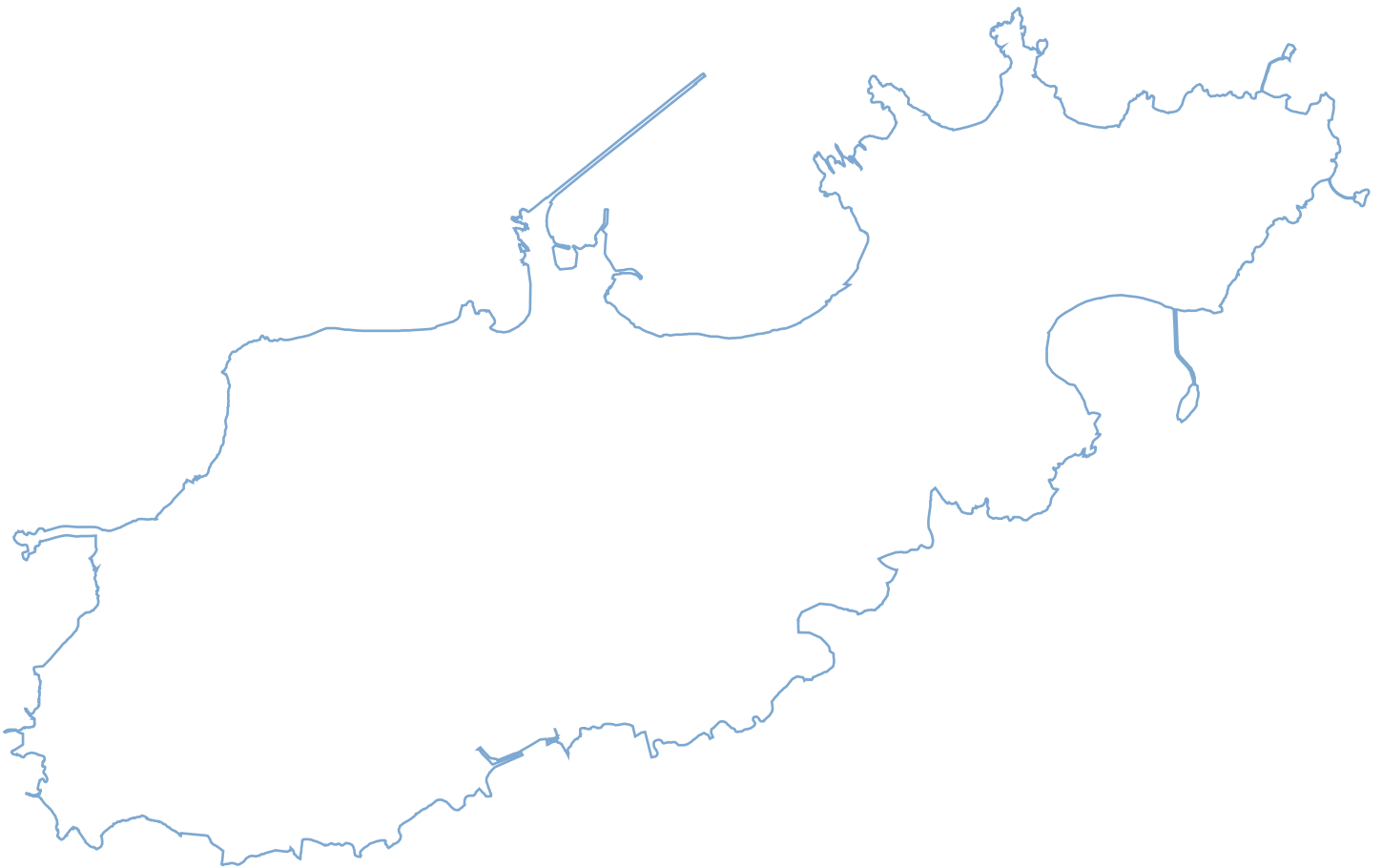


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# Statutory Guidance

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## 02/17 Major Projects





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# 1 Introduction

- 1.1 This Statutory Guidance sets out the Building and Development Control Committee's approach to the pre-application, application and determination procedures for Major Projects (defined in Section 1.1). It supports the delivery of the Alderney Land Use Plan and should be read either in conjunction with the relevant development-specific policy which makes provision for a Major Project or where this does not apply, Policy S7 (on Major Projects in the Land Use Plan 2017 or its successor).
- 1.2 The Statutory Guidance has been prepared for use by applicants, infrastructure providers, third parties and decision makers in Alderney. It will be used to support the Planning Office in processing and assessing planning applications for Major Projects, and to guide the Building and Development Control Committee, who has responsibility for determining all planning applications in Alderney.
- 1.3 This document provides clarity on the approach that will be adopted for managing Major Projects so that, where relevant, it can be consistently applied and enable the planning system to respond efficiently to development proposals.
- 1.4 In producing this Statutory Guidance, the Building and Development Control Committee has complied with the requirements set out in Section 74A of the Building and Development Control (Alderney) Law, 2002 (as amended).
- 1.5 This Statutory Guidance was adopted in [December 2017], following public consultation. It should be referred to as "Statutory Guidance 2/17 (Major Projects)" and may be abbreviated as "SG 2/17 (Major Projects)".
- 1.6 For the purposes of clarity, this documents refers to the following three bodies, whose responsibilities are as follows:
  - States of Alderney: the parliamentary council and legislature of Alderney.
  - Building and Development Control Committee: the body which is delegated planning powers through the Building and Development Control (Alderney) Law, 2002 (as amended).
  - Planning Office: the non-elected civil body responsible for handling planning applications and Land Use Plan additions and alterations.

## 1.1 Major Projects

- 1.7 A Major Project is considered to be a development<sup>1</sup> proposal of significance for the whole of, or a significant part of, the Island or which the Building and Development Control Committee considers to be very significant for the Island in any other way. Such development proposals are therefore likely to be of such a scale or nature as to have the potential for Island-wide economic, social and/or environmental impacts.

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<sup>1</sup> For the purposes of this Statutory Guidance, references to 'development' include development or other work in accordance with Section 4(1) of the Building and Development Control (Alderney) Law, 2002 (as amended).

