

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: Demolish existing dwelling and erect replacement dwelling including associated landscaping, creating gated vehicle access and change of use of agricultural land to domestic (850sqm).

LOCATION: Icart Point, Icart Road, St. Martin.

APPLICANT: Dr V Schumann

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: 25/10/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 10/11/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Studio: 033/SK01H, SK/02F, SK/04I, SK07B, SK/09, SK/10A, SK/12A, SK/13A & SK14.
Studio letter dated 01/08/2023
Environment Guernsey Ltd Biodiversity Statement October 2023

Application Ref: FULL/2022/2052

Property Ref: J009060000

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.No development, including demolition and site works, shall begin until details of the following measures set out in the Studio letter dated 01/08/2023, has been submitted to and approved in writing by the Authority:

- i) A plan detailing the precise type and position of barriers and fencing, including the section of fence to be lined with plywood.
- ii) Confirmation that excavations will not encroach into the Site of Special Significance.
- iii) Details of how materials will be prevented from entering or leaching into the Site of Special Significance.

Reason - To minimise the effect of the construction phase of the development on the adjoining Site of Special Significance in the interests of biodiversity.

5.The works shall be carried out in accordance with sections 1, 2 and 3 of the Studio letter dated 01/08/2023 and as updated by the details agreed in the above condition 4.

Reason - To minimise the effect of the construction phase of the development on the adjoining Site of Special Significance in the interests of biodiversity.

6.No occupation of the dwelling hereby permitted shall begin until precise details of the 'green roof', including drawings showing the method of construction, details of the plant species to be used and a plan for its management and maintenance, have been submitted to and agreed in writing by the Authority.

Reason - In the interests of visual amenity and to mitigate the impact of the

development on biodiversity and the adjoining Site of Special Significance.

7.No occupation of the dwelling hereby permitted shall begin until the 'green roof' has been completed in accordance with the details agreed under the above condition. It shall thereafter be maintained in accordance with the management and maintenance plan agreed under the above condition.

Reason - In the interests of visual amenity and to mitigate the impact of the development on biodiversity and the adjoining Site of Special Significance.

8.The landscaping scheme shall be fully completed, in accordance with the Environment Guernsey Ltd Biodiversity Statement dated October 2023 and drawing number 033/SK13A, in the first planting season following the first occupation of the dwelling hereby permitted or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or 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 - In the interests of visual amenity and to mitigate the impact of the development on biodiversity and the adjoining Site of Special Significance.

9.Lighting on the site shall be positioned or installed so that there is no illumination of the adjoining Site of Special Significance. Prior to the first occupation of the dwelling hereby permitted, details of a Lighting Assessment Report shall be submitted to and agreed in writing by the Authority to demonstrate that any lighting from the site will not illuminate the adjoining Site of Special Significance. The works shall then be completed in accordance with the agreed details.

Reason - To mitigate the impact of the development on biodiversity and the adjoining Site of Special Significance.

10.No occupation of the dwelling hereby permitted shall begin until such time as the existing dwelling has been demolished and all ancillary materials, works and structures have been removed from the site.

Reason - To make sure the development takes the form hereby permitted and to prevent the creation of an additional new build dwelling which is precluded under Policy OC1.

11.The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted,

the report shall highlight and detail the reasons for this.

Reason - To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

Expiry Date: This permission will cease to have effect on 24/10/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this permission only relates to works at Icart Point and as indicated by the area outlined in red on plan number 033/SK01H. No permission is sought nor conferred for any works outside of the area outlined in red on plan number 033/SK01H which are to be dealt with under separate planning applications.

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The building is located in an area where bats may be roosting or other wildlife may be nesting and measures may therefore need to be taken (including inspections prior to any building works or consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email info@societe.org.gg.

To limit the potential impact of light pollution on wildlife within the adjoining Site of Special Significance, it is recommended that external lighting is avoided or kept to a minimum and any lighting is positioned or installed so that it does not illuminate the adjoining Site of Special Significance.

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving on the site.

The Archaeology team can be contacted on 01481 220729 or 01481 220722, or mobiles 07781 102219 or 07911 721210.

