

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: Variation to Conditions 16 and 17 (of FULL/2016/0001) to amend the hours of receipt of waste and the hours of operation of the Waste Transfer Station and the hours of receipt of waste at the Household Waste & Recycling Centre.

LOCATION: Longue Hougue South Industrial Land, And Reclamation Area, Bulwer Avenue, St. Sampson.

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: 18/12/2024

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 12/09/2024 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Guernsey Waste: 9014_2024_5.

Application Ref: FULL/2024/1520

Property Ref: B003540000

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 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.

3. The Waste Transfer Station shall be limited to the following hours:

- Receipt of waste: 0400 hours to 1600 hours Monday to Friday, between 0600 hours to 1300 hours on Saturdays and between 0400 hours to 0900 hours on bank holidays; and

- Operation of the facility (including despatch of materials): 0430 hours to 1500 hours Monday to Friday, between 0430 hours to 1300 hours on Saturdays and between 0430 to 0900 hours on bank holidays.

Lighting on the site shall not be operated before 0400 hours or after 1630 hours Monday to Saturday or before 0430 hours or after 0930 hours on bank holidays.

Reason - To limit the period of activity to that necessary to ensure a viable operation, thus mitigating any loss of amenity to local residents and to the area in general.

4. The receipt of waste at the Household Waste Recycling Centre shall be limited to the following:

- 0730 hours to 2000 hours Monday to Saturday; and - 0800 hours to 1700 hours on Sunday and Bank Holidays

The total hours of opening in any week shall not exceed 55.

Lighting on the site shall not be operated for periods more than 30 minutes before or 30 minutes after the site is closed to the public.

Reason - To limit the period of activity to that necessary to ensure a viable operation, thus mitigating any loss of amenity to local residents and to the area in general.

5. 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 27/07/2016, issued under planning application reference FULL/2016/0001, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

Expiry Date: This permission will cease to have effect on 18/12/2027 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

Please note in order to operate under the proposed amended hours, variations of Waste Management Licences 26 (Waste Transfer Station) and 33 (Household Waste & Recycling Centre) will be required and must be sought from the Office of Environmental Health and Pollution Regulation (OEHPR).

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/2024/1520
Property Ref: B003540000
Valid date: 12/09/2024
Location: Longue Hougue South Industrial Land And Reclamation Area
Bulwer Avenue St. Sampson Guernsey
Proposal: Variation to Conditions 16 and 17 (of FULL/2016/0001) to
amend the hours of receipt of waste and the hours of
operation of the Waste Transfer Station and the hours of
receipt of waste at the Household Waste & Recycling Centre.
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 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.

3. The Waste Transfer Station shall be limited to the following hours:

- Receipt of waste: 0400 hours to 1600 hours Monday to Friday, between 0600 hours to 1300 hours on Saturdays and between 0400 hours to 0900 hours on bank holidays; and

- Operation of the facility (including despatch of materials): 0430 hours to 1500 hours Monday to Friday, between 0430 hours to 1300 hours on Saturdays and between 0430 to 0900 hours on bank holidays.

Lighting on the site shall not be operated before 0400 hours or after 1630 hours Monday to Saturday or before 0430 hours or after 0930 hours on bank holidays.

Reason - To limit the period of activity to that necessary to ensure a viable operation, thus mitigating any loss of amenity to local residents and to the area in general.

4. The receipt of waste at the Household Waste Recycling Centre shall be limited to the following:

- 0730 hours to 2000 hours Monday to Saturday; and - 0800 hours to 1700 hours on Sunday and Bank Holidays

The total hours of opening in any week shall not exceed 55.

Lighting on the site shall not be operated for periods more than 30 minutes before or 30 minutes after the site is closed to the public.

Reason - To limit the period of activity to that necessary to ensure a viable operation, thus mitigating any loss of amenity to local residents and to the area in general.

5. 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 27/07/2016, issued under planning application reference FULL/2016/0001, and subject to the terms and conditions thereof.

Reason - To limit the effect of the permission to the specified variation/s only.

INFORMATIVES

Please note in order to operate under the proposed amended hours, variations of Waste Management Licences 26 (Waste Transfer Station) and 33 (Household Waste & Recycling Centre) will be required and must be sought from the Office of Environmental Health and Pollution Regulation (OEHPR).

