

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 container, excavate and alter track and erect fencing.

LOCATION: Rue De La Trigale, Torteval.

APPLICANT: Guernsey Kart Club LBG

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: 14/04/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/11/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Drawing Nos: MB-NOV21-01, -02, -03, -04, -05, -06 & -07.

Application Ref: FULL/2022/1980

Property Ref: G006280000

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.For the avoidance of doubt, the container shall only be used ancillary and incidental to the use of the motocross track, such as the storage of motocross equipment, and for no other purpose.

Reason - to clearly define the permission and to ensure that the container is used for motocross purposely only.

5.Within two months of the container being erected on site, the soil shall surround the container in accordance with approved drawing MB-Nov21-03. The soil above, to the sides and to rear of the shipping container shall thereafter be maintained at no less than 50cm between the exposed surface of the soil and the perimeter of the container, at all times.

Reason - To reduce the impact of the development and to enhance the amenity of the locality.

6.Any areas of existing disturbed ground to be made good as shown in blue on drawing MB-Nov21-01, shall be seeded with native grass species such as Fescue or Bent (i.e. good quality rye-free lawn seed), or native gorse or other native plants, in the first planting and seeding season following the commencement of the alterations to the track.

Reason - To reduce the impact of the development, enhance the amenity of the locality and to respect the sensitivity of the adjacent Sites of Special Significance.

7.All new earthbanks shown in red on drawing MB-Nov21-01, together with the new turf above, to the sides and to the rear of the hereby approved container, shall be seeded with native grass species such as Fescue or Bent (i.e. good quality rye-free lawn seed), or native gorse or other native plants, in the first planting and seeding season following the commencement of the alterations to the track.

Reason - To reduce the impact of the development, enhance the amenity of the locality and to respect the sensitivity of the adjacent Sites of Special Significance.

Expiry Date: This permission will cease to have effect on 13/04/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Non-native grass species should not be used in this area. This site is located in a sensitive location, adjacent to designated areas of special significance.

Please note that whilst general repair and maintenance of existing motocross features can be undertaken without planning permission, any further alteration to, removal or addition of features is likely to require permission and the relevant permissions must be sought prior to any works commencing on site. No soil should be imported to the site without the prior written consent of the Development and Planning Authority.

Your attention is drawn to the Animal Welfare (Guernsey) Ordinance 2012 and the 2020 Strategy for Nature, and the need to comply with their provisions. The MotoX track is adjacent to a Site of Special Significance where birds may be nesting in vegetation on site. You are therefore advised to remove vegetation outside of the main bird breeding season (March-July inclusive). If removal during the breeding season is considered essential, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to removal to ensure that any protected species present are not impacted by the works. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

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/2022/1980
Property Ref: G006280000
Valid date: 16/11/2022
Location: Rue De La Trigale Torteval Guernsey
Proposal: Erect container, excavate and alter track and erect fencing.

Applicant: Guernsey Kart Club LBG

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.

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Reason - To reduce the impact of the development, enhance the amenity of the locality and to respect the sensitivity of the adjacent Sites of Special Significance.

INFORMATIVES

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track is adjacent to a Site of Special Significance where birds may be nesting in vegetation on site. You are therefore advised to remove vegetation outside of the main bird breeding season (March-July inclusive). If removal during the breeding season is considered essential, it is recommended that you contact La Societe Guernesiaise so that the site can be inspected prior to removal to ensure that any protected species present are not impacted by the works. La Société can be contacted on 07781 166924 or email societe@cwgsy.net.

OFFICER'S REPORT

Brief Description of the site:

The site comprises a motocross track set in a sensitive cliff top location, positioned towards the south-western tip of Torteval.

The site is located Outside of the Centres in the Island Development Plan, and is bounded by an Agriculture Priority Area to the north and east and a Site of Special Significance to the south and west.

Planning permission is sought to make the following changes to the motocross track which are stated in the applicant's covering letter:

Installation of a container:

- The proposed (shipping) container (approx. 6m length x 2.6m high) will replace the existing bus which is currently used and stored at the car park off site.
- The container is to be used for lap scoring and the storage of equipment on site.
- It is noted that the container will be covered with 500mm of soil and sown with native seeds, and would be maintained thereafter if the soil thickness changed below an acceptable level. This is proposed to reinforce the local character and mitigate the visual impact of the container.
- The biodiversity statement notes that the container will be partially sunk into the ground by approx. 2-4ft.

