

ALDERNEY LAND USE PLAN 2017

REPORT OF THE PUBLIC INQUIRY

C/o Programme Officer
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4 October 2017

To
The States of Alderney
Building and Development Control Committee

Dear Mr Birmingham and other Committee Members

Alderney Land Use Plan 2017

As you know, I recently completed a public Inquiry into the draft Alderney Land Use Plan 2017. I am now pleased to submit my report. If there are any points on which the Committee would like clarification or additional views, please let me know.

Yours sincerely

A handwritten signature in dark ink, reading "Michael Hurley". The signature is written in a cursive, flowing style with a long, sweeping tail on the final letter.

Michael Hurley
Inspector

REPORT OF AN INDEPENDENT EXAMINATION OF THE PROPOSED ALDERNEY LAND USE PLAN 2017

PREAMBLE

- 1 Part IV of the Building and Development Control (Alderney) Law 2002 (as amended) (the 2002 Law) provides for the preparation and review of Land Use Plans by the Island's Building and Development Control Committee (B&DCC). These plans are to indicate the Committee's proposals for development (or other work) and for the use of land in Alderney; and are to contain a reasoned justification for each proposal. They are to be reviewed at least once in every five years.
- 2 The B&DCC decided to review the Land Use Plan (LUP), which was approved in November 2011, in two phases. Phase 1 established a long-term vision and six guiding principles for the Island, and updated policies for residential development. It was subject to a public Inquiry during the Spring of 2016 (for which the Inspector was Mr Alan Langton); and it was subsequently approved by the States of Alderney in July of that year, as the Alderney LUP 2016 (Docs CD6-7).
- 3 Phase 2 of the review focussed on consideration of the Island's economy, natural environment and built heritage. It also updated the contents of Phase 1 as required, and culminated in the publication of the comprehensive draft Alderney LUP 2017 (Doc CD1). In addition to the work undertaken in Phase 1 of the review, the evidence base for the draft LUP 2017 included a Call for Sites Assessment (Doc CD2) and an Economic Development Strategy (Doc CD3), each produced by the B&DCC's planning consultants, Ove Arup and Partners Ltd (Arup); a Natural Environment Strategy produced by the Alderney Wildlife Trust, supported by Arup (Doc CD4); and a Built Environment and Heritage Strategy (Doc CD5) produced by the Alderney Society, the States of Guernsey Culture and Heritage Department, and other independent on-Island advisors, with support from Arup (Doc CD5).
- 4 The period within which objections or other representations concerning the provisions of the draft LUP 2017 could be made ran between 12 June and 14 August 2017. During this period, objections or other representations were submitted by a total of 169 people or organisations.
- 5 I was appointed by the President, Mr W Stuart Trought, to hold an Inquiry, which would consider the draft LUP 2017 in the light of the objections or other representations made. In lieu of holding a pre-Inquiry meeting, on 10 July 2017 I issued a note on the proposed procedural arrangements for the Inquiry (Doc INQ1). In this, I indicated that certain of the matters contained within the proposed LUP 2017 had previously been considered by Mr Langton at the Phase 1 Inquiry; and that the conclusions which he had reached on those matters would be material to my assessment of the plan as now proposed. I also indicated

that all those who had made representations by the due date would be entitled to speak at the Inquiry, but would be under no obligation to do so; and that I would take full account of their written submissions.

- 6 The Inquiry opened on Monday 4 September 2017, and sat on seven days, ending on Wednesday 13 September 2017. It was held in accordance with section 27 of the 2002 Law.
- 7 I record here my thanks to all those who participated in the Inquiry, for the courteous assistance that they gave me, and the concise and helpful manner in which they made their contributions; also my thanks to the Assistant Planning Officer, Sam Osborne, for acting as my guide during my site inspections; and my thanks to the Programme Officer, Helen Wilson, for her efficient management of the Inquiry programme, website and documentation.

General matters

The proposed FAB Link and ARE Converter Station

- 8 Many of the objections or other representations submitted referred explicitly to one or both of two related proposals. One of these was a proposal, by FAB Link Ltd, for a France-Alderney-Britain (FAB) Interconnector (a high voltage, direct current, electricity transmission line, which would run underwater between Normandy and Devon, but would cut across Alderney, between Longis Bay and Corblets Bay). The other was a proposal by Alderney Renewable Energy Ltd (ARE) for the erection of a Converter Station in Mannez Quarry. This facility would convert tidally generated electricity from alternating current into direct current, for onward transmission to either France or the UK via the proposed FAB Interconnector.
- 9 The proposed LUP 2017 makes no explicit provision for either of these proposed developments; and none of the representations made suggested that it should be modified to make such provision. On 31 August 2017, I issued a further note to prospective Inquiry participants, indicating that it was not within my remit to consider the merits of either the FAB Interconnector or the ARE Converter Station, or to make recommendations to the B&DCC in respect of either of those proposals. However, I pointed out that such consideration, by an Inspector, would become necessary in future, if a planning application were to be made for one or other of these schemes, and a further planning Inquiry were to be convened pursuant to section 31(2) of the 2002 Law. I stressed that it would be important for the present Inquiry to focus on matters contained in the draft LUP 2017, and proposals for ways in which that plan might be modified (Doc INQ4). I am pleased to report that participants limited their contributions to the Inquiry accordingly. I consider that the potential length of the Inquiry was substantially reduced as a result.

Proposed changes to the 2002 Law

- 10 Other representations referred to proposed changes in the 2002 Law, which were set out in the draft Building and Development Control (Alderney) (Amendment) (No 2) Ordinance, 2017

(Doc CD20). This draft Ordinance was explained in a Green Paper, which was subject to public consultation during the Inquiry, and for a further period extending up until 1 December 2017 (Doc CD19).

- 11 At present, section 67 of the 2002 Law exempts the States of Alderney from the requirement to apply for planning permission. A similar exemption applies to certain public utilities. However, the proposed changes in the law would provide that, in future, the requirement to obtain planning permission would apply to the States and public utilities in the same way as it would to other prospective developers.
- 12 Section 12 of the 2002 Law currently prohibits the B&DCC from granting planning permission for all but a very limited range of minor developments in a Designated Area (commonly referred to as the 'Green Belt') which extends across most of the Island. Unless that section is also amended, the States and public utilities would be precluded from carrying out developments in the Designated Area, for which they would not previously have required planning permission. Accordingly, the draft Ordinance proposes the amendment of section 12 to enable the B&DCC to consider planning applications made by the States or named public utilities for development in the Designated Area for purposes mainly relating to the supply of essential services to the public.
- 13 A further proposed change to section 12 of the 2002 Law would enable the B&DCC to consider applications for major development projects in the Designated Area, provided that the States of Alderney had previously resolved that the projects in question would be of 'strategic importance', having satisfied certain specified tests. Policy S7 of the draft LUP 2017 sets out criteria against which planning applications for major development projects would be considered by the B&DCC.
- 14 It is not for me to make recommendations about proposed changes to the 2002 Law. However, parts of the draft LUP 2017 clearly anticipate that the proposed legal changes will be made. For the purposes of this report, I have assumed that the 2002 Law will be amended in accordance with the draft Ordinance. If it is not, consequential modifications to the LUP 2017 may well be necessary.

Consultation arrangements

- 15 Some of those making representations (including particularly the Alderney Wildlife Trust and the Alderney Society) considered that the period within which the draft LUP 2017 had been available for public consideration had been too short, and allowed interested parties insufficient time to consider this document. They referred particularly to the length and complexity of the plan and the supporting documentation; and to the fact that the consultation period had spanned the summer months, and conflicted with Alderney Week. They suggested that, ideally, there should have been a consultation period of three months, avoiding the holiday season, and avoiding major events on the Island. In addition, a number

of people felt that it had been confusing for there to have been simultaneous consultation on the draft LUP and the proposed amendments to the 2002 Law.

- 16 I recognise the difficulties that local people on Alderney may have had in grappling with some complex planning and legal issues. However, I consider it entirely commendable that the B&DCC, together with their officers and consultants, should have produced a comprehensive plan of such quality, within so short a timescale. It is not clear to me that the LUP would have been significantly improved by extending the period of its gestation. The LUP will provide a framework of policies against which the B&DCC can assess future development proposals, and make consistent decisions. I understand that simultaneous consultation on the draft LUP and the proposed legal changes was undertaken in the interests of transparency.

Delivery of the LUP

- 17 Several of those making representations questioned the practicability of delivering on all aspects of the LUP, given the size of the Alderney's Planning Office, and the limited resources available to those responding to planning applications.
- 18 I do not underestimate the difficulty of delivering a planning service with such limited resources as are available in Alderney, which must be among the smallest of planning authorities. However, I consider that that task would be immeasurably more difficult without the guidance that will be provided by the draft LUP. Much will clearly depend on the adequacy of in-house staff resources, the ability to bring in external assistance where necessary, and the provision of relevant training for all those involved in the planning and decision-making processes.

Policies expressing support for development

- 19 Many of the policies in the draft LUP indicate that 'development will be permitted' if certain specified criteria are satisfied. I consider that it would be safer to say that 'development may be permitted', or simply that the relevant criteria 'must be satisfied'. This is because, in deciding whether to grant planning permission, section 7 of the 2002 Law requires the B&DCC to have regard to various matters in addition to the policies set out in the LUP. Although compliance with LUP policy may be a necessary requirement for obtaining planning permission, it may not be a sufficient one. **I recommend against the use of the words 'will be permitted' in LUP policies.**

Structure of the report

- 20 My report follows the structure of the LUP 2017, chapter by chapter. Where I make no reference to a particular policy, passage of supporting text, or map, it can be assumed that there has been no objection to that material, and that **I recommend that it should remain unaltered.**

CHAPTER 1 - INTRODUCTION

- 21 Chapter 1 of the draft LUP provides an introduction; explains the purpose and legal background of the LUP; outlines the plan-making process; describes the structure of the document; gives guidance on its use; and sets out arrangements for the control of development during the transition from the LUP 2016 to the LUP 2017.

Extent of Jurisdiction

- 22 Paragraph 1.9 of the LUP records that the planning powers of the B&DCC extend over the 'internal waters' of Alderney, which evidently include areas of sea on the landward side of the baselines from which the Island's territorial waters are measured. FAB Link Ltd questioned this, referring to the fact that, in the UK, the jurisdiction of coastal planning authorities generally ends at the mean low water line. However, charts provided by the UK Hydrographic Office, and a covering email (Doc OD6) from the Law Officers in Guernsey, confirm that Alderney's 'internal waters' include an extensive sub-tidal area. In the light of this information, it seems to me that, as a matter of law, paragraph 1.9 of the LUP accurately represents the extent of the B&DCC's jurisdiction.

Environmental Impact Assessment

- 23 The Alderney Wildlife Trust is keen that the draft LUP should be more explicit in referring to the need for Environmental Impact Assessment in considering certain development proposals. Paragraph 1.38 of the LUP refers to statutory guidance issued by the B&DCC. **I recommend that the following be added to this paragraph:**

In particular, Statutory Guidance 01/17 sets out the circumstances in which an Environmental Impact Assessment will be needed, and what it should contain. Statutory Guidance 02/17 deals with proposals for Major Projects.

CHAPTER 2 – CONTEXT

- 24 Chapter 2 gives some historical and geographical context for the draft LUP. In particular, it points out that between 2008 and 2014, Alderney's population had declined by nearly 10%, but more recently has started to increase again. In 2016, some 2,035 people were resident on the Island for at least 26 weeks.
- 25 However, the Island's population is ageing. Between 2010 and 2016, the median age of Alderney's male population increased from 51 to 55; and that of its female population increased from 54 to 56. During the same period, the 'dependency ratio' (the ratio of children and old people to those of working age) rose from 0.59 to 0.8.

- 26 Employment on Alderney has also reduced in recent years. Between 2010 and 2016, the number of jobs in the four main sectors of the economy (retail, professional services and finance, hostelry, and construction) fell by 30%. A further sign of the problems confronting the Island's economy is that, between 2005 and 2015, the number of aircraft movements to and from Alderney decreased by about one third.
- 27 Paragraph 2.11 of the LUP 2017 records that housing provision on Alderney is dominated by the owner occupied and privately rented sectors, with only a small amount of affordable housing. It also refers to a relatively high incidence of residential properties being used as second homes; and a high proportion of the housing stock being vacant. Mr M James questioned the reference to 'second home ownership' (Doc OD1). The B&DCC now concedes that this is an emotive term, and proposes that it should be replaced by the words 'non-primary ownership' wherever it arises in the draft LUP. In addition, a definition of 'non-primary ownership' will be added to the glossary. **I recommend that these changes be made.**
- 28 Mr James also sought the inclusion of statistics on such matters as the number of holiday homes used exclusively by the owner; the number let on a seasonal and non-seasonal basis; the number of residential properties that are vacant pending sale; and the number that are otherwise vacant. However, in the absence of quantitative evidence I am unable to come to any conclusion on these matters. Otherwise, Chapter 2 of the draft LUP is not controversial.

CHAPTER 3 – LAND USE PLAN STRATEGY

Section 3.3 – Guiding Principles

- 29 The six Guiding Principles for the LUP were considered at the Phase 1 Inquiry and subsequently agreed. Mr N Winder questioned the extent to which the policies in the draft LUP reflected these principles. He advanced the view that the LUP should provide a strategy for managing the landscape of Alderney; and that it should have regard to the need for both sustainability and resilience. I broadly concur.
- 30 However, he also argued that weight should be put on the protection of 'common pool resources' in framing planning policy. However, I am not entirely convinced. Property rights exist throughout Alderney, and these include the right to use and develop land. Property is traded in an open market – it is not a common pool resource. The exercise of the right to develop property will inevitably affect the natural and cultural landscape. The planning system exists to regulate the exercise of that right (and its consequences) in the community's interest. I consider that the regulatory framework provided by the draft LUP accords with the Guiding Principles, and see no reason to change the general approach adopted by the B&DCC.
- 31 Mr Winder, the Alderney Wildlife Trust and others raised the issue of cross-policy compliance. Plainly, there is a potential tension between those policies which seek to encourage

development, population growth and economic activity; and those that seek to protect or conserve existing assets, including, for instance, scenic landscapes, sites of nature conservation interest, buildings of architectural or historic importance, and areas of archaeological significance. This tension is not unique to Alderney. It requires decision-makers to exercise judgement in considering development proposals. The LUP can do no more than highlight the matters that they should take into account, and weigh their relative importance. Planning policies and planning decisions are inevitably the product of value judgements.

Section 3.4 - Plan Outputs

- 32 Section 3.4 and Table 3.1 of the draft LUP set out the Plan Outputs, which encapsulate the B&DCC's aspirations for Alderney over the next 5 years, and the next 20 years. One of these aspirations is that the Island's population should increase from its present level of approximately 2,050, to reach about 2,300 by 2022. After that, there would be continued growth up to 2036, by which time the Island's population might be approaching 3,000. The B&DCC is also keen that the number of young people (aged under 16) on Alderney should increase, from approximately 200 today, to about 260 by 2022, and to about 400 by 2036. Furthermore, the B&DCC envisages an increase in the size of the Island's economically active population from about 800 today, to 1,150 in 2022; and to 1,500 in 2036.
- 33 These are understandable ambitions to reverse former tendencies toward a declining and ageing population. However, if the combined increase in the number of the young and economically active members of the population is greater than the increase in the total population, that would seem to imply a reduction in both the proportion (and possibly the absolute number) of people aged 65 and above.
- 34 This is borne out in Arup's 'Note to Support the LUP Phase 2 Demographic Forecast' (Doc OD9) which indicates that the proportion of Alderney's population aged 65+ has been adjusted downwards from 33% today, to 29% in 2022, and to 25% by 2036, in order to achieve the aspirational demographic structure envisaged. The number of elderly residents expected in 2022 has been adjusted down from 770 (on the basis that they would continue to constitute 33% of the total population) to about 620.
- 35 While I understand that some elderly Alderney residents may migrate back to the UK, I do not consider that it would be sensible to plan for a long-term decrease in the proportion of elderly people as shown in the adjusted demographic forecast. The first table on page 2 of Arup's Note on Demographic Forecasts (Doc OD9) shows that, at the time of the 2015 eCensus, of all the 5-year age bands on the Island, the 65 to 69 year olds were the most numerous (by a substantial margin). This suggests that there may be a net migration of retirees to Alderney (rather than away from the Island).

