

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 flue, erect extension to incinerator building, install flue and associated works.

LOCATION: Slaughterhouse & Incinerator, Longue Hougue, St. Sampson.

APPLICANT: Policy & Resources Committee

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: 07/12/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 07/07/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: States Property Unit - 7159/30, 31 & 32

Application Ref: FULL/2023/1165

Property Ref: B003540003

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. Prior to the commencement of any development on site a report to demonstrate that the stack height of the flue will provide suitable dispersion and/or details of any further abatement measures to be installed to ensure emission limits do not exceed ambient air quality standards, shall be submitted to and approved in writing by the Authority. The development shall be carried out only in accordance with the approved details.

Reason - To make sure that the scheme takes the form agreed by the Authority and thus results in a satisfactory form of development and in the interests of amenity.

5. Prior to its construction the colour/finish of the flue hereby permitted shall be submitted to and agreed in writing by the Authority. The flue shall be constructed only in accordance with the agreed details.

Reason - To secure the satisfactory appearance of the completed development.

Expiry Date: This permission will cease to have effect on 06/12/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of any doubt planning permission is hereby granted for the extension to the building, for the associated works and for a flue of the height shown on the approved drawings. Should the report/additional information required to satisfy condition 4 of this permission alter any aspect of this permission, or require any further development, then the Authority must be contacted in the first instance to confirm the requirements for any further planning permission.

The operation of the site as proposed would require an alteration to the Waste Management Licence (WML) prescribed for the site under the Environmental Pollution (Guernsey) Law, 2004. Please contact the States Office of Environmental Health and Pollution Regulation in order for the licence to be amended.

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/2023/1165
Property Ref: B003540003
Valid date: 07/07/2023
Location: Slaughterhouse & Incinerator Longue Hougue St. Sampson
Guernsey GY2 4LE
Proposal: Remove existing flue, erect extension to incinerator building,
install flue and associated works.
Applicant: Policy & Resources Committee

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. Prior to the commencement of any development on site a report to demonstrate that the stack height of the flue will provide suitable dispersion and/or details of any further abatement measures to be installed to ensure emission limits do not exceed

ambient air quality standards, shall be submitted to and approved in writing by the Authority. The development shall be carried out only in accordance with the approved details.

Reason - To make sure that the scheme takes the form agreed by the Authority and thus results in a satisfactory form of development and in the interests of amenity.

5. Prior to its construction the colour/finish of the flue hereby permitted shall be submitted to and agreed in writing by the Authority. The flue shall be constructed only in accordance with the agreed details.

Reason - To secure the satisfactory appearance of the completed development.

INFORMATIVES

For the avoidance of any doubt planning permission is hereby granted for the extension to the building, for the associated works and for a flue of the height shown on the approved drawings. Should the report/additional information required to satisfy condition 4 of this permission alter any aspect of this permission, or require any further development, then the Authority must be contacted in the first instance to confirm the requirements for any further planning permission.

The operation of the site as proposed would require an alteration to the Waste Management Licence (WML) prescribed for the site under the Environmental Pollution (Guernsey) Law, 2004. Please contact the States Office of Environmental Health and Pollution Regulation in order for the licence to be amended.

OFFICER'S REPORT

Site Description:

The application site comprises two large industrial buildings situated to the east of Longue Hougue. The buildings house an abattoir and an incinerator. Surrounding the site, the area comprises industrial buildings to the north and west with Longue Hougue recycling centre to the east. The coast is situated to the south.

The site is situated in a Main Centre Outer Area, Key Industrial Area and Harbour Action Area and is within the consultation Middle Zone with regard to the Major Public Safety Zone (blast zone for the nearby fuel storage depot) as designated in the Island Development Plan.

Relevant History:

FULL/2018/2480	Erect mono-pitch roof over existing dry store area positioned to north-east corner of incinerator building.	Granted 28/11/2018
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FULL/2018/1939	Replace existing external cladding on walls and roof of building	Granted 12/10/2018
FULL/2013/0998	Extend existing incinerator building to house new electrical substation.	Granted 02/05/2013
FULL/2012/1380	Variations to plans previously approved to construct new slaughterhouse with security fenced compound - re-position and change size and design of new slaughter house, install plant enclosure on north east elevation and alterations to site layout and surfacing	Granted 31/05/2012
FULL/2011/3253	Construct new slaughterhouse adjacent to existing incinerator, with security fenced compounds.	Granted 19/12/2011

Existing Use(s):

Abattoir and Incinerator

Brief Description of Development:

Planning permission is sought to remove an existing flue, to erect an extension to the incinerator building and to install a flue and associated works.

