

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: Excavate earthbanks, erect retaining wall, fencing and gates, erect outbuilding/reception for public green waste facility.

LOCATION: Mont Cuet Landfill Site, Mont Cuet Road, Vale.

APPLICANT: Guernsey Waste

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: 13/04/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 12/12/2022 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Guernsey Waste: 9017_2022_1A, 2A, 3A
Jackson Fencing Drawing: J2/01022
TF Jackson Portable Buildings Specification
Galvanised Tubular Fencing System Brochure
Gileskips Technical Standards

Application Ref: FULL/2022/2390

Property Ref: C01753A000

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, excluding demolition and site works, shall begin until full details of a planting scheme for the land between the retaining wall hereby approved and Les Hures, to include species, sizes, numbers and densities of plants, has been submitted to and agreed in writing by the Authority.

The planting scheme shall be fully completed, in accordance with the approved details, in the first planting season following the first use of any part of the development 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 - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

5.No external lighting shall be installed or brought onto site until details of that lighting have been submitted to and agreed in writing by the Authority. Any lighting to be installed shall only be in accordance with the agreed details.

Reason - To make sure the level of lighting is not excessive in order to secure a sustainable form of development and one which does not unduly interfere with residential amenity or wildlife.

6.The site shall not open to the public before 0800 hours on any day and shall close by 1800 hours Mondays to Fridays, and 1600 hours on Saturdays, Sundays and Public

Holidays. Site operations shall not occur before 0700 hours and shall not occur after the closing time set out above.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

Expiry Date: This permission will cease to have effect on 12/04/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

- (1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).
- (2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.
- (3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.
- (4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.
- (5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are

available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2022/2390
Property Ref: C01753A000
Valid date: 12/12/2022
Location: Mont Cuet Landfill Site Mont Cuet Road Vale Guernsey GY3 5AT
Proposal: Excavate earthbanks, erect retaining wall, fencing and gates, erect outbuilding/reception for public green waste facility.
Applicant: Guernsey Waste

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun within 3 years from the date of grant of this permission.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

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, excluding demolition and site works, shall begin until full details

of a planting scheme for the land between the retaining wall hereby approved and Les Hures, to include species, sizes, numbers and densities of plants, has been submitted to and agreed in writing by the Authority.

The planting scheme shall be fully completed, in accordance with the approved details, in the first planting season following the first use of any part of the development 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 - To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings.

5. No external lighting shall be installed or brought onto site until details of that lighting have been submitted to and agreed in writing by the Authority. Any lighting to be installed shall only be in accordance with the agreed details.

Reason - To make sure the level of lighting is not excessive in order to secure a sustainable form of development and one which does not unduly interfere with residential amenity or wildlife.

6. The site shall not open to the public before 0800 hours on any day and shall close by 1800 hours Mondays to Fridays, and 1600 hours on Saturdays, Sundays and Public Holidays. Site operations shall not occur before 0700 hours and shall not occur after the closing time set out above.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

OFFICER'S REPORT

Site Description:

The application site is located on the Chouet headland, and forms the southern part of the Mont Cuet reception area located to the east of Rue des Grands Camps and to the north of Les Hures road. The Mont Cuet landfill site itself is located to the north-east of the site.

The application site is located Outside of the Centres in the Island Development Plan. The western part of the headland is safeguarded for mineral extraction, and permission has recently been granted to establish a new quarry on that land, with

reception facilities to be provided within the existing Mont Cuet reception area and Rue des Grands Camps to be closed to public access.

Relevant History:

The existing green waste operation was established prior to the Land Planning and Development (Guernsey) Law, 2005 and was not therefore subject to formal planning permission.

FULL/2022/0443 Development of land to establish a new quarry (Phases 1 & 2 of mineral extraction) including demolition of dwelling, closure of Rue des Grands Camps, installation of plant, perimeter fencing and gates and removal of existing and installation of new facility buildings within the Mont Cuet reception area. Approved 17/10/2022

Existing Use(s):

Reception area associated with landfill site/infilled former quarry

Brief Description of Development:

The application seeks to create a new public green waste facility, to the south of the existing reception area for the landfill site at Mont Cuet. The proposals include the excavation of earthbanks and erection of a retaining wall (formed by two layers of concrete mega blocks (1.4m x 0.7m x 0.67m) to the south and south-east of the site, the installation of 1.8m green pvc coated wire mesh fencing around the perimeter of the site, hardsurfacing of the area in concrete and erection of a 3m x 2.45 portacabin for use as a reception hut (NB the specification details in Annex 2 of the submission relate to a larger structure as details for the smaller structure are not available). Hook lift bins will be located to collect the waste.