- 36 This does not negate the aspiration to make provision for a greater number of young and economically active people on Alderney, as provided for in the draft LUP. However, it suggests that there will be a continuing need to make provision for a significant number of elderly people; and that policies designed to attract young families to the Island will not necessarily result in a decline in this number.
- 37 Table 3.1 of the LUP 2017 shows that an additional housing provision of about 140 dwelling units will be needed between 2017 and 2022. However, this is evidently erroneous and should be 120 units (Doc OD13, Figure 7) so that by 2022, there would be about 1,120 dwellings on the Island. These figures are consistent with an increase of about 20 dwellings per annum, as shown in the approved LUP 2016 (Doc CD6).
- 38 Mr N Winder questioned whether a sustained increase of 20 dwellings per annum would be either necessary or sustainable. This scale of development was established in the LUP 2016 and appears not to have been subject to objection during the Phase 1 Inquiry. At paragraph 2.44 of his report, Mr Langton notes that the LUP ‘... responds to the States’ aspiration to grow the population over the 5 year plan period and then on for a total of 20 years. That rate of growth is a given input to the plan ...’. He concluded that the figure of 20 dwellings per annum would provide ‘... a sound basis not to frustrate the population growth sought by the States’.
- 39 It is not for me to undo decisions taken following the Phase 1 Inquiry; and I consider it unlikely that there would be a significant increase in population, or in the number of young families on Alderney, in the absence of some additional housing provision. Although, I accept that an increase of 20 dwellings per annum over an indefinite period would be unsustainable, I consider that such an increase over a 5-year period could be absorbed without significant environmental damage. **I recommend that Table 3.1 of the draft LUP be amended to show a net change of +120 households over the Plan period, and a total of 1,120 households at the end of the Plan period in 2022.**
- 40 The evidence is that there is capacity to provide between 133 and 234 additional dwellings on Alderney during this period (Doc OD13, Figure 8). I share Mr Langton’s conclusion that there is likely to be an adequate availability of residential development opportunities to meet the B&DCC’s aspirations.
- 41 Of course, the mere availability of land for house-building does not imply that houses will be built, or that young families will move to the Island. In order to build, developers will need to be satisfied that there will be sufficient demand for the new houses for them to make a profit. In order to move into the new houses, young families will need to be satisfied that they will be able to find employment on the Island.
- 42 The Plan Outputs in Table 3.1 of the LUP envisage a growth in employment floor space up to 2022, which would cater for the increase in the size of the economically active population envisaged over that period. In particular they indicate that the supply of office and commercial floor space might increase by 1,200m²; and that the stock of industrial and

storage floor space might grow by 5,600m². The evidence suggests that there is ample capacity on undeveloped plots to meet this requirement (Doc OD11).

- 43 There were no further representations concerning these Plan Outputs, which seem to me to be reasonable.

Section 3.5 - The Designated Area and the Building Area

- 44 Section 12 of the 2002 Law makes provision for the States of Alderney to designate an area in which, subject to a limited range of exceptions, the B&DCC is legally prohibited from granting planning permission. The boundaries of the Designated Area (and by implication the residual Building Areas) are defined (and modified) by Ordinance, but are also shown in the LUP. Unfortunately, there have previously been inconsistencies between the boundaries of the Designated Area as defined by Ordinance, and as shown in the LUP.
- 45 Section 3.5 and Figure 3.3 of the draft LUP describe the division of Alderney into Designated Areas and Building Areas. A number of changes to the boundary of the Designated Area are proposed. If the LUP is approved by the States of Alderney in its current form, these changes would have then to be confirmed by a legal Ordinance.
- 46 Most of the proposed changes to the boundary of the Designated Area are of a minor nature, and are uncontroversial. They would entail the removal of small areas of land from the Designated Area, immediately to the west of the industrial estate at La Corvée; at 'The Barn' restaurant; at Chateau L'Etoc; at the Arsenal; and at Platte Saline. However, the LUP provides no reasoned justification for any of these proposed changes. In my view it should, not least to meet the requirements of section 23(1) of the 2002 Law.
- 47 **I recommend that Section 3.5 of the LUP 2017 be modified by the insertion of additional text to explain and justify proposed changes to the boundary of the Designated Area and Building Areas.**

Braye Bay

- 48 The largest of these proposed boundary changes would entail the inclusion of the eastern part of Braye Bay within the Designated Area. In the approved LUP 2016, this marine area was included within the Central Building Area, as Part of Zone 7 - The Harbour and Braye Bay Comprehensive Development Zone (Doc CD7). The relevant text indicated that this part of the Comprehensive Development Zone '... may form part of a future marina ...'. I note that, in the past, Mount Hale Ltd have submitted informal proposals for a marina development in the eastern part of Braye Bay. However, the effect of the proposed change in the boundary of the Designated Area would be to prohibit the B&DCC from granting planning permission for such a development.

- 49 This unexplained change of policy seems to me to be unsatisfactory; and the proposed amendment of the boundary of the Designated Area appears arbitrary. It is not for me to come to a view on whether a proposed marina development in this location would be acceptable, but I cannot see why the B&DCC should be prevented by law from even considering a future application for such a development; or for a smaller scheme, for instance to build a small jetty to provide access by boat to the Arsenal site.
- 50 I note that the western part of Braye Bay is now proposed in the draft LUP as a 'Potential Marina Area' within the Braye Opportunity Area. However, as far as I am aware, there is no firm scheme for a marina development there.
- 51 Paragraph 3.13 of the draft LUP sets out the purpose and functions of the Designated Area. Broadly these are to restrict development, so as to encourage the efficient use of land within the Building Area; to ensure a sustainable pattern of development, in which housing is reasonably close to key services and employment locations; to safeguard the open countryside from development, and thereby preserve sensitive views, habitats and heritage assets; to maintain access to open space for recreation; and to protect agricultural land. It is not clear to me that the inclusion of the eastern part of Braye Bay within the Designated Area would contribute to any of these objectives.
- 52 **Accordingly, I recommend against the inclusion of the eastern part of Braye Bay within the Designated Area; and I recommend the retention of the Designated Area boundary in this location as shown in the LUP 2016.**

L'Ancienne Ferme (or Pouteaux Farm), La Haize

Representation

- 53 Mr F Gerard sought the removal of the site of an agricultural building in Barrack Masters Lane from the Designated Area, and its inclusion within the Building Area, as part of Housing Character Area 12. He provided cartographic evidence that there had been a building on this site since at least 1833; and photographic evidence to show that, in 1924, the building was being used for residential purposes.
- 54 It appears that, at some time after 1924, the building had been damaged by fire and its roof had been destroyed. Aerial photography, dating from 1945, showed that, at that time, the building had no roof. In 2015, when Mr Gerard acquired this property, the building was still in a ruinous state, and overgrown by vegetation. Although its walls were more or less intact to eaves height, the building had no roof, and its window apertures were open. It was plainly not watertight. However, Mr Gerard found various artefacts on the site, which testified to the building's former residential use. These included a bed, a stove, a cistern, and a number of glass bottles.

- 55 In April 2016, Mr Gerard applied for planning permission to restore this ruined building to provide an agricultural store and tractor shed, as he was using the adjoining 12 acre site for the cultivation of fruit and vegetables. Permission was granted, and the building had now been restored, to a very high standard. It was a stone structure, with a slate pitched roof and gable ends. On its front elevation, the building had a single window and a front door on the ground-floor; with three windows above. It could be mistaken for a residential property. However, in its north-eastern side elevation, there were double doors of sufficient size to provide for access by a tractor. The building was now called L’Ancienne Ferme.

B&DCC’s response

- 56 When Mr Gerard acquired this site, it was in the Agricultural Zone of the Designated Area. Planning permission had been granted for the restoration of the ruined building for use for agricultural storage. The residential use of this property would be contrary to Policy BA1 and the Housing Land Preference Hierarchy.

Inspector’s assessment

- 57 I consider that the previous residential use of this property has now been abandoned, a point conceded by Mr Gerard at the Inquiry. In reaching this conclusion, I have taken account of the following:
- the elapsed time since the site was used for residential purposes – the last known residential use of this land was in 1924, more than 90 years ago;
 - the condition of the former residential building – the building appears not to have had a roof since before 1945, and has not been fit for human habitation for many years;
 - the non-residential use of the building subsequent to its last residential use - the building has now been refurbished for use as an agricultural store and tractor shed, in accordance with planning permission PA/2016/046.
- 58 Since the former residential use of this site has now been abandoned, its renewed use for residential purposes would require planning permission. Section 12 of the 2002 Law prohibits the B&DCC from granting permission for such development in the Designated Area, but provides that permission may be granted for a building to be used solely for agricultural purposes. In my view, the fact that such a permission has been granted, and put into effect, provides no grounds for the removal of the site of this development from the Designated Area. If it did, that would be likely to invite further planning applications for the provision of agricultural buildings elsewhere in the Designated Area, in the expectation that once built, those buildings could be excluded from the Designated Area, so as to facilitate their future residential use. The open character of the Designated Area might quickly be eroded as a result.
- 59 I note that Mr Gerard’s property was previously considered in the Phase 1 Call for Sites Assessment, in which it was referred to as Pouteaux Farm, La Haize. Mr Langton’s assessment, with which I concur, was that the site had zero potential for residential use.

- 60 I also note that the site of L’Ancienne Ferme has now been excluded from the Designated Area Agricultural Land Zone. At the Inquiry, the B&DCC’s representative indicated that this was the result of a mistake. I consider that that should now be rectified, since this land is clearly in agricultural use.
- 61 **I recommend that L’Ancienne Ferme be retained in the Designated Area, but included in the Agricultural Land Zone.**

Land at La Corvee and Mannez Quarry

Representation

- 62 Mr I Tugby sought the allocation of land within the Designated Area at La Corvée, for commercial development. The site was alongside an existing office block, and its re-allocation would allow the present office to expand, or enable new businesses to move to Alderney. In addition, Mr Tugby considered it vital that building should be allowed in Mannez Quarry, which had been a commercial area since before the War.

B&DCC’s response

- 63 In the Phase 2 Call for Sites, Mr Tugby had proposed the development of up to 12,800m² of new commercial floor space on land at La Corvée, which was in the Designated Area. The purpose of the Designated Area was to resist further development. Sufficient land within the Building Area had been identified to meet the requirement for new commercial floor space during the period covered the draft Land Use Plan. There was therefore no justification for alteration of the boundary of the Designated Area to accommodate further commercial development. Mannez Quarry was also in the Designated Area, and similar considerations applied.

Inspector’s assessment

- 64 The purpose of the Designated Area is to resist further development. The sites at La Corvée and Mannez Quarry, which Mr Tugby proposes for development, are each within the existing Designated Area. In my view, no sufficient case has been made for the release of either of these sites from the Designated Area and its allocation for development. **I recommend that no change be made to the draft LUP**

Policy S2 – Climate Change

- 65 Policy S2 promotes measures to mitigate and adapt to climate change, including locating development in places less vulnerable to flood risk. **I recommend that it should include a cross-reference to Policy NE2, which deals more particularly with flood risk.**

Policy S4 – Economic Development

Representations

- 66 Policy S4 of the draft LUP and its supporting text deal with economic development. FAB Link Ltd supported this Policy but considered that the supporting text should be expanded to include the following:

The FAB Link project has an essential role to play in achieving economic prosperity by facilitating the proposed tidal energy scheme and the potential provision of fibre-optics for communication purposes, as recognised in the Billet d’Etat September 2016 which stated: ‘The States of Alderney believe the Tidal Energy and FAB Link projects are vital to the future prosperity of Alderney’.

The Alderney Economic Study 2014 prepared by Frontier Economics recommended the development of eGaming, ICT and Financial Services industries on Alderney. These sectors are reliant upon a super-fast fibre-optic broadband connection. The FAB Link interconnector is crucial enabling development to deliver the renewable energy strategy and the wider Alderney Economic Strategy because it has the capacity to carry fibre-optic cables (submarine power cables need to incorporate fibre-optic cables to monitor performance).

B&DCC’s response

- 67 Policy S4 did not refer to particular projects. However, it did refer to priority sectors, including renewable energy. The FAB Link Interconnector would not generate renewable energy for use in Alderney, but there were other projects that might. Although the proposed interconnector would have the potential to carry fibre-optic cables, thereby improving broadband connectivity on the Island, there was no certainty as to the detail of this. The Alderney Economic Study had not been endorsed by the State of Alderney. Members of the States of Alderney had considered the Billet d’Etat of September 2016, but had not passed any resolution with respect to its content. It was not accepted that the text of the draft LUP should be amended in the manner proposed.

Inspector's assessment

- 68 The purpose of the text supporting Policy S4 of the LUP 2017 is mainly to provide a reasoned justification for that policy. It explains that the objective of the policy is to encourage economic growth, particularly in certain specified sectors. These include the generation of renewable energy. However, the text makes no reference to specific projects, which may be the subject of future planning applications. Any such applications would have to be considered against all the relevant LUP policies, including, for instance, those dealing with environmental impacts, as well as those promoting economic growth. There may be many ways of facilitating renewable energy schemes; or of providing improved broadband connectivity. I can see no reason why a special emphasis should be given to the FAB Link project in this context. **I recommend that no change be made to the draft LUP.**

Policy S7 – Major Projects

- 69 Policy S7 of the draft LUP defines 'major projects'; and sets out guidelines that are to be applied in considering whether planning permission should be granted for such proposals. It would apply in both the Building Areas and the Designated Area. At present, the B&DCC is prohibited by law from considering proposals to develop land in the Designated Area, in all but a few excepted cases. However, the legal changes now proposed would enable the B&DCC to consider applications for a much wider range of development in the Designated Area. These would include any cases concerning 'major projects', in respect of which the States of Alderney had previously resolved that the proposed development would be of 'strategic importance'.

Representations

- 70 A considerable number of objections were made to Policy S7. Many people considered that, together with proposed changes to the 2002 Law, this policy would weaken the protection that has successfully been given to the open and undeveloped character of the Designated Area for decades. The protection provided by section 12 of the 2002 Law had been clear and certain. Its replacement with a policy which could result in permission being granted for development in the Designated Area would result in further pressure for commercial projects, which politicians might find difficult to resist. There was a widespread fear that Policy S7 had been introduced in order to facilitate specific development proposals that objectors considered to be unacceptable – particularly the proposed FAB Link interconnector and the ARE converter.
- 71 It was argued that the wording proposed in paragraph 13 of Schedule 1 to the 2002 Law, and in Policy S7, was too loose. Phrases such as '... reasonably appears to be of such a nature that it is likely to be of significance ...' and '... there appears to be a real possibility that the development will be of long term public benefit ...' were imprecise and would be open to a

wide range of interpretation. They would not provide a firm basis for consistent decision making.

- 72 Mr Tate and others held that a distinction should be made between public works, which would be for the benefit of the community and might be acceptable in the Designated Area; and commercial development for the benefit of private investors, which would not. At present the boundary of the Designated Area could be amended at any time to accommodate necessary developments of public benefit. The proposed regime appeared to provide no clear benefits over the existing arrangements.
- 73 Mr Griffiths and others referred to the small scale of the Island. The effect of any 'major development' scheme would be disproportionately large. The Designated Area should continue to be protected by law; and there should be greater clarity about the forms of development that might trigger an amendment to the LUP, so as to allow any 'major project' in the Designated Area. Such a proposal should not proceed unless endorsed by local people through a plebiscite.
- 74 Mr Dupont raised the possibility that the States of Alderney, which had only 10 members, could come to be dominated by a single family, who might have interests in a particular development project in the Designated Area. The proposed system for dealing with such projects would not necessarily operate in the public interest.
- 75 Others, including the Alderney Wildlife Trust and the Alderney Society, pointed out the overlap in personnel between the States of Alderney and the B&DCC. The Committee presently consisted of four of the ten members of the States. The notion that there would be a separation of powers between these two bodies was illusory.
- 76 Alderney Renewable Energy Ltd (ARE) considered Policy S7 to be unduly complex. The States of Alderney would have great difficulty in deciding on the strategic importance of a project, unless they had all the information that would be appropriate to a planning application. This could lead to a premature debate about the planning issues. ARE considered that the text of the LUP should give more regard to their tidal power project, given the States' strong support for this scheme, and its inclusion in the Alderney Strategic Plan of 2014 (DOC CD24).
- 77 On the other hand FAB Link Ltd expressed broad support for Policy S7. In addition, they sought the inclusion of new supporting text, to be inserted after paragraph 3.57, and to read as follows:

For example, the proposals for the France-Alderney-Britain Link interconnector and the proposals for onshore development associated with an offshore tidal energy project are within this category of submissions, and therefore, should a planning application be submitted for either development, they would be subject to this policy. Changes to the Building and Development Control Law 2002 would enable a planning application for the underground interconnector cables in the Designated Area to be determined by the

Building and Development Control Committee, if the project is designated as being of strategic importance to the Island. The FAB Link project and the ARE tidal power project are supported in the Alderney Strategic Plan 2014 and were recognised in the Billet d'Etat of September 2016 as being 'vital to the future prosperity of Alderney'.