The carrying out of development for the disposal or processing of waste including amongst other things waste incineration or for the production of energy from waste, falls under paragraph (a) to Schedule 1 of The Land Planning and Development (Environmental Impact Assessment) Ordinance, 2007 (the EIA Ordinance) and is “EIA Development” where, as part of a planning application submission an Environmental Impact Assessment would be required.

However, where planning permission has already been given for a Schedule 1 development and it has already been carried out, or is being carried out, any change or extension to that development does not automatically require an EIA and under Schedule 2 (j) an assessment of the requirement needs to be made. In this instance, given the limited scale of the development proposed, together with the location of the site within a Key Industrial Area reserved for such types of industry and with direct links to the Inter Harbour Route, the proposal does not form EIA development.

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

Island Development Plan Policies:

- MC5(A): Industry, Storage and Distribution Uses in Main Centres and Main Centre Outer Areas – within Key Industrial Areas and Key Industrial Expansion Areas;
- MC10: Harbour Action Areas;
- GP8: Design;

- GP9: Sustainable Development;
- GP17: Public Safety and Hazardous Development;
- IP7: Private and Communal Car Parking;
- IP9: Highway Safety Accessibility and Capacity

Representations:

None

Consultations:

Office of Environmental Health and Pollution Regulation (OEHPR)

By letter dated 20/12/2023 stated the following:

"I have reviewed the proposed plans for the extension to the incinerator building which were received by email on 12th July 2023 and there are a number of issues of concern that I must raise.

I am aware of the plans to renew the incinerator at this location, and we will be ensuring the proposed solution will comply with the Environmental Pollution (Guernsey) Law, 2004 and associated legislation. As such a Waste Management Licence will be required in relation to this prescribed operation. Whilst this process will deal with many environmental pollution concerns additional information is required in relation to the stack height of the flue.

It is not clear how the stack height has been calculated. Further details are required to demonstrate that this stack height will provide suitable dispersion. It is noted that the height of the flue has increased which is perhaps as a result of dispersion modelling and the inclusion of the flue gas treatment unit. Calculations should be submitted and / or details of any further abatement to ensure emission limits do not exceed ambient air quality standards.

There is currently insufficient information available in relation to the application. Once additional information is provided, I would be happy to review this and provide further comments."

The application was deferred to seek the requested information. The applicant has been in communication with OEHPR with regard to this issue and it is anticipated that the requested information will be available and submitted early in 2024. In the interim the applicant has requested that the application be considered based on the information presented. Following this request by email dated 30/11/2023 OEHPR stated the following:

"In brief we are not foreseeing any issues and would not have any objections to the current proposal provided that the outcome of the dispersion modelling is satisfactory (emission limits compliant with air quality standards) and that any recommendations to achieve compliance provided by the consultant are followed."

Health and Safety Executive

Discussions were held with the States Health and Safety Executive (HSE) on 06th December 2023 who confirmed that they would only need to be consulted on the application if the scheme would increase the amount of people on site at any one time.

This question was raised with the applicant and by email dated 6th December 2023 they confirmed the following:

“With reference to our earlier conversation, although the site is expanding there will not be a requirement for more staff to be onsite at one time than there currently is at the moment.”

In light of this, HSE were not required to be formally consulted on the application.

Summary of Issues:

- Whether the principle of the development is acceptable;
- Impact of the proposal on the character and appearance of the surrounding area;
- Impact on neighbouring properties;
- Impact on highway safety.

Assessment against:

1 - Purposes of the law.

The objectives set out in Section 1(2) of The Land Planning and Development (Guernsey) Law, 2005, ‘the Law’, have been considered and this report forms part of the assessment, with policy issues set out in Section 2 below.

2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.

Whether the principle of the development is acceptable

Policy MC5(A) (Industry, Storage and Distribution Uses in Main Centres and Main Centre Outer Areas – within Key Industrial Areas and Key Industrial Expansion Areas) supports alterations to existing industrial developments within Key Industrial Areas.

The site is located within one of two Harbour Action Areas where under Policy MC10 a Local Planning Brief is required to be produced for each area. Although to date a Local Planning Brief (LPB) for this Harbour Action Area has not been produced, the proposal is for an extension of an existing building/use, is of a minor and inconsequential nature that would not prejudice the outcomes of an LPB; would not inhibit the implementation of an approved LPB; and accords with other relevant policies of the IDP (assessed in further detail below). The proposal therefore complies with Policy MC10 of the IDP.

