



OFFICIAL REPORT

OF THE

STATES OF GUERNSEY

SCRUTINY MANAGEMENT

COMMITTEE

Government Work Plan –
Development & Planning Authority
Public Hearing

HANSARD

**Castel Douzaine Room, Guernsey,
Tuesday, 26th April 2022**

No. 5/2022

*Further information relating to the Scrutiny Management Committee
can be found on the official States of Guernsey website at www.gov.gg/scrutiny*

Members Present:

Panel Chair: Deputy Yvonne Burford – President
Deputy Simon Fairclough – Vice-President
Mr Shane Langlois

Mr Mark Huntington – Principal Scrutiny Officer

Business transacted

Procedural – Remit of the Committee	3
EVIDENCE OF Deputy Victoria Oliver, President, Development & Planning Authority; Deputy Andrew Taylor, Vice-President, Development & Planning Authority; Mr Jim Rowles, Director of Planning; Ms Claire Barrett, Director of Environment & Infrastructure	3
<i>The Committee adjourned at 11 a.m. and resumed at 11.07 a.m.</i>	22
<i>The Committee adjourned at 12.04 p.m.</i>	39

Scrutiny Management Committee

Government Work Plan – Development & Planning Authority

Public Hearing

*The Committee met at 10 a.m.
in Castel Douzaine Room*

[DEPUTY BURFORD *in the Chair*]

Procedural – Remit of the Committee

The Chair (Deputy Burford): Good morning, everyone.

Welcome to this Scrutiny Management Committee hearing with the Development & Planning Authority, both to those present and those watching on the livestream. Today we will be focusing on the mandate of the Authority. It will not be possible to cover everything in the time that we have available. In preparing questions we have endeavoured to be as wide-ranging as possible but not losing focus on those issues of significant public interest.

I am Deputy Yvonne Burford and with me on the Panel today are the Vice-President of Scrutiny, Deputy Simon Fairclough and also Mr Shane Langlois, as well as Mr Mark Huntington, who is the Principal Officer of the Committee. Following this session, the Scrutiny Management Committee will decide if there is any further review activity required and a *Hansard* transcript will also be available in due course, on our website. We will have a short break at around about 11 o'clock, so if you could now just check that your phones are set to silent, and I will turn to our witnesses to introduce yourselves. Starting please, with Mr Rowles.

EVIDENCE OF

**Deputy Victoria Oliver, President, Development & Planning Authority;
Deputy Andrew Taylor, Vice-President, Development & Planning Authority;
Mr Jim Rowles, Director of Planning;
Ms Claire Barrett, Director of Environment & Infrastructure**

Mr Rowles: Thank you very much.

I am Mr Jim Rowles; I am Director of Planning and also Principal Officer of the Development & Planning Authority.

Deputy Oliver: Deputy Victoria Oliver, President of the Development & Planning Authority.

Deputy Taylor: Deputy Andy Taylor, Vice-President of the Development & Planning Authority.

Ms Barrett: Claire Barrett, Director of Environment & Infrastructure. I advise the Committee on strategy and policy.

The Chair: Okay, thank you all.

Right, so we will start off on issues surrounding open planning meetings. The public reaction regarding certain planning approvals, most recently the Auberge, as an example, can be vociferous and significant. I think it is fair to say that some members of our community feel that their views are ignored when it comes to developments.

So my question is this: even when a publicly controversial application is fully in accordance with Planning Law and policies of the IDP, should an open planning meeting be held so that a decision can be made in a public arena and people can have their say publicly and crucially, perhaps better understand the reasons for the decision?

Deputy Oliver: I think there are quite a few points there.

Firstly, we have a criteria of anything going to the open planning meeting, which is of size, whether the public responses ... also it is a Committee decision as well and if it is really controversial ... Now, with the Auberge, which we have had quite a lot of questions on, we as a Committee voted and we decided against it. I think that hindsight is a wonderful thing, and it probably could have gone to open planning but there was so little content in the actual application that it seemed like quite a waste of money, almost, because there was not much content within there to actually discuss.

The Chair: Okay, but would you say that with hindsight, perhaps, as it has turned out, it might have been better for perhaps the reasons that I suggested in my question?

Deputy Oliver: The big thing was that, really, because of the retail strategy, the retail strategy said that there was no retail, including food retail, to be out of town. That was the big thing that just said well, it needed to go, it did not matter if it stayed, or it went. That is the reason. You might be able to put something more into that?

Mr Rowles: I think when we discussed, and obviously the Committee has looked at it with a certain amount of hindsight, it is around community expectations and the Committee is in a bit of a no-win situation that, if it takes something like that, it increases the expectation that people will be able to oppose it and get the decision that they want.

It is a 50-50 call, really, and the Committee in the end decided by a majority to delegate it because of the substance of the application. There were very few alterations to the property. The change of use itself was completely uncontentious and in line with policy and the Committee decided to explain that through the media, subsequently, and also had the opportunity to respond to some Rule 14 questions on the topic as well.

The Chair: Although, presumably, if it had gone to an open planning meeting, those subsequent actions may not then have been necessary?

Deputy Oliver: But then you do face the risk of a lot of people speaking, which have got no material planning consideration and you just ...

The Chair: Yes, I accept that.

You know, my point really is, I wonder, you say it is in line with the Retail Strategy and in fact I think the reason I chose the Auberge as an example is I entirely agree with the Authority that it was a very straightforward application, in line with planning policies. But it clearly touched a nerve locally and I think there is perhaps a balance to be had as to whether that needs to be done in public rather than behind closed doors. That was my only point.

75 **Deputy Oliver:** I think in hindsight, we probably ... but hindsight is a wonderful thing.

The Chair: Yes.

80 **Deputy Fairclough:** Deputy Oliver, if I could just come in, you used the words 'potential waste of money' or words to that effect. So was the cost of staging an open planning meeting one of the factors, then?

Deputy Oliver: No, it was not.

85 **Deputy Fairclough:** And out of interest, how much does it cost, give or take, to hold an open planning meeting?

Deputy Oliver: It depends where you actually locate it. So, if it is in the theatre at Beau Sejour, it obviously costs more. If it is in the Cambridge Room, it costs less. I think it is £250, is it?

90 **Mr Rowles:** For the room hire, it is a lot more for the theatre, for a larger ... So, for the Pointues Rocques application I would say it is probably near £500 for the venue and then you have got officer time etc. which is factored in as well.

95 **Deputy Fairclough:** Thank you.

The Chair: Deputy Taylor.

100 **Deputy Taylor:** Could I for me, I will reply to it. It was a consideration for me although the cost of an OPM is nothing to do with the planning decision itself, as a factor for me on whether an OPM would be held ... It absolutely did play on my mind that it would be a lot of, not necessarily direct costs in monetary terms, but it would be a lot of officer time in preparing reports, putting the presentation together, attending the meeting and sitting through all the representations – which I am disappointed to say, most of them would be unfounded comments that are being made about the application.

105
110 Actually, for me, that did play quite heavily. I was the original person who brought it to the Committee to say I would like this to be an open planning meeting but then, actually, on reviewing it and talking to officers about it, it actually transpired to be a very simple piece. So on balance for me, the cost in officer time and also – I accept this need for the scrutiny and seeing it in an open domain, but to put the applicant in that open arena and having all these comments, that for me did not feel enough to justify taking it to an open planning meeting.

The Chair: Thank you.

115 Following on from that, the Authority's protocol which can be found online, states that the Authority supports 'wide public debate about planning applications and believes that people may be better able to make their views known if they are not limited to making comments only in writing'.

So do you consider that part of the protocol as being upheld this term?

120 **Deputy Oliver:** I think so.
I think, apart from the Auberge, all the open planning meetings that needed to go have gone.

The Chair: Okay, thank you.

125 A change brought about by the Machinery of Government Review was to separate responsibility for the Strategic Land Use Plan from responsibility for the Island Development Plan and Development Control. At the time there was a suggestion that the assessment of applications

against IDP policies should be taken out of the political arena. Do you believe the assessment of proposed developments, in particular contentious ones, against IDP policies, benefits from political involvement?

130 **Deputy Oliver:** That is quite a loaded question.

Me, personally, I think that because you are an elected representation that people actually feel that you should be involved, and we still have to make the decision on the policy, but we also have the authority to go through the process to change that policy if we feel necessary. There have been
135 some areas where the Committee has rejected it; it has gone to tribunal, and we have either lost or won but there are definitely things that have come out of those meetings.

So, for instance, one of the big ones was the triangle, the Pointe in the Vale, which was a very contentious, small development of only two houses. But from that came the TPO, which is a Tree Protection Order, and we have completely overhauled the Tree Protection Order to make sure it is
140 really clear.

So actually going to these open planning meetings and sometimes going to the tribunal, you learn things and it improves the whole of the DPA as a whole.

The Chair: Yes, I understand that answer. I am just wondering, however, if the current approach
145 creates the illusion to the public that IDP policies can be overridden if the political will is there to do so?

Deputy Oliver: Well, it goes to tribunal, and it gets overturned. So you have still got to follow the policy and I think I make that really clear in every open planning meeting that we go to.

150 **The Chair:** Okay, thank you.

Deputy Fairclough: Just picking up on that last point, Deputy Oliver, do you think enough is done to communicate the process to the public?

155 **Deputy Oliver:** I think so. We are also looking at trying to do something with the media to actually lay out how an application is taken from start to finish on a really simple one and a more complex one. So that is something that we are hoping to do in the near future and that should give people a lot more insight into actually how much work is involved in some of these larger sites.

160 **The Chair:** Can I just confirm that the only planning decisions that the political committee makes are the ones taken from open planning meetings?

Deputy Oliver: Yes.

165 Sometimes we will, if a contentious issue comes or what is seen to be a contentious issue will come to the Committee and we might have an input and say yes or no, whether to go to an open planning meeting. Some of them we will steer – but not many.

The Chair: Okay, thank you.

170 Another recent high-profile application was the Grand Mare. While the general consensus appeared to be that people were very happy to see the hotel developed and improved, there was disquiet surrounding some of the works to the golf course, notably where it involved the site of special significance.

Why was this major application not therefore taken to an open planning meeting as, crucially, it
175 fitted more than one of the required criteria needed to qualify for that determination in the public arena?

180 **Deputy Oliver:** It was voted on with the Committee and the Committee decided not to. It is not just down to one Member to say they want to take it to open planning, it is a Committee decision, and it will always remain a Committee decision.

185 **The Chair:** Okay. Do you think that perhaps you need to review your Committee decision on open planning meetings, as it is not just one? It happens, not infrequently, that people want an open planning meeting, but it does not materialise.

Deputy Oliver: I do not think people on that occasion, the local public, the public of Guernsey, actually did want an open planning meeting on that one if I am honest.

190 **The Chair:** Not even the concerns that were had over the more ecological aspects of it?

Deputy Oliver: Well, there was a full environmental impact assessment report done. I think that actually, you could say, held the development up a little bit.

