Land Use Plan.
- Plan Objective 6: Meet infrastructure requirements - To achieve the provision of infrastructure where required for the most effective and efficient functioning of the Island, in order to meet the strategic objectives of the States of Guernsey, as set out within the Strategic Land Use Plan.

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The Island Development Plan

The Island Development Plan (IDP), prepared by the Development & Planning Authority (hereafter referred to as the Authority) under section 8 of the Land Planning and Development (Guernsey) Law, 2005, sets out the land planning policies for the whole of Guernsey in a single document.

The 2005 Law provides for the Strategic Land Use Plan (SLUP) to set out Strategic Land Use Objectives which guide and direct the Authority in the preparation of Development Plans and the detailed land use policies set out within them in order to achieve the States agreed strategic economic, social and environmental objectives set out as 23 priorities in the Policy & Resource Plan 2017. The SLUP takes a broad and long term view of land use and spatial matters providing a high level spatial planning framework, endorsed by the States, to guide the Authority in the preparation of the more detailed land use policies in the Island Development Plan. The SLUP was approved by the States in November 2011. The Planning Law requires the IDP to be prepared to be consistent with and taking into account the strategic guidance and direction set out within the SLUP.

The IDP was formally adopted by the States on 2nd November 2016. The Land Planning and Development (Plans) Ordinance, 2007 states that a Development Plan has a ten year lifespan. This can be extended by resolution of the States of Guernsey.

The IDP sets out the factors that will be taken into account by the Authority under that Plan in reaching decisions on applications for planning permission. In conjunction with the provisions under the Land Planning and Development (Guernsey) Law, 2005, the planning policies of the IDP determine how development proposals should be assessed.

The IDP deals with a wide range of land use and development issues, such as:

- How the local economy will be supported through the use of land;
- Where new homes may be built, and where industry, leisure and retail facilities may be located;
- How physical and social infrastructure will be provided to support new development;
- How Guernsey's Main Centres and Local Centres will be developed;
- How the built and natural environment will be conserved and enhanced; and,
- How householder applications for development will be assessed under the IDP.

The IDP has six main purposes:

- To manage the physical environment so as to facilitate the delivery of the States of Guernsey strategic objectives that require the use of land, as set out in the SLUP;
- To ensure that development is carried out in such a way as to appropriately balance the social, economic and environmental objectives of the States of Guernsey;
- To provide the policy framework for the determination of planning applications;
- To encourage suitable development on appropriate sites;
- To conserve and enhance the best of Guernsey's physical environment; and,
- To help to guide public and private investment in relation to land planning.

Supplementary Planning Guidance

Since the adoption of the IDP, the Authority has published Supplementary Planning Guidance as referred to in certain policies in the IDP. This provides development guidance and supplementary information in specific circumstances in relation to policy principles set out in the Plan. The guidance published to date is:

- Affordable Housing SPG 2016;
- Community Plans SPG 2016;
- Parking Standards and Traffic Impact Assessment SPG 2016; and,
- Change of Use of Visitor Accommodation SPG 2016.

Supplementary Planning Guidance will be taken into account when considering proposals for development requiring planning permission, but it is not part of the Island Development Plan so does not have the same status as the Plan. The Supplementary Planning Guidance will be reviewed from time to time and amended, or updated, as appropriate. Further Supplementary Planning Guidance may be published if required, to address any issues identified in an Annual Monitoring Report. No additional SPGs were published in 2017.

Development Frameworks

Development Frameworks are non-statutory documents approved by the Authority providing an interpretation of the IDP policies and how they relate to the broad development direction for a site, or area, and give practical guidance to developers and others, as to how a specific site could be developed beneficially in terms of land use. There can be more than one Development Framework approved for a site or area, and they can be beneficial as catalysts for bringing positive development forward, especially in identified Regeneration Areas. A number of Development Frameworks were published in 2017. These all related to residential development and are set out in the Housing thematic report.

Local Planning Briefs and Subject Plans

Local Planning Briefs and Subject Plans are statutory plans for a particular area or site and may include policies and proposals for development which are outside of those set out in the IDP. Under the Land Planning and Development (Guernsey) Law, 2005, the procedure for adoption of a Local Planning Brief, or Subject Plan, is very similar to that for the main IDP, requiring a public inquiry and adoption by the States before coming into effect. No Local Planning Briefs, or Subject Plans, have been produced to date. A Local Planning Brief will be required for the St Peter Port Harbour Action Area, a project that commenced in 2017. Information on this is included in the Strategic Development and Infrastructure thematic report.

Community Plans

The SLUP requires the IDP to set out clearly the specific role of Community Plans in informing planning decisions. Community Plans provide an opportunity for members of the public to set out a vision for improvements and change to a particular locality, whether this covers a small collection of homes or a wider settlement area. It is envisaged that Community Plans will generally be produced by the community for areas within the identified Local Centres, where an element of new development is envisaged by the IDP, or produced for other areas of the Island where a community has come together to identify,

within the constraints of the IDP and any other relevant statutory plan, how an area might be shaped in the future. There have been no Community Plans completed to date.

Environmental Impact Assessment

The Land Planning and Development (Environmental Impact Assessment) Ordinance, 2007, requires the assessment of those draft Plan policies that could give rise to development that, itself, requires Environmental Impact Assessment (EIA). An Environmental Statement was published alongside the draft IDP to set out the findings of the EIA process for the IDP. This was Guernsey's first EIA of a Development Plan. The States was required, under section 4 of the 2007 Ordinance, to take into account the Environmental Statement before passing its resolution to adopt the IDP. Any change to the IDP would require an associated review of the EIA.

Monitoring and review of the Island Development Plan

The SLUP, 2011, places a statutory requirement on the Authority in relation to monitoring the performance of a number of different elements of the IDP. There is also a legal duty on the Authority under section 8 of the Land Planning and Development (Guernsey) Law, 2005 to ensure the IDP is kept under review and to make alterations where necessary.

Ensuring that the IDP is effective and relevant requires on-going monitoring of the success and progress of its policies, to make sure it is achieving its objectives and the objectives of the SLUP and is able to support the delivery of the States priorities as set out in the Policy & Resource Plan, and to make necessary adjustments if the monitoring process reveals that changes are needed. This enables the IDP to maintain sufficient flexibility to adapt to changing circumstances and remain robust, effective and relevant. It is important to note that this AMR provides analysis of the effectiveness and relevance of IDP policies in delivering the approved Strategic Land Use objectives of the States, and is not an analysis of the appropriateness of that approach to strategic land use planning.

Effective monitoring is managed through the Authority submitting regular reports to the Committee *for the* Environment & Infrastructure (whose mandate includes spatial planning), as required by the SLUP, setting out how the IDP is satisfying specific economic, social and environmental objectives of the States. The monitoring reports will be published by the Authority on the States' website.

The Quarterly and Annual Monitoring Reports

Quarterly monitoring reports are factual reports providing an update on the delivery of housing and employment uses. The four quarterly reports for 2017 have been published and are available on the States' website.

The Annual Monitoring Reports are more comprehensive reports that contain both quantitative and qualitative information, analysing the effectiveness and relevance of IDP policies, including feedback from stakeholders and relevant Committees and set out actions, if any, that need to be taken.

The objectives for the monitoring reports are to:

- Assess the implementation of the SLUP policies through the IDP policies and the management of development;
- Identify and remove any blockages to the delivery of sustainable development for which provision is made within the SLUP; and,
- Identify potential revisions required to the SLUP or IDP to ensure the objectives of the States are adequately satisfied by the land use planning system.

Review of the Island Development Plan

The IDP has a 10 year lifespan with a requirement, as set out in the SLUP, to review the supply of housing land after 5 years. The Planning Law also makes provision for the IDP to be amended at any point during its life if there is robust evidence to support why this should occur. Should any changes to the IDP, including the Proposals Map, be proposed an independent Planning Inquiry would be required prior to consideration by the States of Deliberation, in accordance with the requirements of section 7 of the Land Planning and Development (Plans) Ordinance, 2007. This process does not apply to changes to any Supplementary Planning Guidance.

Five Year Review of the Island Development Plan

In accordance with the requirements of the SLUP the IDP identifies a minimum five year land supply for housing. Therefore, although there is regular monitoring, there will be a review of housing land supply after five years following the date of formal adoption of the IDP by the States of Guernsey, unless monitoring indicates a more urgent need to review the land supply sooner. The five year review of housing land supply will include comprehensive reviews of key aspects of the evidence base. The five year review will assess the appropriate level of provision of land for housing development for the remainder of the IDP period and will include the comprehensive review of the Strategic Housing Land Availability Assessment.

Inspectors' comments and recommendations regarding monitoring and review of the Island Development Plan

In January 2015, in accordance with the requirements of section 7 of the Land Planning and Development (Plans) Ordinance, 2007, the former Policy Council appointed Mr Keith Holland and Mr Alan Boyland as the independent Planning Inspectors to carry out a public Planning Inquiry into the draft IDP. The Inspectors' report of the Inquiry with subsequent recommendations was submitted to the former Environment Department on 4th March 2016. The Inspectors made a number of comments and recommendations with regard to monitoring the implementation of the IDP and the possible need for a review of the Plan.

Spatial Strategy and housing development

The Inspectors noted the importance of monitoring the split between housing development in the Main Centres and Main Centre Outer Areas and elsewhere. An indicative 80/20 split was discussed at the Inquiry Hearings – as an assumed allowance in analysing housing land supply, not as a target or limit. They commented that in the event of actual trends failing to accord with the strategy of concentration in and around the Main Centres, it may be necessary to bring forward amendments to the IDP to address this. The housing report in

the AMR analyses the split between development of housing allocations and windfall¹ development in Main Centres/Main Centres Outer Areas, and windfall development in Local Centres and Outside of the Centres.

Effectiveness of Affordable Housing policy

The Inspectors noted concern raised by some in the property development industry that the Affordable Housing policy, which is intended to be flexible, would not operate efficiently. The AMRs will reflect on Affordable Housing negotiations, viability assessments and issues affecting the delivery of housing development and will include analysis of Affordable Housing approved relative to the targets of Policy GP11. In 2017, Policy GP11 did not apply to any site given permission in the year.

Housing indicator

The Inspectors noted that any change to the housing indicator (currently 300 dwellings per year) may require consequential amendments to the IDP. This indicator was not revised in 2017 but is due to be debated by the States in July 2018.

Visitor Accommodation – change of use to alternative uses

The Inspectors recommend that trends in visitor numbers and accommodation occupancy are monitored to assess the continued appropriateness of the visitor accommodation policies in the IDP, which seek to resist loss of accommodation from the current stock other than in exceptional circumstances or in the case of smaller establishments. Both trends were in decline at the time of the Inquiry Hearings. Given the uncertainty about future demand, and the problems arising from a mismatch between supply and demand, the Inspectors considered that keeping that matter under review to be very important. Related to this is IDP resolution 5 (Billet d'État No. XXVII) that requires the Committee *for* Economic Development to review the Tourism Strategic Plan 2015 (by October 2018) and to carry out an assessment of the current stock of visitor accommodation and the stock of visitor accommodation necessary to support the future viability and growth of the industry. The outcomes of the assessment and revised strategy will need to be taken into account at the time they are available to consider the appropriateness of the IDP policies to continue to deliver the States objectives. The AMR analyses changes in the stock of accommodation in the meantime and includes visitor data made available by the Committee *for* Economic Development.

Designation of a Local Centre at Les Capelles

With regards to the potential for a Local Centre at Les Capelles, the Inspectors' view was that it has reasonable potential, but the uncertainty over the future of the convenience store prevented allocation at the time the IDP was drafted. They recommend the matter is kept under review and a change to the Plan could be considered if the convenience store is refurbished or a new store opens. The store has remained open and the planning permission to convert the store to residential use (2 dwellings) expired during 2017. This issue is addressed in the report on Local Centres.

¹ Windfall Sites are undesignated sites that come forward for development during the Island Development Plan period which are not specifically identified in the Island Development Plan for that purpose, but for which policies exist to support its provision.

Structure of the Annual Monitoring Report

The next section of the Annual Monitoring Report is *Monitoring Policy Performance*.

Monitoring of different types of development is an important component in helping to digest trends and assess effectiveness of planning policies, and as such this section includes 14 thematic reports that consider the effectiveness and continued relevance of some of the key policies in the IDP in delivering the IDP objectives, the SLUP objectives and the priorities of the States. The reports propose actions as required to address any issues identified. The thematic reports are:

- Strategic Development and Infrastructure;
- Housing;
- Offices;
- Industry, Storage & Distribution;
- Visitor Accommodation;
- Social, Community, Leisure and Recreation;
- Main Centres;
- Local Centres;
- Agriculture and Horticulture;
- Redundant Glasshouse Sites;
- Natural Resources;
- Construction Waste;
- Built Heritage and New Development; and,
- Public and Private Parking.

The IDP has a Principal Aim and 6 Objectives. The progress in delivering these and how the IDP policies are delivering key components of the SLUP (Linking Policies) is reviewed in the section *Effectiveness of the Policies of the Island Development Plan to Deliver the Plan Objectives and the Proactive Elements of the Linking Policies of the Strategic Land Use Plan*. This section includes a response to the AMR from the Committee *for the Environment & Infrastructure* who has the mandate for spatial land use planning and the SLUP.

The findings of the thematic reports feed into the Summary of Indicators as part of the *Summary* to provide an overview of all the indicators from the 14 thematic reports in one location. This will be added to each year so that trends over time can be easily seen.

Future Annual Monitoring Reports will include an update on the monitoring requirements and actions identified in each thematic report of the previous AMR.

Consultation and engagement in the AMR process

The Authority liaises with other relevant bodies to produce the Monitoring Reports. Effective monitoring requires input and feedback from other States' Committees and stakeholder groups in order to gather valuable qualitative input to assess the effectiveness of policies. The approach to monitoring is set out fully in section 21 of the IDP. This includes quarterly and annual monitoring reports.

To inform this AMR, consultation took place with key stakeholders. This included consultation with:

- States Committees – including the Committee *for* Economic Development; Committee *for the* Environment & Infrastructure; Committee *for* Education, Sport & Culture; Committee *for* Employment & Social Security; Committee *for* Health & Social Care; Policy & Resources Committee and the States’ Trading Supervisory Board. Committees provided feedback on their experiences of the IDP together with contributing relevant data for inclusion as evidence;
- The ‘Plan Forum’ – a group of Guernsey architects and developers together with utilities organisations and States internal stakeholders that meets biannually with the Planning Service to provide updates and discussion on pertinent issues. Meetings were held with interested agents and their feedback has again been included where relevant in the appropriate thematic reports;
- Commercial agents – a workshop was held with agents to update the Employment Land Study. This has contributed to the understanding and interpretation of the evidence relating to office, industry, storage and distribution policies;
- Within the Planning Service, a workshop was held and a survey circulated so that Planning Officers were able to comment on their experiences of the IDP, including what was working well and where. For example, guidance was felt to be needed to support agents and applicants in their interpretation of policy; and,
- Feedback from service users has been gained via the comments of Planning Officers and through interviews with specific agents.

It is the intention to undertake consultation with a wider range of stakeholders for future Annual Monitoring Reports, including representative organisations and a wider range of service users.

Data sources

Section 21.5 of the IDP sets out in detail the Authority’s approach to the collection and use of data. In brief, the sources of data for the 2017 AMR are:

- Planning applications and decisions;
- Planning appeals and decisions;
- Building Control information;
- Statistical data published by the Policy & Resources Committee;
- Surveys of the 2 Main Centres and 7 Local Centres by the Planning Service;
- A review of the Strategic Housing Land Availability Study and Employment Land Study;
- A review of the Planning Service’s mapping of glasshouse sites;
- Data provided by other States Committees regarding land used for farming, the stock of visitor accommodation and public parking;
- A Retail Survey, published in November 2017, which was carried out by Island Global Research on behalf of the States of Guernsey;
- Data on floorspace for commercial uses provided by Digimap; and,
- Information from estate agents.

This AMR includes data relating to planning applications determined in 2017 although the IDP was adopted on 2nd November 2016. The approach of monitoring by calendar year

allows for ease of comparison to future years and avoids the potential confusion in comparing a 12 month period in future years to a 14 month period in the first AMR.

The Development & Planning Authority and the Planning Service

The Development & Planning Authority is the States Committee responsible for land use policy through the production of development plans and other instruments and also for determining development applications of all kinds. The Authority is supported by the Planning Service which delivers the operational functions of the Authority within the terms of an agreed and published scheme of delegation.

The policies and directions set by the Authority are delivered at operational level by the Planning Service, whose aim is to provide customers with a pleasant, safe and sustainable physical environment. The Service works to protect, enhance and facilitate the sustainable development of the physical environment of Guernsey through the preparation and adoption of Development Plans, Subject Plans, Local Planning Briefs and through the application and review of Building Regulations and the setting of Guernsey Technical Standards in accordance with relevant legislation. This is also achieved through the control of development in the light of those documents, including through the application of special controls in relation to areas of particular sensitivity and importance.



2. Monitoring Policy Performance

This section of the Annual Monitoring Report (AMR) includes 14 ‘thematic reports’. These address a range of key policy issues:

- Strategic Development and Infrastructure;
- Housing;
- Offices;
- Industry, Storage and Distribution;
- Visitor Accommodation;
- Social, Community, Leisure and Recreation;
- Main Centres;
- Local Centres;
- Agriculture and Horticulture;
- Redundant Glasshouse Sites;
- Natural Resources;
- Construction Waste;
- Built Heritage and New Development; and,
- Public and Private Parking.

The purpose of the thematic reports is to assess the robustness, relevance and effectiveness of Island Development Plan (IDP) policies in satisfying the land use requirements of specific economic, social and environmental objectives of the States as set out in the Strategic Land Use Plan (SLUP) Linking Policies.

To do this, the thematic reports include:

- A review of the SLUP requirements for the relevant IDP policies and the overall aims of the IDP policies - this helps set out what the policies are trying to achieve and therefore what is being monitored;
- Consideration of any relevant States decisions in the year and the 23 priorities of the Policy & Resource Plan approved in 2017 to assess the implications for the IDP;
- The findings of any updates to the IDP evidence base - the detailed information in support of the IDP policies. There are updates from research into Main Centres, Local Centres, redundant glasshouse sites, employment land, housing land and agricultural and horticultural activity;
- Consideration of the recommendations of the independent Planning Inspectors – who oversaw the Public Inquiry into the draft IDP - with regards to monitoring policies. The Inspectors reflected on the representations made during the Public Inquiry and recommended that certain issues are kept under review;
- In the case of the Housing and Employment thematic reports, information is drawn from the 4 published Quarterly Monitoring Reports for 2017;

- The outcomes from the decisions of the States of Deliberation when it approved the IDP in 2016 are noted;
- Relevant data from the States statistical publications such as Facts and Figures to provide context for any detailed research;
- Data provided to the Authority by other Committees on request. This includes information on visitor accommodation, public parking, inert waste recycling and dairy farming;
- An analysis of relevant planning applications determined in 2017, including any permissions given as a minor departure to the IDP policies and the issues considered for the most significant permissions or refusals. There were no relevant planning appeal decisions in 2017; and,
- Feedback from other States Committees, agents, stakeholders and from within the Planning Service.

Where relevant the reports include actions. These actions cover further work for future AMRs, liaison required going forward with other Committees, the need for internal guidance and the need for external guidance in order to maintain and improve the effectiveness of IDP policies in delivering the States' aims as set out in the SLUP. The actions are summarised at the end of each thematic report.



Strategic Development and Infrastructure

Introduction

The Strategic Land Use Plan (SLUP) highlights the opportunities for mixed use re/development 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 (Policy LP9: Main Centre Vitality and Viability - Delivery). The SLUP notes that many of the opportunities identified centre on the eastern coastal areas of the Main Centres. These are areas that accommodate land which is either inefficiently used or could be put to better alternative use through the implementation of a co-ordinated strategy.

The SLUP states that modern infrastructure is vital to the Island and the ability of the planning system to enable its timely provision is an important objective of the SLUP. SLUP Policy LP11: Infrastructure and Implementation states that the Development Plan will make provision for the development of Guernsey's infrastructure to meet the social, economic and environmental objectives of the States. Those objectives are now embodied in the 23 priorities of the Policy & Resource Plan. The Island Development Plan (IDP) has policies which support the provision of the physical structures and large physical networks needed for the functioning of a modern society. These form the Infrastructure section of the IDP alongside policies for the harbours in the Main Centres.

In some instances, infrastructure requirements may, at some stage in the future, be identified that were not envisaged at the time the IDP was prepared. Consequently, Policy S5: Development of Strategic Importance has been prepared and will override other policies of the IDP in identified and specific circumstances.

The IDP makes provision for a flexible approach to the control of development on sites where strategic opportunities exist to enable them to be fully and appropriately utilised in the future for the economic, social and environmental benefit of the Island. Policy S6: Strategic Opportunity Sites supports proposals on specific sites identified by the Authority that are, or are becoming, obsolete for their intended purpose or are underused in their current form for development that is clearly demonstrated to be capable of delivering strategic objectives of the States of Guernsey.

This report considers the effectiveness of IDP policies to deliver infrastructure projects and major developments. This includes the development of Harbour Action Areas, Regeneration Areas, Safeguarded Areas and Airport Land. The report will also analyse cases where the Development of Strategic Importance policy (Policy S5) and the Strategic Opportunity Sites policy (Policy S6), which are exceptions to the Spatial Policy, have been used.

As yet, no Local Planning Briefs have been produced since adoption of the IDP but future Annual Monitoring Reports (AMR) will assess progress with Local Planning Briefs. Progress with Development Frameworks (DFs) is addressed under the relevant topic. All DFs to date have related to residential development so this is considered in the Housing report.

This report will seek to highlight any blockages to the delivery of strategic infrastructure and development in relation to the IDP. An identified risk to the delivery of strategic development and infrastructure is delay in production of Local Planning Briefs and Development Frameworks (see IDP paragraph 21.7.3).

In future AMRs there is the potential to expand this report to address other issues such as energy, waste, land reclamation or coastal defence projects and strategies, however the emerging Infrastructure Investment Plan will take the lead role in assessing infrastructure requirements going forward, and will need to monitor progress. The AMR will focus on the interaction between the infrastructure required and its delivery through the IDP policies. Together these two projects will deliver the SLUP requirement for monitoring of the 'delivery of infrastructure' identified as being required by the States of Guernsey.

Infrastructure Investment Plan

The Policy & Resources Committee (P&R) has commented that there is a Long-Term Infrastructure Investment policy initiative within the Policy & Resource Plan which will determine the priorities for the long-term infrastructure requirements of the States that the IDP policies will need to be able to deliver. This is one of the 23 priorities for the States that will provide a targeted Infrastructure Plan which focuses on the identification, co-ordination and prioritisation of the infrastructure required to deliver the States' identified priorities. P&R has stated that "it is intended that the Plan will extend beyond simply identifying assets and fiscal requirements, and will also identify future requirements in accordance with States' priorities. This will make it a valuable tool from an island-wide and marine planning/development perspective, as well as highlighting where public/private partnership might be beneficial to deliver infrastructure. It will also outline the scale of resources and long-term investment needed for delivery as well as identifying opportunities for co-ordination of strategies, operational efficiencies and ongoing maintenance".

The relationship and impacts of the emerging Infrastructure Investment Plan, the IDP policies and the SLUP will need to be considered in due course. The IDP policies provide for a variety of potential infrastructure projects through the policies of the Infrastructure section of the Plan and through Policy S5: Development of Strategic Importance and Policy S6: Strategic Opportunity Sites. The policies of the IDP do not extend to the marine environment. However, any on-shore and land-based developments would require planning permission and the policies of the IDP would apply.

The emerging Infrastructure Investment Plan will provide information for the Authority to take into account in determining proposals for new development. The Committee *for the Environment & Infrastructure* in its response to consultation as part of the AMR process comment that "there has been much public interest and debate on social media over the last six months or so with regard to the development of housing, particularly but not exclusively in the north of the Island, and its potential impact on traffic management, road safety and parking". The Authority is particularly aware of the physical and social infrastructure required for specific development proposals to support new development and will continue to be so as well as recognising the opportunities that new development can provide to enhance existing infrastructure.

Harbour Action Areas

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

IDP Policy MC10: Harbour Action Areas notes that detailed strategies for the development of the St Peter Port HAA and the St Sampson's HAA will be provided in a Local Planning Brief for each area when approved by the States of Guernsey. In the meantime the policy supports proposals where they are of a minor or inconsequential nature or do not prejudice the outcomes of the Local Planning Brief process.

Policy IP3: Main Centre Port Development supports development that is essential to the effective, efficient and safe operation of the ports, providing that the development would not prejudice the outcomes of the Local Planning Brief process and would not inhibit the implementation of an approved Local Planning Brief.

During 2017, there were 39 planning applications in the St Peter Port HAA, 1 of these was refused permission solely due to design issues with the particular proposal and not because the proposal would prejudice the outcomes of the Local Planning Brief process in this area. In the St Sampson's HAA there were 21 planning applications all of which were approved.

As the HAAs cover an area much wider than the harbours themselves, the majority of these permissions relate to existing buildings within the areas adjacent to the harbour. All of these were assessed for the potential impact on the delivery of the comprehensive master-planning and redevelopment of the harbours. In terms of permissions within the operational parts of the harbours, in St Peter Port, permission was granted for works to the Guernsey Sailing Trust buildings on Castle Emplacement, the AB Marine Ltd Cambridge Berth building, the Harbour Terminal Building on New Jetty and the Slaughterhouse on Castle Pier. Permission was also granted on Albert Pier in relation to the Cruise Ship Passenger Queuing Area and the Petit Train ticket kiosk, on Castle Pier for signage, on North Beach for electric vehicle charging units and for repair works to the harbour wall at the Castle Emplacement.

In St Sampson, no permissions related to the operation of the harbour itself. There were a number of permissions granted within the Key Industrial Areas of Longue Hougue and North Side. Please refer to the section of the AMR regarding Industry and Storage & Distribution for further information.

Given the policy context of the IDP, none of these permissions were for development of any significant scale. Policies MC10 and IP3 are providing the flexibility to approve developments in the HAAs that would not prejudice the outcomes of the Local Planning Briefs which is supported by the 38 planning permissions granted against 1 refusal in these areas in 2017.

Seafront Enhancement Area

The States' has identified through the Policy & Resource Plan St Peter Port's HAA as one of the 23 key priorities to focus on. Political governance has been set up which includes representation by the Development & Planning Authority, the Committee *for the* Environment & Infrastructure, the Committee *for* Economic Development, the States Trading and Supervisory Board and the Policy & Resources Committee. The group has named the project the Seafront Enhancement Area. Public consultation will form a significant part of the programme in advance of the formal consultation required for the Local Planning Brief.

An update has been provided by the Policy & Resources Committee: "Seafront Enhancement (formerly the Harbour Area Enhancement) specifically concerns the development and coordination of the policies for the enhancement of the St Peter Port Harbour Action Area (SPPHAA). It is recognised that this work will have to take into consideration a number of States' strategies and will require input from a number of different stakeholders including the third and private sectors. The work will initially include producing a master plan for the SPPHAA as part of a Local Planning Brief, which will be considered at a public planning inquiry before being delivered to the States' Assembly for consideration and approval. A cross-Committee Steering Group, led by the Policy & Resources Committee, has been established. Its terms of reference are to explore the opportunities to enhance the eastern seaboard and the harbour area to support economic, environmental and social objectives".

In response to the consultation as part of the AMR process, the States Trading and Supervisory Board (STSB) confirmed its support for the work on the St Peter Port HAA. It notes that STSB and Ports Management will seek to realise the potential of harbour property through the HAA and that it will be necessary to balance the need for increased revenue generation for the Ports against the strategic planning of the harbour in the longer term.

The AMR will monitor progress with the Local Planning Briefs. Once adopted, monitoring of the implementation of the projects will take place separately to the AMRs.

INDICATOR – Delivery of the Local Planning Brief for the St Peter Port Harbour Action Area	
Plan Objective	Plan Objective 1: Make the most effective and efficient use of land and natural resources. Plan Objective 2: Manage the built and natural environment. Plan Objective 3: Support a thriving economy. Plan Objective 4: Support a healthy and inclusive society. Plan Objective 6: Meet infrastructure requirements.
Target	Complete Local Planning Brief for the St Peter Port Harbour Action Area.
Outcome	Work has not yet started on the Local Planning Brief.
Target met?	No.

Comments (including any risks to delivery)	The programme to produce the Local Planning Brief was incepted in 2017. IDP policies have been shown to allow for development that would not prejudice the outcomes of the Local Planning Brief to proceed in the meantime.
Action	The Authority to work closely with, and be an intrinsic part of, the SEA group to deliver the Local Planning Brief for the St Peter Port Harbour Action Area.

INDICATOR – Delivery of the Local Planning Brief for the St Sampsons / Vale Harbour Action Area

Plan Objective	Plan Objective 1: Make the most effective and efficient use of land and natural resources. Plan Objective 2: Manage the built and natural environment. Plan Objective 3: Support a thriving economy. Plan Objective 4: Support a healthy and inclusive society. Plan Objective 6: Meet infrastructure requirements.
Target	Complete Local Planning Brief for the St Sampsons / Vale Harbour Action Area.
Outcome	Work has not started on the Local Planning Brief.
Target met?	No.
Comments (including any risks to delivery)	IDP policies have been shown to allow for development that would not prejudice the outcomes of the Local Planning Brief to proceed in the meantime.
Action	None.

Regeneration Areas

Regeneration Areas are areas where a co-ordinated and flexible approach to planning of mixed-use development can achieve significant new sustainable place making, attracting inward investment and making improvements to and enhancement of the public realm and historic environment.

The Regeneration Areas are located at South Esplanade and Mignot Plateau, Lower Pollet and Le Bordage/Mansell Street in St Peter Port and Leale's Yard at the Bridge in St Sampson / Vale.

IDP Policy MC11: Regeneration Areas requires a Development Framework for each Regeneration Area prior to their redevelopment. In the meantime the policy supports proposals where they are of a minor or inconsequential nature.

In 2017 there were 14 planning permissions in the 4 Regeneration Areas. None in South Esplanade and Mignot Plateau, 7 in Lower Pollet, 3 in Le Bordage/Mansell Street and 4 in Leale's Yard. Given the policy context of the IDP, none of these permissions were for development of any significant scale.

A project began in 2017 to produce a Development Framework for the **South Esplanade and Mignot Plateau** Regeneration Area. This is being procured by the States as a major landowner within the area and following the vacation of States' offices as part of the project to rationalise the States' property portfolio.

In **Lower Pollet** the permissions included 4 for works to the Moores Hotel, 3 for minor work to office buildings and a change of use from retail to office in Le Pollet.

In the **Le Bordage/Mansell Street** Regeneration Area there were 2 permissions for minor works to office buildings and a change of use of a shop to a tattoo parlour.

A part outline / part full planning permission was granted in 2016 for **Leale's Yard**. The outline permission is for the mixed-use re-development of part of the site for 303 new residential units and 1,074m² of commercial / retail / community space. The full permission is for the demolition of existing buildings on the Bridge/derelict buildings within the site; and the development of two buildings together comprising 109 new residential units and 1,049m² of ground floor commercial/retail space and road improvements in the area. These permissions have yet to be implemented and no conditions have been discharged. The outline permission will expire in August 2018 unless a reserved matters application is submitted and the full permission will expire in August 2019 unless implemented. Should the existing planning permissions lapse, a proactive approach will be taken by the Authority to prepare a Development Framework, potentially for a range of uses including mixed use, for the Regeneration Area. In the Leale's Yard Regeneration Area in 2017 there was planning permission granted for change of use of upper floors of a retail unit to residential, minor works to a bank and an office building and change of use of a shop to a café.

The progress with the drafting of Development Frameworks for the Regeneration Areas will be kept under review.

INDICATOR – Delivery of Development Frameworks for the Regeneration Areas at South Esplanade and Mignot Plateau, Lower Pollet and Le Bordage/Mansell Street	
Plan Objective	Plan Objective 1: Make the most effective and efficient use of land and natural resources. Plan Objective 2: Manage the built and natural environment. Plan Objective 3: Support a thriving economy. Plan Objective 4: Support a healthy and inclusive society. Plan Objective 5: Ensure access to housing for all.
Target	Complete Development Frameworks for these Regeneration Areas.
Outcome	Inception of work for South Esplanade and Mignot Plateau Regeneration Area.
Target met?	No.
Comments (including any risks to delivery)	The policy is ensuring that no development is being permitted that would undermine the potential for the comprehensive development of the areas whilst allowing

	for small scale or inconsequential development to progress. There has however been no progress with 2 of the 3 areas.
Action	The Authority to investigate options to progress discussions leading to Development Frameworks for Lower Pollet and Le Bordage/Mansell Street Regeneration Areas and complete work on the Development Framework for South Esplanade and Mignot Plateau.

INDICATOR – Delivery of a Development Framework for Leale's Yard Regeneration Area if the 2016 planning permissions are not implemented

Plan Objective	Plan Objective 1: Make the most effective and efficient use of land and natural resources. Plan Objective 2: Manage the built and natural environment. Plan Objective 3: Support a thriving economy. Plan Objective 4: Support a healthy and inclusive society. Plan Objective 5: Ensure access to housing for all. Plan Objective 6: Meet infrastructure requirements.
Target	Complete Development Framework for the Regeneration Area if required, potentially for a range of uses including mixed use.
Outcome	n/a
Target met?	n/a
Comments (including any risks to delivery)	
Action	Review progress of the Leale's Yard Regeneration Area in the 2018 AMR.

Safeguarded Areas

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

- Chouet Headland for possible mineral extraction;
- Les Vardes Quarry for possible water storage; and,
- Land to the east of airport land for a possible runway extension.

The only permission in 2017 in a Safeguarded Area was to install 3 antennas on a new telecommunications mast at Les Vardes Quarry.

Policy IP5 requires a Development Framework to be in place prior to development within a Safeguarded Area. Work began in 2017 on preparing a Development Framework for the Chouet Headland in relation to possible mineral extraction, with a draft expected to be published for consultation in Autumn of 2018. There has been no requirement to progress Development Frameworks for the other Safeguarded Areas. The use of Les Vardes Quarry

for water storage and land to the east of airport land for a runway extension would be brought forward by the Infrastructure Investment Plan, one of the 23 priorities for the States which would take account of the ongoing States' review of transport links and any revised plan by Guernsey Water for water storage. However IDP policies are in place to support this as and when required.

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

There is no current indication that the Safeguarded Areas should not continue to be designated as such. Policy IP5 has not yet been pertinent to the determination of a planning application.

Airport Land

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

The airport is designated in the IDP as 'Airport Land' on the Proposals Map. The area identifies the operational area of the airport. The IDP makes provision for airport related development to ensure the airport remains fit for purpose for the foreseeable future and is able to respond to opportunities to strengthen its contribution to the economy. There were 4 planning permissions at the airport in 2017. These were to:

- Erect new signage at the entrance to the airport;
- Extend the apron area to create an area for re-fuelling for the Guernsey Hangarage/Guernsey Aero Club;
- Install new monopole and service cabinet and erect fenced compound on existing parking area to west of terminal building for JT Guernsey; and,
- To replace existing sliding folding doors with double glazed doors, garage door and up and over door at the Guernsey Airport Technical Block.

These permissions demonstrate that the IDP Policy IP4 is performing as intended and supports appropriate development at the airport.

It is a Policy & Resource Plan priority to improve the Island's air and sea links. The Plan states that "this priority will provide support to the maintenance and investigation of options for the expansion of air and sea links so that Guernsey is well connected with the UK and Europe. It is essential that the Island has robust, sustainable, reliable and affordable air and sea links in order to deliver a dynamic and growing economy. This incorporates business travel to/from the Island, visitor and local travel to/from the Island, and the import/export of freight". There is no policy impediment for the principle of development to support these aims. To date no policy decisions have been made that have a land-use implication for the airport.

Development of Strategic Importance and Strategic Opportunity Sites

IDP Policy S5: Development of Strategic Importance allows for proposals which may conflict with the Spatial Policy but which are clearly demonstrated to be in the interest of the health, or well-being, or safety, or security of the community, or otherwise in the public interest provided there is no more suitable site. There were no planning applications determined in 2017 that related to this policy.

IDP Policy S6: Strategic Opportunity Sites supports proposals for development that are clearly demonstrated to be capable of delivering strategic objectives of the States of Guernsey on sites that are, or are becoming, obsolete for their intended purpose or are underused in their current form, subject to a range of criteria including production of a Local Planning Brief. There were no planning applications determined in 2017 that related to this policy. As and when sites come forward the Authority will have to consider how to resource Local Planning Briefs and Development Frameworks associated with development under policies S5 and S6.

Summary

In conclusion, policies are in place which allow for specific strategic and infrastructure development to take place now and safeguard areas for strategically important development (the Infrastructure section of the IDP), and allow for potential developments in the future which have yet to be identified (policies S5 and S6, which could be important for implementation of the Infrastructure Investment Plan). IDP policies also allow for minor and inconsequential development to progress as indicated by planning permissions granted in 2017. Therefore no blockages by IDP policies have been identified to delivery of essential strategic and infrastructure development. IDP policies have been shown to give positive and flexible support to delivery and fulfil the aims of the Strategic Land Use Plan.

Summary of monitoring requirements

- Review progress of the Leale's Yard Regeneration Area in the 2018 AMR.

Summary of action required

- Development & Planning Authority to be an intrinsic part of the Seafront Enhancement Area group to deliver the Local Planning Brief for the St Peter Port Harbour Action Area; and,
- Development & Planning Authority to investigate options to progress discussions leading to Development Frameworks for Lower Pollet and Le Bordage/Mansell Street Regeneration Areas and complete work on the Development Framework for South Esplanade and Mignot Plateau.



Housing

Introduction

The Strategic Land Use Plan (SLUP) has a core objective requiring 'levels of housing availability, quality and affordability to be improved, enabling people to help themselves become independent where possible'.

The SLUP highlights that Guernsey's population is ageing and the number of people of non-working age as a proportion of the population is projected to increase. SLUP Policy LP5 requires the Island Development Plan (IDP) to provide new housing to a standard that will offer flexible accommodation that can be easily modified to meet the changing requirements of the householder.

SLUP Policy SLP12 requires the IDP to ensure that provision is effectively made to meet the annual requirement for the creation of new homes of an appropriate mix of tenures, housing sizes and types, to meet the Island's housing needs. Policy SLP13 requires the IDP to ensure that a minimum 5 year land supply is effectively made to meet the annual requirement for new homes. Before the end of this 5 year period, the SLUP requires review of the IDP in terms of housing land supply in order to assess the appropriate scale of provision for housing that is required for the remaining duration of the Plan. Housing policy, including the supply of housing land and the provision of housing of appropriate type, size and tenure is identified as one of the 23 priorities of the States in the Policy & Resource Plan.

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

Consistent with the SLUP, the IDP makes provision for the Island's housing requirement for the first five years of the Island Development Plan period and 15 sites have been allocated in the IDP specifically for housing development, all within either a Main Centre or Main Centre Outer Area which, combined with an allowance for windfall² development on other sites and existing permissions, make up the five year requirement.

The housing requirement is based on the States' Strategic Housing Indicator. When the IDP was adopted in November 2016, this indicator was set at 300 additional new dwellings each year. In accordance with the SLUP, the Authority seeks to ensure that a two-year housing provision is effectively made at any one time through housing permissions. This is called the 'pipeline supply'. Given the current annual indicator of 300 additional new dwellings per year, this equates to 600 new dwellings.

² Windfall Sites are undesignated sites that come forward for development during the Island Development Plan period which are not specifically identified in the Island Development Plan for that purpose, but for which policies exist to support its provision.

The Housing Indicator is subject to review in 2018. A Policy Letter from the Committee *for the Environment & Infrastructure* (CfE&I), whose mandate includes general housing policy, including recommendations for changes to the Strategic Housing Indicator, will be considered by the States in July 2018. Future Annual Monitoring Reports will reflect on delivery of planning permissions for housing development in relation to housing need as identified by any revised Indicator once this is agreed by the States.

The Policy Letter ‘Local Market Housing Review and Development of Future Housing Strategy’ to be debated in July 2018 recognises the importance of the regular collection and publication of relevant and reliable data for the analysis of future housing requirements. One of the workstreams identified, which is seeking the endorsement of the States, is the research and establishment of an appropriate housing data collection model, data collection processes and monitoring and review of future housing indicators and recommends joint working between CfE&I, the Authority and the Committee *for Employment & Social Security* (CfE&SS) to achieve this. Accurate, robust and real-time data will be essential in order to be able to ensure that new housing is reflective of the demographic profile of households requiring housing at any one time in accordance with the housing policies of the IDP. The effectiveness of IDP housing policies to ensure the mix and type of units being built are what the Island requires is therefore dependent upon the successful implementation of the workstream identified by CfE&I.

The Guernsey Annual Housing Stock Bulletin monitors change in housing by number of bedrooms. Noting the recommendation in the published KPMG report “Guernsey Housing Market Review” 2017, the Authority introduced the monitoring of housing by the number of bedrooms for 2018 and will be included in Quarterly Monitoring Reports as well as the 2018 Annual Monitoring Report (AMR) and this will inform a more refined analysis of the pipeline supply in the future. This will include analysis of the nature of the stock of housing being replaced, in addition to details of new housing being permitted.

Action – joint working between the Development & Planning Authority, the Committee *for Employment & Social Security* (whose mandate includes delivery of Affordable Housing), the Committee *for the Environment & Infrastructure* and the Policy & Resources Committee in order to address any actions and decisions that arise from the debate of the Policy Letter ‘Local Market Housing Review and Development of Future Housing Strategy’ in July 2018, particularly in relation to the monitoring of housing supply and need and the establishment of an appropriate data collection model and data collection processes.

‘Pipeline’ Housing Supply

New housing is deemed to be effectively in the ‘pipeline’ where planning permission has been granted and the development is not yet complete, and where the development of new housing is acceptable in principle (outline planning permission). **Figure 1** below demonstrates the number of dwellings in the ‘pipeline’ at the end of 2017:

Source of Supply	Number of dwellings			Total
	Main Centres	Local Centres	Outside of the Centres	
Full permissions (work not commenced)	339	39	108	486
Outline permissions	319	0	26	345
Under Construction	237	2	107	346
Total	895	41	241	1177
Pipeline Supply	1177			

Figure 1: Pipeline Housing Supply

Pipeline Housing Supply – detailed ‘Centres’ analysis:

Location	Number of dwellings			Total
	Full permissions (work not commenced)	Outline permissions	Under Construction	
St Peter Port MC	96	-	70	166
St Peter Port MCOA	78	16	102	196
St Sampson / Vale MC	115	303	9	427
St Sampson / Vale MCOA	50	-	56	106
Total MCs	339	319	237	895
Cobo Local Centre	-	-	-	-
Forest Local Centre	-	-	-	-
Forest West Local Centre	-	-	-	-
L'Aumone Local Centre	-	-	-	-
L'Islet Local Centre	2	-	1	3
St Martin's Local Centre	37	-	1	38
St Peter's Local Centre	-	-	-	-
Total LCs	39	-	2	41
Outside of the Centres	108	26	107	241
Total	486	345	346	1177

Figure 2: Pipeline Supply by Centre

MC - Main Centre

MCOA – Main Centre Outer Area

Legend**Pipeline at the end of 2017****Number of dwellings:**

- Loss
- 1-5 units
- 6-10 units
- 11-19 units
- 20 units plus

Main and Local Centres:

- Main Centre Inner Boundary
- Main Centre Outer Boundary
- Local Centre Boundary

Housing Allocation:

- Housing Allocation

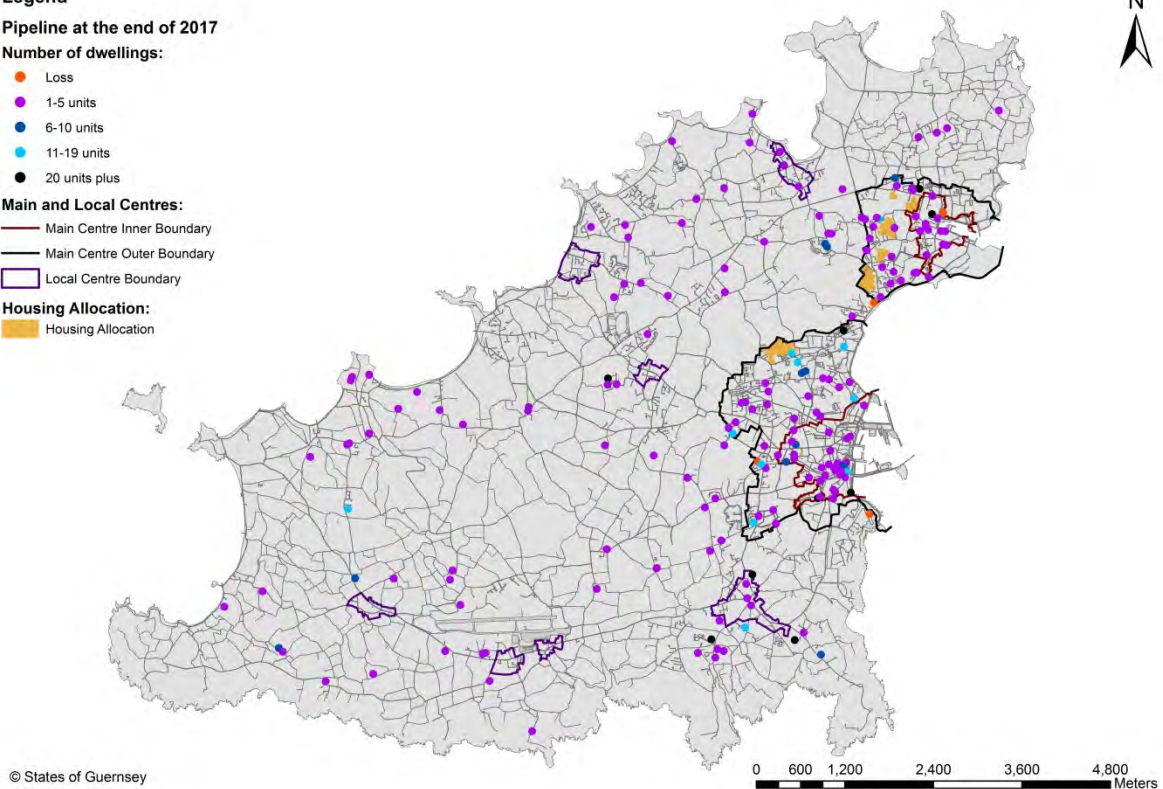


Figure 3: Pipeline Housing Supply

INDICATOR – Pipeline housing supply	
Plan Objective	Plan Objective 5: Ensure access to housing for all.
Target	Two-year housing provision (currently 600 dwellings).
Outcome	1177 dwellings.
Target met?	Yes.
Comments (including any risks to delivery)	The pipeline supply of dwellings is well in excess of the requirement. 412 dwellings of the pipeline supply are from the approvals at Leale's Yard. There has not been any progress with that development – this is considered in the report 'Strategic Development and Infrastructure'.
Action	None.

Planning Permissions in 2017³

Full planning permission was granted for a total of 164 additional dwellings (138 full permissions, 26 outline permissions) on 75 sites during 2017. This was the lowest figure in the past 5 years – see Figure 4 below.

³ These figures represent the net change in new dwellings. For example, a scheme to demolish one house and replace it with five flats is counted as +4 dwellings and a scheme to demolish a house and replace it with another house involves no net gain in dwellings and is counted as 0. A dwelling is defined as a self-contained unit of accommodation, i.e. where the dwelling is designed for the occupants to share the kitchen, bathrooms and living rooms.

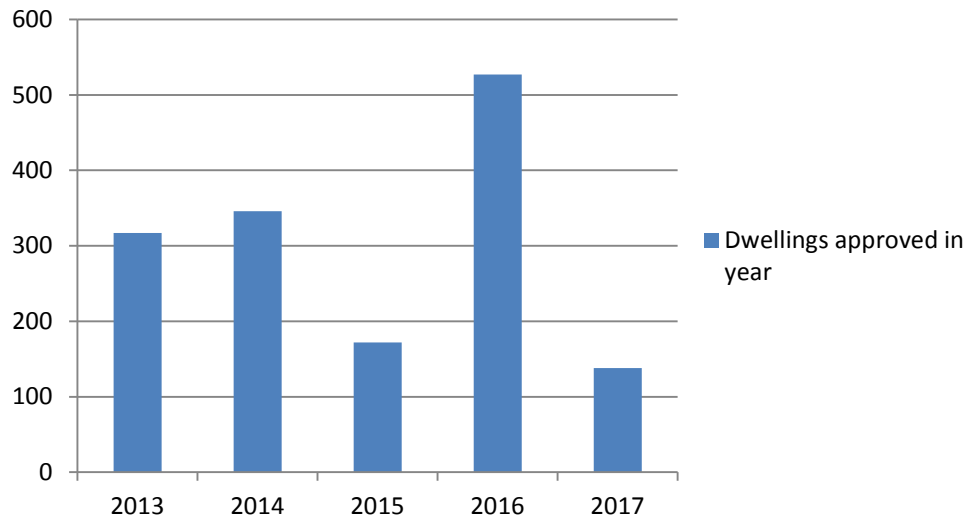


Figure 4: Dwellings approved each year (excluding outline permissions)

INDICATOR – Planning permissions for housing in the year	
Plan Objective	Plan Objective 5: Ensure access to housing for all.
Target	Housing indicator (currently 300 dwellings per annum).
Outcome	164 dwellings.
Target met?	No.
Comments (including any risks to delivery)	This level of permissions is not currently of concern due to the pipeline supply being well in excess of the required level. The requirement for Development Frameworks for larger sites may have a lag effect on permissions that could be balanced out in later years. This will be kept under review.
Action	None.

INDICATOR – Profile of sites		
Plan Objective	Plan Objective 5: Ensure access to housing for all.	
Target	n/a	
Outcome	Size of site	Number of sites
	Loss	1
	No gain	16
	1-5	53
	6-10	2
	11-19	2
	20 +	1
Target met?	n/a	
Comments (including any risks to delivery)	A significant majority of the planning permissions in 2017 were for sites of between 1-5 dwellings. The profile of sites coming forward under the IDP will continue to be monitored in relation to delivery of Affordable Housing (Policy GP11) and the influence of the Development	

	Frameworks process.
Action	None.

Location of Development

The approvals in 2017 represent a split of 104 dwellings [63%] in Main Centres, 3 [2%] in Local Centres and 57 [35%] Outside of the Centres. The pipeline supply represents a split of 895 dwellings [76%] in Main Centres, 41 [3.5%] in Local Centres and 241 [20.5%] Outside of the Centres.

During the Public Planning Inquiry for the IDP, the former Environment Department indicated that the Strategic Housing Land Availability Assessment indicates that circa 80% of supply would come from the Main Centres and this would help deliver the strategy of concentrating development in and around the Main Centres. This is not a target but an indication of how the IDP policies would deliver the spatial strategy in terms of housing development. Although the percentage of housing supply from Main Centres is lower than anticipated, the majority is still located in Main Centres and the IDP policies are therefore effective in delivering the Spatial Strategy of the SLUP. There is likely to be a shift in the proportion of planning permissions for housing development towards the Main Centres once a number of sites have permission following approval of Development Frameworks.

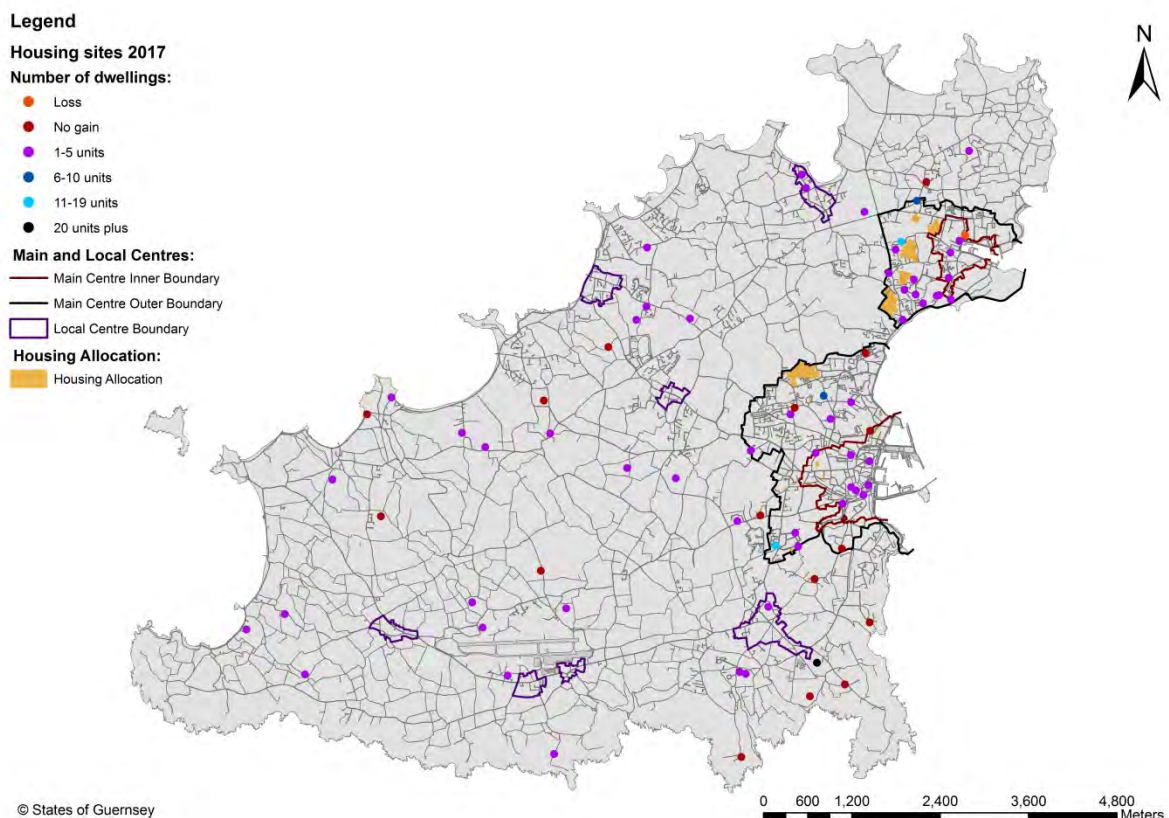


Figure 5: Dwellings approved in 2017

The areas of Important Open Land designated through the IDP, together with the spatial strategy, at a high level, places an emphasis on brown field development. Policies do allow for some green field sites within the Centres to be developed where this accords with IDP policy and this reflects the SLUP requirement to balance the development demands on land generally. Going forward, monitoring where new residential development is located within the Main Centres in terms of green field and brown field sites will be useful to determine how effective policies are at focusing development within Centres on brownfield sites in further detail. This monitoring will inform a review of the areas of Important Open Land in the Centres as part of and alongside the IDP 5 year housing land supply review as the two are linked – i.e. the relationship between open land and the built environment within the Centres which could have changed over time. This will also give the opportunity for an evidence based review of the criteria/ definition of Important Open Land to make sure it is still appropriate and allow consideration of whether there is evidence that some designations need to be added or changed in view of development which has happened over the first 5 years of the IDP.

Action - future monitoring to establish where new residential development is located within the Main Centres and Main Centre Outer Areas in terms of green field and brown field sites.

Similarly, although the SLUP sets out the high level spatial strategy with the intention of generally concentrating development on the Island within and around the edges of the urban centres and IDP policies are currently achieving this, it is important to know the location of residential development within the Main Centres and Main Centre Outer Areas boundaries for the purposes of establishing where most development is happening and where the greatest density is occurring within the Centres. This data will be able to inform the need for future housing land at the IDP 5 year review of housing land supply and where this would be most appropriately located within the Main Centres.

Action - future monitoring to include the locations of residential development within the Main Centres and Main Centre Outer Areas (permissions, commencements and completions since the adoption of the IDP) to determine if there is a pattern or trend and to inform future decisions about housing land supply.

Types of development and dwellings permitted

The types of development and dwellings permitted in 2017 are as follows:

Type of development	Use Class					Total
	Detached house (1a)	Semi-detached / terraced house (1b)	Flat (2)	Sheltered housing (3) ⁴	House in Multiple Occupation (6)	
New build	12	11	10	16		49
Re-develop	7	27	35			69
Sub-division		6	10			16
Conversion	16	9	15		1	41
Loss of units		-4				-4
Total	35	49	70	16	1	171

Figure 6: Types of development and dwellings permitted

These are gross figures and include one for one replacements and change of use so the total is higher than the number of additional dwellings in the year.

In future AMRs these figures can be broken down further to assess delivery against housing need in terms of Affordable Housing and Private Market Housing (if this is agreed by the States and in terms of size, mix, type and tenure) providing that a robust data gathering model is introduced which can identify this.

Additionally, the monitoring of the housing supply will in future include information on developments involving the replacement of existing dwellings to fully understand the extent of construction work potentially coming forward and the nature of the stock of housing being replaced, in addition to details of new housing being permitted. The Planning Service has begun to collate this data for Quarterly Monitoring Reports and the 2018 Annual Monitoring Report.

There was no new specialised housing permitted in 2017. Specialised housing includes housing units with care provided to residents such as extra care accommodation, nursing and residential homes and other accommodation for people in need of care.

Developments Commencing and Completed

Whilst the housing supply requirement in the IDP relates only to the number of permissions granted, it is also useful to monitor how many of these permissions get built (are taken-up). **Figure 7** shows development that has commenced or was completed during 2017. The 'take-up' of housing permissions is low relative to the pipeline supply and the permissions in the year.

Commencements		Completions	
Sites	Dwellings	Sites	Dwellings
44	169	37	81

Figure 7: Developments commencing and completing during 2017

⁴ Sheltered Housing is a group of dwellings affording facilities and support services especially suited to the needs of older, disabled or other persons with particular needs (including the on-call assistance of a warden) as a permanent residence.

Over the past 5 years the number of dwellings under construction at the end of each quarter has remained relatively stable. The average is 329 dwellings.

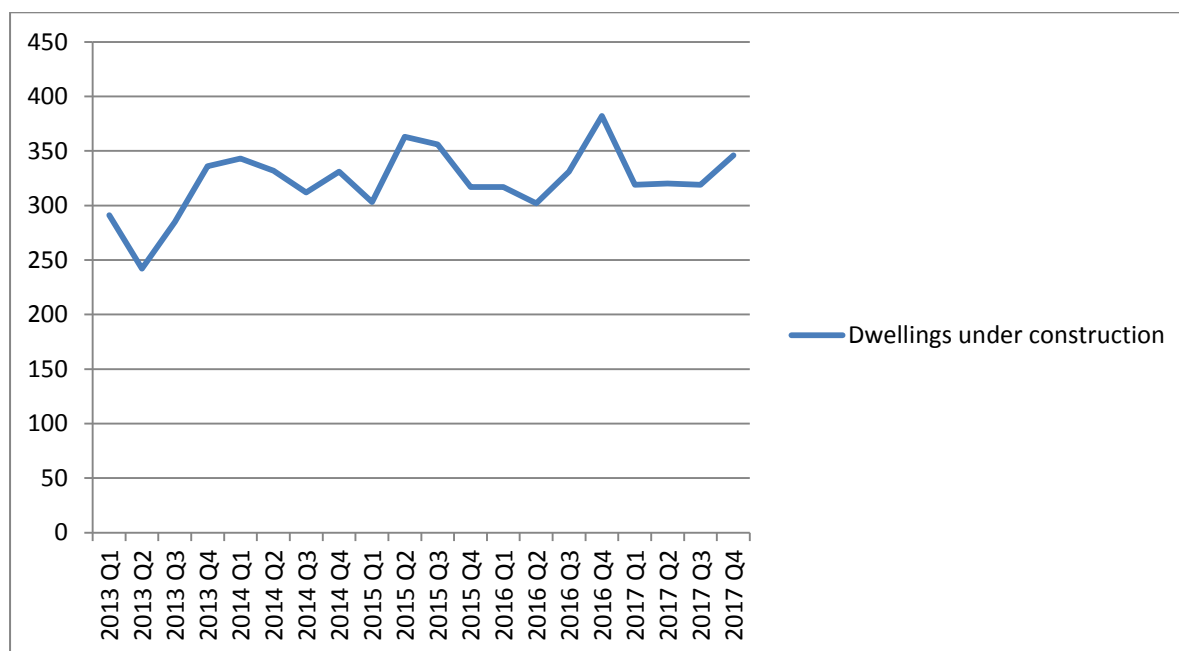


Figure 8: Dwelling under construction

The number of dwellings completed in 2017 (81) is low relative to the number of dwellings permitted in the year (164), the average over the past 5 years (300) and the number of dwellings under construction (average of 329 over the past 5 years). CfE&SS has stated that “the reasons are unclear as to why there is a lack of larger developments. This could be due to economic reasons causing developers and land owners not to progress developments or put in applications for large sites. Also, there is the possibility that developers are ‘land banking’, in case the policy [Policy GP11: Affordable Housing] changes in the future, or are proposing developments of large sites in smaller stages to avoid the policy applying to the site”.

No site that is part of the current pipeline supply (1177 dwellings) has a policy requirement for Affordable Housing so this is not an impediment to these sites coming forward. In any case Policy GP11 allows for viability to be taken into account so this would not result in any development to which the policy applies becoming unviable for policy reasons. There was no feedback as a result of consultation for this AMR from agents that planning policy requirements are resulting in unviability.

IDP policy GP10: Comprehensive Development requires a comprehensive scheme for the whole site or area in order to make the most effective and efficient use of the land. This also ensures that Policy GP11 is implemented to secure Affordable Housing.

The slow delivery of sites is likely to be the result of wider economic issues and a slow housing market. This will be considered by the States when it debates the CfE&I Policy Letter on the Local Market Housing Review. A number of larger sites are the subject of forthcoming Development Frameworks. This process has and will continue to create a time-lag in permissions for housing.

The Policy & Resources Committee has queried what action might be taken to bring forward unimplemented permissions. The Authority and land planning does not have the legal mechanism to require unimplemented planning permissions to be implemented. The Authority will work proactively to promote development of the Harbour Action Areas and Regeneration Areas, and Development Frameworks for other sites enable the private sector to identify appropriate opportunities for investment. The Authority intends to regularly liaise with CfE&SS to update on progress with the larger housing sites. Through this mechanism there will be the opportunity to explore any possible action to encourage the implementation of permissions.

Development Frameworks in 2017

The IDP requires Development Frameworks to be approved for certain sites to guide development. They provide interpretation of policy principles, identify site opportunities and constraints and give practical guidance about how a specific site could be developed in a comprehensive and appropriate way.

In 2017 three Development Frameworks for residential development were approved by the Authority. These were:

- Peacehaven (St Martin Local Centre): 1 dwelling;
- Warma (Cobo Local Centre): 8-13 dwellings; and,
- Braye Lodge (St Peter Port Main Centre Outer Area): 10-20 dwellings.

Also published in draft in 2017 was a Development Framework for Pointues Rocques (St Sampson / Vale Main Centre Outer Area): 100-150 dwellings. Development Frameworks are discussed in more detail below.

Housing Supply

In accordance with the requirements of the SLUP the IDP identifies a minimum five year land supply for housing. Given the current annual Strategic Housing Indicator of 300 additional new dwellings per year this is 1,500 dwellings. There will be a review of housing land supply after five years (2021), unless monitoring indicates a more urgent need to review the land supply sooner.

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

A. Dwellings with permission / under construction	713
B. Allocated sites (estimated lower yield)	718
C. Windfall allowance	150-300

Figure 9: SHLAA Housing Supply

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

A. Dwellings with permission / under construction

The current pipeline supply (dwellings with permission or under construction) is 1177 dwellings. See [Figure 1](#) above.

B. Allocated sites

There are 15 housing allocations in the IDP in the Main Centres and Main Centre Outer Areas which are identified to be used for housing development including ancillary complementary development. The progress in the delivery of housing on these sites as at the end of 2017 is set out in [Figure 10](#) below.

Housing allocation sites	Progress	Net Units Approved	Estimated Yield (SHLAA ⁵ / DFs ⁶)
Belgrave Vinery	None		158-285
Bougourd Ford	None		15-20
Braye Lodge	Approved Development Framework (2017)		10-20
Cleveleys Vinery	Approved Development Framework (2018)		19-29
Education offices	None		16-32
Priaulx Garage	Permission 2017	19	-
Franc Fief	None		133-263
King's Club	Permission 2016	13	-
La Vrangue	None since the adoption of the IDP		176-330
Les Bas Courtils	Permission for works to house / barn 2017. Approved Development Framework (2018) for remainder	5	6-12
Maurepas Road	None		6-9
Petites Fontaines	Permission 2016	10	-
Pointues Rocques	Draft Development Framework published		55-138 (SHLAA)
Saltpans	None		75-170
Warry's Bakery	Reserved matters permission 2016	20	-
Total		67	669-1308

[Figure 10: Progress of housing site allocations](#)

⁵ Strategic Housing Land Availability Assessment

⁶ Development Frameworks

As at the end of 2017, 67 dwellings have been permitted on allocated sites. Taking account of updated yields from approved Development Frameworks, the remaining supply from allocated sites is therefore at least an estimated 669 dwellings. The 67 dwellings form part of the pipeline supply.

C. Windfall allowance

The windfall allowance⁷ (sites other than the allocated sites) in the 5 year supply is up to 20% i.e. up to 20% of 1500 dwellings which is 300 dwellings over 5 years. This is based on historic trends and is an assumed allowance, not a target or limit, but is monitored here to inform future iterations of the Strategic Housing Land Availability Assessment and at the 5 year housing land supply review of the IDP the allowance can be altered based on the monitoring.

140 dwellings were permitted on windfall sites in 2017 and since the adoption of the IDP 146 dwellings have been permitted on windfall sites. The number of dwellings delivered through windfall to date has therefore exceeded expectations.

Housing supply

In summary, the housing supply at the end of 2017 is shown in **Figure 11**.

Source of housing supply	
Dwellings with permission / under construction	1177
Remaining capacity on allocated sites (lower estimated yield)	669
Windfall allowance	150-300
Total (with full windfall allowance)	2146

Figure 11: Source of housing supply

The supply of housing land is currently well in excess of 5 years supply (1500 dwellings), but less than a supply exceeding the remaining Plan period (i.e. less than 9 years supply of 2700 dwellings). There is therefore no proposal to consider amendment to the IDP policies in advance of the 5 year housing land supply review and the future supply requirements will be reassessed if the States approve a revised Strategic Housing Indicator. Should the Indicator be lower than the current indicator (as is recommended in the CfE&I Policy Letter) there are a number of possible options for the IDP. The IDP has a life of 10 years but currently only identifies housing land for 5 years in accordance with the SLUP. An assessment will need to be made about what the implications for the 10 year housing land supply are if the indicator falls. Historically the Island has left the development of housing land to market forces, relying on the market bringing forward housing sites as and when it is required over the lifetime of the Plan and that the market is the best placed to ensure against oversupply. This approach would mean that less land for housing would need to be

⁷ In the Strategic Housing Land Availability Assessment (SHLAA) only sites of 0.25 acres (0.1 Ha, 0.6 vergée) and over or that could provide 5 or more dwellings have been identified as contributing to the supply of land. It was envisaged that mainly sites below this threshold would contribute to windfall provision, although sites over this threshold may come forward as windfall. The Plan does not include housing site allocations in the Local Centres or Outside of the Centres and the SHLAA did not include those locations in the land supply. Any dwellings permitted in these locations would form part of the windfall provision.

identified at the 5 year review of the housing land supply in the IDP to provide for the second 5 years of the Plan. However, there are other options which include government intervention in the market by reducing the land supply for housing but the full implications of intervention and impacts on other IDP policies are best considered comprehensively at the 5 year housing land review of the IDP when trends (including population trends as a result of population policy) and indicators have had more time to establish.

INDICATOR – Housing Land Supply	
Plan Objective	Plan Objective 5: Ensure access to housing for all.
Target	Minimum 5 year supply of housing land – as the Strategic Housing Indicator is presently 300 additional new dwellings per year this is 1,500 dwellings.
Outcome	2146.
Target met?	Yes.
Comments (including any risks to delivery)	There will be a review of housing land supply after five years (2021), unless monitoring indicates a more urgent need to review the land supply sooner.
Action	None.

Strategic Housing Land Availability Assessment

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

The SHLAA identified the 15 sites in Main Centres and Main Centre Outer Areas that were allocated for housing development in the IDP. A number of other sites identified in the SHLAA as having the potential for development were allocated as Important Open Land in the Main Centres or Main Centre Outer Areas or are located Outside of the Centres following the technical studies to identify the Important Open Land and precise boundaries of the Centres.

The remaining ‘developable’ and ‘deliverable’⁸ sites have been reviewed to assess the potential supply of land for housing through further windfall. The remaining sites that do not form part of a housing allocation or have a designation restricting the potential for housing development or now have a planning permission in the Main Centres and Main Centre Outer Areas, include:

- St Peter Port: 17 sites with a potential yield between 175 and 302 dwellings; and,
- St Sampson / Vale: 11 sites with a potential yield between 59 and 128 dwellings.

⁸ **Deliverable** sites are those that are considered to be suitable, achievable and available within the next five years. **Developable** sites are those that are considered to be suitable, achievable, and available in the next 5 to 10 years.

It is intended to undertake a comprehensive update of the SHLAA in time for the 5 year review of the IDP.

Mix and type of housing

Future monitoring will assess delivery against the housing need expressed as a revised Strategic Housing Indicator approved by the States once it has considered the Policy Letter from CfE&I on Local Market Housing Review. Future monitoring will also be assessed against need (in terms of numbers, mix, type and tenure) identified through robust data gathering and analysis if the workstream is agreed by the States.

In the meantime, the Planning Service has undertaken an initial analysis of the delivery of housing against housing needs using information available in the published KPMG report “Guernsey Housing Market Review” 2017 which was commissioned to inform the CfE&I’s analysis of local market housing and development of future housing strategy, and the most recent Annual Housing Bulletin 2017 as published in March 2018. This has shown that the requirement for private market housing is primarily 2 and 3 bedroom units, with the emphasis on 2 bedroom units. There is a lesser requirement for 1 bedroom units and given an over delivery of 4+ bedroom units these are not required to meet housing need. The emphasis for Affordable Housing units remains primarily on 1 bedroom units, with an increased percentage of 3 bedroom units needed compared to the 2017-2021 estimates in the KPMG report.

The Chamber of Commerce Land Planning and Development Sub-Group has commented that some Development Frameworks are suggesting a mix of 1, 2 and 3 bedroom units and that this is too prescriptive and feel that a general mix dictated by the market would be better. The Development Frameworks reflect the policies of the IDP that require a mix of housing to be reflective of the demographic profile of households requiring housing to ensure that the type of housing built at any one time is what the Island requires and to avoid oversupply of certain sizes and types as has occurred in recent years.

Affordable Housing⁹

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

No sites had a Policy GP11 Affordable Housing requirement in 2017. Permission was granted for Affordable Housing in 2017 at:

- Priaux Garage site: 19 dwellings net (3 demolished, 22 new dwellings) for rented key worker accommodation (a form of social housing);
- Les Blanches, La Route De Blanches, St. Martin: 10 dwellings; and,
- Saltpans Road, St Sampsons: 18 dwellings.

⁹ Affordable Housing is for those households whose needs are not met by, or who cannot afford, accommodation in the private sale or rental market without assistance. It is normally provided through the States of Guernsey or a registered Housing Association.

The KPMG report concludes that 146-209 Affordable Housing dwellings are required in the period 2017-2021 to meet the identified need. This equates to 29-42 dwellings per year over the 5 year period. The total Affordable Housing permitted to date under the Island Development Plan is 50 units.

Policy GP11 was amended¹⁰ by the States in approving the IDP. This increased the threshold at which the policy requirement for Affordable Housing applies from 5 or more dwellings to 20 or more dwellings. In 2017 there were 9 permissions for 5 or more dwellings. 3 included Affordable Housing, as above. Each of the remaining 6 sites was between 5-9 dwellings and would have had a requirement for 20% of the developable part of the site for Affordable Housing, or 1 completed dwelling in each case, under the policies of the draft IDP had the thresholds not been amended. The change in the threshold for Affordable Housing has not yet therefore had a significant effect on the supply of Affordable Housing through Policy GP11. The delivery of Affordable Housing since the adoption of the IDP has all been through the Guernsey Housing Association. The intention of the IDP through Policy GP11, that Affordable Housing be delivered, in part, by land owners / developers through the uplift in the value of the land when planning permission has been granted has not, as yet, been realised partly due to the raising of the threshold for requirement and partly because of the slow housing market.

Policy GP11 includes a transitional period where the requirement for Affordable Housing steps-up each year for the first 3 years from the adoption of the IDP. In recommending the transition period, the Inspectors at the Planning Inquiry felt that this would assist the weak housing market by encouraging developers to bring forward sites sooner. No developments were approved within the first year of the transition period to benefit from the lower requirements. Policy GP11 does however allow for viability to be taken into account with the potential for lower provision of Affordable Housing.

During the Public Inquiry into the draft IDP there were a large number of representations from the property industry regarding the potential impact of the Affordable Housing policy on the viability of development. This will be kept under review if and when there are planning applications determined with a Policy GP11 requirement for Affordable Housing and viability appraisals are submitted in support of reduced provision. Likewise there have been no planning covenants in relation to Affordable Housing. The experience of working on these can be considered in future AMRs.

During the debate on the IDP, the States resolved¹¹ to direct the Development & Planning Authority, in consultation with the Committee *for* Employment & Social Security and the Committee *for the* Environment & Infrastructure, to examine the case for an alternative requirement for developers to make a tariff payment equivalent to the value of the land which Policy GP11 would require to be set aside for affordable housing. The resolution directed the Authority to submit a policy letter on this matter by April 2017. This Policy Letter has been on hold due to the impact of the States' decision to increase the threshold

¹⁰ [Billet D'Etat XXV & XXVII P.2016/25 Amdt 2 Proposed by Deputy P Roffey, Seconded by Deputy Laurie Queripel](#)

¹¹ [Billet d'État XXV & XXVII P.2016/25 Amdt 8 Proposed by Deputy M Dorey, Seconded by Deputy M Fallaize](#)

to 20 units referred to above and also in anticipation of the Local Market Housing Review Policy Letter. A further update shall be provided in the 2018 AMR.

The CfE&SS will undertake a review of current social housing stock during 2018 to assist in planning future needs for social housing, and to identify opportunities to enhance the existing social housing stock. Delivery of sites through the planning system can then be monitored against the future needs for social housing. The Committee has stated that it will be able to comment more on Affordable Housing next year when sites have been through the planning process.

The CfE&SS has stated that it will work to meet the Housing Indicator for the number of additional units of Affordable Housing required, which will be set by the States following the debate on the Local Housing Market Review. A number of larger sites that could provide Affordable Housing via Policy GP11 have not come forward for a variety of reasons, including a number of sites that are subject to Development Frameworks. The CfE&SS has commented that it can make it difficult for the Committee to make plans to meet the required number of units developed, as it is unknown when sites that are bound by the policy will come forward.

Action - The Development & Planning Authority to regularly liaise with the Committee *for* Employment & Social Security at an officer and political level to update on progress with the larger housing sites.

Development Frameworks are a useful tool for larger sites, often in multiple ownership, to ensure that comprehensive development takes place and the full requirement for Affordable Housing is met. The GHA has commented that they wish the Authority to be ever watchful for developers / landowners trying to present sites that are just under the 20 unit threshold for the Affordable Housing requirement in Policy GP11. It would like the Authority to strongly encourage landowners to talk to neighbours if there is a bigger sensible development opportunity. This has been the case for a number of Development Frameworks to date and IDP policy GP10: Comprehensive Development requires a comprehensive scheme for the whole site or area in order to make the most effective and efficient use of the land.

The CfE&SS has stated that the Rural Area Plan Policy RH2 “previously enabled the States and the GHA to acquire land adjacent to existing social housing developments in order to build more Affordable Housing units.... Under the RH2 policy, six sites were acquired, which provided 113 new units to be developed. The States approved the Committee’s capital bid for £56.1m in June 2017, which will be used to develop additional Affordable Housing units to help meet the Island’s housing needs. In order to meet the target number of new units required, access to suitable sites is of paramount importance. Developments outside of the urban areas are now very restricted and limited in size and number, meaning that future Affordable Housing sites could be situated in close proximity to each other, leading to the perception of extensive social housing estates”.

The SLUP has no requirement for the IDP to provide for housing outside of the Spatial Strategy. The IDP does not make provision for new build housing Outside of the Centres in

order to satisfy the strategic requirement to focus housing within the Centres for reasons of sustainability and also owing to the negative impact housing development can have on the landscape character Outside of the Centres. In this respect, and in order to make the most effective and efficient use of land on the Island, the creation of new dwellings Outside of the Centres will be supported only where this can be achieved through the subdivision of existing dwellings and the conversion of redundant buildings. This approach allows for use to be made of the existing housing stock and existing unused but structurally sound structures, whilst protecting the open areas of the Island from development. Other forms of new housing development Outside of the Centres will not be supported. The IDP has identified sufficient land with the Main Centres and Main Centre Outer Areas for a 5 year supply of housing as required by the SLUP, and there is no requirement in the SLUP to allocate land specifically for Affordable Housing. The IDP policies provide for this through the Affordable Housing Policy GP11.

The CfE&SS has stated that it may consider the conversion of redundant buildings as a fall-back option for delivery of Affordable Housing should there not be suitable availability of sites for new builds. The Committee also has an interest in reviewing existing social housing stock that may have the potential to be extended, in order to reduce overcrowding of several social housing properties.

The Committee *for* Health & Social Care (CfH&SC) has emphasised that there is an increased need for key worker accommodation (which is a type of Affordable Housing) for essential health care workers, especially for couples and families. The CfE&SS has stated that it is working with other Committees to review the provision of accommodation for key workers to ensure its appropriateness to meet the Island's needs for key workers. The CfE&I Policy Letter 'Local Market Housing Review and Development of Future Strategy' seeks endorsement from the States for a workstream to analyse Key Worker housing requirements including establishing up to date definitions and analysis of costs and benefits of provision before developing a Key Worker Strategy. The IDP policies allow for the provision of this type of housing and Affordable Housing and are therefore effective for provision of Key Worker Housing. If specific targets are established through the workstreams this can also be monitored in future AMRs.

The housing waiting list and transfer list for social housing are also important indicators of meeting housing need. The CfE&SS will combine these lists and incorporate both States and GHA social housing properties into one waiting list, providing a single gateway for access to social housing. Following completion of that work, it will be possible for the Committee to provide up to date waiting list information. The Authority will liaise with the Committee at officer level on monitoring in general in relation to the workstreams arising from the States debate on the Local Market Housing Review and this can include the waiting list.

Lifetime Homes

'Lifetime Homes' are ordinary homes that are designed to incorporate certain design criteria from the outset which can address the requirements of disabled residents or support the changing needs of occupants as they age and are designed from the outset to be easily adaptable in the future. If this approach is taken it will reduce the need for future home

adaptations and give greater choice to disabled people and older people who may not achieve independent living due to an unavailability of suitable housing.

