



OFFICIAL REPORT

OF THE

STATES OF THE

ISLAND OF ALDERNEY

HANSARD

The Court House, Alderney, Wednesday, 23rd May 2018

*All published Official Reports can be found on the
official States of Alderney website www.alderney.gov.gg*

Volume 6, No. 4

Present:

Mr Stuart Trought, President

Members

Mr Tony Barnes
Mr Matthew Birmingham
Mr Mike Dean
Mr James Dent
Mr Louis Jean
Mr Graham McKinley
Mrs Norma Paris
Mr Steve Roberts
Mr Alex Snowdon
Mr Ian Tugby

The Greffier of the Court

Mr Jonathan Anderson

Business transacted

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States of Alderney

*The States met at 5.30 p.m. in the presence of
Lieutenant G T Workman RN (Rtd), a representative of
His Excellency Vice Admiral Sir Ian Corder KBE, CB,
Lieutenant-Governor and Commander-in-Chief of the Bailiwick of Guernsey*

[THE PRESIDENT *in the Chair*]

PRAYERS

The Greffier

ROLL CALL

The Greffier

The Greffier: Sir, all 10 Members are present this evening.

The President: Thank you very much indeed.

Convener's Report of the People's Meeting held on 16th May 2018

5 **The President:** In that case, Mrs Paris, as Convener, would you care to give us the Convener's Report, please?

10 **Mrs Paris:** Certainly sir. I convened the meeting on 16th May. I was assisted by the Chief Executive and the Treasurer. There were three other States' Members present, excluding myself, the President, the minutes secretary and a public of 20 and press of three. Apologies were received from Messrs Barnes, Dent, McKinley and Jean for their absence.

The President: Thank you very much, indeed.

Apologies for absence

15 **The President:** While we are on the subject of apologies, I have received apologies from the Chief Executive, who is unavoidably detained in Guernsey.

Billet d'État for Wednesday, 16th May 2018

I. Building and Development Control (Alderney) (Fees) (Amendment) Ordinance 2018 – Item approved

Item I.

The States is asked:

To approve the draft Item I – Building and Development Control (Alderney) (Fees) (Amendment) Ordinance, 2018.

The President: Can we move to Item I, please.

The Greffier: Thank you, sir.

20 Item I this evening is the Building and Development Control (Alderney) (Fees) (Amendment) Ordinance of 2018. A letter has been received from Mr Birmingham in his capacity of Chairman of the Building and Development Control Committee and the States of Alderney are asked to approve the draft Building and Development Control (Alderney) (Fees) (Amendment) Ordinance of 2018.

25

The President: Thank you very much indeed.

Mrs Paris, as Convener, were there any comments on this at the People's Meeting?

Mrs Paris: There were no comments on this item.

30

The President: Thank you very much indeed.

Mr Birmingham, I believe you wish to propose this?

Mr Birmingham: Yes, thank you, Mr President and fellow Members.

35

Following on from the adoption of the Land Use Plan and the amendments to the Building Development Control Law at the March States' Meeting, this Ordinance updates the planning fees schedule. The Law changes have affected the fee structure in three primary ways.

40

Firstly, large-scale projects or major projects now have their own consenting regime. States of Alderney planning has always been in a difficult position when large-scale projects are proposed on the Island. The department is small, it lacks resource, capacity and capability and therefore will always struggle to get to grips with any major project, unless outside support can be found.

45

This amending Ordinance significantly increases the fees chargeable for such large-scale developments, meaning that financial resource can be made available to be used to properly discharge the planning function when needed; by enabling the Department to outsource and fund additional support, in line with the user-pays principle.

50

Secondly, removal of section 33 of the Law in 2016 now means that multi-dwelling developments are more likely and large-scale developments associated with those are also more likely. By their nature, larger dwellings and multiple dwelling applications will incur a greater level of work for the Planning Department, in order to assess development impacts on matters such as local infrastructure.

This new fee structure introduces a sliding scale relating to house size on buildings that are greater in size to the norm. There is no change to the fees on what would be described a normal-sized dwelling.