In support of the application the following points are made:

- Ronez Ltd are due to commence quarrying operations at Chouet Headland and require the land which is currently used for green waste drop off as part of the quarrying operations;
- The Waste Management Plan for the Island includes provision for receipt and processing of green waste to produce soil conditioner;
- Green waste is currently composted at Mont Cuet Landfill site and relocation of the drop off site to that location would minimise transportation requirements;
- The proposed location will allow separation of the public from the quarrying activities and other commercial traffic associated with the quarry and landfill, and is designed to allow weekend operating without compromising the security of the quarry and landfill, which would be closed at those times;

- The proposed area of land was formerly a quarry which was infilled in the 1960s, all excavated material (c775m³) will be used as cover material at the landfill site;
- The fencing will match that recently approved around Mont Cuet (FULL/2021/2664);
- A one way circulation system will be used for traffic;
- Up to 8 vehicles can drop off at any one time;
- Number of vehicles visiting the site is c85,000 per annum, based on five year average;
- At peak times queues of up to 30 vehicles occur, although generally at weekends when commercial traffic is not travelling to and from the landfill site and quarry;
- Mitigation measures are being considered, including:
 - o promotion of home composting;
 - o diversion of larger vehicles and vehicles with trailers across the Weybridge to deposit green waste directly at Mont Cuet;
 - o Extending opening hours to include bank holidays and all day Sundays;
 - o Introduction of paid for collection service;
 - o Enhancement of the drop off point at Le Friquet and consideration of an additional point in the south of the Island;
 - o Use of social media to advise when there are likely to be queues.

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

GP1 Landscape Character and Open Land
 GP8 Design
 GP9 Sustainable Development
 IP2 Solid Waste Management Facilities
 IP9 Highway Safety, Accessibility and Capacity

Representations:

None received.

Consultations:

The Office for Environmental Health and Pollution Regulation do not raise any objections and note that the site will be subject to a Waste Management Licence.

Traffic and Highway Services comment as follows:

The sightline in the direction of oncoming traffic where drivers utilising the green waste facility would exit back onto Rue des Grands Camps would exceed the above minimum recommended standard. The sightline towards Mont Cuet Road would be circa 30m. In this context, there are no significant concerns regarding the sightlines that would be observed.

From the information provided within the application and confirmation from Guernsey Waste, it has been noted that the proposed arrangement would require the public to load the green waste into the hooks lift bins which appears more time consuming than the disposal of waste to ground level under the current arrangement.

The above is considered relevant because currently there is a very significant queuing area to the east of the green waste site so there is no impact on the public highway and other facilities if queuing does occur. However, this would be lost under the proposed arrangements with queuing space limited to a couple of vehicles by the Reception Hut and immediately to the east. Queuing past this point would impact on the existing landfill site and workshop/working area and then on access/egress of the quarry. THS has noted that there may be a temptation for drivers attempting to access the quarry or landfill to travel along the 'wrong side' of the road past queuing vehicles (as sometimes happens when Longue Hougue recycling area is busy). Given the bend in the road near the proposed green waste site this would lead to some road safety concerns.

Notwithstanding the above, THS has noted that quarrying operations and opening times for the landfill site would be unlikely to coincide with the reported busiest times for the green waste site when up to 30 vehicles have been noted queuing. Guernsey Waste advise that they are considering measures to mitigate against the volumes using the proposed arrangement but have offered no definite commitment to introduce these. THS has also noted that in the region of 16 vehicles could be queued along Mont Cuet before the road width narrows to the extent that a commercial vehicle and a van may well struggle to pass. THS does not have sufficient data on vehicle queuing for the green waste site to know how frequently that situation might arise.

