

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: Temporary stockpiling of inert waste to east of site, erect an extension to the existing landscaped bund and erect security gate and fencing.

LOCATION: Longue Hougue Reclamation Site, Bulwer Avenue, St. Sampson.

APPLICANT: Guernsey Waste

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: 05/09/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 04/03/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Guernsey Waste - 9014_2023_1B, _2A, _3 & _4.

Application Ref: FULL/2024/0374

Property Ref: B003540000

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. (a) Following 3 years from the grant of this planning permission (by 04/09/2027) no additional inert waste shall be accepted at the site for the purpose of stockpiling and works must have commenced on site to decommission and move the stockpiled material hereby approved to an alternative site in accordance with a subsequent planning application for such development (subject to the approval of an alternative inert waste disposal facility by the States of Guernsey).

(b) The site (the subject of this permission) shall have been reinstated to a suitable condition within 6 years of the grant of this permission (by 04/09/2030) in accordance with the details of the subsequent application for such development required by criterion (a) of this condition.

Reason - The site is situated within a Key Industrial Expansion Area and Harbour Action Area and this condition is required to ensure that the development will not inhibit the implementation of industrial or storage and distribution development, or inhibit the implementation of a Development Framework, or prejudice the comprehensive development of the Longue Hougue Key Industrial Expansion Area in accordance with Policy IP2 and MC5(A), or prejudice the outcomes of the Local Planning Brief process, or inhibit the implementation of an approved Local Planning Brief for the St Sampson Harbour Action Area in accordance with Policy MC10 of the Island Development Plan.

5. (i) Notwithstanding the details submitted as part of this application, no development in relation to that hereby approved shall commence on site until there has been submitted to and approved in writing by the Authority:

(a) a variation to the Waste Management Licence 3 (WML3) to increase the maximum storage capacity at the site to enable stockpiling (storage) of inert waste;
and

(b) A Dust Management Plan to demonstrate how dust associated with the development will be controlled in accordance with best practice guidance and

relevant legislation.

(ii) The development hereby approved shall operate only in accordance with those details approved subject to the above.

Reason - To ensure that the development hereby approved operates in an appropriate manner, to prevent a nuisance or annoyance to nearby properties and surrounding uses and to minimise harm on the environment.

6. The height of the temporary stockpiles hereby approved shall not exceed 16m AGD at any part of the site.

Reason - To make sure that the scheme takes the form agreed by the Authority in the interests of visual amenity.

7. Prior to the commencement of works to create the temporary inert waste stockpiles hereby approved, the extension to the existing bund shall be implemented in accordance with the details shown on the approved plan and seeded in accordance with a planting schedule (confirming the types of plants and density of planting) details of which must be provided to and approved in writing by the Authority. The planting shall be undertaken 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 of the site and to help to screen the activities/development on site to help it to assimilate into its surroundings in the interests of visual amenity. The details of seeding/planting will ensure that appropriate planting is achieved in the interests of increasing the biodiversity of the site in accordance with the Strategy for Nature SPG.

Expiry Date: This permission will cease to have effect on 05/09/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

With regard to condition 4, planning permission is hereby granted for the temporary creation of stockpiled inert waste, for the extension of the bund and security fencing and gate only. The removal of the stockpiled material will need to be completed in accordance with details (once known and once the alternative site has been selected) approved as part of a subsequent planning application to ensure that this is appropriately managed and controlled so as to avoid harm to the environment, amenities of neighbouring uses or highway safety.

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/2024/0374
Property Ref: B003540000
Valid date: 04/03/2024
Location: Longue Hougue Reclamation Site Bulwer Avenue St.
Sampson Guernsey GY2 4LE
Proposal: Temporary stockpiling of inert waste to east of site, erect an extension to the existing landscaped bund and erect security gate and fencing.
Applicant: Guernsey Waste

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. (a) Following 3 years from the grant of this planning permission (by XX/XX/2027) no additional inert waste shall be accepted at the site for the purpose of stockpiling

and works must have commenced on site to decommission and move the stockpiled material hereby approved to an alternative site in accordance with a subsequent planning application for such development (subject to the approval of an alternative inert waste disposal facility by the States of Guernsey).

