

**QUESTIONS ASKED OF THE PRESIDENT OF THE DEVELOPMENT & PLANNING
AUTHORITY PURSUANT TO RULE 14 OF THE RULES OF PROCEDURE BY DEPUTY FALLA**

The questions and answers are as follows:-

1. Was any 3D model or ground level visual impression showing the full impact of the Grande Mare pylons, and ultimately netting, from a range of aspects, seen by officers or politicians at the DPA prior to permission being granted?

Answer - Computer Generated Images (CGIs) of the proposed driving range, pylons, fencing and landscaping were included in one of the supporting documents (the "Design and Access Statement") which formed part of the original planning application which was received as valid by the Development & Planning Authority (DPA) on 22 February 2021. This document was published in February 2021 on the States' website as part of the application material, along with detailed plans and elevations of this element of the proposed development as also referred to in the answer to Question 2 below.

2. If so, what form did these take and does the DPA believe that these properly represented the impact of the structures?

Answer - The application submission package included detailed drawings of the pylons and nets and their heights including scaled elevations shown relative to the academy building and surrounding properties (Drawing No. 4537-A07/A entitled "PGA Academy Elevations") and the complete package of submitted information was published on the States' website in February 2021. These plans and elevations along with the supporting CGIs properly represented the impact of the structures.

3. If not, was any request made by the DPA to see the full extent of the visual impact on the surrounding area?

Answer - It is made clear in the published planning report on the application that the design and impact of the proposed pylons and netting was very carefully considered at the planning application stage, and that there was a recognition that there would be an adverse visual impact. It will also be apparent from the published planning report that there were representations received in relation to this issue and that these were considered. The planning report can be found here:

<http://buildingexplorer.gov.gg/Northgate/Images/Planning%20Decisions%20PDFs/FULL-2020-2607.pdf>

In assessing the submitted application proposals as a whole, having regard to the relevant policies of the IDP and all other material planning considerations, and taking into account all representations and comments received on the application as well as the content of the submitted Environmental Statement, it was concluded that the balance of consideration rested very clearly in favour of the proposals which are expected to deliver very significant

economic and social benefits for the Island's economy and community, these benefits being achievable, with appropriate mitigation, without significant harm to the environment.

4. How many representations or objections were submitted in relation to this development? How many specifically referenced the pylons and netting?

Answer - The published planning report on the application confirms that there were a total of 13 letters or emails of objection received on the application, and one email of support. Four of these representations referred to visual impact from the driving range netting and risk to neighbouring properties from golf balls.

The consultation response received from the Constables of the Castel, dated 12 March 2021, noted that four Castel households had contacted the Douzaine with concerns. One of these concerns relating to the netting for the driving range. In this respect, the Constables' letter stated: *"We have concerns regarding the visual impact of the 30m netting at the driving range. Whilst we acknowledge the safety requirements necessitating such a structure, we would wish that all efforts be taken to minimise the visual imposition of this feature. Further, we would like assurance that best advice will be followed to protect birds and bats from any potential risk from the netting."* This consultation response is set out in full in the published planning report on the application, along with all the other consultation responses received.

5. In hindsight, does the DPA consider that it is a mistake to delegate decision-making on such matters to officers where this is decided by a narrow political majority and not a unanimous vote of the five politicians on the Authority?

Answer - Assessment of the application for La Grande Mare was carried out as normal by professionally trained, qualified and experienced Planning Officers. The DPA considered whether or not to delegate the decision and, in December 2021, agreed by majority to delegate the decision on this application to the Director of Planning, following the receipt, publication and consideration of the Environmental Impact Assessment forming part of the application. The Planning Officers have the professional training and expertise to undertake the necessary balancing act between competing economic, social and environmental issues. This exercise is fully documented in the published planning report on the application. The decision to delegate enabled a timely, thoroughly researched and robust decision on the application to be made.