- 1.8 Consideration should be given to the development proposals' Environmental Impact Assessment (EIA) status, in line with Statutory Guidance 1/17 (Environmental Impact Assessment) ('SG 1/17 (Environmental Impact Assessment)'). Where a Full EIA is required by SG 1/17 (Environmental Impact Assessment), a development proposal is also likely to be considered a Major Project for the purposes of the consenting process. Should a promoter want further clarity on the status of their proposed development, it is recommended that advice is sought from Planning Office on this matter.
- 1.9 The final decision on whether a development proposal represents a Major Project, and therefore whether this Statutory Guidance applies, will be at the discretion of the Building and Development Control Committee taking into account the considerations set out in paragraphs 1.7 and 1.8 above. Further detail on determining whether a development proposal constitutes a Major Project is provided in Section 2.

## 1.2 Major Projects in the Land Use Plan

- 1.10 As part of undertaking a Land Use Plan review, consideration is given to development proposals which are known at the time (either currently under consideration or known to be coming forward) – this includes Major Projects. The Land Use Plan therefore makes provision through development-specific policies for such Major Project development proposals at the current time of drafting.
- 1.11 In accordance with Section 31(1) of the Building and Development Control (Alderney) Law, 2002 (as amended), the Building and Development Control Committee may grant permission for planning applications which accord with or constitute a minor departure from the Land Use Plan without the need for any amendment to the Land Use Plan.
- 1.12 In addition, and to avoid the situation arising where the Building and Development Control Committee is unable to consider planning applications for forms of development for which a development-specific policy was not provided or where planning applications for forms of development that were not envisaged at the time of drafting the Land Use Plan, some flexibilities are incorporated into the Land Use Plan. This includes Policy S7 (in the Land Use Plan 2017 or its successor) that enables the Building and Development Control Committee to consider Major Projects in circumstances otherwise not permissible under the other policies of the Land Use Plan.
- 1.13 However, there may be cases where development proposals for Major Projects constitute more than a minor departure from one or more of the Land Use Plan policies as a whole and so do not pass the final (Land Use Plan compliance) criterion (part (v)) under Policy S7 (in the Land Use Plan 2017 or its successor). In such cases, and where the Building and Development Control Committee is minded to grant a planning application, the development proposal must be subject to a Land Use Plan Inquiry<sup>2</sup> for the relevant additions or alterations to the Land Use Plan, before planning permission can be granted.

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<sup>2</sup> Undertaken in accordance with the provisions set out in Sections 31(2) and 26 to 30 of the Building and Development Control Committee (Alderney) Law, 2002 (as amended).

## 1.3 Major Projects Located within the Designated Area

- 1.14 Where a Major Project is wholly or partially located within the Designated Area<sup>3</sup>, the Building and Development Control Committee is prohibited from granting permission under Section 12(1) of the Building and Development Control (Alderney) Law, 2002 (as amended).
- 1.15 However, pursuant to [Paragraph 13 of Schedule 1] of the Building and Development Control (Alderney) Law, 2002 (as amended), the States of Alderney may pass a resolution that enables the Building and Development Control Committee to grant permission for such a project in the Designated Area. The 'test' for the States of Alderney in deciding whether to pass such a resolution is whether the Major Project is considered to be of strategic importance for the Island. In deciding whether a Major Project meets this test, the States of Alderney must consider the following matters in accordance with [Paragraph 13 of Schedule 1] of the Building and Development Control (Alderney) Law, 2002 (as amended):
- the development proposal reasonably appears to be of such a nature that it is likely to be of significance for the whole of, or a significant part of, the Island, or it reasonably appears to be very significant for the Island in any other way;
  - there appears to be a real possibility that the development proposal will be of long term benefit to the public or to the Island such that there is a real possibility that it will be in the wider public interest; and
  - the potential long term benefit is so significant, having regard to the long term strategic interests of the Island, as to justify an exception from the prohibition on development in Section 12(1) of the Law.
- 1.16 The States of Alderney is required to consider such information as is reasonably available at the time for it to make an assessment of whether or not these criteria are met. Development proposals must comply with each of the above criteria in order to be designated as a development proposal of strategic importance.
- 1.17 The decision as to whether a Major Project, that is wholly or partially located within the Designated Area, constitutes a development proposal of strategic importance will be made by the States of Alderney upon receipt of sufficient information. This means that the timing of this decision is likely to vary depending on the individual circumstances of a Major Project.
- 1.18 It should be noted that the decision on whether a development proposal is of strategic importance is made separately to the Building and Development Control Committee, within the wider States of Alderney. Therefore any decision on the designation of a development proposal as one of strategic importance is separate to the consideration of whether a development proposal constitutes a Major Project for the purpose of this guidance, and to the consideration of a planning application for a Major Project by the Building and Development Control Committee.

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<sup>3</sup> The purpose of the Designated Area is to restrict development in the countryside. The boundaries of the Designated Area are set out in the Building and Development Control (Designated Area) (Alderney) Ordinance [2017] or its successor.

- 1.19 It is in the interests of any applicant proposing a Major Project wholly or partially within the Designated Area to have their development proposal designated as one of strategic importance prior to the submission of a planning application. This will minimise any delay in its determination. The Building and Development Control Committee therefore encourages applicants who consider that they may be subject to this process to engage with the States of Alderney prior to submission of a planning application for a Major Project to agree the timescales and information requirements.
- 1.20 Where development proposals are only partially located within the Designated Area, an applicant may wish to explore with the Planning Office whether the same development outcomes can be achieved through a different configuration or layout in order to avoid the need for the development proposal to be subject to the designation process set out above.
- 1.21 For the avoidance of doubt, development proposals which comply with the definition of a Major Project, are located wholly or partially within the Designated Area and where the States of Alderney has not resolved that the development proposal is of strategic importance cannot, under any circumstances, be granted planning permission by the Building and Development and Control Committee.



## 2 Consenting Options for Major Projects

### 2.1 Types of Major Project

- 2.1 As indicated in Section 1, the legal and Land Use Plan context for Major Projects can differ, which will affect how planning permission can be sought for development proposals. This section of the Statutory Guidance provides guidance on typical routes that Major Projects may follow in order to be consented. Should a promoter want further clarity on the route to consent for their development proposal for a Major Project, it is recommended that advice is sought from the Planning Office on this matter.
- 2.2 It is anticipated that there will be three main 'types' of Major Projects. Table 2.1 summarises the characteristics of each planning application for a Major Project type having regard to the legal and Land Use Plan context.

