

ORDINANCE
OF THE STATES OF DELIBERATION

ENTITLED

The Land Planning and Development (General Provisions)
Ordinance, 2007 *

[CONSOLIDATED TEXT]

NOTE

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* No. XXI of 2007, Recueil d'Ordonnances Tome XXXII, p. 224; as amended by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); the Land Planning and Development (Certificates of Lawful Use) Ordinance, 2019 (No. III of 2019); the Land Planning and Development (General Provisions) (Amendment) Ordinance, 2020 (No. ** of 2020).

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(Made on 26th September, 2007.)

The Land Planning and Development (General Provisions) Ordinance, 2007

THE STATES, in pursuance of their Resolutions of the 27th June 2002 and the 26th January 2005^a and in exercise of the powers conferred on them by sections 13(4) and (5), 16(3), 16(5) to (7), 21(2), 27, 31(2), 35(2), 39(1), 40(3) and (4), 44(1) and (2), 46(1), 81 and 89 of the Land Planning and Development (Guernsey) Law, 2005^b, and of all other powers enabling them in that behalf, hereby order: –

PART I

MEANING OF DEVELOPMENT

Operations in relation to protected monuments.

1. Any operation which alters or extends a protected monument in any manner which affects the special interest by reason of which it is listed, shall constitute development irrespective of whether or not that operation would also constitute development in accordance with section 13(1) to (3) of the Law.

NOTE

The following case has referred to this Ordinance:

Groucutt v Minister of the Environment Department (2015)
(Unreported, Royal Court, 8th July) (Guernsey Judgment No. 30/2015).

a Billet d'État No. XI of 2002 and Article I of Billet d'État No. I of 2005.

b Order in Council No. XVI of 2005.

Operations in relation to protected buildings.

2. (1) Any operation which alters or extends a protected building, or any feature of such a building, in any manner which affects the character of that building as a building of the particular special interest by reason of which it is listed, shall constitute development irrespective of whether or not that operation would also constitute development in accordance with section 13(1) to (3) of the Law.

(2) In this section "**feature**" shall mean any internal or external feature consisting of a man-made object or structure fixed to the building or forming part of the land in the vicinity of the building.

Operations in relation to conservation areas.

3. The following operations shall constitute development, irrespective of whether or not they also constitute development in accordance with section 13(1) to (3) of the Law –

- (a) the installation of apparatus to provide external illumination of any structure, by way of floodlighting or other means providing a similar level of illumination, within a conservation area, or
- (b) within La Vallette (Bathing Pools) Conservation Area and those parts of the conservation areas identified in the Schedule –
 - (i) the placing, other than on a temporary basis, of public seating or public refuse bins, and
 - (ii) the replacement of street lights or street railings.

Operations in relation to sites of special significance.

4. The following operations shall constitute development in a site of special significance, irrespective of whether or not they also constitute development in accordance with section 13(1) to (3) of the Law –

- (a) any works which disturb the ground in any way which materially affects the special interest by reason of which the site is designated,
- (b) any significant clearance of vegetation from the whole site or a significant part of it,
- (c) the removal of, or any significant damage to, any vegetation which contributes to the special interest by reason of which the site is designated,
- (d) the topping, lopping or felling of any tree which contributes to the special interest by reason of which the site is designated,
- (e) any works which significantly affect –
 - (i) any reservoir, stream, watercourse, borehole or other body of water on the site, or
 - (ii) the drainage of a significant part of the land on the site, or
- (f) any other action likely to affect materially the special interest by reason of which the site is designated.

Operations in relation to protected trees.

5. The following operations shall constitute development, irrespective of whether or not they also constitute development in accordance with section 13(1) to (3) of the Law, where they are carried out in relation to a protected tree –

- (a) cutting down or uprooting,
- (b) topping or lopping,
- (c) pruning,
- (d) cutting of roots,
- (e) the storage of plant and machinery within the root area and any other operation likely to compact the ground significantly within that area,
- (f) any operation likely to change significantly the level of the ground within the root area, or
- (g) any other wilful act likely to result in significant damage to or destruction of the tree.