One of the core objectives of the SLUP is to enable people to help themselves become independent where possible. To help deliver SLUP Policy LP5, IDP Policy GP8: Design expects proposals to demonstrate accessibility to and within a building for people of all ages and abilities; and, with regard to residential development, offers flexible and adaptable accommodation that is able to respond to people's needs over time. This approach helps to implement some of the land planning aspects of the Supported Living and Ageing Well Strategy which was approved by the States in 2016 and is pertinent to the delivery of the CfH&SC's transformation programme. In its policy letter regarding the Local Market Housing Review and the Development of Future Housing Strategy, the CfE&I has identified the development of an elderly tenure strategy, including assessment of specialised housing and extra care housing requirements, as an important workstream in developing future housing strategy. It recognises that the Authority has a role in the workstream and if it is endorsed by the States, it will be important for the Authority to liaise at an officer and political level with CfE&I, CfESS and CfHSC in order to ensure that the IDP policies remain effective in delivering the land use aspects of elderly tenure housing.

This issue will be monitored through the assessment of the quality of new development in future AMRs as outlined in the Built Heritage and New Development thematic report. This will allow for a review of the effectiveness of IDP policies in delivering the SLUP requirement to enable people to 'age in their own homes'.

Policy GP8: Design expects proposals for new residential development to demonstrate that dwellings have been designed, particularly in relation to their basic fabric (such as doors and hall widths, communal stairs and lifts etc) and access arrangements, to take account of the requirements of disabled residents and the needs of occupants as they age. Policy GP8 refers to a number of issues that can be assessed for future AMRs, such as:

- Car parking (particularly the width of spaces or capacity to widen in the future);
- The approach to a dwelling from the parking area (distance, gradients and widths);
- Entrances to buildings (provision of ramps or capacity to include in the future); and,
- The design and layout of new build residential units.

Development Frameworks

A Development Framework (DF) provides broad but comprehensive guidance for specific large scale or complex development sites on the basis of the policy principles set out in the IDP. DFs are required for housing development within Main Centres and Main Centre Outer Areas for proposals of 10 or more dwellings / sites over 0.25 hectares (1.5 vergées) and within Local Centres for proposals of 5 or more dwellings / sites over 0.125 hectares (0.75 vergées).

10 DFs have been published to date and there have been ongoing discussions around more than 10 other sites. In future AMRs the relationship between the DFs and planning applications for the sites can be reviewed.

There is a potential for a higher proportion of approved housing development to be in Main and Local Centres in 2018 once these DFs have been approved and associated permissions given.

A DF is an Authority document and must be approved by the Authority. However, the intention is that the process of producing DFs is collaborative and a party with an interest in a site / area can provide input to the DF process. This process has been evolving throughout 2017. Once approved a DF forms Supplementary Planning Guidance to be taken into account when planning applications for the site are considered.

Key stakeholders are consulted as part of producing DFs depending on the issues with the site and they are then published for public comment and any views are taken into account prior to adoption.

The DF process has required considerable resources within the Planning Service and as such a degree of prioritisation has been required. The Planning Service has been prioritising DFs for Housing Allocations.

Feedback on Development Frameworks

Feedback as a result of consultation for the AMR from Committees, agents and from within the Planning Service elicited a large number of comments on DFs. Most generally appreciated the purpose of DFs and supported the process but concern has been expressed as to the length of time involved in their production, which some feel is, in some cases, disproportionate to the size of development possible on the site and the generic nature of some of the advice contained in the approved documents.

Some respondents considered that the thresholds for DFs in the IDP are too low which has resulted in a backlog occurring and increased resource commitment required from the Planning Service. It is suggested that the thresholds for Development Frameworks should be doubled.

Development Frameworks: Conclusions and Action

The process for producing DFs has been a learning process.

The quality of information and data provided by agents as part of collaborative work has not been consistently provided to the standard required for the document to be presented to the Authority necessitating a process of the Planning Service reviewing drafts and requesting more information and / or amendments to the document resulting in delays.

Action – guidance is needed for agents and those working collaboratively on the production of Development Frameworks on the standard that is required.

There have been some IT limitation issues experienced with the way that the Planning Service can transfer data and work collaboratively with bodies outside of the States. This has now been largely resolved by trialling a system which enables collaborative working and the sharing of information.

There are a number of DFs now approved by the Authority that provide agents with a template and will enable them to work in a proactive manner.

The number of DFs and the time taken to produce them will be reviewed in the 2018 AMR. The process is still 'bedding-in' and it will take more time to assess whether DFs are achieving the intended benefits. This will need to be considered once planning applications have been determined for a number of sites with DFs.

The impacts of the thresholds will be monitored in future AMRs. The IDP 5 year review of housing land supply may provide an opportunity to reconsider the thresholds if monitoring indicates this to be justified.

The lower threshold in Local Centres allows for consideration of the requirements of Policy LC2: Housing in Local Centres at an early stage, including issues of scale, character and local services, and can clarify for applicants what level of housing may be possible in a particular Local Centre.

Conversion of Redundant Buildings

IDP Policy GP16(A): Conversion of Redundant Buildings supports conversion of sound and substantial buildings, that are no longer required or capable of being used for their current or last known purpose, to a range of potential new uses.

Policy GP16(B): Conversion of Redundant Buildings - Demolition and Redevelopment supports this where approval has been granted under Policy GP16(A), under certain circumstances.

Proposals to convert buildings are mostly commonly for residential use Outside of the Centres. Feedback in response to consultation for the AMR from agents and from within the Planning Service elicited a large number of comments on these policies. Specific comments received are:

- Policies welcomed as a common sense approach to the reuse of redundant buildings;
- Policy GP16(B) is too rigid in requiring replacement buildings to be 'broadly the same size' when it might be possible to later extend those dwellings under Policy GP13, but only once a physical conversion has been performed. This approach doesn't allow for the most sustainable solution for the site;
- Rather than assessing the permitted size of a dwelling by the scale of the site and its surrounds, the assessment is based solely on the footprint of the existing structure; and,
- Small extensions are not being considered acceptable when converting redundant buildings - the policy is not allowing converted buildings to be useable and have good standards of design.

For development to be considered under these policies for residential use, it needs to be demonstrated that the amenities expected in a proposed dwelling can be accommodated within the building to be repurposed i.e. it does not rely on extension to facilitate acceptable conversion. The flexibility in the policy is to allow a minor extension to the building in order to facilitate a better standard of accommodation.

Policy GP16(B) does allow scope for a replacement building to be located elsewhere on the site, but this is subject to consideration of benefits for sustainability and the impact on the character and openness of the area and on neighbours. Where the proposal would encroach into open and undeveloped parts of a site this could have an adverse impact on the character or openness of the area, contrary to Policy GP1: Landscape Character and Open Land.

The IDP policies for the re-use of redundant buildings provide a positive and pragmatic approach to the reuse of existing substantial and structurally sound buildings. There is no requirement to provide for housing outside of the SLUP Spatial Strategy and the purpose of this policy is to not to build large houses Outside of the Centres, but to make the most effective use of brownfield sites and redundant buildings which contributes to the IDP Objective to make the most efficient and effective use of land. There were 17 planning permissions in 2017 for conversion of a redundant building to residential use Outside of the Centres and 2 refusals, in one case due to a failure to demonstrate that the building is no longer required or capable of being used for its current or last known purpose and the other case due to the size of the proposed extension. This demonstrates that the policies are effective in providing for the re-purposing of existing buildings whilst meeting the SLUP requirement to concentrate development in the Main Centres.

During 2017 a number of cases required a clarification of the policy position. None of these instances would necessitate any amendment to the IDP policies but it does indicate that there may be benefit to applicants if guidance is issued in the future regarding interpretation of the requirements of policies GP16(A) and GP16(B).

Action – Planning Service to consider issuing guidance on the interpretation of Policies GP16(A) and GP16(B) in the future.

Summary

In summary, the IDP policies have been effective in meeting the requirements of the SLUP for a 2 year pipeline supply of housing permissions and a 5 year supply of housing land. Both are in excess of the requirement. The policies are therefore unlikely to need to be amended as a result of a change to the Strategic Housing Indicator should the States agree to the recommendations (for a lower Indicator than at present) of the Committee *for the* Environment & Infrastructure Policy Letter ‘Local Market Housing Review and Development of Future Housing Strategy’ which is due to be debated in July 2018.

The policies have also been effective in concentrating housing development in the Main Centres - the majority of residential developments in the pipeline are located in the Main Centres [76%] as were the majority of approvals in 2017 [63%] – and this supports delivery of the Spatial Strategy. The majority of permissions have been for smaller sites (1-5 dwellings) in the Main Centres, with a notably low number of permissions in Local Centres to date.

There has been relatively slow progress with delivery of larger housing sites including a number of housing allocation sites. This may be in part due to the requirement for

Development Frameworks, but may also be due to economic conditions. This has resulted in no sites to date having a requirement for Affordable Housing under Policy GP11. There has however been a number of planning permissions for the Guernsey Housing Association for Affordable Housing. Going forward, the Authority will regularly liaise with the Committee *for* Employment & Social Security to update on progress with the larger housing sites at an officer and political level. No blockages to delivery have been identified to date but this will be kept under review.

There is a need for robust monitoring and data collection for housing policies to be fully effective. Accurate, robust and real-time data will be essential in order to be able to ensure that new housing is reflective of the demographic profile of households requiring housing at any one time in accordance with the housing policies of the IDP. Joint working between the Committee *for the* Environment & Infrastructure, the Authority and the Committee *for* Employment & Social Security is key to achieving this.

Summary of monitoring requirements

- Including monitoring of the number of bedrooms in future Quarterly Monitoring Reports as well as the 2018 Annual Monitoring Report;
- Review the impacts of the thresholds for Development Frameworks in future AMRs.
- Future monitoring to establish where new residential development is located within the Main Centres in terms of green field and brown field sites; and,
- Future monitoring to include the locations of residential development within the Main Centres and Main Centre Outer Areas (permissions, commencements and completions since the adoption of the IDP) to determine if there is a pattern or trend and to inform future decisions about housing land supply.

Summary of action required

- Joint working between the Development & Planning Authority, the Committee *for* Employment & Social Security (whose mandate includes delivery of Affordable Housing), the Committee *for the* Environment & Infrastructure and the Policy & Resources Committee in order to address any actions and decisions that arise from the debate of the Policy Letter 'Local Market Housing Review and Development of Future Housing Strategy' in July 2018, particularly in relation to the monitoring of housing supply and need and the establishment of an appropriate data collection model and data collection processes;
- The Development & Planning Authority to regularly liaise with the Committee *for* Employment & Social Security at an officer and political level to update on progress with the larger housing sites;
- Guidance is needed for agents and those working collaboratively on the production of Development Frameworks on the standard that is required; and,
- Planning Service to consider issuing guidance on the interpretation of Policies GP16(A) and GP16(B) in the future.



Offices

Introduction

The Island Development Plan (IDP) has an objective to ‘support a thriving economy’. The Plan makes provision for a range of new employment developments throughout the Island where they make a positive contribution to the sustainability of a strong local economy.

This report will consider the policies that cover offices (use classes 15, 16 and 17) including homebased employment (use class 5). The report will seek to highlight any blockages to the delivery of office development in relation to the IDP policies.

Policy Context

The Strategic Land Use Plan (SLUP) directs that office uses should be focused within and around the Main Centres with some limited development within the Local Centres to contribute to their range of services and facilities and reinforce them as sustainable centres. Outside of the Centres, the SLUP directs the IDP to make provision for certain small-scale businesses, who have a justifiable need to be located Outside of the Centres based on the nature of operation or have difficulty in finding a suitable site within the Centres.

The SLUP identifies that the office sectors requirements can be met through a combination of what it terms primary offices (large floorplate) on new sites within the core of the Main Centres and at Admiral Park, together with the refurbishment and redevelopment of older office stock to create modern offices.

To reflect the strategic direction of the SLUP, the IDP’s approach to office use is to focus this use in the Main Centres, where there are existing clusters of offices, while recognising the need for large floorplate office space with the allocation of an Office Expansion Area at Admiral Park (for floorplates over 1000m²). The IDP also seeks to retain existing offices in Main Centres but allows for smaller premises under 250m² to change to alternate suitable use, to provide flexibility and to address an oversupply of, mainly tertiary, small office space. The loss of larger substandard premises, subject to demonstrating certain criteria, can be considered under the IDP policies. New offices are also supported in Local Centres where they are of an appropriate scale for the Local Centre concerned. Outside of the Centres, new office development is supported through conversion of redundant buildings only.

Draft Economic Development Strategy, 2018

The States’ approved Economic Development Strategy¹¹ is to deliver a strong, sustainable and growing economy and seeks to achieve growth in the economy by focusing on four core areas:

- Building on what we do well now (**maintain**);
- Achieving diversification into new areas of economic activity to secure long-term prosperity (**diversify and grow**);

¹¹ [Billet D'État XVIII](#)

- Reaffirming that Guernsey is open for business through the actions we take (**open for business**); and,
- More active monitoring and reporting on our economy, and use those insights to inform our actions (**monitoring the economy**).

The strategy has identified key areas of work under each of these core headings, which the States hopes to pursue through the Committee *for* Economic Development (CfED) working alongside other States Committees and with external partners. Of particular interest is the development of monitoring and reporting on our economy and whether any changes or additions to data collection and monitoring of land use and reporting could help or support this work or whether the data collection could inform future AMR's.

Action –the Development & Planning Authority to liaise with the Committee *for* Economic Development and Policy & Resources Committee at an officer level in order to support further work that may arise from implementing the recently approved States Economic Development Strategy, particularly on the monitoring of our economy.

Background to the office market

Guernsey's finance sector is the central pillar of Guernsey's economy. This sector together with the supporting business services and legal sectors account for a quarter of all employment and contribute in the region of £1.2bn to the economy, equating to 44% of the Island's economic output [source: Guernsey Facts & Figures, 2017]. These sectors are therefore the key driver for office accommodation on the Island. Although the business services sector has experienced steady growth over the last 5 years, the finance sector has faced testing economic conditions in recent years. The 2008 global financial crisis has been followed by hostility in certain quarters to finance in general and offshore finance in particular. Over the last five years, finance sector output has broadly stabilised. It is indicated in the draft Economic Development Strategy 2018 that there is broad recognition within the industry, that a more strategic approach is needed and efforts need to be made to 'reboot' growth where immediate opportunities can be identified.

In projecting demand for offices in the future, the Employment Land Study (ELS) 2014 found that there will be a continued and growing demand for offices over the life of the IDP equating to an additional 30,000m². In response, the IDP designated c.3 hectares of land adjoining the existing office cluster at Admiral Park as an Office Expansion Area to accommodate the majority of the identified requirement for new offices.

The ELS 2014 assessed the existing office stock and recommended a portfolio of core locations for office premises over the Plan Period as set out in [Figure 1](#) below:

Proposed portfolio of office sites		
Area category	Area name	Quality of office space
Mixed-use historic areas	Kingsway House	Primary
	St Peter Port & St John House	Primary
	Grange Road	Primary
	Town Centre	Primary
	La Charroterie	Primary/Secondary

Established offices	South Esplanade	Secondary
	Les Echelons	Primary
	Gategny Esplanade	Primary
	Le Truchot	Primary/Secondary
Business Parks	Admiral Park	Primary

Figure 1: Core locations for office premises

As part of the qualitative and quantitative research for the Annual Monitoring Report (AMR), the Planning Service has updated the findings of the ELS 2014 by reviewing the changes over the last 5 years to the profile of existing accommodation and the recommended portfolio. The detail of these changes is provided in the 2017 Update Report to the ELS which is due to be published in Q3 2018. It is intended going forward to publish an annual update report to the ELS, with a more comprehensive review when the IDP reaches its halfway point (5 years). The summary of the changes between 2012 and 2017 are set out below:

- 257,860m² office accommodation in 360 premises, located on 171,695m² of land. This represents approx. 5% decrease in office accommodation since 2012;
- Majority of premises are under 250m² (52%) – This represents a 6% increase from 2012. However, premises over 3000m² still represent 40% of accommodation;
- Majority of office accommodation remains located in St Peter Port (88%), with minor concentration in the Bridge;
- Business Services sector continues to grow, while finance sector is broadly stable over last 5 years;
- Slight decrease in office vacancy rates in 2017 - 10.6% compared to 11.1% of stock;
- Noticeable increase in take-up of offices premises from the market during 2014 (6.3%), 2016 (11%) and 2017 (6.5%). Especially smaller units in 2016/2017;
- Of the stock available to the market, similar to 2012 the majority to let is under 250m² but there is noticeable decrease in the availability of larger scale units (>1,000m²);
- Supply of offices through the planning system over last 5 years amounts to c.17,880m² (including 13,800m² for site at Admiral Park); and,
- Key office requirements remain the same: locations within or around existing office clusters, with good access to parking and flexibility to accommodate changing requirements. New office space needs to have built in flexibility to accommodate company's changing needs and changes in technology.

Once published the full 2017 ELS Update Report can be downloaded from the states website (www.gov.gg/planningpolicy).

As part of this work, on 6th March 2018, the Planning Service together with Business Innovation & Skills hosted a workshop with representatives from commercial agents and commercial organisations on Island, to gain qualitative feedback on the performance and effectiveness of the IDP policies relating to the office, industry and storage/distribution sectors, to examine the current data on these sectors and discuss the drivers behind the changes and trends and seek views on the appropriateness of the employment land portfolio. The feedback received from the Agents is fully incorporated into the 2017 Update Report on the ELS and is referred to in this report as appropriate.

In relation to the recommended portfolio for offices referred to [Figure 1](#) above, further understanding and clarity on the assessment of what constitutes “quality” for the existing stock is sought by Agents. The terms used of primary, secondary and tertiary are defined in the SLUP. However, it would be useful to have a discussion and consultation on the criteria for ‘quality’ and reaching a consensus would provide greater clarity to all. This information could then be mapped providing clearer analysis against what is happening in the sectors and what the requirements are.

Action: Development & Planning Authority to liaise with the Committee for Economic Development to engage with industry representatives on the criteria for assessment of quality and use in future analysis.

Planning Permissions in 2017

During 2017 a total of 19 planning applications were received relating to offices. Of the 19 applications, 15 were granted planning permission, 1 application was refused and the remaining 3 were withdrawn.

Of the 15 applications that were granted planning permission, 5 proposals resulted in the loss of office accommodation to other uses. The breakdown of these uses is shown in [Figure 2](#) below.

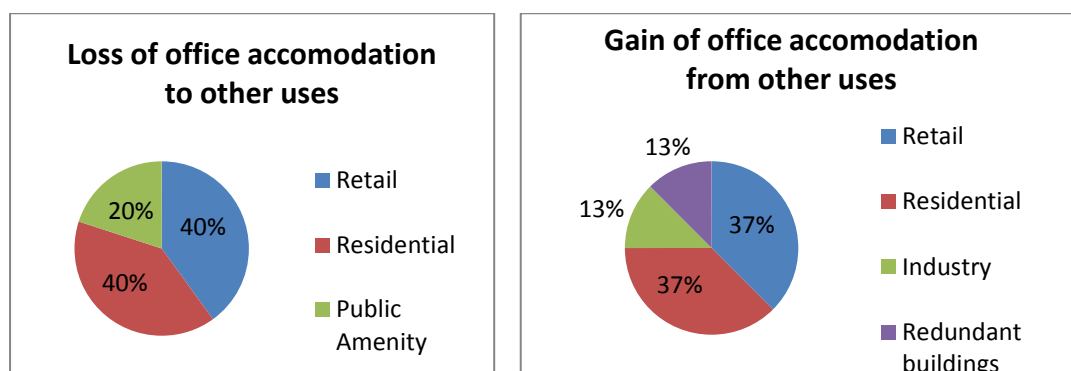


Figure 2 and 3: Breakdown in the number of applications for change of use from / to office accommodation during 2017

8 of the 15 applications approved, provided additional office accommodation through the change of use of existing premises from other uses. A full breakdown of the range of uses compared with the percentage gain from that use is shown in [Figure 3](#) above. 3 of these applications were located on sites within Town, 2 on sites within L’Islet Local Centre and the remaining 3 sites were all situated Outside of the Centres – see [Figure 5](#) below.

No new purpose-built office accommodation was approved as part of the proposals that included office floorspace. The applications granted permission all related to the change of use of existing ‘small-scale’ units (i.e. below 250 m²) only. The applications approved during the period of 2017 resulted in a net gain of 286m² of office floorspace.

The application that was refused planning permission related to the loss of a large floorplate office comprising 2,200m². One of the reasons that the application was refused was that it resulted in the loss of a large floorplate office, which Policy MC4 (A) aims to protect.

In addition to the applications referred to above, 1 application was received that related to the designated Office Expansion Area. However, this was not office related and instead sought permission for modest repair works to an existing commercial unit.

Use Class	Financial & professional office (15)	Administrative office (16)	Temporary office (17)	TOTAL
Location				
Main Centres	-579	403		-176
Local Centres	316	121		437
Outside of the Centres	-67	92		25
TOTAL	-330	616		286

Figure 4: Net change in floor space (m²) by Use Class granted planning consent during 2017

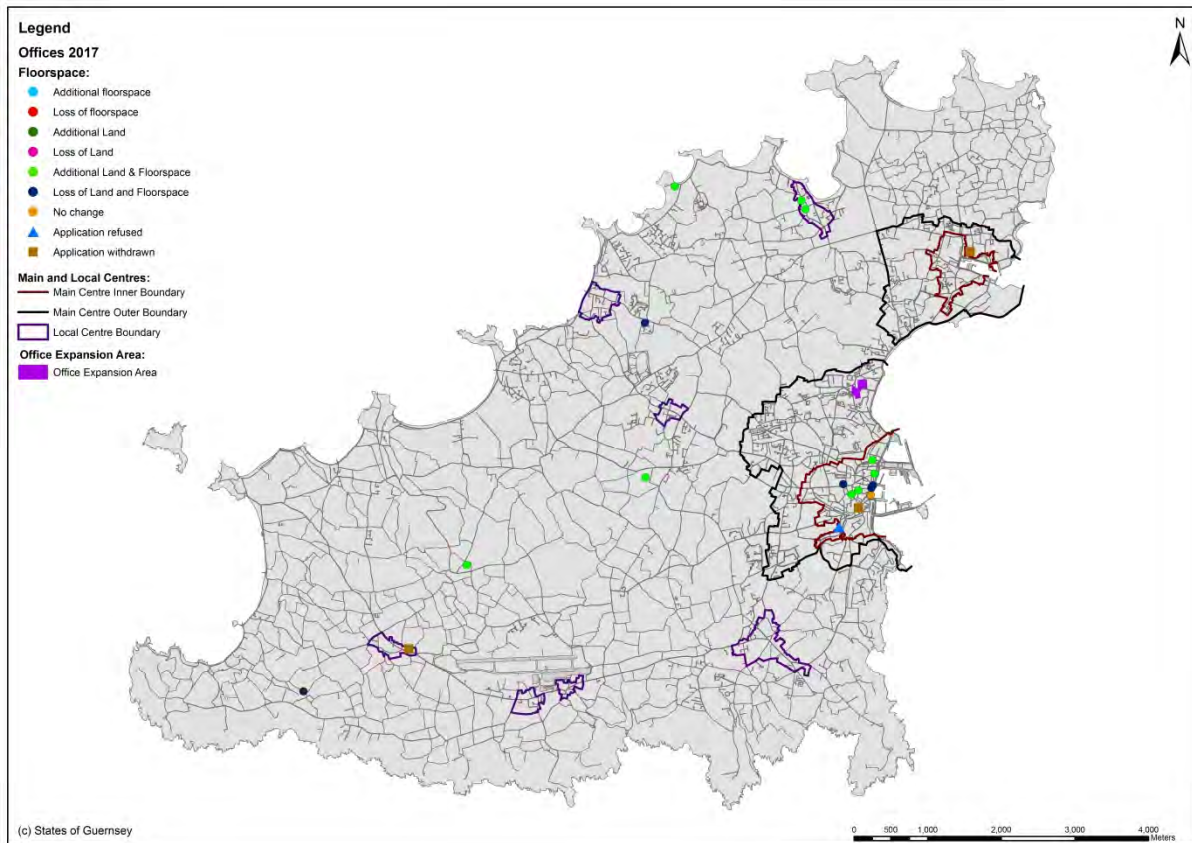


Figure 5: Planning Applications for offices during 2017

Performance of Policy

Office Expansion Area

There were no relevant applications within this area during 2017. However, there is an extant outline planning permission (Ref OP/2016/0796) granted in 2015 which covers half of the designated land and provides for mixed use development comprising 13,800m² office

accommodation together with some other complementary uses. Reserved matters on this application must be submitted to the Authority by August 2018 or the permission will expire.

If the existing permission expires, a Development Framework will be required to be prepared to comprehensively guide development of this site as well as the remainder of designated land for primarily office development. This may impact on the delivery of allocated employment land within the shorter term.

Action: Key to the approach taken by the IDP towards meeting the requirements of the office sector is the delivery of the Office Expansion Area. Review the need to prepare a Development Framework for this area if the current planning permission lapses in the 2018 AMR. If the extant planning permission for the mixed use development is implemented, the implications for the IDP approach towards meeting the requirements of the office sector to be reviewed in 2018.

Main Centres

During 2017, it is notable there were no planning permissions for purpose built new office accommodation. All applications involved small scale units. Although showing an overall net loss within the Main Centres, there was no significant change to the existing portfolio within the Main Centres. The review of the 2017 applications indicates flexibility between uses for small scale units within Main Centres, changing largely between office, retail and residential uses to respond to market needs, as the policy intends, in order to support the vitality and viability of the Main Centres.

1 application involving the loss of large floorplate office accommodation was refused permission on several grounds including being contrary to the policy protection for existing office accommodation. This outcome indicates the policy performed as intended to protect primary office accommodation within the Main Centres. However, industry feedback seeks greater flexibility in the redevelopment of existing office stock over 250m² preferring to rely on the market forces to maintain the appropriate portfolio.

It is considered that the loss of units, especially larger units over 1,000m² could significantly decrease the portfolio of stock if unmanaged. The current policies provide general support for retaining office accommodation that is capable of meeting modern requirements due to the importance of the finance sector to the Island economy yet recognises that some secondary and tertiary offices may be more appropriately used for other suitable uses, which support the vitality and viability of the Main Centres. Policy allows for the loss of such accommodation provided that it is demonstrated that it provides unsatisfactory accommodation, cannot easily be refurbished to meet modern standards and has been marketed unsuccessfully for 1 year, or provides accommodation less than 250m². At this juncture, with no applications to test this limb of the policy to date, it is too early to judge whether the policy provides the appropriate flexibility to lose sub-standard stock whilst ensuring it protects against the loss of existing appropriate stock within the Main Centres.

As stated above, consultation with representatives from the industry on the approach to identifying the quality of the existing stock should be undertaken and agreed criteria could

be applied to the profile of the stock and monitored in future. This work would also help inform the assessments for future planning applications.

Main Centre Outer Areas

There were no applications relating to office use within the Main Centre Outer Areas of either Town or the Bridge. The policy is therefore untested and cannot be assessed further at this stage.

Local Centres

Policies for the provision of employment uses within Local Centres are performing as intended, reusing existing employment space to deliver 437m² of additional office stock, maintaining their range of services and facilities and reinforce them as sustainable centres.

Outside of the Centres

During 2017, the proposals located Outside of the Centres relate to either new home-based employment (Residential Use Class 5) or the conversion of redundant buildings, in line with the policy objectives of the plan. Policies GP14, GP16 and OC3 are performing as intended in relation to office use.

Minor Departures

1 application resulted in the loss of primary office accommodation to a training facility within the Main Centre from a site off Grange Road contrary to Policy MC4(A). The proposal related to a business intrinsically tied to the financial sector, with an essential requirement to be located in close proximity to the existing financial core. The nature of the business also requires office-type accommodation, in a high profile building, to meet the requirements of national accreditation bodies. In this case, the alterations would be temporary and easily reversible and would not preclude future use of the premises for office use. It was demonstrated that there is little availability in the market to cater for the proposed business.

In light of the above, namely the sustained marketing of the premises and evidence of demand for office premises, and the specific nature of the proposed use and the close operational and locational relationship with office uses, it was considered that the intended use would not have a significant impact on office stock and could therefore be considered as a minor departure from the Development Plan under section 12(2) of the Land Planning and Development (General Provisions) Ordinance, 2007. The use was limited to the operations of the applicant's business only, as set out within the application, and that when the business ceases to operate from the site the use would revert to general office use.

This case raises questions over the changing nature of some business and the increasing blurred lines between uses. Agent feedback is seeking a change to policy or the use classes to recognise the changing nature of businesses requiring office accommodation. The Authority considers the likely occurrence of these cases arising in the future is limited and there is no need at this stage to change the policy or the legislation i.e. these cases are the exception rather than the norm. This case has demonstrated that there is flexibility within the current planning system to consider, exceptionally, minor departures from the IDP in specific circumstances.

Action: This issue should continue to be monitored and if the number of these cases rises, the Development & Planning Authority will need to reconsider whether a change to policy is required.

Overall supply of office accommodation

Overall pipeline supply of office accommodation remains at a healthy level. As shown in Figure 6 below, the low level of activity during 2017 is linked to the erratic nature of supply, with significant gains linked to single large sites coming forward e.g. Admiral Park in 2015.

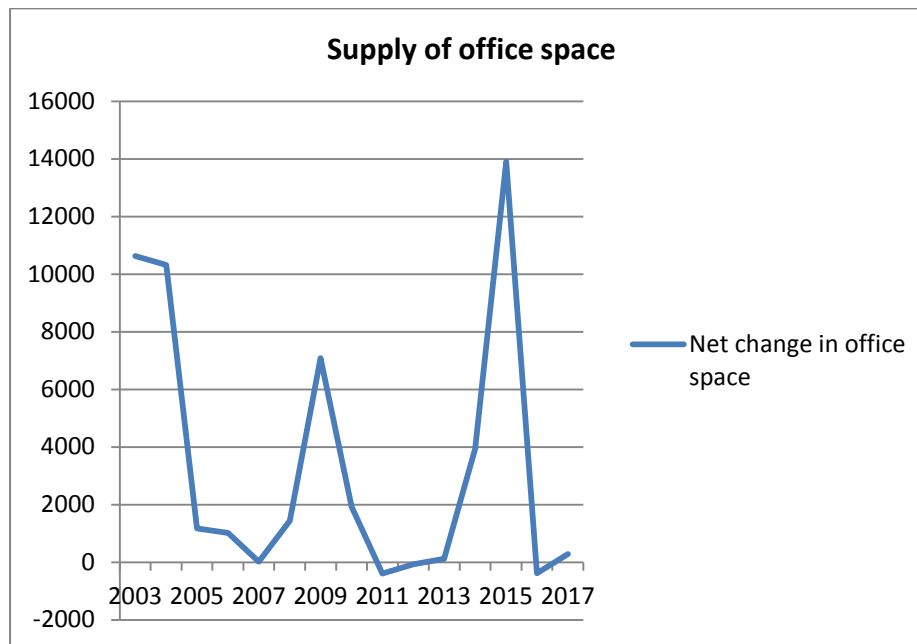


Figure 6: Supply of office accommodation through the planning system since 2003 (includes outline)

With a longer term aim to maintain an appropriate portfolio of office stock within the Main Centres and facilitating economic growth, it is notable there has been no significant delivery of additional office accommodation to the portfolio to date. The delivery of significant new primary office accommodation is expected within the Office Expansion Area referred to above within the short to medium term.

In the medium to longer term, the IDP identifies the redevelopment of the Harbour Action Areas (HAAs) in Town and the Bridge together with the 5 identified Regeneration Areas as opportunities to deliver new primary office accommodation. The risk of any delay to these areas coming forward or not delivering significant levels of new office accommodation should be highlighted. The CfED recognises and supports the potential for the HAA in St Peter Port to deliver a cluster of office and complementary accommodation in a central town location, contributing to and enhancing the Island's office stock.

The States' has identified St Peter Port's HAA as one of the 23 key priorities to focus on. Political governance has been set up including the Development & Planning Authority, the Committee *for the* Environment & Infrastructure, Committee *for* Economic Development, the States Trading and Supervisory Board and Policy & Resources Committee. The group

has named the project the Seafront Enhancement Area. Public consultation will form a significant part of the programme in advance of the formal consultation required for the Local Planning Brief. As noted in the Strategic Development and Infrastructure report, the AMR will monitor the delivery of the Local Planning Brief and seek to work with the relevant Committees to support the delivery of an appropriate mix of development.

Feedback from the agents suggests there is a need for improvement in the overall quality of Guernsey's office stock, to ensure that the office accommodation available meets modern business needs. The construction of new, high quality office stock in the areas identified above would improve the offering. Agents questioned the flexibility of the planning policies to enable existing lower grade accommodation in the Main Centres to be put to other employment-related uses or to provide residential accommodation. The IDP does allow for the redevelopment of smaller office space and/or offices that cannot easily be refurbished to meet modern needs. The review of 2017 planning applications indicates the policy is performing as intended by allowing smaller offices to change use but retaining existing large floorplate primary office accommodation. In response to this issue, the *CfED* feedback supports the current policy approach and recognises the importance that any clearance of lower grade office accommodation from the market is adequately compensated by the development of new office premises and does not result in a shortfall in required stock. Overall, it is too early to assess the effectiveness of the policy. Further information on the quality of the existing accommodation, as proposed earlier in the report, would help inform the implementation and assessment of this policy.

INDICATOR – Supply of new office premises through the planning system	
Plan Objective	Plan Objective 3: Support a thriving economy.
Target	30,000m ² additional office land over 10 years (from 2016).
Outcome	Net gain of 286m ² of accommodation and 311m ² of land.
Target met?	Ongoing.
Comments (including any risks to delivery)	During 2017 all proposals for new office accommodation involved small scale units (<250m ²) There were no medium (>500m ² <1,000m ²) or large scale (>1,000m ²) proposals for new purpose-built office accommodation. The relatively low supply of accommodation during 2017 is not unusual. Supply of employment space is often erratic, linked to the bringing forward of large sites. There is the potential for the delivery of significant office accommodation through extant permissions on the designated Office Expansion Area. In the medium to longer term, there is potential for delivery of office accommodation through development of the remainder Office Expansion Area, Regeneration Areas and Harbour Action Areas.
Action	Ensure provision of new office accommodation which is adaptable to suit large to medium businesses in the development of Regeneration Areas and Harbour Action Areas. Monitor progress with the delivery of the Office Expansion Area to provide new primary office accommodation and review the need to prepare a Development Framework in 2018.

	Monitor the changing nature of business and appropriateness of use classes and policy. Work with CfED at officer level and commercial agents and Industry representatives to review, update and/or develop criteria for the assessment of 'quality' in relation to the office sector
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Availability of office accommodation

At the end of 2017, the vacancy rate for office stock stood at 10.7%. This represents a decrease from the same time in 2012 of 0.4%. There has been a noticeable increase in take up of office premises from the market during 2014 (6.3%), 2016 (11%) and 2017 (6.5%). Interestingly a number of small scale premises that had been on the market for a number of years ceased being marketed in 2016 and 2017. Agent feedback suggests reducing rents combined with incentives from landlords increased the attractiveness of these units to the market resulting in their take up.

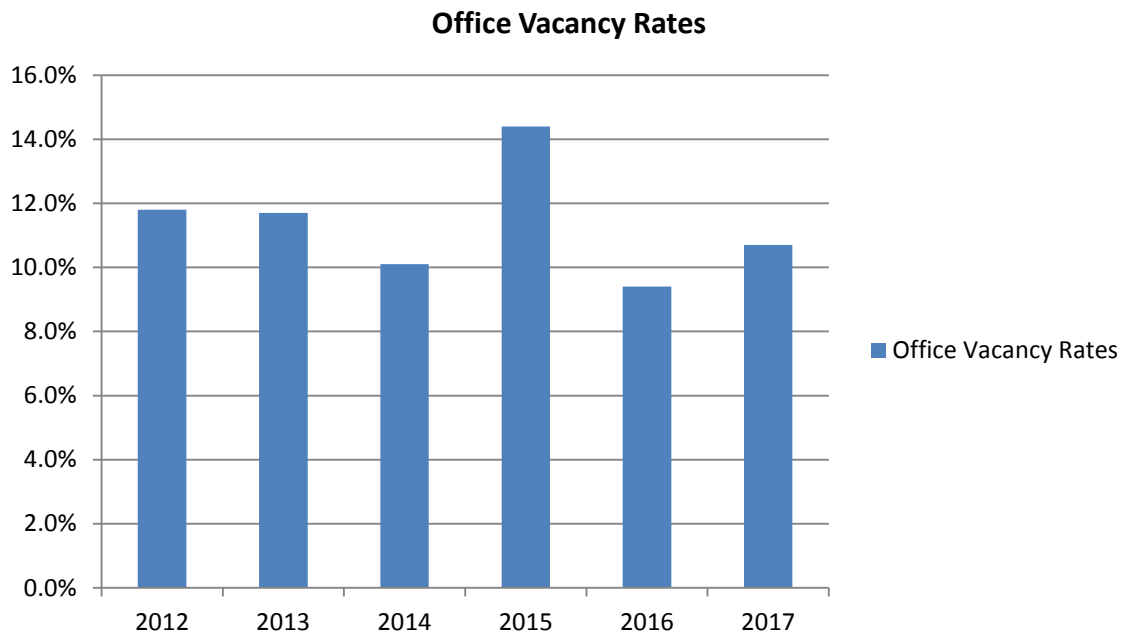


Figure 7: Percentage of office accommodation to let or sale since 2012

Overall, industry feedback indicates that 10% vacancy rates in the market is appropriate to allow enough room for businesses to move and to facilitate growth. The current position is tight in the market place, with no premises available over 3,000m² and a marked decrease in units available over 1,000m² and premises between 250-500m².

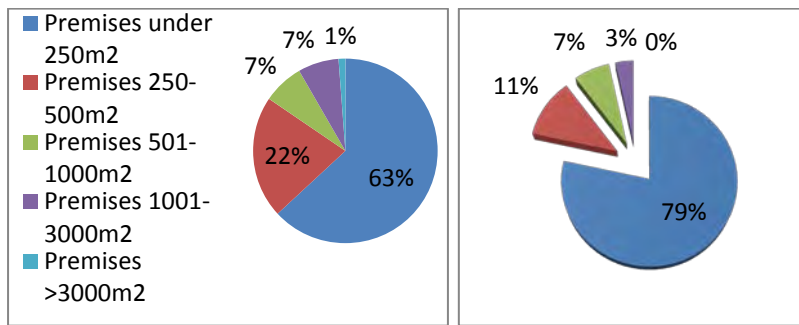


Figure 8: Offices available to let by size in 2012 and 2017

The data highlights the importance of delivering designated land at Admiral Park Office Expansion Area and the opportunities for significant additional floor space within the HAAs and identified Regeneration Areas.

INDICATOR – Office premises available to the market for let	
Plan Objective	Plan Objective 3: Support a thriving economy.
Target	Maintain a minimum 10% vacancy rate to provide headroom in the market with appropriate mix of sizes available.
Outcome	10.7% Vacancy Rate.
Target met?	Yes.
Comments (including any risks to delivery)	
Action	Continue to monitor the supply of office premises bi-annually.

Specification & size of unit

Agents' feedback confirmed the key specification requirements for offices remain unchanged with businesses seeking locations within or around existing office clusters, with good access to parking and flexibility to accommodate changing requirements. New office space needs to have built in flexibility to accommodate company's changing needs and changes in technology. Agents did highlight the changing nature of the workforce, with increasing numbers working part-time making access to nearby parking more critical. In relation to parking standards, the States did amend the maximum standards for parking in the Supplementary Parking Guidance to allow for additional parking associated with offices. Parking standards are assessed in the Public and Private Parking report.

While there was a decrease in units greater than 3,000m², overall the number of larger scale units has increased within the portfolio. Interestingly, the number of small scale units also increased markedly from 164 to 188 units. This trend may indicate redevelopment/subdivision of larger units to reflect the demand highlighted by the agents for floorplates of 140m². However, it does not reflect the demand indicated for units between 285-465m² (2,000-5,000sq.ft.). There appears to be contradiction between the changes to the stock over the past 5 years and the indicated market demand. This would warrant further investigation to understand the drivers behind the changes.

Moving forward, the SLUP direction focuses on the provision of larger floorplate office accommodation. The IDP policies seek to deliver new large floorplate accommodation

within the designation Office Expansion Area at Admiral Park and within Harbour Action Areas and Regeneration Areas. According to industry feedback, this type of units serves single large operators. The current demand in the market for this size and type of premises is generally coming from existing companies on the Island seeking to grow rather than new firms relocating here. The driver for demand for this may be the growth in business and support services sector on the Island or an increasing number of acquisitions and mergers. Industry feedback stresses the importance of facilitating growth and placing the Island in a position to respond to the market quickly and effectively. Therefore, the policies should continue to seek provision of larger floorplate accommodation. The key specification for new accommodation is flexibility/adaptability to subdivide or amalgamate to allow for business to scale up.

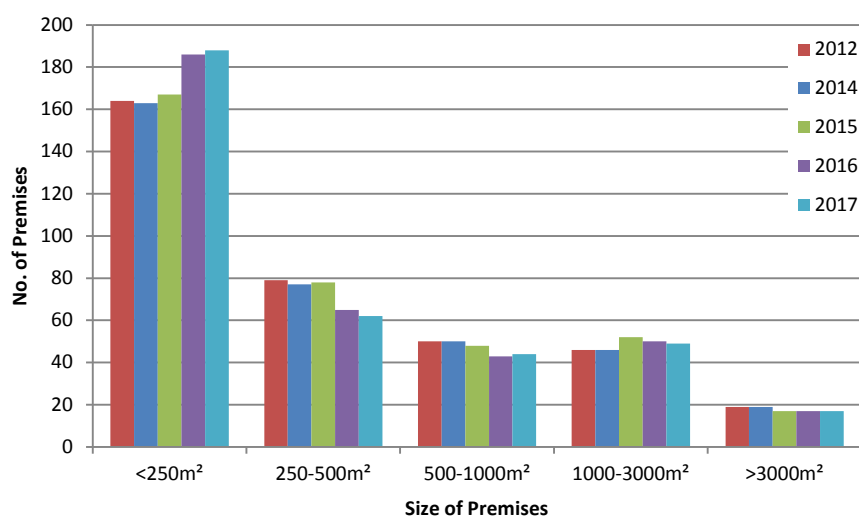


Figure 9: Size profile of existing office accommodation as at December 2017

Over the last five years, there has been a 5% decrease in overall office stock on the Island. Unfortunately the data is not available to analyse this decrease. Improvements to the capturing of data by the Planning Service from the Cadastre in 2018 will ensure these changes can be mapped spatially and therefore fully assessed moving forward.

INDICATOR – No. of large scale office premises in the portfolio	
Plan Objective	Plan Objective 3: Support a thriving economy.
Target	Maintain and increase number of premises >1,000m ² .
Outcome	No permissions granted for premises over 1,000m ² ; 66 office premises in total over 1,000m ² .
Target met?	Yes - the number of large scale office stock has increased by 1 premises since 2012.
Comments (including any risks to delivery)	To further understand the appropriate mix of office stock within the portfolio, should investigate and report in the next AMR on the subdivision, vacancy levels and availability to the market of large scale premises.
Action	Monitor the subdivision, vacancy levels and availability to the market of large scale premises.

	Consult with industry on definitions for primary, secondary and tertiary accommodation and prepare assessment of portfolio against revised criteria if appropriate. Development & Planning Authority at an officer and political level to seek/encourage delivery of new primary office accommodation in the development of Regeneration Areas and Harbour Action Areas that is adaptable to suit medium to large businesses.
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Summary

The IDP policies provide for a range of office development in the Main Centres, in particular providing for larger floorplate primary accommodation at the designated Office Expansion Area. The IDP gives protection to the existing stock whilst recognising the accommodation ranges in quality from tertiary to primary accommodation and provides the opportunity for the loss of existing tertiary accommodation where it is demonstrated that it cannot be upgraded to modern standards. The policies provide even greater flexibility for small scale units, with the ability to change out of office use to another suitable Main Centre use in response to market demand.

The IDP policies also provide for opportunities within Local Centre of the appropriate scale to maintain or enhance the character and vitality of that particular Local Centre. Outside of Centres, opportunities are more limited to home based employment or through the appropriate conversion of redundant buildings or redundant glasshouse sites.

A review of the implementation of the IDP during 2017 indicates the planning policies are delivering the aims and objectives of the SLUP in relation to office accommodation. There are no blockages identified to delivery, although it is intended to work closely with CfED and the industry to closely monitor any changes in the nature of businesses requiring office type accommodation.

Summary of monitoring requirements

- Continue to monitor the supply of office premises bi-annually
- Review the need to prepare a Development Framework for the Office Expansion Area in the 2018 AMR;
- Review the approach for delivering the requirements of the office sector if the extant planning permission for the Office Expansion Area is implemented
- Monitor the subdivision, vacancy levels and availability to the market of large scale premises; and,
- Continue to monitor the number of cases where applications for a use similar to office use are permitted as a minor departure to the IDP policies, reflecting the changing nature of businesses requiring office accommodation. If this rises, the Development & Planning Authority will need to reconsider whether an amendment to policy is required.

Summary of actions required

- Development & Planning Authority to liaise with the Committee for Economic Development and Policy & Resources Committee at an officer level in order to

support further work that may arise from the implementation of the recently approved States Economic Development Strategy, particularly on the monitoring of our economy;

- Development & Planning Authority to liaise with the Committee *for* Economic Development at officer level in order to engage with industry representatives on the criteria for assessment of quality and use in future analysis;
- Development & Planning Authority to consult with industry on definitions for primary, secondary and tertiary accommodation and prepare assessment of portfolio against revised criteria if appropriate; and,
- Development & Planning Authority at an officer and political level to seek / encourage delivery of new primary office accommodation in the development of Regeneration Areas and Harbour Action Areas that is adaptable to suit medium to large businesses.



Industry, Storage & Distribution

Introduction

The Island Development Plan (IDP) has an objective to ‘support a thriving economy’. The Plan makes policy provision for a range of new employment developments and supports existing employment uses throughout the Island where they make a positive contribution to the sustainability of a strong local economy.

This report will consider the policies that cover industry (use classes 24, 25, 26 and 27) and storage/distribution uses (use classes 22 and 23) including homebased employment across all of these use classes. Industry in this context includes traditional activities such as manufacturing and new forms of activity such as data hosting and website development.

The report will analyse the effectiveness of the IDP policies in delivering the requirements of the Strategic Land Use Plan (SLUP) and the objectives of the States and will also highlight any blockages to the delivery of industry, storage, distribution development in relation to the IDP policies.

Strategic context

For industry and storage or distribution, the SLUP requires the IDP to make provision for a comprehensive range of land opportunities for employment uses maintaining the focus of these uses within and around the Main Centres of St. Peter Port and St. Sampson/Vale, specifically including Admiral Park and the Saltpans. The SLUP directs the IDP to also make provision for certain small-scale businesses outside the Main and Local Centres, typically those in the lower value industrial and service sectors, such as those requiring workshops, secure storage or open yards, who may have a justifiable need to be located Outside of the Centres based on the nature of operation or have difficulty in finding a suitable site in the Centres.

The IDP’s approach to industry and storage and distribution reflects the findings of the Employment Land Study 2014 that the Island is now over-provided with industrial, storage and distribution premises. In managing change in this sector it is recognised that there remains a need to specifically protect some land for Industry and Storage and Distribution to ensure suitable land is available that can be readily developed for a range of industrial and storage/distribution purposes. The IDP, therefore, seeks to consolidate industry, storage and distribution uses on 4 designated Key Industrial Areas (“KIA”) each with an identified expansion area known as Key Industrial Expansion Areas (KIEAs).

The IDP policies direct industry, storage and distribution uses toward the KIAs and KIEAs, and also support industrial use (including creative industries) elsewhere within the Main Centres. Existing sites within the KIA should be re-used and redeveloped before consideration is given to development within the KIEAs. Only where there is no suitable alternative site within any of the KIA or Main Centres should development be considered in the expansion areas. The KIEAs provide a buffer should the demand for employment floor space unexpectedly rise for industry, storage and distribution uses. Within the Main Centres and Main Centre Outer Areas new industry and storage use is also possible through

conversion of a redundant building. In addition, due to their particular nature, IDP policy supports provision of new creative industries in Main Centres.

In Local Centres these uses are also supported where they are of an appropriate scale for the Local Centre concerned and support them as sustainable centres. Outside of the Centres, these uses are supported at the KIEA at La Villiaze, St Saviours, and on redundant glasshouse sites and brownfield sites under certain circumstances and through conversion of redundant buildings.

The IDP policies support, in principle, the continued use, extension, alteration and redevelopment of existing industrial and storage sites throughout the Island and are generally supportive of change of use away from these uses outside of the KIAs.

Draft Economic Development Strategy, 2018

The States' approved Economic Development Strategy¹² is to deliver a strong, sustainable and growing economy and seeks to achieve growth in the economy by focusing on 4 core areas:

- Building on what we do well now (**maintain**);
- Achieving diversification into new areas of economic activity to secure long-term prosperity e.g. digital industry (**diversify and grow**);
- Reaffirming that Guernsey is open for business through the actions we take (**open for business**); and,
- More actively monitoring and reporting on our economy, and use those insights to inform our actions (**monitoring the economy**).

The strategy has identified key areas of work under each of these core headings, which the States hopes to pursue through the Committee *for* Economic Development (CfED) working alongside other States' Committees and with external partners. Of particular interest is the development of monitoring and reporting on our economy and whether existing data collection and monitoring of land use could help or support this work and whether future data collected could inform analysis of the effectiveness of land use policies through future AMR's.

Action –the Development & Planning Authority to liaise with the CfED and Policy & Resources Committee at an officer level to support further work that may arise from implementing the recently approved States' approved Economic Development Strategy , particularly on the monitoring of our economy.

Background to the Industry, Storage & Distribution Sectors

Overall the wider context of the findings of the Employment Land Study (ELS) 2014 is that as a result of the ongoing global decline in manufacturing and the loss of Low Value Consignment Relief on exports, the island is now overprovided with industrial, storage and distribution space and will have a continuing declining need for such over the 10 year life of the IDP. The ELS 2014 forecasts a need for around 2.26ha less industrial, storage and

¹² [Billet D'État XVIII](#)

distribution land over this period (sites with or without premises) and recommended the following portfolio of land:

Key Industrial Areas		
Area category	Area name	Area (m2)
Key Industrial Areas	Pitronnerie Road	60,388
	Northside	169,667
	Saltpans/Braye Road	107,911
	Longue Hougue	194,849
	Total	532,815
Future reserves		
Light Industrial Areas	La Villiaze	11,548
General Industrial Areas	Pitronnerie Road expansion	7,288
	Saltpans/Braye Road expansion	1,567
	Northside expansion	36,333
Sub total		+56,736
Specialist Industry	Longue Hougue	121,945
	Chouet Headland	78,781
Sub total		+200,726
Total		+257,462
Planning Requirement		-2.26 hectares

Figure 1: ELS 2014 recommended portfolio of land for industry, storage & distribution

As part of the qualitative and quantitative research for the Annual Monitoring Report, the Planning Service has updated the findings of the ELS 2014 by reviewing the changes over the last 5 years to the profile of the existing accommodation and the recommended portfolio. The detail of these changes is provided in the 2017 Update Report to the ELS due to be published in Q3 2018. It is intended going forward to publish an annual update report to the ELS, with more comprehensive review when the IDP reaches its halfway point (5 years). The summary of the changes for industry, storage and distribution between 2012 and 2017 are set out below:

- 226,168 m² industrial accommodation in 459 premises, located on 1,579,433m² of land. This represents approx. 2.7% decrease in industrial premises since 2012 but represents a gain of 1.6% of industrial land;
- 198,307 m² storage and distribution accommodation in 249 premises, located on 411,132m² of land. This represents approx. 8% increase in storage premises since 2012 together with a notable gain of 21.6% of land;
- Majority of the industrial, storage and distribution premises are under 250m² (61%), with an increase in the number of small and medium sized units since 2012;
- Majority of the industrial, storage and distribution accommodation remain located within and around the Main Centres of Bridge and St Peter Port;
- The construction industry remains an important sector for the island, and while it has been in decline over the last 5 years, there are recent signs of recovery. Future demand for industrial and storage type premises is expected to come from premises displaced by development through the consolidation strategy in the IDP and may also come from growth in creative industries and digital industries (e.g. data storage);

- Vacancy rates for industrial premises increased from 2.7% of stock in 2012 to a peak of 5.1% in 2014 falling back down to 3.9% of stock in 2017. Vacancy rates for storage and distribution premise increased from 8.9% in 2012 to a peak of 15% in 2014 steadily falling over the next 2 years to drop significantly down to 1.4% at the end of 2017;
- During 2017, there was a marked decrease in the number of storage and distribution premises that have been on the market for more than 18 months. The level of activity in the market equated to a 9% take up rate for these in 2017 with 25 premises coming off market;
- Of the stock available to the market, similar to 2012 the majority 'to let' are under 250m², but there is a noticeable lack of any larger scale units (>1000m²) being marketed. There is also a notable lack of premises 'for sale' with only 1 industrial premises being marketed 'for sale' at the end of 2017;
- Supply of industrial premises through the planning system over the last 5 years amounts to 15,454m² of additional floor space. Most of the approved proposals were for general industrial uses (70%). In contrast, supply of storage and distribution premises over the same time period amounts to an overall net loss of 3,964m²; and,
- Key requirements for industrial, storage and distribution premises remain the same.

Once published the full 2017 ELS Update Report can be downloaded from the States' website (www.gov.gg/planningpolicy).

As part of this work, on 6th March 2018, the Planning Service together with the Business Innovation & Skills Section of the CfED hosted a workshop with representatives from commercial agents and relevant commercial organisations on island. The purpose of the workshop was to gain qualitative feedback on the performance and effectiveness of the IDP policies relating to the office, industry and storage/distribution sectors, to examine the current data on these sectors and discuss the drivers behind the changes and trends and seek views on the appropriateness of the employment land portfolio. The feedback received from the Agents is fully incorporated into the 2017 Update Report on the ELS and is referred to in this report as appropriate.

In relation to the recommended portfolio for industry, storage and distribution referred to **Figure 1** above, it was noted there was an error on the diagram within the ELS 2014 report as it included Leale's yard which is not part of the recommended portfolio. This has been corrected in the 2017 Update Report. No other comments were received. During the Planning Inquiry for the IDP, the Inspectors received a number of relevant representations with contradictory viewpoints. The representations were either seeking more industry land or stating there was too much land reserved for industry. The Inspectors found no compelling evidence to move from the position identified in the ELS 2014 and reflected in the IDP.

Despite the wider context of managing decline, the IDP makes provision for small scale businesses Outside of the Centres in accordance with the direction of the Strategic Land Use Plan to accommodate those businesses which may have special requirements due to the nature of the operations, such as those requiring workshops, secure storage or open yards, who may have a justifiable need to be located Outside of the Centres based on the nature of

operation or have difficulty in finding a suitable site. During the debate on the IDP, the States resolved¹³ to investigate bringing forward States owned land to meet this need. These investigations culminated in the CfED bringing forward a policy letter proposing the States should facilitate the use of any of the following areas of land owned by the States of Guernsey for industrial and storage purposes:

- Mont Crevelt/the Longue Hougue reclamation site (c.134,760m²);
- Griffith's Yard (c.15,160m²);
- Brickfield House industrial area (c.7,120m²); and/or,
- Pitronnerie Road (1.8acres).

These areas of land could provide for the 2 categories of need identified by the CfED:

- Category 1: basic open yard facilities for the purposes of open storage of plant; materials, and equipment principally for the construction industry; and,
- Category 2: land for heavy industrial purposes.

Whilst the CfED recognised that the IDP now provides much greater flexibility for the private sector to bring forward sites for industrial and storage uses, these policies are yet to fully deliver in terms of meeting the immediate commercial premises needs of 2 broad categories of business as described above. In proposing the sites, the CfED outlined its ultimate desire for the delivery of commercial premises to be left to market forces. The States is in a position to increase the availability of premises suitable for these types of business in the short term but the provision of these sites should be made available on commercial terms and with no form of subsidy and no preference for any business. In addition, any land set aside for heavy industrial purposes should be limited to businesses able to demonstrate a genuine need for such premises. The CfED proposed the continuing provision of these sites should be subject to review.

The States decided¹⁴ to direct the States Trading and Supervisory Board (STSB) to make the first 3 sites available, discounting Pitronnerie Road, on the commercial basis proposed by the CfED subject to a review no later than 13th November, 2022. Since this decision, the STSB is in the process of bringing forward part of the Griffiths Yard site to provide 11 open storage compounds, over 5,000m². The planning application for this site is discussed in the relevant section below.

In preparing the IDP, research into the demand for small scale businesses that may need to be located Outside of the Centres as identified by the SLUP found that Fontaine Vinery and the approved temporary use at Les Osmonds Lane and Saltpans Housing Allocation provided the only firm demonstration of demand. The 3 States' owned sites identified by the States for such uses would provide over 157,000 m² (39 acres) 6.5 times this identified demand.

¹³ [Billet d'État XXV & XXVII - P.2016/25 Amdt 32 Proposed by Deputy Laurie B Queripel, Seconded by Deputy M Fallaize](#)

¹⁴ [Billet D'Etat II, 2018](#)

Planning Permissions in 2017

During 2017 a total of 41 planning applications were received relating to industry, storage or distribution uses. Of the 41 applications, 33 were granted planning permission, 4 applications were refused and the remaining 4 were withdrawn.

Of the 33 applications that were granted planning permission:

- 2 applications were for works/alterations to existing premises;
- 4 were for temporary uses (2 of which were for a single site);
- 12 proposals resulted in a gain in accommodation;
- 6 proposals resulted in the loss to other uses; and,
- 9 proposals were for changes between the sectors (resulting in no net gain or loss).

With regard to the temporary permissions granted, 2 applications were to continue the use of the Fontaine Vinery site (approved until the end of June 2018). 1 proposal related to the temporary use of Longue Hougue KIA for waste facilities to accommodate the construction of the waste transfer station on adjacent land. Of interest, the last proposal was for temporary storage use in a KIA for 5 years but it is not clear why only temporary permission was sought, given the clear change in policy to allow for storage uses within KIA introduced by the IDP.

Of the proposals granted planning permission that resulted in a net gain in land/premises for storage/industry/distribution uses, roughly half of the additional floorspace provided resulted from extensions to existing sites. The remaining half were through new sites involving changes of use or conversion. The additional supply of floorspace is largely for waste facilities (Use Class 27) and light industry (Use Class 24), with losses mainly relating to General Storage or Distribution Uses (Use Class 22) and General Industry (Use Class 25).

A review of 2017 planning applications shows spatially there is a net gain Outside of the Centres that is counteracting any losses within the Centres. There is also a notable gain during 2017 in the waste storage, processing and facilities sector (Use Class 27). This type of use has only been monitored since the introduction of the new Use Class Ordinance in March of 2017 resulting in no comparable data for the last 5 years. It is considered the activity for this type of use is being driven by the implementation of the islands waste strategy.

Use Class	General storage or distribution (22)	Special storage (23)	Light industry (24)	General industry (25)	Special industry (26)	Waste (27)	Total
Location							
Main Centres	-1,676	25	685	-611	0	718	-859
Local Centres	0	0	-322	0	0	0	-322
Outside of the Centres	340	0	287	-134	0	735	1,228
Total	-1,336	25	650	-745	0	1,453	47

Figure 2: Net change in floor space (m²) by Use Class granted planning consent during 2017

During 2017, there was a notable net gain of 1.35 hectares of industrial, storage and distribution land. The majority of this land coming from a redundant glasshouse site located Outside of the Centres.

	Net change over 1 st quarter 2017	Net change over 2 nd quarter 2017	Net change over 3 rd quarter 2017	Net change over 4 th quarter 2017	Net Change over 2017
Industrial Land	0.89	-0.01	-	0.10	0.98
Storage & Distribution Land	-	0.29	0.08	-	0.37
Total	0.89	0.28	0.08	0.10	1.35

Figure 3: Net change in industrial and storage & distribution land over the period (hectares)

In relation to designated industrial/storage land, the review of 2017 planning applications shows there were 25 planning applications received for sites within designated KIAs and 5 applications received within KIEAs (including applications for proposals to existing premises, not necessarily relating to industrial, storage or distribution uses). A review of the 2017 applications shows a range of types of application, with 3 creating additional accommodation and the remainder altering/improving existing premises.

No proposal resulted in loss or gain of industrial or storage/distribution premises within KIEAs. There were 3 proposals that involved alterations to existing buildings/land within KIEA. The most significant of these was a proposal to segregate part of the Griffiths yard site to provide 11 open storage compounds (5000m²). Planning permission was required only for the boundary treatment required to separate each compound as the land is already in mixed industrial and storage use. The requirement to develop this site in this manner followed the outcome of a recent States' debate on land for industry as discussed above. The proposal represented a minor alteration to an existing use within the KIEA and is considered not to prejudice future comprehensive planning of the site.

The review of 2017 planning applications involving industry, storage or distribution, reveals 22% relate to proposals for change of use between these sectors. Overall the planning applications show no clear trend but rather a mix of changes between uses.

1 application involved a change of use between industry and storage for a unit comprising less than 250m². Under the new Use Class Ordinance (2017) introduced in March of 2017, this application would be considered exempt from requiring planning permission.

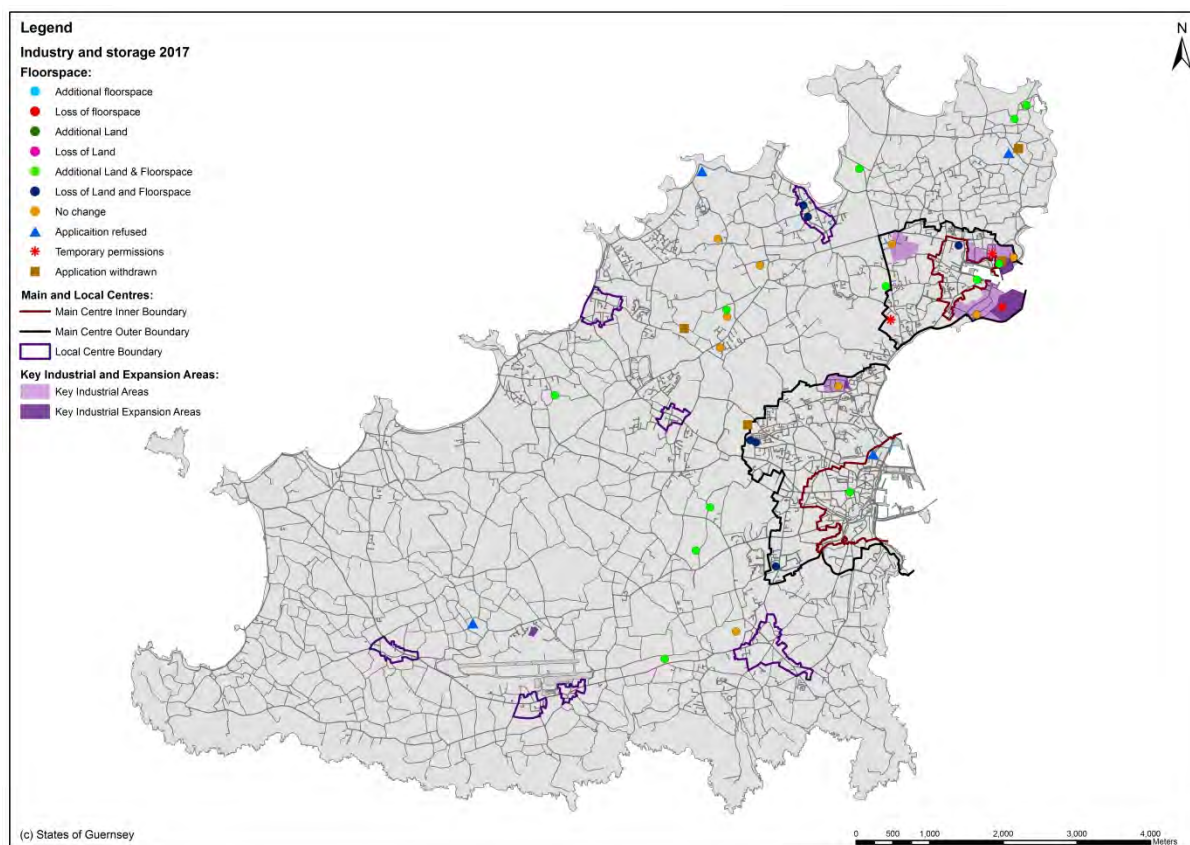


Figure 4: Applications received relating to industry, storage or distribution during 2017

Of the 4 applications refused planning permission, 3 were for proposals located on sites Outside of the Centres. 2 related to redundant glasshouse sites and were considered not to meet IDP policy requirements by not demonstrating justifiable need for their use to be located Outside of the Centres and adequately making the case for the loss of agricultural land or the site was considered to make an important contribution to the wider open landscape. 1 proposal was considered not to relate to a redundant glasshouse site or brownfield land and therefore the proposal was precluded by the IDP policies. Lastly 1 proposal was refused because of substandard residential amenity for future occupiers and not related to the loss of employment land.

Policy Performance

Key Industrial Areas and Key Industrial Expansion Areas

During 2017 there was a level of activity within the KIAs that indicates positive investment is occurring within the KIA's to enhance and improve their accommodation offering in accordance with the intentions of IDP policy.

The IDP policies are also intended to offer sufficient flexibility to enable the KIAs to accommodate a range of uses from start-ups and incubator units to larger businesses, so that the island can accommodate any new industrial sectors that emerge over the lifetime of the IDP and respond appropriately to changing economic conditions. In response to consultation as part of the AMR process CfED confirmed it recognises that the IDP policies are generally supportive of the change of use of storage and distribution sites to industry

(and vice versa), with additional flexibility provided by the permitted changes set out in the new Use Classes Ordinance (2017), facilitating changes between storage and light industry on smaller premises (up to 250m²) without requiring planning permission. Looking to the future, the CfED recognises that the creative industries sector is growing in economic importance and is pleased that the IDP allows flexibility for creative businesses to be located in industrial premises, including within Key Industrial Areas where appropriate. However, the CfED would wish to emphasise that as these industries are emerging, it will be important that the policies of the IDP are flexible enough to accommodate the premises needs of these types of businesses as they become clearer. The CfED would therefore like to open up a regular dialogue with the Authority to discuss these needs in more detail as they emerge. It is agreed that this would be a sensible way of working moving forward.

Action: Open up a regular dialogue with CfED to discuss the needs of creative industries and other emerging sectors through creation of an officer level working group.

The greater flexibility introduced by the IDP to allow for storage and distribution uses on KIAs has already had a positive impact. Several proposals during 2017 related to overcoming previous restrictions on the use of premises within KIA and allowing them to change to storage and distribution uses, resulting in some vacant units being brought back into use.

Overall, there were no losses of industrial, storage or distribution premises or land within the designated KIAs or from sites along the inter-harbour route indicating the policies are giving a suitable level of protection to these uses as intended.

In relation to the capacity of the KIAs, there remains a large undeveloped area at Saltpans KIA. This requires a Development Framework to be prepared to guide the development proposals on this site and to date there has been no interest from the private sector to bring this site forward.

As existing sites within the KIA should be re-used and redeveloped before consideration is given to development within the Key Industrial Expansion Areas, during 2017 in accordance with policy only alterations to existing uses came forward that would not prejudice the comprehensive development of these sites. 1 of these proposals granted planning permission to facilitate the use of States' owned land (5,000m²) for open storage compounds by the private sector in line with a States' direction referred to earlier in the report. In providing States' owned land for such purposes, the States did recognise the potential for a greater number of suitable sites than at present to be provided by private landowners to come forward over time under the new enabling policies of the IDP. Therefore, to ensure that the provision of such facilities by the States does not have a detrimental effect on the commercial marketplace, either as a result of stymieing new developments coming on-stream or by undermining the commercial viability of existing sites, the decision to provide States'-owned land for industrial/storage purposes is an interim measure and will be reviewed again in 2022. The supply of States' owned land for such uses and any associated impacts are an important consideration and should be incorporated into future monitoring.

Action: The supply of States' owned land for such uses should be incorporated into future monitoring.

Main Centres & Main Centre Outer Areas

There were no proposals for new creative industries within Main Centres or Main Centre Outer Areas in 2017 and it is therefore not possible to assess the performance of this aspect of policy.

There were successful planning applications on sites within the Main Centres for alterations or extensions to existing uses to allow them to continue to operate (16 applications), conversion of a redundant buildings to storage and distribution use (1 number) and for change of use between industry and storage/distribution or vice versa (4 number). There were 5 applications involving the loss of industry or storage/distribution to other suitable Main Centre uses (retail, public amenity and office).

As part of the consolidation strategy onto the KIAs, the change of use of existing industrial, storage and distribution accommodation to other suitable uses is supported elsewhere within the Main Centres and Main Centre Outer Areas. For 2017, there was a net loss of 827m² of existing accommodation to other uses mainly public amenity.

The review of applications in 2017 indicates the policies for Main Centre and Main Centre Outer Areas appears to be working as intended.

Local Centres

The policies for the provision of employment uses within Local Centres are performing as intended, retaining existing accommodation within employment uses to maintain the Local Centres' range of services and facilities and reinforcing them as sustainable centres.

Outside of the Centres

The IDP introduced a significant change to planning policies by providing an enabling policy for small scale business to locate Outside of the Centres subject to certain criteria. During 2017 there have been a number of planning applications relating to this new policy approach, resulting in a gain of 1.4 hectares of new industrial, storage and distribution land located Outside of the Centres. The policies provide for new industrial, storage and distribution accommodation in certain circumstances and support for extensions, alterations and redevelopment of existing accommodation.

Feedback received from within the Planning Service sought greater clarity on the meaning of 'justifiable need', 'scale of extension' and the level of information required to demonstrate whether there is an alternative site available or not. A number of the planning applications received during 2017 for new accommodation were speculative developments with no specific end occupier. The IDP Policy OC3 requires demonstration that there is a justifiable need for a business to be located Outside of the Main or Local Centres due to the special nature or requirements of the business operation or it being demonstrated that there is a lack of suitable sites in the Centres. A specific end user therefore needs to be identified in order to satisfy the policy test of justifiable need and a planning condition should be attached to ensure the accommodation remains available for use by small scale business as

intended. Proposals for extensions to existing uses raises queries over the scale of extensions intended and at what point such extensions would be considered significant and the policy expectation of relocating the activity to a suitable site within one of the Centres be relevant. Feedback from the CfED highlighted that issues have been raised which indicate some misunderstanding about what is permissible using the IDP policies. There may therefore be an opportunity for the CfED to work with the Authority to promote development, by ensuring that there is a wider understanding of what may be achieved under the IDP policies. Overall feedback suggests there would be benefit to engaging at officer level together with CfED as appropriate with industry representatives and agents on the various aspects of the policies for provision of employment uses generally and in particular for those relevant to Outside of the Centres.

Action: Working with the CfED at an officer level to engage with industry representatives and agents to promote better awareness and understanding of policies for provision of all employment uses within the IDP, in particular focusing on those relevant to Outside of the Centres.

Home based employment policy appears to be performing well. 3 applications were received during 2017 for home based employment related to industry, storage and distribution uses and all were granted planning permission. It is noted that 2 of the 3 applications involved creative industries.

Overall supply

Overall the IDP policies generally focus industry, storage and distribution uses within and around the Main Centres and ensures that Local Centres may also provide some limited opportunities in accordance with the direction by the SLUP. During 2017, there was a small net gain of 47m² of floorspace and a significant 1.4hectare gain in industry, storage and distribution land located Outside of the Centres with a small loss of 0.05hectares of land located within the Centres. This is in contrast to the forecasted decline of 2.26 hectares in these uses over the lifetime of the IDP. The majority of the increase stems from open storage proposals granted planning permission Outside of the Centres. While there was a loss of floorspace from the Main Centres (outside of the KIAs) and Local Centres as intended by the IDP, there was a greater increase of industrial, storage and distribution accommodation granted planning permission Outside of the Centres than was expected. The overall distribution of development should continue to be monitored closely to ensure the IDP policies are delivering the States' approved spatial strategy and if this trend continues, further investigation into the operation of the employment policies controlling development Outside of the Centres should be undertaken.

The 2017 ELS Update Report indicates a decrease in industrial premises and an increase in storage or distribution premises over the last 5 years. Review of 2017 planning applications shows this trend may be changing, with supply through the planning system which would result in an increase in industrial premises and decrease in storage or distribution premises. As referred to above, the main drive for the growth in industry relates to waste proposals, a specialist type of industry that may be linked to a one off project to implement the island's Waste Strategy and not ongoing growth in this sector. Of interest, both the 5 year trends and

the review of the 2017 planning applications show a notable increase in land for industry, storage or distribution.

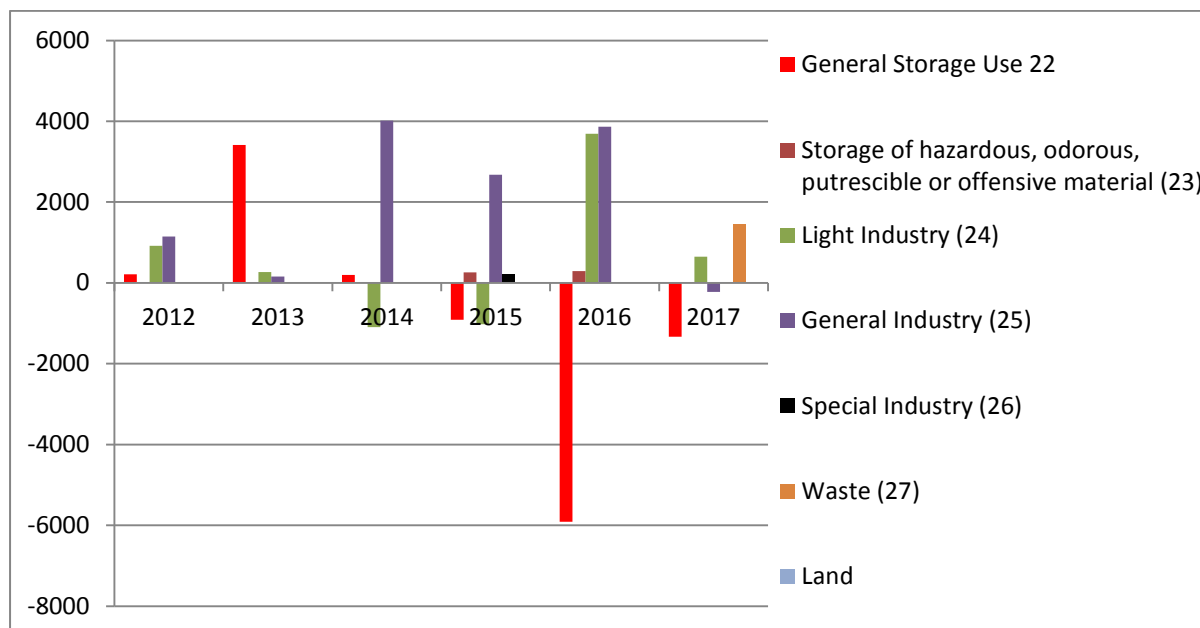


Figure 5: Supply of industry, storage & distribution through the planning system between 2012 and 2017, amended to show in accordance with the new use classes.

The Policy & Resources Committee has expressed an interest in understanding any impacts within the first 18 months of the change in use classes for light industry and storage and in particular if the change now permitted between both uses on sites less than 250m² is being utilised and if there are benefits to the economy. The Land Planning and Development (Use Classes) Ordinance, 2017 came into effect in March 2017 rationalising 7 previous categories of storage and distribution uses to 2 categories and 7 previous industrial categories down to 4 categories. The Ordinance brought in additional exemptions for development for proposals seeking change of use between light industry and general industry and between general industrial use to general storage or distribution use, provided the proposals related to areas below 250m².

The review of the 2017 planning applications reveals only 1 application was received during 2017 prior to the change in the Use Classes Ordinance (2017) that would have benefitted from the new exemptions. Agents and industry representative's feedback regarding the change in use classes for industry and storage is very positive but they are seeking further flexibility by increasing the extent of exemptions for change of use between industry and storage or distribution, suggesting the complete removal of the 250m² threshold, to increase responsiveness to the market and reduce bureaucracy. Complete removal of the threshold would raise concerns regarding the management of development impacts that arise from larger scale projects and is therefore not proposed. The full impact and benefits of the changes to the exemptions and the rationalisation of uses within the Use Class Ordinance, 2017 would need further investigation through analysis of previous data and qualitative interviews and surveys with agents and industry representatives.

INDICATOR – Supply of Industry, Storage & Distribution	
Plan Objective	Plan Objective 3: Support a thriving economy.
Target	2.26Ha less land over the plan period. Majority of new development within Centres.
Outcome	47m ² net gain of industry and storage premises; 1.35Ha net gain of industry and storage land. Majority of new development located Outside of the Centres.
Target met?	No.
Comments (including any risks to delivery)	The majority of the increase stems from open storage proposals granted planning permission Outside of the Centres. While there was a loss of floorspace from the Main Centres (outside of the KIAs) and Local Centres as intended by the IDP, there was a greater increase of industrial, storage and distribution accommodation granted permission Outside of the Centres.
Action	Continue to monitor supply of new development including the supply of States' land. Open up a regular dialogue with CfED to discuss the needs of creative industries and other emerging sectors through creation of an officer level working group If the majority of development for industry, storage and distribution uses continues to be located Outside Centres, further investigation into the operation of the relevant policies controlling development Outside of the Centres should be undertaken. Working with CfED to engage with industry representatives and agents to promote better awareness and understanding of policies for provision of all employment uses within the IDP, in particular focusing on those relating to Outside of the Centres.

Availability of industrial, storage & distribution accommodation

There has been a decrease in the availability of storage and distribution accommodation over the last 5 years, indicating the impact of losing LCVR has played out and surplus accommodation has been taken up either by other storage or industry uses or lost from the portfolio.

As at the end of 2017, there was very little on the market for storage and distribution uses and low availability for industrial uses, creating an overall tight market place (see [figure 6](#) below). Monitoring supply of units for sale and for let, further shows a lack of units for sale compared to let with 21.3% of premises available to the market for sale in 2012 compared to only 3.7% available for sale in 2017.