Table 2.1: Types of Major Projects

<b>Type 1</b>	Major Projects that are subject to development-specific policies in the Land Use Plan.	
<b>Type 2</b>	<p>Major Projects that are:</p> <ul style="list-style-type: none"> <li>not subject to their own development-specific policies (because the spatial extent was unknown or not sufficiently justified at the time of drafting the Land Use Plan or was not envisaged at the time of drafting the Land Use Plan); and</li> <li>in accordance with (or representing a minor departure from) relevant policies in the Land Use Plan (including Policy S7 in the Land Use Plan 2017 or its successor).</li> </ul>	Where Major Projects are located wholly or partially within the Designated Area, the States of Alderney must also have resolved to designate them as projects of strategic importance under [Paragraph 13 of Schedule 1] of the Building and Development Control (Alderney) Law, 2002 (as amended). If a Major Project located wholly or partially within the Designated Area is not considered to be of strategic importance under this section of the Law the Building and Development Control Committee cannot grant planning permission (see Section 1.3).
<b>Type 3</b>	<p>Major Projects that are:</p> <ul style="list-style-type: none"> <li>not subject to their own development-specific policies (because the spatial extent was unknown or not sufficiently justified at the time of drafting the Land Use Plan or was not envisaged at the time of drafting the Land Use Plan); and</li> <li>in conflict with one or more policies of the Land Use Plan which are relevant and where the conflict with one or more policies of the Land Use Plan is such as to amount to more than a minor departure from the Land Use Plan as a whole.</li> </ul>	

## 2.2 Routes to Consent

2.3 Dependent on the ‘type’ of Major Project (see Table 2.1), there are two main routes through which planning permission can be sought (on the basis that where relevant the States of Alderney has resolved a development proposal to be of strategic importance (see Section 1.3)). The route taken will depend on the extent to which the Major Project accords with the relevant Land Use Plan policies. Table 2.2 provides an overview of these routes.

Table 2.2: Routes to consent

<b>Standard Route</b>	Major Projects which are Type 1 or Type 2 applications will be determined by Building and Development Control Committee in accordance with Sections 5, 6 and 7 of the Building and Development Control (Alderney) Law, 2002 (as amended).
<b>Inquiry Route</b>	Major Projects which are Type 3 will be considered by the Building and Development Control Committee. Should they be minded to grant planning permission, such planning permission may only be granted following additions or alterations to the Land Use Plan, which have been subject to a Land Use Plan Inquiry.

- 2.4 A Land Use Plan Inquiry cannot be held on a Major Project unless the circumstances identified in Table 2.2 are met in accordance with Section 31 of the Building and Development Control (Alderney) Law, 2002.
- 2.5 The route to consent for a Major Project will be formally determined following submission of a complete planning application<sup>4</sup>. The Planning Office will endeavour to make this decision in a timely fashion (following receipt of sufficient information) having regard to the following factors (as relevant):
- the relevant development-specific policy or Policy S7 of the Land Use Plan 2017 or its successor (as appropriate);
  - extent of compliance with other relevant policies of the Land Use Plan;
  - evidence provided in an Environment Statement documenting the EIA process, in accordance with SG 1/17 (Environmental Impact Assessment); and
  - other factors as considered relevant in the decision making process.
- 2.6 In order to support the Planning Office in making this decision, applicants may be required to provide a written statement as part of a planning application for a Major Project, summarising the extent of their compliance with the Land Use Plan.
- 2.7 Once the Planning Office has determined the route to consent for a Major Project, the decision will be issued to the applicant in a timely fashion. The Planning Office will amend the planning register accordingly, including re-advertisement of the planning

<sup>4</sup> For the purposes of this Statutory Guidance, complete planning applications are considered to be those where the Planning Office and Building and Development Control Committee has sufficient information to make a decision on the development proposal put before it.

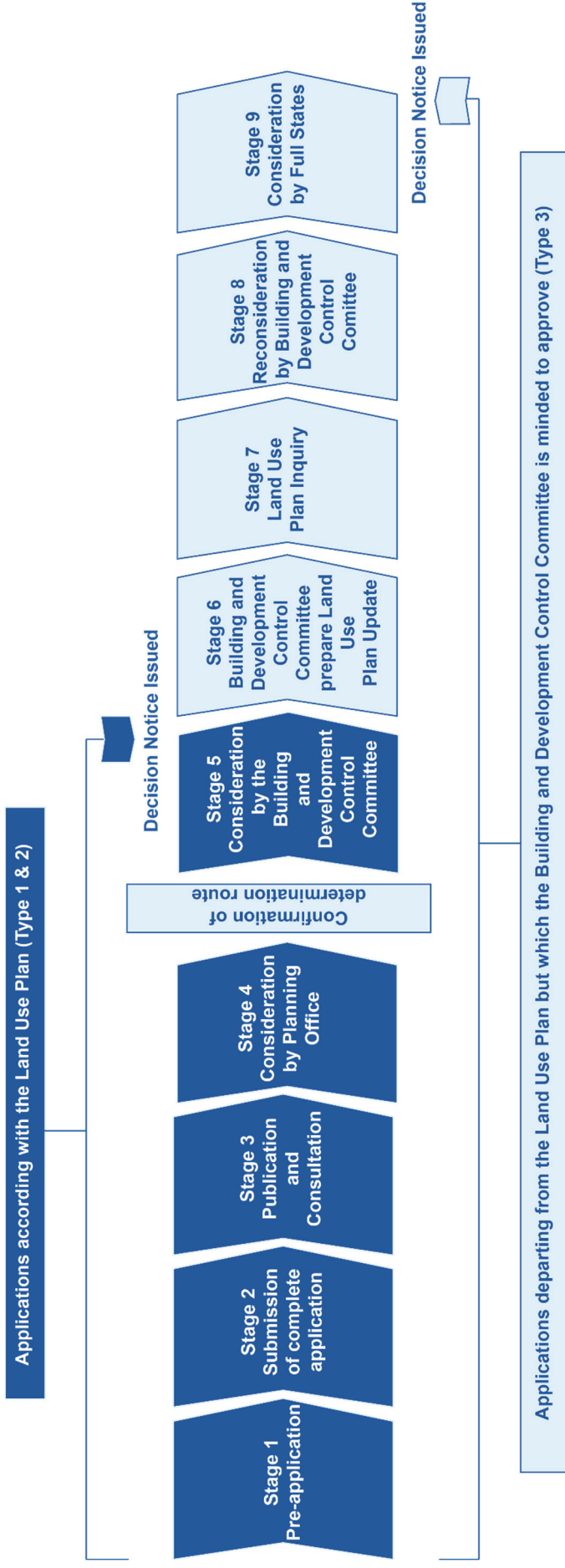
application (in accordance with the guidance set out in Section 3.3) to promote public awareness of the development proposal.