Operations not constituting development.

6. Notwithstanding section 13 of the Law or any provisions of this Ordinance, the following operations shall not constitute development –

- (a) the carrying out, for the maintenance, improvement or other alteration of any structure, of works which affect only the interior of the structure except where such works constitute development falling within section 1 or 2,

- (b) the use of any land within the curtilage of a dwelling-house for a purpose relating to the enjoyment of the dwelling-house as such,
- (c) the use of any land for agriculture, horticulture or forestry (including afforestation) and the use, for any of those purposes, of any building occupied together with land in such use except where such land or building is in a site of special significance or within the curtilage of a protected monument, or
- (d) subject to the provisions of the Land Planning and Development (Use Classes) Ordinance, 2007^c, a change in the use of land from a use specified in one numbered use class to a use specified in the same numbered use class.

NOTE

The Land Planning and Development (Use Classes) Ordinance, 2007 has since been repealed by the Land Planning and Development (Use Classes) Ordinance, 2017, section 8, with effect from 3rd April, 2017, subject to the transitional provisions and savings in section 7(2) of the 2017 Ordinance.

PART II

MAKING OF APPLICATIONS

Application for planning permission.

7. (1) Subject to subsection (3), an application for planning

^c Approved by resolution of the States on 26th September, 2007.

permission must –

- (a) be made on a form supplied by the [Authority] and include the particulars specified in that form,
- (b) be accompanied by [one copy] of –
 - (i) a plan which clearly and accurately identifies the location of the site to which the application relates,
 - (ii) a block layout plan which clearly and accurately identifies the site to which the application relates, and
 - (iii) any other plans, drawings and information necessary to describe clearly the development which is the subject of the application,

and in making an application the applicant must have regard to any guidance in relation to the making of a planning application issued by the [Authority] from time to time.

(2) The form supplied by the [Authority] shall include a statement to be signed by the applicant –

- (a) that he is the owner or has the consent of the owner, of any part of the land to which the application relates, to the application being made, or
- (b) if he does not know who any such owner is, that he has

made all reasonable enquiries to identify any such owner and obtain his consent.

(3) Subject to subsection (4), in the case of an application for outline permission, details need not be given of any reserved matters.

(4) Where the [Authority] is of the opinion that, in the circumstances of the case, an application for outline permission ought not to be considered separately from all or any of the reserved matters, it must notify the applicant within 28 days beginning with the date of its receipt of the application that it is unable to determine the application unless further specified details are submitted.

(5) An application for outline permission can only be made in respect of the erection, re-erection, extension or alteration of a building and must not be made –

- (a) in respect of development in relation to, within the curtilage of or affecting the setting of a protected building or a protected monument,
- (b) in respect of development falling within sections 1, 2, 4 or 5, [or]
- (c) in respect of a material change of use, [...]
- (d) ...

NOTES

In section 7,

the word "Authority" in square brackets, wherever occurring, was

substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 8, with effect from 1st May, 2016;

first, the words in square brackets in subsection (1)(b) were substituted, second, the word in square brackets at the end of paragraph (b) of subsection (5) was inserted, third, the word omitted at the end of paragraph (c) thereof was repealed and, third, subsection (5)(d) was repealed by the Land Planning and Development (General Provisions) (Amendment) Ordinance, 2020, section 1(2), respectively paragraph (a), paragraph (b)(i), paragraph (b)(ii) and paragraph (b)(iii), with effect from 25th November, 2020.

Further information.

8. The [Authority] may request the applicant in writing to supply any –
- (a) further information in writing, or
 - (b) plans and drawings,

as it may consider necessary to determine an application for planning permission.

NOTE

In section 8, the word in square brackets was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 8, with effect from 1st May, 2016.