The site is situated within the Middle Consultation Zone for the nearby fuel storage depot. The States' Health and Safety Executive was contacted and confirmed that they would only need to be formally consulted if the number of staff on the site at any one given time was increasing from those already experienced. The applicant has confirmed by email that although the building is being extended, there would be no need for any additional staff to be present on the site. The scheme complies with Policy GP17 in this respect.

Considering the above, the principle of the development is acceptable and complies with the relevant provisions of the IDP.

Impact of the proposal on the character and appearance of the surrounding area

Policy GP8, relating to design, states a number of criteria that new development will be expected to adhere to in order to achieve a high standard of design which respects and where appropriate enhances the character of the environment.

The proposed extension will be a continuation of the existing building at the same ridge height and width. It has been designed and will use materials to match the host building. The extension has been appropriately positioned within the site and when seen in context with much larger industrial buildings that surround the site will be in-keeping with the overall industrial character and appearance of the surrounding area.

The scheme also includes the construction of a replacement flue and a flue gas treatment enclosure both of which will be positioned immediately to the north of the extended building. Although the flue will be slightly higher than the existing flue (an increase of 3m) and will be visible in long range views from the coast, given the site's location within an industrial area and that it will be seen in context with a larger flue associated with the waste recycling plant to the east, any resulting impact on the character and appearance of the surrounding area would not be so substantial to warrant the refusal of planning permission.

Confirmation has been received that the development proposed has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

Considering the above the proposal complies with Policies GP8 and GP9 and the scheme is acceptable in the respect.

Impact on neighbouring properties

In addition to the general support for extensions of industrial buildings within KIA advocated by Policy MC5(A), Paragraph 7.2.11 of the IDP confirms that Longue Hougue Key Industrial Area is reserved for heavy and specialist industrial development which cannot be easily located on other industrial sites owing to its potential negative impacts on neighbours, such as through the noise, dust, vibration,

smells and emissions associated with the processes undertaken, and for strategic infrastructure, including development associated with the processing of waste.

As part of the application OEHPR was consulted and requested additional information in the form of a report to detail how the chimney stack height has been calculated to provide suitable dispersion and whether any further abatement is required to ensure that emission limits do not exceed ambient air quality standards. The applicant has sought to commission the report from professionals and the results are expected to be produced early in 2024. In the interim the applicant has requested that the application be assessed on the information submitted and that if permission is likely to be issued, a condition is included for such information to be provided.

OEHPR are aware of this request/approach and by email dated 30/11/2023 stated that they *“are not foreseeing any issues and would not have any objections to the current proposal provided that the outcome of the dispersion modelling is satisfactory (emission limits compliant with air quality standards) and that any recommendations to achieve compliance provided by the consultant are followed.”*

Based on the comments from OEHPR and given that the proposal is acceptable in all other respects (as assessed in detail above) it is acceptable to grant permission subject to conditions. However, to ensure that the reasonable amenities of neighbouring properties and the surrounding area are protected particularly through impact from smells and emissions, any such condition should be worded to ensure that the applicant is aware that permission has been granted only for the height of the flue and for the equipment shown on the drawings. The condition should also request that the required information (initially requested by OEHPR) is provided prior to any works commencing on site and in the event that the information concludes that additional equipment is required or the height of the flue needs to be increased, the Authority is contacted in the first instance to confirm the requirements for any further planning permissions.

The conditions would ensure that the proposal operates in accordance with OEHPR requirements and harm to neighbours is avoided.

The proposal would not harm the residential amenities of neighbouring properties with regard to light loss, loss of privacy or overshadowing.

Considering the above and subject to the suggested conditions the scheme complies with Policy GP8 of the IDP.

Impact on highway safety

Policy IP9 of the IDP requires the Authority to take into account when considering proposals for new development the existing public roads network's ability to cope with any increased demand as a result of the development and the access requirements of people of all levels of mobility and health.

The applicant has confirmed by email that the proposal will not generate any additional staff or workers on the site. The proposal will house a new incinerator which will process clinical waste as well as animal waste. However, the site has direct access to the Inter Harbour Route of Longue Hougue which is a purpose-built road for heavy vehicles providing access to Longue Hougue recycling centre and other large industrial units in this location. Considering the above the site and immediate road network surrounding the site is capable of accommodating any additional traffic resulting from the proposal. No alterations are proposed to the existing access and the scheme would therefore not harm highway safety.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would not impact on any Protected Buildings, trees, monuments or on any SSS's.

For the reasons set out within this report the proposal complies with the relevant provisions of the Island Development Plan and satisfies the other relevant material planning considerations; it is therefore recommended that planning permission be granted with conditions.

Date: 07/12/2023

