

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 replacement raw water main pipe (Site of Special Significance).

LOCATION: SSS Woodland, La Ruelle De Ollivets, St. Martin.

APPLICANT: Guernsey Water

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: 08/07/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 15/05/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site compound drawing (ref: MHRWM_SC_001), Site Block Plan (Ref: J013670000), trench cross section drawing (ref: MHRWM-1), tree location drawing (ref: RWN0008 – 001 Rev B), Tree Survey by Phil Collenette, Ecological Assessment by Environment Guernsey Ltd & appendix B Works Method Statement (all date stamped received 30/04/2024)

Application Ref: FULL/2024/0788

Property Ref: J013670000

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.The works hereby approved shall only be carried out in strict accordance with the details contained within the works method statement and the suggested mitigation methods identified within the Ecological Assessment (both date stamped received 30/04/2024) unless the Authority agrees to any variation in writing.

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

5.(a) Following completion of the works The Authority must be notified of such in writing within 21 days.

(b) within 28 days of the date confirmed in criterion (a) above, the site compound and any left over materials shall have been removed from the site.

(c) Following the expiration of 12 months from the date confirmed in criterion (a) above, the site shall be revisited with representatives from the Authority and States Agriculture Countryside and Land Management Service (ACLMS) as detailed in the 'Works method statement' to ensure that the reinstatement of the site is satisfactorily achieved. Should any additional reinstatement works be required then these shall be agreed in writing with the Authority and implemented in accordance with an agreed programme of works.

Reason - To limit the impact of the proposal on the surrounding SSS and to ensure that the reinstatement of the land takes the form hereby approved and accordance with the submitted Ecological Report and works method statement and to comply with the provisions of Policy GP2 of the IDP.

6.All excavation plant, machinery and materials associated with the approved development when not in use shall be stored within the agreed 'site compound' as shown on drawing ref: MHRWM_SC_001.

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

Expiry Date: This permission will cease to have effect on 08/07/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

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

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

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

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/2024/0788
Property Ref: J013670000
Valid date: 15/05/2024
Location: SSS Woodland La Ruette De Ollivets St. Martin Guernsey
GY4 6EJ
Proposal: Install replacement raw water main pipe (Site of Special
Significance).
Applicant: Guernsey Water

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. The works hereby approved shall only be carried out in strict accordance with the details contained within the works method statement and the suggested mitigation methods identified within the Ecological Assessment (both date stamped received 30/04/2024) unless the Authority agrees to any variation in writing.

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

5. (a) Following completion of the works The Authority must be notified of such in writing within 21 days.

(b) within 28 days of the date confirmed in criterion (a) above, the site compound and any left over materials shall have been removed from the site.

(c) Following the expiration of 12 months from the date confirmed in criterion (a) above, the site shall be revisited with representatives from the Authority and States Agriculture Countryside and Land Management Service (ACLMS) as detailed in the 'Works method statement' to ensure that the reinstatement of the site is satisfactorily achieved. Should any additional reinstatement works be required then these shall be agreed in writing with the Authority and implemented in accordance with an agreed programme of works.

Reason - To limit the impact of the proposal on the surrounding SSS and to ensure that the reinstatement of the land takes the form hereby approved and accordance with the submitted Ecological Report and works method statement and to comply with the provisions of Policy GP2 of the IDP.

6. All excavation plant, machinery and materials associated with the approved development when not in use shall be stored within the agreed 'site compound' as shown on drawing ref: MHRWM_SC_001.

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

INFORMATIVES

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

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

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

OFFICER'S REPORT

Site Description:

The application site comprises a woodland site situated to the north of the Moulin Huet car park. Surrounding the site the area comprises dense vegetation to the east and west, an open field to the north and Moulin Huet car park and public convenience building to the south. A douit and Rue Du Moulin Huet are situated immediately to the west of the site.

The site is situated Outside of the Centres and within a Site of Special Significance as designated on the Island Development Plan.

Relevant History:

The application has been the subject of pre-application discussions and in addition has one planning application of relevance:

FULL/2010/3760	Lay public footpath and bridge stream with ex railway sleepers.	Granted 21/12/2010
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Existing Use(s):

Woodland/ agricultural land

Brief Description of Development:

The application proposes the replacement of an existing 200mm diameter UPVC raw water main in situ between the Moulin Huet raw pumping station and Rue Jacques Guille. The water pipe has been highlighted for replacement due to the pipework reaching its end of life following an increase in the number of bursts that is occurring.

The Moulin Huet catchment is an important part of the Island's integrated southern raw water collection system. It collects water from approximately 2% of the Island's stream catchment, transferring to St Saviours raw water storage reservoir, where once treated serves circa 10,000 homes.

