

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

DEVELOPMENT & PLANNING AUTHORITY

LEGISLATIVE CHANGES TO ENABLE STREAMLINING OF THE PLAN MAKING AND
AMENDMENT PROCESS.

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

5th June, 2026

Dear Sir:

1. Executive Summary

- 1.1. Guernsey's planning framework is governed by the Land Planning and Development (Guernsey) Law, 2005 (the "2005 Law"). Among other things, the Law requires the Development & Planning Authority (the "DPA") to prepare development plans that cover the Island. The most recent iteration of Guernsey's development plan is the Island Development Plan 2016 (the "IDP"), which sets out the overarching planning policy for the Island.
- 1.2. The 2005 Law does not prescribe how a development plan is to be adopted, amended, or replaced. That process is dealt with through the Land Planning and Development (Plans) Ordinance, 2007. Among other things, the Ordinance imposes the following requirements:
 - Plans remain in effect for 10 years, unless the States agree to extend them. At least once every 10 years, they must be reviewed and amended as appropriate.
 - A new plan, a replacement plan, and an amendment to an existing plan all require a planning inquiry conducted by an appointed inspector.
- 1.3. Requiring a full inquiry for a plan amendment is problematic, as the inquiry process takes up substantial resources and delays the adoption of the amendment. While plan reviews are required only every ten years, the 2005 Law

requires the DPA to keep plans under review and propose amendments if and when necessary. Those amendments may be required within the 10-year period that a plan is valid, resulting in multiple planning inquiries during that period.

- 1.4. In 2024, the DPA considered options for streamlining the process for making, amending and reviewing plans, whilst at the same time continuing to respect the principles on which the Island's planning laws are founded: public consultation, robust and credible evidence, independent examination of proposals where appropriate, and ensuring a fair and human rights-compliant process.
- 1.5. In April 2025, the States agreed to streamlining principles set out in a policy letter¹ (Resolution of the 10th of April 2025, Article III of Billet D'État No. VIII of 2025²) and directed the DPA to prepare legislation to give effect to the adopted Resolutions. The States also directed the DPA to review the policy and legislation relevant to the creation of new plans once the focused review of the IDP had been completed and to bring recommendations for improvements to the process back to the States.
- 1.6. Since the approval of the initial policy letter in April 2025, the DPA has undertaken further policy work and prepared the draft Land Planning and Development (Plans) Ordinance, 2026 attached as **Appendix A** as part of its planning review streamlining initiative. Regulations to accompany this new legislation have also been prepared to be considered by the Committee *for the Environment & Infrastructure* following the States' approval of the Ordinance.
- 1.7. It is the DPA's intention that the new Ordinance and the subsequent Regulations replace the existing legislative documents rather than amending them. This will improve readability and accessibility and is a drafting choice recommended by the legislative drafting team.
- 1.8. In conducting further policy work and preparing the draft Ordinance, the DPA has determined that several deviations from the 2025 policy letter would be in the public interest. These changes are described in more detail below and relate to the following issues:
 - removing the requirement for publication in La Gazette Officielle, consistent with the Publication of Official Notices (Guernsey) Law, 2024;
 - removing the concept of "strategically essential" amendments and instead treating them as a subset of material amendments, while concurrently repealing section 77 of the 2005 Law;
 - enabling material amendments to be reviewed either by way of a planning inquiry, examination in writing or consultation, with the

¹ [Development Plans – Amendments process Policy Letter](#)

² [Resolutions of the States, Development Plans – amendment process, Billet d'État No VIII, 2025.](#)

determination to be made by the DPA based on a list of enumerated factors;

- removing pre-consultation which in practice has been an artificial step adding time and an element of repetition to the process unnecessarily when consultation occurs throughout;
- maintaining the issuance of statutory guidance as a discretionary power rather than a mandatory obligation;
- removing the need for the Committee *for the Environment & Infrastructure* to comment again prior to the States debate; and
- repealing section 75 of the 2005 Law, which is a privative clause that the Royal Court has found to be problematic and likely inconsistent with the European Convention for Human Rights (the "ECHR").

1.9. The process reflected in the Ordinance attached as Appendix A and envisioned for the subsequent Regulations is illustrated in the flowchart attached as **Appendix B**.

1.10. Subject to the changes identified in section 1.8 above, the policy decisions reflected in Appendix A and Appendix B have already been approved by Resolutions III.1 to III.7 of Billet D'État No. VIII of 2025, dated the 10th of April 2025. The main purpose of this policy letter is to describe and seek approval for the additional changes to the draft legislation and to inform the Assembly about the Authority's proposed future approach to plan reviews and the making of new plans.

2. Streamlining Plan Amendments

2.1. The IDP sets out the land planning and development policy for the Island. The IDP is valid for 10 years, unless extended by the States. At least once during the 10-year period, the IDP must undergo a plan review. However, in between these full reviews, the DPA is required to keep the plan under review and, from time to time, consider whether any amendments are required.

2.2. The statutory requirements and procedures governing the creation, review and amendment of plans are set out in the following legislation:

- The Land Planning and Development (Guernsey) Law, 2005³;
- The Land Planning and Development (Plans) Ordinance, 2007⁴;
- The Land Planning and Development (Plans) (Amendment) Ordinance, 2017⁵; and
- The Land Planning and Development (Plans Inquiry) Regulations, 2008⁶.

