

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005

AND SECTION 19 OF THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS) ORDINANCE, 2007

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

PROPOSALS: Install drainage pipes to douit.

LOCATION: L'Eree Aerodrome, Route De La Rocque, St. Pierre Du Bois.

APPLICANT: Mr D Best

I refer to the application referred to below received as valid on 07/12/2022 regarding the above proposals as described more fully in the application and drawings referred to below.

Date of refusal of permission: 13/03/2023

Drawing Nos: Application Site Location Plan and Application Block Layout Plan, letters from Mr Best dated 06/12/2022 and 24/01/2023 and sketch drawing 600mm Twinwall pipe.

Application Ref: FULL/2022/2058

Property Ref: F001690000

The Development & Planning Authority has decided to refuse your application under the provisions of section 16 of the Land Planning and Development (Guernsey) Law, 2005 for the following reasons:-

1. The site lies within an area designated as a Site of Special Significance (La Claire Mare, La Rousse Mare, the rest of the Colin Best Nature Reserve, Lihou Headland and L'Eree Shingle bank) in which it is the duty of the Authority to protect the SSS from adverse impacts to its special interest. The proposed development, by virtue of the lack of evidence, does not demonstrate that there would be no adverse impact on special interest or that any such adverse impact can be successfully mitigated so there is no net loss of special interest. As submitted the scheme would impact on species of conservation and international importance and would change the hydrodynamics of the site with adverse impacts on important habitats downstream of the site contrary to Policy GP2 criteria a. and b. of the Island Development Plan and the Land Planning and Development (Guernsey) Law, 2005.

2. The proposed development, if permitted, would result in the loss of an area of open wetland which would have an unacceptable adverse impact on the landscape character of the area contrary to Policy GP8 c. and Policy GP1 of the Island Development Plan.

OTHER REMARKS:-**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, against a decision to refuse an application for planning permission or outline planning permission to the Planning Tribunal on the merits. 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.

Copy of representations made

In reaching this decision the Development & Planning 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 to the Authority under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2022/2058
Property Ref: F001690000
Valid date: 07/12/2022
Location: L'Eree Aerodrome Route De La Rocque St. Pierre Du Bois
Guernsey
Proposal: Install drainage pipes to douit.
Applicant: Mr D Best

RECOMMENDATION - Refusal with Reasons:

REASONS FOR REFUSAL

1. The site lies within an area designated as a Site of Special Significance (La Claire Mare, La Rousse Mare, the rest of the Colin Best Nature Reserve, Lihou Headland and L'Erée Shingle bank) in which it is the duty of the Authority to protect the SSS from adverse impacts to its special interest. The proposed development, by virtue of the lack of evidence, does not demonstrate that there would be no adverse impact on special interest or that any such adverse impact can be successfully mitigated so there is no net loss of special interest. As submitted the scheme would impact on species of conservation and international importance and would change the hydrodynamics of the site with adverse impacts on important habitats downstream of the site contrary to Policy GP2 criteria a. and b. of the Island Development Plan and the Land Planning and Development (Guernsey) Law, 2005.

2. The proposed development, if permitted, would result in the loss of an area of open wetland which would have an unacceptable adverse impact on the landscape character of the area contrary to Policy GP8 c. and Policy GP1 of the Island Development Plan.

OFFICER'S REPORT

Site Description:

L'Eree Aerodrome is a large area of open and undeveloped land situated adjacent to and often at a lower level than the adjoining coast road, Route De La Rocque. The site is highly visible from the road over the roadside walls and from Route Des Adams. The site is used to host the West Show and at other times of year is used for grazing. The site is recognised as a nature reserve.

The whole site is located Outside of the Centres, in an area at risk of flooding. Part of the site, including the area of proposed works, is a Site of Special Significance and, part of the site is within an Area of Biodiversity Importance as designated in the Island Development Plan.

Relevant History:

Pre-application advice was sought in this case.

Existing Use(s):

28 Agriculture

Brief Description of Development:

The application relates to the installation of drainage pipes to an existing douit on land to the northwest of Route Des Adams and behind frontage residential development north of Route Des Sablons. The submission sets out that historically pipes were installed at the douit but it is estimated that these were removed around 12 – 15 years ago. The section drawing that accompanies the submission shows that a 600mm twin wall pipe will be installed on a bed of hardcore and surrounded by gravel then topped with soil.

As originally submitted the application did not address the effect of the works on the ABI or SSS.

The application was deferred in order for further information to be provided demonstrating that the works will not harm the SSS. Further correspondence was provided setting out that there is no intention to impact on waterfowl habitat and explains that the purpose of the works is to aid the transit of water to the freshwater scrape. Any backfill will be carried out with material from the site which should address concerns raised regarding non-native species and noxious weeds. In conclusion, the application states that “as the guardian of the land, the development will not have an impact on the species and habitats of L'Eree Aerodrome”.

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

Island Development Plan policies:

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

GP2: Sites of Special Significance

GP3: Area of Biodiversity Importance (adjacent)

GP8: Design

Representations:

One letter of representation has been submitted raising the following points:

- Any alterations to drainage will have substantial impacts on the water table and the botanical diversity of this rare and internationally important reserve
- A full understanding must be had of the likely effect of the works and given previous works on the site the Authority should treat the application with the greatest of caution.

Consultations:

Agriculture Countryside and Land Management Services

The application notes that the installation of the pipe is a replacement of a pipe already removed. It is our belief that a stretch of roughly 43m (on the northwest) has never been culverted and appears as open stream on the earliest available aerial photography (dated 1979). The section to the southeast may at one time have been under culvert although it appears to be an open stream from 2009, and certainly since the adoption of the IDP in 2016.