PART III
[REGISTRATION AND PUBLICITY]

[Register of applications for planning permission and certificates of lawful use etc.]

9. (1) The following information must be contained on the register to be maintained by the [Authority] pursuant to section 21 of the Law in relation to any application for planning permission duly made to the [Authority] –

- (a) the applicant's name and address,
- (b) the name and address of any person acting as agent for the applicant,
- (c) brief particulars of the development which is the subject of the application,
- (d) the date of registration of the application,
- (e) where the application is an EIA application, brief particulars of the non-technical summary of any Environmental Statement prepared as part of that Statement,
- (f) brief particulars of any decision made by –
 - (i) the [Authority] on the planning application including of any decision to decline to consider the application under section 16(1)(d) of the Law,

- (ii) the Planning Tribunal concerning a decision of the [Authority] on the planning application, and
- (iii) the Royal Court in relation to a decision of the Planning Tribunal on the planning application,

and the register may contain such other information and documents in relation to such applications and any decisions made in relation to them as the [Authority] considers appropriate.

(2) The [Authority] shall also keep on the register of planning applications brief particulars of –

- (a) any reserved matters application made in respect of an outline permission,
- (b) any other application for consent required by a condition imposed on the grant of a planning permission, and
- (c) any decisions made by –
 - (i) the [Authority] on an application falling within paragraph (a) or (b),
 - (ii) the Planning Tribunal concerning a decision of the [Authority] on an application falling within paragraph (a) or (b), and
 - (iii) the Royal Court in relation to a decision of the

Planning Tribunal on an application falling within paragraph (a) or (b).

[(2A) The Authority shall also keep on the register to be maintained by it under section 21 of the Law the following information in relation to any application for a certificate of lawful use duly made to the Authority under the Land Planning and Development (Certificates of Lawful Use) Ordinance, 2019 –

- (a) the applicant's name and address,
- (b) the date of the application,
- (c) the address or location of the land to which the application relates,
- (d) the description of the use included in the application,
- (e) brief particulars of any decision made by –
 - (i) the Authority on the application,
 - (ii) the Planning Tribunal concerning a decision of the Authority on the application, and
 - (iii) the Royal Court in relation to a decision of the Planning Tribunal on the application,

and the register may contain such other information and documents in relation to such applications and any decisions in relation to them as the Authority considers appropriate.]

(3) The register must be kept at the principal office of the [Authority], made available for inspection by the public free of charge at all reasonable times and the details and documents referred to in subsections [(1) to (2A)] must be kept on the register for not less than 10 years.

(4) The [Authority] must provide copies of any information or document on the register to any person upon written request and payment of a reasonable fee.

NOTES

The words in square brackets in the heading to Part III were substituted by the Land Planning and Development (Certificates of Lawful Use) Ordinance, 2019, section 8(2), with effect from 6th March, 2019.

In section 9,

first, the heading thereto was substituted, second, subsection (2A) was inserted and, third, the parentheses, figures, word and letter in square brackets in subsection (3) were substituted by the Land Planning and Development (Certificates of Lawful Use) Ordinance, 2019, section 8, respectively subsection (3), subsection (4) and subsection (5), with effect from 6th March, 2019;

the word "Authority" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 8, with effect from 1st May, 2016.

Publicity for planning applications.

10. (1) An application for planning permission must be publicised by site notice in accordance with subsections (3) to (5) unless the [Authority] considers that the application is for development which is unlikely to have a material detrimental effect or a significant effect on –

(a) the amenity of any land,

- (b) the special interest of any protected monument,
- (c) the character of a protected building as a building of special interest,
- (d) the character or appearance of a conservation area,
- (e) the interest by reason of which a site of special significance is designated as such,
- (f) a protected tree,
- (g) the circulation of traffic in the vicinity of the proposed development,
- (h) the environment,
- (i) the safety of persons, or
- (j) the reasonable enjoyment of neighbouring properties,

and must be so publicised if it is an application for EIA development.

