COLLAS CRILL

Strategy for nature: Changing the use of land while enhancing biodiversity

APRIL 2022

Senior Planning Consultant Chris Crew joined Collas Crill in April 2022 to offer specialist planning advice as part of the firm's property services in Guernsey. Chris is a Chartered Member of The Royal Town Planning Institute and has more than 17 years' experience gained in the UK and Guernsey. He joins Collas Crill from the States of Guernsey Planning Service where he worked as a Senior Planning Officer for eight years. Here he shares his views on changes to the planning application process to change agricultural land to domestic garden in Guernsey.

The recent launch of Grow Guernsey Natives is an excellent example of the type of positive action needed to realise the ambition of Guernsey's 2020 Strategy for Nature (the **Strategy**) - the framework for the States of Guernsey, private sector and community to strengthen the island's response to the changes facing nature from climate change and other human made pressures.

Grow Guernsey Natives is the joint initiative of the Botany Section of La Societe Guernesiaise and GROW Limited and aims to preserve Guernsey's native plant species.

The Strategy and the Development and Planning Authority (DPA)

The DPA adopted the Strategy as supplementary planning guidance in July 2021. It can be taken into account when individual planning applications are determined insofar as is lawful and proportionate under the Land Planning and Development (Guernsey) Law 2005, and the relevant provisions of the Island Development Plan (IDP).

Changing use of land

Planning applications to change the use of agricultural land to domestic garden have drawn strong criticism from various local bodies, organisations and States Deputies. In fact La Societe Guernesiaise has recently called for a moratorium on such applications being approved.

In September 2021 the DPA directed that certain planning applications, specifically those involving the change of use of agricultural land to domestic garden under IDP Policy GP15, must be accompanied by information demonstrating how ecological or biodiversity enhancements will be delivered if planning permission is granted.

This information needs to be sufficiently detailed for the DPA to understand the existing environmental condition of the land and precisely what enhancements are proposed, in order for it to decide whether or not appropriate biodiversity or ecological enhancements would be delivered.

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How the Grow Guernsey Natives initiative could help

In the absence of practical, Guernsey-specific guidance, applicants and their agents may feel that this new requirement is difficult to comply with. This is one reason why initiatives such as Grow Guernsey Natives are so welcome, as they raise awareness and provide a local source of advice and information that is useful for all parties.

Landscape character, biodiversity and food security concerns (particularly given current global volatility and rising inflation) have undoubtedly struck a chord with many Islanders, but the DPA cannot unilaterally amend Policy GP15. All applications must be assessed against, and determined on, the basis of current planning policies, and a review of the IDP is likely to take several years to complete.

On that point, it will be interesting to see how the aims of the Strategy influence any such review. For instance through previously developed or brownfield land being prioritised ahead of greenfield sites, or by extending the requirement to identify and deliver biodiversity and ecological enhancements to a wider range of planning applications.

Land owners, applicants and developers will need to maintain an awareness of the IDP review process when it begins, and carefully consider the timing of application submissions given the risk that current policies may become more restrictive.

If you need any advice or have questions about any aspect of planning please contact Chris Crew.

About Collas Crill's property team

Collas Crill's Guernsey property team is headed by partner Paul Nettleship and is rated as "Top Tier" in both Legal 500 and Chambers, the leading international legal directories. It is one of the largest teams in Guernsey and includes a dedicated UK real estate offering. The team has more than 100 years of collective experience and is known for our practical, problem-solving approach. The team advises on all aspects of Guernsey property law, and has a proven track record for planning matters, including initial advice, running all the way through to successful planning appeals.

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