Alderney Land Use Plan 2016

Inspector's Report of the Public Inquiry

Pre-Inquiry Meeting 18 April 2016

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To

The States of Alderney
Building and Development Control Committee

Dear Mr Birmingham and other Committee Members

Alderney Land Use Plan 2016

As you know I recently concluded a public inquiry into the Alderney Land Use Plan 2016. I am now pleased to submit my report. If there are any points on which the Committee would like clarification or additional views please do let me know. I shall be following carefully the ensuing processes through the States.

Yours Sincerely

Alan Langton

Inspector

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Report following an independent examination of the proposed Alderney Land Use Plan 2016 by the States of Alderney Building & Development Control Committee (B&DCC)

PREAMBLE

Introduction

1.1 Land use planning in Alderney is subject to The Building and Development Control (Alderney) Law, 2002. Guidance and policy within that legal framework is currently contained in the B&DCC Policy Guidelines (December 2008) and Alderney Land Use Plan (November 2011) Written Statement and Map. This policy framework is supported by Supplementary Planning Guidance and the designation of Conservation Areas.

1.2 The Committee has resolved to review and revise the 2008 and 2011 documents and to do so in two phases. Alterations proposed by the phase 1 review are contained within the Alderney Land Use Plan 2016 Section 1: Policy Guidelines and Alderney Land Use Plan 2016 Section 2: Sites (these are the written statements) and the Alderney Phase 1 Housing Land Use Plan 2016 (this is the cartographic plan). These were all subject to formal public consultation between 18 March 2016 and Friday 22 April 2016. This report provides an independent assessment of the proposed changes, based on my own examination of them and having regard to written and oral submissions together with site visits.

1.3 In summary the phase 1 changes propose:

an overall Land Use Plan Vision;

six Guiding Principles;

Plan outputs over the next 5 and 20 years;

a new overall housing policy context introducing strategic policies on various categories of future housing supply;

introduction of Housing Character Areas within the Building Zone (replacing a number of previous Zones);

enabling provisions to update policies for the Residential Zone within the Designated Area; and

consequential changes to the written statements and cartographic plan.

1.4 Other aspects of the 2008 and 2011 documents are currently retained without material change. Further changes are envisaged for a phase 2 review to take account of economic, natural environment and built heritage aspirations.

1.5 The phase 1 work was supported by a Housing Strategy report (February 2016) referred to but not directly incorporated in the proposed 2016 Land Use Plan. This report was itself subject to separate consultation and I was able to listen to the debate concerning it during the broadcast of the States meeting on 20 April 2016.

1.6 Amongst other matters the Housing Strategy proposes ending the Island's current C Permit housing requirements, which although a legislative issue is intimately interconnected with the Land Use Plan proposals. I sought views and will offer my thoughts.

1.7 The phase 1 public consultation was also preceded by a Call for Sites invitation. Some 32 proposals were submitted (including 3 by the States), primarily though not entirely with respect to suggested locations for residential development. One further location (treated as two sites) was submitted during the Land Use Plan consultation period and, separately, an alternative use for one of the initial 32 proposals. All were subject to the Land Use Plan Review Call for Sites Assessment (Arup - March 2016), supplemented for the inquiry with respect to the later submissions.

Inquiry Process

1.8 The inquiry process was conducted throughout in accordance with the provisions of The Building and Development Control (Alderney) Law, 2002. I was appointed by the President, Mr W Stuart Trought, on 21 October 2015, subsequently oversaw the timetable for public consultation, held a procedural Pre Inquiry Meeting on Monday 18 April and opened the actual inquiry the following week on Tuesday 26 April.

1.9 At the Pre Meeting, and again at the inquiry, a number of people expressed concerns regarding what they saw as an inadequate opportunity to engage with the process at the People's Meeting preceding the States meeting on 20 April. Also that the States meeting had been unable to vote on the Housing Strategy report but had agreed to reduce the quorum needed for the B&DCC to make decisions.

1.10 Mr Birmingham addressed these points, to the effect that putting the Housing Strategy report before the States at that stage, to hear views regarding it, went beyond what was constitutionally required of the B&DCC. Also that only the States could formally adopt the Plan, at a future meeting, also preceded by a People's Meeting. The whole process has been transparent and open. The quorum issue is simply one of practicality, to ensure that decisions on planning applications can be taken in a timely way.

1.11 I have recorded this brief summary of the exchanges for information only. They are not matters calling for comment from me.

1.12 As foreshadowed at the pre meeting, I conducted the inquiry in two formats. Day 1 comprised a structured round-table discussion of the (non site-specific) policy proposals. As well as Committee representatives, participation was open to all individuals and organisations who had made representations concerning policy issues. Days 2 and 3 comprised timetabled sessions to debate individual sites put forward in response to the Call for Sites or subsequently. Participation at each of these sessions was limited to Committee representatives and any party who had put the subject site forward or who had made representations with respect to it. I treated representations regarding the existing Zone 7 (Whitegates) similarly; it is effectively one location under single ownership.

1.13 Where no other eligible participant sought to attend or make oral submissions, I nonetheless reviewed those sites in turn at the inquiry with Committee representatives. I have visited each site (sometimes more than once) and also had regard to the initial Call for Sites submission documents and any written comments.

1.14 The Day 4 session provided an opportunity for Committee representatives to make final submissions.

1.15 All sessions of the inquiry were open to the public as observers, and I am pleased that a number of people took that opportunity.

Participants

1.16 I record here my thanks to members of the public and organisations who devoted a day to debating the policy aspects; to Mr Matt Birmingham, Mr John Young, Mr Kieron Hyams and Miss Chloe Salisbury representing the Committee; to those who attended to debate specific sites; to Sam Osborne who provided visual aids, volunteered background information and guided the Programme Officer and me to the sites; and finally not least the Programme Officer, Helen Wilson, for her efficient and adaptable organisation.

My Report

1.17 Those who contributed added substantially my understanding; however, responsibility for this report rests with me. It will not please everybody, at least in some regards, but I have sought to be fair and objective and I hope that most readers will recognise that the finally adopted 2016 Land Use Plan will be the better for having been subject to scrutiny by the public, other stakeholders and by me.

Alderney Land Use Plan 2016 Section 1: Policy Guidelines

Chapter 1: Introduction to the Land Use Plan

2.1 Alterations to the Section 1 Introduction mainly comprise updates to reflect the new document titles. However, paragraphs 1.3.1 and 1.3.2 would include Supplementary Planning Guidance (SPG) and also Conservation Areas within the ambit of the Land Use Plan. Currently they fall within the somewhat separate Policy Guidelines. Mr Hughes in particular expressed concerns regarding the seeming resulting future ability of the Committee to modify the Land Use Plan itself by means of new or amended SPG "at any time" (LUP2016 Section 2 p1) without the need for statutory processes ordinarily required.

2.2 This underlying concern was not disputed by Committee representatives, who rather advised that there is no such intention. Mr Young confirmed that as set out on its cover page, the 2008 Policy Guidelines document was "received and noted" by the States and that its important policy content has since been applied. Its current process of updating and formally classifying as a component of the Land Use Plan requires complementary amendments to the Law. That is in hand with Law Officers of the Crown. Tidying up amendments, not material to the substance of the 2016 Plan, are proposed when its final version is put before the States. Amongst other matters, these are to ensure that SPG remains subordinate to the Plan and not a part of it. Another evolutionary legacy, for example, is the word "Guidelines" currently still in the Section 1 title; this is to be omitted to confirm its future full status as "Policy". Alderney legislation facilitates such amendments at that stage without recourse to a further public inquiry.

Inspector's Assessment

2.3 I am grateful for Mr Young's clarification. Inherently Planning Guidance cannot be both Supplementary and form part of a Land Use Plan. Also, the intended title change desirably reflects and underscores the intended status of Section 1 as an integral component of the Plan. Another evolutionary legacy, also raised by Mr Hughes, are references to States housing, transferred in 2008 to the Alderney Housing Association. These and any similar amendments, not material to the substance of the Plan, should be tidied up prior to formal adoption.

2.4 **I endorse the intention to do so**.

Phasing

2.5 Section 1 of the Plan continues, at 1.4, to confirm that further updates are to take account of economic, natural environment and built heritage aspirations. Written responses during the consultation stage in effect questioned whether economic updates in particular ought to precede the current changes.

2.6 At the inquiry, Mr Reeves argued that the present sequence risked creating a housing bubble, which could collapse in the absence of an underpinning economic strategy.

2.7 Mr Noone cited proposals for a marina, which if taken forward would of itself create maybe up to 100 associated new houses. Progressing the marina should take priority; the Island needs to be dragged from where it is to where it needs to be. Housing provision in isolation will simply create a building bubble. The two need to be tied together. C permits create about 5 new houses a year; now suddenly 100 are proposed over 5 years. Is this with eyes open?

2.8 Mrs Hempel referred to a shrinking economy and questioned where the money would come from as things stand. Water supplies have been problematic in the past, and could the electricity supply cope?

2.9 Mr Thornburrow raised concerns about deferring consideration of the natural environment, and whether it would be exposed to risk meanwhile. There is no reference to Conservation Areas.

2.10 Mr Hughes, conversely, drew attention to numerous retained policies to safeguard the Green Belt. Subject to that, planning is facilitative; market forces would determine whether new housing provision is actually taken up. Mrs Hanbury, welcoming the new approach, described the previous LUP as almost entirely about safeguarding.

2.11 Committee representatives stressed a fundamental strategy to turn the Island's economy around. Previously the States failed to plan; for example increased population resulting from the growth in financial services during the 60s and 70s escalated housing costs in the absence of new provision. The States has an economic development plan that continues to be improved. Financial compliance requirements and associated new technology could create jobs and help grow the population. It would have been possible to start by considering either population or job growth – a chicken or egg choice. However, the proposals seek to anticipate economic growth, and by making adequate provision for housing not to be a barrier.

2.12 Sustainable development must encompass social, economic and environmental aims, but the Island cannot stand still until all are in place. Some considerations, such as the airport, are subject to control by the Bailiwick of Guernsey, of which Alderney is a part. Ultimately all planning considerations are interlinked – heritage and tourism for example – but it is necessary to start somewhere; housing is a logical place leading on to the other considerations. Housing provision is mainly about equity and prices, with only a small percentage of new build relative to the existing stock. Upgrading and reusing existing properties is an important aim.

2.13 Considerable ongoing investment in water collection, distribution and usage will forestall future problems; for example by leakage reduction and changes in building regulations to encourage grey water usage and efficient use of potable supplies. Electricity generation capacity is not an issue; rather insufficient current usage causes inefficiencies. Increased custom would lower unit costs.

2.14 Safeguarding remains important. No rezoning or encroaching into the Green Belt is envisaged over the next 20 years; more than sufficient land has been identified within the General Building Area. There are no more than outline proposals regarding a marina.

2.15 It is essential, however, to treat phase 1 for what it is: a job half done. Phase 2 is to address three further work strands: economic, commercial and infrastructure; conservation, heritage and built environment; and rural, agricultural and environmental. Subject to financial oversight by the States, the B&DCC remain committed to that process, to be completed in 2017.

Inspector's Assessment

2.16 I start by making the point that it is by no means unusual, rather the norm in my experience, for planning authorities to update Land Use Plans (development plans in UK parlance) in phases. A sound Plan must be evidence based, especially if it is to be aspirational rather than merely descriptive of what

exists, and also subject to active stakeholder engagement throughout its preparation and not just during the formal final statutorily required stages. The resources needed to do so over a wide range of topic streams should not be underestimated, both for a plan-making body and also stakeholders.

2.17 I see nothing to criticise in a phased approach in Alderney – indeed there was general recognition at the inquiry of the practical necessity. Nor do I see anything wrong in establishing a Vision before focusing largely on housing in this phase 1 – a matter that was challenged.

2.18 I accept, and indeed underscore, that simply making provision for additional homes will not itself grow an economy, other than a short term fillip to the building industry. There are unfortunately no shortage of examples of housing bubbles that turned sour without lasting benefit. However, the days of reckless investment, backed by easy credit, which sadly featured for a time in some jurisdictions are surely over.

2.19 A crucial point, therefore, and one to which I will return, is to stress that a Land Use Plan does not itself build any new houses; it is an instrument intended to facilitate others to do so. And for them to do so they must first either possess or acquire sufficient interest in a site, apply for and obtain planning permission and make an investment decision to proceed. Without a market, personal need, or in the case of the AHA a social need, they are most unlikely to proceed. Conversely, if as is to be hoped, other initiatives succeed in growing Alderney's economy, this could all too easily be frustrated by an overly constrained control of the supply of housing land.

2.20 There is no easy or indeed necessarily preferable sequence of topic consideration; however addressing housing in this first phase, prior to focusing on economic considerations, is entirely logical and defensible. I might add as an aside that similar arguments were advanced towards the end of last year with respect to a partial review of the Isle of Man Strategic [land use] Plan that similarly focused on housing.

2.21 It seems to me that queries regarding utility provisions were more than adequately and reassuringly answered by the Committee representatives.

2.22 **I endorse the phased approach both in principle and in its intended sequence as sound.**

2.23 My conclusion is, however, entirely dependent on Phase 2 proceeding as intended by the B&DCC. Both Mr Birmingham and Mr Young spoke assertively about that, and I agree. First, the housing provisions currently in train should be seen as 'clearing the decks' – removing a potential barrier to economic and financial objectives. There is no basis for believing that the housing opportunities would, in isolation, bring about economic and financial objectives.

2.24 Second, the conservation, heritage and built environment components of the LUP must be brought up to date to align with the aspirational Vision and housing aims in the phase 1 revisions. Phase 2 should not be treated as an opportunity to 'balance' the phase 1 aspirational growth by means of updated environmental safeguards. Rather it should seek a synergistic alignment between growth and firm updated safeguards; protecting the beauty, natural environment and townscape of Alderney, as well as being inherently important, is also a positive incentive to inward investment, tourism and population growth.

2.25 During the course of this inquiry, solely by way of examples, general and specific matters arose that were deferred on the understanding that they would be addressed during phase 2. Mr Thornburrow raised pertinent points about the importance of expressly addressing Conservation Areas, complementing the Housing Character Area and other Zonal policies in the 2016 Plan. As I address below, Mount Hale Ltd, Tickled Pink Ltd and Mr Burgess all accepted deferring comprehensive decisions regarding their respective sites.

2.26 **I emphatically recommend that the phase 2 review be funded and proceeds.**

Chapter 2: Legal context

2.27 No change is proposed to the statement of legal context, at paragraph 2.1, however Mrs Hanbury queried whether the 2016 Plan's provisions would apply to the States with respect to its own holdings. Mr Hughes, supported by Mr Thornburrow, also sought clarity, pointing to the extent of States owned property.

