

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: Demolish 3 gas storage tanks, levelling of hard standing areas, erect steps to north elevation of building and erect fencing/gate.

LOCATION: Gas Bottling Plant, Bulwer Avenue, St. Sampson.

APPLICANT: IEG C/O Geomarine Ltd

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: 05/10/2023

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

Drawing Nos: JG Architecture - 2328-1 02.01A, 02.02A, 02.03A, 02.04A & First fence Pali-Ki-0002 drawing

Application Ref: FULL/2023/1177

Property Ref: B00354B000

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.If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to Planning Services a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Department for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

Expiry Date: This permission will cease to have effect on 04/10/2026 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/2023/1177
Property Ref: B00354B000
Valid date: 29/06/2023
Location: Gas Bottling Plant Bulwer Avenue St. Sampson Guernsey GY2 4LG
Proposal: Demolish 3 gas storage tanks, levelling of hard standing areas, erect steps to north elevation of building and erect fencing/gate.
Applicant: IEG C/O Geomarine Ltd

RECOMMENDATION - Grant: Planning Permission with Conditions:

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Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

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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. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to Planning Services a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Department for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

INFORMATIVES

OFFICER'S REPORT

Site Description:

The application site comprises an industrial site used as a gas bottling plant situated to the east of Bulwer Avenue. The site accommodates three large gas storage tanks, an industrial building and associated infrastructure. The site has an existing vehicular access point onto Bulwer Avenue to the west.

Surrounding the site, the area comprises industrial buildings to the south, east and west and Mont Crevelt monument situated to the north.

The whole of the site is situated in a Main Centre Outer Area, Harbour Action Area and Key Industrial Area, and part of the site (the northern aspect) is situated in a Conservation Area, and Area of Biodiversity Importance. The site is also situated within the Inner Consultation Zone in relation to the nearby fuel storage depot.

Relevant History:

FULL/2023/0859	Demolish retaining wall, fencing, alter ground levels and widen vehicle access.	Approved 13/07/2023
FULL/2021/0819	Demolish gas bottle storage platform, reduce size of filling hall, erect a wall and provide deluge system with associated alterations to hardstanding.	Granted 08/06/2021
FULL/2010/0447	Alter roadside access gates and erect boundary wall, remove emergency gate and re-locate.	Granted 08/04/2010
PAPP/2007/4164	Create flood wall and pit.	Granted 29/04/2009

Existing Use(s):

Industrial

Brief Description of Development:

Planning permission is sought to demolish 3 gas storage tanks, to level an area of hardstanding, to erect steps to the north elevation of an existing building and to erect fencing and a gate.

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

- 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;
- GP3: Areas of Biodiversity Importance;
- GP4: Conservation Area;
- GP6: Protected Monuments;
- GP8: Design;
- GP17: Public Safety and Hazardous Development;
- IP9: Highway Safety, Accessibility and Capacity.

Representations:

None received

Consultations:

Health and Safety Executive

By email dated 16th August 2023 stated the following:

“Looking at the application, in conjunction with the HSE’s planning methodology I would make the following comments.

- *This development falls into the Inner Zone.*
- *The development itself appears to be a level 1 sensitivity as a parking/laydown area (akin to a builders yard) facility and will not substantially change the personnel within the existing development*
 - *see note DT1.2 x1 Where parking areas are associated with other facilities and developments the sensitivity level and the decision will be based on the facility or development.*
- *Therefore **Sensitivity level 1 x Inner Zone** in the matrix below results in HSE advice Don’t Advise Against development (DAA).*

Level of Sensitivity	Development in Inner Zone	Development in Middle Zone	Development in Outer Zone
1	DAA	DAA	DAA
2	AA	DAA	DAA
3	AA	AA	DAA
4	AA	AA	AA

DAA = Don't Advise Against development

AA = Advise Against development

NB: It is noted that the use of HERAS fencing is proposed as 'security fencing' for the development. It is assumed by the HSE that this will be for the duration of the works as HERAS fencing is **NOT a permanent solution** in relation to the security and integrity of the existing site. The HSE would therefore expect a more permanent solution to be instated as part of the general upkeep of the Gas Storage site. The HSE has not yet had sight of planning application **FULL/2023/0859** which may cover this point."

The application was deferred during the course of consideration and revised plans were submitted to address the concern raised by HSE re the palisade fencing. HSE was reconsulted and by email dated 25th September 2023 stated the following:

"Looking at the site, the rock face behind the existing tanks is imposing. That, in conjunction with the proposed palisade fencing, is likely to maintain site security. However, I should point out that I am not a site security expert!

The HSE is therefore not entirely opposed to the plan but would suggest IEG/JGA seek advice from security consultants to ensure security is correctly maintained across the site. This may already exist in the form of a risk assessment, or form part of the major accident prevention policy (MAPP).