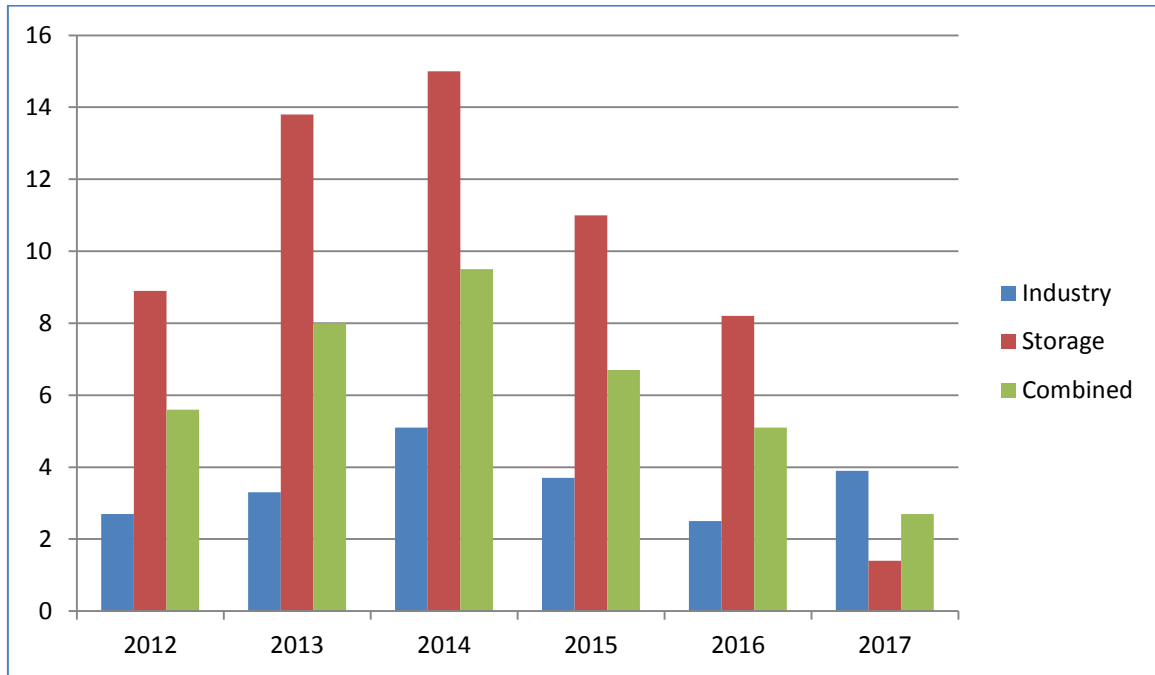


Figure 6: Vacancy rates for industry, storage & distribution 2012 & 2017

Analysis of the location of available industrial, storage and distribution premises reveals that 24.2% of marketed premises are located within a designated KIA and further 18.2% are located within a Key Industrial Expansion Area. A further locational breakdown for industrial and storage and distribution uses is shown in Figures 7 and 8 below.

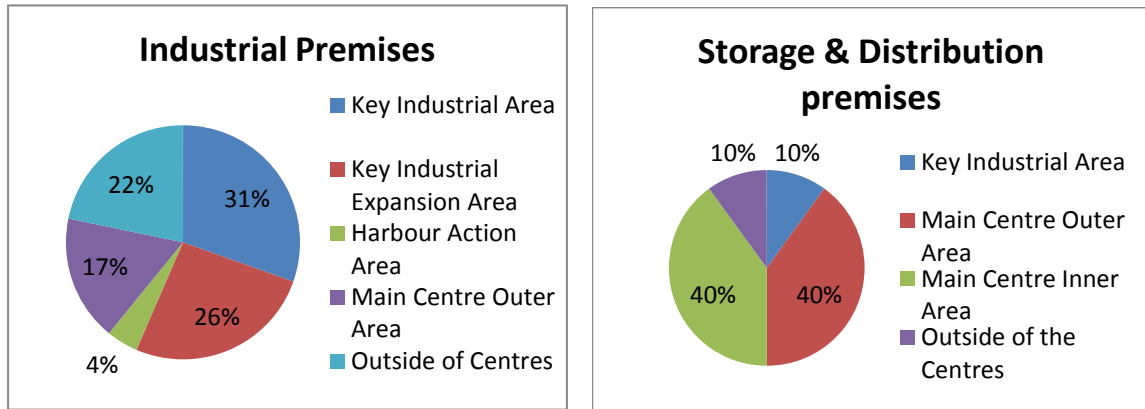


Figure 7 & 8: Location of industrial, storage & distribution premises available to the market, 2017

The range of size of premises available to the market has decreased over the last 5 years, with no large scale premises available as at the end of 2017. Similar to the position in 2012, the majority of premises being marketed remain small scale (<250m²).

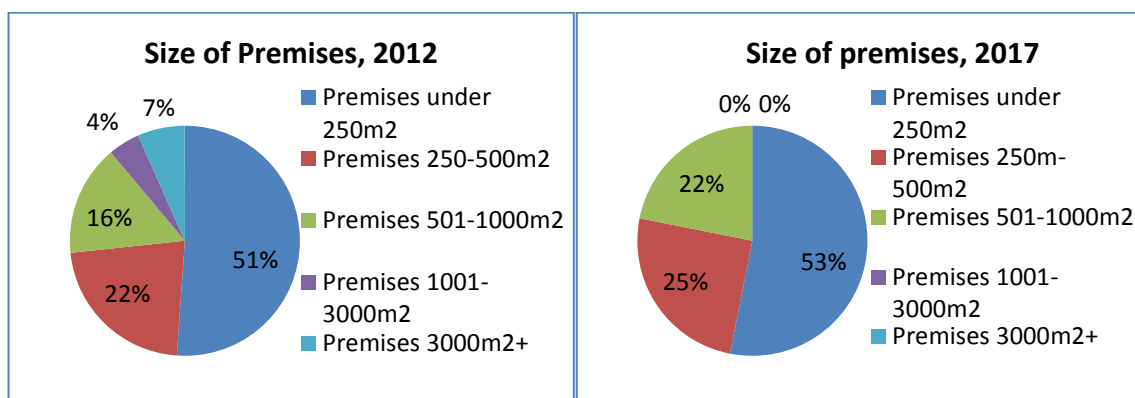


Figure 9 & 10: Size of premises on the market in 2012 and 2017 (respectively)

Taking into account the wider context of managing decline and contraction of these land uses, the availability of premises within KIAs together with the provision of undeveloped land allocated to come forward for such uses if needed through the designated Saltpans KIA and the KIEAs for each of the other KIAs, the overall vacancy rates are not a major concern. However, given the tight market place, monitoring of the supply for sale and to let should continue and should there be no availability of premises within KIAs, this should trigger action by the Authority to positively bring forward a Development Framework for the Saltpans KIA and for one or more of the most appropriate KIEAs. The assessment of the most appropriate one to bring forward needs to be based on what market demand is at the time.

INDICATOR – Availability to the market within KIAs	
Plan Objective	Plan Objective 3: Support a thriving economy.
Target	Availability within identified Key Industrial Areas.
Outcome	8 industrial/storage/distribution premises available within identified Key Industrial Areas.
Target met?	Yes.
Comments (including any risks to delivery)	
Action	Continue to monitor availability within Key Industrial Areas both 'for sale' and 'for let'.

Type, specifications and size

Agent's feedback confirmed the key specification requirements for industry, storage and distribution remain unchanged from 2012 with businesses seeking:

- Adaptable space capable of sub-division;
- Access to the inter-harbour route or other appropriate road access; and,
- Floor to ceiling heights.

The IDP policies give a level of protection to existing premises located on the inter-harbour route, allowing change of use only in exceptional circumstances where it can be demonstrated:

- The premises no longer meets user requirements due to its age and conditions and is incapable of being upgraded to meet modern standards in a manner that is viable; and

- The property has remained empty or vacant, despite being actively and appropriately marketed for 12 consecutive months.

Given that access remains an important criterion for these types of uses, the higher level of protection offered by the IDP policy for such sites remains appropriate at present.

Feedback from the CfED raised the current lack of open storage sites and sites suitable for heavy or specialist industry. However, the CfED acknowledges that the Longue Hougue Key Industrial Area is reserved specifically for heavy or specialist industrial activity and the use of States' owned land for such purposes as necessary will help to address this issue and until, in the case of open storage sites, the private sites come forward under the new enabling policies of the IDP. The monitoring research indicates clear signs that this is already happening with a gain of 1.4 hectares of land for such purposes Outside of the Centres during 2017.

The CfED also highlighted a number of barriers appear to exist for industrial businesses seeking suitable premises. CfED's survey findings suggested that the industrial premises available are often too big (and therefore too expensive or too difficult /costly to sub-divide) for the requirements of the small businesses which make up the majority of the manufacturing and construction sectors. With this in mind, as a matter of principle the CfED would support the redevelopment of underutilised or vacant storage premises to provide suitable accommodation for businesses requiring industrial premises.

The current IDP policies support such redevelopment of existing premises. In examining this issue of barriers to appropriate accommodation for industry, storage and distribution, the Inspectors for the IDP Planning Inquiry concluded that the policies of the IDP had gone as far as land use planning can go to support these sectors and the policies were considered flexible enough to promote and encourage improvement in existing accommodation to meet market needs. There may be barriers beyond land use planning that exist which would warrant further investigation by the States on possible ways to promote these sectors and support the delivery of the appropriate accommodation.

Summary

The review of 2017 planning applications demonstrates that policies are flexible to allow for a range of new industrial, storage and distribution uses including creative industries throughout the island and also provide appropriate support to existing uses. The high level of planning approvals is evidence of the flexibility of the policies. In particular, the IDP's increased flexibility within identified KIAs of allowing storage and distribution uses has already had a positive impact, overcoming previous refusals on sites and resulting in some vacant units being brought back into use.

The policy approach of designating KEIAs provides a buffer of land so the island can respond to new and emerging industries moving forward. The policies currently in place will also allow for delivery of the economic vision of the CfED if approved by the States in terms of employment uses as far as they are set out in the draft strategy at present. If the Economic Strategy is approved by the States there will be a need for the Authority to work closely with the CfED particularly regarding monitoring and data collection.

The policies in place provide for small scale businesses Outside of the Centres in accordance with the directions of the SLUP and in 2017 have delivered additional industrial, storage and distribution land. This trend of supply Outside of the Centres as opposed to within the Main Centres may be an initial response to the change in policies brought in by the IDP and may not continue in 2018. Overall, the IDP policies are generally delivering in relation to the Spatial Strategy by concentrating development in the Centres but the analysis highlights the need to closely monitor the extent and nature of employment development occurring Outside of the Centres to ensure that policies continue to deliver the Spatial Strategy. In addition, the supply of States' land for certain industrial and storage uses could be a very significant addition to the portfolio but the framework in place ensures the provision of land will be demand led and subject to review by 2022 to allow for the enabling policies of the IDP to fulfil the market demand as was intended. The supply of States' land for such purposes will be included in future monitoring.

In summary, monitoring research indicates that the IDP policies for industry, storage and distribution are still relevant and effective in delivering the requirements of the SLUP and the priorities of the States and there is no need to amend these policies at this time.

Summary of monitoring requirements

- Continue to monitor supply of new development including the supply of States' land;
- Continue to monitor availability within Key Industrial Areas both 'for sale' and 'for let'; and,
- If the majority of development for industry, storage and distribution uses continues to be located Outside of the Centres, further investigation into the operation of the relevant policies controlling development Outside of the Centres should be undertaken.

Summary of actions required

- The Development & Planning Authority to liaise with the Committee *for* Economic Development and Policy & Resources Committee at an officer level in order to support further work that may arise from implementing the recently approved States' Economic Development Strategy, particularly on the monitoring of our economy;
- The Development & Planning Authority to open up a regular dialogue with the Committee *for* Economic Development to discuss the needs of creative industries and other emerging sectors through creation of an officer level working group; and,
- The Development & Planning Authority to work with the Committee *for* Economic Development at officer level to engage with industry representatives and agents to promote better awareness and understanding of policies for provision of all employment uses within the IDP, in particular focusing on those relevant to Outside of the Centres.



Visitor Accommodation

Introduction

Strategic Land Use Plan Policy SLP7 states that: *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.*

The Island Development Plan (IDP) policies for visitor accommodation seek to support existing establishments with flexibility for proposals to enhance the quality and marketability of accommodation and to change the type of accommodation between hotel, guest accommodation, self-catering and other similar visitor accommodation. IDP policies support the development of new visitor accommodation in Main and Local Centres, and also Outside of the Centres through a change of use of an existing building or conversion of a redundant building – the former being an option only open to visitor accommodation. Outside of the Centres the IDP policies also provide opportunities for visitor accommodation where this would be ancillary to an existing agricultural use where limited diversification would support that agricultural use. There is also potential for new visitor accommodation through the development of the Harbour Action Areas and Regeneration Areas.

The IDP policies for change of use of visitor accommodation aim to retain the stock of accommodation other than in exceptional circumstances. The Strategic Land Use Plan (SLUP) states that: *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 and that 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.*

The IDP policies are informed by advice from the former Commerce & Employment Department that the process of rationalisation of the Island's stock of visitor accommodation sought under previous development plan policies was complete and had achieved their goal of stimulating investment and establishing a sustainable level of accommodation. Moving forward, in order to ensure that the Island retains a sufficient level of accommodation to support the visitor economy, meet forecast demand and ensure a range of types of accommodation, there would be a need to resist the further loss of visitor accommodation establishments other than in exceptional circumstances.

This approach was on the basis of the aspirations for growth in visitor numbers set out in the 2015 document 'Visit Guernsey and Chamber of Commerce Tourism Group Strategic Plan 2015-2025'.

In addition, the IDP policies for change of use of visitor accommodation allow for smaller establishments to change use away from visitor accommodation use. These smaller establishments are able to move in and out of the visitor accommodation sector without adverse impact on the portfolio and the intention of this approach is to be able to apply

reasonableness so that operators of small establishments do not have to leave their home when the business ceases to operate.

In all other instances the IDP policies for visitor accommodation only support a change of use of visitor accommodation to another use where the applicant demonstrates exceptional circumstances. The policy tests are intentionally strict to ensure that loss of visitor accommodation to another use only occurs in exceptional circumstances in accordance with the requirements of the SLUP. Before a change of use can be considered, an establishment would need to demonstrate works are required to the establishment to meet the standard for the type of accommodation and that those works are either technically unfeasible or the works are both unviable and the premises have been marketed for sale and lease unsuccessfully.

The IDP policies for change of use of visitor accommodation to an alternative use - Policies MC8, LC6(B) and OC8(C) – were amended¹⁵ by the States in approving the IDP in November 2016. These changes made the policy tests more onerous by requiring an applicant to demonstrate both that the works required to the establishment are financially unviable and that marketing has taken place. The draft Plan policies allowed for change of use under either criterion. In addition, further changes brought about by the amendment required marketing for sale and for lease, as opposed to either, and increased the period required for marketing from 12 months to 24.

The independent Planning Inspectors, who carried out the public Planning Inquiry into the draft Island Development Plan, recommended that trends in visitor numbers and accommodation occupancy are monitored to assess the continued appropriateness of the visitor accommodation policies in the IDP. Both trends were in decline at the time of the Planning Inquiry hearings. Given the uncertainty about future demand, and the problems arising from a mismatch between supply and demand, the Inspectors considered that keeping the matter under review was very important.

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

Revised Tourism Strategy and the ‘Potential Economic Benefits of Adopting a More Flexible Approach’

The States resolved¹⁶, in approving the IDP, to direct the Committee *for* Economic Development (CfED) to submit a policy letter to the States of Deliberation setting out a Tourism strategy for approval by the States by 31 October 2018. Such policy letter was to include:

- (a) a review of the Visit Guernsey and Chamber of Commerce Strategic Plan 2015-2025; and,
- (b) an assessment of the current stock of visitor accommodation and the stock of visitor accommodation necessary to support the future viability and growth of the industry.

¹⁵ [Billet D’Etat XXV & XXVII P.2016/25 Amdt 20 Proposed by Deputy H Soulsby, Seconded by Deputy R Prow](#)

¹⁶ [Billet D’Etat XXV & XXVII P.2016/25 Amdt 21 Proposed by Deputy H Soulsby, Seconded by Deputy R Prow](#)

The CfED in its response to consultation as part of the Annual Monitoring Report (AMR) process has advised that “the policies of the IDP, in respect of visitor accommodation in all areas of the Island, offer limited opportunities for existing visitor accommodation sites to change to an alternative use, a position which took into account past consultations with the then Commerce & Employment Department. The Committee has since undertaken a review of Guernsey’s tourism product, which provides important information for shaping the policy approach to visitor accommodation. The Committee is keen to further investigate the potential economic benefits of adopting a more flexible approach to the change of use of sites to and from visitor accommodation use, but recognises that these must be considered alongside other potential impacts of any proposed policy revision. As directed by the States, the Committee will submit a revised Tourism Strategy to the States by 31st October 2018, which will provide an opportunity to review the appropriateness of these policies”.

The implications for the policies of the IDP of the propositions in the CfED’s policy letter will be considered once it has been debated by the States.

Trends in occupancy levels of visitor accommodation have not been reviewed for this AMR given that this will be pertinent to the States’ consideration of the revised Tourism Strategy later in 2018. This may be included in future AMRs depending on the outcome of the States’ debate on the Tourism Strategy. For example, significant decreases in both occupancy levels and staying visitor numbers could suggest that the IDP approach of restricting loss of accommodation may be too onerous.

During the Public Inquiry into the draft IDP a number of owners of visitor accommodation establishments commented that the restriction on change of use under the IDP policies would discourage new investment in their establishments because it limited access to finance. In view of this and the comments of the Planning Inquiry Inspectors in their report the former Environment Department undertook to keep the matter under review, including trends in visitor numbers, and to amend the policy criteria if circumstances change.

The overall trend in staying visitor numbers over the period 2003-2017 is a decrease then a levelling off - see [Figure 1](#) below – with a small rise in 2017.

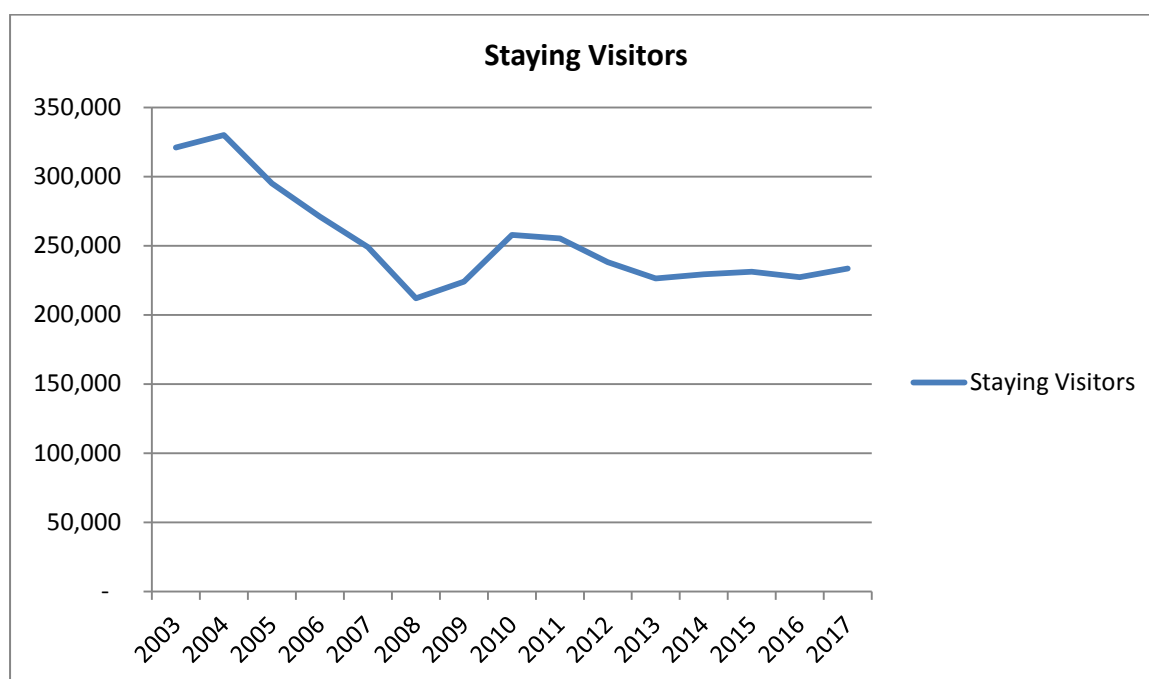


Figure 1: Staying Visitors 2003-2017

Action – the Development & Planning Authority to liaise with the Committee for Economic Development at both officer and political levels in the analysis of the implications of a change to IDP visitor accommodation policies introducing a more flexible approach.

Stock of Visitor Accommodation

The CfED policy letter will also include an assessment of the current stock of visitor accommodation and the stock necessary to support the future viability and growth of the industry. The current stock (May 2018) is shown in Figure 2 below.

Type of accommodation	Rating	Number Sites / Establishments
Guest Accommodation	2 Star	4
	3 Star	7
	4 Star	14
	Waiting Grading	3
	Total	28
Hotel	2 Star	6
	3 Star	21
	4 Star	7
	5 Star	1
	Waiting Grading	1
	Total	36
Self Catering Accommodation	2 Star	1
	3 Star	15
	4 Star	36
	5 Star	2

Private Dwelling Camping Group Accommodation	Mixed	12
	Waiting Grading	3
	Total	69
	3 Star	1
	4 Star	1
	States of Guernsey Approved	29
	Total	31
	Waiting Grading	5
	Total	5
	Waiting Grading	1
	Total	1

Figure 2: Stock of Visitor Accommodation

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

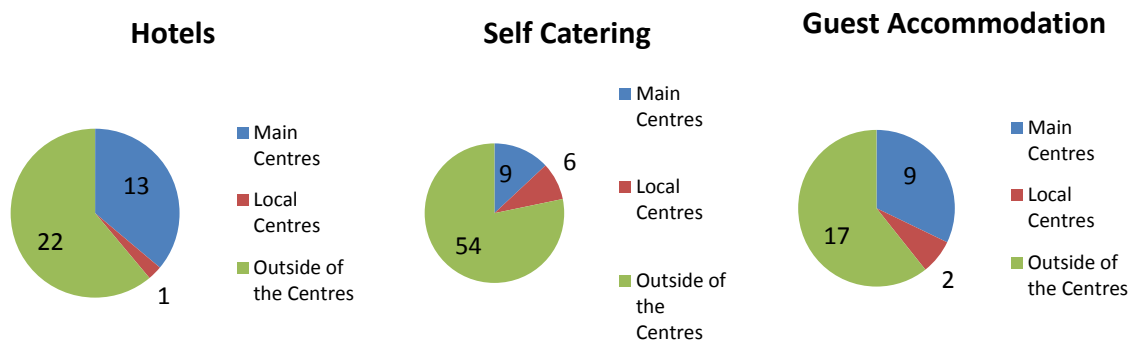


Figure 3: Location of the Stock of Visitor Accommodation

In addition to the active stock of accommodation there are a number of establishments that have closed but have not received planning permission for a change of use. There are 4 hotels from the current stock that are vacant.

Hotel	Beds
Bon Port	38
Captain Cook	55
Le Chalet	80
St Margaret's Lodge	76
Total	249

Figure 4: Vacant Visitor Accommodation

The IDP policies allow for smaller establishments to change use away from visitor accommodation. This is where the establishment comprises a single dwelling house with less than 3 self-catering units attached to it or located within its domestic curtilage or a guest accommodation establishment of less than 6 bedspaces that also comprises a single dwelling house where this will revert to a single dwelling house.

Of the current stock of accommodation, 32 self-catering establishments have less than 3 units and 15 guest accommodation establishments are of less than 6 bedspaces and could potentially, if they are a single dwelling, change use away from visitor accommodation, under the terms of the IDP policies.

Planning permissions in 2017

In 2017 there were 36 planning applications relating to visitor accommodation establishments. All were approved.

Hotels: There were no planning applications for new hotels, but 20 planning permissions were granted for works to existing hotels relating to 11 establishments. There were 2 planning permissions granted to change the use of a hotel to an alternative non visitor accommodation use. These permissions related to proposals where the principle of change of use was established under previous development plan policies. In one case the application was determined as a minor departure to Policy OC8(C). The change of use of visitor accommodation policies in the IDP and the associated SPG have not yet therefore been fully tested by planning applications received.

Self-catering: There were 4 planning permissions granted in 2017 to create self-catering establishments (4 units in total). All of these sites are Outside of the Centres. 2 permissions relate to conversion of dower units, 1 extension of a dwelling house and 1 conversion (Fermain Tower). There were 7 planning permissions granted for works to support existing self-catering establishments including creation of additional units. There were 3 planning permissions granted to change use of self-catering to an alternative use, 1 for change of use to ancillary residential accommodation and 2 for change of use to dwellings – the loss of 4 self-catering units in total. All of these sites are Outside of the Centres.

Camping: There were 6 planning permissions granted in 2017 that related to 4 existing camping sites – all Outside of the Centres. These permissions included the addition of camping pods and shepherds' huts.

INDICATOR – change in the stock of visitor accommodation through planning permissions	
Plan Objective	Plan Objective 3: Support a thriving economy.
Target	No loss of visitor accommodation.
Outcome	Hotels: no change. Self-catering: net increase of 1 establishment. Guest Accommodation: no change.
Target met?	Yes.
Comments (including any risks to delivery)	There have been no planning applications to date to change use away from visitor accommodation other than some unique circumstances and for small premises below the threshold set in the policies.
Action	None.

Performance of Policies

The IDP policies for change of use away from visitor accommodation use (and the associated SPG) have not yet been tested in part due to the requirement for 24 months active and appropriate marketing for sale and for lease. The Visitor Accommodation SPG sets out guidance about what the Planning Service generally considers to be appropriate marketing. This would involve:

- i. placement for sale and for lease with more than two estate agents including at least one in Guernsey and one in the UK;
- ii. active approaches to potential operators; and,
- iii. an asking price/rate that is a realistic market rate.

There are currently (as at June 2018) 4 hotels and 8 self-catering establishments on the market. None appear to be marketed both on Island and in the UK. 1 of the hotels and 3 of the self-catering establishments form part of the active stock of visitor accommodation.

Feedback from agents consulted as part of the AMR process suggests that the fixed time period for marketing premises should be removed from the policies.

Agents also comment that the result of the restriction on change of use is that it is difficult for businesses to obtain finance to invest in the visitor accommodation, especially where there is not a strong balance sheet. Without the potential to change to another use, the underlying assets - primarily the property - cannot be valued on the basis of hypothetical change of use.

The IDP policies for change use of visitor accommodation are intentionally very restrictive and particularly given the changes made by the States through amendment. However, the CfED has noted concerns that this is discouraging investment and is considering the implications for a more flexible approach as part of its revised Tourism Strategy.

The planning permissions granted in 2017 do indicate that there is some continuing investment in premises - 11 hotels received permission to enhance the facilities they offer, there was permission to create 4 new self-catering establishments and permissions for works to 7 others.

The CfED will need to consider an appropriate range of accommodation to meet the needs of the revised Tourism Strategy. It will be important for the CfED to liaise with the Authority at an officer and political level on options for and the implications of, a more flexible policy approach to the change of use of visitor accommodation and appropriate criteria taking account of the wider objectives of the IDP. The SLUP requires policies to maintain an adequate stock of visitor accommodation to support the future viability and growth of the industry. If the revised Tourism Strategy requires amendments to the IDP policy those amendments would be required to be based on sound and robust evidence and would have to be consistent with the Strategic Land Use Plan.

A Supplementary Planning Guidance document was produced alongside the IDP to explain in detail the requirements of the IDP policies for change of use of visitor accommodation to an alternative use. No planning applications have been submitted to date that have required

the submission of supporting information as referred to in the SPG. The SPG would also be subject to review should the IDP policies be amended.

In all other respects the IDP policies in relation to visitor accommodation are performing as intended and give positive support to existing businesses to adapt or expand their premises as demonstrated by the approval of all 26 applications submitted. The policies allow for smaller premises to leave the industry and there have been some instances of that in 2017.

IDP Policy OC8(B): Visitor Accommodation Outside of the Centres – Campsites has provided the flexibility for existing campsites to amend their offer. The CfED noted in its response to the Authority that it “is pleased to note that policy OC8(B) concerning the development of campsites has enabled several new initiatives to progress in this area. This includes works to existing campsites, as well as interest in developing new camping and ‘glamping’ sites, with a proposal for one such ‘glamping’ site receiving full planning permission in February 2018”. This will be considered in the 2018 AMR.

Summary

In conclusion, the IDP policies provide support for a range of new accommodation in Centres and Outside of the Centres and in 2017 planning applications have been received for new self-catering visitor accommodation premises. Until such time as the States has debated the Policy Letter for the revised Tourism Strategy, the policies of the IDP effectively deliver the requirements of the SLUP and remain relevant.

Summary of monitoring requirements

- Trends in occupancy levels of visitor accommodation may be included in future AMRs depending on the outcome of the States’ debate on the Tourism Strategy.

Summary of action required

- The Development & Planning Authority to liaise with the Committee *for* Economic Development at both officer and political levels in the analysis of the implications of a change to IDP visitor accommodation policies introducing a more flexible approach.



Social, Community, Leisure and Recreation

Introduction

Guernsey has a wide variety of services and facilities relating to social, community, leisure and recreation uses. This includes medical facilities, churches, community centres, and pre-schools as well as public realm and access to public art and various types of formal and informal recreation and leisure uses. As part of the Annual Monitoring Report (AMR) it is important to monitor any changes within social, community, leisure and recreation uses to ensure the Island Development Plan (IDP) policies are performing as intended and that they remain robust and effective in delivering the land use aims of the States as expressed in the Strategic Land Use Plan (SLUP), and also that an appropriate level of provision is maintained. As this is the first year in which these policies are being monitored, it is not possible to identify trends at this time, although it is expected that this information will be built on each year. There are no indicators that can be highlighted in this report, but it is hoped that over time, there will be more comparable data available which will allow for greater analysis.

Policy Context

The key purpose of the SLUP is to positively contribute to maintaining Guernsey as a desirable place to live, work and enjoy leisure time. This is reflected specifically in Policy SLP10 which states; *'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.'* The SLUP recognises the importance of leisure and recreation and access to a range of social and community facilities to the quality of life for Islanders and the importance of these aspects are acknowledged by the States in several of its 23 priorities as well as the 20 year vision of the Policy & Resource Plan. The SLUP directed and informed IDP Policies.

There are six Plan objectives of the IDP which together deliver its Principal Aim. IDP Objective 4: Support a healthy and inclusive society highlights that an important aspect of a high quality of life is access to a range of social, community, leisure and recreation services and facilities, recognising that provision of adequate facilities is fundamental to the health and well-being of the Island community. There are 12 policies within the IDP which are directly applicable to social, community, leisure and recreation uses¹⁷. These are policies; MC3, MC9 (A) MC9 (B), LC3(A), LC3(B), LC7(A), LC7(B), OC2, OC4, OC7, OC9 and GP18. The IDP policies reflect the spatial strategy, as set out in the SLUP and there are therefore different policies for proposals in the Main Centres, Local Centres and Outside of Centres, as well as a general policy which is not linked specifically to spatial designation.

There is general policy support for providing new, maintaining and enhancing existing services and facilities as well as making the best use of existing sites in and around the Main Centres for social, community, leisure and recreation uses. If an existing social community, leisure or recreation use wishes to change to an alternative use, the proposal would be supported providing that the existing facility can be adequately replaced on an appropriate site within or around the Main Centres concerned or that it is demonstrated that it is no

¹⁷ Definitions are provided at the end of this thematic report.

longer required and that there would be no significant detrimental impact on the vitality of the Main Centre or Main Centre Outer Area as a result of the change of use.

Development proposals for providing new, maintaining and enhancing existing services and facilities as well as making best use of existing sites in and around Local Centres for social, community, leisure and recreation uses will generally be supported providing that development is of an appropriate scale and would not undermine the vitality of the Main Centres. Change of use is also supported when it is demonstrated that the existing facility can be adequately replaced in the Local Centre concerned, or that it is no longer required and there is no unacceptable impact on the vitality of the Local Centre.

Applications for new social and community facilities Outside of the Centres will only be permitted in accordance with policy GP16(A) and GP16 (B), the conversion of a redundant building. Alterations and redevelopment of existing social and community facilities will be supported where proposals do not undermine the vitality of the Centres. Change of use away from social and community uses will be supported where it can be demonstrated that the facility is no longer required.

To support the spatial strategy approved through the SLUP, Outside of the Centres, development providing new formal leisure or indoor formal recreation will be supported only when it can be demonstrated that there is demand for the facility and there are specific operational or locational requirements that would prevent the use of a site within a Centre and the proposal would not negatively impact on the vitality of a Centre. Proposals to extend or redevelop existing formal leisure or indoor formal recreation will be supported depending on scale and impacts on the vitality of a Centre.

Development to provide new facilities or to extend, alter or redevelop existing facilities for outdoor formal recreation or informal leisure and recreation will be supported providing that proposals are proportionate, respect the character of the locality and the site could not positively contribute to agricultural use (in the Agriculture Priority Area). Change of use of existing leisure and recreation facilities to other uses will be supported where it is demonstrated that the existing facility can be adequately replaced on an appropriate site or that it is no longer required.

For redundant glasshouse sites outside of the centres, proposals for outdoor formal recreation or informal leisure and recreation will be supported in principle if proposals are in accordance with Policy OC9: Leisure and Recreation Outside of the Centres and meet the criteria in Policy OC7: Redundant Glasshouse Sites Outside of the Centres. Proposals must also accord with all relevant policies of the IDP.

In regards to Public Realm and Public Art, it is expected that applicants consider the relationship of a proposed development with the public realm and where appropriate, proposals will be encouraged to contribute to the enhancement of the public realm adjoining a development site. Developments within areas of the public realm will be expected to enhance the character and functionality of a locality for the public benefit. The inclusion of public art is encouraged under the policies of the IDP.

Planning Permissions

In 2017, there was a total of 39 planning decisions which related to social, community, leisure and recreational uses (although some of these were minor and did not require full assessment against social, community, leisure and recreational policies).

There were a total of 17 planning decisions which, for monitoring purposes, related to social and community uses. This includes 2 refusals. There were 3 decisions which resulted in the loss of social and community uses but which met the tests of the relevant IDP policies.

There were 22 planning decisions that related to leisure and recreation facilities in Guernsey, all of which were granted planning permission. These planning permissions provide for a wide variety of leisure and recreation developments, all of which were either increased existing leisure and recreation facilities or supported them: There were 2 temporary planning permissions granted relating to public art, which is encouraged through Policy GP18.

In 2017, permission was granted for various works, including a new two storey play barn, at Oatlands Village. In determining this application the impact on the vitality of the Main Centres was considered. By virtue of the nature of uses proposed, the proposal was considered to not impact adversely on the vitality of a Centre. However it was acknowledged that the scale of leisure related buildings at the site could potentially impact on the Centres should the balance of uses change and an appropriate planning condition was applied restricting the use of the playbarn to ensure that proposals continue to fall within what can be accepted under IDP policies.

There were no applications for leisure or recreation uses relating to policy OC7: Redundant Glasshouse Sites Outside of the Centres.

Temporary Planning Permissions

A number of temporary permissions were granted in 2017 for leisure and recreation uses, with no temporary permissions for social and community uses. Around half of the leisure and recreation permissions are annually recurring permissions. Whilst this is not a cause for concern, it is something to note regarding the type of applications that are being submitted.

There were applications for 3 recurring temporary permissions which included caravans for both the north and the west show as well as permission to erect a circus tent for a week.

Temporary permission was extended for pigeon lofts; this was considered an acceptable minor departure from policy as the application did not result in the loss of agricultural land and is small scale.

There were 3 applications relating to the operation of a Kayak business. These were all granted as temporary permission within the terms of the IDP policies highlighting the importance of the coast as an environmental and recreational resource whilst acknowledging the importance of the coast in providing leisure and recreation facilities, as identified in the SLUP. These were the only planning applications relating to leisure and recreation uses and were both granted, this is in line with the direction of the SLUP and

indicates that the IDP policies are effective in supporting leisure and recreation uses in coastal locations.

Temporary permission was granted for a public art proposal, more detail of which can be found in the section on Public Art.

Losses of Social, Community, Leisure and Recreation Facilities

The loss of a dental laboratory to a beauty salon relates to a permission granted in 2016 for the loss of a dental laboratory to residential use. The principal of the loss of social and community use was established in the previous permission which was not implemented. The dental laboratory continued to be marketed without success and permission was granted for the change of use to a beauty salon in August 2017.

An application to convert a social club into flats was refused in 2017. However this was not due to the loss of a community use. The loss was acceptable under policy MC9 (B) as the site had been vacant for a number of years and an application had previously been granted for its change of use to residential adequately demonstrating that the use was no longer required. Although the principal of the change of use was considered acceptable, the application was refused because of design issues.

Similarly an application for the loss of a leisure and recreation use in St Peter Port was considered acceptable in policy terms as it related to a gym which was closed and deemed as redundant and its loss did not negatively impact on the vitality of the Main Centres.

Although not directly as a result of a planning permission having been granted, it is noted that The Island Bowl ceased trading in 2017, resulting in a loss of a large floorplate leisure and recreation facility. The outcomes of planning applications submitted for this site will be monitored and reported in future AMRs.

The IDP policies for social, community, leisure and recreation uses appear to be performing as intended, allowing for new developments whilst supporting existing facilities; however, the number of planning applications received in relation to these uses is not significant enough to be able to fully determine the effectiveness of the IDP Policies. With further monitoring, trends can be identified and the effectiveness of policies can be assessed more comprehensively.

There is some variation in the extent and robustness of supporting information provided with planning applications for a change of use away from social, community, leisure and recreation uses. The IDP seeks to protect these facilities, and planning applications will only be supported where it can be demonstrated that a facility is no longer required and that there would be no unacceptable impacts on the vitality of the Main Centres. Paragraph 8.1.8 of the IDP states that further guidance on how to demonstrate the re-provision of a facility and how to demonstrate that a facility is no longer required will be provided by the Authority.

Action - guidance is published in order to provide further information on supporting evidence required.

Public Realm and Public Art

There were 2 planning permissions granted in 2017 for public art. This included a temporary art installation to Constitution Steps, St Peter Port, and an application to site a decorative boat outside the Prison.

The importance of Policy GP18: Public Realm and Public Art, has been highlighted in published Development Frameworks. In 2017 there was only 1 planning permission for a site with a Development Framework and there is not currently sufficient evidence to be available to assess the effectiveness of policy GP18. However, the levels of provision within future planning application submissions for sites with Development Frameworks will be assessed as part of ongoing monitoring and there is likely to be increased opportunity for public art and public realm improvements particularly through the local planning brief in relation to the development of the Harbour Action Areas and Development Frameworks for Regeneration Areas.

Health & Social Care

The Committee for Health & Social Care's (CfH&SC) feedback in response to consultation as part of the AMR process outlines a plan for a transformation programme for services in Guernsey. This will see an interconnected network of community hubs which will ensure a model of care with a greater emphasis on support and care within the community, with the focus being the user. A key focus of 2018 is to source a potential location for a principal hub to support other facilities.

The CfH&SC is also seeking engagement with the Guernsey Housing Association (GHA) in order to identify a model for the future in which the GHA develops suitable facilities and subsequently undertakes landlord functions with the CfH&SC providing appropriate levels of care and support. This supports the direction of the CfH&SC, highlighting the importance of providing modern enabling environments to improve outcomes for a range of health and care needs. Although the policies in the IDP have the flexibility to support such development in principle, it is essential that dialogue and joint working occurs between the CfH&SC and the Authority, to ensure that proposals are developed in line the policy direction in the IDP.

Future AMRs will monitor progress in delivering the community hubs as well any other matters relating to provision of facilities for health and social care.

Education

During 2017 there were calls for the secondary and post 16 education system to be restructured. In January 2018 the States agreed that the 'Alternative Model' would be the best approach. The outcome of the debate was that, from the earliest practicable date, secondary and post 16 education should be as follows:

- Two 11 to 18 colleges or campuses, operating as one organisation, each with a principal but led by an Executive Head Teacher and a single Board of Governors;
- The College of Further Education operating as one organisation providing vocational, professional and technical education for full-time and part-time students, including apprentices, with the objective of integrating with the Institute of Health and Social Care Studies and the GTA University Centre as soon as practicable;
- St. Anne's School in Alderney; and,

- Le Murier School and Les Voies School operating as Special Schools for students with special educational needs.

The restructuring of the secondary and post 16 education system could have wide implications for the Island including land use. The policies in the IDP allow for the principle of education related development either through the policies relating to social and community facilities or through policy S5: Development of Strategic Importance, nevertheless it is important to closely monitor the implementation of the new system and engage in early dialogue between the Development and Planning Authority and the Committee for Education, Sport & Culture (CfES&C) with regards to land use requirements and to monitor the effect that this could have in regards to the effectiveness of social and community policies in the IDP to deliver the directives of the States.

The CfES&C was contacted and asked to provide comments for the AMR 2017, but no response has been received.

Sports Strategy

There has been no update to the published Sports Strategy (2012). This document was reviewed in 2015 but no changes were recommended so the 2012 version remains the most up to date. The IDP policies generally support the delivery of the Sports Strategy.

Harbour Action Areas

There are Harbour Action Areas in both St Peter Port and St Sampson/Vale. The Harbour Action Area for St Peter Port is a key States of Guernsey priority. The principal aim of the Harbour Action Areas is to make the most of two of the Island's strongest natural assets, providing for the safe functioning of the commercial ports to modern standards whilst drawing in economic contributions which in turn will secure improved infrastructure, commercial, leisure and recreation opportunities, enhancing the environment and reducing the negative impacts of traffic. From a strategic perspective, the Harbour Action Areas are discussed in the Strategic Development and Infrastructure report.

Any developments within the Harbour Action Areas will be monitored and any changes to provision of leisure and recreation facilities will be assessed within future AMRs.

Coastal Areas

The SLUP notes that the coast provides livelihoods to many who operate coastal restaurants, outdoor recreation facilities and informal leisure. The SLUP requires the IDP to give particular regard to maintaining the coastline as an environmental, economic and recreational resource whilst responding to certain issues. The IDP supports the use of coastal areas in policies OC4 and OC9. Policy OC4 recognises that convenience retail can support the recreational enjoyment of a coastal location, whilst Policy OC9 recognises that the coast provides important leisure and recreational areas. In 2017, planning permission was granted for temporary leisure and recreation uses in coastal areas. Given the limited number of applications to date, further monitoring is required to assess the effectiveness of IDP policies to support the recreational use of coastal areas while ensuring the attractive character and important natural environment of the coastal areas is protected and, where appropriate, enhanced.

Summary

There is insufficient data at this stage to assess any trends in the level of provision for the range of uses considered in this report. More monitoring is needed over a longer period of time to be able to assess how the policies of the IDP are performing and to fully assess how effective they are at delivering the SLUP requirements.

The SLUP states that community, social and leisure facilities should be developed according to need and demand whilst maximising the use of existing sites. Whilst the planning applications submitted in 2017 relating to social, community, leisure and recreation facilities do not show a significant rise in demand and do not suggest that the IDP policies are not effective, there is limited evidence regarding the level of need and demand for these facilities and uses. Further research is required to establish a detailed baseline of the current provision of social, community, leisure and recreation facilities throughout Guernsey and further dialogue with the CfES&C and CfH&SC to establish levels of need and demand. This will allow assessment of the future requirement for these uses in terms of land use and provide evidence on the effectiveness of the IDP policies to deliver development to address identified needs and demands.

For future monitoring of the effectiveness of policies to provide social and community and leisure & recreation facilities in Guernsey it would be informative to talk to local communities in order to establish more qualitative data. This would provide greater insight into the performance of the policies whilst also giving us a greater understanding of the public's view point. Notwithstanding the above and the lack of data at this time the IDP policies generally appear to be effective in delivering the aims of the SLUP and research has not identified that IDP policies are hindering any development required to address the strategic priorities of the States.

Summary of action required

Guidance to be published in order to provide further information on supporting evidence required for an application to change use away from social, community, leisure or recreation uses.

¹⁷ Social & Community uses include: medical centres, hospital, surgeries, clinics, churches, community centres, clubs, public meeting rooms, premises relating to the provision of emergency services, schools, pre-schools.

Outdoor formal recreation uses include: sports pitches, outdoor activity centres, equestrian related activities, motor sports, La Vallette bathing pools, outdoor bowls, rifle ranges, play areas- including outdoor facilities provided at Beau Sejour and Delancey Park.

Informal leisure & recreation uses include: civic spaces, informal event spaces, nature walks, woodlands, cliff paths, parks and formal gardens, allotments and development ancillary to beaches and the coast.

Indoor formal recreation uses include: leisure centres, sports halls, swimming pools, indoor equestrian centres, gymnasiums and recreational facilities.

Formal leisure uses include: cinemas, museums, formal events/performance spaces, theatres, conference facilities and casinos.



Main Centres

Introduction

The spatial strategy of the Strategic Land Use Plan (SLUP) is to concentrate development within and around the edges of the urban centres of St Peter Port and St Sampson/Vale. As such, Town and the Bridge are to be maintained as the Island's main economic centres and as attractive places to live, work and spend leisure time (policies LP6: Main Centre Vitality and Viability – Business; LP7: Main Centre Vitality and Viability – Living; LP8: Main Centre Vitality and Viability – Leisure).

The main centre policies in the SLUP focus on enhancing vitality and viability of Town and the Bridge by encouraging a wide range of retail, commercial, leisure, business, culture and arts facilities, as well as residential uses. Emphasis is placed on respecting the historic character as well as on improving public space, balanced with making provision for appropriate development to ensure the main centres are able to accommodate the needs of modern commercial operations. Re-use of vacant buildings and improving pedestrian and cycle access are also policy objectives (LP9: Main Centre Vitality and Viability – Delivery).

The majority of new housing development is to be within and around the main centres of St Peter Port and St Sampson/Vale and there is a requirement for provision to be made for new large floorplate comparison retail development within Town and the Bridge (Policies SLP15: Building sustainable communities (location of development); SLP5: Retail Development). Policies also encourage the refurbishment and reuse of office stock in the main centres (SLP2: Office Development) with new office development also supported at Admiral Park (SLP1: Office Development).

These themes are reflected in the Island Development Plan (IDP) where policies seek to concentrate the majority of new development in the Main Centres and Main Centre Outer Areas, placing an emphasis on maintaining and enhancing the vitality and viability of these two Main Centres. Generally development which supports these Centres as vibrant mixed-use areas is supported whilst there is a presumption against development which would negatively affect their vitality and viability.

The main spatial emphasis of the IDP is to focus development within the Main Centres, although development will generally be supported in the Main Centre Outer Areas where it would not detract from the objective of ensuring the Main Centres remain the core focus for economic and social growth. Policies promote a diverse mix of uses, retention of social and community facilities, and the most effective and efficient use of land to accord with Plan Objectives 1, 2, 3, 4, 5 and 6. In accordance with the SLUP, the two Main Centres are St Peter Port and St Sampson/Vale (Town and the Bridge).

Returning to the theme of vitality and viability, the IDP states that the concept of vitality and viability is central to maintaining and enhancing town centres. It will depend on many factors, including the range and quality of activities in a centre, its mix of uses, its accessibility to people living and working in the area and its general amenity, appearance and safety. Generally speaking, vitality is considered to be a measure of how busy a centre

is, whereas viability is a measure of its capacity to attract ongoing investment, its importance, and the ability to adapt to changing needs.

Both vitality and viability will depend on factors such as:

- The diversity of uses and purposes within the centre;
- The level of footfall and the accessibility of the centre;
- The level of occupied versus vacant space;
- The quality of buildings and space; and,
- The popularity of the centre with those who live, work or visit there.

Monitoring of vitality and viability should ideally therefore encompass both quantitative and qualitative data.

A survey is undertaken annually to record information within the Main Centres and Main Centre Outer Areas, and the 2017 survey data has informed this report along with information on planning approvals and other relevant data. This survey will be published in full in Q3 2018. The survey includes gathering information on different uses, building conditions and opening hours and is used to record change in the Main Centres and Main Centre Outer Areas year to year. Because of the qualitative aspect of vitality and viability, we have also begun to devise methods of recording the quality of public spaces in the Core Retail Areas and Regeneration Areas, based on techniques used worldwide to record experiences of observing and using public spaces.

Of the 23 Policy & Resource Priorities for the States of Guernsey, several relate to the Main Centres, for example any spatial requirements related to supporting the finance and tourism sectors and diversification of the economy; the expansion of sea links; the Harbour Area Enhancement (now Seafront Enhancement Area); Health and Wellbeing (particularly as it relates to Active Travel, leisure, recreation, social and community provision); Long Term Infrastructure Investment plans; Disability & Inclusion Strategy; and Affordable Housing.

The Committee *for* Health & Social Care, in its feedback on the IDP, set out that a key priority for 2018 is the identification of a site for a Principal Hub for the delivery of community services, which would form part of proposals for an interconnected network of community hubs. These proposals are potentially well aligned to the spatial strategy as set out in the SLUP and reflected in the IDP, where the Main Centres, with their greater accessibility and focus for development, might provide a suitable location for a Principal Hub, whilst the Local Centres, where limited development, to support them as healthy and sustainable communities, is acceptable and could potentially provide suitable locations for the community hubs.

Within the Main Centres there are several further policy designations which guide development, and as such this report focuses on evidence on the Core Retail Areas, Regeneration Areas, Main Centre Inner Areas and Main Centre Outer Areas, with a brief summary of the Harbour Action Area (HAA) designation (the HAAs are described in full in the Strategic Development and Infrastructure report).

To provide some additional context, relevant findings of the most recent Retail Survey, published in November 2017¹⁸, which was carried out by Island Global Research on behalf of the States of Guernsey in October 2017, are reported. This used an online survey which ran for two weeks and which was completed by 934 residents. In relation to the Main Centres, the survey found that 73% of respondents regularly shopped in St Peter Port, and 32% of respondents regularly shopped at the Bridge. Additionally, 54% regularly shop at Admiral Park and the surrounding area, and 53% regularly shop at out-of-town destination stores. 96% of people had shopped online.

This illustrates that St Peter Port continues to attract the most shoppers which is consistent with the SLUP direction that St Peter Port shall remain the primary retail centre on the Island, whilst the Bridge is very much a secondary centre for shopping. Admiral Park, in the St Peter Port Main Centre Outer Area, also attracted a large number of respondents. These findings are discussed more in the relevant sections below. Feedback from the Committee for Economic Development (CfED) referring to this survey also stated that, broadly speaking, the current land use policies in respect of retail appropriately reflect consumer needs and that the findings support the spatial policy.

Town and the Bridge each have their own unique character which reflects both their more recent but also their historic roles on the Island. Particularly in St Peter Port, the character is underpinned by the attractive historic environment, which is in itself a major attraction of the Island. The IDP aims to balance the conservation of the historic environment with promoting economic investment and careful consideration will be given to the economic and social value of proposed development and its contribution to enhancing the vitality of the Main Centres. These two factors are not mutually exclusive, however, and particularly in the Regeneration Areas, a co-ordinated, focused and positive approach to development aims to attract inward investment in the Main Centres to provide economic, social and environmental improvements, informed by understanding the character and quality of the built heritage.

Core Retail Areas

A Core Retail Area has been identified within each of the Main Centres, which are areas within which planning policy favours the retention of retail uses and the addition of new shops over other town centre uses. As such, within the Core Retail Area, change of use away from retail at ground floor level will only be acceptable where the proposed new use will maintain and enhance the vitality and viability of the Core Retail Area. On upper floors, change of use away from retail is generally supported where the proposed new use would contribute to the vitality and viability of the Core Retail Area (Policy MC6: Retail in Main Centres).

The 2017 survey recorded the following distribution of uses at ground floor level of the Core Retail Areas of Town and the Bridge, including vacancies. For clarity, the breakdown of uses does not necessarily indicate the legal use class assigned to a unit, but follows a general categorisation which reflects the Use Classes Ordinance 2017. This is because the use of each unit is ascertained during the site survey, and not through assessment of historic

¹⁸<https://www.gov.gg/retailsurvey2017>

planning application data, and is based on the perceived primary use on site. It is also based on the number of units in each use, not the number of occupiers (so for example some occupiers may take up more than one unit, such as Beghins shoe shop in Town).

This found the following balance of uses by percentage in each centre, as shown in [Figures 1 and 2](#) below.

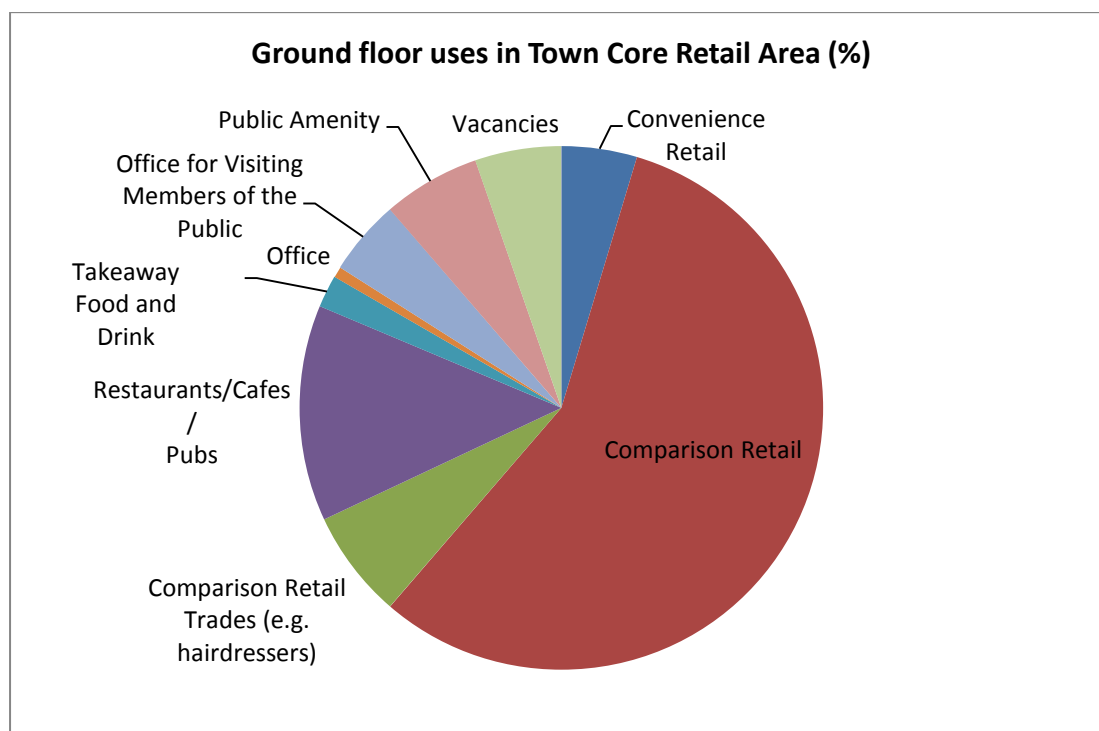


Figure 1: Percentage of ground floor units in each use within the Town Core Retail Area

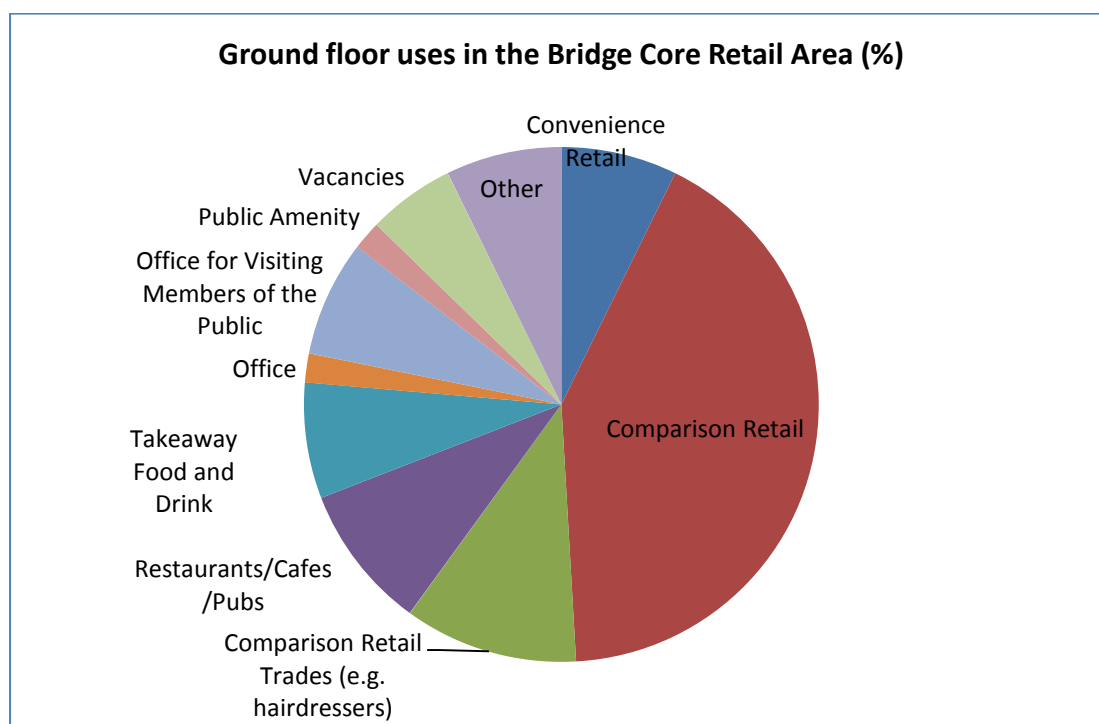


Figure 2: Percentage of ground floor units in each use within the Bridge Core Retail Area

As shown, the ground floor units in the Core Retail Areas (CRA) are predominantly comparison retail, with a smaller element of comparison retail trades and convenience retail¹⁹. With convenience and comparison together (including trades), the ground floor uses of the Town CRA are made up of 68% retail, whilst the Bridge CRA has a combined total of 60%. The Bridge CRA has a higher percentage of convenience retail than Town CRA, as well as more comparison retail trades (such as hairdressers, beauty salons and travel agencies). As a guide, the UK average for a Town Centre is approximately 44% retail uses, though this excludes comparison trades as these are categorised differently in the UK.

Town CRA has a higher proportion of restaurants cafes and pubs (13%) compared to 9% at the Bridge CRA. There are more takeaways in the Bridge CRA (7%) compared to Town CRA (2%), and vacancy levels are similar (5% in Town, 5.5% at the Bridge). The UK average for vacancies is 11.8%, for information. Vacancies will continue to be noted annually in the survey, however as this is a snapshot in time, it does not capture all information on vacancies throughout each year. There is the potential for future Annual Monitoring Reports (AMRs) to include detailed analysis of vacant retail premises, equivalent to the monitoring work undertaken for office, industry and storage uses, if other Committees would find this data useful.

The 'Other' uses in the Bridge Core Retail Area are predominantly storage and industrial uses, located on Commercial Road and Bridge Avenue.

The 2017 Retail Survey included comments from respondents on improvements they would like to see in the Main Centres. In reference to the Bridge, it was commented that there was limited choice and poor quality of shops, as well as lack of appealing places to eat. This adds a qualitative dimension to the findings, as whilst the Bridge appears to have a reasonable proportion of places to eat within the Core Retail Area, they may vary in quality or variety to those offered in Town. In terms of choice and quality of shops, there is a smaller percentage of comparison retail shops in the Bridge, and some 18.5% of comparison units are occupied by charity shops (which equates to 3 charity shops using 5 units in total). In Town, people also wished for a greater variety of shops – more brands as well as more local/independent shops, as well as more cafes and takeaways. It is difficult to summarise variety, however we have begun to collate information on units based on the GOAD classification system, which is a recognised method of categorising different comparison retail uses and was used by Roger Tym & Partners in the 2010 Retail Study. The intention is to report on this in future AMRs once the raw data has been analysed. Additionally, survey information on whether the unit is a chain store, independent or charity shop will be presented.

In terms of planning applications within the Core Retail Areas, in 2017 there were two applications for minor works within the Bridge Core Retail Area (replacement windows and replacement signage) which were both approved, and two approvals for change of use, as follows:

¹⁹ 'Comparison' retail is the selling of goods including clothing and footwear, furniture, furnishings and household equipment which generally involves comparing similar goods before buying. 'Convenience' retail is the selling of, often essential, daily items such as fresh produce and food and drink. Comparison retail trades include hairdressers, travel agencies, beauty salons, for example.

- Change of use of upper floors of a retail unit to residential flat and installation of a replacement shop front (Former Guernsey Press/Island Shopper premises, 17 The Bridge). At the time of survey, this property was under renovation; and,
- Change of use from shop to café (16 The Bridge), with first floor used as storage. At the time of survey, the works were underway and the unit empty, though posters in the windows advertised that Costa Coffee shop was soon to be opening.

The change in use of ground floor floorspace was 136m² from retail to café which was found to be acceptable as the proposed café would contribute to the vitality and viability of the Core Retail Area.

These sites are also located within a Regeneration Area and HAA, where, in the absence of a Local Planning Brief or Development Framework, minor or inconsequential development proposals will be supported provided that they do not prejudice the outcomes of the Brief/Framework process or would not inhibit the implementation of an approved Brief/Framework. None of the proposed works would conflict with the aims and objectives of Policy MC10 with regards to the HAA or MC11 regarding Regeneration Areas.

Within Town, 20 applications were received within the Core Retail Area for minor improvements, 18 of which were approved. Many of these related to protected buildings and frequently involved signage, internal alterations or replacement windows. In addition to these 20 minor applications, 8 more significant planning approvals were granted. The approvals included the following:

- Change of use to create a new retail unit at ground floor level on the High Street;
- Extension of a restaurant unit at ground floor level on The Quay to enlarge existing;
- Change of use of first floor Professional or Financial Services to Administrative Office;
- Change of Use from generic retail to use as a bakery, producing food for consumption on the premises;
- Change of use from Estate Agents to Jewellers;
- Change of use at 1st floor from vacant retail unit to tattoo studio;
- New layout and café at ground floor level of The Quay; and,
- Temporary art installation on Constitution Steps.

The applications all involved relatively small areas of floorspace (reflective of the nature of the historic units) and there do not appear as yet to be any particular themes or implications for the Core Retail Areas. From the change of use applications, there was an overall increase in retail floorspace at ground level of 284m² in Town.

There was 1 refusal which was for 4 retractable awnings at Guernsey Market. This was refused due to conflict with policies GP4 and GP5 which relate to Conservation Areas and Protected Buildings.

None of the proposed works would conflict with the aims and objectives of Policy MC10 with regards to the HAA and there is no overlap with the Regeneration Areas.

In view of the above approvals, it appears that the Retail in Main Centres policy (Policy MC6) as it relates to the Core Retail Areas is functioning as intended, with flexibility for

changing use at upper floors which has seen vacant 1st floor space coming back into use, an increase in ground floor retail use in Town and additional café and restaurant floorspace approved. These are all proposals likely to increase vitality and viability of the Main Centres and the Core Retail Areas.

At the moment however there is no up to date Retail Study (the last having been undertaken in 2010) and this would help to inform future requirements so that the spatial strategy can keep pace with the industry and consumer retail needs.

The IDP supports extended opening hours in the Main Centres by encouraging a wide range of retail and other commercial and leisure activity which could successfully take place after 5pm and into the evening. As such, data on opening hours is collected as part of the Main Centres Survey and any emerging trends or significant findings will be reported in future AMRs as appropriate, and published in full in a separate annual Main Centres report.

General comments on improvements to the shopping experience in Town and the Bridge reported in the November 2017 Retail Survey included reference to opening hours with people suggesting that it is made easier to shop outside core working hours (i.e. outside of 9am to 5pm) with longer opening hours.

Information on building condition is also gathered during the Main Centres Survey, and we have begun to use this assessment and various other tools to explore the quality of the public realm. Footfall will be gathered annually as an additional measure of vitality of the Main Centres. As with opening hours, trends and any significant findings resulting from these surveys will be reported in future AMRs where appropriate, and published in full in a separate Main Centres Report.

Conclusions: Within the Core Retail Areas there are low vacancy levels at ground floor level, and IDP policies allow for flexibility on upper floors. During 2017, planning approvals resulted in an increase in retail floor space at ground floor level in Town. Monitoring of footfall, opening hours and building condition will be additional indicators of vitality of the Core Retail Areas, and any trends and significant findings will be noted in future AMRs. An up-to-date Retail Study could inform future needs of the retail sector. Overall the Core Retail Areas appear to be functioning at the correct levels at present and there is no evidence forthcoming to indicate their extent needs to be amended.

Action: Monitor footfall, building condition and opening hours as measures of vitality. If there is interest from other Committees, then there is potential to include more detailed analysis of retail vacancies in future AMRs. No changes to policy, but a revised Retail Study could ensure that the future needs of retailers are taken into account. A target of 60% retail uses in the Core Retail Areas is suggested as a guide, though an updated Retail Study could influence this, as this relates to the UK average of 44% retail uses, excluding comparison retail trades.

INDICATOR – Diversity of uses in the Core Retail Area	
Plan Objective	Plan Objective 3: Support a thriving economy. Plan Objective 4: Support a healthy & inclusive society.
Target	>60% ground floor retail use.
Outcome	Town Core Retail Area has a total of approximately 68% ground floor retail use, whilst the Bridge has approximately 60%.
Target met?	The target has been met, though the number of retail units in the Bridge is only just above the target.
Comments (including any risks to delivery)	Policy appears to be functioning as intended, with an increase in ground floor retail space in the Town CRA and new restaurant/café space in Town CRA and the Bridge CRA.
Action	The Development & Planning Authority to continue to liaise with the Committee <i>for</i> Economic Development at officer level in connection with updating the Retail Study. Monitoring and reporting of other factors relating to vitality and viability such as footfall, opening hours and building condition. Consideration of including detailed analysis of retail vacancies in future AMRs, if there is interest from other Committees.

INDICATOR – Vacancies in the Core Retail Area	
Plan Objective	Plan Objective 3: Support a thriving economy. Plan Objective 4: Support a healthy & inclusive society.
Target	<10% vacancies.
Outcome	5% in Town Core Retail Area, 6% in the Bridge Core Retail Area.
Target met?	Yes.
Comments (including any risks to delivery)	The vacancy levels in the CRAs are very low which is very positive. However this will continue to be monitored for change.
Action	None.

Regeneration Areas

The Regeneration Areas present opportunities for significant new sustainable place making, attracting inward investment and making improvements to, and enhancement of, the public realm and historic environment, all of which will sustain the vitality of the Main Centres and ensure that they remain attractive places in which to live, shop, work and spend leisure time (Policy MC11: Regeneration Areas). In response to consultation for the AMR process the CfED letter recognised the opportunity for Regeneration Areas to add to the consumer experience in Town.

The Regeneration Areas are located at South Esplanade and Mignot Plateau, Lower Pollet and Le Bordage/Mansell Street in St Peter Port and Leale's Yard at the Bridge in St Sampsons / Vale.

A critical factor in the Regeneration Areas from the perception of shoppers appears to be the vacancy levels. As such, the number of vacant units in each of the regeneration areas has been recorded during survey and is presented below in Figure 3.

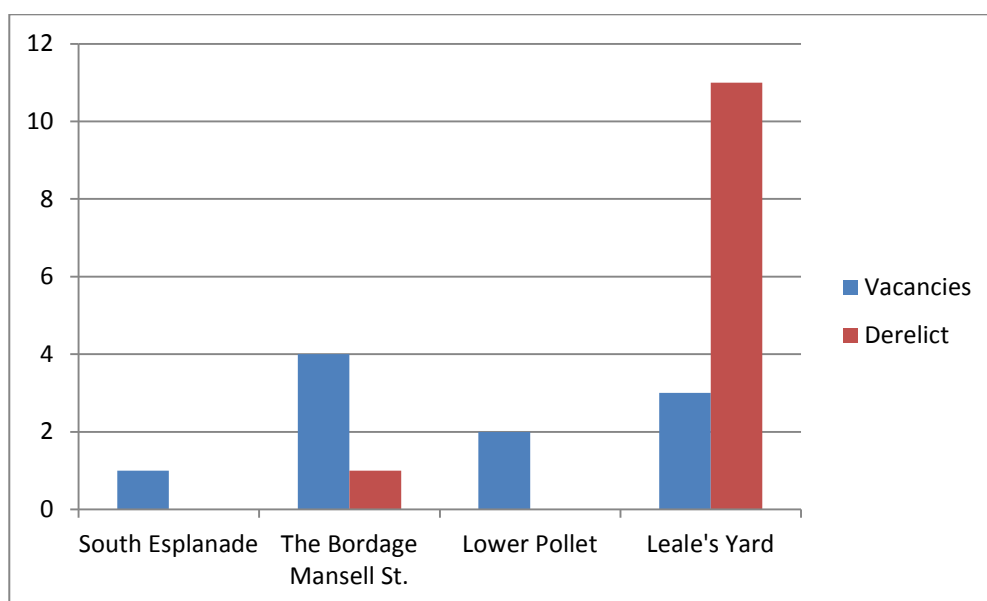


Figure 3: Number of vacant and derelict units in the Regeneration Areas

As with the other policy designations, these areas were defined through the IDP process so there is no directly comparable historic data. However future AMRs will seek to identify any trends. It is also important to note that The Bordage/Mansell Street Regeneration Area designation extends to incorporate only the eastern side of Mill Street/southern side of Mansell Street. This is noted as there were several vacant units on the north side of Mansell street at the time of survey but which are not included here as they fall outside of the Regeneration Area. The derelict unit was part of Ideal Furnishings, the demolition of which has been completed since the survey.

There are a large number of derelict properties in Leale's Yard Regeneration Area that lie behind the main frontage of the Bridge, and constitute various former warehouses and other structures. The vacancies noted in this area are already considered within the Core Retail Area section, and at the time of survey one was soon to become Costa coffee, another was under renovation and the third was the former Health Information Shop, which was in the process of moving premises. The Bordage/Mansell Street Regeneration Area had 4 vacancies, which were all on Mansell Street; there were two vacancies on the Lower Pollet in the Lower Pollet Regeneration Area and one in the South Esplanade/Mignot Plateau Regeneration Area. Of the 4 vacancies on Mansell Street, 2 units have been fully refurbished. As described before, it may be possible to include more detailed analysis of vacancies in future AMR if there is interest from other Committees.

In the 2017 Retail Survey, respondents identified various improvements that they would like to see to the Main Centres. These are relevant to the Regeneration Areas and include, at the Bridge:

1. The area feels run-down and needs investment; and,
2. Difficulties parking, though can be better than in Town. Improvements needed to road layout as traffic spoils the atmosphere of the Bridge.

The Leale's Yard Regeneration Area provides the potential for investment opportunities and improvements to road layout to improve the pedestrian environment and provide a more leisurely shopping experience, as noted in the Core Retail Area commentary above. At present, there are no further updates on the Leale's Yard Regeneration Area. However, should the existing planning permission lapse, a proactive approach will be taken by the Authority to prepare a Development Framework, potentially for a range of uses including mixed use, for the Regeneration Area (see also the Strategic Development and Infrastructure report).

In relation to improvements to Town, the following themes were identified by respondents:

1. Lack of parking, or lack of parking for more than 2 hours; and,
2. Too many empty shops, e.g. Mill Street and the Market Building. More markets, pedestrianised areas, events and entertainment were suggested to improve the atmosphere and appeal.

Parking is discussed in the Public and Private Parking report, but is relevant to the Regeneration Areas when looking at a co-ordinated approach to development. Additionally, the second point raised above refers directly to one of the Regeneration Areas in Town (Le Bordage/Mansell Street). As shown in [Figure 3](#) above, this area does have the highest percentage of vacant units of all the Regeneration Areas.

In terms of the South Esplanade Regeneration Area, the property rationalisation project of the States of Guernsey, whereby Income Tax have moved out of the 2 Cornet Street/South Esplanade building, also provides a significant opportunity, and the redevelopment of the Slaughterhouse and other cafes at the southern end of South Esplanade may be encouraging higher levels of footfall through the Regeneration Area.

Island Development Plan Policy MC11: Regeneration Areas requires a Development Framework for each Regeneration Area prior to their redevelopment. In the meantime the policy supports proposals where they are of a minor or inconsequential nature.

In 2017 there were 14 planning permissions in the 4 Regeneration Areas. None in South Esplanade and Mignot Plateau, 7 in Lower Pollet, 3 in Le Bordage/Mansell Street and 4 in Leale's Yard. Given the policy context of the IDP, none of these permissions were for development of any significant scale.

In early 2017, the CfED hosted a number of workshops with retailers, which identified what businesses perceived to be the main strengths, weaknesses, opportunities and threats facing Guernsey's retail sector. Among other things, these workshops highlighted a perceived decline in footfall as a concern. Retailers felt that footfall in areas such as Mill

Street could be increased by the addition of signage which encouraged people to explore up the hill. The potential to make more of the Old Quarter has been a recurring theme in engagements with retailers and consumers, and the CfED is keen to ensure that the potential of the Regeneration Areas can be unlocked. The workshop attendees also considered access to Town, including the appropriate provision of parking, to be a weakness; but the overall attractiveness of the St Peter Port environment was recognised as a strength.

As with Core Retail Areas, footfall data, opening hours information and building condition have begun to be recorded as part of the Main Centres survey and any trends or significant findings will be reported in future AMRs and published in full in a separate Main Centres report.

Conclusions: There are few vacancies in the Regeneration Areas, and several of those are in the process of being refurbished or prepared for new occupiers. There is still much potential within the Regeneration Areas and no applications in 2017 have undermined the Development Framework process. Progress on Leale's Yard however is uncertain. Other factors relating to vitality and viability such as footfall, building condition and public realm and opening hours would inform a more comprehensive view of the Regeneration Areas.

Action: Monitoring and reporting on additional factors relating to vitality and viability in the Regeneration Areas.

INDICATOR – Vacancies in the Regeneration Area	
Plan Objective	Support a thriving economy.
Target	Reduction in vacancies.
Outcome	There were vacancies in each of the Regeneration Areas at the time of survey.
Target met?	n/a
Comments (including any risks to delivery)	The annual survey work will continue to record vacancy levels in the Regeneration Areas.
Action	Monitoring of additional factors relating to vitality and viability.

Main Centre (Inner Areas)

The remainder of the Main Centre Inner Areas are again mixed use areas but they do not have the retail focus of the Core Retail Areas, or need a comprehensive approach to development as in the Regeneration Areas. Beyond the Core Retail Areas the IDP policies provide flexibility to change away from retail use where it supports the objective of ensuring the Main Centres remain attractive focal points for economic and social activity including uses such as residential and office. Policies relating to the Main Centre Inner Areas include those relating to Housing, Visitor Accommodation, Offices, Industry and Storage and Distribution, among other topics. These are explored at length in the relevant topic reports.

The Main Centre Inner Areas were surveyed for their diversity of uses, though additional information on building condition and opening hours was not collected. Beyond the Core Retail and Regeneration Areas the Main Centre Inner Areas are predominantly residential,

however there are other important uses which support sustainable communities, such as schools, places of worship, convenience shopping and some industrial, storage and office uses. Policies allow for retail and other uses, supporting the objective of ensuring that the Main Centres remain attractive focal points for economic and social activities.

Survey data was gathered in order to identify different uses within the Main Centre Inner Areas and provide an indication of the balance of uses. The raw data has been collected for the Main Centre Inner Areas and a baseline is being established so that future trends can be identified. This will be included in future AMRs.

Within the Main Centre Inner Areas of Town and the Bridge, planning applications have been assessed where they do not relate to residential use or where they are not for minor alterations (such as signage). From this, there were 3 relevant approvals in the Bridge Main Centre Inner Area (excluding the Core Retail and Regeneration Areas), and also worthy of note due to the site's prominent location was the approval to demolish Vale Cottages and associated outbuildings on Vale Avenue.

The other 3 approvals were for the change of use from storage and distribution to a car dealership at the Vale Garage Complex (a change in floorspace of 299m²), the change of use from a florist to a sports therapy clinic on Southside (108m² floorspace) and a new workshop associated with an existing car repair business (approximately 130m²).

In the St Peter Port Inner Area, the 32 applications included 5 refusals and 27 approvals. The approvals included the following:

- 3 takeaways;
- 1 tattoo parlour;
- 1 beauty salon;
- 1 hairdresser;
- 1 training facility;
- 3 offices Storage;
- 15 new rooms and extended café/terrace at Duke of Normandie Hotel (83m² additional café);
- Various residential permissions on upper floors of buildings; and,
- Temporary bar at the OGH, temporary marquee at Ziggurat Hotel for workshops etc, Petit Train ticket office, Guille Allez library renovations and 2 electric vehicle charging points at North Beach car park.

The approvals related primarily to change of use applications and overall, the amount of units in each use has remained broadly similar. The following units were changed to other uses:

- 1 café and 1 restaurant;
- 1 tattoo studio;
- 1 vacant dental surgery;
- 1st floor gym;
- 3 offices; and,
- 4 retail units

These are all relatively small changes in terms of floorspace and there are no significant trends or implications for vitality and viability of the Main Centre Inner Areas.

The refusals in St Peter Port included the change of use from office to use by the Medical Specialist Group.

As shown, there were a variety of approvals for different types of development which reflects the intention of the policies in the IDP to support the Main Centre Inner Areas as mixed use locations where development is focused. Figures 4 and 5 at the back of this report show the location of the approvals in St Sampson/Vale and St Peter Port, and within the Inner Areas, particularly that of St Peter Port, the approvals are focused on the inner part of that area, around the Core Retail Area.

According to the 2017 Retail Survey, 30% of respondents frequently combine shopping with errands, a visit to a café or restaurant, 15% often combine shopping with a visit to a café or restaurant, and 7% often combine shopping with a leisure or lifestyle activity. Combining shopping with another activity was most likely in St Peter Port (70%) or the Bridge (60%) compared with the Local Centres (54%) or Admiral Park (48%). The function of the Core Retail Area is to ensure that shopping is focused in one particular area, supported by other complementary uses and likewise the Main Centre Inner Areas and Regeneration Areas can provide these complementary uses.

Consumers would like to see improvements in St Peter Port and at the Bridge which enhances the leisurely shopping experience, which may also make combining shopping with another activity more likely.

Feedback from the CfED expressed continued support for Policy MC4(A) where it enables the redevelopment of smaller office space and/or offices that cannot easily be refurbished to meet modern needs. However they also noted that any clearance of lower grade office accommodation from the market must be adequately compensated by the development of new office premises and does not result in a shortfall in required stock. Liaison with the CfED, stakeholders and other evidence will enable the identification of 'required stock' in terms of the level of provision that is needed. Policy MC4(A) allows flexibility for smaller office units (under 250m²) to change in and out of office use, allowing for a more rapid and positive response to changes in the market without having a major impact on the office portfolio. This can create office space, as well as changing away from it. The Office report contains full information, but in summary, it was found that during 2017 there was an overall gain of 286m² of office accommodation through small scale changes of use, though within the Main Centres there was an overall loss of 176m².

Conclusions: The policies appear to be working as intended, supporting a variety of uses in the Main Centre Inner Areas and providing the flexibility to change between uses in appropriate circumstances, where this supports the vitality and viability of the Main Centres.

Action: Continued monitoring to ensure the Main Centre Inner Areas retain an appropriate mix of uses. Continue to liaise at officer level with the Committee *for* Economic Development and stakeholders, as well as reviewing other evidence, to identify required stock of smaller office units.

INDICATOR – Diversity of uses in the Main Centre Inner Area	
Plan Objective	Plan Objective 3: Support a thriving economy.
Target	None.
Outcome	Raw data collected and baseline being established. Policies appear to be enabling appropriate mix and range of uses of an appropriate scale. The change of use of small premises (under 250m ²) in and out of office use will be included in the monitoring. During 2017, there was an overall gain of 286m ² office floorspace through such applications, though within the Main Centres there was a loss of 176m ² .
Target met?	n/a
Comments (including any risks to delivery)	No current trends identified. A variety of new uses have been approved in the Main Centre Inner Areas, reflective of the intention of the policies to create vibrant, mixed-use Centres. Policies allow change of use outside the Core Retail Areas, including allowing small scale offices (under 250m ²) to change in and out of office use.
Action	Continued monitoring to ensure the Main Centre Inner Areas retain an appropriate mix of uses. Continue to liaise at officer level with the Committee <i>for</i> Economic Development and stakeholders, as well as reviewing other evidence, to identify required stock of smaller office units.

