

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: Remove existing waste oil tank, install 2 waste oil tanks to east boundary and install window to east elevation of building.

LOCATION: Northside Oil Depot, North Side, Vale.

APPLICANT: Guernsey Waste Oil Recycling

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: 26/10/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 20/06/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: A7 Design - 20-1161 WD/01, specification of stainless steel tank (date stamped received 20th June 2023).

Application Ref: FULL/2023/1119

Property Ref: C006180000

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.

Expiry Date: This permission will cease to have effect on 25/10/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

You may wish to contact The Office of Environmental Health and Pollution Regulation with regards to varying the Waste Management Licence of the site in light of the proposed development.

Notwithstanding the assurances provided by the agent on 20th October 2023, the applicant is advised that, under separate legislation, 'the proposal will need to comply with the requirements set out in Storage of flammable liquids in tanks HSG176 (hse.gov.uk) and Storage of flammable liquids in containers HSG51 (hse.gov.uk) where applicable, and that there has been meaningful consultation with the Business that shares the same site, so the impact the tank installation will have on the risks to their operation and the risks their operation may pose to the proposed tanks can be considered', in order to take into account the comments by the Chief Fire Officer's comments.

Please note should you intend to store an alternative product to oil within the approved storage tanks then please contact the Authority in the first instance as further permission may be required.

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/2023/1119
Property Ref: C006180000
Valid date: 20/06/2023
Location: Northside Oil Depot North Side Vale Guernsey GY3 5TX
Proposal: Remove existing waste oil tank, install 2 waste oil tanks to east boundary and install window to east elevation of building.

Applicant: Guernsey Waste Oil Recycling

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.

INFORMATIVES

You may wish to contact The Office of Environmental Health and Pollution Regulation with regards to varying the Waste Management Licence of the site in light of the proposed development.

Notwithstanding the assurances provided by the agent on 20th October 2023, the applicant is advised that, under separate legislation, 'the proposal will need to comply with the requirements set out in Storage of flammable liquids in tanks HSG176 (hse.gov.uk) and Storage of flammable liquids in containers HSG51 (hse.gov.uk) where applicable, and that there has been meaningful consultation with the Business that shares the same site, so the impact the tank installation will have on the risks to their operation and the risks their operation may pose to the proposed tanks can be considered', in order to take into account the comments by the Chief Fire Officer's comments.

Please note should you intend to store an alternative product to oil within the approved storage tanks then please contact the Authority in the first instance as further permission may be required.

OFFICER'S REPORT

Brief Description of the site:

The application site fronts onto North Side. A stone wall runs along the back of the footway with access gates towards the south-western corner of the site. A large (7m high) wall separates the site and a fuel storage depot to the east. Industrial buildings lie to the west and north. There is an industrial storage yard on the opposite side of North Side, with the quay and harbour beyond.

A large storage tank is situated within the site close to the east boundary and portacabins are located adjacent to the west boundary. In addition part of the site is used for the storage of fuel (petrol and Kerosene) with a gantry used for filling fuel tankers which distribute fuel around the Island. Part of the site is occupied by Guernsey Waste Oil Recycling and the remaining land is occupied by ATF Fuels.

The application site is situated in a Conservation Area, Harbour Action Area, Main Centre Outer Area, a Key Industrial Area and Public Safety Area as designated in the Island Development Plan (IDP).

Planning permission is sought to remove an existing waste oil tank and install two waste oil tanks to the east boundary and install a window to the east elevation of the

porta cabin. The tanks would have a combined capacity of 60,000 litres and would be 2900mm in diameter and 5300mm in height (including the stand/plinth).

It is also noted that there would be no increase in staff members, and no more than 3 workers would be present on site at any one time.

Relevant History:

FULL/2021/1313	Install additional portacabin and retain existing portacabins permanently (part retrospective)	Granted
FULL/2019/1075	Additional use of site to include storage of petroleum.	Granted
FULL/2012/0430	Remove oil tank and block wall, install four new tanks, re-grade and re-surface site, install two portacabin offices, re-clad existing building and expand use of site to include the storage and recycling of cooking oil to produce bio-diesel.	Granted

Existing Use(s):

Waste and Oil Recycling depot – Industrial

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

☒
☒
☒
☒

visual amenity acceptable
no material neighbour impact
traffic not affected

☒
☒
☒

Policies considered most relevant:

MC5(A) – Industry, Storage and Distribution Uses in Main Centres Plan and Main Centre Outer Areas - within Key Industrial Areas and Key Industrial Expansion Areas
MC10 – Harbour Action Areas
GP4 – Conservation Areas
GP8 Design
GP17 – Public Safety and Hazardous Development

Consultations:

The Office of Environmental Health and Pollution Regulation - 21st July 2023:

"I have received the proposed plans for the replacement oil tanks which were received by e-mail on 30th June 2023 and I do not wish to raise any objections to the proposals.