B&DCC's Response

- 78 The need for a review of Alderney's planning system, including the way in which applications for major projects were to be handled, had first been raised in 2013/14. This review had not been undertaken to facilitate either the proposed FAB Link interconnector or the proposed ARE converter station. The present legal prohibition on considering planning applications for most forms of development in the Designated Area gave rise to numerous anomalies, and had resulted in a number of unlawful planning permissions being granted. The system needed to be changed to address these matters.
- 79 From time to time, there would be proposals for development in the Designated Area which would be in the public interest, and could well have benefits that might outweigh any harm to the Designated Area. Examples might include the extension of the airport runway and the provision of improved airport terminal facilities. Land in the Designated Area had been safeguarded in the draft LUP for each of these possible future developments, although as yet there were no firm proposals.
- 80 Similarly, land in the Designated Area, adjacent to the Impot, had been safeguarded in the draft LUP, as a potential location for handling all of the Island's solid waste. At some time in the future, a new sewage treatment works might be required in the Designated Area, to obviate the need to discharge untreated effluent into the sea. Rehabilitation works at one or other of the Island's Victorian forts might entail some development in the Designated Area. In the longer term, the Island may need to become wholly dependent on renewable sources of energy, which could also require some development in the Designated Area.
- 81 There could well be other, currently unforeseeable, development proposals of this sort. It was unsatisfactory that an application for such a development could not even be considered.
- 82 In the light of representations made and discussion at the planning Inquiry, the B&DCC proposed an amendment to Policy S7, which would now be in two parts, applying respectively to development located wholly within the Building Area, and to development located wholly or partly within the Designated Area. The amended Policy S7 would now read as follows:
- A Development proposals of such a nature that they are likely to be 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, located wholly in the Building Area, may be permitted where:

- i. the need for the development is demonstrated, including that the type, nature and scale of development represents the most appropriate solution for meeting the identified need;
 - ii. the development is demonstrated to be in the long term public interest;
 - iii. there is no alternative site available that is more suitable for the proposed development;
 - iv. the proposal accords with the vision and guiding principles of the Land Use Plan; and
 - v. the proposal accords with any other policies in the Land Use Plan relevant to the proposal.
- B Development proposals of such a nature that they are likely to be of significance for the whole of, or a significant part of, the Island, or which the Building and Development Control Committee considers to be significant for the Island in any other way, located wholly or partially in the Designated Area, may be permitted where:
- i. they comply with the requirements of Part A of this policy; and
 - ii. the long term public benefit to the Island arising from the development proposal outweighs the harm that would be caused by development in the Designated Area.

Inspector's Assessment

- 83 It is not for me to make recommendations on the proposed changes to the law. However, if it transpires that the B&DCC is empowered to consider planning applications for major development schemes of 'strategic importance' in the Designated Area, I consider it imperative that there should be a policy against which such proposals can be considered. This is particularly important, as the LUP would otherwise contain no specific policy guidance with regard to development in the Designated Area.
- 84 I recognise that the Designated Area plays a vital role in restricting the sprawl of development, and in protecting Alderney's beautiful landscapes and rich biodiversity. Section 12 of the 2002 Law has clearly been effective in maintaining the open undeveloped character of this area over a long period. However, it is clear to me that the present system of control is problematic. It does not allow for many potential minor developments that would plainly do no significant damage to the open character of the Designated Area. I understand that on occasions, planning permission has been granted for such developments, albeit unlawfully. I do not consider this to be a satisfactory state of affairs.

- 85 There have doubtless been occasions in the past when major development has taken place in what is now the Designated Area, to the benefit of the Island. An obvious example is the Airport, which was built in the 1930s. It seems to me to be highly likely that other such developments in the Designated Area may need to be considered in future.
- 86 In my view, it is neither sustainable, nor conducive to resilience, for development to be prohibited, in such a way as to prevent change being made to accommodate changing circumstances. That is not to say that the Designated Area should be abandoned, or that Alderney's countryside should be smothered by development. However, in my view, planning decisions should be matters of judgement, based on policy, and reflecting the advantages and disadvantages of the proposed development (rather than outcomes prescribed by law, regardless of the circumstances of the case).
- 87 It is not within my remit to comment on the precision of the language used in the proposed changes to the law, which I understand to have been drafted by the Law Officers of the Crown. Neither would it be appropriate for me to express an opinion about the information that the States of Alderney should require in order to come to a view on the 'strategic importance' of a proposed development. However, the language used in proposed Policy S7 reflects that used in the draft Ordinance. I consider the meaning of this policy to be clear enough.
- 88 I do not consider that it would be appropriate for a planning authority to discriminate between public and private sector developers; or between schemes that were proposed for some public benefit, as against those intended to generate a private profit. The test should be whether a development proposal would do harm to interests of public importance, and if so whether that harm would be offset by the public benefits that would accrue from the proposed development.
- 89 The size of the Island, in proportion to the scale and impact of any major development that might be proposed, would clearly be a matter for consideration by the B&DCC in reaching a decision on any planning application. It should not, in my view, be a reason for preventing consideration of such applications.
- 90 There seems to be no scope in the present legal arrangements for planning decisions to be taken by plebiscite. Furthermore, I am not sure how a reasoned justification could be given for proposals decided in such a way, since the reasons for a plebiscite decision may be multiplex, but are seldom, if ever, made explicit.
- 91 I can see no good reason why the text supporting Policy S7 should be amended to refer to either the FAB Link interconnector or the ARE tidal energy project. The main purpose of this text is to give a reasoned justification for the policy, rather than review the specific schemes to which it might apply. Although there were expressions of support for the FAB interconnector and the ARE tidal energy scheme in the Strategic Plan of 2014, and in the Billet

d'Etat of September 2016, it is not clear to me that these took full account of the environmental implications of either project.

- 92 I welcome the revised Policy S7 suggested by the B&DCC. It acknowledges that one test to be applied would be that the long-term public benefit arising from a major project proposed in the Designated Area would have to outweigh the harm that it would do. Paragraph 3.67 of the draft LUP would plainly need to be amended in the light of this revised policy. I note that, since the close of the Inquiry, the Alderney Wildlife trust have sought clarification of the meaning of the words 'benefit' and 'harm'. However, it seems to me that the everyday meaning of each of these terms is clear enough.
- 93 Nevertheless, I have misgivings about the fact that there is no policy in the LUP which states, explicitly, that development in the Designated Area is harmful. If the B&DCC were to conclude that the benefits of a major development proposal in the Designated Area outweighed the harm to that area, and each of the requirements in Part A of the amended policy were satisfied, it is not clear to me that a decision to grant permission would necessarily constitute a departure from any of the policies of the LUP. It would not be in conflict with Policy S7; and it might not conflict with any other LUP policy.
- 94 However, I note that paragraph 3.13 of the draft LUP makes it clear that the purpose of the Designated Area is to restrict development. Although that statement is not expressed as a policy, it clearly forms part of the draft LUP. I consider that a decision by the B&DCC to approve a major project in the Designated Area would be in contravention of the explicit purpose of the draft LUP to restrict development in the Designated Area. In my view it would necessarily entail more than a minor departure from the LUP. It would therefore engage section 31(2) of the 2002 Law, which makes provision for a Planning Inquiry to be held.
- 95 In order to make this explicit, I consider that paragraph 3.67 of the LUP should be amended to read as follows:
- As paragraph 3.13 of this plan states, the purpose of the Designated Area is to restrict development. A major development project in the Designated Area would therefore entail more than a minor departure from the Land Use Plan. If the Building and Development Control Committee were disposed to approve an application for such a project, that would engage section 31(2) of the Building and Development Control (Alderney) Law, 2002. This makes provision for a Planning Inquiry to be convened, as if the application were a proposal by the Committee for an alteration or addition to the Land Use Plan.
- 96 **I recommend that Policy S7 of the draft LUP be amended as set out in paragraph 82 above; and that paragraph 3.67 of the supporting text be revised as set out in paragraph 95 above.**

CHAPTER 4 – LAND USE POLICIES

Section 4.1 – Introduction

- 97 Paragraph 4.4 of the draft LUP is incorrect, in that does not accurately reflect either the current or proposed provisions of the 2002 Law. It also appears to go over the same ground as paragraph 4.2. **I recommend its deletion.**

Figure 4.1 – Building Area Land Uses

- 98 Mount Hale Ltd drew attention to the fact that the tarmacadam plant on the Arsenal site had not been shown as an industrial use on Figure 4.1. **I recommend that this be rectified.**

Section 4.2 – Building Area: Residential

- 99 The boundaries and development principles for the Housing Character Areas (HCA) were considered in the Phase 1 Inquiry, and are set out in the approved LUP 2016. However, some issues relating to them were raised in representations concerning the draft LUP 2017.

The Val Field and land adjoining Val Road and the Val Car Park (HCA 3)

Representations

- 100 Mr D Thornburrow, the owner of this land, intended that it should be developed with up to 14 two-bedroom dwellings suitable for people aged 65 and over. These dwellings would be within easy walking distance of health care facilities, and the commercial centre of St Anne. If they were to be used by elderly people who had vacated larger properties elsewhere, that could help improve the supply of houses available for family occupation.
- 101 Mr Winder was opposed to the allocation of the Val Field for residential development, arguing that this area should remain as green infrastructure, and be used for horticulture or recreation. It was the vestige of a system of backland smallholdings, within the built-up area of St Anne, on which local people had traditionally grown crops or kept livestock. This central part of St Anne, with its cobbled streets, was unsuitable for a further concentration of old people's accommodation.

B&DCC's response

- 102 The Val Field was included in HCA 3 in the LUP 2016, and the development of old people's accommodation on this land would be consistent with the Housing Land Preference Hierarchy.

The protection of this area as green infrastructure would not accord with established planning policy.

Inspector's assessment

- 103 The Val Field is included in HCA 3 in the LUP 2016 and I see no reason to change this. The development of this land to provide old people's accommodation would appear to be consistent with established planning policy. **I recommend that no change be made to the draft LUP.**

Properties in Picaterre (HCA 6)

Representation

- 104 Mrs J Edwards considered that the LUP should prohibit the construction of new houses in the gardens of properties in Picaterre. This was an unmade road with poor drainage. Additional dwellings would overburden existing facilities, and mar the character of the area. H Bentley made similar points.

B&DCC's response

- 105 Picaterre fell within HCA 6 (Platte Saline). The development principles for this area stated that the sub-division of plots to increase the number of residential units would be resisted (although this did not amount to an absolute prohibition). No change to the LUP was required.

Inspector's assessment

- 106 The development principles for HCA 6 clearly state that the sub-division of land to increase the number of residential units in this area will be resisted. I see no need to add to this. **I recommend that no change be made to the draft LUP.**

Site of the Former Mouriaux Garage, Carriere Viront (HCA 9A)

- 107 In the approved LUP 2016, the development principles for HCA 9A (Allee es Fees) included the words '... there is a presumption against apartments in this location'. In the present draft LUP, that wording has been changed to '... apartments in this location will generally be resisted'. The site of the former Mouriaux Garage is currently vacant. It was the subject of a planning application which was refused in April 2017 (Doc OD5). One of the reasons for refusal referred to the presumption against apartments in HCA9.

Representations

- 108 The owners of this property, Mouriaux Holdings Ltd, objected to the restriction on building apartments on this land. They pointed out that their site is immediately adjacent to Farm Court, a building divided into tourist apartments. It was within 150m of the Island Hall, and within 200m of the Island's main supermarket. It could not reasonably be described as being remote from the centre of the Island. It was both illogical and unreasonable to discriminate against the provision of apartments in this residential zone. Policy S3 of the draft LUP sought efficiency in the use of land, while Policy S5 highlighted housing needs. There was no justification for any restriction on the development of apartments here.
- 109 On the other hand, Mr N Peck objected to the proposed change of wording in the development principles for HCA 9A, and asked that the original 'presumption against apartments' be reinstated. As far as he was aware, there were no other apartments in this area, which was characterised by bungalows and chalet bungalows. A large apartment building would look out of place, and have an adverse effect on the lighting and privacy of adjacent properties. The street was narrow and had difficult junctions at either end. Extra car parking associated with an apartment development would give rise to an unacceptable hazard.

B&DCC response

- 110 This area consisted mainly of low density bungalow development, and extended some distance from the centre of St Anne. Higher density apartment developments would generally be out of character there. However, the proposed change of wording, from 'a presumption against apartments' to 'apartments ... will generally be resisted' implied a less prescriptive approach, and would allow for the possibility of an exception.

Inspector's assessment

- 111 The development principles for HCA 9A appear not to have been discussed at the Phase 1 Inquiry. However, in his assessment of the Phase 1 Call for Sites submissions, Mr Langton concluded that the Mouriaux Garage site could accommodate '4+ flats, subject to impact on neighbours'. It appears that the 'presumption against apartments' was intended as a general approach to be applied across a wide area, rather than a prescription to be inflexibly applied in every case. I consider that the revised wording used in the draft LUP more accurately reflects this intention, and should be retained.
- 112 Planning permission for the erection of four apartments on this site was refused for several reasons, in addition to the policy presumption against this form of development. These included the effect of the proposed development on the amenities of neighbouring properties; the incongruous mass and scale of the proposed development in relation to the surrounding dwellings; and the potential aggravation of traffic problems in Carre Viront. It seems to me that these considerations may carry determinative weight in considering the

development potential of this site, regardless of the precise wording of the development principle set out in the LUP.

113 **I recommend that no change be made to the draft LUP.**

Policy BA3 and Table 4.3 - Employment Land Preference Hierarchy

114 Policy BA3 indicates that employment development should be directed to the highest tier of the Land Preference Hierarchy (as set out in Table 4.3 of the draft LUP) in which there is an available site. This table establishes separate hierarchies for commercial (office) development and industrial and storage development. However, it is not immediately clear where the Arsenal Opportunity Area (OA 4), defined in Policy BA11, would fit into either hierarchy.

115 The Arsenal is plainly proposed to be within the Building Area and would therefore come within at least tier 3 of either hierarchy. However, it is an established area of mixed use development, including commercial, industrial, storage, residential and recreational elements, together with an extensive area of undeveloped land. On this basis, it would appear to come within tier 2A of the commercial hierarchy, and within tier 2 of the industrial and storage hierarchy, each of which refer to the expansion of existing floor space, or premises, onto adjacent land.

116 However, the Development Principles for the Arsenal, as set out in Table 4.5 of the draft LUP 2017, indicate that ‘... proposals for additional office or industrial and storage floor space ... are likely to be resisted, except for where it can be demonstrated that they accord with Policy ... BA3 ...’. For the avoidance of doubt, I consider that the Arsenal Area of Opportunity should be included in tier 2A of the commercial hierarchy, and tier 2 of the industrial and storage hierarchy in Table 4.3. I shall return to this matter in considering Areas of Opportunity.

Policy BA7 – Retail, Leisure and Town Centre

117 Policy BA7 indicates that Victoria Street is the Island’s primary location for retail uses, while Braye provides a secondary retail centre, particularly for food and drink, and for bulky goods. Part B of this policy states that proposals for new retail development outside Victoria Street will be resisted, except where certain specified criteria are satisfied. I consider that the policy should also indicate that where a proposed retail development cannot be accommodated in Victoria Street, it should be encouraged to locate in Braye.

118 **I recommend that Part C be added to Policy BA7 as follows:**

C If proposed retail development cannot be accommodated in Victoria Street, it should be encouraged to be located in Braye.

Paragraph 4.45 – Ground floor premises in Victoria Street

- 119 Paragraph 4.45 of the draft LUP 2017 indicates that ground floor premises in Victoria Street are expected to have active frontages; but also states that ground floor residential units are not expected to have active frontages. Evidently this is intended to signify that there is to be a presumption against the use of ground floor accommodation in Victoria Street for residential purposes. However, it could also be construed to mean that residential accommodation would be exempt from the general expectation to provide an active frontage. For the avoidance of doubt, **I recommend that the words ‘and will not be permitted in Victoria Street’ be added to the third bullet point in paragraph 4.45 of the draft LUP.**

Policy BA10 - Braye Opportunity Area (BOA)

BOA4 – Douglas Quay Area

Representation

- 120 Mr Nash sought the provision of a seawater swimming lido at Maggie’s Bay, in BOA 4. This could be formed by the installation of a simple outer bund wall, made of stone-filled caissons. The pool and beach could be covered by a deep blanket of sand, to provide a warm, safe and sheltered leisure facility.

B&DCC’s response

- 121 A development of the sort proposed would not be inconsistent with Policy BA10 of the draft LUP, provided that it did not harm the heritage setting of Douglas Quay, did not interfere with the operation of the harbour, and complied with wider development proposals for the Braye area.

Inspector’s assessment

- 122 This seems potentially to be a most attractive proposal. If a planning application were to be made for such a scheme, subject to detail, I can see nothing in the draft LUP that would tell against permission being granted. In the circumstances, no change to Policy BA10 or the Development Principles for BOA4 is required. **I recommend accordingly.**

BOA8 – Fort Grosnez

Representation

- 123 Hilary Bentley considered that the States Works Department should be relocated from the Butes to Fort Grosnez. This would free a prime location for community use; and would reduce

the number of industrial vehicles driving through town, on roads for which they were unsuited.

B&DCC's Response

- 124 Table 4.4 of the draft LUP set out Development Principles for Fort Grosnez. These provided for the rationalisation and shared use of space in this building, including its use by the States Works Department.

