COLLAS CRILL

Planning services: Who watches the watchers?

MAY 2024

Recent reports in the Guardian newspaper highlighted criticism by the NHS Ombudsman that the health service in England is doing too little to end the 'cover up culture' that puts reputation management ahead of the duty of candour.

While it's safe to say that the planning process does not involve matters of life or death, I can't help but feel that the Guernsey Planning Service's decision to end the regular publication of performance statistics has been driven by a similar fear of criticism; a decision that appears to be at odds with the States of Guernsey Freedom of Information Code.

The Freedom of Information Code is based on the following core principles:

- A presumption of disclosure
- A corporate approach
- A culture of openness
- Pro-active publication
- Effective record management

Planning Service targets and performance

In accordance with published targets, the Planning Service aims to issue 80% of planning decisions within eight weeks, and 90% within 13 weeks.

Performance monitoring reports published since 2009 show that performance peaked in 2013-2014 when figures of 82% and 94% were achieved, before gradually falling back to a pre-Covid low of 63% and 83% in 2019-2020. The only other formal published figures available, for the period April – October 2020, show that performance collapsed to 29% and 67% respectively. More recently, in the three months to the middle of February this year, the Planning Service has indicated that figures had improved to 67% of decisions being issued in eight weeks and 81% in 13 weeks.

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 architects and other professional agents indicates strong support for this approach, in that it helps to maintain a relatively low refusal rate, and consequently results in fewer appeals.

This note is a summary of the subject and is provided for information only. It does not purport to give specific legal advice, and before acting, further advice should always be sought. Whilst every care has been taken in producing this note neither the author nor Collas Crill shall be liable for any errors, misprint or misinterpretation of any of the matters set out in it. All copyright in this material belongs to Collas Crill.

Why timely planning decisions matter

It's true that the speed of decision making is only one metric by which the planning system can be measured. Others include the percentage of applications that are approved or refused, the percentage of planning appeals that are allowed, outcomes in terms of the number of new homes delivered, and direct or indirect impacts on the quality of the environment and health, social and economic objectives.

But speed is one of the most important in terms of ensuring that new development can be delivered swiftly, when it is needed, and in a way that is financially viable.

Lengthy delays in decision making contribute to uncertainty for developers and their funders, and can cause investment decisions to be postponed or cancelled entirely. Delays can also make approved (and even commenced) development more vulnerable to macro-economic and geo-political shocks, such as those that we have all been living through during the last few years.

All told, this has the potential to hold back Guernsey's ongoing post-Covid economic recovery and return to sustainable growth, with the inevitable consequence that residents and businesses will be unable to access the homes, jobs, public services and infrastructure they need to thrive.

Conclusion

Effective scrutiny identifies how and where processes and decisions could be improved and how to prevent mistakes being made or repeated.

Without effective monitoring and the regular, open and transparent publication of Planning Service performance statistics, it will become increasingly difficult for politicians, service managers, built environment professionals, applicants, researchers, the media and communities to hold the planning system to account, to measure, make informed judgements on, and communicate its efficiency, effectiveness and value, and to benchmark its performance against other comparable jurisdictions.

That will surely lead to less certainty and poorer quality outcomes in terms of the environment, sustainable and equitable economic growth, access to housing and quality of design, something that will affect us all.

For more information or advice on planning matters in Guernsey, contact Chris Crew on 01481 734253.

This article first appeared in issue 15 of Guernsey Property and Constriction magazine.

This note is a summary of the subject and is provided for information only. It does not purport to give specific legal advice, and before acting, further advice should always be sought. Whilst every care has been taken in producing this note neither the author nor Collas Crill shall be liable for any errors, misprint or misinterpretation of any of the matters set out in it. All copyright in this material belongs to Collas Crill.

COLLAS CRILL

For more information please contact:



Chris Crew

Senior Planning Consultant | Guernsey

t: +44 (0) 1481 734253 | **e:** chris.crew@collascrill.com

This note is a summary of the subject and is provided for information only. It does not purport to give specific legal advice, and before acting, further advice should always be sought. Whilst every care has been taken in producing this note neither the author nor Collas Crill shall be liable for any errors, misprint or misinterpretation of any of the matters set out in it. All copyright in this material belongs to Collas Crill.