

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 existing foul sewer chamber and construct new chamber (Retrospective).

LOCATION: La Banque du Long Port, Rue de la Saline, Castel.

APPLICANT: Guernsey Water

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: 18/07/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 25/05/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Guernsey Water: GRPS/2022 A3-1, GRPS0002 A3-2, GRPS0002 A3-3, GRPS/2022 A3-4, FWPS0002 GRPS/001

Application Ref: FULL/2023/0014

Property Ref: D019180000

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 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.

Expiry Date: This permission will cease to have effect on 17/07/2026 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/2023/0014
Property Ref: D019180000
Valid date: 25/05/2023
Location: La Banque du Long Port Rue de la Saline Castel Guernsey
Proposal: Excavate existing foul sewer chamber and construct new chamber (Retrospective).

Applicant: Guernsey Water

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 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.

OFFICER'S REPORT

Brief Description of the site:

The application relates to the retrospective works to install a sewage inspection chamber on open land/verge to the east of Rue de la Saline. Residential

development and playing fields are situated to the east/southeast of the site whilst to the west is the beach.

The site is situated Outside of the Centres and within a Site of Special Significance as designated in the Island Development Plan.

Relevant History:

None.

Existing Use(s):

Open land

Assessment: *(Tick as appropriate)*

no representation	☒	visual amenity acceptable	☒
accords with policy	☒	no material neighbour impact	☒
within curtilage	☐	traffic not affected	☒
design acceptable	☒		

Policies considered most relevant:

Island Development Plan policies

IP11 – Small-scale Infrastructure Provision
GP1 – Landscape Character and Open Land
GP2 – Sites of Special Significance (SSS)
GP8 – Design

Consultation

ACLMS – no comments received at point of determination.

Conclusion/Brief comment:

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.

Notwithstanding the above, it is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting a Site of Special Significance that special attention is paid to the desirability of preserving,

enhancing and managing the character, appearance and environment of the site. This approach is reinforced through Policy GP2.

In summary the main environmental impacts are:

- Damage to habitats during and after work
- Noise and visual disturbance associated with works
- Visual disturbance
- Disturbance of birds
- Disturbance of sensitive species

The submission briefly sets out mitigation measure, primarily focused post works, in order to reduce the environmental impacts, to restore incidental damage to the area including consulting on specifications of seed mixes to be used on heavily damaged areas.

As a chamber, the area affected and where damage occurs is limited and so the associated longer term effects/damage is also more limited than, for example underground cables that cover considerable distances.

In this case the application is retrospective and the above ground development is limited to a round manhole cover. At the time of the visit the land around the work had begun to recover. Based on the above, it is recommended that permission is granted. The environmental impacts of the proposal remain at an acceptable level and the development will not adversely affect the special interest of the Site of Special Significance in accordance with Policy GP2.

In terms of landscape character, the works would largely be subterranean and of low visual impact. For the reasons contained within this report it is considered that the proposal accords with the above mentioned Policies of the Island Development Plan

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.

Recommendation:

Grant with Conditions



Date: 18/07/2023

