

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: Pruning of trees, remove existing and erect replacement fence to west boundary (border to Site of Special Significance).

LOCATION: Guernsey Football Association, Victoria Avenue, St. Sampson.

APPLICANT: JW Rihoy & Son Limited

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: 22/11/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 30/08/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Lovell Ozanne & Partners Ltd. - H8-10671-S1- 99B, -100S, -112.
Jacksons Fine Fencing: 98 J2/01022 (2 pages), & Environment
Guernsey Ltd Ecological Assessment (dated May 2024).

Application Ref: FULL/2024/1434

Property Ref: B012770000

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 the end of the 2026 planting season (by 31st March 2026) the additional trees to offset those being removed should be planted as per the approved drawings. Any plants which die, are removed or become seriously damaged or diseased within 5 years of planting shall be replaced in the next planting season with others of similar size and species unless the Authority gives written approval to any variation.

Reason - To make sure that the appearance of the completed development is satisfactory, to help assimilate the development into its surroundings, and to ensure that the required planting is achieved in a timely manner in accordance with the Ecological Assessment to prevent harm on the Site of Special Significance.

5. The works hereby approved shall only be carried out in strict accordance with the suggested method statement and mitigation methods identified within the Ecological Assessment date stamped received 19/08/2024) unless the Authority agrees to any variation in writing.

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

Expiry Date: This permission will cease to have effect on 22/11/2027 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/2024/1434
Property Ref: B012770000
Valid date: 30/08/2024
Location: Guernsey Football Association Victoria Avenue St. Sampson
Guernsey
Proposal: Pruning of trees, remove existing and erect replacement fence
to west boundary (border to Site of Special Significance).

Applicant: JW Rihoy & Son Limited

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 the end of the 2026 planting season (by 31st March 2026) the additional trees to offset those being removed should be planted as per the approved drawings. Any plants which die, are removed or become seriously damaged or diseased within 5 years of planting shall be replaced in the next planting season with others of similar size and species unless the Authority gives written approval to any variation.

Reason - To make sure that the appearance of the completed development is satisfactory, to help assimilate the development into its surroundings, and to ensure that the required planting is achieved in a timely manner in accordance with the Ecological Assessment to prevent harm on the Site of Special Significance.

5. The works hereby approved shall only be carried out in strict accordance with the suggested method statement and mitigation methods identified within the Ecological Assessment date stamped received 19/08/2024) unless the Authority agrees to any variation in writing.

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

OFFICER'S REPORT

Brief Description of the site:

The site known as the 'Guernsey Football Association Victoria Avenue football pitch' is located on the north side of Victoria Avenue. To the southeast are residential dwellings, to the east and north-east is open agricultural land falling within an Agriculture Priority Area, to the north, northwest and across the road to the south is open land designated as Sites of Special Significance and to the southwest is the Go Cart track and a further football field. The site extends to some 2.2 Ha in area, the northern half of which is located within a flood risk area. The property is located Outside of the Centres as defined in the Island Development Plan.

Relevant History:

FULL/2018/0711 - Construct football club facilities buildings, spectator stands and associated structures, construct 3G football pitch, install floodlights, erect fencing and create new vehicular and pedestrian accesses – Approve April 2019.

Existing Use(s):

Public amenity use class 21: sport or fitness.

Assessment: *(Tick as appropriate)*

no representation	☒
accords with policy	☒
within curtilage	☒
design acceptable	☒

visual amenity acceptable	☒
no material neighbour impact	☒
traffic not affected	☒

Policies considered most relevant:

OC9: Leisure and Recreation Outside of the Centres

GP1: Landscape Character and Open Land

GP2: Sites of Special Significance

GP8: Design,

GP9: Sustainable Development

Consultations:

Agriculture, Countryside and Land Management Services (ACLMS)

26/09/24

'We note that the location of the application is partly within a Site of Special Significance (SSS) and as such, in line with policy GP2, the application should ensure that there is no net loss in special interest and mitigation must follow this sequential approach:

- 1. Avoid impacts by considering alternative sites or locations for the development;*
- 2. Minimise impacts by taking measures to reduce the duration or extent of the impacts;*
- 3. Restore the site on completion of the development by returning the area to its condition before the impacts occurred;*
- 4. Offset the impacts.*

We welcome the undertaking and provision of an ecological assessment of the site which identifies important ecological features and makes recommendations for how to minimise and mitigate potential impacts. We note that this report has not addressed point 1 in the above hierarchical list and would advise the applicant to consider how the potential ecological impacts to the SSS might be avoided in the first instance.

Reference is made within both the Tree Report and Ecological Assessment documents that an area behind (to the west of) the fence-line will require ongoing management. Both reports note that this will include pruning of the willows, however the exact area to be cleared, the frequency and the nature of the clearance is not specified. For example, this may include ongoing clearance of ground vegetation (e.g., grass cutting). These ongoing clearance works have the potential to lead to medium- or long-term ecological impacts (e.g., loss of habitat), therefore we would advise that

consideration is given to moving the fence outside of the SSS so that management works are not required within the designated site. This is one means by which the applicant may consider to avoid potential impacts to the SSS.

*The SSS, as described in the ecological report, is considered to be one of the most important sites for birds in the Channel Islands, therefore the preservation of a boundary feature to reduce visual, noise and light disturbance from the new development will be important to prevent potential significant impacts to the special interest of the site. We agree that any gaps in the boundary caused by the pruning of the willow should be addressed by additional plantings of grey willow (*Salix cinerea*) and common alder (*Alnus glutinosa*).'*

14/10/24

'I agree with their assessments that the potential impact here is minor however, as the site is a SSS, all negative impacts should be avoided as a first priority, and restoration/offsetting should only be considered where it is not possible to avoid those impacts. I can see from the sketch that it wouldn't be possible to move the fence line away from the SSS boundary for the western stretch, however I don't believe they have set out why the fence couldn't be moved slightly for the eastern stretch, as per your suggestion. That being said, I've not seen the approved plans for the site so there may be good justification.

Would it be possible for them to investigate whether they could implement your suggestion or, if not, provide justification as to why it can't be moved (i.e., why those impacts can't be avoided)?'

18/11/24

'Thanks for sharing their response. It appears that they have justification for being able to avoid the impacts to the SSS, and the mitigations in the original ecological assessment should be sufficient to mitigate those impacts. So I would have no further comments to make to this application.'

Conclusion/Brief comment:

This application is to remove and replace the existing chain link fence to the western boundary and to prune some of the trees on the other side of the fence, which is part of a Site of Special Significance (SSS).

Initially, despite the agent submitting a tree report and method statement of how a 5m clearance on the other side of the fence would be established and maintained, the application was deferred to see if the chain link fence could be moved slightly eastward so that the clearance run on the other side of the fence would be within the site and not effecting the Site of Special Significance.

Agriculture, Countryside and Land Management Services (ACLMS) were consulted due to the SSS, see above for their comments, and they were concerned about the amount of clearance within the SSS.

The agent/applicant has now reduced the clearance to 3m and provided justification for the reasons why the fence could not be moved. These changes, along with the original tree report which outlines a maintenance strategy, all combine to achieve a satisfactory scheme for replacing the fence and maintaining the tree line within the SSS.

The scale and massing of the proposals are not considered to have a detrimental effect on the character and amenity of the surrounding area, nor will it have any impact on any of the immediate neighbours.

The proposals are considered to conform to the above policies of the Island Development Plan and grant of permission is recommended, subject to conditions.

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: 19/11/2024

