

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: Alter ground levels and erect earth bank to east of site (retrospective).

LOCATION: Land At, Saltpans Road, St. Sampson.

APPLICANT: Swallow Services Ltd

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: 22/01/2025

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 06/08/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Tyrrell Dowinton - 2457 01.01A
Collas Crill letter dated 28/06/2024 and Block Plan

Application Ref: FULL/2024/1172

Property Ref: B008520000

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.Within 3 months of the date of this decision, details of the gorse to be planted to the top of the earth bank including the size, numbers and/or densities of plants at the time of planting, shall be submitted to and approved in writing by the Authority.

Reason - To mitigate the negative impact of the works undertaken in the interests of

the biodiversity of the Area of Biodiversity Importance.

3. The planting scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition 2 by 31/03/2026. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - To mitigate the negative impact of the works undertaken in the interests of the biodiversity of the Area of Biodiversity Importance.

Expiry Date: This permission will cease to have effect on 22/01/2028 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Effect of planning permission:

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

- (1) Planning permission ceases to have effect unless the development permitted by it is commenced within a period of three years immediately following the date on which it is granted (or such shorter period as may be specified in the permission).
- (2) Planning permission enures for the benefit of the land concerned and of every person for the time being having an interest in it.
- (3) Any conditions subject to which planning permission is issued are enforceable in accordance with the provisions of Part V of the Law.
- (4) Planning permission for the erection of a building is only permission to use it for the purpose specified in the permission or, subject to any restriction so specified, for any other purpose for which it is designed.
- (5) Planning permission is only permission to carry out the development specified in it (subject to any conditions so specified), and does not imply the giving of any other approval or consent required under this Law or any other enactment or under any rule of law.

Right of appeal against planning decisions:

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

Copy of representations made:

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

Other Remarks:

Please note that any work which abuts or affects the public highway requires prior approval by Traffic and Highway Services. Please contact Traffic & Highway Services (highways@gov.gg) for further advice. You must also ensure that any access/es to the development are constructed to meet the existing road/footway levels in accordance with their requirements.

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

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

A J ROWLES

Director of Planning
Planning Service



PLANNING APPLICATION REPORT

Application No: FULL/2024/1172
Property Ref: B008520000
Valid date: 06/08/2024
Location: Land At Saltpans Road St. Sampson Guernsey
Proposal: Alter ground levels and erect earth bank to east of site (retrospective).

Applicant: Swallow Services Ltd

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. Within 3 months of the date of this decision, details of the gorse to be planted to the top of the earth bank including the size, numbers and/or densities of plants at the time of planting, shall be submitted to and approved in writing by the Authority.

Reason - To mitigate the negative impact of the works undertaken in the interests of the biodiversity of the Area of Biodiversity Importance.

3. The planting scheme shall be fully completed, in accordance with the details agreed under the terms of the above condition 2 by 31/03/2026. Any plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by plants of a size and species similar to those originally required to be planted.

Reason - To mitigate the negative impact of the works undertaken in the interests of the biodiversity of the Area of Biodiversity Importance.

OFFICER'S REPORT

Brief Description of the site:

Retrospective planning permission is requested to alter ground levels by depositing earth spoil to a depth of approximately 200mm across an area of approximately 400sqm and erect a 1m high earth bank extending for approximately 40m in length along the south and east boundaries of the parcel of land.

The site comprises of an area of scrub which forms part of the Grosses Hougues Area of Biodiversity Importance. The site is designated as Important Open Land and is within a Main Centre Outer Area.

Relevant History:

13/08/2024 – CLU/2024/0528 – Certificate of Lawful Use approved to regularise use of land for storage of building materials and equipment (Storage/Distribution Use Class 22).

Existing Use(s):

Undeveloped land

Assessment: *(Tick as appropriate)*

no representation
accords with policy
within curtilage
design acceptable

✓
✓
n/a
✓

visual amenity acceptable
no material neighbour impact
traffic not affected

✓
✓
✓

Policies considered most relevant:

MC1: Important Open Land in Main Centres and Main Centre Outer Areas
GP1: Landscape Character and Open Land
GP3: Areas of Biodiversity Importance
GP8: Design
GP20: Exceptions

Consultations:

Agriculture, Countryside and Land Management Services, 26/09/2024

"We are writing in response to the consultation letter relating to the retrospective application to alter ground levels and erect an earth bank with the Grosse Hougue Quarry Area of Biodiversity Importance (ABI).

We note that the area of cleared vegetation was previously classified as Dense Scrub¹, and aerial photographs suggest this was likely dominated by gorse and brambles. As described in the description of the site in published reports², this area is valuable to breeding, foraging and roosting birds. It is also our understanding that this site has received disturbance previously, including potentially altered ground levels.

Policy GP3: Areas of Biodiversity Importance states that development within an Area of Biodiversity Importance will be supported provided that:

- a. proposals demonstrate that the biodiversity interest of the site has been considered and taken into account as part of the design and development process; and,
- b. the biodiversity interest of the area has been protected and, where possible, enhanced; or,
- c. any negative impacts can be appropriately and proportionately mitigated in accordance with a scheme to be approved by the Authority.

Given that this application is retrospective, it is unlikely that the biodiversity interest of the site was considered and taken into account in the design and development of the works. However, it is likely that the dense scrub habitat type previously present could be restored through appropriate management and therefore the negative impacts of the vegetation clearance and spreading of topsoil could be reversed. In this instance, because the site has been disturbed previously, it may be possible for it to be restored without the removal of the topsoil recently placed there.

If this application is permitted by the Authority, we would recommend that the land is allowed to naturally return to dense scrub (e.g., brambles and gorse). It would be possible to further enhance the biodiversity of the site through further intervention, such as the planting of native trees, which would further mitigate any impacts of this development.

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

Conclusion/Brief comment:

The application has not clearly demonstrated how the biodiversity interest of the site was considered and taken into account in the design and development of the retrospective works, particularly the impact of spreading soil across the land. However, the agent advises that the earth bank was constructed to prevent future unauthorised use or access of the land and notes that it has intermittently been used

¹ <https://maps.digimap.gg/EnvironmentalMap/>

² David, C. T., Ozanne, B. J. 2006. A review of Sites of Nature Conservation Importance in the Urban Area.

Hooper, J. 2019. Review of Areas of Biodiversity Importance.

for the storage of construction materials. In addition, the agent advises should further enhancement be required, they would propose to plant gorse along the top of the new earth bank which would also serve as a deterrent to unauthorised access onto the land.

The comments of Agriculture, Countryside and Land Management Services are set out in full above. They conclude that it is likely that the dense scrub habitat type previously present could be restored through appropriate management and therefore the negative impacts of the vegetation clearance and spreading of topsoil could be reversed. In this instance, because the site has been disturbed previously, it may be possible for it to be restored without the removal of the topsoil recently placed there by allowing the land to naturally return to dense scrub.

It is acknowledged that the construction of the earth bank could help to prevent future disturbance and unauthorised use of the land which would be beneficial to the biodiversity interest of the land. However, to mitigate the negative impacts of the works undertaken on the biodiversity interest of the site, it is recommended that the proposed planting of gorse to the top of the new earth bank is undertaken. Provided that the additional planting is undertaken, the proposal would not conflict with Policy GP3.

The construction of low earth banks and the spreading of the soil would have no significant adverse effects on the open character, visual quality or landscape character of the area.

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

It is recommended that the application is approved.

Recommendation:

Grant with Conditions



Date: 22/01/2025

