

THE LAND PLANNING AND DEVELOPMENT (GUERNSEY) LAW, 2005
AND THE LAND PLANNING AND DEVELOPMENT (GENERAL PROVISIONS)
ORDINANCE, 2007

NOTIFICATION OF GRANT OF PLANNING PERMISSION

PROPOSALS: Erect fence/screening to west of hide (site of special significance).

LOCATION: La Claire Mare Nature Reserve, La Route De La Rocque, St. Pierre Du Bois.

APPLICANT: La Societe Guernesiaise

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: 01/12/2023

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 16/10/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site and block plans (16/10/23), hand drawn plans, sections & elevations and brochure page for fencing (all dated 11/09/23).

Application Ref: FULL/2023/1564

Property Ref: F003110000

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 30/11/2026 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/2023/1564
Property Ref: F003110000
Valid date: 16/10/2023
Location: La Claire Mare Nature Reserve La Route De La Rocque St. Pierre
Du Bois Guernsey
Proposal: Erect fence/screening to west of hide (site of special
significance).
Applicant: La Societe Guernesiaise

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).

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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.

OFFICER'S REPORT

Brief Description of the site:

The 'Claire Mare Nature Reserve' is located south of the ribbon development which lies south of Route de la Roche and Rue des Bordes. It is a Site of Special Significance made up of wetland meadows and is rich in wildlife. The reserve has residential housing to the north, east and west and open land to the south and southwest. The site is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

There is no relevant history pertaining to this application.

Existing Use(s):

Nature Reserve

Assessment: *(Tick as appropriate)*

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

Policies considered most relevant:

OC9: Leisure and Recreation Outside of the Centres
GP1: Landscape Character and Open Land
GP2: Sites of Special Significance
GP8: Design

Conclusion/Brief comment:

This area is designated as a Site of Special Significance for its importance for a wide range of wildlife including rare and threatened species of insects, plants and birds. This attracts visitors, who want to view and observe the birds and wildlife on and around the important wet meadows.

This application is to provide some fencing to the southwest side of the existing hide, to keep the area tidy and to prevent visitors from scaring or upsetting the wildlife. The fencing will have several viewing gaps to allow visitors to look through and observe the birds without disturbing them.

The fence will be 2m high and extending along a 6m section adjacent to the existing hide. The ground level will be levelled with the existing pathway creating an outdoor viewing area.

At present the area is blocked with ad hoc pallets and plants, installing the timber fencing, a natural material, will have a limited impact on visual amenity whilst screening the visitors from the wildlife. The proposals are considered to be ancillary to the existing hide and are considered proportionate to the nature and scale of the recreation use of bird watching.

The proposals are considered to respect the landscape, by shielding the wildlife from the visitors. There would be no loss of any specific feature, and the proposals are thought to have a limited visual impact on the landscape character, whilst allowing visitors to observe the natural environment.

The proposals are not considered to have any adverse impacts on the Site of Special Significance, if anything, they could enhance the site by screening the visitors allowing the wildlife to utilise the area close to the hide without being disturbed.

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

All material considerations as set out in the Land Planning and Development (Guernsey) Law, 2005 and the Land Planning and Development (General Provisions) Ordinance, 2007 have been taken into account in the assessment of this application.

Recommendation:

Grant with Conditions



Date: 30/11/2023