195 **Mr Rowles:** Can I come in on that?

The Chair: Yes.

200 **Mr Rowles:** I think the comments that were made to the Authority in relation to the biodiversity aspects, the ecology aspects, were in relation to this screening for the environmental impact assessment, and those comments were all taken on board by the Committee and led to the screening opinion and the scoping opinion for the EIA.

205 When the EIA came in, it did address the ecological and biodiversity issues to a degree, which was robust and was checked through by the Authority. In terms of public representations, as Deputy Oliver has said, there were very few, actually, in relation to the application. So it was not one that would have qualified in relation to the controversy of some other sites which have been at an open planning meeting.

210 **The Chair:** In previous iterations of your Committee, political Members have generally refrained from involving themselves in any way with any comment or discussion publicly or privately or with other States' Members on development matters which may subsequently come before the Committee for determination. Any such interactions as were necessary took place at officer level. It might appear to an observer that these protocols have been noticeably relaxed this term.

215 Would you agree with that suggestion and if so, can you explain the reasoning behind the change?

220 **Deputy Oliver:** I do not think there has been much of a change. I think that if you are talking about the likes of Chouet, where I suppose maybe last term the President would have said, 'Please do not speak on the matter,' I think this term maybe I am a little bit more relaxed and I say, 'If it is the principle, the principle is not the planning application at all.' And therefore I have allowed – well, not me that allowed, I think that is the wrong word – I have been quite open in saying, 'Well it is the principle, please feel free to vote on it.'

We have also got legal advice on the matter as well and the lawyers have always backed up that theory.

225 **The Chair:** Okay.

I was thinking more possibly that there have been reports in the media, particularly about discussions with Policy & Resources over possibly uses of various properties that they are responsible for, where they have obviously credited you for having discussions with them; but then

if those applications were to come before the Authority in due course, do you think that is a problem?

Deputy Oliver: I cannot think of anything, any application of concern. We have worked together with P&R as we would any other Committee, the likes of ED for the visitor accommodation, E&I for a number of the nature strategy matters. I think it is important to actually show a joined-up Committee and rather than be this stand-off, but never –

The Chair: Yes, I certainly think the Department as such, or the Authority, in terms of staff-level discussions, those discussions should take place; and you are absolutely right because advice is often needed before applications. But I am just wondering where the separation comes with the perhaps more *quasi*-judicial role of the actual political committee.

Deputy Oliver: I think it all depends. For me, however much you go in depth into something, as soon as the application comes in you take a step back and as long as you, yourself, can look at it in an unbiased view then that is all that matters. If you cannot, then you have to recuse yourself.

The Chair: Okay.
So you do not think that expressing opinions beforehand matters as to whether something might be likely?

Deputy Oliver: I do not think I have ever expressed an opinion in anything. Have I? I do not know.

Mr Rowles: I am not sure what examples ...

The Chair: I was just wondering because there have been media reports about the Committee being supportive of certain ideas of Policy & Resources, in particular, and I just wonder if at any stage that is on –

Deputy Oliver: I think they are more ideas. I think you are talking about the Castel Hospital. They said would housing ... and we have spoken about it in HAG, and we are looking at the potential to do a development framework. So in that way, yes, we are supportive of doing a development framework, which was said at the time. But I do not think that is actually saying that development definitely needs to go there, or how that development is going to be shaped, or what it is going to look like at all.

The Chair: That is helpful, thank you.

Deputy Oliver: Yes. It is advising on the process, really.

The Chair: Okay.
Mr Langlois?

Mr Langlois: In 2020 the States resolved to pause the five-year IDP review. I think it is a non-statutory review but that was because of the proposed States' recovery strategy from the COVID pandemic. The States also resolved the review would include various specific reviews, such as housing and supply, brown field versus green field development, important open land, areas of biodiversity importance, agricultural priority areas, visitor accommodation, etc.

So really my question is: when is the five-year review due to be released and will it address these issues and those raised in the DPA's 2019 action plan, such as the impact of land banking?

Deputy Oliver: Thank you for that question.

So the States actually voted, I think it was 36-3 against, for not to do the review. But in regard to what the actions were, I think that the DPA has actually completed most of those actions. So, for example, the development framework's threshold process has now been changed. The areas of biodiversity importance is currently being looked at. The housing supply and employment land supply, we did the office audit, so that covers that off and that has made it a lot easier for, within Town, to change from office to residential.

The housing land supply to a large extent has, I think, been looked at but we have not actually come out with anything specific on that yet. I think HAG was actually put in that place for that. The development of green field and prioritisation over brown fields, I think that really was just ... if anybody can tell me how you would like to do that, then please do because that is something that is very difficult, I think. You have got the main centres, so that limits the amount of green fields that can actually be built on, and it prioritises on brown fields anyway and out of the local centres ... much more difficult to build anything.

The importance of open land, we always keep that at bay. Agricultural priority areas, we have done a lot on that and we have actually changed how we look at domestic curtilage; and now you have to show a biodiversity net gain if you do that. We are coming out with draft guidance, so we have got the guidance for wildlife-friendly gardens and the draft guidance for biodiversity and built environment net gain. So that is a big thing that we have done.

Mr Langlois: Sorry, could I interrupt you?

Deputy Oliver: Yes.

Mr Langlois: Are you actually saying you are not going to do a five-year review?

Deputy Oliver: No we are not.

Mr Langlois: You are not going to do a five-year review?

Deputy Oliver: No, we have picked out various policies that we think needed addressing, that the five-year review would have picked out, and that is what we are doing. So, effectively, I suppose we are doing a round-about five-year review.

Mr Langlois: But you do not think it should be consolidated in some form so they can be discussed as –?

Deputy Oliver: No.

Claire, do you want to come in on that?

Ms Barrett: Yes, I think it might clarify things.

I think when the five-year review was paused – obviously for recovery reasons, but also another reason – was because the States' Housing Indicator was being updated at the time, so to have reviewed the housing land supply particularly at that time would have meant it would have been very quickly out of date. So there was that formal pause.

The statutory requirement for the five-year review was just for housing land supplies, the only thing that the Strategic Land Use Plan requires; but as you quite rightly said there was a bit of a wish list that came out of the States at that particular time. As time has gone on, what the DPA needs to do is to review the IDP within a 10-year timeframe anyway. So by 2026, in reality, the work to build the evidence to actually do that has to start next year anyway.

So, really, the five-year review is being subsumed into the IDP review at that time and the Authority has just recently made the decision that it will do a focussed review and aims to do it in

335 this political term. So it is bringing it forward slightly and then it will focus on, I daresay, the types of areas that were of focus before, but the types of things that have brought through the Annual Monitoring Report as highlighting needing to be addressed, and things like the Government Work Plan where strategy might have changed, and it needs a new enabling policy to be delivered.

So, I suppose technically, yes, there is not a five-year review because it is being subsumed into the full IDP review.

340 **Mr Langlois:** That is very interesting to hear but do you think that is widely understood, because the question this morning suggests – and certainly this is the first I have heard of it. Do you think the fact that there is not going to be a five-year review *per se* is understood by Deputies and the wider community?

345 **Deputy Oliver:** It is going to be in the Government Work Plan as well, because it is such a large piece of work, and we also heavily rely on other committees to actually provide crossover work to inform that. So I think it will become more known once the GWP is actually debated.

The Chair: So it is going to be in addition to the GWP?

350 **Deputy Oliver:** Yes.

The Chair: Okay.

355 **Mr Langlois:** Can I just say the list that I gave out, I do not think it was the States, it was the DPA itself that put it forward. I would actually agree with you the whole green field/brown field site debate really should be subsumed into things like important local land. Personally, I think that. But that is what the DPA put in the Resolutions.

360 Something like important open land, which I think is probably the key to the controversy, and there is an awful lot of controversy in the main centres and the outer main centres about developing various parcels of land. Are you going to be addressing that specifically? In other words, looking at the actual IDP plan itself, with a view to ... in the 2019 Action Plan the DPA actually said look at expanding the number of land parcels in the open land category.

Are you saying you will not be doing that now until the full IDP review?

365 **Deputy Oliver:** No, because with the full IDP review, once that policy has been reviewed, if it is not actually interlinked to another one, we will be bringing it forward. So it will be done in easy steps, rather than this one big parcel. Because I think it is the one big parcel that actually, does not confuse people, but it makes it a lot more difficult to actually properly understand. Whereas if you do individuals then it will be easier.

370 **Mr Langlois:** Yes, except that there are certain issues which are highly controversial and which people expect the DPA to be addressing with some alacrity, let us say. Are you saying that is going to be delayed and you will not be? Or you will not be putting it in the context of the IDP as it stands? 375 You might be coming out with some policy on open areas of land?

Deputy Oliver: It is not just we will be coming out with some areas, it will be looking at the green economy. We will be looking at areas of open importance and I think, to be honest, that the areas of open importance, we look at that in every application that we have. Does it have enough green space? Does it have enough public community areas?

380 So it is not just something that we just think it will just happen.

Do you want to add to that, Jim?

385 **Mr Rowles:** Can I just add that the Committee has only fairly recently discussed this issue in relation to the linkage to the Government Work Plan. The Committee has not yet arrived at the final list of those topics that it wants to focus on. It is really at a high level to say rather than conduct an entire plan review, which would touch on things that are not necessarily justified, it wants to focus down, and obviously from a resource and time point of view that is very important.

390 So, I think it is a bit early to point at particular things but things like, obviously, housing development, employment land, those sorts of things, will be all up there front and centre. I do not know whether Claire wants to add to that.

395 **Ms Barrett:** As the President has said, there are some things that are inextricably linked. So the issues of important open land in main centres, for example, is inextricably linked with housing land supply, which is linked to whatever the Strategic Housing Indicator comes out as. So there are a number of things that are inter-related, and it is very difficult to pick them up as individual things.

400 **Mr Langlois:** I think that is why I did not quite understand when the President said that you were going to deal with these things individually. I would imagine a five-year review pulling all these things together because, obviously, as I have said, they are inter-related. Important open land, for instance, is a category on the IDP, whereas green field sites is not a category, but important open land is. I had envisaged the actual IDP being changed, such that there were greater areas of important open land. That is what I imagined would be happening now in terms of the review. But you are saying that is not going to happen, you will not be recommending changes to the IDP plan at this stage?

Ms Barrett: No.

410 **Mr Langlois:** It is going to stay exactly as it is now? So there will not be any more protection for an area in a main centre than there is at the moment?

415 **Deputy Taylor:** Jumping to the end conclusion, before we have done any review. Not that I necessarily disagree, and I would support more open areas within the main centres, but obviously a review would need to take place to look at the policy and look at what could be done before we could reach any conclusion on what would –

Mr Langlois: Yes, but –

420 **The Chair:** To distil the question here, I think what Mr Langlois is probably working towards is: are there likely to be any substantial changes to the Plan before the 10-year review, which is coming forward slightly, to be done in this term?

