

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Install substation to west boundary.

LOCATION: Rue a Ronces, Vale.

APPLICANT: Guernsey Electricity Ltd

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 23/03/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/10/2021 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Guernsey Electricity P02-01-01-51 04/1.

Application Ref: FULL/2021/2319

Property Ref: C022970000

Conditions and reasons:-

1.All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2.The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter

period as may be specified in the permission).

3.The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4.Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

Reason - To protect the amenities of neighbouring residents.

Expiry Date: This permission will cease to have effect on 22/03/2025 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

(1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).

(2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.

(3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.

(4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.

(5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning

Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2021/2319
Property Ref: C022970000
Valid date: 19/10/2021
Location: Rue a Ronces Vale Guernsey
Proposal: Install substation to west boundary.

Applicant: Guernsey Electricity Ltd

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

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Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5

dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

Reason - To protect the amenities of neighbouring residents.

OFFICER'S REPORT

Site Description:

The application site is located Outside of the Centres as defined in the Island Development Plan.

The field in question is located within an Agriculture Priority Area as defined in the Island Development Plan, despite the area of land not being in active agricultural use.

The site is close to, but not within or directly abutting an Area of Biodiversity Importance.

Relevant History:

None pertinent to this application.

Existing Use(s):

Agricultural land.

Brief Description of Development:

Planning permission is sought to install a new substation and enclosure adjacent to the west boundary of an agricultural field.

The application was deferred to consider alternative locations and to incorporate a landscaping scheme to accompany the application in attempt to improve the siting and assimilation of the development into the landscape.

Relevant Policies of any Plan, Subject Plan or Local Planning Brief:

OC5(A): Agriculture Outside of the Centres – within the Agriculture Priority Areas

GP1 Landscape Character and Open Land

GP8 Design

GP9 Sustainable development

Representations:

The Authority has received two representations from two parties, objecting to the proposal, one of which is La Societe Guernesiaise. Grounds for objection principally relate to the following issues:-

- The site is regarded as being a species-rich habitat.
- The proposal would have associated environmental impacts due to the clearance of the site and surrounding area, which in turn could affect a variety of species. It would be beneficial to determine the extent and timings of the works and any potential offsetting measures via an ecological assessment.
- Potential noise impacts.
- The design of the proposal and its relationship to the wider setting, which offers the opportunity for screening.
- Potential precedents for further development.

Consultations:

The Office of Environmental Health and Pollution Regulation:

"I have reviewed the proposed plans for the installation of an electrical substation to the west boundary of Rue A Ronces, Vale, which were received in this office by post on 18th March 2022.

I am concerned for the potential for noise nuisance to arise from the new substation, which could affect nearby residential properties. I would therefore recommend that the following condition is attached to any issued planning consent:

- *Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5 dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.*

I would be grateful if this issue and condition are considered during the determination of this application".

Summary of Issues:

- Whether the design, scale, mass, siting, form and materials of the development is acceptable in this location.
- The impact of the development on the character and appearance of the area.

- The impact of the development on neighbour amenity.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land and Planning (General Provisions) Ordinance 2007 have been taken into account in the assessment of this application.

OC5(A): Agriculture Outside of the Centres – within the Agriculture Priority Areas states that *“proposals for development which is not related to a farmstead or existing agricultural holding will be supported provided that they accord with all the relevant policies of the Island Development Plan”*.

Policy IP11 states that proposals for small scale infrastructure will be supported where this would contribute to the maintenance and support of efficient and sustainable infrastructure and accords with other relevant policies of the Plan.

The applicant has also demonstrated in light of the additional information submitted that the ‘sharing or co-location of facilities, buildings, apparatus and support structures’ is not practically possible in this circumstance due to limitations of ownership of land. The proposal therefore satisfies Policy IP11 of the IDP.

The proposal adopts a good standard of design by virtue of its scale, form, massing, siting and materials and is an appropriate form of small-scale development that is widely used across the island. Despite being highly visible in public vantage points along Rue a Ronces, the proposal is not considered to have a significant detrimental impact on the landscape character of the area, visual amenity, or the amenities of neighbouring residents. Despite no landscaping scheme accompanying the proposal which would have improved the quality of the development and relationship to the wider area, it is likely that the separation distance between the wall and the enclosure would in time naturalise and help to assimilate the development into its rural surroundings. Consequently, it would be unreasonable to require a landscaping scheme outside of the ownership of the application site.

The applicant has confirmed that the sub-station will be constructed in accordance with the requirements of the Building (Guernsey) Regulations 2012. For the purposes of Policy GP9, the application accords with this policy.

Given that it is not development to clear the land together with the limited size of land involved, and not within an Area of Biodiversity Importance, it is not considered

necessary to defer the application to require an ecological assessment as highlighted in La Societe's comments.

Consideration has been afforded to the impact of the development on neighbour amenity, including noise, although due to the distance between the equipment and neighbouring properties together, and subject to a condition as recommended by Environmental Health, it is unlikely that any noise nuisance would cause a significant adverse impact on the amenities of neighbouring residents to justify refusal.

Any future development on the agricultural field is likely to require a formal application and would be subject to separate consideration and assessed on a case-by-case basis.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies; it is therefore recommended that planning permission be granted, subject to conditions.

Date: 22/03/22