- 2.8 During the pre-application and determination process, and as scheme information emerges, the Planning Office may advise the applicant as to the likely route to consent for their Major Project. Any advice given will not be binding until the applicant is formally notified of the final decision as set out paragraph 2.7, and may be subject to change as a development proposal develops. This follows good practice by enabling an on-going dialogue between the Planning Office and the applicant, facilitating the use of consultation responses, and enabling modifications to the proposed development to be made.

## 3 Process and Procedure

- 3.1 The process for planning applications for Major Projects, covering both the pre-application period and determination process is summarised in Figure 3.1. By following this process, applicants can expect to facilitate an efficient, effective and expedient planning process for their development proposal.
- 3.2 The pre-application process is the same for all Major Projects regardless of the determination process (i.e. a decision by the Building and Development Control Committee or where a decision is subject to a Land Use Plan Inquiry). Only at the point at which this divergence in decision making processes occurs (in accordance with the process described in Section 2) does the process vary. Figure 3.1 summarises how the processes differ.
- 3.3 Although Figure 3.1 implies a broadly linear process, a number of the stages set out will likely take place simultaneously in order to efficiently and effectively handle a planning application for a Major Project. Some stages are more defined with clear timescales, such as submission and consultation by the Building and Development Control Committee on the planning application. Other stages are more iterative and fluid, such as pre-application consultation undertaken by an applicant and consideration of the planning application by the Planning Office.
- 3.4 It is also possible that some stages identified in Figure 3.1 may need to be revisited depending on the circumstances of an individual planning application for a Major Project including, for example, re-consultation on the planning application where additional information is received by the Planning Office or where material changes are made to development proposals during the determination of the planning application.
- 3.5 The following sub-sections provide a headline summary of each stage of the planning application process for a Major Project.

Figure 3.1: Major Projects pre-application and determination process



## 3.1 Stage 1: Pre-application

3.6 Pre-application consultation is central to a successful planning application for a Major Project. For the purposes of this Statutory Guidance, pre-application consultation covers both pre-application engagement with the Planning Office, as well as consultation with technical stakeholders, members of the public and other interested parties. The remainder of this section provides further guidance on what such pre-application consultation and engagement should comprise.

### Pre-application Engagement with the Planning Office

3.7 The Building and Development Control Committee encourages applicants to participate in pre-application engagement with the Planning Office prior to the submission of a planning application for a Major Project. This provides the opportunity to facilitate an efficient, effective and expedient planning process for their development proposal.

3.8 Where an applicant is of the view that their development proposal would constitute a Major Project, applicants should notify the Planning Office of their intention to submit a planning application for a Major Project at least six weeks prior to the intended submission date. Notwithstanding this, the Building and Development Control Committee encourages applicants to engage with the Planning Office as early as possible in the development of a development proposal. This will enable the Planning Office to provide guidance and advice as the development proposal develops and to co-ordinate the necessary resource and expertise to input into the pre-application process.

3.9 Following notification of a Major Project, an initial pre-application meeting would take place between the applicant and the Planning Office, to facilitate discussion on:

- the potential Major Project proposal;
- the Land Use Plan policy context for the scheme; and
- the likely route to consent for the project and related procedural and timing elements.

3.10 The pre-application meeting may also be used to discuss the Major Project's status in relation to [Paragraph 13 of Schedule 1] of the Building and Development Control (Alderney) Law, 2002 (as amended) should the applicant be proposing development, which is located wholly or partially within the Designated Area. The decision as to whether such a development proposal represents a development of strategic importance will be made through a separate process (as set out in Section 1.3), but it may be discussed at this time. Applicants proposing a Major Project of this kind are encouraged to engage with the Planning Office as early as possible in the planning process.

3.11 In advance of this initial pre-application meeting, the Planning Office will issue a request for information to the applicant to inform discussions. The information required will vary between Major Projects and will be at the discretion of the Planning Office. However, it is likely to include: a scheme description, high level plans/drawings and a summary of the proposed approach to consultation. The applicant will be

expected to provide the requested information at least five working days prior to the pre-application meeting.

- 3.12 Following this initial pre-application meeting, the Building and Development Control Committee encourages applicants to enter into a series of meetings (at appropriate milestones, or other relevant timing) to cover topics relevant to the Major Project. The topics covered will likely vary depending on the specific development proposal but may include:
- pre-application stakeholder and public consultation;
  - planning application process and expectations;
  - form and content of the planning application;
  - requirements for EIA Screening/Scoping in accordance with SG 1/17 (Environmental Impact Assessment);
  - requirements for other technical assessments;
  - discussion of potential planning issues; and/or
  - possible route to consent, although this will not be formally determined until after submission of a planning application (in accordance with the process set out in Section 2.2).
- 3.13 It should be noted that the views expressed and any advice provided through the pre-application stage by the Planning Office is done so on a without prejudice basis.
- 3.14 Through pre-application discussions with applicants, the Planning Office will identify the likely resource and expertise required to determine the planning application for a Major Project. Specific resource will be identified to consider the planning application. The Planning Office will endeavour to provide consistent resource to take development proposals for Major Projects from the pre-application stage through to determination.

### **Planning Performance Agreements**

- 3.15 Although there is no legal requirement for pre-application consultation, the Building and Development Control Committee recommend that applicants engage in this process. By working collaboratively, the Planning Office and applicant can seek to identify, understand and resolve any potential issues at an early stage to avoid issues later in the planning application process for a Major Project.
- 3.16 One way to ensure this strong working relationship between the Planning Office and applicant, during the pre-application and post-submission stages, is to enter into a Planning Performance Agreement (PPA) to manage the pre-application and determination process, and agree procedure and resources for progressing the planning application for a Major Project.
- 3.17 A PPA would comprise a signed agreement between the Planning Office and the applicant, which sets out commitments to certain procedures in relation to the planning application process for a Major Project. A PPA is usually drawn up prior to the submission of a planning application and may cover activities during the pre-application and determination stages of a planning application for a Major Project. A

PPA should be as simple as possible, and proportionate to the scale and potential impact of the Major Project. It is therefore unlikely that a standard PPA can be utilised since the process set out in the PPA will vary depending on the scale, nature and complexity of the Major Project and the associated issues to be considered.

