

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: Install solar panels to roof of carpark/over existing tennis court at Marina Court.

LOCATION: Marina Court, Gategny Esplanade, St. Peter Port.

APPLICANT: Regency Court Property Limited C/O D2RE

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: 10/07/2026

This notification of grant of permission refers solely to the proposals referred to above as described in your application received as valid on 18/05/2026 and the drawings referred to below. This grant of permission is subject to the following conditions:-

Drawing Nos: Site Location Plan (aerial photograph) at scale 1:1000 Panel dimension aerial photograph and Solar Edge Designer Report.

Application Ref: FULL/2026/0722

Property Ref: A11000B000

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. The equipment hereby permitted shall be removed from the site when no longer operational and required for the generation of electricity.

Reason - To secure the removal of the equipment when no longer needed, thereby safeguarding the character and appearance of the locality.

Expiry Date: This permission will cease to have effect on 09/07/2029 unless development is commenced by that date.

ADVICE AND OTHER REMARKS:-

It is noted that the fencing around the tennis court has been replaced however there are no exemptions for new/replacement fencing associated with non-domestic or mixed use buildings therefore the fencing as installed does not benefit from planning permission.

The fencing should either be removed from the site or a retrospective application submitted to regularise its retention as installed. Such an application should be submitted within two months of the date of this permission.

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/2026/0722
Property Ref: A11000B000
Valid date: 18/05/2026
Location: Marina Court Gategny Esplanade St. Peter Port Guernsey
GY1 1WP
Proposal: Install solar panels to roof of carpark/over existing tennis
court at Marina Court.

Applicant: Regency Court Property Limited C/O D2RE

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).

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4. The equipment hereby permitted shall be removed from the site when no longer operational and required for the generation of electricity.

Reason - To secure the removal of the equipment when no longer needed, thereby safeguarding the character and appearance of the locality.

INFORMATIVES

It is noted that the fencing around the tennis court has been replaced however there are no exemptions for new/replacement fencing associated with non-domestic or mixed use buildings therefore the fencing as installed does not benefit from planning permission.

The fencing should either be removed from the site or a retrospective application submitted to regularise its retention as installed. Such an application should be submitted within two months of the date of this permission.

OFFICER'S REPORT

Brief Description of the site:

The application site is the roof of a car park associated with Marina Court which provides parking for a mix of office, residential and leisure uses. On the rooftop there is currently a tennis court, enclosed areas housing plant/equipment and rooftop garden spaces.

The site is located in a Main Centre and Conservation Area as designated in the Island Development Plan. There are protected buildings in the vicinity of the application site.

Relevant History:

Pre-application advice was sought in this case.

Existing Use(s):

Car park

Assessment: *(Tick as appropriate)*

no representation

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accords with policy

x

within curtilage

x

design acceptable

x

visual amenity acceptable

x

no material neighbour impact

x

traffic not affected

x

Policies considered most relevant:

IP1: Renewable Energy Production

GP4: Conservation Areas

GP8: Design

GP9: Sustainable Development

Representation:

Four letters of representation have been submitted objecting to the application and raising concerns about the scheme given that the principal outlook from Clifton Heights directly faces the application site:

- The broader principle of renewable energy and sustainable development is supported but this must be balanced against residential amenity and visual quality.
- Concerns relate to the visual and environmental impact of the proposal on residents.
- The tennis court offers an open and relatively unobtrusive visual aspect but the proposal would introduce a large black field of industrial style solar panels which would fundamentally alter the character and appearance of outlook currently enjoyed which would be unnecessarily intrusive and visually detrimental in a predominantly residential setting.
- The solar panels would become a dominant and highly conspicuous feature in an otherwise open vista and the scheme would represent a more oppressive visual environment which is disappointing when contrasted with the existing “living roof” treatment over the car parking area at Clifton Heights.
- PV/Solar Panels are a growing challenge for fire/emergency services and pose an increased fire hazard
 - it is an evolving technology responding to incidents involving them could present a real challenge. Research also indicates that the majority of incidents involving solar panels took place in residential buildings
 - they may be affected by storms/debris and hail – this could lead to secondary fire incidents
 - Once a solar panel burns the solar cells are exposed and can be highly toxic, dangerous to humans containing carcinogens, cadmium telluride and gallium arsenide and potentially lethal phosphorous – they should be treated the same as asbestos. The scheme would jeopardise health and safety of local residents

- The loss of the tennis court would be a loss to the community which is currently very much enjoyed.

Suggestions are included relating to alternative designs, reduced coverage, screening or less visually dominant solutions to achieve sustainability objectives in a more sympathetic manner or putting panels on Marina Court itself.

Clarification is sought through the submission as to whether the solar panels will be installed above the tennis court structure (retain the court beneath) or replacement and loss of the open tennis court for a substantial roof-mounted solar installation? The height, massing and elevation drawings should be provided.

Conclusion/Brief comment:

The proposed development, as a non-domestic installation for the production of energy could require an Environmental Impact Assessment (EIA). This assessment constitutes the Authority's written determination under Part I (2)2 a) that the proposed development is of such a minor nature that it is incapable of having a significant adverse effect on the quality of the environment, use of natural resources or biological diversity. Accordingly, the proposal is not Schedule 1 or Schedule 2 development for the purposes of the EIA Regulations.

It is a requirement under the Land Planning and Development (Guernsey) Law, 2005, when considering applications affecting protected buildings and Conservation Areas, to secure so far as possible that the special historic, architectural, traditional or other special characteristics (including setting) are preserved.