55 Thirdly, both the States of Alderney and Guernsey are now officially subject to the planning regime. Under these circumstances, therefore, there needs to be a power under the Law to waive or reduce fees, a change that is reflected in this Ordinance. It is proposed that the BDCC will introduce a protocol as to when this power will be used, and discussions are underway with the Finance Committee as to what that may look like.

60 While this Ordinance completes this phase of modernisation of the planning function, there is still work to be done and the States now need to head towards a new Projet de Loi that consolidates all the work that has been completed over the last four years and deals with the remaining issues that cannot be dealt with by amendment to the current legislation; not least the planning appeal system and conservation area and historic monuments sections of the Law.

I commend this Ordinance to the States.

65

The President: Thank you very much, Mr Birmingham.

Mr Dean, I believe you wish to second this?

Mr Dean: I do, Mr President, fellow States' Members.

70 I think it is important that the Ordinance is brought up into the 21st century and we do have the facilities to be able to charge for major projects and Mr Birmingham has covered all the points and there is not anything further I would like to add.

The President: Thank you, Mr Dean.

75 Does any Member wish to speak on Item I? Mr Snowdon.

Mr Snowdon: Thank you, Mr President, fellow colleagues.

80 I would just like to support this item. It basically takes the burden away from the States of Alderney on major projects, developments, so the developer pays the cost, so I cannot see anything wrong with this at all. I think Mr Birmingham touched on it. It does not affect small dwellings. They are still the same costs, basically. It is basically major projects. That is a very good thing.

Thank you.

85 **The President:** Thank you, Mr Snowdon.

Mr Roberts.

90 **Mr Roberts:** My only reservation to this is the charge for a large development will be counter-productive. My only feel for this is that any incurred charges to the States of Alderney, through the development, are charged to the prospective investor, agreed at the beginning through a legal agreement. I feel it may be high for our much-needed developments. This is my only reservation.

The President: Thank you, Mr Roberts.

Mr Jean.

95

Mr Jean: For me, I am finding this difficult. The States spent three or four years to knock away the C Permit system so that they could open up the land. I am interested in States' Member Roberts' remarks as well.

100 The opening up of the land so that multiple developments could be received and from people in ownership of more than one building plot was to be encouraged as part of Alderney coming back, so to speak. Then we get this, and we actually mention in here, as well, for tourist use. Now we are reversing, and we are going the other way, rather than putting the incentives out there to try and stimulate the economy, which was something I was against in the first place because it actually took away the rights of local people and people to hold a C permit. People who may, eventually, need that right again one day.

105

110 The point about this for me is I think that this actually, unfortunately, could act as a retardant to the economy; stopping development and impeding. If you have got situations where you have got, let us say a large development that has been completed and is on the market, and I am not referring to any one development, but not selling, you have got a situation there, where to climb the ladder, they have to pay thousands and thousands more to the state.

I find that difficult to accept and I find these minimum figures for large-scale developments of £200,000 to be very hard in an economy that is flat. It is not going to help. That is my argument. It was very interesting to hear Mr Roberts say a similar thing. I am very concerned about it, indeed.

115 Thank you, sir.

The President: Thank you, Mr Jean.

Does any other Member wish to speak? Mr Tugby.

120 **Mr Tugby:** Sir, I echo a lot of what Mr Jean said. Basically, I cannot understand how you can get £200,000 for a major development because, at the end of the day, the architect does the drawings, you get them checked by the engineer and the Planning Department, which should not be that difficult, because as long as they meet all the building regulations that should be it.

125 Then you get somebody, anybody who can read a plan, has just got to make sure it is built to the plan. So, when you are talking of £200,000, you can pay a lot of labour with £200,000, even if they do charge high rates, the engineers.

I just think that it will be a deterrent to anybody who wants – we are desperately in need of work in Alderney to carry on and for people to come and invest in the Island. I know a lot of people do not want it to change at all and that is one of the reasons this sort of thing comes in, because there is a certain group of people out there who do not want anything to happen in Alderney.

130 That is where the problem is. It is fine for them, but it is not fine for the young ones in the future years. That is what I am most concerned about and I cannot see how anybody could justify, no matter how large the development, £200,000. You say it is in line with Guernsey and Jersey, but property prices in Guernsey and Jersey are double, sometimes treble what they are in Alderney.