- 3.18 Although the exact content would vary dependent on the Major Project, a PPA would likely cover the following topics:
- the approach to pre-application engagement including, for example, the number of pre-application meetings and procedures for agendas, minutes etc.;
  - a list of key topics for discussion at pre-application meetings;
  - a timeline for the planning application to enable workflow planning, design iteration, financing etc.
  - an agreement of the timeliness of responses, correspondence and submissions between the Planning Office and applicant;
  - how the determination phase will be managed including factual review of officer reports and preparation of draft conditions; and
  - a summary of any specialist support required from the States of Alderney.
- 3.19 A PPA would not be binding on either party. It would usually be documented in a similar way to a memorandum of understanding rather than as a contract.
- 3.20 In the absence of a formal PPA, the Planning Office would welcome discussions with applicants to discuss and agree (on a more ad hoc basis) certain elements of procedure and process to ensure that the pre-application and determination process for Major Projects runs as effectively as possible. Where this less formal approach is taken, any advice provided will be documented in writing and issued to the applicant.
- 3.21 At present, PPAs cannot involve a monetary element. Elsewhere, PPAs are used to fund additional resource to process extraordinary elements of a planning application or to ensure a dedicated resource is available to help meet a challenging timetable. Subject to the legal framework, the Building and Development Control Committee intends to explore opportunities to obtain fees from applicants for Major Projects, to enable cost recovery for the time spent on such applications, reflecting the added complexity of determining such applications and the significant additional resource and management requirements.
- 3.22 Until this point, applicants for Major Projects will be required to pay the appropriate application fee, in accordance with the Building and Development Control (Alderney) (Amendment No 2 and Fees) Ordinance (2016) and any subsequent versions thereof. Where a planning application is supported by an EIA, a fee is payable for the handling and assessment of the EIA, including the engagement of the services of an expert (not employed by the States of Alderney) to review and evaluate the assessment<sup>5</sup>.

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<sup>5</sup> Section 2C of the Building and Development Control (Alderney) (Amendment No 2 and Fees) Ordinance (2016).



## Pre-application Consultation

- 3.23 Alongside engagement with the Planning Office, it is expected that applicants will undertake pre-application consultation with technical stakeholders, members of the public and other interested parties prior to submission of any planning application for a Major Project. Consultation should be proportionate to the scale, nature and complexity of the development proposal. The relevant stakeholders should be identified through discussion with the Planning Office having regard to the technical stakeholders identified in Appendix D of SG 1/17 (Environmental Impact Assessment). Technical stakeholders should be engaged particularly, where relevant, on the planning application documents required and their contents.
- 3.24 It is expected that as part of the pre-application process, consultation is undertaken with members of the public. Applicants for Major Projects will be encouraged to agree the approach to consultation with members of the public with the Planning Office prior to commencing the consultation. When considering their approach, applicants should take the following points into account:
- the identification of a consultation area which is of a sufficient size to cater for all parts of the community which may be affected by the Major Project;
  - the use of appropriate consultation techniques, including electronic methods which are suitable to the communities being consulted with;
  - the presentation, design and format of consultation material which is clear, understandable and accessible to all parts of the community;
  - the location of any consultation venues to ensure they are accessible to all parts of the community, are of appropriate size and located in the vicinity of the communities targeted; and
  - the timing of any consultation events to ensure they are accessible to all members of the public, including those who work or have other responsibilities during the day, and avoid holiday periods where possible.
- 3.25 During the pre-application stage, the Planning Office may also consider it necessary or appropriate to consult with Members on the Building and Development Control Committee. Should this be the case, applicants will be expected to prepare for and attend Member Briefing(s).
- 3.26 A record should be kept of all pre-application consultation, including:
- dates, times, attendees and (where relevant) locations of consultation;
  - a summary of responses made and the issues raised; and
  - details of how consultee responses have been taken into account and have informed the Major Project development proposal.

## 3.2 Stage 2: Submission of a Planning Application

3.27 On completion of the pre-application process, the applicant will be expected to produce the relevant application documents and submit their planning application for a Major Project for consideration by the Building and Development Control Committee. This section provides further detail on the planning application documents which the Planning Office may request to accompany a Major Project planning application, and the process for submission of such a planning application.

### Application Documents

3.28 The submission of a complete planning application requires the applicant to submit:

*“...such information (including specifications [models], plans, elevations and site plans), [and, for the avoidance of doubt, statements or reports of assessments of environmental impacts and other effects,] as the Committee may from time to time require...”<sup>6</sup>*

3.29 Under Section 5(2)(a) of the Building and Development Control (Alderney) Law, 2002 (as amended), the Planning Office, on behalf of the Building and Development Control Committee, has the power to request further information from the applicant in relation to a planning application. Therefore, where deemed necessary and/or appropriate the Planning Office may request further information be submitted in support of a planning application for a Major Project. The Planning Office will endeavour to make such requests, and applicants will endeavour to respond to those within similarly reasonable timescales.

3.30 Table 3.1 provides a summary of the documentation that will likely be expected to accompany a planning application for a Major Project. This is not an exhaustive list, and the requested documents will likely vary depending on the nature, scale and complexity of the Major Project. It is recommended that as part of pre-application discussions, agreement is reached with the Planning Office and other technical stakeholders on those documents which will need to be submitted in support of the planning application, and where relevant the scope and content of such documents.

Table 3.1: Application documents for Major Projects

Document	When Likely to be Required	Description
Application Form	All Major Projects	Form providing information on the development proposal, including land ownership details (and consent where the applicant is not the landowner).
Correct Application Fee	All Major Projects	Refer to paragraphs 3.21 and 3.22.

<sup>6</sup> Section 5(1)(a) of the Building and Development Control (Alderney) Law, 2002 (as amended).

