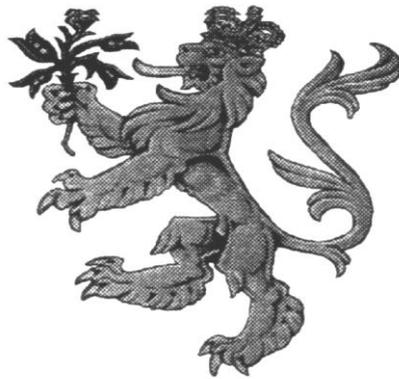


# **STATES OF ALDERNEY**



# **BILLET D'ETAT**

WEDNESDAY 23<sup>RD</sup> MAY 2018

Price: £2.25

**STATES OF ALDERNEY**  
**BILLET D'ETAT**  
**FOR WEDNESDAY 23<sup>RD</sup> MAY 2018**

Members of the States:

I have the honour to inform you that the Meeting of the States will be held at 5:30 pm on Wednesday 23<sup>rd</sup> May 2018. This will be preceded by the People's Meeting, which will be held on Wednesday 16<sup>th</sup> May 2018 at 7:00 pm in the Island Hall.

W Stuart Trought  
President

**Item I**      **Building and Development Control (Alderney) (Fees) (Amendment) Ordinance, 2018**

**The following letter was received from Mr Birmingham, Chairman of the Building and Development Control Committee:-**

***“Background***

*In March 2018 the States approved the Land Use Plan (hereinafter “LUP”) and amendments to the Building and Development Control Law and Exemptions Ordinance and a new Designated Area Ordinance, thus completing the majority of tasks in the planning review which require States approval. There remains the revision of the planning application fee scale to allow for the additional work arising from the policy and legislation changes particularly for major projects.*

***Consultation Process on the Draft Ordinance***

*The Committee have ensured the fee changes which are required by the new LUP policies have been subject to extensive public consultation at the same time as the final draft of the LUP. The revised fee schedule was published on 17 January 2018 for consultation. In February 2018 revisions were made to give effect to the representations received and the revised fee schedule is included in this Ordinance.*

***Summary of proposed changes***

*The new LUP and amended legislation provides the States and BDCC with a robust procedural, legal and policy structure for dealing with those very few exceptional major projects which may arise in the future. Guidance on the relevant procedural and other provisions in the legislation is set out in detail in the draft Statutory Guidance 2/2018 Major Projects which has been published for consultation and any comments will be taken into account before it is issued by the Committee. The provisions and guidance are designed to ensure that safeguards are in place for public engagement in relation to potential damaging impacts of development schemes whilst being able to procure quality projects which benefit the Island. The new provisions and guidance will ensure that there is clarity for the public and potential developers on the procedure for major projects.*

*However, the Committee also recognised that were a planning application be made for a major project, this would impact greatly on the planning department and BDCC's very limited resources. Unless additional resources were identified it is certain that BDCC would not be able to recover the costs of processing more substantial planning applications in line with the new policies and legislation. It is reasonable that in the event of a major project being proposed the cost of handling that application should normally be met by the applicant, the developer, through the application fee. There may be circumstances where it would not be fair or appropriate in the circumstances to charge the full fees proposed. Therefore, the draft legislation provides a power for the Committee to waive or reduce application fees. It will be open to the States to include application fee costs in the capital funding for its own projects. It is proposed that a policy will be published on the circumstances on which that power may be used to ensure a fair and consistent application.*

*The fee schedule has, therefore been revised to provide for substantially increased planning application fees for major projects. In setting the fee levels the Committee has drawn on the application fees in the UK, (including in Scotland), in Jersey and Guernsey. A maximum fee cap is proposed. The BDCC originally proposed this be set at £125,000; however responses from informed groups ascertained this was too low. The Committee established that the costs that would be incurred by BDCC to engage external expertise would be up to circa £200,000. Accordingly the maximum fee proposed is set at £200,000.*

*The current fee scale provides 5 categories (1-5) of fees which covers the normal type of planning application in Alderney. The Committee have included a sixth category for carrying out any work or development other than these five categories. It is likely that this sixth category fee would be charged for most major projects as they would be likely to also involve development other than of the normal type. The normal categories include erection of houses and flats and extensions to such dwellings and erection and extension of other buildings, changes of use requiring planning permission and minor or temporary development. The Committee have adopted a sliding scale for this sixth category based on the site area, with a higher charge being applied to larger developments. In drafting the scale it recognised that it might happen that a more localised project is considered a major project and include development falling within this fee category, e.g. Fort Tourgis. The Committee's proposed fee scale is intended to ensure the fee is no higher than is necessary to cover its costs in bringing in external expertise which is not covered by other powers to charge costs of expert reviews and evaluations of impacts as set out in section 5(2B) of the Building and Development Control (Alderney) Law, 2002.*