135 When you think, Champs Beulai was a multiple development by one particular builder and it is a really lovely set-up down there and yet all we had then was one building inspector. We did not need a lot of people going over everything. Just the one person checked the plans. Once the Building Committee had passed them, that was it. We have a population of 2,000 and yet we seem to have so many people telling us what to do, how to do it and everything, and it is beyond me.

140 It should be a doddle to run this Island. It is just a small business place, to medium size. Yet we put so many obstacles in the way of anything going on that nothing gets done. Then, what happens? The public complains to us that we are a rubbish States and everything else. A lot of it has come from the people out there who do not want anything to happen. That is what happens. You get States' Members who are coming up for election and everything, who are a bit nervous of making major decisions and nothing gets done at all.

145 That is my view, but I just say what I like this time, sir, because I will not be standing again. If I upset a view people, so what?

The President: Thank you, Mr Tugby.

150 Does any other Member wish to speak on Item I? No other Member wishes to speak?

In that case, Mr Birmingham, do you wish to exercise your right to reply?

Mr Birmingham: Yes, thank you, Mr President.

I think I just need to clarify a few things on behalf of some of the Members.

155 In Mr Roberts' case, I know he has mentioned his concerns in Committee, relating to the whole cost of development and whether it has been possible to go down the route he suggested, which is actually a charge through agreement with a developer. The only problem is that the Law Officers

are very much against that idea. They do not think there is a legal possibility to be able to do that – not with the way our Law currently sits. The only way we can actually work is by charging a fee.

160 I do not disagree with the principle that Mr Roberts is putting forward, but to do it we need a new Projet de Loi, you need a new Law, because it is changing the fundamental charging rights within Law. It is not something we can change by Ordinance, I am afraid. It is certainly, I would say, something that is worth discussing in perhaps the work going towards the finalised green paper and updating the Law, finally.

165 Secondly, the £200,000 is there as a cap. It is in there, fundamentally, because of what would be called extremely large-scale development. The actual charging regime starts hitting in quite heavily beyond one hectare. Up to one hectare, the charging regime is reduced and below one tenth of a hectare, it is even smaller again.

170 Most small developments do not reach anywhere near this development stage on a major development. In fact, it does not even apply just for a standard small housing development. There are existing charges within the schedule that deal with a number of dwellings, up to three. So the changes there are not significantly different. In fact, if you had three houses that were of the normal size, there would be no change to the fees that we charge now, to next week or the week after.

175 The only difference would be is if one or two of those houses were bigger than that standard size. Then there will be a slightly higher charge now than would be current.

Bear in mind it is a cap that is there for extreme circumstances and it is very much where you have major projects where it is very clear that the capability of our Planning Department will be exceeded and will have to get capability in from outside. That might be having a conversation with the States of Guernsey, but I am quite sure, as we all know, the States of Guernsey are not likely to be doing some of these things for free.

180 It is also a case that we might need to be able to talk to the States of Jersey and make use of their Planning Department. Or we might be able to outsource from the private sector. It just gives flexibility.

185 Very importantly, the power is introduced here to waive or reduce those fees. That does not exist currently, so what this does is it sets us into a position where there is a fee that can be charged but, in certain circumstances, and it might be those that the States themselves, with a development that they believe is crucial, could take a vote and say we would like those fees reduced or waived.

190 So it is not a *fait accompli*. What it does is it sets a stall out and says this is what we think it will cost in terms of having to manage that development but there is still really flexibility in there to be able to look at a reduction or a waive of fees further down the line. That does not exist in the Law at the moment.

195 I believe that this is a well-balanced Ordinance. It deals with the fact of how are we going to resource dealing with large-scale planning applications. It also gives flexibility to the States to be able to look at that and say maybe we might wish to not charge in a certain set of circumstances and that will be a matter of conversation that certainly BDCC will have to have with the Finance Committee.

200 Other than that, I commend the Ordinance to the States.

The President: Thank you very much, Mr Birmingham.
Monsieur Greffier, will you please put Item I to the vote?

205 **The Greffier:** Thank you, sir. The States of Alderney are asked to approve the Draft Building and Development Control (Alderney) (Fees) (Amendment) Ordinance of 2018.

