

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: Erect fence to south of dam wall.

LOCATION: The Reservoir, Rue A L'Or, St. Saviour.

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: **24/08/2023**

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/05/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site location plan, Fencing Location and photos (dated 18/05/2023 & 30/03/2023).

Application Ref: FULL/2023/0698

Property Ref: E011700000

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 submitted, prior to any works commencing on site, details of the type, style and finish of the fencing shall be submitted to and agreed in writing by the Authority. The fence shall then be installed in accordance with the agreed details.

Reason - To ensure the impacts on the surrounding visual amenity are kept to a minimum.

Expiry Date: This permission will cease to have effect on 23/08/2026 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/2023/0698
Property Ref: E011700000
Valid date: 18/05/2023
Location: The Reservoir Rue A L'Or St. Saviour Guernsey GY7 9XS
Proposal: Erect fence to south of dam wall.
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 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 submitted, prior to any works commencing on site, details of the type, style and finish of the fencing shall be submitted to and agreed in writing by the Authority. The fence shall then be installed in accordance with the agreed details.

Reason - To ensure the impacts on the surrounding visual amenity are kept to a minimum.

OFFICER'S REPORT

Brief Description of the site:

The Reservoir is located in St Saviour and the dam runs from the car park south of Rue des Choffins south-westward to the car park east of Rue des Annevilles. The water lies to the southeast of the dam and at a lower level the waterworks lie to the northwest. The dam and the surrounding land are designated as an Area of Biodiversity Importance. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2022/0917 – Install picnic benches to east and west of site – Approved July 2022.

FULL/2021/0821 - Install water bottle re-fill station to south-east of car park – Approved July 2021.

FULL/2020/1979 - Create accessible access, erect signs and benches and create an outdoor learning centre – Approved November 2020.

Existing Use(s):

Reservoir and nature walk

Assessment: *(Tick as appropriate)*

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

Policies considered most relevant:

OC9: Leisure and Recreation Outside of the Centres

GP1: Landscape Character and Open Land

GP3: Areas of Biodiversity Importance

GP8: Design

Conclusion/Brief comment:

This application is to erect an 8m long fence behind the stone railing of the south side of the northeast end of the dams walkway.

The reason for installing the fence is to prevent anyone jumping over the concrete railing onto the reservoirs edge, close to an outlet pipe, an area which is also an area of Conservation and Biodiversity Importance. After 8m the land runs out and the land runs into the water where the fence is no longer required.

The fence would only be 1m higher than the height of the concrete railing and the greenery behind would screen the fence a little. The new fence would add to the existing 3m / 4m of chain link fence which runs 90 degrees to the concrete railing and is also in place to prevent people going to the water's edge. Although the existing fence is a little worse for wear, there is no intention to replace this section of fencing within the scope of this application.

It is unfortunate that fencing has to be put up, as it has the potential to be unsightly. However, at the same time it is accepted that it is necessary to prevent trespassing, especially in a potentially dangerous area within proximity of the outflow pipe.

In this case the practical importance of protecting the public's safety will outweigh the impacts on visual amenity. However, there are concerns about the style and quality of the proposed chain link fence in such a publicly visible area along the reservoirs Millennium Walk and considering the landscape character of the area. To ensure that the visual impact is kept to a minimum it is recommended that a higher quality fence is installed, for example the black Trimesh style fencing which has been used at other Guernsey Water sites. Details of an alternative higher quality style and/or finish of fencing can be requested by condition and the applicant has agreed to such a condition.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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: 23/08/2023