OFFICER'S REPORT

Site Description:

The application site comprises an area of 4.3 hectares. It is part of an area of reclaimed land, with operations continuing on land to the north, which extends eastwards out into the sea to the south of St Sampson's harbour. The site is flat but is contained by a bund on the seaward side giving protection against tidal flooding. The site currently comprises a Waste Transfer Station and Household Waste Recycling Centre.

The incinerator and slaughterhouse buildings are located in the south-west corner of the site. There is industrial development on adjoining land to the north-west. The closest residential properties are located c.360m to the west on Bulwer Avenue.

The site is within the Main Centre Outer Area, Key Industrial Area, Key Industrial Expansion Area and Harbour Action Area under the Island Development Plan.

The Conservation Area based on St Sampson's harbour is to the north and west of the site, but some distance away, as are a number of protected monuments, notably Vale Castle and Mont Crevelt.

Relevant History:

FULL/2018/1586 - Variation of conditions 16 and 17 to FULL/2016/0001 to amend opening hours of both the Waste Transfer Station and Household Waste Recycling Centre.

FULL/2016/0001 - Erect a waste transfer station building, with associated hardstanding for up to 180 shipping containers and ancillary plant including a 20 metre high chimney, two weighbridges, fire water tank and pump house, electricity sub-station and fuel storage area. Erect a facilities building. Construct a Household Waste Recycling Centre. Construct associated roads and parking and a bund along the southern site boundary (Environmental Impact Assessment development).
Approved 27-07-2016

Existing Use(s):

Waste Transfer Station and Household Waste Recycling Centre

Brief Description of Development:

This application seeks to vary conditions 16 and 17 attached to permission reference FULL/2016/0001 to amend the hours of receipt of waste and the hours of operation of the Waste Transfer Station and to amend the hours of receipt of waste at the Household Waste and Recycling Centre.

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

Island Development Plan

GP6 – Protected Monuments

GP8 – Design

IP9 – Highway Safety, Accessibility and Capacity

Representations:

None

Consultations:

Office of Environmental Health and Pollution Regulation (OEHPR):

By letter dated 5th November 2024 stated the following:

"I have reviewed the proposed plans for Variation to Conditions 3 and 4 (of FULL/2018/1586) to amend the hours of receipt and the hours of operation of the Waste Transfer Station and the hours of receipt at the Household Waste & Recycling Centre at Longue Hogue South Industrial Land And Reclamation Area Bulwer Avenue, St. Sampson by Guernsey Waste which were received by email on 23rd September 2024.

I recommend that the following condition is attached to the consent:

Variations of Waste Management Licences 26 (Waste Transfer Station) and 33 (Household Waste & Recycling Centre) are required in order to operate under the proposed amended hours.

I would be grateful if these issues are considered during the determination of this application.

Please do not hesitate to contact me at the above address should you require any additional information regarding this matter.

Traffic and Highway Services (THS)

By memorandum dated 2nd December 2024 stated the following:

"I refer to the application received on 7th November 2024 by Guernsey Waste for the above request.

The application states that the proposed variation to condition 3 (Waste transfer station) will be to extend the hours of receipt by 3 and a half hours a day (Monday-Friday) and to receive waste on Public Holidays between 04:00-09:00, specifically for Parish Collection Contractors to deposit waste collected over Bank Holiday periods. In addition, the operation of the facility hours will be extended by 1 and a half hours a day (Monday-Saturday) along with the additional operation of facility from 04:30-09:00 on public holidays for the same reasons as before.

The proposed variation to condition 4 (receipt of waste at the Household Waste Recycling Centre) is for the hours to be extended on Saturday by 3 hours to align with the existing hours of receipt from Monday to Friday to provide more flexibility in the event of disruption due to adverse weather and allow more flexibility for opening hours of the site to be considered during peak or seasonal periods.

THS would consider the proposed variations to the hours of receipt/operation do not represent an increase or change of use and in our assessment would not lead to an intensification of traffic movements at peak times.

On that basis, THS would not object to this application. "

Summary of Issues:

- Traffic and highway issues
- Impact on local amenity

Assessment against:

- 1 - Purposes of the law.**
- 2 - Relevant policies of any Plan, Subject Plan or Local Planning Brief.**
- 3 - General material considerations set out in the General Provisions Ordinance.**
- 4 - Additional considerations (for protected trees, monuments, buildings and/or SSS's).**

Planning permission for the Waste Transfer Station and the Household Waste Recycling Centre was granted subject to various conditions in 2016, under application number FULL/2016/0001.

