

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: Variation to previously approved plans to erect container, excavate and alter track and erect fencing - alter and reduce size of approved container and install additional container.

LOCATION: Rue de Trigale, Torteval.

APPLICANT: Guernsey Kart & Motor Club

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: 27/08/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/04/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: MB-NOV21-01, Rev 3, annotated photographs of containers (date stamped received 03/04/24).

Application Ref: FULL/2024/0618

Property Ref: G006280000

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 on or before 13/04/2026.

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. The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 14/04/2023, issued under planning application reference FULL/2022/1980, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation only.

5. Prior to installation of the storage container and timing container, full details of the new planting scheme set out on drawing MB-Nov21-01-REV3, noting the species, sizes, numbers and densities of plants shall be submitted to and agreed in writing by the Development & Planning Authority.

Reason - To ensure that the planting scheme is appropriate in order to satisfactorily assimilate the development into its rural surroundings, once matured.

6. The planting scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the installation of the earthbanks located to the north, south and west elevations of the hereby approved storage container. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting, shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - To ensure that the planting scheme is carried out in a suitable timeframe.

7. Within two months of the storage container being erected on site located to the north of the site, the soil shall surround the storage container in accordance with approved drawing MB-Nov21-01-REV3. The earth bank to the sides (north, south and west) of the storage container shall be constructed in accordance with Earth Banks in Guernsey (Conservation Advice Note 3) and shall thereafter be maintained at no less than 1 metre high, at all times.

Reason - To assimilate the development into its surroundings by reducing the visual impact of the container.

8. Should soil be imported to the site, it is required that the soil be 'clean' soil, free of contaminants and does not contain any non-native species.

Reason - the site is located in a sensitive location, adjacent to designated area of special significance, therefore the importation of clean soil is important to prevent any adverse effect on the biodiversity of the adjacent Site of Special Significance (SSS).

9. All new earthbanks shown in red on drawing MB-Nov21-01-REV3, adjacent to the hereby approved container, shall be seeded with native grass species such as Fescue or Bent (i.e. good quality rye-free lawn seed), on the side profile of the new earthbanks, in the first planting and seeding season following the installation of the earthbanks.

Reason - To reduce the impact of the development, enhance the amenity of the locality and to respect the sensitivity of the adjacent Sites of Special Significance.

10. Within two months of their installation, the storage container and timing container hereby approved shall be painted black in colour.

Reason - To assimilate the development into its surroundings by reducing the visual impact of both the storage and timing containers to achieve a good standard of design (Policy GP8 and to respect the open landscape character of the surrounding area (Policy GP1).

11. For the avoidance of doubt, the approved storage container and timing container shall only be used ancillary and incidental to the use of the motocross track, such as the storage of motocross equipment, and for no other purpose.

Reason - to clearly define the permission and to ensure that the containers are used for motocross purposely only.

12. Within six months of the date when use of the site for motorcross purposes ceases, or such other period previously agreed in writing by the Authority, the timings and storage containers hereby permitted and any associated structures shall be removed from the site. The land shall be re-instated to its original condition within one year of the cessation of the motorcross use, or such other period as may be agreed beforehand in writing by the Authority.

Reason - Permission for the timings and storage containers has been granted only on the basis that it is required in association with the motorcross use of the land. There is no justification to retain the containers if there is no longer any motorcross use of the land.

Expiry Date: This permission will cease to have effect on 27/08/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

It is recommended that the native planting scheme should include Blackthorn due to its screening value, or a similar species.

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/2024/0618
Property Ref: G006280000
Valid date: 15/04/2024
Location: Rue de Trigale Torteval Guernsey
Proposal: Variation to previously approved plans to erect container, excavate and alter track and erect fencing - alter and reduce size of approved container and install additional container.

Applicant: Guernsey Kart & Motor Club

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 on or before 13/04/2026.

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. The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 14/04/2023, issued under planning application reference FULL/2022/1980, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation only.

5. Prior to installation of the storage container and timing container, full details of the new planting scheme set out on drawing MB-Nov21-01-REV3, noting the species, sizes, numbers and densities of plants shall be submitted to and agreed in writing by the Development & Planning Authority.

Reason - To ensure that the planting scheme is appropriate in order to satisfactorily assimilate the development into its rural surroundings, once matured.

6. The planting scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition, in the first planting season following the installation of the earthbanks located to the north, south and west elevations of the hereby approved storage container. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting, shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - To ensure that the planting scheme is carried out in a suitable timeframe.

7. Within two months of the storage container being erected on site located to the north of the site, the soil shall surround the storage container in accordance with approved drawing MB-Nov21-01-REV3. The earth bank to the sides (north, south and west) of the storage container shall be constructed in accordance with Earth Banks in Guernsey (Conservation Advice Note 3) and shall thereafter be maintained at no less than 1 metre high, at all times.

Reason - To assimilate the development into its surroundings by reducing the visual impact of the container.

8. Should soil be imported to the site, it is required that the soil be 'clean' soil, free of contaminants and does not contain any non-native species.

Reason - the site is located in a sensitive location, adjacent to designated area of special significance, therefore the importation of clean soil is important to prevent any adverse effect on the biodiversity of the adjacent Site of Special Significance (SSS).

9. All new earthbanks shown in red on drawing MB-Nov21-01-REV3, adjacent to the hereby approved container, shall be seeded with native grass species such as Fescue or Bent (i.e. good quality rye-free lawn seed), on the side profile of the new earthbanks, in the first planting and seeding season following the installation of the earthbanks.

Reason - To reduce the impact of the development, enhance the amenity of the locality and to respect the sensitivity of the adjacent Sites of Special Significance.

10. Within two months of their installation, the storage container and timing container hereby approved shall be painted black in colour.