Main Centre Outer Areas

In the Main Centre Outer Area policies allow for new convenience retail (and limited works to existing comparison retail outlets) to ensure that the Main Centre Inner Areas remain the core focus for economic and social growth as directed by the SLUP. As such the Main Centre Outer Areas are again predominantly residential, with some social and community facilities and convenience retail, amongst other uses, although the Main Centre Outer Area of St Peter Port also incorporates Admiral Park, where, according to the 2017 Retail Survey, 54% of shoppers visit regularly.

As with the Main Centre Inner Areas, survey data was gathered in order to identify different uses within the Main Centre Outer Areas and provide an indication of the balance of uses. The raw data has been collected for the Main Centre Outer Areas and a baseline is being established so that future trends can be identified. This will be included in future AMRs.

Whilst the Key Industrial Areas do lie within the Main Centre Outer Areas, these are not included in this section as they are covered by other policy designations and their purpose is

to allow for the consolidation of industry and storage and distribution uses in designated areas.

In terms of planning application data in the Main Centre Outer Areas, there were six relevant approvals (and no relevant refusals) in the St Sampson/Vale Outer Area. These were for the following:

- Change of use of the former St Sampson infants school to nursery/pre-school/childrens' centre and community cafe;
- Change of use of a ground floor retail unit on Vale Road to residential use (change of 55.9m² retail floorspace to residential);
- Install 2 additional petrol dispensers at St Sampsons En Route;
- 2 approvals related to the extension of temporary use for storage and distribution at Fontaine Vinery; and,
- Cycle shelter at St Mary & St Michael's school.

In the St Peter Port Main Centre Outer Area, there were seven approvals (and no relevant refusals) which related to the following:

- Extension of Candy Cache Stores and the residential flat above;
- Change of use from industrial unit to music school;
- Change of use of warehouse unit from storage to gymnasium;
- Use of dwelling for church activities;
- Two approvals were for historical interpretation boards; and,
- Extension of Ian Brown's cycle shop.

These approvals show a variety of uses of a scale that is acceptable to the Main Centre Outer Areas and when compared to the Main Centre Inner Areas and Core Retail Areas the applications are quite distinct. This indicates that the main economic and social focus remains in the Main Centre Inner Areas and that the Main Centre Outer Areas are accommodating only that development that would not detract from this spatial objective.

Figures 4 and 5 at the end of this report show the location of all the relevant planning approvals in the Main Centres during 2017. Again these images reflect the focus of approvals towards the Inner Areas, and in particular in the case of St Peter Port, around the 'inner' part of the Core Retail Area, with fewer approvals with a scattered distribution in the Main Centre Outer Areas.

Conclusions: The Main Centre policies appear to be delivering the spatial objective of ensuring that development is focused in the Main Centre Inner Areas, with the planning approvals for the Main Centre Outer Areas quite distinct and reflective of the role of that policy designation.

Action: No changes proposed at present. Continued monitoring to ensure the Main Centre Outer Areas retain an appropriate mix of uses with trends and findings reported in future AMRs.

INDICATOR – Diversity of uses in the Main Centre Outer Area	
Plan Objective	Support a thriving economy.
Target	None.
Outcome	Raw data gathered. Planning approvals indicate development of a type and scale appropriate to the Main Centre Outer Areas as intended by policies.
Target met?	n/a
Comments (including any risks to delivery)	No particular trends noted. Policies appear to be delivering the spatial objectives.
Action	None.

Harbour Action Areas

There are HAAs in both St Peter Port and St Sampson/Vale. The development of the HAA for St Peter Port is a key States of Guernsey priority as identified in the Policy & Resource Plan. The principal aim of the HAAs is to make the most of two of the Island's strongest natural assets, providing for the safe functioning of the commercial ports to modern standards whilst drawing in economic contributions which in turn will secure improved infrastructure, commercial, leisure and recreation opportunities, enhancing the environment and reducing the negative impacts of traffic. From a strategic perspective, the HAAs are discussed in the Strategic Development and Infrastructure report.

Feedback from the CfED specifically on the St Peter Port HAA recognised the value of St Peter Port as the centre of Island commerce across a number of sectors, and is therefore keen that the St Peter Port HAA is able to deliver the potential for a cluster of office and complementary accommodation in a central Town location. The letter also noted car parking as a factor in the attractiveness of office accommodation and that the St Peter Port HAA offers the opportunity to consider the appropriate provision of parking and alternative ways to access Town.

In terms of parking, the feedback letter from the Committee *for the* Environment and Infrastructure (CfE&I) reflected on the balance between the provision of too much car parking, whereby it can encourage multiple car ownership and increased numbers of journeys by car, and insufficient car parking, in that it can lead to dangerous parking and give rise to road safety concerns. This is discussed further in the Public and Private Parking report, but the balance between economic, environmental, active travel and public realm issues will be a balance for the HAAs to address.

The CfED also recognised the potential for significant retail development to be brought forward as part of the St Peter Port HAA. Again there will be a balance here between the provision of large floorplate stores which could attract well-known brands and smaller scale retail provision which usually accommodates local independent retailers, both of which are valued by respondents to the 2017 retail survey. Again, a revised Retail Study would inform the most appropriate type and balance of provision.

One final issue in connection with the HAAs is their relationship with the Core Retail and Regeneration Areas. The IDP states that the harbour areas must not be considered in

isolation and that the importance of the interaction and interplay of the harbours with the Regeneration Areas and the wider Main Centres of Town and the Bridge is recognised in proposals for the HAAs.

Conclusions: Current IDP policies to allow development that will not prejudice the HAAs appear to be providing the correct balance, allowing appropriate development to take place. The HAAs are of high importance and have Island-wide implications. A sound evidence base will be critical in informing decisions within the HAAs to ensure that the interaction and interplay of the harbours and Regeneration Areas and wider Main Centres are adequately considered.

Action:

- Continued monitoring of approvals within the Harbour Action Areas and collation of relevant evidence as appropriate to inform decision making; and,
- Continued close involvement with the development of proposals for the St Peter Port Harbour Action Area through representation on the Seafront Enhancement Area Steering Group and officer level working group.

Accessibility

Accessibility of the Main Centres is an important issue and likely to be a key theme for the HAA, with a particular focus on the links between the two Main Centres. It is also important that transport links don't only begin and end at the Main Centres, but provide linkages into the wider Island to ensure accessibility to the remote parts of the Island, providing transport choices wherever possible and practical. Accessibility is, of course, essential to vitality and therefore viability of the Main Centres.

Baseline data is being collected to consider accessibility within the Main Centres, and also to other parts of the Island, and in the 2018 AMR trends will begin to be reported. Data to be considered includes the frequency of bus services and the number of destinations linked to the Main Centres by bus, level of cycle parking, pedestrian and cycle routes and footfall. It is intended to map pedestrian routes from car parks, cycle parks and bus stops, as well as pavements and footways around the Centres. This links to the intention of the IDP to deliver the spatial elements of the Integrated Transport Strategy and policies relating to transport infrastructure and highway safety. Indicators will be developed around these themes.

The Disability & Inclusion Strategy is also relevant to the physical accessibility of the Main Centres, and is another Policy & Resource Plan priority. Plan Objective 4, Support a healthy and inclusive society, is relevant to this and the IDP seeks to enable a balance to be achieved between conservation and meeting the access needs of all people. This presents particular challenges, especially in St Peter Port, due to the nature of the historic environment. Once enacted, any future implications of the Disability Discrimination Act (or equivalent) will need to be considered in relation to the physical environment, for example to the accessibility of shops and services within the Main Centres and physical adaptations that may be required of them. There may be reason to consider this in a comprehensive manner rather than a piecemeal or ad hoc way.

Specific planning approvals relevant to accessibility of the Main Centres were as follows, indicating that policies facilitate small scale transport infrastructure in the Main Centres:

- 2 electric vehicle charging points at North Beach car park MCIA;
- 5 cycle hoops on Hospital Lane MCIA; and,
- Cycle shelter at St Mary and St Michael School St Sampson MCOA.

Relating to accessibility is the population of the Main Centres, in that proximity to the facilities and services of the Main Centre in itself can facilitate accessibility.

Statistics from Quarter 2 (June) 2017 are presented below in [Table 1](#).

Main Centre	Population Q2 June 2017	Percentage of total population
St Sampson/Vale Main Centre total	3,490	5.58
St Sampson/Vale Main Centre Inner Area	1,980	3.17
St Peter Port Main Centre total	11,262	18.02
St Peter Port Main Centre Inner Area	5,980	9.57

Table 1: Main Centre Population at Q2 June 2017

Changes to population and the relative percentage of the population living in Town and the Bridge will be recorded and monitored over time.

In the 2017 Retail Survey respondents noted issues relating to parking and accessibility. In connection with the Bridge, comments were that there were difficulties parking, though parking on the Bridge can be better than in Town. Also that improvements were needed to road layout as traffic spoils the atmosphere of the Bridge. Regarding Town, respondents comment that there is a lack of parking, or lack of parking for more than 2 hours.

When asked to recall a recent local shopping experience, 73% had travelled to the shopping location in their own vehicle. However, parking was ranked 5th out of 9 factors that were considered important when making a local purchase, with factors such as price, the time to get the product and product quality being considered more important than parking.

Accessibility is also a very relevant factor for Active Travel under the Health and Wellbeing priority for the States of Guernsey in the Policy & Resource Plan, and the important balance between parking and active travel will, as noted previously, need to be addressed within the HAAs.

Conclusions: Accessibility is an important factor in vitality and viability for the Main Centres also relating to the priority of Active Travel. Monitoring and reporting of relevant data in connection with accessibility will enable trends to be identified to ensure that the policy framework is delivering the spatial aspects of the Integrated Transport Strategy.

Action: Monitoring and reporting of relevant data relating to accessibility. Develop indicators relating to spatial themes of accessibility recognising the links with Main Centre vitality and viability and wider States' Priorities.

Summary

In terms of delivering the requirements of the SLUP in relation to the Main Centres, the AMR findings demonstrate the following:

- The policies remain relevant and effective in supporting appropriate levels of retail development in the Core Retail Areas. The redefining of the retail cores of Town and the Bridge as part of the IDP process, as required by the SLUP, to concentrate their effectiveness has resulted in maintenance of core retail function in Main Centres, and primarily in St Peter Port as required by the SLUP;
- The distribution of development and uses, focused on the Main Centre Inner Areas (including the Core Retail Areas), demonstrates continued support for the spatial strategy of the SLUP;
- The IDP policies relating to the HAAs (MC10) and Regeneration Areas (MC11) are performing as intended, allowing minor development to come forward without undermining the comprehensive approach to development that will come through the IDP mechanisms of Local Planning Briefs (for the HAAs) and Development Frameworks (for the Regeneration Areas). These mechanisms, put in place in the IDP, will be central to allowing the development of these areas and could be the catalyst to delivering significant social, economic and environmental development and enhancement. This will be tested as the process moves forward and will be reported on in future AMRs;
- A significant challenge for the IDP is to provide the balance between protecting the built environment and the historic identity of the Main Centres, whilst meeting the economic, environmental and social development needs as may be required by businesses and the community. There is no evidence to suggest that the policies are not functioning as intended or that this balance is not being achieved; and,
- Overall, the policies in the IDP appear to be delivering (or could deliver, if not yet tested) SLUP and States' objectives (as set out in the Policy & Resource Plan), and as such no changes are needed to policies. Additionally, no blockages to delivery have been identified.

Summary of monitoring requirements

- Additional monitoring of footfall, building condition and opening hours as measures of vitality in Core Retail Areas;
- Monitoring and reporting on additional factors relating to vitality and viability in the Regeneration Areas;
- Continued monitoring to ensure the Main Centre Inner Areas retain an appropriate mix of uses;
- Monitoring and reporting of relevant data relating to accessibility; and,
- Consideration of including detailed analysis of retail vacancies in future AMRs, if there is interest from other Committees.

Summary of action required

- Development & Planning Authority to continue to liaise at officer level with the Committee *for* Economic Development in connection with updating the Retail Study;
- Continue to liaise at officer level with the Committee *for* Economic Development and stakeholders, as well as reviewing other evidence, to identify required stock of smaller office units; and,
- Continued close involvement with the development of proposals for the St Peter Port Harbour Action Area through representation on the Seafront Enhancement Area Steering Group and the officer level working group.

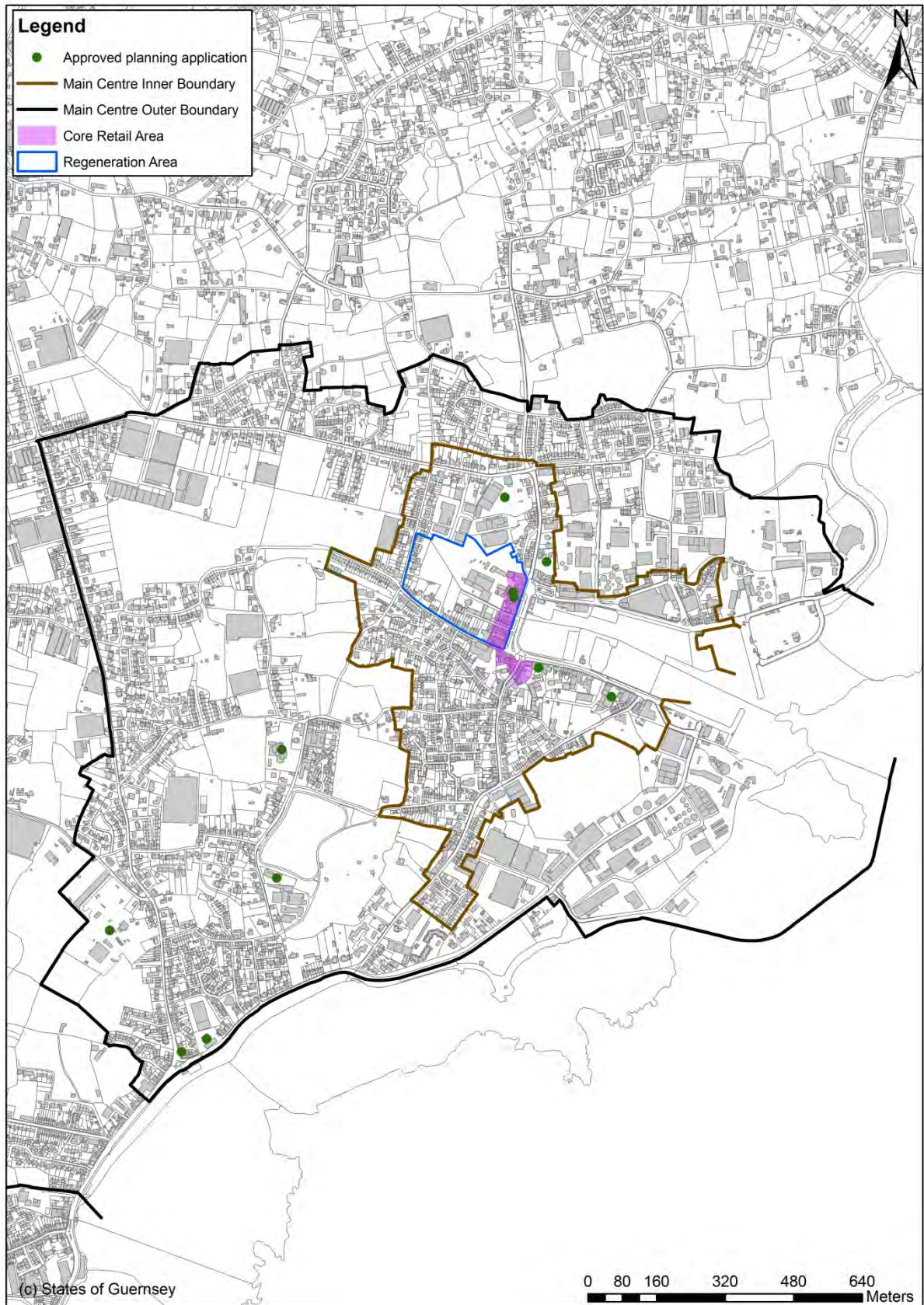


Figure 4: Location of relevant approvals in the St Sampson/Vale Core Retail Area, Regeneration Area, Main Centre Inner and Main Centre Outer Area, 2017

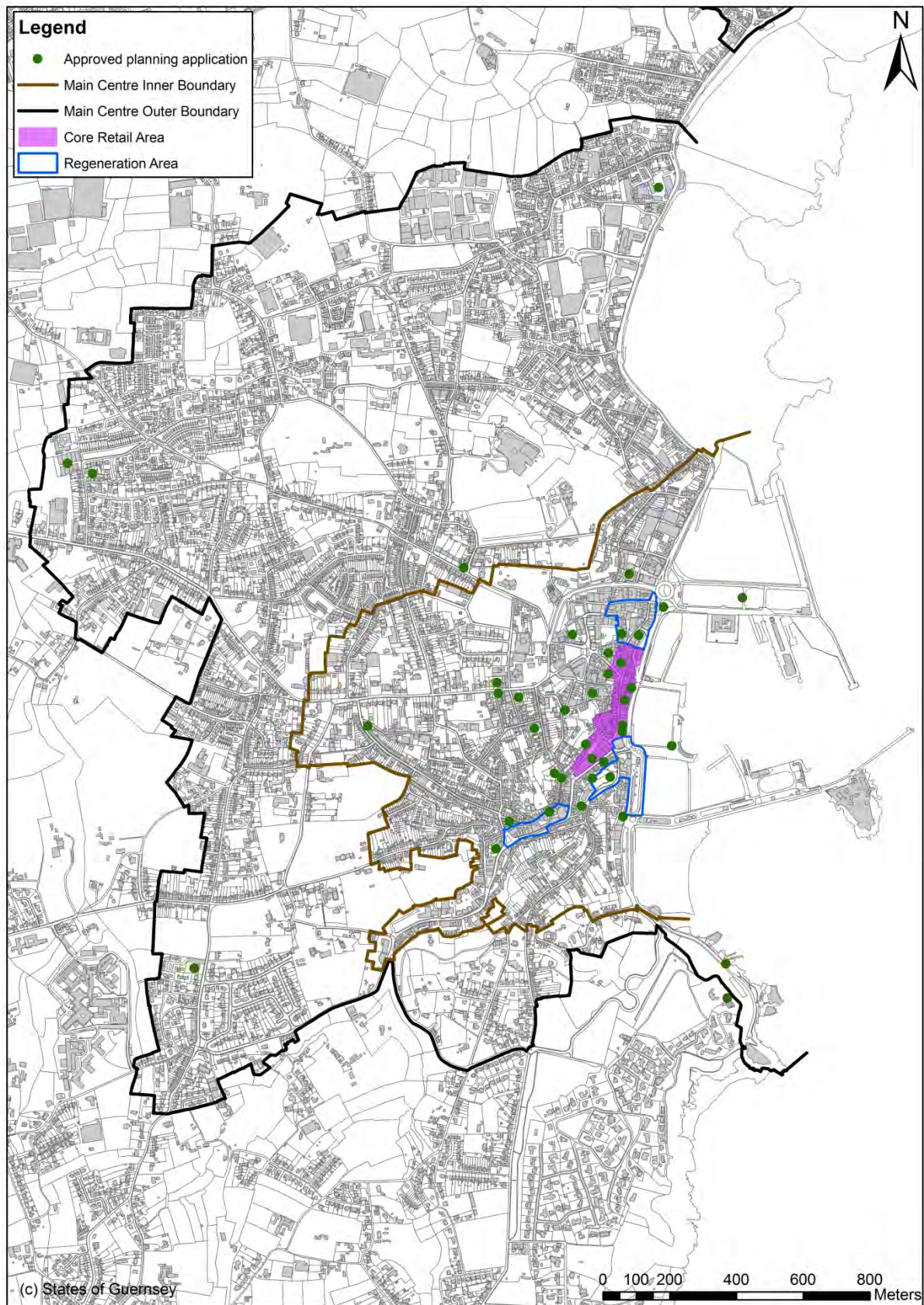


Figure 5: Location of relevant approvals in the St Peter Port Core Retail Area, Regeneration Areas, Main Centre Inner and Main Centre Outer Area, 2017



Local Centres

Introduction

The concept of Local Centres is set out in the Strategic Land Use Plan (SLUP) and relates to the overall spatial strategy of concentrating development within and around the Main 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. The main SLUP policy that relates to this intention is Policy LP10: Local Centres which sets out that the identification of local centres will be based on the assessment of services and facilities (sustainability indicators) within the locality and enable limited development of a scale appropriate to the specific location. Policy SLP16 relating to housing provision requires the Island Development Plan (IDP) to make provision for limited opportunities for housing development to reinforce the local centres as sustainable centres.

Through the IDP preparation process, studies and assessments were undertaken to identify Local Centres as directed by the SLUP. This process resulted in the identification of 6 Local Centres:

- Cobo;
- Forest;
- L'Aumone;
- L'Islet;
- St Martin; and,
- St Pierre du Bois.

Through the IDP inquiry process, amendments to the boundaries of L'Aumone and L'Islet were accepted and a seventh Local Centre identified at Forest West, recommended for inclusion by the Planning Inspectors. Subsequently, following amendments to the boundary through a States' Resolution²⁰, this was included in the IDP. A further Resolution²¹ amended the boundary of Cobo Local Centre to exclude a small area of undeveloped land recommended for inclusion by the Planning Inspectors.

Local Centres are not intended to be growth points and the primary purpose of allowing development in Local Centres is to support community growth and to reinforce them as sustainable centres as required by the SLUP. The intention is that development in and around Local Centres will account for only a small percentage of the Island's growth, and this applies to the facilities, shops and services within Local Centres as it does to housing and employment. As such, Local Centre policies allow for limited development of a scale appropriate to that specific Local Centre and which would not undermine the vitality of the Main Centres and meets the everyday needs of local residents. Furthermore, as stated in paragraph 10.1.6 of the IDP, development proposals will be subject to control over the scale of the resultant development.

²⁰ [Billet D'Etat XXV & XXVII P.2016/25 Amdt 23 Proposed by Deputy A C Dudley-Owen, Seconded by Deputy H L de Sausmarez](#)

²¹ [Billet D'Etat XXV & XXVII P.2016/25 Amdt 3 Proposed by Deputy R Graham, Seconded by Deputy C J Green](#)

New comparison retail units are not supported in Local Centres (Policy LC5: Retail in Local Centres) because this would conflict with the objectives, however, limited works to existing comparison stores are supported in certain circumstances and new convenience retail is supported where it would not undermine the vitality of the Main Centres. This is in accordance with the Retail Strategy, carried out by the former Commerce and Employment Department and Chamber of Commerce, which the SLUP directed the IDP to take into account. Additionally, new visitor accommodation, offices, industry and storage and distribution are supported provided they are of an appropriate scale (and in the case of visitor accommodation, through the conversion of an existing building) and would not undermine the vitality of either of the Main Centres.

An annual survey of the Local Centres will be carried out to record changes in provision of facilities, services and shops, as well as recording changes to infrastructure (such as pedestrian crossing points). Any trends or significant findings will be published in future Annual Monitoring Reports (AMRs) and the data published in full in a separate Local Centres' report (in Q3 of 2018). The raw data collected in 2017 has been used to inform this report where relevant.

The IDP sets out a number of 'sustainability indicators' which were used to inform the identification of the Local Centres. These are as follows:

- A general convenience store selling fresh produce;
- A doctor's surgery;
- A primary school/pre school;
- A bank or cash point;
- An amenity area;
- Community facilities;
- Leisure and recreation facilities;
- A post office;
- A bus service; and,
- Employment.

These elements are discussed below, though the emphasis is now not on identification of Local Centres, but on monitoring, ensuring that policies are used to maintain the appropriate level, range and balance of uses. Section 21 of the IDP requires that monitoring includes a commentary for the Local Centres for each of the themes of living, working and spending leisure time. As such, these themes are embedded in the following report by noting changes such as to population and housing numbers and recorded through the annual survey, planning approvals and other relevant information sources.

The Committee *for* Health & Social Care (CfH&SC), in its feedback on the IDP policies, report on the relationship between the physical environment and health, noting that poor housing, deprived neighbourhoods and a lack of green space can impact negatively on both physical and mental health. Furthermore, the CfH&SC notes that the creation of physical environments where people can live healthier lives with a greater sense of wellbeing greatly reduces health inequalities. This principle is reflected in the IDP objectives (Plan Objective 4), and specifically within the Local Centre policies, for example through the designation of

Important Open Land to protect and enhance the openness, landscape character and visual quality of these areas, and through the spatial strategy of supporting Local Centres as socially inclusive, healthy and sustainable communities.

General Convenience Retail in Local Centres

Of critical importance to Local Centre designation was the presence of a general convenience store. Convenience retail is the selling of, often essential, daily items such as fresh produce and food and drink and includes stores such as provided at petrol stations (e.g. Co-Op En Route).

In accordance with IDP policy, new convenience retail of a scale appropriate to the particular Local Centre is supported where it would not undermine the vitality of (or compete with) the Main Centres. Appropriate scale in this context also includes cumulative scale. In assessing scale, the floor area of any proposal relative to existing retail units in the Local Centre can be taken into account.

There remains at least 1 general convenience store in each of the Local Centres with no increase or decreases since the Local Centres were identified.

In terms of relevant planning applications, an application was approved for an extension to a convenience store in L'Islet for additional storage space. Additionally in L'Islet, permission was granted for a convenience retail unit and ancillary office, and in St Martin, an application for a new retail unit (comparison and/or convenience) was refused planning permission (Policy LC5: Retail in Local Centres).

The new convenience retail unit approved in L'Islet had not been implemented at the time of survey but if taken up this will result in the provision of 36m² of new convenience retail floorspace.

Limited alteration and extension of existing convenience retail is supported, taking the vitality of the Main Centres into account. The approval for extension to the convenience store in L'Islet has the potential to provide an additional 186m² floorspace to the overall unit, if implemented, for storage purposes. The application did not seek to expand business operations as such, but to meet existing storage demands due to the store's popularity and the resultant high flow of goods. However this does represent a 23% increase in the existing floor area of 777m², though it was found to be a proportionate increase and was therefore in accordance with LC5: Retail in Local Centres.

The application for the new unit in St Martin was for a retail unit of 300m², capable for subdivision into 6 separate units, and would form a substantial part (approximately 45%) of the total convenience retail need predicted by Roger Tym and Partners (2010) across the whole Island between 2015-2020²².

²² For information, the Roger Tym and Partners study was commissioned to inform retail strategy for the island, and included making an assessment of future qualitative and quantitative retail need in Guernsey, as well as providing guidance on the the scale and location of such retail development.

As a result the application was refused as it would result in an over provision of a certain use which goes beyond maintaining the character and vitality of St Martin's Local Centre or that required for the community or the sustainability of the Centre and was, therefore, considered unacceptable under IDP policies. It was also considered that the application failed to demonstrate any particular need for the proposal in order to maintain St. Martin's vitality and viability or to address a shortfall in existing provision for the community, the Local Centre being well provided for already in terms of shops and services.

It should be noted that this decision is currently being appealed, and the 2018 AMR will report on that outcome in due course.

Policy LC5: Retail in Local Centres does not support change of use away from convenience retail where it would result in the loss of essential facilities which would have a negative effect on the sustainability and vitality of the Local Centre, and this part of the policy has yet to be tested.

During the public inquiry into the IDP, the Inspectors considered the possibility of including Les Capelles as a Local Centre. However the only convenience store, at the time of inquiry, had planning permission for conversion into 2 residential units. Given the uncertainty of the future of the convenience store and that the presence of a convenience retail store was considered critical to the designation as a Local Centre, it was concluded that the designation of Les Capelles as a Local Centre did not meet the essential criteria for designation. However, the Inspector's noted: "In the event of the existing store being retained and refurbished, or if a new convenience store were to open in the area, it would be appropriate for consideration to be given to reviewing the IDP and designating Les Capelles as a Local Centre".

The permission for change of use of the convenience store at Capelles was not implemented and has now expired, so the consideration of Capelles as a Local Centre may be appropriate at the time when the IDP is reviewed.

The refusal of the retail unit in St Martin shows that the policies are working to protect the vitality of the Main Centres and preventing over provision of uses where appropriate, though the outcome of the appeal against the refusal is yet to be determined and will be reported in the 2018 AMR. Policy LC5 has yet to be tested where it relates to the loss of essential convenience retail facilities but there have been no changes to convenience provision in the 7 Local Centres since the adoption of the IDP, though there is permission in L'Islet for an additional convenience store and additional convenience storage to support an existing store.

Action:

- Continued monitoring of general convenience store provision in Local Centres; and,
- Consideration of reviewing Les Capelles as a Local Centre at the time the IDP is reviewed.

INDICATOR – Number of general convenience stores selling fresh produce within the Local Centre	
Plan Objective	Plan Objective 4: Support a healthy and inclusive society.
Target	Minimum 1 per centre.
Outcome	There is at least 1 general convenience store in each of the 7 Local Centres, with no increase or decrease since the Centres were identified.
Target met?	Yes.
Comments (including any risks to delivery)	Permission was granted for an additional convenience retail unit in L'Islet, as well as for an extension to an existing convenience retail unit, also in L'Islet. Policy LC5: Retail in Local Centres does not support change of use away from convenience retail where it would result in the loss of essential facilities which would have a negative effect on the sustainability and vitality of the Local Centre, and this part of the policy has yet to be tested. Additional convenience provision in St Martin was refused due to the over provision of this use in the particular Local Centre and the impact on the vitality of the Main Centres.
Action	Continued monitoring of general convenience store provision in Local Centres. Consideration of reviewing Les Capelles as a Local Centre at the time the IDP is reviewed.

Other sustainability indicators within Local Centres

As noted above, the Local Centres were identified using sustainability indicators, the most critical of which was the general convenience store. However this was not the only indicator used and it is considered that a Local Centre must have a clear and identifiable mix of uses in order to be sustainable and serve the local community. Using the list of 10 indicators in the IDP (paragraph 10.1.3 and as set out above in the introduction to this report), information about the Local Centres has been gathered.

The IDP very much focuses on the individual nature of each Local Centre, requiring that development is appropriate and complementary to the scale and role of the particular Local Centre concerned. This section therefore aims to give a brief summary of the mix of uses in each Local Centre based on the indicators set out in the IDP and information gathered during survey. A review of relevant non-residential planning applications decided in 2017 is also provided.

For context, basic statistics for each of the Local Centres are presented below in [table 1](#), including the number of indicators, out of the 10 specified in the IDP, present in each of the Local Centres. An approximate residential density is given, based on a simple calculation of the number of dwellings per hectare (number of dwellings divided by the land area). The Local Centres are listed in order of size of Local Centre (largest first by land area).

Local Centre	Number of indicators present	Size of Centre	Population at June 2017	Number of dwellings at June 2016	Approximate residential density (dwellings per hectare)
St Martin	10	33.3ha (203v)	806	356	10.6
Cobo	8	18 Ha (110v)	637	273	15.1
L'Islet	7	16.5ha (101v)	749	304	18.4
Forest West	7	12.1ha (74v)	319	112	9.2
St Pierre du Bois	8	10.7 ha (65v)	150	62	5.7
L'Aumone	5	7.9ha (48v)	377	111	14.0
Forest	5	5.9ha (36v)	106	34	5.7

Table 1: Basic statistics relevant to the Local Centres

As indicated, St Martin's Local Centre is the largest both in terms of area and population, and has all 10 indicators present in the Local Centre. In terms of land area and population, Forest is the smallest Local Centre with 5 indicators present, though L'Aumone, which is second smallest in land area, also has 5 indicators.

The remainder of the section is organised by Local Centre for ease of reference and gives a brief overview of the findings of the survey and planning application data from 2017.

St Martin Local Centre

As noted above, St Martin's Local Centre is the largest in terms of land area, population and the number of dwellings. All 10 indicators are present in St Martin's Local Centre.

The survey found that there is a broad range of convenience and comparison shops, as well as comparison retail trades. There are also banks, employment opportunities, a primary school and pre-school, as well as a doctor's surgery. From a qualitative perspective, whilst there are amenity areas, this aspect is perhaps the weakest in terms of provision for the local community, but otherwise the Local Centre is very well provided for.

As noted in the section on General Convenience Retail above, there was 1 refusal for a new 'comparison and/or convenience' retail unit in St Martin's Local Centre due to the conflicts with policy LC5: Retail in Local Centres, where new comparison retail is not supported due to conflict with the vitality of the Main Centres and additional convenience retail was considered to result in over provision.

Other relevant applications in St Martin's Local Centre included the following non-residential approvals:

- Change of use of part of dwelling to operate a dog sitting and dog grooming business;
- Change of use of part of dwelling to operate architectural business from dwelling; and,
- Change of use from shop (comparison retail) to physiotherapist (90m²).

The proposed change of use of part of dwelling to dog sitting/grooming and the change of use of part of dwelling to architectural businesses were both small scale home-based employment proposals assessed against the criteria of Policy GP14: Home Based Employment.

With regards to the change of use from comparison retail to physiotherapist, the application was found to be in accordance with Policy LC5: Retail in Local Centres in terms of the loss of comparison retail, and the proposed use was assessed against Policy LC3(A): Social and Community Facilities in Local Centres – New, Extension, Alteration or Redevelopment of Existing Uses. The scale of the proposed use was found to be acceptable to the Local Centre without undermining the vitality of the Main Centres, and the applicant was able to demonstrate that there were no other sites that had the capacity to accommodate the service elsewhere.

Cobo Local Centre

Cobo Local Centre, at the time of survey, had 8 of the 10 indicators present. There are convenience and comparison retail shops and trades, places to eat, bus services, a bank and employment opportunities. There is no primary school or pre-school within Cobo Local Centre, however La Mare de Carteret School adjoins the Local Centre boundary, with the result that the Centre has easy access to a primary school and a secondary school. There are no defined amenity areas within the Local Centre boundary, but again the fields at La Mare de Carteret School provide such space, as does the beach, and there is an adjacent Nature Walk providing pedestrian access to Saumarez Park. There is a place of worship in Cobo Local Centre, and outside of the Centre there are good quality facilities nearby at Cobo Community Centre at The Guet.

There were no relevant non-residential planning approvals in Cobo Local Centre during 2017.

L'Islet Local Centre

L'Islet is the third largest of the Local Centres and the most densely populated. The Centre is reasonably well served, with 2 churches, convenience stores and cash point but there are no amenity areas, banks or doctor's surgery within the Local Centre boundary. There are opportunities for employment, but there were also several vacancies within the Local Centre at the time of survey (including employment units, e.g. at the Bakery Complex, and retail units).

There were several relevant planning decisions within L'Islet Local Centre during 2017. The approvals relating to convenience retail have already been noted in the General Convenience Retail section above, and in addition to those there were the following non-residential planning approvals:

- Change of use from comparison retail unit to an office use. Change of use away from comparison retail is supported in the Local Centres (LC5), and although no specific business is detailed in the application, the proposed use as an office providing professional or financial services to visiting members of the public would provide an active use which would support the vitality of the Local Centre (LC4(A)). The floorspace involved was 195m²; and,

- Change of use from light industrial to office use – this proposal was consistent with the flexibility offered in Policy LC4(B): Offices, Industry and Storage and Distribution in Local Centres – Change of Use. It involved 242m² floorspace.

Including the convenience retail as described in the previous section, there have been several approvals in L'Islet Local Centre including for change of use, and the IDP allows flexibility for this in Local Centres. This flexibility may prove important in L'Islet in order to make the most efficient use of the existing units in the Local Centre, several of which were noted to be vacant at the time of survey. The level of convenience retail provision should be monitored given the extension approved at an existing store and the new unit also approved.

Forest West Local Centre

Forest West Local Centre lies to the west of the airport and at the time of survey had 7 of the 10 indicators present. There is no doctor's surgery, amenity area or post office in the Local Centre, however there are 2 schools, a convenience store and petrol station and a variety of facilities and opportunities at the Mallard complex, including the cinema, hairdresser and restaurant. Overall, for the size of the Centre, Forest West appears reasonably well provided for.

A new 'Filter-In-Turn' at the junction of Rue des Landes/Rue de la Villiaze has been implemented and noted during the survey, which was positively received as a traffic calming measure.

There was 1 minor planning approval that was of relevance in 2017, which was for small scale transport infrastructure at Forest Primary School, for a cycle shelter and rack, and a scooter rack. This was supported by Policies IP6: Transport Infrastructure and Support Facilities, LC3(A): Social and Community Facilities in Local Centres, GP8: Design and GP9: Sustainable Development.

St Pierre Du Bois Local Centre

St Pierre Du Bois Local Centre is the least densely populated of the Local Centres but it has a range of services and facilities including post office, pub, food hall, doctors surgery, pharmacy and amenity areas. There is no primary school or pre-school within the Local Centre and since the Centre was identified, the bank has closed and this unit was vacant at the time of survey.

The only relevant application within St Pierre Du Bois Local Centre in 2017 was withdrawn, which was for the change of use of the former bank to comparison retail. As discussed above, new comparison retail is not supported within the Local Centres.

L'Aumone Local Centre

L'Aumone Local Centre, whilst not the smallest of the Local Centres, has only 5 of the 10 indicators present. However it remains an important Local Centre and the facilities appear to be well used, serving a reasonably densely populated area which also has good bus connections to other parts of the Island. There is a doctor's surgery, pharmacy, convenience store and petrol station, as well as a hairdressers and cash point. There was no school or

pre-school, post office, amenity areas or community facilities in L'Aumone at the time of the survey.

L'Aumone Local Centre lies adjacent to the Castel Hospital site and close to other sites of considerable size that are in States of Guernsey ownership. Where these sites are becoming obsolete or not fit for purpose there may be scope for considerable opportunities for development through IDP Policy S6: Strategic Opportunity Sites.

There were no relevant planning applications determined in L'Aumone during 2017.

Forest Local Centre

Forest is the smallest of the Local Centres in terms of land area, population and the number of dwellings. 5 of the 10 indicators were present at the time of survey. There is no bank/cash point, doctor's surgery, amenity area or employment opportunities within the Local Centre. However, there are good bus routes and the area is well linked to the airport, which in itself provides opportunities. Forest Stores provides a strong anchor for the Local Centre which includes a post office, and there are 2 pubs, 2 churches and a pre-school. In terms of the scale of provision, given that this is the smallest of the Local Centres the relative level of provision is reasonable, though the provision of a cash point could prove beneficial in terms of the range of facilities on offer (there is a cash point at the airport, however). In addition, during the States' debate for the IDP it was noted that the roles of Forest Local Centre and Forest West Local Centre and the facilities and services offered, due to their close proximity were complementary rather than in competition.

There were no relevant planning approvals in Forest Local Centre during 2017.

Feedback on shops, facilities and services within Local Centres

Feedback from agents has queried the provision of additional uses in the Local Centres, in particular car sales/servicing and new hairdressers. Car sales and hairdressers are both considered as comparison retail so new units will not be supported in the Local Centres, for the reasons described above and reflected in Policy LC5: Retail in Local Centres.

The SLUP focuses development in the Main Centres, and allowing new comparison retail units outside those Main Centres would impact on the viability of those Main Centres contrary to the spatial strategy. The Chamber of Commerce considered that allowing only convenience retailing in Local Centres will impact on their sustainability and greater flexibility is required to allow additional services such as hairdressing, suggesting that the vitality of the Main Centres would not be affected as that is generally only where larger retailers wish to locate.

The status of hairdressers as comparison retail is consistent with the Use Classes Ordinance 2017 which specifies that hairdressers fall within use class 9: general retail, which includes retail trades not falling within convenience retail. Furthermore, the inclusion of a hairdresser within a Local Centre was not considered to be an essential factor in their designation.

Overall, the Local Centres remain relatively well served, with most of the indicators listed in the IDP present in most of the Local Centres, generally securing their sustainability, as shown in [Figure 1](#) below. Only 2 of the Local Centres have amenity areas, though this should be considered in context as, for example, amenity space in some cases lies just outside the Local Centre boundary (such as the beach in the case of coastal Local Centres). However Community Plans could be used to explore the provision of facilities and services within Local Centres to identify areas for improvement.

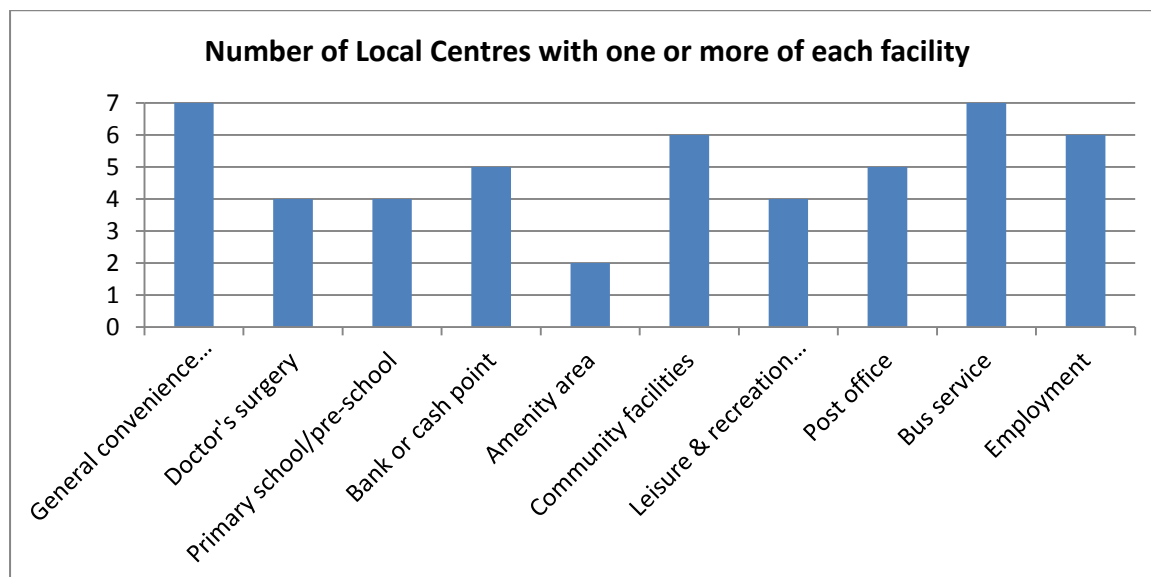


Figure 1: Number of Local Centres with one or more of each sustainability indicator

The respective roles of the Local Centres would be best assessed through a comprehensive up to date study and Retail Strategy which could then be used to inform planning applications. For example, the role of the Local Centres at St Pierre du Bois and L'Islet might perform quite different functions to those at Cobo or L'Aumone by nature of their respective locations and range of services. Additionally, St Martin's Local Centre is the most likely of the 7 to potentially compete with, and possibly undermine, the Main Centres, and comprehensive study could suggest how the balance between ensuring that St Martin best serves the local community without threatening the vitality of the Main Centres can be achieved.

Action:

- Liaise with the Committee *for* Economic Development in connection with the provision of a comprehensive Retail Survey to include exploration of the relevant roles of Local Centres; and,
- Continue to monitor the mix and balance of uses in Local Centres.

INDICATOR – Balance of provision in Local Centres	
Plan Objective	Plan Objective 4: Support a healthy and inclusive society.
Target	None.
Outcome	All of the Local Centres currently have a clear and identifiable mix of uses. The purpose of monitoring is to assess the level of provision of facilities in Local Centres to ensure policies are used appropriately to maintain the appropriate level, range and balance of uses for community growth and the maintenance of sustainable centres.
Target met?	n/a
Comments (including any risks to delivery)	St Martin's Local Centre is the most likely to surpass its role as a Local Centre and compete with the Main Centres, potentially undermining their vitality and the spatial strategy. The other Local Centres are all reasonably well provided for in terms of services and facilities, though there are areas of weakness and the convenience retail element at L'Islet requires monitoring for cumulative impact. The respective roles of each of the Local Centres would benefit from further investigation to inform planning application decisions.
Action	Liaise with the Committee <i>for</i> Economic Development in connection with the provision of a comprehensive Retail Survey to include exploration of the relevant roles of Local Centres. Continue to monitor the mix and balance of uses in Local Centres.

Development in the Local Centres

The IDP, in accordance with the SLUP, places an emphasis on providing limited opportunities for housing development in Local Centres to enable community growth and to reinforce them as socially inclusive and sustainable centres but requires that the scale of such development does not undermine the aims and objectives for the Main Centres and which complements the scale, setting and character of the Local Centre concerned. Development must also be of a scale that is compatible with the level of existing and planned services and facilities available in that Centre. This approach reinforces the intention that Local Centres are not intended to be growth points.

Table 1 above shows the relative size, population and number of dwellings in each of the Local Centres, as well as an approximate residential density. These figures give an indication as to the character of each of the Local Centres, in that the less densely populated, generally the more rural the character of the Local Centre (St Pierre du Bois and Forest being the least densely populated, L'Islet the most densely populated).

Parts of the St Martin, St Pierre du Bois and Forest Local Centres are designated as Conservation Areas, and areas of St Martin and St Pierre du Bois Local Centres are also designated as Important Open Land. These areas, recognised through designation, make significant contributions to the character of those particular Local Centres.

Regarding scale of development, the Local Centre boundaries in themselves place a limit on the amount of development that can take place in that they are drawn to allow only limited opportunities for development within the Local Centres. However further analysis of the character and settings of the Local Centres would be beneficial in order to assess whether proposals are complementary to the scale, setting and character of each particular Local Centre and this would be useful to inform development frameworks in the future. Ideally this would be part of the Stage 2 Character Study as proposed in the Guernsey Character Study Stage 1 report of 2013 which informed the preparation of the Island Development Plan in accordance with the SLUP. The Stage 2 Character Assessment is proposed to be a detailed assessment that will build on the evidence collected in Stage 1. It will provide a finer level of detail and assess the character and distinctiveness of individual areas or neighbourhoods in both the urban and rural areas and will identify priority areas for the maintenance, enhancement and/or restoration of that character.

Since the adoption of the IDP, there have been 5 approvals relating to new dwellings in Local Centres, with a total of 6 new dwellings permitted. There are no trends to report as yet and there do not appear to be any significant implications.

In Cobo, a Development Framework was approved for Warma which indicates that 8-13 new dwellings could be acceptable on the site. This equates to a density of between 20-30 dwellings per hectare and if 13 units are provided would represent an increase in dwellings in Cobo of approximately 4.5%.

In St Martin, a Development Framework for Peacehaven was approved, which set out the guidelines whereby 1 additional dwelling would be supported. This would represent a very small percentage increase relative to the Local Centre.

During the IDP Inquiry, the Inspectors considered at length the spatial strategy and the role of the Local Centres, and when considering the location of new dwellings held the view that "it will be for the Environment Department to monitor progress and, in the event of actual trends failing to accord with the strategy of concentration in and around the main urban centres, to bring forward amendments to the Plan to address this." There is no specific target within the IDP in relation to the proportion of development expected to take place in and around the Main Centres and elsewhere, though the former Environment Department set out during the Inquiry that around 80% of new dwellings would be located in and around the Main Centres and 20% elsewhere (in Local Centres and Outside the Centres). As stated this is not a target but an indication of how the IDP policies would deliver the spatial strategy in terms of housing development. During the Inquiry, the former Environment Department estimated that over 5 years the Local Centres are likely to provide sufficient land for around 150 additional dwellings.

To ensure that the policies are working as intended, it will be important to continue to monitor the delivery of housing and other development within the Local Centres to ensure that the spatial strategy is being delivered. The population of each Local Centre will also continue to be monitored.

Action:

- Undertake or commission Stage 2 of the Guernsey Character Study, including character studies of the Local Centres, to inform planning applications and monitoring; and,
- Continue to monitor the locational distribution of new dwellings and other development as well as the number of Development Frameworks coming forward in the Local Centres and population.

INDICATOR – Number of dwellings and residential density in each Local Centre	
Plan Objective	Plan Objective 4: Support a healthy and inclusive society; Plan Objective 5: Ensure access to housing for all.
Target	None.
Outcome	Annual changes will be recorded and trends will be noted over time. The baseline information has been gathered (as shown in Table 1).
Target met?	n/a
Comments (including any risks to delivery)	The IDP allows for limited development within the Local Centres which complements the scale, setting and character of that particular Local Centre and is compatible with the level of existing and planned services and facilities. The IDP policies appear to be managing this balance, though St Martin Local Centre could have the potential, if not carefully managed, to compete with the Main Centres and thus threaten the vitality and viability of the Main Centres. L'Islet has had an increase in convenience floor space, so any future applications should be with this in mind, considering the cumulative impact of such proposals.
Action	Undertake or commission Stage 2 of the Guernsey Character Study, including character studies of the Local Centres, to inform planning applications and monitoring. Continue to monitor the locational distribution of new dwellings and other development, as well as the number of Development Frameworks coming forward in the Local Centres and population.

INDICATOR – Local Centre population	
Plan Objective	Plan Objective 4: Support a healthy and inclusive society.
Target	None.
Outcome	Baseline data gathered and presented in Table 1. Population change will be recorded on an annual basis and trends presented in the AMR.
Target met?	n/a
Comments (including any risks to delivery)	Limited development in the Local Centres might be expected to result in limited increases in population of the Local Centres. Trends will be monitored over time.
Action	None.

Committee for Health & Social Care – Community Hubs

The Committee for Health & Social Care's (CfH&SC) response to consultation for the AMR outlines a plan for a transformation programme for services in Guernsey. This will see an interconnected network of community hubs which will ensure a model of care with a greater emphasis on support and care within the community, with the focus being the user. A key focus of 2018 is to source a potential location for a principal hub to support other facilities.

The CfH&SC envisages that the localised hubs would seek to maximise existing buildings and facilities in a way which best supports the health and wellbeing of the local community, "responding to the needs of the immediate geographical community" (which may feature in future Community Plans), and could include sites such as community centres, parish halls and Douzaine buildings.

Providing that they fit with the spatial strategy, the principle of Community Hubs is supported by the policy direction of the IDP and the intention of creating socially inclusive, healthy and sustainable communities in Local Centres and proposals for the development of new social and community facilities will be supported providing use is made of existing sites or that new proposals are of an appropriate scale (LC3(A): Social and Community Facilities in Local Centres – New, Extension, Alteration or Redevelopment of Existing Uses. It is essential that dialogue and liaison between the CfH&SC and the Authority at officer and political level is established to ensure that the IDP policies can help to deliver the transformation programme.

Future Annual Monitoring Reports will monitor progress in delivering the community hubs as well any other matters relating to provision of facilities for health and social care where they relate to Local Centres, and the Authority will continue to liaise with the CfH&SC.

With regard to social and community uses within the Local Centres, a suggestion following discussion within the Planning Service was that applicants could be provided with information on existing social and community uses within Local Centres where information is available from the annual surveys. The intention is that in future, the survey results will be published annually in full and will be available to members of the public.

Action:

- Continue to undertake Local Centres survey and publish data annually; and,
- Continue to liaise with the Committee *for* Health & Social Care at officer and political level in connection with Community Hubs.

Summary

Based on the evidence gathered in 2017, the Local Centre policies appear to be functioning as intended to deliver the SLUP requirements. Development approved has been relatively small scale and appropriate to the Local Centre concerned, whilst the refusal in St Martin Local Centre indicates how the policies are able to consider provision on a case by case basis relative to the Local Centre involved. The wording of the policies effectively allows for provision for community growth and sustainable centres, providing for a range of supporting uses of appropriate scale whilst protecting against the loss of essential facilities. At the same time, the policies guard against over provision or development which goes beyond what is required by that Centre and which might adversely impact on the vitality and viability of the Main Centres.

Summary of Monitoring Requirements

- Continued monitoring of general convenience store provision in Local Centres;
- Continue to undertake Local Centres survey and publish data annually;
- Continue to monitor the locational distribution of new dwellings and other development, as well as the number of Development Frameworks coming forward in the Local Centres and population; and,
- Continue to monitor the mix and balance of uses in Local Centres.

Summary of Actions Required

- Continue to liaise with the Committee *for* Health & Social Care in connection with Community Hubs;
- Undertake or commission Stage 2 of the Guernsey Character Study, including character studies of the Local Centres, to inform planning applications and monitoring;
- Comprehensive study, including retail study, to explore the relative roles of the Local Centres;
- Liaise with the Committee *for* Economic Development in connection with the provision of a comprehensive Retail Survey to include exploration of the relevant roles of Local Centres; and,
- Consideration of reviewing Les Capelles as a Local Centre at the time the IDP is reviewed.



Agriculture and Horticulture

Introduction

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

These themes are reflected in Island Development Plan (IDP) policies which support and prioritise agricultural use within the Agriculture Priority Area (APA). The APA is a policy designed to maintain and protect the most important, large areas of contiguous agricultural land and other areas well related to agricultural operations as directed by the SLUP (including redundant glasshouse sites within and adjacent to the APA) by prioritising agricultural use. Such land is expected to remain in (or revert to) agricultural use unless it can be demonstrated that the site cannot positively contribute to the commercial agricultural use of the APA or cannot practically be used for commercial agricultural use without adverse environmental impacts (Policy OC5(A): Agriculture Outside of the Centres – within the Agriculture Priority Area).

As part of the process of adoption of the IDP, several amendments were made to the area designated as APA, with the inclusion of 7 additional areas and the exclusion of 1 area previously proposed²³.

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

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

²³ [Billet D'Etat XXV & XXVII P.2016/25 Amdt 1 Proposed by Deputy P J Roffey, Seconded by Deputy H L de Sausmarez](#)

In relation to the horticultural industry, consistent with the SLUP, the IDP policies support development which relates to the viability of an existing horticultural business. Whilst redundant glasshouse sites are expected to revert to agricultural use, there are provisions in policy to allow for other uses under certain circumstances (Policy OC6: Horticulture Outside of the Centres and Policy OC7: Redundant Glasshouse Sites Outside of the Centres). Redundant glasshouse sites are discussed in detail in the Redundant Glasshouse Sites Report which can be found on page 142.

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

Planning approvals in the APA The APA encompasses both agricultural and non-agricultural land and uses, however for the purposes of the AMR, applications in the APA that relate to established non-agricultural uses (for example alterations to existing dwellings or replacement dwellings where there is no change to curtilage size) or do not impact on land area (for example new fencing or boundary treatments) are not included as they have no impact on the overall amount of agricultural land within the APA. Horticultural proposals and applications which affect horticultural land and buildings are included as such land is considered agricultural for the purposes of the Planning law and is expected to revert to agricultural land.

Therefore the relevant planning approvals fall into the following categories:

- Agricultural proposals;
- Horticultural proposals;
- Change of use of agricultural land;
- Change of use of horticultural land;
- Conversion of agricultural buildings; and,
- Conversion of horticultural buildings.

Of the relevant applications falling within the APA and determined since 1st January 2017, there were 34 approvals, 4 refusals and 1 application that was withdrawn. 4 approvals were agricultural proposals relating to existing agricultural operations and 1 of these supported an ancillary diversification of the main agricultural use in accordance with the provisions of Policy OC5(A). There were no horticultural proposals decided in 2017 within the APA.

The majority of approvals related to the extension of domestic curtilage (17 approvals), with 3 approvals involving the conversion of redundant agricultural or horticultural buildings to dwellings. 1 approval was for the conversion of a redundant horticultural building to office use and associated curtilage.

3 applications for the extension of domestic curtilage were refused, and 1 application for the conversion of a redundant horticultural building to residential was refused. The refusals

relating to the extension of domestic curtilage were as a result of conflict with Policy GP15(c) where it had not been demonstrated that the land could not positively contribute to the commercial agricultural use of the APA. Further issues also related to visual impact and amenity.

The refusal relating to the agricultural building was related to the impact on amenity and a prior condition on the land requiring it to be restored to open land.

Figure 1 below shows the breakdown, by application type, of applications decided within the APA during 2017.

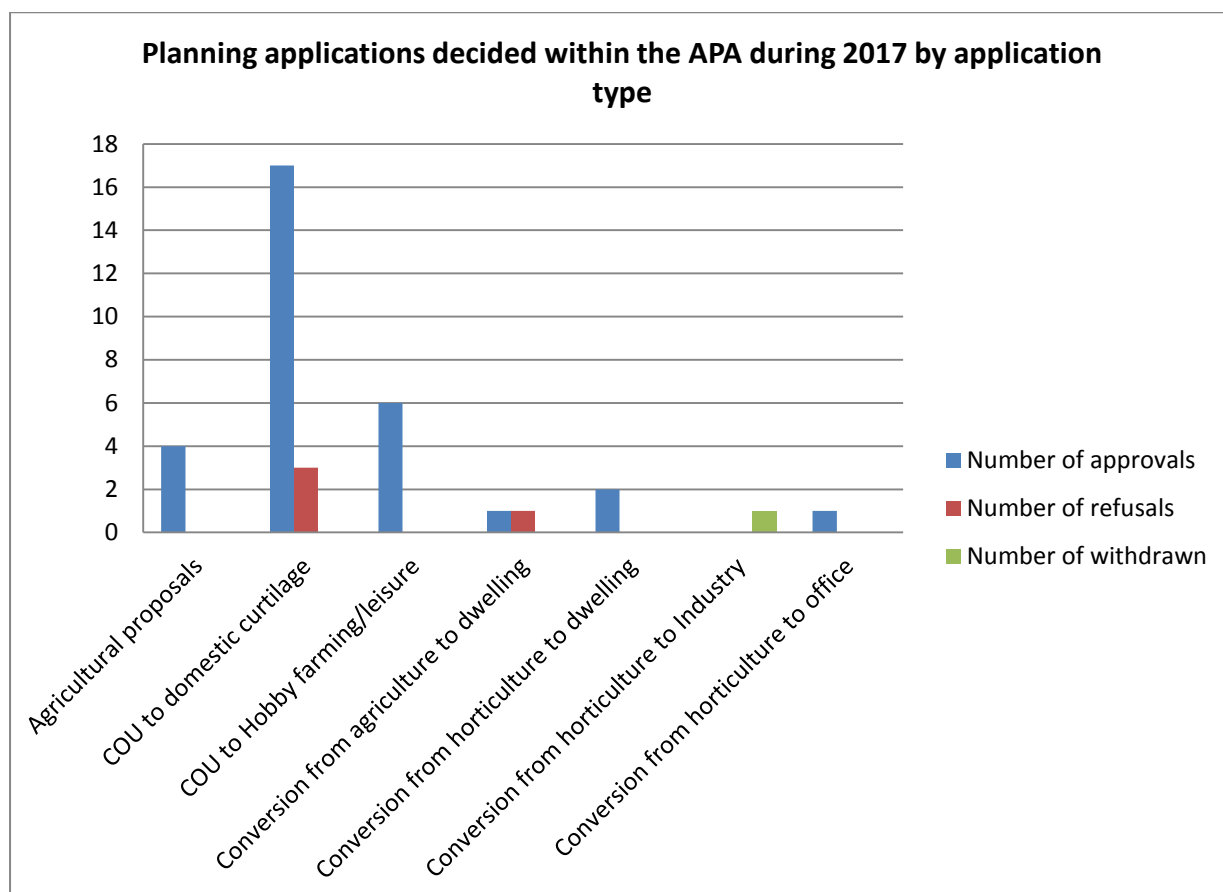


Figure 1: Relevant planning applications decided within the APA during 2017 by type

Out of a total of 2,589.5 hectares (15,802 vergées) of land in the APA, from 1st January to 31st December 2017, approximately 3.0 hectares (18.5 vergées) was given planning approval to change from agricultural to other uses (0.1%). Including approvals since the adoption of the IDP (1 of which involved conversion of a redundant building to a dwelling and associated curtilage), this leaves 15,783 vergées in APA unchanged since designation, though not all necessarily in agricultural use due to the broad brush approach to the APA designation. Of the 18.5 vergées that gained approval to change from agricultural to other uses in 2017, the majority were for use as domestic curtilage (1.4 hectares/8.6 vergées) and to hobby farming/leisure use (1.2 hectares/7.7 vergées). Figure 2 below shows the approximate area of land granted approval to change from agricultural to other uses within the APA (m²) in 2017.

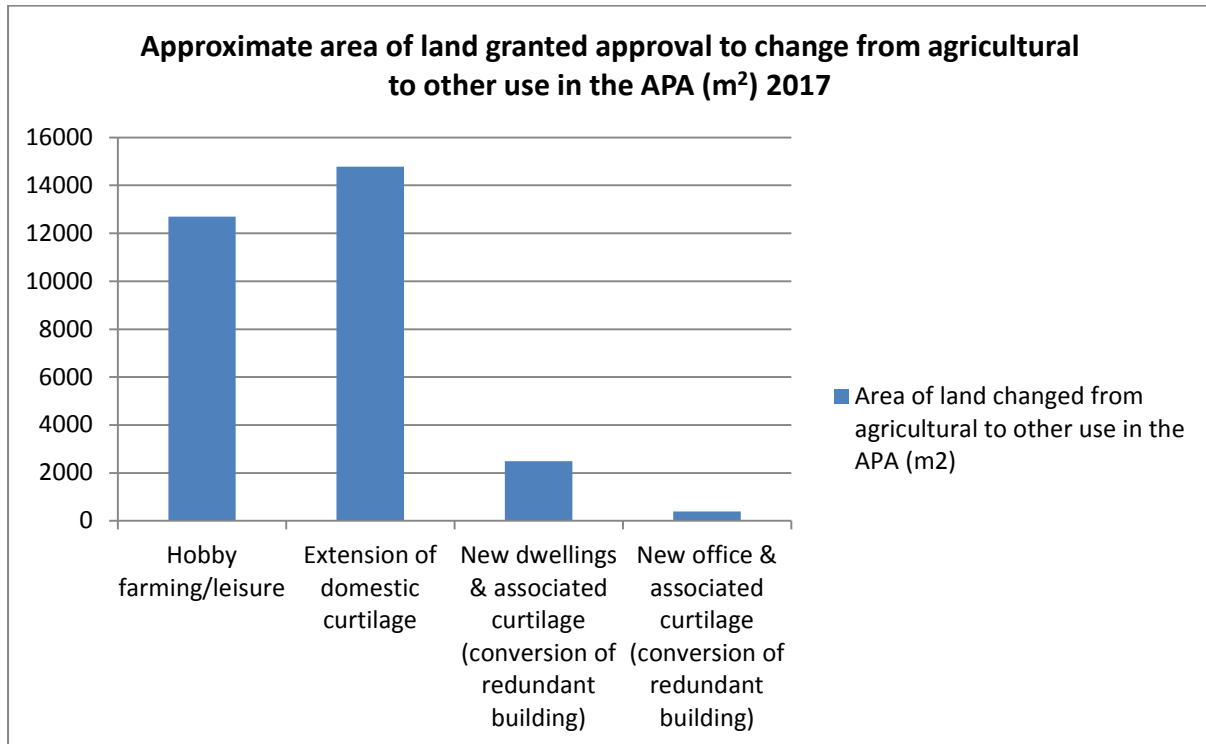


Figure 2: Approximate area of land granted approval to change from agricultural to other uses within the APA (m²) in 2017

The location of the approvals within the APA are shown in Figure 3 below. Given the scattered nature of the approvals, there do not appear to be any significant implications derived from the distribution of the approvals.

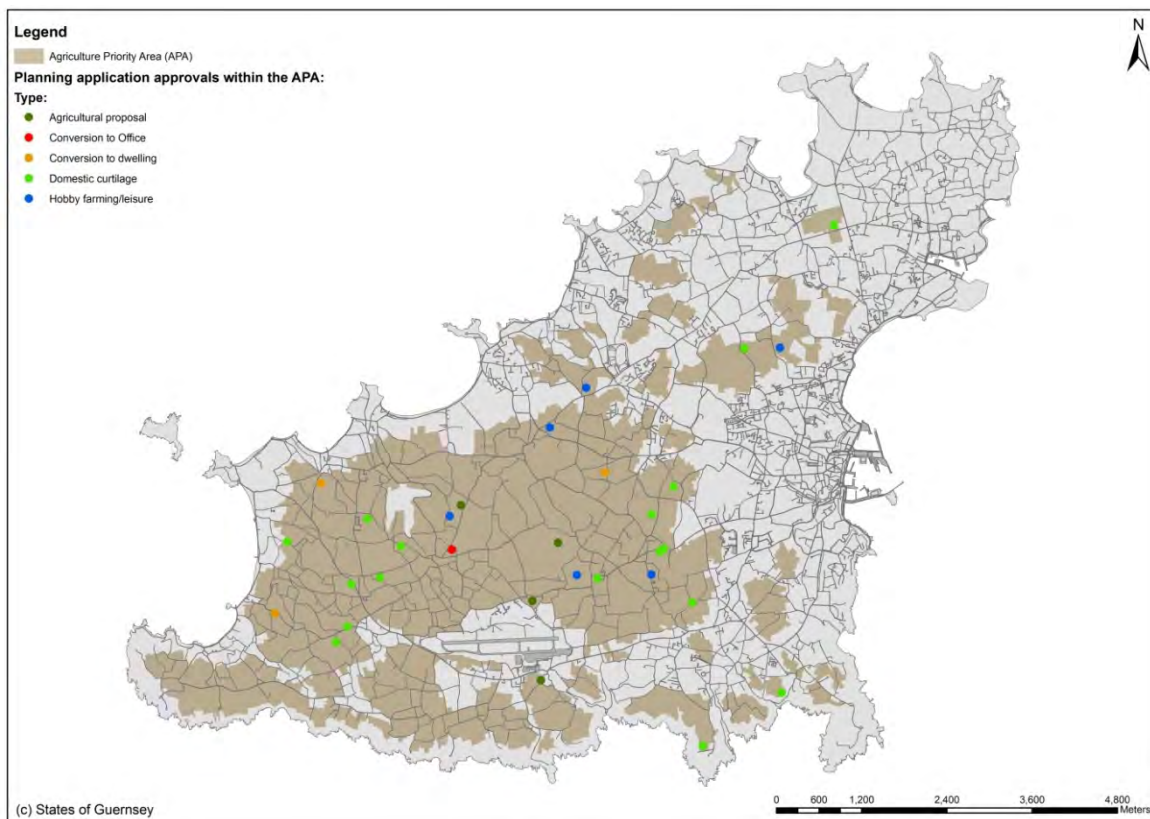


Figure 3: Location of planning approvals within the APA

As part of the planning application process for development within the APA, applicants must demonstrate that the land in question meets certain criteria which ensures that only land that has been demonstrated to be no longer required for agricultural purposes or cannot make a positive contribution to an identified APA can change to other uses away from agriculture.

During the Planning Inquiry into the draft IDP, the former Environment Department committed to producing guidance which would set out what matters will be taken into account when assessing if the land or site can make a positive contribution to the commercial agricultural use of an identified APA. It was set out that such matters may include:

- What the requirements of the agricultural industry are at the time;
- The condition of the land (is it able to be used for agriculture or if not what may be required to make it available for cultivation or grazing);
- The size of the site/piece of land;
- How the site relates to existing agricultural holdings;
- Access;
- Topography;
- Drainage; and,
- The nature of the proposed use (will the proposed use allow the long term use of the land for agriculture to remain).

This is not an exhaustive list, and although these criteria are used internally by the Planning Service when considering planning applications, as yet no guidance has been published. However the above list provides for consistency across consideration of planning applications and discussions within the Planning Service have resulted in 2 additional criteria to consider, which are:

- Is the proposed encroachment into the APA land associated with another proposal supported by another policy of the IDP?; and,
- The extent of the work required/degree of intervention needed to allow the continued agricultural use of the site.

Feedback from within the Planning Service has indicated that there is a general lack of awareness or understanding by agents and applicants regarding the information that is required in support of a planning application, in order to address the requirements of the IDP policies. In particular, demonstrating how the land relates (or not) to the broader agricultural context is often insufficient. This is also reflected in feedback from 1 of the agents, where they have commented that it can be difficult to get planning permission for extension of domestic curtilage within the APA without clear guidance.

The policies which relate to the APA appear to be working to support existing agricultural and horticultural operations whilst allowing other development where appropriate and where the policy tests are met. Clearer data on how much of the APA is used for agricultural, horticultural or is undeveloped land would be useful in order to monitor what changes have occurred within the APA, rather than relative to the whole designation which includes areas that are in other uses. Supplementary Planning Guidance on applying for

planning permission in the APA and what is required to satisfy IDP policy requirements would assist applicants and agents.

Action:

- Publication of Supplementary Planning Guidance on applying for planning permission in the APA in order to assist applicants and agents; and,
- Investigate methods to obtain clearer data on the amount of agricultural, horticultural and undeveloped land within the APA.

INDICATOR – Protection of agricultural land in the APA	
Plan Objective	Plan Objective 1: Make the most efficient and effective use of land and natural resources. Plan Objective 2: Manage the built and natural environment.
Target	Protection of sufficient land to meet the current and future needs of the agricultural industry whilst allowing other legitimate uses (currently approximately 8000v for dairy, plus 1500v for arable/other livestock).
Outcome	Applications relating to existing agricultural and horticultural proposals have been supported within the APA, whilst change of use and conversions away from agricultural uses have been approved where policy tests met. 15,783 vergées in the APA remain unchanged since the adoption of the IDP.
Target met?	Based on the current evidence, there remains sufficient land available to meet the current and future needs of the agricultural industry.
Comments (including any risks to delivery)	Need for awareness raising and understanding of applicants and agents on the policy tests to meet when applying for change of use away from agriculture.
Action	Publication of Supplementary Planning Guidance on applying for planning permission in the APA in order to assist applicants and agents. Investigate methods to obtain clearer data on the amount of agricultural, horticultural and undeveloped land within the APA.

Agricultural land and buildings outside the APA

The number and type of permissions on agricultural land and buildings outside the APA is monitored to assess the effectiveness of IDP policies, which allow for the loss of farmsteads, agricultural buildings or land outside the APA where it is demonstrated that the new use accords with the other relevant policies of the IDP (Policy OC5(B): Agriculture Outside of the Centres – outside the APA) in achieving the balance required by the SLUP of agricultural uses and other legitimate uses. Additionally, it is important that the right land is protected by the APA designation, and looking at applications outside the APA may give an indication as to whether or not the APA boundary should be amended (for example if there are clusters of agricultural applications, or conversely, clusters of applications to change away from agricultural use on land known to be tenanted by farmers but which did not meet criteria for APA designation).

For this section, agricultural land is taken as the legal definition, where land other than that used as a garden is considered as agricultural where it is used, or is capable of being used (with the application of good husbandry), for dairy farming, livestock or market gardening, and includes land that is or was covered by a glasshouse. This does not, however, include allotments which are associated with residential use, or which fall under 'leisure and recreation' for the purposes of the IDP. Accordingly, the planning applications discussed cover a range of land that technically falls under the agricultural definition and is assessed as such, but it does not suggest that all (or any) of this land was actively farmed. All of the applications in this section fall Outside of the Centres.

As with applications within the APA, only relevant planning applications have been assessed. This leaves the following categories of application:

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

A total of 79 relevant planning applications were determined in 2017, 74 of which were approved, 2 were refused and 3 were withdrawn.

The majority of approvals (53) were for the extension of domestic curtilage. Of the remaining 21 approvals, 4 were for agricultural proposals related to existing agricultural operations, 7 were for the conversion of agricultural or horticultural buildings to dwellings, 6 were for proposals relating to industry/storage (1 of which related to domestic storage) and 4 were for leisure/hobby farming.

Both refusals were for proposals relating to industry/storage. 1 refusal related primarily to the adverse impact on the character of the area (conflict with policies OC3, OC7 and GP1), the second refusal related to the site's status as agricultural land (not a redundant glasshouse site) as well as a lack of a specific requirement for an Outside of Centres location and the impact on the character of the area (conflicts with policies OC3, OC7, GP1 and GP8).

Figure 4 below shows the number of applications decided by type within the APA in 2017.

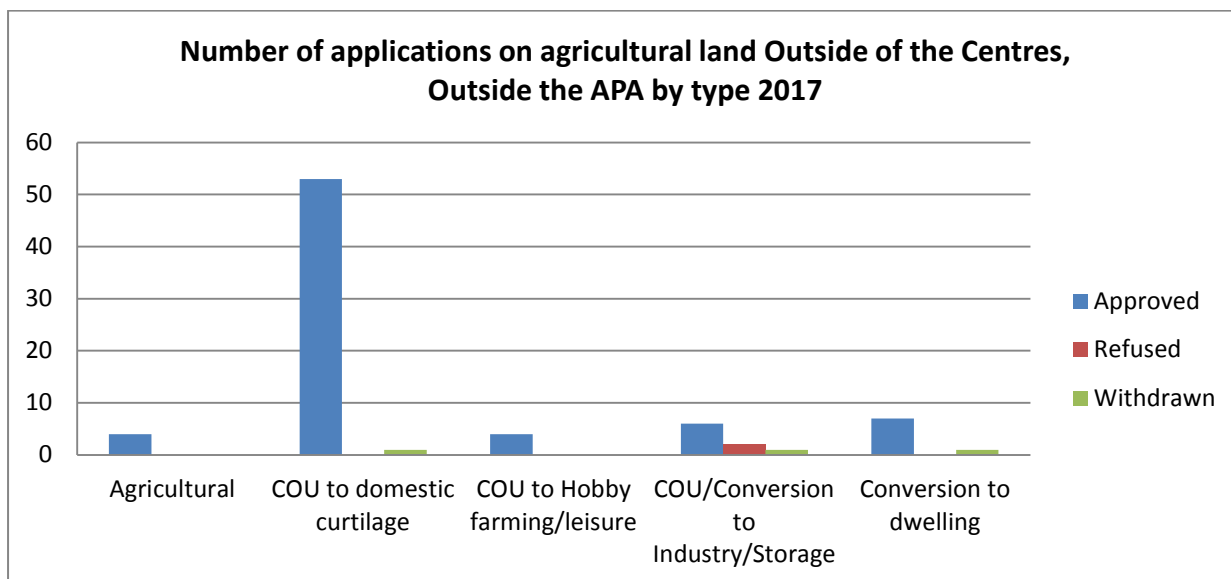


Figure 4: Number of planning applications decided on agricultural land outside the APA by type (2017)

In total, our preliminary figures indicate that approximately 11.1 hectares of land have been given planning permission to change from agricultural/horticultural use (including open land) to other uses. This breaks down as 8.7 hectares (53 vergées) of agricultural land that gained permission to change to domestic curtilage, with an additional change of 1.2 hectares (7.4 vergées) of land/buildings granted approval to change to domestic use through the conversion of redundant buildings and associated curtilage. 1.4 hectares (8.6 vergées) of land was given permission to change use from agriculture to industry and storage. 0.17 hectares (1.05 vergées) of land gained permission to change from agricultural to leisure uses (for example horse stabling or field shelters). Figure 5 below shows the approximate area of agricultural/open land outside the APA granted permission to change use by type in 2017.

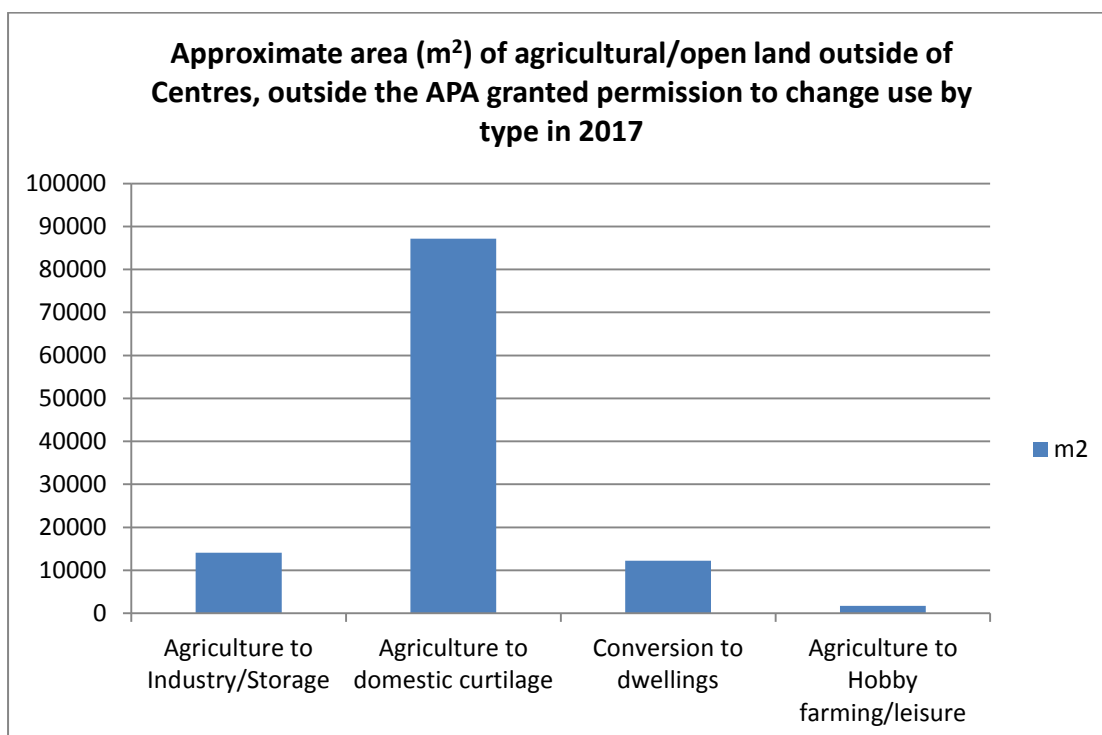


Figure 5: Approximate area of agricultural/open land outside the APA granted permission to change use by type in 2017

The majority of applications submitted were approved (92.5%) and therefore met the tests of the relevant policies both in terms of supporting agricultural proposals and changes away from agricultural use/open land. In terms of numbers and land area, the majority of relevant applications were clearly for the extension of domestic curtilage (70%). The size of the extension of curtilage approved has been plotted as shown in Figure 6, indicating the wide range of extension sizes.

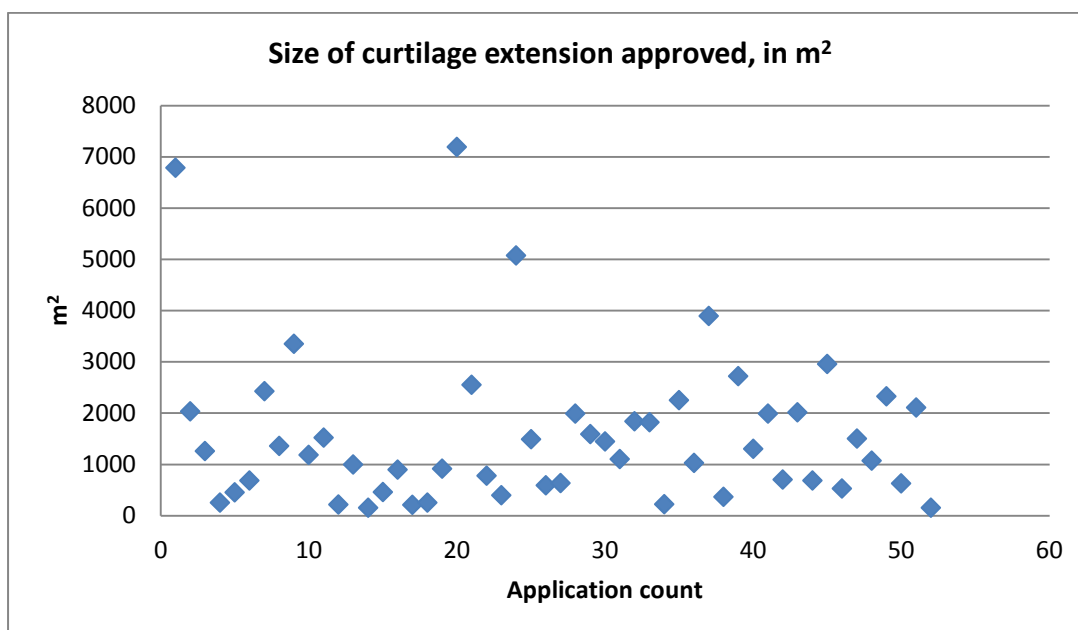


Figure 6: Size of curtilage extension approved, in m²

There were also 2 approvals for extension of domestic curtilage within the Main Centres – 1 in St Peter Port and 1 in St Sampson/Vale, both in the Main Centre Outer Areas. Together these amounted to approximately 4.7 hectares (28.8 vergées), as the application in St Peter Port was for a large area of land, largely domesticated, that falls within the Important Open Land designation.

