

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: Demolish greenhouses and outbuildings, install ground mounted solar panel array, fencing and gates with ancillary infrastructure and associated works.

LOCATION: Fresh Guernsey Herbs, Les Abreuveurs Road, St. Sampson.

APPLICANT: Fresh Guernsey Herbs

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: 05/12/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/05/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: The Drawing Room: 334/C1E, /C2C, /C3E, /C4C, /C5D, C8 & C9
Rubis: ABR/PD/ZF20/DWG001B & WDS/PD/ZF20/DWG001B.

Application Ref: FULL/2024/0818

Property Ref: B014260000 + B014280000 + B014330000

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. Prior to any demolition a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Development & Planning Authority. Agreed details shall be carried out as approved unless otherwise agreed in writing by the Authority. At a minimum the following should be included:

- I. A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how complaints will be dealt with, reviewed and recorded (including details of any considerate constructor or similar scheme)
- II. A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site
- III. A Noise and Vibration Management Plan (with reference to BS 5228)
- IV. Details of hours of construction including all associated vehicular movements
- V. Details of the construction compound
- VI. A plan showing construction traffic routes
- VII. Any excavated material from the site that may be used or stored within the Water Catchment Area must be scientifically proven to be uncontaminated
- VIII. No material such as subsoil, rubble etc to be used as fill material or level-raising relative to this, or future phases of this development, may be imported into the site unless it can be scientifically proven to be uncontaminated and only inert material may be stockpiled on the site
- IX. Provision should be made for the total collection, containment and proper disposal of any chemical, oil, or trade effluent, including vehicle washing effluent, which may result from any industrial process within the above site.
- X. An Invasive Non-Native Species Management Plan to ensure that pampas grass and any other INNS identified during the course of the construction phase are controlled and disposed of appropriately to prevent spread (either on site or to other sites).

The development shall be carried out in accordance with the approved CEMP.

Reason - In the interests of residential amenity, to protect the adjoining watercourse and in the interests of protecting existing ecological features on the site, protecting natural habitats which support associated wildlife.

5. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Development & Planning Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtain written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

6. No development, including site clearance and demolition, shall take place until an updated version of the Site Waste Management Plan submitted as part of this application has been submitted to and approved in writing by the Authority. The updated Site Waste Management Plan shall take into account any further site surveys or changes to the construction programme, and shall identify an individual with responsibility for regularly monitoring the Site Waste Management Plan. The development shall thereafter be carried out only in accordance with the Site Waste Management Plan so approved.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

7. No part of the development hereby permitted shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out and monitored fully in accordance with the Site Waste Management Plan approved under Condition 6 above. Where there has been any variation from the approved Site Waste Management Plan, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

8. Noise associated with the plant and machinery, which includes the solar panels and electrical building equipment, incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1m from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

Reason - To prevent a nuisance or annoyance to nearby residents.

9. For the avoidance of doubt, this permission does not relate to the installation or erection of external lighting on or around the site.

Reason - The submission does not include any information regarding such proposals therefore an assessment has not been carried out regarding the potential effect of lighting on the character of the area, residential amenity or wildlife.

10. a) Prior to the commencement of any work in connection therewith, a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

- i) full details of tree and hedge planting to the site boundaries and adjacent to The Cottage;
- ii) full details of biodiversity and other proposals for the retained water tower structures;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants; and
- iv) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

b) The landscaping 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 completion of development or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - In order to help assimilate the development into its surroundings, in the interests of residential amenity and having regard to the Strategy for Nature SPG.

11. Within six months of the date when use of the site for the solar array hereby approved ceases, or such other period previously agreed in writing by the Authority, all solar panels, buildings hereby permitted and any associated works and structures, including fencing, shall be removed from the site. The land shall be re-instated so that it is capable of agricultural use within one year of the cessation of such use, or such other period as may be agreed beforehand in writing by the Authority.

Reason - Permission for the solar array has been granted on the basis that the proposal represents a temporary use of agricultural land. Following the cessation of the approved temporary use the land must be cleared and made available for agricultural/horticultural use.

Expiry Date: This permission will cease to have effect on 05/12/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

The applicant/developer should contact Guernsey Water regarding:

- the installation of any surface water or land drainage systems in the direct vicinity of the site as a Guernsey Water permit is required
- permission is required from Guernsey Waste Water before any trade effluent is disposed of via the foul drainage system, or another approved method
- any proposed oil storage installation (particularly any underground installation), boilerhouse or generator which should comply with Building Control Regulations and Section 4 (1) (c) of "The States Water Supply (Prevention of Pollution) Ordinance, 1966"
- fuel storage. All fuel oil, including temporary storage and drums, must be stored in accordance with Section 4 (1) (c) of "The States Water Supply (Prevention of Pollution) Ordinance, 1966" or in any other manner approved by Guernsey Water.
- all plumbing works and any vessels and equipment which may use the Public Water Supply must comply in every respect with "The Water Byelaws (Guernsey) Ordinance, 2003."
- any proposed irrigation or grey water recycling systems.

Guernsey Water may not supply water to the site if there is a risk of contamination of water supply pipe work as specialised pipe materials might be required.

- Permit will be required from Guernsey Water under "States Water Supply (Prevention of Pollution) Ordinance, 1966" and "The Prevention of Pollution (Guernsey) Law, 1989".
- Any foul effluent must be effectively contained and disposed of via the foul drainage system subject to permission from Guernsey Waste Water.

A breeding bird survey of built structures should be undertaken to quantify the population of swallows and house martins nesting on/in buildings. This information is required so that a licence can be obtained for the removal of nests from the States' Veterinary Officer, and to inform the appropriate mitigation required to mitigate for their loss.

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The site located in an area where bats may be roosting and measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present are not impacted by

the works. It is therefore recommended that a Ground Level Roost Assessment of trees to be felled is undertaken by a suitably qualified ecologist. This is to ensure that there are no active bat roosts within those trees. Surveys should follow Bat Conservation Trust guidelines. Subsequent surveys may be required if potential roost features are detected.

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/2024/0818
Property Ref: B014260000 + B014280000 + B014330000
Valid date: 03/05/2024
Location: Fresh Guernsey Herbs Les Abreuveurs Road St. Sampson
Guernsey
Proposal: Demolish greenhouses and outbuildings, install ground
mounted solar panel array, fencing and gates with ancillary
infrastructure and associated works.
Applicant: Fresh Guernsey Herbs

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. Prior to any demolition a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Development & Planning Authority.

