

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: Change of use of area adjacent to slipway for storage of kayaks, change of use of section of parking area for the storage of a kayak trailer and vehicle parking and change of use of a section of adjacent land for use in association with commercial outdoor recreational activities between 1st April - 1st October for the years 2023 - 2025.

LOCATION: Petit Bot, Rue De Petit Bot, Forest.

APPLICANT: Agriculture, Countryside & Land Management Services

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: 25/01/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 29/06/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Petit Bot Block Plan 1:500; Partial Block Plan 1:200

Application Ref: FULL/2023/0712

Property Ref: H009140000

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.This permission is granted for three temporary periods only, from 01 April until 01 October 2023, 01 April until 01 October 2024 and 01 April until 01 October 2025. On

expiry of each period all use of the site in association with the stipulated operators shall cease and within 14 days of cessation of use the land shall be restored to its predevelopment state to the satisfaction of the Authority.

Reason - In order to limit the impact of the development and to ensure the timely reinstatement of the land.

3.No advertising material or other signage shall be erected or displayed on the site at any time without the prior written consent of the Authority.

Reason - In the interests of visual amenity.

4.When the site is in use by an operator, any equipment associated with that use shall be placed or stored neatly in the area shown in green on the approved plan, in a manner which would not impede public use of the area, and shall not be placed or stored on any other area of land at any time.

Reason - To make sure that the site does not fall into an untidy condition and spoils the appearance of the area; To ensure there is no additional impact on public parking provision or other public use of the area.

5.When the site is not in use by an operator, any kayaks or other such equipment associated with that use shall be placed or stored neatly in the area shown in red at the beach head or on the trailer associated within the commercial operator, and shall not be placed or stored on any other area of land. No storage whatsoever shall be undertaken on the grassed area outlined in green on the approved plan during those times.

Reason - To make sure that the site does not fall into an untidy condition and spoils the appearance of the area; To ensure there is no additional impact on public parking provision or other public use of the area.

6. Unimpeded access for members of the public must be maintained through the unloading area outlined in green on the approved plans to the viewpoint to the south of that area at all times.

Reason - To maintain existing access arrangements and ensure that the viewing area can continue to be enjoyed by members of the public.

Expiry Date: This permission will cease to have effect on 24/01/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, the approved storage area does not include the concrete pad at the beach head, adjacent to the slip, and no consent whatsoever is conferred for the use of that area as storage associated with commercial operations.

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/2023/0712
Property Ref: H009140000
Valid date: 29/06/2023
Location: Petit Bot Rue De Petit Bot Forest Guernsey
Proposal: Change of use of area adjacent to slipway for storage of kayaks, change of use of section of parking area for the storage of a kayak trailer and vehicle parking and change of use of a section of adjacent land for use in association with commercial outdoor recreational activities between 1st April - 1st October for the years 2023 - 2025.

Applicant: Agriculture, Countryside & Land Management Services

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. This permission is granted for three temporary periods only, from 01 April until 01 October 2023, 01 April until 01 October 2024 and 01 April until 01 October 2025. On expiry of each period all use of the site in association with the stipulated operators shall cease and within 14 days of cessation of use the land shall be restored to its predevelopment state to the satisfaction of the Authority.

Reason - In order to limit the impact of the development and to ensure the timely reinstatement of the land.

3. No advertising material or other signage shall be erected or displayed on the site at any time without the prior written consent of the Authority.

Reason - In the interests of visual amenity.

4. When the site is in use by an operator, any equipment associated with that use shall be placed or stored neatly in the area shown in green on the approved plan, in a manner which would not impede public use of the area, and shall not be placed or stored on any other area of land at any time.

Reason - To make sure that the site does not fall into an untidy condition and spoils the appearance of the area; To ensure there is no additional impact on public parking provision or other public use of the area.

5. When the site is not in use by an operator, any kayaks or other such equipment associated with that use shall be placed or stored neatly in the area shown in red at the beach head or on the trailer associated within the commercial operator, and shall not be placed or stored on any other area of land. No storage whatsoever shall be undertaken on the grassed area outlined in green on the approved plan during those times.

Reason - To make sure that the site does not fall into an untidy condition and spoils the appearance of the area; To ensure there is no additional impact on public parking provision or other public use of the area.