Figure 7 below shows the location of planning approvals outside the APA, and includes 2 approvals for extension of curtilage within the Main Centre Outer Areas. There do not appear to be any significant implications as a result of the spatial distribution of the approvals, though it is noted that there are several close to or adjoining the APA designation.

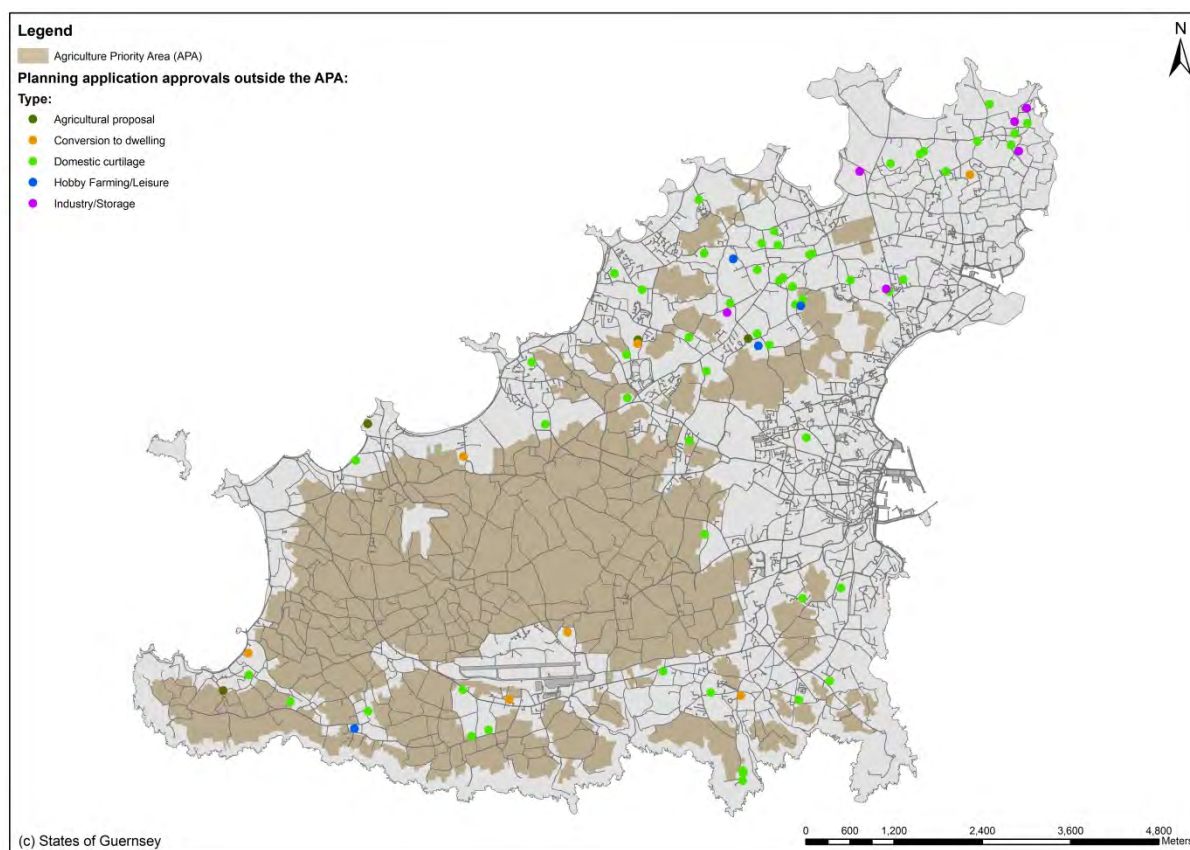


Figure 7: Location of relevant planning approvals outside of the Centres, outside the APA

The scattered and intricate nature of the field pattern in Guernsey means that a proportion of agricultural land in active use lies outside the APA. This land is still afforded protection against inappropriate development through policies in the IDP but agricultural use is not prioritised in the same way as it is within the APA and the policy tests differ.

The Committee *for the* Environment & Infrastructure (CfE&I) noted that Agriculture, Countryside and Land Management Services (ACLMS) had rarely been consulted on applications affecting agricultural land, and noted that from their assessment of the public records of planning applications, 14 applications were in relation to land that was either attached or adjacent to dairy farmed land or had previously been a field used for agriculture

(though not necessarily within the APA). Given that only 10% of land used by dairy farmers is owner-occupied and 90% is rented, the retention of sufficient land is a concern for many dairy farmers (Appendix 5, page 3 of Dairy Industry Review Group Report 2013-2014) so liaison with ACLMS remains important.

The concern raised by the CfE&I regarding consultation on planning applications affecting agricultural land is, therefore, noted. However the States have agreed a clear policy direction through the SLUP and the IDP policies, including the designation of APA which gives the Authority clear policy direction in most cases such that consultation is not necessary and this has led to a less bureaucratic planning application process.

It is also important to note, that the strategic direction of the SLUP is not to protect all agricultural land and to provide for other legitimate land uses in other areas, but to focus on protecting large areas of contiguous agricultural and other land, and the IDP policies very much reflect that direction as they are statutorily obliged to do. For its part, the CfE&I has recently provided updated data on land farmed by dairy farmers and will continue to share mapping data with the Authority where appropriate.

The policies appear to be working well in meeting the aspirations of homeowners particularly with regard to curtilage, but this must continue to be balanced with both the needs and aspirations of the agricultural industry and the general requirement to ensure that development of land does not result in the unnecessary loss of open and undeveloped land which would have an unacceptable impact on the open landscape character of an area.

Given the number of applications to extend domestic curtilage, it remains important to ensure that sufficient amenity space is provided or retained within residential development to meet the reasonable needs and aspirations of householders, to avoid excessive numbers of applications for the extension of curtilage in the future.

At present, IDP policies are intended to ensure the most effective and efficient use of land as the finite land supply is one of the Island's most precious resources. It is important that this objective is properly balanced with the need to comply with other objectives of the IDP and that the amenity of existing and future residents is considered by ensuring that sites do not become overdeveloped. The provisions of Policy GP8 and Annex 1 Amenities should continue to provide this balance but the monitoring of the location of extension of domestic curtilage applications should continue.

There is no evidence to suggest that the IDP policies have resulted in the unacceptable loss of agricultural land or that insufficient land remains to meet the current and future needs of the industry, however, it remains important to continue to liaise generally with CfE&I on the requirements of the industry.

Action:

- Continued monitoring of planning applications outside the APA that relate to agricultural/open land and horticulture;

- Continued monitoring of extensions of domestic curtilage and the quality of new developments, noting residential amenity space; and,
- Continued liaison with CfE&I at officer level regarding agricultural land use requirements and aspirations of the agricultural industry.

Dairy Farming

Agriculture plays a relatively small part in Guernsey's economy but it has a valuable land management function and the agricultural sector itself is dominated in terms of output, value and land use by the dairy industry. The estimated contribution of the combined Agriculture & Fisheries industries to overall output was approximately 0.7% in 2015 (Data and Analysis, 2017, in Facts and Figures 2017).

Whilst the direct contribution to the economy is relatively small, through the land management function and the protection of the Guernsey breed, the agricultural industry also makes a significant contribution to the tourist economy, as well as to quality of life and social well-being of Islanders.

Since current agricultural practise in Guernsey centres on the dairy industry, it is important to monitor data relating to dairy farming to ensure that IDP policies are fit for purpose in facilitating the industry, as well as enabling the land management function. It is important that the trends within the dairy industry are identified and monitored so that any future needs can be taken into consideration.

According to data provided by ACLMS, there has been no change to the number of dairy farms during 2017, with 14 operating across the Island.

The most recent published data relating to the area of land used by dairy farmers records 12.72 square kilometres (7,763 vergées) as being in dairy farming use, or 20% of the total of Guernsey's land in 2016. This has decreased slightly since 2015, where 12.73 square kilometres were recorded as being in use by dairy farmers (7,766 vergées) which still equates to approximately 20% of the Island's land, as shown below in [Table 1](#). (Source: Agriculture, Countryside and Land Management Services in Facts and Figures 2017). Around 1500 vergées of land is managed by farming activities other than dairy farming, such as arable and other livestock.

Table 1: Area of land used by dairy farmers

	Square km	Vergees	As % Island total
2006	13.79	8,414	21.7
2007	13.70	8,358	21.5
2008	13.19	8,050	20.7
2009	12.93	7,887	20.3
2010	13.39	8,171	21.1
2011	13.28	8,103	20.9
2012	13.34	8,139	21.0
2013	12.71	7,754	20.0
2014	12.61	7,691	19.8
2015	12.73	7,766	20.0
2016	12.72	7,763	20.0

Source: Agriculture, Countryside and Land Management Services in Facts and Figures, 2017

Employment figures by economic sector for 2017 showed 425 people were employed in agriculture, horticulture, fishing and quarrying, compared to 439 people in 2016, 446 in 2015 and 468 in 2014 (Source: Agriculture, Countryside and Land Management Services (ACLMS) in Facts and Figures 2017). There were a total of 59 employers in the agriculture, horticulture, fishing and quarrying sector in 2017, compared to 57 employers in that sector in 2016 (Source: Rolling Economic Census in Facts and Figures, 2017).

The future requirements of the dairy industry in terms of land have been understood to be around the same over the life of the IDP (approximately 8,000 vergées) (see Agriculture Priority Area, October 2014 report) and information received from the CfE&I suggests that the area of land farmed for dairy farming is not expected to change due to the stocking density requirements that are a condition of the Dairy Farm Management and Dairy Supply Agreements in place. However the growing of more grain and fodder crops is conceivable: this would create some increase in area managed by the industry.

As noted above, given that only 10% of land used by dairy farmers is owner-occupied and 90% is rented, the retention of sufficient land remains a concern for many dairy farmers (Appendix 5, page 3 of Dairy Industry Review Group Report 2013-2014). The most recent mapping information from ACLMS indicates that the vast majority of land in use for dairy farming falls within the APA, however further analysis would be needed to assess whether this updated 2017 information could suggest any amendments are needed to the APA designation, which, if so, would have to be through formal review of the IDP. It is important to monitor for any 'loss' of tenanted agricultural land outside the APA.

Data collected so far suggests that the agricultural industry has not changed significantly, though there appears to be a continued decrease in the number of employees and the contribution of the sectors to the economy, but should the industry's needs change (for example through the requirement to grow more fodder crops as noted above) any spatial implications would need to be considered to ensure the current policies and designations are responsive to changing needs.

The IDP recognises that farmers operate across a scattered pattern of generally small fields which can constrain viability but which typifies the traditional, small scale and intricate landscape. It is therefore important to ensure that the right land is prioritised for agriculture. Land used by dairy farmers relative to the APA therefore needs to be kept under review in the event that changes are needed to the extent of the APA designation.

Action:

- Continued monitoring of changing needs of the dairy industry (including possible requirements to grow more fodder crops);
- Continued monitoring of land farmed by dairy farmers relative to APA designation, including any losses of tenanted agricultural land outside the APA; and
- Further analysis of mapping data showing dairy farmed land.

INDICATOR – Number of dairy farms	
Plan Objective	Plan Objective 2: Manage the built and natural environment. Plan Objective 3: Support a thriving economy.
Target	None.
Outcome	There has been no change in the number of dairy farms.
Target met?	n/a
Comments (including any risks to delivery)	Possible increase in land for growing grain and fodder crops in connection with the dairy industry needs may be required in the future.
Action	Continued monitoring of changing needs of the dairy industry (including possible requirements to grow more fodder crops); Continued monitoring of land farmed by dairy farmers relative to APA designation, including any losses of tenanted agricultural land outside the APA. Further analysis of 2017 mapping data showing dairy farmed land.

Operational horticultural sites

IDP policies are intended to support existing horticultural businesses where they make a material contribution to the horticultural industry and are likely to continue to do so for the foreseeable future. Therefore proposals for development supporting existing horticultural businesses will generally be supported, and the establishment of wholly new horticultural holdings will be resisted in order to encourage best use to be made of existing holdings. Monitoring change in the number of operational horticultural sites along with other relevant data will allow monitoring of the industry and the responsiveness of IDP policies.

The estimated contribution of the horticulture sector to overall output was approximately 0.3% in 2015 (Data and Analysis, 2017, in Facts and Figures 2017).

There were no horticultural proposals during 2017, and just 1 approval since the adoption of the IDP which was approved in the APA to support an existing commercial horticultural operation. No horticultural applications were refused or withdrawn.

The Committee *for* Economic Development (CfED) has confirmed support for the approach of the IDP in relation to horticultural sites which enables the continuation and development of existing commercial horticultural activity whilst creating opportunities for the repurposing of sites to alternative uses where appropriate.

CfED also notes that since February 2018, when the Committee *for* Health & Social Care (CfH&SC) drafted legislation to enable the importation and use of cannabinoids (“CBD”), a number of enquiries have been received by CfED and CfH&SC from businesses interested in the potential to produce CBD on Island, including the growing of cannabis under licence from CfH&SC. CfED is in the process of identifying the potential economic benefits of the industry establishing in Guernsey and any barriers to this taking place. It is not yet clear whether a significant number of businesses may actually establish growing operations in Guernsey, but the nature of the enquiries received would indicate a potential demand for

horticultural premises. Should such applications be received, CfED would wish policy OC6, concerning proposals for works to existing glasshouse sites, to be supportive of the appropriate development of sites as may be necessary for the operation of businesses of this type. There is nothing to suggest, at this time, that the IDP policies would provide any block to such development on existing commercial horticultural sites.

Action:

- The nature of applications relating to horticultural proposals continue to be monitored; and,
- That the Authority continues to liaise at officer level with CfED over horticultural issues as appropriate, but particularly in connection with the potential establishment of CBD businesses as outlined above.

INDICATOR –Number of operational horticultural sites	
Plan Objective	Plan Objective 2: Manage the built and natural environment. Plan Objective 3: Support a thriving economy.
Target	None.
Outcome	No significant changes.
Target met?	n/a
Comments (including any risks to delivery)	Possible future changes in the horticultural industry in connection with CBD businesses.
Action	The nature of applications relating to horticultural proposals continue to be monitored; and, That the Authority continues to liaise with CfED at officer level over horticultural issues as appropriate, but particularly in connection with the potential establishment of CBD businesses as outlined above.

Changes in factors influencing APA identification

As set out in the Agriculture Priority Area report (October 2014), the APA was identified through a process which involved:

- Identification and mapping of land currently in agricultural use, removing any land within the Main Centres, Local Centres and the airport to allow for opportunities for development and, in the case of the airport, operational reasons;
- Mapping of the Island's Best and Most Versatile Land (BMV);
- Identification of adjoining redundant glasshouse sites and other suitable areas well related to established agricultural operations;
- Removal of land to be designated as a Site of Special Significance;
- Assessment and mapping of A, B, C and D together to identify large tracts of contiguous agricultural land, and removal of isolated areas through testing of options for a minimum size threshold; and,
- Broadly drawing boundaries around the remaining large tracts of land.

Significant changes to the evidence base which informed the process of identification of the APA could present reason for reviewing the APA boundaries. As noted above, ACLMS has

recently supplied updated mapping information on the land farmed by dairy farmers which needs further analysis but which appears to be largely covered by the current APA designation.

Further work has also been carried out by the Planning Service in connection with redundant glasshouse sites with the intention of producing an updated accurate baseline as described in the Redundant Glasshouse Sites Report which can be found on page 142. The intention is to update the baseline every 3 years, to coincide with the release of aerial photos from Digimap.

There is nothing to suggest, at this time, any significant changes in the baseline evidence for the APA which would require a review of its boundaries. However, if further analysis of the updated information identifies significant changes in the APA baseline evidence, then there may be reason to consider amendments to the APA which would need to be done through formal review of the IDP.

Action:

- Further analysis of the updated information on land farmed by dairy farmers and updated redundant glasshouse sites baseline relative to the APA designation.

INDICATOR – Extent of factors influencing the APA designation	
Plan Objective	Plan Objective 2: Manage the built and natural environment.
Target	None.
Outcome	No changes to BMV information or to SSS. Updated information on land farmed by dairy farmers needs further analysis but appears to be largely consistent with the designated APA.
Target met?	n/a
Comments (including any risks to delivery)	No updated information on BMV land available at present.
Action	Further analysis of the updated information on land farmed by dairy farmers and updated redundant glasshouse sites baseline relative to the APA designation.

Summary

From the evidence gathered, the APA designation appears to be working as intended by providing for the requirements of the agricultural and horticultural industries, including making provision for diversification of those industries. This is balanced with allowing other legitimate uses, as required by the SLUP.

Outside of the Centres the planning applications for change of use were predominantly for change to domestic curtilage, supported by the provisions of both Policy OC5(A) and Policy OC5(B) which allow for such a change as a legitimate use under certain circumstances. Evidence suggests that there remains sufficient agricultural/horticultural land to meet the current and future needs of the agricultural industries, however this is still worth monitoring

closely to ensure both sufficient land, and land in the right place, is being afforded sufficient protection.

Summary of monitoring requirements

- Continued monitoring of applications outside the APA that relate to agricultural/open land and horticulture;
- Continued monitoring of extensions of domestic curtilage and the quality of new developments, noting residential amenity space;
- Continued monitoring of changing needs of the dairy industry (including possible requirements to grow more fodder crops);
- Continued monitoring of land farmed by dairy farmers relative to APA designation, including any losses of tenanted agricultural land outside the APA;
- Continued monitoring of the nature of applications relating to horticultural proposals; and,
- Further analysis of the updated information on land farmed by dairy farmers.

Summary of action required

- Publication of Supplementary Planning Guidance on applying for planning permission in the Agriculture Priority Area in order to assist applicants and agents;
- Continued liaison with the Committee *for the* Environment & Infrastructure at officer level regarding agricultural land use requirements and aspirations of the agricultural industry;
- Investigate methods to obtain clearer data on the amount of agricultural, horticultural and undeveloped land within the Agriculture Priority Area;
- Further analysis of the updated information on land farmed by dairy farmers and updated redundant glasshouse sites baseline relative to the Agriculture Priority Area designation; and,
- That the Development & Planning Authority continues to liaise with the Committee *for* Economic Development at officer level over horticultural issues as appropriate, but particularly in connection with the potential establishment of CBD businesses as outlined above.



Redundant Glasshouse Sites

Introduction

Commercial horticultural operations, which were formerly part of the basis of Guernsey's economy, have greatly reduced in number and are consolidating on fewer, larger holdings, which has had the inevitable consequence of an increasing number of redundant glasshouse sites²⁴ across the Island in varying states of repair. The visual appearance of redundant glass reduces the quality of the landscape.

The Strategic Land Use Plan (SLUP) requires the Island Development Plan (IDP) to introduce policies to facilitate the removal of redundant glasshouses (Policy LP13). The SLUP encourages the removal of redundant glasshouses and structures and promotes the return of such land to open agricultural use in the first instance. It also recognises that such sites play a valuable role in providing natural habitats for wildlife. The SLUP contains a number of policies that are relevant to the possible future uses of redundant glasshouse sites including open countryside (SLP28), landscape (SLP27), biodiversity (SLP30), curtilage (LP13), camping (SLP7), outdoor recreation or leisure (SLP10), small-scale business development (SLP4), renewable energy (LP2) and conversion of redundant ancillary structures to a range of potential new uses.

Under the terms of the Planning Law, redundant glasshouse sites and any ancillary structures are treated as agricultural land and so, on the clearance of the structures, the land is expected to revert to agricultural use. However, IDP Plan Objective 1 is to 'make the most effective and efficient use of land' and Plan Objective 2 is to 'manage the built and natural environment'. Therefore, Policy OC7 gives flexibility for certain development proposals on some redundant glasshouse sites, in specific circumstances, where they are consistent with the policies of the IDP.

The cost of clearance of redundant glasshouse sites versus their value as agricultural land has provided a barrier to their removal. Therefore, the rationale behind Policy OC7 is to help secure the removal of redundant glasshouses and ancillary structures to enhance the landscape. It does this through supporting specific uses, generally not capable of being located in a Centre or not supported in a Centre providing that the proposal includes demolition and removal from the site of all glasshouses and ancillary structures which are not capable of being used in accordance with the IDP policies and by requiring a development to provide a positive contribution to the visual quality of the environment. There needs to be a clear indication that the glasshouse(s) is no longer required or capable of being used for their authorised purpose for Policy OC7 to apply.

An amendment during the IDP States' debate²⁵ resulted in the additional policy requirement that in all cases the proposal must include the demolition and removal from the site of all

²⁴ "Redundant glasshouse site" means: "a glasshouse or glasshouses together with ancillary structures and land where the glass and ancillary structures are no longer required or capable of being used for their authorised purpose. Often the condition of such structures will deteriorate over time through lack of use and management to leave only partial remnants of structures." (Island Development Plan paragraph 17.5.3)

²⁵ [Billet D'Etat XXVII P.2016/25 Amdt 31 Proposed by Deputy Laurie Queripel, Seconded by Deputy P Ferbrache](#)

glasshouses and ancillary structures which are not capable of being used for a use in accordance with the relevant policies of the IDP. This policy amendment secures the objectives of the policy whilst allowing limited scope to use existing structures in association with permitted uses where this is sensible and their removal would simply result in a need to erect a new structure of similar scale or extent in order to operate the approved use. Glasshouses are not considered to be permanent structures for the purposes of this policy. It is highlighted in the IDP that land planning alone cannot provide a comprehensive solution to the clearance of redundant glass and ancillary structures which can only fully be achieved through joint working across States' Committees and action by land owners.

The purpose of this report is therefore to only monitor the effectiveness of the IDP policies in promoting the clearance of such sites. This is achieved by providing an overview of the change in the number of redundant glasshouse sites including whether this has resulted in a reduction specifically because of the IDP policy (i.e. have sites been cleared or partially cleared as a result of change of use granted) and the new use(s) these sites have been put to. This is undertaken by an audit of planning applications relating to redundant glasshouse sites to determine which applications have been approved or refused. In addition to the above, a baseline of redundant glasshouse sites has been established so that the long term trends can be analysed. The report will also consider if any action is necessary including any policy changes.

Redundant glasshouse sites baseline and identifying redundant glasshouse sites

Methodology

In order to effectively monitor changes in the number of redundant glasshouse sites it is important to establish an up to date baseline of such sites across the Island. Therefore, a methodology was adopted, with an aim of producing the following mapping data:

- A redundant glasshouse baseline (accurate as of 2016);
- Glasshouses that are in commercial use; and,
- Redundant glasshouse sites that have been cleared since our previous mapping data (2009-2016).

The following resources were used in order to carry out the assessment:

- Previous research and mapping data (2009);
- Mapping data supplied by Digimap to show all the greenhouses on the Island;
- Cadastre Tax on Real Property (TRP) history;
- Any relevant planning history;
- 2016 aerial photograph; and,
- Historical aerial photographs.

The first step in the process was to compare and update any changes to the information previously gathered to inform the IDP. This was completed by systematically going through the existing redundant glasshouse data and comparing it against the 2016 aerial photograph to see if any sites had been cleared over time or to determine if any of the sites appeared to be in commercial use. A general Island-wide check was also completed to capture any sites that may have been previously missed.

It was apparent that some sites needed further investigation and a decision on the majority of these sites could be determined through a desktop analysis using the above resources. There were a handful of sites that required a site survey, although in many cases it was difficult to gain enough information from the public space to establish its current status so a decision was made based on the information we currently hold.

Once the mapping data was completed, it was clear that the condition of the redundant glasshouse sites varied between good, fair and poor. Subsequently, sites were categorised based on their condition using the 2016 aerial photograph.

The above mapping data will be updated every 3 years to coincide with the aerial photographs that are supplied by Digimap. At this point in time, the same methodology will be applied.

The Committee *for* Economic Development (CfED) has confirmed support for the approach of the IDP policies in relation to horticultural sites which enables support for the continuation and development of existing commercial horticultural activity whilst creating opportunities for the repurposing of redundant sites to alternative uses where appropriate. The CfED is expected to report shortly and provide information which it gathers relating to the small number of commercial glasshouse operations. It is hoped that this information will help establish more accurate data and further refine the above baseline. In the future however it is worth noting that the CfED has indicated that it is currently undertaking a cost-benefit analysis to review the level of resource which may be allocated to the horticultural census in the future.

Action: The Development & Planning Authority continue to liaise with the Committee *for* Economic Development at an officer and political level with regards to information on the small number of commercial glasshouse operations and the level of resources allocated to the horticultural census.

Redundant glasshouse baseline

The total area of redundant glasshouse sites is 80.6 hectares. Part of that figure may include remnants of former glasshouses, which at present may or may not have planning permission to be part of a domestic curtilage (approx. 6%). There are approximately 25.7 hectares of glasshouses that are in commercial use.

The above figures are a best estimate using all available data however without individually surveying all of the sites it is unclear, in some cases, whether some of the good or fair condition sites are in use and there may be some smaller redundant glasshouses that could not be identified through the methodology.

Figure 1 shows that 46% of redundant glasshouses are categorised as good condition, 31% as fair condition and 23% as poor condition when assessed against the 2016 aerial photograph.

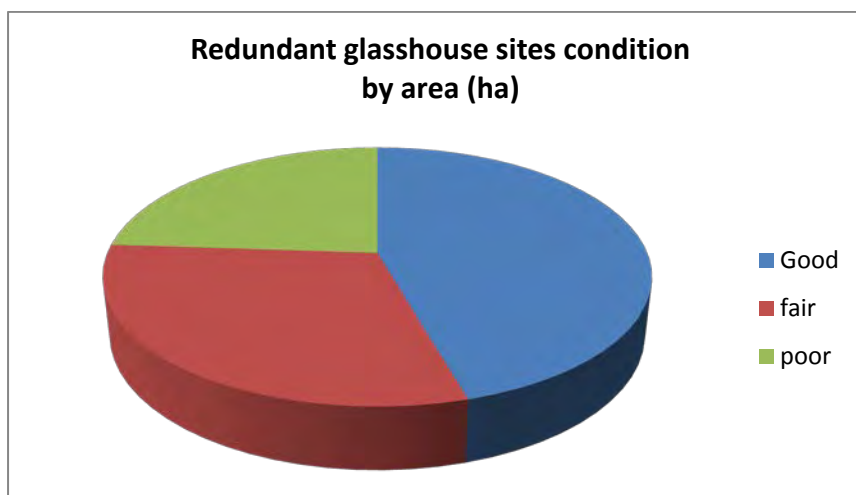


Figure 1: Redundant glasshouse sites based on condition

A total of 61 (approx. 8.2 ha) redundant glasshouse sites have been cleared since the previously identified redundant glasshouse mapping data (2009 until 2016). During that time, a total of 9 sites were cleared of glass as a result of a planning approval (approx. 1.8 ha), which is 21.95% of the total area of cleared glass. The majority of these sites were cleared prior to the adoption of the IDP. Please note that this figure only includes glass that has been completely cleared from sites that have been identified during those assessments, therefore, there may be other cleared glasshouse sites not included in this figure.

The use of a cleared redundant glasshouse site for agriculture or open land does not require planning consent and planning permission is not always sought to remove redundant glasshouses. Therefore, now that a baseline has been established, to keep a record of all cleared glasshouse sites, not just those with planning permission, the Planning Service will compare the 2016 redundant glasshouse baseline against the next aerial photograph received from Digimap in 2019. The research will note cleared sites that are within and adjacent to the Agriculture Priority Area which will establish the sites that are contributing to the larger swathes of agricultural land.

In response to the feedback requested for the Annual Monitoring Report (AMR) process some agents expressed concerns that some land owners that had cleared redundant glasshouse sites prior to the IDP being adopted now consider they are disadvantaged under IDP policies as they cannot apply Policy OC7 because the site is no longer considered a redundant glasshouse site but has reverted to agricultural use. However the adoption of a new development plan follows a statutory procedure, including significant consultation, and introduces new policy approaches which supersede all previous policies.

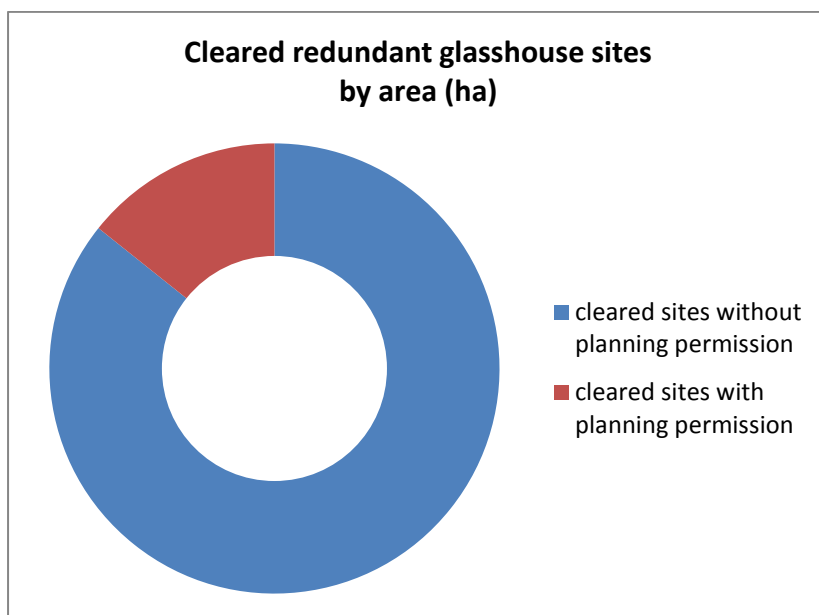


Figure 2: Number of cleared redundant glasshouse sites (2009-2016)

Redundant glasshouse sites planning permissions

New uses for redundant glasshouse sites (Change of use)

IDP Policy OC7 allows for a range of alternative uses for redundant glasshouse sites. Figure 3 shows the number of planning application approvals and refusals from 1st January to 31st December 2017 for change of use of redundant glasshouse sites. In total 9 applications were approved and 2 refused for change of use. The greatest number of approved applications for change of use is for the extension of domestic curtilage (3 applications). All of the approved applications for change of use of redundant glasshouse sites have a planning condition to demolish and remove all glasshouses and ancillary structures from site, unless the approval includes permission to reuse the ancillary structures.

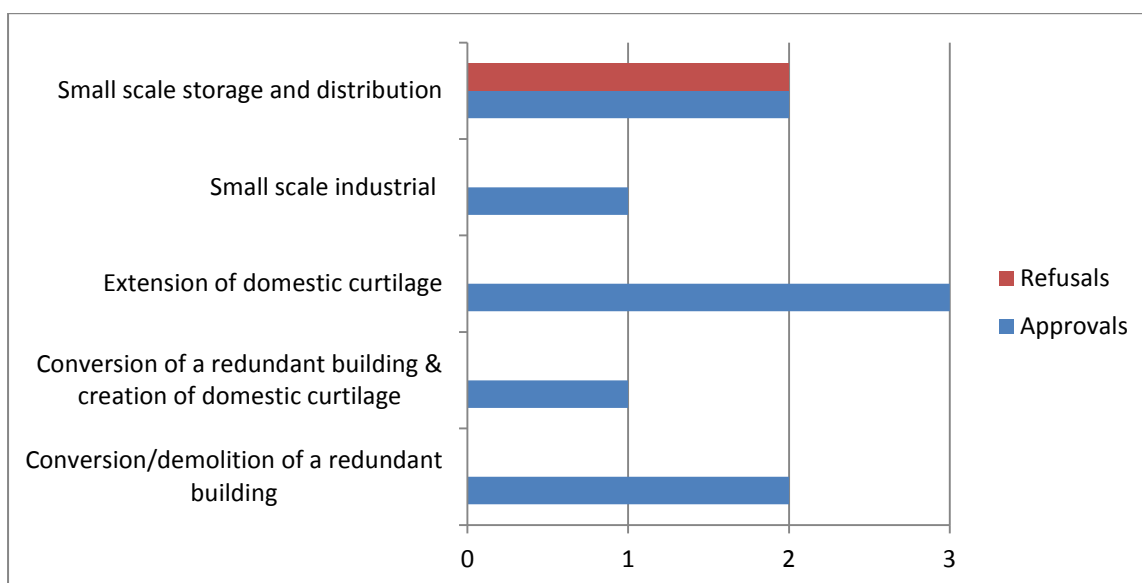


Figure 3: New uses of redundant glasshouse sites

Conversion/demolition of a redundant building relates to 2 proposals on the same site, 1 of which proposes to convert and the other to demolish an existing packing shed and replace it with a dwelling. There has also been 1 application for the conversion of a redundant building and creation of domestic curtilage.

There have been 3 applications for the extension of domestic curtilage, which will result in the redundant glasshouse site being incorporated into the domestic curtilage.

There has been 1 approved application to demolish the glasshouse and outbuildings and erect 3 light industrial units and associated outbuildings. The CfED was consulted regarding this proposal and confirmed that there is a justifiable need to provide for these uses Outside of the Centres. The proposal allows the majority of the land to return to open land, linking with a wider area of open land, whilst concentrating the facilitating development in a small area well related to an existing cluster of development. Overall, the principle of the change of use would satisfy the first parts of both Policies OC3 and OC7.

There have been 2 applications approved for storage and distribution. 1 application relates to a redundant glasshouse site that is not within or adjacent to an APA and by virtue of its position in relation to neighbouring land uses and in public views would not contribute positively to a wider area of open land. The other application was approved for retrospective permission for the use of a former vinery building for storage and distribution purposes. In this case the proposed use is considered to be small scale and related to the adjacent marina business (for which reason it could not practicably be located elsewhere) and involves a redundant glasshouse site and the change of use of a redundant building (in accordance with Policy GP16(A)). The land is not located within or adjacent to an Agriculture Priority Area. In both cases the application will result in the demolition and clearance of all glasshouses on the land.

2 applications have been refused for small scale storage and distribution use. 1 application was refused as the site includes areas of open undeveloped land and as such only partially falls within the scope of Policy OC7 and the other application failed to comply with policies OC3, OC5(A) and OC7.

In response to consultation as part of the AMR process, the CfED explained that it continues to support the approach of the IDP, which enables the continuation and development of existing commercial horticultural activity, whilst also creating opportunities for the repurposing of sites to an alternative use where appropriate, in particular supporting the change of use of redundant glasshouse sites to small scale industrial or storage and distribution use.

To date no planning applications have been received relating to renewable energy, campsites and outdoor formal recreation or informal leisure and recreation on redundant glasshouse sites. However, the CfED recognises that the development of renewable energy infrastructure in Guernsey has the potential to contribute positively to the economy, and will therefore be working with the CfE&I to ensure that the potential economic benefits are taken into account as part of work towards a new Energy Plan.

INDICATOR – Permissions for change of use of redundant glasshouse sites	
Plan Objective	Plan Objective 1: Make the most effective and efficient use of land and natural resources. Plan Objective 2: Manage the built and natural environment.
Target	Secure the clearance of redundant glasshouse sites through the grant of planning to appropriate uses.
Outcome	9 Redundant glasshouse sites have been given planning permission for change of use. In all cases the permission includes a condition to clear the glass and ancillary structures, unless the approval includes permission to reuse the ancillary structures.
Target met?	Yes.
Comments (including any risks to delivery)	n/a
Action	Continued monitoring of planning permissions for change of use of redundant glasshouse sites; and, The Development & Planning Authority to continue to liaise with the Committee <i>for the</i> Environment & Infrastructure at an officer level in relation to the development of the Energy Plan and to monitor any likely impacts this emerging policy may have on the number of planning applications relating to change of use of redundant glasshouse sites for renewable energy (Policy IP1).

Clearance of redundant glasshouse sites to implement planning permissions given

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

Based on the above analysis of planning applications, it is evident that approximately 2 hectares of glass is required to be cleared in order to implement the planning permissions given; this is 2.48% of the overall redundant glasshouse sites baseline, which currently stands at 80.6 hectares.

During feedback as part of the AMR process, agents expressed concerns that due to the cost of site clearance there is insufficient incentive through the IDP policy to clear redundant glass. The States has recognised, through adoption of the IDP, that land planning alone cannot provide a comprehensive solution to the clearance of such sites. Policy OC7 has been put in place to provide some opportunity to incentivise the removal of redundant glasshouses. However, it is recognised that this is limited and that a comprehensive solution across the States and with land owners is required. It will be important to continue

monitoring to what extent glass is cleared as a result of planning policy and permissions to ensure the policies in the IDP continue to be flexible enough when determining redundancy of glasshouse sites in order to manage the decline of the horticultural industry.

INDICATOR – clearance of redundant glasshouse sites to implement planning permissions given

Plan Objective	Plan Objective 1: Make the most effective and efficient use of land and natural resources. Plan Objective 2: Manage the built and natural environment.
Target	Clearance of redundant glasshouse sites.
Outcome	To be monitored.
Target met?	n/a
Comments (including any risks to delivery)	n/a
Action	To monitor the clearance of redundant glasshouse sites following planning permission to determine which sites have been cleared from the baseline as a result of planning permission being granted.

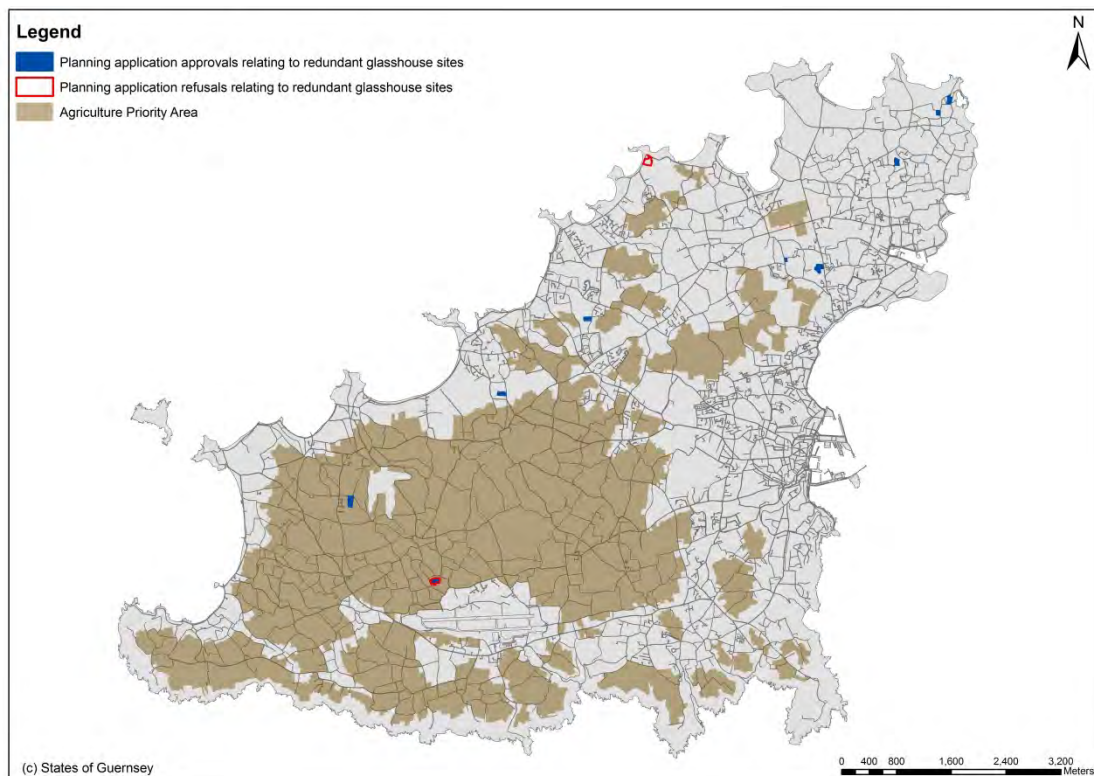


Figure 4: Location of planning permissions and refusals relating to redundant glasshouse site

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

Where a redundant glasshouse site is located within or adjacent to an Agriculture Priority Area (APA) it will be expected to be used for other agricultural purposes, once cleared, unless it is demonstrated that it cannot positively contribute to commercial agricultural use. It will be important to monitor what proportion of redundant glasshouse sites are returned to agricultural use where these fall within or adjacent to the APA to determine how this contributes to the larger swathes of agricultural land.

INDICATOR – Change in the number of redundant glasshouse sites within and adjacent to the APA	
Plan Objective	Plan Objective 1: Make the most effective and efficient use of land and natural resources. Plan Objective 2: Manage the built and natural environment. Plan objective 3: Support a thriving economy.
Target	All redundant glasshouse sites within and adjacent to the APA revert to agricultural land.
Outcome	To be monitored.
Target met?	One change of use away from agriculture in 2017.
Comments (including any risks to delivery)	n/a
Action	Continued monitoring of planning applications relating to redundant glasshouse sites within and adjacent to the APA. Continued monitoring of cleared glasshouse sites within and adjacent to the Agriculture Priority Area following the adoption of the IDP to establish if any of the cleared sites are contributing to agricultural land.

Summary

It is evident that approximately 1.8 hectares of redundant glasshouse sites have been cleared as a result of a planning approval from the previously identified redundant glasshouse mapping data (2009 until 2016), which is 21.95% of the total area of cleared glass. The percentage of cleared redundant glass as a result of planning policy is relatively small, which indicates that such sites have been cleared over time, in any case even when it has not been directly related to a planning permission. However, it is important to note that the majority of the sites included within this figure were cleared prior to the adoption of the IDP and therefore this figure does not specifically relate to Policy OC7 at this point in time. There has been insufficient time since adoption of the IDP for Policy OC7 to take effect in any meaningful way. Therefore, going forward the Planning Service will continue to keep a record of all cleared redundant glasshouse sites from the baseline (2016) following the adoption of the IDP and compare the findings. The research will note cleared redundant glasshouse sites that are within and adjacent to the APA which will establish the sites that are contributing to the larger swathes of agricultural land.

In addition to this, the audit of planning applications relating to redundant glasshouse sites has identified approximately 2 hectares of glass is required to be cleared in order to implement the planning permissions given (1st January to 31st December 2017). This is 2.48% of the overall redundant glasshouse sites baseline (2016), which currently stands at 80.6 hectares. It is therefore apparent that the IDP policies are securing the removal of redundant glasshouse sites through the grant of planning to appropriate uses.

The report has also highlighted that land planning alone cannot incentivise the wholesale clearance of redundant glasshouse sites as it is not possible within the constraints of the IDP, SLUP policies and Spatial Strategy to uplift the value of the land sufficiently to do this. However, IDP Policy OC7 has none the less been effective in securing some removal of redundant glass and restoration of landscape as required by the SLUP and remains relevant. The effectiveness of Policy OC7 may also increase over time as the policy settles in. In conclusion, there is no need to amend Policy OC7 but the Planning Service will continue to monitor its effectiveness.

Summary of monitoring requirements

- To maintain and regularly update and refine the redundant glasshouse baseline;
- Continued monitoring of planning permissions for change of use of redundant glasshouse sites;
- Continued monitoring of the area of glass to be cleared to implement planning permissions;
- Continued monitoring of planning applications relating to redundant glasshouse sites within and adjacent to the Agriculture Priority Area; and,
- Continued monitoring of cleared glasshouse sites within and adjacent to the Agriculture Priority Area following the adoption of the IDP to establish if any of the cleared sites are contributing to agricultural land.

Summary of action required

- The Development & Planning Authority continue to liaise with the Committee *for* Economic Development at an officer level with regards to information on the small number of commercial glasshouse operations and the level of resources allocated to the horticultural census; and,
- The Development & Planning Authority to continue to liaise with the Committee *for the* Environment & Infrastructure at an officer level in relation to the development of the Energy Plan and monitor any impacts this may potentially have on the number of planning applications relating to change of use of redundant glasshouse sites for renewable energy (Policy IP1).



Natural Resources

Introduction

The Policy & Resource Plan sets out as part of its 20 year Vision for Guernsey that we will be a safe and inclusive community which nurtures its unique heritage and environment and is underpinned by a diverse and successful economy. This is echoed in the Strategic Land Use Plan (SLUP) which has Core Objectives 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:

- The wise management of Island resources such as land, air quality, energy and water;
- 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; and,
- The protection of local biodiversity and the countryside.

The SLUP states that the quality of Guernsey's natural environment is important, not simply for its inherent value, and for its contribution to quality of life but also its importance for social well-being and to the Island's economy. It notes that there are valuable landscapes such as the coastal areas, open common, managed fields, valleys and escarpments that all contribute to the important local character of the rural environment. There are also areas of acknowledged and important biodiversity. The SLUP also emphasises the importance of climate change adaptation.

The SLUPs Linking Policies refer to:

- Ensuring the physical and natural environment of the Island is conserved and enhanced;
- Achieving the prudent use of natural resources, including those that may enable the supply of renewable energy;
- Enabling the development and use of renewable energy;
- Improving the energy efficiency and carbon performance of new buildings;
- Reducing, where practicable, the Island's contribution to greenhouse gases;
- Ensuring new and existing building stock is more resilient to climate change impacts; and,
- Incorporating sustainable drainage measures and high standards of water efficiency in new and existing building stock.

The Island Development Plan (IDP) incorporates a range of policies that seek to deliver the SLUPs objectives and policies, both at a spatial strategy level, directing development and concentrating it in more sustainable locations thereby protecting biodiversity and open land, and a detailed level with policies to encourage resilience to climate change and use of renewable energy. It should be noted that the IDP policies are not the only mechanism to deliver these aims and other strategies such as States' policies for energy and transport also contribute.

The IDP has objectives to “Make the most effective and efficient use of land and natural resources” (Plan Objective 1), “Manage the built and natural environment” (Plan Objective 2) and “Support a healthy and inclusive society (Plan Objective 4). The Natural Resources report covers a broad range of issues that are distinct but contribute overall to these objectives. The report includes analysis of the effectiveness of policies relating to Sites of Special Significance, Areas of Biodiversity Importance, Important Open Land, Flood Risk and Water Efficiency, Renewable Energy, Minerals (Safeguarded Land), Landscape Character and Air Quality. Relevant policies include S1, GP1, GP2, GP3, MC1, LC1, GP9, IP1, IP5, IP6 and IP10.

IDP Policy IP5: Safeguarded Areas states that Safeguarded Areas shall be protected from any development that may compromise their future implementation for strategically important development. 3 areas are designated on the Proposals Map as Safeguarded Areas:

- Chouet Headland for possible mineral extraction;
- Les Vardes Quarry for possible water storage; and,
- Land to the east of airport land for a possible runway extension.

In terms of the natural resource of minerals at Chouet Headland, Policy IP5 requires a Development Framework to be in place prior to development within a Safeguarded Area. Work began in 2017 on preparing a Development Framework for the Chouet Headland in relation to possible mineral extraction, with a draft expected to be published for consultation in Autumn of 2018. Progress with this site and mineral extraction generally will be monitored as part of the Strategic Development and Infrastructure thematic report.

IDP Policy GP1: Landscape Character and Open Land states that proposals will not be supported if they would result in the unnecessary loss of open and undeveloped land which would have an unacceptable impact on the open landscape character of an area, and that development will be supported where it respects the relevant landscape character type within which it is set. The character types are set out in an Annex to the IDP. This Annex was based on the Guernsey Character Study (Stage 1), 2013. A Stage 2 Character Study was proposed in the Stage 1 report to be a detailed assessment that will build on the evidence collected in Stage 1. It will provide a finer level of detail and assess the character and distinctiveness of individual areas or neighbourhoods in both the urban and rural areas and will identify priority areas for the maintenance, enhancement and/or restoration of that character. When this study is completed, the implications for the IDP policies will be considered and the potential for monitoring indicators.

A Guernsey Habitat Survey is conducted approximately every 10 years. The last survey was in 2010. The project to produce a 2020 Habitat Survey has been initiated by the Committee *for the* Environment & Infrastructure (CfE&I). The findings of the survey and the implications for the IDP policies will be considered in a future Annual Monitoring Report (AMR). The 2010 Habitat Survey found that there were 2.26km² of open natural habitat representing 3.6% of the total land area of Guernsey. Dune grassland comprised the largest proportion (37%) of open natural habitat followed by coastal grassland (33%) and marshy grassland (27%), the remainder being unimproved grassland, saltmarsh, dune slack, dune heath and open dune.

Sites of Special Significance

The Land Planning and Development (Guernsey) Law, 2005 makes provision for the designation of Sites of Special Significance (SSSs) through Development Plans or Subject Plans. A SSS may be designated if it has been identified as an area having a special significance, whether because of archaeological, historical, botanical, geological, scientific, cultural, zoological or any other interest, which it is desirable to preserve, enhance or manage by the application of special provisions. For the purposes of designation in the IDP, areas of special botanical, scientific or zoological interest were considered.

There are 9 SSSs designated in the IDP, covering 839 hectares. The 9 SSSs can be seen on the IDP Proposals Map. They are known as:

1. Cliffs;
2. Fort Hommet headland & Vazon Coast;
3. La Claire Mare, La Rousse Mare, the rest of the Colin Best Nature Reserve, Lihou headland & L'Erée shingle bank;
4. L'Ancrese Common;
5. Les Vicheries & La Rue Rocheuse (extending to La Saline & Rocquaine sand dunes);
6. Lihou Island;
7. Port Soif to Pont du Valle (including Vale Pond & extending to Cobo);
8. South Vazon & La Grande Mare wet meadows; and,
9. St Sampson's Marais & Château des Marais.

The Land Planning and Development (General Provisions) Ordinance, 2007, Part 1, Section 4 extends the definition of development within a SSS, resulting in works normally not constituting development requiring planning permission, such as any works which disturb the ground, or significant clearance of vegetation where this would materially affect the special interest of a SSS. This places significant constraints on development that might harm the special interest of a SSS. A significant number of exemptions from the requirement for planning permission under the Land Planning and Development (Exemptions) Ordinance, 2007 are not available in SSSs and certain changes of use to agricultural and horticultural uses amount to development in those areas when they do not in others.

There are no residential uses within the SSSs designated in the IDP, but it is recognised that there are existing commercial and recreational uses in these areas. IDP Policy GP2: Sites of Special Significance is therefore flexible enough to allow reasonable opportunities to maintain and expand activities associated with these existing uses where it is consistent with other IDP policies. Therefore, whilst policies provide a high level of protection in these areas in recognition of their special interest, the IDP policies have the flexibility to support and balance economic requirements and social wellbeing with conserving natural resources as required by the SLUP. Even where new development may have a negative impact on special interest there is the opportunity for an applicant to demonstrate that the impact can be acceptably mitigated or offset (Policy GP2).

In 2017 there were 14 planning applications in SSSs. 13 of these were approved and there was 1 refusal.

Of the 13 approvals – 6 were in the Cliffs SSS, 2 in the La Claire Mare etc SSS, 3 in the L'Ancrese Common SSS, 1 in the Port Soif to Pont du Valle SSS and 1 in the St Sampson's Marais & Château des Marais SSS.

The refusal related to a memorial bench in a coastal location. This was refused for reasons of the design in relation to other policies rather than impact on the special interest of the SSS. In terms of the SSS, the development was considered to be of a minor nature and incapable of having a significant adverse effect on the special interest of the site in terms of wildlife.

The types of development approved in SSSs is shown in **Figure 1** below. Most permissions relate to existing buildings or structures within a SSS. Only 1 application in 2017 involved groundworks on an undeveloped part of a SSS at a bunker on L'Ancrese Common. L'Ancrese Common is designated as a SSS because of its botanical and zoological interest and has some very important areas for rare and threatened species of plants. The proposal involved minor works to remove a small area of scrub grass. This area was considered to support little in the way of interesting or rare plants and subsequent maintenance of the cleared bunker would increase botanical diversity by preventing the scrub from re-establishing.

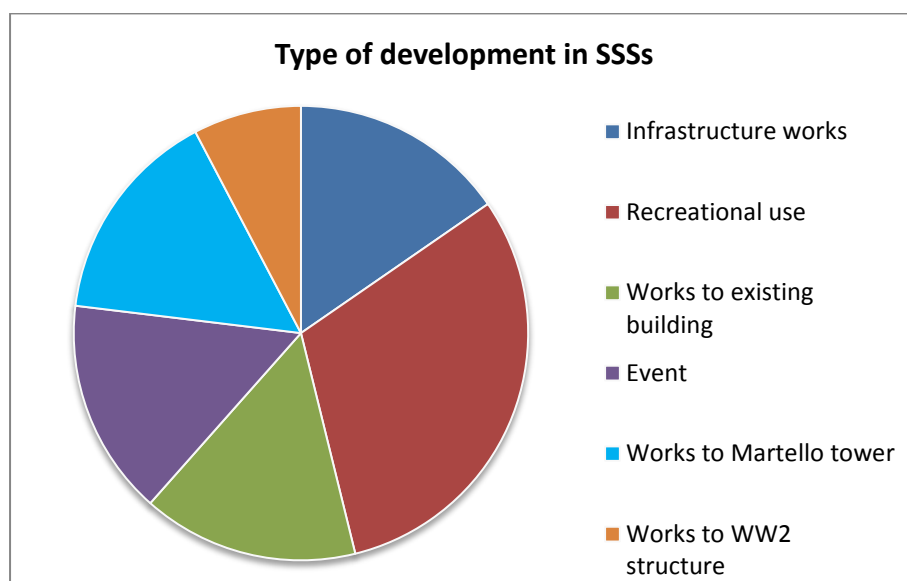


Figure 1: Type of development permitted in Sites of Special Significance

Where a proposal has the potential to impact on the special interest of a SSS, the Planning Service request precise details of the extent of works and consult widely with La Société Guernesiale and Environment Guernsey.

Sites of Special Significance Supplementary Planning Guidance

In time it is the intention of the Authority to publish guidance for the whole or part of each SSS as Supplementary Planning Guidance (SPG). The aim of the guidance will be to help understanding of how best to avoid any negative impacts of development on the special interest of the SSS, to identify development that, if carried out in a specific manner, would

not need planning permission and to identify the opportunities for enhancement of the area's special interest that might exist through development.

The Authority will work with C&E&I, alongside work associated with the Biodiversity Strategy, to bring forward this guidance. The project to produce these 9 SPGs has yet to be initiated. An update on progress will be included in the 2018 AMR.

There has been no feedback from consultation for this AMR that the IDP policies have unduly hindered legitimate activity from taking place in a SSS. This will however be kept under review and taken into account as guidance is developed for each area.

INDICATOR – publish guidance for the whole or part of each Site of Special Significance	
Plan Objective	Plan Objective 2: Manage the built and natural environment.
Target	Minimum of 9 SPGs.
Outcome	No progress to date.
Target met?	No.
Comments (including any risks to delivery)	This project requires significant resources in terms of officer time.
Action	Initiate the project to produce Supplementary Planning Guidance for whole or part of each Site of Special Significance.

Areas of Biodiversity Importance

Guernsey's most important sites for biodiversity are identified as SSSs and the planning legislation and policies in the IDP afford a high level of protection in these areas. There are, however, a number of other sites that do not have a sufficient level of special interest to be designated as a SSS but nevertheless contribute significantly to the biodiversity of the Island. The designation of Areas of Biodiversity Importance (ABI) provides a mechanism to offer a focus on biodiversity and some protection and enhancement of such sites when development proposals are being considered. Some of the ABIs support the special interest of a SSS by providing either natural buffers or wildlife corridors.

There are 84 ABIs designated in the IDP including the Foreshore ABI. 27 ABIs are related to SSSs. In total, the ABIs cover an area of 196 hectares.

IDP Policy GP3: Areas of Biodiversity Importance supports development within an ABI provided the biodiversity interest of the site has been considered and any negative impacts can be appropriately and proportionately mitigated. The policy does not apply to householder development within the curtilage of a dwelling.

In 2017 there were 6 planning applications for sites that included land within ABIs. All of these were approved. There were 2 permissions to install interpretation boards at La Vallette, a permission to rebuild a wall and fell 2 trees at Baubigny Quarry, and permissions to demolish and replace a house, extend curtilage and erect a dwelling. In these last 2 cases,

the applications involved development not within the curtilage of a dwelling and the impact of the proposals on the biodiversity interest of the sites was considered acceptable.

A number of other planning permissions in 2017 involved development that had been designed to avoid land designated as ABI.

No issues with Policy GP3 were raised in the feedback received for the AMR. The Policy is performing as intended.

The evidence base referenced in the production of the IDP with regards to those ABIs not associated with a SSS has become dated. The most recent survey of these sites was the 'Sites of Nature Conservation Interest within the Urban Area Plan, 2006' (by La Société Guernesiaise and Environment Guernsey) and the Review of Sites of Nature Conservation Importance in the Revised Rural Area Plan, 2003' that was carried out by La Société Guernesiaise. A commitment was made by the former Environment Department during the IDP Public Inquiry hearings to re-survey those sites and to carry out Island analysis to identify any additional ABIs. This project will be initiated in 2019 and an update on progress will be given in the relevant AMR.

The ABIs that form buffers and corridors associated with the SSSs were identified through the 'Appraisal of Sites of Special Significance' by Environment Guernsey in 2014. These ABIs will therefore not require to be resurveyed but will be assessed again when the SSS Supplementary Planning Guidance documents are produced and if necessary a new survey of the ABIs in the particular area could take place and the appropriateness of the ABI designation considered at that time. The Foreshore ABI was also identified in the Environment Guernsey report and therefore also does not need to be resurveyed. Any changes to the existing ABIs or identification of new ABI designations would require formal amendment of the IDP.

INDICATOR – survey Areas of Biodiversity Importance	
Plan Objective	Plan Objective 2: Manage the built and natural environment.
Target	Survey of 56 Areas of Biodiversity Importance and analysis of any new areas.
Outcome	Project initiated.
Target met?	No.
Comments (including any risks to delivery)	This project requires significant resources.
Action	Survey the Areas of Biodiversity Importance other than the Foreshore and those Areas associated with a SSS and identify any new ABIs.

The States' approved the 'A Biodiversity Strategy for Guernsey', in 2015 and this helps to set a framework within which Guernsey's biodiversity can be protected and enhanced. The Biodiversity Strategy, and details emerging from it, will be taken into account when considering proposals for development that may affect an Area of Biodiversity Importance.

If and when further detailed policy or guidance is approved the implications for the IDP policies will be considered in future AMRs.

Important Open Land

The SLUP states that 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. The SLUP highlights the particular importance of the unique, small scale, intricate landscape which is found in the Channel Islands and that coastal landscapes, open common, managed fields, valleys and escarpments are important landscape features. Within and around the Main Centres and within some Local Centres there are areas of open land that provide breathing space within the built environment and, in most cases offer views across open land. The special qualities of these areas need to be protected from insensitive development that could detract from their value and the amenity that they provide in otherwise built up areas. Therefore the IDP Policies for Important Open Land provide protection from development that would adversely affect the landscape character and visual quality of the areas and detract from their value.

IDP Policies MC1 and LC1 relate to Important Open Land in Main Centres / Main Centre Outer Areas and Local Centres respectively. The policies support development on land designated as Important Open Land where it relates to new outdoor formal recreation or informal leisure and recreation or it relates to work to existing buildings or structures and subject to the impact of the development on the open character and visual or landscape character of the land.

There are areas of Important Open Land in the St Peter Port Main Centre/Outer Area, the St Sampson/Vale Main Centre/Outer Area and the Local Centres at St Martins and St Pierre Du Bois. These areas are extensive within the Centres, as shown in [Figure 2](#) below.

	Size of Centre (hectares)	Size of Important Open Land (hectares)	Important Open Land as a % of the Centre
St Peter Port Main Centre	413.44	61.66	14.9%
St Sampson / Vale Main Centre	221.17	25.298	11.4%
St Martin Local Centre	33.27	5.051	15.2%
St Pierre Du Bois Local Centre	10.7	3.217	30.1%

Figure 2: Areas of Important Open Land in Main Centres and Local Centres

There were 10 planning applications in 2017 within areas of Important Open Land. These were all approved. 8 were in St Peter Port, 2 in St Sampson/Vale and none in Local Centres. 9 applications were for alterations to dwellings, the remaining application was for conversion of a garage/workshop into a residential unit. The proposals were not considered to have any significant impact on the open character or landscape character of the Important Open Land.

There are no indicators in relation to Important Open Land. The AMRs can consider any feedback on the policy in the future or the decisions of any planning appeals.

Flood Risk and Water Efficiency

There are a number of lower lying areas in Guernsey, mostly in the north-east part of the Island, which are vulnerable to flooding during present day extreme high tides. This vulnerability will increase with anticipated sea level rise. As a result there is both an existing, and an increased future flood risk to coastal communities.

The Guernsey Coastal Defence Flood Studies and approved strategy, 2013 (Billet d'État XV, July 2013) identifies extensive flooding caused by tidal or storm surge as a key corporate risk and focuses priority for capital works in the areas of St Sampson's Harbour and Belle Greve Bay. Proposals for new or replacement coastal defences will be considered against Policy S5: Development of Strategic Importance (Policy IP10: Coastal Defences refers to Policy S5). Policy S5 supports development of strategic importance that are clearly demonstrated to be in the interest of the health, or well-being, or safety, or security of the community, or otherwise in the public interest.

The Flood Risk Assessment Studies have identified coastal areas within Guernsey considered to be at risk of flooding from 1 in 10, 50, 100 and 200 year coastal flood events as at 2012 see [Figure 3](#) below. The areas at risk of flooding are at Cobo Bay and Saline Bay, Belle Greve Bay, St Sampson / Le Grande Harve, Bordeaux Harbour, Baie De Port Grat and Pequeries, Rocquaine Bay and L'Eree Bay and to a much lesser extent a flood risk was identified at Pembroke Bay.

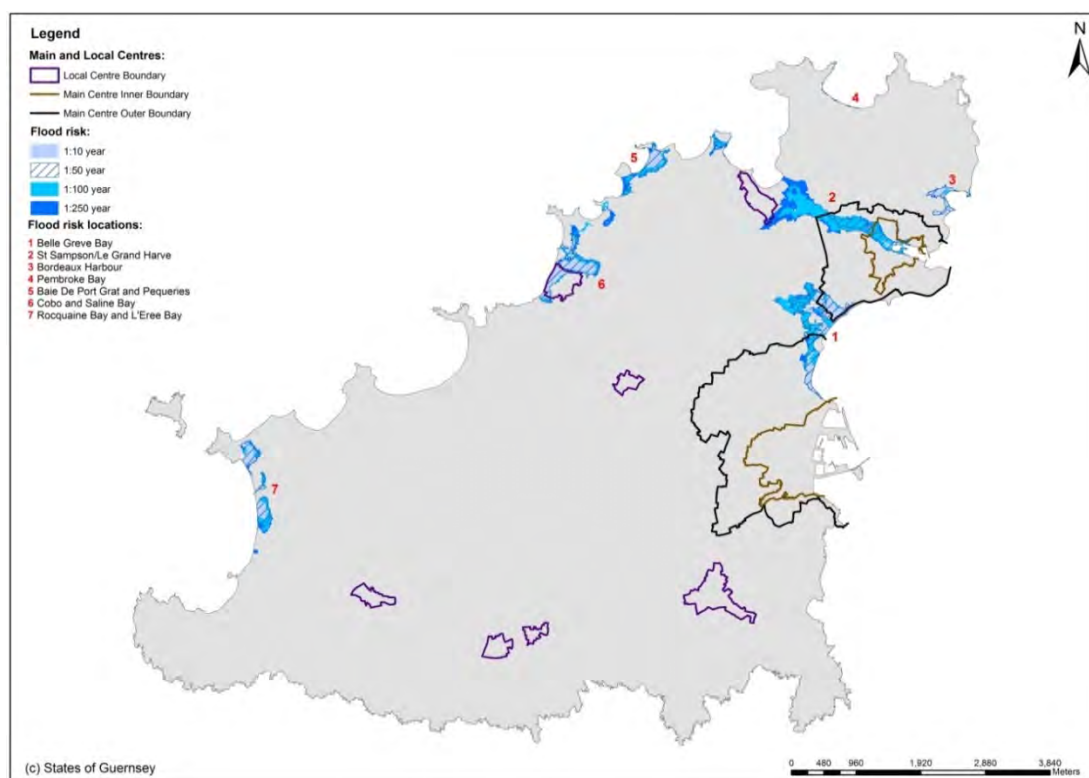


Figure 3: Flood risk areas

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

To make effective and efficient use of land it would not be appropriate to prohibit development in the flood risk areas. The IDP recognises that some land uses will be more vulnerable to flooding as a result of climate change than others. The IDP therefore has an approach of managing development subject to flood risk and requiring design that is suitable for the location and encourages existing buildings to be adapted for climate change and the associated increased risk of coastal flooding.

For the purposes of monitoring, the AMRs will review planning permissions in the 1:10 year flood risk areas, as the areas most liable to flooding. In 2017 there were 49 applications in this area. 33 for works to existing buildings, 6 for landscape works and 10 for a change of use. The majority were within the Cobo and Belle Greve Bay areas – see [Figure 4](#) below.

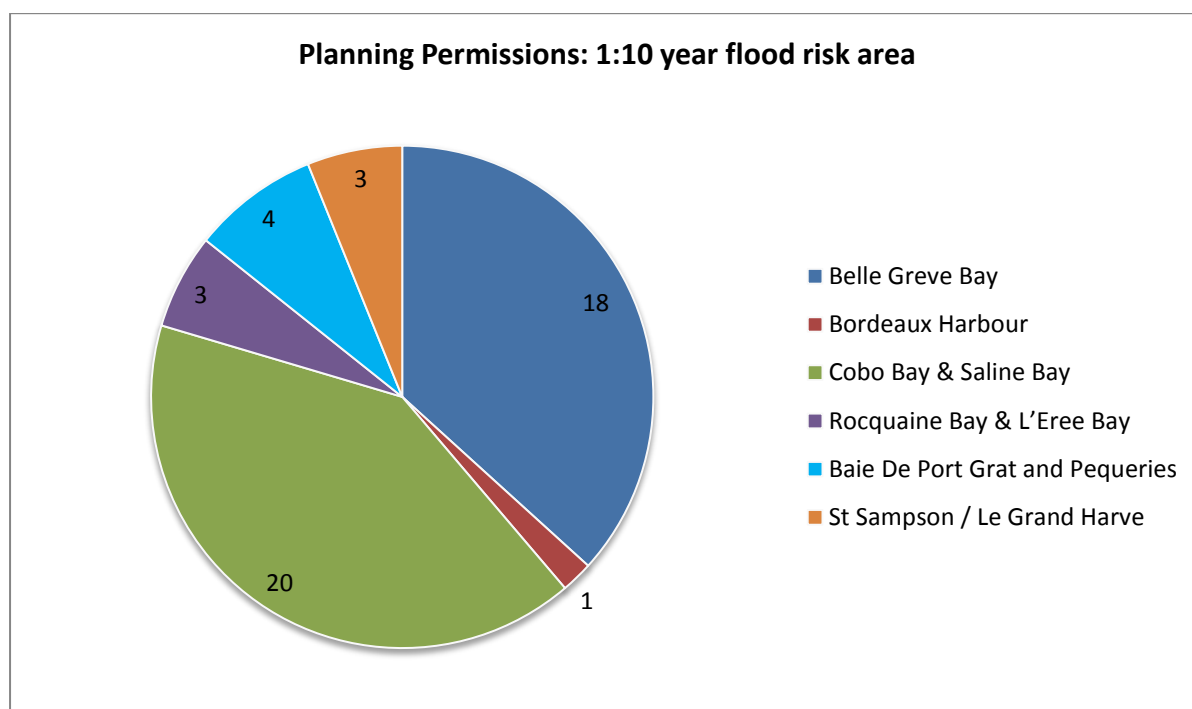


Figure 4: Planning permissions in the 1:10 flood risk area

In some cases, typically where advice has been received from Guernsey Water, planning conditions are attached to permissions that require surface water to be dealt with on site and not enter into the existing surface water system. This ensures that flood risk as a result of the development can be satisfactorily mitigated. It is standard practice to promote Sustainable Urban Drainage Systems (SuDS) and permeable paving.

The presence of flood risk has been taken into account in work on Development Frameworks. Of the 2 Development Frameworks approved in 2017, the Warma Development Framework at Cobo addresses a small area of flood risk within the site and

recommends the use of the area for landscaping. The use of SuDS on sites subject to a Development Framework will be monitored in future AMRs.

In its consultation response to the Authority for the AMR, the States Trading and Supervisory Board (STSB) highlight Guernsey Water's Surface Water Management Policy – endorsed by the CJE&I in 2016. This applies to retrofit Sustainable Urban Drainage Systems (SuDS) and the application of SuDS during new development or redevelopment. It has also published a guide to permeable surfaces. Both of these approaches support the implementation of IDP Policy GP9.

Guernsey Water can ask to be consulted on any planning application but is normally only consulted if a planning application includes works to a water course or in the drafting of a Development Framework. STSB has stated that Guernsey Water would welcome the opportunity to discuss with the Authority an approach to monitoring how and when it is consulted, conditions on planning permissions requiring SuDS and the discharge of conditions.

The Authority is considering changes to the Land Planning and Development (Exemptions) Ordinance – this establishes what work can be carried out without requiring the specific grant of planning permission, e.g. for paving of driveways. These changes may seek to promote the use of permeable paving. The STSB notes that Guernsey Water can work with the Authority on this issue.

Guernsey Water intend to produce a Surface Water Management Strategy in 2018. This will need to be taken into account and the implications for the IDP policies, including the potential for guidance, will be considered in due course. There is potential for the Planning Service to liaise with Guernsey Water to assist in the production of the Strategy.

Action:

- Planning Service to work with Guernsey Water/STSB on the Surface Water Management Strategy to review the approach to requirements for SuDS; and,
- Planning Service to monitor the use of SuDS on larger developments approved under the IDP – those relating to sites with a Development Framework.

Renewable Energy

Renewable generation of power is achieved by means such as the harnessing of energy from wind, tidal, wave, biomass or solar sources. Renewable energy ranges from energy produced on a commercial basis at a scale at which the majority of the energy produced is used beyond the generation site, to the production of energy primarily for use on the particular site concerned and generally at a much smaller scale. 24% of the energy supplied to Guernsey consumers in 2016 was derived from nuclear or renewable sources, compared with 22% in 2015. In 2016, total energy consumption increased by 3.7% from 2015. Consumption per capita also saw a small increase when compared with 2015 [source – Guernsey Facts and Figures, 2017].

IDP Policy IP1: Renewable Energy Production supports proposals for installations for the harnessing of renewable energy where the development can be satisfactorily incorporated

into the built form of an existing or proposed development, or is located on brownfield land or a redundant glasshouse (in certain circumstances). Development on other greenfield land is supported where the renewable energy infrastructure is subterranean and will not compromise the ability to use the land for agriculture.

During 2017 there were 2 planning applications to produce energy on a commercial basis from renewable sources. Guernsey Electricity received permission for the installation of solar panels to 4 south facing roofslopes of their premises on North Side, Vale. The other application was withdrawn.

Activity in this sector is quite limited and therefore Policy IP1 has yet to be tested other than this case. The Policy will be reviewed as part of work on the emerging States' Energy Policy – see below – to ensure that it remains effective in delivering the energy objectives and priorities of the States as identified in the Policy & Resource Plan. At present, under current law Guernsey Electricity can be the only company to supply electricity (although it is noted that CICRA has recently granted a licence for Guernsey Gas to supply electricity on a small scale). As it stands at the moment a householder can only supply electricity for their own use as long as they are not supplying it to a third party. It appears that the potential 'block' to supply of electricity to individuals or companies from renewable energy is not the IDP policies which allow for the principle of solar farms etc on some sites and encourages the use of renewable energy infrastructure on others, but is to do with electricity supply mechanisms.

IDP Policy GP9: Sustainable Development requires proposals for new development, and the refurbishment, extension and alteration of existing buildings, to be designed to take into account the use of energy and resources. During 2017 there were 28 other planning permissions to incorporate renewable energy equipment into the built form of an existing or proposed development – see Figure 5 below.

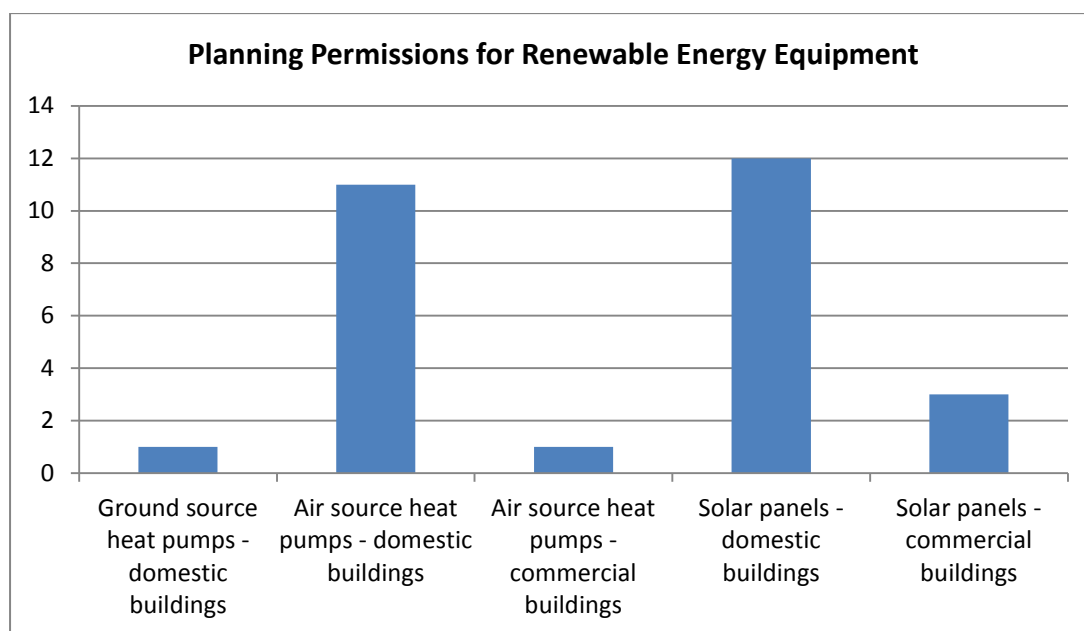


Figure 5: Planning permissions for renewable energy equipment

These 28 permissions represent a small portion of the circa 1,500 applications submitted each year. There is potential to do more to promote renewable energy equipment to help deliver more sustainable development and to reduce energy demand and this will be achieved through the States' Energy Policy and other strategies. At present compliance with Policy GP9 does not require a proposal to incorporate renewable energy equipment. It is acknowledged that, as stated in Policy GP9 there are other aspects of design that contribute to the sustainability of a building such as location, orientation, the form of construction and the materials used.

INDICATOR – increase the supply of energy through renewable sources	
Plan Objective	Plan Objective 1: Make the most effective and efficient use of land and natural resources.
Target	None.
Outcome	n/a
Target met?	n/a
Comments (including any risks to delivery)	The proportion of applications that include renewable energy equipment is significantly low.
Action	Development & Planning Authority to liaise with the Committee <i>for the</i> Environment & Infrastructure at an officer and political level to promote the use of renewable energy equipment and infrastructure in accordance with Policy GP9 and IP1 as part of development of the Energy Policy.

Energy Policy

The States has identified the formulation of an energy policy as one of the 23 States priorities identified in the Policy & Resource Plan. This policy encompasses renewable energy, infrastructure and security of supply of essential commodities (i.e. affordable and resilient supply of fuels). The main work streams within this policy are the formulation of an overarching Energy Policy for Guernsey which will address sustainability measures and which will inform future work in relation to the supply of hydrocarbons, the use of renewable energy and the Infrastructure Investment Plan. The implications for the IDP policies of this policy will need to be considered in due course.

The Committee *for* Economic Development noted that the IDP permits the development of renewable energy infrastructure. The Committee “recognises that the development of renewable energy infrastructure in Guernsey has the potential to contribute positively to the economy, and will therefore be working with the Committee *for the* Environment & Infrastructure (“CfE&I”) to ensure that the potential economic benefits are taken into account as part of work towards a new Energy Plan. The Committee intends to work with CfE&I to develop a clearer understanding of the future demand and nature of renewable energy production, as well as the economic value this may bring to the Island. The Committee envisages that this work will involve consideration of the enablers which need to be in place to facilitate renewable energy generation in Guernsey, including an assessment of the suitability of existing planning policy”.

Air Quality

The SLUP states that Guernsey has generally excellent air quality but the main factors affecting air quality are the growth in motor traffic and fuel consumption, which creates localised pollution. The SLUP notes that the planning system is able 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.

Guernsey's Greenhouse Gas emissions come from a range of sources (data sourced from the Guernsey Annual Greenhouse Gas Bulletin 2016) - see [Figure 6](#) below. In 2016, Guernsey's emissions totalled 398.5kt of CO₂ equivalent, which equates to 6.4 tonnes per capita. The total was 2.9% higher than in 2015 and 27.9% lower than in 1990.

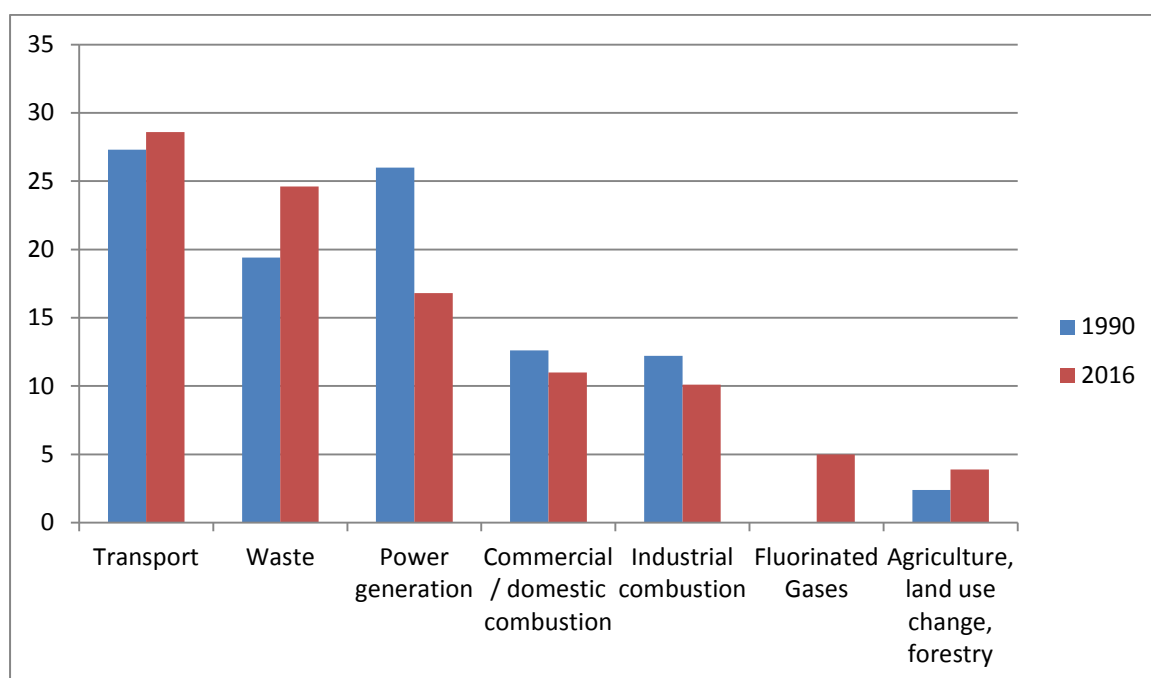


Figure 6: Percentage contribute of emissions by source

A number of IDP policies contribute toward an improvement in air quality in the island. Of the sources of Greenhouse Gas emissions, of particular relevance to IDP policies are the emissions from transport, waste and the commercial and domestic combustion of fuels for heating and hot water in homes and offices etc.

