

The Building and Development Control (Alderney) (Fees) (Amendment) Ordinance, 2018

THE STATES OF ALDERNEY, in pursuance of their Resolution of the 23rd May, 2018, and in exercise of the powers conferred on them by section 5(1)(b), 39(3) and 75 of the Building and Development Control (Alderney) Law, 2002^a, and all other powers enabling them in that behalf, hereby order:-

Amendment of the 2016 Ordinance.

1. (1) The Building and Development Control (Alderney) (Amendment No. 2 and Fees) Ordinance, 2016^b is amended as follows.

(2) After section 5 (refund of part of fee) add the following section–

"Power to waive or reduce fee.

5A. The Committee may, where it considers it appropriate to do so, waive or reduce a fee payable in accordance with this Ordinance."

(3) For Schedule 1 (table of fees to accompany applications for permission to carry out development or other work) substitute the Schedule 1 set out in the Schedule to this Ordinance.

^a Order in Council No. XII of 2003 as amended by Order in Council No. XV of 2004, Alderney Ordinances No. III of 2007, No. III of 2014, Nos. X and XIV of 2016, No. II of 2017 and the Building and Development Control (Alderney) (Amendment) Ordinance, 2018.

^b Alderney Ordinance No. XIV of 2016.

Application of fees.

2. For the avoidance of doubt, the new fees substituted by this Ordinance apply in relation to –

- (a) an application under section 5 of the Law for permission to carry out development or other work, and
- (b) an application under section 10A of the Law for a preliminary declaration in relation to development or other work,

as the case may be, made on or after the 1st June, 2018.

Interpretation.

3. (1) In this Ordinance, unless the context requires otherwise -

"**enactment**" includes a Law, an Ordinance and any subordinate legislation and includes any provision or portion of a Law, an Ordinance or any subordinate legislation,

"**the Law**" means the Building and Development Control (Alderney) Law, 2002, and

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any statutory, customary or inherent power and having legislative effect, but does not include an Ordinance,

and other expressions have the same meaning as in the Law.

(2) The Interpretation (Guernsey) Law, 1948^c applies to the interpretation of this Ordinance.

(3) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Citation and commencement.

4. This Ordinance may be cited as the Building and Development Control (Alderney) (Fees) (Amendment) Ordinance, 2018 and shall come into force on 1st June, 2018.

^c Ordres en Conseil Vol. XIII, p. 355.

SCHEDULE

Section 1(3)

"SCHEDULE 1

Section 2

TABLE OF FEES TO ACCOMPANY APPLICATIONS FOR PERMISSION TO
CARRY OUT DEVELOPMENT OR OTHER WORK

CATEGORY	DEVELOPMENT OR OTHER WORK TO WHICH APPLICATION RELATES	FEE £
1	The erection of a dwelling or the material change of use of a building to create a dwelling including any associated works.	
A (single dwelling-house)	for one dwelling-house erected or created of-	
(i)	less than 120 square metres in floor area	650
(ii)	120 square metres or more in floor area	£650 for the first 120 square metres and £5.15 for each additional one square metre and for any additional part remaining of less than one

		square metre
B (single flat)	for one flat erected or created of –	
(i)	less than 75 square metres in floor area	325
(ii)	75 square metres or more in floor area	£325 for the first 75 square metres and £5.15 for each additional one square metre and for any additional part remaining of less than one square metre
C (multiple dwelling-houses)	for two or more dwelling-houses erected or created-	
(i)	for each dwelling-house erected or created (up to a maximum of three) of less than 120 square metres in floor area	650
(ii)	for each dwelling-house erected or created (up to a maximum of three) of 120 square metres or more in floor area	£650 for the first 120 square metres and £8.00 for each additional one square metre and