6. Unimpeded access for members of the public must be maintained through the unloading area outlined in green on the approved plans to the viewpoint to the south of that area at all times.

Reason - To maintain existing access arrangements and ensure that the viewing area can continue to be enjoyed by members of the public.

INFORMATIVES

For the avoidance of doubt, the approved storage area does not include the concrete pad at the beach head, adjacent to the slip, and no consent whatsoever is conferred for the use of that area as storage associated with commercial operations.

OFFICER'S REPORT

Site Description:

The application site comprises a section of the car parking area and part of a section of grassland situated to the west of Petit Bot Road, Petit Bot. Around the site, Petit Bot Café/tea room is to the east, a Martello Tower to the south, and Petit Bot beach further south. The Cliff path passes close to the site and Petit Bot Valley extends inland. The application also relates to an area at the top of the beach.

The application site is situated in a Site of Special Significance, located Outside of the Centres in the Island Development Plan.

Relevant History:

28/04/16 FULL/2015/1912 Permit for change of use of a car parking space for the temporary storage of a kayak trailer, and change of use of a section of grassland for the general operation of the business (retrospective).

08/08/17 FULL/2017/0839 Permit for change of use of a car parking space for the temporary storage of a kayak trailer, and change of use of a section of grassland for the general operation of the business, subject to the following conditions:

- This permission for the change of use of a car parking space for the temporary storage of a kayak trailer and the change of use of a section of grassland for the general operation of the applicant's business as specified in the submitted application is given for a temporary period only from 01 April 2017 to 01 October 2017 on the expiry of which period the kayak trailer shall be removed from the site within 7 days following 01 October 2017 and the land shall be restored within 14 days following 01 October 2017 to its pre-development state to the satisfaction of the Authority.
- No advertisement material or other signage shall be displayed on the site at any time without the prior written consent of the Authority.
- The benefit of this permission is limited to the applicant only and the use hereby approved shall not be operated other than in complete accordance with the submitted details. Any equipment (other than the kayaks) associated with the temporary use hereby approved shall be stored neatly in the area shown in green on the approved plan and shall not be stored on any other area of land at any time.
- The kayaks used in association with the business shall be stored only on the trailer when not in use and outside of business hours.
- Unimpeded access for members of the public must be maintained through the area shown in green on the approved plan.

09/08/17 FULL/2017/1102 Permit for change of use of section of grassland for the operation of a kayak and coasteering business, subject to the following conditions:

- This permission for the change of use of a section of grassland for the general operation of the applicant's business (a kayak and coasteering business) as specified in the submitted application is given for a temporary period only from 01 April 2017 to 01 October 2017 on the expiry of which period the business shall be discontinued and the land shall be restored within 14 days following 01 October 2017 to its pre-development state to the satisfaction of the Authority.
- No advertising material or other signage shall be erected or displayed on the site at any time without the prior written consent of the Authority.
- The benefit of this permission is limited to the applicant only and the use hereby approved shall not be operated other than in complete accordance with the submitted details as received on 26/04/17. Any equipment associated with the temporary use hereby approved when not in use shall be stored in or on the vehicle associated with the business and shall not be placed or stored on any other area of land.

- Unimpeded access for members of the public must be maintained through the area shown in green on the approved plan.

03/12/2019 FULL/2019/0246 Permit for change of use of a car parking space for the temporary storage of a kayak trailer, with the adjacent parking space used for temporary van parking during operational hours, and change of use of a section of grassland for use in association with commercial outdoor recreational activities between 1st April to 1st October for the years 2020 – 2021, subject to the following conditions:

- This permission is granted for two temporary periods only from 01 April to 01 October 2020 and 01 April to 01 October 2021. On the expiry of each all use of the site in association with the stipulated operators shall cease and within 14 days of cessation of use the land shall be restored to its pre-development state to the satisfaction of the Authority.
- No advertising material or other signage shall be erected or displayed on the site at any time without the prior written consent of the Authority.
- Any equipment associated with the temporary use hereby approved, including the kayaks when not in use, shall be placed or stored neatly in the area shown in green on the approved plan or on the vehicle associated with the commercial operator and shall not be placed or stored on any other area of land at any time.
- The storage of vehicles, trailers and equipment shall be limited to daylight hours only and there shall be no overnight storage at the site.
- Unimpeded access for members of the public must be maintained through the unloading area shown in green on the approved plans to the viewpoint to the south of that area.