2.28 Mr Young in response referred the inquiry to exemptions conveyed by S67 of the 2002 Law, and in particular 67(1) with respect to general development by the States and 67(2) with respect to development by the States, or any utility company, for the purposes of the provision of public utility services. These provisions have been discussed by the B&DCC, and there is a political will for change – not least since the States passed over its housing to the Alderney Housing Association. Notwithstanding the provisions, it has been custom and practice in the past for the General Services Committee, as landlords of States property, to apply to the B&DCC for planning permission. Any change with respect to utility services would need to retain the need for essential, sometimes urgent, works to be carried out when required.

Inspector's Assessment

2.29 The issue having been raised, during the public consultation stage and at the inquiry, I though it right to record a summary of the above exchange. It does, however, concern legal and administrative issues rather than the substance of the Land Use Plan; **these are not for me to comment on let alone make recommendations.**

The Vision

2.30 So reverting to the Plan, Section 1 paragraph 2.2 for the first time introduces a vision to the Plan:

Alderney – a welcoming, resilient and sustainable island with a buoyant economy and a happy and healthy community, which values and protects the island's unique cultural and natural environment.

2.31 No comments were submitted during the consultation stage, however I prompted responses at the inquiry, which were favourable. Mr Birmingham rather aptly referred to the desirability before heading on a journey of knowing the desired destination.

Inspector's Assessment

2.32 At first blush a vision statement can be glossed over as simply a form of words, particularly perhaps when used for commercial promotional purposes. As the foundation for any form of development plan, however, my view is that an initial statement such as this is invaluable, setting the context for all that

follows. There is no inherent reason why it needed to have been formulated as it has: it would not be difficult to visualise statements that, purely by way of examples, focused largely on growing the economy or alternatively focused on conserving the Island as it currently stands. That chosen and put forward is content rich – covering a lot in just a few words – encompassing financial, social and environmental aims. A Land Use Plan that successfully addresses all three must surely be sound.

2.33 **I commend and endorse the Vision.**

Guiding Principles for the Land Use Plan

2.34 Following on, Section 1 paragraph 2.3 lists six guiding principles evidently shaped by the preceding Vision. Again there were no specific comments during the consultation stage but again I sought views from inquiry participants, which were mainly favourable.

2.35 Mrs Hempel did not question the guiding principles but raised concerns that authorities in Guernsey control resources and decision making.

2.36 Mr Thornburrow questioned whether the 4th guiding principle sufficiently highlights the Island's buried heritage, its archaeological interests, although Mr Hughes saw it as adequate for this purpose. Mr Young described the principles taken together as seeking to distill the essence of Alderney. He and Mr Birmingham undertook to review the fourth in light of Mr Thornburrow's concerns, and subsequently submitted a revised version to the inquiry.

2.37 As published this principle states:

> **Values and Protects its Built and Cultural Environment**: A community which values, protects and conserves its unique culture and promotes its distinct heritage and character.

2.38 As now submitted it reads:

> **Values, Protects and Sustainably Manages** its Built and Cultural Environment: A community which values, protects and sustainably manages its unique culture and promotes its distinct heritage and character both above and below ground.

Inspector's Assessment

2.39 The remaining principles set aims respectively concerning the economy, natural environment, sustainable community, efficient and well integrated land use and resilient infrastructure. They each embody an active verb: encourages, protects, maintains, enjoys, manages, provide – which impart their flavour. It seems to me that along with that regarding the built and cultural environment, these principles provide a comprehensive steer in the formulation of more specific topic based and geographically based planning policies for the Island. They may also provide a useful reference point in the determination of planning applications in cases where those specific policies do not point to a clear outcome.

2.40 As regards the particular, fourth, principle, the extant Policy DBE5, retained unaltered in the 2016 proposals, already offers strong safeguards with respect to areas of archaeological importance. However, "safeguards" does convey its current flavour; the revised wording to the fourth principle imparts a more dynamic, less reactive approach, not just below ground but generally. Policy DBE5, as its initials suggest, is within Chapter 3 Design and built environment not subject to the phase 1 review but intended for phase 2. Any particular

proposals arising from that later phase, whether with respect to this or any other policy, will be a matter for consideration then. However, the more aspirational approach now embodied in the revised fourth principle is entirely consistent with that underpinning phase 1 as a whole and desirable as a pointer for phase 2.

2.41 **I commend and endorse the Guiding Principles, including the revised wording recorded above.**

Plan outputs

2.42 Any land use plan should include a metric against which to monitor its effectiveness over time. That proposed in this case is set out in a table at its paragraph 2.4:

Output	Unit	Existing (2016)	Five years (2021)	Twenty years (2036)
Population	people	approx. 2,000	2,250	2,900-3,000
… of which are economically active	people	approx. 750	1,000	1,500
… of which are young people (under 18)	people	approx. 250	300	400
Full time resident households	Dwelling units	approx. 1,100	1,100	1,400

2.43 There were no direct comments during the consultation stage, however at the Pre Meeting I requested further information about data sources and methodology underpinning the figures. There was some evident disquiet at the meeting concerning the then lack of such information. Mrs Hempel, supported by Mrs Pearson, referred to the Tax on Real Property (TRP) publicly accessible data base as source of information. Mrs Pearson subsequently submitted an illustrative extract. The B&DCC representatives tabled a paper at the inquiry: Note to Support Land Use Plan Inquiry: Housing Outputs.

2.44 At the outset, it is important to distinguish between the Alderney Land Use Plan 2016 and UK Local Authority equivalent Plans. The latter typically respond (or are intended to respond) to projected demands for additional dwellings over a Plan period. In contrast, the Alderney LUP 2016 responds to the States aspiration to grow the population over the 5 year plan period and then on for a total of 20 years. That rate of growth is a given input to the Plan rather than a projected or calculated number. I record here the gist of the Arup paper submitted for the Committee, including oral amplifications.

Gist of the Note to Support Land Use Plan Inquiry: Housing Outputs

2.45 The States wish to reverse population decline, to make Alderney more self-dependent and sustainable, and to lead to economic growth. A proportionate approach has been taken, reflecting available evidence, and the method adopted reinforced and validated by stakeholder feedback:

Source	Date	Population	Houses	Households	Comments
Data available during Plan production period					
1951 Census	1951	1,328	-	-	
1961 Census	1961	1,472	-	-	
1971 Census	1971	1,686	-	-	
1981 Census	1981	2,086	-	-	
1991 Census	1991	2,297	-	-	
2001 Census	2001	2,294	-	-	
2013 Census (Island Analysis)	2013	1,903	1,362	969	Estimated that 393 houses were vacant or unoccupied (reported as 350).
Unoccupied Housing Survey	2013	-	Approx. 1,262	969	Estimated that approximately 293 houses were vacant or unoccupied.
2014 eCensus	2013	2,030	-	-	
	2014	2,013	1,464	-	Houses data taken from Cadastre information
Data released following Plan production period					
2015 eCensus	2015	2,020	1,468	-	Houses data taken from Cadastre information

Until 2001, a decennial Census was undertaken by the Bailiwick of Guernsey, using enumerators to deliver, administer and return a physical survey. In 2013, the States of Alderney commissioned Island Analysis to undertake a similar process.
Since 2014, the Bailiwick of Guernsey has undertaken an annual electronic Census (eCensus), using existing information and a Rolling Electronic IT System to provide a detailed demographic snapshot without the use of a physical survey.
In addition, the States of Alderney undertook an Unoccupied Housing Survey in 2013.

2.46 The difference between the physical and e Census where they overlap (2013, 217 people or 6.7%) is likely to result from the changed methodology. The eCensus, houses, data is from Cadastre and other information sources such as post-office address points. Although useful for honing eCensus data, there is some concern as to whether it is suitable for Plan making, given discrepancy with other sources. For example, stakeholder feedback suggested: possible double counting or other errors (eg ancillary buildings with separate utility connections potentially counted as a dwelling; and some 'dwellings' being non-residential (business or shared) or demolished. These suggestions appear borne out by 2013 Census findings:

	Address points
Number of addresses (Digimap)	1,468
Undeliverable	- 14
Non-residential addresses	- 42
Unable to find/demolished	- 50
Houses	**1,362**

2.47 The following was used in the 2016 LUP preparation:

Population: 2014 eCensus – 2,013 people (most recent available)

Households: 2013 Census – 969 households (latest as eCensus reports houses)

Houses (difference between households and houses, indicative of vacant or unoccupied dwellings) – 393 from 2013 Census (latest then available). This figure was disaggregated by type of vacancy pro rata the 2013 Unoccupied Housing Survey.

2.48 The eCensus does not record average household size, which was derived by dividing the population figure by household figure. A separate calculation aimed to estimate average household size excluding second homes (where there is likely to be greater prevalence of couples and families). This gave an average of 1.65, which appears consistent with the 2013 Alderney Census data. It was then necessary to consider how this might change over time, based on the following assumptions: that an increasing population will reflect the States' aspiration to attract younger families, and the most comparable UK projections (Isles of Scilly). This led to the following resident households average size: 2016, 1.651; 2021, 1.681; 2036, 1.771.

2.49 The Vision Statement includes as an output increasing the economically active population from about 750 in 2016 to 1,000 in 2021 and 1,500 in 2036. However this increase, in itself, is not expected to affect the number of dwellings needed to accommodate the increased number of households.

Methodology (Overview)		
	Permanent Households	*Starting point*
Plus	*Additional Housing*	*2nd homes/holiday lets; exclusion would tighten the market; proportion assumed constant for now*
Equals	Gross Housing	*Before deducting contribution from existing under-utilised*
Less	*Under-utilised Housing*	*Estimated as 139 empty, empty and for sale or derelict, based on proportional split of Unoccupied Housing Survey and 2013 Census. Assumption: to eliminate over the full 20 year period; by 25% over the first 5 year period*
Equals	Net Housing	*Before adding Vacancy Factor allowance*
Plus	*Vacancy Factor*	*Assigned percentage. Housing markets cannot function with nil vacant at any given time (transactional chains)*
Equals Housing to be Planned For		*100 over 5 years; 400 (rounded) over 20 years.*

2.50 This simplified overview is quantified in the Appendix 5 Table below.

Inspector's Assessment

2.51 I note that Cadastre data, suggested by Mrs Hempel and Mrs Pearson, was employed, though subject to caveats recorded above. Key points now clarified is a decision not to aim, at least through the Land Use Plan, to reduce the proportion of second homes. There are several reasons why I support that approach. The most obvious is that is difficult to see how the Land Use Plan could reduce the existing number even if considered desirable. Any attempt to do so with respect to future new housing could well have the perverse effect of focusing demand onto the existing (by definition not increasing) eligible housing stock, which could well become less affordable as a consequence. The underlying rationale of the Housing Strategy is plainly to move towards a more normal and responsive housing market. Moreover, as the submitted Note confirms, the States recognises that when on-Island second home owners can make a significant contribution to its economy and play a role in supporting local services.

2.52 Mr T Bliss, while questioning some aims of the 2016 Plan and I think mistakenly believing that second homes were being treated as part of the

'under-utilised' stock to be reduced as part the future housing supply, nonetheless made cogent points in his written submission regarding the difficulty of defining what is truly a second home, while also highlighting the contribution that part time residents bring to the Island. His points reinforce rather than challenge the position taken in the calculations underpinning the Plan.

2.53 In other regards, it is plainly right to seek, at any rate, to reduce the actually unused or derelict components of the housing stock, and to build that reduction into the future supply, thereby reducing the number of new dwellings required.

2.54 The vacancy factor, which adds a little to the required number, simply reflects the fact that a few more houses need to be built than the increased number of households, since a housing market can barely function without some temporarily vacant homes to 'break the chain' during transactions.

2.55 The data sources are not fully comprehensive, but are sufficiently robust and proportionate to give confidence that something close to the concluding figures of 100 additional homes over the next 5 years and 400 over the whole of the next 20 years (20 per annum) is **a sound basis not to frustrate the population growth sought by the States.**

General Development Policies

2.56 There are no further changes currently proposed with regard to Section 1 Chapter 2, which at paragraphs 2.5 and 2.6 carry forward existing listed principles and particular policies of general application in the determination of planning proposals. Neither during the consultation stage nor at the inquiry did anyone promote any revisions. **Nor do I see a need to recommend any at least during the present phase.**

Chapter 3 Design and built environment

2.57 As mentioned above, this chapter is to be considered under phase 2. I have referred above to Mr Thornburrow's aim to see Conservation Area policy clarified. No other revisions are currently proposed, were suggested during the consultation period and **nor do I see a basis for suggesting any during the current phase.**

Chapter 4 Town Centre

2.58 Again no revisions are currently proposed, none were suggested and **I see no basis for suggesting any.**

Preface to consideration of Chapter 5, Housing

2.59 Before turning to the following Plan Chapter 5, Housing, I first need to reflect on the C Permit system.

C Permits

2.60 Although not directly a component of the LUP, the intended parallel legal process to repeal C Permit requirements is so closely intertwined as to warrant consideration. I suspect that few readers of the report will be unfamiliar with the requirements, which in summary allow qualifying applicants the opportunity to erect one, but only one, dwelling in Alderney. This provision can be repealed only by the States as a body via a legal Ordinance.

2.61 Mr Birmingham for the B&DCC: concerns regarding abolition of the C Permit system need to be addressed. Those who have concerns believe that the only way to protect land availability for future generations is to slow the rate at

which it is developed. The inevitable long term outcome is the consumption of all available building land. A slow consumption yes, but an inevitable one. Not the land preservation policy that some may think.

2.62 The effective long term solution to those issues is by a combination of recycling the existing housing stock and proper social housing policies by the States in conjunction with the Alderney Housing Association. Ensuring that land is set aside specifically for social housing is important in order to reach those goals, such as the allocation of land at the Banquage, Crabby Bay and Newtown. For those who still have reservations regarding abolishing the C Permit, the most successful social housing project in Alderney was that at the Banquage – effectively a zonal scheme.

The Housing Strategy report

2.63 In summary, the Housing Strategy report describes the C Permit system as one where the right to build is restricted to residency and 'need' (never having owned a house in Alderney or elsewhere). Residential planning permissions are therefore personal rather than with the site: in essence an affordable housing policy intended to enable residents to build their own home.

2.64 The report continues by describing the system as no longer fit for purpose, with unintended consequences including:

no longer providing an affordable route to a home because of increased land and building costs, and because it supports only long term residents;

acting as a barrier to small-scale housing developers who do not qualify for permits, but might otherwise be able to deliver more affordable housing through economies of scale; and

ineffectively combining a planning and legal process, with lack of clarity over process, timescales and roles.

