

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: Install service trench.

LOCATION: L'Ancrese Common, La Rue De La Maraive, Vale.

APPLICANT: Ms J Taylour

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: 11/04/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 21/12/2023 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Application Block Layout Plan, Aerial photographs labelled Planning Application 1 December 2023 and Le Lande to La Maraive Vinery Service Trench (both received 08/12/2023), trench details and Ecological Assessment by Environment Guernsey Ltd dated March 2024

Application Ref: FULL/2023/2436

Property Ref: C018680000

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. Notwithstanding the details shown on the approved plans, prior to the commencement of any trenching hereby approved, full details of

a) the exact route for the trenching; and

b) the location of a storage area for the storage of plant, machinery and materials and waste (including green waste)

shall be submitted for written approval of the Authority. The work shall be carried out in accordance with the agreed details and all excavation plant, machinery and materials associated with the approved development shall be stored within the agreed storage area.

Reason - To limit the impact of the proposal on the surrounding SSS in accordance with the submitted Ecological Report and to comply with the provisions of Policy GP2 of the IDP.

5. Once the utility services have been laid, the trenches shall be back filled with the original soil within a timeframe previously agreed in writing by the Authority.

Reason - To limit the impact of the proposal on the surrounding SSS in accordance with the submitted Ecological Report and to comply with the provisions of Policy GP2 of the IDP.

6. The works hereby approved shall be undertaken during daylight hours only with no artificial light brought to the site and used unless otherwise agreed in writing by the Authority.

Reason - To prevent light pollution within the Site of Special Significance.

7. The development hereby approved shall be carried out only in accordance with the conclusions and recommendations of the Ecological Assessment (March 2024) by Environment Guernsey Ltd and in line with the conditions above.

Reason - In order to protect the Site of Special Significance.

Expiry Date: This permission will cease to have effect on 11/04/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

1. The application site is located within an area of known archaeological importance and your attention is drawn to the provisions of the Island Development Plan, Annex VIII on Archaeological Assessment.

It is desirable that access be granted to the States Archaeologist, Culture & Heritage Service, and that you contact them to gain advice or make arrangements for archaeological recording during any earth moving on the site.

The Archaeology team can be contacted on 01481 220729 or 01481 220722 , or mobiles 07781 102219 or 07911 721210 .

2. Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions.

To reduce the impact on nesting birds, the clearance of any vegetation should be avoided during the main breeding season of March-June (inclusive). If such works during the breeding season are deemed necessary, advice from a suitably qualified ecologist should be sought in the first instance.

It is recommended that you contact La Société Guernesiaise for advice or to arrange a site visit. La Société can be contacted on 07781 166924 or email societe@cwgsy.net .

3. The applicants/developers attention is drawn to the consultation response from Agriculture, Countryside and Land Management Services (copy attached) and the recommendations contained therein which have regard to the recommendations/conclusions of the Ecological Assessment hereby approved. It is recommended that:

- machinery and equipment should be cleaned before entering the Site of Special Significance
- the development footprint shall be kept to the minimum area required, screening/fencing may be necessary to achieve this or to protect any sensitive ecological features
- works are undertaken when the ground conditions are dry, ensuring there is ground protection where there is a risk of soil compaction.

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/2023/2436
Property Ref: C018680000
Valid date: 21/12/2023
Location: L'Ancrese Common La Rue De La Maraive Vale Guernsey GY3
5BE
Proposal: Install service trench.

Applicant: Ms J Taylour

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.

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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.

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a) the exact route for the trenching; and

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shall be submitted for written approval of the Authority. The work shall be carried out in accordance with the agreed details and all excavation plant, machinery and materials associated with the approved development shall be stored within the agreed storage area.

Reason - To limit the impact of the proposal on the surrounding SSS in accordance with the submitted Ecological Report and to comply with the provisions of Policy GP2 of the IDP.

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Reason - In order to protect the Site of Special Significance.

INFORMATIVES

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3. The applicants/developers attention is drawn to the consultation response from Agriculture, Countryside and Land Management Services (copy attached) and the recommendations contained therein which have regard to the recommendations/conclusions of the Ecological Assessment hereby approved. It is recommended that:

- machinery and equipment should be cleaned before entering the Site of Special Significance
- the development footprint shall be kept to the minimum area required, screening/fencing may be necessary to achieve this or to protect any sensitive ecological features
- works are undertaken when the ground conditions are dry, ensuring there is ground protection where there is a risk of soil compaction.

OFFICER'S REPORT

Site Description:

The site is situated to the north of La Route De La Lande. A track across the common has been formed which runs north, alongside the neighbouring Maraive Vinery. The application site itself is situated to the west of the track and the trench will pass through existing established blackthorn/bracken.

The site is located Outside of the Centres, within an Archaeological Area and Site of Special Significance (SSS) as designated in the Island Development Plan.

Relevant History:

Maraive Vinery

FULL/2023/1020 - Install replacement door, re-clad packing shed/outbuilding and install hardstanding (retrospective) - granted

Existing Use(s):

Common land

Brief Description of Development:

The proposal relates to digging of a trench (1st leg 46m long and 2nd leg 26m long) in connection with the installation of utilities from Route De La Lande to the vinery site to the northwest. The proposed trench would be 750mm and 600mm wide and would run through Dense Scrub habitat. The work is in connection with plans to provide commercial growing at La Maraive Vinery. The applicant confirmed that the Commons Council is not minded to support the routing of a trench along the existing access track leading to the site.

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

GP1 – Landscape Character and Open Land
GP2 – Sites of Special Significance
GP7 – Archaeological Remains
GP8 - Design

Representations:

La Societe Guernesiaise – wish to highlight that the site is within the L'Ancrese SSS designation.

