

Island of



Guernsey

Ordinance of the States

VIII
2009

Made25th February, 2009

Coming into Operation6th April, 2009

The Land Planning and Development (Commencement, Transitional Provisions and Savings (Plans)) Ordinance, 2009

The Land Planning and Development (Commencement, Transitional Provisions and Savings (Plans)) Ordinance, 2009

THE STATES in exercise of the powers conferred on them by sections 89 and 96 of the Land Planning and Development (Guernsey) Law, 2005^a hereby order:-

Application of this Ordinance.

1. The following provisions of this Ordinance shall apply notwithstanding section 93 of the Law.

Commencement of section 7(2) of the Law-outline planning briefs deemed to be local planning briefs.

2. Notwithstanding the commencement of the Law by section 15 of the Land Planning and Development (Fees and Commencement) Ordinance, 2008^b with effect from 6th April, 2009, section 7(2) of the Law, insofar as it applies to paragraph 5 of Part II of Schedule 1 to the Law, shall not come into force unless and until it is commenced in relation to that paragraph by further Ordinance under section 96 of the Law.

Savings and Transitional Provisions-Plans or alterations or additions thereto.

3. (1) Where the Department has requested the Policy Council, before 6th April, 2009, to appoint a person to be an inspector to hold a planning inquiry to consider a Detailed Development Plan, or any proposal for an alteration

^a Order in Council No. XVI of 2005 as amended by Ordinances Nos. XXI, XXII, XXV, XXVII and XXVIII of 2007.

^b Approved by the States on the 26th November, 2008.

or addition to such a plan, under section 9(1) of the Island Development Law^c, the provisions of the Island Development Law shall apply in relation to the consideration and approval of, or the alteration or addition to, such a plan as if the Island Development Law had not been repealed and as if the Law were not in force.

(2) Where a replacement Detailed Development Plan, or an alteration or addition to such a plan, is approved by resolution of the States under section 13 of the Island Development Law, as saved by subsection (1), on or after 6th April, 2009 -

(a) any such replacement Detailed Development Plan shall be deemed to be a Development Plan for the purposes of the Law as from the date of that approval,

(b) any Detailed Development Plan -

(i) to which such an alternation or addition is made, and

(ii) which is deemed to be a Development Plan by virtue of section 7 of the Law^d,

shall have effect as so altered or added to as from the date of that approval.

^c Ordres en Conseil Vol. XX, p. 276 as amended by Vol. XXII, p. 573, Vol. XXIII, p. 231, Vol. XXXI, p. 61, Vol. XXXII, p.33.

^d Section 7 of the Law is also applied by section 6 of the Land Planning and Development (Guernsey) Law, 2005 (Savings and Transitional Provisions) Ordinance, 2007 (No. XXX of 2007) and section 19 of the Land Planning and Development (Plans) Ordinance, 2007 (No. XXII of 2007).

Interpretation.

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

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

"**Development Plan**" means a current adopted Plan prepared pursuant to sections 8 and 11 of the Law including any current adopted amendment thereto,

"**Island Development Law**" means the Island Development (Guernsey) Law, 1966,

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

"**Policy Council**" means the States of Guernsey Policy Council.

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

Citation and commencement.

5. This Ordinance may be cited as the Land Planning and Development (Commencement, Transitional Provisions and Savings (Plans)) Ordinance, 2009 and shall come into force on the 6th April, 2009.

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Her Majesty's Greffier.

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