425 **Deputy Oliver:** There might be some things that come forward prior, but nothing within the next year.

The Chair: Okay, thank you.

Deputy Fairclough, you have got some questions. We will move on to another topic.

430 **Deputy Fairclough:** Yes. I would like to focus on some specific policies of the IDP and I would just like to ask the Authority what its current position is on ID policy GP11, namely the requirement for developments in excess of 20 dwellings to allocate a proportion to affordable housing?

435 **Deputy Oliver:** It is quite an easy question, really. As a committee, it probably will be left to the review, but we have not discussed it yet in very much detail, because there are many people out there that actually do not want GP11 changed. There are some people out there that would like to

see it lower and there are some people out there that would like to see it suspended. But at the moment it is doing its purpose and it is probably counter-intuitive that everybody keeps bringing it up, because we do have a number of sites actually coming forward where GP11 will be effective.

440 **The Chair:** I find it hard to disagree with you. It is counterproductive, I would say, to keep bringing it up. But of course that has been happening with political input from the States, which it keeps bringing up. I think we do have a question a bit further on, but it is time to move on to it now, possibly, to say: do you actually think the uncertainty that has been generated over it this term, is possibly now becoming the main reason that those sites might not have come forward, because
445 people may wish to hold out for a better opportunity?

Deputy Oliver: I am sure there will be some that will want to hold out for a better opportunity, but I think we have had the likes of Pointues Rocques come forward. That is going to go to an open planning meeting. We have not set a date yet but probably some time in September. And then we
450 have also got Leale's Yard as well.

The Chair: Okay, and is there an appeal on Pointues Rocques running concurrently with that as well?

455 **Deputy Oliver:** Yes.

The Chair: Thank you.
Sorry, back to you, Deputy Fairclough.

460 **Deputy Fairclough:** So you do not think at this moment in time, I have heard what you said, that more certainty is needed with regard to that policy?

Deputy Oliver: I do not know how you would make more certainty. If you started the review, that would cause a lot of uncertainty. Apart from saying at the moment that the Committee is not
465 looking at GP11 and it will be put into the 10-year review, whether anything changes in that time, I do not know. But we have not really discussed it as a Committee.

Deputy Fairclough: Okay.

470 **Deputy Taylor:** I could certainly put my neck out and say that I agree I keep giving a bit more backing to GP11, either in its current state or if there was some minor amendment to it to tweak it. I think politically giving more support to it would be a good thing. There needs to be a review –

The Chair: But that is down the road.
475

Deputy Taylor: That is down the road, but I think I would be agreeing with you and saying actually giving more support to it politically would be a good thing.

Deputy Fairclough: And how far down the road is it?
480

Deputy Oliver: Well it will be tied up in all the other areas. The areas –

The Chair: The ones we have just been talking about.

485 **Deputy Oliver:** – of importance that we just spoke about.

Deputy Fairclough: Yes, okay.

Thank you.

490 **The Chair:** Going back to the inception of GP11, the principle behind the staggered introduction of GP11 – where I think it was staggered over about three years – was to take time to transfer the financial penalty that might be induced to the seller of the land, who would be receiving a windfall in any case, rather than to the developer. Has that actually happened and is there any evidence to support it?

495 **Deputy Oliver:** I do not think it really has. I think land values are actually at an all-time high at the moment. So the larger sites, you would expect to see that 30% less, which you do not currently see at the moment, I would have said.

500 **The Chair:** And that is possibly due, also, to the lack of any development to these sites, possibly being land-banked before the policy came in?

Deputy Oliver: Yes.

505 **The Chair:** Okay.
Because I think Deputy Roffey, in a hearing that we had with ESS, did say that he felt – the name has gone straight out of my ... the Vinery site that they bought for social housing –

Deputy Oliver: Kenilworth.

510 **The Chair:** Kenilworth – that is it, thank you – actually has benefited from the policy in terms of the land value, so –

Deputy Oliver: I think that one probably did, yes.

515 **The Chair:** Right, okay.
The Guernsey Housing Association have been quoted as saying that to blame the lack of development on GP11 makes for an easy and lazy story. I am sure you have been through this one before. Do you agree with their view?

520 **Deputy Oliver:** No, I do not.
I think that there are many contributing factors and I do not think that GP11 is the sole reason why developments are not coming forward.

525 **The Chair:** To be fair to them, they go on in their quote to say:

... the reason for the lack of development in recent years is much more complex, including the fact the policy was introduced during a period of housing stagnation. However there is now demand, preparations for various large developments are in the pipeline but it takes time for developers –

Deputy Oliver: I do agree with that.

530 **The Chair:** So you do agree with that. I did not want to leave it hanging that they felt that was not their entire quote out there.

Going back historically again, do you consider that the Roffey amendment of 2016, that changed the threshold from five units to 20 units, is one reason behind the perceived lack of affordable housing coming forward under the policy? And do you think more affordable housing would have been delivered had the proposal not been amended?

535

Deputy Oliver: There were four amendments, I believe. First of all the Ferbrache amendment, which was only for the allocated sites, then you had the Roffey at 20 and then Deputy Lester Queripel at 10 and then there was another one –

540 **The Chair:** But the net outcome is that the policy was changed from five to 20.

Deputy Oliver: The net outcome was 20, so if it had stayed at five then you would have obviously had a lot more houses.

545 **The Chair:** And so in your view, perhaps – looking to Ms Barrett who was instrumental, and also Mr Rowles, in the development of that policy – you felt that the policy unamended would have been more productive and perhaps not led us to where we are today?

550 **Ms Barrett:** The policy was designed to operate at a threshold of five, so when it was increased to 20 then the effect of it did not kick in until the much bigger sites – and we have far fewer bigger sites on Guernsey, so far fewer sites that the policy applies to.

The Chair: Okay, thank you.
I think Mr Langlois now has got a question.

555 **Mr Langlois:** GP15, the change of use from agricultural to domestic curtilage, has already been mentioned. It is another one of those policies which has garnered a lot of criticism from some quarters for various reasons – increasing suburbanisation etc. I am sure the additional requirements that the DPA has put on such applications for biodiversity benefits has been welcomed, but I was
560 wondering where is it explained, or can you explain how an application is assessed if somebody comes in with a proposal for biodiversity benefits, how you assess that and what sort of criteria you would use in assessing that application?

Deputy Oliver: Do you want to take that one?

565 **Mr Rowles:** So up until September last year, it was assessed purely against the policy, GP15, but applications coming in after September, as you said, have the added requirement for biodiversity enhancement schemes to be attached to them. That, we feel, has been very successful, in terms of people thinking more carefully about what they are proposing, and getting advice where
570 appropriate in relation to what they are putting forward. We do have access to States' subject matter experts in the area of ecology and biodiversity, but also, we are in the process with those experts in compiling guidance, which unfortunately for a variety of reasons has been somewhat delayed, as most things seem to be at the moment.

575 But it is very close to being finalised and adopted, hopefully by the Committee, which again it discusses. I have got a slightly earlier draft here, which does point people very much in the right direction both in terms of guidance within the document but also in terms of where to go to find other information. We feel that would be a very useful stepping-stone, given the Committee's adoption earlier of the Strategy for Nature as a supplementary guidance document.

580 It will be a very useful stepping-stone in terms of the work that is being done, which I am sure Ms Barrett can talk more eloquently about in relation to the green economy supporting plan.

Mr Langlois: Do you think the new requirement has led to any decrease in the number of applications?

585 **Deputy Oliver:** Yes.

Mr Rowles: Statistically it does appear that is the case, yes.

590 **Mr Langlois:** There has been a drop off in the sale of sit-on lawnmowers or something? *(Laughter)* How would you monitor this? I did see that you were talking about, you brought in this change after monitoring the effect of GP15, which implies there is some degree of monitoring going on but it might be just a tabletop exercise. Something like this, with a biodiversity benefit, I would imagine there has to be something a bit more than a tabletop exercise to see people do actually continue with it.

595 **Deputy Oliver:** So we know how much land was lost in 2019 and 2020 and the Committee really wanted to slow down the pace of it, to make sure that the land was changing, and actually was changing for the better. If somebody is proposing, say, I do not know, 'The land that is going to come to us is going to turn into a woodland. So we will put a covenant on that to make sure that it actually remains,' And they do not just say that – and then, a year later, it is just all taken down.

600 We are taking it seriously and we are making sure that what they said is going to go there, *will* go there, and if they do not put what they say there, it will go through the normal enforcement process.

605 **Mr Langlois:** Thanks.

The Chair: Have you noticed at pre-application level, people coming along, looking for something under GP15, who are then deterred when they realise the parameters, particularly of the biodiversity element, because maybe they had other ideas in mind?

610 **Deputy Oliver:** I do not think we could properly prove that, but we have definitely had a lot fewer applications come forward with that GP15.

615 **Mr Rowles:** It would be hard in practice to track pre-applications that give rise to applications, as opposed to pre-apps that do not. But I think anecdotally that probably is the case, although I do not have any hard evidence other than the numbers.

The Chair: So you do not cross-reference between pre-applications that materialise and those that do not?

620 **Mr Rowles:** We can do but –

The Chair: But not routinely?

625 **Mr Rowles:** Not routinely, no.

The Chair: Alright, thank you.

630 Policy S5, development of strategic importance, exceptionally allows for developments that otherwise conflict with the spatial policy or other policies of the IDP. How many times has this policy been used since the inception of the Plan?

Mr Rowles: There have been a number of cases where I would say, probably, around five. So not a vast amount. One of them was a major educational establishment in Town that wanted to change the use of some large floor-plate offices to extend their campus, effectively, and that was justified after consultation with all the relevant stakeholders.

635 **The Chair:** So, essentially, that was a change of use application.

Mr Rowles: That is right.

640 **The Chair:** But it would not have normally been approved under the change of use policy?

Mr Rowles: The issue was to do with loss of floor-plate office accommodation and the policy steps and requirements relating to that. Another example, not far from that example towards the top of the Grange, was in relation to the former education offices to a medical practice. There have
645 been a couple of perhaps more mundane ones to do with large, very substantial and strategically essential electrical infrastructure. So one at Beau Séjour and one at the PEH.

The Chair: So the first two you gave me, which were examples of change of use which would not otherwise have been permitted, did not specifically involve any significant development? They
650 were literally using existing buildings for something else?

Mr Rowles: The use, then, would give rise to operational development. So, for example, the remodelling of the offices to professional use.

655 **The Chair:** Yes, but not spade in the ground building or extensions, etc?

Mr Rowles: No, the infrastructure ones were –

Deputy Oliver: The Grange might because they are coming down, aren't they?
660

Mr Rowles: Yes, they are a stepping-stone, if you like. Once the use is established then obviously the operational development to achieve that use follows.

The Chair: Fits other, different policies?
665

Mr Rowles: Yes.

The Chair: Yes, okay.