Reason - To assimilate the development into its surroundings by reducing the visual impact of both the storage and timing containers to achieve a good standard of design (Policy GP8 and to respect the open landscape character of the surrounding area (Policy GP1).

11. For the avoidance of doubt, the approved storage container and timing container shall only be used ancillary and incidental to the use of the motocross track, such as the storage of motocross equipment, and for no other purpose.

Reason - to clearly define the permission and to ensure that the containers are used for motocross purposely only.

12. Within six months of the date when use of the site for motorcross purposes ceases, or such other period previously agreed in writing by the Authority, the timings and storage containers hereby permitted and any associated structures shall be removed from the site. The land shall be re-instated to its original condition within one year of the cessation of the motorcross use, or such other period as may be agreed beforehand in writing by the Authority.

Reason - Permission for the timings and storage containers has been granted only on the basis that it is required in association with the motorcross use of the land. There is no justification to retain the containers if there is no longer any motorcross use of the land.

INFORMATIVES

It is recommended that the native planting scheme should include Blackthorn due to its screening value, or a similar species.

OFFICER'S REPORT

Brief Description of the site:

The site comprises a motocross track set in a cliff top location, positioned towards the south-western tip of Torteval.

The site is located Outside of the Centres in the Island Development Plan, and is bounded by an Agriculture Priority Area to the north and east and a Site of Special Significance (SSS) to the south and west.

Planning permission was granted to erect a timing container, excavate and alter the motocross track and erect fencing. Planning permission is now sought to vary the permission to reduce the size of the approved timing container located towards the middle of the site, and erect a new storage container towards the north-west of the site.

The proposed timing hut will be reduced in size and will be 3m (w) x 3m (l) x 2.6m high.

The rationale to reduce the size of the timing container is to prevent the importation of soil to the track and to prevent its restriction should the need arise to move the hut as set out in the applicant's letter (dated 4th April 2024). It is also noted natural plants will grow around the unit over time and other reasons not to import soil and plant hedging are explained. It is also noted that the timing container is to incorporate windows and a door to enable views out of the container to help maintain the safety of riders.

The proposed, larger storage container will be 6060mm (L) x 2440mm (W) x 2600mm (H) and will serve as storage for motocross equipment as set out in the applicant's letter.

The application was deferred as concerns were raised over the installation of permanent containers on this visually prominent site without the visual impacts being mitigated.

The applicant has incorporated a hedge bank along the south, west, and north elevation of the larger storage container to the north of the site which will also be painted as shown on the revised plans. It is also proposed to paint the timing container and incorporate a landscaping scheme around the timing container, in attempt to overcome the concerns raised.

Relevant History:

FULL/2022/1980 - Erect container, excavate and alter track and erect fencing -
Granted

FULL/2020/0141 - 19/08/2021 - Alterations to track, including; raise height of jumps
and form steps into earthbanks (retrospective).

FULL/2015/1469 - Permit to alter motor cross track layout.

FULL/2011/1119 - 10/06/11 - Permit to relocate earthbank and alter motorcross
course.

PAPP/2009/0667 - 06/04/09 - Permit to alter motorcross course.

Existing Use(s):

Motocross track – Sui Generis.

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

✓
✓
X
✓

visual amenity acceptable
no material neighbour impact
traffic not affected

✓
✓
✓

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
GP9 Sustainable Development

Conclusion/Brief comment:

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

Policy OC9 (Leisure and Recreation Outside of the Centres) states that proposals to extend, alter or redevelop existing facilities will be supported provided that:

- i) Any ancillary built development is proportionate to the nature and scale of the formal outdoor recreation use; and
- ii) The visual impacts of ancillary built development can be mitigated to respect the character of the locality; and
- iii) The site does not fall within an Agriculture Priority Area, or where it does fall within an Agriculture Priority Area the land cannot positively contribute to commercial agricultural use or cannot practically be used as such without adverse environmental impacts.

Careful consideration has been afforded not to cover the timing container with soil as per the original permission. Due to the logical and practical reasoning noted within the applicant's covering letter i.e. to maintain the safety of the riders in different directions when looking out of the timing container, the omission of this requirement is considered reasonable, provided the structure is painted in a suitable colour and a landscaping scheme is incorporated, to reduce its visual prominence in the landscape. This mitigation will adequately reduce the potential harm arising from the structure on the visual amenity of the area.

With regards to the storage container, the applicant has noted that due to the reduction in the size of the timing container, motocross storage is still required. A list of motocross equipment is noted including spare fencing, track maintenance tools, rope and safety signage. Due to the visibility of the site from various public vantage points, erecting a storage container of this size could have a negative effect on both the character of the area and its visual impact, particularly given its close proximity to a public car park to the north. As such, mitigation measures are proposed in the form of a 1m high earth bank surrounding the storage container (on the north, west and south elevation), together with an appropriate native landscaping scheme, and painting the structure in a colour that will reduce its visibility. These measures are thus considered satisfactory to sufficiently mitigate potential harm on visual amenity and the landscape character and can be controlled through planning conditions.

In light of Policy OC9 as set out above, the development is considered to be ancillary and proportionate to the nature and scale of the formal outdoor recreation use of the site, the visual impacts of ancillary built development can be mitigated to respect the character of the locality; and the site does not fall within an Agriculture Priority Area.

Subject to appropriate conditions (as set out the officer's report as part of application FULL/2022/1980), the adjacent SSS will not be adversely affected by the development.

Based on the above, the application to vary the permission is considered compliant with the relevant Island Development Plan policies, and accords with the purpose of the Law and material considerations; it is therefore recommended that planning permission be granted, subject to conditions.

Recommendation:

Grant with Conditions



Date: 15/08/24