Inspector's assessment

- 125 The draft LUP already makes provision for the use of Fort Grosnez by the States Works Department. No further modification is necessary in response to this representation. **I recommend that no change be made to the draft LUP.**

BOA11 – Potential Marina Area

Representation

- 126 Mount Hale Ltd referred to the fact that, in the approved LUP 2016 (Doc CD7) the whole of Braye Bay had been included in Zone 7 of the Building Area – the Harbour and Braye Bay Comprehensive Development Zone. The text had indicated that Braye Bay 'may form part of a future Marina'.
- 127 However, in the draft LUP, the eastern part of Braye Bay was excluded from the Potential Marina Area (BOA11). No reasoned justification was given for this change of policy. In recent years the States of Alderney had advertised for marina proposals anywhere on the Island. It seemed perverse now to restrict the potential marina site to the Braye Harbour area. That area had already been investigated by prospective marina developers, who had subsequently withdrawn their scheme.
- 128 BOA11 should be extended to the full extent of Braye Bay, so as not to deter potential investors from considering a marina development in the eastern part of the bay.

B&DCC's response

- 129 The provision of a marina was a long-standing aspiration of the States of Alderney. The favoured location for this facility was at Braye, which was the Island's secondary retail area, and offered a range of facilities for potential marina users. Marina development in the eastern part of Braye Bay would not be conveniently located in relation to the Braye centre.

Inspector's assessment

- 130 As far I am aware, there is no currently no proposal by any prospective developer to provide a marina in Alderney. The Development Principles for BOA 11 (the Potential Marina Area) spell out a number of constraints that would apply to such a development in the western part of Braye Bay. These include the need to retain shipping lanes and provide marine access to the Commercial Quay; the environmental impact of development proposals on Braye Beach and Braye Common; and the impact of development proposals on heritage assets, including the Old Harbour, Douglas Quay and the Breakwater. I note that the western part of Braye Bay is within a Conservation Area. It seems to me that these constraints would be a less significant impediment to a marina development in the eastern part of Braye Bay.
- 131 In any event, the wider the choice of locations for a new marina, the greater the likelihood of attracting the necessary investment. Although a marina on the west side of Braye Bay would undoubtedly be closer to the shops, food and drink outlets, and the other facilities in Braye, a marina on the east side of the bay would be within about a mile of those facilities. On balance, I consider that BOA11 should be extended to cover the whole of Braye Bay. This would not preclude the establishment of a marina in the western part of the bay, close to the Braye centre, were such a scheme to come forward.
- 132 **I recommend that in Figure 4.3 of the draft LUP 2017, BOA11 be extended to include the eastern part of Braye Bay.**

BOA12 – Braye Beach and Common

- 133 BOA 12 includes land that is safeguarded for the expansion of outdoor sports facilities for use by St Anne's School in accordance with Policy BA13. Since this land is safeguarded, it is not available for development for other uses as part of the Braye Opportunity Area. In my view it should be excluded from BOA12.
- 134 **I recommend that Figure 4.3 of the draft LUP be amended by the exclusion from BOA 12 of land safeguarded for the expansion of outdoor sports facilities for use by St Anne's School; and that Table 4.4 of the draft LUP be amended by the deletion of the first sentence of the Development Principles for BOA 12.**

Policy BA11 - Other Opportunity Areas

OA4 – The Arsenal

Representation

- 135 Mount Hale Ltd welcomed the designation of the Arsenal Estate as an Opportunity Area, but objected to the proposed Development Principles for this site, which indicated that additional office, industrial, storage or residential units were likely to be resisted. This negative policy for the Arsenal site would deter potential investors. There was no reasoned justification for this approach. It was notable that no similar restrictions were imposed in the case of other proposed Opportunity Areas at Fort Tourgis, Fort Albert and Chateau L'Etoc.
- 136 The Arsenal Estate was already an area of mixed use, and included residential accommodation, offices, industry and storage. It had considerable potential for further development. Policy S4 of the draft LUP aimed to support economic prosperity and job creation. The purpose of an Opportunity Area should surely be to make provision for the requisite economic development.
- 137 The Development Principles for the Arsenal Opportunity Area also included proposals for the relocation of the existing squash court and the tarmacadam plant. These facilities were operated by private tenants of Mount Hale Ltd. It was not appropriate for the draft LUP to seek to regulate them, and the reference to them should be deleted.

B&DCC's response

- 138 The draft LUP proposed that the Arsenal site should be wholly excluded from the Designated Area. It was now proposed as an Opportunity Area, and had considerable potential for development for serviced visitor accommodation. However, its low position in both the Residential and Employment Land Preference Hierarchies told against planning permission being granted for either residential or employment development. This was reflected in the proposed Development Principles, which emphasised the site's potential for the development of serviced visitor accommodation.
- 139 The references to the relocation of the existing squash court and tarmacadam plant were contingent upon the sites of these facilities being required as part of a comprehensive redevelopment scheme for the Arsenal Estate. In that event, it would be important that these assets should not be lost to the Island, but should be appropriately relocated.

Inspector's assessment

- 140 The Arsenal Estate covers an extensive area on the east side of Bray Bay. It contains the remains of a military installation; an attractive residential block; some offices; some industrial

and storage units; a squash court; and a tarmacadam plant. However, a large part of this site is undeveloped.

- 141 Its potential for further residential development was considered at the Phase 1 Inquiry. However, at that time, most of the Arsenal site was included in the Designated Area, and so could not lawfully have been granted planning permission for residential use. Mr Langton concluded that 'this site should not be seen as contributing towards housing supply over the life of the LUP period'.
- 142 The draft LUP proposes that the Arsenal Estate should be wholly removed from the Designated Area and included within the Building Area, where it is shown as an Area of Opportunity. Accordingly, there would no longer be a legal prohibition on planning permission being granted for residential development on this land. However, the site would remain on the lowest tier of the Housing Land Preference Hierarchy (tier 4), being outside the Central Building Area. Policy BA1 of the draft LUP indicates that planning permission will not be granted for development on such land, unless it can be demonstrated that there is no alternative site available, higher in the hierarchy. In the circumstances, it seems reasonable that the Development Principles for the Arsenal should indicate that it is likely that proposals for residential development on this land would be resisted.
- 143 However, as there is existing commercial, industrial and storage accommodation within the Arsenal Estate, it seems to me that this land should rank in tier 2 of the Employment Land Preference Hierarchy. This provides for the expansion of existing employment uses onto adjacent land. It seems to me that the Arsenal Estate would have better credentials as a location for employment development than Fort Tourgis, Fort Albert or Chateau L'Etoc; and should be on a par with the existing industrial estates at Berry's Quarry and La Corvée.
- 144 In the event that a comprehensive redevelopment scheme required the removal of either the existing squash court or the existing tarmacadam plant, I consider it important that appropriate provision should be made for the relocation of these facilities. It would be most regrettable were either of them to be lost to the Island.
- 145 **I recommend that the first paragraph of the Development Principles for OA 4 should be amended to read as follows:**

Development proposals for new buildings for serviced visitor accommodation will be encouraged. Proposals for mixed use development including offices, industrial and storage uses, are likely to be acceptable. Residential development is likely to be resisted, except where it can be demonstrated that it would accord with Policy BA1.

Policy BA19 – Green Infrastructure

- 146 Green Infrastructure refers to multi-functional green space, which supports biodiversity and natural processes, and contributes to public health and the quality of life. Figure 4.1 of the draft LUP 2017 identifies four areas of Green Infrastructure within the Central Building Area. Table 4.6 of the draft LUP sets out Development Principles for each of these areas. The Development Principles for the area adjacent to La Vallee, and those for Cotil du Val, make provision for ‘the development of non-residential buildings’ within these areas of green infrastructure. For the avoidance of doubt, it should be made clear that the non-residential buildings in question must be ancillary to existing residential units. They would include such structures as garages and garden sheds. **I recommend that the text of the draft LUP be amended accordingly.**

Representation

- 147 The Alderney Wildlife Trust argued that the text supporting Policy BA19 should be strengthened. Further, the areas of green infrastructure should extend beyond the Central Building Area, providing links to the Designated Area, and areas of natural history and conservation importance. One additional area which could be shown as green infrastructure, and protected by Policy BA 19, was the belt of wooded land to the south of Barrack Masters Lane.

B&DCC’s response

- 148 Policy BA19 and the supporting text are considered fit for purpose.

Inspector’s assessment

- 149 Policy BA19 confers a degree of protection from development on certain green areas within the Building Area. These areas of ‘green infrastructure’ are important in providing relief from the built-up area. They offer opportunities for recreation, and they support biodiversity. Paragraph 4.91 of the draft LUP explains how they link to the Designated Area, providing habitat corridors and improved public access to the countryside. The policy and the reasons for it seem clear enough to me.
- 150 I see no need to expand the areas of green infrastructure into the Designated Area. The Designated Area is already protected by law, and paragraph 3.13 of the draft LUP explicitly states that its purpose is to restrict development. Policy BA19 extends a similar protection to parts of the Building Area.
- 151 I have considered whether a further area of green infrastructure should be identified in the belt of woodland to the south of Barrack Masters Lane. However, I note that the small Building Area in Barrack Masters Lane is surrounded by the Designated Area; and that the belt

of woodland is already protected by the fact that the removal of any living tree requires planning permission. **I am not persuaded that any further protection is necessary.**

Policy BA21 – Alderney Airport

Representations

- 152 Mr and Mrs Yates questioned Policy BA21C of the draft LUP, which provides for the safeguarding of land for the future extension of the main runway at Alderney Airport, and for the expansion or replacement of the existing Airport Terminal. They lived close by, and feared that the use of larger planes would have an adverse effect on their amenity, and that of their neighbours, in terms of air, noise and light pollution. They asked what consideration had been given to the alternative of extending the runway in a westerly direction.

Inspector's assessment

- 153 The draft LUP contains no firm proposals for the expansion of the Airport. The purpose of the safeguarding policy is to preclude development that might otherwise prevent the extension of the runway, or the improvement of the terminal facilities, at some future date. For the time being, the safeguarded land will remain in the Designated Area.
- 154 If a planning application were to be made for the expansion of the Airport, an Environmental Impact Assessment would almost certainly be required. Among other things, this would include a description of any alternative sites considered for the proposed development, and a justification for the option chosen. If an alternative site offered a better overall solution than the one proposed, that could be a material consideration in determining the planning application. However, at present I see no reason for any alteration to the safeguarded area. **I recommend that no change be made to the draft LUP.**

Figure 4.4 – Designated Areas Land Uses

Representations

- 155 FAB Link Ltd pointed out that the 'Recreation and Open Space Zone' was missing from the key of Figure 4.4.
- 156 Mr Winder was critical of the fact that an area of land immediately to the north of the Airport was now excluded from the Agricultural Zone in Figure 4.4. He considered that there was nothing to distinguish this area from adjoining land, which had been retained in the Agricultural Zone.

B&DCC's response

- 157 It was acknowledged that the key to Figure 4.4 should include a caption for the 'Recreation and Open Space Zone', denoted by light green shading.
- 158 In the draft LUP, the Agricultural Zone had been substantially reduced in comparison with the corresponding area as shown in the approved LUP 2016. This was to reflect the present area that was used for commercial farming. In the 2002 Law, 'agricultural land' was defined by reference to its use for the purposes of a trade or business. If the land to the north of the Airport was no longer used for commercial farming, it would have properly been excluded from the Agricultural Zone.

Inspector's assessment

- 159 It seems to me that the issue concerning the area to the north of the Airport turns on the statutory definition of 'agricultural land'. It appears that the land in question may not have been farmed commercially for some time.
- 160 Plainly, the key to Figure 4.4 omits a reference to the 'Recreation and Open Space Zone'. I **recommend that it be corrected accordingly; but that, otherwise, no change be made to the draft LUP.**

Policy DA2 – Extension or Reconstruction of Residential Units in the Designated Area

- 161 Policy DA 2 of the draft LUP provides for the extension or reconstruction of existing residential units in the Residential Zone of the Designated Area, subject to compliance with specified criteria. Criterion ii imposes limits on the amount by which the size of the residential unit may be increased. These specify that the internal floor area may increase by up to a maximum of 50%; that the increase in floor area should not exceed a gross ground floor area of 200m² (including any attached non-residential buildings or structures); and that the building should be no more than three storeys tall.

Representations

- 162 Mr M Wordsworth objected that the limit of 200m² was a random number, for which there was no logical justification. Many existing houses in Alderney had ground floor areas exceeding 200m². There was no evidence to suggest that those houses were over-sized or out of keeping with their surroundings.
- 163 Furthermore the policy was contradictory in assuming that a single-storey dwelling with a footprint exceeding 200m² would automatically be out of keeping with its surroundings, while a 3-storey building with a smaller footprint would be acceptable. In practice, a 3-storey building in the Designated Area would be more intrusive to the eye and on the skyline; more

likely to interfere with people's enjoyment of Alderney as a place of natural beauty; and more likely to detract from the views from neighbouring properties.

- 164 In addition, the policy was discriminatory. In the last three years many houses with ground floor areas exceeding 200m² had been built in the Designated Area. The owners of other dwellings in the Designated Area should not be denied the opportunity similarly to enlarge their properties. The 200m² limit would also discriminate against older people who wished to reconfigure their dwellings, to provide for single-storey living.
- 165 The limit of 200m² should be removed from Policy DA2; and the maximum height referred to in that policy should be reduced from three storeys to two storeys.

B&DCC's response

- 166 The maximum extension metrics were developed by considering the size of existing large properties in the Designated Area. Given the strong protection of the Designated Area, the maximum ground floor area proposed was considered appropriate.

Inspector's assessment

- 167 The limits set out in Policy DA2 were considered in the Inspector's report following the Phase 1 Inquiry (Doc CD9). They are included in the Updated Guidelines for development in the Residential Zone of the Designated Area as set out in the approved LUP 2016 (DOC CD7). In paragraph 3.9 of his report, Mr Langton records that the LUP 2011 required that any enlargement to an existing dwelling in the Residential Zone be limited to 15% of the existing floor area. By comparison, the present limit of 50% of the existing floor area, capped at a ground floor area of 200m², seems liberal.
- 168 In paragraph 3.20 of his report, Mr Langton said that 'the 200 sq m ground floor limit precludes sprawling single-storey extensions attached to large houses'. I concur with that view, and have nothing to add. **I see no reason for any modification to this established planning policy.**

Policy DA5 – Unserviced Visitor Accommodation Zone

- 169 The Unserviced Visitor Accommodation Zone forms part of the Designated Area and is shown in Figure 4.4 of the draft LUP. Policy DA5 of the draft LUP indicates that land and existing buildings in this zone may only be used for the purposes of non-serviced visitor accommodation. Paragraph 4.116 of the supporting text states that 'it is not possible to apply for planning permission to use existing buildings and land outside the Unserviced Visitor Zone but within the Designated Area for unserviced visitor accommodation'. However, paragraph 2 of the proposed Schedule 1 to the 2002 Law would empower the B&DCC to grant planning permission for the change of use any building or land in the Designated Area to unserviced

visitor accommodation, regardless of whether the site is in the Unserviced Visitor Accommodation Zone or not. On the assumption that this legal change will come into effect, paragraph 4.116 would be incorrect. **I consider that it should be deleted.**

170 I understand that it is intended that, in the light of the proposed change to the law, there should be a policy presumption against the provision of unserviced visitor accommodation in the Designated Area, outside the relevant zone. I consider that this should be made explicit in Policy DA5.

171 I also understand that the reconstruction of existing buildings in the Unserviced Visitor Accommodation Zone will not be permitted. For the avoidance of doubt, I consider that this should also be made explicit in Policy DA5.

172 **I recommend that the following words be added to Policy DA5 of the draft LUP:**

There will be a presumption against the provision of unserviced visitor accommodation in the Designated Area outside the Unserviced Visitor Accommodation Zone. The reconstruction of existing buildings in the Unserviced Visitor Zone will not be permitted.

I further recommend the deletion of paragraph 4.116 of the supporting text.

Saye Farm Cottages, Saye Bay

Representations

173 Tickled Pink Ltd were the owners of Saye Farm Cottages. They sought provision for this property to be used as unserviced visitor accommodation. This building was in the Designated Area. It was currently used for storage purposes, but was in a very dilapidated condition. It had not been used for agricultural purposes since the 1970s, and it was most unlikely that it would ever be restored to such use. It had road access, and mains water and electricity. The area would benefit greatly from its commercial use. The site would look more attractive, and a potential health hazard would be removed. The proposed use would add to the stock of visitor accommodation, in the countryside and close to beaches. It would also provide employment. If no alternative use for the building were found, its condition would continue to deteriorate, and it would remain an eyesore in one of the most attractive parts of the Island.

174 However, Mr and Mrs A Hayward and Ms H Patterson objected to the use of Saye Farm Cottages as unserviced visitor accommodation. These buildings dated from the 1800s, and had originally been used to house cattle and farm machinery. They had never been converted for use as residential cottages. This land used to be well cultivated and should be restored to agricultural use or allotments, for which there was a great need. Self-catering visitor

accommodation would only be used for about 4 or 5 months each year, and would not contribute to the Island's infrastructure costs. There was already a glut of self-catering accommodation in Alderney; and there were many empty properties in St Anne that could be put to that use, were there sufficient demand.