2.65 Round-table inquiry participants supported repeal of the C Permit system; they described doing so as an encouragement for families to move to the Island. Mrs Pearson, in a personal written submission, questioned the difference between residential planning applications by qualifying and non-qualifying individuals, drawing attention in particular to S15, 33 and 34 of the 2002 Law as amended. S15 enables the States to prescribe the maximum number of new dwellings (by building, conversion or alteration) that the B&DCC may permit during specified periods; S33 sets out the C Permit requirements; and S34 reads "The States may by Ordinance provide that any provision of section 33 shall not apply in relation to the construction of dwellings of the description specified in the Ordinance."

Inspector's Assessment

2.66 Land, and more particular land available for building, is a finite resource. All democratic societies, governed by the rule of law, one way or another mediate its use and physical development. In a small Island, it is not difficult to see why the C Permit was seen as an attractive route to enable each eligible generation a route to home ownership. However, from all that I have heard, it does appear to be a system that has outlived its usefulness. To the extent that it relies on the use of Exemption Ordinances, that seems to me to call into question whether, as the Housing Strategy report puts it, the system remains fit for purpose.

2.67 The Alderney Land Use Plan 2016, which I am examining, takes an entirely different approach. It is no longer largely descriptive and safeguarding, reliant

on the C Permit system (and exemptions to it). Now it embodies the States aspirations for population, and subsequent economic, growth, together with a comprehensive zonal system and transparent development principles aimed at the first stage of achieving that growth while protecting the Designated Area and quality of the Building Zone. The C Permit approach and the 2016 LUP approach are to my mind quite incompatible. **My examination proceeds on the assumption that the C Permit system will be abolished in parallel with the Plan adoption.** I now turn to the Plan's housing policies.

Chapter 5 Housing

2.68 Section 1 Chapter 5 of the 2016 LUP has been substantially redrafted and as might be expected gave rise to the most responses during the consultation stage. It opens at 5.1 with an outline of the intended policy context, which warrants quoting here as it sets out the basis for all that follows.

> "A Housing Strategy has been produced as part of the Land Use Plan evidence base. The strategy recognises the importance of the Island providing housing which meets the needs of all sectors of society. The housing policies therefore seek to ensure that everyone living in Alderney has access to suitable housing which meets their needs in terms of size and tenure and that these houses are provided in appropriate locations to support sustainable growth of the Island."

2.69 This was not criticised during the Plan's consultation stage, and inquiry participants confirmed their support.

Inspector's Assessment

2.70 Beyond noting the obvious synergy between the Housing Strategy and the Plan Vision referred to above, **I make no suggestions regarding this introduction to the Housing Policies.**

2.71 The Plan continues at 5.2 to set out each of these policies preceded by their reasoned justifications.

Meet housing needs of the Island's residents Policy HOU1

2.72 Very briefly summarised, this provision requires residential developments to provide a mix in terms of size, type, tenure and affordable housing, to contribute to meeting the Island's housing needs assessment. Preceding text expressly refers to first time buyers, homes for families and for older people. Encouragement is given to providing a range of specialist housing for older people, reflecting their likely different needs over time.

2.73 Nobody challenged this approach during the consultation period, other than general points more directed to the overall quantum of housing envisaged and questioning how it would be financed. The 'chicken or egg' debate, referred to above at 2.11 arose during the consultation stage and was pursued at the inquiry: that is to say whether positive measures to grow the economy should precede or follow the housing strategy. Mr Noone, for example, suggested tax incentives.

2.74 Mrs Hempel asked whether the evidence base includes data on existing floor areas; Mr Gillingham stressed the importance of also meeting the needs of younger residents; Mr Hughes referred to data in the Cambridge Study. Mrs Hanbury asked whether sub-divisions of houses, which have required a D Permit, would then be counted as more than one dwelling, and that ownership in these circumstances needs sorting out.

2.75 In response, B&DCC representatives advised that the data source is based on sample rather than comprehensive surveys. Supplementary Planning Guidance would set out in more detail the housing mix being sought. Sub-division amounts to a material change of planning use, and is therefore subject to control by the Committee. Only in the Designated Area is there an objection in principle to sub-divisions, so as not to increase the totality of dwellings it contains.

Inspector's Assessment

2.76 Again there is not a lot to add. Meeting the housing needs of Island residents will plainly need a range of dwelling types as well as numerical supply. It is important to stress here that the aim is not simply for incoming residents to occupy future new dwellings facilitated by the LUP, but rather a combination of that and existing residents moving into some of those new dwellings. An example might be existing residents moving from somewhere too large for their present needs into a new, smaller, more manageable, perhaps single storey, new home, thereby releasing their existing larger property for possible occupation by an incoming family.

2.77 A policy framework that facilitates this type of flexibility, as well as encouraging adaptability in individual dwellings to meet occupants' changing needs over time **is sound and to be supported.**

2.78 I have concluded above that it is logical to address housing provision in advance of planning policies for the economy, so that the former does not become a barrier to the latter. Again it is worth underscoring that the housing policies do not of themselves build new housing, but are intended to facilitate such development when needed in response to future demand.

Meet the housing needs of new residents Policy HOU2

2.79 Again briefly summarised, this provision encourages private sector rental and sale housing to meet the needs of new residents. Major employment generating proposals will be required to submit an "Employment Strategy" setting out the expected workforce, its recruitment source(s) and how off-Island staff will be housed.

2.80 Nobody challenged the underlying need to be able to provide for new residents, though Mr Noone questioned whether "Employment Strategies" were warranted for this small Island, as distinct from a major conurbation such as London. Miss Salisbury, for the B&DCC, referred to the risk that a major development could cause much of the Island's tourist accommodation to be taken up by incoming workers.

Inspector's Assessment

2.81 The head paragraph of Policy HOU2 is to "… encourage private sector rental and for sale housing to meet the needs of new residents"; it does not state, and is not intended to imply, that the encouragement is limited to the erection of rental and for sale housing to be *occupied* by new residents. Such new housing will no doubt play a part but, at risk of repetition, the aims of the Policy could also be achieved by the erection of housing to be occupied by existing residents, releasing current homes that may be more suited to the needs of incoming residents.

2.82 I will confess that prior to the inquiry I was dubious about the proportionality of requiring "Employment Strategy" statements in support of major development

proposals. However, Miss Salisbury's counter argument was convincing and I now **support the potential need in Alderney**. One further thought, which I recommend, is that the **Policy should require implementation as well as submission of such Strategies**. Supplementary Planning Guidance setting out broadly the type and scale of development being addressed would also be useful. This would give clarity to potential applicants and counter any drift towards unwarranted requirements for smaller scale proposals, which could become a frictional barrier that risked diverting investment elsewhere. **I so recommend.**

Ensure an adequate supply of housing Policy HOU3

2.83 This policy concerns both 'supply' – ensuring that sufficient residential development opportunities have been identified, and also 'distribution' in the broadest sense by setting a sequentially preferential list of where these opportunities will arise, as follows:

a) Re-use and/or redevelopment of unoccupied dwellings within the Central Building Area.

b) Intensification, infill, redevelopment and/or sub-division within the Central Building Area.

c) Undeveloped (or derelict/unused) plots within the Central Building Area.

d) Infill within settlements located outside the Central Building Area.

e) Forts where residential development comprises part of a mixed use scheme and where it can be demonstrated that the redevelopment will be support sustainable patterns of development.

f) Strategic and sustainable (socially, economically and environmentally) release of a part of the Designated Area subject to the requirements of Policy HOU4.

2.84 There was little challenge to this either during the public consultation stage or at the inquiry, however a number of points did arise. Mr Gillingham approvingly described f) as rightly a long way off, but he foresaw potential under e). Mr Thornburrow also stressed the importance of continued protection for the Designated Area, but was concerned that b) does not embody protection for Conservation Areas. Mrs Hempel queried the legal powers open to the Committee and Mrs Hanbury referred to a Court judgement confirming that the States could intervene with respect to derelict houses. She also referred to the desirability of increased public access to Forts as an aspect of any redevelopment proposals.

2.85 In response for the B&DCC, Mr Hyams said that the sequential hierarchy had been carefully drafted so as to strengthen, not weaken, protection for the Designated Area: effectively that all the other options must be taken up before proposals for new housing within this Area will even be considered. Mr Hughes also read the Policy that way. Mr Young referred to powers open to the States to address dangerous or derelict buildings, and that in other regards it has Compulsory Purchase Powers similar to those available to authorities in the UK.

Inspector's Assessment

2.86 Some of the points raised concern day to day management rather than future policy. There are, however, several important policy aspects. Few would I think question having a) as the most desirable option, though the resulting number of newly occupied homes is unlikely to be many. From everything I have read, heard and seen, options b) and c) are likely to offer by far the most

opportunities, with limited opportunities under d) and e). Criterion f) needs to be considered (below) along with Policy HOU4.

2.87 It worth mentioning with respect to b) that sub-division may mean either dividing an existing larger house into two or more units, or it can mean sub-dividing a large residential curtilage in order to create one or more new building plots. Neither is acceptable in the Designated Area, because this would increase the number of dwellings there, but both are in principle acceptable and even desirable in the Central Building Area, subject of course to normal development control considerations. Resulting property ownerships, boundaries, rights and responsibilities are essentially legal matters for those parties rather than the responsibility of the B&DCC.

2.88 An inescapable consequence of this Policy is that the LUP must look to potential opportunities for residential development within the Central Building Area. In one superficial sense that must mean an increase in housing density. However in another, and more important sense, it also means that new development, on infill or sub-divided curtilages for example, may be compared with the established characteristics of existing development in that locality. New higher density terraced housing, again for example, may be more appropriate and in character within one area, whereas detached dwellings at a lower density may be more appropriate in another. As I endorse below, subject only to one or two detailed reservations, this is the approach taken by Arup in the Housing Character Area proposals and in the application of the HCAs Development Principles to the Call for Sites Assessment.

Approach to strategic release of land in the Designated Area Policy HOU4

2.89 Policy HOU3 criterion f) cross references Policy HOU4, regarding strategic release of Designated Area (Green Belt) land for housing. There are three key points. First the head paragraph of HOU4 spells out that any such release may be considered only when it has not been possible to identify a housing land supply through all the preceding categories a) to e) under HOU3. That is much more of a safeguarding than enabling provision. Second, and moreover, any release would be subject to stringent listed requirements. Third, as Mr Birmingham stressed at the inquiry, even then the B&DCC could not itself authorise any release of such land, the States would need to promote a legal Ordinance. No adverse submissions were made during the public consultation or at the inquiry.

Inspector's Assessment

2.90 I have already made clear my strong support for continued safeguarding of the Designated Area. To this end I commend the way that Policies HOU3 and HOU4 have been drafted, since by highlighting the extreme obstacles they effectively preclude any proposal coming forward in the foreseeable future.

2.91 **In all, I commend the HOU Policies and their supporting text.**

2.92 This concludes the changes proposed with respect to Section 1 of the Alderney Land Use Plan 2016 Section 1: Policy Guidelines.

The Alderney Land Use Plan 2016 Section 2: Sites

Introduction

3.1 Section 2 of the Plan opens with a substantially revised Introduction, first foreshadowing what is to follow:

Designated Area, enabling provisions with respect to Section F, Residential Zone; and

Building Area, introduction of Housing Character Areas replacing a number of existing; consequential amendments with respect to Zones 7 and 8; amendments with respect to Zone 20 and withdrawal of existing notes/definition on low and medium density housing.

3.2 A number of these proposed changes gave rise to comment, as I address below.

3.3 The Section 2 Introduction continues by defining the Purpose of the Land Use Plan. There was nothing raised specifically regarding this passage either during the consultation stage or at the inquiry, however its substance did underpin several of the debates and is worth setting out in full before commenting on it.

"Purpose of the Land Use Plan

The Land Use Plan is a predominantly spatial strategy, prepared by the States of Alderney, to guide both short- and long-term land use planning. The overall strategy comprises a suite of documents including the Alderney Land Use Plan Section 1: Policy Guidelines, the Alderney Land Use Plan Section 2: Sites … and associated Alderney Land Use Plan Map. They will be used as Committee guidelines for the Building and Development Control Committee, under the provisions of The Building and Development Control (Alderney) Law, 2002.

The Land Use Plan is supported by supplementary planning guidance, which can be updated and amended by the Committee at any time during the lifetime of this Land Use Plan. Supplementary planning guidance gives further detailed guidance on potential uses and particular conditions which apply generally or to particular areas.

Compliance with the Land Use Plan does not exclude applications from the requirement to take account of other laws which the Land Use Plan does not override and which might preclude development."

3.4 I have previously endorsed the desirability of omitting the word "Guidelines" from the Section 1 title; on adoption it will be more than a set of guidelines but have the full weight of a policy framework. I have also previously endorsed the importance of ensuring that there can be no suggestion of supplementary planning guidance – which can be updated at any time – forming part of and having the weight of the Plan itself. It is worth stressing that by definition supplementary guidance can do no more than give greater definition within the ambit, and without changing, Plan policy.

3.5 The other points to stress are that the Plan is predominantly a spatial strategy, setting out what in principle might or might not be permitted, in response to planning applications, at different locations across the Island. It cannot of itself or via planning permissions augment or derogate any legal rights or obligations as may separately exist, for example with regard to such things as rights of way. Nor can it prescribe that any particular development be brought forward and implemented or, other than via the limited scope of planning conditions,

require that land be managed in a particular way or dwellings occupied by particular households.

3.6 These are all important points to keep in mind when assessing the proposed planning policies.

Designated Area

3.7 Following an updated Contents list, the Plan addresses the Designated Area (Green Belt), with no changes proposed to its extent. As an aside here, I followed the recent States debate approving The Building and Development Control (Designated Area) (Alderney) Ordinance, 2016. However, as stressed then by Mr Birmingham and again by Mr Young at the inquiry, this Ordinance does not amend the Designated Area boundary in any way from that existing today; it simply makes the Law consistent.

3.8 The 2016 Plan does not directly propose immediate policy changes with respect to the Designated Area or any of its six defined Zones. It does, however, include a passage headed "Updated guidelines" with respect to F) Residential Zone, which would come into effect once enabled by a proposed revision to the Law.

3.9 In brief, the 2011 Plan opposes new dwellings within this Zone and requires that: any re provision (replacement) occupies the same or approximately the same position; any development be subject to an Environmental Impact Assessment; any extension be limited to 15% of the existing floor area and; again any extension be subject to an Environmental Impact Assessment. Floor areas are subject to definitional criteria.

3.10 Also in brief, the 2016 Plan enabling provisions oppose any change in the number of dwellings within this Zone, whether by new build, sub division or amalgamation. They require that any extension or replacement be subject to an Environmental Impact Assessment; set out design standards to be met (which might be subject to further supplementary planning guidance); limit extensions to 50% of the existing floor areas, capped at 200 sq m ground floor area and not more than three storeys where sympathetic to the surroundings and avoiding new overlooking. As before, there are definitional criteria regarding floor areas.