(2) Where the [Authority] considers that an application for planning permission does not require publicising by site notice in accordance with subsection (1), then it may publicise the application in such manner as it considers appropriate for the application in question.

(3) Where an application must be publicised by site notice, the [Authority] must as soon as reasonably possible after it has registered the application, send a site notice in relation to the application to the applicant which shall be

accompanied by –

- (a) a notice setting out the action that the applicant is required to take pursuant to subsections (4) and (5), and
- (b) a receipt form.

(4) Upon receipt of the site notice and accompanying documents referred to in subsection (3), the applicant must take the following steps –

- (a) subject to subsection (5), display the site notice for not less than 21 days by fixing it firmly to some object on or near the land and in such a way and in such a position that it is visible and legible from a place to which the public have access,
- (b) as soon as possible after first displaying the site notice on the site, return the completed receipt form to the [Authority], and
- (c) as soon as possible after the expiry of the 21 day period referred to in paragraph (a), remove the site notice.

(5) The [Authority] may send the applicant more than one site notice where the site is large or it is adjacent to or adjoining more than one public highway and the applicant shall display each of the site notices on a different part of the site and in accordance with the provisions of subsection (4)(a).

(6) Where the applicant fails to comply with subsections (4)(a) or (b) or (5) in respect of any site notice sent to him then he shall be guilty of an offence and liable –

- (a) on conviction on indictment, to a fine, or
- (b) on summary conviction, to a fine not exceeding level 5 on the uniform scale,

except that where a site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days has elapsed, the applicant shall be treated as having displayed that notice as required if he has, as soon as possible, taken reasonable steps for the protection of that site notice and, if need be, its replacement.

(7) Where the [Authority] considers that the application is for development of such a nature that it is likely to be of significance for the whole of, or a significant part of, Guernsey or it considers that it is very significant to Guernsey in any other way, then it shall, in addition to any other steps taken to publicise the application in accordance with this section, ensure that –

- (a) details concerning the application including, where the application is for EIA development, the Environmental Statement and, where relevant, the Compliance Document, and
- (b) a time limit for the making of representations in writing concerning the application and, where the application is for EIA development, the Environmental Statement and, where relevant, the Compliance Document,

are publicised in such manner as the [Authority] considers appropriate in the local media in Guernsey.

(8) The [Authority] shall not determine an application for planning permission, where –

- (a) an application must be publicised by site notice –
 - (i) before the end of the period of 21 days beginning with the date on which the site notice was first displayed, or
 - (ii) where such an application also falls within subsection (7), before the end of the period given in the media, pursuant to that subsection, for the making of representations in writing,

whichever is the later, and in making that determination shall take into account any representations in writing received by it in response to that site notice or, where relevant, publication and made within the period during which the [Authority] must not make a determination,

- (b) it is publicised in accordance with subsection (2), before the end of any period specified by the [Authority] for the making of representations in writing and in making that decision the [Authority] shall take into account any representations in writing received by it in response to that publicity and made within a reasonable time of the application being publicised.

(9) In this section –

- (a) **"receipt form"** means a form supplied by the

[Authority] with a site notice for the applicant to sign both to acknowledge receipt of the site notice and to confirm that he has put the site notice on display as required,

- (b) **"site notice"** means a notice setting out –
- (i) the details relating to the application which are contained on the register of planning applications pursuant to section 9(1)(a) to (d),
 - (ii) where the application is for EIA development, a statement to that effect and to the effect that an Environmental Statement and, where relevant, a Compliance Document have been submitted by the applicant,
 - (iii) how and where further details relating to the application may be obtained, and
 - (iv) how representations concerning the application and, where the application is for EIA development, the Environmental Statement and, where relevant, the Compliance Document may be made to the [Authority].

NOTE

In section 10, the word "Authority" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 8, with effect from 1st May, 2016.

