

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: Installation of cable.

LOCATION: Victoria Avenue, St. Sampson.

APPLICANT: Guernsey Electricity

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: 25/05/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/04/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Guernsey Electricity: P02-01-01-85 D401A, D402A, D403B & D404A & Ecological Assessment of Trenching Works

Application Ref: FULL/2023/0583

Property Ref: B012650000+B013250000

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.Notwithstanding the details shown on the approved plans, prior to the commencement of any trenching hereby approved, full details of
a) the exact route for the trenching; and
b) the location of a storage area for the storage of plant, machinery and materials shall be submitted for written approval of the Authority. The work shall be carried out in accordance with the agreed details and all excavation plant, machinery and materials/spoil associated with the approved development shall be stored within the agreed storage area.

Reason - To limit the impact of the proposal on the surrounding SSS in accordance with the submitted Ecological Report and to comply with the provisions of Policy GP2 of the IDP.

5.Any turf removed in the excavation of the trenches hereby approved shall be carefully retained on the site and once the cables have been laid, the trenches shall be back filled with the original soil and the turfs replaced within a timeframe previously agreed in writing by the Authority.

Reason - To limit the impact of the proposal on the surrounding SSS in accordance with the submitted Ecological Report and to comply with the provisions of Policy GP2 of the IDP.

6.The development hereby approved shall be implemented in accordance with the Summary of Mitigation Measures set out in Section 6 (6.1 and 6.2) of the Ecological Assessment of trenching works through Pitronnerie SSS land.

Reason - To ensure that appropriate mitigation measures are implemented in order to reduce the environmental impacts of the development approved in order to manage the impacts (short and longer term) of the approved development on the Site of Special Significance.

Expiry Date: This permission will cease to have effect on 24/05/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. Measures need to be taken (including 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.

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/2023/0583
Property Ref: B012650000+B013250000
Valid date: 20/04/2023
Location: Victoria Avenue St. Sampson Guernsey
Proposal: Installation of cable.

Applicant: Guernsey Electricity

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. Notwithstanding the details shown on the approved plans, prior to the commencement of any trenching hereby approved, full details of
a) the exact route for the trenching; and

b) the location of a storage area for the storage of plant, machinery and materials shall be submitted for written approval of the Authority. The work shall be carried out in accordance with the agreed details and all excavation plant, machinery and materials/spoil associated with the approved development shall be stored within the agreed storage area.

Reason - To limit the impact of the proposal on the surrounding SSS in accordance with the submitted Ecological Report and to comply with the provisions of Policy GP2 of the IDP.

5. Any turf removed in the excavation of the trenches hereby approved shall be carefully retained on the site and once the cables have been laid, the trenches shall be back filled with the original soil and the turfs replaced within a timeframe previously agreed in writing by the Authority.

Reason - To limit the impact of the proposal on the surrounding SSS in accordance with the submitted Ecological Report and to comply with the provisions of Policy GP2 of the IDP.

6. The development hereby approved shall be implemented in accordance with the Summary of Mitigation Measures set out in Section 6 (6.1 and 6.2) of the Ecological Assessment of trenching works through Pitronnerie SSS land.

Reason - To ensure that appropriate mitigation measures are implemented in order to reduce the environmental impacts of the development approved in order to manage the impacts (short and longer term) of the approved development on the Site of Special Significance.

INFORMATIVES

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. Measures need to be taken (including 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.

OFFICER'S REPORT

Brief Description of the site:

The application relates to various sites between Victoria Avenue and Route Des Coutanchez which are open and undeveloped agricultural land.

The application relates to the digging of trenches to lay cables through fields between Victoria Avenue and Route Des Coutanchez in connection with a new cable link between the north of the Island and a substation (under construction) at the Princess Elizabeth Hospital. A number of fields the trenches will pass through fall within Sites of Special Significance.

The application has been accompanied by an Ecological Assessment of trenching works.

The sites are situated Outside of the Centres but are, in part, Sites of Special Significance and will run through an Agriculture Priority Area and an Area of Biodiversity Importance.

Relevant History:

None.

Existing Use(s):

28 agriculture

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

x
x
x

visual amenity acceptable
no material neighbour impact
traffic not affected

x
x
x

Policies considered most relevant:

IP11 – Small-scale Infrastructure Provision
OC5(B) - Agriculture Outside of the Centres – outside the Agriculture Priority Areas
GP1 – Landscape Character and Open Land
GP2 – Sites of Special Significance (SSS)
GP8 – Design

Conclusion/Brief comment:

The proposal relates to the installation of electricity cables running across agricultural land within the St Sampson's Marais & Chateau Des Marais SSS. This would involve the digging of 2400mm wide trenches dug at a depth of 1550mm and the work would be undertaken in phases between jointing boxes.

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

The submission sets out various mitigation measures to reduce the environmental impacts to an acceptable level:

Excavation Phase

1. Undertake works during late summer/early autumn
2. Be watchful of wildlife e.g. nesting birds, slow worms, small mammals etc.
3. Establish suitable routes through hedgebanks to reduce tree felling/lopping
4. Restore earthbanks
5. Restrict works to minimal area (limit trench width/work area)
6. Avoid excessive machinery movements/manoeuvres
7. Store excavated soil and turfs separately, following trenching backfill with original soil and replace turfs carefully (within 1 week)
8. Store materials on drier land (where possible)
9. Spare soil to be removed from the site, not spread around

The submission sets out various mitigation measures to reduce the environmental impacts to an acceptable level:

Restoration phase and beyond

1. Restore incidental damage to grassland areas including consulting on specifications of seed mixes to be used on heavily damaged areas
2. Monitor the site for six months until fully restored and settled
3. Agree and undertake further repairs where necessary

The report concludes by stating that the trenching through species rich grassland habitats could cause significant damage to the site, lasting several years. As a result therefore, it is critical that the trenching follows the agreed route and the mitigation measures set out in the Environmental Report are adhered to, including that the

trench should be backfilled with the original soil and the turfs replaced carefully/firmed down and the site monitored following completion (matters that can be controlled by condition).

Based on the above, it is recommended that permission is granted subject to appropriate conditions and informative notes. Subject to these conditions/informative it is considered that the environmental impacts of the proposal would be reduced to an acceptable level (in accordance with the conclusions of the report). The proposal is therefore unlikely to 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: 25 May 2023