3.11 Re provisions (replacements) of single dwellings must, as in the 2011 Plan, occupy the same or approximately the same position, but now with potential exceptions where it can be demonstrated that the alternative position will not result in any adverse environmental or other effects and represents a suitable location; and where the original position can be remediated to a natural condition. Any such relocation is to be subject to a condition or legal agreement to ensure than only one is inhabited at any given time and the original is demolished. The 2016 Plan also makes provision for residential annexes, not more than one storey and not more than 15% of the total dwelling floor area. The building would be required to remain ancillary with a functional link to the principal dwelling.

3.12 Both the 2011 Plan and the revisions envisaged by the 2016 Plan next address the development of non-residential buildings not attached to an existing dwelling but used in association with it (garages, sheds and the like). No substantive change is envisaged. Such development remains limited to single

storey with a floor area no more than 15% of that of the house (subject to definitional standards) but no longer forming part of that limit for extending the house itself and with an express requirement introduced to ensure that the resulting outbuilding remains ancillary to the dwelling.

3.13 There were no comments with respect to outbuildings and few during the consultation stage regarding residential extensions and replacements other than by Mr and Mrs Hempel. Their comments referenced recommendations in the Housing Strategy report, but since those recommendations resulted in these revisions to the Land Use Plan they remain applicable. Their question was that if subdivision is to be prohibited in the Designated Area but permitted in the Building Area, where are larger homes going to be built – in the Designated Area? They asked where relaxing the 15% enlargement limit could end? At the inquiry Mrs Hempel queried how the proposed policy would be applied in the case of multiple dwellings sitting within and sharing one curtilage?

3.14 Other participants generally supported the proposed changes. Committee representatives submitted that the changes have been formulated to give greater flexibility while generally safeguarding the overall character of existing dwellings within the Designated Area. The three limits of 50% of existing floor area, 200 sq m of new ground floor area and no more than 3 storeys, together prevent excessive extensions – which could otherwise be akin to a small dwelling if added to an existing large one. Applicants would generally be able to achieve the maximum permitted by means of a single storey extension on small dwellings, by one or more storeys on medium sized dwellings, and by more than one storey on a large dwelling. There would also be other safeguards, including an Environmental Impact Assessment together with the design and impact requirements being introduced into the policy.

3.15 The limits would apply separately to each dwelling forming part of group, whether or not sharing a curtilage. Physically proximity would be taken into account through the requirements regarding design and the avoidance of undue overlooking.

Inspector's Assessment

3.16 Everything I have heard and read confirms widespread support in Alderney for continued safeguarding of the Designated Area, and I readily add my name to that. I resist the temptation to cite examples, but it is not difficult to find planning jurisdictions elsewhere with weak or poorly formulated controls over building in the countryside, attested by residential ribbon development along roads and pepper-potting across open areas. Each additional dwelling has taken advantage of a fine rural setting, while incrementally undermining the very quality that made the location desirable in the first place. I was extremely impressed while travelling around Alderney by the degree of development containment and extent of genuinely open countryside available for all to enjoy and appreciate. As well as being desirable for its own sake, and without pre-empting phase 2 of the Land Use Plan review, the value of such an ambience in attracting inward investors should not be underestimated. I therefore welcome the fact that, as I conclude below, the housing aspirations can be achieved without encroachment of wholly new residential building within the Designated Area retained over its full existing extent.

3.17 It is, therefore, both logical and highly desirable to retain the existing prohibition on new dwellings within the Designated Area. I have taken account of Mr & Mrs Hempel's points but consider that it is logical expressly to clarify that this includes new dwellings that would result either from the sub division of an existing dwelling or by the amalgamation of two or more existing dwellings. Subdivisions may not require an additional building but would nonetheless result in more households, more residential activity and probably more domestic paraphernalia spread across a subdivided garden area. The case generally against amalgamations is less apparent but no less real. There would be fewer separate households but equally a reduction in the total number of dwellings on Alderney – contrary to the key Plan aim to increase the provision. It could also be argued that amalgamating relatively modest semi-detached or terraced houses would skew the market for rural homes towards the larger and more expensive. In neither regard could this be off-set by the erection of new houses, at least within the Designated Area.

3.18 Designated Area policies are there primarily to serve the wider public interest by protecting the Island's Green Belt, but they also have the incidental effect of safeguarding the rural settings of those existing dwellings that stand within it, generally pre dating the designation or with origins that pre date it. Owners of such dwellings have to recognise, therefore, that while benefiting from protection afforded to their home's setting, it is also itself subject to these same safeguarding policies. Inevitably, here as in Green Belts generally, a balance must be struck which protects the Designated Area in the wider public interest, while recognising the reasonable needs and expectations of people with homes there.

3.19 In my view, the existing policy fails in a number of regards. Some upper limit on extensions is certainly justified; ownership of an existing dwelling in the Green Belt should not confer an expectation to build something akin to a small dwelling, in a locality where new dwellings are not otherwise permitted. However, extensions limited to 15% of existing floor areas might achieve little by way of extra space, particularly if added to a small cottage, and could well be insufficient to facilitate a worthwhile change in a dwelling's layout or its provisions such as the bathroom and kitchen. Furthermore, small residential extensions generally incur higher unit costs per sq m than do larger ones. The inquiry heard of one example (reported in due course below) where the upshot has been to stall any enlargement to a home as simply not cost effective. I would be surprised if that were an isolated example; undesirable for those householders and for jobbing builders.

3.20 Any numerical limit on the size of potential residential extensions will to some extent appear arbitrary. However, 50% as proposed is quite widely used and found by experience to strike a good balance. It offers householders the scope to carry out worthwhile improvements to their home while retaining its existing overall character and impact in the Green Belt. The 200 sq m ground floor limit precludes sprawling single storey extensions attached to large houses. The overall impact on the Green Belt and its openness would in practice be little affected by the change, and, to the extent that the opportunity is taken by applicants and sought by the Committee, its appearance could be improved by better balanced and more attractive looking rural buildings.

3.21 Simply to avoid any ambiguity, **I recommend that 2) (c) (2) in this passage be redrafted to avoid any hint of an unintended misreading that unsympathetic extensions may be more than three storeys.**

3.22 The qualified option to re site a replacement dwelling, off the existing footprint, is clearly a sensible one. It offers scope for a siting that would, at the least, have no greater impact on the Designated Area and could offer scope for improvement. It may also offer a householder the opportunity to remain in their existing home during building works rather than having to organise temporary alternative accommodation. There need be no inherent difficulty in ensuring compliance with a condition or legal agreement prohibiting two inhabited dwellings at any given time and requiring timely demolition and clearance of the existing one. The new dwelling would be there to see and its occupation or otherwise likely to be apparent.

3.23 The facility to build an ancillary residential annex is also desirable. These could be occupied in a variety of ways, as a teenager's pad for example, but most likely as a home for an elderly dependent relative. This would provide a greater degree of privacy and independence than sharing the principal home, but with assistance close on hand and options, for example, for eating, washing or laundry at the main house. This would meet the necessary requirement for the accommodation to remain functionally linked and used in conjunction with the main house, in order to avoid incremental increases in the number of separate self-contained homes in the Designated Area. As well as being beneficial for those directly concerned, the arrangement could help ease pressure on accommodation at specialist institutional homes.

3.24 An upper limit on floorspace is plainly essential to deter any drift towards separate free standing dwellings, and the intended cap of 15% of the principal dwelling's floor area (the same as that for non-residential outbuildings) would in most cases be about right. The outcome would indeed be an annex only, able to provide useable but evidently ancillary accommodation, where the occupant could be expected to rely at least in part on facilities at the principal dwelling. I am conscious that nobody queried this during the consultation and inquiry process, but even so on reflection I do wonder whether a percentage basis is entirely logical. I can think of no reason why the amount of accommodation available to occupants of an annex should vary simply on account of the size of the principal dwelling. **I recommend substituting a specified floor area in sq m, equivalent to 15% of a typical medium sized house, to apply as a maximum in every case.**

3.25 Other than a consequential change reflecting the change with respect to residential extensions, the policy with respect to outbuildings remains as it is. In this case I can see some justification for continuing to cap the floor area at 15% of that of the dwelling: at least in a general way, larger houses may trigger a need for rather more in the way garaging, sheds and the like than do smaller ones. **I see no basis for recommending any modification.**

Building Area

3.26 Following the Properties index for the Designated Area, the 2016 Plan next addresses the Building Area. The Plan provisions have been redrafted and expanded, including its Introduction, which proposes the designation of 18 defined Housing Character Areas, each with its own Development Principles for

the type, size and design housing developments likely in principle to be acceptable in that Area.

3.27 There was no adverse comment during the consultation stage. Mr Hyams described Alderney as having residential localities with distinctive characteristics in immediate proximity to others that are quite different. He contrasted this with, say, London, where there are also distinctive residential areas but less closely intermingled. The aim has been first to map the Alderney localities – the Housing Character Areas – and then set out appropriate development principles for each. The concept was generally welcomed at the inquiry.

3.28 I then led the inquiry through the resulting table and the associated map definitions shown on the cartographic plan. In the main, the extent of each area as defined, the description of its existing character and its proposed development principles were all agreed to be appropriate and supported by participants.

3.29 A detailed exception was the realisation that as published the table describes the vacant Belle Vue Hotel as being within the HCA 4, Grand Hotel/Butes, whereas the map correctly places it just within HCA 3, St Anne. In discussion it was noted that HCA 3 coincides with the extent of the St Anne Conservation Area, and the Committee representatives wished to retain that, but see the Hotel site as in most regards forming part of the adjacent HCA 4, described as a major redevelopment area. To resolve this they proposed and later tabled an amendment to the Plan, extending HCA 4 to include the Hotel site (which includes the vacant hotel and an adjacent cottage in the same ownership) but without reducing the extent of HCA 3. In other words that site, and only that site, would remain physically within the defined St Anne Area but be subject to the Grand Hotel/Butes development principles.

3.30 Within the St Anne HCA as a whole, its development principle starts "Infill development may extend up to three storeys but should be sympathetic and in keeping with surrounding development." Mr Thornburrow raised concerns that three storey development would not be appropriate throughout this area, a point accepted by the Committee representatives but with the caveat that the development principle does not imply otherwise.

3.31 Mr Noone contrasted the 2011 policy for Zone 12, Land at Les Rochers, with that for the replacement HCA 11, Longis. The former states:

> "Low-density residential development. Consideration should be given to the effect of any proposal on the skyline. Any new residential development shall include proposals for roads and services to adoptable standards to serve that property. Reason: To ensure that a suitable allocation of land is available for good quality development and to protect the skyline as viewed from Braye from further intrusion."

3.32 Development principles proposed in the 2016 Plan state:

> "Infill development will be supported within this Character Area. Such development will be sympathetic in character to their neighbours, of up to two storeys and detached or semi-detached. Extensions of bungalows up to two storeys will be supported."

3.33 He questioned whether the low density description, infrastructure requirements and skyline protection are all being dropped?

3.34 In response the Committee representatives confirmed that the 2016 development principles would supersede those in the 2011 Plan. Access infrastructure is now separately controlled by The Building (Guernsey) Regulations, 2012, and more particularly by its Technical Standard P: Roads, a copy of which was tabled.

Inspector's Assessment

3.35 The Housing Character Areas approach is an excellent one to address the distinctive localities that together comprise much of the Central Building Area. No one has written or spoken in opposition and **I commend the concept**. Well informed participants at the inquiry were also content with the way in which the Areas have been defined in extent, and in the main with the descriptions of existing character and the bespoke development principles. **Nothing I saw called this into question**.

3.36 I understand the desirability of making HCA 3 – the heart of St Anne – coincident with the St Anne Conservation Area, but equally why the Belle Vue Hotel site should, for future development purposes, be treated as forming a corner of HCA 4, which has a very different character and likely development opportunities. **I commend the amendment tabled by the Committee representatives in response**.

3.37 Infill development of up to three storeys would not be out of place in parts of HCA 3 but not everywhere. **I recommend a small modification to make that unambiguously clear, so that its Development Principles open "Infill development may in appropriate settings extend up to three storeys ….".**

3.38 I return below to Les Rochers in relation to a number of submitted sites. As regards Development Principles, a move to high density would be inappropriate here at this edge of the Central Building Area bounding open countryside. However, the requirement that infill development be sympathetic in character, and comprise detached or semi-detached dwellings of no more than two storeys, militates against such an outcome. Subject to that, the Development Principle is consistent with Policy HOU3 criterion: "b) Intensification, infill, redevelopment and/or sub-division within the Central Building Area." Retaining an express requirement for low density as its aim would not be. An impact on the skyline – if any – would in any event fall for consideration under Policies GEN5 and GEN6, and it might be that something more specific could be considered under the phase 2 Review. Road access standards and the availability of public utilities would in any event be subject to consideration under GEN7 and the detailed standards in the Building Regulations Technical Standard. In short, **I find no basis for recommending any amendment with regard to HCA 11.**

Zones

3.39 The remainder of the 2016 Plan addresses the primarily non-residential Zones, retained from the 2011 Plan and not replaced by HCAs. Most are entirely unchanged.

3.40 The introductory paragraphs with respect to Zone 7 Harbour and Braye Bay Comprehensive Development Zone are redrafted but with no substantive changes to the policies. No one during the consultation stage or at the inquiry

suggested such changes. Inquiry participants did touch on ways in which the Bay area might be developed in furtherance of the policy aims, particularly with regard to a marina, but that is not for me to assess or comment on. I raised what to my mind is the somewhat strange formulation in what is now the opening paragraph:

" … Development will not be permitted within this Zone unless it is considered by the Building and Development Control Committee to comply with the long term comprehensive design of the Harbour and Braye Area."

3.41 I am conscious that this was carried forward from the 2011 Plan without attracting comment, but to my mind consideration by the Committee should be just that and not itself a defining component of the policy. **I recommend:**

"Development will not be permitted within this Zone unless it complies with the long term comprehensive design of the Harbour and Braye Area."

3.42 The only other changes comprise first a cross reference inserted within the policy for Zone 8 Fort Zone, which neither attracted **nor calls for any comment**. Finally, policy with respect to Zone 20 Whitegates (South Side) (AY1832) has been subject to revision. Although a Zone, this location is also effectively a single site, and was treated as such in the Call for Sites Assessment and at the inquiry. I address the issues concerning it below along with the other individual sites.

Call for Sites Assessment

Introduction

4.1 This chapter sets out my appraisal of the Call for Sites Assessment as undertaken by Arup and endorsed by the Building and Development Control Committee. As discussed at the inquiry, the Alderney Land Use Plan neither allocates nor designates individual sites for development, but rather it defines Zones and now also Housing Character Areas, each subject to its own development policies or principles. Individual development proposals remain subject to planning applications, to be determined on their merits having regard to the policies or development principles for that locality as well as the more general policies which have application across the Island.