In conclusion, the proposed arrangement appears sub-optimal from a traffic management point of view due to the on-site space constraints and likely additional time spent to un/load waste into a bin. The extent to which this causes issues for quarrying operations, the landfill site or even the few drivers wishing to access Les Hures is difficult for THS to quantify because of the lack of queue length information and a comparison of time taken to dispose of green waste on the ground as opposed to into a bin. There is also a slight road safety risk that drivers wishing to access the quarry or landfill will become impatient and overtake queueing vehicles on a bend. The traffic management impact will clearly be localised and have no effect on general flows of traffic on the network.

Summary of Issues:

Principle of development;
Impacts on visual amenity;
Impacts on road safety and traffic management;
Impacts on neighbour amenity.

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).**

The proposal is for the relocation of a small scale facility for the disposal of waste, and does not comprise Schedule 1 or 2 development for the purposes of the Land Planning and Development (Environmental Impact Assessment) Ordinance, 2007.

Policy IP2 states that development required to implement the States' Waste Strategy will be supported, providing it accords with all other relevant planning policies. The current Waste Management Plan for the Island, the operational document for translating the Waste Strategy, includes provision of composting at Mont Cuét, and this is reflected in the pre-facing text to Policy IP2. The current application for relocation of the green waste drop off site would support this on going use of Mont Cuét, in line with strategic direction, whilst enabling the release of the adjacent mineral extraction area.

The proposed works would consolidate the drop off area with the existing built form at the headland, at the existing reception area for Mont Cuét. Whilst the proposal would involve excavation of an existing bank/infilled quarry, a buffer would be retained to the adjacent road (Les Hures) and the proposed structures would not extend above the height of the existing wall along the northern edge of that road. The permission issued under FULL/2022/0443, for the creation of a quarry within the mineral extraction safeguarded area, was conditional upon, inter alia, the provision of landscaping along the northern edge of Les Hures to provide screening to the reception area. The works proposed under this application would increase the value of such screening and it is therefore recommended that any decision issued in respect of this application also requires details and implementation of landscaping in that area. When viewed from along Rue des Grands Camps, the proposed works will be read as part of the existing reception area and would not result in a significantly greater impact on the character of the area. It should also be noted that that road is due to be closed as part of the approved quarry operation, and would not therefore comprise a public viewpoint in the future.

The proposal would not result in an increase in traffic movements along the road. The approval for quarrying on the headland, anticipated to be implemented this year, would however require closure of Rue des Grands Camps, except for site traffic, and that is anticipated to be approximately 10 additional two-way movements an hour for the first five years, and increasing to a peak of 16 for the next five years. As acknowledged within the submission, the current green waste site experiences queuing at peak times and it is the relocation of this queue on to the public highway adjacent to an intersection between roads and at the access point to the approved quarry which raises some road safety concerns. The application sets

out some potential measures to mitigate the level of traffic, the majority of which fall outside of the control of the Authority. On balance however, THS conclude that the traffic management impacts will be localised and, on that basis, would not be sufficient to require refusal of the application.

In terms of neighbour amenity, the distance to nearby residential properties, together with the topography of the intervening land, would be likely to limit impacts on the amenity of those properties. Given the potential for cumulative impacts with the quarry operations and the closer proximity to those properties than the existing situation, it is however recommended that the hours of operation are restricted to protect the amenity of those properties, and other users of the headland.

The specific hours of operation of the green waste site were not initially set out within the application. According to the States website, the current green waste is open Monday-Saturday 8am-4pm and Sundays 8am-12pm, and is closed on Public Holidays. In an effort to increase the flexibility of the site for users, to reduce the numbers of vehicles at peak times and to increase the opportunity of attending the site outside of the operating times of the approved quarry, the application however indicates the site may be open all day on Sundays and on Public Holidays.

Stone extraction and all associated activities within the mineral extraction area to the north-west of the application site are limited to 8am-4.30pm Mondays to Fridays, with no working other than maintenance on Saturdays and no working whatsoever on Sundays or Public Holidays.

Taking into account the above, and further information in respect of likely operations from the applicant, it is recommended that the operating hours of the site are limited to 8am-6pm Monday-Friday, and 8am-4pm Saturdays, Sundays and public holidays. Operations outside of those hours shall be limited to between 7am-8am.

Any lighting in this area would need to be carefully controlled to respect the character of the headland and the ecology of the area, and details should be required by condition.

Subject to the conditions set out above, the proposal would accord with the purpose of the Law, material considerations and relevant planning policies.

Date: 12/04/2023