³ [Land Planning and Development \(Guernsey\) Law, 2005.](#)

⁴ [Land Planning and Development \(Plans\) Ordinance, 2007](#)

⁵ [The Land Planning and Development \(Plans\) \(Amendment\) Ordinance, 2017](#)

⁶ [Land Planning and Development \(Plans Inquiry\) Regulations, 2008](#)

- 2.3. The 2005 Law distinguishes between Development Plans, Subject Plans, and Local Planning Briefs. The IDP is a Development Plan and sets out the overall planning policy for Guernsey. Because the IDP remains valid for a decade at minimum (and more if extended), it is highly likely that required policy changes will arise during the period of validity. Under the current legislative framework, any amendments must follow a lengthy and resource-intensive planning inquiry process. This is because the statutory procedure for any amendment is currently the same as that used for the creation of an entirely new plan.
- 2.4. In 2024, the DPA considered options for streamlining the process for amending a plan during its lifetime, as well as the method for making and reviewing a plan, whilst at the same time continuing to respect the principles on which the Island's planning laws are founded: public consultation, robust and credible evidence, independent examination of proposals where appropriate, and ensuring a fair and human rights-compliant process.
- 2.5. A policy letter entitled "Development Plans – Amendments process"⁷ was submitted to the States in April 2025. This policy letter set out the approach for a streamlined version of the current plan amendment procedures.
- 2.6. The States agreed to the principles set out in the policy letter (Resolution of the 10th of April 2025, Article III of Billet D'État No. VIII of 2025⁸) and directed the DPA to prepare such legislation as is necessary to give effect to the agreed decisions set out in the resolutions.
- 2.7. Since then, the DPA, as directed by the States, has prepared the draft Land Planning and Development (Plans) Ordinance, 2026 attached as Appendix A. In the course of conducting further policy work and drafting the required legislation, the DPA concluded that several changes from the 2025 policy letter would be in the public interest. These changes are described in section 3.

3. Changes Proposed

Replacement Instead of Amendment

- 3.1. Resolution 6A envisioned that the policy changes would be made by way of an amendment to the Land Planning and Development (Plans) Ordinance, 2007 and to other legislation. The DPA now proposes that the Ordinance, as well as the Land Planning and Development (Plans Inquiry) Regulations, 2008 be replaced. This will improve readability and accessibility and is a drafting choice recommended by the legislative drafting team.

⁷ [Development Plans – Amendments process Policy Letter](#)

⁸ [Resolutions of the States, Development Plans – amendment process, Billet d'État No VIII, 2025.](#)

Gazette Officielle

- 3.2. The existing legislation requires proposed plans or amendments to be published in La Gazette Officielle. Resolution 3 of Article III made on the 10th of April 2025 states that minor amendments are to be published in La Gazette Officielle or by other means. The DPA is proposing to abolish the gazetting requirement for all plans and amendments, reflecting the increasing use of the internet instead.
- 3.3. Because intra-government consultation on proposed amendments takes place in any case, the benefit of publication is primarily to advise members of the public. However, for members of the public, a legal publication like La Gazette Officielle is generally an ineffective informational tool. It is more effective for the DPA to publish the required information on the States' website.
- 3.4. The proposed change is consistent with the Publication of Official Notices (Guernsey) Law, 2024, which eliminates the need to publish in La Gazette Officielle even if this is required by legislation.

"Strategically Essential" Amendments

- 3.5. Section 77 of the 2005 Law allows the States to designate a development as a "strategically essential development" and subject it to a special planning inquiry that may result in the development being approved even if it conflicts with a policy in the plan. Consistent with this concept, the 2025 policy letter proposed a separate review process for "strategically essential" amendments to a plan.
- 3.6. As the DPA further developed its policy and pathways for different categories of amendments, it became clear that the process for strategically essential amendments would be very similar to that for material amendments. The DPA accordingly concluded that a third category of amendments would result in unnecessary legislative complexity. Instead, the DPA proposes to integrate the question of whether a proposal reflects a strategic policy priority of the States as one of the mandatory considerations in determining the appropriate review process for a material amendment, as described in sections 3.8 and 3.9 below.
- 3.7. The current proposal also includes a repeal of 77 of the 2005 Law. The provision has never been used, despite having been on the books for 20 years. If a strategically essential development needs to be accommodated in the future, the matter could be addressed through an amendment to the plan rather than as an override to the plan.

Determination of Review Process

- 3.8. As set out in the flowchart in Appendix B, for a new plan or brief, the Authority must request the Committee *for the* Environment & Infrastructure (the

"Committee") to appoint an inspector to conduct a planning inquiry.

- 3.9. For an amendment, the Authority must first determine whether the amendment is material or minor. If the amendment is material, the Authority must determine whether it should be reviewed by way of a full planning inquiry, an examination in writing or a DPA-led consultation. In determining the appropriate process for the review of an amendment, the Authority must consider several factors which are set out in section 9(3) of the draft Ordinance.
- 3.10. The concept of a strategic policy priority remains as one of the proposed procedural considerations in section 9(3) of the draft Ordinance, as the Authority must consider "*whether the proposal reflects a strategic policy priority of the States that needs to come into effect on an expedited basis*". As such, a strategically essential amendment / strategic policy objective could tilt the scale away from a full planning inquiry to an examination in writing conducted by an inspector or to a consultation conducted by the DPA. However, the DPA would retain its full discretion on how to weigh that consideration against the other considerations set out in section 9 of the draft Ordinance.

Removing Pre-Consultation

- 3.11. Section 4 of the Land Planning and Development (Plans) Ordinance, 2007 requires the Authority to undertake a pre-plan consultation at the plan development stage. The DPA proposes that this requirement for pre-plan consultation be removed. The experience in practice has been that this is an artificial step adding an element of repetitive consultation to the process. The existing requirement is also a source of significant delay and offers little practical benefit, given the later opportunity and statutory requirement for consultation on substantive draft proposals. The DPA notes that it engages in informal policy consultation in any case and that this additional formal stage is not required.