(b) The site (the subject of this permission) shall have been reinstated to a suitable condition within 6 years of the grant of this permission (by XX/XX/2030) in accordance with the details of the subsequent application for such development required by criterion (a) of this condition.

Reason - The site is situated within a Key Industrial Expansion Area and Harbour Action Area and this condition is required to ensure that the development will not inhibit the implementation of industrial or storage and distribution development, or inhibit the implementation of a Development Framework, or prejudice the comprehensive development of the Longue Hougue Key Industrial Expansion Area in accordance with Policy IP2 and MC5(A), or prejudice the outcomes of the Local Planning Brief process, or inhibit the implementation of an approved Local Planning Brief for the St Sampson Harbour Action Area in accordance with Policy MC10 of the Island Development Plan.

5. (i) Notwithstanding the details submitted as part of this application, no development in relation to that hereby approved shall commence on site until there has been submitted to and approved in writing by the Authority:

(a) a variation to the Waste Management Licence 3 (WML3) to increase the maximum storage capacity at the site to enable stockpiling (storage) of inert waste;
and

(b) A Dust Management Plan to demonstrate how dust associated with the development will be controlled in accordance with best practice guidance and relevant legislation.

(ii) The development hereby approved shall operate only in accordance with those details approved subject to the above.

Reason - To ensure that the development hereby approved operates in an appropriate manner, to prevent a nuisance or annoyance to nearby properties and surrounding uses and to minimise harm on the environment.

6. The height of the temporary stockpiles hereby approved shall not exceed 16m AGD at any part of the site.

Reason - To make sure that the scheme takes the form agreed by the Authority in the interests of visual amenity.

7. Prior to the commencement of works to create the temporary inert waste stockpiles hereby approved, the extension to the existing bund shall be implemented in accordance with the details shown on the approved plan and seeded in accordance with a planting schedule (confirming the types of plants and density of planting) details

of which must be provided to and approved in writing by the Authority. The planting shall be undertaken 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 of the site and to help to screen the activities/development on site to help it to assimilate into its surroundings in the interests of visual amenity. The details of seeding/planting will ensure that appropriate planting is achieved in the interests of increasing the biodiversity of the site in accordance with the Strategy for Nature SPG.

INFORMATIVES

With regard to condition 4, planning permission is hereby granted for the temporary creation of stockpiled inert waste, for the extension of the bund and security fencing and gate only. The removal of the stockpiled material will need to be completed in accordance with details (once known and once the alternative site has been selected) approved as part of a subsequent planning application to ensure that this is appropriately managed and controlled so as to avoid harm to the environment, amenities of neighbouring uses or highway safety.

OFFICER'S REPORT

Site Description:

The site comprises a relatively level area of reclaimed land that is currently identified for inert waste disposal within the Waste Management Plan for Guernsey. Works to reclaim this site from the sea have been ongoing since 1995. The coast borders the site to the east and north, with the entrance to the Bridge Harbour also to the north. Industrial buildings are situated to the west and the Household Waste Recycling Centre to the south. The site is accessed to the west onto Longue Hougue access road which links to the Inter Harbour Route further to the west.

The site is allocated as a Key Industrial Expansion Area, a Harbour Action Area and part of the site falls within the outer public safety consultation zone for the nearby fuel storage tanks/depots located to the west of the site as designated in the Island Development Plan. On land circa 100m to the west of the site is Mont Crevelt, a Protected Monument.

Relevant History:

The application has been the subject of pre-application discussions in addition the following application history is of relevance:

FULL/2022/1392	Create storage/work compounds, erect shed/workshop.	Granted 27/09/2022
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FULL/2021/1469	Infill temporary opening in breakwater.	Granted 27/08/2021
FULL/2020/1224	Create storage/work compounds on land.	Withdrawn 29/06/2022
FULL/2019/1501	Erect swing arm barrier to access of site.	Granted 22/08/2019
FULL/2018/1586	Variation of conditions 16 and 17 to FULL/2016/0001 to amend opening hours of both the Waste Transfer Station and Household Waste Recycling Centre	Granted 30/08/2018
FULL/2017/0101	Temporary re-location (for a period of 24 months) of the household waste recycling facility and development of a construction lay down area associated with the development of the Longue Hogue waste facility.	Granted 13/03/2017
FULL/2016/0001	Erect a waste transfer station building, with associated hardstanding for up to 180 shipping containers and ancillary plant including a 20 metre high chimney, two weighbridges, fire water tank and pump house, electricity sub-station and fuel storage area. Erect a facilities building. Construct a Household Waste Recycling Centre. Construct associated roads and parking and a bund along the southern site boundary (Environmental Impact Assessment development).	Granted 27/07/2016

Existing Use(s):

Inert waste reclamation site (sui generis)

Background to the application:

The site is currently authorised for inert waste disposal and identified within the current Waste Management Plan as the main site for such for Guernsey. However, the remaining void space allocated to take the inert waste is expected to be filled in by 2024 and no other site is presently available.

A temporary stockpile of inert waste is therefore proposed/required following completion of the existing land reclamation site (expected 2024). This is required while the future management of inert waste is considered at a political level and the next inert waste disposal site is designed and commissioned. It is anticipated to take 2.5 to 3 years to create the stockpile and it is estimated that a similar timeframe will be required to transfer the stockpiled inert waste to a new inert waste disposal facility (the applicant has confirmed that this timeframe could be reduced using additional resources). Furthermore, should a permanent site come forward for future inert waste in the interim, then the use of the application site for such

purpose would no longer be required and the site may therefore be decommissioned sooner.

The proposal will consist of stockpiled inert waste which will be graded at increments of 3m to a maximum height of 9m. The stockpile will be located inside an extension to the existing perimeter bund (also forming part of this proposal and explained in detail below) to the east section and wrapping around part of the northern section of the remaining undeveloped land reclamation at this site. The footprint for the area proposed for the stockpiling totals approximately 18,885m² and will consist of all residual inert waste received from the construction sector and the Household Waste Recycling Centre (like the waste received currently on site). The current ground level is approximately 7m above Guernsey Datum (AGD). The maximum height of the stockpile once completed would be 16mAGD. The finished surface of the stockpiled material will be seeded to the same specification as the perimeter bund to minimise visual impact and to help the stockpile to stabilise, whilst also limiting its effect on the character of the area.

The stockpile will be constructed by existing operational staff and will be operated in accordance with a variation to the current Waste Management Licence for the remainder of the site. The waste materials will be stored temporarily rather than final disposal and will be transferred to an appropriate longer term inert waste facility site for final disposal once such a site is approved and developed.

The proposed perimeter bund extension will be a permanent feature and will comprise a 366m extension to the existing three-metre-high perimeter bund inside the rock armour breakwater. The bund will perform a dual role of a visual barrier to facilities constructed on the land reclamation site and protection from sea water overtopping during storm conditions on the east coast of Guernsey. The perimeter bund is required ahead of any future development of the site and will be constructed and completed before any stockpiling commences (hence the reason why this aspect will be a permanent feature). The bund will be constructed using appropriate inert waste to the same specification as the existing bund prior to any stockpiling or any other form of development to take place at the site as part of the proposal. The bund is proposed to be planted with the same mix of grasses, wildflowers and shrubs as the existing bund around the Waste Transfer Station, with the intention of softening the appearance and limiting visual impact. A 10m track between the inner limit of the rock armour breakwater and the base of the bund will be maintained to enable access for mobile plant for maintenance and repair works.

The security fencing of the same design and specification as that surrounding the Waste Transfer Station will be extended and installed around the perimeter of the land reclamation site between the extension to the bund and the proposed inert waste stockpiling and along part of the northern boundary of the site. It will include a vehicle access gate to provide emergency and contingency access from the north of the site adjacent to Mont Crevelt. The fence will be 2.4m high corrugated galvanised steel palisade fencing mounted on galvanised steel fence posts set at a

distance of 2.75m apart set in mass concrete post foundations and will be positioned around the perimeter of the site.