I would just note that the site currently holds a Waste Management License (WML22) that does contain conditions stipulating a maximum storage and yearly throughput capacity for waste oil. Therefore, the applicant should ensure that, if the proposed tanks will result in a higher storage or throughput capacity, they make a variation application to OEHPR to ensure that they continue to comply with their WML."

Health and Safety Inspector – 5th October 2023:

"I have spoken with (the agent) this morning regarding the above planning application and realised that an incorrect e-mail address meant that I have not seen the documents I was asking for from Waste Oil Services. I have now seen these and had a chance to review them.

Applying the current planning methodology, considering the information provided to the HSE, the HSE does not advise against the application.

The HSE would still advise that the fire service is consulted for their views."

"Further to my last. I should also add, if I have not already, that the facility will need to demonstrate compliance with the requirements set out in Storage of flammable liquids in tanks HSG176 (hse.gov.uk) and Storage of flammable liquids in containers HSG51 (hse.gov.uk) where applicable. It is incumbent on the dutyholder to demonstrate this and failure to meet these requirements may result in remedial action being required at a later date, which may have cost implications. In particular separation distances from petroleum (products) storage will need to be maintained to the current standards."

Fire and Rescue Services – 10th October 2023:

"In response to your letter dated 6th October 2023, I would like to thank you for inviting the Guernsey Fire & Rescue Service to consider the planning application submitted by Guernsey Waste Oil Recycling, to remove an existing waste oil tank, install 2 waste oil tanks to east boundary and install window to east elevation of building.

Unfortunately, the application does not contain sufficient supporting information for the Guernsey Fire & Rescue Service to be able to support it currently. To make such a determination, we will need to see a demonstration of compliance with the requirements set out in Storage of flammable liquids in tanks HSG176 (hse.gov.uk) and Storage of flammable liquids in containers HSG51 (hse.gov.uk) where applicable.

We will also need to be satisfied that there has been meaningful consultation with the Business that shares the same site, so the impact the tank installation will have on the risks to their operation and the risks their operation may pose to the proposed tanks can be considered.

We accept that these points may not be a cause for the Planning application to be refused under the Land Planning and Development Legislation and we will seek to resolve any concerns we have through our own specific legislation if you determine that the application can be approved at this time."

Conclusion/Brief comment:

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.

The tanks will be sufficiently setback from the south boundary of the site and therefore would not adversely affect the character or appearance of the Conservation Area or visual amenity when taking into account the industrial setting of the application site and adjoining land. The 7m high granite wall to the east of the site would help to screen the development in public vantage points when viewed from the east.

No objections are raised by Environmental Health, although it is reasonable to attach an informative to the decision in light of their comments. Similarly, the applicant should be made aware of the Chief Fire Officer's comments too for the avoidance of doubt.

The Chief Fire Officer's comments are noted below, so is the agent's response:

The proposal will comply with the requirements set out in Storage of flammable liquids in tanks HSG176 (hse.gov.uk) and Storage of flammable liquids in containers HSG51 (hse.gov.uk) where applicable.

"Waste oil and transformer oil are not substances that fall within the definition of flammable or highly flammable substances. The flash point of transformer oil is around 161 Celsius and of mineral oil 148 Celsius. The definition of a flammable substance is one where the flash point is less than 55 Celsius. (HSG 51)".

There has been meaningful consultation with the Business that shares the same site, so the impact the tank installation will have on the risks to their operation and the risks their operation may pose to the proposed tanks can be considered.

"Please refer to attached e-mail correspondence from ATF Fuels".

The attached e-mail correspondence signifies that meaningful consultation with ATF Fuels has been undertaken. The Chief Fire Officer has been notified of the agent's response. Although given that these factors are outside of the remit of Planning in terms of separate legislation, it is therefore not considered reasonable to prevent

the determination of this application as these matters can be resolved following the grant of planning permission, as indicated in the Chief Fire Officer's response.

The site is situated within a Harbour Action Area however, when seen in context with much larger more permanent structures surrounding the site, the location of the tanks as proposed would not prejudice the outcome of a Local Planning Brief (LPB) process or inhibit the implementation of an approved LPB for the surrounding HAA. The proposal therefore complies with Policy MC10 of the IDP.

The installation of an additional window would have no material effect on the existing structure and would not be visible from the highway.

Based on the above, the application is considered compliant with the relevant Island Development Plan policies, accords with the purpose of the Law, and the material planning considerations; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 24/10/23