Deputy Oliver, you suggested that policy S5 could be used to permit development of key worker housing on agricultural green fields near the hospital. Do you think that sort of development
670 represents the level of strategic importance envisaged when the policy was drafted; and if so, will it set a precedent for future uses of the policy?

Deputy Oliver: The short answer is, I have no idea. All that the Committee has said is that for
675 the officers to go away and have a look to see if S5 actually is the right thing to use and can be used. You need a lot of evidence to actually say that S5 is the right thing. All that the Committee has done is saying if S5 can be used, the Committee is happy to use it, but go away and have a look at it.

The Chair: Sorry, I was just going to say, I think that you were reported as saying that it may be possible for it to be used.
680

Deputy Oliver: It may be. I do not know.

The Chair: Yes.
685 Do you think that, however, has set some hares running?

Deputy Oliver: I do not know. I think that the officers will look at all the evidence and come to the conclusion in the normal, proper way.
690

The Chair: And, thus, they could advise Policy & Resources and HSC on this, ahead of any money being invested in plans or anything as to whether that policy would in principle be valid for such an application?

695 **Deputy Oliver:** Yes.

I would categorically say to P&R: do not go and buy any modular buildings yet because there is a long way to go.

The Chair: Okay, thank you.

700 The 2010 update to the Commerce & Employment Department Soil and Land Evaluation of Guernsey, states that all open agricultural land in Guernsey is valuable regardless of its soil classification or limitations on agricultural use. It also says, and I quote here:

The 3B moderate grading of agricultural land –

– that is the same as the ones around the hospital –

705

– may suggest to the uninitiated that the land is of little importance to agriculture or wildlife and so might be developed for other uses. But this would be a completely incorrect interpretation.

Given that we have heard this claim – admittedly not from your Committee – about poor land from proponents of development of these fields, can you assure me that the correct interpretation of the grading will be considered should an application ever come forward for this site?

710 **Deputy Oliver:** Which site is that, sorry?

The Chair: The field near the Duchess of Kent House.

715 **Deputy Oliver:** I think it will all depend on the S5 and whether it is of strategic importance, and then I am assuming you are looking, as you are doing that, at the environment as well.

The Chair: It is just that I think perhaps in order to support an argument, it has been claimed that those fields are of very little agricultural value because they are grade 3B. But actually on investigation that does not mean they are of very little agricultural value.

720

Deputy Oliver: It will all depend on the evidence that is pulled together, and then you will go from there.

Claire?

725 **Ms Barrett:** Yes, I think the main thing for the use of S5 is it overrides all the other policies in the Plan. So actually whether or not it is agricultural land, in a way, is irrelevant. It is invoked only if it is development of strategic importance, so it is of a need for the health security. I think it is health, security, wellbeing of the community or otherwise in the public interest. So the argument would have to be made first that the development that needs to go there fits within those categories.

730

The Chair: So any debate about the quality of the fields becomes irrelevant in any case?

Deputy Oliver: If that policy gateway is invoked, it overrides the other policies in the Plan.

735 **The Chair:** Deputy Taylor, I think you were looking to say something?

Deputy Taylor: It is slightly off topic, but it does come back to the earlier question on the Auberge and how sometimes comments that are made in the lead-up to a decision being made or

an application being lodged can then sometimes muddy the water. So comments about the Auberge – and I hope I am not speaking out of turn here – about not having a good enough view any more, the argument here being that the field is not good enough agricultural quality. People make those comments, but they would not technically fall as relevant; they are aggravating but they do not really fall as a final consideration, if it was to go under S5, or in the case of the Auberge ...

The Chair: Okay.
Deputy Fairclough.

Deputy Fairclough: I think that is a very fair point and what we are looking to do here is obviously focus on the process.

My understanding is that data is still being gathered to ascertain whether there is sufficient agricultural land in the agricultural priority areas to meet the present and future needs of the commercial agricultural industry. I think that is something that was highlighted in the Annual Monitoring Report.

Deputy Oliver: Yes, so we currently have 8,378 *vergées* on average, and we know that the agricultural industry needs 8,000. I think that is lacking, because they have to rotate, and so I think there was a bit of uncertainty of how much land they actually needed, once taken into account with the rotation, which is what you picked up on in the AMR. But in 2019, we know that 13 *vergées* were lost and in 2020 we know that, on average, 10,000 *vergées* were lost.

Deputy Fairclough: Okay, but that work to establish the amount that might be needed, not just today but in the future, that work is still ongoing, is it?

Ms Barrett: That work will form part of the evidence base for any review of the policies. So we are advised by other committees who have that under their mandate. Our last advice when we drew up the APA, was that that was sufficient and with a buffer for the agricultural industry. But obviously things change over time so when we looked to review the IDP and the policies that relate to agriculture we will seek from, I think it is probably Environment & Infrastructure, under their mandate, whether or not that is still the correct one among land for agriculture or industry.

Deputy Fairclough: Okay, thank you.

The Chair: Deputy Oliver, can you just repeat those figures that you said were lost?

Deputy Oliver: From the AMR 2020, I believe that it was 13 *vergées* and 10 *vergées*.

The Chair: Ah, that is right. I think you said 10,000 and I was worried –

Deputy Oliver: Did I say 10,000? Sorry!

The Chair: – when we only had 8,000. *(Laughter)*

Deputy Oliver: Sorry, I definitely meant 13!

The Chair: Okay, thank you.
Deputy Fairclough.

Deputy Fairclough: Yes.

So it is being claimed that the principal issue now holding back larger developments is the politically induced uncertainty over the –

The Chair: Sorry, I think we have already covered that one.

Deputy Fairclough: Have we?

795 **The Chair:** I think on question 10.

Deputy Fairclough: Sorry, apologies for that.

800 So we are moving on to housing, now, obviously a hot topic. We often hear it said that there is a shortage of available land for housing, however the allocation made by the IDP through windfall sites and housing areas provided for a significant number of sites, which makes one question whether a lack of designated sites is the issue, what is the Authority's view on this?

805 **Deputy Oliver:** I think it is split into two if I am honest. I think you have got the affordable side of it, where we have quite a number of allocated sites, and then you have got the private sector, which have probably less than the affordable. There are much smaller pockets rather than the larger, vinery sites. But I think with the purchase of Kenilworth that is actually probably increased, well it has increased their allotted amount for affordable, and I think sometimes private deals with a lot smaller sections.

810 Thinking of one in St Peter Port, La Vrangue, that cannot come forward at the moment because there is no development framework, because we are waiting on a traffic impact assessment report. But they are starting to come through slowly. One thing, I think if you had all these sites available straight away, you do not want to flood the market.

815 **The Chair:** I was thinking on this question, rather more of private sites, particularly the call for sites that was put out in – I do not know – 2014-15, identified and subsequently approved a lot of small sites within the centres and main centre outer areas. Those are obviously largely in private hands, the small ones you are referring to, and obviously just one or two of them does not go anywhere near increasing our housing stock, but clearly there are a lot of them. These people obviously had a windfall from the change of zoning on this. What percentage of these have actually come forward since 2016?

825 **Deputy Oliver:** We have had quite a number of applications that have come forward. I am trying to just find the figures – what page is it on? – here it is. So, the completed sites are actually a lot less than the planning applications that have been granted. So completed sites in St Peter Port inner area have only been 10; St Peter Port outer area, 24; St Sampson's, 14; St Sampson's outer area, eight; local centres, 11; and outside the centres, 72.

830 So we have had ones come forward, but the ones that have not come forward are – which ones have not come forward? Ah, that is what I needed. So full permission, work not commenced, is 213; and under construction, that is 301. So 514 in total; but 213 have not even started.

835 **Mr Rowles:** Some of those sites that are under construction have started, technically have commenced, but then work stopped. That really is a function, I would say, of the economic conditions, that actually there is more interest now and some revised applications are coming forward, some have been approved and some are still in the pipeline for consideration. So there is a renewed interest from some sites which have lain dormant for a little while.

840 **The Chair:** But, given there were about 1,500 sites which were identified for the first five years of the IDP, if I remember correctly – at the end of the day, sites in private ownership, you cannot force people to develop them. Even if they have had the permission they could still be sitting in someone's back garden, which could possibly have a house on it?

Deputy Oliver: Yes.

Claire, do you have any input on this one?

845 **Ms Barrett:** I think that is absolutely right. In the pipeline supply, which is what the Strategic Land Use Plan requires, the two-year pipeline supply of permissions is running at 531 permissions. But the rate of construction, of building those out is much less, I think that is due to a number of reasons, as was set out, which probably may be outside of land planning control.

850 **Deputy Fairclough:** So – sorry, Deputy Burford – is there something the States can do to accelerate any of those schemes?

Deputy Oliver: When we had the developers' forum, a lot of the problem was actually trying to get staff and one of the things that we have tried to come up with the developers, actually, is temporary housing on that site – so they can bring in the workforce and put temporary housing up, so they then can actually build the houses.

855 It happened on the Lagan site at the Airport, and I think that is going to start happening a lot more; and the cost of materials, as well, that has a massive effect on the building industry and trying to get the materials as well.

860 **Deputy Fairclough:** Okay.

It is back to Deputy Burford's question to some extent, but at the time the IDP came into force, the annual Strategic Housing Indicator was 300 additional new dwellings per year, giving that 1,500 figure. In July 2018, the States resolved to agree that the States' Strategic Housing Indicator – and I know that this is subject to a review – at 635 new units between 2017 and 2021, I think, with a variance of something like 150 units. Was that a mistake, do you think?

Deputy Oliver: I think the KPMG Report, unfortunately, when it came out, because it was written in 2017 and then by the time it actually got tinkered with it did not come out until 2018. So it was already outdated when we started to use it. When the Strategic Housing Indicator comes out, whatever people think about it, at least it will have up to date – and it will be a year of arrears, rather than a number of years now five years out of date.

Deputy Fairclough: Because we are constantly playing catch-up in a way, aren't we?

875 **Deputy Oliver:** Yes.

Deputy Fairclough: So when is that due to come back before the States, the new indicator?

880 **Deputy Oliver:** That is not us, it is E&I that are doing that. So it will be up to their timeline, not ours.

Deputy Fairclough: Okay, thank you.

885 **Ms Barrett:** I believe it is this year, Q3 probably.

Deputy Fairclough: Thank you.

Mr Rowles: Just to add that – Claire will correct me if I am wrong – I understand that that is a monitorable and adaptable model that has been evolved. So it is not a once and for all, take it or leave it figure, it is a model which can be adapted and adjusted going forward.

Deputy Fairclough: Yes, developed locally, and I think can be adapted more quickly.

895 **Mr Rowles:** Exactly.

Deputy Fairclough: Yes.

900 **Deputy Oliver:** Yes, because we have not had the population review yet and obviously that could change what the input needs to be coming out of how many houses we actually need or do not need.

Deputy Fairclough: Okay, thank you.