*The Committee have sought to ensure that existing application fee levels which were set on 1<sup>st</sup> January 2017 for normal domestic type householder applications are unchanged for normal sized dwellings. Since the removal of the C Permit system applications for multiple housing developments have been received. These applications raise bigger challenges for the planning system as they require greater scrutiny over access roads, drainage, site layout, landscaping and more objections. They require BDCC to engage external assistance, but need the resources to do so.*

*The Committee have therefore adopted practice in Jersey and Guernsey in proposing higher fees for multiple housing applications with the most substantial category being for four or more dwellings. For multiple applications of either two or three dwellings it has applied the same principle of increased fee only to those dwellings which exceed a "norm" domestic dwelling size, intending that luxury dwellings of greater size should be subject to the increased fee. The "norm" dwelling size is proposed to be set at the internal floor area of 120 square metres for a house and 75 square metres for a flat. The same principle has been followed for a single dwelling. This should ensure that normal domestic type housing applications are unaffected by the changes, but applications for speculative and luxury development meet the increased costs incurred by BDCC in processing them.*

*The Committee also proposes changes to applications for new non-domestic buildings over 120 square metres internal floor area and extensions to non-domestic buildings so that the charges are not anomalously out of line with fees proposed for equivalent development in relation to dwellings.*

*I would be grateful if you would place this matter before the March meeting of the States of Alderney with an appropriate proposition.*

*Matt Birmingham, Chairman”*

**The States of Alderney is asked to approve the draft Building and Development Control (Alderney) (Fees) (Amendment) Ordinance, 2018**

**Item II      Public Vehicle (Amendment) Regulations, 2018**

**The following letter was received from Mrs Paris, Chairman of the General Services Committee:-**

“The Public Vehicle (Amendment) Regulations 2018 were made by the General Services Committee at its meeting of 24<sup>th</sup> April 2018, and amend the schedule to the Public Vehicle Regulations, 1986. The regulations are made under the powers vested in the Committee by the Public Highways Ordinance, 1966 (the Ordinance) and come into force on the 11<sup>th</sup> May 2018.

The 8% increase in the taxi fares reflects the additional costs to the vehicle maintenance and repairs; the increase in fuel costs; the reduction in actual passenger numbers and also took into consideration that the last fare increase was some years ago (2014).

The Ordinance provides that any regulations made under its provisions shall be laid before a meeting of the States as soon as possible and, if at that meeting or at the next subsequent meeting, the States resolve to annul them, they shall cease to have effect without prejudice to anything done under them or to the making of new regulations.

I would be grateful if the Public Vehicle (Amendment) Regulations, 2018 are laid before the next meeting of the States of Alderney with an appropriate proposition.

Mrs N Paris, Chairman

**The States of Alderney is asked to resolve that the “Public Vehicle (Amendment) Regulations, 2018” not be annulled.**

**Item III      Alderney Marine Management Plan**

**The following letter was received from Mr Dent, Chairman of the Policy and Finance Committee:-**

***“Political and Economic Background to the Plan***

*The States of Alderney aspires to manage Alderney’s marine area to ensure the long term sustainability of its marine environment and the communities and businesses that rely upon it and in order to enhance the economic well-being of the island and its population.*

*The need for a marine management plan is particularly pressing. This is because Alderney is facing multiple challenges, deriving from: the proposed extension to its territorial sea from 3 to 12 nautical miles; likely changes in fisheries regulations resulting from the UK's exit from the European Union; our ambition to benefit from Alderney's tidal marine renewable resources; and the increasing recognition of the day-to-day demands placed on Alderney's marine resources. All of these, and our clear desire to boost our burgeoning green credentials, require coordinated management.*

*The extension of Alderney's territorial waters to 12-miles could benefit Alderney's economy enormously. This is because of the valuable fish resources in what should become our new waters. Mindful of this, we have noted the views expressed by Therese Coffey, the UK Undersecretary of State for the Environment during the Environmental Ministers Conference in the Isle of Man, in February earlier this year. During this conference, Ms Coffey stressed both the importance of Marine Master Plans and the support that we will need from the UK in agreeing to the 12-mile extension.*

*We additionally note the urgency attached to any agreement for a revised 12-mile limit. This is required prior to Brexit in order to prevent the French and others from establishing grandfather fishing rights in the waters surrounding Alderney after the expiry of the London Convention. There is a serious danger that without a timely agreement to extend our territorial waters to 12-miles, we could lose these valuable rights over the fishing grounds close to our shores.*

*We note moreover that, while it is in Guernsey's interest to have a Bailiwick-wide delineation of the waters, the separation of their waters from ours is not at present a high priority in Guernsey.*

### **The Plan to date**

*In order to progress the management of its existing (and potential) marine resources, the SoA commissioned UNEP-WCMC to work with the Alderney community to develop a suitable plan for the management of the marine environment around the island. The Alderney Marine Forum was set up to provide a neutral communication platform, and included representatives from:*

- *Fishmonger/RNLI*
- *Alderney Fishermen's Association*
- *Leisure Anglers*
- *Alderney Sailing Club*
- *Alderney Wildlife Trust*
- *Chamber of Commerce*
- *Visit Alderney*
- *Harbour Office*
- *Alderney Maritime Trust*
- *Alderney Shipping*
- *Alderney Renewable Energy*