B&DCC's response

- 175 The Committee wanted to make best use of existing buildings in the Designated Area. There was a limited need for farmland in Alderney, and Saye Farm Cottages had not been used for agricultural purposes for many years. The Agricultural Zone had now been re-drawn to exclude this area. The use of the building for residential or industrial purposes would not be permissible within the Designated Area. However, there was a need to provide a range of tourist accommodation, and Saye Farm Cottages were now included within the Unserved Visitor Accommodation Zone in the draft LUP.

Inspector's assessment

- 176 Saye Farm Cottages appear not to have been used for agricultural purposes for many years; and there seems to be no effective demand for the restoration of this building, or the adjacent land, to agriculture. The Economic Development Strategy states that there is currently no one on the waiting list for an allotment. This evidence suggests that there is probably no present need for further allotment provision. I consider that the conversion of Saye Farm Cottages to unserved visitor accommodation would provide a beneficial use for this building, which could then be rehabilitated and properly maintained. It is likely that this would improve the appearance of the landscape, add to the stock of tourist beds, and provide a limited amount of employment. I support the proposal to include this site in the Unserved Visitor Accommodation Zone. **I recommend no change be made to the draft LUP.**

Policy DA6 – Agricultural Zone

- 177 Policy DA6 B deals with development ancillary to agricultural or horticultural activities in the Agricultural Zone. It states that if either 'the ancillary use or the primary use to which it relates ceases, the planning permission will cease to be valid and the development will be required to be removed'. There appears to be no legal provision that would invalidate a planning permission in these circumstances. Rather, I consider that it would be necessary for a planning condition to be imposed requiring the removal of the development following the cessation of either the primary or the ancillary use. A similar issue arises in relation to Policies DA10 and IW20.
- 178 **I recommend the Policy DA6 B be amended to read as follows:**

Ancillary development may be permitted where it is demonstrated that it is needed to support agricultural/horticultural activities. However, a condition may be imposed,

requiring the removal of the development permitted, on the cessation of either the ancillary use or the primary use to which it relates.

I further recommend that similar amendments be made to Policies DA10C; and to paragraph 6.93 supporting Policy IW20.

Policy DA7 – New or Extended Agricultural or Horticultural Buildings in the Agricultural Zone

179 Policy DA7A sets criteria for new, extended or reconstructed agricultural or horticultural buildings in the Agricultural Zone. Criterion i indicates that proposals should accord with Parts B and C of Policy DA6. This appears to be in error, since Part C of Policy DA6 concerns proposals that are unrelated to agriculture or horticulture. I understand that the reference should be to parts A and B of Policy DA6. I consider that Policy DA7 should also apply to buildings that are needed for purposes ancillary to agriculture or horticulture.

180 **I recommend that the opening part of Policy DA7 should be amended to read as follows:**

Development proposals for new, extended or reconstructed agricultural, horticultural or ancillary buildings in the Agricultural Zone should:

i accord with Part A and Part B of Policy DA6 ...

Policy DA8 – Recreation and Open Space Zone

Representations

181 Policy DA8 provides that land in the Recreation and Open Space Zone is to be protected for recreation and open space uses. FAB Link Ltd contended that a major project which satisfied the requirements of Policy S7, and preserved the existing use of the land, should also be permitted in this zone, since it would have been demonstrated that such a project was in the public interest; and that there were no alternative sites available which would be more suitable. A new section C should be added to Policy D8 to read as follows:

Development which complies with Policy S7 and other policies of the Land Use Plan, and preserves the existing use of the land, will be permitted in the Recreation and Open Space Zone.

B&DCC's response

182 The B&DCC considered that the addition of part C to Policy DA8, as sought by FAB Link Ltd, would be unwarranted. Recreational assets were of economic and ecological importance, and should be protected.

Inspector's assessment

- 183 In my view, there is a public interest in protecting recreational open space, which is recognised by Policy DA8A, and is not necessarily subordinate to the public interest in securing the development of some unspecified major project. For this reason, I see no grounds for the inclusion of the addition to Policy DA8 sought by FAB Link Ltd, which would have the effect of over-riding Policy DA8A. In any particular case, it would be open to the B&DCC to promote development in the Recreation and Open Space Zone as a departure from Policy DA8A, should the advantages of the proposed development outweigh those of protecting the recreational or open space use. **I recommend that no change be made to Policy DA8 of the draft LUP.**

Clonque Beach

Representations

- 184 Paragraph 4.129 of the draft LUP 2017 lists beaches which play an important role in providing open space on the Island. The beaches in question are also shown in Figure 4.4 of the draft LUP. The Alderney Wildlife Trust and the Alderney Society argued for the addition of the beach at Clonque Bay, which was widely used for walking, crabbing, shore gathering and bird watching.

B&DCC's response

- 185 The B&DCC agreed that Clonque Bay should be added to the list of beaches in paragraph 4.129, and shown as a Recreation and Open Space Zone in Figure 4.4.

Inspector's assessment

- 186 I have no reason to disagree that Clonque Bay should be added to the list of beaches in paragraph 4.129 of the draft LUP; and be included in the Recreational and Open Space Zone in Figure 4.4. **I recommend accordingly.**

National Park

Representation

- 187 Mr J Weigold argued that the whole of the area to the east of the road between the Nunnery and Whitegates should be preserved as a National Park, and protected from further development of any kind. Mr Gollop also argued for the designation of a National Park.

B&DCC's response

- 188 Nearly all of the land to the east of the road between the Nunnery and Whitegates was already in the Designated Area, where further development was strictly controlled. Section 3.5 of the draft LUP recognised that the Designated Area maintained access to open space for recreation and leisure. Some parts of the area in question were also in the proposed Recreation and Open Space Zone. These included parts of Mannez Quarry; the football pitch; the golf course; and several beaches. The draft LUP adequately reflected the importance of the eastern end of the Island for recreation and relaxation. The designation of a National Park was beyond the remit of the LUP.

Inspector's assessment

- 189 The eastern end of Alderney is already protected by being in the Designated Area, and much of it is open to public access and available for recreational use. I see no need for any further protection. **I recommend that no further action be taken with regard to this matter.**

Policy DA10 – Utilities Zone

- 190 The Utilities Zone forms part of the Designated Area and is shown in Figure 4.4 of the draft LUP. Policy DA10A sets out criteria for development for the purposes of public utility services in this zone. Policy DA10D sets out further criteria for development for the purposes public utility services outside the Utilities Zone. These should include the criteria set out in Policy DA10A. **I recommend that the opening lines of Policy DA10D be amended to read:**

Development proposals solely for the purposes of public utility services outside the Utilities Zone may be permitted where they comply with the criteria set out in part A of this policy, and: ...

Representations

- 191 The Alderney Wildlife Trust considered that the draft LUP should provide more information about the circumstances in which Environmental Impact Assessments (EIA) would be required for proposed developments to provide public utilities.

B&DCC's response

- 192 The requirement for EIA was not peculiar to proposals for development relating to the provision of public utilities. Generic information about the circumstances in which it would be required was given elsewhere in the draft LUP and in separate draft Statutory Guidance 01/17.

Inspector's assessment

- 193 In my view the requirement for EIA is adequately covered elsewhere in the draft LUP, for instance in paragraphs 1.38, 3.64 et seq, and in Table 5.1. I see no need for any further text to be inserted to deal with the specific need for EIA in relation to proposals for the development of public utilities. **I recommend no change be made to the draft LUP.**

Policy DA11 – Consolidation of Solid Waste Facilities

- 194 Policy DA11 promotes the consolidation of facilities for the disposal of solid waste, and provides for the safeguarding of land adjacent to the Impot for this purpose (as shown in Figure 4.4). Paragraph 4.145 of the draft LUP notes that this safeguarded land remains in the Agricultural Zone, and implies that it would have to be rezoned through a Land Use Plan Review, prior to its use for waste consolidation. However, paragraph 8 of proposed Schedule 1 to the 2002 Law would empower the B&DCC to grant planning permission for development in the Designated Area to be carried out by (or on behalf of) the States, for the provision of waste disposal or recovery facilities. Alternatively, if the expansion of the Impot were to be treated as a major project, it would be covered by the provisions of Policy S7. **I recommend that paragraph 4.145 of the draft LUP be amended to make this clear.**

CHAPTER 5 – BUILT AND NATURAL ENVIRONMENT AREAS

Policy HE1 – Registered Heritage Assets

- 195 Policy HE1 is headed 'Registered Heritage Assets'. However, paragraph 5.7 explains that registered heritage assets include conservation areas (which are separately covered by Policy HE3) and archaeological remains (which are separately covered by Policy HE4). Policy HE1 deals primarily with Buildings of Architectural or Historic Interest. **I recommend that its heading should be amended to reflect this.**
- 196 Policy HE1D concerns proposals which would affect Alderney's Victorian forts and fortifications (both registered and unregistered). However, it contains a reference to the 'maintenance and protection of the registered fort', which is potentially confusing if the policy is also to apply to unregistered structures. **I recommend that the word 'registered' be deleted from the fifth line of Policy HE1D.**

Policy HE2 and Appendix B3 – Unregistered Heritage Assets

- 197 Policy HE2 provides for the preservation of unregistered heritage assets, which are listed in Table B2, in the Appendices of the draft LUP. During the Inquiry, the B&DCC explained that

this table included assets which were not presently registered, but which were considered worthy of future registration; and assets which were not proposed for registration, but were nevertheless considered to be of significant heritage value (Doc OD27). The B&DCC conceded that this had given rise to some confusion. In order to clarify matters, it was proposed to delete the final sentence of paragraph 5.18 of the draft LUP, and insert the following after the first sentence in paragraph 5.19:

Some (but not all) of these assets are considered to meet the standard for registration; such registration may be pursued in the future.

- 198 In addition, Table B2 of the draft LUP would be split into two separate tables. The new Table B2 would list 'Unregistered assets of significant value proposed for registration'. A new Table B3 would list 'Unregistered assets of significant value not proposed for registration'. New explanatory text introducing these two tables would be included in paragraph B8 of Appendix B. The existing Table B3 (Archaeological assets) would be re-numbered B4.

Representations

- 199 Mr J Gollop thought that too many properties may have been scheduled in Table B2. Mr N Winder objected that Table B2 included buildings that were not worthy of preservation, including the Catholic Church; and his own property, 'L'Etable du Marais'. Many of the mid-nineteenth century houses included in this table were damp, dark, expensive to heat, and inconvenient to live in. In the interests of energy efficiency, their owners should be encouraged to demolish them, and rebuild to modern standards. Their preservation would be inconsistent with the principle of sustainability.
- 200 Mrs P Pearson considered that Policy HE2 created a secondary level of protected heritage assets, which would not be subject to the legal process of registration, and against which there would be no right of appeal. This was unjust.
- 201 Mr and Mrs K Hempel referred to entry BD/300 in Table B2, which gave the address of the unregistered heritage asset in question as No 1 Le Coignet. In the Land Registry for Alderney, which had been compiled by a Commissioner after World War II, this property had been given the reference AY1590, and called No 9 Little Street. It should be given this name in the LUP, to avoid any future confusion or dispute. This was important as Mr and Mrs Hempel had a private right of way over land for which the owners of No 9 Little Street had a shared responsibility.
- 202 Mr J Weigold considered that Longis Common and the Tank Wall should be preserved as a memorial to the victims of the Nazi's programme of extermination by labour, during World War II. The Longis Common area was effectively one big graveyard, and a unique historical site of world heritage importance. A suitable memorial would have the potential to attract many visitors to Alderney, thereby contributing to the Island's economic revival.

B&DCC's response

- 203 It appeared that Asset BD/300 was referred to as No 1 Le Coignet in the Cadastre records, and as No 9 Little Street in the Land Register. For the avoidance of doubt, the entry in Table B2 would be changed to 1 Le Coignet/9 Little Street (AY1590).
- 204 The historic importance of the Tank Wall and various other assets on or around Longis Common were acknowledged in the draft LUP. Longis Common was a Conservation Area. It was noted as a significant location in the history of Alderney's occupation during World War II, and also for its archaeological interest. Applicants for planning permission in this sensitive area would need to demonstrate that they had had regard to preserving the area, its setting, and any features of heritage value. With regard to the suggestion for a dedicated memorial in this locality, it would be open to the States, or any other promoter, to pursue this through the planning application process.
- 205 The inclusion of heritage assets on the Register of Historic Buildings and Ancient Monuments was not determined by the LUP, but was the subject of a separate process under Part VII of the 2002 Law, which included a right of appeal. Inclusion of a property in Table B2 of the draft LUP did not constitute any part of the registration process. However, once the LUP 2017 had been approved, it was intended to begin the registration process for those properties in that table that met the required standard.
- 206 The level of protection afforded to unregistered heritage assets by Policy HE2 was far less than the legal protection that was provided by inclusion on the Register of Historic Buildings. However, it was appropriate to provide policy protection to assets which had significant historic merit, but did not meet the standard for registration. Policy HE2 was akin to 'local listing' in England. This ensured that the architectural or historic interest of buildings that were of local importance, but which did not meet the criteria for inclusion in the statutory list, was taken into account in the planning process. In other jurisdictions, it was not unusual to have both a statutorily-protected tier, and a separate policy-protected tier of heritage assets.

Inspector's assessment

- 207 The solution proposed by the B&DCC should resolve any confusion about the property referred to in the entry for BD/300 in Table B2.
- 208 I note that there is a degree of confusion and concern about the content of Table B2, which contains entries for substantially more than 400 unregistered heritage assets. I consider the approach to these assets to be unnecessarily complex.
- 209 Section 45 of the 2002 Law empowers the B&DCC to initiate registration proceedings, if it considers that the preservation of any building is a matter of public importance, by reason of that building's special historic, architectural, traditional, artistic or archaeological interest. This is a wide ranging power. It appears that there are no further criteria or standards to

provide guidance on which buildings should be registered. In the absence of such guidance, I am unclear about the basis for the distinction between unregistered heritage assets that are proposed for registration, and those that are not.

- 210 It seems to me that if a building is worthy of preservation because of its particular aesthetic character or historic interest, the B&DCC should take steps to secure its registration. If it is not worthy of preservation in itself, but forms part of an area or assemblage of architectural or historic interest, which it would be desirable to preserve or enhance as a matter of public importance, the B&DCC should take steps to designate a Conservation Area. However, if a building is unworthy either of registration, or of inclusion in a Conservation Area, I cannot see why it should warrant preservation.
- 211 I do not accept that the protection of unregistered assets on Alderney is akin to the 'local listing' of buildings in England. In England, buildings are placed on the Statutory List of Buildings of Special Architectural or Historic Interest by the Secretary of State, on the advice of Historic England, in accordance with specified criteria which include age, rarity, aesthetic merit, historic association and selectivity. 'Local lists' are prepared by local planning authorities to identify buildings of local importance, which do not satisfy the criteria for inclusion on the statutory list. Unlike the English local planning authorities, the B&DCC has the authority (subject to due process) to direct that any building, which it considers to be worthy of preservation, be entered on the Register. I see no need for the protection of a separate tier of unregistered buildings.
- 212 It is not for me to consider which buildings in Alderney merit registration – that is not within the scope of the LUP. However, I note Mr Winder's reference to the potential conflict between the interests of preservation and energy efficiency.
- 213 I recognise the considerable effort that has gone into producing the Built Environment and Heritage Strategy, which will doubtless provide a firm evidence base for the selective registration of additional buildings of architectural or historic interest.
- 214 I note that Longis Common and the Tank Wall are already within the Longis Common Conservation Area, and would therefore be protected by Policy HE3 of the draft LUP. The form of a memorial to the victims of the forced labour regime is not entirely clear to me. If it entailed development within the Designated Area, it appears that the B&DCC might well be prohibited by law from granting any requisite planning permission.
- 215 **I recommend that Policy HE2 and Table B2 of Appendix B, together with the supporting text, be deleted from the draft LUP.**

Policy HE3 –Conservation Areas

- 216 Policy HE3A of the draft LUP 2017 requires that applicants for development within (or affecting) a Conservation Area should have special regard to the desirability of ‘preserving and enhancing’ that area’s ‘character and appearance’. Similar conjunctions appear in Policy HE3Bi. However, section 46 of the 2002 Law, which deals with the Registration of Conservation Areas, refers to an area’s ‘character or appearance’, which it is desirable to ‘preserve or enhance’ (my underlining). In my view, it would be preferable to use these disjunctive forms in Policy HE3. **I recommend that that the wording in Policy HE3 be amended to reflect that used in section 46 of the 2002 Law.**

Particular Conservation Areas

Representations

- 217 JTrails considered that the designated Longis Common Conservation Area may need to extend a further 20m northwards, as war-time aerial imagery showed disturbance in that area consistent with additional burials.
- 218 The Alderney Society sought the designation of an additional Conservation Area, to include the Bonne Terre Mill, with its associated mill stream, dam, mill ponds, leats and races (Doc OD16). Records showed that there had been a mill on this site since the 13th century. The Alderney Society also deprecated the use of inappropriate uPVC doors and windows in the St Anne Conservation Area.