I do not need to see anything at this time, but it may be requested at subsequent inspections or site visits by the HSE and IEG would need to be able to demonstrate the site was secure and the access/egress managed appropriately.

I would reiterate that the HERAS fencing proposed, according to the advert supplied with the first application, is not intended, or marketed as a permanent fencing solution and this should be borne in mind as wear and tear may require frequent replacement over time, to maintain site safety in more general terms. Under CDM designers have duties to: -

- Identify, eliminate, reduce, or control foreseeable risks that may arise during construction; and
- Give consideration to the maintenance and use of a building once it is built.

This would extend to the fencing and access / egress. I would therefore put this question to all; Is the HERAS fencing proposed really the best solution for what IEG want/have to achieve?"

Office of Environmental Health and Pollution Regulation

I have reviewed the proposed plans for the above site, to include the demolition of three gas storage tanks, the levelling of hard standing areas, the erection of steps to the north elevation of the building and the erection of fencing and a gate.

I confirm that we do not object to this application, however we do have concerns about potential land contamination at the site. I would therefore recommend that the following informative is attached to any granted consent:

- **Contaminated Land Discovery Strategy**

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to Planning Services a method statement to identify, risk assess and address the unidentified contaminants, and obtained written agreement from the Department for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

We also advise the applicant to contact the Health and Safety Executive to discuss the proposed works, to ensure they are conducted in a safe manner.

I would be grateful if these issues are considered during the determination of this application."

Summary of Issues:

- Whether the principle of the development proposed is acceptable;
- Impact on the character and appearance of the surrounding area and on the setting of the nearby protected monument;
- Impact on neighbour amenity;
- Whether the proposal would harm public safety or the nearby fuel storage site;
- Traffic and highway Issues

Assessment against:

1 - Purposes of the law.

The objectives of the Law, as set out in Section 1(2), have been considered and this forms part of the assessment of policy issues as set out in 2 below.

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

Whether the principle of the development proposed is acceptable;

Policy MC5(A) supports proposals for new, alterations, extension or redevelopment of existing industrial or storage and distribution and related ancillary development. The principle of the development is therefore considered to be acceptable provided that the proposal complies with all other relevant policies of the Island Development Plan assessed in detail below.

The development proposed is of a minor and inconsequential nature and involves an alteration to support an existing land use. It would not prejudice the outcomes of a Local Planning Brief process or inhibit the implementation of an approved Local Planning Brief for the surrounding Harbour Action Area and accords with Policy MC10 of the IDP.

Impact on the character and appearance of the surrounding area and on the setting of the nearby protected monument

Policy GP6 (Protected Monuments) supports development proposals situated outside of protected monument sites but which affect their setting provided that the development does not adversely affect the particular protected monument and accord with other relevant policies of the Island Development Plan.

Policy GP8 of the Island Development Plan 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 Bridge Conservation Area and the Mont Creveat protected monument surrounds the site to the north and east. At present three large storage tanks are situated towards the northeast part of the site. The tanks are highly visible in the surrounding area and in particular from the approach to the site along Bulwer Avenue to the west. They are also present in views of the protected monument from the surrounding area.

The gas storage tanks are unused and are no longer required. Their removal as proposed and the levelling and making good of the land will improve the overall character and appearance of the surrounding area and will improve the setting of the protected monument.

The proposed fencing and gates will be similar to those already present on the site and within the surrounding area and will be seen well in context with the industrial setting and would not cause harm to the setting of the protected monument. The scheme accords with Policies GP6 and GP8 in this respect.

Whether the proposal would harm public safety or the nearby fuel storage site;

During the course of consideration and following comments received from the States Health and Safety Executive, the application was deferred to seek an alternative and more secure fencing system to the Heras type as originally proposed as part of the scheme. Revised plans were submitted and the Heras type fencing will remain for the vehicle parking area and a more suitable and secure palisade style fencing will be installed to the rear of the site to prevent unauthorised access into the gas bottling area. Although HSE has questioned whether the Heras type fencing is the best solution for the site, no objection has been raised to the general principle of the development, nor have they requested that additional information be sought.

In the absence of any objection the scheme would therefore not cause harm to the public safety of the nearby fuel storage in accordance with Policy GP17 of the IDP.

Traffic and highway safety

Planning permission has recently been granted to extend the width of the vehicle access point (ref: FULL/2023/0859), and no further alterations are proposed as part of this application. The Heras fencing and gates proposed will be situated circa 7m distance from Bulwer Avenue which will enable larger vehicles to safely leave the highway and open the gates to access the remainder of the site when required without causing an obstruction to the highway.

The proposal will enable civil roadwork equipment, materials and vehicles to be stored in connection with the existing use of the site and situated on the Inter Harbour Route any additional vehicle movements resulting from the scheme would not cause harm to 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 impact on the nearby protected monument has been assessed above. The proposal would have no adverse impact on any protected trees or buildings.

Date: 02/10/2023