Statutory Guidance

- 3.12. Under section 82 of the 2005 Law, the DPA may issue statutory guidance on a discretionary basis. The 2025 policy letter initially envisioned mandating the DPA to issue and take into account guidance on how proposed planning amendments should be categorized.
- 3.13. The DPA now proposes that the requirement for mandatory statutory guidance setting out procedural criteria (as set out in Resolution 3, 4 and 5 of the 10th of April 2025, Article III of Billet D'État No. VIII of 2025) is not required and should be removed. The Authority already has the power to publish guidance under section 82 of the 2005 Law and intends to do so. Adding a mandatory requirement to make and take its own guidance into account would result in a category of "mandatory guidance" that would allow the DPA to, in effect,

regulate itself in a manner that bypasses the regulation-making process. In the DPA's view, the issue of categorization is adequately addressed through section 9 of the proposed draft Ordinance and "mandatory guidance" should be avoided.

Removing the single Committee comments loop

- 3.14. The DPA further proposes to remove the requirement to seek the Committee *for the Environment & Infrastructure's* comments between the completion of a plan inquiry process and the laying of an updated proposal before the States. Consultation with the Committee *for the Environment & Infrastructure* (and with other affected committees) already forms part of the plan development process, and a formal consultation 'loop' with a single Committee after the public inquiry adds a multi-month delay to the process for minimal benefit.
- 3.15. For the avoidance of doubt, the safeguards ensuring the proposals are consistent with the Strategic Land use Plan (SLUP) have not changed, the draft legislation will still require the DPA to make a written request to the Committee *for the Environment & Infrastructure* for a certificate of consistency that confirms the proposal is consistent with the SLUP, before initiating the formal process for a new Plan or amendment to a Plan or brief.

Repeal of the Privative Clause in Section 75 of the 2005 Law

- 3.16. The DPA proposes repealing section 75 of the 2005 Law. This provision is a so-called privative clause intended to prevent anyone from challenging a planning decision other than through the appeal process set out in the legislation.
- 3.17. The Royal Court has been critical of this provision because the statutory right to an appeal exists only for an applicant, but not for an affected third party such as a neighbour. In *Groucutt v. Minister of the Environment Department*, 2015 GLR 406, the Royal Court commented that a restriction on challenges is likely inconsistent with the ECHR. In recent applications for judicial review involving planning decisions, the litigation team of the Law Officers of the Crown has no longer been relying on this provision. In light of the jurisprudence on the issue, legal counsel is recommending that the provision be repealed. This will not affect statutory appeals, but it will mean that future judicial review proceedings will have to take place in accordance with Guernsey's common law on judicial review. In practice, this has already been happening since 2015.

Consequential and Related Amendments

- 3.18. There are several consequential and related amendments to the 2005 Law, the Land Planning and Development (Environmental Impact Assessment Ordinance), 2007 and the Land Planning and Development (General Provisions) Ordinance, 2007. These amendments are set out in Part V of the draft Ordinance.

4. Approach to the plan making process

- 4.1. Reviewing and updating a Development Plan is vital to ensure that the planning process continues to support the Island and that land use policies continue to act as enablers for the delivery of government objectives and priorities.
- 4.2. The 2005 Law states that it is the duty of the Authority to ensure that the whole of Guernsey is covered by a Development Plan, to keep that plan under review and, from time to time, consider whether any alteration is required (section 8(1)). While the 2007 Plans Ordinance states that plans remain valid for 10 years and must be reviewed at least once during that time, there is no direction in legislation that sets out how a plan review is to be conducted or whether there should be interim reviews of discrete policy issues.
- 4.3. In the past, plan reviews have considered the plan in its entirety, with all policies in scope for the review. The IDP is now a single plan covering the entire Island, so the work associated with a wholesale plan review is considerable. Whilst the approach of packaging multiple amendments into a wider plan review ensures consistency between policies, it also delays the review process and hinders the ability to adapt to changing States priorities.
- 4.4. The DPA has decided that, following the conclusion of the current focused review of the IDP, it will take a different approach to the review of policies in the IDP which will affect future plan reviews. This new process will focus on reviewing plan policies as required. A continuous 'rolling' review enables the plan to be more responsive to changing requirements and States' priorities. The draft Ordinance attached as Appendix A still requires a review through an inquiry at least once a decade. However, the DPA expects targeted reviews to reduce the complexity of mandatory 10-year reviews.

5. Conclusions

- 5.1. Most of the streamlining initiatives have already been approved by the States (Billet D'État No. VIII of 2025). The DPA considers the revisions proposed in this policy letter to be a further refinement and improvement.

6. Compliance with Rule 4

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

6.2. In accordance with Rule 4(1):

- a. The propositions contribute to the States' objectives and policy plans by ensuring planning policies can be amended through more explicit, expedient and proportionate pathways to ensure that the Island's land use policies are responsive and proactively consider States' priorities and objectives.
- b. In preparing the propositions, consultation has been undertaken with the Committee *for the* Environment & Infrastructure and the Policy & Resources Committee.
- c. The propositions have been submitted to His Majesty's Procureur for advice on any legal or constitutional implications.
- d. The financial implications to the States of carrying the proposal into effect should result in resource savings through expedited processes. Future costs may be avoided where the requirements for the appointment of an inspector and the holding of an inquiry are removed from the process.

6.3. In accordance with Rule 4(2):

- a. The propositions relate to the Committee's duties and powers to advise the States on land use policy and to develop and implement land use policies through Development Plans and other instruments.
- b. The propositions have the unanimous support of the Committee.

Yours faithfully

N Inder
President

L Van Katwyk
Vice President

M Lainé
S Hansmann Rouxel
S Williams

The Land Planning and Development (Plans) Ordinance, 2026

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The Land Planning and Development (Plans) Ordinance, 2026

THE STATES, in pursuance of their Resolutions of the 10th April, 2025^a and the ** July, 2026^b, and in exercise of the powers conferred on them by sections 11(3), 12(1), 12(2), 81 and 89 of the Land Planning and Development (Guernsey) Law, 2005^c, and all other powers enabling them in that behalf, hereby order:-

PART I

INTRODUCTORY PROVISIONS

Overview.

