

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 lighting around existing padel tennis court to north west of site (retrospective) (Protected Building) (Revised).

LOCATION: Grand Saunton, Rue Des Petites Hougues, Vale.

APPLICANT: Mr & Mrs James

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: 18/03/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 25/04/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Naftel Associates: A240101/PD/10, 11, 15, 50 & 60

Application Ref: FULL/2024/0705

Property Ref: C004900000

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 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.

3.The lighting associated with the Padel tennis court shall not be operated except between the hours of 16:30 and 21:00 on any day.

Reason - To protect the reasonable amenities of neighbouring residents and to limit the impact on wildlife.

4.The padel court shall be used only for purposes incidental to the enjoyment of the dwelling house.

Reason - To limit the frequency and duration of use of the padel court and the associated flood lights in order to protect the reasonable amenities of neighbouring residents and to limit the impact on wildlife.

5.The lighting buffers shall be installed within 1 month of this permission and shall thereafter be retained in perpetuity.

Reason - To protect the reasonable amenities of neighbouring residents and to limit the impact on wildlife.

6.For the avoidance of doubt, this permission only relates to the installation of the lighting to the padel court. No other works indicated on the plans are approved under this application.

Reason - To define the permission for the avoidance of any doubt.

Expiry Date: This permission will cease to have effect on 17/03/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Effect of planning permission:

Section 18 of the Land Planning and Development (Guernsey) Law, 2005 ('the Law') defines the effect of the planning permission hereby granted, namely:

(1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).

(2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.

(3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.

(4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.

(5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

Your attention is drawn to the provisions of Section 68(1) of the Land Planning and Development (Guernsey) Law 2005, which provides a right of appeal, on the merits against a decision to grant planning permission subject to conditions (except a building condition), to the Planning Tribunal, which is independent of the States of Guernsey. An appeal to the Planning Tribunal under section 68 of the Law against this decision must be made before the expiry of the period of six months beginning with the date on which the Authority made this decision. The official Appeal Notice Forms are available on the States of Guernsey website at www.gov.gg/planningpanel and must be completed with all enclosures in multiples as requested and received within the six months deadline.

Copy of representations made:

In reaching this decision the Authority took into account any written consultations made under Section 11(1) of the Land Planning and Development (General Provisions) Ordinance, 2007 ('the Ordinance'). A copy of any consultation responses made under section 11 will be included with this decision in accordance with section 19 of the Ordinance.

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the

development are constructed to meet the existing road/footway levels in accordance with their requirements.

This document is not a Building Licence and confers no approval under the Building Regulations.

A separate Building Control Licence may be required and it is the responsibility of the developer to ensure that ALL necessary consents are obtained and that any pre-commencement conditions are discharged prior to development being commenced.

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2024/0705
Property Ref: C004900000
Valid date: 25/04/2024
Location: Grand Saunton Rue Des Petites Hougues Vale Guernsey
GY3 5NE
Proposal: Install lighting around existing padel tennis court to north
west of site (retrospective) (Protected Building) (Revised).

Applicant: Mr & Mrs James

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 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.

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Reason - To limit the frequency and duration of use of the padel court and the associated flood lights in order to protect the reasonable amenities of neighbouring residents and to limit the impact on wildlife.

5. The lighting buffers shall be installed within 1 month of this permission and shall thereafter be retained in perpetuity.

Reason - To protect the reasonable amenities of neighbouring residents and to limit the impact on wildlife.

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OFFICER'S REPORT

Site Description:

Grand Saunton, Petites Hougues is a detached two-storey dwelling and wing with various detached outbuildings.

The site is located Outside of the Centres and within the Bordeaux Conservation Area as designated in the Island Development Plan. Grand Saunton is a Protected Building.

Relevant History:

18/06/2021 – FULL/2020/2076 – Permission granted to erect padel court including; surfacing, fencing, glazing and lighting, to west boundary area, and relocate existing shed. (Protected Building).

Existing Use(s):

Residential use class 1: dwelling house

Brief Description of Development:

Retrospective planning permission is requested to install flood lighting to an existing padel tennis court.

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

GP1: Landscape Character and Open Land

GP4: Conservation Area

GP5: Protected Building

GP8: Design

GP9: Sustainable Development

GP13: Householder Development

Representations:

One representation from La Société Guernesiaise in response to the original application highlights the environmental impact of light pollution on many types of wildlife such as birds, bats and insects, particularly when introduced into a landscape such as this one, where existing sources of artificial light are relatively sparse.