In 2018 a further planning permission was granted to vary conditions 16 and 17 of the above permission, to amend the opening hours of both the Waste Transfer Station and the Householder Waste Recycling Centre (ref: FULL/2018/1586). The conditions as varied formed conditions 3 and 4 of permission ref: FULL/2018/1586 and the hours allowed for each are shown in the table below.

As submitted, the application the subject of this report proposed to amend conditions 3 and 4 of permission reference FULL/2018/1586 to allow for the amended hours as now applied for. However, as that application formed a variation to the hours approved under permission ref FULL/2016/0001 and that other conditions of that permission remain relevant to the operation of the site, the application has been changed to revert back to the original permission. The application now proposes to change conditions 16 and 17 of permission ref FULL/2016/0001 to amend the hours of receipt of waste and the processing of waste at the Waste Transfer Station, and to extend the hours of the receipt of waste at the Household Waste and Recycling Centre.

The table below shows the original hours of use as permitted under application ref: FULL/2016/0001, those as amended under FULL/2018/1586 and those as now applied for as part of this application:

Hours as originally permitted under Ref: FULL/2016/0001		Amended hours as permitted under Ref: FULL/2018/1586	Revised hours as applied for as part of this application
Condition 16: (Waste Transfer Station)			
Receipt of Waste	06:00 to 15:00 Monday to Friday	04:00 to 12:30 Monday to Friday	04:00 to 16:00 Monday to Friday
	06:00 to 13:00 on Saturdays	06:00 to 13:00 Saturday	06:00 to 13:00 Saturday
	No working Public Holidays	No working Public Holidays	04:00 to 09:00 Public Holidays
Operation of Facility hours	06:00 to 15:00 Monday to Friday	06:00 to 15:00 Monday to Friday	04:30 to 15:00 Monday to Friday
	06:00 to 13:00 on Saturdays	06:00 to 13:00 Saturday	04:30 to 13:00 Saturday
	No working Public Holidays	No working Public Holidays	04:30 to 09:00 Public Holidays
Condition 17: (Householder Waste and Recycling Centre)			
Receipt of Waste	Winter months (1 November to 31 March) between 07:30 to 18:00 Mondays to Fridays	07:30 to 20:00 Monday to Friday	To remain the same
	Winter months (1 November to 31 March) between 09:00 to 16:00 Saturday,	08:00 to 17:00 Saturday, Sunday and Bank Holidays	07:30 to 20:00 on Saturday, 08:00 to 17:00

	Sunday and Public Holidays		Sunday and Bank Holidays.
	Summer months (1 April to 31 October) between 07:30 to 20:00 Mondays to Fridays		
	Summer months (1 April to 31 October) between 08:00 to 17:00 Saturday, Sunday and Public Holidays		
The total hours of opening in any week shall not exceed 55. Lighting on the site shall not be operated for periods more than 30 minutes before or 30 minutes after the site is closed to the public.			

The reasons for the extension to the hours as proposed is to give more flexibility to site operators to enable the waste to be managed and processed on site at short notice in the event of plant breakdowns or weather disruption, and to enable the Parish Collection Contractors to deposit waste collected over bank holiday periods and during peak or seasonal periods.

Traffic and Highway Issues

The States Traffic and Highway Services were consulted on the application with regards to highway capacity and safety and raised no objection. The amendments to the hours of use/operation of the site would therefore not negatively impact on highway safety and the proposal complies with the aims and objectives of Policy IP9 of the IDP.

Impact on local amenity

No objections have been received on this application. Given that the alterations to the hours proposed are not too dissimilar to the amended hours as approved under application ref: FULL/2018/1586, that the need for the extended hours has been fully justified and in the absence of any objection from OEHPR, any harm on local amenity would not be so substantial to warrant the refusal of planning permission.

OEHPR has recommended that a condition be imposed on the permission to ensure a request to amend the Waste Management Licences is made. It is recommended however given the nature of the request that this be included as an informative on the permission rather than a condition.

In light of the above it is considered that the application complies with the provisions of Policy GP8 as it relates to amenity and would not conflict with the provisions of Section 13(c), (d) and (i) of The Land Planning and Development (General Provisions) Ordinance, 2007.

Furthermore it is not considered that there would be any substantially greater impact on the setting of nearby protected monuments than would have resulted under the development as originally approved. The application is therefore considered to accord with the purposes of the Law and the aims and objectives of Policy GP6.

Conclusion

On the basis of the assessment set out above, it is recommended that planning permission be granted.

Date: 17/12/2024