The applicant has confirmed that prior to the submission of the application discussions were held with the States' Port Authority who confirmed that the scheme would not harm or interfere with the radar equipment situated towards the south-east corner of the site.

The requirement for an Environmental Impact Assessment

EIA Development is defined by Section 2(1) of the Land Planning and Development (Environmental Impact Assessment) Ordinance, 2007. A site for the disposal or processing of waste including landfill sites falls within Schedule 1(a) of the EIA Ordinance for which an EIA would usually be required unless the development is so minor in nature that it is incapable of having a significant adverse effect on the quality of the environment.

Schedule 2(j) of the EIA Ordinance includes any change or extension to any development of a description set out in Schedule 1 or Paragraphs (a) to (i) of Schedule 2, where planning permission has already been granted for that development, or that development has already been carried out or is being carried out, and the change or extension may have significant adverse effects on the environment.

In this case the site is currently operating and has been for some time as an inert waste reclamation site with the appropriate Waste Management Licences (controlled by the Office of Environmental Health and Pollution regulation and separate to planning control/legislation) in place. The proposal would therefore involve an extension to an existing Schedule 1 development and prior to the submission of this application the applicant requested that a screening opinion be issued to determine the requirement for an EIA. By letter dated 19th February 2024 the Authority assessed the information and determined that: *"on the basis that the stockpile is temporary and will be removed from the site in an appropriate manner once a new site has been established, the proposal is unlikely to have any significant short term or long term adverse environmental impacts. Furthermore, as identified any impacts of the development could be adequately mitigated and controlled through a variation to the current Waste Management Licence and Dust Management Plans associated with the site. An Environmental Impact Assessment (EIA) is therefore not required for this development."*

This was on the basis that the stockpiling is a temporary measure and if the parameters change and there was a requirement for the development to be a longer term or permanent feature, then the requirement for an EIA would need to be reviewed and a new Screening Opinion issued as to whether a full EIA needed to be commissioned.

Brief Description of Development:

Planning permission is sought for the temporary stockpiling of inert waste to the east of the site, a permanent extension to the existing perimeter bund around the seaward perimeter of Longue Hougue Reclamation Site and the erection of security fencing between the perimeter bund and stockpiled inert waste.

During the course of consideration, comments from Guernsey Development Agency (GDA), were sought to ensure that the works proposed would not jeopardise any future plans proposed for the redevelopment of St Sampson Harbour. Subsequently, revised plans were submitted reducing the amount of stockpiled material from 19,100m² (as originally proposed) to 18,885m². Part of the site to the north originally allocated for stockpiling and a section of the landscaped bund along the northern boundary has also been omitted from the scheme. To compensate for this, and to ensure that sufficient space exists to accommodate the required levels of inert waste, the area reserved for stockpiling on site has been extended to the south (closer towards the waste transfer facility building) and on land to the west.

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

Island Development Plan Policies:

- IP2: Solid Waste Management Facilities;
- 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;
- GP1: Landscape Character and Open Land;
- GP5: Protected Buildings;
- GP6: Protected Monuments;
- GP8: Design;
- GP9: Sustainable Development;
- GP17: Public Safety and Hazardous Development;
- IP9: Highway Safety, Accessibility and Capacity;
- IP10: Coastal Defences;

Representations:

None

Consultations:

The States' Office of Environmental Health and Pollution Regulation was consulted and by letter dated 27th March 2024 stated the following:

"I have reviewed the proposed plans for FULL/2024/0374, Stockpiling of inert waste to East of site and erect fencing at Longue Hougue Reclamation Site,

Bulwer Avenue, St. Sampson which were received by post on 5th March 2024, and I propose that the following conditions are attached to the consent:

- A variation to Waste Management Licence 3 (WML 3) is required in order to increase the maximum storage capacity at the site to enable stockpiling (storage) of inert waste.*
- A Dust Management Plan shall be in place for the site as agreed by the Office of Environmental Health and Pollution Regulation.*

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

The Guernsey Development Agency (GDA) was consulted on the application and responded by letter dated 30th June 2024. Their comments are summarised as follows:

- The area shown for the stockpiling as outlined in red is within the GDA's vision as key enabler land and as currently proposed GDA would be unable to achieve its vision for the St Sampson Harbour;*
- The GDA has no objection to the perimeter bund being raised;*
- The GDA has no objection to the whole area being raised to a consistent level as this will aid flood prevention works;*
- The GDA requires no stockpiling to be to the northern section of the site (identified as figure 1 on the GDA plan appended to the letter);*
- The GDA would like non-asbestos containing material area to be relocated outside of the red area;*
- The GDA is exploring an alternative stockpile area to the east of Griffiths Yard for land reclamation which will have associated benefits for the site, Harbour Action Area and future use of Longue Hougue.*

Following receipt of the consultation response the application was deferred to seek revised plans to address the issues of concern raised. A subsequent meeting was also held between the applicant, GDA and Planning Service to discuss ways forward. Following the meeting revised plans were produced by the applicant and the GDA was reconsulted for comment.

By email dated 02/07/2024 GDA stated the following with regards to the revised plans:

"We appreciate the revised plan proposed by Guernsey Waste and feel we can work with it on the basis that stockpiling ceases after 3 years and all stockpiled material is removed within 6 years from date of the consent. Equally we understand that if

another site can be produced (as you know GDA is proposing to reclaim land off Blackrock) for inert waste that this would be used in priority. All the above we believe is the common intention.

We hope it is helpful to make two points to aid an understanding of the GDA role:

1. It is early days for the GDA role and many aspects are beyond our control so our requirements inevitably may change to accommodate this. An example would be the location of the discharge point for foul. We would hope this can be relocated on the south eastern corner of the LH site however if this is not physically or economically possible or health and safety issues are raised in respect of the food production at the animal incinerator then the location of the emptying point may need to change.

2. The GDA has been mandated by government to deliver and we take this responsibility very seriously. This may require various actions to be taken to ensure we deliver as required by government. Clearly these unknowns cannot be amplified at this stage as GDA may have to react to future changes.

Both of the above are we think obvious and not inconsistent with our agreement to support the waste proposal as set out in Rob's note of last night.

If there is any thinking further that you require just let us know. We hope the above is sufficient to enable the planning team to support the application by waste."

Summary of Issues:

- Whether the principle of development is acceptable;
- The impact of the proposal on the landscape character of the surrounding area;
- Environmental considerations
- Impact on cultural heritage;
- Impact on neighbouring properties and surrounding uses;
- 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 development is acceptable

The site is situated within Longue Hougue Key Industrial Expansion Area (KIEA) and a Harbour Action Area (HAA) as identified in the Island Development Plan (IDP). The principle of development would fall to be considered principally under Policies IP2, MC5(A) and MC10 of the IDP.

Policy IP2 states:

“Development required to implement the States’ Waste Strategy will be supported, providing it accords with all relevant policies of the Island Development Plan.

Proposals for development or redevelopment of waste management facilities within the St Sampson’s Harbour Action Area, will be supported where they are in accordance with the Principal Aim and relevant Plan Objectives, the Spatial Policy and the relevant Local Planning Brief for the area.

Where there is not an approved Local Planning Brief for the St Sampson’s Harbour Action Area, or where a proposed development is of a minor or inconsequential nature, proposals will be supported providing that the development:

- a. would not prejudice the outcome of the Local Planning Brief process; or,*
- b. would not inhibit the implementation of an approved Local Planning Brief;*

and,

c. would accord with all other relevant policies of the Island Development Plan.”

In relation to the site, paragraph 20.3.7 states that Longue Hougue is an established location for waste management and therefore proposals for waste management facilities at the site brought forward prior to the approval of the Local Planning Brief (LPB) will be supported provided that they would not prejudice the long-term development of the site and accord with all other relevant policies of the Island Development Plan.

The proposed development is in accordance with the States’ Waste Strategy and located within an established site waste management facility. There is no LPB approved for the area but as the proposal is temporary it would not prejudice the long-term development or aspirations for the site (discussed in further detail in the assessment of Policy MC10 below).