4.2 Even then a proposal is likely to be subject to consideration under the Building Regulations as well as any provisions applicable under other legislation as well as any civil law private rights or obligations. I will also record here, as a generality, Mr Young's entirely accurate description to the inquiry that what constitutes a 'highway' can be much wider than simply those maintained at public expense by the States and is not in necessarily determined by land ownership. The status in any particular case, however, is not for me to resolve.

4.3 My appraisal of the Call for Sites Assessment is therefore based on material planning considerations, such as the location, relationship with existing dwellings, landscape and the actual and potential availability of services and access in a physical rather than legal sense. This report should not be seen as fettering let alone pre-determining any future planning application to be considered on its merits in the light of the adopted policies. What I am aiming for is an audit of the extent to which the Arup Assessment demonstrates that land is potentially available, sufficient to meet the 2016 Land Use Plan housing growth aspirations in ways that are compliant with its policies (new and retained from 2011) without encroachment into the Designated Area.

4.4 I shall first look at the sites and locations that were contested at the inquiry, before considering the others.

Site	**PA003 – Watermill Farm, Le Petit Val GY9 300**
Description	Barn building adjacent to house. In use in part as a garage and fitted out for residential purposes.
2016 LUP Area Designation	Designated Area Agricultural Buildings within Agricultural Zone (unchanged from 2011 LUP)
Proposition	Residential
Arup Housing Capacity Assessment	Nil
Gist of the representations	**Mr & Mrs Burgess**: they purchased Watermill Farm immediately prior to the 2001 LUP. A public meeting Plan reassuringly showed both house and barn as residential. It was apparent that the vendor had used the barn as additional accommodation, which she confirmed in writing. The adopted Plan designated the barn as agricultural, and the then Planning Officer subsequently

	maintained that the initial one, displayed in the library and court building, had been incorrect. Having focused first on restoration they moved into the house in 2006. They have been paying TRP and occupiers' rates on the house and barn at the domestic rate ever since. The barn should be listed as residential. Their wish is for it to be available for friends or to let for self-catering visitors. No more than that. **B&DCC representatives**: use of the barn as a detached annex in association with the main house would accord with the Housing Strategy. Use as a separate dwelling would not, as this would increase the number of dwellings within the Designated Area.
Inspector's Assessment	This barn has been restored and converted to an extremely high standard inside and out. It includes a small kitchen but, consistent with what Mr Burgess said at the inquiry, that has quite evidently never been put to use. The building is also currently unfurnished. Its planning status and whether its use as a residential annex needs to be or should be regularised are for resolution between Mr & Mrs Burgess and the B&DCC. For the purposes of this report, it is plain both in policy terms and from its location relative to the house that the barn is unsuitable for separate independent residential use. Mr Burgess confirmed that that is not intended. **I endorse the Call for Sites Assessment that it should not be treated as potentially contributing to the supply of additional dwellings.**
Site	**PA005 - White Cottage Rue de la Saline /Fosse Au Chevalier**
Description	Some 0.42 ha of grassed garden land with existing dwelling. The land bounds Rue de la Saline to its east, Rue de la Saline to its south and a further roadway to its north.
2016 LUP Area Designation	HCA 9A within the Central Building Area. (General Building Area in the 2011 LUP).
Proposition	Up to 3 dwellings.
Arup Housing Capacity Assessment	Indicative dwelling capacity: 5 (minimum) to 15 (maximum)
Gist of the representations	**Mr Michael James:** in written submissions. The Arup Assessment is incorrect: Fosse Au Chevalier is private, jointly owned by himself with others. The site has no vehicular rights of access over it. No attempt has been made by the site owners to contact him. Those owners are understood to have shared ownership of the roadway to the north but widening and change of use would require agreement by all those owners. The Alderney Electricity Ltd CEO advises that the supply would need to be upgraded to serve mass housing here. The outcome would be an unneeded eyesore. The Island population is decreasing and approved building plots are not being implemented. The Cambridge Report refers to a "pool" of empty homes, being added to each year, sufficient to meet potential demand for some years ahead.

	Mr M Lawson: in written submissions. He and his wife, along with four others, are co-owners of the roadway to the north and the only users. Any widening or change of use requires unanimous approval, to which he would never agree. The roadway is in a poor state; as his household are the only users he will be happy to meet the considerable cost of relaying it, but only following absolute clarity that it will not be used to serve the site or ruined by building works and access. No contact has been made by the site owners. **Mrs S Ewart**: in written submissions. The site is at the edge of the building area, adjoining the agricultural zone. Existing dwellings are predominantly low density bungalows. The Assessment report refers to up to between 5 and 15 properties, detached, semi-detached or terraced up to two storeys. This would be unsympathetic over-development. The reference to Housing Strategy recommendations 25-28 is erroneous, since rec 25 refers to Alderney vernacular, which this would not be. The road to the south is private and access would not be granted; the submission plan is incorrect also in other regards. The outcome would be harmful. **Mrs R James** (mother of Michael and acting on his behalf) at the inquiry. White Cottage is in fact now a large, much extended house which originated as a post WW2 'Ministry' dwelling. Contrary to the Assessment, the site is not 'undeveloped' but an appropriately sized garden serving the existing house. Also the locality is not predominantly 'self-built' but developed by a reputable builder. This area was once all Green Belt, calling into question its suitability for further development. Access to the White House and its land is solely from Rue de la Saline. There is no right of access over the private road to the south (originally a route de la souffrance). Flooding has been a problem and it has been confirmed that the electricity supply is inadequate. **B&DCC representatives**: the site plan has been corrected in the Assessment. No relative merits are suggested between self-built and other dwellings. The submission suggested three additional dwellings. Five to 15 is the Arup estimate of the theoretical maximum based on density considerations. Additional homes will be needed in support of economic growth. Planning permission would not be personal to the applicant but run with the land, so ownership of the roadways is not material at this stage. It is accepted that 5 to 15 would be too many served solely from Rue de la Saline. The policies encourage both good design and adequate access.
Inspector's Assessment	I have considered the objections carefully. However this site is within a residential locality, where current and proposed planning policy is favourable to infilling development. Land between the two roadway currently remains low density but the wider locality extending southwards is more tightly spaced, though not in any sense unattractively so. The submission site is well suited for residential development, and its three road frontages are physically adequate, or potentially so, for the purpose. Following the temporary upheaval from building works (which is not a material objection) a well designed and laid out residential development need have very little impact on living conditions at

	the existing dwellings served by the two roadways, including those of the objectors, which all lie further along the roadways. Whether this site could satisfactorily contain 15 new dwellings would I think require sight of a layout, but it could self-evidently contain more than five. **I endorse the Arup Assessment, though increasingly cautiously towards its upper figure**.
Site	**PA028 - Le Creux**
Description	Some 0.165 ha of land, in an open setting, reached via an unmade track leading at an oblique angle off Longis Road. It contains poles which I understand were erected to illustrate the extent of visual exposure for the residential planning application referred to below.
2016 LUP Area Designation	Central Building Area Housing Character Area 2B. (Building Area Zone 11 in the 2011 LUP).
Proposition	One dwelling
Arup Housing Capacity Assessment	Deferred site, so not in capacity assessment.
Gist of the representations	**Mr S Bohan,** in written legal submissions on his behalf: supported by correspondence from the end of 2009, it is clear that the Assessment is incorrect. The B&DCC has been provided with all the information required to make a decision on a long standing planning application. All issues regarding the width of the access track and rights of way to and from the site are resolved. The Committee has been asked to reach its decision on the adequacy of the entrance from Longis Road for emergency vehicles, and there is no reason for it not to have done so. The Assessment comment that the access issue "is unlikely to be resolved within the life of the next iteration of the Land Use Plan" is particularly puzzling. The Committee's apparent decision to defer consideration of a planning application made in 2009 for a further five years is so unreasonable as to be *ultra vires* [beyond its legal powers]. Failure to issue a decision shortly after the conclusion of this LUP inquiry is likely to result in an application for judicial review. **Mr Bithell**: he owns the track and would never agree to it being upgraded to a road. Once one dwelling is permitted down there, many more could follow. A court judgement has settled the extent of the right of way, as narrower than required, and safety at its road junction remains unresolved. **B&DCC representatives**: the LUP vision is to achieve population growth over its full plan period, with residential development in the Central Building Area towards the top of sequential hierarchy listed in Policy HOU3. However that is qualified with respect to HCA 2B, where the Development Principle commences "Given the sensitivity of this area and the availability of sites that are more suitable … this land should be safeguarded to meet longer term needs (outside the current Land Use Plan period)." This part of HCA 2B stands next to Zone 5 (Cotil du Val, Valongis Above the 40 m Contour) unchanged by the 2016 LUP and

	sufficiently sensitive to warrant protection equivalent to the Designated Area. HCA 2B itself shares much of that sensitivity, comprising sloped (in some cases very steeply) greenfield plots, some wooded, and some very visible including from Braye Beach. HCA 2B is acceptable in principle for housing but only in the longer term. The points made by Mr Bithell are acknowledged but are not the policy issue. The 2002 Law S7 requires that the availability of an access be taken into account in the determination of planning applications, which is reflected in the LUP 2016 Section 1 paragraph 2.5 principles and the ensuing Policies GEN 7 & 8. Technical Standard P to the 2014 Building Regulations now sets out the required details.
Inspector's Assessment	I have reviewed the submitted correspondence, however resolution of the 2009 planning application is a matter for the B&DCC, the applicant and if needs be the Court. In relation to my report, nobody challenged either the extent of HCA 2B or its intended Development Principles, which were in fact supported by participants on Day 1 of the inquiry. Having looked at this semi natural locality and its close affinity with the protected Zone 5, I have no reason to recommend any amendment to those Development Principles, which safeguard the area to meet longer term housing needs, outside the current five year plan period. Only then, following a future review of the LUP, would it be appropriate to have regard to the more detailed aspects of the Development Principles, with respect to density, tree retention, minimising loss of green infrastructure, careful regard to access and minimising visual impact. All of which, as I have concluded previously, are more than worthy considerations here. **I endorse the Call for Sites Assessment that this site should not be treated as contributing the housing supply during the five year LUP period.**
Site	**PA029, PA030, PA031 – Land at Les Rochers**
Description	Three separate but proximate parcels of land, some 0.103 ha, 0.091 ha and 0.151 ha respectively.
2016 LUP Area Designation	HCA 11 within the Central Building Area. (Zone 12 in the General Building Area in the 2011 LUP). (See paragraphs 3.31 to 3.38 above).
Proposition	Two additional dwellings on PA029 and PA031 and either one or a pair of semi-detached on PA030.
Arup Housing Capacity Assessment	Indicative dwelling capacity: PA029 1 (minimum) to 3 (maximum); PA030 1 (minimum), 2 (maximum); PA031 1 minimum or maximum.
Gist of the representations	**Mr Gillingham:** he accepts the Arup Assessment rejecting the nearby PA032 and does not challenge it. He makes no comment with respect to its adjacent PA033, which was submitted not by himself but his son. As regards the three sites in contention, the access roads are all States up to the 10^{ft} lane leading north

	alongside his own home. He considers that he has rights to use that lane to serve PA031 but in any event if needs be that site could be served directly from the States access, via a drive behind his own home. PA029 and PA030 can each be served directly from the States access lanes. Even with the proposed developments, the locality would remain 'low density' by UK standards. He himself laid the sewer serving the locality, since adopted by the States, which falls all the way to Newtown. There are statutory rights of connection regardless of whose land it runs under, as there are with respect to other utilities. **Mr Noone**: the Arup Assessment report implies prior consultation with stakeholders – ie anyone with an interest – but the first he learnt was when the report was published in March. He and other interested stakeholders were unable to influence it. The LUP refers to S7 of the 2002 Law regarding matters that that the Committee 'shall' take into account. What precisely in this context does that mean with regard to the absence of a legal access? His private lane serves only the land to its east, with no rights to its west which includes PA031. The LUP, now at Section 1, 2.6.5 requires that account be had regarding quality and being in keeping. In line with the low density requirement in the 2011 LUP the locality has had to be laid out with ¼ acre plots; what is now proposed would not be to similar quality or in keeping. Six houses are proposed where only two would previously have been allowed. 2.6.7 merely requires consideration regarding the adequacy of roads, whereas the 2011 Zonal policy stipulated proposals for these to be to adoptable standard. 2.6.6 seeks to protect distinctive features and characteristics, which here are determined by the existing low density layout. 2.6.12 refers to the reasonable enjoyment of adjoining properties. He had had to purchase two plots to achieve the required ¼ acre curtilage; does that imply that he could divide his own land to get one more house? The rezoning criteria in HCA 11 are inappropriate compared with those previously. The submitted plans lack information, which has still not been provided, showing the 10^{ft} strip serving PA031. The relationship between land parcels is governed by Land Law, and there is none in this case. He purchased in 2000 and was told (a contract need not be written) that Mr Gillingham was to fund and lay out the access strip. Land swaps were needed to achieve the ¼ acres. He has been trying without success to learn the basis of Arup's 'summary investigation', which claims that access is 'confirmed'. **Mr Reeves**: supports Mr Noone regarding the plans. He purchased in 1992, and is a stakeholder with equity in his own property. The zoning was high quality/low density; now there is nothing about density. A Court decision regarding plot 141 upheld a refusal based on density; the rezoning would ignore that judgement. Les Rochers should not be rezoned. He leases the field immediately east of PA031, but boundary markers have been lost. **B&DCC Committee representatives**: as discussed during the policy debate, a key aim is to grow the Island population, and therefore housing supply, without encroaching into the Designated Area. The general point about a historical ¼ acre norm here is

	accepted, but each HCA has some capacity for additional houses, and this does imply a generally higher density. Stakeholder consultation and verification of claimed access right needed to be proportionate, but Cadastre data was checked and all submitted sites visited to the extent accessible. The process was fair and transparent. Policies for a locality do not prejudge a planning application. Equity in a property is not a material planning consideration. The relevance of the Court judgement would diminish following a change in policy. Infrastructure requirements for Zone 11 in the 2011 LUP have been superseded by Building Regulation requirement covering the whole Island. The conclusion that an access is achievable reflects information submitted and what is physically possible. That is to say, having regard to the land rather than ownerships. The States access could also serve PA031. In response to the question regarding the Law, this requires that full weight be given to an adopted LUP, and there are now the Building Regulation requirements, since 2011, including its Technical Standard P, which go much further than the requirements in the 2011 LUP and also embody a wide definition of what constitutes an access. That standard applicable here would be Type 1, shared access serving up to 5 dwellings.
Inspector's Assessment	There has been considerable, courteous while vigorous, debate regarding the principle and details of these three submissions and the Arup Assessment of them. It is entirely understandable that existing residents may view with dismay removal of the description 'low density' currently in the Zone 12 policy – even though so far as I can see this did not in 2011 expressly require ¼ acre plots – and its replacement by the HCA 11 Development Principles. Both are recorded in full at paragraphs 3.31 and 3.32 above. However, any development proposal would need to meet the requirements regarding access and utilities embodied in Policies GEN 7 & 8 as well as the precisely expressed standards now in the Building Regulations Technical Standard P. It would be for an applicant to satisfy the Committee regarding those matters, but physically I could see no impediment to doing so. Land ownership rights, including any covenants, are for the parties concerned to resolve or, ultimately, for the Court to determine. They are not material to my conclusion that as regards planning policy there is scope to serve each of the sites adequately. Moreover, two could be reached directly from States accesses while consideration could at least be given regarding creating an access, off a States access, to run behind Mr Gillingham's home to PA031. It would also be normal for a drainage or utility authority to be able to exercise wayleaves, if needs be, in order to serve new developments. There is no policy objection as regards access or services. As regards density, inherently if the Designated Area is to continue to be safeguarded then the States aim to grow the population will necessitate some infilling and intensification within the Central Building Area. This is second only to the re-use and/or redevelopment of unoccupied dwellings within that Area as listed