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/2022/2052
Property Ref: J009060000
Valid date: 10/11/2022
Location: Icart Point Icart Road St. Martin Guernsey GY4 6JG
Proposal: Demolish existing dwelling and erect replacement dwelling including associated landscaping, creating gated vehicle access and change of use of agricultural land to domestic (850sqm).

Applicant: Dr V Schumann

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.

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- i) A plan detailing the precise type and position of barriers and fencing, including the section of fence to be lined with plywood.
- ii) Confirmation that excavations will not encroach into the Site of Special Significance.
- iii) Details of how materials will be prevented from entering or leaching into the Site of Special Significance.

Reason - To minimise the effect of the construction phase of the development on the adjoining Site of Special Significance in the interests of biodiversity.

5. The works shall be carried out in accordance with sections 1, 2 and 3 of the Studio letter dated 01/08/2023 and as updated by the details agreed in the above condition 4.

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Reason - In the interests of visual amenity and to mitigate the impact of the development on biodiversity and the adjoining Site of Special Significance.

8. The landscaping scheme shall be fully completed, in accordance with the Environment Guernsey Ltd Biodiversity Statement dated October 2023 and drawing number 033/SK13A, in the first planting season following the first occupation of the dwelling hereby permitted or completion of development whichever is the sooner, or in accordance with a programme previously agreed in writing by the Authority. Any trees or 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 - In the interests of visual amenity and to mitigate the impact of the development on biodiversity and the adjoining Site of Special Significance.

9. Lighting on the site shall be positioned or installed so that there is no illumination of the adjoining Site of Special Significance. Prior to the first occupation of the dwelling hereby permitted, details of a Lighting Assessment Report shall be submitted to and agreed in writing by the Authority to demonstrate that any lighting from the site will not illuminate the adjoining Site of Special Significance. The works shall then be completed in accordance with the agreed details.

Reason - To mitigate the impact of the development on biodiversity and the adjoining Site of Special Significance.

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Reason - To make sure the development takes the form hereby permitted and to prevent the creation of an additional new build dwelling which is precluded under Policy OC1.

11. The development hereby permitted shall be carried out in accordance with the Site Waste Management Plan submitted as part of this application, and no part of the development shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out fully in accordance with the agreed Site Waste Management Plan. Where there has been any variation from the Site Waste Management Plan as originally submitted, the report shall highlight and detail the reasons for this.

Reason - To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

INFORMATIVES

For the avoidance of doubt, this permission only relates to works at Icart Point and as indicated by the area outlined in red on plan number 033/SK01H. No permission is sought nor conferred for any works outside of the area outlined in red on plan number 033/SK01H which are to be dealt with under separate planning applications.

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The building is located in an area where bats may be roosting or other wildlife may be nesting and measures may therefore need to be taken (including inspections prior to any building works or consideration of the timing of the works) to ensure that any protected species present are not impacted by the

works. It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email info@societe.org.gg.

To limit the potential impact of light pollution on wildlife within the adjoining Site of Special Significance, it is recommended that external lighting is avoided or kept to a minimum and any lighting is positioned or installed so that it does not illuminate the adjoining Site of Special Significance.

The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving on the site.

The Archaeology team can be contacted on 01481 220729 or 01481 220722, or mobiles 07781 102219 or 07911 721210.

OFFICER'S REPORT

Site Description:

The site is accessed via a track leading from Icart Road. This serves several, relatively isolated detached dwellings. Icart Point is an extended cottage with access, parking and garage on its western side. A drive runs on the southern side serving a parking area for Smugglers Notch, a bungalow sited to the north-east.

Icart Point has a large flat roof element between monopitches. The garden is relatively large and contains a mature Pine tree on the northern side of the dwelling. To the west of the dwelling is an agricultural field.

The site is Outside of the Centres, the southern section of the site is within the Cliffs Site of Special Significance and the site is bounded to the west and south by the Cliffs Site of Special Significance. The entire site is in an area of potential archaeological interest.

Relevant History:

03/09/2019 – FULL/2019/1161 – Permission granted to erect rail fencing (retrospective).