905 In a statement, you mentioned that the DPA was looking into the possibility of legislation under section 46 of the 2005 Planning Law to address derelict sites, primarily with a view to improving public safety rather than to eliminating eyesores, though the two are often linked, obviously.

Has that project progressed and are there obstacles with the legal definition of such sites?

910 **Deputy Oliver:** So we have had a draft copy in. There was a number of points made and it is now with yourself, so I do not know if Jim wants to expand?

Mr Rowles: Yes.

915 The draft policy letter was prepared before Christmas, to some extent delayed through the work that is being done by the Authority on the exemptions, which took precedence at the time. But now we are through that and through some of the other priorities, which have been developed in the first part of this year. That will be finalised, back before the Committee and then lodged as a policy letter for the States. It does involve legislation, obviously, so then it has to go into that prioritisation process. But no, I do not think there are any significant impediments, subject to completion of that work.

920

Deputy Fairclough: Okay, and what impact do you think the development framework for the Town regeneration areas will have with respect to housing?

925 **Deputy Oliver:** I think we have seen quite a positive thing on the regeneration areas, because we have had a lot of companies first of all inquiring more about, especially, Mill Street. We have actually had some really good uses come about, and I think if you ask them, it definitely was because of the development framework.

930 In terms of housing, I do not think it was just the development framework for the regeneration areas that have increased housing within Town, but it was more that the office audit actually showed us which properties and which tertiary offices we could now say, 'We no longer need that. That can be turned into residential.' And we have seen some quite real positives, especially on – I forget the road, where Gabriel's used to be –

935 **The Chair:** Fountain Street?

Mr Rowles: The Bordage.

940 **Deputy Oliver:** Yes, the Bordage. We have seen some really positive developments above the shops along the Bordage, which has been helped by the office audit.

945 **Deputy Fairclough:** Do you think the acquisition of other sites elsewhere on the Island, though, has in a way taken away the focus from potentially regenerating bits of Town and trying to expedite housing in areas such as the ones that you have mentioned? Because it appeared at the start of this political term there was quite a lot of focus on Town. That seems to have shifted somewhat.

Deputy Oliver: Yes and no.

I think the big problem with developing above a shop is that you have access, and you have fire requirements. It is not easy and if you speak to many developers they will always say whenever developing retrospectively above a shop, it is lucky to break even. Normally it costs them and it is an investment looking for the long term.

So I think you still have those developers that want to do the above-shops, but it is simple things like actually working out how you are going to get all your materials up to the shop, because you do not want people coming carrying plaster boards – during the day when you are shopping – to try to get up to shops. It has got to be carefully thought about and that is why I think there is probably a lag in the actual development above shops because it just needs a bit more careful consideration.

The Chair: Thank you.

I think this is a good point to just take a short comfort break. So, if we could come back just before 10 past 11? Thank you.

*The Committee adjourned at 11 a.m.
and resumed at 11.07 a.m.*

The Chair: Welcome back everybody.

So we will start the second half with a question from Mr Langlois.

Mr Langlois: Yes, cumulative traffic impacts in areas where there have been multiple developments is another hot topic. I think at the last Scrutiny Management Committee meeting the President of E&I said she thought there was a gap in the planning process to deal with that and that E&I was in proactive talks with the DPA and developers just to address that. I think we are seeing some signs of that, probably, at Pointues Rocques, where various proposals have been put forward.

I was wondering whether you would agree that it is a problem, and are you actually working with them generally or just on specific areas?

Deputy Oliver: I have always been told by Environment & Infrastructure to get involved earlier and then the results probably will be better. So we have taken that approach and we will always look at the accumulative effect. There is no point just looking at Pointues Rocques, you have got to look at the other ones in the vicinity that will have an effect on it, to make sure that you are actually getting a true and accurate figure of what the impact is.

Mr Langlois: Yes.

One of the most common complaints is that about the infrastructure. It is called infrastructure, but I think what everybody is talking about is going to be roads, isn't it? And occasionally thrown in a primary school. They are almost ... very difficult problems to address, aren't they? Because we have got a limited ability to widen our roads etc. Is that something that the DPA is looking at in terms of the IDP: how can one ameliorate traffic, the cumulative traffic impact?

Deputy Oliver: I think it was one of the few things that we found quite frustrating with Pointues Rocques, some of the suggestions we could not actually implement because we had no power to do so. That is why I wanted it deferred, to actually go and speak to E&I, but other Members thought it was still a step too far, so they rejected it to make sure that the traffic cones were properly sorted out.

So that is something that we will be looking closely at on all the developments because I think, particularly in the north, traffic is one of the major things that people get quite upset about. And quite rightly, because it is putting extra time on your journey, and it is making roads unsafe – that

is not something that I want to be passing developments for. We need to make sure that whatever goes there actually enhances the area rather than making it worse.

Mr Langlois: You are working with E&I?

Deputy Oliver: We are working with the E&I.

Mr Langlois: I do not know how formally that arrangement is, but it does seem as if it is an area where it would be fruitful for –

Deputy Oliver: I do not think there is any formal agreement, but I think there is definitely, this term, a much closer working partnership.

Mr Langlois: Discussing the problem in general, yes.

Deputy Fairclough: And do you see that engagement, Deputy Oliver, as being at a political level or an officer level?

Deputy Oliver: I think I would say both.
When I say political, probably more with your President rather than the entire Committee.

Deputy Fairclough: Okay, thank you.

We would like to come on to the harbour LPBs if we may. Again, another pretty hot topic, given the recent States' debate.

Do you agree with the President of E&I that a decision on the future of the harbours, specifically whether commercial shipping will remain in St Sampson's Harbour, is fundamental to the whole Bridge area, and that that decision needs to be taken as quickly as possible?

Deputy Oliver: Yes, because I put in the amendment to make sure that happened. The Committee was unanimous to say that the amendment went through. It was an amendment by myself and Deputy Taylor to make sure that the LPB was not started without that decision, because I think it would have watered down the local planning briefs, because you would have to be planning for a number of different locations for the harbour, including to remain where is. I do not think it would have given the level of depth that an LPB actually should have had.

Deputy Fairclough: The States resolved that a policy letter needs to be presented to the States to obtain a decision on the harbours (**Deputy Oliver:** Yes.) and subsequent to that your Committee will prepare a local planning brief that will, amongst other things, guide the new Development Agency. Would you agree that these two actions are likely to take around two years, meaning there will be very little for the new agency to do in the meantime?

Deputy Oliver: They have got to decide on where they want the harbour, so that would be a big thing. But we have said that after the decision where the harbours are, we will get the LPB out within 18 months, hopefully. If we can streamline it, we will.

Deputy Fairclough: So has work actually started on the LPBs then?

Deputy Oliver: I believe some work actually has. Claire, do you want to say what has?

Ms Barrett: Yes. There is some groundwork started. Obviously, we would need some expert opinion. It is very specialised work, bringing forward a brief for waterside areas, harbour areas. So we have started on some of the basic work. There is actually quite a lot of evidence work that has

been put together – data and information already, on the back of other States’ projects – which have been expanded, because it is better value for money just to expand it a bit and get the information in the pot ready for the local planning brief.

1050 So when they did, for example, the environmental impact assessment, east of the QEII, they expanded the scope of that slightly so that it gathered information on the seabed that we can use, and the Committee can use in the local planning brief.

1055 So there is already evidence work being gathered at the moment. I also envisage, the Development Agency is obviously tasked, through the States’ decision, to develop the strategic direction for States’ approval, and I would have envisaged that there is quite a lot more interaction with the committee on that because that obviously links very closely with the local planning briefs.

The Chair: Is that, you mean, the harbour, so the Development Agency will be looking, as Deputy Oliver said, to decide on how they want the harbour, which will then feed through Policy & Resources into a policy letter?

1060 **Ms Barrett:** Yes.

1065 Because the Development Agency are tasked with the strategic direction, which includes infrastructure on the east coast. So that will be the over-arching direction that will then inform or lead into the local planning briefs. But I think the aim is to not do them strictly sequentially because of the time it will take to do that. So there are obviously overlaps with that and a lot of consultation needed between the two.

The Chair: And of course the agency has to be established first.

1070 **Ms Barrett:** Exactly, yes.

The Chair: So, two years is quite a plausible –

1075 **Ms Barrett:** Until the States see the local planning briefs for approval, I would say it is a reasonable timeframe.

Deputy Fairclough: Do you have the resources, the necessary resources to do all of that work?

1080 **Ms Barrett:** Speaking for the committee, I do not think ...

1085 **Deputy Oliver:** So we have £300,000 set aside for the St Peter Port and, within the Government Work Plan there is also money set ... well we actually have the £300,000, I believe, actually allocated. And within the Government Work Plan there is a further sum set aside for St Sampson’s. So theoretically we do have the money unless the Government Work Plan changes its mind.

The Chair: So that £300,000 is the cost of the St Peter Port local planning brief?

1090 **Deputy Oliver:** Yes.
I think some money has actually been spent out of that.

Mr Rowles: A little bit in relation to the environmental impact assessment work.

Deputy Oliver: Twenty-three?

1095 **Mr Rowles:** Not very much though.

The Chair: Okay, moving onto environmental matters because planning policy and determination, obviously, contributes to the social and economic fabric of the Island but its impact on the natural environment is very significant, so I would like to explore that aspect. Is it the intention to include the findings of the 2018-19 phase one habitat survey and the Strategy for Nature in the next review of the IDP?

Deputy Oliver: The Strategy for Nature is already within the IDP as supplementary guidance.

The Chair: As in formal supplementary guidance?

Deputy Oliver: Yes.

The Chair: Okay, so that will be formalised at the next review, will it?

Ms Barrett: That will form part of the evidence base that will form the policy approach, yes.

The Chair: And I think elsewhere across the States, enforcement departments like HSE state that where there is no relevant local legislation, then the relevant UK regulation should be followed. Given that Guernsey does not yet have any specific wildlife protection law, how does the Planning Department ensure that no internationally or nationally protected species are being affected by a proposed development?

Mr Rowles: I think I can deal with that if I may.

Deputy Oliver: Yes, do.

Mr Rowles: So we consult, particularly with the *Société*. In fact there is a standing arrangement with the *Société* to feed comments in on planning applications. They are very assiduous in looking at planning applications and providing comments. We also consult with ACLMS, part of Environment & Infrastructure's service, in relation to planning applications, and we make comments and advisory statements to applicants as a result of that. In some cases it will go further in terms of conditions, but it is dealt with on a proportionate basis in relation to the particular proposal.

The Chair: And it can be imposed by condition?

Mr Rowles: It can be, yes, depending on what is required.

The Chair: Thank you.

Can you explain to the Panel, please, the screening process that Planning applies to test whether proposed works in a planning application or pre-application trigger the definition of an environmental impact assessment development, which is one which has potential for significant environmental effects and/or the works may materially affect a triple S under the Land Planning Law and the EIA Ordinance?