A vote was taken and the results were as follows:

FOR

AGAINST

ABSTAINED

Mr Birmingham	Mr Tugby	None
Mrs Paris	Mr Jean	
Mr McKinley	Mr Roberts	
Mr Dent		
Mr Snowdon		
Mr Dean		
Mr Barnes		

The Greffier: Sir, with 7 votes to 3, that motion passes.

The President: Thank you very much indeed.

II. Public Vehicle (Amendment) Regulations – Item approved

The States is asked:

To resolve that the Public Vehicle (Amendment) Regulations, 2018 not be annulled.

210 **The President:** We move to Item II on the Billet, please.

The Greffier: Thank you, sir.

215 Item II this evening is the Public Vehicle (Amendment) Regulations, 2018. A letter has been received from Mrs Paris in her capacity as Chairman of the General Services Committee and the States are formally asked to resolve that the Public Vehicle (Amendment) Regulations 2018 not be annulled.

The President: Thank you, very much.

220 Mrs Paris, as Convener, were there any comments on this at the People's Meeting?

Mrs Paris: Sir, as Convener, there were no comments on this Item, sir.

The President: Thank you very much. Would you care to remain standing to propose the Item?

225 **Mrs Paris:** I would. This is one of the main house-keeping matters that regularly come before the General Services Committee and, obviously, with our lack of public transport on-Island, apart from the bus service in high summer, it is important that we have a well-regulated taxi service for both residents and visitors.

230 The rise in the charges of 8% may appear to be quite high, but I think we have to take into consideration that the fares have not been increased since 2014 and many related costs have risen sharply in those four years. So, I hope my colleagues will support these changes.

The President: Thank you, Mrs Paris.

235 Mr Dean, I believe you wish to second this.

Mr Dean: Mr President, fellow States' Members.

240 Like Mrs Paris said, it is housekeeping, it has not gone up in four years. To some Members and members of the public 8% might seem a high rise but the cost of fuel in those last four years has probably gone up, I would think, something like 15%.

It is important that we do have a well-run taxi service and if members of the public have got complaints about the service they are getting, please address those to the General Services Committee, where they will be dealt with.

Thank you.

245 **The President:** Thank you, Mr Dean.
Does any other Member wish to speak on Item II? Mr McKinley.

Mr McKinley: Thank you, Mr President.

250 Just one very small comment. I do congratulate the taxi drivers. There are two issues which
have come to my notice over the last few weeks. One, actually, has been going on for some time,
which is the question of late pick-ups. I think it is quite difficult for people to get a taxi after 11
p.m., or midnight, on occasions. I do understand why, but I think that perhaps, given advance
notice to the taxi drivers, that could be corrected.

255 There have also been reports of three missed pick-ups over the last three weeks, resulting in
one pair who were meant to go to Guernsey for a medical treatment, they were not able to go
down at all –

The President: Mr McKinley, we are talking about an amendment to the fees, not the state of
the taxi service in the Island.

260 **Mr McKinley:** That is a comment I was just making, sir. Thank you very much. I support the
fees.

The President: Mr Jean.

265 **Mr Jean:** I am going to support this. I will support this. But I am looking at the increase in the
taxi fares and I am looking at the reasons cited why, and I see fuel again. I understand the remarks
about 15% but part of that is in the way we are having our fuel delivered and the way it is supplied.
We are not getting what we should have got from the tanker service that delivers our main fuel.

270 We should be looking, as well, at fuel for taxis – presumably diesel or petroleum, whichever
the case may be – to try to find a way to get better value. It does not just affect where your cars
are running or your taxi. It affects Alderney's ability to trade. If fuel is uncompetitively priced, no
boats will come in to be fuelled up at the harbour. Anywhere, you will get no light aviation trade –

275 **The President:** Mr Jean, we are talking about taxi fares.

Mr Jean: I am sorry. I will come back to it. Wait a minute. This is a subject that has raised the
subject of fuel. I am sorry to disagree with you –

280 **The President:** Fuel – I understand that, but keep it relevant to the taxis, please.

Mr Jean: Let me finish, because I do have to finish.

The President: Just keep it relevant to the taxis. Thank you.

285 **Mr Jean:** Okay, that is fine. Now, we will get on with it, shall we?