10/06/2019 – FULL/2018/3118 – Application refused to demolish existing dwelling and erect new dwelling with detached garage.

J897/A

13/04/2023 - FULL/2022/2053 – Permission granted to demolish existing dwelling, erect replacement dwelling with associated landscaping and create gated vehicle access.

J897/B

11/10/2023 - FULL/2022/2014 – Permission granted to demolish existing agricultural outbuilding, erect 2 storey agricultural outbuilding and hardstanding to west boundary. Change of use of agricultural land to domestic garden (89sqm) and create new vehicle access and track to north boundary.

Existing Use(s):

Residential use class 1

Agricultural use class 28

Brief Description of Development:

Planning permission is requested to demolish existing dwelling and erect a replacement 4 bedroom dwelling including create gated vehicle access. The application also involves the change of use of an area of agricultural land measuring approximately 850sqm to domestic land associated with the extended dwelling. The replacement dwelling takes the form of a single and two storey flat roof dwelling finished with cast concrete and rendered walls and a green roof.

The application is supported by a Planning and Design Statement, a report by The Soil Farm dated July 2022, an Ecological Assessment dated July 2022 by Environment Guernsey and a Biodiversity Statement dated October 2023 by Environment Guernsey.

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

OC5(B) – Agriculture Outside of the Centres – outside the Agriculture Priority Areas

GP1 - Landscape Character and Open Land

GP2 – Sites of Special Significance

GP7 – Archaeological Remains

GP8 - Design

GP9 - Sustainable Development

GP13 – Householder Development

GP15 – Creation and Extension of Curtilage

IP7 - Private and Communal Car Parking

Representations:

One letter of representation was received on behalf of La Société Guernesiaise which highlights that buildings of this type can be used by roosting bats particularly when a property is located within a variable landscape with habitats such as farmland or woodland nearby. La Société Guernesiaise recommend that the building is inspected

for current or recent use by bats and other wildlife by a suitably qualified person prior to any building works to reduce the risk of disturbing or destroying animals which are protected under the Animal Welfare Ordinance 2012.

In addition La Société Guernesiaise highlight the environmental impact of light pollution on wildlife particularly when such pollution is introduced into a landscape such as this one where existing sources of artificial light are relatively sparse. La Société Guernesiaise recommend that an informative note to highlight the above and to encourage external lighting to be avoided or to be kept to a minimum is included in the decision notice.

Consultations:

Agriculture, Countryside and Land Management Services, 25/08/2023

"We are writing in response to your consultation request dated 11 August 2023 regarding the further information submitted for a proposed redevelopment at Icart Point, in response to comments submitted by ACLMS on 26 June 2023. Responses have been sought by planning service in relation to the following areas:

- Proximity to the Cliffs Site of Special Significance (SSS)
- Potential impacts to the Cliffs SSS (construction phase)
- Landscaping and BNG (in relation to the change of use)

We note that potential impacts to the Cliffs SSS (operational phase)¹ and adherence to the animal welfare law have been proposed to be dealt with through planning conditions and so additional information has not been sought at this stage.

Proximity to Cliffs SSS

We welcome the details provided by the applicant in relation to measures to prevent impact to the SSS during the construction phase. Namely the inclusion of buffer zones, installation of Heras fencing and green mesh, and the installation of 2m plywood fencing where there is insufficient space to include a buffer zone. We wish to reiterate that this fencing must be installed outside the SSS boundary. We also welcome the assurances provided that the SSS will not be disturbed at any point during development, and that no machinery, personnel or materials will enter the SSS at any point during the construction phase.

Whilst the additional detail is not explicit that the excavations required for the foundations will not be within the SSS at any point, we trust that the above assurances imply this, however the Authority may wish to receive confirmation of this.

Potential impacts to Cliffs SSS (construction phase)

We welcome confirmation that the construction will be timed to take into account sensitive seasons, such as bird breeding season. For the avoidance of doubt, and due

¹ We recommend that the most recent guidelines published by the Institute of Lighting Professionals and the Bat Conservation Trust (GN08/23) should be used to inform the creation of a suitable lighting scheme which will prevent illumination of the SSS.

to the presence of breeding seabirds within the Cliffs SSS, the bird breeding season should be considered to run from February – August (inclusive) and it is recommended that works are scheduled outside of this or following checks by a suitably qualified ecologist.