The duties and powers of the DPA as approved by the States include to maintain and keep under review schemes of delegation in order that only the most contentious, high profile or atypical development control applications are referred to the elected members of the DPA, and when they are referred, to ensure that they are heard at open planning meetings held in public. In this case, there were a total of 13 letters or emails of objection received on the application, and one email of support. Had the Authority received representations at the time from all those who have now come forward, it is likely that the application would have gone to an Open Planning Meeting. However, although the erection of the pylons has caused understandable concerns within the community, many concerns expressed since the

pylons have been erected relate to the loss of private views and devaluation of property which are not material planning considerations.

6. The Authority has previously stated that open planning meetings are expensive and therefore rarely held. Should this policy be reviewed in light of the Grande Mare controversy?

Answer - Open Planning Meetings operate in accordance with a published protocol and scheme of delegation. They are held as and when required, and their cost is not a factor which determines whether they are held (although of course they do come at a cost). The DPA took a considered decision by majority to delegate the decision on the application for La Grande Mare to Officers and does not believe that there is any requirement to review the operation of Open Planning Meetings because of the application for La Grande Mare. Under the published protocol, only those who make written representations on an application can speak at an Open Planning Meeting.

7. Is there any route or mechanism through which a permission once granted can later be challenged or appealed by a third party?

Answer - There is no statutory right of appeal for third-parties in Guernsey. It is possible in certain circumstances to challenge a planning decision through an application for Judicial Review, however parties would have to take their own legal advice on the ability to do so in this case.

8. The President of the DPA has said that the Authority is seeking to act as a middleman to pursue remedies to the situation at La Grande Mare. What might these remedies be?

Answer - Although the permission granted cannot be rescinded, the DPA President recently met with residents along with the Director of Planning and representatives of the developer, to hear the residents' concerns and discuss the developer's proposals for mitigating the visual impact of the pylons and netting in the short, medium and longer terms. This mitigation will primarily be by way of the substantial landscaping already proposed.

The DPA is committed to working together with the developer to ensure that the development is as good as possible and that its impact on the environment is minimised.

To clarify, there are a total of 17 pylons installed that are required to support the safety netting for the driving range. Nine of these pylons are on one side of the range (towards neighbouring properties on Rue du Gele) and eight are on the opposite side of the range towards the golf course.

Of the 17 pylons in total:

- Four are 10m high,
- One is 15m,
- Seven are 20m,

- One is 25m, and
- Four are 30m.

Clearly, therefore, much of the netting will be lower than 30m.

The following information has been received from the developer in relation to mitigation and ecological impacts and has been independently validated by the DPA (*whose comments are in bracketed italics*):-

Regarding the tree planting, this will commence in November 2023. The primary planting stage involves large-grade nursery stock Poplar trees at a height of between 8m and 12m at the time of planting. There are at least three such trees proposed per high net stand (*pylon*) and the aim is to achieve a 30m height. The secondary screening involves more native trees such as Common Lime, Small Leaf Lime, Common Alder and Italian Alder planted in groups of five at minimum height of 5m (*this height was subsequently confirmed as 6-8m in the recent meeting*).

The tertiary screening is across the wider site and all boundaries and will include additional species such as Upright Hornbeam, English Oak, Field Maple, Downy Birch and Juneberry. That also includes the retention of a vast amount of trees already on site. There are over 180 new trees alone specified for this particular area (*the driving range*). That overlaps with the delivery of this area where the stands (*pylons*) have time to settle, they will darken by galvanization over time and their current exposure aids that process, and the first planting season is November 2023. The nets are attached last (*in 2025*) as this gives time for the trees to establish and birds, bats etc. to get used to the landscaping screening. That situation is monitored under the agreed biodiversity programme and continues once the nets are erected. The professionals and other Guernsey based case examples have stated that they are not aware of any animal strike and the Environmental Impact Assessment (*submitted as part of the application*) sets out the monitoring programme as a suitable mitigation.

Date of Receipt of the Questions: 28 June 2023

Date of Reply: 12 July 2023