*This wide range of stakeholders were able to provide a diverse range of views and ambitions for our marine environment.*

*The Alderney Marine Management Plan (hereinafter "the plan") is intended to be a vehicle to demonstrate to the outside world that the Island's waters can be well managed. The plan focuses on priorities that can be equally applied to 3 nautical miles as to 12 nautical miles, and is consequently considered to be future-proofed. With Brexit looming, the Forum members additionally provided their support to the proposed extension of our territorial waters, subject to assurances regarding liability for the Hurd Deep (a post-war dumping ground for nuclear and other waste), the clean-up of other pollution and the management of the Channel shipping lanes.*

*The Alderney Marine Management Plan development process was launched via a media statement and the postal survey to Alderney residents in February 2017. The survey was designed to determine the public attitude to, engagement with, and ambitions for the waters around Alderney. The survey was complimented by one-on-one interviews with key stakeholders who were either reliant upon, or are actively engaged in, the current management of our waters. The one-on-one interviews were videoed-taped and edited into a short film to ensure the views of all interviewees were transparent and available to all other stakeholders and the public. The film was launched at a community meeting on 11<sup>th</sup> July 2017 at which the wider community were invited to discuss the management of Alderney's waters. The film also provided an important focus for discussion of the management priorities for Alderney's waters.*

*The priorities now set out include new opportunities such as potentially linking with other island marine plans. There is also the opportunity to look further forward into the future with the potential for encouraging a younger population to consider moving to the island through developing maritime activities based around lifestyle choices i.e. developing maritime leisure activities. It is envisaged that the plan will be an economic and environmental blue print for the island.*

*It is clear from the results of the consultation that there is considerable support for the enhanced management and protection of Alderney's marine and coastal environment and that its effective management is central to the island's economy and social well-being. The plan highlights specific and targeted measures, supported by key marine stakeholders and the wider community, to support the delivery of these outcomes. A key theme drawn from the community engagement strategy is, however, the longer-term need to professionalise marine management and place this issue on the same footing as land-use planning and management.*

*Following the publication of this first stage of the plan, forum members have agreed to continue their support, and have agreed to meet on a twice annual basis in order to champion it and ensure priorities are progressed by relevant individuals and organisations in both the private and public sectors. This includes continuing to liaise with relevant States of Alderney departments or political representatives.*

*In order to support the implementation of the Alderney Marine Management Plan, and in so doing unlock social and economic benefits, the Policy and Finance Committee resolved at its meeting of the 10<sup>th</sup> April to:*

- a) Designate Alderney's marine area as a "Locally Managed Marine Area";*
- b) Invite the Alderney Marine Forum to report on progress against the Marine Plan priorities on an annual basis and request a States member to be given a place on the Forum;*
- c) Provide an overall budget of £25,000 from the Economic Development Fund for Marine initiatives subject to approval by P&F, while at the same time progressing as much as is practical through community support so that there is minimal need for actual expenditure; and*
- d) Provide a commitment from the States of Alderney to progress the priorities set out in the plan which are relevant to government services (extension of territorial seas, infrastructure and facilities improvements, support and enhance tourism, transport links and waste management).*

*I would be grateful if you would place these recommendations before the next meeting of the States of Alderney for their confirmation.*

*James Dent, Chairman*

**The States of Alderney is asked to note the current state of the Alderney Marine Management Plan and to endorse the Policy and Finance Committee recommendations to:-**

- (i) Designate Alderney's marine area as a "Locally Managed Marine Area";
- (ii) Invite the Alderney Marine Forum to report on progress against the Marine Plan priorities on an annual basis and request a States member to be given a place on the Forum;
- (iii) Provide an overall budget of £25,000 from the Economic Development Fund for Marine initiatives subject to approval by the Policy and Finance Committee, while at the same time progressing as much as is practical through community support so that there is minimal need for actual expenditure; and
- (iv) Provide a commitment from the States of Alderney to progress the priorities set out in the plan which are relevant to government services (extension of territorial seas, infrastructure and facilities improvements, support and enhance tourism, transport links and waste management).

**Item IV**      **Questions and Reports**

The following questions were received, for verbal response:-

1. **Question from Mr Dent, for the Chairman of the General Services Committee:-**

*"Would you agree that the kerosene fires at the Trigale and the pollution and safety issues are a wake-up-call to those who oppose environmental control legislation?"*

2. **Question from Mr Barnes, for the Chairman of the Policy and Finance Committee:-**

*"After his recent article in the Journal, could the Chairman of Policy and Finance explain how we will expand on our development to assist the island. So far this year apart from Land Use Plan/BDCC, which still has to prove itself, all other items on the Billets have little to do with economy, education, transport links, health, tourism and any other areas of concern to locals which I believe would have much more impact on improving our general situation?"*

Issued: 11<sup>th</sup> May 2018