Existing Use(s):

Car parking area;
Area of grassland;
Beach head.

Brief Description of Development:

Planning permission is sought to change the use of two car parking spaces to the west of Route de Petit Bot to allow for storage of a trailer, during the day and overnight, and parking of a vehicle associated with commercial outdoor recreational activities between 1st April - 1st October for the years 2023 - 2025. In addition, it is proposed to use c33m2 of grassland adjacent to those spaces for the unloading of the trailer, and to utilise an area at the top of the beach for the further storage of kayaks.

A letter has been submitted in support of the application, raising the following points:

- The activities typically include kayaking, paddle boarding and coasteering;
- The operators will have annual agreements with the States of Guernsey to operate from States owned or managed land;
- The agreements will be subject to conditions which the operators will be expected to comply with and will include relevant legislation relating to health and safety, environmental protection and animal welfare;
- Operators will require a trailer which can hold and store kayaks (c2.5 x 1.8 x 4.2m (Hx W x L)) on site for the duration of the season, usually 1st April – 1st October, space to offload the trailer, a small area for parking a vehicle and an area for temporarily holding wet suits and equipment;
- No trailers or vehicles will be left parked overnight between 1st October and 31 March;
- Typically up to 3no two hour sessions may be provided by an operator with, depending on the activity, up to 30 people taking part in each session. Peak times are generally July and August;
- All kit will be held on portable rails or stowed in vehicles. It will not be hung on trees or railings;
- The space would be operated on a first come first served basis.

Following deferral, it has been confirmed that there would be no demarcation of any areas. Confirmation has also been provided that the spaces will not be used outside of the stipulated months.

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

OC9 Leisure and Recreation Outside of the Centres
 GP1 Landscape Character and Open Land
 GP2 Sites of Special Significance
 GP8 Design
 IP9 Highway Safety, Accessibility and Capacity

Representations:

7 letters of representation have been received from 9 members of the public, raising the following points:

- These operations have been ongoing since 2021, without the benefit of planning permission and retrospective permission should be sought;
- Reference is made to private ownership of land under Cadastre reference 736;
- The Code of Conduct does not appear to be monitored, or problems reported addressed;
- Bringing groups to Petit Bot causes problems of overcrowding in an already constricted area;
- There is significant intensification of use of the public toilets, resulting in damage to the facilities and pressure on the cesspit;

- The number of attendees arriving at the same time results in traffic and general congestion in the area;
- Parking is already limited in this area and loss of two spaces would disadvantage other beach users, perhaps the parking spaces could be used overnight only;
- A drop off point could be established nearby, with a shuttle for the group to the beach, relieving pressure at the beachside;
- The concrete pad is used by many infirm people, and those with mobility problems, who cannot cross the stones, together with a variety beach users;
- The storage on the beach also extends to stand up paddle boards, and there does not seem to be a limitation on number, and this severely impedes access to the beach for other users, especially at high tide;
- The use of the grassed areas for purposes in association with the activities would restrict access to the viewing area of the bay and the bench seats, and it is not clear what those purposes might be;
- The proposal would impede the recently formed disabled access to this area;
- A substantial part of the grassed area is used by the business, and the area is frequently abused, with litter left behind and belongings strewn everywhere, leading to loss of amenity for other users;
- The antisocial behaviour is detrimental to the adjacent café/restaurant business;
- The Site Notice was positioned to the left of the slipway, on the grassed area, whereas the area referred to is further down on the right hand side of the slipway;
- There is no reason for a private business to have exclusive use of these areas.

Constables of the Forest make the following comments:

1. The proposed storage area removes scarce car parking from what is already a congested parking area;
2. The proposed storage area is immediately adjacent to the new disabled access ramp to the benched area, which is an important public amenity, and the proposed use will restrict access for wheelchair users and remove disabled access parking;
3. The area of slipway proposed for the storage of kayaks is a frequently used slab of stone on an otherwise stony beach, especially by the elderly and those with young children and push chairs.

If the application is recommended for approval, it is requested that it is heard at an Open Planning Meeting.