Mr Rowles: Yes.

In terms of process then it is the Environmental Impact Assessment Ordinance, which is referred to, and that gives guidance on matters to be taken into account within the annexes to that Ordinance and there are templates and *pro forma* to ensure that we cover all the bases in relation to that and we will consult with relevant stakeholders during the course of that process and take those comments on board and at the end of that, so we are talking about the screening process here, we would and the Authority would issue a screening opinion as to whether or not EIA is required.

1150 If EIA is required then it would go on to issue a scoping opinion, which again may involve a consultation with others and again, on the basis of the provisions of the Ordinance.

The Chair: Okay.

1155 I think that partially answers my next question, which is, is there a standard replicable policy in place to enable non-environmentally qualified planning officers to carry out such screening, using relevant environmental legal input or is it done on a case-by-case basis?

1160 **Mr Rowles:** It is not on a case-by-case basis but on a consistent case-by-case basis, if you see what I mean. And we have recently sought legal advice in relation to one particular case. Sorry. I will make it clearer. There is both subject matter expertise advice in relation to the matters to be considered or in contention and there is potential to seek legal advice as well from St James' Chambers in relation to the interpretation of that.

And there is one case recently where both of those have been invoked and the screening opinion, which has been issued, has benefited from both of those processes.

1165 **The Chair:** In order for Planning to discharge its duties under various environmental planning provisions, including the EIA Ordinance and the IDP itself and the Strategy for Nature in formal supplementary planning guidance, would you agree that it is vital to have full access to appropriate subject matter expertise in EIAs and ecology to accurately predict the potential effects on the natural environment?

1170 **Deputy Oliver:** Yes.

The Chair: And do you have any resource within the Authority that is qualified in that regard?

1175 **Mr Rowles:** No, we would rely on other States' services and committee areas.

The Chair: But there is that resources within the States?

1180 **Mr Rowles:** In the States, there is.

The Chair: That is presumably ACLMS that you are referring to?

Mr Rowles: That is correct.

1185 **Deputy Fairclough:** Could I just come in?

The Chair: Yes, certainly.

1190 **Deputy Fairclough:** And just say, it is again identified in the Annual Monitoring Report and I know to some extent that has already been superseded in some ways but it highlights the fact that work is needed to survey existing areas of biodiversity and importance locally and I know that that is a workstream I think that Environment & Infrastructure and ACLMS are ultimately responsible for –

1195 **Mr Rowles:** That has been actually done.

Deputy Fairclough: Has that been completed?

1200 **Mr Rowles:** The committee used Environment Guernsey, actually, to do that work, so commissioned that from that level of expertise so that report has been completed. It has been

through the committee, agreed by the committee, shared with Environment & Infrastructure and published.

Deputy Fairclough: Okay.

1205 So are you satisfied, then, as an Authority, that there is the expertise on-Island to undertake EIAs in any –?

1210 **Mr Rowles:** That is separate from EIA. That is the review of areas of biodiversity importance, which was a matter which was highlighted at the planning inquiry into the IDP in 2015. So it is that piece of work that has been undertaken but, yes, in terms of environmental impact assessment, there is that level of expertise currently on-Island.

Deputy Fairclough: Yes.

1215 **Deputy Oliver:** I think, although we do not have the necessary resources within house, we always know where to go to get those resources and we make sure that everything is properly conducted, even though we are using outside resources.

1220 **The Chair:** Deputy Taylor, are you looking to coming in there?

Deputy Taylor: No, nothing to add on there I think at this point.

1225 **The Chair:** To what extent is ecological or environmental subject matter expertise involved after the initial screening?

Deputy Oliver: I think there will be –

Mr Rowles: On the application it would be.

1230 **The Chair:** Sorry?

Mr Rowles: On an application.

1235 **Deputy Oliver:** At the very start.

1240 **Mr Rowles:** In terms of environmental impact assessment, the screening or scoping stages are either done when an application has been lodged and there is a period of time before an application is publicised to enable that process to be undertaken. Or it can be done on a less formal basis but prior to an application being lodged, which in many ways is more satisfactory because it enables those things to be done in a more front-loaded way.

So depending on when it is it will either be part and parcel of an application, which has been submitted, or it will lead to an application being submitted with that information if it is judged that an EIA is required. So consultations may be undertaken at the application stage as well as at the screening and scoping stages. But the questions are somewhat different.

1245 Obviously, the questions are being directed at screening stage as to whether EIA is required or not. At scoping stage, what is the scope of the EIA; and at application stage, has the EIA performed its function in a robust way and any other comments in relation to the impact of the development within the application.

1250 **The Chair:** We may be seeing some significant infrastructure projects in the near future. Do we have sufficient expertise, either within the States or on-Island for the environmental aspect of those projects or will there be a point where that level of expertise needs to be sought elsewhere?

Mr Rowles: It may be; if it is specialised.

1255

The Chair: So we do not have specialised, we just have a general resource, you would say, on-Island or within the States?

1260

Ms Barrett: To clarify that an environmental impact assessment is not just about ecology. It depends on what the environmental impact is. But if it is particularly ecological and it is in a marine environment, for example, it might need different expertise than if it was land-based.

The Chair: And we may not have that on-Island?

1265

Ms Barrett: We may not. As I say, it depends on the development that is coming forward.

The Chair: The scope of it.

1270

Ms Barrett: What the scope of the environmental impact is.

The Chair: Yes.

No, I appreciate that, but I am particularly interested from the sort of environmental impact side, the ecological side.

1275

Deputy Oliver: If we do not have the expertise on-Island, we will not be afraid to go off-Island to get them.

The Chair: Okay, thank you.

Sorry, Deputy Fairclough. I think over to you.

1280

Deputy Fairclough: Yes, I would just like to ask, as a general question whether Planning carries out lessons learned from past applications, which receive negative external or internal feedback over process, for instance, or pose the risk potentially of a judicial review.

1285

Deputy Oliver: I think we are always looking to see lessons learned. I can think of one particularly, I think I have mentioned it before, La Pointe. We did not really have our tree protection orders really where it should be at all. So we went away, and we did a whole new supplementary guidance for TPOs and I am sure there are other things. I know there was one a few weeks ago, as well.

1290

Mr Rowles: In fact, if I may say so, the majority of the committee, one Member was absent for but did visit the site independently, actually visited the site yesterday, which is one which was highly contentious at the time. It actually predated this committee but Members were present at the time that it went through open planning meeting and is now virtually complete, so the committee had a visit around, was able to assess the quality of that development *in situ*.

1295

Deputy Fairclough: Okay, thank you.

That is all I have on that section at the moment.

1300

The Chair: You are only on question, following up on the supplementaries?

Deputy Fairclough: I was on the question just before question 18.

The Chair: Yes.

1305 So the ones before question 18, you have finished, have you?

Deputy Fairclough: Yes.

The Chair: Okay. Excuse me.

1310 Do you think there are lessons to be learned from the Grand Mare planning process in terms of where environmental matters and in particular the site of special significance was involved and, if so, have these lessons led to any internal changes in policy and procedures for future environmentally sensitive applications?

1315 **Deputy Oliver:** I think, and I do not want to speak out of turn here, but I think one of the lessons that we did learn was that we were trying to, I would say the officers – and please stop me if I am saying anything wrong – were trying to help the applicant. So it was coming in a bit of dribs and drabs, like, 'You have not done this,' the next thing came in, 'Oh right, what about this?'

1320 Where actually we should have just said, 'You have not done the correct thing right at the beginning because there were problems with the validation right at the beginning, because they did not have anything. Then there were problems further down the line. Then, I think, we were trying to be helpful to say that we would scope out an EIA, to see how far it needed to stretch and what action needed to be included and then it gave the applicant, maybe, false hope that actually an EIA would not need to be done.

1325 But in reality, it was just scoping out what part really needed the EIA and how much depth it needed to go into. So that kind of got feathers ruffled, I think, when we said, 'Right that is the EIA.' And then they were saying, 'I did not think an EIA was needed.' So maybe be a little less helpful and make sure we all have that straight out from the beginning. I think that was one of the biggest lessons learned.

1330

The Chair: Thank you.

1335 That is helpful. With developments like that, which clearly are in the interest of the Island from the point of view that people can see, it is a revival of tourism and that, so it is the sort of thing that, at a level of principle, the Island would clearly wish to encourage, do you feel that therefore there can be a pressure – unreasonably, perhaps – put on the Authority where you do not want perhaps, and it does not have to necessarily relate to the Grande Mare but that is an example of it, where you do not want the developer to say, 'Forget it, this is all just too difficult.' Is there a conflict there, do you think?

1340 **Deputy Oliver:** I think with every application, especially the ones that actually come to open planning, there is not a conflict, but you definitely feel the pressure and you have just got to, in most cases, well in all cases, just actually block that out, look at the policies and say, 'This is what needs to be done.'

1345 And you look at the material planning considerations. Sometimes it is really upsetting, you hear people and I know people have been crying in front of me, saying, 'Please do not put that in.' And it becomes a little, a little bit of NIMBYism comes into it. But you have just got to take that aside and say, 'You have said those material planning considerations, I will take that on board and look at that.'

1350 If you became invested in every site, then politicians should definitely not become involved if they are looking at that. You do have to take a step back.

The Chair: Okay.
Andy?

Deputy Taylor: Sorry, I was going to add that is a good example of one where there was pressure, from the public. My view of it was there were definitely two camps. There was a camp that says, 'This is a massive application that is going to be great for the Island – pull out all the stops and do everything you can.' Almost on the other side we have got, 'It should not matter how big it is, we are all equal. It does not matter how much money you have got, you should all be treated equally in the planning system.'

So there is definitely a pressure there and it did get fuelled in the media and I have to say it did actually result in changes to the scheme delegation, that actually brought about, not technically a change, but clarifying that under the scheme delegation, within Planning Law, section 71, the Authority can change the scheme of delegation.

So, prior to that, we were of the understanding, or I was of the understanding, that if a Member had requested it as an open planning meeting that was it and we worked on that basis. But the changes made then to say that you can then have a vote as a committee and the committee could override the decision of the individual. That was brought about because of a timing issue. The applicant had indicated that if this was not done relatively quickly or it was not done in a sensible timeframe they would be pulling out. They would not carry on.

So actually as a committee we did give an undertaking, 'If you provide this information we will get on with the job and we will provide you with a decision within a certain timeframe.' So then the decision not to go to an open planning meeting on that particular case was based on timeframes to hold the open planning meeting and certain key points involved with that would have delayed that decision making. So it was done based on very limited representations and all the information being provided was totally acceptable and completely above board and worthy of the decision. It was made under delegated authority.

The Chair: Okay, thank you for that.

Mr Langlois, I think you have got a question about biodiversity net gain.

Mr Langlois: Yes, that is right.

As we know the Strategy for Nature, with its concept of natural capital, is now a supplementary planning guidance. I am just wondering whether applicants use it in the same way they might use other supplementary planning guidance, voluntarily putting biodiversity net gain into their proposals? Have you seen any evidence that that is happening?