The principal aim of the plan is:

“To ensure land planning policies are in place that are consistent with the Strategic Land Use Plan and which help maintain and create a socially inclusive, healthy and economically strong Island, while balancing these objectives with the protection and enhancement of Guernsey’s built and natural environment and the need to use land wisely.”

The most relevant Plan Objective is Plan Objective 6: Meet infrastructure requirements, which states the following:

“To achieve the provision of infrastructure where required for the most effective and efficient functioning of the Island, in order to meet the strategic objectives of the States of Guernsey, as set out within the Strategic Land Use Plan.”

The proposal is considered to accord with the Principal Aim and the relevant Plan Objectives.

In respect of all other policies of the Plan, the following sets out an assessment of two other key policies when assessing the principle of development, Policies: MC5 and MC10.

Paragraph 7.2.11 of the IDP (which forms the preceding text to Policy MC5(A)) recognises Longue Hougue as a *“well-established industrial area located partially on reclaimed land with further reclamation underway and was designated for the provision of strategic infrastructure. Uses at the site are constrained by the Major Hazards Public Safety Zones associated with the storage of hazardous materials therefore proposals for development in this area would need to have regard to public safety (see Policy GP17: Public Safety and Hazardous Development). 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.”*

Policy MC5(A) reserves KIEA’s for industrial or storage and distribution uses and requires a Development Framework (DF) to be approved prior to any form of development on such sites to guide the future development of the site. Policy MC5(A) also allows for development prior to the approval of a DF *“where it is unlikely to inhibit the implementation of industrial or storage and distribution development and would not prejudice the comprehensive development of the site and will only be released for development where it has been demonstrated that no alternative sites are available within any of the Key Industrial Areas or Main Centre and Main Centre Outer Areas.”*

Policy MC10 supports development where there is not an approved Local Planning Brief (LPB) for the HAA, or where the proposed development is of minor or consequential nature provided that it:

- a) Would not prejudice the outcomes of the LPB process; or*
- b) Would not inhibit the implementation of an approved LPB; and*
- c) in all cases accords with all other relevant policies of the IDP.*

The proposed stockpile is required for a temporary period while the future management of inert waste is considered at a political level and the next inert waste disposal site is designed and commissioned. It is anticipated to take 2.5 to 3 years to create the stockpile and it is estimated that a similar timeframe will be required to transfer the stockpiled inert waste to a new inert waste disposal facility (however the applicant has confirmed that this timeframe could be reduced using additional

resources). It is the intention that any stockpiled inert waste would be transferred to a new inert waste disposal facility ahead of any longer-term requirement for this KIEA and HAA.

The proposal represents an extension to an existing industrial operation on a site where the processing of waste and heavy industrial activities are encouraged. Although situated within a KIEA and HAA, as part of the application evidence has been provided to demonstrate that there are no alternative sites suitable for the proposed use within existing KIA's, or on sites within the Main Centres and Main Centre Outer Areas.

Following discussions with Guernsey Development Agency the scheme has been revised and revised drawings provided to address their concerns regarding the initial proposal (please see the consultation section of this report) and to ensure that the area proposed for the stockpiling would not jeopardise the GDA vision or long-term plans for the site, or the redevelopment of St Sampson Harbour Action Area. In the absence of any objection from the GDA, and given the temporary nature of the proposed development (which can be controlled by condition) and the intention to reinstate the land ahead of any longer-term requirement for the site, the proposal would not inhibit the comprehensive development of the site, prejudice the outcomes of the LPB process or inhibit the implementation of an approved LPB. To ensure that this is the case and that the development takes a temporary form, a condition should be included on any permission to ensure that within 3 years of the grant of permission that any stockpiling of inert waste ceases on site and that works must have commenced (in accordance with a subsequent planning permission to be approved by the Authority) to decommission the stockpiles and return the site to a suitable condition. The condition should also ensure that the application site is reinstated to a suitable condition, as agreed with the Authority, within 6 years of the date of the grant of planning permission.

Subject to the suggested condition, the principle of development is therefore supported by policies IP2, MC5(A) and MC10 accordingly.

