

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 rockfall interceptor fence to stabilise cliff path.

LOCATION: Land adjacent to, Petit Port Steps, Petit Port, St. Martin.

APPLICANT: Agriculture, Countryside And Land Management Services

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: 10/11/2022

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/09/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Frederick Sherrell Ltd: Figure 11A & 12 & Block Layout Plan.

Application Ref: FULL/2022/1678

Property Ref: J017860000

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.The works shall take place outside of the bird breeding season unless prior to the commencement of works, a bird breeding assessment has been submitted to and approved in writing by the Authority. The works shall thereafter be completed in accordance with the agreed bird breeding assessment.

Reason - In the interests of protecting the Site of Special Significance by reducing any disturbance to birds in the vicinity.

5.The works undertaken shall be carried out with upmost care and consideration to avoid any material entering the site of special significance, including waste material, excess mortar or oil, petrol or diesel.

Reason - In the interests of protecting the Site of Special Significance by reducing any disturbance to wildlife in the vicinity.

6.Prior to entering the site of special significance, all tools and equipment must be cleaned to reduce the risk of introducing invasive non-native species to the area. No soil or vegetation shall be imported to the site.

Reason - In the interests of protecting the Site of Special Significance by reducing the risk of introducing non-native species to the area.

Expiry Date: This permission will cease to have effect on 09/11/2025 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/2022/1678
Property Ref: J017860000
Valid date: 06/09/2022
Location: Land adjacent to Petit Port Steps Petit Port St. Martin Guernsey
GY4 6BH
Proposal: Install rockfall interceptor fence to stabilise cliff path.

Applicant: Agriculture, Countryside And Land Management Services

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).

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.

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6. Prior to entering the site of special significance, all tools and equipment must be cleaned to reduce the risk of introducing invasive non-native species to the area. No soil or vegetation shall be imported to the site.

Reason - In the interests of protecting the Site of Special Significance by reducing the risk of introducing non-native species to the area.

OFFICER'S REPORT

Brief Description of the site:

The application site is situated Outside of the Centres as defined in the Island Development Plan. The area of land in question comprises a Site of Special Significance (SSS).

Planning permission is sought to install a rock-fall interceptor fence to stabilise a cliff path.

The applicant's letter (no date) states that the proposal is required following a landslip and has raised safety concerns over the use of the public footpath. It is also noted that the existing rock catch fencing above the section of steps in question is full, and the gabions are reaching the end of their lifespan and require maintenance. It is noted that works would be undertaken after the bird breeding period (February to August).

The length of the fence is approx. 11.5m and approx. 2m in height, increasing to approx. 3m in the deepest section of the gully. The application has been supported by a methodology statement, including the maintenance of the gabions.

Relevant History:

None

Existing Use(s):

Land adjacent to cliff path.

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☐	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

GP1: Landscape Character and Open Land

GP2: Sites of Special Significance

GP8: Design

GP9: Sustainable Development

Conclusion/Brief comment:

An Environmental Impact Assessment (EIA) is not required as the works are of a minor nature and do not fall within Schedule 1 or 2 of the respective Ordinance (2007).

The Island Development Plan includes the designation of nine SSS's which have been identified as having outstanding botanical, scientific or zoological interest. The principle aim of Policy GP2 is to wherever possible ensure that development will not damage the special interest of a Site of Special Significance. The application site falls within one of these nine sites, namely "Cliffs". These cliffs are an important part of Guernsey's landscape as well as being a continuous stretch of 'non-urbanised' land which provides many species with a natural corridor and safe nesting, roosting and feeding sites. The cliffs are host to a wide range of wildlife, containing rare and threatened species of insects, plants, birds, amphibians, reptiles and mammals.

The proposal has been designed sensitively to take into account the special nature of the site given its SSS status, which includes cutting back vegetation rather than removal of plants.

The proposal includes a number of fixing points into the rockface at various depths to give the interceptor fence stability, which will generate a degree of noise and disturbance to wildlife. Whilst the intention of the applicant is to undertake the work outside of the bird breeding season, it is considered necessary and reasonable to attach a condition to this effect, unless it can be satisfactorily demonstrated that works could be carried out within the bird breeding season without unduly affecting nesting birds.

Whilst the rockfall interceptor fence will be visible in public vantage points in the wider area, the proposal is not considered to be unduly prominent in terms of its scale, setting and appearance. Consequently a comprehensive landscaping scheme is not considered necessary in this case, especially as the surrounding scrubland will naturalise once the works have been completed which will help to assimilate the development into the landscape.

It is also recommended that additional conditions are attached to the decision to limit the importation of material and to ensure that tools and equipment are cleaned appropriately prior to entering the site, in order to protect the SSS.

Overall, the development is considered compliant with Policy GP2.

Policy GP1 states that development will be supported where it: respects the relevant landscape character type, does not result in the unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness of the area, takes advantage, where practicable, of opportunities to improve visual and physical access to open and undeveloped land, and accords with all other relevant policies of the Island Development Plan.

The position of installing a new rockfall interceptor fence in this location given its topography and relationship to the footpath is considered to serve a practicable purpose, enabling the public and visitors to access Petit Port beach (open and undeveloped land) which is considered to be justified in light of Policy GP1.

Despite being adjacent to other similar fences serving a similar purpose, particularly to the west, the proposal would not result in an undue level of visual clutter that would be significantly detrimental to the open landscape concerned.

Looking at the development in a west-to-east direction, the proposed fence will be set against the backdrop of scrub vegetation which will assimilate the development into its surroundings.

Overall, the development is considered compliant with Policy GP1.

The proposed fence will adopt a 'good' standard of design for the purposes of Policy GP8 by virtue of its size and material. Consequently, the design of the development is acceptable and accordant with the aims and objectives of Policy GP8.

Sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

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.

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.

Recommendation:

Grant with Conditions



Date: 04/11/22