La Société Guernesiaise notes that when the padel court was originally applied for in 2020, they raised the issue of lighting and adequate screening and were assured that the applicant had no intention to install artificial lighting as part of the project. It is therefore disappointing that this situation has now changed and that such lighting has already been installed.

La Société Guernesiaise request that due consideration be given to bats and other types of wildlife which would be negatively impacted by the use of such lighting in this location.

One representation from La Société Guernesiaise in response to the additional information dated 20/08/2024 sets out that:

"The agent is correct that bats generally hibernate in the winter and as such, would be less impacted by artificially lighting at those times. However, many bats wake up from hibernation periodically and will sometimes forage for food. As the guidance notes state, there is less insect food available during these times so their foraging is less efficient. Further, in mild winters and more southerly latitudes, bat may not hibernate until November and are often active from February onwards.

Conversely, without undertaking surveying of bat activity in the area, it is not possible to be confident regarding how many bats may frequent the site. The applicant's comment that there 'is plenty of space for bats' is likely not based on evidence or expertise.

We would ask whether it would be feasible to limit the use of the lights to the winter season (only) when the UK is on Greenwich Mean Time. As you will be aware, these dates move around each year and it may be easier to give permission for a fixed season such as 01 November - 31 March. Further, we would suggest a limit on the extent the lights could be used, for example, 1-2 hours after sunset.

We remain concerned that without any usage limitations applied by Planning, play could occur on the courts well into the night at any time of year - the applicant has referred to the use of the lights outside of the winter period which of course is at a time when bats (and other wildlife) certainly are more active and are therefore more likely to be impacted”.

Consultations:

The Office of Environmental Health and Pollution Regulation, 11/06/2024

“I have reviewed the retrospective planning application regarding the installation of lighting to the Padel tennis court at the above site. I am concerned that if consent is granted without conditions being applied, the lighting may have an adverse impact on the amenity of residents living close to the site. I would therefore recommend the following conditions are attached to any granted consent:

- The lighting associated with the Padel tennis court shall not be operated except between the hours of 16:30 and 21:00 on any day.
- The Padel tennis court lighting shall be operated by a timer which is set to illuminate and extinguish lighting at the permitted time. The timer will be changed to reflect when British Summer Time begins and ends.

I would be grateful if the above is considered during the determination of this application”.

Agriculture, Countryside and Land Management Services, 21/05/2024

“We are writing in response to a consultation letter dated 29th April 2024 regarding the submitted application for retrospective permission for lighting at Grand Saunton, Vale.

The site of the proposed development is not designated as a Site of Special Significance (SSS) or an Area of Biodiversity Importance (ABI) within the IDP, however it is in close proximity (approximately 150m) to the Bordeaux ABI. The site is also close to mature woodland, permanent grassland and historic buildings which can be considered likely to support foraging, commuting or roosting bats as well as providing nesting and roosting habitats for birds. The impact of light pollution on these taxa is well documented.

The Institute of Lighting Professionals and the Bat Conservation Trust have recently published a guidance note (08/23; Bats and Artificial Light) which includes recommendations for ways to reduce the impact of artificial lighting on bats, their roosts, and important habitats. For example, they suggest the installation of LED lighting with a luminosity of 2700 or lower to reduce blue light. The lighting installed at Grand Saunton is noted as being 5700 lumen output, and therefore is not in line with these guidelines. The guidelines make further recommendations to reduce impacts of artificial lighting, such as ensuring peak wavelengths are higher than 550nm, the use of horizontally mounted luminaires with a negligible or zero Upward

Light Ratio, and the use of accessories such as baffles, hoods or louvres as additional measures.

We note the installation of the lighting at a 70degree angle, however there is insufficient information provided to evidence that this measure alone is sufficient to attenuate light spill to those notable ecological features outlined above.

We would advise that the lighting be revised to align with the Bats and Artificial Light guidance note, which should include, for example, LED lights with a lumen output of 2700 or lower and the consideration of accessories (baffles, hoods or louvres) to reduce light spill.

The authority may also wish to request additional photographs taken at night to evidence how far the light spills into adjacent natural land (possibly replicating the photos provided previously during daylight conditions).

Please do not hesitate to contact us if you have any queries about this response and we would also be happy to discuss the points raised with the applicant or their representative”.