The majority of the site is situated within the Outer Zone with a small proportion within the Middle Zone of a major hazard's public safety zone (Blast Zone) due to the proximity of the fuel storage tanks and associated infrastructure to the west of the site along Bulwer Avenue. The proposal does not however propose any significant change to existing working practices at the site with the number of employees remaining similar to current levels. The scheme therefore would not present any additional risk to employees, or the public associated with the Blast Zone and the principle of development accords with Policy GP17 in this respect.

The impact of the proposal on the landscape character of the surrounding area

Policy GP1: Landscape Character and Open Land requires consideration of whether the proposal would result in any unnecessary loss of open and undeveloped land

which would have an unacceptable impact on the open landscape character of the area.

Policy GP8, relating to design, would also be relevant, which 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 stockpiled material will be particularly visible from the north and east of the site (on the approach to the site from the coast). The stockpile will also be seen in long range views from Salarie Corner and Les Banques to the south and from the higher vantage points looking north from the top of Le Val Des Terres, and such viewpoints as Mignot Plateau (amongst others) to the south. However, during construction there will be no noticeable change in the site as this will be similar to existing operations on the site. From the south the stockpile will be seen in context with the Waste Transfer Station and other large industrial buildings to the west.

The stockpile will be progressively seeded to mitigate visual impact and the perimeter bund (which will be constructed prior to any stockpiling on site) will screen a part of the stockpile ensuring that only the top 6 metres will be visible. The stockpile will also screen ongoing operations associated with inert waste management of the site. Although a section of the perimeter bund as originally proposed has been omitted from the scheme (to cater for long-term plans/aspirations for the site at the request of the GDA) the stockpile will be constructed from the south-east corner of the site gradually working northwards. This together with the distance between the stockpiled material and the northern boundary will ensure that no significant harm is caused to the visual character of the surrounding area from viewpoints to the north.

The scheme involves the temporary storage of inert waste until an alternative site has been established (expected to be within 6 years). Therefore, any harm or impact would be temporary and would not represent a permanent feature or impact on the visual amenity of the surrounding area. A subsequent planning application would be required to decommission the site and remove the stockpiles and through this the reinstatement of the land to a suitable condition could be controlled, to avoid any long-term harm on the landscape character or openness of the surrounding area. Considering the above the proposal complies with policies GP1 and GP8 in this respect.

Environmental Considerations

As referred to above in the background to the application section of this report the application was screened to determine whether it comprised EIA development. It was determined following a detailed assessment of the application material that an EIA was not required for the reasons outlined above. That said the environmental impacts of the development need to be considered in the assessment of this application.

Biodiversity, Flora and Fauna

The proposal will be situated on land that has been reclaimed from the sea since 1995 and at present is open ground, used for waste management activities such as aggregate recycling and maturing and processing of green waste. The site therefore has limited established flora and fauna and the constant vehicle movements that already operate on this working industrial site, effect the establishment of such.

That said the proposed perimeter bund once extended will be seeded with the same mix of grasses, wildflowers and shrubs as the existing bund around the Waste Transfer Station. This will encourage vegetation to become established around the seaward perimeter of the site and enhance its overall biodiversity.

Soils, Land Use and Geology

The stockpiles will be placed on existing reclaimed ground on land currently used for inert waste activities. Prevention and contamination of the existing ground conditions will be managed and controlled through the existing Waste Management Licence. As suggested by OEHPR a variation to the WML will be required to allow the proposed works to commence which will ensure that the activities on site are undertaken appropriately and in accordance with required legislation. Furthermore, the future condition of the soil will be managed following the decommissioning of the stockpiles and inert waste facility to ensure that no future land uses at this site are jeopardised.

Hydrology, Hydrogeology Drainage and Flood Risk

There are no potable groundwater sources at the site. The site is also situated outside of the water catchment area. Stockpiling at the site will not affect groundwater which is heavily influenced by tidal cycles infiltrating the porous infill material. The natural topography of the site sloping slightly west to east and north to south will allow the site to drain naturally towards the sea which will retain the situation that exists at present.

The land rock armour is already present around the east and north boundaries of the site to protect the site from flooding. Flooding of the site happens when the rock armour is breached during storm events. Consistent with the Waste Transfer Station, the extension to the bund to the east and around part of the northern section of the site as proposed will manage this and prevent flooding of the site.