1. This Ordinance –
 - (a) establishes a process for reviewing plans and briefs proposed by the Authority in accordance with its mandate under the Law, as well as proposed amendments to existing plans and briefs,
 - (b) prescribes additional content that must be included in a plan or brief, and
 - (c) enables the States to direct the Authority, by resolution, to prepare a plan or brief, or an amendment to an existing plan or brief.

^a Article III of Billet d'État No. VIII of 2025.

^b Article ** of Billet d'État No. ** of 2025.

^c Order in Council No. XVI of 2005; this enactment has been amended.

Obligation to prepare if directed by the States.

2. (1) The Authority is required to prepare a plan or brief, or an amendment to an existing plan or brief, if required to do so by a resolution of the States.

(2) For the avoidance of doubt, this section does not limit the Authority's duty under section 9 of the Law.

Categories of plan amendments.

3. (1) For the purpose of establishing a review process for an amendment to a plan or brief, amendments are divided into the following categories –

- (a) material amendments, as described in section 4, and
- (b) minor amendments, as described in section 5.

(2) When the Authority prepares an amendment to a plan or brief, it must determine whether the amendment is a material amendment or a minor amendment.

Material amendments.

4. An amendment to a plan or brief is a material amendment if –

- (a) it represents a material change to an existing policy set out in the plan or brief,
- (b) it has a material effect on the types of development permissible under the plan or brief, in all or part of the area covered by the plan or brief,
- (c) if the change relates to EIA development, the change has, or has the potential to have, a material environmental effect; or

- (d) it authorises anything currently prohibited or prohibits anything currently authorised.

Minor amendments.

- 5. An amendment to a plan or brief is a minor amendment if –
 - (a) it does not represent a material change to an existing policy set out in the plan or brief,
 - (b) it does not have a material effect on the types of development permissible under the plan or brief, in any part of the area covered by the plan or brief,
 - (c) if the change relates to EIA development, the change does not have the potential to have a material environmental effect, and
 - (d) it does not authorise anything currently prohibited or prohibit anything currently authorised.

Procedure if more than one amendment.

- 6. In the case of more than one proposed amendment to a plan or brief, the process for material amendments applies if at least one of the amendments is a material amendment.

PART II
REVIEW AND INSPECTION OF PLANS, BRIEFS AND AMENDMENTS

CHAPTER I
INITIATION OF REVIEW PROCESS

Application of Part.

7. This Part applies to the preparation and publication of a new plan or brief and to a material amendment to an existing plan or brief, but not to a minor amendment.

Review process for new plans or briefs.

8. If a proposal relates to a new plan or brief, the Authority must request the Committee to appoint an inspector to conduct an inquiry into the proposal.

Review process for amendments.

9. (1) If the proposal relates to the amendment of an existing plan or brief, the Authority must determine whether the plan or brief should be reviewed by way of –

- (a) an inquiry or an examination in writing conducted under Chapter II of this Part, or
- (b) a consultation conducted under Chapter III of this Part.

(2) In determining the appropriate process for the review of an amendment, the Authority must consider –

- (a) whether the amendment is likely to be unusually contentious,
- (b) the impact of the amendment on the overall strategy or policy of the plan or brief,

- (c) whether the proposal reflects a strategic policy priority of the States that needs to come into effect on an expedited basis,
- (d) the impact of the proposal on property rights,
- (e) whether the amendment is likely to benefit from the perspective offered by an inspector,
- (f) whether an inquiry or an examination in writing is necessary to -
 - (i) establish a fair review of the proposal, and
 - (ii) assess the compatibility of the proposal with any Convention right within the meaning of section 1 of the Human Rights (Bailiwick of Guernsey) Law, 2000^d, and
- (g) any applicable guidance issued by the Authority under section 82 of the Law.

Certificate of compliance with Strategic Land Use Plan.

10. (1) Before initiating a review process for a proposal, the Authority must make a written request to the Committee for a certificate of compliance that confirms that the proposal is consistent with the Strategic Land Use Plan.

(2) On receiving a request for a certificate of compliance, the Committee must consider the proposal and, in writing –

^d Order in Council No. XIV of 2000; this enactment has been amended.

- (a) issue a certificate of compliance that confirms that the proposal is consistent with the Strategic Land Use Plan, or
- (b) state that the proposal is inconsistent with the Strategic Land Use Plan and include reasons for the Committee's finding.

(3) If the Authority receives a statement issued under paragraph (2)(b), it must –

- (a) abandon the proposal, or
- (b) revise the proposal in accordance with the Committee's findings and submit a new request for a certificate of compliance before initiating a review process for the proposal.

Publication.

11. (1) After receiving a certificate of compliance under section 10, the Authority must publish the proposal in accordance with this section.

(2) The publication must take place –

- (a) in the case of a proposal for which the Authority has requested the appointment of an inspector under section 13, as soon as practicable after the inspector is appointed, or
- (b) in the case of a proposal for which the Authority has decided to proceed by consultation under Chapter III

of this Part, as soon as practicable after the decision is made.

- (3) To publish the proposal, the Authority must –
 - (a) place a notice on the States of Guernsey website that sets out –
 - (i) that the proposal has been published,
 - (ii) the times and locations at which members of the public can obtain copies of the proposal,
 - (iii) the process to be followed for the review and adoption of the proposal, including any deadlines to make submissions,
 - (b) publish an electronic version of the proposal on the States of Guernsey website,
 - (c) make a paper copy of the proposal available for inspection at the Greffe and any other public place the Authority considers appropriate,
 - (d) make a paper copy available for purchase, on payment of a reasonable fee, at the Authority's principal office, and
 - (e) inform the following of the proposal in writing –
 - (i) each committee whose mandate is relevant to the issues in the proposal, and

- (ii) the Constables of each parish included in the area covered or affected by the proposal.

