

**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:** Erect store to west of site.

**LOCATION:** Rovers AC, Port Soif Road, Castel.

**APPLICANT:** Rovers Athletic Club

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: 28/04/2023**

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 19/10/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

**Drawing Nos:** Block Plan and Location Plan & Store Plan and Elevations  
Revision A.

**Application Ref:** FULL/2022/1950

**Property Ref:** D018100000

**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 hereby approved store, however named, shall be finished in dark green within 28 days of its installation.

Reason - In the interest of visual amenity.

5.The planting scheme shown on the approved 'Store Plan' shall be planted in the first planting season following the installation of the store. The saplings shall be no less than 90cm high when planted. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting, shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To ensure that the planting scheme is carried out in a suitable timeframe following the installation of the storage enclosure in the interests of visual amenity.

6.Notwithstanding the information submitted and prior to the installation of the hereby approved store, full details of how the species rich grassland to the rear (west) of the store will be managed, shall be submitted to and agreed in writing by the Authority. Once agreed, the management plan shall be implemented and carried out in accordance with those details in perpetuity, and the 2m wide access to the north of the approved store, between that store and the adjacent Tamarisk hedge to the north, shall be retained at all times.

Reason - The land to the west of the approved store is defined as species rich coastal grassland in the Habitat Survey Map and therefore a suitable management plan is required to ensure that this valuable habitat is maintained and continues to contribute to the wider Area of Biodiversity Importance.

**Expiry Date: This permission will cease to have effect on 27/04/2026 unless development is commenced by that date.**

**ADVICE AND OTHER REMARKS:-**

For the avoidance of doubt, this decision permits the proposed store, however named, to be used only for purposes incidental to Rovers Athletic Club and for no other purpose, otherwise a separate grant of planning permission would be required.

The site is located within an Area of Biodiversity Importance and in close proximity to a Site of Special Significance and the installation of any external lighting could affect species within those areas that are sensitive to light pollution, such as bats. The provision of any external lighting would therefore require a separate grant of planning permission and would need to be carefully considered.

This application confers no consent for any trenching, such as for the provision of services, within the Area of Biodiversity Importance. Any requirement for such services within the Area of Biodiversity Importance would require a separate grant of planning permission.

**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](http://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](mailto: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/2022/1950  
**Property Ref:** D018100000  
**Valid date:** 19/10/2022  
**Location:** Rovers AC Port Soif Road Castel Guernsey  
**Proposal:** Erect store to west of site.  
  
**Applicant:** Rovers Athletic Club

**RECOMMENDATION - Grant: Planning Permission with Conditions:**

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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 hereby approved store, however named, shall be finished in dark green within 28 days of its installation.

Reason - In the interest of visual amenity.

5. The planting scheme shown on the approved 'Store Plan' shall be planted in the first planting season following the installation of the store. The saplings shall be no less than 90cm high when planted. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting, shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - To ensure that the planting scheme is carried out in a suitable timeframe following the installation of the storage enclosure in the interests of visual amenity.

6. Notwithstanding the information submitted and prior to the installation of the hereby approved store, full details of how the species rich grassland to the rear (west) of the store will be managed, shall be submitted to and agreed in writing by the Authority. Once agreed, the management plan shall be implemented and carried out in accordance with those details in perpetuity, and the 2m wide access to the north of the approved store, between that store and the adjacent Tamarisk hedge to the north, shall be retained at all times.

Reason - The land to the west of the approved store is defined as species rich coastal grassland in the Habitat Survey Map and therefore a suitable management plan is required to ensure that this valuable habitat is maintained and continues to contribute to the wider Area of Biodiversity Importance.

## **INFORMATIVES**

For the avoidance of doubt, this decision permits the proposed store, however named, to be used only for purposes incidental to Rovers Athletic Club and for no other purpose, otherwise a separate grant of planning permission would be required.

The site is located within an Area of Biodiversity Importance and in close proximity to a Site of Special Significance and the installation of any external lighting could affect species within those areas that are sensitive to light pollution, such as bats. The provision of any external lighting would therefore require a separate grant of planning permission and would need to be carefully considered.

This application confers no consent for any trenching, such as for the provision of services, within the Area of Biodiversity Importance. Any requirement for such services within the Area of Biodiversity Importance would require a separate grant of planning permission.

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## OFFICER'S REPORT

### Brief Description of the site:

The application site known as Rovers Athletics Club consists of a club house, football pitches and an archery range. The club is surrounded by Port Soif Nature Trail.

The land is located Outside of the Centres as defined in the Island Development Plan. The majority of the site is located within an Area of Biodiversity Importance (ABI), with the nature trail recognised as a Site of Special Significance (SSS).

Planning permission was originally sought to erect a metal store and remove a section of a hedge (comprised of tamarisk) to the west of the site. The footprint of the store will be 60sqm, positioned within the ABI, and is required as part of the upcoming Island Games and will be used for an archery club thereafter. The proposed store will be sited to the south of the existing archery outbuilding. A line of hedging lies to the south of the archery outbuilding in which a single hedge/tree was initially proposed to be removed as part of this application in order to provide access to and from the archery outbuilding. The application has been supported by a letter of justification.

The application was deferred in order to clarify the position of the proposed store. It was also advised to include a landscaping scheme in order to address the requirements of Policy GP3, help 'soften' the appearance of the store when viewed in the wider area, and align with the Strategy for Nature.

In response, the applicant has confirmed that the proposed store will be sited within an Area of Biodiversity Importance and not a Site of Special Significance, has omitted the loss of the existing hedge/tree to the north of the proposed store, and has incorporated a comprehensive landscaping scheme to the south of the proposal, including 19 Hawthorn plants.