Document	When Likely to be Required	Description
Location Plan	All Major Projects	Plan showing the location of the application site, and related (and named) Cadastre plot <sup>7</sup> , at an appropriate scale. Should include a scale bar, key dimensions and the direction of North.
Site Plan	All Major Projects	A plan showing the application site, and related (and named) Cadastre plot, and existing uses at an appropriate scale. Should include a scale bar, key dimensions and the direction of North.
Proposed works plans	All Major Projects	Plan showing details of nature, scale, dimensions and location of proposed works within the application site, and related (and named) Cadastre plot, at an appropriate scale. Should include proposed general arrangements, elevations and site sections sufficient to illustrate the development proposals. Should include a scale bar, key dimensions and the direction of North.
Need and Public Benefit Justification	Application types 2 and 3	This document will summarise the need for the development, including evidence that the type, nature and scale of development represents the most appropriate solution for meeting identified need; and provide a clear justification as to the public benefit of the development proposal. This should include additional technical evidence as required.
Site Selection Study	Application types 2 and 3	A comprehensive study setting out an appraisal of the application site and its suitability for the proposed uses, taking into account all relevant economic, social and environmental considerations. This should include assessment of the alternative sites considered and justification for the sites not being selected.
Planning Statement	All Major Projects	A summary document stating how the proposed development complies with the Land Use Plan and how the principles therein have been incorporated into the proposed development. Should there be any areas of non-compliance with the Land Use Plan, these should be set out clearly and explicitly as this will help support the Planning Office to come to an early informed decision with regard to the appropriate consenting route for the Major Project (as described in Section 2.2).

<sup>7</sup> A Cadastre Plot provides the identification and classification of a property in relation to its land ownership details.

Document	When Likely to be Required	Description
Consultation Report	All Major Projects	A summary of the consultation undertaken and how the comments received have been taken into account.
Environmental Impact Assessment (incl. Transport Assessment)	As dictated by the thresholds set out in SG 1/17 (Environmental Impact Assessment)	An assessment of the likely significant environmental impacts of the proposed development in accordance with SG 1/17 (Environmental Impact Assessment). This will include a Transport Assessment and associated Travel Plans to provide an assessment of the impact of vehicle movements generated by the proposed development on the efficient and safe operation of the road network, including the potential impact on the operation of existing entry and exit points onto the Island (including the airport and harbour).
Design Statement	All Major Projects	A statement summarising the design approach to the proposed development. This will include details of the scale, massing, layout, treatment, materials, appearance, landscaping and access arrangements of the proposed development. It should address how the proposed development relates to its surroundings.
Employment Strategy	All Major Projects	A document covering both construction and operation phases of the development, which sets out: <ul style="list-style-type: none"> <li>• the expected workforce required (both number and specialist skills);</li> <li>• where the workforce will be recruited from (i.e. on-Island or off-Island); and</li> <li>• how many off-Island staff will be housed (if appropriate).</li> </ul>
Code of Construction Practice and/or thematic Construction Management Plans	All Major Projects	A document, or series of documents, in accordance with Policy IW10 of the Land Use Plan, which sets out the standards and procedures to which applicants and contractors will adhere to when undertaking construction of the Major Project. This will include, but not be limited to, details of site operations, construction traffic and transport, construction noise and air pollution, and construction waste management.

Document	When Likely to be Required	Description
Landscape Character Assessment	All Major Projects	An assessment of local landscape character of the application site and its setting, and how it can be protected and enhanced through the proposed design in accordance with Policy HE5 of the Land Use Plan.
Additional information on Heritage Assets	Any Major Project which may harm the significance of a registered or unregistered heritage asset and its setting, including archaeology and conservation areas.	The submission of additional information on heritage assets may be requested. This includes: <ul style="list-style-type: none"> <li>a description of the significance of any registered heritage asset affected, including the contribution made by its setting;</li> <li>an evaluation of the impact the development may have on this significance; and</li> <li>a demonstration of how the significance of the registered heritage asset has informed the design of the proposed development.</li> </ul>
Flood Risk Assessment	Any Major Project located in a coastal setting or where the application site has previously experienced flooding.	An assessment of the likely impacts of flooding and provision of proposals for mitigation and management of any flood risk within the application site and elsewhere on the Island, in accordance with Policy NE2 of the Land Use Plan. This should include consideration of how people can be evacuated if necessary and how these evacuation plans should be communicated to residents and other site users.
Sustainability Statement	All Major Projects	A summary of how the applicant has incorporated sustainability measures into their design.
Arboricultural Statement	All Major Projects which contain tree(s) within the application site	A summary statement identifying the value of any trees within the application site, setting out how construction works will be carried out close to trees without causing them any damage, where necessary identifying trees for removal and means of removal, and setting out how the Major Project development proposals are in accordance with Policy IW13 of the Land Use Plan.
Relevant technical documents	Dependent on development type, nature, scale etc.	Other technical documents and assessments as deemed appropriate and necessary in order to determine the planning application.
Draft Planning Conditions	All Major Projects	A list of potential planning conditions which will accompany the planning application in accordance with Section 6 of the Building and Development Control (Alderney) Law, 2002 (as amended). This may include a draft agreement as defined within Section 16 of the Building and Development Control (Alderney) Law, 2002 (as amended).

## Submission and Registration Procedure

- 3.31 Applications should be submitted, where possible, in both electronic and hard copy format.
- 3.32 Electronic documents should generally (unless specifically requested) be in PDF format, ensuring that they load correctly orientated. No file should be larger than 5MB. Any file larger than this should be split (in appropriate places in the document, such as at chapter end points) into 5MB maximum sections. Care should be taken to avoid excessive file compression or other loss of quality. Please do not use ZIP, EXE or other archive formats.
- 3.33 Care should be taken when creating PDF versions of plans and drawings, so that the intended print size is clear and so that, when printed at that size, appropriate scaled measurements can be taken or made. If a file cannot be opened or viewed, or is in some way deficient, the Planning Office may request a corrected version. In keeping with good practice, submitting plans and drawings on A3 will help the Planning Office process the planning application for a Major Project. Applicants could consider placing fewer elevations on smaller page sizes to allow these to be processed, even if this means submitting more documents and only using colour where necessary.
- 3.34 At least three paper copies of all application documents should be provided to the Planning Office.
- 3.35 Applications should be accompanied by the correct application fee (as set out in Section 3.1). Payment should be made as soon as possible after submission, as receipt of the fee is required for any planning application for a Major Project to proceed for consideration.
- 3.36 Electronic payment (BACS) is encouraged where possible. Applicants should ensure they enter the site address as a payment reference in these instances. If unable to use electronic payment, applicants can submit the correct application fee using cheque. Cheques should be made payable to The Planning Office, States of Alderney, PO Box 1001, Alderney, GY9 3AA. When submitting cheques, applicants should ensure the site address is written on the back of any cheque.
- 3.37 On receipt of a planning application which complies with the guidelines above, the Planning Office will go through a process of reviewing the information received.
- 3.38 Within 10 working days of receipt of a planning application, unless the period is otherwise agreed through a PPA, the Planning Office will seek to confirm receipt of all necessary information required to determine the planning application. Should additional information be required this will be confirmed at this time, and timescales agreed with the applicant for submission of this information, although the Planning Office may request further information after this point.
- 3.39 Following submission of the planning application for a Major Project, the Planning Office will consider the determination route required for the planning application. While making this decision, the Planning Office may informally advise the applicant of the likely route to consent. However, this will not be binding, and the route to consent