The gateway policies for Main Centre locations (e.g. MC4(A)) are supportive of alterations to existing uses.

The application relates to the installation of 144 PV modules on the roof of the Marina Court car park building. The submission confirms that the panels will be installed at 10/11 degrees from roof level and will sit no more than 400mm from the deck (the error on the application form has been amended). The submitted visuals and panel profile show that almost the entire area of the court (an area 29.98m x 13.82m – c 414 sqm) will be covered with panels and a visual showing the angle of the panels in relation to the roof. There is a walkway shown around the perimeter of the array with c. 2.5m to the north and south and c. 1.4m to the east and west. The submission confirms that no resurfacing works are proposed with the panels installed on the existing court surface.

Class 4 (12) of the Exemptions Ordinance relates to Solar Products. This specifies that the installation of solar products on or within the curtilage of a non-domestic building (including outbuilding) is exempt (i.e. does not require the specific grant of planning permission) where, on a flat roof, the panels are installed so that they are angled at no more than 10 degrees from the roof and project no more than 40cm

from the roof and if the products are positioned to face a highway the panels must be of the same product type.

The reason the works are not considered to be exempt in this case is because the car park building does not serve one recognised non-domestic use but provides parking for a mix of uses both domestic and non-domestic and if any panel is installed at 11 degrees (as indicated in the Solar Edge Designer Report) rather than the 10 degrees indicated in the application submission.

Policy IP1 relates to renewable energy production noting that renewable energy includes energy produced on a commercial basis at a scale at which much of what is produced is used beyond the generation site or making energy to use primarily on the application site (at a much smaller scale). The IDP is there to facilitate the meeting of strategic social, economic and environmental objectives of the States of Guernsey (Strategic Land Use Plan) in relation to enabling the production and supply of energy and a core strategy of which is the wise management of Island resources, the maintenance/enhancement of modern key strategic infrastructure and support for policies which would aid the delivery of renewable energy. There is an aim to reduce dependency on fossil fuels which can be achieved through renewable energy. The SLUP does however acknowledge that there can be significant challenges associated with delivering major infrastructure but with an aim of having a co-ordinated approach to land use so as to make the most of opportunities that arise. Onshore renewable energy production focuses on solar photovoltaic energy production (and solar heat) noting that solar PV can be accommodated on the roofs of existing and new buildings with the aim of encouraging such means of harnessing such renewable energy.

Policy IP1 expects that the renewable energy production development to be satisfactorily incorporated into the built form of an existing or proposed development and so criteria a) of this policy has been met. The other policy criteria are not relevant in this case.

Policy GP8 relates to design however, this is not only the architectural style of a building but to constructional efficiency and the quality and sustainability of the materials used because the design, layout and orientation of buildings, their form of construction and materials used are important in delivering more sustainable development and reducing energy demand. To use the roof of this building for solar panels represents more efficient and effective use of land and the low profile will ensure that the panels are not unduly obtrusive in the wider area where a mix of commercial and residential uses exist. The panels will not be detrimental to the character and appearance of the Conservation Area nor the setting of protected buildings.

Although the representor has requested consideration be given to alternative schemes/amendments the Planning Service must assess and determine the application presented to them and based on the information provided the matter of residential amenity would not justify the deferral of this application for amendments

or additional screening features/reduction in panels which could, in any event, impact on the viability of the scheme/effectiveness of the array etc.

Clifton Heights is a building to the west/northwest of the application site and situated c. 13m from the common boundary. Aspect and outlook from properties in Les Canichers will alter as a result of the proposed development but it will not generate overshadowing or loss of privacy. If the tennis court was in use their activity could generate some degree of overlooking and nuisance to surrounding occupiers which will be reduced in connection with the solar array proposals. Given the current exemptions, aims and direction of the IDP and the States and relationship between the roof of this building at Marina Court with those properties around it the development would not result in such unacceptable harm to residential amenities that would warrant the refusal of permission.

The Island Development Plan (IDP), 2016 Policy GP9 relates to sustainable development and encourages the means of harnessing renewable energy and sets out the expectation that new development (including redevelopment/refurbishment of existing building stock) should demonstrate “the wise use of natural resources, should incorporate appropriate sustainable construction techniques and should mitigate, adapt and become more resilient to climate change”. The policy also draws attention to promoting the prudent use of natural resources, including those that enable the supply of renewable energy (Policy IP1).

In September 2023, the States approved the Electricity Strategy for Guernsey, which identified the Island’s supply of energy will need to include increasing the amount of generation produced locally from renewable sources including more solar PV and offshore renewables where possible. Given the limited land, the strategy expresses a preference for roof mounted PV. The States’ decision directed the Committee for the Environment & Infrastructure, in consultation with the DPA, to explore ways to further facilitate the installation of solar PV arrays as soon as reasonably practicable.

Given the strong drive, via the Electricity Strategy for Guernsey and Policy GP9: Sustainable Development, the scheme, complies with Policies IP1, GP8 (design) and GP9 of the IDP.

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.

In view of the above it is recommended permission is granted for the proposed development subject to a condition relating to the removal of the PV panels when no longer required.

It has been noted that replacement fencing has been installed around the tennis court, this does not represent exempt works and would require the specific grant of planning permission. This can be highlighted by way of an informative note.

Recommendation:

Grant with Conditions



Date: 07/07/2026