Air Quality and Climatic Factors

The stockpiling of inert waste as proposed is a variation to the existing operations on the site. There will be very little alterations to site operations to those that exist at present. Effectively inert waste will be transferred and stored in mounds created on site as opposed to placing the inert waste in a void in the site under the current operations. Traffic movements and the associated emissions will remain largely unchanged by the development as will emissions from plant and machinery operation.

The main impact of the development on air quality will therefore be on dust generation. This activity however is specifically managed through the Dust Management Plan (a copy of which has been submitted as part of the application). The DMP is controlled by the OEHPR who were consulted on the application and raised no objection subject to the DMP being in place for the site in agreement with them. It is suggested that a condition is included on any permission for the submission and approval of such a document prior to the commencement of any development on site.

Impact on Cultural heritage

The Mont Crevelt Loophole Tower is situated circa 100m to the west of the site. Although the proposal has the potential to alter the setting of the protected monument, this setting is already disturbed by the industrial activities on the site and surrounding the site. Furthermore, the base of the loophole tower is circa 16m AGD, which is comparable to the maximum height of the stockpile. The whole structure would therefore be higher than the stockpile. Again, any harm would also be temporary and reversible and would not represent a permanent impact on this heritage asset. Considering the above any harm on the protected monument would not be so substantial to warrant the refusal of planning permission.

Impact on neighbouring properties and surrounding uses

Criterion (b) of policy GP9 supports new development where it is demonstrated that it will not have unacceptable impacts on the amenities of neighbouring properties. Furthermore Section 13 (1) (i) of the Land Planning and Development (General Provisions) Ordinance, 2007 requires the Authority in determining planning application to have regard to *“the likely effect of the development on the reasonable enjoyment of neighbouring properties.”*

As identified previously within this report the Longue Hougue KIA and KIEA is reserved by Policy MC5 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.”*

The proposal is an extension to existing operations on the site and current staff levels and plant operation will remain as existing. Noise impacts resulting from the creation of the stockpile as proposed are not anticipated to be any different to current site operations. Furthermore, the site is surrounded by heavy industrial activity with the Household Waste Recycling facility and ancillary functions situated to the south and other industrial operations to the west and southwest. The proposal will use existing transport routes and the existing weighbridge (used in connection with the existing inert waste facility) to control and monitor what is being accepted at the site.

The supporting information confirms that in the future when the stockpile is required to be decommissioned and moved to an alternative site additional noise may occur, however this would be dependent on where the donor site is located and will be the subject of a separate planning application. The applicant has confirmed that a Waste Movement Plan will be developed to manage the transfer of stockpiled inert waste once the site has been approved and established.

Considering the above it is considered that the proposal would be unlikely to cause any significant additional harm to surrounding uses or to neighbouring properties and the scheme complies with IDP policy and the general material considerations in this respect.

Impact on highway safety

Information has been submitted as part of the application to indicate that on average during site opening hours (08:00 – 16:00 hrs Monday to Friday) 142 vehicle movements in and out of the site were experienced. The proposal will see a continuation of existing services provided with the only difference being that the residual inert waste will be diverted to the stockpile area rather than in the lagoon as is current practice.

The applicant has confirmed that as a result of the stockpiling proposed, there will be no changes to vehicle movements in and outside of the site that would be normally experienced.

The proposal will use existing traffic routes into the site which is along the Longue Hougue access road. Longue Hougue has been designed for larger HGV vehicles and links to the Inter Harbour Route to the west of the site which is capable of safely accommodating the types of vehicles that will use this site without causing harm to highway safety.

The decommissioning of the site to another site once established will need a separate planning application and any traffic movements generated by such activity would be assessed as part of that application.

Considering the above the proposal is consistent with additional activities and operations on site and would not harm highway safety and the proposal accords the provisions of Policy IP9 in this respect.

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 protected monuments and their setting has been fully assessed above, the proposal would have no adverse impact on protected buildings, trees, or sites.

Considering the above it is recommended that planning permission is granted subject to conditions.

Date: 04/07/2024