Transport contributed the largest proportion of emissions in both 1990 and 2016, at 27.3% and 28.6% respectively. Emissions from transport decreased between 1990 and 2016 by 24.4% (36.7kt of CO₂ equivalent) to 114.1kt of CO₂ equivalent. Almost 70% of transport emissions resulted from on-island road transport in 2016, with a further 20% from aviation. Levels of greenhouse gases emitted as a result of transport have generally been trending downwards since a peak in 2000.

Nitrogen dioxide is a gas generated from the combustion of fossil fuels (principally by motor vehicles) and is one of a range of air pollutants monitored in Guernsey. Nitrogen oxides (including nitrogen dioxide) contribute to acid rain, depletion of the ozone layer and can

have detrimental effects on health. They are also greenhouse gases. Figure 7 shows the annual average concentration of nitrogen dioxide recorded in Guernsey each year. Levels of nitrogen dioxide in Guernsey are below the guideline maximum of 40mgm-3 set by the World Health Organisation (WHO).

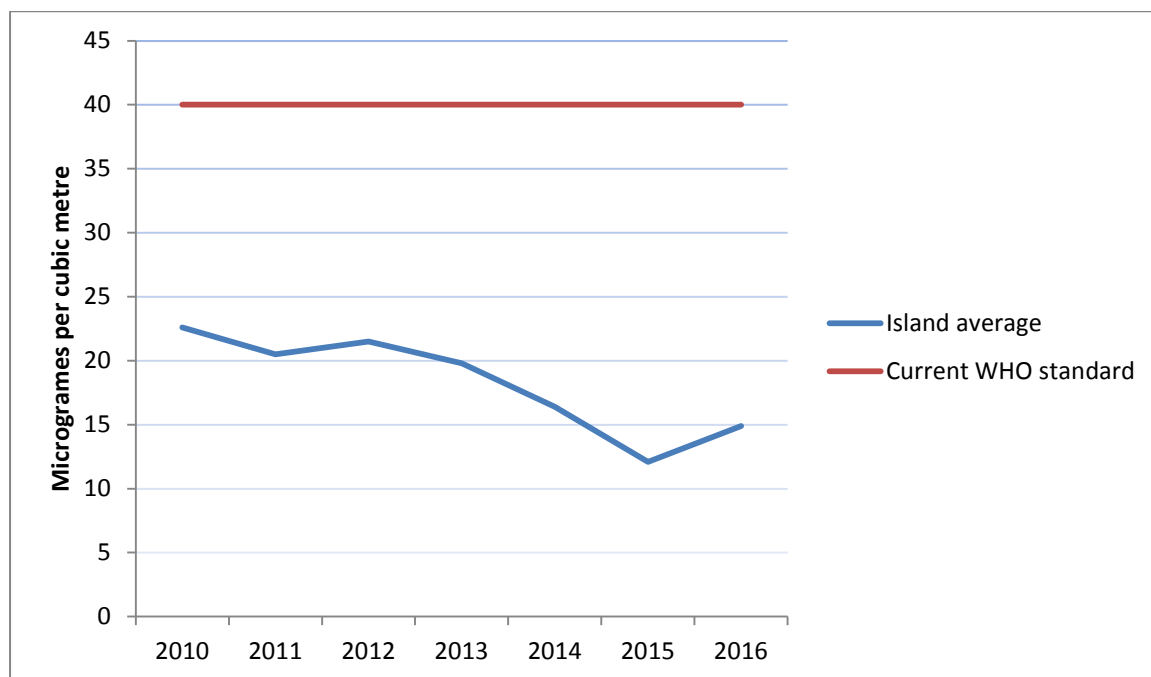


Figure 7: Nitrogen dioxide levels

Source: Environmental Health and Pollution Regulation

In terms of transport, the IDP policies support the implementation of the Integrated Transport Strategy and facilitate 'modal shift' and convenient access by modes other than the motor car. Policy S1: Spatial Policy aims to concentrate development in the Main and Local Centres which consolidates the majority of social and economic activity in the areas that have the best access to public transport and services and reduces the need to travel by car. Policy GP8: Design requires proposals to consider how development can be designed to provide the necessary infrastructure and facilities in order to support a range of practicable transport options for reaching the site including facilities that will assist in people being able to commute by bicycle, motorcycle or on foot. Policy IP6: Transport Infrastructure and Support Facilities requires development to be well integrated with the transport network and supports development proposals that encourage a range of travel options to and within the Main Centres and the Main Centre Outer Areas. Policy IP7: Private and Communal Car Parking requires provision of appropriate levels of parking in accordance with the guidance set out in Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessment. This emphasises the importance of designing development to meet the needs of bicycles as well as motor cycles and disabled parking, and sets maximum standards for general car parking in the Main Centres and Main Centre Outer Areas.

Within the resolutions of the Integrated Transport Strategy is a requirement for the C&E&I to report back to the States by December 2018 on the effectiveness of the Strategy. The Committee has stated that this policy letter will review/update the Strategy to include analysis of the effectiveness of the measures implemented to provide transport choice and

encourage modal shift, and recommendations in relation to changes that may be required in order to continue to deliver the Strategy Vision. This will provide context for future monitoring of modal shift. The effectiveness of the IDP policies for car parking are considered in the Public and Private Parking thematic report.

Waste was the second largest contributor to Guernsey's total emissions in 2016. It contributed 24.6% (97.9kt of CO₂ equivalent) of the total emissions in 2016. The emissions are mostly (95%) in the form of methane gas, which is released as landfilled matter decomposes. There have been decreases in the emissions from this source since 2006. This mirrors the trend in waste going to landfill during these years. The cumulative decrease between 1990 and 2016 was 8.8% (or 9.4kt of CO₂ equivalent).

The IDP encourages the consideration of the reduction of construction waste at the earliest stages of the design process and throughout the construction and pre construction phases of development through a requirement for the submission of a Site Waste Management Plan with planning applications for certain development. These are the demolition and rebuilding of dwellings on a one for one basis, or the demolition and rebuild of redundant buildings or dwellings which have planning permission to be subdivided or where development is for 5 or more dwellings or for any development of a minimum of 1,000 square metres of floor area. It is important to monitor construction waste to be able to gauge the effectiveness of the IDP policies in encouraging and requiring sustainable forms of design and construction and to inform the policy requirements for waste infrastructure provision. The monitoring of construction waste is set out in the Construction Waste thematic report.

Commercial and domestic combustion of fuels for heating and hot water in homes and offices etc also contribute a substantial amount of the Island's emissions (11.0% of the 2016 total). The emissions from commercial and domestic combustion were 43.8kt of CO₂ equivalent in 2016, which was 37.1% lower than in 1990.

The energy efficiency of buildings is addressed in IDP Policy GP9: Sustainable Development which promotes and enables all new development (i.e. buildings and external spaces) to reduce its overall environmental impact and minimise the use of energy and resources by considering the following factors from the outset of the design process: the location, orientation and appearance of the building; its form of construction and selection of materials (e.g. those with low embodied energy); the use of renewable energy technologies; opportunities to mitigate or adapt to climate change (e.g. risks of flooding and surface water run-off); and for development over a specific size consider how any waste is managed. In order to assess the quality of new development, in future AMRs development that was approved under the IDP and is completed, over a given size threshold, will be monitored for the quality of design. The monitoring of the energy efficiency of buildings is set out in the Built Environment and New Development thematic report.

A survey carried out by the Office of Environmental Health and Pollution Regulation into air pollution in Guernsey concluded in April 2016. The survey was conducted to gauge Islander's current views on air pollution and to make recommendations to the States on what controls we need. The results to the survey were used to inform a Policy Letter that was debated by

the States in February 2017. The revised legislation (Part VII (Air Pollution) of the Environmental Pollution (Guernsey) Law, 2004) will need to be drafted before the proposals are legally binding.

The proposals include a set of Air Quality Standards to be used as a benchmark for ambient air quality monitoring programmes which establish the state of the air environment and inform any decision making for future developments and controls that may need to be applied. Any breaches in air quality standards are attributed to pollution from point and line sources e.g. combustion and industrial plant, traffic emissions etc. The standards will also be used to inform the management of traffic flows around the Island and for the setting of conditions for “prescribed operations” to ensure that local ambient air quality is not compromised by their emissions to the air.

The implications for the IDP policies of the revised legislation will be reviewed in future AMRs.

The effectiveness of the IDP policies that contribute toward improvements in air quality are monitored elsewhere in the AMR as set out above. The overall impact of these policies will be kept under review in future AMRs in relation to air quality indicators and Greenhouse Gas emissions indicators published by the States.

Summary

In summary, the SLUP requires the wise management of Island resources such as land, air quality, energy and water and the conservation of energy, reduction of our carbon footprint, development of renewable energy and adaptation to climate change, and the protection of local biodiversity and the countryside.

The IDP policies need to balance these requirements for the natural environment with the needs of the economy and social wellbeing. This balance comes from the Spatial Policy which concentrates development in the Centres, reducing the need for further development of green spaces elsewhere, and the designation of areas for their biodiversity or landscape value. The monitoring above has found that the IDP policies for SSSs and ABIs have provided for a proportionate approach with two levels of protection, giving a higher level protection where there is particular special interest, but allowing for development in ABIs where impacts are considered and mitigated. In addition, the policies for Important Open Land have ensured these areas have been protected from adverse impacts through development.

The balance also comes from a number of policies to ensure that the design of development takes account of energy and climate change. These policies require further monitoring to assess if opportunities are being maximised through development to address flood risk, reduce surface water run-off, promote energy efficiency and encourage the use of more sustainable modes of transport.

Whilst there have been no major proposals to date for infrastructure to provide for public transport or renewable energy, for example, the IDP policies are flexible and allow for major infrastructure provision including any not envisaged at the time of writing the IDP through Policy S5: Development of Strategic Importance.

Summary of monitoring requirements

- Review the findings of the Guernsey Habitat Survey 2020 when complete;
- Review the use of Sustainable Urban Drainage Systems on sites subject to a Development Frameworks; and,
- Planning Service to monitor the use of Sustainable Urban Drainage Systems on larger developments approved under the IDP – those relating to sites with a Development Framework.

Summary of action required

- Initiate the project to produce Supplementary Planning Guidance for the whole or part of each Site of Special Significance;
- Survey the Areas of Biodiversity Importance other than the Foreshore and those Areas associated with a Site of Special Significance and identify and new Areas of Biodiversity Importance;
- Planning Service to work with Guernsey Water / States Trading Supervisory Board on the Surface Water Management Strategy to review the approach to requirements for Sustainable Urban Drainage Systems. Then review the Island Development Plan approach in the 2018 Annual Monitoring Report; and,
- Development & Planning Authority to liaise with the Committee *for the* Environment & Infrastructure at an officer and political level to promote the use of renewable energy equipment and infrastructure in accordance with Policy GP9 and IP1 as part of development of the Energy Policy.



Construction Waste

Introduction

The Strategic Land Use Plan (SLUP) emphasises the importance of sustainable development, climate change mitigation, waste mitigation and sustainability in design and construction. This is reflected in linking policies LP1, LP2, LP3 and LP4. These policies are supported by the Solid Waste Strategy which was adopted by the States in 2012, and the Inert Waste Strategy, which will be debated by the States again in 2018.

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

Policy GP9: Sustainable Development of the IDP supports Plan Objective 1 and promotes the provision of sustainable development. Developments, including new and refurbishment, extension and alteration of existing buildings will be supported where it has been demonstrated that the design of the development is sustainable, including the form of construction, orientation and materials used; also Policy GP8 expects all developments, including commercial uses and multiple new dwellings to be designed in such a way that they provide adequate individual or communal areas for storage of refuse and recyclable materials. The development must also not have unacceptable impacts on the amenities of neighbouring properties or Conservation Areas, protected buildings or protected monuments. Policy GP9 also sets out when a Site Waste Management Plan is required. These requirements are also contained within Policies MC2, LC2, OC1, GP13, GP16(A) and GP16(B).

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

It is important to monitor construction waste to be able to gauge the effectiveness of the IDP policies in encouraging and requiring sustainable forms of design and construction and to inform the policy requirements for waste infrastructure provision. The outcomes of the Site Waste Management Plans will provide very useful data and information for the monitoring of the Solid Waste Strategy and the Inert Waste Strategy to identify the types of construction waste, what happens to it, what barriers there may be to waste minimisation, reuse or recycling and to inform the requirements for future waste disposal through supporting the Solid Waste Strategy and the Inert Waste Strategy.

Planning Permissions and Site Waste Management Plans²⁶

In 2017 there were 28 planning applications for residential development that required a Site Waste Management Plan as part of a planning application submission. There were 75 planning applications for new dwellings/replacement dwellings/subdivision/redevelopment in 2017, meaning 37% of all of these applications were required to submit a Site Waste Management Plan. The percentage of developments requiring Site Waste Management Plans needs to be monitored to ensure that the threshold is set at an appropriate level to capture the required information and from the appropriate types of development.

INDICATOR – proportion of planning applications for residential development requiring a Site Waste Management Plan	
Plan Objective	Plan Objective 1: Make the most effective and efficient use of land and natural resources.
Target	Increase sustainability of developments by minimising construction waste.
Outcome	37% of planning applications involving new dwellings/replacement dwellings/subdivision/redevelopment were required to submit a Site Waste Management Plan.
Target met?	Further monitoring is required to determine this.
Comments (including any risks to delivery)	This percentage is relatively low, this number needs to be monitored to ensure that Objective 1 is being met.
Action	Continue monitoring the proportion of residential planning applications requiring the submission of a Site Waste Management Plan to ensure the threshold is set at an appropriate level.

There were no Site Waste Management Plans required for developments of a use other than residential. This needs to be monitored to ensure the current threshold of a minimum of 1,000 square metres, is at an appropriate level to capture data from other types of development. This could be monitored by assessing the number of applications that fall just below the current threshold in order to see how many fall just short of this figure. This would provide evidence to show how the existing threshold is working and whether this should be lowered or increased.

Site Waste Management Plans are required to be submitted along with a planning application as well as post project completion. The submission post completion is controlled by a planning condition which requires the submission of a Site Waste Management Plan no later than 3 months post completion. This second submission should detail how waste was actually minimised, re-used, recycled or disposed of throughout a project, reflecting on the success of the implementation of the site specific Site Waste Management Plan and how the outcome differed from the intentions for construction waste at the outset of the development and why.

²⁶ Through the process of planning applications becoming E-docs to enable online submission, some of the more detailed aspects of Site Waste Management Plan submissions to date are unable to be reported on, due to a processing issue. There will be more detailed reporting in future AMRs.

Currently there have not been any post completion submissions received. Once this data has been collected, it will be possible to determine the levels of waste produced for each development and assess each material against the industry standard waste targets. This monitoring process will highlight which materials are the most successfully reduced/reused/recycled as well as which materials have the highest wastage/disposal percentage.

Site Waste Management Plans - guidance

In order for the Site Waste Management Plans submitted with planning applications to be effective and support the collection of information and data for the Solid Waste and Inert Waste Strategies, guidance has been produced by the Planning Service in consultation with the Construction Industry Forum and other relevant States' Committees that is helpful and easy to use. This guidance was published in June 2018 with the aim to provide detailed advice on producing a Site Waste Management Plan and contains templates and helpful information to aid the process²⁷.

Site Waste Management Plans should contain both qualitative and quantitative data which will provide evidence to inform the analysis of the effectiveness of the IDP policies.

Committee for the Environment & Infrastructure - Inert Waste Recycling

The Committee for the Environment & Infrastructure (CfE&I) has responded to consultation as part of the AMR process on Inert Waste Recycling in 2017;

“The Waste Disposal Authority (WDA) actively manages data on the tonnages of inert waste disposal that are received at the Longue Hougue Reclamation Site, largely arising from the activities of the construction and demolition industry. In addition the WDA receive some inert materials that are suitable for landfill cover which is currently received at Mont Cuet. The industries also supply some data on recycling of aggregates processed remotely from construction sites. Figure 1 below shows the data for the last 10 years.

	Inert Land Reclamation	Landfill Cover / Site Prep	Recycling	Totals
2008	122,923	2,889	35,156	160,968
2009	89,724	6,058	30,908	126,690
2010	125,433	12,502	25,427	163,362
2011	101,455	18,374	32,709	152,538
2012	174,584	16,443	36,661	227,688
2013	136,611	17,546	22,451	176,608
2014	126,455	41,825	25,871	194,151
2015	105,442	38,431	15,394	159,267
2016	81,312	42,956	12,936	137,204
2017	56,036	48,344	16,424	120,804

Figure 1: Recycling data over the last 10 years.

²⁷ https://www.gov.gg/planning_building_permissions

The Inert Waste Project Team, on behalf of the WDA, is currently tendering for a supplier to provide additional aggregate recycling services, which will recover recyclable inert waste currently received at Longue Hougue Reclamation Site. This should enable Trading Assets to both encourage greater recycling rates of inert waste and also assist with data capture, consistent with the Inert Waste Strategy (Draft).

Currently, little is known about the levels of re-use or recycling by the construction industry on-site. However, the Inert Waste Project Team and Guernsey Waste officers have begun to, and will continue to, work closely with the Planning Service to encourage the construction industry to submit waste minimisation, recycling and re-use data as part of their Site Waste Management Plans. Engagement has also been reinvigorated with the Construction Industry Forum, who have expressed an interest in establishing a Waste Management Sub-Committee to work closely with the Planning Service on the development of their Site Waste Management Plans and implementation.

The information and data from Site Waste Management Plans will be shared with the CfE&I on a regular basis and correspondence with the CfE&I will continue annually in order to capture and analyse any arising trends. The engagement with the Construction Industry Forum will continue in regards to Site Waste Management Plans in order to monitor the effectiveness of the Site Waste Management Plans in fulfilling the requirements of the IDP policies.

Summary

Due to the lack of information submitted with planning applications to date and no submission of post completion Site Waste Management Plans yet, it is not possible to analyse how effective the IDP policies actually are, specifically with regard to designing out and minimising waste associated with construction. The publication of a Planning Advice Note has provided further information on the requirements of the IDP policies in regards to Site Waste Management Plans, which will ensure that appropriate levels of information on construction waste are collected going forward. This can then be monitored against industry standard baseline targets in order to assess the effectiveness of the IDP policies relating to sustainable design and construction.

Summary of monitoring requirements

- Monitoring the type and scale of developments requiring a Site Waste Management Plan to ensure the threshold is at an appropriate level; and,
- Monitoring of post completion submissions and analysis against baseline figures to ensure what materials are successfully reused, recycled and minimised and identify barriers.

Summary of action required

- Continued regular engagement with the Construction Industry Forum in regards to Site Waste Management Plans in order to monitor their effectiveness in delivering the requirements of the Island Development Plan policies.



Built Heritage and New Development

Introduction

The Policy & Resource Plan recognises the importance of the heritage and environment of Guernsey having, as part of the 20 year vision, the aim of providing a safe and inclusive community which nurtures its unique heritage and environment.

The Strategic Land Use Plan (SLUP) recognises 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. It highlights that, particularly in St Peter Port, it is important to protect what sets it apart from other towns whilst at the same time making provision for investment so that Guernsey keeps pace with other jurisdictions in terms of quality of accommodation and services. This is also important to several of the themes and priorities set out in the Policy & Resource Plan and is reflected in the core objectives of the SLUP and policies LP4, LP6, LP8 and LP9.

The SLUP states that policies relating to the built heritage should be informed by an understanding of its character and quality 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.

The SLUP states that respecting the quality of the physical environment and local heritage and seeking a good standard of design of new development is important in managing physical change. Good building design can contribute to the creation of a cohesive built environment that enhances the experience of living, working or visiting the Island and thereby contributes to achieving the priorities of the States as set out in the Policy & Resource Plan.

The SLUP requires Development Plan policies to promote quality and sustainability in new development and to enable enhancement of the built environment where appropriate (SLP33, LP1 and LP4), whilst improving the energy efficiency and carbon efficiency of new buildings (LP2) and ensuring new and existing building stock is more resilient to climate change impacts (LP3).

The relevant Island Development Plan (IDP) policies include:

- GP4 Conservation Areas;
- GP5 Protected Buildings;
- GP6 Protected Monuments;
- GP8 Design; and,
- GP9 Sustainable Development.

These policies collectively aim to conserve and enhance the high quality of Guernsey's built environment while appropriately balancing the need to provide adequate land for legitimate development requirements in accordance with the Principal Aim of the IDP and towards fulfilling IDP Plan Objective 1: make the most effective and efficient use of land and natural resources; Plan Objective 2: Managing the Built and Natural Environment; and Plan

Objective 3: Supporting a Thriving Economy. In seeking a proportionate approach to levels of protection as required by the SLUP, the IDP acknowledges that there are areas, buildings etc. subject to Special Controls (Sites of Special Significance, Protected Monuments, Protected Buildings, Conservation Areas) that are afforded a high level of protection under the Planning Law and Ordinances and where the policy tests will be greater but outside of which policies will allow for greater change to meet the social and economic objectives of the States.

The policies of the IDP also seek to ensure the provision of amenities associated with new development is appropriate to the specific circumstances with respect to the health and well-being of building occupants and neighbours.

Conservation Areas

The IDP designates 26 Conservation Areas designated on the basis of the outstanding qualities of their special architectural and historic interest. 1 Conservation Area (Delancey) was added due to a successful amendment²⁸ placed during the States' debate on the IDP – see Figure 1. Annex VII provides a Summary of the Special Interest of each Conservation Area as well as the reason(s) for its designation. In recognising the proportionate approach required by the SLUP the designated Conservation Areas are those which have a distinct special character and architectural and historic interest and where very few features or buildings detract from their overall collective value. 3 Conservation Areas (St Peter Port, Delancey and The Bridge) are substantially within the Main Centre and Main Centre Outer Area boundaries. 3 Conservation Areas (St Martin Church and Sausmarez Manor, Forest Church and St Pierre Du Bois Church) are partially within the Local Centre boundaries.

The IDP Policy GP4: Conservation Areas gives general support for development in Conservation Areas where it conserves, and where possible enhances, the special character or historic interest and appearance of the particular Conservation Area.

²⁸ [Billet D'Etat XXV & XXVII P.2016/25 Amdt 6 Proposed by Deputy LS Trott, Seconded by Deputy GA St Pier](#)

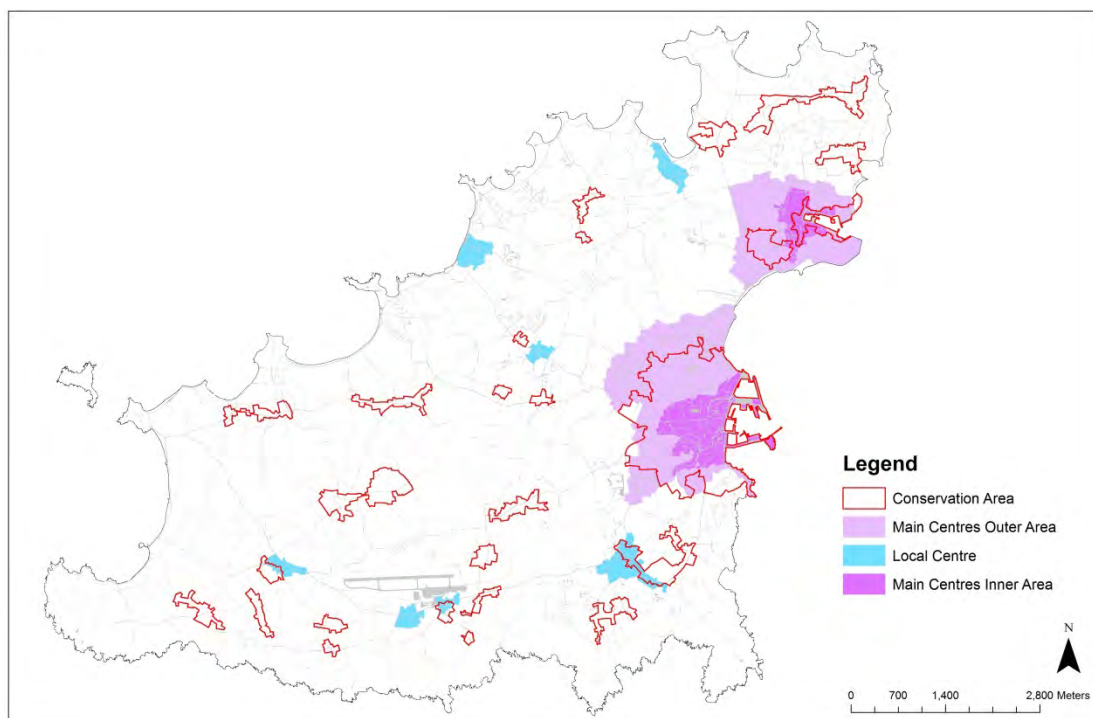


Figure 1: Conservation Areas

Conservation Area Character Appraisals

Notwithstanding the information about each Conservation Area in Annex VII, IDP Para 19.5.6 states the Authority will prepare a Conservation Area Character Appraisal (CACA) for each conservation area. These documents will help land or building owners, as well as developers and their agents, understand what is special about a particular Conservation Area so that development can be designed to sustain or minimise harm to that Conservation Area.

Over 2017 the following substantial development potential in Conservation Areas emerged, which was anticipated when drafting the IDP:

- The States has identified St Peter Port's Harbour Action Area (HAA) as one of the 23 key priorities (further details provided in the Strategic Development and Infrastructure Report of the AMR).
- Draft Development Frameworks were published for:
 - o Hotel Dunchoille (Housing Allocation within the St Peter Port Conservation Area);
 - o Les Bas Courtils (Housing Allocation partially within the Delancey Conservation Area);
 - o Pointes Rocques (Housing Allocation within the Delancey Conservation Area);
 - and,
 - o Briarwood (windfall site partially within the St Martin's Church and Sausmarez Manor Conservation Area).

A part outline/part full permission was granted in 2016 for Leale's Yard Regeneration Area, which is partially within the Bridge Conservation Area. However, reserved matters have not been submitted and no work has commenced.

Production of CACA's for the St Peter Port HAA and the character areas of St Peter Port where there are Regeneration Areas will assist in the production of Local Planning Briefs and Development Frameworks.

INDICATOR – Number of Conservation Area Character Appraisals	
Plan Objective	Plan Objective 2: Manage the Built and natural Environment; Plan Objective 3: Support a Thriving Economy; Plan Objective 4: Support a Healthy and Inclusive Society.
Target	Target for production of CACAs will be established in the Project Plan (see below) and included in the AMR once the Project Plan has been approved.
Outcome	More detailed understanding of the special architectural and historic interest of the specific Conservation Area so that development can be managed to preserve and enhance its special architectural and historic interest. Baseline to measure change. Identify opportunities to enhance a Conservation Area.
Target met	n/a
Comments (including any risks to delivery)	During 2017 a Project Plan was progressed so that this work-stream can be delivered in a co-ordinated manner and which prioritises those Conservation Areas or parts of Conservation Areas likely to be developed in the short and medium term. Project is one of the priorities within the Planning Service Business Plan. Risk of delay to the production of a Local Planning Brief for St Peter Port HAA pending a CACA of St Peter Port including the character areas of the harbours and St Peter Port. Annex VII of the IDP provides sufficient information to assess planning applications for minor development such as householder.
Action	Complete Project Plan and implement work-stream in accordance with Project Plan. Priority should be given to those Conservation Areas where there is likely to be significant development in the short to medium term that will help deliver the social and economic aims of the States of Guernsey: • The areas of St Peter Port where there is likely to be significant development – HAA/SEA, Regeneration Areas, Housing Allocations and windfall sites that are large enough to generate a Development Framework; • Delancey Conservation Area; and, • St Martin's Church and Sausmarez Manor Conservation Area.

Development that Conserves and, where possible, Enhances a Conservation Area

IDP Policy GP4: Conservation Areas recognises that, in order to meet the social and economic objectives of the States of Guernsey, new development is needed within Conservation Areas and particularly in those Conservation Areas that are also within the Main Centres and Main Centre Outer Areas. The policy seeks to ensure that new development is appropriately designed so as to conserve [i.e. does not harm] and, where possible enhance, the special architectural and/or historic interest of that specific Conservation Area; and to resist the demolition of features within a Conservation Area that contribute to its character unless the replacement makes an equal or enhanced contribution to the character and appearance of the specific Conservation Area.

Over 2017, 475 planning applications were determined for development within a Conservation Area, of which 13 (2.7%) were refused. Of the 13 applications that were refused, 2 were refused on the grounds the development did not comply with Policy GP4.

In particular, application FULL/2016/2611 was for a relatively large amount of new non-residential development at the Former Ruelle Braye Motors Les Merriennes in St Martin's. The applicant has indicated that this decision may be appealed to the Planning Tribunal, which will present the first test of Policy GP4. Therefore this application and its appeal decision (if appealed) is worthy of monitoring.

Summary

Based on the evidence available Policy GP4 and Annex VII appears to be successful in allowing new development to occur in Conservation Areas as evidence by the vast majority of planning applications that have been approved, whilst applying the higher level of consideration to the effects on the special character and architectural and historic interest of the particular Conservation Area. The policy allows for the particular character to be considered rather than a blanket approach to all Conservation Areas. Once produced, CACAs will inform the application of Policy GP4 and these assessments can be monitored to determine any changes to character and special interest over time. The policy does not present any barriers to development in principle and remains relevant.

Protected Buildings

Protected buildings are those buildings that are entered on the Protected Buildings list. At the start of 2017 there were 1611 Protected Buildings – see [Figure 3](#) below. They are located throughout the Island, although:

- 724 (44.9%) are within the Main Centres Inner Area;
- 247 (15.3%) are within the Main Centres Outer Area;
- 51 (3.2%) are within Local Centres; and,
- 589 (36.6%) are elsewhere

Therefore, 1611 (63.4%) of Protected Buildings are located in areas where the IDP policies allow for development in accordance with the spatial strategy set by the SLUP. This represents opportunities that focus development investment into these areas and Protected Buildings, but equally offers challenges to ensure development is in a manner that, as far as possible, sustains the special interest of the Protected Buildings.

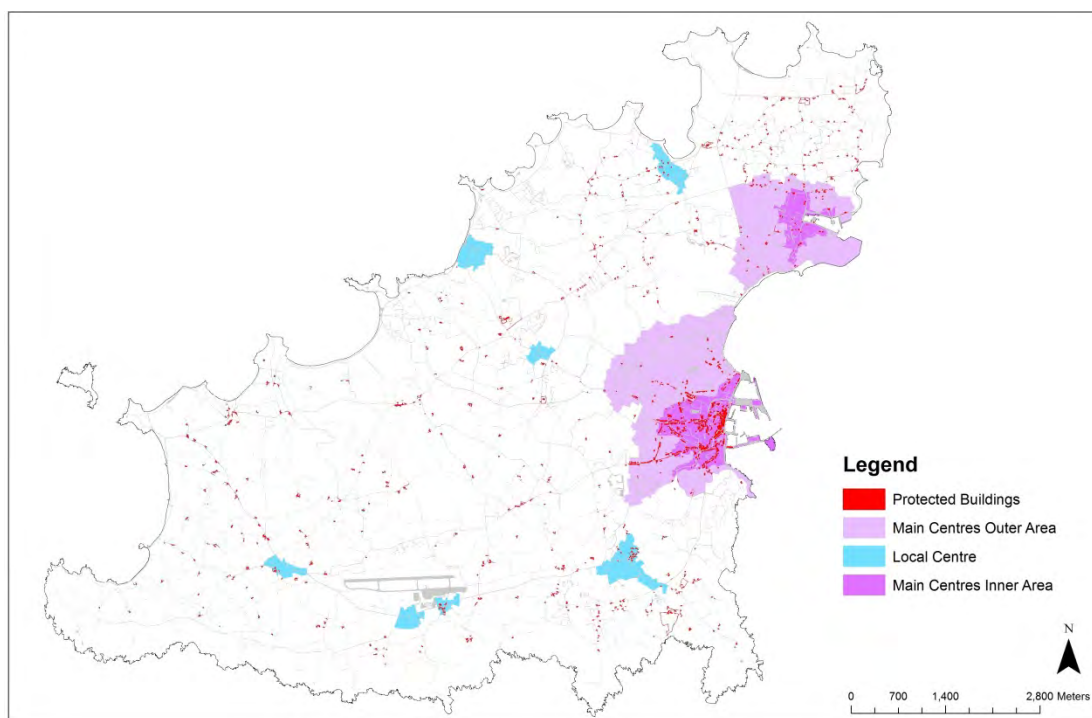


Figure 3: Protected Buildings

Policy GP5: Protected Buildings provides for and positively supports the appropriate development of, managed change of Protected Buildings in order to secure, as far as possible, the particular special interest of a Protected Building whilst at the same time taking into consideration the requirement to meet the social and economic aims of the States of Guernsey, the reasonable aspirations of property owners and the contribution the development might have to the vitality of a Main Centre.

Policy GP5 supports development where it does not have an adverse effect on the overall special interest of a building. However, development is often needed to sustain the overall special interest of a Protected Building and in some cases, it may be necessary for some harmful work to be undertaken in order that the overall special interest and/or the part of the building are sustained. Therefore, where development has an adverse effect, Policy GP5 requires a proportionate approach to be taken which balances the degree of effect on the overall special interest of the building, against the reasonable aspirations of the building owner as well as any benefits to the social and economic, aims of the States of Guernsey, and where appropriate, the contribution the development might make to the vitality of a Main Centre.

Feedback from Stakeholders in response to consultation on the AMR has not raised any substantial issues with Policy GP5.

In 2017 there were 237 planning applications determined for development that affects a Protected Building of which 2 (1.2%) were refused planning permission on the grounds that the application did not meet Policy GP5. In both cases the effect on the overall special interest was considered to outweigh the reasonable aspirations of the property owner and/or the contribution the development might make to the vitality of a Main Centre.

Harmful Work to a Protected Building

Policy GP5 allows for the principle of harmful work to be carried out to a Protected Building, which depending on the particular special interest of the Protected Building, might range from relatively minor development to partial demolition or even razing the building to the ground. This might occur, for example, because the harm to the special interest of the Protected Building is outweighed by the contribution the development makes to the social and economic aims of the States of Guernsey, and/or the reasonable and legitimate aspirations of the property owner and/or the contribution the development will make to the vitality of a Main Centre. However, the aim of Policy GP5 and the Planning Law is that, as far as possible, the overall special interest of a Protected Building should be protected. The Policy will, therefore, be monitored to see if any work is so harmful that its special interest is permanently lost to such an extent that the building is no longer worthy of Protected Building status.

During 2017 the DPA's "Review of the Protected Buildings List" was progressed. Additionally, the DPA has a duty under S33 of the Planning Law to prepare, maintain and keep under review the protected buildings list. As part of the project and on-going duty:

- 28 buildings were added to the list;
- 19 buildings were removed from the list; and,
- 6 buildings had their Notice amended to change the extent of protection.

The above project and decisions need to be taken into account when monitoring this Policy. None of the above decisions to remove a building from the protected buildings list or amend the Notice to reduce the extent of protection was as a result of planning permission being granted under IDP Policy.

At the end of 2017 there were 1620 Protected Buildings.

INDICATOR – Number of Protected Buildings removed from the list because of harmful work being implemented	
Plan Objective	Plan Objective 2: Manage the Built and natural Environment; Plan Objective 3: Support a Thriving Economy.
Target	Monitor the extent of loss of Protected Buildings as a result of a planning permission being implemented for works that would not sustain its overall special interest (e.g. partial demolition or demolition).
Outcome	As far as possible sustain the special interest of a Protected Building. Baseline to measure change.
Baseline	Number of Protected Buildings as of 01.01-17 – 1611.
Target met	Yes. No Protected Buildings were removed or their Notice amended as a result of a planning application being implemented.
Comments (including any risks to delivery)	

Action	Continue to monitor decisions on planning applications for Protected Buildings in order to establish if any protected Buildings are removed from the list as a result of planning permission being implemented.
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Vacant Protected Buildings and Protected Buildings at Risk.

IDP paragraph 19.6.2 recognises that without investment and adaptation there is a danger that Protected Buildings will become obsolete and unable to be used for their intended purpose, fall into disrepair and, potentially be permanently lost. In order to ensure Protected Buildings are not permanently lost, Policy GP5 accepts that harmful development may be necessary in order to sustain the overall special interest of a Protected Building.

Those buildings that are falling into disrepair, or are close to falling into disrepair have been recorded as a 'Protected Buildings at Risk Register' and in some cases those buildings are also vacant. However, the register is not based on a comprehensive survey of all Protected Buildings.

There are many reasons why the special interest of a Protected Building may be at risk and/or vacant, some of which relate to matters that cannot be influenced by Planning Law and/or IDP Policies. Buildings at risk that are also vacant are of particular concern because they will deteriorate more rapidly, for example there is no heating or nobody present on a daily basis to notice obvious visual defects that need urgent repair such a leaking rainwater pipes or gutters.

The current "Buildings at Risk Register" contains 29 buildings at risk, 7 of which are unoccupied, this equates to 1.8% and 0.4% of the total number of Protected Buildings. Monitoring the condition and vacancy of Protected Buildings will give a good indication of whether or not Policy GP5 enables or presents any barriers to their redevelopment and upgrading.

Once these baselines have been established and if trends reveal that more protected Buildings are falling into disrepair and/or are vacant than other buildings, further research could be carried out to understand the underlying reasons. Furthermore the findings of this research might provide evidence to inform the States should they consider there is merit in investigating funding of grants or loans for the preservation or enhancement of Protected Buildings (S36 of the Planning Law).

INDICATOR – Protected Buildings at Risk	
Plan Objective	Plan Objective 2: Manage the Built and natural Environment; Plan Objective 3: Support a Thriving Economy.
Baseline	Number of Protected Buildings at risk as at 01-01-17 = 29. However, this baseline is not based on a comprehensive survey of the general condition of all Protected Buildings.
Target	Reduce number of Protected Buildings at risk.
Outcome	The special interest of a Protected Building is, as far as possible, sustained.
Target met	No.

	Number of Protected Buildings at risk is at 31-12-17 = 31.
Comments (including any risks to delivery)	Protected Building 742 was removed from the Buildings at Risk Register following an instruction from the Constables of St Peter Port to partially demolish the building because it was causing a danger to the public due to debris falling onto a public highway. PB722 was removed from the Register as a result of a successful prosecution for unlawful works being undertaken. 3 buildings were added to the Protected Buildings at Risk Register in 2017.
Action	Over 2018 provide a robust baseline by surveying of the overall condition and occupancy of all Protected Buildings.

INDICATOR – Number of Vacant Protected Buildings

Plan Objective	Plan Objective 2: Manage the Built and Natural Environment; Plan Objective 3: Support a Thriving Economy.
Baseline	Number vacant Protected Buildings at 01-01-17 = 7. However, this baseline is not based on a comprehensive survey of the general condition of all Protected Buildings.
Target	Reduce number of vacant Protected Buildings.
Outcome	Vacant Protected Buildings are brought back into use. The special interest of a Protected Building is sustained.
Target met	7 Protected Buildings were vacant at the end of 2017.
Comments (including any risks to delivery)	
Action	Over 2018 provide a robust baseline by surveying the overall condition and occupancy of all Protected Buildings.

INDICATOR – Number of Preservation Notices issued and resolution of Preservation Notices

Plan Objective	Plan Objective 2: Manage the Built and natural Environment; Plan Objective 3: Support a Thriving Economy.
Baseline	2 Preservation Notices were issued prior to 01.012017, of which 0 are unresolved. 0 Preservation Notices were issued in 2017.
Target	Resolve Preservation Notices.
Outcome	The special interest of a Protected Building is, as far as possible, sustained.
Target met?	No. 2 Preservation Notices remain unresolved.
Comments (including any risks to delivery)	
Action	Over 2018 provide a robust baseline by surveying the overall

	condition and occupancy of all Protected Buildings.
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Based on the evidence available Policy GP5 appears to be successful in allowing new development to occur to Protected Buildings and their settings as evidence by the vast majority of planning applications that has been approved, whilst applying the higher level of consideration to the effects on the overall special interest of the particular Protected Building. The policy allows for the specific special interest of each Protected Building to be considered and balanced against the reasonable aspirations of the property owner and/or the contribution to the economic and social objectives of the States of Guernsey and/or its contribution to the vitality of a Main Centre.

Further monitoring, including the robust baseline of the condition and occupancy of all Protected Buildings, is needed to establish if the policy presents barriers or enables the redevelopment of Protected Buildings at Risk and vacant Protected Buildings.

Protected Monuments

Policy GP6: Protected Monuments supports the appropriate development of Protected Monuments, but gives Protected Monuments a high level of protection from inappropriate development. Therefore, the policy limits the possibility for development which directly affects a Protected Monument to that required for enabling or facilitating access to or enhancing the appreciation of the Protected Monument by the public. This is commensurate with the high level of protection afforded to Protected Monuments in the Planning Law.

At the start of 2017 there were 319 Protected Monuments – see [Figure 2](#) below. They are located throughout the Island and, as shown below, relatively few are within Main Centres, Main Centre Outer Areas and Local Centres:

- 10 (3.1%) are within the Main Centre Inner Area;
- 6 (1.9%) are within the Main Centre Outer Area; and,
- 3 (0.9%) are within the Local Centres.

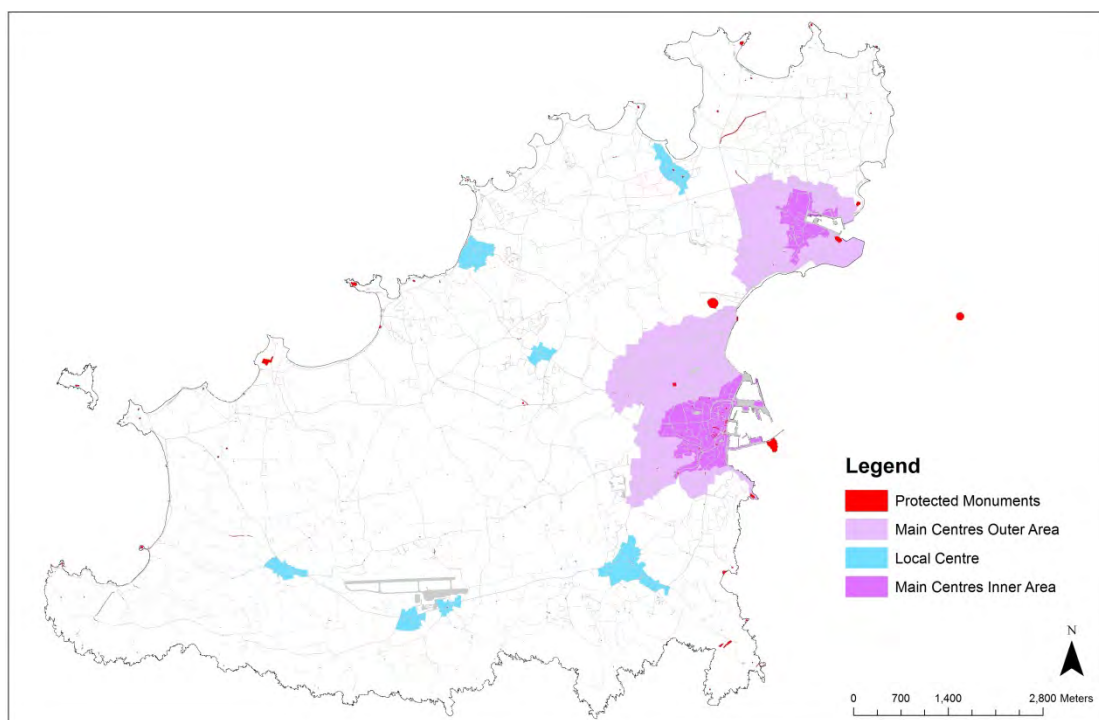


Figure 2: Protected Monuments

During 2017 the Authority did not review any of the entries on the protected monuments list. Therefore, the list had no changes to it during 2017 with no amendments to existing Notices, no additions to the list and no removals from the list.

INDICATOR – Number of Protected Monuments	
Plan Objective	Plan Objective 2: Manage the Built and natural Environment; Plan Objective 3: Support a Thriving Economy.
Target	Zero Protected Monuments removed from the list, or the extent of Protected Monument reduced, as a result of a planning permission being implemented.
Outcome	Wherever possible sustain the special interest of a Protected Monument.
Baseline	Number of Protected Monuments as of 01/01/17 = 319.
Target met	Yes. No Protected Monuments were removed or their Notice amended to reduce the extent of protection as a result of a planning application being implemented. Number of Protected Monuments as of 31/12/17 = 319.
Comments (including any risks to delivery)	
Action	Continue to monitor.

In 2017 there were 6 planning applications affecting a Protected Monument all of which were approved. These include archaeological excavations surrounding a Dolmen, repair and repainting of a post box, installation of a handrail and safety railings on a Martello tower

and the installation of art work to Constitution Steps for a temporary period, the conversion of Fermain Tower to visitor accommodation and the installation of a mounting plate on a Martello tower.

Of particular note was application FULL/2016/2517 for the change of use and alterations to Fermain Tower to create holiday accommodation. This development will not only sustain the special interest of the tower, but also contribute to the variety of visitor accommodation offered in Guernsey.

Policy GP6 is a relatively restrictive policy that reflects the duties and obligations as set out in the Planning Law. Nevertheless, the policy appears to be successful and functioning as intended by allowing development affecting Protected Monuments that is necessary to sustain their special interest and facilitate public access.

Qualitative Analysis of the Quality of new Development Based on External Feedback

A number of IDP policies - principally GP8 and GP9, but also IP1, GP13, GP16, GP18 and where appropriate GP4, GP5 and GP6 - work together to promote high quality in new development. This qualitative analysis, therefore considers the quality of the whole of the development rather than individual policies or parts of policies.

IDP Policy GP8: Design expects all new development to achieve high standards of design and, where appropriate, enhances the character of the environment. This will be achieved through a number of measures that ensures development: is of a good architectural design including the inclusion of necessary infrastructure and facilities; makes the effective and efficient use of land; respects the character of the local built environment or open landscape; considers the health and well-being of occupiers and neighbours; provides soft and hard landscaping; is accessible to people of all ages and abilities; and with regard to residential development offers flexible and adaptable accommodation.

IDP Policy GP9: Sustainable Development promotes and enables all new development (i.e. buildings and external spaces) to reduce its overall environmental impact and minimise the use of energy and resources by considering the following factors from the outset of the design process: the location, orientation and appearance of the building; its form of construction and selection of materials (e.g. those with low embodied energy); the use of renewable energy technologies; opportunities to mitigate or adapt to climate change (e.g. risks of flooding and surface water run-off); and for development over a specific size consider how any waste is managed. However, the policy acknowledges the intention is not to repeat the Building Regulations or Guernsey Technical Standards and there may be special considerations if the development affects an area of Special Control such as a Conservation Area, Protected Building or Protected Monument.

In order to assess the quality of new development, in future AMRs, development that was approved under the IDP and is completed, over a given size threshold, will be monitored for the quality of design. This will involve a combination of desk-top evidence gathering and on-site surveys. A series of questions and indicators will be used and feedback sought from within the Planning Service and from stakeholders. This provides a consistent means by which the quality of development can be objectively assessed over the period of the IDP.

The indicators will include a range of factors, such as: environment; character and distinctiveness; health and well-being; access and movement, and; an assessment of overall quality including quality scoring. Over 2018, the methodology and indicators for assessing the quality of new development will be drafted and consulted on with key stakeholders.

The thresholds are:

- Residential development:
 - Outside of the Centres - replacement dwellings on a one-for-one basis and/or extension of more than 50 square metres;
 - In Local Centres - a net gain of 5 or more new dwellings, or sites greater than 0.125 hectares (0.75 vergées) or more than 100 square metres of gross floor area; and,
 - In Main Centres or Main Centre Outer Areas - a net gain of 10 or more new dwellings, or sites greater 0.25 hectares (1.5 vergées) or more than 100 square metres of gross floor area.
- Non-Residential development or mixed use development.
 - In all locations, development of or including more than 150 square metres; and,
 - Regeneration Areas (as shown on the Proposals Map).

There were no developments completed in 2017 that were approved under the IDP Policies that were above the proposed size thresholds for monitoring.

Due to this report being written at a time where no development over the threshold for monitoring has been completed it is not possible to conclude whether or not Policies GP8 and GP9 have been successful in delivering their intended purposes. Over 2018 it is anticipated that some of the smaller development approved under the IDP Policies will be completed. Therefore, once the methodology and indicators for assessing the quality of new development have been drafted and consulted on the effectiveness of the policies can be monitored and a more complete picture will begin to emerge.

Summary

The SLUP requires a balance between the need to protect Guernsey's special and unique heritage whilst, at the same time, allowing for development 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. Policies GP4, GP5, GP6, GP8 and GP9 (which are the subject of this report) have been written to strike this balance.

Based on the number of planning applications approved, Policies GP4, GP5 and GP6 appear to be successful in achieving the balance between allowing for new development and the modernisation of existing and the need to protect what is special about an area, building or monument. However, in reaching the above conclusions, it must be noted that very few developments have been completed and, therefore, the effect on special interest of the area, building or monument cannot be effectively monitored yet. When planning permissions are implemented their effect on the special interest of the area, building or monument can be monitored and a more complete picture will begin to emerge.

Due to this report being written at a time when no development over the threshold for monitoring the quality of new development has been completed, it is not possible to conclude whether or not Policies GP8 and GP9 have been successful in delivering their intended purposes. There is no evidence at this time however to suggest that the IDP policies with regard to the built heritage and new development are not delivering the requirements of the SLUP as intended and therefore there is no requirement to amend the policies.

Summary of monitoring requirements

- Continue to monitor decisions on planning applications for Protected Buildings in order to establish if any Protected Buildings are removed from the list as a result of planning permission being implemented; and,
- Over 2018 provide a robust baseline by surveying the overall condition and occupancy of all Protected Buildings.

Summary of action required

- Over 2018, the methodology and indicators for assessing the quality of new development will be drafted and consulted on with key stakeholders; and,
- Complete Project Plan for Conservation Area Character Appraisals and implement work-stream in accordance with Project Plan. Priority should be given to those Conservation Areas where this is likely to be significant development pressure in the short and medium term and that will help deliver the social and economic aims of the States of Guernsey:
 - o The areas of St Peter Port are HAA/SEA, Regeneration Areas, Housing Allocations and windfall sites that are large enough to generate a Development Framework;
 - o Delancey Conservation Area; and,
 - o St Martin's Church and Sausmarez Manor Conservation Area.



Public and Private Parking

Introduction

The Island Development Plan (IDP) has policies for both public and private parking. These are policies IP7: Private and Communal Car Parking and IP8: Public Car Parking.

The strategic context for the IDP policies for parking is set by the Strategic Land Use Plan (SLUP) and the States' approved Guernsey Integrated on Island Transport Strategy (the Integrated Transport Strategy).

Policy LP1 in the SLUP states that social wellbeing and maintaining economic development will be realised through the prudent use of natural resources, ensuring the physical and natural environment is conserved and enhanced and reducing, where practicable, the Island's contribution to greenhouse gases. The SLUP further notes that, as the use of motorised vehicles is one of the main contributors to greenhouse gases, policies that lead to a reduction in the need to travel by car should be supported. The SLUP also points out that land use planning has a role to play in influencing travel choice. It identifies working towards achieving 'a safe, secure and accessible environment for all' as a key outcome to work towards.

SLUP Policy SLP37 states that while the appropriate provision of parking in new developments can ensure the economic and social objectives of the States are able to be met, opportunities should be explored to minimise the negative effects of car parking, particularly within the Main Centres.

The SLUP states that 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, where a substantial area of the harbour is dedicated to surface parking, appearing visually unattractive and not representing efficient use of land in a prime location contrary to IDP Plan Objective 1: Make the most effective and efficient use of land and natural resources; Plan Objective 2: Manage the built and natural environment; Plan Objective 3: Support a thriving economy, and; Plan Objective 4: Support a healthy and inclusive society.

Integrated Transport Strategy

These statements are echoed in the Integrated Transport Strategy and the Strategy's vision for travel in Guernsey is, "... to facilitate safe, convenient, accessible and affordable travel options for all the community, which are time and energy efficient, enhance health and the environment and minimise pollution."

The Integrated Transport Strategy also sets out a number of principles to be considered to encourage sustainable transport and accessibility for all. These include maximum (car) parking standards and minimum standards of cycle parking provision in new developments.

The Integrated Transport Strategy notes that a reduction in traffic can be achieved through reduced availability of parking spaces: “This Strategy is principally designed to achieve ‘modal shift’, in other words to reduce the number of miles travelled in private motor vehicles in favour of walking, cycling and buses by changing from one mode of transport to a better one, and also to make significant progress towards the outcomes encapsulated in the Transport Strategy Vision. The Strategy seeks to do this principally by making the alternatives significantly easier and more attractive than at present”.

The Committee *for the Environment & Infrastructure (CfE&I)* in its response to consultation on the AMR highlights that “too much parking facilitates and, in fact, encourages multiple car ownership, leading to additional car journeys and exacerbating car dependency, congestion, pollution and risk to other road users, whilst reducing the overall efficiency of the transport system. Too little parking provision, on the other hand, can lead to added pressure on already limited on-road parking spaces, encouraging illegal or dangerous parking which is a road safety concern. Both scenarios have a negative economic impact and discourage people from walking or cycling, so there is a delicate judgement to be made as to the appropriate provision of off-road parking. Parking considerations must be seen in the context of facilitating greater participation in alternative transport options, particularly those that result in healthier lifestyles”.

The IDP policies support the implementation of the Integrated Transport Strategy and facilitate ‘modal shift’ and convenient access by modes other than the motor car. These include Policy S1: Spatial Policy which aims to concentrate development in the Main and Local Centres which consolidates the majority of social and economic activity in the areas that have the best access to public transport and services and reduces the need to travel by car. This approach helps to reduce the Island’s contribution to greenhouse gases. Policy GP8: Design requires proposals to consider how development can be designed to provide the necessary infrastructure and facilities in order to support a range of practicable transport options for reaching the site including facilities that will assist in people being able to commute by bicycle, motorcycle or on foot. Policy IP6: Transport Infrastructure and Support Facilities requires development to be well integrated with the transport network and supports development proposals that encourage a range of travel options to and within the Main Centres and the Main Centre Outer Areas. Policy IP7: Private and Communal Car Parking requires provision of appropriate levels of parking in accordance with the guidance set out in Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessment. This emphasises the importance of designing development to meet the needs of bicycles as well as motor cycles and disabled parking, and sets maximum standards for general car parking in the Main Centres and Main Centre Outer Areas.

Within the resolutions of the Integrated Transport Strategy is a requirement for the CfE&I to report back to the States by December 2018 on the effectiveness of the Strategy. The Committee has stated that this policy letter will review/update the Strategy to include analysis of the effectiveness of the measures implemented to provide transport choice and encourage modal shift, and recommendations in relation to changes that may be required in order to continue to deliver the Strategy Vision.

The outcome of the States' debate on that policy letter will need to be considered for any implications for the IDP policies. The findings set out in the policy letter will address modal shift and provide context for IDP monitoring in the future.

The CfE&I notes that there will be a need to liaise with the Authority with regard to any land supply or development issues related to the delivery of its Sustainable Integrated Transport Policy and on-going liaison regarding the effectiveness of the IDP to help deliver the Committee's policy will also be required.

Action – Development & Planning Authority to liaise with the Committee *for the* Environment & Infrastructure at an officer and political level to consider the role and effectiveness of the Island Development Plan policies in supporting the aims of the States' Integrated on Island Transport Strategy and to review the implications for the IDP of any changes to the Integrated on Island Transport Strategy.

Public Parking

IDP Policy IP8: Public Car Parking supports proposals for the provision of new public car parks that would result in a net increase in parking spaces available to the public if it forms part of a major, comprehensive development scheme brought forward through a Local Planning Brief for a Harbour Action Area or a Development Framework for a Regeneration Area or it would enable additional parking spaces to be provided as part of proposals for public car park rationalisation or relocation or redevelopment.

During the debate on the IDP, the States amended Policy IP8²⁹. The amendment sought to ease the proposed blanket restriction on increased public car parking within the Main Centres and Main Centre Outer Areas and beyond the Harbour Action Areas and introduced the flexibility to support additional parking spaces to be provided as part of proposals for public car park rationalisation or relocation or redevelopment. This could lead to an overall increase in the number of parking spaces through, for example, the provision of a greater number of parking spaces for smaller vehicles and/or motorcycles and providing dedicated areas for electric vehicles or relocating a public car park from an inappropriate place to a more appropriate one but is not of a scale which would undermine the aims and objectives of the States' approved Integrated Transport Strategy. Beyond the Main Centres and Main Centre Outer Areas the provision of public car parking has a reduced impact and, therefore, proposals relating to public parking outside of the Main Centres and Main Centre Outer Areas are assessed against the other relevant IDP policies and the functional need of the development concerned.

The Committee *for* Economic Development (CfED) in its response to the AMR states that it understands that the St Peter Port Harbour Action Area offers the opportunity to consider the appropriate provision of parking and alternative ways to access town. The Committee would wish to ensure that the needs of office-based businesses in town, as well as the needs of other sectors such as retail and hospitality, are taken into consideration during the development of plans for that area.

²⁹ [Billet D'Etat XXV & XXVII P.2016/25 Amdt 29 Proposed by Deputy P Ferbrache, Seconded by Deputy J Kuttelwascher](#)

The provision of public parking in St Peter Port Harbour area will be considered as part of the work on the St Peter Port Harbour Action Area Local Planning Brief and this is a cross-committee workstream involving the Policy & Resources Committee, the CfED, the CfE&I and the Authority as well as the States Trading & Supervisory Board. This will allow parking provision to be considered and planned in a holistic and comprehensive manner, within the full context of the economic and social contribution the harbour areas will make in the future and the overall access and movement around the Main Centres. The Local Planning Brief process will enable consideration of the balance between the benefits and adverse effects of development as a whole, including whether development would give rise to a need for additional parking provision.

Policy IP8 also allows for additional public parking spaces to be provided as part of proposals for public car park rationalisation or relocation or redevelopment. There were no planning permissions in 2017 to increase the provision of public parking in the Main Centres of Main Centre Outer Areas. Permission was granted for 3 removable parasols within the short stay car parking area on Albert Pier (Cruise Ship Passenger Queuing Area) and for two post-mounted electric vehicle charging units and signs in North Beach Car Park.

The level of provision of public parking in the Main Centres will be monitored in future Annual Monitoring Reports. The baseline of provision is shown in **Figure 1** below.

Type of parking	Main Centre / Outer Area	
	St Peter Port	St Sampsons / Vale
Cars - general		
¹ / ₂ hour	70	14
1 hour	140	0
2 hour	840	145
3 hour	270	0
5 hour	153	63
10 hour	1622	233
23 hour	844	193
Disabled	72	6
Small car	143	0
Other	32	5
TOTAL CARS	4186	659
Motorcycle	409	36
Bicycles	200	19

Figure 1: Public car parking provision in Main Centres

INDICATOR – provision of public car parking in the Main Centres and Main Centre Outer Areas	
Plan Objective	Plan Objective 1: Make the most effective and efficient use of land and natural resources. Plan Objective 2: Manage the built and natural environment. Plan Objective 3: Support a thriving economy. Plan Objective 4: Support a healthy and inclusive society.
Target	None.
Outcome	Baseline position established.
Target met?	n/a
Comments (including any risks to delivery)	The level of provision of public parking will be monitored in subsequent Annual Monitoring Reports.
Action	None.

The Inspectors, during the Planning Inquiry for the IDP, did not find any evidence that the amount of public parking in the Main Centres and Main Centre Outer Areas was below that required for them to function as effective economic and social centres and no further evidence has been forthcoming since the IDP was adopted in 2016.

However there may be merit in investigating how the existing public parking areas are utilised to establish if changes may be required in their management to better serve the Centres' requirements.

The use of public parking will, therefore, also be monitored in the Annual Monitoring Reports (AMRs), with assistance from the CfE&I. The baseline is a survey of Town car parks that was undertaken in 2017, over a week in August (am and pm counts). This found that in 10 hour spaces (12 locations) there were some free spaces in car parks furthest from the centre of Town – East Arm, Monument Gardens – other locations were at or very near capacity – see [Figure 2](#) below. Overall 6% of 10 hour spaces were available. In short-term spaces (3, 2, 1 and half hour) the survey found that overall 15% of short term spaces were available – see [Figures 3 and 4](#) below.

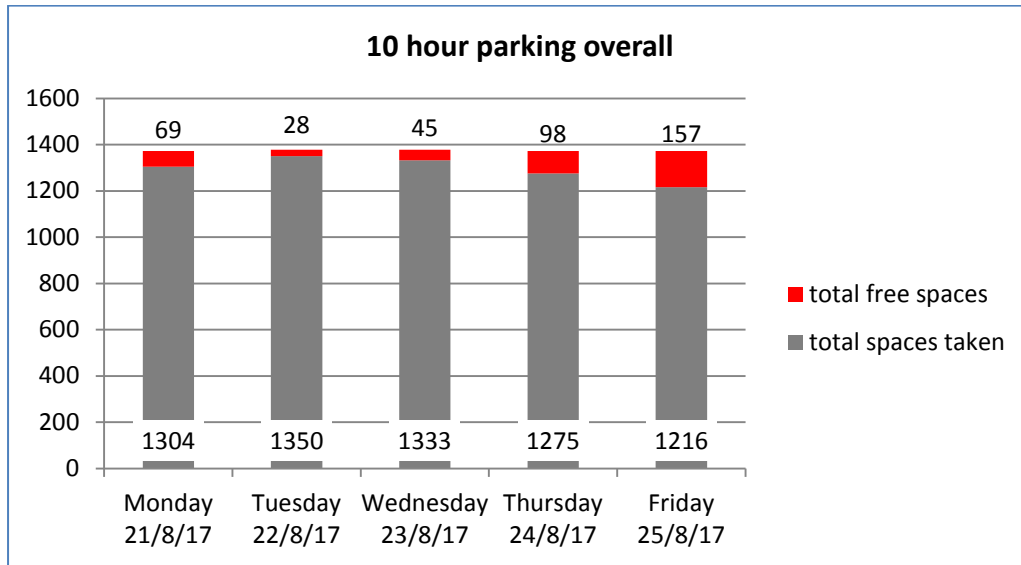


Figure 2: Use of 10 hour car parking spaces

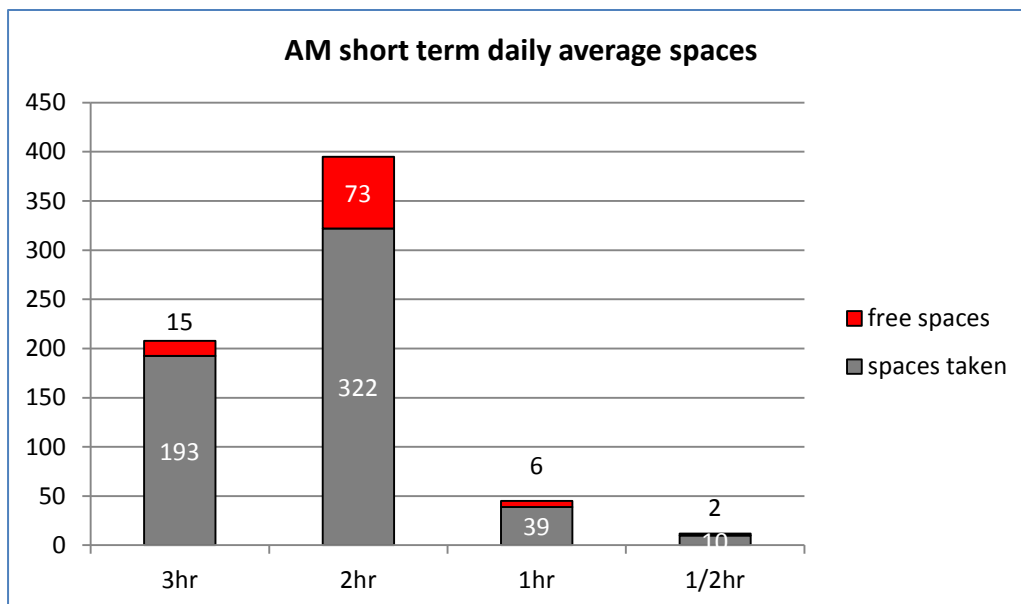


Figure 3: Use of short-term car parking spaces AM

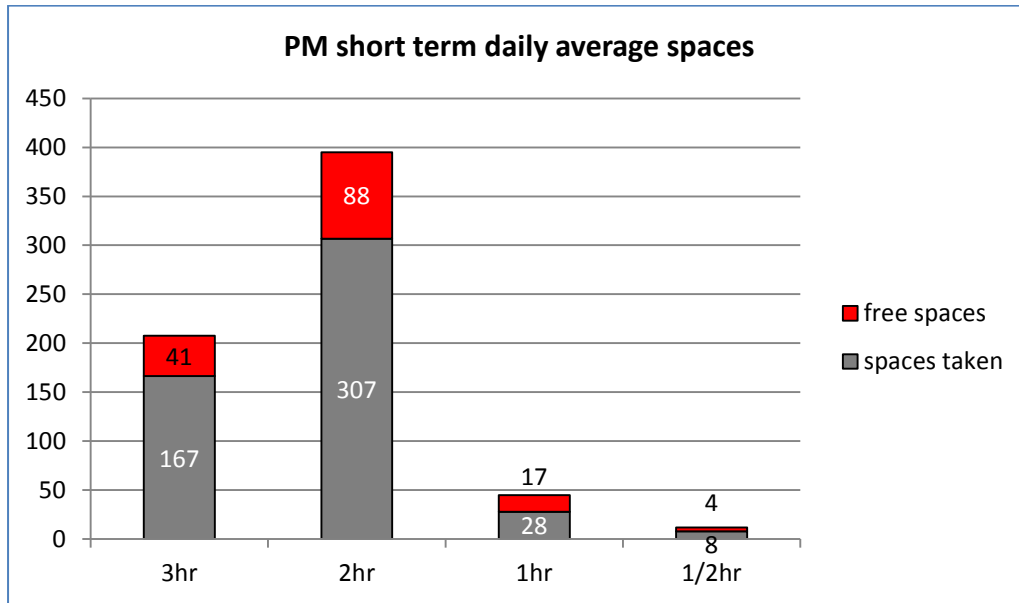


Figure 4: Use of short-term car parking spaces PM

INDICATOR – use of public car parking in the Main Centres and Main Centre Outer Areas	
Plan Objective	Plan Objective 1: Make the most effective and efficient use of land and natural resources. Plan Objective 2: Manage the built and natural environment. Plan Objective 3: Support a thriving economy. Plan Objective 4: Support a healthy and inclusive society.
Target	None.
Outcome	Baseline position established.
Target met?	n/a
Comments (including any risks to delivery)	The level of use of public parking will be monitored in subsequent Annual Monitoring Reports.
Action	None.

IDP policies support proposals for public infrastructure that would assist in providing greater transport choice such as park and ride or park and walk facilities. New large scale public infrastructure will be considered under Policy S5: Development of Strategic Importance. Policy S5 allows for proposals for development that are of Strategic Importance and which may conflict with the Spatial Policy or other specific policies of the IDP as an exception but which are clearly demonstrated to be in the interest of the health, or well-being, or safety, or security of the community, or otherwise in the public interest. The impact any such development has on the use of public car parking in Main Centres will be monitored in future AMRs.

Private Parking

IDP Policy IP7: Private and Communal Car Parking requires proposals for development to take into account the provision of appropriate levels of private and communal car parking in accordance with the guidance set out in Supplementary Planning Guidance: Parking Standards and Traffic Impact Assessment. The Supplementary Planning Guidance (SPG) was approved by the Authority and published alongside the IDP.

There are parking standards for cars (general parking), disabled parking, motorcycles and bicycles. The general parking standards are maximums and apply to a range of uses in the Main Centres and Main Centres Outer Areas (see pages 7 and 8 of the SPG), the standards for parking for disabled people represent a minimum requirement and apply island-wide, the preferential provision for motorcycles in parking arrangements is required island-wide and a minimum cycle parking provision is sought in conjunction with new developments throughout the Island, both for employees, and the public as appropriate.

The SPG advises that the car parking levels are not absolute or inflexible. It states that variations may be allowed depending on the individual characteristics of each site, and sets out criteria for assessment. A review of a cross-section of applications in 2017 found that the parking provision of 13% of permissions was below the maximum standards, 83% were at the standard and 4% were over the standard. The IDP policies are largely achieving the Standard or below the maximum as was intended.

During the States' debate on the IDP, an amendment³⁰ was successful in changing the parking standards in the SPG to allow for more car parking in some instances. The amendment sought to retain the principle of maximum parking standards for new developments, but to increase the potential number of parking spaces associated with new residential and office development within the Main Centres and the Main Centre Outer Areas.

Access to car parking is an issue that influences demand for offices and this is considered in the Employment Land Study 2014. However, the Study notes that as businesses are continuously looking to become more efficient, parking spaces for staff members may increasingly become a luxury rather than a necessity (workshop with commercial agents, 2014).

Staff from the Planning Service and the Business, Skills and Innovation section of the CfED held a workshop with commercial agents in March 2018 primarily to gain information to update the Employment Land Study 2014 but also to gain feedback on the effectiveness of IDP policies. Agents emphasised the importance of adequate car parking for offices, both in terms of on-site/private provision and nearby public provision. This is a factor in the attractiveness of office accommodation and the recruitment of staff, in particular part-time staff. Offices in peripheral Main Centre and Main Centre Outer Area locations were experiencing difficulties being sold or let principally, in their opinion, because of a lack of adequate parking provision. All agreed that the 'mind-set' of employees has yet to change

³⁰ [Billet D'Etat XXV & XXVII P.2016/25 Amdt 15 Proposed by Deputy A Brouard, Seconded by Deputy T Stephens](#)

regarding the necessity for car usage and, therefore, parking and the alternative options to accessing employment sites in the Main Centres other than through private motor vehicles.

During 2017 there were no planning permissions granted for new office development of any significant size. In future AMRs the parking provision for new office developments will be monitored.

While the standards are maximums and in a number of cases the parking provision in the Main Centres has been below the maximum standard, in a minority of cases the parking proposed was considered to be inadequate given the nature of the use and the impact this may have on parking provision in surrounding areas and on highway safety. This was the case with the proposed change of use of the Park Place office building in St Peter Port to Medical Specialist (Use Class 18), which was refused by the Authority, although the principal reason for refusal was not the parking provision.

The larger permissions for other commercial uses did not raise any issues regarding the provision of parking.

In terms of residential development, a review of the larger permissions in 2017 (there were 9 residential developments of 5 or more units in 2017) found that the general parking standards have been met at or near the maximum without any issue. In two cases the proximity to bus routes or facilities or the availability of on-street parking was considered a justification to offset the need for on-site provision to the maximum of the standard. In some cases the application did not meet the SPG in other respects and revisions were needed. In one case, an application did not include provision for motorcycle parking or covered cycle parking and in another case the clearance around the disabled parking space was not sufficient.

There is no evidence to suggest that the application of the maximum Parking Standards or the IDP policies in relation to private parking are hindering development in Main Centres.

The SPG includes a commitment to review the guidance from time to time and update it accordingly. Separation of the standards from the IDP enables this to be done relatively easily. There is no indication at the present time that the standards are hindering development or having any unintended consequences. The Policy Letter regarding the Integrated Transport Strategy may have relevance for IDP policies and the related SPG and will be reviewed accordingly and the outcomes reported in the 2018 AMR.

The parking standards are one mechanism that have the potential to encourage a shift toward more sustainable means of transport. Monitoring of the parking standards can contribute toward monitoring the implementation of the Integrated Transport Strategy.

During 2017, in the detailed assessment of some applications, a number of issues of clarification were needed with the requirements of the SPG:

- For existing properties, creation of additional parking space within the curtilage would be ancillary development to an existing operation, and the maximum standards would not apply unless proposed parking provision is of a scale that is not

commensurate with the use of the site and would conflict with the purpose of the policy; and,

- Definitions of private and communal parking: communal does not have to be on the same site as the development it serves, whereas private has to be on the particular site and for the use only of those people occupying or using the site.

Action – add clarification to the Supplementary Planning Guidance.

In conclusion, there have been a very limited number of cases where an exception to the parking standards has been made. There has been no feedback from internal consultation to suggest that the standards are causing an impediment to development. Concern has been raised however by agents that there is demand for parking in office developments and a lack of parking can in their view make developments unviable and existing premises difficult to let. The parking standards will be kept under review with annual feedback from commercial agents, internally within the Planning Service and from the CfED and the CfE&I.

Summary

In summary, the SLUP requires the IDP to support a reduction in the need to travel by car to assist in reducing the Island's contribution to greenhouse gases. The SLUP requires appropriate provision of parking in new developments but also states that opportunities should be explored to minimise the negative effects of car parking, particularly within the Main Centres. In 2017, there were no planning applications for development to provide transport infrastructure such as park and ride, however through the application of the Parking Standards the IDP policies have been effective in delivering the requirements of the SLUP by ensuring development encourages a 'modal shift'. In addition, through Development Frameworks, options for reaching the sites concerned, including facilities that will assist in people being able to commute by bicycle, motorcycle or on foot, and connections with public transport, have been considered in detail.

Summary of monitoring requirements

- The level of provision and use of public parking in the Main Centres will be monitored in future Annual Monitoring Reports, with assistance from the Committee *for the Environment & Infrastructure*.

Summary of action required

- Development & Planning Authority to liaise with the Committee *for the Environment & Infrastructure* at an officer and political level to consider the role and effectiveness of the Island Development Plan in supporting the aims of the Integrated Transport Strategy and to review the implications for the Island Development Plan of any changes to the Integrated on Island Transport Strategy; and,
- Add clarification to the Supplementary Planning Guidance regarding additional parking space within the curtilage and definitions of private and communal parking.



3. Effectiveness of the Policies of the Island Development Plan to Deliver the Plan Objectives and the proactive elements of the Linking Policies of the Strategic Land Use Plan

Introduction

The Strategic Land Use Plan (SLUP) requires that the Island Development Plan (IDP) monitoring assess:

- *“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.”*

The SLUP does not indicate which parts of the Linking Policies constitute the proactive elements. The analysis takes this to be the aspects of the policies that most clearly relate to the IDP as the principal delivery mechanism.

- *“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 objectives referred to here are contained in 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 which express the overall strategic objectives of the former States under the States’ Strategic Plan (SSP). However, the States’ 23 priorities are now set out in the Policy & Resource Plan 2017 which supersedes the SSP. Whilst the SLUP remains relevant as it is a statutory plan provided for in Law, the other plans, as component parts of the superseded SSP have now fallen away. Therefore, reference is made to the Policy & Resource Plan throughout the AMR, in particular its 23 Priorities, and the need for any action to maintain or enhance delivery of the States’ priorities as expressed in the Policy & Resource Plan 2017, are considered in detail in the individual thematic reports and the analysis below.

To ensure the IDP policies successfully deliver the objectives of the IDP and the SLUP, particularly the proactive elements set out in the Linking Policies of the SLUP, it is necessary to monitor key development plan policies. Details of how certain specific policies are delivering these objectives are set out in the commentary for each thematic report. This section provides an overview of the delivery against the IDP Objectives and how the policies are delivering the proactive elements of the SLUP.

The IDP Objectives are:

1. Make the most effective and efficient use of land and natural resources;
2. Manage the built and natural environment;
3. Support a thriving economy;
4. Support a healthy and inclusive society;
5. Ensure access to housing for all; and,
6. Meet infrastructure requirements.

Plan Objective 1: Make the most effective and efficient use of land and natural resources

To achieve and promote sustainable development through requiring development to make the most effective and efficient use of land and resources while meeting the strategic objectives of the States of Guernsey as set out within the Strategic Land Use Plan.

The Spatial Policy has been effective in concentrating development in the Main Centres. In terms of housing development, the majority of residential developments in the pipeline are located in the Main Centres [76%] as were the majority of approvals in 2017 [63%]. The production of Development Frameworks for some residential developments will help to guide development to ensure the most effective and efficient use of sites. In combination with the Spatial Policy, the IDP policies for Important Open Land have the effect of focusing development on brownfield land within the Main and Local Centres. IDP policies limit the potential for development Outside of the Centres but ensure that efficient use is made of existing buildings with flexibility for conversion of buildings and new uses for redundant glasshouse sites.

IDP policies expect the density of development to be maximised and identifies multi-storey buildings as constituting a more efficient use of land. These issues have been considered for all relevant applications in 2017 and density has been a key issue addressed in Development Frameworks. It is important, in delivering this Plan Objective, to balance the need to make the most effective and efficient use of land with the need for amenity space. This issue will be assessed in future Annual Monitoring Reports (AMRs) through monitoring the quality of new development.

Car parking is not an efficient use of land and a key factor influencing journeys by motor car. There were no planning permissions in 2017 to increase the provision of public parking in the Main Centres or Main Centre Outer Areas. IDP policy for private parking is limiting the provision of general car parking in new development and promoting the use of alternative modes of transport.

The IDP policies promote the re-use of existing buildings. The IDP policies for the re-use of redundant buildings provide a positive and pragmatic approach to the reuse of existing substantial and structurally sound buildings. The IDP has introduced a more flexible approach to make efficient use of redundant glasshouse sites. Approximately 2 hectares of glass is required to be cleared in order to implement the planning permissions granted in 2017. Although this is not extensive it is apparent that the IDP policies are securing the removal of redundant glasshouse sites through the grant of planning permission to appropriate uses.

Areas known to be at risk of flooding have been established through the Guernsey Coastal Defence Flood Studies and approved strategy, 2013 (Billet d'État XV, July 2013). This is taken into account when determining planning applications and does not preclude development in these areas. This approach of designing development to be resilient to climate change and flooding helps contribute to this Plan Objective of making the most efficient use of land. In 2017 there were 49 planning permissions in the areas of the Island most liable to flooding.

IDP policies also seek the effective and efficient use of natural resources. This includes requirements for sustainable design and construction, the promotion of renewable energy generation and reducing construction waste.

IDP policies support the production of energy on a commercial basis from renewable sources. Activity in this sector has been quite limited to date. While IDP policies have been found to ensure that the design of development takes account of energy and climate change, only a small proportion of applications include renewable energy equipment. Further monitoring is required to assess if Plan Objective 1 is being delivered in this regard.

In terms of construction waste, the IDP encourages the consideration of the reduction of construction waste at the earliest stages of the design process and throughout the construction and pre-construction phases of development through a requirement for the submission of a Site Waste Management Plan with planning applications for certain development. There has been a lack of information submitted with planning applications to date and no submission of post completion Site Waste Management Plans. Further monitoring is also required on the thresholds determining the requirements to submit Site Waste Management Plans with a planning application. This will help assess the effectiveness of the IDP policies in delivering Plan Objective 1.