B&DCC’s response

- 219 Paragraph 5.23 of the draft LUP indicated that further consideration would be given to the spatial extent of some existing Conservation Areas and the potential designation of new Conservation Areas. However, the designation and alteration of Conservation Areas was outside the scope of the LUP, and subject to the provisions of section 46 of the 2002 Law.
- 220 Supplementary Planning Guidance had been issued in respect of Replacement Windows and Doors in Registered Buildings and Conservation Areas (Doc OD15). It was intended that this should be followed in future.

Inspector’s assessment

- 221 It is not within the scope of the LUP to amend the extent of existing Conservation Areas or to designate new ones; nor is it within my remit to comment on such matters. The Supplementary Guidance on Replacement Windows and Doors should help prevent the installation of inappropriate fenestration in the Conservation Areas. **I recommend that no change be made to the draft LUP.**

Policy HE4 – Terrestrial and Intertidal Archaeology

222 Policy HE4B and C deal respectively with registered and unregistered assets of archaeological importance. Their provisions are identical, except that Policy HE4B requires ‘special regard’ to be had to the desirability of preserving archaeological assets, while Policy HE4C requires ‘regard’ to be had to that matter. I do not understand the practical difference between ‘special regard’ and plain ‘regard’. At present there is only one registered archaeological asset on the Island – the site of the Iron Age settlement at Les Huguettes. It is conceivable that certain unregistered (and currently unknown) archaeological assets could be of equivalent or even greater importance, and worthy of equal regard. I consider that Policies HE4B and C should be merged and should apply to proposals affecting any assets of archaeological importance. **I recommend that the word ‘registered’ be deleted from Policy HE4B; that Policy HE4C be deleted; and that consequential amendments be made to Policy HE4.**

223 Policy HE4D indicates that development proposals affecting assets of archaeological importance ‘will be permitted where they are accompanied by a written scheme of investigation’. I fully accept that a written scheme of investigation should be a requirement in such circumstances. However, I do not accept that the availability of such a scheme would provide a sufficient basis on which the B&DCC could grant planning permission, without taking account of other factors (including those listed in section 7 of the 2002 Law). **I recommend that the first sentence of Policy HE4D of the draft LUP be amended to read:**

Development proposals affecting assets of archaeological importance must be accompanied by a written scheme of investigation. ...

224 Paragraph 5.31 of the text supporting Policy HE4 refers to underwater assets or archaeological value. I consider that these should be more precisely identified in the draft LUP, if there is any possibility of them being damaged by development. **I recommend that archaeological assets which are located in Alderney’s internal waters be added to the list of Archaeological Assets in Appendix B4 of the draft LUP; and that reference to this be included in paragraph 5.31.**

225 Paragraph 5.32 of the text supporting Policy HE4 indicates that ‘where the archaeological value of an application site is unknown, a scheme will be required to set out how the applicant will handle any unexpected discovery of archaeological assets’. In my view, this may not always be a proportionate requirement, for instance in the case of developments that would not entail excavation. The B&DCC have now proposed an alternative form of words to replace the second and third sentences of this paragraph, which I consider to be acceptable. **I recommend that the second and third sentence in paragraph 5.32 of the draft LUP be replaced by the following:**

Consistent with the precautionary approach, where development is permitted and the archaeological context is unknown, planning conditions may be attached to the permission which set out the obligations on the developer should archaeology be identified on the site.

Representations

- 226 Mr and Mrs K Hempel and the Alderney Society drew attention to the recent archaeological discoveries at Rue des Mielles. This was an important site that should be protected. It was a matter of concern that the archaeological remains had been discovered by chance during excavation works by a public utility. The planning system had apparently made no provision for the conservation of the material discovered. Where information became available on archaeological assets that were not identified in Appendix B of the draft LUP, this should be taken into account where relevant to the consideration of planning applications.

B&DCC's response

- 227 The proposed changes to the 2002 Law would bring development by public utilities within planning control, so that in future, a planning condition could be imposed to ensure that proposed works in areas of archaeological importance would comply with a written scheme of investigation. The Rue des Mielles site was within an area shown as an unregistered archaeological asset in Figure 5.4 of the draft LUP. Accordingly, the B&DCC would be alert to the potential for there to be archaeological remains in this area.
- 228 New text would be added to paragraph 5.32 of the draft LUP to clarify that, where information about archaeological assets not previously identified was brought to the attention of the Planning Office, this would be collated in a database. If relevant to a planning application, the information in the database would become a material consideration in the determination of that application.

Inspector's assessment

- 229 **I recommend that text as outlined in paragraph 228 above be added to paragraph 5.32 of the draft LUP.**

Policy HE5 – Protecting Landscape Character

Crabby Bay

Representation

- 230 Mr Nash considered that the draft LUP failed to recognise the landscape potential of Crabby Bay, which had once been a bustling fishing harbour. An historic stone landing stage on the eastern side of this bay was now being covered by dumped waste. This should be stopped and the slipway should be uncovered. The bay was currently polluted by untreated sewage from the short outfall, a problem that should be addressed urgently. The once sandy beach was now covered in smooth boulders, which had been tipped from the Breakwater as rock armour, and had been transported to Crabby Bay by wave action. These boulders could be

exported for use in rockeries. If improved access to the beach were provided, the boulders were removed, and the pollution cleaned up, Crabby Bay could be restored to its former condition, and provide an attractive location for leisure activities.

B&DCC's response

- 231 The historical importance of Crabby Bay and the opportunity to improve its environment were noted. The stone structure on the eastern side of the bay was close to Fort Grosnez, and would appear to have been part of the original system of fortifications (Doc OD20). It was proposed to update the registration entry for Fort Grosnez to include a reference to this historic structure.
- 232 The States of Alderney were currently considering options for improving the sewage disposal arrangements, which included extending the outfall pipe, or on-Island treatment of the sewage. However, it was not expected that a solution would come forward within the 5-year period covered by the draft LUP.
- 233 At present the draft LUP made no provision for mineral extraction, and the B&DCC would be prohibited by law from granting planning permission for mineral working in Crabby Bay. Accordingly, it would not be appropriate for the draft LUP to promote the extraction of boulders from Crabby Beach.

Inspector's assessment

- 234 I do not doubt that Crabby Bay has considerable potential for environmental enhancement and improved recreational use. However, until the pollution problem caused by the disposal of untreated sewage through the short outfall has been resolved, this potential is unlikely to be realised. The evidence suggests that this is unlikely to be within the period covered by the draft LUP. In any event, as Crabby Bay is in the Designated Area, there are legal limits on the types of development that could be permitted there. In the circumstances, **I recommend that no modification be made to the draft LUP with regard to this matter.**

Policy NE1 – Biodiversity

- 235 Part A of Policy NE1 of the draft LUP seeks to protect and expand the Island's biodiversity. Figures 5.5 to 5.7 of the draft LUP show the spatial extent of three tiers of biodiversity designations, referring respectively to sites of international, regional and local importance. Development criteria for each of these tiers are set out in Table 5.1 of the draft LUP. Part B of Policy NE1 gives effect to these criteria.
- 236 The Development Criteria set out in Table 5.1, indicate that (subject to specified exceptions) development proposals within or likely to affect internationally designated sites will not be permitted. The criteria for development proposals affecting the regional and local tiers are

progressively more permissive, and take account of the likely impact on the ecological receptors.

- 237 Part D of Policy NE1 provides that, even where a proposed development has an adverse impact on biodiversity, it may be permitted if certain specified criteria are met. In the light of discussion at the Inquiry, the B&DCC now propose the amendment of Part D to read as follows:

In those circumstances where development proposals are assessed as likely to have a significant adverse impact on a designated site, habitat or species where their presence is known may be permitted where it can be demonstrated that:

- i the development is demonstrated to be in the long term public interest of the Island; and
- ii there is no alternative site available that is more suitable for the proposed development.

- 238 In the light of discussion at the Inquiry, the B&DCC now propose the amendment of Part B to read as follows:

Development proposals within or affecting known designated sites, habitats or species will be permitted when they comply with the relevant development principles set out in Table 5.1 or in Part D of this policy.

Representations

- 239 FAB Link Ltd were concerned that the international, regional and local designations, shown in Figures 5.5 to 5.7, took no account of the quality of habitats or the incidence of species in the designated areas, but simply reflected the occurrence of particular habitat types in schedules relating to legislation elsewhere. This may have artificially inflated the importance of some habitats on Alderney, which seemed to include poor examples of particular habitat types, and were possibly not of international importance, notwithstanding the status given to habitats of those types in (for instance) the EC Habitats Directive. For clarity, it would be helpful if Table C1 in Appendix C of the draft LUP were to include an additional column, showing the schedule and legislation by reference to which sites had been listed as being of a particular level of importance.

- 240 The 'Fixed Coastal Dunes' at Longis were a remnant habitat which had been isolated from the sea by the German Tank Wall. This area was being invaded by scrub and was physically deteriorating. It was not intrinsically of international value, as shown in Figure 5.5. 'Dune Scrub' was listed as a UK protected habitat in Table C1, although it was not clear on what basis.

- 241 'Open Grassland' in the Saye/Corblets area was also identified as a site of international importance in Figure 5.5. However, in the Alderney Wildlife Trust's Phase 1 Habitat Survey,

this area had been identified as 'Amenity Grassland'. In the UK, this area would not be considered a habitat of international importance.

- 242 Accordingly, 'Fixed Coastal Dunes' and 'Open Grassland' should be reassigned to the regional or local tiers in the draft LUP. In addition, there were other designated habitats in the draft LUP which might not have been correctly attributed. These included 'Improved Grassland', which was attributed as a UK Biodiversity Action Plan (BAP) priority habitat. However, the relevant UK BAP priority habitat consisted of coastal and floodplain grazing marsh, and was not the type of habitat shown in the draft LUP. Furthermore, some of the habitats designated in the draft LUP were said to be 'protected' under the UK Wildlife and Countryside Act. However, that Act protected only species of flora and fauna, and did not refer to habitats. The basis for the protection of the habitats in question in the draft LUP was therefore unclear.
- 243 Table 5.1 of the draft LUP stated that 'Development proposals within or likely to affect internationally designated sites, habitats or species, will not be permitted, except where it promotes education or interpretation uses, such as walkways or signage'. This assumed that any other type of development would be unacceptable, regardless of the significance of its effect on biodiversity, or the possibility of mitigation. If Table 5.1 were to remain, the first sentence of the Development Criteria for international sites should be amended to read 'Development proposals likely to have significant, irreversible and long-term adverse effects on internationally designated sites, habitats and/or species, will not be permitted'. This would mean that planning permission could be granted in appropriate cases.
- 244 However, there was insufficient evidence on which to assess the quality of the designated habitats, or come to a view on whether they provided poor or good examples of the ecological features that they represented. The draft LUP sought to designate all known habitats that had a notional value, irrespective of their size or condition. There was no statement of the reasons for designating each area of habitat, setting out the special qualities that made it important, and why its boundaries had been drawn as they had. Figures 5.5 to 5.7 of the draft LUP merely identified the principal habitat types in the Island. The combined effect of these three maps was to cover most of the undeveloped part of the Island with biodiversity designations, conferring varying degrees of protection.
- 245 The Alderney Wildlife Trust drew attention to the fact that Alderney was possibly the only jurisdiction in Europe that provided no form of protection for bat species. Unfortunately, there was a lack of comprehensive information about the incidence of bat roosts on the Island. However, a precautionary approach should be adopted, whereby known bat roosts would be protected as part of the development control process. Similarly, on a precautionary basis, protection should be given to woodland and freshwater habitats.
- 246 In addition the Alderney Wildlife Trust sought the inclusion of a fuller explanation of terms such as 'significant residual impact' and 'ecological receptor' in both the biodiversity section of the draft LUP and in the glossary. Furthermore, the Trust sought the inclusion of additional

text in paragraph 5.48 to establish that additional information on biodiversity could be a material consideration in the determination of planning applications.

B&DCC's response

- 247 The division of habitats into international, regional and local tiers of importance was widely recognised. However, Alderney had previously had no central biodiversity records, and was largely reliant on information collected locally by the Alderney Wildlife Trust (AWT). It was outside both the UK and the EU, and had no legislation for the designation of habitats. For the first time, the draft LUP established a simple framework for assessing the relative importance of habitats. It was accepted that this was based on limited information about the quality or condition of designated sites. It was intended that the proposed designations would be re-assessed in future iterations of the LUP, as more information became available. In the interim, they should be treated as (at least) candidate sites, in accordance with the precautionary principle. If a planning application were made which would have an impact on one of the designated sites, the status and condition of that site could be reviewed as part of the application process.
- 248 Previous LUPs had provided for a Protected Zone within the Designated Area, with the intention of preserving the Island's natural heritage. As with other parts of the Designated Area, there had been a legal prohibition on planning permission being granted for all but a very limited range of development proposals within this zone. Only the international habitats now proposed would receive a comparable level of protection. Otherwise, the protection afforded to natural habitats by the draft LUP would be weakened.
- 249 It was agreed that Table C1 of the draft LUP should include details of the schedules of the relevant legislation by reference to which habitats had been categorised. The draft LUP would be modified accordingly.
- 250 Fixed dunes, as at Longis, could support a diversity of plant and animal species. They constituted a seral stage, between active dunes that were dominated by marram grass, and the diverse dune grasslands of Longis Common. The basis of FAB Link Ltd's assertion that the fixed dune habitat was deteriorating was not clear. It was not accepted that any alteration should be made to the draft LUP in respect of this designation.
- 251 The open grassland in the Saye/Corblets area had been classified as an international site in error. Similarly, on re-assessment, it was clear that the dune scrub at Longis Bay, listed in Table C1, did not meet the criteria for regional designation; and there was an error in the inclusion of the regional designation of improved grassland. These would be corrected.
- 252 The case for including bat species, woodland areas or freshwater bodies in the hierarchy of protected biodiversity designations had not been sufficiently demonstrated. Further evidence on these matters was required. Further definitions, as sought by the Alderney Wildlife Trust, would be included in the Glossary of the draft LUP.

Inspector's assessment

- 253 Knowledge of the incidence and distribution of biota on Alderney, and on the quality and condition of Island's habitats, is plainly limited. Nevertheless, the establishment of a hierarchy of habitats according to their likely international, regional and local importance seems to me to provide a useful framework against which development proposals can be assessed. Some of the Island's habitats, such as the Ramsar site and the Gannetries at Les Etacs, are plainly of international importance. The international status of others, including the fixed coastal dunes at Longis, may be more questionable.
- 254 However, it seems to me to be appropriate to take a precautionary approach. Were a development to be proposed which would affect any of these sites, an Environmental Impact Assessment would be required. This should provide clearer evidence about the quality and condition of the site and the species that it supports, which could either result in its status being confirmed or re-assessed.
- 255 The designation of 'open grassland' as a habitat of international importance was clearly made in error and should be corrected. Similarly, mistakes concerning the designation of 'dune scrub' and 'improved grassland' should be rectified. But otherwise, I see no reason for changes to be made to Figures 5.5 to 5.7 and Table C1 of the draft LUP at this stage. However, as more evidence becomes available, it will be necessary to review these designations in future iterations of the LUP.
- 256 I commend the B&DCC's proposal to amend Part B of Policy NE1, by including provision for development to be permitted in accordance with Part D. Part D is analogous to those sections of the EU Habitats Directive and the UK Habitats Regulations, which allow for permission to be granted for a project that would have an adverse effect on a designated site, provided that the project was necessary for imperative reasons of over-riding public interest; and provided there was no alternative site on which it could take place.
- 257 I also commend the B&DCC's proposal to amend Part D of Policy NE1, so as to delete the word 'exceptional' and refer to the 'long term' public interest. However, I consider that there is an error of syntax in this part of the policy; and that the inclusion of the words 'where their presence is known' is unnecessary. A development proposal could scarcely be assessed as having an adverse impact on a habitat or species, the presence of which was unknown.
- 258 I welcome the B&DCC's intention to add information to Table C1 to show the sources by reference to which biodiversity sites have been categorised. An explanation of the terms 'significant residual impact' and 'ecological receptor' could usefully be included in the glossary at the end of the draft LUP. However, I see no need for additional text to be added to paragraph 5.48 of the draft LUP, to indicate that account would be taken of further evidence on biodiversity in the determination of planning applications. Section 7(1)(ga) of the 2002 Law already imposes a statutory duty on the B&DCC to take account of the effect of a proposed development on the biological diversity of the Island, when considering whether to grant or

refuse planning permission. That would necessarily include taking account of all the available evidence about the biota likely to be affected.

259 Policy NE1A provides for the protection of the Island's biodiversity, and that must include the protection of the known roosting sites of bats. I consider that the policy should make it clear that development which would adversely affect a known bat roost will not be permitted in the absence of satisfactory mitigation arrangements.