Deputy Oliver: Yes, we have, and I think that, actually developers, I do not know how to say this, I think developers actually like it, sort of like they go through the planning process going, 'That bit is done, that bit is done, that bit is done.' And I think it has just become now a natural thing that they go, 'That bit is done. The capital net gain.' It sort of, not helps them, because they do not want to affect the profit of the thing but they also want to just make sure it is a smooth ride in going through planning.

Mr Langlois: How would the DPA assess whether they are just doing the absolute bare minimum or whether they are actually putting something into it?

Deputy Oliver: You can tell in an application if someone has done the bare minimum and someone has actually really thought about it. Jim, do you want to?

Mr Rowles: My comment is it does feed into later work that is not yet here. So what we are dealing with in terms of planning applications is I think what you have suggested, is absolutely right and we have seen evidence of people doing the right thing within their applications, but they have done that on a voluntary basis because they want to do it, rather than they are forced to do it.

Mr Langlois: Yes.

Mr Rowles: There is an element of compulsion in relation to extension of curtilage applications, which we have talked about before, but I think what Claire can hopefully talk about is the next stage of the policy, which will cement that more into the planning process.

1410 **Ms Barrett:** You are absolutely right, Jim.

I think where it is showing in planning applications at the moment is not because it is compelled to through the policies, it is because of voluntary because developers want to increase the green credentials of their developments, for one reason or another. That whole area of natural capital and natural capital accounting, which you then need as a precursor to biodiversity net gain comes under
1415 the blue economy and green economy supporting plans, which is Government Work Plan but largely within the remit of E&I and that is being worked on over the next few years.

Part of that is really understanding what you have got at the moment so that you can then put a value on that and understanding that value. Once you understand the value of the piece of land, for example, that is being developed, you can then apply biodiversity net gain, which would be
1420 applied through the planning process and through the policies, then, to actually deliver that, but it needs that piece of work doing first.

Mr Langlois: It is quite interesting because it is quite powerful if people believe that doing something will make their produce more commercially successful. If biodiversity gain can be
1425 included in that, that can only be a healthy thing. I was wondering, is there enough expertise? When they come to see you, say, with the best will in the world, because they do not actually know, do you have to point them in the right direction? Because it is subtly different, the Strategy for Nature, from other supplementary guidance. Do they ever come to you at the DPA and say, 'Where do we go on this?'

1430 **Mr Rowles:** They do and the purpose of having the guidance, in relation particularly to the GP15 case, is to help people do that. But what we are talking about there is mainly householders. In terms of the examples that I was thinking about, it was sort of large-scale commercial developments. For example, some that were in pre-application discussions coming out of the development framework
1435 for the Town regeneration areas, where people have ecology, sustainability, front and centre of the product that they are trying to put forward.

Those people have gone to acknowledged experts in their field so that they have actually made those connections and they have got that expertise on board, which going back to things like the Grand Mare and this is a discussion that the committee had in a sort of wash-up session around
1440 those major applications, that it is so beneficial, in terms of the application process, where people have joined the dots before they even come through the door, and they have gone to the right people, they have got that expertise.

There is a certain financial investment required to that but when the actual product that they are seeking approval for – we are talking millions of pounds – it is a relatively small proportion of that
1445 and those are the examples that we are starting to see where people have gone to the right people, they have gone to the acknowledged experts which are sometimes off-Island, sometimes on-Island, but they have done that work prior to actually engaging with the planning process, which is great.

1450 **Mr Langlois:** Yes, that is very encouraging.

Deputy Oliver: I think also the British-Irish Council as well is looking at the spatial planning but also building back better and making sure that whatever is built is better than what was there before.

1455 **Mr Langlois:** I think anybody listening to this would be very encouraged but I think there is always an element of cynicism about how we are going to monitor this. Is it happening? There are fine words but there is always the question of monitoring, isn't there, which is more of a general point?

Mr Rowles: I will pick that one up if you do not mind.

1460 That is absolutely correct. Part of the job of the DPA and the Planning Service is to seek to maintain that the quality, which is set out initially within an application or within a proposal, is carried through the development. Some of the examples in my career, where one has felt that has not been achieved are probably the real failures.

Mr Langlois: The JCB accidentally hits the oak tree?

1465

Mr Rowles: I am thinking of applications that promoted a certain, really high level of detailing at the outset, whether that is in terms of design detailing or in terms of things like biodiversity ecology, sustainability measures. As I say, part of the real challenge is to make sure that those commitments are made throughout.

1470

The team may change, the developer may change, the parameters may change, the economic situation may change. There may be a host of changes through that process, but it is trying to be true to that initial concept, and that is very hard. But working as a team with architects and surveyors and other technical disciplines within the planning process hopefully we will achieve that.

1475

Deputy Oliver: But we do have certain comebacks because within the planning application, if it is approved, you will have various conditions and, within the conditions itself, it might say that you need a two-metre-high tree, or various trees that need to go in, and if this dies within a certain amount of years you have to replant it, up to five years.

1480

So we do try to protect ourselves but obviously, as Jim said, in practice, sometimes it is a little bit more tricky.

Mr Langlois: Yes. Nobody is perfect.

1485

I just thought you might want to move things on, but the supplementary planning guidance again, I think there are about half a dozen supplementary planning guidances, aren't there? But what if there is not one? There are not any for sites of special significance, or areas of biodiversity importance, and it is the latter one, I think, which I have seen the most controversy about because people can build on areas of biodiversity importance as long as they ... and that does create, quite recently, a lot of controversy.

1490

But there is no supplementary planning guidance on that and I am just wondering is that because it is in the 'too difficult' pile or – ?

Deputy Oliver: I think it is all within the IDP itself, isn't it?

1495

Mr Rowles: On ABIs it is a reliance on the policy. I am sure Claire will want to say something about this. In terms of the triple Ss the policy does envisage management plans, which is something we have been in fairly long-term discussions with various bodies on the Island in terms of trying to elicit expertise to actually do that, which does appear to be bearing some fruit now, but it is quite late and regrettably so. It would have been far better to have those plans in place a lot earlier, which is unfortunate.

1500

But in terms of the ABIs it is very much in terms of interpreting the policy, which is in the Plan, on a case-by-case basis because circumstances may justify, which they have in one particular case. There may be a couple of cases, but a very small number, that we are talking about here, some of which have been sort of elevated to representations to perhaps have more significance than maybe they ought.

1505

I do not know, Claire, if you wanted to say anything else about that.

Ms Barrett: I think the intention of the ABIs was not to prevent development, it was just to put a focus on ecology, biodiversity, in that development. Whether or not that has been achieved sufficiently, something that we will have under review with the IDP policies, to see whether or not

1510 that approach, that hierarchical core approach, triple Ss and ABIs is still appropriate. Whether we need another level that actually highlights the biodiversity more at local level, that is all something that will be in the mix to look at in the review.

Mr Langlois: Because the criticism has been, hasn't it, what is the point of an ABI if somebody can just get a development? As you say, maybe there is another category, would –

Deputy Oliver: If you look at the bars to actually get through and sort of like out of conservation area is fairly easy. Then you have got the conservation area, you have got the ABIs and you have got the SSSs and each time more detail is required. So the bar to jump over is higher.

1520 **Mr Langlois:** Okay, thanks.

The Chair: Okay, we are at question 20, possibly.

1525 **Mr Langlois:** Yes, slight change of tack from planning.

Much less is said about the DPA's responsibility for Building Regulations and especially now that energy conservation plays a major role in decarbonisation. The DPA has got no policy responsibility, does it, for energy conservation, so would you agree that you have no real incentive to adopt the UK's revised thermal regulations, which come into force in June?

1530 In other words, I think it was very healthy to split the DPA and Environment, but if Environment has got an energy policy with a view to decarbonisation and the DPA controls, basically, Building Regs, and the thermal insulation section (**Deputy Oliver:** U-values) falls behind, which it might do, because you have got no responsibility for energy conservation unless the States make a decision about if ...

1535 **Deputy Oliver:** So we have improved our Building Regulations in my time since we have been in the States and then the U-values have not actually come out of England yet but once they have, I think they are coming out soon, once they have, Andy Mauger will normally bring a paper to the DPA saying, 'These are the U-values, would you like to participate in it?' So far, we have always said yes.

Mr Rowles: And we are under a compulsion to work. Not that we need compulsion, but we are under that framework to work closely with E&I in relation to the implementation of the Energy Policy as well. (**Mr Langlois:** Yes.) So we are the sort of 'doing' aspect of it in relation to the policy.

1545 **Ms Barrett:** That is absolutely right. I think the Building Regulations are a delivery mechanism for the policies that the States want to apply so there is a workstream at the moment, under the Energy Policy, which is looking at the options for improving the energy efficiency of buildings. So that workstream will also look at the Building Regulations as a mechanism to achieve that and may resolve, through a policy letter, that those Building Regulations need to change.

The Chair: And that would be a separate policy letter from E&I, though?

1555 **Ms Barrett:** That is right, yes.

The Chair: Okay.

Right, thank you. Because we are just finishing up on that. We are still several steps behind the UK, aren't we, on, is it, part L on the energy?

1560 **Mr Rowles:** L2.

The Chair: Okay.

Deputy Taylor: Could I just add on?

The Chair: Certainly.

Deputy Taylor: We are behind. Obviously Building Regs in the UK span the whole of the United Kingdom, which has quite a varying climate, so actually being much further south the effect that climate has on our buildings is lower, I would say, coming with a technical background in construction. In the UK you have to design a building in Cornwall that might have however many hours of sunshine and certain temperatures, and it is the bare minimum standard of building up in the north of Scotland where they have slightly different regs now.

So I would love to see the Building Regulations changed but it is –

The Chair: Yes, but surely the issue is the U-value as Deputy Oliver said, and clearly the further north you are the more insulation you need to retain the heat. They do not specify an amount of insulation as such, they specify an achieved outcome.

Deputy Taylor: Yes.

The Chair: Okay, so the next question is on public perception.

Sometimes it seems that everyone has a negative tale to tell where Planning is concerned. Do you think this is as a result of failures in policy and administration or do you consider that managing numerous competing demands and designs on a finite land mass means that it is simply impossible not to come into criticism from all quarters? A nice softball question!

Deputy Oliver: I think it is the second one, to be honest.

If you take any sort of building of anything above five houses, or even one, you will always get the neighbours, the surrounding people, and it is what Deputy Queripel called NIMBYism. I think we get a lot of that in Guernsey. We have a housing crisis at the moment. We need houses, but no one wants houses next to them. I think a large extent of that is coming back actually to the infrastructure and it is making sure that the infrastructure is correct before you plough ahead with new development.

The Chair: By infrastructure, I think, obviously we need –

Deputy Oliver: Traffic.

The Chair: Yes.