The IDP policies which are effective in delivering this Plan Objective also deliver the proactive elements of the SLUP Linking Policies relating to:

- Conserve built and natural environment (LP1);
- Improve energy efficiency (LP2);
- Reduce the need to travel (LP2);
- Enable renewable energy (LP2);
- Take account of flood risk in the location of development (LP3);
- Make best use of resources (LP4);
- Promote public transport (LP5);
- Make provision for regeneration (LP7);
- Minimise the negative impact of cars (LP8);
- Promote the regeneration of the Main Centres through guidance (LP9);
- Promote sustainable communities within the Local Centres (LP10);
- Harness investment in the harbours (LP11);
- Adopt a flexible approach to sites that become obsolete Outside of the Centres (LP12); and,
- Facilitate removal of redundant glasshouse sites (LP13).

Plan Objective 2: Manage the built and natural environment

To conserve and enhance the high quality of the built and natural environment while appropriately balancing the protection of important buildings or structures and open and undeveloped land with the need to ensure that an adequate amount of land can be made available for meeting legitimate development requirements, in accordance with the Strategic Land Use Plan and the Principal Aim of the Island Development Plan.

IDP policies seek to conserve and enhance the special interest of the historic built environment. Based on the number of planning applications approved, Policies GP4, GP5

and GP6 appear to be successful in achieving the balance between allowing for new development and the modernisation of existing buildings and the need to protect what is special about an area, building or monument. However, in reaching the above conclusions, it must be noted that very few developments have been completed and, therefore, the effect on the special interest of an area, building or monument cannot be effectively monitored yet.

A significant challenge for the IDP is to provide the balance between protecting the built environment and the historic identity of the Main Centres, whilst meeting the economic, environmental and social development needs as may be required by businesses and the community. There is no evidence to suggest that the policies are not functioning as intended or that this balance is not being achieved.

The IDP contains a number of policies that contribute towards the conservation and enhancement of the high quality of the natural environment. This includes policies for open land and for biodiversity interest.

The agricultural industry plays a key role in managing the natural environment, and IDP policies provide support to enable the continuation of a viable agricultural industry within the Island. This includes the protection offered through the Agriculture Priority Area (APA) designation, as well as assessment of redundant glasshouse sites adjacent to the APA for their contribution to commercial agriculture.

A particular issue relating to the natural environment are the number of planning approvals relating to extensions of domestic curtilage, which resulted in a total of 10.1 hectares (61.6 vergées) of land changing use Outside the Centres to domestic curtilage (including both land within and outside the APA). The policies appear to be working well in meeting the aspirations of homeowners, but this must continue to be balanced with both the needs and aspirations of the agricultural industry and the general requirement to ensure that development of land does not result in the unnecessary loss of open and undeveloped land which would have an unacceptable impact on the open landscape character of an area.

The flexible approach to redundant glasshouse sites in the IDP helps to ensure that an adequate amount of land can be made available for meeting legitimate development requirements as required by the Plan Objective. 11 planning applications were received for redundant glasshouse sites in 2017.

IDP policies for Sites of Special Significance (SSS) and Areas of Biodiversity Importance (ABI) have been effective in conserving the natural environment. The policies have provided for a proportionate approach with two levels of protection, giving a higher level protection where there is particular special interest, but allowing for development in ABIs where impacts are considered and mitigated. SSS designation places significant constraints on development that might harm the special interest of a SSS, but it is recognised that there are existing commercial and recreational uses in these areas. The policies of the IDP are, therefore, flexible enough to allow reasonable opportunities to maintain and expand activities associated with these existing uses where it is consistent with other IDP policies and in 2017 there were a number of planning application approved in SSSs. There were also a number of

approvals in ABIs where the designation ensured that the biodiversity interest in the sites was taken into account. In addition, the policies for Important Open Land have ensured these areas have been protected from adverse impacts through development.

The IDP policies which are effective in delivering this Plan Objective also deliver the proactive elements of the SLUP Linking Policies relating to:

- Conserve built and natural environment (LP1);
- Reduce greenhouse gasses (LP1);
- Improve energy efficiency (LP2);
- Take account of flood risk in the location of development (LP3);
- Promote climate change resilience (LP3);
- Promote SuDs (LP3);
- Promote sustainable design (LP4);
- Promote public transport (LP5);
- Allocate sites for offices, industry and retail (LP6);
- Make provision for regeneration (LP7);
- Provide flexibility for householder aspirations (LP7);
- Improve public areas (LP8);
- Minimise the negative impact of cars (LP8);
- Promote the regeneration of the Main Centres through guidance (LP9);
- Harness investment in the harbours (LP11);
- Adopt a flexible approach to sites that become obsolete Outside of the Centres (LP12); and,
- Facilitate removal of redundant glasshouse sites (LP13).

Plan Objective 3: Support a thriving economy

To achieve and promote economic development that meets the strategic objectives of the States of Guernsey as set out within the Strategic Land Use Plan and the Principal Aim of the Island Development Plan.

‘Economic development’ relates to a range of uses that generate employment and contribute to the prosperity of the Island.

A review of the implementation of the IDP during 2017 indicates that the planning policies for offices are directly contributing to the delivery of this Plan Objective. The IDP policies are delivering a supply of new office premises through the planning system contributing to the identified 30,000m² additional office land required over 10 years (from 2016). Although net gain of premises in 2017 is not significant (286m²), the overall pipeline supply of office accommodation remains at a healthy level and policies are maintaining and increasing the number of large scale office premises in the portfolio. The policies also provide for a range of office development to come forward within the Main Centres, in particular providing for larger floorplate primary accommodation at the designated Office Expansion Area. The IDP gives protection to the existing stock whilst recognising the accommodation ranges in quality from tertiary to primary accommodation and provides the opportunity for the loss of existing tertiary accommodation where it is demonstrated that it cannot be upgraded to modern standards. The policies provide even greater flexibility for small scale units, with the ability to

change out of office use to another suitable Main Centre use in response to market demand. The availability of office premises to the market indicates there is sufficient supply with appropriate mix of sizes available to meet market needs at this time. Overall the IDP policies are considered to be supporting this important sector of the Island's economy.

A review of the implementation of the IDP during 2017 indicates the planning policies for industry, storage and distribution are directly contributing to the delivery of this Plan Objective. Over the lifetime of the IDP, managing decline and contraction of these land uses is expected with a forecasted loss of 2.26 hectares of land. The IDP's approach to industry and storage & distribution seeks to manage this change in this sector whilst still protecting some land for industry and storage & distribution to ensure suitable land is available that can be readily developed for a range of industrial and storage/distribution purposes and emerging industries in the future.

The review of 2017 planning applications demonstrates that policies are flexible to allow for a range of new industrial, storage and distribution uses including creative industries, throughout the Island and also provide appropriate support to existing uses. During 2017, the IDP policies have delivered a supply of new industrial, storage and distribution land and premises through the planning system with a 47m² net gain of industry and storage premises and 1.35 Ha net gain of industry and storage land. The majority of the increase stems from open storage proposals granted planning permission Outside of the Centres. While there was a loss of floorspace from the Main Centres (outside of the Key Industrial Areas) and Local Centres as intended by the IDP, there was a greater increase of industrial/storage and distribution accommodation granted permission Outside of the Centres.

Monitoring shows that there are premises available within the Key Industrial Areas and the policy approach of designating Key Industrial Expansion Areas provides a buffer of land so the Island can respond to new and emerging industries moving forward. The policies currently in place will also allow for delivery of the economic vision of the States approved Economic Development Strategy in terms of employment uses as far as they are set out in the draft strategy at present.

The agricultural industry plays a relatively small part in Guernsey's economy but it has a valuable land management function, which in itself is a contributor to other sectors of the economy (for example tourism), as well as adding to the quality of life and social well-being of Islanders. Through the APA designation, there is a focus on protecting large areas of contiguous agricultural and other land for the benefit of the agricultural industry, and policies support proposals relating to existing agricultural and horticultural operations, including diversification such as a small farm shop, or the provision of visitor accommodation where this is ancillary to the agricultural operation.

The consolidation of the horticultural industry is recognised in the IDP and policies are in place to support the management of this trend. However should the industry change (for example through the potential establishment of cannabinoids ('CBD') businesses), then there is nothing to suggest, at this time, that the IDP policies would provide any block to such development on existing commercial horticultural sites.

The IDP requires all redundant glasshouse sites within and adjacent to the APA to revert to agricultural land, unless it is demonstrated that it cannot positively contribute to commercial agricultural use. There has been insufficient time since adoption of the IDP for Policy OC7 to take effect in any meaningful way. Therefore, going forward the Planning Service will continue to keep a record of cleared redundant glasshouse sites that are within and adjacent to the Agriculture Priority Area which will establish the sites that are contributing to the larger swathes of agricultural land.

IDP policies remain relevant and effective in supporting appropriate levels of retail development in the Core Retail Areas. The reassessment of the Core Retail Areas as required by the SLUP and its contraction as part of the IDP process supported by policies has resulted in maintenance of a core retail function in Main Centres, and primarily in St Peter Port as required by the SLUP.

The IDP policies in relation to visitor accommodation are performing as intended and give positive support to existing businesses to adapt or expand their premises as demonstrated by the approval of all 26 applications submitted, which indicate that there is continuing investment in premises.

The IDP policies relating to the Harbour Action Areas (MC10) and Regeneration Areas (MC11) are performing as intended, allowing minor development to come forward without undermining the comprehensive approach to development that will come through the IDP mechanisms of Local Planning Briefs (for the Harbour Action Areas) and Development Frameworks (for the Regeneration Areas). These mechanisms, put in place in the IDP, will be central to allowing the development of these areas and could be the catalyst to delivering significant social, economic and environmental development and enhancement.

The IDP policies which are effective in delivering this Plan Objective also deliver the proactive elements of the SLUP Linking Policies relating to:

- Promote public transport (LP5);
- Allocate sites for offices, industry and retail (LP6);
- Define retail cores (LP6);
- Take a flexible approach to uses (LP6);
- Make provision for regeneration (LP7);
- Promote the regeneration of the Main Centres through guidance (LP9);
- Focus retail on suitable retail cores (LP9);
- Harness investment in the airport (LP11);
- Harness investment in the harbours (LP11); and,
- Adopt a flexible approach to sites that become obsolete Outside of the Centres (LP12).

Plan Objective 4: Support a healthy and inclusive society

To achieve and promote development that supports a healthy and inclusive society where this meets the strategic objectives of the States of Guernsey, as set out within the Strategic Land Use Plan and the Principal Aim of the Island Development Plan.

This Plan Objective highlights that an important aspect of a high quality of life is access to a range of social, community, leisure and recreation services and facilities, recognising that provision of adequate facilities is fundamental to the health and well-being of the Island community. Whilst the planning applications submitted in 2017 relating to social and community and leisure and recreation facilities do not show a significant rise in demand and do not suggest that the IDP policies are not effective, there is limited evidence regarding the level of need and demand for these facilities and uses. Further research is required to establish a detailed baseline of the current provision of social, community, leisure and recreation facilities throughout Guernsey and further dialogue with the Committee *for* Education, Sport & Culture and the Committee *for* Health & Social Care (CfH&SC) to establish levels of need and demand. This will allow assessment of the future requirement for these uses in terms of land use and provide evidence on the effectiveness of the IDP policies to deliver development to address identified needs and demands.

The Plan Objective states that the IDP has a significant part to play in removing the barriers that prevent some Islanders being fully included in Island life. IDP Policy GP8: Design expects proposals to demonstrate accessibility to and within a building for people of all ages and abilities; and, with regard to residential development, offers flexible and adaptable accommodation that is able to respond to people's needs over time. This issue will be monitored through the assessment of the quality of new development in future Annual Monitoring Reports. This will allow for a review of the effectiveness of IDP policies in delivering this Plan Objective.

The Main and Local Centres have a key role in delivering this Plan Objective's requirement for an inclusive society through the range of services and facilities they provide in accessible locations. Local Centres are community focal points and a general convenience store selling fresh food and produce is seen as essential to their role, and an important part of monitoring is to ensure that there is an appropriate level, range and balance of uses within the Local Centres to support them as sustainable Centres. There have been no changes in the Local Centres in terms of convenience retail provision and all of the Local Centres have at least one general convenience retail store. Approvals in 2017 include additional convenience retail provision in L'Islet. Policy LC5: Retail in Local Centres seeks to ensure that essential convenience retail facilities within Local Centres are retained.

Limited development of an appropriate scale to the Local Centre concerned is supported by policies in the IDP to complement the existing role of the Centre and support them as socially inclusive, healthy and sustainable communities. There has been very little change during 2017. However, trends over time will continue to be monitored and the Community Hubs, as proposed by the CfH&SC might influence additional facilities within the Local Centres in the future.

The IDP policies which are effective in delivering this Plan Objective also deliver the proactive elements of the SLUP Linking Policies relating to:

- Reduce the need to travel (LP2);
- Sustainable communities (LP5);
- Adaptable homes (LP5);
- Promote public transport (LP5);

- Good accessibility (LP5 and LP6);
- Make provision for regeneration (LP7);
- Improve leisure uses in the harbours (LP8);
- Minimise the negative impact of cars (LP8);
- Promote the regeneration of the Main Centres through guidance (LP9);
- Promote sustainable communities within the Local Centres (LP10); and,
- Harness investment in the harbours (LP11).

Plan Objective 5: Ensure access to housing for all

To achieve and promote a broad range of housing development that ensures an appropriate amount, mix and type of housing, including affordable housing, where this meets the strategic objectives of the States of Guernsey, as set out within the Strategic Land Use Plan.

The IDP policies have been effective in meeting the requirements of Plan Objective 5, including a 2 year pipeline supply of housing permissions and a 5 year supply of housing land. Both are in excess of the requirement. The pipeline supply was 1,177 dwellings at the end of 2017. This includes 486 full permissions, 345 outline permissions and 346 dwellings under construction. 76% of these dwellings are in the Main Centres.

There has been relatively slow progress with delivery of larger housing sites including a number of housing allocation sites. This may be in part due to the requirement for Development Frameworks, but may also be due to economic conditions. This has resulted in no sites to date having a requirement for Affordable Housing under Policy GP11. There have however been a number of planning permissions for the Guernsey Housing Association for Affordable Housing. Permission has been given for 50 dwellings under the IDP for a range of types of Affordable Housing including key worker accommodation. Requirements for Affordable Housing were also set out in Development Frameworks approved by the Authority in 2017. The pipeline supply includes 175 Affordable homes.

An appropriate mix of housing is required by this Plan Objective. In 2017, a mix of sizes of dwellings has been required on larger sites – primarily through Development Frameworks. Permissions in 2017 include 49% houses, 41% flats, 9% sheltered accommodation and 1% Houses in Multiple Occupation. There is a need for robust monitoring and data collection for housing policies to be fully effective. Accurate, robust and real-time data will be essential in order to be able to ensure that new housing is reflective of the demographic profile of households requiring housing at any one time in accordance with the housing policies of the IDP. Joint working between the Committee *for the* Environment & Infrastructure (CfE&I), the Authority and the Committee *for* Employment & Social Security (CfE&SS) is key to achieving this. Joint working between the Authority, the CfE&SS (whose mandate includes delivery of Affordable Housing), the CfE&I and the Policy & Resources Committee in order to address any actions and decisions that arise from the debate of the Policy Letter ‘Local Market Housing Review and Development of Future Housing Strategy’ in July 2018, particularly in relation to the monitoring of housing supply and need and the establishment of an appropriate data collection model and data collection processes.

The IDP policies which are effective in delivering this Plan Objective also deliver the proactive elements of the SLUP Linking Policies relating to:

- Adaptable homes (LP5);
- Promote public transport (LP5);
- Good accessibility (LP5 and LP6);
- Make provision for housing development (LP7);
- Make provision for regeneration (LP7);
- Provide flexibility for householder aspirations (LP7);
- Promote the regeneration of the Main Centres through guidance (LP9); and,
- Improve leisure uses in the harbours (LP8).

Plan Objective 6: Meet infrastructure requirements

To achieve the provision of infrastructure where required for the most effective and efficient functioning of the Island, in order to meet the strategic objectives of the States of Guernsey, as set out within the Strategic Land Use Plan.

IDP policies are in place which allow for specific strategic and infrastructure development to take place now and safeguard areas for strategically important development (the Infrastructure section of the IDP), and allow for potential developments in the future which have yet to be identified (policies S5 and S6, which could be important for implementation of the Infrastructure Investment Plan). IDP policies also allow for minor and inconsequential development to progress as indicated by planning permissions granted in 2017. Therefore no blockages by IDP policies have been identified to delivery of essential strategic and infrastructure development now or in the future. IDP policies have been shown to give positive and flexible support to delivery and fulfil the requirements of Plan Objective 6.

The IDP policies which are effective in delivering this Plan Objective also deliver the proactive elements of the SLUP Linking Policies relating to:

- Enable renewable energy (LP1);
- Reduce the need to travel (LP2);
- Enable renewable energy (LP2);
- Support the waste strategy (LP2);
- Promote climate change resilience (LP3);
- Promote SUDs (LP3);
- Promote public transport (LP5);
- Make provision for regeneration (LP7);
- Promote the regeneration of the Main Centres through guidance (LP9);
- Allow for infrastructure development (LP11);
- Harness investment in the airport (LP11); and,
- Harness investment in the harbours (LP11).

Conclusions

The AMR for 2017 has found that the IDP policies are performing as intended and contributing toward delivering the Plan Objectives and the proactive elements of the Linking Policies of the Strategic Land Use Plan.

In 2017 there was a high rate of approval of planning applications (only 30 applications were refused out of 1789 applications determined in the year, representing 1.7%) and no appeals

against refusal of planning permission were made during 2017. There was a low rate of planning applications approved as a 'minor departure' from the IDP policies in 2017 (4 permissions). This illustrates how the positive and flexible policies of the IDP, along with encouragement of high quality pre-application discussions, have enabled positive outcomes to be reached for the vast majority of planning applications, and potentially costly appeals avoided.

These findings illustrate that the IDP provides for the types of development the States needs and strikes a successful balance between the purposes of the Land Planning and Development (Guernsey) Law, 2005, personal choice and aspiration, the public interest, and supporting the natural environment and heritage of the Island whilst at the same time providing for the economic and social needs required by businesses and the community and balancing the competing demands for land.

The policies have been shown to be flexible and able to be responsive to changing economic, social and/or environmental circumstances whilst delivering the Spatial Policy and the Plan Objectives.

The IDP policies remain robust, relevant and effective in delivering the land use elements of the priorities of the States as set out in the Policy & Resources Plan.

This is the first Annual Monitoring Report for the IDP. The AMR establishes a baseline which enables each theme to be monitored over the lifetime of the Plan. As such, in most cases it is too early to identify trends. There has been positive feedback on the IDP, but it is clear that in a small number of instances, it will be important to provide clarity and guidance to ensure IDP policies are fully understood so that they can perform as intended and deliver the Plan Objectives. A number of key issues have been identified to keep under review in future AMRs.

In conclusion, the policies of the IDP are considered to be effective, robust and relevant. The IDP is flexible and delivering the land use requirements of the States as required by the Strategic Land Use Plan. No specific blockages have been identified to delivering these requirements. Therefore, at this stage there is no proposal to amend the IDP or to amend the SLUP.

Comments from the Committee *for the Environment & Infrastructure*

The Development & Planning Authority requested comments from the CfE&I on the draft AMR and specifically that the Committee confirmed that it agrees that the objectives of the SLUP are being delivered, so far as they can be, (in terms of the Linking Policies) by the policies in the IDP. The Authority also asked CfE&I to advise whether it has identified any need for the States to amend the SLUP³¹ or the IDP³² or whether it considers guidance is needed or other action required by the States.

³¹ A review of the Strategic Land Use Plan would require approval from the States of Deliberation.

³² Where amendment of the Island Development Plan is considered necessary, any change to policies would be subject to the full inquiry procedure set out under the planning legislation; this may include an Environmental Impact Assessment as part of the review and the accompanying Environmental Statement would be updated accordingly.

The full response from the CfE&I can be found at Appendix 1; a summary is below together with actions arising from it.

The CfE&I agrees that the evidence provided by the DPA in the draft Annual Monitoring Report demonstrates that the policies of the IDP are effectively delivering the objectives and proactive elements of the SLUP as intended. It states that there is no evidence of need to re-visit the States' clear decisions of policy principle in terms of the spatial distribution of development and no evidence to suggest that the SLUP and its spatial strategy are hindering delivery of the States' priorities as set out in the Policy & Resource Plan. The CfE&I confirms that it has not identified any need for the States to amend the SLUP and does not require, at this stage, any changes to the policies of the IDP which remain robust, effective and relevant.

The CfE&I supports the actions set out in the AMR and endorse the recommendations in the AMR for further monitoring and the production of guidance. The CfE&I have not identified a need for any other action or specific guidance. CfE&I recommended additional future monitoring regarding the location of development in Main Centres and Main Centre Outer Areas, greenfield/brownfield development and housing involving replacement dwellings. The D&PA agreed with these recommendations and reference to these additional future monitoring has now been included in the AMR.

The CfE&I also requested that the AMR make reference to the Affordable Housing tariffs resolution (IDP Resolution 8). The D&PA agreed to do so.

The CfE&I endorses and supports the D&PA's intentions, as set out in the AMR, to liaise with relevant Committees concerning the land use aspects of existing and emerging States' strategies.

The CfE&I further advises the D&PA that it intends to report to the Policy & Resources Committee (appending a copy of the AMR once approved) about the continued relevance and effectiveness of the SLUP in delivering the States' priorities in land use terms but as there is no statutory requirement for it to report to the States it does not intend to do so.

The CfE&I commends the D&PA on the high quality and comprehensive content of this first AMR, which will be of value to all States' Committees. With this in mind the CfE&I would also support the inclusion of the AMR in a future Billet d'état as an appendix report so that the monitoring process is transparent and the information in the AMR is made available to all States Members.



Definition of Abbreviations

ACLMS	States of Guernsey Agriculture, Countryside and Land Management Services
ABI	Area of Biodiversity Importance
AMR	Annual Monitoring Report
APA	Agriculture Priority Area
Authority	Development & Planning Authority
BMV	Best and Most Versatile Land
CBD	Cannabinoids
CfE&I	The Committee <i>for the</i> Environment & Infrastructure
CfED	The Committee <i>for</i> Economic Development
CfES&C	The Committee <i>for</i> Education, Sport & Culture
CfESS	The Committee <i>for</i> Employment & Social Security
CfH&SC	The Committee <i>for</i> Health & Social Care
CfHA	The Committee <i>for</i> Home Affairs
CRA	Core Retail Area
DF	Development Framework
GHA	Guernsey Housing Association
GOAD	Retail monitoring system using standard classification codes, used in the UK and Ireland
Ha	Hectare (10,000m ²) – to assist in the understanding of a Hectare, the Footes Lane pitch is 0.64Ha and the model yacht pond is 0.5Ha.
HAA	Harbour Action Area
IDP	Island Development Plan
KIA	Key Industrial Area
KIEA	Key Industrial Expansion Area
MCIA	Main Centre Inner Area
MCOA	Main Centre Outer Area
P&RC	The Policy & Resources Committee
RA	Regeneration Area
SEA	Seafront Enhancement Area
SHLAA	Strategic Housing Land Availability Assessment
SLUP	Strategic Land Use Plan
SPG	Supplementary Planning Guidance
SSS	Site of Special Significance
STSB	States' Trading Supervisory Board
SuDS	Sustainable Urban Drainage Systems
THS	States of Guernsey Traffic and Highway Services
v	Vergée (1,638.8m ²)

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- Habitat Survey of Guernsey, Herm and Associated Islands, 2010: <https://www.gov.gg/CHttpHandler.ashx?id=3527&p=0>
- Guernsey Coastal Defence Flood Studies: <https://www.gov.gg/coastalmanagement>
- Guernsey Water's Surface Water Management Policy and guide to permeable surfaces: <http://www.water.gg/SuDS>
- Guernsey air pollution survey, 2016: <https://www.gov.gg/airpollutionsurvey>
- KPMG Guernsey Housing Market Review, 2017: <https://www.gov.gg/CHttpHandler.ashx?id=109412&p=0>
- Policy & Resource Plan: <https://www.gov.gg/article/150839/Policy--Resource-Plan#selectednavItem158883>
- Disability and Inclusion Strategy: <https://www.gov.gg/disability>
- Dairy Industry Review Group Report (2013 - 14): <https://www.gov.gg/CHttpHandler.ashx?id=102371&p=0>
- Environmental Pollution (Guernsey) Law, 2004 Part VII - Air Pollution – Policy Letter, February 2017: <https://www.gov.gg/article/157185/Environmental-Pollution-Guernsey-Law-2004-Part-Vii---Air-Pollution>
- Supported Living and Ageing Well Strategy (SLAWS): <https://www.gov.gg/slaws>
- Facts & Figures, 2017: <https://www.gov.gg/ff>

States of Guernsey Integrated on Island Transport Strategy and Action Plan for Guernsey (Minority Report), 2014:

<http://www.gov.gg/CHttpHandler.ashx?id=86937&p=0> - See pages 714 – 791 of the Billet (the approved 'Minority' report) and the resolutions <http://www.gov.gg/CHttpHandler.ashx?id=87732&p=0> – please note that individual aspects of the Strategy (primarily) relating to funding have been debated at subsequent States meetings

States' Solid Waste Strategy:

Billet d'Etat IV 2012

<https://www.gov.gg/article/150451/States-Meeting-on-21st-February-2012-Billet-IV>

Billet d'Etat II, 2014

<https://www.gov.gg/article/150440/States-Meeting-on-29th-January-2014-Billets-I-II-IV>

Billet d'Etat V, 2017

<https://www.gov.gg/article/157607/States-Meeting-on-15th-February-2017-Billet-V>

Billet d'Etat XXIV & XXV, 2017

<https://www.gov.gg/article/162531/States-Meeting-on-13-December-2017-Billets-XXIV--XXV>

Revised Waste Management Plan:

<https://www.gov.gg/article/165722/Revised-Waste-Management-Plan>



All the research and analysis undertaken to prepare this Annual Monitoring Report (AMR) will continue, forming a baseline for future monitoring of the Island Development Plan (IDP). The further monitoring requirements identified within this AMR, together with a progress update on identified actions will be included in the next AMR. For ease of reference, these are summarised by topic below.

Strategic Development and Infrastructure

Summary of further monitoring requirements

- Review progress of the Leale's Yard Regeneration Area in the 2018 AMR.

Summary of action required

- Development & Planning Authority to be an intrinsic part of the Seafront Enhancement Area group to deliver the Local Planning Brief for the St Peter Port Harbour Action Area; and,
- Development & Planning Authority to investigate options to progress discussions leading to Development Frameworks for Lower Pollet and Le Bordage/Mansell Street Regeneration Areas and complete work on the Development Framework for South Esplanade and Mignot Plateau.

Housing

Summary of further monitoring requirements

- Including monitoring of the number of bedrooms in future Quarterly Monitoring Reports as well as the 2018 Annual Monitoring Report;
- Review the impacts of the thresholds for Development Frameworks in future AMRs;
- Future monitoring to establish where new residential development is located within the Main Centres and Main Centre Outer Areas in terms of green field and brown field sites; and,
- Future monitoring to include the locations of residential development within the Main Centres and Main Centre Outer Areas (permissions, commencements and completions since the adoption of the IDP) to determine if there is a pattern or trend and to inform future decisions about housing land supply.

Summary of action required

- Joint working between the Development & Planning Authority, the Committee *for* Employment & Social Security (whose mandate includes delivery of Affordable Housing), the Committee *for the* Environment & Infrastructure and the Policy & Resources Committee in order to address any actions and decisions that arise from the debate of the Policy Letter 'Local Market Housing Review and Development of Future Housing Strategy' in July 2018, particularly in relation to the monitoring of housing supply and need and the establishment of an appropriate data collection model and data collection processes;
- The Development & Planning Authority to regularly liaise with the Committee *for* Employment & Social Security at an officer and political level to update on progress with the larger housing sites;

- Guidance is needed for agents and those working collaboratively on the production of Development Frameworks on the standard that is required; and,
- Planning Service to consider issuing guidance on the interpretation of Policies GP16(A) and GP16(B) in the future.

Offices

Summary of further monitoring requirements

- Review the need to prepare a Development Framework for the Office Expansion Area in the 2018 AMR;
- Review the approach for delivering the requirements of the office sector if the extant planning permission for the Office Expansion Area is implemented; and,
- Monitor the subdivision, vacancy levels and availability to the market of large scale premises.

Summary of actions required

- Development & Planning Authority to liaise with the Committee *for* Economic Development and Policy & Resources Committee at an officer level in order to support further work that may arise from the implementation of the recently approved States' Economic Development Strategy, particularly on the monitoring of our economy;
- Development & Planning Authority to liaise with the Committee *for* Economic Development at officer level in order to engage with industry representatives on the criteria for assessment of quality and use in future analysis;
- Development & Planning Authority to consult with industry on definitions for primary, secondary and tertiary accommodation and prepare assessment of portfolio against revised criteria if appropriate; and,
- Development & Planning Authority at an officer and political level to seek / encourage delivery of new primary office accommodation in the development of Regeneration Areas and Harbour Action Areas that is adaptable to suit medium to large businesses.

Industry, Storage & Distribution

Summary of further monitoring requirements

- If the majority of development for industry storage and distribution uses continues to be located Outside of the Centres, further investigation into the operation of the relevant policies controlling development Outside of the Centres should be undertaken.

Summary of actions required

- The Development & Planning Authority to liaise with the Committee *for* Economic Development and Policy & Resources Committee at an officer level in order to support further work that may arise from implementing the recently approved States' Economic Development Strategy, particularly on the monitoring of our economy;

- The Development & Planning Authority to open up a regular dialogue with the Committee *for* Economic Development to discuss the needs of creative industries and other emerging sectors through creation of an officer level working group; and,
- The Development & Planning Authority to work with the Committee *for* Economic Development at officer level to engage with industry representatives and agents to promote better awareness and understanding of policies for provision of all employment uses within the IDP, in particular focusing on those relevant to Outside of the Centres.

Visitor Accommodation

Summary of further monitoring requirements

- Trends in occupancy levels of visitor accommodation may be included in future AMRs depending on the outcome of the States' debate on the Tourism Strategy.

Summary of action required

- The Development & Planning Authority to liaise with the Committee *for* Economic Development at both officer and political levels in the analysis of the implications of a change to IDP visitor accommodation policies introducing a more flexible approach.

Social, Community, Leisure and Recreation;

Summary of further monitoring requirements

- None identified.

Summary of action required

- Guidance to be published in order to provide further information on supporting evidence required for an application to change use away from social & community and leisure & recreation uses.

Main Centres

Summary of further monitoring requirements

- Additional monitoring of footfall, building condition and opening hours as measures of vitality in Core Retail Areas;
- Monitoring and reporting on additional factors relating to vitality and viability in the Regeneration Areas;
- Monitoring and reporting of relevant data relating to accessibility; and,
- Consideration of including detailed analysis of retail vacancies in future AMRs, if there is interest from other Committees.

Summary of action required

- Development & Planning Authority to continue to liaise at officer level with the Committee *for* Economic Development in connection with updating the Retail Study;

- Liaise at officer level with the Committee *for* Economic Development and stakeholders, as well as reviewing other evidence, to identify required stock of smaller office units; and,
- Close involvement with the development of proposals for the St Peter Port Harbour Action Area through representation on the Seafront Enhancement Area Steering Group and the officer level working group.

Local Centres

Summary of further monitoring Requirements

- None identified.

Summary of actions Required

- Liaise with the Committee *for* Health & Social Care in connection with Community Hubs;
- Undertake or commission Stage 2 of the Guernsey Character Study, including character studies of the Local Centres, to inform planning applications and monitoring;
- Comprehensive study, including retail study, to explore the relative roles of the Local Centres;
- Liaise with the Committee *for* Economic Development in connection with the provision of a comprehensive Retail Survey to include exploration of the relevant roles of Local Centres; and,
- Consideration of reviewing Les Capelles as a Local Centre at the time the IDP is reviewed.

Agriculture and Horticulture

Summary of further monitoring requirements

- Further analysis of the updated information on land farmed by dairy farmers.

Summary of action required

- Publication of Supplementary Planning Guidance on applying for planning permission in the Agriculture Priority Area in order to assist applicants and agents;
- Liaise with the Committee *for the* Environment & Infrastructure at officer level regarding agricultural land use requirements and aspirations of the agricultural industry;
- Investigate methods to obtain clearer data on the amount of agricultural, horticultural and undeveloped land within the Agriculture Priority Area;
- Further analysis of the updated information on land farmed by dairy farmers and updated redundant glasshouse sites baseline relative to the Agriculture Priority Area designation.; and,
- Liaise with the Committee *for* Economic Development at officer level over horticultural issues as appropriate, but particularly in connection with the potential establishment of CBD businesses.

Redundant Glasshouse Sites

Summary of further monitoring requirements

- To maintain and regularly update and refine the redundant glasshouse baseline.

Summary of action required

- Liaise with the Committee *for* Economic Development at an officer level with regards to information on the small number of commercial glasshouse operations and the level of resources allocated to the horticultural census; and,
- Liaise with the Committee *for the* Environment & Infrastructure at an officer level in relation to the development of the Energy Plan and monitor any impacts this may potentially have on the number of planning applications relating to change of use of redundant glasshouse sites for renewable energy (Policy IP1).

Natural Resources

Summary of further monitoring requirements

- Review the findings of the Guernsey Habitat Survey 2020 when complete;
- Review the use of Sustainable Urban Drainage Systems on sites subject to a Development Frameworks; and,
- Planning Service to monitor the use of Sustainable Urban Drainage Systems on larger developments approved under the IDP – those relating to sites with a Development Framework.

Summary of action required

- Initiate the project to produce Supplementary Planning Guidance for the whole or part of each Site of Special Significance;
- Survey the Areas of Biodiversity Importance other than the Foreshore and those Areas associated with a Site of Special Significance and identify and new Areas of Biodiversity Importance;
- Planning Service to work with Guernsey Water / States Trading Supervisory Board on the Surface Water Management Strategy to review the approach to requirements for Sustainable Urban Drainage Systems. Then review the Island Development Plan approach in the 2018 Annual Monitoring Report; and,
- Development & Planning Authority to liaise with the Committee *for the* Environment & Infrastructure at an officer and political level to promote the use of renewable energy equipment and infrastructure in accordance with Policy GP9 and IP1 as part of development of the Energy Policy.

Construction Waste

Summary of further monitoring requirements

- Monitoring the type and scale of developments requiring a Site Waste Management Plan to ensure the threshold is at an appropriate level; and,
- Monitoring of post completion submissions and analysis against baseline figures to ensure what materials are successfully reused, recycled and minimised and identify barriers.

Summary of action required

- Regular engagement with the Construction Industry Forum in regards to Site Waste Management Plans in order to monitor their effectiveness in delivering the requirements of the Island Development Plan policies.

Built Heritage and New DevelopmentSummary of further monitoring requirements

- Monitor decisions on planning applications for Protected Buildings in order to establish if any Protected Buildings are removed from the list as a result of planning permission being implemented; and,
- Over 2018 provide a robust baseline by surveying the overall condition and occupancy of all Protected Buildings.

Summary of action required

- Over 2018, the methodology and indicators for assessing the quality of new development will be drafted and consulted on with key stakeholders; and,
- Complete Project Plan for Conservation Area Character Appraisals and implement work-stream in accordance with Project Plan. Priority should be given to those Conservation Areas where this is likely to be significant development pressure in the short and medium term and that will help deliver the social and economic aims of the States of Guernsey:
 - The areas of St Peter Port are HAA/SEA, Regeneration Areas, Housing Allocations and windfall sites that are large enough to generate a Development Framework;
 - Delancey Conservation Area;
 - St Martin's Church and Sausmarez Manor Conservation Area.

Public and Private ParkingSummary of further monitoring requirements

- The level of provision and use of public parking in the Main Centres will be monitored in future Annual Monitoring Reports, with assistance from the Committee *for the Environment & Infrastructure*.

Summary of action required

- Liaise with the Committee *for the Environment & Infrastructure* at an officer and political level to consider the role and effectiveness of the Island Development Plan in supporting the aims of the Integrated Transport Strategy and to review the implications for the Island Development Plan of any changes to the Integrated on Island Transport Strategy; and,
- Add clarification to the Supplementary Planning Guidance regarding additional parking space within the curtilage and definitions of private and communal parking.



Contact Us for further information and advice at: Planning Service, Sir Charles Frossard House, St Peter Port. GY1 1FH Telephone 01481 717200 Email planning@gov.gg

Have you visited our website? Go to www.gov.gg/planningandbuilding for additional information on the Island Development Plan, Supplementary Planning Guidance (including Development Frameworks) and Quarterly Monitoring Reports.

This monitoring report is issued by the Development & Planning Authority for information only. It does not form part of the Island Development Plan (2016). The Development & Planning Authority does not accept any liability for loss, or expense, arising out of the provision of, or reliance on, any information given. You are recommended to seek advice from an independent professional advisor where appropriate.

Copies of the text of the Island Development Plan (2016) are available from Sir Charles Frossard House. Copies of legislation are available from the Greffe. Electronic copies are also available at www.guernseylegalresources.gg



APPENDIX 1

Consultation with other States Committees



Development &
Planning Authority



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+44 (0) 1481 717200
planning@gov.gg
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The President
Committee *for* Economic Development
Guernsey Registry – Market Building
PO Box 451
Fountain Street
St Peter Port
GY1 3GX

23rd March 2018

Dear Deputy Parkinson,

Island Development Plan – Annual Monitoring Report, 2017

The Land Planning and Development (Guernsey) Law, 2005

The Land Planning and Development (Plans) Ordinance, 2007

As you will be aware, the Island Development Plan (IDP) contains the current planning policy framework for Guernsey and was adopted in November 2016. The Development & Planning Authority (D&PA) has a statutory obligation to keep the Island Development Plan under review. To do this the D&PA requires expert information and data from relevant Committees in order to monitor the effectiveness of the Plan's policies. A framework for monitoring the IDP is set out in the Strategic Land Use Plan and the IDP that includes both quarterly and annual monitoring reports. This is the mechanism for the D&PA to fulfil its mandate and legal obligation to ensure the IDP is fit for purpose and up-to-date.

The D&PA intends to publish the first Island Development Plan Annual Monitoring Report for 2017 later this year. The IDP establishes that the annual monitoring reports will be comprehensive reports that contain both quantitative and qualitative information to analyse a range of key policy areas. They will include feedback from stakeholders and will set out actions to address any issues where the monitoring process reveals that changes are needed to the Plan, or any guidance is needed for clarification or any other action is needed by the States. This enables the Island Development Plan to maintain sufficient flexibility to adapt to changing circumstances.

This is an opportunity for your Committee to comment from your perspective, supported by evidence where necessary, on the effectiveness of the new planning policies introduced by the Island Development Plan. The D&PA is also requesting some information from your Committee to help assess the situation and ensure the Island Development Plan remains effective and relevant.

We would be grateful for your views on any issue relating to the Island Development Plan. This could include, for example:

- any comments on specific objectives or policies and their continued relevance;
- any comments in relation to how the IDP has influenced any development proposals that your Committee has an interest in.

In addition, we would be grateful for:

- any update on information your Committee has provided to the D&PA previously
- any updates regarding strategies or projects that may have implications for land use planning and therefore would be pertinent for the D&PA to know about
- any other information or data that could be relevant that your Committee could share with the D&PA.

We would in particular appreciate if your Committee could provide information regarding these issues:

Horticulture - the ACLMS team has provided assistance in establishing a baseline of glasshouse sites in the Island. It would be beneficial to monitoring of glasshouses for future annual reports if information regarding sites that have been cleared of glass, redundant sites and those sites in commercial use was made available to the D&PA.

Visitor Accommodation - in order to monitor change in the visitor accommodation sector the D&PA requests your assistance in providing a baseline of the current stock of visitor accommodation. This would include a list of the premises, their star ratings and numbers of rooms/units. Information on occupancy levels, rack room rates and vacant establishments would also be useful.

During the Planning Inquiry, the Planning Inspectors emphasised the need to keep the policies under review in light of their restrictive nature and uncertainty regarding the direction of visitor numbers and the tourism economy.

An annual update to this information for the annual report would be required in order to assess trends over time. The Planning Service will monitor planning applications for visitor accommodation establishments, although this will only provide part of the information needed to properly understand how the sector is changing.

When the States debated the IDP they resolved to direct your Committee to submit a policy letter setting out a tourism strategy for approval by the States by 31 October 2018, the policy letter to include an assessment of the current stock of visitor accommodation and the stock of visitor accommodation necessary to support the future viability and growth of the industry. It would be appreciated if the assessment of current stock could be made available earlier to assist the monitoring work.

Retail - in terms of the retail sector, the existing evidence for retail demand and supply in the Island is dated (the Roger Tym study in 2010). In order to ensure the IDP policies for retail are relevant and to assist the D&PA in assessing planning applications for retail development, it would be beneficial to have a new retail study, which could build on the

findings of the recently published retail survey, and provide a solid basis for your Committee's approach to retail as well as the work of the D&PA. This would be of particular benefit to the 5 year review of the IDP. It would be appreciated if your Committee would outline its intentions for further work.

Office, Industry and Storage - staff in the Business, Innovation and Skills team have contributed to a review of the Employment Land Study, 2014, with staff from the Planning Service including a workshop with agents to get their views on the market for land and premises for office, industry and storage uses. For future Annual Monitoring Reports, it would be beneficial if your Committee could also consider providing ways of gaining wider feedback from businesses, for example an annual survey of businesses in the Island.

We expect this information to be available going forward so that we can repeat our analysis on an annual basis to assess trends over time. We would therefore ask your Committee to give us prior warning should the information you have given us in the past or now no longer be available.

The Island Development Plan and associated documents can be found here www.gov.gg/planningpolicy

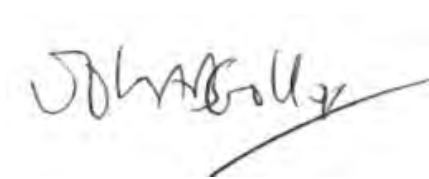
I would be very grateful if you could send any comments that you may have by email to planreview@gov.gg or in writing to the D&PA by 5pm on **20th April, 2018**.

The feedback received will be reviewed and included in the Annual Monitoring Report as appropriate with a D&PA response if required.

The Forward Planning team in the Planning Service can assist with any queries. Please contact Ewan Taylor, Forward Planning Officer, in the first instance (ewan.taylor@gov.gg or tel. 677 2540).

Thank you in advance for taking the time to provide feedback.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'John Gollop', with a long horizontal stroke extending to the right.

Deputy John Gollop
President, Development & Planning Authority

The President
Development & Planning Authority
Sir Charles Frossard House
La Charroterie
St Peter Port
GY1 1FH

16 May 2018

Dear Deputy Gollop

Island Development Plan – Annual Monitoring Report, 2017
Comments from the Committee *for* Economic Development

Thank you for your letter of 23 March 2018, which invited the Committee to contribute to the work of the Development & Planning Authority (“DPA”) to assess the effectiveness and performance of the Island Development Plan (“IDP”). The Committee recognises the value of monitoring the effectiveness of these policies and is grateful to the DPA for the opportunity to contribute to this process, to ensure the IDP continues to be fit for purpose.

As requested, the Committee has considered the land planning requirements in which it has an interest and wishes to submit the following comments to the DPA for consideration.

Overall, the Committee perceives that the IDP appears to be functioning adequately, although it is of the view that some of the policies may need time to fully bed in before the intended policy outcomes can be achieved. In particular the Committee recognises the significant opportunities presented by the Harbour Action Areas and Regeneration Areas designated in the IDP, and is keen that these opportunities are realised. The Committee notes that the IDP incorporates mechanisms through which the development of these areas may be brought forward (Development Frameworks and Local Planning Briefs), but it remains to be seen whether these can be achieved within a reasonable timeframe. The Committee would welcome the opportunity to work with the DPA to facilitate the unlocking of the St Peter Port Harbour Action Area (“StPP HAA”), and also the Regeneration Areas, as a matter of priority.

In respect of all employment sectors, your letter requested that the Committee considers ways of gaining wider feedback from businesses and that data collection is undertaken on an annual basis to enable analysis of trends. The Committee recognises that data of that type would enable the provision of a more evidence-based response to future requests for

information, as well as being of use to the Committee in the course of drafting policy. The Committee is not currently resourced to undertake this work, however officers are working with colleagues in Data & Analysis to establish how the Committee may access a greater range of data relating to planning matters and wider economic conditions. The Committee is of the view that it is beneficial to have a single data collection point which may be accessed by any interested service area within the States, and is therefore working collaboratively with the Data & Analysis team to identify options for how this may be achieved in respect of data required by the Committee.

Industrial and Storage & Distribution Premises

In February 2018, the States considered a Policy Letter submitted by the Committee and made Resolutions directing the States' Trading Supervisory Board to make available certain areas of land owned by the States of Guernsey for industrial and storage purposes. The Committee notes that it was possible for these sites to be put forward for this use (subject to the details of any application) without requiring any departure from the IDP policies, and the Committee is pleased that the relevant planning policies were flexible enough to allow this. The Committee understands that there have also been a number of applications for new industrial premises on redundant glasshouse sites on private land and that one such site has since been granted planning permission. As a matter of principle, the Committee would continue to support policy provision to enable the change of use of redundant glasshouse sites to appropriate forms of commercial activity.

The Committee undertook a survey of businesses requiring land for industrial, storage & distribution uses in 2017 (as shared at the time with officers of the Planning Service). The Committee would wish to draw attention to the following findings, although it should be noted that the survey, which was sent directly to over 580 businesses identified as requiring these premises types and publicised in the local media, may not be representative of the needs of all such business types as only 56 complete responses were received.

Paragraph 7.2.4 of the IDP states that there is an over-provision of industrial and storage & distribution space on island, and seeks to reduce the total area of such land. The Committee recognises that due to a decline in the size of the sectors which traditionally require industrial premises, the aggregate level of demand for industrial premises is likely to be reduced. However, the Employment Land Study (2014) acknowledged that a number of barriers appear to exist for industrial businesses seeking suitable premises, meaning that whilst there may indeed be an oversupply of industrial as well as storage & distribution premises, businesses seeking industrial premises may find it more difficult to find sites which meet the needs of modern light industry. The Committee's survey findings suggested that the industrial premises available are often too big (and therefore too expensive) for the requirements of the small businesses which make up the majority of the manufacturing and construction sectors, and too difficult or costly to sub-divide.

With this in mind, as a matter of principle the Committee would support the redevelopment of underutilised or vacant storage premises to provide suitable accommodation for businesses requiring industrial premises. The Committee recognises that the IDP policies are generally supportive of the change of use of storage & distribution sites to industry (and vice versa), with additional flexibility provided by the permitted changes set out in the new Use Classes Ordinance, facilitating changes between storage and light industry on smaller

premises (up to 250m²) without requiring planning permission. The Committee is pleased to note that the IDP quarterly monitoring reports indicate that permissions were granted for the change of use of a number of sites to light industry during 2017, resulting in a net increase of 0.98ha of industrial premises.

The responses to the survey supported the view that there is a lack of open storage sites and sites suitable for heavy or specialist industrial activity. The Committee acknowledges that the Longue Hougue Key Industrial Area is reserved specifically for heavy or specialist industrial activity. However, as set out in the Committee's Policy Letter in respect of Land for Industrial and Storage Uses, wider provision of land for heavy or specialist industry appears to be required, which may not easily be delivered within the private sector given the potential negative impact of these activities on neighbouring uses. With regards to open storage sites, the Committee understands that the IDP policies would allow for suitable premises to be brought forward within the private sector in time, but at present there is an issue of availability of land (as opposed to built premises) for open storage use. The Committee is pleased that the States has sought to address the need for open storage sites as well as sites for heavy or specialist industry through its Resolution to provide land for these purposes. At this stage, however, it is too early to assess the impact of that provision.

Office Accommodation

As acknowledged in your letter, officers from Business, Innovation & Skills attended a recent workshop with commercial property agents, led by the Planning Service. The workshop (on 6 March 2018) sought the attendees' views on the market for office, industry and storage premises. The Planning Service is perhaps best placed to report on the content of that workshop, as the Committee has not tested the comments made to verify if the IDP already provides for the stated requirements. However, the Committee would wish to draw particular attention to the following matters which arose from the discussion in respect of office accommodation:

- There is a need for improvement in the overall quality of Guernsey's office stock, to ensure that the office accommodation available meets modern business needs. The construction of new, high quality office stock would improve the business offering and enable the existing stock of lower-grade office accommodation in the Main Centres to be put to other employment-related uses or to provide residential accommodation. The Committee notes that Policy MC4(A) enables the redevelopment of smaller office space and/or offices that cannot easily be refurbished to meet modern needs, and would continue to support that policy position. However, it is important to ensure that any clearance of lower grade office accommodation from the market is adequately compensated by the development of new office premises and does not result in a shortfall in required stock.
- The findings of the workshop appeared to support the stance described in section 7.1.7 of the IDP, that new offices are best located in or around existing office clusters with good access to supporting services, and the Committee would support this view. The majority of provision for new office development is made at the Admiral Park Office Expansion Area. Feedback from the workshop indicated that the site could be further enhanced by the creation of appropriate 'networking spaces', to provide for modern ways of working other than fixed desk-bound working. The Committee notes

that Policy MC4(B) allows for incidental and complementary uses within this Office Expansion Area.

- The IDP supports the development of new and more appropriate office stock in Main Centres, and the workshop feedback suggested that businesses do value the central location and amenities provided by Town. The Committee recognises the value of St Peter Port as the centre of island commerce across a number of sectors, and is therefore keen that the StPP HAA is able to deliver the potential for a cluster of office and complementary accommodation in a central town location. To this end, the Committee is working with other areas of the States to bring this work forward, as prioritised by the Policy & Resource Plan, and would wish for this to be given the highest priority to enable the realisation of the development potential as soon as possible.
- The Committee recognises that the creative industries sector is growing in economic importance and is pleased that the IDP allows flexibility for creative businesses to be located in industrial premises, including within Key Industrial Areas where appropriate, as well as in office premises elsewhere. However, the Committee would wish to emphasise that as these industries are emerging, it will be important that the policies of the IDP are flexible enough to accommodate the premises needs of these types of businesses as they become clearer. The Committee would therefore like to open up a regular dialogue with the DPA to discuss these needs in more detail as they emerge.
- The importance of adequate car parking, both in terms of on-site/private provision and nearby public provision, was frequently stated as a factor in the attractiveness of office accommodation and the recruitment of staff, in particular part-time staff. The Committee understands that the StPP HAA offers the opportunity to consider the appropriate provision of parking and alternative ways to access town. The Committee would wish to ensure that the needs of office-based businesses in town, as well as the needs of other sectors such as retail and hospitality, are taken into consideration during the development of plans for that area.

In the course of engagements with industry it has also been recognised that issues have been raised which indicate some misunderstanding about what is permissible using the IDP policies. There may therefore be an opportunity for the Committee to work with the DPA to promote development, by ensuring that there is a wider understanding of what may be achieved. The Committee would be keen to understand if this may be something which the DPA would support.

Visitor Accommodation

The Committee is pleased to note that policy OC8(B) concerning the development of campsites has enabled several new initiatives to progress in this area. This includes works to existing campsites, as well as interest in developing new camping and 'glamping' sites, with a proposal for one such 'glamping' site receiving full planning permission in February 2018.

The policies of the IDP, in respect of visitor accommodation in all areas of the island, offer limited opportunities for existing visitor accommodation sites to change to an alternative use, a position which took into account past consultations with the then Commerce & Employment Department. The Committee has since undertaken a review of Guernsey's tourism product, which provides important information for shaping the policy approach to visitor accommodation. The Committee is keen to further investigate the potential economic benefits of adopting a more flexible approach to the change of use of sites to and from visitor accommodation use, but recognises that these must be considered alongside other potential impacts of any proposed policy revision. As directed by the States, the Committee will submit a revised Tourism Strategy to the States later in 2018, which will provide an opportunity to review the appropriateness of these policies.

The Committee, through the Marketing & Tourism service area, is able to extract the following data on demand:

- Detailed records of current active visitor accommodation premises (*those sites operating under permits granted by the Committee*)
- Grading information and quality awards currently relating to those sites
- Number of rooms/units assigned as visitor accommodation by the permit applicant (*room/unit stock*)
- The maximum number of visitors to be accommodated at each site (*bed stock*)
- Historic accommodation stock records (*over the last 50-60 years*)
- Vacant establishments
- Trends in historic occupancy levels
- Projected occupancy trends

In addition, trends in visitor numbers are published by Marketing & Tourism on a quarterly basis, using statistically representative data from the passenger exit survey. The Committee would be pleased to provide the DPA with the above data required to form a baseline of the current stock of visitor accommodation, and would ask that the Planning Service liaise with Marketing & Tourism at officer level to arrange the production of the appropriate reports.

Retail

The Committee recently published the results of a comprehensive retail survey which sought to understand more about consumers' retail needs and preferences, the findings of which have been shared with the Planning Service at officer-level and are enclosed for completeness. The survey included a number of questions which were designed to assess whether the current planning policies allowed consumers to access the types of retail they need in the locations where they prefer to shop.

The survey findings indicated that, broadly speaking, the current land use policies in respect of retail appropriately reflect consumer needs. The findings support the spatial policy to concentrate the majority of new development in the Main Centres and the Main Centre Outer Areas to maintain the vitality of these areas, and to make provision for limited development in the Local Centres to support and enhance them as sustainable settlements and community focal points. Respondents reported the importance of retail stores being located close to other destinations such as work or home, which for the majority of people appeared to be within or in close proximity to the Main Centres and/or Local Centres.

The Committee recognises the potential for significant retail development to be brought forward as part of the StPP HAA, work towards which is currently underway. The Committee would not wish for significant retail developments outside the Main Centres to limit the vitality and viability of the StPP HAA and the wider Town area. The Committee also recognises the opportunity for the Regeneration Areas to add to the consumer experience in Town. In early 2017, the Committee hosted a number of workshops with retailers, which identified what businesses perceived to be the main strengths, weaknesses, opportunities and threats facing Guernsey's retail sector. Among other things, these workshops highlighted a perceived decline in footfall as a concern. Retailers felt that footfall in areas such as Mill Street could be increased by the addition of signage which encouraged people to explore up the hill. The potential to make more of the Old Quarter has been a recurring theme in engagements with retailers and consumers, and the Committee is keen to ensure that the potential of the Regeneration Areas can be unlocked. The workshop attendees also considered access to town, including the appropriate provision of parking, to be a weakness; but the overall attractiveness of the St Peter Port environment was recognised as a strength.

Taking the above into account, the Committee is of the opinion that the policies in respect of retail do not require amendment at this time, and in view of the information gathered in the consumer survey and retailer workshops, the Committee does not presently intend to undertake a further retail study. The Committee will continue to engage with the retail sector as part of its wider schedule of engagements, and will consider any land-related concerns which may be raised in those discussions, liaising with the DPA when any such concerns are considered by the Committee to merit further investigation. The Committee is grateful for the work which the DPA undertakes towards the Retail Audit of Town and the Bridge, but accepts that the gathering of this type of data is something which may most appropriately be undertaken by the Committee in future. The Committee will therefore consider this as part of our work to identify a new approach to data gathering, as described elsewhere in this letter.

Horticulture

The IDP recognises that over recent years the horticultural sector has restructured and consolidated on fewer, but often larger, holdings and today the industry makes only a small contribution to Guernsey's GDP. Those operations that remain do, however, represent a viable industry based on niche market products. The Committee therefore continues to support the approach of the IDP, which enables the continuation and development of existing commercial horticultural activity, whilst also creating opportunities for the repurposing of sites to an alternative use where appropriate, in particular supporting the change of use of redundant glasshouse sites to small scale industrial or storage & distribution use.

The Committee is pleased to note that the IDP permits the development of renewable energy infrastructure on redundant glasshouse sites, as well as on brownfield land and sites where the associated structures are incorporated into existing or proposed developments. The Committee recognises that the development of renewable energy infrastructure in Guernsey has the potential to contribute positively to the economy, and will therefore be working with Committee *for the* Environment & Infrastructure ("CfE&I") to ensure that the potential economic benefits are taken into account as part of work towards a new Energy Plan. The Committee intends to work with CfE&I to develop a clearer understanding of the

future demand and nature of renewable energy production, as well as the economic value this may bring to the island. The Committee envisages that this work will involve consideration of the enablers which need to be in place to facilitate renewable energy generation in Guernsey, including an assessment of the suitability of existing planning policy.

Agriculture, Countryside and Land Management Services (“ACLMS”), a service area reporting to CfE&I, undertakes the annual horticultural census. When this census was started, over 50 years ago, the industry covered approximately 15% of the island with glass and, alongside tourism, was a key driver in Guernsey’s economy. As the size and economic value of the industry has contracted in the time since, the need to maintain such a detailed and comprehensive record has reduced, and the scope of the information gathered has therefore been narrowed to enable resource to be allocated to priority workstreams. It should be noted that ACLMS is currently undertaking a cost-benefit analysis to review the level of resource which may be allocated to this exercise in the future. Notwithstanding, ACLMS will shortly report and provide the information which it gathers relating to the small number of commercial glasshouse operations, and will continue to assist in the future as far as resources allow.

It may be pertinent to note that since February 2018, when the Committee for Health & Social Care (“CfHSC”) drafted legislation to enable the importation and use of cannabinoids (“CBD”), a number of enquiries have been received by the Committee and CfHSC from businesses interested in the potential to produce CBD on-island, including the growing of cannabis under licence from CfHSC. The Committee is in the process of identifying the potential economic benefits of the industry establishing in Guernsey and any barriers to this taking place. It is not yet clear whether a significant number of businesses may actually establish growing operations in Guernsey, but the nature of the enquiries received would indicate a potential demand for horticultural premises. Should such applications be received, the Committee would wish for Policy OC6, concerning proposals for works to existing glasshouse sites, to be supportive of the appropriate development of sites as may be necessary for the operation of businesses of this type.

Yours sincerely

A handwritten signature in dark ink, appearing to be 'CP', with a long horizontal flourish extending to the right.

Deputy Charles Parkinson
President
Committee *for* Economic Development



The President
Committee *for the* Environment & Infrastructure
Raymond Falla House
Longue Rue
St Martin
GY1 6AF

23rd March 2018

Dear Deputy Brehaut,

Island Development Plan – Annual Monitoring Report, 2017

**The Land Planning and Development (Guernsey) Law, 2005
The Land Planning and Development (Plans) Ordinance, 2007**

As you will be aware, the Island Development Plan (IDP) contains the current planning policy framework for Guernsey and was adopted in November 2016. The Development & Planning Authority (D&PA) has a statutory obligation to keep the Island Development Plan under review. To do this the D&PA requires expert information and data from relevant Committees in order to monitor the effectiveness of the Plan's policies. A framework for monitoring the IDP is set out in the Strategic Land Use Plan and the IDP that includes both quarterly and annual monitoring reports. This is the mechanism for the D&PA to fulfil its mandate and legal obligation to ensure the IDP is fit for purpose and up-to-date.

The D&PA intends to publish the first Island Development Plan Annual Monitoring Report for 2017 later this year. The IDP establishes that the annual monitoring reports will be comprehensive reports that contain both quantitative and qualitative information to analyse a range of key policy areas. They will include feedback from stakeholders and will set out actions to address any issues where the monitoring process reveals that changes are needed to the Plan, or any guidance is needed for clarification or any other action is needed by the States. This enables the Island Development Plan to maintain sufficient flexibility to adapt to changing circumstances.

This is an opportunity for your Committee to comment from your perspective, supported by evidence where necessary, on the effectiveness of the new planning policies introduced by the Island Development Plan. The D&PA is also requesting some information from your Committee to help assess the situation and ensure the Island Development Plan remains effective and relevant.

We would be grateful for your views on any issue relating to the Island Development Plan. This could include, for example:

- any comments on specific objectives or policies and their continued relevance;
- any comments in relation to how the IDP has influenced any development proposals that your Committee has an interest in.

In addition, we would be grateful for:

- any update on information your Committee has provided to the D&PA previously
- any updates regarding strategies or projects that may have implications for land use planning and therefore would be pertinent for the D&PA to know about
- any other information or data that could be relevant that your Committee could share with the D&PA.

We would in particular appreciate if your Committee could provide information regarding these issues:

Construction Waste - the IDP emphasises the importance of minimising construction waste and IDP policies require applications for some types of development to be accompanied by a site Waste Management Plan. Planning guidance is needed to help clarify what is expected of applicants and to promote the benefits of minimising waste. The Planning Service has contributed to the work of the inert waste project group and we would like the Service to continue to work with the project group to ensure the guidance is practicable to assist in the delivery of your Inert Waste Strategy. In addition, we would appreciate if the project team could provide any data on construction waste during 2017.

Public Parking - the Planning Service has liaised with the Traffic and Highways Services regarding a baseline of public parking in the Island. We would appreciate if any remaining information is provided and that this information can be updated annually.

Traffic and Transport - the IDP does, in part, help to deliver the Integrated Transport Strategy. The scope of the Annual Monitoring Report as regards the accessibility of the Main and Local Centres is evolving and there is potential for co-ordination and sharing of data going forward between the Planning Service and Traffic and Highways Services. We would appreciate if your Committee could provide the D&PA with an outline of what information is being gathered and may be available regarding the delivery of the Transport Strategy and of trends in traffic and transport generally so that Officers can consider how best to co-ordinate efforts. In addition, this information may complement or provide useful context for some of the data being gathered by the Planning Service in its annual surveys of the Main and Local Centres, and in relation to planning permissions in those areas.

Natural Resources - the scope of the Annual Monitoring Report is also evolving as regards issues such as renewable energy, biodiversity, air quality and water quality. We would like any updates to strategies or projects with land use implications regarding these issues, including for example an update on progress with the Coastal Defence Strategy.

Agriculture - the Agriculture Priority Area (APA) in the IDP was identified using a methodology set out in the report *Agriculture Priority Area, October 2014*. This method

includes as a starting point identification and mapping of land currently in agricultural use and mapping of the Best and Most Versatile Land. Information on these was provided to the former Environment Department to assist in drafting the extent of the APA. In order to keep the APA under review we require any updates to the location of existing farmsteads (island-wide) and the extent of land in use for farming. In addition, should the Guernsey Soil Classification 1988 be updated, could your Committee please inform the D&PA. The Planning Service can provide details of the information provided previously to assist.

We expect this information to be available going forward so that we can repeat our analysis on an annual basis to assess trends over time. We would therefore ask your Committee to give us prior warning should the information you have given us in the past or now no longer be available.

The Island Development Plan and associated documents can be found here www.gov.gg/planningpolicy

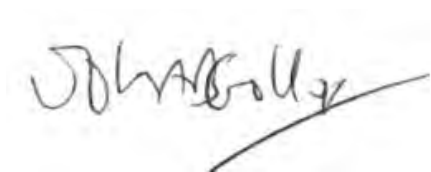
I would be very grateful if you could send any comments that you may have by email to planreview@gov.gg or in writing to the D&PA by 5pm on **20th April, 2018**.

The feedback received will be reviewed and included in the Annual Monitoring Report as appropriate with a D&PA response if required.

The Forward Planning team in the Planning Service can assist with any queries. Please contact Ewan Taylor, Forward Planning Officer, in the first instance (ewan.taylor@gov.gg or tel. 677 2540).

Thank you in advance for taking the time to provide feedback.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'John Gollop', with a long horizontal stroke extending to the right.

Deputy John Gollop
President, Development & Planning Authority



Committee *for the*
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10 May 2018

Dear Deputy Gollop

**Committee *for the* Environment & Infrastructure's Comments on the Island
Development Plan for the Annual Monitoring Report**

Thank you for your letter of the 23 March, requesting feedback and comments on specific objectives and policies of the Island Development Plan (IDP), how the plan may have influenced any policy proposals that the Committee has an interest in, and any relevant updates regarding strategies, projects and/or information that have implications for the IDP or the Strategic Land Use Plan.

The Committee welcomes this opportunity to provide comments as an input to your Annual Monitoring Report. Indeed we recognise the scale and scope of the review and we will in future years provide more detailed and wide ranging comments now that we are aware of how you intend to manage this annual monitoring report. On this occasion we will provide a general comment and then detailed comment with respect to traffic and transport, public parking, inert waste recycling and agricultural services.

General Comment

There has been much public interest and debate on social media over the last six months or so with regard to the development of housing, particularly but not exclusively in the north of the island, and its potential impact on traffic management, road safety and parking.

There are obvious merits in seeking to concentrate the highest provision of housing stock in the Main Urban Areas, not least in respect of providing accommodation within close proximity of places of work and where there is ready access to public transport systems and facilities for cyclists and pedestrians. However, there are also potential dis-benefits in terms of managing traffic flows, particularly at already busy junctions such as Route Militaire/Braye Road, Vale Road/Les Banques, Admiral Park/Les Banques and La Vrangue Hill/Le Bouet. Site access restrictions and impacts on the surrounding road network are also valid considerations, and whilst planning conditions can require that infrastructure is

improved as part of the approval process it is not always possible to achieve the desired level of improvements.

The provision of off-road parking is another important consideration. Too much parking facilitates and in fact encourages multiple car ownership, leading to additional car journeys and exacerbating car dependency, congestion, pollution and risk to other road users, whilst reducing the overall efficiency of the transport system. Too little parking provision, on the other hand, can lead to added pressure on already limited on-road parking spaces, encouraging illegal or dangerous parking which is a road safety concern. Both scenarios have a negative economic impact and discourage people from walking or cycling, so there is a delicate judgement to be made as to the appropriate provision of off-road parking. Parking considerations must be seen in the context of facilitating greater participation in alternative transport options, particularly those that result in healthier lifestyles.

From a public perspective, attention is often directed at the impacts of the latest in perhaps a long list of developments in a particular area rather than looking at the bigger picture, which of course is what the Island Development Plan is striving to do. However, that does not mean to say that there aren't genuine reasons to be concerned about a particular development and it is our duty to mitigate those concerns as far as is practicable.

For its part, the Committee's Traffic and Highway Services Directorate will continue to provide professional advice on traffic management, road safety and parking implications arising from planning applications that give due consideration to these competing demands.

Traffic and Transport

On a wider footing, the Committee's Traffic and Highway Services Policy and Implementation Plan, which largely reflects the principal themes of the Integrated Transport Strategy, is focused on the

"Promotion of a wider choice of accessible, convenient and affordable on-Island travel options for all, that encourage behavioural change in a safe and sustainable way and which support the efficient delivery of goods, services and people around the Island."

Key themes associated with the Plan are: to improve road safety; to promote alternative transport options, ensuring accessibility for all; to manage and improve road infrastructure; to encourage safer vehicles, reducing pollution; and last, but not least, to improve the public realm.

Within the resolutions of the Integrated Transport Strategy is a requirement to report back to the States by December 2018 on the effectiveness of the Strategy and in order to do this the Committee is collating a wealth of quantitative and qualitative data to support its submission.

The Committee acknowledges that the Island Development Plan does, in part, help to deliver the aims of Integrated Transport Strategy and is more than willing to share data with the Development & Planning Authority on an on-going basis. The type of data currently being recorded includes the following:

- Vehicle occupancy levels in motor vehicles heading into Town along the eastern seafront in AM peak hours;

- Cycle and pedestrian counts at St George's Esplanade, heading into Town, in AM peak hours;
- Cycle park use surveys;
- Motorcycle park use surveys;
- The number of scheduled public parking spaces across the Island, by location/time zone/type of space;
- Scheduled public parking space occupancy including short-term, long term, disabled and small spaces;
- Eastern seafront journey times (at certain peak hours);
- St Sampson's High School cycle and pedestrian counts [some additional travel mode data from some other schools will hopefully also be collated this year];
- Bus passenger numbers;
- Reported accident statistics;
- Numbers of cycles and e-cycles sold by main cycle retailers;
- Traffic volumes on selected major roads;
- Number of vehicles registered;
- Numbers of electric/hybrid vehicle registrations issued each quarter;
- Number of driving licences issued (provisional and full);
- Use of electric vehicle charging points on North Beach;
- Pedestrian movement data (at various locations);
- Traffic speed data (at various locations).

Public Parking

Traffic and Highway Services keep a database of the number of scheduled public parking spaces across the island, by location/time zone/type of space. Each time that alterations are made to scheduled parking spaces this is updated. The Development & Planning Authority is welcome to request a copy of this database at any time.

Inert Waste Recycling

The Waste Disposal Authority (WDA) actively manages data on the tonnages of inert waste disposal that are received at the Longue Hougue Reclamation Site, largely arising from the activities of the construction and demolition industry. In addition the WDA receive some inert materials that are suitable for landfill cover which is currently received at Mont Cuet. The industries also supply some data on recycling of aggregates processed remotely from construction sites. Figures for the last 10 years are provided in the table below.

	Inert Land Reclamation	Landfill Cover / Site Prep	Recycling	Totals
2008	122,923	2,889	35,156	160,968
2009	89,724	6,058	30,908	126,690
2010	125,433	12,502	25,427	163,362
2011	101,455	18,374	32,709	152,538
2012	174,584	16,443	36,661	227,688
2013	136,611	17,546	22,451	176,608
2014	126,455	41,825	25,871	194,151
2015	105,442	38,431	15,394	159,267
2016	81,312	42,956	12,936	137,204
2017	56,036	48,344	16,424	120,804

The Inert Waste Project Team, on behalf of the WDA, is currently tendering for a supplier to provide additional aggregate recycling services, which will recover recyclable inert waste currently received at Longue Hougue Reclamation Site. This should enable States Trading Assets to both encourage greater recycling rates of inert waste and also assist with data capture, consistent with the Inert Waste Strategy (Draft).

Currently, little is known about the levels of re-use or recycling by the construction industry on-site. However, the Inert Waste Project Team and Guernsey Waste officers have commenced and will continue to work closely with the Development & Planning Authority to encourage the construction industry to submit waste minimisation, recycling and re-use data as part of their Site Waste Management Plans. Engagement has also been reinvigorated with the Construction Industry Forum, who have expressed an interest in establishing a Waste Management Sub-Committee and to work closely with the Development & Planning Authority on the development of their Site Waste Management Plans and implementation.

Agricultural Services

The agricultural sector is dominated in terms of output, value, and land use by dairy farming. There are no changes to the structure of the industry at the present time comprise:

- 14 dairy farms;
- 1300 head in the milking herd (numbers fluctuate, so this is an indicative figure);
- 1550 head in the herd (i.e. includes young stock);
- Annual milk output 8 million litres (local milk sales circa 6 million litres);
- Land area managed by dairy farmers circa 8000 verges;
- Land used by other farming activities circa 1500 verges;
- See following map for the distribution of land managed by dairy farmers.

The following information has been gleaned from the public record of applications and outcomes published by the Development & Planning Authority. It would be helpful if the Development & Planning Authority could provide in future a definitive summary to help inform commentary in future years.

Agriculture, Countryside and Land Management Services has only rarely been consulted on applications – in fact, it was consulted on just 6 occasions over 63 applications in total. Of these applications, 28 were for properties with Agricultural Priority Areas. Of these, 14 applications were in relation to land that was either attached or adjacent to dairy farmed land or had previously been a field used for agriculture.

Of the 28 applications recorded, 23 were for changes to domestic uses.

Of the 50 determined applications, 44 were for change of use to a domestic purpose, most often extensions of curtilage. All but one were granted.

The policy context for the dairy industry and its future development remains as set out in the policies letter/States' Report approved in September 2014 (Billet XX Vol1). This gave greater responsibility to the sector to develop a self-sustaining and forward looking industry in collaboration with the Guernsey Dairy.

There are no known development proposals in this sector influenced by the Island Development Plan.

Accepting that this is an overview based on an overall summary of applications to Planning, it is noticeable that the bulk of applications for change of use in agricultural areas, including horticultural and ex-horticultural sites, are (a) for change to a domestic use and (b) granted even when in APAs.

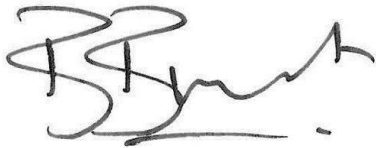
The emphasis of operational level and regulation following the adoption of the policy framework for the industry in 2014 has been towards greater self-reliance and compliance with auditable quality schemes covering environmental protection and animal welfare. These are likely to call for investments in some new facilities (for example, bullpens, winter housing and slurry management) at main farmstead locations over the next two to three years. It is anticipated that a small number of farms will exit the industry or change hands over the next 12 to 36 months. These events are expected to result in some investment in farms that will increase their herd sizes to take up the available extra milk production, or in the case of farm takeovers, to result in some modernisation of facilities over a period of years.

The area of land farmed is not expected to change due to the stocking density requirements that are a condition of the Dairy Farm Management and Dairy Supply Agreements in place. However, the growing of more grain and fodder crops is conceivable: this would create some increase in area managed by the industry.

Agriculture, Countryside and Land Management Services remains fully committed to ensuring that the Development & Planning Authority is kept informed of details and changes in the farming industry and land use.

If you require any further details, please do not hesitate to contact my office at the above address.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Barry Brehaut', with a stylized flourish at the end.

Deputy Barry Brehaut
President
Committee *for the* Environment & Infrastructure

Enc



Development &
Planning Authority



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The President
Committee for Education, Sport & Culture
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23rd March 2018

Dear Deputy Fallaize,

Island Development Plan – Annual Monitoring Report, 2017

The Land Planning and Development (Guernsey) Law, 2005

The Land Planning and Development (Plans) Ordinance, 2007

As you will be aware, the Island Development Plan (IDP) contains the current planning policy framework for Guernsey and was adopted in November 2016. The Development & Planning Authority (D&PA) has a statutory obligation to keep the Island Development Plan under review. To do this the D&PA requires expert information and data from relevant Committees in order to monitor the effectiveness of the Plan's policies. A framework for monitoring the IDP is set out in the Strategic Land Use Plan and the IDP that includes both quarterly and annual monitoring reports. This is the mechanism for the D&PA to fulfil its mandate and legal obligation to ensure the IDP is fit for purpose and up-to-date.

The D&PA intends to publish the first Island Development Plan Annual Monitoring Report for 2017 later this year. The IDP establishes that the annual monitoring reports will be comprehensive reports that contain both quantitative and qualitative information to analyse a range of key policy areas. They will include feedback from stakeholders and will set out actions to address any issues where the monitoring process reveals that changes are needed to the Plan, or any guidance is needed for clarification or any other action is needed by the States. This enables the Island Development Plan to maintain sufficient flexibility to adapt to changing circumstances.

This is an opportunity for your Committee to comment from your perspective, supported by evidence where necessary, on the effectiveness of the new planning policies introduced by the Island Development Plan. The D&PA is also requesting some information from your Committee to help assess the situation and ensure the Island Development Plan remains effective and relevant.

We would be grateful for your views on any issue relating to the Island Development Plan. This could include, for example:

- any comments on specific objectives or policies and their continued relevance;
- any comments in relation to how the IDP has influenced any development proposals that your Committee has an interest in.

In addition, we would be grateful for:

- any update on information your Committee has provided to the D&PA previously
- any updates regarding strategies or projects that may have implications for land use planning and therefore would be pertinent for the D&PA to know about
- any other information or data that could be relevant that your Committee could share with the D&PA.

The D&PA would in particular appreciate if your Committee could provide any information regarding the capacity of schools that could have implications for the development of housing and for this to be provided on an annual basis.

The Island Development Plan and associated documents can be found here www.gov.gg/planningpolicy

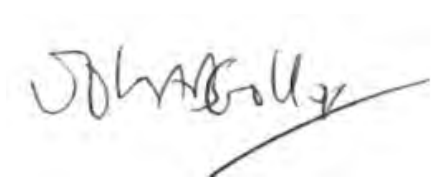
I would be very grateful if you could send any comments that you may have by email to planreview@gov.gg or in writing to the D&PA by 5pm on **20th April, 2018**.

The feedback received will be reviewed and included in the Annual Monitoring Report as appropriate with a D&PA response if required.

The Forward Planning team in the Planning Service can assist with any queries. Please contact Ewan Taylor, Forward Planning Officer, in the first instance (ewan.taylor@gov.gg or tel. 677 2540).

Thank you in advance for taking the time to provide feedback.

Yours sincerely,



Deputy John Gollop
President, Development & Planning Authority

The President
Committee for Education, Sport & Culture
Sir Charles Frossard House
La Charroterie
St Peter Port
GY1 1FH

4th June 2018

Dear Deputy Fallaize,

Island Development Plan – Annual Monitoring Report, 2017

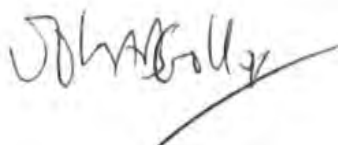
Further to my letter of 23rd March, requesting feedback on the Island Development Plan for the Development and Planning Authority's first Annual Monitoring Report, I note that your Committee has not responded to this request.

As you will be aware, the Island Development Plan (IDP) contains the current planning policy framework for Guernsey and was adopted in November 2016. The Development & Planning Authority (D&PA) has a statutory obligation to keep the Island Development Plan under review. To do this the D&PA requires expert information and data from relevant Committees in order to monitor the effectiveness of the Plan's policies.

Please note that we will contact you at the start of each year for feedback and comment on the Island Development Plan and the effectiveness of its policies. This will be an opportunity for your Committee to comment from your perspective, supported by evidence where necessary, on the effectiveness of the new planning policies introduced by the Island Development Plan.

As your Committee's feedback is valuable to the process, it would be helpful to the Authority therefore if this work could be factored in to the Committee's work schedule as business as usual going forward.

Yours sincerely,



Deputy John Gollop
President, Development & Planning Authority



The President
Committee for Employment & Social Security
Edward T Wheadon House
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St Peter Port
GY1 3WH

23rd March 2018

Dear Deputy Le Clerc,

Island Development Plan – Annual Monitoring Report, 2017

**The Land Planning and Development (Guernsey) Law, 2005
The Land Planning and Development (Plans) Ordinance, 2007**

As you will be aware, the Island Development Plan (IDP) contains the current planning policy framework for Guernsey and was adopted in November 2016. The Development & Planning Authority (D&PA) has a statutory obligation to keep the Island Development Plan under review. To do this the D&PA requires expert information and data from relevant Committees in order to monitor the effectiveness of the Plan's policies. A framework for monitoring the IDP is set out in the Strategic Land Use Plan and the IDP that includes both quarterly and annual monitoring reports. This is the mechanism for the D&PA to fulfil its mandate and legal obligation to ensure the IDP is fit for purpose and up-to-date.

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We would be grateful for your views on any issue relating to the Island Development Plan. This could include, for example:

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- any comments in relation to how the IDP has influenced any development proposals that your Committee has an interest in.

In addition, we would be grateful for:

- any update on information your Committee has provided to the D&PA previously
- any updates regarding strategies or projects that may have implications for land use planning and therefore would be pertinent for the D&PA to know about
- any other information or data that could be relevant that your Committee could share with the D&PA.

The Planning Service has had constructive discussions with the Housing team regarding monitoring of housing supply in relation to housing need and the Service intends for future Annual Monitoring Reports to have greater detail regarding the nature of the supply coming through the planning system. It would be beneficial to the D&PA, your Committee and the Committee *for the* Environment and Infrastructure if these discussions continue and the teams work to address any actions from the States regarding the findings of the recent housing needs study. This will also ensure that there are no inconsistencies between published statistics.