	in the Policy HOU 3 preference sequence, and surely likely to be the more significant. Density is not always a good guide to the acceptability of small scale individual proposals, but as a general indication over the three sites (0.345 ha) the Arup minimum (3) and maximum (6) equate to densities of between 8 or 9 per ha to a little over 17 / ha (3½ /acre to 7 /acre). Even with reduced curtilages for two of the existing homes, the locality would on any measure remain towards the low density range. Appropriately so at this peripheral location bounding open countryside. Development according with HCA 11 Development Principles on these 3 sites would not break the skyline seen from The Braye. I hesitate to endorse as many as 3 on PA029 without sight of a detailed layout, and certainly compliance there with Policy GEN 12 as regards outlook from Mr Reeves' home would warrant careful consideration. I see no difficulty in meeting the neighbourliness requirements of Policy GEN 12 with respect to PA030 and PA031. I realise that my conclusions will disappoint Mr Noone and Mr Reeves, but subject to normal attention to design standards in the development of these three sites, the locality would retain its essential character as an attractive, tranquil high quality residential enclave bordering the Alderney countryside. **I endorse the Assessment conclusion that these sites could contribute at least 3 dwellings towards the Island housing supply, and qualified endorsement for 6 subject to a satisfactory detailed scheme for PA029**.
Site	**PA034 – Land at Valongis**
Description	Land parcel of some 0.273 ha, unused but previously a quarry at its western end.
2016 LUP Area Designation	Central Building Area Zone 5. Unchanged from the 2011 LUP.
Proposition	Two dwellings
Arup Housing Capacity Assessment	Nil
Gist of the representations	**Mr & Mrs Le Blanc** (Florestan Ltd): the Arup Assessment site description is not agreed (there is no high wall) and not all of it is a former quarry. It is put forward on the basis that the level area east of the former quarry could be developed, by one low density dwelling in keeping its surroundings. There is no proposal to build on the former quarry itself. The site is enclosed on all sides by residential development, so cannot possibly itself 'encroach'. It was formerly designated for development, and the third plot there (separately owned) was granted permission some years ago. Development on the site would not be seen from the coast, but rather be very secluded. There is an existing residential access, but no public access onto the site, which contributes nothing to the concept of a 'green lung'. The adverse finding of a previous inspector is not accepted. The site was purchased as two building plots, but this designation was removed without notification or offer of compensation.

	B&DCC representatives: inaccuracies in the site description are acknowledged, with apologies, but do not alter the Assessment conclusion. The current phase 1 review of the LUP seeks to establish a vision for the Island and sets outs its approach to housing. It is evidence based, but the evidence base for phase 2, including 'built environment', has not yet been produced. Zone 5 remains as existing. As a matter of common sense, the site is not itself remote, and it is not disputed that the Zone 5 boundary is man-made and in that sense arbitrary. However, the Zone could be adversely affected by being enclosed by housing, potentially affecting its biodiversity for example, and this needs to be assessed with evidence. The two houses opposite were permitted in the 1960s or 70s, before the LUP and designation of Zone 5, although it is acknowledged that permission for unfinished house alongside was in 2006.
Inspector's Assessment	I refer elsewhere to the evident value of retaining Zone 5 as an open undeveloped 'green lung' extending into the Central Building Area. It provides a valuable natural haven for wildlife, a 'green lung' for St Anne residents and a green landscape backcloth when looking up from Braye Harbour and the coast generally. I also keep firmly in mind that it is often the peripheries of protected areas that most come under development pressure. However, I cannot see that any tangible harm would in practice result from one well designed house sited alongside the former quarry. It stands at the southern edge of Zone 5, sharing an access off Val Longis with two established houses opposite to its north and one partially constructed to its west. To its south east, with a separate access but still within Zone 5, is a large established house, while more generally to the south and east (mainly within HCA 11) stand the dwellings at Les Rochers and sites PA029, 030 & 031. Those sites are assessed by Arup, and now endorsed by me, as having potential for residential development. (Sites PA032 & 033, which I address below are more remote within Zone 5 and have little relevance to PA034). Neither of the dwellings directly north of PA034, or an associated tall flag pole, can be seen from Braye Harbour or I believe anywhere else along the coast, and even less so could a house beyond them at a similar level on PA034. A previous inspector's unfavourable finding with respect to this parcel of land noted a view that the earlier permissions were unfortunate and that the more recent one was by the States against the Committee's wishes. He also described the proposal as being in the quarry and to a green backdrop viewed up from the Braye Bay. I can say only that whatever the circumstances of their respective permissions, it is the physical presence of the resulting developments to which I have given weight; I am satisfied that there would be no impact on the undoubtedly valuable green backdrop and Mr Le Blanc has confirmed that no building is intended within former quarry. Planning policies do get amended, sometimes to the benefit of a landowner and sometimes, as here, to their detriment. This is not of itself a material consideration, and any issue of compensation normally arises only once a permission has been granted, not from a change of policy.

	However, my overall conclusion is that although permission for a dwelling on this site would infringe the letter of the Zone 5 policy it need do no harm to the underlying purposes of that policy. Retention of the former quarry is a favourable factor in my conclusion, retaining as it would a semi-natural habitat alongside any resulting new dwelling. PA034 forms part of a small residential enclave comprising the two dwellings opposite, that to its south-east and that to its west under construction. These are currently at the southern edge of Zone 5 but in my view in character, and development potential, more akin to the adjacent HCA 11. Re-designating this enclave from Zone 5 to HCA 11 would have negligible practical impact on the safeguarding of Zone 5 but would facilitate the erection of one dwelling, on PA034, in full compliance with the Development Principles for this Housing Character Area. **I so recommend and that PA034 be viewed as potentially able to contribute one dwelling to the Island housing supply during the five year LUP period.**
Site	**PA038a – The Arsenal – Residential** **PA038b – The Arsenal – Non residential development**
Description	Some 3.485 ha extending northwards from The Arsenal Fort Zone and rising away from the coast towards Fort Albert. It includes open land, a building converted to apartments, an open area used for aggregates storage and processing and a small building converted to a squash court.
2016 LUP Area Designation	Designated Area comprising Agricultural Zone, Residential Zone, Commercial Zone, and Recreational Zone
Proposition	To allow for expansion of existing uses into the development area.
Arup Housing Capacity Assessment	Nil
Gist of the representations	**Mr P Baron and Mrs P Pearson** (Mount Hale Ltd): the defined area has potential for various schemes, primarily residential with associated commercial facilities and further community/ recreational amenities. Possibly a retirement village or, in the alternative or additionally, development linked to a marina at Toulouse Rock should that ever happen. An example previously submitted to the States illustrates the concept. A future marina is envisaged by the LUP within Zone 7. This site is ideal for additional residential development and associated commercial premises. There are 29 residential units there already which cause no problems. The States built commercial units at the Harbour and were already looking for residential units, and so Mount Hale Ltd converted one of its blocks. There are already units for small businesses as well as offices together with the long existing Ronez aggregates site. Hotel development has been rejected twice by the States, but the site lends itself to high quality new build residential. It is a sheltered, walled Victorian estate with sea views, served by two private roads and with utilities in place. It ticks the Sustainable

	Development aims referred to in the LUP Section 1 2.6.1. Development here would enhance an important island asset and benefit the community in many ways. Without investment the area will fall into disrepair. Alderney needs quality housing, including specialist housing for the elderly. This site could contribute to both. What relevance does the Arup Assessment observation of being some way from St Anne have to the proposals? This area of the Arsenal estate should be removed from the Designated Area, which currently precludes planning permissions, indeed it strictly speaking even precludes most applications. The site should be reclassified either as F Residential Zone or better added to the Fort Zone 8. They face delay after frustrating delay; meanwhile the maintenance of historic buildings continues to be expensive. **B&DCC representatives**: housing development here would lead to an increase in dwellings within the Designated Area, contrary to the vision aim to accommodate residential growth only outside of that Area. The site has heritage value but it is well outside St Anne in a quiet out of the way locality. It is neither in the Harbour Zone or Fort Zone. Releasing land for housing in the Designated Area is the last sequential preferable principle listed in Policy HOU3. There is no evidence of any need to do so. The B&DCC will in fact accept planning applications in any part of the Island. As things stand, any appeal can only be on a point of law (akin to judicial review in the UK) but there is an intention to introduce a merits based appeal system as an aspect of upgrading the Island planning system. Proposed commercial or tourism use must be assessed against the forthcoming economic, built heritage and environmental issues in the LUP phase 2 review. Proposals for a marina would constitute a major economic aspect. Phased stages to the LUP review are not ideal but unavoidable because of resource constraints.
Inspector's Assessment	This extensive parcel of land includes the historic building now attractively converted to a residential block, the imaginatively converted small historic building now a squash court and the predominantly open aggregates site. However by far the greater part is scrub and grassland, contributing to the open undeveloped character of the Designated Area. Taken in the round the site is quite different from the tightly built and closely defined main Arsenal complex, designated as Fort Zone. The residential block is already and appropriately designated as Residential Zone within the Designated Area, however further, new build, residential development here would be contrary to the Green Belt concept and not warranted by the degree of existing development. **I endorse the Arup Assessment that this site should not be seen as contributing towards housing supply over the life of the LUP period.** I understand Mrs Pearson's expressed frustration, and reluctant resignation at having to wait for commercial or leisure concepts to be considered under the phase 2 review. I have no wish to

	prejudice that review, but to the extent that the matters have been promoted now I can say only **that considered in isolation I can see no basis for recommending any change to the Fort Zone at this stage.**
Site	**PA040 – Whitegates South**
Description	Terrace of 5 Victorian houses together with one bungalow and associated land (in all some 0.428 ha) standing prominently within the Designated Area on the southern side of the road. A terrace opposite, on the northern side, has been demolished leaving no more than traces evident.
2016 LUP Area Designation	Building Zone 20 (Unchanged in extent from the 2011 LUP). "This site is reserved for future provision of social housing, to include the replacement of the demolished houses on the road". 1) An overall development plan for the whole site will need to be approved prior to consideration of individual applications. 2) The overall development plan individual plans for new dwellings should demonstrate that the proposed development is sympathetic to the topography of the site and its surroundings, and does not adversely impact on Conservation Area C/004 or views, particularly from the north and south coasts of the Island. The development plan should include landscape proposals for the completed development. 3) Whilst there is in principle support for the re-provision of up to 11 replacement dwellings (including the replacement of the demolished housing on the north side of the road), the development plan should demonstrate how this number could be accommodated in a sensitive manner and that over-development of the site will not take place. If this is not possible, a lower number of dwelling should be promoted for the site. 4) The development will be subject to an Environmental Impact Assessment. ***Reason:*** To ensure that the land made available for the construction of new social housing and to ensure that it is designed to be in keeping with its sensitive location surrounded by the Designated Area."
Proposition	Remove the limitation restricting the site to social housing while retaining the other development requirements.
Arup Housing Capacity Assessment	Nil
Gist of the representations	**Mr Hughes** (Alderney Housing Association): the Arup Assessment incorrectly describes this proposal as "allowing the properties to be redeveloped as part of the AHA portfolio to provide high value market housing". This was never sought and imparts a totally different impression of the AHA's aims. Its role is to provide affordable housing for rent and partial ownership to those unable to afford private market housing. The Association's actual submission read "The current buildings are not fit for purpose but the site offers potential to maximise its development value, within the present guidelines, un-encumbered by its limitations for social housing. The site offers the opportunity for high value residential development, one of the aims of the Housing Strategy. The AHA is part publicly funded, therefore optimum asset management of our limited resources is essential. Removal of this planning use restriction will enable the AHA to consider the best future of the site. …. The proposed change of use will provide the AHA with

	flexibility in future management of its assets for the benefit of the community." The Cambridge Centre for Housing and Planning Research report (2014) recognises the role of the AHA. The demand and potential demand for social housing is constantly monitored via a number of sources. Potential supply depends on redevelopment of housing and sites, and on capital funding. Demand and supply vary over time, calling for timely responses but the Whitegates restriction can be reviewed only at a planning inquiry, normally held every five years. The AHA is required to submit an annual 5 year rolling business plan to the States for approval, and that is the opportunity to consider housing need and development proposals. The submission to this inquiry is to facilitate property portfolio management without waiting another five years. The AHA concurs with the Arup Assessment that the site is some way from St Anne and community/local services and not an optimum location for social housing. Also that its prominence requires high design standards to minimise visual impact. The AHA aims for good design, but it would be difficult here in the provision of social housing. Concept layouts illustrate the point. Zone 20 design requirement could be better achieved by a developer or high net worth individual (Housing Strategy Report 2.2.4/ Recommendation 23 refer). Rezoning here was introduced in 2011, to incorporate the gross floor area demolished across the road and provide flexibility in layout. The then newly incorporated AHA had not yet assessed all the housing transferred to it from the States. Since then the Association has refurbished, redeveloped and implemented new build, in order to provide affordable housing. Further refurbishment is planned, permission granted for further new housing and other land earmarked. None of these sites have a social housing planning restriction. To fund some of this, 5 poor quality flats have been or are in process of being sold. All this portfolio management is approved by the States. The AHA has a proven track record, demonstrating proactive management of its housing portfolio. There remains a housing waiting list, which can change rapidly. Selling the Whitegates site – agreed not to be optimum for social housing – would fund more affordable housing better located in the Building Area, where there is no shortage of available land. It would also make the Whitegates site available for more appropriate residential development. Two AHA homes within Zone 7, not subject to social occupancy restrictions, is annotated in the 2016 LUP as Guidelines as "high value land for comprehensive development for harbour related activities." There is also a precedent for PA040 when the States land opposite in 2006 was re-zoned Building Area from Residential Zone in the Designated Area. In response to the Alderney Society, the extent (though not the notation) of archeological interest shown on their plan is not supported by source material. In any event, regardless of who carries it out, redevelopment of the site will remain subject to the requirements listed above – including a master plan – as well as Policy DBE5.