The letter provided states that assurance can be provided that no damaging materials will be allowed to enter or leach into the SSS. However no details have been provided thus far as to how this will be achieved. Therefore we are unable to advise whether the proposed development will not cause adverse impacts to or impinge on the SSS. The Authority may wish to request additional information ahead of a decision or apply a condition stipulating that sufficient measures must be implemented in advance of development taking place to prevent any materials entering or leaching into the SSS.

Landscaping and BNG

When striving to achieve Biodiversity Net Gain (BNG), published guidance outlines that the mitigation hierarchy must be adopted, whereby avoiding damage is prioritised over mitigation and subsequently off-setting. This is included as Principle 1 in CIEEMs Good practice principles of development² - 'Apply the Mitigation Hierarchy';

"Do everything possible to first avoid and then minimise impacts on biodiversity. Only as a last resort, and in agreement with external decision-makers where possible, compensate for losses that cannot be avoided. If compensating for losses within the development footprint is not possible or does not generate the most benefits for nature conservation, then offset biodiversity losses by gains elsewhere."

It does not appear that the potential to avoid environmental impact has been considered through the design stage, such as considering siting the footprint of the dwelling within the footprint of the existing development. The proposals instead rely on on-site offsetting to mitigate for loss of habitat, which is preferred only over off-site offsetting.

In relation to the proposed on-site offsetting, we welcome the accompanying ecological reports and the enhancements and proposals included within StudioS letter (1st August 2023), namely the creation of a native green roof, enhancement and new planting of boundary hedging with native species, and creation and enhancement of grassland with appropriate management and native plug plants. Further details are required to fully understand these proposals, especially in regard to the grassland creation and management, and so we welcome the invitation to provide input and advice into the detailed landscaping proposals when created. We would also welcome clarification, at that time, on the target grassland habitat as 'Amenity Grassland' is a broad classification for an intensively managed grassland, often treated with fertilisers, herbicides and mown regularly and as such is often of limited ecological value.

² CIEEM Biodiversity Net Gain Principles (<https://cieem.net/wp-content/uploads/2019/02/Biodiversity-Net-Gain-Principles.pdf>)

The BNG calculations provided simply use 'area of habitat' to measure loss and gain of biodiversity. This does not enable complexities such as habitat quality and risks of intervention to be accounted for (for example, the condition and ecological value of habitats, and the technical difficulty and time required to create target habitats of suitable condition). Therefore, it could be argued that the biodiversity gain is overestimated. The existing calculations also only take into account the loss of improved grassland under the footprint of the proposed dwelling, and not the associated extensive hardstanding. When considering the losses from the area which is the subject of the 'change of use', the programme of enhancements proposed, are considered to be borderline in achieving BNG. BNG will not be achieved if we consider impacts across the whole development site (i.e. including the conversion of domestic garden to hardstanding). The applicant may wish to speak to their appointed ecologist to explore additional opportunities for biodiversity enhancement or restoration".

Agriculture, Countryside and Land Management Services, 26/06/2023

"We are writing in response to your consultation request dated 9 June 2023 regarding the revised application submitted for a proposed redevelopment at Icart Point.

We have provided comments in relation to the following areas:

- Proximity to the Cliffs Site of Special Significance (SSS)
- Potential impacts to the Cliffs SSS (construction and operational phases)
- Landscaping and BNG (in relation to the change of use)
- Adherence to the Animal Welfare Ordinance (2012)

Detailed comments are included as an appendix to this letter. To summarise, we make the following recommendations:

1. Additional details are required to provide assurances that the development will not impinge on the SSS.
2. Assurance are required that no damaging materials will be allowed to enter or leach into the SSS.
3. Suitable safeguards are required to reduce impacts to the SSS during construction.
4. No lighting should be positioned or installed where it will illuminate the SSS, which should be assured through a suitable lighting scheme.
5. Additional ecological information of the habitats of the site of the proposed development is required in order to ascertain whether the proposals are able to achieve biodiversity enhancement as a requirement of change of use.
6. The existing building on site has the potential to support roosting bats and nesting birds, in order to ensure compliance with the Animal Welfare Ordinance (2012), surveys and checks prior to demolition will be required. Further information on these requirements can be obtained from the States Veterinary Officer.