Consultation before grant of permission.

11. (1) Before granting planning permission for development the [Authority] may consult in writing any person or body who reasonably appears to the [Authority] to have appropriate expertise relating to the development in question and shall, in determining the application, take into account any written representations received from that person or body, within, where relevant, any period specified by the [Authority] pursuant to subsection (2).

(2) Where the [Authority] consults a person or body pursuant to subsection (1), it may require in writing that any representations are made to it within a specified period of not less than 14 days starting from the date on which the [Authority] consulted that person or body.

NOTE

In section 11, the word "Authority" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 8, with effect from 1st May, 2016.

PART IV

MATERIAL PLANNING CONSIDERATIONS

Status of Plans, Local Planning Briefs and other material considerations.

12. (1) Subject to section 77(9) of the Law and section 18(3) of this Ordinance, where, pursuant to section 16(5)(b) of the Law, the [Authority] has regard to any relevant Plan or Local Planning Brief in determining an application for planning permission for development which would involve a departure from such a Plan or Local Planning Brief then –

(a) subject to subsection (2), it must refuse the application,

and

- (b) it need not take into account any other matter to which it is required to have regard under the Law and this Ordinance.

(2) Where the [Authority] considers, in response to a written request from the applicant, that to grant the application would only involve a minor departure from a relevant Plan or Local Planning Brief then, notwithstanding subsection (1) and subject to subsection (3), it may grant permission.

(3) For the avoidance of doubt, where, pursuant to section 16(5)(b) of the Law, the [Authority] has regard to any relevant Plan or Local Planning Brief in determining an application for planning permission for development which –

- (a) would not involve a departure from such a Plan or Local Planning Brief,
- (b) would involve a minor departure from such a Plan or Local Planning Brief but the [Authority] exercises its discretion in subsection (2), or
- (c) is strategically essential development,

then the [Authority] shall have regard to such Plan or Local Planning Brief and to any other matters to which it is required to have regard under the Law and this Ordinance in determining the planning application and the weight to be given to the Plan or Local Planning Brief and any other matter shall be for the [Authority] having regard to the particular facts and circumstances of the case.

NOTES

In section 12, the word "Authority" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 8, with effect from 1st May, 2016.

The following case has referred to section 12:

Groucutt v Minister of the Environment Department (2015)
(Unreported, Royal Court, 8th July) (Guernsey Judgment No. 30/2015).

General material considerations.

13. (1) Subject to section 12, in addition to the matters to which the [Authority] is required to have regard under the Law and this Ordinance, in determining an application for planning permission, the [Authority] must have regard to –

- (a) the likely effect of the development on the natural beauty and landscape quality of the locality in question,
- (b) the character and quality of the natural and built environment which is likely to be created by the development,
- (c) the appropriateness of the development in relation to its surroundings in terms of its design, layout, scale, siting and the materials to be used,
- (d) the likely effect of the development on the character and amenity of the locality in question,
- (e) the likely effect of the development on roads and other infrastructure, traffic and essential services,

- (f) the likely effect of the proposed use to which the application site is to be put and the likely effect of any other use to which it could be put without obtaining a further planning permission,
- (g) any proposed planning covenant which can be entered into in accordance with section 23 of the Law –
 - (i) which provides a benefit having regard to the purposes of the Law or any other purpose for which a planning covenant may be entered into, and
 - (ii) which would have a material connection with the development,
- (h) the likely effect of the development on parks, playing fields and other open spaces, and
- (i) the likely effect of the development on the reasonable enjoyment of neighbouring properties.

(2) In this section the "**quality of the natural and built environment**" shall include its quality in terms of the level of health, safety and security of persons afforded by that environment.

NOTES

In section 13, the word "Authority" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 8, with effect from 1st May, 2016.

The following case has referred to section 13:

Groucutt v Minister of the Environment Department (2015)
(Unreported, Royal Court, 8th July) (Guernsey Judgment No. 30/2015).