For future annual reports we would be grateful for any comment from your Committee on the planning permissions for housing in the year in relation to meeting the Island's housing need for the different types of housing. The Planning Service can supply the relevant information for comment.

The D&PA would also in particular appreciate if your Committee could provide housing waiting list information on an annual basis and information on the current stock of States and GHA housing.

We expect this information to be available going forward so that we can repeat our analysis on an annual basis to assess trends over time. We would therefore ask your Committee to give us prior warning should the information you have given us in the past or now no longer be available.

The Island Development Plan and associated documents can be found here www.gov.gg/planningpolicy

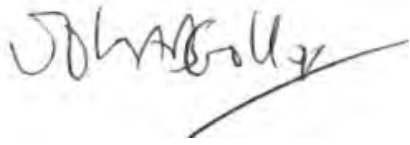
I would be very grateful if you could send any comments that you may have by email to planreview@gov.gg or in writing to the D&PA by 5pm on **20th April, 2018**.

The feedback received will be reviewed and included in the Annual Monitoring Report as appropriate with a D&PA response if required.

The Forward Planning team in the Planning Service can assist with any queries. Please contact Ewan Taylor, Forward Planning Officer, in the first instance (ewan.taylor@gov.gg or tel. 677 2540).

Thank you in advance for taking the time to provide feedback.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'J. Gollop', with a long horizontal stroke extending to the right.

Deputy John Gollop
President, Development & Planning Authority



**Committee for
Employment & Social Security**

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Deputy J Gollop
President
Development & Planning Authority
Sir Charles Frossard House
La Charroterie
St Peter Port
GY1 1FH

Our Ref:
Your Ref:
Date: 17 April 2018

By email

Dear Deputy Gollop,

Island Development Plan – Annual Monitoring Report, 2017

Thank you for the opportunity to comment on the effectiveness of the new planning policies introduced by the Island Development Plan (IDP) in November 2016, from the perspective of the Committee *for* Employment & Social Security.

It has only been 17 months since the IDP was implemented, and the design and planning process for large developments takes some time. The Guernsey Housing Association (GHA) has commented in its response to us on this topic, that it is still too early for them to provide a full comment on the effectiveness and impact of the IDP.

The policy that the Committee has the most interest in is GP11, which relates to Affordable Housing. The Committee is unable to measure how effective policy GP11 is, because development has not commenced on any site of over 20 units, although it is noted that there are a couple in the pipeline. Given the time it takes to go through the planning process, we may be in a better position to comment on this at the next annual review.

Aside from the policy itself, the reasons are unclear as to why there is a lack of larger developments. This could be due to economic reasons causing developers and land owners not to progress developments or put in applications for large sites. Also, there is the possibility that developers are 'land banking', in case the policy changes in the future, or are proposing developments of large sites in smaller stages to avoid the policy applying to the site.

An additional comment about GP11 is that it can make it difficult for the Committee to make plans to meet the required number of units developed, as it is unknown when sites that are bound by the policy will come forward. Both the Committee and the GHA support the Development & Planning Authority (DPA) in enforcing policy GP11. This includes challenging plans put forward in small stages to ensure that the most sensible

development opportunity is proposed, in line with GP10 (comprehensive development), and with the correct allocation of affordable housing units according to GP11, even when there are multiple owners within a large site.

The only other policy that the Committee has a direct interest in is GP16, regarding the conversion of redundant buildings. While there is no immediate plan to consider developments of this nature, it is possible that this may become a fallback option in the near future, should there not be suitable availability of sites for new builds. The Committee also has an interest in reviewing existing housing stock that may have the potential to be extended, in order to reduce overcrowding of several social housing properties.

The Committee would like to comment on policy RH2, which was a part of the former Island Development Plan, but is not in the current IDP. The RH2 policy previously enabled the States and the GHA to acquire land adjacent to existing social housing developments in order to build more affordable housing units. The GHA have informed us that, under the RH2 policy, six sites were acquired, which provided 113 new units to be developed. The States approved the Committee's capital bid for £56.1m in June 2017, which will be used to develop additional affordable housing units to help meet the Island's housing needs. In order to meet the target number of new units required, access to suitable sites is of paramount importance. Developments outside of the urban areas are now very restricted and limited in size and number, meaning that future affordable housing sites could be situated in close proximity to each other, leading to the perception of extensive social housing estates.

In terms of how the IDP has influenced development proposals, the GHA has provided some comments. Firstly, with regard to the Development Framework, the length of the process can be disproportionate to the size of the development for smaller sites. The generality of the document can leave certain aspects of what is allowed on the site open to interpretation, for example the number of homes permitted, who the client group should be, the type of tenure etc. The GHA had anticipated that the process for the detailed planning application would be accelerated following the implementation of the Development Framework, but this has not been their experience so far. Perhaps this is something that could be reviewed so that the process becomes more efficient for developers.

Secondly, the GHA have commented on the potential scope for there to be better prioritisation of smaller planning applications, so that the waiting time for approval is proportionate to the size, complexity, sensitivity, impact on surroundings, etc. of the site. In particular, whether there could be a fast-track system for sites that have been zoned appropriately by the IDP already.

In terms of the information provided to the DPA previously, the Committee is able to provide updates when required by the DPA. The waiting list and transfer list for social housing are due to be combined and incorporate both States and GHA social housing properties into one waiting list, providing a single gateway for access to social housing. Following completion of that work, it will be possible to provide up to date waiting list information. A review of current housing stock will take place during 2018 to assist in planning future needs for social housing, and to identify opportunities to enhance the

existing housing stock. The GHA has commented that, in their view, it would be useful for developers to be provided with more direction on the needs of the population in terms of type of tenure and who the client group is, so that they can propose a suitable development. The Committee will also be able to provide a comment on planning permissions for housing for future annual reports, as requested, in terms of how the proposals meet the Island's housing need for different types of housing.

The Committee is working on a number of strategies and projects that may have implications for land use planning. In particular, some of these relate to the work streams that will come out of the States debate on the Local Market Housing Review, following the publication of the KPMG report on the topic. This will include some work to meet the Housing Indicator for the number of additional units of affordable housing required, which will be set by the States following the debate on the Local Market Housing Review. The Committee is working with other Committees to review the provision of accommodation for key workers to ensure its appropriateness to meet the Island's needs for key workers. Two other strategies that the Committee is progressing are the Supported Living and Ageing Well Strategy, and the Disability and Inclusion Strategy. The recommendations that will be brought to the States later in 2018 could have implications for land use planning. The Committee will endeavour to update the DPA on anything relevant as those proposals continue to be developed.

We agree that it would be beneficial for discussions between the Committee, the DPA and the Committee *for* Environment & Infrastructure to continue, in order to address any actions that arise from the debate of the Local Market Housing Review later in 2018, particularly on the monitoring of housing supply and need.

The Committee is aware that, while some areas of the planning policies implemented by the Island Development Plan could become more efficient, we recognise that there are areas where we could improve our own policies in relation to housing. As identified in the Committee's Policy & Resource Plan update, the work with the Committee *for the* Environment & Infrastructure on the Local Market Housing Review will begin to address the direction of housing policy over the coming years. In particular, the Committee will seek to review the capital bid, approved by the States in June 2017, to ensure that the funding available is appropriate to the housing stock and development requirements for the Island.

In conclusion, both the Committee and the GHA can confirm that we have not encountered any major issues with any of the planning policies to date. We will keep the DPA informed of any relevant comments regarding the Island Development Plan, and any discussions and projects that may affect land use planning in the future.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Me' followed by a stylized flourish.

Deputy Michelle Le Clerc
President



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The President
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Princess Elizabeth Hospital
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23rd March 2018

Dear Deputy Soulsby,

Island Development Plan – Annual Monitoring Report, 2017

The Land Planning and Development (Guernsey) Law, 2005 The Land Planning and Development (Plans) Ordinance, 2007

As you will be aware, the Island Development Plan (IDP) contains the current planning policy framework for Guernsey and was adopted in November 2016. The Development & Planning Authority (D&PA) has a statutory obligation to keep the Island Development Plan under review. To do this the D&PA requires expert information and data from relevant Committees in order to monitor the effectiveness of the Plan's policies. A framework for monitoring the IDP is set out in the Strategic Land Use Plan and the IDP that includes both quarterly and annual monitoring reports. This is the mechanism for the D&PA to fulfil its mandate and legal obligation to ensure the IDP is fit for purpose and up-to-date.

The D&PA intends to publish the first Island Development Plan Annual Monitoring Report for 2017 later this year. The IDP establishes that the annual monitoring reports will be comprehensive reports that contain both quantitative and qualitative information to analyse a range of key policy areas. They will include feedback from stakeholders and will set out actions to address any issues where the monitoring process reveals that changes are needed to the Plan, or any guidance is needed for clarification or any other action is needed by the States. This enables the Island Development Plan to maintain sufficient flexibility to adapt to changing circumstances.

This is an opportunity for your Committee to comment from your perspective, supported by evidence where necessary, on the effectiveness of the new planning policies introduced by the Island Development Plan. The D&PA is also requesting some information from your Committee to help assess the situation and ensure the Island Development Plan remains effective and relevant.

We would be grateful for your views on any issue relating to the Island Development Plan. This could include, for example:

- any comments on specific objectives or policies and their continued relevance;
- any comments in relation to how the IDP has influenced any development proposals that your Committee has an interest in.

In addition, we would be grateful for:

- any updates regarding strategies or projects that may have implications for land use planning and therefore would be pertinent for the D&PA to know about
- any other information or data that could be relevant that your Committee could share with the D&PA.

We would in particular appreciate if your Committee could provide:

- any information regarding the capacity of local health facilities that could have implications for development
- comment on any emerging information regarding trends or requirements for future facilities.

The Island Development Plan and associated documents can be found here www.gov.gg/planningpolicy

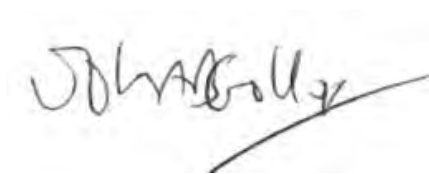
I would be very grateful if you could send any comments that you may have by email to planreview@gov.gg or in writing to the D&PA by 5pm on **20th April, 2018**.

The feedback received will be reviewed and included in the Annual Monitoring Report as appropriate with a D&PA response if required.

The Forward Planning team in the Planning Service can assist with any queries. Please contact Ewan Taylor, Forward Planning Officer, in the first instance (ewan.taylor@gov.gg or tel. 677 2540).

Thank you in advance for taking the time to provide feedback.

Yours sincerely,



Deputy John Gollop
President, Development & Planning Authority

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16th April 2018

Dear Deputy Gollop 

Island Development Plan- Annual Monitoring Report 2017

Thank you for your letter of 23rd March in respect of the Island Development Plan - Annual monitoring Report 2017. My Committee recognises the importance of the Plan in terms of balancing social, environmental and economic considerations to ensure that developments support the public interest and is grateful for the opportunity to contribute towards the 2017 Review.

For your ease, the Committee's response is divided into three aspects, the objectives and policies of the Island Development Plan itself, the Committee's strategic plans which may be of relevance and broader considerations regarding the health and care system.

Island Development Plan

As you will recall in December as part of the Committee's Partnership of Purpose Policy Letter, the Assembly unanimously agreed that "the States, in all its policy decisions, should consider the impact of those decisions on health and wellbeing, and make use of any opportunities to improve health or reduce health inequalities, across all government policies." (Resolution 15 of Art XII, Billet d'État No XXIV of 2017). This amendment sought to establish an environment for health, recognising the role that all States' Committees play in promoting Islanders' mental, emotional, social and physical wellbeing now and in the future by recognising the very many social, cultural and economic determinants of health.

As referenced within HSC's Policy Letter, the "Fair Society, Healthy Lives" review of health inequalities in England is applicable to the Bailiwick. One of the recommendations falling out of this report was the need to create and develop healthy and sustainable places and communities. This recognised that the health and well-being of individuals is influenced by the communities in which they live. The physical environment (poor housing, deprived neighbourhoods, a lack of green spaces) impacts negatively on both physical and mental health. The creation of physical environments where people can live healthier lives with a greater sense of wellbeing greatly reduces health inequalities.

This fully supports the principal aim of the IDP, that is *"to ensure land planning policies are in place that are consistent with the Strategic Land Use Plan and **which help maintain and***

create a socially inclusive, healthy and economically strong Island, while balancing these objective with the protection and enhancement of Guernsey's built and natural environment and the need to use land wisely." The Committee fully supports sections 2.2.18-2.2.21 of the Plan which clearly articulates the importance of social, community, leisure and recreation services and facilities and accessibility for all Islanders.

The Plan recognises the importance of adequate community and social facilities as fundamental to the health and wellbeing of the Island community. This is aligned to the Committee's planned transformation programme which will see a model of care centred around the user within increased emphasis on support and care within the community. It is important to note that the anticipated long-term objective of a network of community hubs will seek to co-locate a number of first-port-of-call services with community services, as set out in the Partnership of Purpose (Target Operating Model).

The Committee would note the support given in the IDP to social and community facilities relating to health, education and community service both in the Main Centres, Main Centre Outer Areas and Local Centres and would share this aspiration. The Committee would hope to contribute towards this by the development of an interconnected network of community hubs, and would hope that the requirements of particular Community Hubs, responding to the needs of the immediate geographical community may feature in future Community Plans.

The Committee would therefore suggest that there may be merit in the "Community Plans Supplementary Planning Guidance December 2016" taking opportunity to explain that access to health services is far more than simply the traditional GP services, and includes access to social prescribing initiatives. The Director of Public Health would be happy to assist in the preparation of suitable wording would this be of benefit to you.

The Committee notes that the IDP makes clear that *"Proposals relating to development that incorporates a care element, such as hospitals, nursing homes or residential establishments for the provision of accommodation and care ... may, as appropriate, be assessed under policies relating to housing and/or social and community facilities depending on the nature and detail of the use."* The Committee recognises the inevitable need for flexibility in considering such applications and would stress the increasingly blurred distinction between care and housing, but would stress the unique nature of, in particular hospital services, requires careful consideration.

Within 2017, HSC provided comment in relation to two planning applications. One to oppose the change of use of Park Place to Medical Specialist Use (submitted by the MSG) and the second to support the creation of a Health and Wellbeing Centre at Le Friquet Garden Centre (submitted by Queens Road Medical Practice). Both applications were, in due course, rejected by the Development & Planning Authority, and the Committee understands the reasoning behind the Authority's decisions. The Committee would note that the services envisaged by the Queen's Road Medical Practice as part of their Wellbeing Centre is not dissimilar to the model of service envisaged within the community hub system and, while the Committee understands concerns regarding the potential size of the facility, it would be of interest of the Committee to have further information on the practicalities and considerations surrounding multi-use sites.

The Committee's strategic plans

While the Committee's transformation programme is about far more than simply buildings and infrastructure, the maximisation both of the current Health & Social Care estate and the wider health and care network is a vital enabler in terms of delivering a model of care which best meets the needs of the community.

Re-Profiling

The continued progression of the Princess Elizabeth Hospital (PEH) Re-Profiling Project will enable the site to effectively serve as a central health and care campus. This will review the existing configuration of the PEH, in order to maximise the use of space within the site and re-assess the proximity of departments based on a recent review of activity analysis. This may result in applications for:

- a) Extensions to existing wards and other related facilities to one or more areas of the hospital site
- b) To undertake major internal alterations to various locations within PEH to facilitate proposed reconfiguration
- c) Construction of new staff accommodation and associated facilities
- d) Environmental considerations, for example it is anticipated that an application will be submitted this year for the installation of photovoltaic cells

along with associated temporary applications necessary in order to facilitate subsequent building works, for example the current live application in relation to parking expansion.

Community Hubs

As detailed above, the Committee will be progressing proposals for an interconnected network of community hubs, which will see a renewed Community Services offering, placing the user at the centre of provision. A key priority for 2018 is the identification of a site for a Principal Hub. While potential locations for future service delivery are yet to be reviewed and assessed, it could include potential re-development of existing building or site with associated change of use to suit Community Services provision. This would be supported by a network of more localised hubs, seeking to maximise existing buildings and facilities in a way which best supports the health and wellbeing of the local community. Such Hubs may require change of use and/or expansion so to effectively deliver health and care services. Possible sites include Le Friquet, Beau Sejour, community centres, parish halls and Douzaine buildings.

Community Properties

The Committee is additionally conscious that its current community portfolio, accommodating service users across children and adult services, are in varying degrees of disrepair over a number of years. Equally, the properties which have been variously adapted over the years fall short of best practice standards and can act as a disabler rather than an enabler for individuals due to small room sizes, narrow corridors, inability to install tracking hoists and access/egress challenges for service users with a disability. In light of this, the Committee is seeking to engage with the Guernsey Housing Association to identify a future model where the GHA develops the facilities, subsequently undertaking landlord functions with HSC providing appropriate levels of care and support.

The importance of providing modern enabling environments to improve outcomes for a range of health and care needs cannot be overestimated. The agreed development at Le Vieux Jardin – due to incorporate 20 one-bedroom flats and eight specialist autism bungalows along with a staff area and autism sensory gym – is an example of the possible model but they would, of course, be of varying size and design based on particular needs.

Key Worker Housing

As Members will be aware, the Committee faces considerable challenges associated with the recruitment and retention of staff. The Committee is reliant on recruitment from off-island and in order to appropriately compete with other jurisdictions needs a range of accommodation best suited to the range of needs of essential workers. In particular, there may be an increased need for housing able to support couples and families.

Broader considerations regarding the health and care system

The Committee is currently compiling information in relation to the capacity of local health facilities as part of its development of its 2018/2019 prioritised projects and this can be shared with the D&PA on completion.

More broadly, the ageing demographic is impacting on the services required (and in turn the associated physical environment) and the Committee are seeking to further understand this through a Population Needs Assessment. This is a process for establishing the health and care needs of a group of people, establishing where there may be gaps in services or issues needing priority attention. These thematic Assessments will help address future service developments.

The need to provide accessible services within the community is set out above. It is recognised that physical sites can prove disabling for individuals, and there should be scope for buildings to evolve and adapt in line with the needs of occupiers over their lifetime.

There needs to be a strong focus on promoting and improving health and wellbeing which can be supported by the environment, for example access to recreational space. It is only by people choosing to live healthier lives that current patterns of declining health in older age will be broken. Non-communicable diseases have a very strong link to lifestyle choices and environmental factors and any steps that can be taken to encourage and promote health and wellbeing, both physical and mental, is important. This may be supporting and encouraging active travel and lifestyles, the continued provision of open spaces or any environment which supports positive activity.

I trust the above is helpful. If you require any further information please do not hesitate to contact the Committee's Chief Secretary, Mark de Garis.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Heidi Soulsby', with a large, stylized flourish at the end.

Deputy Heidi Soulsby

President

Committee for Health & Social Care



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The President
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23rd March 2018

Dear Deputy St Pier,

Island Development Plan – Annual Monitoring Report, 2017

The Land Planning and Development (Guernsey) Law, 2005

The Land Planning and Development (Plans) Ordinance, 2007

As you will be aware, the Island Development Plan (IDP) contains the current planning policy framework for Guernsey and was adopted in November 2016. The Development & Planning Authority (D&PA) has a statutory obligation to keep the Island Development Plan under review. To do this the D&PA requires expert information and data from relevant Committees in order to monitor the effectiveness of the Plan's policies. A framework for monitoring the IDP is set out in the Strategic Land Use Plan and the IDP that includes both quarterly and annual monitoring reports. This is the mechanism for the D&PA to fulfil its mandate and legal obligation to ensure the IDP is fit for purpose and up-to-date.

The D&PA intends to publish the first Island Development Plan Annual Monitoring Report for 2017 later this year. The IDP establishes that the annual monitoring reports will be comprehensive reports that contain both quantitative and qualitative information to analyse a range of key policy areas. They will include feedback from stakeholders and will set out actions to address any issues where the monitoring process reveals that changes are needed to the Plan, or any guidance is needed for clarification or any other action is needed by the States. This enables the Island Development Plan to maintain sufficient flexibility to adapt to changing circumstances.

This is an opportunity for your Committee to comment from your perspective, supported by evidence where necessary, on the effectiveness of the new planning policies introduced by the Island Development Plan. The D&PA is also requesting some information from your Committee to help assess the situation and ensure the Island Development Plan remains effective and relevant.

The D&PA would be grateful for your views on any issue relating to the Island Development Plan. This could include, for example, any comments on specific objectives or policies and their continued relevance.

The D&PA will rely on the information currently published by the Data and Analysis team in the Facts and Figures booklet and other reports and bulletins. The Forward Planning team has received useful information to date regarding the Island's housing stock and population, provided in a format to reflect the IDP. The D&PA would therefore appreciate fore warning should it be proposed to stop publishing any of the currently published information.

The Planning Service and the Data and Analysis team both gather data from estate agents, although for different purposes. The Data and Analysis team have investigated a software model that may be able to provide the States with extensive information collated from estate agents websites. The D&PA would appreciate if this information could also be made available to the Planning Service. This would be of benefit to both the quarterly and annual monitoring reports and would be a more efficient way to gather this data.

The Island Development Plan and associated documents can be found here www.gov.gg/planningpolicy

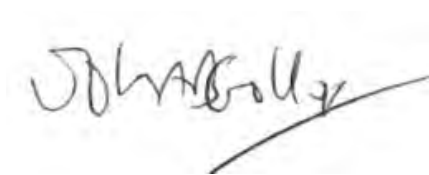
I would be very grateful if you could send any comments that you may have by email to planreview@gov.gg or in writing to the D&PA by 5pm on **20th April, 2018**.

The feedback received will be reviewed and included in the Annual Monitoring Report as appropriate with a D&PA response if required.

The Forward Planning team in the Planning Service can assist with any queries. Please contact Ewan Taylor, Forward Planning Officer, in the first instance (ewan.taylor@gov.gg or tel. 677 2540).

Thank you in advance for taking the time to provide feedback.

Yours sincerely,



Deputy John Gollop
President, Development & Planning Authority

Deputy John Gollop
President
Development & Planning Authority
Sir Charles Frossard House
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GY1 1FH

10th April 2018

Dear Deputy Gollop

John,

Island Development Plan – Annual Monitoring Report, 2017

Thank you for your letter dated 23rd March 2018, in which you explain the process your Committee is undertaking to fulfil its statutory obligation to keep the Island Development Plan (IDP) under review.

The Policy & Resources Committee notes that the Authority has been producing quarterly monitoring reports since the start of 2017 that provide quantitative information on both the delivery of housing and employment uses under the new IDP. It understands that this, the first annual monitoring report under the new IDP, will be more comprehensive, containing both quantitative and qualitative information covering a wider range of topics; will establish benchmarks to allow for trend analysis; and will include feedback from stakeholders.

This is greatly welcomed in the context of the Policy & Resource Plan. Gaining a deeper understanding from stakeholders such as developers and agents, on action that could help bring forward activity on unimplemented permits would be of value in supporting work on the supply of housing. Additionally the Committee would welcome an understanding of any impact within this first 18 months of the change in use classes for light industry and storage, and in particular if the permitted change between both on sites less than 250m² has yet to be utilised and its benefits for the economy.

The Committee notes that very importantly for the States' priority areas of policy the report will review both housing land supply and allocated sites for housing, and employment land supply and land allocated for employment uses.

Further it notes that the report will determine whether there is a need to take action to help secure the timely provision of infrastructure. In this regard the Committee would

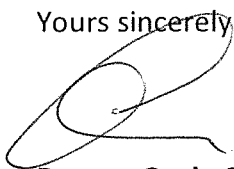
wish to draw the Authority's attention to the Long-Term Infrastructure Investment policy initiative within the Policy & Resource Plan which will determine the priorities for the long-term infrastructure requirements of the States that the IDP will need to support.

With regard to the monitoring reports, the Committee can confirm that there are no foreseeable plans for it to discontinue any of the housing stock related information which is published on a regular basis. I understand that the team have recently been working with officers from Forward Planning to ensure that the format used remains aligned with the IDP. The Committee welcomes this continuing dialogue so that the monitoring reports produced by each team respectively continue to be complementary to each other.

The Committee can also confirm that the contract with Cortex Technologies Limited for the automated provision of data from Estate Agents websites is structured such that the information is provided to the States of Guernsey as a whole and can therefore be used by the Planning Service. The Committee's officers will set up a meeting with Planning Service Officers to discuss the practical arrangements for the provision of this information on a routine basis and to continue the dialogue around the monitoring reports.

The point of contact in Data & Analysis is Helen Walton (Helen.Walton@gov.gg or 6772240)

Yours sincerely



Deputy Gavin St Pier

President

Policy & Resources Committee



Development &
Planning Authority



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The President,
States' Trading Supervisory Board
Brickfield House
St Andrew
GY6 8TY

23rd March 2018

Dear Deputy Parkinson,

Island Development Plan – Annual Monitoring Report, 2017

The Land Planning and Development (Guernsey) Law, 2005 The Land Planning and Development (Plans) Ordinance, 2007

As you will be aware, the Island Development Plan (IDP) contains the current planning policy framework for Guernsey and was adopted in November 2016. The Development & Planning Authority (D&PA) has a statutory obligation to keep the Island Development Plan under review. To do this the D&PA requires expert information and data from relevant Committees in order to monitor the effectiveness of the Plan's policies. A framework for monitoring the IDP is set out in the Strategic Land Use Plan and the IDP that includes both quarterly and annual monitoring reports. This is the mechanism for the D&PA to fulfil its mandate and legal obligation to ensure the IDP is fit for purpose and up-to-date.

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This is an opportunity for your Committee to comment from your perspective, supported by evidence where necessary, on the effectiveness of the new planning policies introduced by the Island Development Plan. The D&PA is also requesting some information from your Committee to help assess the situation and ensure the Island Development Plan remains effective and relevant.

We would be grateful for your views on any issue relating to the Island Development Plan. This could include, for example:

- any comments on specific objectives or policies and their continued relevance;
- any comments in relation to how the IDP has influenced any development proposals that your Committee has an interest in.

In addition, we would be grateful for:

- any updates regarding strategies or projects that may have implications for land use planning and therefore would be pertinent for the D&PA to know about such as any information relating to the airport, harbour or any other States property
- any other information or data that could be relevant that your Committee could share with the D&PA.

The Island Development Plan and associated documents can be found here www.gov.gg/planningpolicy

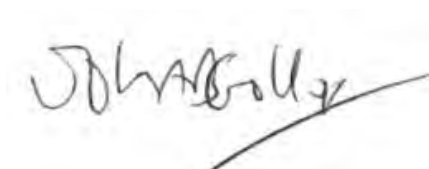
I would be very grateful if you could send any comments that you may have by email to planreview@gov.gg or in writing to the D&PA by 5pm on **20th April, 2018**.

The feedback received will be reviewed and included in the Annual Monitoring Report as appropriate with a D&PA response if required.

The Forward Planning team in the Planning Service can assist with any queries. Please contact Ewan Taylor, Forward Planning Officer, in the first instance (ewan.taylor@gov.gg or tel. 677 2540).

Thank you in advance for taking the time to provide feedback.

Yours sincerely,



Deputy John Gollop
President, Development & Planning Authority



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Deputy John Gollop
The President
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Our Ref: Island Development
Plan April 2018

Email Address for response: planreview@gov.gg

30 April 2018

Dear Deputy Gollop

STSB's Comments on the Island Development Plan for the Annual Monitoring Report

Thank you for your letter of the 23rd March, requesting feedback and comments on specific objectives and policies of the Island Development Plan (IDP); how the plan may have influenced any development proposals that the STSB has an interest in; and any relevant updates regarding strategies, projects and/or information that have implications for the IDP or the Strategic Land Use Plan.

STSB's comments are as follows and for convenience are presented in line with either strategy/policy/programme or STSB service area:

Waste Strategy Programme

Les Vardes Quarry is strategically allocated for water storage in the IDP (policy IP5). However, the DPA may be aware that it has also been identified as one of the short listed options for an inert waste disposal site.

Les Vardes Quarry has been discounted as a short term option for inert waste, following receipt of further information on the operational life of the quarry business (which is likely to extend to 2028). However, it still remains a potential long term option for inert waste, depending on whether there remains a strategic need for the site as water storage. Guernsey Water has yet to publish its Drought Management Plan which will forecast a small water supply/demand deficit and the potential long term need for Les Vardes Quarry.

If Les Vardes Quarry were to be considered as a long term option for inert waste, then a business case would need to be developed to ascertain whether the site provided greater value for inert waste than water. Subject to that business case, a States' decision would then be required to agree whether to amend the Strategic Land Use Plan and hold a Planning Inquiry to decide whether to amend the current IDP policy set out in IP5.

Given the current uncertainty around how the future water supply/demand deficit will be dealt with, the current policy set out in IDP5 remains appropriate.

An Inert Waste Strategy was considered by the States in December 2017 and will be put forward to the States again for a final decision later this year. This is unlikely to commit to any specific sites but will provide general principles for site selection.

Property Services

Property Services hold regular update meetings with officers of the DPA to discuss ongoing and potential future projects.

With regards to "how the IDP has influenced development proposals", Property Services identified and promoted redundant glasshouse sites as potential alternative sites for Open Compounds, using the particular IDP policy OC7. Currently one of these privately owned sites has planning permission for open compound storage.

Property Services is working with the DPA and appointed consultants to produce a Development Framework for the Grange Road House and Cornet Street sites ahead of potential disposal of the properties.

As part of the more general update meetings, the DPA are aware of the properties being considered in the Estate Optimisation programme and other Committee initiatives to rationalise the SoG estate, but would not want to itemise these properties in a public forum at this early stage of development.

Guernsey Water

Surface Water Management Policy & Guidance

On 24th November 2016 the Committee *for the* Environment & Infrastructure endorsed Guernsey Water's Surface Water Management Policy which is available online¹. This policy establishes the importance of surface water management for the long term sustainability of the Island's drainage, which will need to adapt to climate change in order to manage future flood risk and pollution. This policy applies to both retrofit development of sustainable drainage measures (SuDS) and the application of SuDS during new development or redevelopment. Therefore it supports the IDP objective (6): 'to meet infrastructure requirements'.

¹ <http://www.water.gg/SuDS>

Specifically, in conjunction with Guernsey Water's recently published guidance on the principles of SuDS and permeable paving², this policy supports the IDP General Policy 9 **(GP9): Sustainable Development** and is covered in section 19.10.5 of the IDP relating to design of development and extent of impermeable surfaces, which can have significant implications for flood risk management. It is also important to note the biodiversity benefits of SuDS and hence their contribution to the States approved Biodiversity Strategy for Guernsey and support for IDP General Policy **(GP3): Areas of Biodiversity Importance**, which sets out the conditions for support of development within an area of biodiversity importance.

Guernsey Water's surface water management strategy will also be influenced by other planning policy, such as exemptions for the paving of driveways. Guernsey Water would welcome the opportunity to consider with the DPA whether there are opportunities to improve other such policies to support delivery of strategic planning objectives.

Surface Water Management Strategy

Since the development of this policy and guidance Guernsey Water has been developing a surface water management strategy; this will set out how its policy can be delivered and it is planned to publish it in 2018. Guernsey Water would welcome the opportunity to work with the DPA to understand how strategic planning could support delivery of this strategy and the IDP.

This will be particularly important for the site specific approach set out in section 20.11.3 of the IDP, concerning development in areas more vulnerable to flooding and could help inform supplementary planning guidance and development frameworks.

Monitoring

For the benefits of SuDS to be maximised in a cost effective manner it is essential that Guernsey Water is consulted at a very early stage in the development process; ideally this should be at the conceptual design stage, before outline design. Guernsey Water does not currently monitor the number of planning consultations that it receives or the stage at which it is consulted; neither does it monitor whether relevant surface water management conditions are applied to planning consents and subsequently discharged. Guernsey Water would welcome the opportunity to discuss with the DPA how this could best be achieved in order to monitor delivery of the IDP General Policy **(GP9): Sustainable Development**.

Although not monitored by Guernsey Water, ongoing work with Development & Planning and developers has improved consultation on development proposals. Guernsey Water values involvement in the Guernsey Planning Agents Forum, which has helped consult on proposals for surface water management.

² <http://www.water.gg/SuDS>

Harbour Action Area

Progress on the advancement of the Harbour Action Area is being co-ordinated through an officer level working party, under the lead of the Office *for the Committee for Economic Development*. The States' Trading Supervisory Board's operational leads on this working party are the Harbour Master and the Commercial Manager – Ports.

The STSB and Ports management looks to seek a return from the Ports' property estate that is in the best interests of islanders. The STSB and the Ports seek to achieve the best value in managing its assets, realising the potential that may be created by the Harbour Action Area (HAA).

Ports management would like to take every opportunity to more fully utilise the Ports Assets, whilst it is cognisant of the need to pause for the States to take a wider strategic view of the whole area and its greater impact and potential for regeneration and re-development, pending the development of the Harbour Action Area.

STSB is firmly of the view that the HAA should provide a significant opportunity for the States, the local economy, St Peter Port and the Harbour, however the timing, resources and process required to deliver that blueprint, has to be managed against the present need to increase revenue generation for the Ports (and the States).

The STSB will do all it can to input and support work towards the completion of the Harbour Action Area to enable the realisation of the potential of substantial Port assets.

If you require any further details, please do not hesitate to contact my office at the above address.

Yours sincerely

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Deputy Charles Parkinson
President
States' Trading Supervisory Board



The President
Committee *for the* Environment & Infrastructure
Raymond Falla House
Longue Rue
St Martin
GY1 6AF

2nd July 2018

Dear Deputy Brehaut,

Island Development Plan – Annual Monitoring Report, 2017

**The Land Planning and Development (Guernsey) Law, 2005
The Land Planning and Development (Plans) Ordinance, 2007**

The Strategic Land Use Plan, 2011 (SLUP), places significant requirements on the Development & Planning Authority (D&PA) in relation to monitoring the performance of a number of different elements of the Island Development Plan (IDP). Effective monitoring is managed through the D&PA submitting regular reports to the Committee *for the* Environment & Infrastructure, as required by the SLUP, setting out how the IDP is satisfying specific economic, social and environmental objectives of the States.

I write to formally refer the draft IDP Annual Monitoring Report (AMR) for 2017 to your Committee for its comments on the draft AMR and any intentions it has as regards the SLUP.

Analysis of the effectiveness and relevance of the IDP policies has revealed that, generally, they are performing as intended and, therefore, there are no recommendations in the AMR to amend the SLUP.

Your Committee may wish to invite comment from key stakeholders on the draft AMR (as regards the delivery of the aims of the SLUP and any amendment required) if it considers this necessary to inform its response to the D&PA on:

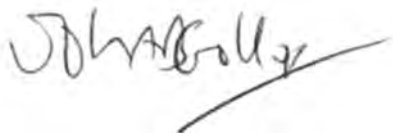
- whether the Committee is of the view that the objectives of the SLUP are being delivered so far as they can be (in terms of the Linking Policies) by the policies of the IDP and
- whether it has identified any need for the States to amend the SLUP or the IDP or
- whether specific guidance is needed or other action required by the States.

Once the Committee's response has been received by the D&PA, any necessary revisions will be made to the draft AMR, and a summary included, and the Committee's response will form part of the AMR. A final draft AMR will be presented to the D&PA for endorsement prior to publication.

The D&PA considers that the AMR contains valuable and useful quantitative and qualitative information and it would therefore wish to consider making the AMR available to the States for information as an Appendix Report. With this in mind I would be grateful if you could confirm if your Committee intends to report its conclusions about the SLUP (with the AMR appended) to the States, or if you consider there are good reasons not to do so.

Thank you in advance for taking the time to consider this important report.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'John Gollop', with a long horizontal flourish extending to the right.

Deputy John Gollop
President, Development & Planning Authority



Committee *for the*
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Deputy J Gollop
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3 August 2018

Dear Deputy Gollop

Island Development Plan – Annual Monitoring Report, 2017

The Land Planning and Development (Guernsey) Law, 2005

The Land Planning and Development (Plans) Ordinance, 2007

Thank you for your letter of 2nd July 2018 formally referring the draft Island Development Plan (IDP) Annual Monitoring Report (AMR) for 2017 to the Committee for the Environment & Infrastructure (the Committee) for its comments and asking if it has any intentions regarding the Strategic Land Use Plan (SLUP).

Your letter specifically asks:

- whether the Committee is of the view that the objectives of the SLUP are being delivered so far as they can be (in terms of the Linking Policies) by the policies of the IDP and;
- whether it has identified any need for the States to amend the SLUP or the IDP or;
- whether specific guidance is needed or other action required by the States.

The Committee is mindful that in some cases there has been insufficient time since adoption of the IDP in November 2016 for some policies to take effect in any meaningful way. However, the Committee has considered all relevant information, including the detailed data and analysis in the AMR which includes qualitative feedback from key stakeholders and States Committees, and has concluded that, generally, the IDP policies continue to effectively deliver the objectives and proactive elements of the SLUP, as intended, to satisfy specific economic, social and environmental objectives of the States as set out in the SLUP and the 23 priorities in the Policy & Resource Plan, 2017 (the P&R Plan). The Committee has not identified any evidence of need to amend the IDP policies at this time.

In considering the AMR and the performance of the policies of the IDP in terms of delivering the SLUP objectives, the Committee was aware that recently some concerns about the appropriateness of the level of protection afforded by IDP policies to Areas of

Biodiversity Importance (ABIs) had been raised. The Committee recognises that the ABIs were proposed and designated through the IDP process and their purpose, with the appropriate level of protection, has been established through Public Inquiry and approved by the States. There is no evidence that policies are not performing exactly as was intended by the designation and provide the level of protection intended when the IDP identified the ABIs and formed policies accordingly. The two-level approach to the protection of biodiversity (ABIs and Sites of Special Significance which are also designated in the IDP) continue to adequately fulfil the objectives of the SLUP. However, the Committee highlights that there appears to be a general misunderstanding of the purpose of ABIs and their relative importance relative to Sites of Special Significance. The Committee notes that, at the time of preparing the IDP, the latest and best information available on the biodiversity of the ABIs was used to inform their designation. However, it was recognised through the Public Inquiry process that some of this information is dated and a commitment was made at the Inquiry that a review and update of this information will be provided to better support the IDP policy and its implementation. The Committee is pleased to note in the AMR that it is anticipated that this work, which forms part of the DPA's published Business Plan, will be carried out in 2019 and will feed into the 5 year interim review of the IDP.

The Development & Planning Authority (DPA) has advised that it has not identified any evidence of need to amend the SLUP but has also asked the Committee to advise whether it has itself identified any need for the States to amend the SLUP.

The SLUP takes a broad and long-term view of land use and spatial matters, providing a high level spatial planning framework and setting out the long-term agenda for land use. The SLUP, which is approved by the States, is the responsibility of the Committee and sets the high-level agenda for land use within the island, worked up in detail and delivered by the DPA through the policies of the IDP which influence how individual planning applications are determined. The Committee confirms that the main purpose of the AMR is to establish, via evidence, whether the IDP policies are delivering what was intended by the SLUP and the States, whether there are any blockages to this and whether any amendment is required to enable them to operate more effectively. For the avoidance of doubt, therefore, the AMR is not about re-visiting the States' clear decisions of policy principle in terms of the spatial distribution of development, but is focused on how effective the IDP policies have been in delivering positive outcomes against those decisions.

Section 5 of the Land Planning and Development (Guernsey) Law, 2005, (the Law) requires the Committee from time to time to consider the implications for land planning and use of the objectives set out in the SLUP, the general guidance and specific direction given to the DPA concerning achieving those objectives, and whether any amendments are needed to the SLUP. As part of the monitoring process, the Committee has used the detailed information and analysis provided by the DPA in the AMR, together with other information and analysis, to separately assess how the SLUP itself is functioning, identifying whether, in its opinion, any changes are needed to the SLUP.

Analysis concludes that the SLUP continues to effectively balance competing demands for land and the island's development needs are effectively met through its policies, and those of the IDP, which ensure the sound management of urban, rural and coastal areas as

intended by the States. The SLUP emphasises the importance of corporate working between States Committees and positive relationships between the public and private sectors in putting spatial policies into effect. This approach remains consistent with that of the P&R Plan. As well as giving guidance and direction to the IDP, the SLUP also influences and provides co-ordination of the land use aspects of other government strategies such as the Corporate Housing Strategy and Programme, the Integrated On Island Transport Strategy and SLAWS, as well as emerging plans and strategies such as those addressing energy, infrastructure, housing and economic development and initiatives such as the Seafront Enhancement Area and Regeneration Areas. The high level and strategic nature of the SLUP means that it has the flexibility to take into account changing patterns of development and the island's changing demographic profile over its 20 year life and can continue to ensure that the island can adapt to accommodate sustainable development and growth in the longer term in response to changing economic, social and environmental circumstances.

There is no evidence of need to re-visit the States' clear decisions of policy principle in terms of the spatial distribution of development and no evidence to suggest that the SLUP and its spatial strategy are hindering delivery of the States priorities as set out in the P&R Plan. There is not, therefore, any identified need for the States to amend the SLUP at this time.

In drawing these conclusions, the Committee has particularly considered some concerns about the SLUP's spatial strategy which have been expressed from time to time. Despite the SLUP being approved by the States in 2011 (voted for by all but 1 deputy) and the IDP being certified as consistent with the SLUP and approved by the States in 2016 (approved unanimously by the States in this political term) concerns have been informally voiced, based on anecdotal evidence, about the perceived 'overdevelopment' of the north of the island and how this may be being exacerbated by the spatial strategy of the SLUP. Overall, there is a general misunderstanding that most development is happening in the north of the island within the Main Centre and Main Centre Outer Area of St Sampson/Vale. Analysis and factual evidence show this to be incorrect and no evidence has been provided to substantiate comments made.

The SLUP spatial strategy was developed through public consultation and meetings and workshops with States members in order to address the headline issues identified through the Guernsey Tomorrow consultation as well as the economic, social and environmental priorities of the States, and has been effective in securing sustainable development on an island with a valuable but finite land resource.

The Guernsey Tomorrow initiative was organised to give people a say about the sort of place they would like Guernsey to be so that islanders' views could be an intrinsic part of the formulation of the SLUP. Over one thousand people took part in one way or another. As part of its analysis of the effectiveness of the SLUP the Committee considered it important to revisit the core principles established when formulating the SLUP and its spatial strategy and the key outcomes which were identified which acknowledged the range of perspectives and values raised by members of the public involved in Guernsey Tomorrow. Analysis shows that the SLUP continues to provide relevant policy provisions to address the policy issues identified by key stakeholders and the general public through the Guernsey Tomorrow initiative. The outcome statements identified as part of the

process are very closely allied to the high level themes and principles established through Phase 1 of the P&R Plan. This illustrates that the very foundations of the SLUP and the SLUP itself remain relevant and have proved to be fit for purpose over time, capable of adjusting to demographic change and revisions to the strategic policies of the States.

There is no evidence to suggest that the spatial strategy is creating blockages to, or hindering the delivery of, the States' 23 priorities, and the Purpose and Core Objectives of the SLUP remain consistent with the P&R Plan 20 year vision. No evidence-based alternatives to the spatial strategy have been proposed.

Concerns informally expressed about the amount of development occurring in the Main Centre and Main Centre Outer Area of St Sampson/Vale have also called into question the balance of green field and brownfield development within these areas. The Committee recognises that areas of Important Open Land are designated through the IDP as areas of land, of varying character and quality, which are important because of their openness, providing important gaps in development and offering relief from otherwise developed areas and that the areas were identified after a comprehensive exercise which established criteria for such areas and that this process was examined through the public inquiry and approved by the States. Together with the spatial strategy, this places a high-level emphasis on brown field development. Policies do allow for some green field sites within the Centres to be developed where this accords with IDP policy and this reflects the SLUP requirement to balance the development demands on land generally. Although there is no evidence to suggest, at this time, that this SLUP objective is not being met, the Committee considers there is merit in future monitoring establishing where new residential development is located within the Main Centres in terms of green field and brown field sites. This would be useful to determine in future monitoring how effective policies are at focusing development within Centres on brownfield sites at a finer grain. This monitoring could very usefully inform a review of the areas of Important Open Land in the Centres as part of and alongside the IDP five-year housing land supply review, as the two are linked – i.e. the relationship between open land and the built environment within the Centres which could have changed over time. This would also give the opportunity at that time for an evidence-based review of the criteria/definition of Important Open Land to make sure it is still appropriate and consider whether there is evidence that some designations need to be added or changed in view of development which has happened over the first five years of the IDP.

Similarly, although the SLUP sets out the high level spatial strategy with the intention of generally concentrating development on the island within and around the edges of the urban centres and IDP policies are currently achieving this, it is important to know the location of residential development within the Main Centres and Main Centre Outer Areas boundaries for the purposes of establishing where most development is happening and where the greatest density is occurring within the Centres. This data will be able to inform the need for future housing land at the IDP five-year review of housing land supply and where this would be most appropriately located within the Main Centres. Therefore, the Committee would like future monitoring to include the locations of residential development within the Main Centres and Main Centre Outer Areas to determine if there is a pattern or trend and to inform future decisions about housing land supply.

Additionally, it would be beneficial if the monitoring of housing supply included information with regard to developments involving the replacement of existing dwellings to fully understand the extent of construction work potentially coming forward and the nature of the stock of housing being replaced, in addition to details of new housing being permitted. It is noted that the Planning Service has begun to collate this data for Quarterly Monitoring Reports and the 2018 Annual Monitoring Report.

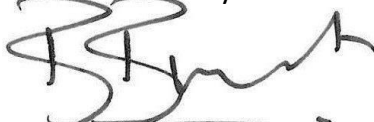
Your letter also seeks clarification with regards to the Committee's intentions to report its conclusions about the SLUP (with the AMR appended) including to the States. There is no requirement in the Law or the P&R Plan for the Committee to monitor the SLUP on an annual basis or to report on its progress and delivery unless it decides itself, through its contribution to the AMR process, that amendments to the SLUP are necessary or the Policy & Resources Committee (P&RC) directs it to make amendments. However, the Committee considers that it is important that the SLUP remains fit for purpose over time and is capable of adjusting to demographic change and future revisions to the strategic policies of the States. The Committee therefore intends to report its conclusions about the SLUP, appending the findings of the AMR (once approved by the DPA) to the P&RC as an important part of the monitoring process. As there is no statutory requirement for the Committee to report to the States it does not intend to do so.

However, the Committee agrees that there is very comprehensive and valuable information within the AMR which would be of value to other Committees and recognises the importance of liaising with other Committees and stakeholders in carrying out actions identified in the AMR and as part of the monitoring process. The Committee endorses and supports the DPA's intentions, as set out in the AMR, to liaise with relevant Committees concerning the land use aspects of existing and emerging States strategies. With this in mind the Committee would also support the inclusion of the AMR in a future Billet d'état as an appendix report so that the monitoring process is transparent and the information in the AMR is made available to all States Members.

The Committee supports the actions set out in the AMR and, as well as the recommendations for future monitoring set out above, endorses the recommendations in the AMR for further monitoring and the production of guidance. The Committee has not identified a need for any other action or specific guidance.

The Committee commends the DPA on the high quality and comprehensive content of this first AMR which will be of value to all States Committees.

Yours sincerely

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Deputy Barry Brehaut
President

Committee for the Environment & Infrastructure

APPENDIX

THE STATES OF DELIBERATION **of the** **ISLAND OF GUERNSEY**

STATES' TRADING SUPERVISORY BOARD

CHANNEL ISLANDS LOTTERY – 2017 REPORT AND ACCOUNTS

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

18 September, 2018

Dear Sir

1 Executive Summary

- 1.1 I am pleased to be able to provide a report on the Bailiwick of Guernsey's performance within the Channel Islands Lottery for 2017. The requirement to report is contained within section 2 (5) of The Gambling (Channel Islands Lottery) (Bailiwick of Guernsey) Ordinance, 1975 (as amended). The report is included as an appendix to a Billet d'Etat.

2 Lottery Format

- 2.1 Throughout 2017, the Lottery continued to operate on an instant prize scratch card basis, with the exception being the 'double chance' Charity Christmas Draw, containing both instant-win and drawn prizes.
- 2.2 At the end of 2017, the scratch card portfolio consisted of two £2 tickets (with top prizes of £7,777 and £10,000), two £5 tickets (with top prizes of £27,777 and £25,000) and one £10 ticket (with a top prize of £100,000).
- 2.3 Changes to the structure of the games and prize structures are routinely monitored by Lottery representatives from Guernsey, Jersey and Scientific Games International Limited, the Lottery's strategic working partner, with quarterly meetings held to discuss key issues.

3 Distribution of Lottery Proceeds

3.1 In September 2014, the States considered a report from Culture and Leisure (Billet d'Etat XX, dated 15th August 2014) to change a number of administrative arrangements from which nine resolutions arose. The majority of these resolutions concerned changes to the distribution of Lottery proceeds or to provide flexibility to conduct special draws, namely:

1. To agree that the proceeds from the annual Christmas Draw be donated to registered, local charitable bodies as authorised by the Treasury and Resources Department upon the recommendation of the Culture and Leisure Department.
2. To confirm that the annual proceeds of the Channel Islands Lottery, aside from the annual Christmas Draw, continue to be transferred to the Beau Sejour Centre up to the level of the Centre's operating deficit for that same calendar year.
3. To direct that any Channel Islands Lottery proceeds exceeding the operating deficit of the Beau Sejour Centre, excluding the Christmas Draw, is to be retained within the Appropriation Account to be used either for major projects that will enhance the Department's properties or for the funding of events which have a particularly special significance to the Island's heritage and unique cultural identity. Reference to the 2017 distributions is made in appendix 2 to this report.
4. To delegate authority to the Treasury and Resources Department to approve use of the Appropriation Account.
5. To approve the closure of the Forfeited Prizes Account, with effect from 1st January 2014 and for its balance as of 31st December 2013 to be distributed proportionately to the Association of Guernsey Charities, Alderney, Sark and the Appropriation Account.
6. To direct the preparation of an Ordinance under the Gambling (Guernsey) Law, 1971 to enable additional public lotteries to be conducted by the Culture and Leisure Department in support of such community, sporting or other events, or such public purposes for the benefit of Guernsey and its inhabitants, as the Department may determine with the approval of the Treasury and Resources Department, without necessitating the involvement of the States of Jersey and the banner of the Channel Islands Lottery.

7. To direct that the operating surplus from any such additional public lotteries be transferred to the Appropriation Account.

These changes are reflected in the Accounts, which can be found at the end of this report.

4 Sale of Tickets

4.1 Five main distribution Agents are appointed to sell Lottery tickets within the Bailiwick of Guernsey; three in Guernsey, one in Alderney and one in Sark. The Agents purchase tickets from the Department and ensure that the tickets are on sale as widely as possible through a chain of sub-agents and retail outlets.

4.2 Ticket revenue since 2007 has been as follows:-

Year	Scratch Card Revenue		Christmas Draw Revenue	
	Bailiwick of Guernsey	Jersey	Bailiwick of Guernsey	Jersey
	£000's	£000's	£000's	£000's
2017	9,648	7,949	1,078	1,954
2016	8,603	5,837	1,200	2,122
2015	7,726	4,518	1,231	2,198
2014	6,789	3,423	1,226	2,260
2013	4,199	2,014	1,177	1,785
2012	2,815	1,934	815	1,307
2011	891	795	927	1,363
2010	640	796	880	1,420
2009	686	864	760	1,240
2008	756	956	598	1,100
2007	822	1,144	600	900

This table illustrates, in particular:

1. Substantial year-on-year growth in scratch card sales revenue in Guernsey since 2010, coinciding with the commencement of the partnership agreement with Scientific Games and returning a higher percentage back to players as prizes;
2. Guernsey scratch card sales exceeding Jersey in 2017 for the seventh consecutive year;

3. A significant growth in scratch card sales revenue in Jersey between 2011 and 2017;
4. A marked shift in the scratch card revenue ratio between Guernsey and Jersey, from 42:58 in 2007 to 55:45 in 2017 (2016: 60:40);
5. The consistent pattern of Jersey outselling Guernsey for the Christmas Draw, with a ratio of 36:64 in Jersey's favour in 2017 (2016: 36:64).

4.3 Scratch Cards

Ticket revenue in the period 2012-17 was as follows:-

	2017	2016	2015	2014	2013	2012
	£	£	£	£	£	£
Guernsey	9,647,650	8,603,100	7,726,400	6,788,500	4,198,800	2,815,100
Jersey	7,949,000	5,836,700	4,518,350	3,422,700	2,013,950	1,933,900
Total Sales	17,596,650	14,439,800	12,244,750	10,211,200	6,212,750	4,749,000

In 2017, revenue from the sale of scratch cards increased by £3,156,850, 22% across the Channel Islands. Guernsey Bailiwick sales increased by £1,044,550, 12%. Jersey sales growth in 2017 was £2,112,300, 36%.

The following table shows a comparison of Guernsey scratch card sale volumes across the different price points between 2016 and 2017.

PRICE POINT	2017	2016	Increase/(Decrease)
	Qty	Qty	Qty
£2	1,029,450	987,300	42,150
£5	1,063,750	932,450	131,300
£10	227,000	196,625	30,375
Totals	2,320,200	2,116,375	203,825

The following table shows a comparison of Guernsey scratch card sale value across the different price points between 2016 and 2017.

PRICE POINT	2017	2016	Increase/(Decrease)
	£	£	£
£2	2,058,900	1,974,600	84,300
£5	5,318,750	4,662,250	656,500
£10	2,270,000	1,966,250	303,750
Totals	9,647,650	8,603,100	1,044,550

4.4 Christmas Draw

	2017	2016	2015	2014	2013	2012
	£	£	£	£	£	£
Guernsey	1,077,500	1,200,000	1,231,700	1,225,900	1,177,000	815,000
Jersey	1,954,000	2,122,200	2,198,500	2,260,000	1,785,200	1,307,000
Total Sales	3,031,500	3,322,200	3,430,200	3,485,900	2,962,200	2,122,000

In 2017 total Christmas Draw sales revenue, compared with 2016, across the Channel Islands fell by £290,700, (9%), with a decrease in Guernsey sales of £122,500 (10%), and a £168,200, (8%) reduction in Jersey. Overall Christmas Draw growth in the period 2012-2017 was £909,500 (43%), Jersey growth being £647,000 (50%) and Guernsey £262,500 (32%).

5 Prizes Unclaimed

- 5.1 Prizes which are not claimed are forfeited after a given period of time, usually 12 months after the final issue of tickets for each game/draw. The total value of prizes unclaimed in the Bailiwick of Guernsey amounted to £117,771 (2016: £50,270).

6 Donation to the Association of Guernsey Charities

- 6.1 The profits from the Christmas Charity Draw are paid to the Association of Guernsey Charities for distribution to charitable groups. Profits from the 2017 Christmas Draw amounted to £190,077 (2016: £212,678), the reduction of £22,601 (11%) on the 2016 figure being a reflection of the reduced sales.

	2017	2016
	£	£
Forfeited prizes for the year (Guernsey portion)	27,515	27,768
Christmas Draw proceeds (exc. Forfeited prizes)	162,562	184,910
TOTALS	190,077	212,678

With the Department's agreement the Association of Guernsey Charities has distributed the funds as detailed in appendix 1.

7 Problem Gambling

- 7.1 Resolution 8 (Billet d'Etat XX dated 15th August 2014) states:

To direct the Culture and Leisure Department to continue to work closely with the Home Department in respect of initiatives designed to help and support

individuals experiencing gambling problems locally and that any required funding for those initiatives may be met from operating surpluses.

In January 2018, the States' Trading Supervisory Board resolved to make a £15,000 payment on an annual basis from Lottery proceeds to the Committee *for* Home Affairs for distribution to the benefit of supporting individuals experiencing gambling problems.

From the 2017 Proceeds the States Trading Supervisory Board has paid £15,000 in 2018 for this purpose. The Committee *for* Home Affairs has advised that £5,000 has been utilised in a local charity set up for the purpose of supporting individuals experiencing gambling problems and that the balance of funds are held in reserve. The Committee *for* Home Affairs anticipates further in-year distributions to gambling support organisations.

8 Table of Net Lottery Proceeds to Guernsey Since 2007

Year	Proceeds (£000's)
2017	1,321
2016	1,162
2015	1,118
2014	1,075
2013	751
2012	592
2011	362
2010	313
2009	293
2008	278
2007	285

9 Channel Islands Lottery (Guernsey) Fund Accounts for the Year Ended 31 December 2017

- 9.1 The accounts for the Channel Islands Lottery (Guernsey) Fund for 2017 are included below. These reveal that the promotion of the Lottery in the Bailiwick

of Guernsey produced proceeds of £1,327,742 in 2017 (2016: £1,168,067) (scratch cards and Christmas Draw combined), which was shared within the Bailiwick in proportion to the number of tickets sold in each Island as follows:-

	2017	2016
	Actual	Actual
	£'000s	£'000s
States of Guernsey	1,321	1,162
States of Alderney	3	3
Chief Pleas - Sark	4	3
Totals	1,328	1,168

9.2 Operating Account

	2017	2016
	Actual	Actual
	£'000s	£'000s
Sale of Tickets	10,725	9,803
Forfeited Prizes	118	50
Contribution to prize fund inc. forfeited prizes	(7,357)	(6,706)
Agents' Commission	(1,452)	(1,329)
Sales Commission	(584)	(532)
Staff Costs	(47)	(47)
Handling and Storage Charges	(46)	(46)
Grant re: problem gambling	(15)	(15)
Other expenses	(14)	(11)
	-----	-----
Gross surplus	1,328	1,168
	-----	-----
Chief Pleas of Sark – share of surplus	(3)	(3)
States of Alderney – share of surplus	(3)	(3)
	-----	-----
Net surplus transferred to Appropriation Account	1,321	1,162

9.3 Appropriation Account

	2017	2016
	Actual	Actual
	£'000s	£'000s
Balance at 1 January	921	623
Net surplus transferred from Operating Account	1,321	1,162
2017 Contribution towards 2021 Island Games	(100)	0
Donation to Association of Guernsey Charities	(190)	(213)
Transfers to Beau Sejour Centre	(493)	(651)
	-----	-----
Balance at 31 December	1,459	921
	-----	-----

Notes:

In accordance with the States resolutions of 26 September 2014 made following consideration of the Culture and Leisure Department's Report entitled "Channel Islands Lottery – Administration Arrangements, Forfeited Prizes Account and 2011-13 Accounts" (Billet d'Etat XX, 2014):

1. The Forfeited Prizes Account was closed, with effect from 1 January 2014 and its balance was distributed proportionately to the Association of Guernsey Charities, Alderney, Sark and the Appropriation Account;
2. The Guernsey proceeds of the Channel Islands Lottery Christmas Draw are donated to the Association of Guernsey Charities for subsequent distribution to registered, local charitable bodies;
3. A transfer is made from Guernsey's proceeds of the Channel Islands Lottery (excluding the Christmas Draw) to the Beau Sejour Leisure Centre up to the level of the Centre's operating deficit for that same calendar year;
4. Guernsey proceeds of the Channel Islands Lottery (excluding the Christmas Draw) which exceed the operating deficit of the Beau Sejour Leisure Centre are retained within the Appropriation Account to be used for major projects that will enhance the Culture and Leisure Department's properties or for the funding of events which have a particularly special significance to the Island's heritage and unique cultural history.

5. In accordance with States resolution concerning Billet d'Etat No XVII and the Memorandum of Agreement between the States of Guernsey (acting through the Committee *for* Education, Sport & Culture) and 2021 Games LBG (the Company responsible for organising the 2021 Island Games) concerning financial support with staged payments from June 2017 to March 2021, two stage payments of £50,000 each were made in 2017. As per the States resolution the payment plan presented in the Memorandum of Agreement has been approved by both the Committee *for* Education, Sport & Culture and the Policy & Resources Committee. Approval has been given to fund the 2021 Games LBG up to a maximum of £600,000 from the Lottery Appropriation Account.

Yours faithfully

P T R Ferbrache
President

J C S F Smithies
Vice-President

S J Falla MBE
Non-States Member

J C Hollis
Non-States Member

APPENDIX 1

Channel Island Christmas Lottery - 2017			
Guernsey Charitable Grant Allocation - The Association of Guernsey Charities			
Charity Name	AGC Member Number	Grant	Purpose
Access for All	446	£700.00	Funding to enable an Access for All representative to visit Alderney to offer guidance, where required, on accessibility.
Access-Ability	348	£3,000.00	Towards a residential trip to Bawdsey Manor Activity Centre for 10 CoFE Access students with learning difficulties/disabilities, and 4 staff.
Alderney Broadcasting Company LBG	441	£750.00	To pay for central heating oil and electricity charges.
Alderney Performing Arts	321	£3,000.00	Towards performer fees, travel costs, venue hire, etc. for Arts Festival.
Alderney Wildlife Trust	434	£4,625.00	50% of cost to purchase and prepare new tender to be used across a variety of the Trust's projects.
Autism Guernsey LBG	373	£9,600.00	Funding for 2018 delivery of Socialeyes Programme to assist and support people with autism.
Drug Concern	153	£4,732.00	Provision of new client management system, including setup and training.
Every Child Our Future LBG	362	£1,500.00	To fund development of new Perinatal Pathway, forming part of 1001 Critical Days agenda.
Friends of Le Murier	178	£23,023.00	Towards site preparation for new cabins in which children will learn independent living.
Grow Limited	052	£10,300.00	Purchase of plants, seeds, compost, and growing equipment. Purchase shipping container to store equipment and materials. Towards secure safe shed to store horticultural chemicals, etc.

Channel Island Christmas Lottery - 2017

Guernsey Charitable Grant Allocation - The Association of Guernsey Charities

Charity Name	AGC Member Number	Grant	Purpose
Guernsey Alcohol Advisory Service LBG	019	£2,000.00	To develop unused rooms into two self-contained flats, compliant to safety regulations.
Guernsey Cardiac Action Group	222	£3,604.00	Purchase, installation, and other costs for a Public Access Defibrillator (PAD).
Guernsey Caring for Ex-Offenders LBG	422	£5,000.00	Assistance to help ex-offenders purchase essential home appliances and furniture.
Guernsey Cheshire Home	035	£20,000.00	Towards essential utility costs for the home, including electricity, gas, water, and petrol.
Guernsey Disability Alliance	306	£3,500.00	Providing workshops and courses to raise awareness and improve attitudes to issues concerning people with disabilities.
Guernsey Lymphoma and Leukaemia Support Group	443	£1,000.00	To provide assistance with travel expenses for families of people with lymphoma or leukaemia.
Guernsey Mencap LBG	018	£3,500.00	To upgrade balcony outdoor space of respite flat to provide stimulating sensory environment for users with a learning disability.
Guernsey Multiple Myeloma Support Group	444	£1,500.00	Towards specialist medical training and guidance to assist diagnosis and care for people with multiple myeloma.
Guernsey Multiple Sclerosis Society	011	£2,500.00	Towards purchase of personal hygiene products for patients.
Guernsey Sailing Trust	117	£2,200.00	Towards purchase of new RS Feva Dinghy.
Guernsey Sports Commission	260	£2,355.45	Purchase of wide range of sports equipment, and portable floodlights, for Street Sports Programme.
Guernsey Voluntary Service LBG	057	£6,500.00	Purchase of specialist electric chair for use in new minibus.

Channel Island Christmas Lottery - 2017

Guernsey Charitable Grant Allocation - The Association of Guernsey Charities

Charity Name	AGC Member Number	Grant	Purpose
Guernsey Welfare Service	020	£15,000.00	Provision of basic essentials and assistance to people facing difficulty, and towards GWS community programmes.
Health Information Guernsey	216	£3,000.00	Towards running costs of the Voluntary Car Service.
Helping Wings Guernsey	376	£2,000.00	To fund various costs to provide a flying day for disabled and disadvantaged young people of the Bailiwick.
King George V Memorial Playing Fields Trust	089	£7,000.00	Towards cost of new disabled access lavatory at KGV clubhouse.
Le Grand Courtil Community Association	425	£2,300.00	Funding for Arts and Crafts sessions and materials for people living at Le Grand Courtil extra-care housing.
Les Bourg's Hospice	141	£8,454.00	Replacement of IT Systems and workstations.
Lihou Charitable Trust	265	£14,500.00	Purchase of replacement tractor for Lihou Island.
Offenders' Deposit Assistance Scheme (ODAS)	421	£5,000.00	To assist with rental payments for ex-offenders moving back into the community.
St. Peter Port Christmas Lights	395	£3,170.00	To replace the wire infrastructure for the canopy of Christmas lighting over Church Square.
Styx Centre LBG	130	£1,420.00	Repainting of outdoor play equipment at Styx Centre.
Town Centre Partnership	234	£2,500.00	Towards costs of 2018 season of Sunday afternoon concerts in Candie Garden (21 concerts).
Victim Support and Witness Service	211	£5,000.00	Salary cost to cover Deputy Manager through service transitional period.
Wigwam Support LBG	288	£5,500.00	To cover cost of several events throughout 2018.
Youth Commission for Guernsey and Alderney	368	£7,730.99	Redecoration and refurbishment of rooms at the Youth Club at Les Ozouets Campus.

Total Grants £197,464.44

2017 Christmas Lottery Proceeds £190,077.48

(The additional £7,386.96 distributed is from previous unused grants and AGC funds)

**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 28th DAY OF NOVEMBER, 2018**

**The States resolved as follows concerning Billet d'État No XXV
dated 26th October, 2018**

STATES' TRADING SUPERVISORY BOARD

**APPOINTMENT OF NON-EXECUTIVE DIRECTORS – GUERNSEY POST LIMITED
P.2018/104**

I: After consideration of the policy letter entitled 'Appointment of Non-Executive Directors – Guernsey Post Limited' dated 4 October 2018:-

1. To approve the appointment of Mark Dunster as a non-executive director of Guernsey Post Limited with immediate effect.
2. To approve the appointment of Peter Shaefer as a non-executive director of Guernsey Post Limited with immediate effect.

STATUTORY INSTRUMENTS LAID BEFORE THE STATES

No. 44 of 2018

**THE ELECTORAL SYSTEM REFERENDUM (MISCELLANEOUS PROVISIONS) (NO.2)
REGULATIONS, 2018**

In pursuance of section 30(1)(c) of the Electoral System Referendum (Guernsey) Law, 2018, the Electoral System Referendum (Miscellaneous Provisions) (No.2) Regulations, 2018 made by the States' Assembly & Constitution Committee on 14th September, 2018, were laid before the States.

No. 45 of 2018

**THE SOCIAL INSURANCE (COLLECTION OF CONTRIBUTIONS) (TRANSFER OF FUNCTIONS)
REGULATIONS, 2018**

In pursuance of sections 3 and 4 of the States (Reform) (Guernsey) Law, 2015, the Social Insurance (Collection of Contributions) (Transfer of Functions) Regulations, 2018, made by the Policy & Resources Committee and the Committee for Employment & Social Security on 26th September, 2018, were laid before the States.

No. 46 of 2018

THE FIREARMS AND WEAPONS (APPROVED RANGES) (GUERNSEY) REGULATIONS, 2018

In pursuance of sections 22 and 55A of the Firearms and Weapons (Guernsey) Law, 1998, The Firearms and Weapons (Approved Ranges) (Guernsey) Regulations, 2018, made by the Committee *for* Home Affairs on 17th September 2018, was laid before the States.

No. 47 of 2018

THE FINANCIAL SERVICES OMBUDSMAN (CASE FEE AND LEVIES) (BAILIWICK OF GUERNSEY) (AMENDMENT) ORDER, 2018

In pursuance of section 27 of, and paragraph 4 of Schedule 2 to, the Financial Services Ombudsman (Bailiwick of Guernsey) Law, 2014, the Financial Services Ombudsman (Case Fee and Levies) (Bailiwick of Guernsey) (Amendment) Order, 2018, made by the Committee *for* Economic Development on 1 October, 2018, were laid before the States.

No. 50 of 2018

THE ELECTORAL SYSTEM REFERENDUM (MISCELLANEOUS PROVISIONS) (NO.3) REGULATIONS, 2018

In pursuance of section 30(1)(c) of the Electoral System Referendum (Guernsey) Law, 2018, the Electoral System Referendum (Miscellaneous Provisions) (No.3) Regulations, 2018 made by the States' Assembly & Constitution Committee on 1st October, 2018, were laid before the States.

No. 52 of 2018

THE MOORING CHARGES (GUERNSEY) (No.2) REGULATIONS, 2018

In pursuance of section 2 of the Vessels and Speedboats (Compulsory Third-Party Insurance, Mooring Charges and Removal of Boats) (Guernsey) Law, 1972, sections 1 and 5 of the Fees, Charges and Penalties (Guernsey) Law, 2007 made by the States Trading Supervisory Board on 4th October, 2018, was laid before the States.

No. 53 of 2018

THE HARBOUR DUES AND FACILITIES CHARGES (GUERNSEY) (No.2) REGULATIONS, 2018

In pursuance of the powers conferred upon it by sections 2 and 3 of the Harbour Dues (Saint Peter Port and Saint Sampson) Law, 1957, section 33 of the Harbours Ordinance, 1988, sections 1 and 5 of the Fees, Charges and Penalties (Guernsey) Law, 2007, made by the States Trading Supervisory Board on 4th October, 2018, was laid before the States.

No. 54 of 2018

THE PILOTAGE DUES (GUERNSEY) (No.2) REGULATIONS, 2018

In pursuance of the powers conferred upon it by sections 1, 2, 3 and 8 of the Pilotage Dues and Fees Ordinance, 1987 and sections 1 and 5 of the Fees, Charges and Penalties (Guernsey) Law, 2007, made by the States Trading Supervisory Board on 4th October, 2018, was laid before the States.

No. 55 of 2018

THE AIRPORT FEES (GUERNSEY AND ALDERNEY) (No.2) REGULATIONS, 2018

In pursuance of the powers conferred upon it by section 2(1) of the Airport Fees Ordinance, 1987, as amended, and as delegated to it by section 1(1)(d) of the Fees, Charges and Penalties (Guernsey) Law, 2007, made by the States Trading Supervisory Board on 4th October, 2018, was laid before the States.

THE PROBATION (BAILIWICK OF GUERNSEY) LAW, 2018

P.2018/94

II: To approve the draft Projet de Loi entitled "The Probation (Bailiwick of Guernsey) Law, 2018", and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

THE REFERENDUMS (ENABLING PROVISIONS) (GUERNSEY) LAW, 2018

P.2018/95

III: To approve the draft Projet de Loi entitled "The Referendums (Enabling Provisions) (Guernsey) Law, 2018", and to authorise the Bailiff to present a most humble petition to Her Majesty praying for Her Royal Sanction thereto.

THE INCOME TAX (GUERNSEY) (APPROVAL OF AGREEMENT WITH UNITED KINGDOM) ORDINANCE, 2018

P.2018/96

IV: To approve the draft Ordinance entitled "The Income Tax (Guernsey) (Approval of Agreement with United Kingdom) Ordinance, 2018", and to direct that the same shall have effect as an Ordinance of the States.

**THE INCOME TAX (SUBSTANCE REQUIREMENTS) (GUERNSEY) (AMENDMENT) ORDINANCE,
2018
P.2018/97**

V: To approve the draft Ordinance entitled "The Income Tax (Substance Requirements) (Guernsey) (Amendment) Ordinance, 2018", subject to the amendments indicated below, and to direct that the same shall have effect as an Ordinance of the States.

In section 19 of the draft Ordinance entitled "The Income Tax (Substance Requirements) (Guernsey) (Amendment) Ordinance, 2018" (on p. 16 of article 5 of Billet d'État No. XXV of 2018) for "2019" substitute "2018".

**THE SOCIAL INSURANCE (RATES OF CONTRIBUTIONS AND BENEFITS, ETC.) ORDINANCE,
2018
P.2018/98**

VI: To approve the draft Ordinance entitled "The Social Insurance (Rates of Contributions and Benefits, etc.) Ordinance, 2018", and to direct that the same shall have effect as an Ordinance of the States.

**THE HEALTH SERVICE (BENEFIT) (AMENDMENT) ORDINANCE, 2018
P.2018/99**

VII: To approve the draft Ordinance entitled "The Health Service (Benefit) (Amendment) Ordinance, 2018", and to direct that the same shall have effect as an Ordinance of the States.

**THE LONG-TERM CARE INSURANCE (GUERNSEY) (RATES) ORDINANCE, 2018
P.2018/100**

VIII: To approve the draft Ordinance entitled "The Long-term Care Insurance (Guernsey) (Rates) Ordinance, 2018", and to direct that the same shall have effect as an Ordinance of the States.

**THE SEVERE DISABILITY BENEFIT AND CARER'S ALLOWANCE ORDINANCE, 2018
P.2018/101**

IX: To approve the draft Ordinance entitled "The Severe Disability Benefit and Carer's Allowance Ordinance, 2018", and to direct that the same shall have effect as an Ordinance of the States.

THE FAMILY ALLOWANCES ORDINANCE, 2018

P.2018/102

X: To approve the draft Ordinance entitled "The Family Allowances Ordinance, 2018", and to direct that the same shall have effect as an Ordinance of the States.

THE INCOME SUPPORT (IMPLEMENTATION) (AMENDMENT) (NO. 2) ORDINANCE, 2018

P.2018/103

XI: To approve the draft Ordinance entitled "The Income Support (Implementation) (Amendment) (No. 2) Ordinance, 2018", and to direct that the same shall have effect as an Ordinance of the States.

COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

THE GUERNSEY LEGAL AID SERVICE – APPROVAL OF THE LEGAL AID (GUERNSEY AND ALDERNEY) (SCHEMES AND MISCELLANEOUS PROVISIONS) ORDINANCE, 2018

P.2018/106

XII: After consideration of the Policy Letter entitled 'The Guernsey Legal Aid Service – Approval of the Legal Aid (Guernsey and Alderney) (Schemes and Miscellaneous Provisions) Ordinance, 2018', dated 8th October 2018:-

1. To note the contents, and
2. To approve the draft Ordinance entitled 'The Legal Aid (Guernsey and Alderney) (Schemes and Miscellaneous Provisions) Ordinance, 2018' and to direct that the same shall have effect as an Ordinance of the States.

COMMITTEE FOR EMPLOYMENT & SOCIAL SECURITY

AMENDMENTS TO STATUTORY MINIMUM WAGE ARRANGEMENTS TO COME INTO FORCE ON 1ST JANUARY 2019

P.2018/107

XIII: After consideration of the Policy Letter entitled 'Amendments to statutory Minimum Wage arrangements to come into force on 1st January 2019', dated 8th October 2018:-

To approve the Minimum Wage (Prescribed Rates and Qualifications) (Guernsey) (Amendment) Regulations, 2018 (as Appendix 1 to this Policy Letter), which pursuant to sections 1(3) and 3(1) of the Law, prescribe the hourly minimum wage rates set out below with effect from 1st January 2019:

- adult minimum wage rate: £8.10 per hour (for workers aged 18 and over), and
- young person's minimum wage rate: £7.50 per hour (for workers aged 16 and 17)

To note the proposals in the Policy Letter in respect of the Committee's medium term plan for increasing minimum wage levels.

COMMITTEE *FOR* HEALTH & SOCIAL CARE

ORGAN DONATION- INTRODUCTION OF A 'SOFT' OPT OUT SCHEME P.2018/92

XIV: After consideration of the Policy Letter entitled 'Organ Donation- Introduction of a 'Soft' Opt Out Scheme', dated 4th October 2018:-

1. To approve the introduction of an organ donation scheme based on 'deemed consent' subject to the safeguards and exemptions set out in this Policy Letter;
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

COMMITTEE *for* ECONOMIC DEVELOPMENT

PROPOSED AMENDMENTS TO THE BANKING DEPOSIT COMPENSATION SCHEME (BAILIWICK OF GUERNSEY) ORDINANCE, 2008 P.2018/93

XV: After consideration of the Policy Letter entitled 'proposed amendments to the Banking Deposit Compensation Scheme (Bailiwick of Guernsey) Ordinance, 2008 dated 20th September 2018:-

1. To approve the proposals set out in section 3 of the Policy Letter to amend the Banking Deposit Compensation Scheme (Bailiwick of Guernsey) Ordinance, 2008 (the "**Ordinance**") as follows:
 - a. to increase the existing aggregate payment cap, applicable to participant banks in section 18(4)(a) of the Ordinance, from £1,000,000 to £2,000,000 in any calendar year;
 - b. to repeal the three year profits cap, applicable to participant banks, in section 18(4)(b) of the Ordinance;
 - c. to allow for negative interest rates and to protect against possible adverse effects upon participant banks and the Guernsey Banking Deposit Compensation Scheme (the "**Scheme**");

- d. to clarify that each participant bank's duty to co-operate with the Scheme board (the "**Board**") includes the provision of personal data, where required, and to explicitly require participant banks to provide data promptly to the Board;
 - e. to amend section 18(7)(c)(i) of the Ordinance, to provide that payment by participant banks must be made within five (5) working days of the issue of payment levy notices by the Scheme; and
 - f. to repeal the fourteen (14) day restriction during which the Scheme is prohibited from requesting payment, from the participant banks, in respect of the second levy notice.
2. To direct the preparation of such legislation as may be necessary to give effect to the above decisions.

COMMITTEE *for* ECONOMIC DEVELOPMENT

IMPLEMENTING THE STATES OF GUERNSEY'S ECONOMIC DEVELOPMENT STRATEGY P.2018/105

XVI: After consideration of the policy letter entitled 'Implementing the States of Guernsey's Economic Development Strategy', dated 8th October, 2018:-

1. Pursuant to Resolutions III (3) (a) and (b) of Billet d'Etat XVIII of 2018, to note the content of the policy letter entitled 'Implementing the States of Guernsey's Economic Development Strategy'.

DEVELOPMENT AND PLANNING AUTHORITY

ANNUAL MONITORING REPORT 2017

Having resolved, pursuant to Rule 20 of the Rules of Procedure of the States of Deliberation and their Committees, to debate Appendix 1 to Billet d'Etat XXV of 2018, that is the "Development and Planning Authority – Annual Monitoring Report 2017", to take note of the Report.

POLICY & RESOURCES COMMITTEE

SCHEDULE FOR FUTURE STATES' BUSINESS P.2018/109

XVII: After consideration of the attached Schedule for future States' business, which sets out items for consideration at the Meeting of the 12th December 2018 and subsequent States' Meetings, they are of opinion to approve the Schedule.

S. M. D. ROSS

HER MAJESTY'S DEPUTY GREFFIER

**IN THE STATES OF THE ISLAND OF GUERNSEY
ON THE 29th DAY OF NOVEMBER, 2018**

(adjourned from 28th November, 2018)

**The States resolved as follows concerning Billet d'État No XXV
dated 26th October, 2018**

DEVELOPMENT AND PLANNING AUTHORITY

ANNUAL MONITORING REPORT 2017

Having resolved on 28th November, 2018, pursuant to Rule 20 of the Rules of Procedure of the States of Deliberation and their Committees, to debate Appendix 1 to Billet d'État XXV of 2018, that is the "Development and Planning Authority – Annual Monitoring Report 2017", to take note of the Report.

POLICY & RESOURCES COMMITTEE

**SCHEDULE FOR FUTURE STATES' BUSINESS
P.2018/109**

XVII: After consideration of the attached Schedule for future States' business, which sets out items for consideration at the Meeting of the 12th December 2018 and subsequent States' Meetings, they are of opinion to approve the Schedule.

C. FOSTER

HER MAJESTY'S DEPUTY GREFFIER