260 Broadleaved woodlands are included in the regional tier of protected biodiversity designations, and coniferous plantations are included in the local tier, as shown respectively in Figures 5.6 and 5.7 of the draft LUP. I also note that no living tree (having a trunk circumference of 19 inches or more) can be felled without planning permission. Similarly Mannez Pond and Longis Pond are within the regional tier of protected biodiversity designations, as shown on Figure 5.6. Other ponds on the Island are used for the purposes of public water supply and for the discharge of water from the power station. Their value for nature conservation may be limited. On balance, I am not persuaded that further protection measures are required for woodlands or freshwater bodies in the draft LUP.

261 **I recommend that:**

- **Policy NE1B of the draft LUP be amended as shown in paragraph 238 above;**
- **Policy NE1D be amended to read as follows:**
 - Development proposals which are assessed as being likely to have a significant adverse impact on a designated site, habitat or species, may be permitted, where it can be demonstrated that;**
 - i the development is in the long-term interest of the Island; and**
 - ii there is no alternative site available that is suitable for the proposed development.**
- **The references to 'open grassland', 'dune scrub' and 'improved grassland' in Figures 5.5 to 5.7 and Table C1 of the draft LUP be corrected as described in paragraph 251 above;**
- **Information be added to Table C1 to show the sources, by reference to which biodiversity sites have been classified.**
- **Definitions of 'net biodiversity gain', 'residual significant effect' and 'ecological receptor' be added to the Glossary at the end of the draft LUP.**
- **A new Part F be added to Policy NE1, to read as follows:**
 - Development which would adversely affect a known bat roost will not be permitted in the absence of satisfactory mitigation measures.**
- **No other modifications be made to Policy NE1 or its supporting text.**

CHAPTER 6 – ISLAND WIDE POLICIES

Policy IW5 – Energy and Water Efficiency

Representations

- 262 FAB Link Ltd considered that Policy IW5 of the draft LUP should be expanded to reflect the support already given to the FAB interconnector project in the Alderney Strategic Plan 2014 (Doc CD24). In particular, a new Part B should be inserted into the policy as follows:

Development proposals for renewable energy schemes and for development to facilitate the export of the energy generated by these schemes will be permitted subject to other policies in the Land Use Plan.

The present Part B of Policy IW5 would then become Part C.

- 263 In addition, the following paragraph should be added to the reasoned justification for Policy IW5:

The waters around Alderney have some of the world's strongest tides and have the potential to produce enough electricity to power up to 1.8 million homes. The Alderney Strategic Plan 2014 states that 'emphasis will be placed on developing a flexible policy framework that will provide the best options for maximising the State's energy independence, becoming environmentally sustainable and contributing to future economic development opportunities'. Among the objectives of the Strategic Plan are support for the ARE tidal power project and support for the FAB Link interconnector cable.

B&DCC's response

- 264 Any previous support given by the States of Alderney to either the proposed FAB Link interconnector or the ARE tidal energy project had been in the capacity of the States as a corporate and commercial body, rather than as a planning authority. Policy IW5 already gave encouragement to sustainable energy generation. Paragraph 6.22 of the supporting text made it clear that this included generation by use of tidal power. It was not necessary to refer to particular projects in the LUP, and the B&DCC had no wish to do so.

Inspector's assessment

- 265 Policy IW5 of the draft LUP encourages proposals which contribute to centralised electricity generation for public benefit. In paragraph 6.20 of the supporting text, the centralised electricity network is defined as the generating capacity and distribution grid operated by Alderney Electricity Ltd. The supporting text goes on to indicate that the grid cannot support

micro-generation, but that there may be opportunities to harness other forms of renewable energy, including tidal power. However, the policy is concerned with the supply of energy to the public and its efficient use, rather than the export of electricity.

- 266 Decisions on proposals for the development of schemes for the generation and export of renewable energy would have to take account of all the matters listed in section 7 of the 2002 Law, insofar as those matters were relevant. If the proposals were in the Designated Area, permission could not be granted, except in accordance with Policy S7 of the draft LUP. I see no need for further references to these matters in Policy IW5.
- 267 The B&DCC have decided not to refer to specific projects in the draft LUP. I can see no compelling reason why they should do so. **I recommend that no modification be made to Policy IW5 or the supporting text.**

Policy IW9 – Information and Communications Network

Representations

- 268 FAB Link Ltd supported policy IW9 of the draft LUP, but considered that paragraph 6.39 of the supporting text should recognise the opportunities that the FAB Link project presented for the improvement of Alderney's communications network. They sought the addition of the following, after the first sentence of that paragraph:

The main option is the opportunity presented by the FAB Link cable. The FAB Link interconnector is crucial enabling development to deliver the renewable energy strategy and the wider Alderney Economic Strategy, because in addition to providing a route to market for renewable energy, it has the capacity to carry fibre-optic cables (as subsea electricity cables need to incorporate fibre-optic cables to monitor performance). The Alderney Economic Development Study 2014 noted that other options to develop a stand-alone fibre-optic connection beyond the FAB interconnector had been explored, but appeared to be prohibitively expensive.

B&DCC's response

- 269 It was accepted that the FAB interconnector would have the capacity to carry fibre-optic communications which could be of value to Alderney, but there was no certainty as to the details of the service that might be provided. The Alderney Economic Study had not been endorsed by the State of Alderney. It was not necessary to refer to particular projects in the LUP, and the B&DCC had no wish to do so.

Inspector's assessment

- 270 The main purpose of the text supporting Policy IW9 is to give a reasoned justification for that policy, rather than to set out the potential benefits of specific development proposal that may

come forward in future. The B&DCC have decided not to refer to specific projects in the draft LUP. I can see no compelling reason why they should do so. **I recommend that no modification be made to the text supporting Policy IW9 of the draft LUP.**

Policy IW10 – Environmental Impacts

- 271 Although Part C of Policy IW10 of the draft LUP sets out requirements for proposed developments in close proximity to existing hazardous sites, it omits any reference to the location of new developments that would entail the use or storage of hazardous material. **I recommend that the following be added to Part C of Policy IW10:**

Proposals for development that would entail the use or storage of hazardous material should demonstrate that the proposed location is suitable, and that measures have been incorporated to manage the potential impact of the hazard acceptably.

Policy IW12 – Amenity

Representations

- 272 Policy IW12 of the draft LUP indicated that development proposals should take account of their effect on the amenity of surrounding properties, including the effects of overshadowing and overlooking, and disturbance due to construction (and due to eventual decommissioning). Ms R Gaudion argued that disturbance during construction was not a material planning consideration in Alderney. A degree of disturbance during construction was inevitable, and should not be a reason for refusing planning permission. Construction disturbance was also referred to in Policy IW10D of the draft LUP. The approach was heavy-handed. Ms Gaudion also felt that there should be supplementary guidance on overshadowing and overlooking, as these were often subjective.

B&DCC's response

- 273 Whether disturbance caused by construction or demolition works constituted a material planning consideration was a question of fact and degree. It was important that the potential impacts of such disturbance should be properly considered, and that mitigation measures should be put in place where appropriate. The purpose of Policy IW12 was to consider amenity impacts, and differed from that of Policy IW10, which was to consider environmental impacts.

Inspector's assessment

- 274 In support of her objection, Ms Gaudion has submitted a document, apparently issued by the B&DCC, which states categorically that disruption during construction is not a planning consideration. However, I do not know the authority for this, or its status. Section 7(f) of the

2002 Law requires that in considering a planning application, the B&DCC should take account of the effect of the proposed development on adjoining properties. No exception is made for the effect of construction or demolition works.

- 275 I recognise that there is likely to be a degree of disturbance associated with any construction or demolition project; and that this disturbance is likely to be short-lived. Nevertheless, it seems to me that there may be scope for proactive regulation through planning control, particularly in the more extreme cases, for instance by imposing conditions to regulate hours of working during the construction period. I do not accept that the approach taken in the draft LUP is particularly heavy-handed.
- 276 Problems of overshadowing and overlooking are ultimately a matter for the judgement of the decision maker, and depend largely on the circumstances of the particular case. I am not convinced that general guidance would be helpful.
- 277 **I recommend that no change be made to the draft LUP.**

Policy IW13 - Trees

Representation

- 278 Policy IW13A indicated that the B&DCC would resist applications to cut down any living tree. Mr M Smith thought that this approach had led to a general reluctance to apply for permission to remove overgrown or unwanted trees. Consequently, there was now an abundance of unsightly tree trunks on Alderney, that had had their branches lopped off, and had been left either to regrow or die. Relaxing this policy to allow the removal of certain species, such as sycamores and leyland cypresses, would be beneficial to the Island's appearance. Individual trees of special merit, and those in Conservation Areas, could be regulated separately.

B&DCC's response

- 279 Many of Alderney's trees were removed during World War II, and those that remained played important roles with regard to biodiversity, landscape and townscape, and amenity. Policy IW13 provided a proportionate approach to arboriculture, by providing guidance on what should be included in an application to fell (or undertake works affecting) trees. Paragraph 6.61 of the draft LUP also provided for the periodic submission of tree management plans, in place of multiple planning applications for arboricultural work.

Inspector's assessment

- 280 Section 4 of the 2002 Law indicates that permission is required to cut down any living tree (having a trunk circumference of 19 inches or more). Policy IW13 understandably provides that the removal of trees will be resisted. However, in particular circumstances, the B&DCC

may grant permission for a tree to be felled as a departure from the LUP, for instance because the tree's roots are interfering with the drainage system, or its canopy is depriving residents of sufficient light, or its retention would create a potential hazard. The policy shows the general approach but is not entirely inflexible. **I recommend that no further action be taken with regard to Policy IW13 of the draft LUP.**

Policy IW14 – Controlling Invasive Species

Representations

- 281 FAB Link Ltd sought the inclusion in the draft LUP of a list of the invasive species to which Policy IW14 was intended to apply. There was likely to be an overlap with some aggressive invasive species in the UK, such as Japanese knotweed and Himalayan balsam. However, there may be other species that are a specific issue on Alderney. The policy should also be clear about what was required of prospective developers, in terms of the removal and disposal of invasive species. This should be proportionate and evidence-based.
- 282 Mr M Smith also considered that clarification was needed on what constituted invasive species. A majority of the trees in domestic gardens on Alderney were not native, and could be regarded as being invasive.

B&DCC's response

- 283 There was at present no definitive list of invasive species on Alderney, although the glossary of the draft LUP provided guidance on the meaning of this term. In order further to clarify matters, the B&DCC proposed that the following should be added at the end of 6.65 of the draft LUP:

In the absence of this guidance, applicants may find the prevailing Guernsey and Jersey invasive species lists a useful reference. However, the difference in threat level assessment between these jurisdictions should be noted, and may mean, in some instances, that these lists are not directly applicable to the Alderney context.

- 284 The B&DCC also proposed to insert a new paragraph after paragraph 6.64 of the draft LUP, to clarify what would be required of prospective developers. This would read as follows:

The Building and Development Control Committee will adopt a proportionate approach to the removal, eradication and management of invasive species, taking into account severity, dangers to human health, effects on biodiversity, and other potential harm. This will need to be considered against the proposed development in terms of scale of development, type of development, proliferation rate, and exposure/risk.

Inspector's assessment

- 285 It would clearly be of benefit if the Supplementary Planning Guidance on invasive species referred to in paragraph 6.65 of the LUP were to be issued as soon as possible. In the interim, the B&DCC's proposed amendments to the text supporting Policy IW14 seem to me to be reasonable. **I recommend that the text of the draft LUP be amended as shown in paragraphs 283 and 284 above.**

Policy IW16 – Transport and Access

Representations

- 286 Mr M Smith considered that all new dwellings should have at least one parking space; and that the standard of visibility splays at road junctions should be taken into account when taking decisions on planning applications.

B&DCC's response

- 287 Parking standards were not included in the draft LUP. It would not be appropriate to have a standardised approach, in view of the diversity of the Housing Character Areas, practical difficulties in providing parking space in some cases, and the size mix of residential development proposed. Policy IW16 would provide the B&DCC with an appropriate degree of flexibility when considering planning applications.
- 288 Visibility splays were covered by the Building Regulations regime, rather than the Land Use Plan. Paragraph 6.77 of the draft LUP stated that new roads and accesses must comply with the relevant provisions of the prevailing Building Regulations.

Inspector's assessment

- 289 Although the draft LUP contains no parking standards, Policy IW16C indicates that planning applications should incorporate vehicle parking commensurate with that required to occupy, service or use the proposed development. It also indicates that there should be safe, suitable and convenient access to new development; and that development should not compromise the safety or accessibility of the highway network. If the visibility at a junction serving a proposed development were seriously sub-standard, that would be a matter to be taken into account in deciding whether to grant planning permission. **I do not consider that Policy IW16 of the draft LUP requires modification.**

Policy IW21 – Minerals Extraction

- 290 Paragraph 6.95 of the text supporting Policy IW21 of the draft LUP states that ‘... proposals relating to minerals extraction in the Designated Area will only be permitted where they are located within a Minerals Zone’. This appears accurately to reflect the changes to the 2002 Law as currently proposed. However, no provision is made for a Minerals Zone in the draft LUP. The effect of this would be to preclude planning permission being granted on any application for minerals extraction in the Designated Area.
- 291 I find this puzzling. The draft LUP envisages the provision of 120 dwellings, 1,200m² of commercial development, and 5,600m² of industrial and storage floor space by 2022. This implies that there is likely to be some demand for aggregates and building stone during the next five years. Paragraph 6.94 of the draft LUP acknowledges that it can be expensive to import these materials by sea. These circumstances could impede the proposed building programme, and frustrate the States’ aspirations for population increase and economic growth.
- 292 I understand that further consideration is being given to the proposed legal changes as they would affect proposals for the extraction of minerals, and that these could have ramifications for the content of the LUP. However, in the absence of such changes, **I recommend that further consideration be given to the creation of a Minerals Zone within the Designated Area.**

Representations

- 293 Mr D Nash raised the possibility of re-opening quarries on the Island for the export of stone to the UK or France. The railway could be used to carry stone from Mannez Quarry to Braye, where it could be loaded onto ships. The line could also be extended via Platte Saline to near Fort Clonque, where stone could be extracted from old quarries on the cliff side. A new College of Stonemasonry could be established at Fort Grosnez under the aegis of the Guernsey College of Further education, and the stone produced could be used to repair forts and other heritage assets on the Island. This would provide additional employment, including apprenticeships for young people; improve transport links; earn revenue; and boost the tourist industry.

B&DCC’s response

- 294 Consideration is being given to a further amendment to the 2002 Law, which would remove the present restriction on mineral extraction in the Designated Area. Should such an amendment be made, proposals for renewed mineral extraction at Mannez Quarry and elsewhere could be considered. Figure 4.1 of the draft LUP shows the historic extent of the railway, running past the old harbour to Fort Grosnez and the breakwater. The draft LUP would not preclude the extension of the railway, subject to the policies in Section 3.10.

Inspector's assessment

- 295 There may be much to commend in Mr Nash's proposal, but his ambitious scheme would require a good deal of entrepreneurial initiative and capital investment. A proposal to extend the railway to the western end of the Island would be likely to be regarded as a major project of strategic importance, and fall to be considered under Policy S7 of the draft LUP. I have seen no evidence to suggest that the Guernsey College of Further Education wish to establish a School of Stonemasonry on Alderney, but have no reason to doubt that such an institution could be accommodated in Fort Grosnez, or elsewhere in the Braye Opportunity Area.
- 296 I have doubts about whether sufficient quantities of stone could be quarried to sustain an export trade to the UK or France, without seriously damaging Alderney's landscape. In any event, the draft LUP makes no provision for a Minerals Zone. As the law currently stands, it would not be possible for planning permission to be granted for renewed mineral extraction from any of the former quarries in the Designated Area. As I have seen no firm proposals for changes to the law on this point, **I recommend that no change be made to the draft LUP.**

CHAPTER 7 – MONITORING

Representation

- 297 Mr N Winder considered that the proposed monitoring processes were insufficiently coherent. Ideally monitoring should aim to measure public confidence in the planning process. This might best be achieved by means of periodic questionnaires to gauge public opinion. An assessment should also be made of the resilience of LUP policies over time, taking account of controversial planning decisions and decisions overturned on appeal.

B&DCC's response

- 298 At present there was no systematic monitoring of the LUP. In view of the limited staff resources available, the monitoring system now proposed had to be simple to operate and based on easily measured outputs. Two monitoring devices were proposed. The first was an annual quantitative measurement of the extent to which the LUP's outputs, in terms of population and economic growth, were being met. The second was an annual assessment of the performance, and continuing fitness for purpose, of each of the LUP's policies. These proposed monitoring systems were considered to be sufficient.