(4) The Authority may take any additional steps it considers appropriate to inform the public or individual persons of the proposal.

(5) If the proposal is for EIA development –

- (a) any publication under this section must include the Environmental Statement for the development, and
- (b) any written correspondence or notification regarding the proposal must indicate that the Environmental Statement is available for inspection or purchase together with the proposal.

CHAPTER II

INQUIRIES AND EXAMINATIONS IN WRITING

Request to appoint inspector.

12. If a plan, brief or amendment is to be reviewed by an inspector through an inquiry or an examination in writing, the Authority must make a written request to the Committee to appoint an inspector.

Appointment of inspector.

13. (1) The Committee must appoint an inspector after receiving a request by the Authority to do so, on terms the Committee considers appropriate.

(2) In establishing the terms of reference for the inspector, the Committee is bound by the Authority's decision whether to conduct an inquiry or an examination in writing.

(3) Subject to section 15, an individual is eligible to be appointed as an inspector if that individual –

- (a) holds a relevant professional qualification and has experience in planning matters,
- (b) in the case of a new Subject Plan or amendments to a Subject Plan, has relevant experience relating to the subject matter addressed in that plan,
- (c) has experience in the conduct of inquiries, and
- (d) had no involvement, either directly or indirectly, with the preparation of the proposal.

Planning review administration.

14. (1) When the Committee appoints an inspector, it must also appoint an adequate number of individuals to a planning review administration to ensure that the inspector is supported through the inquiry or the examination in writing, as the case may be.

- (2) It is the function of a planning review administration to –
- (a) assist the inspector in publishing notices and documents relating to the inquiry or the examination in writing,
 - (b) manage and update the record of the proceeding, including publishing documents in electronic format and arranging for locations where physical copies of documents are to be made available for inspection or purchase,

- (c) send or provide any documents received or prepared to the Authority or other persons as required under any regulations made under this Ordinance,
- (d) assist members of the public with any procedural questions regarding their participation in the inquiry or examination in writing,
- (e) protect the confidentiality of the inspector's personal contact information, and
- (f) undertake any other tasks the inspector may reasonably require for the purposes of the inquiry or the examination in writing.

(3) A person appointed to a planning review administration must not carry out any functions of the administration relating to a matter in which the person has a direct personal interest in the outcome of the matter.

(4) For the purposes of the Public Functions (Transfer and Performance) (Bailiwick of Guernsey) Law, 1991^e, a member of a planning review administration who is an employee of the States of Guernsey is an officer responsible to the Committee and not to the inspector.

Ineligible individuals.

15. The following individuals are not eligible to be appointed as an inspector or a member of a planning review administration –

^e Ordres en Conseil Vol. XXXIII, p. 478; this enactment has been amended.

- (a) a Member of the States of Deliberation within the meaning of the Reform (Guernsey) Law, 1948^f,
- (b) an employee of the States working for the Authority,
- (c) a member of the Authority,
- (d) an individual who provides, or an employee, owner or partner of a body corporate or partnership that provides, services to the Authority relating to its functions under the Law,
- (e) a member of the Planning Panel,
- (f) an individual who holds judicial office in Guernsey, or
- (g) an individual who has, or who is an employee, owner or partner of a body corporate or partnership that has, a significant personal or financial interest in the matters set out in the proposal that forms the subject of the inquiry or the examination in writing.

Conduct of inquiry or examination in writing.

16. If the Committee appoints an inspector in respect of a proposal, the inspector must conduct an inquiry or an examination in writing into the proposal in accordance with –

- (a) the applicable regulations made under the Law, and
- (b) the terms established by the Committee.

^f Ordres en Conseil Vol. XIII, p. 288; this enactment has been amended.

Criteria to be evaluated by inspector.

17. (1) An inspector conducting an inquiry or an examination in writing into a proposal must evaluate whether the proposal is in the public interest.

(2) In evaluating whether the proposal is in the public interest, the inspector must consider –

- (a) whether the policies reflected in the proposal are appropriate, based on robust and credible evidence, and reflect the best alternative,
- (b) whether the proposal includes adequate mechanisms to implement and monitor the effect of the proposed policies, including milestones and key performance indicators, if appropriate,
- (c) whether the proposal is sufficiently flexible to respond to changing circumstances, and
- (d) if the proposal includes policies relating to EIA development, whether the Environmental Statement includes all matters that must be included under the EIA Ordinance.

Inspector's report.

18. Following the conduct of an inquiry or an examination in writing, an inspector must provide a written report to the Authority that includes –

- (a) a summary of any submissions received during the inquiry or examination in writing,

- (b) the inspector's conclusions and recommendations with respect to the proposal, including any recommended changes, and
- (c) reasons for the inspector's conclusions and recommendations.

Consideration by Authority.

19. After receiving the inspector's report, the Authority must –

- (a) consider the inspector's report, any submissions received during the inquiry or examination in writing and any applicable Environmental Statement, and
- (b) prepare a written submission that sets out –
 - (i) the Authority's conclusions regarding the report, submissions received and the Environmental Statement, if any, and
 - (ii) reasons for the Authority's conclusions.

Right to disregard late evidence, submissions etc.

20. The Authority and the inspector are not required to consider evidence, submissions or other materials in respect of a proposal received after the deadline established by the Authority or the inspector, as the case may be, has expired.

CHAPTER III
CONSULTATION BY AUTHORITY

Public notice.

21. (1) If the Authority determines that an amendment is to be reviewed by consultation, it must publish a notice of consultation on the States of Guernsey website.