Chestnut fencing:

- New chestnut fencing is proposed to comply with the Auto Cycle Union (ACU)'s requirements for safety precautions at all motocross events held under an ACU permit.
- The proposal is for health and safety reasons and the type of fencing has been used at the track for over 30 years.

Relocation of Earthbank:

- To relocate existing 1500mm earth bank to coincide with opening up a gap in the bank to allow for the shortened straight at the start of the track.
- To offset this, it is proposed to close up the existing holes in the banks and plant native seeds to mitigate any impact on the surrounding area (Sections C-C and D-D).

New Loops:

- The alterations to the track by scarifying the surface (no deeper than 300mm) are primarily based on improving the safety of spectators. By adding new loops will enable spectators to safely watch the motocross without remaining in the centre of the track as per the current layout.
- The width of the new track (section B-B) will be 10m wide, with 1.2m high chestnut fencing to separate the track from the spectator areas.
- Other sections will be infilled by 9m (length) x 600mm (high) earth banks (Section D-D), with other areas removed by the same amount (Section C-C).
- An existing jump is to be removed before the remaining area is scarified.
- The proposed alterations to the track will make use of the natural topography of the site, which will require hedging and grassed areas to be removed, although this will be mitigated elsewhere on the site through sowing native seeds.

The application has been accompanied by an Environmental Statement produced by Environment Guernsey.

Relevant History:

FULL/2020/0141 - 19/08/2021 - Alterations to track, including; raise height of jumps and form steps into earthbanks (retrospective).

FULL/2015/1469 - Permit to alter motor cross track layout.

10/06/11 - FULL/2011/1119 - Permit to relocate earthbank and alter motorcross course.

06/04/09 - PAPP/2009/0667 - Permit to alter motorcross course.

Existing Use(s):

Motocross track

Assessment: *(Tick as appropriate)*

no representation	☒
accords with policy	☒
within curtilage	☐
design acceptable	☒

visual amenity acceptable	☒
no material neighbour impact	☒
traffic not affected	☒

Policies considered most relevant:

OC9 Leisure and recreation Outside of the Centres
GP1 Landscape character and open land
GP2 Sites of special significance
GP8 Design
GP9 Sustainable development

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 proposals to extend, alter or redevelop existing facilities will be supported provided that:

- i) Any ancillary built development is proportionate to the nature and scale of the formal outdoor 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.

In light of the information submitted, the proposed development is considered to be proportionate to the nature and scale of the motocross track when taking into account the scale of the site. The elements that make up the application are relatively modest alterations that are respectful to its rural surroundings and are generally reflective of existing features on the site.

Whilst the track undeniably has an impact on the visual quality of the area, it is an established use and the alterations which form the subject of this application are relatively minor in nature and do not significantly alter the visual impacts. It is however necessary and reasonable to ensure that the shipping container is covered at all times to the sides, rear and above, to ensure that the visual quality of the land is not undermined. It is recommended that a condition to this effect is attached to

the decision to ensure that the visual effects of the development are appropriately mitigated.

The biodiversity statement concludes that there would be several environmental impacts, although these impacts could be mitigated through the recommended mitigation measures. It is noted that some of these measures have been adopted through this decision-making process, although it is encouraged that all of the mitigation measures are adopted including those which fall outside of the remit of Planning. It is also considered reasonable to attach a condition to ensure that the track and new earth banks are seeded with native plants to ensure the bio-diversity of the area is not adversely affected, particularly given its close proximity to the adjacent Site of Special Significance. A condition requiring disturbed ground and new earthbanks to be seeded with native grass species could have a beneficial impact and would be reasonable and appropriate in this instance.

The proposal will not directly affect the Site of Special Significance as the development is outside of this sensitive area, although the proposal could potentially have indirect effects on the Site of Special Significance in which Policy GP2 seeks to mitigate, particularly through the removal of vegetation which could host nesting birds. It is therefore reasonable to attach an informative to advise the applicant that the vegetation should be removed outside of the main bird breeding season (March-July inclusive) and to seek expert advice if the works are essential within this timeframe.

As set out in the applicant's supporting letter, the majority of the proposed works are indicated to improve the safe use and maintenance of the site in order to adhere to motocross racing guidance and therefore would not result in any additional impacts on the amenity of nearby residential properties. For the avoidance of doubt, any noise nuisance arising from the general use of the track would be controlled under separate legislation.

The site is located outside of the Agriculture Priority Areas.

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

Recommendation:

Grant with Conditions



Date: 14/04/23