will only be formalised once the Planning Office have sufficient information to make such a decision (see Section 2.2).

### 3.3 Stage 3: Publication and Consultation

- 3.40 Following submission of a planning application for a Major Project, there will be a formal consultation period. The consultation will last for a minimum of 28 working days, and provide the opportunity for technical stakeholders, members of the public and other interested parties to make representations on the development proposal.
- 3.41 A hard copy of the planning application for a Major Project will be made available to members of the public at Island Hall. In addition, details of the planning application, including a full set of application documents, will be shared on the States of Alderney website.
- 3.42 The applicant will be asked to publicise the planning application details in the local press, such as the Alderney Journal or the Alderney Press. This should provide details of the planning application and how representations on it can be made. Proof of publication will need to be provided to the Planning Office.
- 3.43 Applicants will also be responsible for the display of site notices as part of the planning application for a Major Project. They must provide details of the location of development; description of development; date of application (and consultation period); and details of how representations can be made. Site notices should use the States of Alderney template format (the Planning Office can assist in creating these) and must be approved by the Planning Office prior to display. Site notices should be displayed in a secure and weatherproof manner and be visible from the public highway. Applicants should provide evidence to the Planning Office that site notices have been displayed, in accordance with this Statutory Guidance. The site notices should be displayed for a minimum of 28 working days, in line with the consultation period. Applicants will be responsible for the replacement of any site notices damaged or removed during the consultation period. Applicants will also be responsible for the removal of all sites notices at the end of the consultation period.
- 3.44 Applicants may also be required to mark out the area of the proposed development, together with height poles to indicate the height and profile of the Major Project. The requirement for this will be at the discretion of the Planning Office on behalf of the Building and Development Control Committee following submission of a complete planning application.
- 3.45 Alongside members of the public, consultation with technical stakeholders and other interested parties will be required as part of this formal period. The Planning Office will identify the relevant technical stakeholders, including other departments within the States of Alderney and provide them with the planning application details. In doing so, the Planning Office will have regard to those stakeholders listed at Appendix D of SG 1/17 (Environmental Impact Assessment). The applicant may be requested to provide additional hard copies of application documents to technical stakeholders, where appropriate.

- 3.46 Members of the public, technical stakeholders and other interested parties will be able to submit representations to the Planning Office. The Planning Office will monitor and collate the representations received. Representations received after the end of the 28 day formal period of consultation may or may not be considered, at the discretion of the Planning Office.
- 3.47 Representations received by the Planning Office will be shared with the applicant, who may be required to provide additional information to assist the Planning Office in addressing any concerns raised.

### **3.4 Stage 4: Consideration by the Planning Office**

- 3.48 Once a planning application for a Major Project has been received, the Planning Office will begin consideration of the planning application documents against the Land Use Plan and other material planning considerations to determine its acceptability in planning terms. This process will be undertaken in tandem with the formal consultation (set out above), and will be informed by the representations received.
- 3.49 In undertaking a review of the planning application, the Planning Office will conduct a site visit. The applicant should be available to take the Planning Office and, if appropriate, members of the Building and Development Control Committee around the site. In such instances, elected members will not directly engage any third party person present (including the applicant) at the site visit and will address any questions to the Planning Office. No decisions will be made at the site visit.
- 3.50 Throughout this stage, the Planning Office may request further information from the applicant to respond to any possible areas of concern. If not already undertaken, the Planning Office will issue formal notice of their decision with regard to the route to consent for the Major Project (see Section 2 for more detail).

### **3.5 Stage 5: Consideration by the Building and Development Control Committee**

- 3.51 Once the Planning Office has sufficient information to come to a reasoned conclusion in relation to the Major Project proposal, they shall arrange for the planning application to be considered by the Building and Development Control Committee at a Planning Committee.
- 3.52 An Officer Report will be produced in advance of the Planning Committee which demonstrates the Planning Office's approach to and assessment of the relevant planning considerations associated with the Major Project. This will include a recommendation to the Building and Development Control Committee. This Officer Report will be published at least ten working days prior to the Planning Committee meeting. The Office Report should, where possible, include a proposed set of planning conditions, taking account and reviewing the set submitted by the applicant.
- 3.53 At least ten working days prior to the Planning Committee date, the Planning Office will formally notify the applicant of the date. At this time, a draft agenda for the Planning



Committee meeting and a draft copy of the Officer's Report (including proposed planning conditions) will be shared with the applicant.

## Planning Committee Procedure

- 3.54 Planning Committees for Major Projects will, as far as practicable, operate in accordance with the Protocol for the Operation of Open Planning Meetings (the Protocol'), published by States of Alderney in [February 2017] (and any subsequent variation thereof).
- 3.55 The applicant and/or their agent for a planning application for a Major Project which is under consideration will be entitled to speak at that Planning Committee meeting to expand and explain their application and answer any questions from the Building and Development Control Committee, subject to the rules of the Protocol.
- 3.56 In addition, any member of the public will be entitled to speak on the planning application (either for or against). Speakers must submit a written representation in accordance with Section 10 of the Building and Development Control (Alderney) Law 2002 (as amended) or have notified the Planning Office of their intention to speak by noon on the previous day.
- 3.57 The Building and Development Control Committee will endeavour to allow all those speaking on the planning application sufficient and equal time to make their views known. The period for speaking will be limited to four minutes per speaker. A reminder will be given thirty seconds before the end of the four minutes.
- 3.58 The Building and Development Control Committee may, as they consider suitable or appropriate, consider variations to the Protocol to ensure the planning application is considered in the best way and in the public interest. In particular, they may consider the following matters:
- whether to schedule a standalone Planning Committee meeting or consider the Major Project alongside other applications;
  - variations to the time allowed for speakers; and
  - hosting arrangements, such as location and room size.
- 3.59 The Building and Development Control Committee may defer a planning application for a Major Project for further information or revision. Where a decision is deferred, the planning application shall be included on the agenda for further consideration at a second Planning Committee meeting. Where there were speakers for or against the planning application at the first Planning Committee meeting, public speaking may be allowed at the second meeting, at the Chair of the Building and Development Control Committee's discretion.