Additional material considerations in relation to protected monuments.

14. Subject to section 12, in addition to any other matter to which the [Authority] is required to have regard under the Law and this Ordinance, in determining an application for planning permission for development in relation to, within the curtilage of or affecting the setting of a protected monument the [Authority] must, in the light of the provisions in sections 30 and 31(1) of the Law, also have regard to –

- (a) the desirability of preserving the special interest by reason of which the protected monument is listed,
- (b) where any alteration to a protected monument is proposed, the appropriateness and compatibility of that alteration in relation to that monument, and
- (c) the opportunity that the development may afford to restore, enhance or improve the protected monument or its setting.

NOTE

In section 14, the word "Authority" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 8, with effect from 1st May, 2016.

Additional material considerations in relation to protected buildings.

15. Subject to section 12, in addition to any other matters to which the

[Authority] is required to have regard under the Law and this Ordinance, in determining an application for planning permission for development in relation to, within the curtilage of or affecting the setting of a protected building the [Authority] must, in the light of the provisions in sections 34 and 35(1) of the Law, also have regard to the considerations referred to in paragraphs (b) and (c) of section 14 of this Ordinance as though they referred to a protected building.

NOTE

In section 15, the word "Authority" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 8, with effect from 1st May, 2016.

Additional material considerations in relation to protected trees.

16. Subject to section 12, in addition to any other matter to which the [Authority] is required to have regard under the Law and this Ordinance, in determining an application for planning permission for development in relation to a protected tree, the [Authority] must, in the light of the provisions in section 42 of the Law, have regard to –

- (a) the desirability of protecting the amenity value of the protected tree by reason of which the tree protection order in question was made and any future potential amenity value of that tree,
- (b) the health of the protected tree,
- (c) any harm which is likely to be caused by the protected tree, and
- (d) the likely amenity value of any proposals to mitigate

any detrimental effect on amenity which is likely to arise from the development.

NOTE

In section 16, the word "Authority" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 8, with effect from 1st May, 2016.

PART V

CONDITIONS, RESERVED MATTERS AND DETERMINATIONS

Conditions.

17. The [Authority] may impose such conditions as it thinks fit pursuant to section 16(1) of the Law and, without prejudice to the generality of that section and the foregoing, such conditions may provide –

- (a) for development to be carried out in accordance with plans approved by the [Authority],
- (b) that, notwithstanding the provisions of the Law, this Ordinance and the Land Planning and Development (Exemptions) Ordinance, 2007^d, certain works or operations may not be carried out other than as expressly authorised by the planning permission in question,
- (c) for reducing any anticipated adverse effect of the development on land under the control of the applicant,

^d Approved by resolution of the States on 26th September, 2007.

- whether or not it is land in respect of which the application was made,
- (d) for the restoration, enhancement, improvement or management of any buildings on, or other land forming part of, any land under the control of the applicant whether or not it is land in respect of which the application was made,
 - (e) where the [Authority] considers that certain works or facilities are reasonably required in connection with the development, for such works or facilities to be carried out or provided before commencement of development and whether or not they are wholly within the power of the applicant to provide,
 - (f) for works to be carried out to provide services which are essential or important for the development on land which is –
 - (i) within the control of the applicant, or
 - (ii) within the control of the States and forms part of the application site,
 - (g) where permission is granted for a limited period, for the removal of any buildings or works authorised by the permission, or the discontinuance of any use of buildings or other land so authorised, by the end of that period, and the carrying out of any works for the reinstatement of any buildings or other land by the end

of that period, or

- (h) for requirements relating to –
 - (i) where the development is in relation to, within the curtilage of or affecting the setting of a protected monument, the preservation of the special interest by reason of which the monument is listed,
 - (ii) where the development is in relation to, within the curtilage of or affecting the setting of a protected building, the preservation of the character of that building as a building of the particular special interest by reason of which it is listed,
 - (iii) where the development is to be carried out in a conservation area, the preservation and enhancement of the character and appearance of that area,
 - (iv) where the development is to be carried out in a site of special significance, preserving, enhancing and managing the character, appearance and environment of that site or any feature of special interest by reason of which it is designated, or
 - (v) where the development relates to a protected tree, its protection.