Agreed details shall be carried out as approved unless otherwise agreed in writing by the Authority. At a minimum the following should be included:

- I. A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how complaints will be dealt with, reviewed and recorded (including details of any considerate constructor or similar scheme)
- II. A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic and deliveries to and from the site
- III. A Noise and Vibration Management Plan (with reference to BS 5228)
- IV. Details of hours of construction including all associated vehicular movements
- V. Details of the construction compound
- VI. A plan showing construction traffic routes
- VII. Any excavated material from the site that may be used or stored within the Water Catchment Area must be scientifically proven to be uncontaminated
- VIII. No material such as subsoil, rubble etc to be used as fill material or level-raising relative to this, or future phases of this development, may be imported into the site unless it can be scientifically proven to be uncontaminated and only inert material may be stockpiled on the site
- IX. Provision should be made for the total collection, containment and proper disposal of any chemical, oil, or trade effluent, including vehicle washing effluent, which may result from any industrial process within the above site.
- X. An Invasive Non-Native Species Management Plan to ensure that pampas grass and any other INNS identified during the course of the construction phase are controlled and disposed of appropriately to prevent spread (either on site or to other sites).

The development shall be carried out in accordance with the approved CEMP.

Reason - In the interests of residential amenity, to protect the adjoining watercourse and in the interests of protecting existing ecological features on the site, protecting natural habitats which support associated wildlife.

5. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to the Development & Planning Authority a method statement to identify, risk assess and address the unidentified contaminants, and obtain written agreement from the Authority for the works to continue. Any subsequent works shall be carried out only in accordance with the conclusions and recommendations contained in the agreed report.

Reason - To make sure that the site, when developed is free from contamination, in the interests of public health and safety.

6. No development, including site clearance and demolition, shall take place until an updated version of the Site Waste Management Plan submitted as part of this application has been submitted to and approved in writing by the Authority. The

updated Site Waste Management Plan shall take into account any further site surveys or changes to the construction programme, and shall identify an individual with responsibility for regularly monitoring the Site Waste Management Plan. The development shall thereafter be carried out only in accordance with the Site Waste Management Plan so approved.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

7. No part of the development hereby permitted shall be occupied or brought into use until there has been submitted to the Authority a report providing verification that the development has been carried out and monitored fully in accordance with the Site Waste Management Plan approved under Condition 6 above. Where there has been any variation from the approved Site Waste Management Plan, the report shall highlight and detail the reasons for this.

Reason: To ensure that the development is managed to minimise waste during the demolition of any existing buildings or structures or during construction, that existing materials are reused, recycled or disposed of either on or off site, and that residual waste will be dealt with appropriately, in accordance with the aims and objectives of Policy GP9.

8. Noise associated with the plant and machinery, which includes the solar panels and electrical building equipment, incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1m from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB(A) below the existing LA90 background noise level, including low frequency tones. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS 4142:2014.

Reason - To prevent a nuisance or annoyance to nearby residents.

9. For the avoidance of doubt, this permission does not relate to the installation or erection of external lighting on or around the site.

Reason - The submission does not include any information regarding such proposals therefore an assessment has not been carried out regarding the potential effect of lighting on the character of the area, residential amenity or wildlife.

10. a) Prior to the commencement of any work in connection therewith, a landscaping scheme, to include those details specified below, shall be submitted to and agreed in writing by the Authority:

i) full details of tree and hedge planting to the site boundaries and adjacent to The Cottage;

- ii) full details of biodiversity and other proposals for the retained water tower structures;
- iii) planting schedules, noting the species, sizes, numbers and densities of plants; and
- iv) all existing trees, hedges and other landscape features, indicating clearly those to be removed.

b) The landscaping 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 completion of development or in accordance with a programme previously agreed in writing by the Authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

Reason - In order to help assimilate the development into its surroundings, in the interests of residential amenity and having regard to the Strategy for Nature SPG.

11. Within six months of the date when use of the site for the solar array hereby approved ceases, or such other period previously agreed in writing by the Authority, all solar panels, buildings hereby permitted and any associated works and structures, including fencing, shall be removed from the site. The land shall be re-instated so that it is capable of agricultural use within one year of the cessation of such use, or such other period as may be agreed beforehand in writing by the Authority.

Reason - Permission for the solar array has been granted on the basis that the proposal represents a temporary use of agricultural land. Following the cessation of the approved temporary use the land must be cleared and made available for agricultural/horticultural use.

INFORMATIVES

The applicant/developer should contact Guernsey Water regarding:

- the installation of any surface water or land drainage systems in the direct vicinity of the site as a Guernsey Water permit is required
- permission is required from Guernsey Waste Water before any trade effluent is disposed of via the foul drainage system, or another approved method
- any proposed oil storage installation (particularly any underground installation), boilerhouse or generator which should comply with Building Control Regulations and Section 4 (1) (c) of "The States Water Supply (Prevention of Pollution) Ordinance, 1966"
- fuel storage. All fuel oil, including temporary storage and drums, must be stored in accordance with Section 4 (1) (c) of "The States Water Supply (Prevention of Pollution) Ordinance, 1966" or in any other manner approved by Guernsey Water.
- all plumbing works and any vessels and equipment which may use the Public Water Supply must comply in every respect with "The Water Byelaws (Guernsey) Ordinance, 2003."
- any proposed irrigation or grey water recycling systems.

Guernsey Water may not supply water to the site if there is a risk of contamination of water supply pipe work as specialised pipe materials might be required.

- Permit will be required from Guernsey Water under "States Water Supply (Prevention of Pollution) Ordinance, 1966" and "The Prevention of Pollution (Guernsey) Law, 1989".
- Any foul effluent must be effectively contained and disposed of via the foul drainage system subject to permission from Guernsey Waste Water.

A breeding bird survey of built structures should be undertaken to quantify the population of swallows and house martins nesting on/in buildings. This information is required so that a licence can be obtained for the removal of nests from the States' Veterinary Officer, and to inform the appropriate mitigation required to mitigate for their loss.

Your attention is drawn to The Animal Welfare (Guernsey) Ordinance, 2012 and the need to comply with its provisions. The site located in an area where bats may be roosting and measures may therefore need to be taken (including consideration of the timing of the works) to ensure that any protected species present are not impacted by the works. It is therefore recommended that a Ground Level Roost Assessment of trees to be felled is undertaken by a suitably qualified ecologist. This is to ensure that there are no active bat roosts within those trees. Surveys should follow Bat Conservation Trust guidelines. Subsequent surveys may be required if potential roost features are detected.

