

Development Frameworks: an overview

Martyn Baudains, partner in Ogier's property team in Guernsey, gives an overview of Development Frameworks in the island.

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The Island Development Plan ("IDP" for short) was adopted by the States of Guernsey in 2016. It tells us what can be built, where, and to what use those buildings can be put. It is a guide to help the Island anticipate need for a built environment.

The policies within the IDP can be difficult to interpret, especially when dealing with larger sites which often have complex issues to consider. The IDP provides for some assistance to be given to developers and the public alike, and that assistance comes in the form of "Development Frameworks" and "Local Planning Briefs". At the time of writing (February 2020) there are no current Local Planning Briefs, but they would be required where there are strategic land use implications, such as, in the past, Gategny Esplanade, Belgrave Vinery and Le Bouet.

Development Frameworks will be required where, for example, the intention is to undertake development in "Main Centres" (i.e. parts of St Peter Port and St Sampsons) where the proposals are for 10 or more dwellings, or for sites over 0.25 hectares (1½ vergées), or for proposals over 2,000 sq m of gross floor area. A Framework will also be required where development is in one of the "Local Centres" (parts of the villages of St Martin, Forest, Cobo, L'Islet, etc.) where proposals are for 5 or more dwellings, for sites over 0.125 hectares (3/4 of a vergée) or for proposals over 1,000 sq m of gross floor area. There are other areas where a Framework will be required and these can be found in Appendix III of the IDP, including any other area where the Development and Planning Authority (DPA) specifies.

What goes into the Framework and who prepares it?

Although the DPA takes ownership of the Framework, it can be prepared by a landowner or developer working with the DPA. An owner may decide to prepare their own Framework where the site is relatively straightforward and they would like to progress matters ahead of the DPA undertaking the work itself.

After a general statement of the aims of the Framework, a general background of the site and the relevant IDP policies, a successful Framework will also include (i) a map, drawings and a statement to indicate things such as buildings or other physical features within the site, the landscape character of the site and its surroundings (including trees and other landscape features within the site), the biodiversity of the site and its surroundings, etc. (ii) details about infrastructure, such as the availability of public utilities and other services and information about roads, and (iii) development guidelines such as land use principles, including preferred mix and balance of uses, compatibility of use within an existing area, phasing of larger schemes, general design approach, access and parking, including provision for pedestrians, disabled people and parking standards for cyclists, motorcycles and cars, etc.

When considering the Framework it is essential to have regard to policies surrounding sustainable design (such as GP8 Design and GP9 Sustainable Development).

Thankfully, the guidance from the DPA is that if you are preparing your own Framework, you should keep it short and to the point, remain objective and write in plain English. Importantly, do not be afraid to ask them questions - meet with them initially, and keep the dialogue with them open.

For a simpler site the DPA suggests you might expect a Framework to take 4-5 months to prepare, or 12-18 months for a more complex site.

There are currently 18 approved Development Frameworks, 3 draft Development Frameworks where the consultation period has closed but they have not yet been approved and one, Leale's Yard, where consultation is still open.

This article is intended only to give an overview of the subject. Further information and guidance can be found online at www.gov.gg. Advice should be taken in each individual case and no liability can be accepted for the accuracy of the information contained in this article.

provide legal advice and should not be treated as a substitute for specific advice concerning individual situations.

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