It is important for Alderney to be competitive when it sells fuel anywhere and we are not
competitive and that is why we have to look at part of this charge, to taxis – there you are, you
see, I have come back – as uncompetitive. That is what I want us to look us. I want us to take an
290 interest.

We are very interested in looking at things where the States of Alderney can take money, but
I want to look at things to try to help people make things more competitive. It is very important.
Thank you, sir.

295 **The President:** Thank you, Mr Jean.
Does any other Member wish to speak on Item II? Mr Tugby.

Mr Tugby: I want to speak on the item; it is just that because my son is a taxi driver, I do not want to vote on this item.

300

The President: That is with you and your conscience, Mr Tugby. Thank you.

Mr Barnes: Mr President, fellow colleagues, I was not going to speak on this, but I am concerned at the thought process of one or two people, although I think they are in principle supporting the increase.

305

As you know, I worked as a support taxi driver for five or six years. The one thing people forget is those taxi drivers are out there. You never know when you are going to get the next call. You are driving around, you are taking calls and hence you do forget, and I certainly have in my time forgotten people. Fortunately not anyone who is desperate to get to the airport and make sure they get off Island.

310

The other thing that is very important: every taxi run, other than going to the campsite, is a non-entity in that you start your engine, you drive for two or three minutes and you stop the engine because if you leave them running, you are polluting the atmosphere. Therefore the inefficiency of a taxi driver on this Island, compared with then inefficiency of a taxi driver on the mainland is totally different.

315

Thank you.

The President: Thank you, Mr Barnes.

320 **Mr Birmingham:** Thank you, Mr President.

I apologise slightly in advance, because this is slightly off the subject. But we are talking about costs towards taxi drivers and obviously the increase is there to help them with their problems with costs.

325

This might be something that the States could look at to assist, but there should be an encouragement towards heading towards electric vehicles. Just out of interest, if I may –

The President: Be careful, I have stopped two people already!

Mr Birmingham: At the AEL annual general meeting last week, we informed the public we had been running a comparison between an electric vehicle and a diesel vehicle over a year's period. It might be interesting to note that the running costs of the diesel vehicle were in the region of £1,300 worth of diesel. The electric vehicle was £400.

330

I would suggest perhaps we could talk to the taxi drivers about maybe considering other options, rather than increases.

335

Thank you.

The President: Thank you, Mr Birmingham.

Does any other Member wish to speak about the increase in taxi fares? No.

In that case, Mrs Paris, would you like to exercise your right of reply?

340

Mrs Paris: Just very quickly sir, I would.

Mr McKinley, Mr Jean and Mr Barnes all make excellent practical points which are not quite on the subject that we need to vote on. I must say I thoroughly concur with Mr Birmingham's point that we should be looking at electric vehicles, but I am not going to say more because I shall probably be stopped.

345

We need to do this. We need to do it now, because we need a taxi service. All of the other issues are much longer term and do indeed need some serious thought.

Thank you.

350 **The President:** Thank you very much, Mrs Paris.
Monsieur Greffier, will you please put Item II to the vote?

The Greffier: Thank you, sir.

355 The States of Alderney are asked to resolve that the Public Vehicle (Amendment) Regulations 2018 not be annulled.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Mr Birmingham	None	Mr Tugby
Mr Jean		
Mr Roberts		
Mrs Paris		
Mr McKinley		
Mr Dent		
Mr Snowdon		
Mr Dean		
Mr Barnes		

The Greffier: Sir, 9 votes to zero, one abstention, that matter passes.

The President: Thank you very much indeed.

**III. Alderney Marine Management Plan –
Policy and Finance Committee recommendations –
Item approved**

The States 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).

360 **The President:** Could we move to Item III, please?

The Greffier: Thank you, sir.

Item III this evening is the Alderney Marine Management Plan. A letter has been received from Mr Dent, in his capacity as chairman of the Policy and Finance Committee and the States of

365 Alderney are 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
370 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
375 tourism, transport links and waste management).

The President: Thank you, very much.

Mrs Paris, as Convener, were there any comments on this at the People's Meeting, please?

380 **Mrs Paris:** Yes, sir. There were several comments. In fact, I think it would be simplest if I read
the points that were made and then read the various comments.

