COLLAS CRILL

Planning in the Channel Islands: Time for 'special measures'?

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In this opinion piece, Senior Planning Consultant Chris Crew shares his views on some of the challenges faced by Guernsey and Jersey's States planning departments when it comes to performance.

Eighteen English councils are at risk of having planning decisions taken out of their hands and dealt with by the Planning Inspectorate if they fall below specified thresholds under the UK government's special measures programme, according to a recent Planning Resource article (subscription required).

Those thresholds are that 60% of major applications should be determined within the statutory deadline of 13 weeks, and 70% of non-major applications within eight-weeks.

Although not applicable in the Channel Islands, they serve as a useful comparator given that Guernsey and Jersey both set targets for speed of decision making under separate but similar statutory frameworks.

Speed of decision making in the Channel Islands

Guernsey

In Guernsey, the Planning Service aims to issue 80% of planning decisions within eight weeks, and 90% within 13 weeks. It also aims to determine 90% of householder applications within eight weeks.

Performance monitoring reports published since 2009 show that performance peaked in 2013-2014 when figures of 82%, 94% and 86% were achieved, before gradually falling back to a pre-Covid low of 63%, 83% and 67% in 2019-2020. The only other figures available, for the period April – October 2020, show that performance collapsed to 29%, 67% and 36% respectively.

Jersey

In Jersey, the Planning and Building Service aim to determine 85% of applications within eight weeks for minor applications, and 13 weeks for major applications. Figures are harder to come by, but during the period 2017 – 2019 performance declined from 79% to 73% for minor applications, and from 61% to 50% for major applications. Since 2020 only a single figure has been published, which shows a continued fall in overall performance from 60% in 2020 to 45% in Q1 2022.

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Whilst COVID-related performance impacts are well understood, and although targets, monitoring approaches and the quality of information captured differ between the Islands, it is clear is that the performance of both planning services has declined markedly in recent years.

The causes of declining performance

Guernsey

Guernsey's Planning Service has regularly highlighted that deferring applications for negotiation of improvements or for submission of further information, even where this leads to delays in decisions being reached, is a positive alternative to refusing planning permission within the target deadline. It has also stressed that feedback from planning agents indicates strong support for this approach, in that it helps to maintain a relatively low refusal rate, and consequently results in fewer appeals. The departure of experienced staff and increased numbers of planning applications have also been referred to as contributory factors.

Jersey

In Jersey's case, annual Performance Measures reports for 2021 and 2022 note that, in addition to COVID impacts, backlogs were caused by increased numbers of planning applications and compliance cases. They go on to note that the Planning and Building Service is in a recovery phase and, with additional resource having been approved through the Government Plan and recruitment active across all teams, service levels are expected to return to normal during 2023.

The need to improve

Post-COVID social and economic recovery in both Islands will depend in large part on their respective planning services being properly resourced, and provided with a robust suite of policies that have the majority support of politicians, developers and Islanders.

The same is true in England. Following the 2008 financial crisis there is a growing acknowledgement of the need to reverse cuts to council planning departments. Additionally in 2021 the government announced that it plans to invest an additional £65m '*... in planning and create a new digital system, ensuring greater certainty and better outcomes for the environment, growth and quality of design.*'

There is no higher tier of government that could place the Channel Island's planning services in 'special measures', meaning that it falls to senior civil servants and politicians to identify and implement solutions.

Recruiting additional staff will be one part of this. But increased investment by English councils in planning departments and competition for experienced staff from the private sector will inevitably make recruitment to the Channel Islands more challenging. This is something that is exacerbated by currently high housing, living and travel costs. Ironically, improving planning service performance and delivering sustainable development

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would alleviate some of those costs and make recruitment easier, benefiting not just the public sector but both Island communities as a whole.

Against the backdrop of rising inflation and global instability it is clear that there will be no quick fixes. However, experience shows that early and meaningful public investment in our planning systems will be essential to drive recovery and growth across the Channel Islands, ensuring that residents and businesses can access the homes, jobs, public services and infrastructure they need to thrive.

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