## Outcomes of the Committee Meeting

- 3.60 Dependent on whether a Land Use Plan Inquiry is required or not, the Building and Development Control Committee will be asked to consider a planning application for a Major Project under the following procedures:

- **Major Projects not requiring a Land Use Plan Inquiry (Type 1 and Type 2):** at the Planning Committee meeting (or subsequent meeting in the case of deferral), on review of the Officer Report and oral representations made, the Building and Development Control Committee will review the planning application and vote on whether to grant planning permission for the Major Project including the conditions to which the Major Application should be subject. Following this, a decision notice will be issued recording the decision (granting or refusing planning permission) to the applicant, which will be made available on the States of Alderney website for public viewing.
- **Major Projects Requiring a Land Use Plan Inquiry (Type 3):** at the Planning Committee meeting (or subsequent meeting in the case of deferral), on review of the Officer Report and oral representations made, the Building and Development Control Committee will review the application and vote on whether it is minded to grant planning permission for the Major Project, subject to an alteration or addition of the Land Use Plan. Where the Building and Development Control Committee is minded to grant planning permission, the planning application for a Major Project will be subject to the additional determination stages set out in this Statutory Guidance (refer to Sections 3.6-3.9). Where a planning application is refused a decision notice will be issued recording the decision to the applicant, which will be made available on the States of Alderney website for public viewing.

## 3.6 Stage 6: Preparation of Land Use Plan Update

- 3.61 From this point forward, the remaining stages of planning application process apply only to those developments which require a Land Use Plan Inquiry as any Major Project not requiring a Land Use Plan addition or alteration will be approved or refused under the process set out in Section 3.5.
- 3.62 In the circumstances that a Land Use Plan Inquiry is required, following direction from the Building and Development Control Committee that they are minded to approve the planning application, subject to an addition or alteration to the Land Use Plan, the Planning Office will be required to undertake the necessary addition(s) or alteration(s) to the Land Use Plan. The Land Use Plan update should be completed in accordance with the requirements set out in Section 23 of the Building and Development Control (Alderney) Law, 2002 (as amended).
- 3.63 The timescales for such a Land Use Plan review may vary, depending on the extent of addition(s) or alteration(s) required. The applicant will be expected to engage in the Land Use Plan review and provide information as required to support this process.

## 3.7 Stage 7: Land Use Plan Inquiry

### Inspector Appointment and Briefing

- 3.64 Once the decision has been taken to make an alteration or addition to the Land Use Plan to enable the Building and Development Control Committee to determine the planning application for a Major Project, an Inspector must be appointed to hear the

Inquiry, in accordance with Section 26 of the Building and Development Control (Alderney) Law, 2002 (as amended).

- 3.65 It is expected that the Planning Office will produce a Briefing Report for the Inspector that provides:
- a summary of the planning application details;
  - any previous discussions with the applicant;
  - the results of the Building and Development Control Committee’s consideration of the Major Project (Section 3.5); and
  - the addition(s) or alteration(s) required to the Land Use Plan (Section 3.6).
- 3.66 The applicant will be expected to support and engage in this process and may be required to assist the Planning Office in the preparation and/or review of materials.
- 3.67 Once the Inspector is appointed they will publish in Alderney Official Gazette notice of the date of the Inquiry.

### **Land Use Plan Inquiry**

- 3.68 The appointed Inspector will determine how the Land Use Plan Inquiry proceedings will operate. Representations can be made by members of the public, stakeholders and other interested parties to the Inspector, in accordance with Section 27 of the Building and Development Control (Alderney) Law, 2002 (as amended).

## **3.8 Stage 8: Reconsideration by the Building and Development Control Committee**

- 3.69 Following a Land Use Plan Inquiry, the Inspector will prepare a written report summarising their recommendations on the proposed alteration(s) or addition(s) to the Land Use Plan. The report shall be submitted to the Building and Development Control Committee for consideration. The Inspectors Report will be published as soon as practicable after receipt and review. The Inspectors Report is not binding.

## **3.9 Stage 9: Consideration by the Full States**

- 3.70 Should the Building and Development Control Committee wish to follow the recommendations of the Inspector, they will lay the Inspector’s Report and proposed alteration(s) or addition(s) to the Land Use Plan before the Full States who may approve the Land Use Plan, without modification or subject to such modifications as they may consider necessary or expedient, in accordance with Section 30 of the Building and Development Control Committee (Alderney) Law, 2002 (as amended).
- 3.71 Should the Building and Development Control wish to deviate from the Inspector’s recommendations, they will produce a separate report which sets out their view on the development proposal, and how this has been informed by information provided by the applicant and the Inspector’s recommendation. This separate report will need to set out and justify clearly how and why the Building and Development Control

Committee has come to a different recommendation to that of the Inspector. Following this, the Building and Development Control Committee will lay this report and proposed alteration(s) or addition(s) to the Land Use Plan before the Full States who may approve the Plan, without modification or subject to such modifications as they may consider necessary or expedient, under the same conditions set out in paragraph 3.70.

- 3.72 Should Full States approve or approve with modifications the addition(s) or alteration(s) to the Land Use Plan, the Building and Development Control Committee will then issue a decision notice confirming the planning application has been granted to the applicant, which will be made available on the States of Alderney website for public viewing. Should Full States decide not to approve the addition(s) or alteration(s) to the Land Use Plan, then the Building and Development Control Committee will issue a decision notice confirming the planning application has been refused to the applicant, which will be made available on the States of Alderney website for public viewing.





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