The President: If you just do it in line with the notes from the People's Meeting, that is fine.

385 **Mrs Paris:** I think I will go slowly through it, because I feel some of it was certainly missed in
the *Press* report into the People's Meeting.

The following points were made about the Alderney Marine Management Plan:

Have the Committee assessed the required resources and costs, and will £25,000 be sufficient? How will SOA run
the plan and who will drive it? It is a good plan and something that we need.

Various comments were made about how complex the issue is. It would be helpful for the chart to be put on website
to show people the proposals. The extension of our three-mile limit to 12 miles is a separate issue.

I think that means from the Marine Management Plan.

Why does the British Government want us to have a Marine Management Plan, is it a pre-condition of the 12-mile
limit? Why do local boats not take people from Alderney on charter fishing trips? If our territorial waters are
extended to 12 miles will Alderney get the revenue from the FABlink cable if this goes ahead?

390

The Convener commented as follows:

The costs are likely to grow as the years go by and agreed that £25,000 is likely to be insufficient. The States of
Alderney have been in close consultation with the States of Guernsey and there have been numerous discussions,
so everyone is well aware of the issues with Brexit.

Extending Alderney's territorial waters from three miles to 12 miles is the most important part of the Marine
Management Plan and this needs to be the first thing which is decided. It will help with management of fishing
stocks and sustainability and will help with regard to charter angling boats.

The work completed to date by the forum has now been handed over to the States of Alderney and the civil service
will progress the matter. It is important for us to show that we are taking care of our seas, but the plan is not a pre-
condition by the British Government to the 12-mile limit.

The President then clarified that the British Government through the MoJ will need a unified application from the
Bailiwick in order to consider the extension to the territorial limits. It is fully understood by the Ministry of Justice
that both Alderney's and Sark's positions must be taken into account prior to any extension being given. Both Sark
and Alderney will be entitled to manage their own territorial waters.

In respect of local boats taking people fishing from Alderney, it is an issue of licensing and complying with local
legislation. There are some local boats that offer this.

The CEO then clarified that Guernsey's role is to negotiate internationally on behalf of the Bailiwick, but that
Alderney's water's will be differentiated so that we get what we need within the Bailiwick. Nothing will change our
seabed ownership of the three-mile limit. The three-12-mile limit will give us fishing rights but not ownership of this
territory.

395 **The President:** Thank you very much, Mrs Paris.
Mr Dent, I believe you wish to propose this Item.

Mr Dent: Mr President, colleagues.

400 Our maritime resources, whether they are the fish in the sea or mineral and other resources on the sea bed, are the Island's biggest natural resource. It is clearly very important that we therefore look after them. They are our future.

Some people may think otherwise, but we need to start thinking now about how we manage those resources.

405 I want to start tonight by taking the letter in issue 259 of the *Alderney Press* on 27th April and simply go through some what I think is misinformation by one of my colleagues. Please note, that I am tonight accepting that the letter's writer, Mr Jean, was confused. I know he never deliberately misleads colleagues and the public. Sadly, however, his understanding in this instance, I think, was poor, and I want people to hear the situation –

410 **Mr Jean:** A point of order, sir.

The President: The point of order is?

415 **Mr Jean:** I believe I should have been given notice of this so that I might have brought a copy of the letter with me and be able to defend myself fully.

The President: That is not a point of order, I am afraid.

Mr Jean: I believe it is.

420 **The President:** I am telling you it is not.

Mr Jean: I should have been given notice that I was to be spoken about, personally, in this States when I am entitled to my own opinion.

425 **The President:** That is something you must take up with the speaker in your own time.

Mr Jean: That is not at all good. Not respectful.

430 **Mr Dent:** The first confusion, Mr Jean, you said, 'Again, we are ahead of Guernsey.' Then you said we were told Guernsey were involved in plans for their own marine area, which is not the case.

Mr Jean, you were never told that Guernsey was ahead of us on a marine management plan –

435 **Mr Jean:** On a point of order, sir.

The President: Point of order, is?

Mr Jean: It was I who exposed the fact that Guernsey were not going ahead with a marine area

440 **The President:** Mr Jean.