OFFICER'S REPORT

Site Description:

The site comprises of a horticultural vinery site situated to the west of Les Abreuveurs Road. The site is bounded to the north, west and south by a mix of agricultural/ undeveloped land and residential properties. Two of the residential properties bounding the site to the south are protected buildings. Access to the site is to the east onto Les Abreuveurs Road.

The site is located Outside of the Centres as designated in the Island Development Plan. There are protected buildings in the vicinity.

Relevant History:

FULL/2020/0085 - Erect fencing, gates and security lighting and cameras – granted

FULL/2023/1836 - EIA Scoping Opinion request for the demolition of greenhouses and outbuildings, installation of ground mounted solar array with associated works.

Pre-application advice was sought in this case.

Existing Use(s):

28 agriculture/horticulture

Brief Description of Development:

The application relates to the removal of greenhouses and outbuildings at Les Abreuveurs Vinery and the installation of a ground mounted solar array with associated gates and fencing, ancillary infrastructure and associated works.

The panels are shown to be mounted at an angle of 20 degrees with a maximum height above ground level being 2.4m. The panels are shown to be laid out across the entire site in back to back rows with c. 3.5m wide rows between.

An existing building situated adjacent to the site accessway and entrance from Les Abreuveurs Road is proposed to be retained as the electrical building with office, control room and substation and transformer internally. Various external alterations are proposed to the exterior of the building to facilitate this use.

A new land maintenance building proposed to the immediate north of the retained, electrical building. The new building is shown to have a pitched roof, roller shutter doors in the west elevation with the roadside elevation largely blank exempt one window. The exterior is shown to be clad with a green, profiled insulated cladding. The building would house a workshop and machinery store for tractors, hedge cutters, flail mowers, ride on mowers and trailers along with a staff room, WC/shower room and solar storage.

Both buildings are shown to incorporate solar panels.

The solar array is shown to be enclosed by 2m high green welded mesh fencing (side elevation/section provided not an elevation plan), set inside the site boundary and site access roadway.

The two existing water towers located on the site are shown to be retained with reclaimed timber slats attached to the upper section of one and a climbing plant support system proposed to the other in order to offer wildlife/biodiversity benefits.

The application has been accompanied by a Waste Management Plan and Construction Environmental Management Plan.

This application required an Environmental Impact Assessment (EIA) to be undertaken and an Environmental Statement (ES), reporting the findings of this Assessment is submitted as part of the application documentation.

A Scoping Opinion was issued in accordance with Section 9 of the Land Planning and Development (Environmental Impact Assessment) Ordinance, 2007. This set out that the EIA should address:

- Noise and vibration
- Flora and Fauna
- Water
- Landscape Character and Visual Amenity (material assets)

The ES submitted as part of this application is considered to cover all the above matters meeting the requirements of Schedule 5 of the Land Planning and Development (Environmental Impact Assessment) Ordinance, 2007.

The Environmental Statement includes 13 chapters dealing with the following:

1. Introduction – background, scope
2. Environmental Impact Assessment – context and EIA process
3. The site – location and size
4. Designated sites – Sites of Special Significance, Areas of Biodiversity Importance, Other Designations, context and site overview
5. Proposed development – overview, site clearance and proposed solar farm
6. Site preparation, demolition and construction – enabling works, clearance, installation, traffic and working hours
7. Environmental Impact Assessment – Scope, approach to impact assessment, terminology, significance criteria and cumulative effect
8. Water – consultation, scope of assessment, legislation, receptors, development phase, summary of potential environmental impacts, receptor importance, magnitude and duration of impact, limitations and assumptions, existing site in relation to water, importance of the receptor, future environment, Environmental Design and Management, Assessment of effects and significance, soil classification and contamination
9. Noise and vibration – overview, consultation, scope of assessment, legislation, receptors, development phase, potential environmental impacts, receptor importance, magnitude of impact (noise and vibration), factors affecting noise and vibration impact, duration of impact, limitations and assumptions, existing site in relation to noise and vibration, environmental design and management, assessment of effects and significance, overview of noise impacts, summary of vibration impacts
10. Flora and Fauna – consultation, scope of assessment, legislation, receptors, development phase, summary of potential environmental impacts, receptor importance, magnitude and duration of impact, limitations and assumptions, designated sites, existing site in relation to flora and fauna, potential significant effects and mitigation measures, effects on priority habitats and species
11. Landscape character and visual amenity – baseline conditions, receptors, possible impacts, mitigation measures, effects on landscape and visual amenity
12. Combined effects
13. Construction Environmental Management Plan

Appendices

1. Habitat Survey key
2. IDP legend
3. Terrestrial Priority Species

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

Island Development Plan policies:

S5: Development of Strategic Importance

IP1: Renewable Energy Production

OC6: Horticulture Outside of the Centres

OC7: Redundant Glasshouse Sites Outside of the Centres

GP1: Landscape Character and Open Land

GP5: Protected Buildings

GP8: Design

GP9: Sustainable Development

Strategy for Nature SPG

Representations:

Four letters of representation have been submitted from one household, on behalf of a further six nearby households. An appendix is included which is a copy of the letter of representation submitted in relation to a previous submission for the same development (superseded by the Scoping Opinion Request). The representations raise the following points:

- Support the principle for local production of renewable energy but not at all costs

Impact on residential amenity

- Statement in submission “no adverse effect on the living conditions of neighbouring properties” is subjective and unproven
- Noise levels associated with the vinery use (Fresh Guernsey Herbs) were occasional and sporadic
- The submission is almost dismissive of vibration impacts during the operational phase “negligible adverse effect, long term, not significant”
- There are residential properties within 20m of the plant room, land maintenance buildings and array
- Noise generated from wind flowing over the array panels is of concern given that they are not surrounded by trees to offer shelter because of the potential shading effect
 - A volume of up to 45 decibels can be expected (compare this to a spoken voice at a whispered level is c. 30 decibels and normal speech being c. 60 decibels)