- (2) The notice must –
- (a) include a link to the proposal as published on the States of Guernsey website, as well as the Environmental Statement, if applicable,
 - (b) set out the times and locations at which members of the public may inspect or obtain a copy of the proposal,
 - (c) describe the consultation process to be followed, including –
 - (i) the process for making submissions, and
 - (ii) any deadlines for submissions, and
 - (d) if the Authority has published one or more standard forms to be used for submissions,
 - (i) a link to those forms or a website from which the forms may be downloaded, and
 - (ii) the times and locations at which members of the public may obtain a paper copy, on payment of a reasonable fee.

(3) A notice of consultation may be combined with the notice of publication required under section 11.

Initial Submissions.

22. (1) When conducting a consultation on a proposal under this Chapter, the Authority must invite initial submissions.

(2) Submissions must be made in writing before the deadline for submissions established by the Authority has expired.

(3) The Authority may develop a standard form for submissions and may allow or require that form to be used.

(4) The Authority is not required to take into consideration submissions made after the deadline established for submissions has expired.

(5) Submissions are public and the Authority must, as soon as practicable after it receives a submission –

(a) publish the submission on the States of Guernsey website, and

(b) make a copy of the submission available for inspection or purchase at the same location at which a copy of the proposal is available.

(6) The Authority may redact personal data contained in a submission before publishing or making it available under subsection (5).

Interim report.

23. After having received initial submissions, the Authority must prepare an interim report that –

- (a) summarises the submissions, and
- (b) sets out the Authority's response to the submissions, including any resulting changes the Authority intends to make to the proposal.

Invitation to make further submissions.

24. (1) As soon as practicable after having prepared the interim report, the Authority must publish a notice inviting further submissions, including any replies to the submissions received.

(2) The notice must include –

- (a) a link to the initial submissions received and to the Authority's interim report, or to a website from which those documents may be downloaded, and
- (b) the times and locations at which members of the public may obtain a paper copy of the initial submissions and interim report, on payment of a reasonable fee.

(3) The provisions of sections 21 and 22 apply to a notice published under this section and to any further submissions received, with necessary changes.

Delegation to administrator.

25. (1) Subject to subsection (2), the Authority may delegate its functions under sections 21 to 24 to an administrator appointed or retained by the Authority for that purpose.

(2) The Authority may not delegate its function under paragraph 23(b) to prepare an interim report setting out the Authority's response to the submissions.

Post-consultation report.

26. After the conclusion of the consultation process, the Authority must prepare a written post-consultation report that includes –

- (a) a summary of any submissions received during the consultation,
- (b) the Authority's conclusions and recommendations with respect to the proposal, including any recommended changes, and
- (c) reasons for the Authority's conclusions and recommendations.

Option to refer proposal to inspector.

27. (1) If, based on the outcome of the consultation process, the Authority is of the opinion that it would be in the public interest for an inspector to be appointed to review the proposal, the Authority must –

- (a) set out the reasons for its opinion in its post-consultation report,
 - (b) provide a copy of the report to the Committee, and
 - (c) request the Committee to appoint an inspector to conduct an inquiry or an examination in writing.
- (2) If the Authority makes a request under subsection (1) –
- (a) the Committee must appoint an inspector to conduct an inquiry or an examination in writing as requested by the Authority,

- (b) Chapter II of this Part applies to the inquiry or the examination in writing, and
- (c) the Authority is not required to lay its post-consultation report before the States under section 29 but, for the avoidance of doubt, must lay the subsequent inspector's report before the States under that section.

Regulations relating to the consultation process.

28. (1) The Authority must conduct a consultation under this Part in accordance with any applicable regulations made under the Law.

(2) In the event of an inconsistency between this Part and the regulations regarding consultations, this Part prevails to the extent of the inconsistency.

CHAPTER IV

ADOPTION OF PLAN OR AMENDMENT

Laying before the States.

29. The Authority must lay the following before the States after the completion of the inquiry, examination in writing or consultation, as the case may be –

- (a) the materials published in accordance with section 11,
- (b) the inspector's report or consultation report, as the case may be, and
- (c) the Authority's conclusions in respect of the plan, brief or amendment following the review, including, if applicable –

- (i) any changes to the proposal recommended by the Authority after having considered submissions or other materials, and
- (ii) the Authority's reasons for recommending the changes.

Adoption of proposal by the States.

30. (1) After considering the materials laid before them, the States may –

- (a) adopt the proposal as recommended by the Authority,
- (b) reject the proposal, or
- (c) seek one or more amendments to the proposal before adopting it in accordance with the applicable rules of procedure.

(2) If the States seek an amendment to the proposal under subsection (1)(c), they must give the Authority an opportunity to withdraw the proposal to allow it to consider the implications of the amendment.

(3) The Authority may recommend to the States that changes proposed under subsection (1)(c) be referred to an inspector for an inquiry or an examination in writing.

- (4) If the States accept a recommendation under subsection (3),
 - (a) the Committee must appoint an inspector to conduct an inquiry or an examination in writing with respect to the changes sought by the States, and

- (b) Chapters II and IV of this Part apply in respect of the inquiry or the examination in writing and the subsequent adoption or rejection of the amendments, with necessary changes.

Signing and lodging at Greffe.

31. Any plan, brief or amendment adopted by the States must be signed and dated by the Presiding Officer of the States and lodged at the Greffe.

Notice of adoption.

32. The Authority must, as soon as practicable after the States adopt a plan, brief or amendment –

- (a) publish a public notice on the States of Guernsey website that includes –
 - (i) the date of adoption,
 - (ii) a link to the location on the States of Guernsey website at which the plan, brief or amendment is published, and
 - (iii) the times and locations at which copies are available for inspection, including at the Greffe, and
- (b) make copies of the plan, brief or amendment available at the Greffe and any other locations specified in the notice –
 - (i) for inspection, and
 - (ii) on payment of a reasonable fee, for purchase.

