

Island of



Guernsey

## Ordinance of the States

**XXVI**  
**2011**

---

Made.....28th September, 2011

Coming into Operation .....28th September, 2011

---

## The Land Planning and Development (Planning Covenants) Ordinance, 2011



# **The Land Planning and Development (Planning Covenants) Ordinance, 2011**

**THE STATES**, in pursuance of their Resolution of the 27<sup>th</sup> May 2010<sup>a</sup>, and in exercise of the powers conferred on them by sections 23(6) and 89 of the Land Planning and Development (Guernsey) Law, 2005<sup>b</sup>, and of all other powers enabling them in that behalf, hereby order:-

## **Purposes for which a planning covenant may be entered into.**

1. (1) The owner of any land may enter into a planning covenant not only for the purposes of the Law but also for the purposes specified in subsection (2).

(2) The purposes referred to in subsection (1) are the purposes of ensuring the provision of affordable or social housing.

## **Interpretation.**

2. (1) In this Ordinance, unless the context requires otherwise -

**"affordable housing"** means -

- (a) social housing provided for persons on low incomes,  
and

---

<sup>a</sup> Article VIII of Billet d'État No. XI of 2010.

<sup>b</sup> Order in Council No. XVI of 2005 as amended by Order in Council No. XIII of 2010, Recueil d'Ordonnances Vol. XXXII pp. 224, 257, 369, 419 and 439 and the Land Planning and Development (Fees and Miscellaneous Amendments) Ordinance, 2011.

(b) intermediate housing,

"**enactment**" means any Law, Ordinance or subordinate legislation,

"**Guernsey Housing Association**" means the Guernsey Housing Association LBG (limited by guarantee company),

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

"**intermediate housing**" means dwellings owned or controlled by the Housing Department, the Guernsey Housing Association or any other person or legal arrangement which are offered -

(a) to persons whose housing needs, as identified by the Housing Department, are not met by the private sale or rental market for dwellings,

(b) on a basis which may include provision for part ownership, part share of equity or low cost ownership or any similar scheme (however named), and

(c) to persons who meet the criteria set, from time to time, by the Housing Department, the Guernsey Housing Association or other person or legal arrangement, as the case may be, for the occupation of such dwellings,

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

Law, 2005,

"**legal arrangement**" includes a trust as defined in the Trusts (Guernsey) Law, 2007<sup>c</sup> or any other vehicle whatsoever which has a similar legal effect,

"**planning covenant**" has the meaning given by section 23(1) of the Law,

"**social housing**" means dwellings owned or controlled by the Housing Department, the Guernsey Housing Association or any other person or legal arrangement which are offered to persons on low incomes or with other needs identified by the Housing Department -

- (a) whose housing needs, as identified by the Housing Department, are not met by the private sale or rental market for dwellings, and
- (b) who meet the criteria set, from time to time, by the Housing Department, the Guernsey Housing Association or other person or legal arrangement, as the case may be, for the occupation of such dwellings,

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect, and

---

<sup>c</sup> Order in Council No. III of 2008.

other terms 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.

**Citation and Commencement.**

3. This Ordinance may be cited as the Land Planning and Development (Planning Covenants) Ordinance, 2011 and shall come into force on the 28<sup>th</sup> day of September, 2011.

S.M.D. ROSS,  
Her Majesty's Deputy Greffier.



**Copies may be purchased from  
Her Majesty's Greffier, Royal Court House, Guernsey.**

**PRICE £2.00**

Printed by Image Group, Caslon Court, Pitronnerie Road, St Peter Port, Guernsey GY1 3NE