- The expansion/contraction of panels, which typically occurs at dusk and during the night
- Strongly oppose the use of the packing shed as the electrical building for the development. Noise and vibration generated through the repurposing of the packing shed to the electrical shed is of concern especially when the impact of the main Guernsey Electricity site are so well known/documented
 - Noise typically generated by energy harvesting/storage and transmission equipment is between 25 and 65 decibels
 - The previous commercial entity on site ran industrial fans within the glasshouse, day and night, for several days which were audible (constant humming) and caused nuisance, particularly at night, except when it was windy or traffic passed by
- Substation and transformers should be more centrally positioned on site
- Noise associated with the use of the workshop are unknown at present – there could be day to day activity that would be harmful to the amenities of neighbouring residents
- Would there be anti-social hours/noise associated with this
- The CEMP/Site Waste Management Plan both give a reasonable level of assurance that the wellbeing of nearby residents will be taken into consideration at the development stage
- The development would generate, an unquantified, level of noise and vibration which is potentially far more intrusive than the existing situation
- The CEMP would not safeguard residents once the site is operational
- There would be minimal buffers in place to protect against harm

Design and appearance of workshop

- This is aesthetically undesirable in size and scale in close proximity to residential properties
- This could be situated elsewhere on site, further from residential neighbours – more central on site so less visible from outside the site
- Although planting would eventually soften the visual impact of this new building it is essentially a medium size warehouse which would be incongruous in this semi-rural environment

Character of the area

- The statement that the site does not contribute to a wider area of open land is contended – there are considerable areas of green land within a 200 – 250m radius
- The removal of glasshouses could be argued as enhancing the area
- The array will be lower than the existing glasshouses and with planting to exceed the solar panel height noted as being proposed – this is welcomed and offers a reasonable level of confidence in the aesthetic aspect of the installation
- The application describes the locality as built up – this is an exaggeration as there is a considerable amount of undeveloped land in the surrounding area, more akin to a semi-rural location

- There is the potential for quite a significant period of ‘appearance disruption’
- The submission does not clearly address the need for security lighting
- There is a minimal buffer between the site and neighbouring properties and as proposed there would be a serious degradation to the environment

Environmental Statement

- Is not fit for purpose
- This provides a reasonable recognition of matters that could be expected to cause disruption to nearby residents’ during the development/construction phase with measures to minimise such disruption
- This does not address the effects/cumulative effects of the development on residents once the facility is operational but does address the cumulative effect in relation to water and flora and fauna
- The document predicts that the nature and magnitude of residual impacts in the operational phase will be negligible but states that this is subject to confirmation – this needs to be addressed prior to approval by the Planning Service and Environmental Health
- The report recommends that “figures for operational noise” should be confirmed – this should be produced by professional and objective sources and prior to the submission of an application

Other matters

- The site notice has not been correctly displayed
- Raising queries regarding wider public engagement given the unprecedented nature of the development in Guernsey
- There is only one small retail unit (Crab Cabin) and no other commercial activity nor active vineries or light industry operating in the locality
- Future housing development on the site
- Drawing attention to the refusal of permission at White Lodge, Les Vardes which highlights concerns raised in the main letter of representation in this case (albeit in different context) – report refers to the size of the structure, substantial increase in bulk and a more visible building
- Reference to Longfield Solar Farm, Essex (albeit c. 200 times larger than the Fresh Guernsey Herb site)
 - Focus on residents living within 500m of the site boundary (at Fresh Guernsey Herbs residential properties would be 20 – 25m from the site)
 - Reference to operational noise and reversible long term effects
 - Glint and glare issues
 - Despite the differences all the disciplines, assessments and evidence gathering processes deployed to make the case for the Longfield site apply to the Fresh Guernsey Herbs site

Consultations:

Guernsey Water – no comments received at point of determination. Guernsey Water did however, comment on the Scoping Opinion request:

10/11/2023

Guernsey Water raises no objection to this application although the above site is situated in close proximity to a stream within the Marais stream raw water catchment area. If the application proceeds further, Guernsey Water requires the following in respect of pollution prevention:

Any excavated material from the site that may be used or stored within the Water Catchment Area must be scientifically proven to be uncontaminated. No material, such as subsoil, rubble etc. to be used as fill material or level-raising relative to this, or future phases of this development, may be imported into the site unless it can be scientifically proven to be uncontaminated and only inert material may be stockpiled on the site.

- Any foul effluent must be effectively contained and disposed of via the foul drainage system subject to permission from Guernsey Waste Water
- No surface water or land drainage system shall be installed in the direct vicinity of the site without a permit from Guernsey Water
- Provision should be made for the total collection, containment and proper disposal of any chemical, oil or trade effluent, including vehicle washing effluent, which may result from any industrial process within the above site
- All trade effluent must be effectively contained and disposed of via the foul drainage system (subject to permission from Guernsey Waste Water) or other approved method
- Any proposed oil storage installation (particularly underground installation), boiler house or generator complies with Building Control Regulations and Section 4 (1) (c) of "The States Water Supply (Prevention of Pollution) Ordinance, 1966"
- All fuel oil, including temporary storage and drums, must be stored in accordance with Section 4 (1) (c) of "The States Water Supply (Prevention of Pollution) Ordinance, 1966" or in any other manner approved by Guernsey Water
- All plumbing works and any vessels and equipment which may use the Public Water Supply must comply in every respect with "The Water Bylaws (Guernsey) Ordinance, 2023". The developer must therefore consult with Guernsey Water regarding the supply of mains water to the site, if applicable, and, in particular, regarding any proposed irrigation or grey water recycling systems. In addition, Guernsey Water may not supply water to the site if there is a risk of contamination of water supply pipework as specialised pipe materials might be required, and these are expensive to install.

Please advise the applicant that a Permit will be required from Guernsey Water under "States Water Supply (Prevention of Pollution) Ordinance, 1966" and "The Prevention of Pollution (Guernsey) Law, 1989.

Office of Environmental Health and Pollution Regulation - reviewed the proposed plans for Fresh Guernsey Herbs Ltd which were received by email on the 10th May 2024 and there are a number of issues of concern that OEHPR must raise. Due to the historic uses of the land and heated vineries, and the proposal for agriculture between the photovoltaic rows, a Discovery Strategy condition is recommended, should contamination be found.

Due to the size of the of the land parcels and the demolition of ten large greenhouses and the construction of the solar array believe a condition for a Construction Environmental Management Plan (CEMP) would be appropriate. One has been provided with this application and is intended to be utilised as a live document through the development. Due to the installation of a solar array and the associated Plant Transformer Station OEHPR is inclined to recommend conditions for the control of noise associated with plant and machinery in anticipation of low frequency tones.