Consultations:

Marketing & Tourism commented in respect of the previous application for the proposed change of use as follows:

The availability of a range of immersive activities is an increasingly important factor for potential visitors when selecting a holiday destination. The recently published PWC Tourism Product and Customer Experience Strategic Review acknowledged the collective importance of small offerings in the absence of major “destination” attractions. The maritime activities that will be supported by the proposed developments allow visitors to experience one of the island’s main attractions; its coast. The developments will allow that experience to be managed more efficiently and effectively, thereby enhancing the overall value of the experience.

The provision of temporary facilities will also help to minimise the disruption to other beach users resulting from the shore-based logistics of the activities.

Even with these provisions in place, Marketing and Tourism considers that the potential remains for conflict arising with other beach users, particularly during the marshalling of equipment during preparatory and closing phases of the activity. The spaces under consideration are restricted, and the equipment will need to be removed from racking and prepared for sea on each occasion an activity occurs, during which the spatial requirements are significantly increased.

Marketing & Tourism considers that the approval of these applications should be to some extent conditional on activity providers proceeding with due consideration for other users of the relevant public spaces when transferring their equipment to and from storage, and with due concern for the safety and amenity of other beach users at all times.

Traffic & Highway Services commented in respect of the previous application for the proposed change of use as follows:

I have noted that the application is very similar in nature to one submitted in 2018 (Ref: FULL/2018/0957). In light of this our comments are as follows.

As identified in the application there is a small amount of public parking near this bay (approximately 20 spaces) which THS understands to be well utilised during the peak summer months. There is restricted road width where some of the parking does take place so it may be difficult for recreational activity operators to find suitable places to leave a vehicle and trailer.

In the above context and with no apparent alternative on ACLMS land, THS understand why an application has been submitted to designate part of an area used for public parking for storage/designated parking. Having said that, it is unusual to designate a portion of highway in this way but it is not unheard of. For example, areas of public highway near the harbours and marinas are designated for Marine Trader use only. In that regard it is clearly advantageous for those traders to be able to park near the boats they are working on in the same way as the operators of this type of business would find it desirable for example, for the kayaks and wetsuits to be near the beaches and changing/storage areas. With this in mind THS does not oppose the application although it would not wish to see the ‘reserved’ area expanded in the future given the

competing demands of other beach goers, people going walking and those visiting the café.

THS does consider that ideally the storage of equipment (if it must be in coastal car parks) would be elsewhere given the constraints on parking. However, in practical terms THS would need to seasonally suspend the couple of parking spaces anyway so it is not as if they will become publically available even if a van or trailer is not parked up. It is considered impractical to liaise with operators on a daily basis to open or close the 2 spaces to enable or restrict public use.

In conclusion, the allocation of public highway for a specific business use is slightly unusual but the Service Area responsible for management of coastal land has been prepared to make a Planning application to help facilitate this type of recreational activity. Bearing that in mind THS would not seek to be a barrier to that taking place and it can appreciate the practical difficulties of running such an operation without having designated land to use near the beach. It should be noted that due to the restricted width of highway to the west of the café, THS could only designate a bay for the parking of vans up to 5m long.

Summary of Issues:

Whether the proposed use of the site is acceptable in principle and whether the proposal would impact negatively on the surrounding area;
The impacts of the proposal on highway safety.

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).**

Whether the proposed use of the site is acceptable in principle and whether it would impact negatively on the surrounding area

Temporary planning permission was granted on 28/04/16 (Ref: FULL/2015/1912), 09/08/17 (Ref: FULL/2017/0839 & FULL/2017/1102) and 03/12/2019 (Ref: FULL/2019/0246) to change the use of a car parking space for the temporary storage of a kayak trailer and to change the use of a section of grassland for the general operation of a commercial outdoor recreation business, with an additional space being utilised for the parking of a commercial vehicle under FULL/2019/0246.

Those permissions have now expired, and planning permission is sought to continue to use the site for that purpose for a further three years, extending until 2025, a proposal which is now partly retrospective.