PART III
MINOR AMENDMENTS

Public notice.

33. (1) If the Authority determines that an amendment is a minor amendment, it must publish a notice of consultation on the States of Guernsey website.

(2) The notice must –

- (a) include a link to the proposed minor amendment as published on the States of Guernsey website, as well as the Environmental Statement if applicable,
- (b) set out the times and locations at which members of the public may inspect or obtain a copy of the proposed minor amendment,
- (c) describe the consultation process to be followed, including –
 - (i) the process for making submissions, and
 - (ii) any deadlines for submissions, and
- (d) if the Authority has published one or more standard forms to be used for submissions, include –
 - (i) a link to those submissions, or to a website from which the forms may be downloaded, and
 - (ii) the times and locations at which members of the public may obtain a paper copy, on payment of a reasonable fee.

Submissions.

34. (1) Submissions in respect of a minor amendment must be made in writing before the deadline for submissions established by the Authority.

(2) The Authority may develop a standard form for submissions and may allow or require that form to be used.

(3) The Authority is not required to take into consideration submissions made after the deadline for submissions has expired.

(4) Submissions are public and the Authority must, as soon as practicable after it receives a submission –

(a) publish the submission on the States of Guernsey website, and

(b) make a copy of the submission available for inspection or purchase at the same location at which a copy of the proposal is available.

(5) The Authority may redact personal data contained in a submission before publishing or making it available under subsection (4).

Consideration of submissions.

35. The Authority must consider the submissions received on a minor amendment and may, at the Authority's discretion –

(a) invite further submissions from any party who has made submissions, or

(b) seek input from any person the Authority considers to have subject matter expertise relevant to the proposed minor amendment.

Adoption of minor amendment.

36. Following the receipt of submissions and any input sought by the Authority, the Authority may –

- (a) adopt the minor amendment,
- (b) revise the minor amendment, but only if the revision does not constitute a material amendment, or
- (c) reject the minor amendment.

Signing and lodging at Greffe.

37. A minor amendment adopted by the Authority must be signed and dated by the President of the Authority and lodged at the Greffe.

Laying before the States.

38. (1) As soon as practicable after adopting a minor amendment, the Authority must lay the amendment before the States, together with an explanatory note that explains the effect of the amendment.

(2) The States may, at their first or second meeting following receipt of the amendment, resolve to annul the amendment.

(3) If the States resolve to annul the amendment –

- (a) the amendment ceases to have effect immediately, but without prejudice to anything done under authority of the amendment, and
- (b) the Authority must, as soon as practicable after the resolution –

- (i) publish a notice of annulment on the States of Guernsey website,
- (ii) ensure that a note reflecting the annulment is entered on the copy of the amendment lodged at the Greffe, and
- (iii) remove any copies of the plan or brief that reflect the amendment from the States of Guernsey website and from any physical locations at which the plan or brief may be inspected.

(4) A minor amendment is not invalid solely because of a failure to lay the amendment before the States.

PART IV GENERAL PROVISIONS

Validity of Plan or Brief

Effective date.

39. A plan, brief or amendment comes into effect on the day it is adopted by the States or the Authority, as the case may be.

Ten-year validity unless extended.

40. (1) A plan or brief remains in effect for a period of 10 years (the "effective period") from the date it is adopted by the States, unless –

- (a) the plan or brief is extended by a resolution of the States, in which case it remains in effect until the date specified in the resolution, or

(b) the plan or brief is replaced.

(2) The adoption of an amendment to an existing plan or brief does not restart the effective period.

Mandatory 10-year review of Development Plan.

41. (1) At least once every 10 years, a Development Plan must be reviewed through an inquiry to determine whether the plan remains in the public interest or should be amended or replaced.

(2) Chapter II of Part II applies to the inquiry, with necessary changes.

Conflict between plans and briefs.

42. If there is an inconsistency between two or more plans or briefs, the most recently adopted plan or brief prevails to the extent of the inconsistency.

Items to be Included in Proposal

Conservation areas.

43. If a proposal for a plan, brief or amendment includes the proposed designation of a conservation area, the proposal must –

(a) describe the special architectural or historic interest of the area, and

(b) describe the character or appearance of the area the proposal seeks to preserve or enhance by application of Chapter 3 of Part IV of the Law, including any –

(i) open spaces, and

- (ii) buildings and structures that do not have special architectural or historic interest but are located within an area of such interest.

Sites of special significance.

44. If a proposal for a plan, brief or amendment includes the proposed designation of a site of special significance, the proposal must –

- (a) specify the archaeological, historical, botanical, geological, scientific, cultural, zoological or other interest which gives the site special significance,
- (b) state why it is desirable to preserve, manage or enhance such a site by application of Chapter 4 of Part IV of the Law, and
- (c) include a map showing the location and dimensions of the area of special control, which may form part of any map required under sections 8(4) or 10(4) of the Law.

Interpretation.

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

"**brief**" means a Local Planning Brief,

"**Committee**" means the Committee for the Environment & Infrastructure,

"**development**" means any work or project that constitutes development within the meaning of –

- (a) section 13(1) of the Law, or

(b) Part I of the Land Planning and Development (General Provisions) Ordinance, 2007^g,

"**EIA development**" has the same meaning as in section 2 of the EIA Ordinance,

"**EIA Ordinance**" means the Land Planning and Development (Environmental Impact Assessment) Ordinance, 2007^h,

"**Environmental Statement**" has the same meaning as in section 13(1) of the EIA Ordinance,

"**Law**" means the Land Planning and Development (Guernsey) Law, 2005,

"**plan**" means a Development Plan or a Subject Plan.