The works involve excavating a 600mm wide x 1000mm deep trench over the existing 200mm diameter UPVC raw water main, which is to be removed and replaced with a 300mm ductile Iron pipe laid on a granite sand bed and surround. A small section of pipework (circa 170m in length) is located on States owned land parcel (cadastre J013670000). The land is currently a woodland site managed by States Agriculture, Countryside and Land Management Services (ACLMS). The works are anticipated to last for between 4 to 5 weeks.

EIA Development is defined by Section 2(1) of the Land Planning and Development (Environmental Impact Assessment) Ordinance, 2007 which includes reference to Section 40(5) of the Land Planning and Development (Guernsey) Law 2005. Section 40(5) of the Law requires the Authority when considering proposals for development on an SSS site, to have regard to the desirability of requiring an assessment of the likely impacts of the development on any aspects of the environment, unless it is satisfied that the development is of a minor nature and is incapable of having significant adverse effects on the quality of the environment, the use of natural resources or biological diversity.

Prior to the submission of the application the proposal was screened to confirm whether an EIA was required. As part of the screening process, the States Agriculture, Countryside and Land Management Service (ACLMS) was consulted. Following a review of the information submitted it was concluded that *“The limited scale of the works, the mitigations outlined in the information provided and the likely ‘regenerative capacity’ of the habitat affected lead to the conclusion that the proposal is unlikely to have a significant environmental impact on the Cliffs Site of Special Significance. Provided that the works are delivered as per the information supplied (which can be controlled as part of any subsequent planning applications/permissions), then the proposal would not require an EIA.”*

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

Island Development Plan Policies:

- IP11: Small-Scale Infrastructure Provision.
- GP1: Landscape Character and Open Land;
- GP2: Sites of Special Significance;
- GP8: Design;

Representations:

None received

Consultations:

States Agriculture, Countryside and Land Management Services

By letter dated 16th May 2024 stated the following:

“We are writing in response to your consultation regarding the application with reference FULL/2024/0788.

We note that the works are to take place within a Site of Special Significance and have welcomed, as land managers of the area, the opportunity to discuss the proposals with Guernsey Water representatives in advance of the application being submitted.

We are satisfied that the proposals as presented contain sufficient mitigation actions (both during and after the works) to avoid no net loss of the special interest of the Site of Special Significance.

On that basis, the Planning Service may wish to consider securing the mitigation actions proposed through appropriately worded conditions, especially the commitments to monitor the recovery of the site and take appropriate action 12 months after the works have been completed. 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."

Summary of Issues:

- Whether the principle of the development is acceptable;
- Impact on the Site of Special Significance;
- Impact on the landscape character and openness of the surrounding area;
- Impact on neighbour amenity and 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 the development is acceptable;

Policy IP11 supports proposals for small scale infrastructure development where this would contribute to the maintenance and support of efficient and sustainable infrastructure and accords with other relevant policies of the IDP. In all cases the applicant will first be required to demonstrate that the sharing or co-location of facilities, buildings apparatus and supporting structures is not practically possible.

In this instance the proposal involves the replacement of an existing raw water main due to the existing pipe reaching its end of life. The site is an important catchment area and forms part of the islands integrated southern raw water collection system. It captures raw water from approximately 2% of the islands catchment and once treated provides water for circa 10,200 homes in Guernsey.

The infrastructure proposed is therefore considered to be of considerable importance and would maintain and support required infrastructure for Guernsey. Given the nature and type of the development proposed it would not be possible to share the facility or co-locate this facility.

Provided that the proposal complies with all other relevant policies of the IDP (assessed in detail below) the scheme complies with Policy IP11 of the IDP.

Impact on the Site of Special Significance

The site is located within a Site of Special Significance and for the reasons as specified in the Brief description of development section of this report comprises minor works not requiring an Environmental Impact Assessment as set out under Section 40(5) of the Land Planning and Development (Guernsey) Law, 2005.

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

As part of the application information has been provided to demonstrate that prior to the submission of the application the applicant has liaised with ACLMS to determine the best solution for the proposed works to avoid unnecessary impact on the surrounding SSS. An Ecological Assessment has been produced by Environment Guernsey and an Arboricultural Survey produced by a local Arboricultural Consultancy.

These reports have assessed the potential to relocate the pipes to alternative locations to avoid disturbance to the SSS. Such sites include the use of the adjacent stream (between the woodland and road) and relocating the pipework into the road. The assessment confirms that the stream is a breeding ground for a critically endangered species of European Eel and relocating the pipework below the stream and closer to the stream has been discounted. Relocating the pipework into the road has been discounted due to the number of utilities already present within this area, the structural condition of the earthbank along the eastern side of the road and the presence of tree roots just below the surface of the road/to the side of the road which would be damaged during excavation. The scheme as proposed is therefore considered to be the best solution and the Ecological Assessment and Arboricultural report highlights the main risks associated with the development and the mitigation methods proposed to ensure that harm is not caused to the SSS. These are summarised below:

Main risks associated with the development will be as follows:

- Soil compaction;
- Vegetation loss/loss and physical disturbance of habitats;
- Pollution spills;
- The reinstatement of unsuitable species;
- Noise disturbance;
- Visual disturbance;
- Disturbance of birds
- Disturbance of sensitive species.