	Mr Thornburrow (Alderney Society): this locality is amongst the most important archaeologically in the Island, from the Bronze age onwards. The Society did not succeed in preventing the site's change from Agriculture to Building Land in 2011, and would now prefer the whole future of this part of the Island to be deferred until the phase 2 review. The Society is generally supportive of the AHA but concerned in this case the redevelopment by multiple applicants rather than solely the AHA would fail adequately to safeguard archeological interests. **B&DCC representatives**: this is a legacy site of housing within the wider Designated Area. The States seeks meeting needs for social housing as well as growing the Island population. This is not elitist, anyone is welcome and not all will be in a position to purchase on the open market. Accordingly the site has social capital as well as financial, while the development requirements serve to minimise any impact and ensure high quality design. The AHA annual business plan goes to the Policy and Finance Committee rather than the B&DCC, whereas in law it is the latter that has responsibility for planning. This is a long standing policy regarding the site. The B&DCC is not obliged to wait five years for a review of the LUP should the need for one sooner become evident. Archeological safeguarding would be ensured through the requirements of Policy DBE5.
Inspector's Assessment	I have considered carefully the points for the B&DCC and the Alderney Society. However, in my view the AHA has an unanswerable case for dropping the social housing restriction. It is agreed by the Committee and AHA that this is not an optimum location for social housing. I go further and say that it is a poor location. It is remote from day to day requirements such as shops, medical services, the library or school. Anyone living there would either need day to day access to a car or risk a constrained and potentially socially isolated life. Visually, a satisfactory redevelopment of this exposed site would be hard to achieve while providing homes likely to be of most benefit to the AHA and its tenants/shared owners. The concept plans submitted by Mr Hughes illustrate the problem. In contrast market housing – perhaps fewer but larger – could be more readily laid out and landscaped so as to minimise its impact. This is not an elitism issue but rather the well-recognised principle of enabling development in one location in order to fund a desired development more appropriately elsewhere. Mr Hughes gave examples of available sites in or about St Anne, very well located for daily needs and social interaction without recourse to a car. I would reach the same conclusion regardless of who owned the Whitegates site but with this difference. Were it owned privately, removing the social housing limitation would need to be accompanied by a tightly drafted legal agreement to ensure that the resulting uplift in value was fully put to a similar quantum of social housing elsewhere in a timely manner. Here, however, this would be ensured by the AHA Memorandum and Articles of Association and its Framework Agreement, which preclude any other outcome. These and the annual report might not be the

	direct responsibility of the B&DCC but their existence and the fact that the business plan is subject to the States are proper material planning considerations that should be taken into account. There is no dispute regarding the locality's high, perhaps exceptionally high, archeological value, but that could be equally safeguarded through the prior requirement of a master plan, the application of Policy DBE 5, and may in fact be eased by less intensive new development. **I recommend that Zone 20 be amended to delete the requirement for social housing while retaining the other listed requirements. I do not see the site as contributing any net increase in the Island's housing supply**.
	PA042a & PA042b – Saye Farm Cottages
Description	Terrace of six former barns, used for storage/workshop, together with associated land, in all some 0.049 ha, which includes the footings of a former commercial glasshouse. The site adjoins an established camp site.
2016 LUP Area Designation	Designated Area Agricultural Buildings Within Agricultural Zone (unchanged from 2011 LUP)
Proposition	PA042a – conversion to tourist accommodation PA042b – conversion to residential accommodation
Arup Housing Capacity Assessment	Nil
Gist of the representations	**Mr L Flewitt & Mr N Dupont** (Tickled Pink Ltd): these dilapidated two storey former barns require a beneficial use to arrest further deterioration. There is no viable agricultural use. Glass from former glasshouse presents a hazard. The Cadastre rating is industrial/workshop rather than the much lower agricultural classification. Floor areas are sufficient for up to 6 three bedroom units, with room behind for south facing gardens, remediating the former glasshouse area. A low key cottage style conversion is envisaged, to a high standard for which there is a continuing demand. The units would also be ideal for letting as tourist accommodation located close to the existing camp site. Their firm is committed to Island employment and purchasing, and to apprenticeships, to which these conversions would contribute. **B&DCC representatives**: a residential conversion would be contrary to meeting the Island housing supply without recourse to any net increase in the Designated Area – the lowest sequential preference after all other options. They are sympathetic to the points raised regarding conversion to tourist accommodation, however this needs to be fully assessed as an aspect of the phase 2 review.
Inspector's Assessment	The terrace is clearly in poor condition, as is its associated land, and I readily accept that a return to agricultural use is most unlikely to be beneficial or viable. However, this falls well short of justifying conversion to permanent residential accommodation, in the Designated Area and contrary to the aim and as I shall go on

	to conclude, clearest evidence, that future housing supply can be achieved entirely outwith that safeguarded land. Considered in isolation, a sympathetic conversion to tourist accommodation, adjacent to the camp site, has obvious attractions. However any decision should be taken in the round, looking also at other potential sites and the likely overall demand. In other words it falls firmly within the scope of the phase 2 review. I realise that the resulting delay will be frustrating for the owners – though they very fairly acknowledged the likelihood at the inquiry. Certainly further consideration should be given then. But within the scope of this report into the phase 1 proposals **I endorse the Arup Assessment that the site should not be seen as contributing to housing supply**.
Site	**PA044 – Wells House, Longis Common GY9 3YB**
Description	Two storey house in a large mature garden, set back and above the beach road.
2016 LUP Area Designation	Designated Area Residential Zone (unchanged from 2011 LUP)
Proposition	Alternative submissions to demolish and replace with 'dream' home some 110% larger floor area than existing, or to add an extension according with the 2016 LUP enabling provisions for extensions (subject to qualifications) of up to 50% of existing floor area.
Arup Housing Capacity Assessment	Nil
Gist of the representations	**Miss H McGregor**: she no longer seeks to pursue the replacement option but supports the intended policy to extend by up to 50% of existing floor area. Her home originated as a Ministry house following WW2. A subsequent extension (pre dating the 2001 LUP) has left it asymmetrical as well as somewhat timeworn. A 15% increase in floor area would be disproportionately expensive for very little improvement, and this has deterred her from doing any such thing. The proposed upper limit would enable the house's symmetry to be restored, its internal layout improved and general refurbishment. She understands and would comply with the various detailed qualifications attached to the proposed policy. **B&DCC representatives**: neither proposition would comply with current policy for the Designated Area Residential Zone, and the much larger replacement would continue to conflict with the proposed policy. Her support for the proposed policy is understood and welcomed.
Inspector's Assessment	From my visit I can readily appreciate why Miss McGregor welcomes the proposed changes, which subject to a revision in the Law will enable larger residential extensions than are currently permissible within the Designated Area. Any such application following after the new provision has come into effect would need to be determined on its merits, in the light of those provisions. There is no suggestion to increase the number of dwellings here, which would remain contrary to policy, and so **I endorse Arup's**

	assessment that the site should not be treated as contributing to future housing supply.
Site	**PA048a & 048b Land at Newtown Road and Val Longis**
Description	Parcel of undeveloped land, formerly a quarry, rising southwards from Newtown Road and westward from Val Longis. The lower part (PA048a) is some 0.340 ha and the upper part (PA048b) is some 0.3 ha.
2016 LUP Area Designation	PA048a is within HCA 2A; PA048b is within HCA 2B.
Proposition	Residential development of up to two storeys.
Arup Housing Capacity Assessment	PA048a – 4 minimum to 7 maximum PA048b – nil during 5 year plan period, deferred for subsequent plan period.
Gist of the representations	**Mr Cosheril:** rather than making representations, sought clarification regarding possibilities. He had been under the impression that the land had previously received permission for a terrace of houses in front of a bungalow, but accepted confirmation that this proposal had not been taken beyond initial pre-application discussion. **B&DCC representatives**: development of the lower land accords with Development Principles for HCA 2A. The Development Principle for the more sensitive upper land, HCA 2B, is to safeguard it for longer term housing needs. As and when the land is released for development, proposals will need to accord with the HCA 2B requirements for low density, retained trees, minimising effects on green infrastructure and carefully considered access. This final requirement needs to be borne in mind with respect to any layout proposed meanwhile for the lower land.
Inspector's Assessment	There is not a great deal to add. I have previously endorsed both the HCA 2A and HCA 2B Development Principles, and the Assessment is consistent. The lower site could certainly contain up to 7 dwellings satisfactorily, while safeguarding access to the upper land, which should be reserved for later release when needed. **I endorse the capacity assessment of 4 to 7 dwellings in the five year LUP period.**

4.5 My conclusions regarding the sites put forward but not contested at the inquiry may be briefly summarised. This is based on the Call for Sites submissions, the Arup Review of those sites, brief discussions at the inquiry with the B&DCC team regarding each at the inquiry, and site visits.

Ref	Address	Description	Proposition	Arup Housing Capacity Assessment	Inspector Assessment
PA006	Les Mouriaux Garage Carrier Vironf GY93XB	0.076 ha conc hardstanding	4 x 3 bed 2 storey flatted development with garages	2 to 4	HCA 9A 2 – 3 houses, 4+ flats subject to impact on neighbours

PA010	Windermere La Marette GY9 3UQ	0.130 ha former dwelling/garage demolished. Stack of building blocks. 2013 permission for new dwelling.	Erect dwelling. Remove from Designated Area or relax 15% enlargement.	1	1 Residential Zone within Designated Area remains sound for peripheral St Anne location. 15% policy at para 3.7 et seq above. Assessment of extant permission not for this report.
PA012	3 Le Colimbot St Anne GY93TU	0.099 ha Garden	Sub divide with separate access	1	HCA 3 1 dwelling
PA013	Land at Courtil Liage	1.691 ha Pasture	Residential	0	0 Designated Area, borders HCA 3 but no basis for residential development
PA014	Le Bourage GY93TL	0.075 ha pedestrian access through wall	4 x 1 bed appartments	4 - 6	HCA 3 Could not access site, but 4 – 6 based on area and subject to sensitive opening in wall
PA018	Le Vieux Chene Picaterre GY93UP	0.076 ha L shaped back garden	Subdivide	1	HCA 6 1 stands high behind dwellings, requires access alongside house, suitable with careful design
PA021	Fontaine House, Fontine David GY93XL	0.078 ha partly sloping garden land	1 dwelling	1	HCA 2A 1
PA022	Ditto	0.047 ha	1 dwelling or garden with PAO21	1	HCA 2A 1 ie PA021/22 could contain 2 dwellings
PA023a	Belle Vue Hotel GY93UN	0.086 ha vacant hotel	Conversion to residential	6 – 7 (pending phase 2 - dependent on demonstrating no longer need as tourist accommodation	HCA 3/4 6 – 7 agree with Arup approach
PA023b	Ditto	Ditto	Multiple non-residential uses	Phase 2	Phase 2
PA026	Land at Val Road	0.258 ha field, remaining after development of medical centre and care home, used for free range poultry	Unspecified socially beneficial	13 – 19 dwellings	HCA 3 ideal site for residential development. 13 - 19
PA027	Land r/o High Street	Unkempt land close to PAO26	Sheltered housing	4 – 7	HCA 3 ideal site for sheltered accommodation 4 – 7 +
PA032	Land at Les Rochers	0.096 ha unkempt land north of existing dwellings	1 dwelling	0	O Zone 5 and highly likely to break skyline seen from The Braye

PA033a	Ditto	0.087 ha unkept land next to part of PA032	1 dwelling	0	0 Zone 5 and highly likely to break skyline seen from The Braye
PA033b	Ditto	Ditto	Self-catering holiday accommodation	Phase 2	Phase 2
PA046	Land at Longis Common	2.00 ha unkempt land in two separate parcels	Medium density residential development	0	0 open isolated land in Designated Area
PA047	Pouteaux Farm, La Haze	0.063 ha, contains derelict building, once a dwelling	Agriculture plus restoration to residential	0	0 Designated Area Agriculture Zone – may be agricultural uses for building
SA019	Land at Crabby Bay	0.277 ha grassed land next to Hospital	Assisted living/sheltered/ high dependency accommodation	8 - 14	HCA 6 8 -14 ideally located, closely associated with Hospital, easy reach of shops etc
SA035a	Timber Row Newton	0.317 ha unkempt land	Terraced/starter homes	4 – 8	HCA 2A ideally located for intended housing
SA036	Eastern plot at Le Banquage	0.955 former quarry	Continuation of estate for social or private housing	Deferred	HCA 1A Deferred by Arup in recognition of substantial earthworks. Subject to degree of prior works could contain perhaps 20 dwellings.

4.6 As will be evident, and I substantially agree with Arup Call for Sites Review (and its Addendum) where debated at the inquiry; I agree in every material sense with respect to those sites that were not debated at the inquiry. It follows that I readily endorse as sound the Arup conclusion that the minimum aggregate capacity of all these sites (including those in the Addendum) is not less than 57 dwellings compliant with the 2016 LUP policies. Because of my only qualified acceptance of the maximum estimates recorded above with respect to PA005 and PA029, I temper my endorsement of the Arup conclusion that the maximum aggregate number is 97, but I consider that it is not less than 90.

4.7 That is of itself just short of the 100 supply for the five year plan period sought by Plan Output aims, and of course not all sites now submitted for consideration will in practice be put forward and developed during that period if at all. Equally, however, SA036 presents practical but not planning constraints, adding to the potential supply. Other sites not currently submitted may be put forward and progressed. On this basis Arup undertook a sample assessment of undeveloped land parcels within the Central Building Area, reflecting the preference hierarchy in Policy HOU 3, concluding these could contribute between 49 minimum and 111 maximum based on the same methodology as was used to assess the submitted sites.

4.8 It would be undesirable to raise expectations or trigger concerns simply on the basis of this sample survey work, and so for good reasons the land parcels considered to be potentially available have not been identified. I cannot, therefore, give a detailed appraisal of this part of the Assessment, but I can confirm that it was evident to me that there is a significant amount

of undeveloped land, within the Central Building Area, that might potentially come forward for residential development, compliant with the 2016 LUP policies. Whilst I cannot positively endorse the Arup figures for this 'additional' capacity, and note that it was a sample rather than comprehensive, I find no reason to question that these numbers of dwellings and more could be achieved.

4.9 Accordingly, it might reasonably be concluded that the supply of housing land, without encroaching into the Designated Area, may indicatively, and at the least, be taken to be sufficient for between about 106 and 208 all told. That is to say between about a 5 year minimum and upwards of 10 year supply towards the Plan Output aims. To that, in the longer term needs to be added the significant potential currently deferred in HCA 2B.

Overall Conclusions

5.1 I am conscious of having made no more than a limited number of suggestions for modifications prior to adoption of the Plan. This should not be interpreted as other than the fact that I consider it to be sound in all fundamental regards.