NOTES

In section 17, the word "Authority" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 8, with effect from 1st May, 2016.

The Land Planning and Development (Exemptions) Ordinance, 2007 has since been repealed by the Land Planning and Development (Exemptions) Ordinance, 2023, section 5, with effect from 29th March, 2023, subject to the transitional provision and saving in section 5(2) and section 5(3) of the 2023 Ordinance.

Reserved matters.

18. (1) Details of all or any of the following matters may be reserved for subsequent approval on the grant of an outline permission in accordance with section 16(1)(b) of the Law –

- (a) siting,
- (b) design,
- (c) external appearance,
- (d) means of access, and
- (e) landscaping.

(2) An applicant must not make an application for approval of reserved matters that alters the nature, having regard to the development as a whole, of the development for which outline permission was granted.

(3) Notwithstanding section 12(1), the [Authority] must not refuse

an application for approval of reserved matters on grounds which go to the principle of the development for which outline permission was granted.

NOTE

In section 18, the word in square brackets was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 8, with effect from 1st May, 2016.

Determination of planning application.

19. (1) The [Authority] shall notify the applicant of its decision on a planning application as soon as possible after it has made its decision and that notification shall constitute the grant or refusal of the application in question.

(2) Where the notification is of a grant of planning permission it must include –

(a) where conditions are imposed –

(i) the reasons for each condition imposed,

(ii) a copy of any representations made to the [Authority] under section 11, and

(iii) a statement of the applicant's right of appeal under section 68(1)(b) of the Law,

(b) where the application is for EIA development, a statement that the matters set out in the Environmental Statement, and, where relevant, the Compliance Document, have been taken into consideration by the [Authority] in making its decision.

(3) Where notification is of a refusal of planning permission it must include –

- (a) the reasons for the refusal,
- (b) a copy of any representations made to the [Authority] under section 11, and
- (c) a statement of the applicant's right of appeal under section 68(1)(a) of the Law.

NOTE

In section 19, the word "Authority" in square brackets, wherever occurring, was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 8, with effect from 1st May, 2016.

PART VI
MISCELLANEOUS

Interpretation.

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

"Compliance Document" shall be construed in accordance with section 10(2) of the EIA Ordinance^e,

"conservation area" means an area which is identified in a Plan or Local Planning Brief as being of special architectural or historic interest and

^e Approved by resolution of the States on 26th September, 2007.

the character or appearance of which it is desirable to preserve or enhance by the application of the special provisions in chapter 3 of Part IV of the Law,

"[Authority]" means the States of Guernsey [Development & Planning Authority],

"development" shall be construed in accordance with section 13(1) of the Law and Part I of this Ordinance,

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

"EIA application" shall have the meaning in section 13(1) of the EIA Ordinance,

"EIA development" shall be construed in accordance with section 2 of the EIA Ordinance,

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

"Environmental Statement" shall have the meaning in section 13(1) of the EIA Ordinance,

"landscaping" means the treatment of land (other than buildings), being the site or part of the site in respect of which an outline permission is granted, for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated,

"the Law" means the Land Planning and Development (Guernsey)

Law, 2005,

"Local Planning Brief" means a current adopted brief prepared pursuant to sections 10 and 11 of the Law including any current adopted amendment thereto,

"means of access" means any means of access, whether private or public, including for pedestrians, and includes a public highway,

"notice" means notice in writing,

"notify" means notify in writing,

"outline permission" means planning permission subject to the reservation of particular matters for subsequent approval,