The application site is situated Outside of the Centres as designated in the Island Development Plan. Policy OC9 (Leisure and Recreation Outside of the Centres) supports development to provide new facilities for outdoor formal recreation or informal leisure and recreation providing that:

- i. any ancillary built development is proportionate to the nature and scale of the formal outdoor recreation or informal leisure and recreation use; and,
- ii. the visual impacts of ancillary built development can be mitigated to respect the character of the locality; and,
- iii. the site does not fall within an Agriculture Priority Area, or where it does fall within an Agriculture Priority Area the land cannot positively contribute to commercial agricultural use or cannot practically be used as such without adverse environmental impacts.

The pre-facing text to that policy states that the importance of the coast as an environmental, economic and recreational resource is identified in the Strategic Land Use Plan alongside the need to balance competing demands for use to ensure its attractive character is protected. In this respect it is acknowledged that, on an island, the coast provides important leisure and recreation areas and that leisure and recreation uses associated with them can require buildings and other facilities in order to operate successfully. However, development on the coast must be sensitively carried out so as not to detract from the high visual quality, openness of the area and environmental quality. Therefore, the Island Development Plan supports proposals for development in coastal areas where this supports the enjoyment of an existing recreation or leisure facility, where this would not have an unacceptable impact on the wider coastal environment.

This approach is supported by Marketing and Tourism, who have previously observed that the availability of a range of immersive activities is an increasingly important factor for potential visitors when selecting a holiday destination noting the collective importance of small offerings in the absence of major “destination” attractions. That Service continued to note that the maritime activities that will be supported by this application would allow visitors to experience one of the Island’s main attractions and would allow that experience to be managed more efficiently and effectively, thereby enhancing the overall value of the experience.

The proposal must also accord with all other relevant policies of the Plan. In this case Policies GP1 (Landscape Character and Open Land), GP2 (Sites of Special Significance), GP8 (Design) and IP9 (Highway Safety, Accessibility and Capacity) would also be relevant.

Policy GP1 seeks to prevent unnecessary loss of open and undeveloped land which would have an unacceptable impact on the open landscape character of the area. Policy GP2 permits development proposals only where it is demonstrated that the proposal would not have an adverse impact on the special interest of a Site of Special Significance. Policy GP8 seeks, inter alia, to ensure that development respects the character of the area.

The application involves the change of use of two spaces within the existing public parking area and a 35 sqm section of the adjacent grassland for the general operation of commercial outdoor recreation operations, eg kayaking, paddleboarding or coasteering. The spaces would be used to store a trailer, during the day and overnight, and other associated vehicles connected with the outdoor recreation activities, during daytime hours, and the adjacent area would be used for unloading, storage of ancillary equipment and as a gathering point for clients. The trailer would be approximately 2.5m (high) x 1.8m (wide) x 4.3m (long). There would be no physical works to the site and no demarcation of the proposed spaces/area.

Given the height and overall dimensions of the kayak trailer, and the size of the proposed ancillary area, it is considered that the development is proportionate to the nature and scale of the formal outdoor recreation/informal leisure and recreation use proposed and, given the proposed location against the rising land to the west of the site and the nature of the storage, any detrimental impact that it could have on the openness or landscape quality of the surrounding area would be minimal and not so substantial to warrant the refusal of planning permission. To limit any potential impact on the surrounding area it is however recommended that, should permission be granted, conditions are included to ensure that the kayaks are stored on the trailer when not in use, and outside of the season (between 2nd October to 31 March) all vehicles, trailers and other storage is removed from the site in its entirety.

Concerns have been raised in the letters of representation that, notwithstanding the conditions previously applied to the uses, the business operations are not conducted in a manner sensitive to the character of the area, the public nature of the area or other businesses operating in the area, for example large numbers of wetsuits are stated to be left on the railings opposite the tea garden and draped over public seating, detracting from the general appearance of the public land and reducing/preventing public enjoyment of the viewpoint. The spread of equipment and the appropriation of public amenities, including the Martello Tower and public toilets, is also stated to impact on the area, both physically and in terms of character and amenity.

The issues and concerns raised in the representations and consultations are significant. It is however considered that the operations could be conducted in a manner which would contain the impact to an acceptable level. Any planning condition must however be relevant to planning, reasonable and enforceable and the extent of planning control over the manner in which the operators conduct themselves is therefore limited. As in the case of the previous applications, it is recommended that, should planning permission be granted, conditions are attached to the permission to ensure that the equipment associated with the business is tidily stored in the area shown in green on the submitted plan, not on the public benches, and that access to other car parking spaces and the raised area of grassland for the general public is not impeded in any way by the operation of the business. The active management of the operations would however fall to the land owner, and it is understood that a licencing system is being explored by Agriculture, Countryside and

Land Management Services (ACLMS) to more effectively manage operations in the area.