Please do not hesitate to contact us if you have any queries about this response and we would also be happy to discuss the points raised with the applicant or their representative”

Appendix 1: detailed comments in relation to the revised proposed development at Icart Point, Icart

Proximity to SSS

The revised plans demonstrate that the footprint of the proposed new building has been moved 1.75m to the east and now falls outside of the boundary of the SSS. It does, however, remain in very close proximity to the boundary (033/SK04) and we would therefore welcome assurances that the development will not impinge into the SSS itself. We would be grateful if details could be provided which include, for example,

- The extent of the excavation required for the foundations,
- How those excavations will be undertaken without the need for materials or machinery to enter the SSS
- How access for construction will be enabled without machinery and materials entering, or being stored within, the SSS
- Recognising the gradient of the site and adjacent SSS, whether construction methods or additional measures can prevent the discharge of materials from leaching into the SSS, including concrete used to form foundations and any fluids discharged from washing down or rainfall within the development site.

Again, recognising the gradient of the site, we would also welcome assurance that the construction will not compromise the stability of the adjacent SSS.

Potential impacts on SSS

The proposed development has the potential to negatively impact the adjacent SSS through the following potential impacts which may be realised during the construction phase:

- Release of non-native species
- Noise pollution
- Dust pollution
- Light pollution

To mitigate against these impacts, we recommend the following precautions are adopted:

- No materials, including green waste, soil or any man-made materials should be allowed to enter the SSS. Screening and fencing should be used as necessary to achieve this.
- Construction should take place outside of the bird breeding season³, or following checks by a suitably qualified ecologist and the implementation of nest exclusion zones (in consultation with the States Veterinary Officer to ensure compliance with the Animal Welfare Ordinance).

³ Bird breeding season is March – July (inclusive)

- Measures should be taken to reduce light and noise levels during construction at all times, in line with the appropriate industry standard.

In addition to the above, the completed development has the potential to cause light pollution to the adjacent SSS. Light pollution has the potential to significantly impact the special interest of the SSS due to negative impacts on species of conservation importance, such as bats and birds. In order to avoid an impact, no lighting should be positioned or installed where it will illuminate the SSS. This can be achieved through a combination of building design, landscaping, and a lighting scheme which complies with the Bat Conservation Trust guidance note⁴. This scheme should include mitigations for both internal lighting (i.e. use of recessed lightings, low transmission glazing treatments) and external lighting (i.e. motion-sensors and low-output).

Landscaping scheme and BNG

In relation to the proposed landscaping scheme, we welcome the proposals to introduce additional native planting to replace non-native species on the boundary, to plant a woodland copse and native wildflower planting using locally grown, native species.

The application includes the change of use of agricultural land to domestic curtilage and we have therefore considered whether this landscaping is likely to enhance the biodiversity of the site (i.e. will it deliver Biodiversity Net Gain). Unfortunately, as no baseline ecological information has been provided of the habitats within the development footprint, it is not possible to determine whether this has been achieved. It is apparent from photos submitted and historic aerial photography, that this site includes features of ecological value (i.e. permanent grasslands) and therefore requires additional survey.

Additional considerations

Due to the age, construction type, and proximity to important habitats, the built structures on site have the potential to support roosting bats and nesting birds. To avoid disturbance and/or killing of these species of disturbance and /or destruction of their nests or roosts, which are illegal acts under the Animal Welfare Ordinance (2012), we recommend that a ground level roost assessment is undertaken of the existing built structures prior to any clearance or demolition works to ensure no bat roosts are present, or to identify what mitigation works may be required. If any clearance or demolition works are to take place within the bird breeding season, a breeding bird survey should also be undertaken. Further information on these requirements can be obtained from the States Veterinary Officer”.