Follow on comments from OEHPR:

We have reviewed the ACOM Longfield report which advises in several places that there will be no operational vibration effects and the assessment did not include operational vibration (see 11.5.1). If residents are impacted by vibration from plant and machinery when the facility is operational this is a matter that can be investigated by OEHPR under the statutory nuisance provisions. These provisions can also be used if residents are impacted by noise/vibration from the panels.

Traffic and Highway Services – do not oppose this application based on road safety and traffic management grounds.

A site visit has been carried out by the Traffic and Highways Services Officer and the following observations are made.

The site is located on Les Abreuveurs Road and the existing access is 16m wide onto the carriageway with a sweeping bell mouth. The visibility splay for a driver, using a datum of 2m from the carriageway edge is bounded to the south (towards Les Canus) by a 1m wall (which forms the sweeping bell mouth) and to the north (towards Route du Camp du Roi) by a thin hedge of approximately 2m in height. The sightline of oncoming vehicles (from Les Canus) is 25m. The sightline of approaching vehicles (from Camp du Roi) is 33m so both sightlines are above the recommended minimum standard.

It is anticipated that the site will have increased commercial vehicle movements in and out of the access/egress during the projected development works but there is sufficient width for two vehicles to pass within the entrance (off the carriageway) and there is also ample room to turn vehicles within the site and therefore no vehicles will need to reverse out onto the road. Once the site has been developed, it would be expected that traffic in and out of the site will be no more than during its previous commercial use.

Agriculture, Countryside and Land Management Services

Commented on the application as originally submitted:

There are a number of omissions, shortcomings or assumptions within the Environmental Statement (ES), most notably, no detailed surveys have been undertaken to inform the baseline understanding of the current ecological value of the site. Therefore the conclusions made within the ES are not supported by an appropriate level of evidence. We have not listed these limitations in detail in this response.

Despite its limitations, we do not necessarily disagree with the conclusions drawn within the ES. However we recommend that the following actions are requested prior to determination, or secured through conditions, in order to mitigate any potential impacts for which there is insufficient data to consider them negligible:

- No external lighting should be installed. There is insufficient information to evidence the site is not used by commuting or foraging bats, therefore light pollution should be avoided as a precaution. Should external lighting be required, we recommend that a lighting scheme is produced which takes account of the appropriate guidelines and, if no surveys for bat activity are undertaken, as per the precautionary principle, an assumption should be made bats are present in the application of that guidance.
- A Ground Level Roost Assessment of trees to be felled should be undertaken by a suitably qualified ecologist. This is to ensure that there are no active bat roosts within those trees.
- Surveys should follow Bat Conservation Trust (BCT) guidelines, and so subsequent surveys should be undertaken as appropriate if potential roost features are detected
- A breeding bird survey of built structures should be undertaken to quantify the population of swallows and house martins nesting on buildings. This information is required so that a licence can be obtained for the removal of nests from the States Veterinary Officer, and to inform the appropriate mitigation required to mitigate for their loss.
- An Invasive Non-native Species (INNS) management plan should be produced, which could be appended to the CEMP. This is to ensure that pampas grass, and any other INNS identified during the course of the construction phase, are controlled and disposed of appropriately to prevent spread (either on site or to other sites).

Additional information is also required to understand the potential impacts of noise and vibration during the operational phase of the development. As acknowledged within the ES, certain wildlife is sensitive to noise and vibration and this impact has the potential to cause long-term, negative impacts to wildlife within and beyond the site boundaries. We note the following passage within the ES:

“In the absence of data regarding predicted operational noise associated with the solar farm, it is assumed that noise levels would be at a considerable lower level than when the site was used as a commercial vinery.” (section 9.14).

Adopting the precautionary principle, in line with best practice guidance, an impact should be assumed unless evidence can be provided to demonstrate otherwise. We would therefore recommend that data regarding the predicted operational noise and vibration is sought so that potential impacts on sensitive ecological receptors can be understood.

Within ACLMS’ response to the content of a scoping opinion (05 Oct 2023) we recommended that the EIA includes an assessment of impacts from the decommissioning phase of the project. This aspect of the development has not been considered within the ES. We recognise this may have not been included within the Scoping Opinion provided to the applicant, however we wish to highlight this to the authority in case these impacts should also have been considered.

We note that the application does not make specific reference to the enhancement of biodiversity in line with the Authority’s requirement for change of use applications, however we believe that the ES contains sufficient information to evidence that an enhancement of biodiversity is feasible, although this will be dependent on mitigations being carried forward into a landscaping scheme. Should permission be granted for this development, the Authority may wish to secure biodiversity enhancements in a landscaping scheme through a suitably worded condition.

Following the receipt of further information ACLMS provided further comment:

ACLMS did recommend that further information was obtained in relation to potential impacts of noise and vibration on ecological receptors. *“We would therefore recommend that data regarding the predicted operational noise and vibration is sought so that potential impacts on sensitive ecological receptors can be understood.”*

We note that additional information has been included in the revised ES in relation to noise. It summarises that, in addition to the noise within the plant room, the sources of noise are transformers (up to 72dB) and inverters (65dB). Although it is referred to in section 9.15, no baseline/background assessment has been undertaken. It is therefore not possible to determine whether this is a significant increase in noise levels. The chapter does not appear to have considered the impacts of vibration or the impacts of either noise or vibration to sensitive ecological receptors. Whilst the noise levels emitted from the infrastructure on site is not likely to result in physical damage to animals, it may result in an increase in noise levels sufficient to bring about a change in behaviour and potentially a reduction in survival or productivity. We are therefore unable to determine whether the development may result in a significant impact. However, given that the site will mostly be laid to grass and is not a designated site or Important Bird Area (and therefore the potential

for a significant negative impact is lower), it may not be proportional to require further detailed surveys.

Several other recommendations were made in our previous response which I have summarised in the list below. We would recommend that these are secured either through inclusion in the CEMP or via a suitably worded condition.

- No external lighting should be installed.
- A Ground Level Roost Assessment of trees to be felled should be undertaken by a suitably qualified ecologist.
- A breeding bird survey of built structures should be undertaken to quantify the population of swallows and house martins nesting on buildings.
- An Invasive Non-native Species (INNS) management plan should be produced.

States' Head of Energy and Climate Change - Regarding the submission; the development is of a significant scale in the context of Guernsey for solar, with available land for large scale projects being limited. It is understood that we are approximately 50% of the way to the 2025 target of 5MW total installed solar within the Island, and the development of this project would enable the achievement of the target. It is unlikely, without a large-scale site, that we will hit the target otherwise.