"Plan" means a Development Plan or a Subject Plan,

"Planning permission" means the permission which is required under section 14 of the Law for the carrying out of any development of land,

"Planning Tribunal" means the Tribunal the members of which are appointed under section 87 of the Law to hear and determine an appeal under the Law,

"protected building" means a building, or any part of a building, which is of special historic, architectural, traditional or other interest and which is listed on the protected buildings list,

"protected monument" means a monument, structure, artefact, cave, ruin or remains which are of archaeological, historic, traditional, artistic or

other special interest and which is listed on the protected monuments list,

"protected tree" means any tree, group or area of trees or woodlands in relation to which a tree protection order has been made,

"public highway" includes any vehicular or pedestrian road, street, lane, track or path used by the public,

"receipt form" has the meaning given by section 10(9)(a),

"registration" means, in relation to the registration of an application for planning permission, the placing on the register of the details and documents specified in section 9(1)(a) to (d),

"reserved matters" shall be construed in accordance with section 18(1),

"site notice" has the meaning given by section 10 (9)(b),

"site of special significance" means an area which is identified in a Plan or Local Planning Brief as having special significance (whether because of archaeological, botanical, geological, scientific, cultural, zoological or any other interest) and which it is desirable to preserve, enhance or manage by the application of the special provisions in Chapter 4 of Part IV of the Law,

"strategically essential development" shall be construed in accordance with section 77 of the Law,

"Subject Plan" means a current adopted plan prepared pursuant to sections 9 and 11 of the Law including any current adopted amendment thereto,

"tree protection order" means an order made under section 43(1) of the Law for the protection of any tree, group or area of trees or woodlands,

"under the Law" includes provisions made under the Law,

"use class" means a class of uses identified as such by Ordinance of the States under section 13(6) of the Law^f,

and other terms used in this Ordinance which are not defined in it but are defined in the Law shall have the same meaning as in the Law.

(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.

NOTES

In section 20, the words, first, "Authority" and, second, "Development & Planning Authority" in square brackets in the definition of the expression "Authority" were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 8 and section 2, Schedule 1, paragraph 4(b), Schedule 2, Part 3, with effect from 1st May, 2016.

The functions, rights and liabilities of the Environment Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Development & Planning Authority and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 4(b), Schedule 2, Part 3, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

The Land Planning and Development (Use Classes) Ordinance, 2007 has since been repealed by the Land Planning and Development (Use Classes)

^f See the Land Planning and Development (Use Classes) Ordinance, 2007 (Approved by resolution of the States on the 26th September, 2007).

Ordinance, 2017, section 8, with effect from 3rd April, 2017, subject to the transitional provisions and savings in section 7(2) of the 2017 Ordinance.

Amendment of the Law.

21. (1) The Law shall be amended as follows.

(2) In Schedule 2 (interpretation) at the end add –

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

Citation.

22. This Ordinance may be cited as the Land Planning and Development (General Provisions) Ordinance, 2007.

Commencement.

23. This Ordinance shall come into force on the same date as the Law.

NOTE

The Law was brought into force on 6th April, 2009 by the Land Planning and Development (Fees and Commencement) Ordinance, 2008, section 15.

SCHEDULE Section 3(b)
PARTS OF CONSERVATION AREAS WHERE CERTAIN OPERATIONS
CONSTITUTE DEVELOPMENT

The St. Peter Port conservation area.

1. Those parts of the St. Peter Port conservation area which fall within South Esplanade, the Quay, North Esplanade, Gategny Esplanade, the Pollet, High Street, Hauteville, Fountain Street, Trinity Square, Mill Street, Mansell Street, Contree Mansell, Smith Street, Lefebvre Street, Rue du Manoir, College Street, Castle Emplacement, Crown Pier, La Salerie Harbour and Saint Julian's Avenue.

The Bridge conservation area.

2. Those parts of the Bridge Conservation area which fall within South Quay, the Bridge and North Side.