5.2 Subject only to the recommendations laid out in this report I have reached the following overall conclusions.

- The policy changes proposed in the Alderney Land Use Plan Section 1: Policy Guidelines and Alderney Land Use Plan Section 2: Sites, provide a sound basis for the development and use of land in the Island.
- I recommend two fundamental revisions to the conclusions in the Call for Sites Assessment, with respect to PA034: Land at Valongis, and PAO40: Whitegates South.
- In other regards I either agree fully with the Assessments or at most temper its housing capacity conclusions in detail. Overall, I am fully convinced that the Call for Sites exercise combined with the additional housing capacity indicated in the Arup Assessment demonstrates that there is a generous and adequate availability of potential housing land and other residential development opportunities, such as conversions, to meet the States' housing aspirations throughout and well beyond the initial 5 years life of the Plan, without recourse to residential development in the Designated Area.
- The changes proposed to the Land Use Plan Map provide a sound basis for the future provision of and distribution of housing or other development in the Island. Furthermore, I particularly commend the introduction of Housing Character Areas, in principle, in their geographical extents and as regards the Development Principles set out for each.

5.3 Had I reached less favourable conclusions I would not have hesitated to express them.

5.4 Finally, and more generally, I hardly need to say that Alderney is an exceptionally attractive Island, physically and socially. What has been more than apparent, though, is that against well-known changes in circumstances particularly since 2008 the economy has been less buoyant and there has overall been a loss of permanent residents. Those matters need to be addressed across a wide front, of which an important contribution must be a modern forward looking Land Use Plan that conserves all the best of the past while enhancing the future – very much along the lines of the Vision Statement underpinning the 2016 Plan.

5.5 At risk of repetition, however, that will achieve very little in isolation without the matters intended to be addressed in a phase 2 review.

5.6 It has been a pleasure working with all concerned during the inquiry process, I record my thanks to the President for entrusting this task to me, and I wish the Island the very best for the future.

Alan Langton
DipTP CEng MRTPI MICE MCIHT

Independent Inspector

APPENDIX 1: PARTICIPANTS

APPEARANCE LIST

FOR THE STATES OF ALDERNEY

Mr M Birmingham Chairman, Building & Development Control Committee

Mr J Young Planning Officer

Mr K Hyams Arup
BA(Hons) MPhil MRTPI

Miss C Salisbury Arup
MA(Cantab) MSC MRTPI

FOR THE ALDERNEY SOCIETY

Mr D Thornburrow
RIBA HKIA

FOR THE ALDERNEY HOUSING ASSOCIATION

Mr D Hughes
FRICS MA

FOR TICKLED PINK

Mr L Flewitt
Mr N Dupont

FOR FLORESTAN LIMITED

Mr A Le Blanc
Mrs Le Blanc

FOR MOUNT HALE LIMITED

Mr P Baron
Mrs P Pearson

LOCAL RESIDENTS

Mr B Noone
ACMA TEP

Mr D Gillingham

Mr C Reeves

Mrs G Hempel

Mrs R Hanbury

Mrs R James, representing Mr M James

Mr Bithell

Mr Burgess

Miss H McGregor

Mr E Cosheril

APPENDIX 2: INQUIRY PROGRAMME

All sessions held in the Anne French Room, Island Hall, Royal Connaught Square

DAY/DATE	TIMES	PARTICIPANTS B & DCC AT ALL SESSIONS	TOPICS
Tuesday 26 April Day 1	9.30	Mr B Noone The Alderney Society Mr D Gillingham Mr C Reeves Mr & Mrs Hempel Ms R Hanbury Alderney Housing Association	**Proposed Policy Alterations**
Wednesday 27 April Day 2	9.30-10.15	Mr M James, represented by Mrs R James	**PA005 - White Cottage Rue de la Saline /Fosse Au Chevalier**
	10.15-11.00	Tickled Pink Ltd	**PA042 – Saye Farm Cottages**
	11.00–11.15 - Break		
	11.15–12.00	Windermere Ltd. (~~Mr S Bohan~~)	**PA010 - Windermere**
	12.00-1.00	~~Mr S Bohan~~ Mr & Mrs K Bithell	**PA028 - Le Creux**
	1.00-1.45 lunch		
	1.45-2.30	Mr Burgess	**PA003 – Watermill Farm, Le Petit Val**
	2.30 -3.15	Florestan Limited	**PA034 – Land at Valongis**
	3.15-3.30 – Break		
	3.30-5.00	Mr D Gillingham Mr B Noone Mr C Reeves	**PA029, PA030, PA031 – Les Rochers**

DAY/DATE	TIMES	PARTICIPANTS B & DCC AT ALL SESSIONS	TOPICS
Thursday 28 April Day 3	9.30-10.00	Mount Hale Ltd.	**PA038A – The Arsenal**
	10.00-10.15	Miss H McGregor	**PA044 – Wells House, Longis Common**
	10.15–11.45	Site visits	
	11.45-1.15	Alderney Housing Association The Alderney Society	**PA040 & PA046 – Whitegates**
	1.15-3.45	Site visits	
	4.00-5.00	Mr E Cosheril	**PA048a & PA048b Land at Newtown Road and Val Longis**
Friday 29 April Day 4	9.30	States' Building and Development Control Committee Closing Submissions	

APPENDIX 3: DOCUMENTS

Procedural Documents	
INQ1	Formal Notice of the Public Inquiry into the Land Use Plan 2016,18 March 2016
INQ1a	Second Formal Notice of the Public Inquiry into the Land Use Plan 2016,
INQ2	Press Release – Building and Development Control Committee, Changes Proposed to Land Use Plan for Housing, 18 March 2016
INQ3	Notice of the Pre Inquiry Meeting, issued by the Inspector, April 2016
INQ4	Notice of representations received, issued by the Inspector, 14 April 2016
INQ4a	Notice of representations received, reissued by the Inspector, 18 April 2016
INQ5	Agenda for the Pre Meeting held on 18 April 2016
INQ6	Inspector's Pre Inquiry Meeting Questions to the States of Alderney Plan Making Team
INQ7	Draft Discussion Paper for the Round Table Session
INQ7a	Final Discussion Paper for the Round Table Session, 21 April 2016
INQ8	Draft Inquiry Programme, 18 April 2016
INQ8a	Inquiry Programme, 25 April 2016
INQ9	Note of the Pre Meeting, held 18 April 2016
INQ10	States' closing submissions

Core Documents	
CD1	Building & Development Control Committee, Policy Guidelines, 2008
CD2	Alderney Land Use Plan, Approved November 16 2011
CD2a	Alderney Land Use Plan, Map 2011
CD3	Building and Development Control Committee, Land Use Plan Review, Housing Strategy, 19 February 2016
CD3a	Building and Development Control Committee, Land Use Plan Review, Housing Strategy Amendment, issued 22 April 2016
CD4	Building and Development Control Committee, Housing Strategy Statement- Land Use Plan, 24 February 2016
CD5	Call for Sites 2015-2016 Form
CD6	Building and Development Control Committee, Land Use Plan Review, Call for Sites Assessment, 11 March 2016
CD6a	Building and Development Control Committee - Land use Plan Review - Call for Sites Assessment Addendum, 22 April 2016
CD7	Alderney Land Use Plan 2016, Section 1: Policy Guidelines
CD7a	Alderney Land Use Plan 2016, Section 2: Sites
CD7b	Alderney Phase 1 Housing, Land Use Plan 2016 (low resolution)
CD7c	Alderney Phase 1 Housing, Land Use Plan 2016 (high resolution)
CD8	Note to Support Land Use Plan Inquiry: Housing Outputs, April 2016
CD9	States of Alderney Housing Needs Survey 2007/2008 Final Report, Tetlow King
CD10	Guiding Principles amendment
CD11	Belle Vue Hotel Addendum
CD12	Technical Standard
CD13	Draft Housing Strategy for the States of Alderney, Cambridge Centre for Housing & Planning Research, March 2014

Representations Documents		
Ref.	**Name**	**Subject of Representation**
1	Mr B Noone	Housing Strategy & Policy
1a	Mr B Noone	Les Rochers, PA031
1b	Mr B Noone	Email from Mr Noone to the Programme Officer, 21 April 2016
2	The Alderney Society	Housing Strategy & Policy
2a	The Alderney Society	Longis Zone 20 Whitegates (South) AY 1832 & North, PA040 & PA046
3	Mr D Gillingham	Housing Strategy & Policy
3a	Mr D Gillingham	Les Rochers AY 1206, PA031
3b	Mr D Gillingham	Les Rochers AY1211, PA029
3c	Mr D Gillingham	Les Rochers AY1208, PA030
3d	Mr D Gillingham	Email from Mr Gillingham to the Inspector, 19 April 2016
4	Mr C Reeves	Housing Strategy & Policy
4a	Mr C Reeves	Les Rochers AY 1206, PA031
4b	Mr C Reeves	Les Rochers AY1211, PA029
4c	Mr C Reeves	Les Rochers AY1208, PA030
5	Mr T Bliss	Housing Strategy & Policy - Second Homes
5a	Mr T Bliss	Categories of housing on Alderney
6	Mr & Mrs Hempel	Housing Strategy & Policy
7	R Hanbury	LUP Policies Generally & HCA 2B
8	Mr M James	White Cottage Rue de la Saline /Fosse Au Chevalier, PA005
9	Mr M Lawson	White Cottage Rue de la Saline /Fosse Au Chevalier, PA005
10	S Ewart	White Cottage Rue de la Saline /Fosse Au Chevalier, PA005
11	Windermere Ltd	Windermere, PA010
12	K & M Bithell	Le Creux AY2137, PA028
13	Mr S Bohan	Le Creux AY2137, PA028
14	Florestan Limited	Valongis AY 2114, PA034
15	Mount Hale Ltd	The Arsenal , PA038A
15a	Mount Hale Ltd	The Building and Development Control (Designated Area) (Alderney) Ordinance, 2016
15b	Mount Hale Ltd	Site plan of Mount Hale
16	Tickled Pink	Saye Farm Cottages, PA042
17	Miss H McGregor	Wells House, Longis Common, PA044
18	Mr E J Cosheril	Land at Newtown Road and Val Longis PA048a & PA048b
19	Alderney Housing Association	Whitegates PA040
19a	Alderney Housing Association	Further information on Whitegates, PA040
19b	Alderney Housing Association	Extracts from the Housing Association's Framework Agreement
19c	Alderney Housing Association	Extracts from the Housing Association's Memorandum and Articles of Association
20	Mrs P Pearson	Information submitted by Mrs Pearson regarding the Housing Strategy
21	Mr R Burgess	Information submitted by Mr Burgess on Watermill, PA003

APPENDIX 4: ROUND TABLE FORMAT

Introduction

1. Round table formats, and their more structured version as Examinations in Public, are widely used in the consideration of draft development plans. As there are no specific statutory Alderney inquiry procedure rules with respect to these formats, I thought that it might be helpful if I offer some thoughts about what I see as the main principles.

Principles

2. The aim is an efficient but fair opportunity to hear a range of views, aiming for a constructive rather than adversarial approach.
3. A range of participants is essential. There needs to be somewhere between a minimum of about 6 – to obtain a range and balance of perspectives – and a maximum of about 15 – so that the discussions remain manageable and without participants facing lengthy delays between speaking opportunities. It is sometimes necessary to co-opt participants and sometimes to curtail the number who can take part.
4. The plan-making body, in this case the SoA B&DCC must be able to participant fully in the debates and have the final right of reply at the conclusion of any topic. I sought feedback from those who participated in this case. The consensus was favourable.
5. No one should be required to participate at the round table sessions in order to appear and be heard at the inquiry, and in the event that numbers have to be curtailed those denied the opportunity must most certainly be invited to attend a separate session. No participant should be permitted to attend the round table sessions and again at a separate session addressing the same or similar issues to those at the round table debates.
6. The topics to be addressed should be issued by the inspector initially in draft with an opportunity for anyone to comment prior to the final version. In the event that numbers have to be curtailed, the draft list of participants should likewise be published with an opportunity for representations before the definitive list.
7. The format is appropriate for broad policy topics. It should never be used to address more specific policies or identified sites, where some individuals may have a clear and direct personal interest. Such matters need to be addressed through the conventional formal inquiry process, including opportunities for formal cross examination of evidence.
8. The resulting inspector's report of inquiry (ie this one) is likely to have a narrative and discursive tone when compared with the more formulaic reports that typically flow from the conventional inquiry process considering a development plan. It is crucial, however, that the report reaches and expresses unambiguous recommendations.

	Ref	Element	Source	2016 i	Calculation	2021 (5 years) ii	2036 (20 years) iii	Calculation
Part A Permanent Households	**Including second homes**							
	A1	Population	2014 Census; Vision Statement	2,013		2,250	3,000	
	A2	Households	2013 Census; Unoccupied Properties Survey	1,143	= A5 + B1	1,257	1,595	= A1 / A3
	A3	Average household size	*Calculation*	1.761	= A1 / A2	1.791	1.881	Increase rolled forward
	Excluding second homes							
	A4	Population	Anecdotal	1,600		1,788	2,385	
	A5	Households	*Assumption*	969		931	1,223	= A4 / A6
	A6	Average household size	*Calculation*	1.651	= A4 / A5	1.681	1.771	Increase rolled forward
B Extra Houses	B1	Second homes	2013 Census (proportional split taken from Unoccupied Properties Survey = 44.4%)	174		195	260	Increasing at same rate as total household growth
	B2	Holiday lets	2013 Census (proportional split taken from Unoccupied Properties Survey = 15.4%)	60		60	60	
Part C Underutilised Stock	C1	Empty	2013 Census (proportional split taken from Unoccupied Properties Survey = 20.1%)	79				
	C2	For sale	2013 Census (proportional split taken from Unoccupied Properties Survey = 14.0%)	55				
	C3	Derelict	2013 Census (proportional split taken from Unoccupied Properties Survey = 1.4%)	5				
	C4	Total	Calculation	139	= C1 + C2 + C3			
Part D Housing units required	D1	Units for permanent households	*Calculation*			95	377	= A5 – A5i (net change)
	D2	Units for second homes	*Calculation*			21	85	= B1 – B1i (net change)
	D3	Units for holiday lets	*Calculation*			0	0	= B2 – B2i (net change)
	D4	Existing stock re-used	*Assumption*			-35	-139	= C4 Note it is assumed 25% will be brought back into use within five years, and 100% by twenty years.
	D5	Total				**80**	**323**	= D1 + D2 + D3 + D4
	D6	*Additional vacancy rate*	*Assumption*			*100.50%*	*102%*	
	D7	Vacancy uplift	*Calculation*			20	81	= (A5 x D5) – A5i – D7
	D8	Total				**100**	**404**	= D5 + D7
	D9	*Rounding*				*100*	*400*	Rounding