Proposed mitigation methods:

Excavation phase

- Undertake works in late summer or early autumn (to avoid the need for lighting and light pollution);
- Be watchful for wildlife (e.g. nesting birds, slow worms, small mammals etc);
- Establish a suitable route through the woodland to reduce the requirement for tree felling/lopping;
- Limit trench width and work area as feasible;
- Monitor site conditions and postpone work after heavy rainfall if required;
- Limit machinery movements and manoeuvres;
- Store excavated soil on Mypex;
- After trenching, backfill with original soil carefully within 1-2 days;
- Restore any earthbanks and other boundary features;
- Store materials in the car park where possible.

Post work and restoration phase:

- Restore any incidental damage to woodland areas;
- Inspect site after six months or until fully restored and settled;
- Undertake any further repairs where necessary.

The reports conclude that *“the installation of the new water main through the woodland area could cause significant damage to the site potentially lasting for a number of years thereafter. To keep impacts to a minimum it is critical that the works adhere to the mitigation measures. In particular the trenching should be undertaken in late summer to early autumn and follow a route which avoids the need for extensive tree felling or damage to route systems. If the recommendations are followed, then the site should recover relatively quickly after 2-3 years there should be little evidence of the trenching works.”*

To expand on the recommendations of the reports, to expand on both stages of the mitigation referred to above and to alleviate any concerns regarding harm to the SSS the applicant has also produced a ‘Works Method Statement’ which in summary confirms the following:

- A site compound will be set up within the Car Park area to store all equipment and materials, secured with Heras type fencing for the duration of the works;
- Site induction prior to any works with each member of the contractor team to highlight and identify issues and sensitive receptors;
- Working with ACLMS younger areas of vegetation will be removed to allow light through the woodland canopy for low lying vegetation to prosper;
- All vegetation removed from site will stay on site and be shredded and spread in a suitable location;
- Excavation works will start at the car park side and work north, excavated areas will be limited to 15m sections x 600mm in width at any one time;

- To ensure soil compaction is kept to a minimum 2440mm x 1220mm boards will be placed either side of the excavation area;
- All excavated material will be stored alongside the trench and used to and evenly spread to backfill that area on completion;
- Post works reinstatement initially kept to a minimum to allow native species to naturally recolonise the woodland. If reinstatement is unsatisfactory within 12 months then the authors of the reports will revisit the site and suggest further reinstatement works.

Based on the above and the commitments made by the applicant, it is recommended that permission is granted subject to appropriate conditions and informative notes specifically ensuring that the works are undertaken in accordance with the suggested mitigation measures and the works method statement. Subject to these conditions/informative it is considered that the environmental impacts of the proposal would be reduced to an acceptable level. The proposal is therefore unlikely to adversely affect the special interest of the Site of Special Significance in accordance with Policy GP2.

Impact on the landscape character and openness of the surrounding area;

Policy GP1 sets out that development will be supported where it respects the relevant landscape character type within which it is set, where development does not result in the unacceptable loss of any specific distinctive features that contribute to the wider landscape character and local distinctiveness of the area, and takes advantage where practicable of opportunities to improve visual and physical access to open and undeveloped land.

In this instance although during construction the character of the area will be disrupted this will be temporary expected to last around 4 to 5 weeks. All of the works proposed are subterranean and once completed the site will be reinstated to its former condition in accordance with the mitigation and method statements summarised above.

The applicant has confirmed that tree felling has been kept to a minimum (as shown on the application drawings) will be recorded and fully offset by the undertaking of new tree planting on the site as the space allows. The proposal would therefore not cause significant long-term harm to the landscape character of the surrounding area.

Impact on neighbour amenity and highway safety.

Policy GP8 requires *inter alia* that proposals for new development will be expected to consider the health and well-being of the occupiers and neighbours of the development by means of providing adequate daylight, sunlight and private/communal open space.

There nearest residential property is situated circa 110m distance from the site and at this distance and given the nature of the scheme no harm would be caused to their residential amenity.

With regards to highway safety, part of the existing car parking area will be given over to accommodate the site compound (to store all materials etc). However, given that this will only be for a temporary period for between 4 to 5 weeks and that additional car parking is available adjacent to the compound and to the southeast of the site (near to the toilet building) the proposal would not cause harm to highway safety.

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; the effect of the proposed which the site could be put without further planning permission; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).

The proposal would not impact on any Protected Buildings, trees or monuments. The impact on the SSS has been fully assessed above.

For the reasons set out within this report the proposal complies with the relevant provisions of the Island Development Plan and satisfies the other relevant material planning considerations; it is therefore recommended that planning permission be granted with conditions.

Date: 04/07/2024