Mr Jean: That is a point of order.

445 **The President:** That is not a point of order.

Mr Jean: Not you, Mr Dent.

The President: What I was about to say, Mr Jean, is you have every right to respond and you will get your chance to respond, but if you are going to interrupt, please ensure it is a point of order. I understand your feelings. Take notes and respond when it is your turn to, okay?

Mr Jean: I shall take notes. Thank you.

455 **The President:** Please carry on, Mr Dent.

Mr Jean: You are going to go on and on, are you?

The President: Mr Jean, one person at a time. Mr Dent, please continue.

460 **Mr Jean:** You will be getting it back.

The President: Mr Jean!

465 **Mr Dent:** Mr Jean, I will repeat, you were never told that Guernsey was ahead of us on a marine management plan, quite the opposite. What you were told was that Guernsey was planning to extend its waters to 12 miles and you were told that we wanted a clear line between Guernsey's waters and our own waters. Why did we want this? Because of the valuable fish resources in our portion of the waters.

470 We all knew that Guernsey had put a marine master plan on hold. We all knew that the reason that they had put it on hold was because their position was simpler than ours and they did not have problems such as the Hurd Deep and the Channel shipping lanes.

We also knew that it was more in Guernsey's interests to have a Bailiwick-wide delineation of the waters than it was to separate their waters from ours.

475 The second confusion: Mr Jean, you said you were told also the plans for establishing a marine area were integral to extend our territorial waters out to 12 miles. Then you added, this was not true.

480 Mr Jean, you were indeed told that we wanted to extend our territorial waters to 12 miles and capture the valuable fish resources in those extended waters, then we would help our case with the UK government if we had a marine management plan. The huge problem with your assertion at the end was when you said this was not true. Sorry, it is true.

The third confusion, Mr Jean, you said now we are told, as the last bastion of defence from our Government in Alderney that the UK government is keen on us establishing a marine area and it will establish our capability to manage our extended waters.

485 **The President:** Mr Dent, this is the proposal that you are putting forward? This is part of the proposal for this thing? So, I can only presume that you are doing this to destroy some arguments in the public domain?

Mr Dent: I am.

490

The President: Okay, carry on.

Mr Dent: You added, Mr Jean, 'I would welcome support to identify the actual UK involvement as I have not seen the evidence.'

495

Mr Jean, perhaps you have forgotten, so I must remind you, when Mr Paul Veron and I attended the Overseas Territories and Crown Dependencies Environment Ministers' Conference in the Isle of Man in February this year, this is exactly what we were told in an address by the Under-Secretary of State for the Environment of the United Kingdom, Therese Coffey. What is more, this conversation was reported to you at P&F. I hope you have not really forgotten.

500

The fourth confusion: Mr Jean, you said, 'I have, through considerable effort, managed to cut this scheme down. No management fee, no person to be appointed to run the area and the original £50,000 sum proposed to produce the plan is now cut in half to £25,000.'

505

Mr Jean, you did no such thing. There has been no change in the proposed management arrangements. You simply did not understand that a full-time new employee was not being proposed. The proposal only ever was an existing Member of the States of Alderney staff would be appointed to be liaison. These additional duties were never envisaged to be onerous. There was no management fee and it was certainly not you, it was I who proposed cutting the sum set aside for implementing the plan to £25,000. I did it when I realised how much voluntary assistance could be obtained from those willing to work on the plan.

510

So, let me be clear. This Marine Management Plan will enhance our green credentials and will go a long way to convincing the UK authorities that we are competent to manage our extended territorial sea bed and territorial waters and this in turn will allow us to capitalise on the huge fish and other resources out there and claim them for Alderney. The dangers from the French of their obtaining instant grandfather rights to the bay, after Brexit, will be gone.

515

Mr President, colleagues, this evening I have set out the economic case for the proposal. I am not an environmentalist, but I would allow others to make that case.

520

Before I conclude, I do however have one important other matter to raise. Attached to the Billet is the options report produced by the Marine Forum. The recommendations made by the Forum at the end of this document were modified by P&F. They are not what we will be voting on tonight. Tonight, we will be voting on the recommendations as modified.

