

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: Variations to previously approved plans to excavate earthbanks, erect retaining wall, fencing and gates, erect outbuilding/reception for public green waste facility - Vary condition 6 to alter operating hours; alteration to mega-block wall.

LOCATION: Mont Cuet Landfill site, Mont Cuet Road, Vale.

APPLICANT: Guernsey Waste

This permission is granted under the terms of Sections 15 and 16 of the Land Planning and Development (Guernsey) Law, 2005 (the 'Law').

Date of Grant of Permission: 23/07/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 03/06/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Guernsey Waste - 9017_2024 _3

Application Ref: FULL/2024/0975

Property Ref: C01753A000

Conditions and reasons:-

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun on or before 12/04/2026.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 13/04/2023, issued under planning application reference FULL/2022/2390, and subject to the terms and conditions thereof.

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

5. The site shall not open to the public before 0800 hours and shall close by 1800 hours each day. Site operations shall not occur before 0700 hours and shall not occur after the closing time set out above.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

Expiry Date: This permission will cease to have effect on 12/04/2026 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

For the avoidance of doubt, this permission does not confer any consent for the replacement or realignment of any fencing located outside of the original application site boundary. Any such work will need to form the subject of a separate application for planning permission.

The applicant should note that an application to vary Waste Management Licence 1 (WML 1) is required in order to facilitate the changes that are the subject of this planning application.

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/2024/0975
Property Ref: C01753A000
Valid date: 03/06/2024
Location: Mont Cuet Landfill site Mont Cuet Road Mont Cuet Road Vale
Guernsey GY3 5AT
Proposal: Variations to previously approved plans to excavate
earthbanks, erect retaining wall, fencing and gates, erect
outbuilding/reception for public green waste facility - Vary
condition 6 to alter operating hours; alteration to mega-block
wall.
Applicant: Guernsey Waste

RECOMMENDATION - Grant: Planning Permission with Conditions:

1. All development authorised by this permission must be carried out and must be completed in every detail in accordance with the written application, plans and drawings referred to above. No variations to such development amounting to development may be made without the permission of the Authority under the Law.

Reason - To ensure that it is clear that permission is only granted for the development to which the application relates.

2. The development hereby permitted shall be begun on or before 12/04/2026.

Reason - This condition reflects section 18(1) of the Land Planning and Development (Guernsey) Law, 2005 which states that planning permission ceases to have effect unless development is commenced within 3 years of the date of grant (or such shorter period as may be specified in the permission).

3. The development hereby permitted and all the operations which constitute or are incidental to that development must be carried out in compliance with all such requirements of The Building (Guernsey) Regulations, 2012 as are applicable to them, and no operation to which such a requirement applies may be commenced or continued unless (i) plans relating to that operation have been approved by the Authority and (ii) it is commenced or, as the case may be, continued, in accordance with that requirement and any further requirements imposed by the Authority when approving those plans, for the purpose of securing that the building regulations are complied with.

Reason - Any planning permission granted under the Law is subject to this condition as stated in section 17(2) of the Land Planning and Development (Guernsey) Law, 2005.

4. The permission hereby granted relates only to the variation specified above. In all other respects the development shall be carried out in full accordance with the permission dated 13/04/2023, issued under planning application reference FULL/2022/2390, and subject to the terms and conditions thereof.

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

5. The site shall not open to the public before 0800 hours and shall close by 1800 hours each day. Site operations shall not occur before 0700 hours and shall not occur after the closing time set out above.

Reason - The premises are close to residential property and a limit on the use is needed to prevent a nuisance or annoyance to nearby residents.

INFORMATIVES

For the avoidance of doubt, this permission does not confer any consent for the replacement or realignment of any fencing located outside of the original application site boundary. Any such work will need to form the subject of a separate application for planning permission.

The applicant should note that an application to vary Waste Management Licence 1 (WML 1) is required in order to facilitate the changes that are the subject of this planning application.

OFFICER'S REPORT

Brief Description of the site:

The application site is located on the Chouet headland, and forms the southern part of the Mont Cuet reception area located to the east of Rue des Grands Camps and to the north of Les Hures road. The Mont Cuet landfill site itself is located to the northeast of the site.

The application site is located Outside of the Centres in the Island Development Plan. The western part of the headland is safeguarded for mineral extraction, and permission has recently been granted to establish a new quarry on that land, with reception facilities to be provided within the existing Mont Cuet reception area and Rue des Grands Camps to be closed to public access.

Relevant History:

FULL/2022/0443 Development of land to establish a new quarry (Phases 1 & 2 of mineral extraction) including demolition of dwelling, closure of Rue des Grands Camps, installation of plant, perimeter fencing and gates and removal of existing and installation of new facility buildings within the Mont Cuét reception area. Approved 17/10/2022

FULL/2022/2390 Excavate earthbanks, erect retaining wall, fencing and gates, erect outbuilding/reception for public green waste facility. Approved 13/04/2023

Existing Use(s):

Green waste facility.

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

X
X
X
X

visual amenity acceptable
no material neighbour impact
traffic not affected

X
X
X

Policies considered most relevant:

GP8 Design
GP9 Sustainable Development
IP2 Solid Waste Management Facilities

Consultation response:

The Office for Environmental Health and Pollution Regulation recommend the following condition:

An application to vary Waste Management Licence 1 (WML 1) is required in order to facilitate these changes.

Conclusion/Brief comment:

This application proposes to vary Condition 6 of the previous permission to form a public green waste facility. Condition 6 currently states:

The site shall not open to the public before 0800 hours on any day and shall close by 1800 hours Mondays to Fridays, and 1600 hours on Saturdays, Sundays and Public Holidays. Site operations shall not occur before 0700 hours and shall not occur after the closing time set out above.

The application proposes to extend operating hours until 18:00 on Saturdays, Sundays and Public Holidays. Given the relatively isolated location of the site and limited extension to the approved hours of operation, together with the likely use of the site during those hours by non-commercial vehicles, it is not considered that the proposed extended hours would give rise to any adverse impacts.

In addition the application proposes the following amendments to the previously approved scheme:

- Omission of the use of hook lift bins;
- Increase in height of mega-block wall from 2 blocks to 3 blocks;
- Angle of mega-block wall to increase stability;
- Extension of mega-block wall at north-east end.

These amendments comprise minor alterations and would not give rise to significant additional impacts. The use or omission of hook lift bins is an operational consideration, and not a planning matter and is not therefore included in the description of development.

The application as submitted also proposed to realign the perimeter security fencing to the wider Mont Cuet site, however those works would fall outside of the original application site boundary and cannot be considered as a variation to that application. No consent would therefore be conferred for those works under any permission granted as part of this application and a separate application for planning permission would be required.

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

Recommendation:

Grant with Conditions



Date: 23/07/2024