Agriculture Countryside and Land Management Services, 09/03/2023

“We are writing in response to your consultation request dated 11 November 2022 which was forwarded to me on 27 January 2023 regarding the submitted application for proposed redevelopment of Icart Point.

⁴ <https://cdn.bats.org.uk/uploads/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?v=1542109349>

The site is adjacent to the Cliffs SSS and a section of the development site (approximately 1,195m²) is designated as SSS. This includes approximately 725m² of land designated SSS which formed part of adjacent land parcel J00897A000 prior to the redefining of boundaries as detailed in drawing No SK04 (Proposed Masterplan New Boundaries and Land Designation).

The proposed development appears to encroach into the SSS on the western boundary of the site. In order to understand the potential impacts of this on the designated site we would be grateful if the applicant could provide additional information, namely:

- Preliminary Ecological Assessment of the site and adjacent SSS land, we recommend this is undertaken by a suitably qualified professional and conforms to standards outlined in CIEEM published guidelines⁵.
- Detailed landscaping scheme taking account of the PEcA recommendations and demonstrating how impacts on local flora and fauna, including the special interest of the SSS, will be avoided.
- Lighting scheme which avoids light pollution being introduced to the adjacent SSS to avoid potential impacts on light sensitive species such as bats.
- A summary of recommendations within the PEcA and impacts on local flora and fauna, including the special interest of the SSS, which cannot be avoided through an updated landscaping scheme or lighting scheme, and how those impacts will be mitigated or offset. This may include, for example, actions to be included within a CEMP.

We look forward to providing advice relating to the potential impacts of the proposed developments to the SSS once we have the above information”.

Summary of Issues:

The main issues in deciding this application are:

1. Design, scale and impact of the development on the open character and appearance of the area.
2. The impact of the development on the amenity of people living in the area.
3. The impact of the development on the adjacent Site of Special Significance

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).**

⁵ <https://cieem.net/resource/guidance-on-preliminary-ecological-appraisal-gpea/>

Due to the topography of the surrounding land and the existing vegetation, the site is visible from a number of locations, some of which are in close proximity to the building. These locations include Icart Road to the north-west, the cliff path and the public path to the west linking the Icart public car park with the cliff path.

The existing building is not of special architectural or historic value that might warrant its statutory protection, albeit it is a traditional form of domestic building and thus a familiar building form in this context. However, the building does not make any particular positive contribution to the character of the area and there are no objections to its demolition. The replacement dwelling is a contemporary flat roof design. There is a mix of size and style of properties within the area and in principle a contemporary approach could be supported under Policies GP1, GP8 and GP13.

The replacement dwelling would be repositioned further west, closer to a public footpath that links the Icart public car park with the cliff path. The dwelling would be set partially below ground level but the first floor element would be 1.2m higher than the ridge height of the existing dwelling. When viewed from Icart Road, the replacement dwelling would be largely screened by well established vegetation, although it would project above the hedge and shrub planting in the foreground. However, it is also noted that the existing dwelling would be demolished which would open up views of the sea from Icart Road, to the benefit of the landscape character and openness of the area. The replacement dwelling would be partially visible from a public footpath to the west although existing and proposed planting is likely to provide an effective screen. The replacement dwelling would be set partially below ground level and due to the topography of the surrounding land and existing vegetation along the cliffs, the replacement dwelling is unlikely to form a prominent feature in public views from the cliff path. The relocation of the parking area and vehicular access to the east of the dwelling and the installation of gates at the entrance to the site would have no adverse effects. The overall design and appearance of the replacement dwelling achieves a good standard of design and is unlikely to have any significant adverse effects on the landscape character and openness of the area, in accordance with Policies GP1, GP8 and GP13.

Due to its distance to neighbouring properties, the replacement dwelling is unlikely to have any significant adverse effects on the amenities of neighbouring residents.