More generally in terms of overall market contribution, Guernsey Electricity currently operate a number of "Community Solar Projects" totalling installed capacity of in the region of 600kW which in the annual accounting for electricity consumption provides approximately 0.1% of the Island's annual energy requirements. Assuming a similar production output, and a linear scaling of production, a 2.965MWp installation would lead to around 0.5% of total electricity to be generated by solar on Island. This represents a significant increase in the proportion of on-Island renewables providing power into the network.

In terms of meeting the targets set by the States of Guernsey, the development would be significant, as it would enable the hitting of the 5MW target on island (which includes behind the meter/domestic installations not captured by GEL's Community Solar Projects). We do not believe this target would be able to be met through behind the meter projects in the timeframe.

Guernsey Airport - Have no objections to this development. Rubis have engaged with us on a similar project for which they have been furnished with information relating to aviation safety and the risks of PV farms. The location of this development is away from any arrival or departure routes for aircraft.

Summary of Issues:

The key issues in this case relate to the effects of the proposed development on the character and appearance of the area and its effects on the residential amenity of nearby occupiers, impacts on highway safety and capacity and the setting of nearby

protected buildings along with whether the benefits of the proposal would be sufficient to outweigh harm caused.

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.

Renewable Energy

IDP Policy IP1 offers support for the harnessing of renewable energy, with associated development, where the proposal is located on a redundant glasshouse site (criterion b), outside the Agriculture Priority Area, where the development would be of an appropriate scale and location and would not involve the development of land which can contribute positively to a wider area of open land (criterion d.). It is an expectation of the policy that all equipment and associated structures are removed from the land and the land restored when the development is no longer required or is obsolete.

Policy IP1 places an expectation on such proposals to be acceptably sited and to be of a scale so as to minimise adverse impacts on landscape character, biodiversity and amenity. As a result, consideration should also be given as to whether this would represent large-scale harnessing of renewable energy for the purposes of Policy S5.

The submission explains how this proposal would generate in the region of 2.965MWp which would make a significant contribution to meeting the Island's electricity demand and on-Island security and resilience. Guernsey Electricity Strategy Committee have set a short-term target (5MW by 2025) and this proposal would provide the majority of this requirement. It is clear therefore, that there is a wider benefit to the Island of this proposal. The proposal is not however, in conflict with the spatial policies or other specific policies of the IDP therefore Policy S5 is not applicable in this case.

This site does represent a redundant glasshouse site for the purposes of Policy IP1 and would be, for the most part, situated behind frontage ribbon development or set away from the roadside (with the exception of the eastern part of the site), and the ancillary buildings to serve the array. The site falls outside any Public Safety Areas in relation to the safe operation of the airport.

The land does not form part of, nor is adjacent to the Agriculture Priority Area in terms of considering possible alternative uses of the site prior to pursuing development for renewable energy purposes (criterion c.). Nonetheless, it remains

possible for a dual-use including agriculture to operate, with for example, sheep grazing around/under the renewable energy infrastructure.

As outlined below in relation to Policy OC7 the site, once cleared of glass, would not contribute to a wider area of open land and so criterion d. is satisfied. Policy IP1 requires the scheme to also comply with all other relevant policies in the IDP and these are assessed below.

Policy OC6 which relates to horticulture Outside of the Centres is not directly relevant as the scheme does not relate to the change of use of land. This policy does however, make reference to consideration of proposals against Policy OC7, where applicable.

Redundant Glasshouse Site

Policy OC7 promotes the return of land into open agricultural use following the clearance of glasshouses in the first instance, where viable and practical and the Island Development Plan policies seek to maintain and protect large contiguous areas of agricultural land by prioritising agricultural use.

Within the Island Development Plan a 'Redundant glasshouse site' means: 'a glasshouse or glasshouses together with ancillary structures and land where the glass and ancillary structures are no longer required or capable of being used for their authorised purpose.'

There are two elements to this definition. First, there must be a clear indication that glasshouses are no longer required or capable of being used for their authorised purpose for a site to be considered a redundant glasshouse site. Second, the purpose of the policy is to secure improvements in the physical appearance and quality of the landscape. To be able to fulfil the purpose of the policy a redundant glasshouse site must be one where there is visible evidence of substantial superstructures still remaining on the site, the clearance of which will have a positive impact on visual amenity and landscape quality and character.

In this case a large swathe of glasshouse superstructures are present on the site, along with various buildings and other structures and these are not being used for commercial horticulture. Therefore this site qualifies as a redundant glasshouse site and Policy OC7 provides a gateway to consider development on this site.

This site is not located within or adjacent to the Agriculture Priority Area (criterion a) and criteria c., d., g. and h. are not applicable in this case. The proposals fall to be considered under criterion e. which relates to harnessing renewable energy. The proposals also relate to the conversion of a redundant ancillary structure (criterion f) as an existing building is to be retained and utilised as an electrical building.

An assessment must be undertaken in relation to whether the site, once cleared of glass and ancillary structures, would contribute positively to a wider area of open

land. The site is situated amongst mainly ribbon residential development with residential properties surrounding the site, in Les Abreuveurs Road to the south and east, Camp du Roi to the north and Longue Rue to the west. Limited commercial properties are also found in these neighbouring roads with Gaudions to the northwest of the site in Longue Rue and Crab Cabin opposite the site in Les Abreuveurs Road. There are residential properties situated tight to the south site boundary. The site would not therefore, once cleared of glass, contribute to a wider area of open land in accordance with criterion b.

The other policy criteria associated with Policy OC7 must also be addressed, the last of which (vi) requires the development to accord with all other relevant policies in the IDP:

i) Effect on the living conditions of neighbouring occupiers

The ES, as amended, has sought to address the matter of noise and vibration more fully and this policy criteria seeks to address potential harm/nuisance resulting from matters such as noise, vibration, smells, fumes etc and visual intrusion.

The Office of Environmental Health and Pollution Regulation have commented on the application, noting the inclusion of a Construction Environmental Management Plan (CEMP). Issues relating to the associated Plant Transformer Station have been raised through the public consultation process but mitigation measures could be introduced through the use of appropriate planning conditions and such conditions can be used in relation to noise issues from plant and machinery which would relate to both panels and associated equipment housed in the existing and proposed buildings on the site. In relation to noise nuisance associated with plant and machinery associated with the development the scheme is considered satisfactory. Noise and vibration would ultimately be managed by Environmental Health with regard to statutory nuisance.