(2) Terms not defined in subsection (1) but defined in the Law have the same meaning given to them in the Law.

PART V

RELATED AND CONSEQUENTIAL AMENDMENTS, REPEAL, TRANSITIONAL PROVISIONS, CITATION AND COMMENCEMENT

Related and Consequential Amendments

Related amendment to 2005 Law.

46. (1) The Land Planning and Development (Guernsey) Law, 2005, is amended as follows.

^g Ordinance No. XXI of 2007; this enactment has been amended.

^h Ordinance No. XXIV of 2007; this enactment has been amended.

(2) In section 8(1)(d) (preparation of draft Development Plans), for "the consideration of the States" substitute "consideration under this Law".

(3) In section 12 (procedure for examination, adoption and revision of Development Plans, Subject Plans and Local Planning Briefs) –

(a) in subsection (1), delete everything after "and their duration and revision",

(b) for subsection (2) substitute –

"(2) An Ordinance under subsection (1) may make provision for any of the following in relation to proposals for a new Development Plan, Subject Plan or Local Planning Brief or proposals for amendments to any of them –

(a) public notice regarding the proposal,

(b) consultation regarding the proposal,

(c) the certification of compliance of the proposal with the Strategic Land Use Plan,

(d) the appointment of an Inspector to conduct a planning inquiry or a written examination into the proposal,

(e) abbreviated or summary review processes for amendments that do not justify a planning inquiry or a written examination conducted by an Inspector,

- (f) the manner in which a planning inquiry, written examination, consultation or abbreviated or summary review process is to be conducted,
- (g) the procedure for withdrawing or revising proposals,
- (h) the procedure for adopting proposals, including the laying of proposals before the States, and
- (i) the issuing of guidance regarding any of the issues referred to in this subsection.

(2A) An Ordinance under subsection (1) may establish different procedures regarding –

- (a) proposals for –
 - (i) a new Development Plan, Subject Plan or Local Planning Brief,
 - (ii) an amendment to an existing Development Plan, Subject Plan or Local Planning Brief,
- (b) different classes of amendments, based on their nature and materiality."

(4) In subsection (3) –

- (a) in paragraphs (a) to (c), in each place it occurs, after "planning inquiry" insert ", examination in writing, consultation or abbreviated or summary review process", and
- (b) in paragraph (d), after "planning inquiries" insert "or during examinations in writing".

(5) In section 16(5)(b), delete "subject to the provisions of section 77(9) (which relates to strategically essential development),".

(6) Section 75 (residual presumption of validity) is repealed.

(7) For the cross-heading immediately before section 76, substitute "Application of Law to States".

(8) Section 77 (special procedure in respect of strategically essential development) is repealed.

(9) In Schedule 2, the definition "**strategically essential development**" is deleted.

Consequential amendments to the EIA Ordinance.

47. (1) The Land Planning and Development (Environmental Impact Assessment) Ordinance, 2007ⁱ is amended as follows.

(2) For section 1 (application) substitute –

"1. This Ordinance applies to –

- (a) any proposal for a new Development Plan, Subject Plan or Local Planning Brief,
- (b) any proposal for an amendment to an existing Development Plan, Subject Plan or Local Planning Brief, other than a minor amendment as defined in the Plans Ordinance, and
- (c) any application for planning permission."

(3) In section 3(2) (Plans and Local Planning Briefs—requirement for EIA), in the paragraph following paragraph (b), delete "section 8 of".

(4) In section 4(a) (prohibition on adopting Plans and Local Planning Briefs without consideration of environmental information), delete "section 9(2) and (4) of".

(5) In section 13(1) (interpretation), for the definition of "**Plans Ordinance**", substitute –

""**Plans Ordinance**" means the Land Planning and Development (Plans) Ordinance, 2026,".

Consequential amendments to the General Provisions Ordinance.

48. (1) The Land Planning and Development (General Provisions) Ordinance, 2007 is amended as follows.

(2) In section 12 (status of Plans, Local Planning Briefs and other material considerations) –

- (a) in subsection (1), in the paragraph preceding paragraph (a), delete "section 77(9) of the Law and", and

- (b) in subsection (3) –
 - (i) at the end of paragraph (a), insert "or",
 - (ii) at the end of paragraph (b), delete "or", and
 - (iii) paragraph (c) is deleted.

(3) In section 20 (interpretation), the definition "**strategically essential development**" is deleted.

Repeal and Transitional Provisions

Repeal.

49. The following Ordinances are repealed:

- (a) the Land Planning and Development (Plans) Ordinance, 2007, and
- (b) the Land Planning and Development (Plans) (Amendment) Ordinance, 2017^j.

Transitional provisions.

50. (1) Despite its repeal by this Ordinance, the 2007 Plans Ordinance continues to apply to a plan, brief or amendment that the Authority has published under section 8 of that Ordinance before the coming into force of this section.

(2) Despite its amendment by this Ordinance, the EIA Ordinance and the Land Planning and Development (General Provisions) Ordinance, 2007, as

j Ordinance No. III of 2017.

they read immediately before the coming into force of this section, continue to apply to a plan to which the 2007 Plans Ordinance applies under subsection (1).

(3) In this section, the "**2007 Plans Ordinance**" means the Land Planning and Development (Plans) Ordinance, 2007^k as it read immediately before its repeal by this Ordinance.

Citation and Commencement

Citation.

51. This Ordinance may be cited as the Land Planning and Development (Plans) Ordinance, 2026.

Commencement.

52. This Ordinance comes into force on the day appointed by regulations of the Authority, and different dates may be appointed for different provisions and for different purposes.

^k Ordinance No. XXII of 2007; this enactment has been amended.

Appendix B

Proposed Streamlined Plan Review Process

