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Affordable housing requirements in Guernsey: The impact of GPII suspension

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The States of Guernsey has recently voted to suspend the Island Development Plan Policy GP11 for a five year period. This article outlines the wider implications this decision could have on affordable housing in Guernsey.

The suspension follows sustained criticism by developers, the construction industry and politicians that the requirement to provide an element of affordable housing has affected viability and held back the delivery of larger housing developments across the island.

The successful Resolution was an amendment to the original Requéte, which had sought changes to current planning legislation to enable planning policies to be adopted or changed by Resolution of the States and without engaging any of the current or prior procedures.

In practice, changing current legislation would have been a complex and time-consuming exercise. The outcome of could have been a tinkerer's charter used (and potentially abused) to delete other planning policies perceived to be a drag on new development or, with a different political impetus, to impose additional, more onerous policies.

This would rapidly erode certainty over policy requirements and likely outcomes, further discouraging or delaying investment in new housing development, whilst at the same time undermining wider public trust and confidence in the planning system.

Instead, the successful amendment sought agreement for the percentage requirement for affordable housing under Policy GP11 to be set at 0% for all relevant proposals until 31 May 2029, and for the Development & Planning Authority (**the DPA**) to be directed to apply that requirement when Policy GP11 is engaged and to publish amended Supplementary Planning Guidance to that effect.

The rationale for this approach is set out within the IDP itself, which provides that:

> *In applying the policies of the Island Development Plan, the [DPA] will take into account any States' approved strategies, or any subsequent amended or revised documents,* ***or any relevant direction from the States of Guernsey****. [Emphasis added]*

Much of the reporting and commentary following this decision has presented the suspension as an absolute, but the reality is more nuanced.

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Policy GP11 remains in place as part of the IDP as originally written, but the DPA will have to take into account the States' clear direction that the affordable housing requirement be disapplied.

In effect, the States Resolution is now an additional material consideration - one of many that must be considered alongside relevant planning policies when determining a formal planning application.

The weight to be afforded to this new material consideration is a matter for the decision taker, be that planning officers acting under delegated powers, the DPA Committee itself, or the Planning Appeal Tribunal, and theoretically could vary from case to case.

As the States' Resolution has taken immediate effect, and as it is hoped that this will lead to a surge in the number and scale of applications for residential development, the swift publication of amended Supplementary Planning Guidance would add welcome certainty and ensure consistency on this point.

In the meantime, it may be necessary for the DPA Committee to take a more active role in the determination of relevant planning applications to ensure that this Resolution is afforded the substantial weight clearly intended by the States.

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