It is noted however, that OEHPR raised concerns at the scoping stage about contaminated land and the bio-accumulation of contaminants in crops/animals grazing the site given that the horticultural use was for ornamental plants and contaminates including lead from paint and hydro-carbons from fuel tanks associated with heated glasshouse. This is not an issue specific to neighbours of the development but it remains the case that this matter can be addressed by way of a planning condition to ensure that the site is suitable and safe for the reintroduction/ongoing agricultural use which may be possible during the life of the solar array as no material change of use of land will occur.

The solar array will be visible from adjoining residential properties and gardens. Properties to the west and north are set some distance from the proposed array, with gardens/agricultural land extending to the site boundary. Outlook from the properties to the south of the site, and those to the east in Les Abreuveurs Road will be more noticeably affected by the proposals, although planting is indicated to the

east of the array which will help mitigate the visual effect of the array. A wall and existing hedge planting will offer screening for the occupiers of Les Abreuveurs.

Fenestration serving the one and a half-storey property noted at The Cottage on the application drawings will face the existing access road and the high security fencing with solar array beyond. It is acknowledged that planning permission has previously been granted for security fencing around the glasshouses on the site but this was to be situated further from this neighbouring property than is now proposed given the location of the solar array. Concerns were raised regarding the combined effect of the fence and array on the fenestration of The Cottage facing the application site and the visual intrusion this could cause. As originally submitted no mitigation was proposed.

As part of the revised drawings it has been shown, and confirmed as part of the associated covering letter, that new landscaping will be introduced within the application site, to the boundary of this neighbouring property. This would not only improve outlook from this adjoining property but would also help reduce potential glint effects to this and other properties further to the south of the site. The landscaping proposed to be included would reduce the harm caused in order to ensure compliance with the IDP (GP9 b. neighbour amenity and i) OC7).

In terms of Policy GP8 and GP9 however, the proposals (array and associated buildings) would not have a detrimental impact on sunlight/daylight nor result in overlooking and loss of privacy to the occupiers of surrounding dwellings.

ii) Highway safety and free flow of traffic

Traffic and Highway Services did comment on the Scoping Opinion request and acknowledged that the operational phase of the ground mounted solar array would be very low impact from a transport perspective, with the transport related environmental impact highlighted as being slightly more significant at the site clearance and build phase. Nonetheless, it was concluded that the transport related environmental impacts would not be significant.

No objections have been raised by Traffic and Highway Services (THS) in relation to the proposed development with it being noted that both sightlines onto Les Abreuveurs Road exceed the recommended minimum standard.

Although THS have referred to an increase in commercial vehicle movements during the construction phase they also note that this is likely to fall away once the site is complete. It is acknowledged that this is an unrestricted horticultural site where multiple vehicle movements could be expected on a daily basis if in active horticultural use. The same would apply if the glasshouses were removed, the land would revert to an unrestricted agricultural use. Nonetheless, there is sufficient width for two vehicles to pass within the site with ample space for vehicles to turn and exit the site in a forward gear.

ii) of Policy OC7 is therefore satisfied along with Policy IP9.

- iii) Efficient and effective use of land with least negative visual and amenity impacts (designed to respect the character of the area)

Landscape character and visual amenity (material assets) issues were scoped in due to the potential for the development to have significant impacts on landscape character and visual amenity during demolition, construction and post completion through alterations to the landscape character, disturbance to visual amenity, change in character away from horticulture and the openness of the area.

The ES highlights that the site is not generally visible from any great distance and development, trees and hedges screen the site thereby limiting the effect to the immediate vicinity of the site with residents and the general public impacted. The submission highlights the low height of panels, the retention of existing landscaping and proposals for new landscaping in order to reduce the effects on landscape and visual amenity.

Following the removal of the glasshouses the land would be seeded as meadow land in connection with the use of the site for a solar array. This, in turn, means that following the decommissioning of the solar array, the land could be made available for agricultural purposes.

The layout of the panels has sought to make the most efficient use of the space available whilst retaining access around the site for maintenance, mitigation landscaping /screening and security fencing and having regard to overshadowing from existing/retained/neighbouring structures etc. Furthermore, the proposal includes the retention of an existing building, immediately adjacent to the road, for use in connection with the proposed development and with additional built development also situated in a roadside location thereby maximising the remaining site space available for the array itself in line with iii) of OC7 and GP8 b.

The new building proposed represents a good standard of design that respects the local built environment which comprises a variety of styles of residential properties and the more functional design and nature of existing built development on the application site. In this regard the scheme accords with iii) of OC7 and GP8 a. and c. of the IDP.

The existing vehicular access from Les Abreuveurs Road will be retained serving the site and here is a yard area proposed to the rear/west of the buildings associated with the array to offer adequate off-road parking to serve the development once operational. The retention and reuse of the existing access will not have a detrimental impact on the character of the area and screened parking, by way of built development, will also respect the character of the area in line with the aims of iii) of Policy OC7 and GP8.

The site is located in the Central Plain, Lowlands landscape as defined in Annex V: Landscape Character of the IDP where the impact of mid to late 20th Century development is noted. The site is within the more northern part of this Plain where the IDP again recognises that the area has been “much developed, predominantly for horticulture at first, but later, for residential and general commercial use.”

The metal and glass panels, along with their regular arrangement in long rows, would not be out of keeping in this particular area given the existing layout of the site, with multiple spans/rows of glasshouses (metal and glass) across the site. Whilst there would be a change in character from the glasshouses to the array this would not, in this location, have a significant adverse visual impact or effect on the open landscape concerned. The change in character would endure for a significant period of time however, mitigating landscaping would help alleviate wider impacts as would the decommissioning and removal of the array from the site once it is no longer required, enabling the land to return to agricultural use in future. Overall, the array would respect the character of the local built environment and landscape concerned when considering iii) and GP8 c. of the IDP.

In this regard, the scheme also accords with Policy GP1 in relation to open and undeveloped land and the impact of a proposal on the open landscape character of an area. The development would respect the landscape character and not result in the loss of local distinctive features. There would be no change in terms of physical access to the site and in terms of improving visual access, this would likely be neutral or slightly positive over the existing situation through the removal of redundant buildings and glasshouse structures and where the replacement development, the panels themselves, would be significantly lower than the existing development on the site.

- iv) Demolition and removal of all glasshouses and ancillary structures not capable of being used

The scheme proposes the clearance of all glasshouses from the site and the retention of only one existing building which has been identified as becoming the electricity building for the array. In this regard the scheme complies with iv) of Policy OC7.