### Relevant History:

|                |                                      |         |
|----------------|--------------------------------------|---------|
| FULL/2009/2487 | Erect an archery shelter and storage | Granted |
| PAPP/2006/4333 | Erect archery shelter                | Granted |

### Existing Use(s):

Sports facility – Rovers Athletic Club

### Assessment: *(Tick as appropriate)*

no representation  
accords with policy  
within curtilage

|                                     |
|-------------------------------------|
| <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> |

visual amenity acceptable  
no material neighbour impact  
traffic not affected

|                                     |
|-------------------------------------|
| <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> |
| <input checked="" type="checkbox"/> |

design acceptable



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**Policies considered most relevant:**

- GP2 Sites of Special Significance
- GP3 Areas of Biodiversity Importance
- GP8 Design
- GP9 Sustainable Development
- OC9 Leisure and Recreation Outside of the Centres

**Comments from the States' Biodiversity Officer:**

- Flooding: we don't believe the location of the proposed shed is an area which is impacted from seasonal flooding.
- Visual impact from nature trail: we believe that there is sufficient screening from the established vegetation to prevent it from being seen from the footpath
- Impact of special interest of SSS: provided there is no external lighting, we are content that the placement of the shed will not have a significant impact on the adjacent SSS. The most notable risk is the disruption of a foraging route for bats, however we believe that they should still be able to utilise the linear trees for this.
- Impact to ABI: the proposed area is species poor grassland, however there is an area of more species rich grassland next to it. We would like assurances that this area of grassland could still be managed following the installation of the shed and planting of the hawthorn screening. We note the proposal to instal solar panels, and presume this means that the shed will not require any services to be brought to it (e.g. water or electric supplies through trenches). If this is not the case, we would appreciate the opportunity to provide comment on those plans.

**Conclusion/Brief comment:**

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.

Policy OC9 (Leisure and Recreation Outside of the Centres) states that:

*Development to provide new facilities for outdoor formal recreation or informal leisure and recreation, or to extend, alter or redevelop existing facilities, will be supported providing that:*

- i. *ancillary built development is proportionate to the nature and scale of the formal outdoor recreation or informal leisure and recreation use; and,*
- ii. *the visual impacts of ancillary built development can be mitigated to respect the character of the locality; and,*
- iii. *the site does not fall within an Agriculture Priority Area, or where it does fall within an Agriculture Priority Area the land cannot positively contribute to commercial agricultural use or cannot practically be used as such without adverse environmental impacts.*

Whilst the proposed outbuilding is large (60sqm), the development is considered ancillary to the nature and scale of the existing outdoor recreation use given that the building is closely related to the Archery shelter to the north, and its size is justified given the requirements of existing sports equipment and new equipment as part of the upcoming Island Games. The application is compliant with Criterion i.

Whilst a timber store would be more appropriate to its rural and open surroundings, particularly as the existing Archery shelter comprises of timber, the incorporation of a profiled flat roof metal structure at approximately 3m high, finished in dark green, would not cause significant harm to the landscape or visual amenity to warrant refusal. In addition, the incorporation of a metal store would improve the longevity of the store as opposed to timber which is a reasonable aspiration of the applicant, subject to appropriate screening.

The store will be sited adjacent to a dense area of vegetation that straddles the nature trail, therefore views of the store from the nature trail would be restricted and the structure would not be overly prominent from that direction. In light of the amendments secured, the landscaping scheme proposed to the south of the store is comprehensive, and comprises of 19 native Hawthorn plants which will not only help to screen the development from the south, it will provide an bio-diversity enhancement to the ABI and adjacent SSS.

On this basis, its visual impact is considered to be limited, mitigated by its position, form, finish and a comprehensive landscaping scheme. The application is compliant with Criterion ii.

The site does not fall within an Agriculture Priority Area. The application is compliant with Criterion iii.

Policy GP3 sets out that development within an ABI will be supported provided that:

- a. *proposals demonstrate that the biodiversity interest of the site has been considered and taken into account as part of the design and development process; and,*
- b. *the biodiversity interest of the area has been protected and, where possible, enhanced; or,*
- c. *any negative impacts can be appropriately and proportionately mitigated in accordance with a scheme to be approved by the Authority.*

By virtue of a comprehensive landscaping scheme, the proposal has clearly taken into account biodiversity enhancements as part of the design and development process. The proposed store will be setback from existing vegetation and therefore in principle will not significantly affect the biodiversity interest of the area as proposed. It is however necessary and reasonable to attach a planning condition to the decision to ensure that the land to the rear (west) of the proposed store, remains accessible at all times and is managed in accordance with the terms of an agreed landscaping regime to ensure that the species rich coastal grassland as identified on the Habitats Survey Map is not undermined or neglected as a result of the proposed development.

Due to its close proximity to the SSS and notwithstanding the information submitted, it is recommended that an informative be attached to the decision to ensure that no external lighting is proposed in the interests of protecting species, such as bats, which could be affected by light pollution. In addition should any services be required to serve the store such as electricity or water, then a separate application might be required as this could involve creating a trench within the ABI.

The proposed outbuilding adopts a 'good' standard of design for the purposes of Policy GP8 by virtue of its scale, form, massing, siting and materials.

The proposal will have no impact on neighbour amenity.

Due to the incorporation of solar panels, sufficient information has been submitted that has taken into account the criteria of Policy GP9 (Sustainable Development).

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:** 27/04/23