Inspector's assessment

- 299 In my view, the monitoring system proposed by the B&DCC should provide a reasonable basis on which to assess whether the LUP is achieving its objectives and providing a sound policy framework for the management of development. Repeated public questionnaires could be

difficult to organise and analyse; and I am not sure that they would provide useful information. At present, appeals against planning decisions on Alderney can be made only on legal grounds, not on the merits of the decisions in question. Monitoring appeals would therefore be unlikely to throw much light on the effectiveness of the LUP. **I recommend that no change be made to the proposed arrangements for monitoring the LUP 2017.**

GLOSSARY

- 300 During the Inquiry, the B&DCC agreed to provide additional definitions for non-primary ownership; agri-tourism; biodiversity gain; residual significant impact; ecological receptor; and Code of Construction Practice. **I recommend that such definitions be included in the Glossary of the draft LUP.**

CONCLUSIONS

- 301 Subject to the limited alterations that I have recommended, and subject to the proposed changes in the 2002 Law, I consider that the draft LUP will provide a sound, robust and comprehensive basis for the operation of Alderney's planning system, and the development and use of land on the Island, during the next five years.

A handwritten signature in dark ink, reading "Michael Hurley". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Michael Hurley BA DipTP
Independent Inspector
4 October 2017

APPEARANCE LIST

FOR THE STATES OF ALDERNEY

Mr M Birmingham - Chairman, Building & Development Control Committee

Mr M Dean - Building & Development Control Committee

Mr A Snowdon - Building & Development Control Committee

Mr J Young, Planning Officer

Mr K Hyams, Arup

Miss C Salisbury, Arup

Mr D Evans, Arup

FOR FAB LINK LIMITED

Mr D Goodman, Squire Patton Boggs

Mr C Jenner, FAB Link Limited

Mr R Boother, RPS Group

FOR ALDERNEY RENEWABLE ENERGY

Mr D Gaudion, Director ARE

FOR THE ALDERNEY WILDLIFE TRUST

Mr R Gauvain, AWT/AWTE Manager

Dr. Melanie Broadhurst, Living Seas Officer AWT / Lead consultant AWTE

Mr C Michel, Director AWT

FOR THE ALDERNEY SOCIETY

Mr D Thornburrow

FOR TICKLED PINK

Mr L Flewitt and Mr N Dupont

FOR MOUNT HALE LIMITED

Mr P Baron and Mrs P Pearson

LOCAL RESIDENTS

Mr Gerard

Ms S Hogg

Mr G Diebel (Representing Matthew Diebel)

Mrs G Tate

Mr W Tate

Mrs G Whittaker (Representing Lucy Mellor)

Mr N Dupont

Ms B Jenkins

Mr D Griffiths (Representing Mr P Jenkins)

Mr M James

Mr Partridge

Mrs L Hayward

Mr Thornburrow

Mrs G Hempel

Mr J Gollop (Resident of Guernsey)

Mr N Winder

Ms J Rowley

Mr F Dean

Mr R Parkin

THE ALDERNEY LAND USE PLAN 2017

PUBLIC INQUIRY

INQUIRY DOCUMENTS LIST

Procedural Documents	
<u>INQ1</u>	Procedural Arrangements Note issued by the Inspector, 10 July 2017
<u>INQ2</u>	Inspector questions for the Inquiry
<u>INQ3</u>	Inquiry Programme, 29 August 2017
<u>INQ3a</u>	Updated Inquiry Programme, 1 September 2017
<u>INQ4</u>	Inspector's Note, 31 August 2017
<u>INQ5</u>	Inspector's Opening Announcement
<u>INQ6</u>	Agenda for the round table session on S7

Other Documents Submitted During the Inquiry	
<u>OD1</u>	Email dated 5 September 2017 from Michael James to the Programme Officer
<u>OD2</u>	Email dated 6 September 2017 from Michael James to John Young
<u>OD3</u>	Planning permission for Pouteaux Farm, Le Haize, 3 May 2016
<u>OD4</u>	Letter dated 6 September 2017 from Mrs Pearson to the Inspector regarding HE2
<u>OD5</u>	Refusal of planning permission Old Mouriaux Garage, 20 April 2017
<u>OD6</u>	Email dated 16 December 2016 from the Law Officers, Guernsey to John Young regarding Charts
<u>OD7</u>	States of Alderney Deliberations 14 September 2016
<u>OD8</u>	Email dated 5 September 2017 from Chris Jenner, Fab Link Ltd to Arup, regarding DA8
<u>OD9</u>	Note by Arup on Demographic Forecasts, September 2017
<u>OD10</u>	Email dated 7 September 2017 from Arup to the Programme Officer regarding additional Land Use Plan documentation
<u>OD11</u>	Note by Arup to Support Phase 2 Inquiry: Employment Outputs and Capacity, September 2017
<u>OD12</u>	Call for Sites 2015-2016: Indicative Capacity Assessment Methodology, Arup, March 2016
<u>OD13</u>	Note by Arup to Support Phase 2 Inquiry: Housing Outputs and Capacity
<u>OD14</u>	Alderney Wildlife Trust response to FAB Link Ltd LUP letter, 8 September 2017
<u>OD15</u>	Adopted by the States of Alderney 26th January 2016 - Replacement Windows and Doors Policy in Registered Buildings & Conservation Areas
<u>OD16</u>	Map of Bonne Terre Watermill
<u>OD17</u>	Alderney Wildlife Trust Biographies
<u>OD18</u>	Links to documents regarding building regulations
<u>OD19</u>	Response to Mr Nash
<u>OD20</u>	Extract from A Short History and Guide to Alderney
<u>OD21</u>	Email from Mr Gollop, 12 September 2017
<u>OD22</u>	Questions for Inquiry Raised by Inspector-Paper in Response on Legal Issues

	September, 2017
<u>OD23</u>	Written responses to the Inspector's questions

OD24	Written version of the statement made by Mr Evans in response to submissions made by Mr James
OD25	Proposed modification to Policy S7
OD26	Responses to those representations where the Inspector requested a response in writing
OD27	A response to the Inspector's question on Appendix B.2 and associated representation from Ms Pearson
OD28	A log of the amendments to the draft LUP 2017 which have been identified during the LUP Inquiry
OD29	Text of presentation of Nick Winder
OD30	Built Environment and Heritage Strategy: Evidence Gathering and Approach to Recommending Inclusion on the Register of Historic Buildings and Ancient Monuments
OD31	Letter dated 21 September 2017 from FAB Link Limited to the Inspector, responding to the Note by Alderney Wildlife Trust (OD14)
OD32	Alderney Wildlife Trust's comments on the proposed modification to S7

Core Documents	
CD1	Draft Alderney Land Use Plan 2017
CD2	Call for Sites Assessment- Phase 2 LUP
CD3	Economic Development Strategy -June 2017 (Phase 2 LUP)
CD4	Natural Environment Strategy- June 2017 (Phase 2 LUP)
CD5	Built Environment and Heritage Strategy- June 2017 (Phase 2 LUP)
CD5a	Appendices Part 1 - Built Environment and Heritage Strategy- June 2017 (Phase 2 LUP)
CD5b	Appendices Part 2 - Built Environment and Heritage Strategy- June 2017 (Phase 2 LUP)
CD6	Alderney Land Use Plan 2016 - Section 1 Policies (approved by States July 2016)
CD7	Alderney Land Use Plan 2016 - Section 2 Sites (approved by States July 2016)
CD8	Alderney Phase 1 Housing Land Use Plan Map (approved by the States July 2016)
CD9	Planning Inspector's report May 2016 (Phase 1 LUP)
CD10	Post Inquiry LUP Change Log - Phase 1 - June 2016
CD11	Call for sites assessment - March 2016 Amended at Phase 1 Inquiry
CD11a	Call for Sites Assessment Addendum – April 2016
CD12	Housing Strategy Feb 2016- Phase 1 LUP (including addendum April 2016)
CD13	Building and Development Control (Alderney) Law 2002 (as amended) (as at 17 June 2017)
CD14	Building and Development Control (Amendment) (Alderney) Ordinance 2017
CD15	Building and Development Control (Designated Area) (Alderney) Ordinance 2016
CD16	Building and Development Control (Exemptions) (Alderney) Ordinance 2007
CD17	List of Historic Buildings and Conservation Areas (States published list)
CD18	Historic Buildings and Ancient Monuments Register (Part VII)
CD19	Green Paper on Draft Building and Development Control (Amendment) (Alderney) (No 2) Ordinance 2017
CD20	Draft Building and Development Control (Amendment) (Alderney) (No 2) Ordinance 2017
CD21	Draft Statutory Guidance - 1/17 Environmental Impact Assessment
CD22	Draft Statutory Guidance - 2/17 Major Projects

CD23	ARUP Planning Review 2014
CD24	Strategic Plan 2014
CD25	Economic Development Plan - 2017
CD26	The Strategic Plan and Alderney: A Clear sense of direction - April 2017
CD27	Tourism Strategy 2017
CD28	Land Use Plan 2011
CD29	Alderney e- Census report 2015
CD30	Alderney e- Census report 2016
CD31	Alderney Economic Data Report - 2014 (Frontier Economics)

Representations		
Ref.	Name	Subject of Representation
1	Noel Peck	Housing character area
2	Tom Bliss	PA/087
2a	Tom Bliss	S7
3	Jenny Rowley	S7
4	Alderney Housing Association	SA/064
5	Michael Smith	New Development IW13/IW14
6	Helen Leader	S7
7	Mr Gerard	HCA12
8	Mary McManus	S7
9	Irene Anne Simonet	S7
10	Simon Simonet	S7
11	Dawn Grainger	S7
12	Julian Harris	S7
13	L Butler	S7
14	Mrs C L Mahieu	S7
15	C J Dupont	S7
16	Mr & Mrs Ely	S7
17	Mr C A Dupont	S7
18	R J de Castro	S7
19	Mr Rob Hammond	S7
20	Roy Burgess	S7
21	Mrs June Hammond	S7
22	Mrs C de Castro	S7
23	P M Dupont	S7
24	Joanna Dupont	S7
25	Lee Cauvain	S7
26	Mrs B Webb	S7
27	Miss K Webb	S7
28	Mr C Webb	S7
29	Nigel Webb	S7
30	S Webb	S7
31	Chris Main	S7
32	Mrs Margret Main	S7
33	Yvonne Deegan	S7
34	Mr W A Roberts	S7

35	Ms M Warren-Roberts	S7
36	Shirley Goodman	S7
37	Mrs C Archer	S7
38	Mr G Archer	S7
39	Felicity Crump	S7
40	Sally & Billy Bohan	S7
41	Royston Raymond	S7
42	John Carrell	S7
43	Charlotte Newton	S7
44	Sarah Vooght	S7
45	Jacqueline Edwards	HCA6
46	David Powell	S7
46a	Pauline Powell	S7
47	Tickled Pink	PA/119
48	Frank Dean	S7/legal matters
49	Jones Family	S7
50	Hilary Bentley	HCA6
51	S M Mullins	S7
52	Duplicate of 134	
53	Susan Abel	S7
54	Willan Abel	S7
55	David Nash	BA04, Ref 8.2 / LV16, PA/087 /S7 & Recommendation 42 (The Railway)
56	M Mauger	S7
57	A P Mauger	S7
58	Jean Garon	S7
59	Nathalie Desbrosses	S7
60	J Trails	S7
61	Margaret Burridge	S7
62	Gerry Diebel1	S7
63	Kate Ash	S7
64	Julie & Richard Bickerton	S7
65	John Milner	S7
66	S & K Brazier	S7
67	Clive Fisher	S7
68	David Wethey	S7
69	Gilbert Nockles	S7
70	Nigel Vooght	S7
71	Roberta Roberts-Mapp	S7
72	Stephen Mellor	S7
73	William Vooght	S7
74	Katie Vooght	S7
75	Mat Saunders	S7
76	Henry Rowley	S7
77	Mr & Mrs Dale & Mr & Mrs Bates	S7
78	Ruth Hoffman Sales	S7
79	Alison Osborne	S7
80	Samantha Hogg	S7

81	Caroline Gardner	S7
82	Annette Burgess	S7
83	Moira Sleeman	S7
84	Joanna Boughton Leigh	S7
85	Kate Morris	S7
86	Violet Dupont	S7
87	Pierre Dupont	S7
88	Geraldine Whittaker	S7
89	Mr & Mrs Laband	S7
90	Alderney Wildlife Trust	Various
91	Bruno Kay-Mouat	S7
92	Aimee Touton	S7
93	Nick Winder	Various
94	Natasha Knight	S7
95	John Quaile	S7
96	ARE	S7
97	Elizabeth Hole	S7
98	John Weigold	Various
99	Mr & Mrs Martin	S7
100	Matthew Diebel	S7
101	Lisa Simonet	S7
102	Luke Mellor	S7
103	Sue Wethey	S7
104	James Graham	S7
105	John Gollop	Support
106	Caroline Kay-Mouat	S7
107	Tourism Action Group	Tourism
108	Mr & Mrs Kary	S7
109	Rees Bryant	LUP review
110	Nigel Dupont	S7/#Procedural
111	Ray Parkin	S7
112	David Wearn	S7
113	Eliza Mellor	S7
114	Gabrielle Tate	S7
115	FAB	S7/various
116	William Tate	S7
117	Cynthia Roberts	Various
118	Lucy Mellor	S7
119	Jane & Danny Wright	S7
120	Emma Dale & Gary Maurice	S7
121	Mr & Mrs Bosher	S7
122	Diana Mellor	S7
123	Wendy Dupont	S7
124	Norma Dupont	S7
125	Duplicate of 110	
126	John Whittaker	S7
127	Mr & Mrs Cairnduff	S7
128	Angus Macintyre	S7

129	Bonnie Jenkins	Various
130	Mr & Mrs Odoire	S7
131	Peter May	Legal matters
132	Kerry Walker	S7
133	Peter Jenkins	Various
134	Mr & Mrs Harris	S7
135	David Griffiths	PA/061, PA/087 & PA/088
136	Mr & Mrs Hempel	Various
137	Alderney Society	Various
138	Richard Matimong	S7
139	David Thornburrow	PA/054
140	Lisa Bunn	S7
141	Mr & Mrs Yates	S7
142	Rowland Neal	S7
143	Mary Robertson	S7
144	Jens Gardner	S7
145	Ros Whittome	S7
146	Emma Odoli	S7
147	Marcus Odoli	S7
148	Mrs A M Dickinson	S7
149	Rosemary James	S7
150	Helen Paterson	Various
151	Mr & Mrs Hayward	PA118a/b & 119
152	Mrs E P Allen	S7
153	Mr & Mrs Murray	S7
154	Gill Dupont	S7
155	A J Garton	S7
156	Mark Wordsworth	DA2
157	Colin Partridge	AY773
158	Mount Hale Ltd	PA/085
159	M Bohan	S7
160	Julia Quaile	S7
161	Michael James	S7
162	Carol Johnston	S7
163	Ian Tugby	Various
164	Mr & Mrs and Ms Gladwell	S7
165	Michael Lawson	S7
166	Rachel Gaudion	S7/IW22
167	Peter Kerr	S7
168	Claire Lavis	S7
169	Jean Bawcutt	S7

THE ALDERNEY LAND USE PLAN 2017

INQUIRY PROGRAMME

All sessions were held in Anne French Room,
Island Hall, Royal Connaught Square

DAY/DATE	TIMES	TOPICS	PARTICIPANTS B & DCC AT ALL SESSIONS
Monday 4 September Day 1	9.30 PM	Inspector's opening of the Inquiry Housekeeping and Introductions States to present the Land Use Plan and explain the legal context Chapter 4 - HCA12 Chapter 3: LUP Strategy, including Outputs	Mr Gerard (7)
Tuesday 5 September Day 2	9.30	Chapter 3: Policy S7 (Round table Session)	Samantha Hogg (80) Matthew Diebel (100) Represented by Gerry Diebel Gabrielle Tate (114) FAB Link Ltd (115) William Tate (116) Lucy Mellor (118) Represented by Geraldine Whittaker Nigel Dupont (125) Bonnie Jenkins (129) Peter Jenkins (133) Represented by David Griffiths Michael James (161)
Wednesday 6 September Day 3	9.30	Various matters raised by FAB (115) (formal session)	Chris Jenner (FAB Link Ltd) Richard Boother (RPS)
Thursday 7 September Day 4	9.30 PM	Chapter 4: AY773 PA118a/b & P/119 PA/119 PA/054 PA/085	Mr Partridge (157) Louise Hayward (151) Tickled Pink (47) Mr Thornburrow (139) Mount Hale Ltd.(158)

DAY/DATE	TIMES	TOPICS	PARTICIPANTS B & DCC AT ALL SESSIONS
Monday 11 September Day 5	9.30 PM	Chapter 5: Chapter 5:	Alderney Wildlife Trust (90) Alderney Society (137)
Tuesday 12 September Day 6	9.30 PM	Various matters ARE (96)	Mr & Mrs Hempel (136) John Gollop (105) Nick Winder (93) Declan Gaudion
Wednesday 13 September Day 7	9.30	Inspector's final questions States' Building and Development Control Committee Closing Submissions	Jenny Rowley (3) Frank Dean (48) Ray Parkin (111)