(iii)	for four or more dwelling-houses erected or created, for each dwelling-house	for any additional part remaining of less than one square metre £8.00 per square metre and for any additional part remaining of less than one square metre
D (multiple flats)	for two or more flats erected or created-	
(i)	for each flat erected or created (up to a maximum of three) of less than 75 square metres in floor area	325
(ii)	for each flat erected or created (up to a maximum of three) of 75 square metres or more in floor area	£325 for the first 75 square metres and £8.00 for each additional one square metre and for any additional part remaining of less than one square metre

(iii)	for four or more flats erected or created, for each flat	£8.00 per square metre and for any additional part remaining of less than one square metre
2	The erection of a building, or the extension to a building, not falling within category 1 or 4, in relation to, or within the curtilage of, a dwelling-house, including any associated works.	
A	for each building or extension of less than 20 square metres in floor area	140
B	for each building or extension of 20 square metres or more in floor area	£140 for the first 20 square metres and £35 for each additional 10 square metres and for any additional part remaining of less than 10 square metres
3	The erection of a building, or the extension to a building, not falling within category 4, other than in relation to a dwelling-house or within the curtilage of a dwelling-house, including any	

	associated works.	
A	for each extension of less than 20 square metres in floor area	250
B	for each extension of 20 square metres or more in floor area	£250 for the first 20 square metres and £80 for each additional 10 square metres and for any additional part remaining of less than 10 square metres
C		
(i)	for the erection of a building of less than 120 square metres in floor area	800
(ii)	for the erection of a building of 120 square metres or more in floor area	£800 for the first 120 square metres and £80 for each additional 10 square metres and for any additional part remaining of less than 10 square metres
4	For the carrying out of any minor or temporary development or other work not falling within category 5 and not involving the erection of a	45

	building or a structural alteration to a building, for all such development or works	
5	For a material change of use of a building or other land other than a material change of use to create a dwelling.	175
6	For the carrying out of any development or other work not falling within any other category in this Table.	
A	in respect of a site of 0.1 of a hectare ($\frac{1}{4}$ of an acre) in area or less	150
B	in respect of a site of more than 0.1 of a hectare ($\frac{1}{4}$ of an acre) in area but not exceeding one hectare (2.49 acres) in area	£150 for the first 0.1 of a hectare and £38.50 for each additional 0.01 of a hectare and for any additional part remaining of less than 0.01 of a hectare
C	in respect of a site of more than one hectare (2.49 acres) in area but not exceeding two hectares (4.94 acres) in area	£7,500 for the first one hectare and £38.50 for each additional 0.01 of a hectare and for any additional part remaining of less than 0.01 of a hectare

D	in respect of a site of more than two hectares (4.94 acres) in area	£12,500 for the first two hectares and £250 for each additional 0.01 of a hectare and for any additional part remaining of less than 0.01 of a hectare
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NOTES TO THE TABLE OF FEES

Maximum fee per application.

1. The relevant fee payable in accordance with the table and these notes is subject to a maximum of £200,000 per application.

Retrospective applications.

2. Where an application is made in respect of development or other work which has been carried out without permission or in breach of any previous permission, including any condition of approval, the fee payable, to the extent that such application relates to such development or work, is double that otherwise payable in accordance with this Schedule.

Proposed development within more than one sub-category.

3. Where the application includes development or other work falling within more than one category or sub-category of the fees table then, subject to the other notes to this Schedule, the fee payable is calculated by adding the fees for each relevant category or sub-category together.

Demolition and associated works.

4. Despite paragraph 3 -
- (a) where a category or sub-category of development or other work is described as including works associated with that development or work a separate fee is not payable in respect of those associated works where they also fall within another category or sub-category to the Table, and
 - (b) where demolition is necessary to carry out other development or work falling within any category of this Table no additional fee is payable in respect of that demolition.

Interpretation.

5. In this schedule -

"**associated works**" means any works which can reasonably be regarded as necessary in order to carry out the description of development or other work in question and related terms shall be construed accordingly, and

"**floor area**" means the gross aggregate of the area of all new floors created or formed by the development or other work, measured internally (from the eaves in the case of additional floor area in a roofspace), including any floor area covered by internal walls or partitions. "