The site is bounded to the south and west by a Site of Special Significance. The consultation responses of the Agriculture Countryside and Land Management Services are set out in full above. During the course of consideration the application was deferred due to concerns about the siting and impact of the replacement dwelling on the Site of Special Significance and whether the proposed measures would result in a biodiversity enhancement. In response the replacement dwelling has been repositioned 1.75m further east so that it is situated outside of and set back from the Site of Special Significance to the west. In addition, an Ecological Assessment dated July 2022 by Environment Guernsey, a report dated July 2022 by The Soil Farm, a Biodiversity Statement dated October 2023 by Environment Guernsey and a letter dated 01/08/2023 from the agent have been submitted to

indicate how the development will be designed and constructed to minimise the impact on the adjacent Site of Special Significance and to enhance the biodiversity of the site. The measures proposed include erecting a site works barrier and a fence during the construction phase to prevent works and materials encroaching/leaching onto the Site of Special Significance, the use of sheer dig or sheet piling to minimise the dig area around the Site of Special Significance and conducting bat surveys prior to the commencement of works. In addition, information has been submitted about the ecological value of the existing site and the proposed planting schemes which aim to result in an enhancement of the biodiversity value of the site. The Biodiversity Statement by Environment Guernsey concludes that as the various proposed measures become established there would be a net ecological gain, provided that appropriate management of the land continued.

Whilst Agriculture Countryside and Land Management Services welcome a number of the measures proposed to prevent impacts on the Site of Special Significance during the construction phase, further details are required to prevent adverse effects on the adjacent Site of Special Significance. This includes the precise details of the type and positioning of barriers and fencing, confirmation that excavations would not encroach into the Site of Special Significance and further details of how materials will be prevented from entering or leaching into the Site of Special Significance. These details can be requested by condition. In addition, to address the comments raised regarding the potential impact of light pollution on wildlife, it is recommended that lighting details are provided, this can be dealt with by condition.

To address the comments raised by Agriculture Countryside and Land Management Services and on behalf of La Société Guernesiaise regarding the timing of works, it is recommended that a note is attached to the decision notice to make the applicant aware of the potential issues with disturbing animals which are protected under the Animal Welfare Ordinance 2012 and a condition is attached to the decision notice for the works to be undertaken as per the submitted details.

In summary, the application is supported by a range of information to assess and mitigate the impact of the development on the adjoining Site of Special Significance. Provided that the proposed measures are implemented and additional measures and details are requested and agreed as set out above, the impact of the development on the adjoining Site of Special Significance can be mitigated, in accordance with Policy GP2.

The site is not within an Agriculture Priority Area and the proposed change of use would not of itself have an adverse impact on or affect the amenities of neighbouring residents. The site is not within an Area of Biodiversity Importance and the impact of the development on the adjacent Site of Special Significance has been addressed above. Some existing non-native planting around the boundaries is proposed to be removed but will be replaced with native planting which overtime is likely to provide an effective visual screen and would enhance the biodiversity value of the site.

The change of use of a section of land measuring approximately 850sqm to the west and north to domestic land would result in a modest encroachment into a wider area of open and undeveloped land. However, by virtue of the topography of the area, the pattern of built development in the area and well established vegetation, the change of use of the land is unlikely to have an unacceptable detrimental impact on the landscape character of the area, in accordance with Policies GP15 and GP1.

The application is supported by a Planning and Design Statement which sets out how the development has been designed to take into account sustainable design principles. The agent advises that the intention is to construct a dwelling with high levels of thermal performance to exceed Building Regulation standards, the orientation of the building and positioning of fenestration seeks to maximise daylight whilst the overhanging roof seeks to mitigate the risk of overheating, a combination of under floor heating and fabric first construction techniques will provide a vast improvement on the efficiency of the existing building and low energy lighting and appliances will be used. A Waste Management Plan has been submitted which sets out how construction waste is to be minimised. The overall layout and form of the development and the information submitted is sufficient to demonstrate that the development has been designed to take into account the use of energy and resources, in accordance with Policy GP9.

In terms of its accessibility and adaptability, the size and layout of the replacement dwelling has taken accessibility for all into account from inception and will be able to accommodate change in the future.

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.

It is recommended that the application is approved.

Date: 20/10/2023