Agriculture, Countryside and Land Management Services, 03/09/2024

“Thank you for sharing the applicant's response with us for comment. There remain concerns that the lighting may extend beyond the court and, if that is the case, that it could negatively impact the foraging/commuting of bat species in that area.

We note that the applicant was made aware of the potential impact to bats of the floodlighting prior to their installation through comments submitted by La Société Guernesiaise and we still have concerns of the impact on bats, even if only used throughout the winter months.

The description of the hibernating bats extracted from the Bats and artificial Lighting at Night Guidance Note and included in the applicants response is an introduction to bat ecology and a description of why their roosts are vulnerable to disturbance at that time of year. We do not believe that it is intended, nor is it appropriate to cite that text, as evidence that light pollution will not impact foraging bats during winter months. We are not aware of any evidence to support that. There are likely to be periods of time throughout the winter where the weather is not cold enough for bats to hibernate and individuals will be actively foraging. This is especially the case in the Channel Islands where it is suspected true hibernation does not occur (<https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/Wildlife%20law%20Level%201%20Bat%20Guidance.pdf>). Furthermore, there are only approximately two months of the year when the sun sets after 9pm in Guernsey (late May to late July), and during some critical life stages, such as swarming in the autumn and establishment of maternity roosts in the spring, sunset will be as early as 6pm.

The above comments relate to concerns of impacts which would be caused by light spill into adjacent areas of natural vegetation, however the applicant suggests this is not a risk as the lights are concentrated on to the court. Planning Service may wish to take them up on their offer to visit the site and confirm if there is no light pollution beyond the boundaries of the court. Should that be the case then the potential impacts to bats will likely be negligible. If, however, light pollution extends beyond the court then the applicant may wish to reconsider potential mitigation opportunities, such as the installation of louvres, hoods or baffles”.

Agriculture, Countryside and Land Management Services, 13/03/2025

“We are writing in response to your consultation letter dated 27 February 2025 regarding the additional information supplied in relation to the application from Grand Saunton, Vale.

We note the additional evidence supplied and welcome the addition of baffles to the lighting around the padel court. We also note that the planting scheme will further limit light spill into adjacent land. Therefore, we have no further comments on this application”.

Summary of Issues:

The main issues in deciding this application are:

1. Design and impact of the development on the character and appearance of the Conservation Area.
2. The impact of the development on the amenity of people living in the area.
3. The impact on wildlife and biodiversity.

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

During the course of consideration the application was deferred due to concerns about the potential for light pollution outside of the site and the potential impact of the lighting on wildlife, especially bats. In response additional information was provided about the level of lighting and buffers have been installed and are proposed to all of the flood lights to minimise light spillage beyond the court.

The agent advises that the padel court is only used by the residents of the property and invited friends. As a result playing times are very low. The court will not be continuously lit and lighting would only be activated when the court is in use. It is proposed that the lighting will only be required during the hours of 16:30 and 21:00.

The padel court and the proposed flood lights are largely screened from the adjacent public highway by existing well-established vegetation and are unlikely to form a prominent feature in public views or have a significant adverse effect on the landscape character of the area. Whilst the flood lights and the associated lighting would have a far greater visual impact when in use at night, due to the likely limited frequency and duration of use, the flood lights are unlikely to have a significant adverse effect on the visual amenity of the area and the character and appearance of the Conservation Area, in accordance with Policies GP1, GP4 and GP8.

By virtue of the siting and distance of the padel court to the dwelling and barn, the proposal would have no adverse effects on the setting of the protected buildings.

The Office of Environmental Health and Pollution Regulation raise concerns about the potential impact on the amenities of neighbouring residents if the lighting was used on an unrestricted basis. To address these concerns the Office of Environmental Health and Pollution Regulation recommend that the use of the lighting is limited to 16:30 to 21:00 on any day. Due to the likely limited frequency and duration of use of the flood lights (on the basis that the court would only be used on a domestic scale in association with the existing dwelling) and provided that the use of the lighting is limited to 16:30 to 21:00, the proposal is unlikely to have any significant adverse effects on the amenities of neighbouring residents.

Provided that these timing restrictions for the lighting are complied with, how they are achieved is beyond the control of planning and it would be unreasonable and unnecessary to require timers to be installed.

The comments of Agriculture, Countryside and Land Management Services are set out in full above. The revised plans, including the installation of buffers to limit light spillage beyond the court, together with the likely limited frequency and duration of use of the flood lights is unlikely to result in significant harm to bats and other wildlife.

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

It is recommended that the application is approved.

Date: 17/03/2025