So, as I say, we need drains and things like that and roads, but I think you mean traffic in particular.

Deputy Oliver: Yes.

The Chair: Do you think that in objections that are received on planning applications traffic is a proxy for other objections?

Deputy Oliver: I think that it probably is but I think as planners and when it is an open planning meeting they do need to read between the lines a little bit and you actually do need to look at the whole picture of what that representative is actually saying. A lot of the time most people actually say some really interesting stuff that possibly I have not thought of in as much detail. I always find reading the representation really important and it opens my eyes to some of the problems.

The Chair: Going back more to the original thrust of my question, do you think there is a lack of appreciation, possibly, that if somebody applies for something but does not receive permission, that very easily they could be on the other side of the coin where something they really do not want is not built next to them because the same policy is serving the same purpose? It just depends on where you are standing sometimes.

Deputy Oliver: I think the DPA have an absolute tightrope to walk.

You have got the environment, you have got the built environment, and it is actually joining those two together and I always feel like I am walking slightly on a tightrope because you have got to make sure that the policies fit in but also you have still got to keep what Guernsey love and protect what Guernsey love about the Island.

So it is meshing those two together, the environment and the build environment, and the social, to make sure all three are actually what people want. You will always have people that do not agree with you.

I would say that I personally think that the DPA's perception, like media perception, has actually improved this term. I might be completely wrong, but I do think it is a little bit better than it was last term.

The Chair: I think there was – as an observer and I am not really here to express my opinions – but I do think that there is an improvement, perhaps, where the relationship with the corporate or development world is concerned but I am not sure that improvement has necessarily filtered down to individual householders who are applying.

So in which case, how do you think you could better explain to the public in particular, rather than estate agents, not estate agents sorry, architects or developers, the constraints and the necessary balancing act that you do have to go through and that any plan has to cater for so that people could better understand the reasons behind the decisions and perhaps be a little more on board?

Deputy Oliver: I know that as a committee we have spoken about doing a drop-in session and that is something that I am quite keen to actually do this term for people to come and speak to us about things.

I think a lot of actually where, sometimes, anger comes into it is misunderstanding of policy and I know that I get a lot of phone calls – 'why can't I do that?' – and I am just like actually if you look at X, Y and Z and they are like, 'Oh. Okay then.' It kind of defuses the situation and I think that even on developments that do not want to happen, take for example like Chouet, it is making sure that the mitigation is really there and that is where you have to fall back on evidence to make sure that you get that right.

The Chair: I think that would be very valuable if you were to do that and you might be surprised by quite how many people turn up.

Deputy Oliver: Yes, I can imagine!

The Chair: You might have to do more than one.

We have seen a boom in home improvements during the pandemic. Has the pandemic impacted on staff resources and has there been a knock-on effect in waiting times?

Deputy Oliver: Do you want to answer that?

Mr Rowles: Yes, please.

The pandemic, yes, it has had a very strange effect in terms of application numbers. I have got some statistics here. In terms of applications, just planning applications, so not Building Regs

applications or pre-application inquiries, 2019 we had 1,747; 2020 we have had 1,784, so just a very fractional increase; 2021, we had 1,988, which is quite a jump and the bizarre thing about it is that has been absolutely consistent through the year. Usually there are peaks and troughs or in previous years there have been peaks and troughs through the year but it has been incessant and very unusual.

So that has imposed issues for us. Obviously, we have had the usual issues with COVID impacting service delivery. We have had the usual resource issues in terms of recruitment/retention, those sorts of things affect every States' service equally, so we are certainly not alone with that. We are going through the organisational target operating model process, which impacts directly on the Planning Service. So there is a variety of things going on at the moment, but the staff are obviously working at full capacity. They are working extremely hard, for which I am sure we all thank them sincerely.

Deputy Oliver: Yes.

I think overall though, because most people are concerned about the length of time that it takes to get that application and we have definitely put in measures that have helped. We have got the fast track, which will generally be done with in four-five weeks, and then we have got the standard but if you actually look at the figures, come 2019, all decisions within eight weeks, we had 62%. In 2021 we have now got 68%. So we have improved that.

Then even applications that take longer than 13 weeks, in 2019 we have got 82, now it has gone up to 83. It is only marginal. But I think there are a lot of things that will help the timings. In particular the policy letter that came to the States about the exemptions. Although the majority of those are fast-tracked, they still need logging onto the system, making sure that the registration has been right and then still checking them as well, to make sure that what is there is meant to be there.

So that still all takes time and I am hoping that once the Law comes through with that, we will see an improvement in our times. Also when we get fully staffed, that will obviously help.

The Chair: So, when is the Law due to come through on that?

Deputy Oliver: I am hoping December, but I am sure I am going to be told next year!

Mr Rowles: We are hopeful it is this year, to be fair. It has been prioritised through the legislative drafting process for the exemption's ordinance, so we are hopeful and work is being done at the moment in St James' Chambers on it, which again we are very thankful for.

The Chair: Would you say your committee, or the Authority is under-resourced?

Deputy Oliver: At the moment it is because we are actually trying to recruit four people.

The Chair: But that is just purely on a vacancy basis. So if you were able to fill your vacancies you would feel you had a correct complement of staff?

Deputy Oliver: I will go to ...

Mr Rowles: The only time we have achieved the sort of self-generated targets of 80% of applications dealt with within eight weeks and 90% within 13 weeks is when we have had a full complement of staff and I think that was back in 2015.

So yes, I think the answer has to be the timescales will improve if we get that full complement. But, as Deputy Oliver just said, there are three main things. There is the fast-track process, which is a bit of a sticking plaster, it is an interim stage for the exemptions to come into play fully. But also, we are looking at the digitisation of the process, which may not save enormously in terms of staff resources initially, but it ought to speed the process up in terms of things like undertaking

consultations, making the public aware of applications and things like that because it is much more web based.

1720 The issue we have got with that is that it is part of the overall MyGov programme, so our particular element has been paused for the time being, partly on the basis of resources within the programme but also partly on the basis of the supplier not having a working product at the moment, due to issues that they have experienced, partly related to COVID and so forth, so their timescales have slipped as well.

1725 So again, once we get that all back on track, that will give us benefits in terms of our ability to move more swiftly.

Deputy Taylor: Can I also add to that? I hope Jim does not mind me saying, but it has been discussed as a committee as a resource-level, with regard to Jim's role as Director of Planning, having a kind of crossover role into what has been called the committee secretary and actually there the provision of services to the committee, I think it has been discussed, actually we are a bit under-resourced in that regard.

Deputy Oliver: Yes, Jim has absolutely no help really.

1735 **Deputy Taylor:** Yes, Jim is doing all kinds of work.

The Chair: Okay, I think as we are coming up to time now, Deputy Fairclough has got two or three questions on the developers' forum and then we will be wrapping up.

1740 **Deputy Fairclough:** Okay, thank you.

The Authority held its first development forum in December 2021. What were the main issues that arose from that?

1745 **Deputy Oliver:** I think the main issues that arose were, for them to actually be able to build, they needed staff and at the moment there was nowhere to put the staff because we are in a housing, very high housing demand housing crisis. So that is something that we addressed and we said we would be happy for you to put an application in for temporary housing for the staff to actually be there.

1750 It was generally just talking about really how Planning can sort of, what we could do to improve things, and how can we actually get the applications that are given to us and we approve, how do we actually make you guys build, so to speak? They came up with some good ideas and, I think that is about it. Claire, you must probably remember.

1755 **Ms Barrett:** There were issues at the time to do with supply chain issues. There was some discussion around that and developer finance. I think around things not just in the land planning sphere. I think although the DPA actually initiated the developer forum it was recognised that it is not a forum that is just about land planning and I understand that the Housing Action Group is going to have a further discussion with the developers as a kind of next stage in a couple of weeks' time.

1760

Deputy Oliver: I think one of the things we found out, it was not actually generally the DPA's fault, it was external figures that were impacting on their development.

1765 **Ms Barrett:** It was to do with capacity in the building trade, as well.

Deputy Fairclough: But is there anything that was identified that the Authority could do to help and that you have done since?

1770 **Deputy Oliver:** Temporary housing.

Deputy Fairclough: What has been –?

1775 **Deputy Oliver:** We have not seen any come forward at the moment, but we did it with Lagan when the Airport was being built and if a developer comes forward and says this is what they need then we would be happy. I think a lot of developers are actually looking at different modes of building so rather than the traditional bricks and mortar to look at the modular, which is quicker and already comes pre-made.

1780 **Deputy Fairclough:** But what you are suggesting is that perhaps for some of the larger sites, if accommodation is needed to house workers, then you would look favourably on that?

Deputy Oliver: Yes.

1785 **Deputy Fairclough:** Okay. But no examples of that, as such, yet?

Deputy Oliver: Not that we know of no.
Leale's Yard might come forward with one, I do not know.

1790 **Mr Rowles:** There are some large developments on the cusp of coming in formally so we may well see some of that coming forward shortly.

Deputy Fairclough: Okay.

1795 You mentioned the overlap with HAG and the fact that some of these issues are falling into HAG's domain now but are the minutes from the meeting that you held with the developers' forum publicly available?

Deputy Oliver: Yes. We have sent them to ED and I think we sent them to HAG as well.

1800 **Mr Rowles:** Just to make the point, I mean Claire will come in because she kindly took those notes, but they are not minutes as such, they are an *aide memoire*, and they were taken by us for us but they have been shared with some parties within the States. I do not know, Claire, if you want to comment.

1805 **Ms Barrett:** No, I think that they were not formal notes taken but they were –

Mr Rowles: Obviously, it is open to anybody present to have created their own notes. (**Deputy Fairclough:** Sure.) It was not a formally minuted meeting as such.

1810 **Deputy Fairclough:** Yes, and I know you cannot speak on behalf of the Housing Action Group but that is something you see being continued, presumably, under HAG, moving forwards, Deputy Oliver?

Deputy Oliver: Yes.

1815 So we have got the developers' forum coming up next meeting and, yes, I can see that notes will be taken there as well.

The Chair: So those notes are published?

1820 **Deputy Oliver:** No, but they do come down to the committees that are part of the HAG.

The Chair: Right, okay.

Of course HAG is winding up soon, as I understand it.

1825 **Deputy Oliver:** There is a – this is kind outside the realm of the DPA – but we will be looking to see what HAG's role going forward will be and we are having a paper on it, whether it needs to actually remain, change how it is or get disbanded.

1830 **The Chair:** Okay, I think that wraps everything up. We are up to time. So thank you very much indeed. Thank you to all the witnesses for attending and increasing the public awareness and understanding of what it is that you do on the DPA and thank you to the members of the media for attending and to those members of the community who attended and tuned into the livestream.

1835 The Scrutiny Management Committee undertakes regular public hearings with all the Principal Committees to increase public understanding of key areas of Government and to enhance openness and transparency. So the hearing is now closed.

Thank you.

The Committee adjourned at 12.04 p.m.