The area of land to be used for changing and briefing relates to a small section of grassland. The use of this section of land as proposed would not significantly harm the characteristics or interest of the surrounding Site of Special Significance and an EIA is not required in this instance.

The impacts of the proposal on highway safety and public car parking

The proposal would result in the loss of two car parking spaces at the site, to accommodate trailers/business vehicles associated with the proposed uses. The space would not be exclusively reserved for the outdoor recreation uses, and would not be demarked, and could therefore be used by members of the public when not in commercial use.

Parking in this area is limited to c20 spaces, however a number of those spaces would be inappropriate for trailer parking and allocation of a specific space is therefore supported. The proposal would retain the majority of parking spaces for public use and would not, overall, have a significant impact on public parking provision, allowing a balance to be struck between supporting a business initiative beneficial to the Islands economy and enabling public use of the area.

The use of the proposed area of land to store equipment, undertake briefings, etc, would not encroach on to the formal parking area. Approval of the proposed storage area would ensure that the use of the site is controlled and is contained within a limited area, allowing the public to use the remainder of the car park without disruption and ensuring that access to any facilities will not be hindered by the operation of the business.

On balance, given the limited scale and nature of the proposed development, it is considered that the proposal would not cause significant harm to highway safety or public parking provision in this area.

Storage of kayaks at the beach head

A number of representations have been raised in respect of this element of the proposals, raising concerns that the proposed storage would be located on an existing concrete pad at the beach head which is used by numerous people who attend the beach for different purposes. The application does not however include the concrete pad within the proposed storage area, nor would the storage impede the use of that pad. Approval of this application would in no way infer any preferential rights for use of the pad to commercial operators.

Whilst the introduction of storage at the beach head does have a visual impact, the proposed storage is restricted to a limited and specified area, grouped with the

adjacent built form and comprises a temporary use not uncommon in other coastal locations around the Island.

On balance given the temporary and limited nature of this storage, the impacts arising from the proposed storage would not be sufficient to warrant refusal of the application.

Other issues raised in representation

The application relates only to the storage of the trailer/vehicles and equipment associated with the proposed uses. Planning control does not extend to management of the activities in themselves, e.g. coasteering, kayaking, etc., in terms of health and safety issues or environmental impacts of those activities.

Reference is made to private ownership of land under Cadastre reference 736, however that number is not a cadastre reference number and the implications of the comments made are not clear. No evidence is provided to demonstrate that the proposals are not on publicly owned land. The applicant has stated that they have the consent of the land owners to make the application and no evidence has been presented to the contrary.

It has been noted in the letters of representation that access to the grassland has recently been improved to enable people of varying levels of mobility to access the area. This includes the widening/levelling of the access point to the north of the area, and the demarcation of an area between that access point and the first parking space to provide a clear access way. The current proposal is to allow for storage of the kayak trailer on the first parking space and this would not in itself inhibit access to the grassed area. Any activities in this area would be expected to respect the clearance way as demarked.

In this instance, given the nature of the application and the limited extent of the impacts arising from the proposal, the application would not meet the criteria for referral to an Open Planning Meeting.

It is noted that the operations which form the subject of the current application are stated to have been ongoing for a number of years despite the absence of planning permission. Whilst an application was made for the previous years, there was insufficient information to enable the application to be determined during the season and the Authority does not instigate action where a current planning application is pending. The grant of permission under this application would extend until October 2025. If the proposed use is to continue beyond that point it is strongly encouraged that an application is made in good time to ensure the proposed use is authorised.

Conclusion

For the reasons set out within this report the proposal complies with the relevant provisions of the IDP and other material planning considerations and it is recommended that planning permission be granted, partially in retrospect, for a temporary 3 year period, until 1st October 2025, to allow the ongoing monitoring of the approved use. A further grant of planning permission will therefore be required for use of the site in subsequent years.

Date: 22/01/2024