During the 2018 Phase 1 habitat survey the linear feature was designated as a 'ditch', suggesting an absence of running water, however this may reflect the dry conditions during survey, and is not considered evidence of a pre-existing culvert. The following comments, therefore, presume the installation of a new pipe and not the replacement of an existing pipe.

Given the above assumptions, if granted permission, the proposed development would lead to the loss of a running freshwater habitat. This has the potential to cause a significant environmental impact, including loss of a priority habitat and loss of associated species. Streams such as this may support a number of species of conservation importance, including those of international importance and those considered 'priority species' locally.

The proposed development would also change the hydrodynamics of the site and therefore has the potential to adversely impact important habitats downstream, including the 'freshwater scrape' and saltmarsh, two areas of particular importance.

In addition, the proposed backfilling may include the introduction of materials which do not originate from the site and so risk the introduction of invasive non-native species or noxious weeds, and will likely alter the soil chemistry where they are applied, and therefore alter the floral communities which will subsequently develop.

The proposed development is entirely within an area designated as a Site of Special Significance (site 4.5 La Claire Mare, La Rousse Mare, the rest of the Colin Best Nature Reserve, Lihou Headland and L'Erée Shingle bank). Due to the above adverse impacts, this proposed development may materially affect the special interest of the site and therefore may not support Policy GP2 of the Island Development Plan.

The entire site is also a designated Ramsar Site which is a designation under the Convention on Wetlands of International Importance especially as Waterfowl Habitat. The designation, which was confirmed in 2006, is in recognition that the site is a wetland of international importance for a wide diversity of habitats and species. In particular, the wet grasslands and streams are noted within the Ramsar Information Sheet (RIS). Notable species listed within the RIS at L'Erée Aerodrome include common coot (*Fulica atra*), common snipe (*Gallinago gallinago*) and water rail (*Rallus aquaticus*). The proposed development has the potential to adversely impact on species and

habitats listed within the RIS and thus change the ecological character of the site. As per article 3, paragraph 2 of the Ramsar Convention text, human interference which has changed, or is likely to change the ecological character of a Ramsar site must be reported to the Ramsar Convention Secretariat.

Due to the protections afforded the site as a SSS and in recognition of the likely change to the ecological character which would be caused to a designated Ramsar site, we recommend that this application is not granted planning permission without supporting evidence to demonstrate that such impacts can be categorically avoided.

Summary of Issues:

The key issue in this case relates to the effect of the works on the SSS and ABI.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, 'the Law', have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

The land is recognised as open and undeveloped agricultural land and forms part of a nature reserve and Policy OC5(B) makes provision for development unrelated to the agricultural use of land where it accords with all other relevant policies in the IDP.

Annex IV of the IDP outlines the various SSS's that have been designated as having special significance because of their archaeological, botanical, geological, scientific, cultural, zoological or other special interest and which it is desirable to preserve, enhance or manage. This clarifies that works that would disturb the ground and materially affect the special interest of the SSS require planning permission.

The site is located within a Site of Special Significance and the proposal comprises minor works not requiring an Environmental Impact Assessment as set out under Schedule 1 or 2 of the Land Planning and Development (Environmental Impact Assessment) Ordinance, 2007 or Section 40(5) of the Land Planning and Development (Guernsey) Law, 2005.

The site forms part of the La Claire Mare, La Rousse Mare, the rest of the Colin Best Nature Reserve, Lihou headland & L'Erée shingle bank SSS and covers a west coast headland where there are large areas of natural and semi-natural habitat and includes part of the Lihou Island Ramsar site. The area includes a wide range of habitats, including important wet meadows at La Claire Mare and Guernsey's largest shingle bank at L'Erée and the largest area of salt marsh locally at La Rousse Mare. The area is important for roosting and feeding for birds and is important for a lot of wildlife including rare and threatened species of insects, plants and birds.

In Annex V: Landscape Character the site forms part of the West Bays, West Coast Mares which were originally lagoons in the low flat land between the Bays and the Escarpment at the mouths of the Valleys. They have gradually been reclaimed as grazing land since sea defences were constructed. Late 20th Century development impacts on their character as expanses of flat, open land at the foot of the escarpment. Despite agricultural change and development pressure, flower-rich wet meadows still remain at La Rue des Vicheries, La Claire Mare, La Grande Mare and in a small number of other areas.

Although the application submission sets out that as guardians of the land the development will not have an adverse impact on the SSS (Ramsar site) the submission only provides an intention not to cause harm on the site or in the wider SSS and Ramsar site. The application has not been accompanied by any appropriate supporting information, such as from a drainage or ecological specialist, to address the concerns raised. The submission does not clearly demonstrate that the development proposed will not have an adverse impact on the special interest of the SSS or that any adverse impact can be successfully mitigated with no net loss in special interest occurring as a result of the development (criterion a. or b.). As submitted therefore the proposed development would impact on species of conservation importance, 'priority species' and species of international importance and change the hydrodynamics of the site. The changes proposed would adversely impact important habitats downstream, including the 'freshwater scrape' and saltmarsh. The scheme does not therefore, accord with criteria a. or b. of Policy GP2 of the IDP.

Although the proposed development will not have a detrimental impact on residential amenity in line with the aims of Policy GP8, the development would be likely to result in the loss of and change of an existing open wetland character. As such, the development is not considered to respect the open landscape concerned contrary to Policy GP8 and would have an unacceptable impact on the open landscape character of an area contrary to Policy GP1.

In view of the above it is recommended planning permission is refused.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations. These issues where relevant have been considered in the assessment of this application.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would have no adverse impact on protected trees or buildings.

Date: 10 March 2023