Similar works elsewhere on the Common, or within other SSS designations, have been subject to appropriate controls to protect the ecological value of the area. As such, the environmental impacts associated with any works have required full assessment and suitable mitigation measures have been implemented. We therefore recommend that this proposal be required to similarly consider such issues as part of this application.

We wish to advise that La Societe would be able to assist with matters relating to ecology and environmental impacts, for example to arrange surveys of the existing site and to provide recommendations on how the land could be protected in terms of its SSS designation

Consultations:

States Archaeologist – The proposed service trench is deep enough to potentially uncover archaeological deposits, and thus I would be grateful if a condition could be imposed to allow us to inspect the trench after it is dug and before any of the services are laid in it. Although the site is further to the east than most of the known archaeology on L'Ancrese Common, it presents a useful opportunity for us to check whether prehistoric occupation might extend beneath this area as well

ACLMS – commented on the application as originally submitted.

As acknowledged within the applications covering letter, the site is within the L'Ancrese Common Site of Special Significance (SSS). There is limited information within the application on both the ecology of the area of the proposed works and the details of the work to be undertaken, therefore we are not able to determine the likely impact the proposed works may have on the special interest of the SSS at this time.

We recommend that Planning Services request additional information which could take the form of an ecological assessment by a suitably qualified ecologist (e.g., a Preliminary Ecological Assessment, or similar). The ecological assessment should seek to identify important ecological features, recommend means by which ecological impacts can be avoided (e.g., by routing the trenching works to avoid features of high ecological value) or mitigated (e.g., through construction methods and post construction restoration). The report may also be able to provide recommendations for enhancements to offset the ecological impacts of the works.

We would be pleased to review the above recommendations and provide further guidance following provision of an ecological assessment.

Commented on the Ecological Assessment provided during the course of the application.

In line with GP2, and as mentioned in our response dated 16 January 2024, developments within a SSS should in the first instance seek to avoid impacts by considering alternative sites or locations.

The ecological assessment does not appear to have considered options to avoid those impacts through the location of the trenching works. It is possible that alternative locations have not been considered because they have been discounted for other reasons (i.e., land ownership, location of other services, etc), or that there are no ecological features of higher value which should be safeguarded. Planning service may wish to receive confirmation that alternatives have been considered and that ecological impacts have been avoided through the design of the works. Having reviewed the information within the Ecological Assessment, however, ACLMS are of the opinion that it is unlikely to be possible to reroute the trench without taking a longer route across the SSS and therefore potentially increase the ecological impacts.

In addition to the mitigation measures recommended within the ecological assessment (section 6), we would also recommend that:

- No materials, including green waste, soil or any man-made materials should be brought into the SSS.
- Machinery and equipment should be cleaned before entering the SSS to prevent the introduction of invasive non-native species (INNS), pests or diseases.

- The development footprint should be restricted to the minimum area required. Screening and fencing may be necessary to achieve this or to protect any sensitive ecological features.
- Works should take place outside of the bird breeding season¹, or following checks by a suitably qualified ecologist and the implementation of nest exclusion zones (in consultation with the States Veterinary Officer to ensure compliance with the Animal Welfare Ordinance).
- Works should only be undertaken during daylight hours and no artificial lighting should be used, to prevent light pollution within the SSS.
- Works should be undertaken when ground conditions are dry, ensuring there is ground protection where risk of soil compaction is identified

Summary of Issues:

The key issue in this case relates to the impact of the work on the SSS.

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.

The site is located within a Site of Special Significance and the proposal comprises minor works not requiring an Environmental Impact Assessment as set out under Schedule 1 or 2 of the Land Planning and Development (Environmental Impact Assessment) Ordinance, 2007 or Section 40(5) of the Land Planning and Development (Guernsey) Law, 2005.

Notwithstanding the above, it is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting a Site of Special Significance that special attention is paid to the desirability of preserving, enhancing and managing the character, appearance and environment of the site. This approach is reinforced through Policy GP2.

In summary the main environmental impacts are:

- Damage to species rich habitats during and after work
- Noise and visual disturbance associated with works
- Visual disturbance
- Disturbance of birds
- Disturbance of sensitive species

The submission sets out various mitigation measures to reduce the environmental impacts to an acceptable level:

Excavation Phase

1. Be watchful of wildlife (e.g. ground nesting birds, slow worms, small mammals etc.)
2. Limit extent of excavation site
3. Limit machinery movements/manoeuvres
4. After trenching, carefully backfill trench with original soil within days
5. Store materials and heavy plant on access road or in vinery area, where possible

Restoration phase and beyond

- a) Restore incidental damage to grassland areas
- b) Monitor surrounds for six months until fully restored and settled/arrange site inspection by appropriately qualified person
- c) Manually repair areas where necessary

The report concludes by stating that the trenching through the SSS could cause significant damage to the site, lasting several years or beyond. As a result therefore, it is critical that the trenching follows the agreed route through the scrub and that the trench is backfilled with the original soil and firmed down. The recovery of the site should then be monitored following completion (matters that can be controlled by condition).

Based on the above, and the advice from ACLMS it is recommended that permission is granted subject to appropriate conditions and informative notes. Subject to these conditions/informative it is considered that the environmental impacts of the proposal would be reduced to an acceptable level (in accordance with the conclusions of the report). The proposal is therefore unlikely to adversely affect the special interest of the Site of Special Significance in accordance with Policy GP2.

In terms of landscape character, the works would largely be subterranean and of low visual impact. For the reasons contained within this report it is considered that the proposal accords with the above mentioned Policies of the Island Development Plan

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 have no adverse impact on protected trees or buildings.

Date: 10/04/2024