- v) Soft landscaping to make a positive contribution to visual quality and which screens activities on site/mitigate impacts

The ACLMS comments on the Scoping Opinion (matters to be included in the EIA/ES that accompanies a formal application) set out that as a minimum, the following sensitive ecological receptors should be considered:

- Priority habitats; standing water, running water, earthbanks, hedgerows and patches of semi-improved grassland (full list included within the Scoping Opinion response)
- Priority species (full list included within the Scoping Opinion response)

- Consideration of compliance with the Animal Welfare Ordinance (2012) with specific reference to birds and bats.

It was outlined that all surveys and assessments that inform the EIA should be carried out in accordance with the relevant published guidance and British Standards etc. The need for an assessment in relation to invasive non-native species was also highlighted.

Although through the latest application assessment ACLMS have identified some shortcomings with the originally submitted ES the entire document has not been identified as being in need of review in terms of establishing the baseline ecological value of the existing site. As originally submitted the application assumed that noise levels will be considerably lower in connection with the proposed development than the former horticultural use. Following review, the ES was amended and sets out that in addition to the noise within the plant room, the sources of noise are transformers (up to 72dB) and inverters (65dB) but it remains the case that no background or baseline assessment has been carried out. This makes it harder to establish whether there would be a significant increase in noise levels and the submission does not appear to consider the impacts of noise or vibration on sensitive ecological receptors which was a recommendation at the time of the application being deferred.

It remains the case however, that ACLMS do not necessarily disagree with the conclusions drawn by the ES and whilst the noise levels from the infrastructure on site is unlikely to result in physical damage to animals it may result in a change in behaviours which could see a result in survival or productivity. ACLMS acknowledge however, that as the site will be mostly laid to grass and is not within or adjacent to a designated site or an important bird area the potential for a significant adverse effect is lower. Given the nature of the site and the advice of ACLMS the reasonable and proportionate approach to the matter is to consider whether the recommended surveys can be managed by condition or, alternatively via an informative note (ground level roost assessment and breeding bird survey).

As the bird nest survey is required in connection with a license under separate legislation it is not considered reasonable or appropriate to require this by way of planning condition. The bat survey is also in connection with trees to be felled rather than connected to the impact of the development once operational (e.g. vibration) and should also be dealt with by way of an informative note.

Policy GP1 highlights the importance of providing a landscaping scheme as part of an application submission where a development would be significant in terms of scale, setting and appearance. A detailed scheme has not been provided in this case.

The north and west site boundaries are shown to benefit from established landscaping as is the southern and eastern boundary of the southwest portion of the site. With the exception of The Cottage there is not scope for, or existing, landscaping along the boundary with residential properties that sit tight to the south

boundary and where the boundary is marked by a wall. Some established planting also exists to the east/roadside boundary.

The submission makes general reference, by way of green shading on the plans, to “proposed native hedge planting to specialist detail (approx. 3m high)”. It would be reasonable to require a detailed landscaping scheme to be submitted, approved and then implemented within a reasonable timeframe in order to ensure that established boundary planting is enhanced to offer greater mitigation and screening of the proposed array, without casting shadows over the proposed equipment. In this regard the scheme addresses Policy OC7 v) and GP8 e. of the IDP. The adaptation of the water towers for biodiversity enhancement is also a matter that could be managed by condition and is a mitigating factor associated with the development.

Water

Although invited to comment on this application Guernsey Water have not highlighted any further matters for consideration and the comments received as part of the Scoping Opinion request have been used in relation to the ES now under consideration.

Matters were raised by Guernsey Water in relation to pollution prevention which can be managed by conditions, including via the CEMP, and associated informative notes. The potential for contamination as a result of the historic use of the land and heated vineries can be appropriately managed by condition.

Sustainable Development

Harnessing renewable energy contributes towards sustainable development, taking into account the use of energy and resources.

Confirmation has been received that the proposed maintenance building has been designed to take into account matters of energy efficiency and current Building Regulations in accordance with Policy GP9.

Protected Buildings

The proposed development would have no adverse effect on the setting of any protected building and so meets the aims of Policy GP5.

Other matters

Although concerns may exist regarding the loss of food production capacity the site is not currently actively used for this purpose. Having reviewed the Soil and Land Evaluation of Guernsey publication (1988 and reissued in 2010) the site and locality generally comprises poor/low quality agricultural land and the development should not result in a permanent loss of agricultural land quality. Furthermore, the site falls outside the APA which is considered to represent the best quality agricultural land

that should be protected. The IDP makes provision for other development on agricultural land outside the APAs. Therefore, there are no grounds on which to withhold permission in relation to the loss of agricultural land/production capacity.

Comments received through the public consultation process relate to the relocation of buildings away from the street frontage and residential neighbours, however, the application must be assessed as submitted. To reposition a building on the site could have greater landscape impacts and undermine the function/capacity of the proposed solar array. As outlined elsewhere in this report the building(s) are considered to accord with policy in terms of their design and location and the matter of noise generation can be satisfactorily addressed through planning conditions.

‘Glint and glare’ is the general term used to describe the reflection of sunlight from a reflective surface. Glint is a momentary flash of bright light typically received by moving receptors or from moving reflectors. Glare is a continuous source of bright light typically received by static receptors, or from large reflective surfaces. These factors will not impact on the safe operation of the airport or aircraft taking off or landing due to the site being away from any arrival or departure routes.

Conclusion

In view of the above it is recommended permission is granted for the proposed development subject to various appropriate planning conditions:

- CEMP
- Discovery strategy for potential contamination
- Site Waste Management Plan
- Limit on noise of plant and machinery
- External lighting
- Landscaping scheme, including water tower and its implementation
- Removal of panels and buildings etc.

3 - General material considerations set out in the General Provisions Ordinance.

In addition to the consideration of policy issues, Section 13 of the Land Planning and Development (General Provisions) Ordinance, 2007 identifies other material planning considerations which could be relevant. These include; the appropriateness of the development in relation to its surroundings in terms of design, layout, scale, siting and materials; the likely effect on the character and amenity of the locality; any possible fall-back position by way of extant planning permissions or exempt development; the likely effect on the reasonable enjoyment of neighbouring properties. These issues where relevant are considered above.

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

The proposal would have no adverse impact on protected trees or sites. The impact on the setting of protected buildings has been considered elsewhere in this report.

Date: 04/12/2024