525

The approach to marine management that is being suggested is an internationally recognised, light-touch approach, focused on local participation. World Heritage status is no longer seen as a goal. The intention is to rely on local volunteers for progressing this plan. It is for this reason that we are proposing only a very modest measure.

530

Thank you, Mr President.

The President: Thank you, Mr Dent.

Mr McKinley, I believe you wish to second this?

530

Mr McKinley: Mr President, I do, sir.

May I please on this occasion request to be able to speak, sir?

535

The President: If you limit your comments to purely proposing this, yes. If you make an argument now, you speak now and not again. So, you can second this, without making an argument. If you wish to speak later, you have your choice to speak now or later.

540

Mr McKinley: I will speak later on.

The President: Do you wish to second this?

540

Mr McKinley: Yes I do, sir.

The President: Good. Thank you.

545 Right, the motion being duly proposed and seconded, does any Member wish to speak on Item III? Mr Dean? Sorry, Mr Birmingham.

Mr Birmingham: Thank you, Mr President, fellow Members.

550 As Chairman of the BDCC I have had the pleasure of steering the Land Use Plan process over four years and from that we have a much clearer picture of what we want to do in Alderney and where we would like to do it. I think there is much to be learned from that process that can be applied to our marine environment.

555 Let us be clear, over the coming decades, as worldwide pressure on resources increases and as the planet's population accelerates towards 10 billion, understanding what you have and having a clear understanding of how you need to manage it will be critical. So I believe the development of a Marine Management Plan is an essential part of that process. You can argue that a significant portion of what is owned by the people of Alderney, its marine environment, currently has no proper management plan at all and, if dealing with the technical and legal issues around FABLink has taught us one thing, it is that there is a huge smorgasbord of legal issues around dealing with the marine environment and that we need to understand and address them.

560 It is vital for the future of the Island, as an island, that there is a clear understanding of the roles of different bodies with responsibility for the marine environment and the legal framework in which those bodies operate is also fully understood and, where possible, appropriate control of those roles rests within the hands of the States of Alderney or the Island, with a functioning Marine Management Plan.

565 This is going to be a very long and complex process, I have no doubt, and getting a clear understanding of where we are starting from is essential. Allocating funds to fully assess our current situation, I would say, is sensible. My only concern is that for me, the purpose the funding here is not fully clear. I understand it would be difficult to get clarity unless you know all the issues that you need to address, so there is a touch of chicken and egg.

570 Reviewing the management priorities within the document, I can already see areas of crossover with the Building and Development Control Law, which has certain powers over the coastal areas and in our seas. Matters such as marinas and infrastructure and facilities, which are onshore, are also a matter for the LUP and the Building and Development Control Law.

575 Having said that, having clear goals from a Marine Management Plan, informing landside development goals, will help inform the LUP. So I see that as a positive.

580 I have stated before that I believe there is a strong case for extending the powers of the Planning Law out of the three-mile limit and looking at bringing much of the roles of ACRE and other bodies under control and management of one, single, unitary regulatory body. I believe that is probably the most cost-effective and cohesive way for the Island to progress any future management plan, but obviously that will be something further down the line to be considered.

We need to fully understand where we are starting from and have a clear vision of where we want to end up. After that, we then need to assess what is achievable, both legally and practically, in order that we can develop that clear, workable plan.

585 I support the concept of the project, but we need to ensure that we are fully conversant with all the issues and clear on our ultimate aims. Otherwise, there is a possibility that any marine plan could actually end up sinking.

The President: Thank you, Mr Birmingham.

Mr Dean.

590

Mr Dean: Mr President, fellow States' Members.

I picked up on Mr Dent's points that it is our biggest natural resource and, not wanting to muddy the waters so to speak, it has got very confused with extending our territorial waters and, like Mr Birmingham, I do support it in principle, but I do have some concerns going forward.

595 Basically, whilst in principle I do not disagree with any of the proposals so far, in fact, I agree with them, I will however say we are proposing them out of sequence. What we need, before we consider these proposals, is a policy document explaining and setting guidelines how we are going to exploit our territorial waters for the generation of tidal and wind power, specifically stating which areas we are going to use.

600 What we do not have at the moment is anything near that. The reason for this is exploiting our sea for the generation of alternative energy may be the biggest source of income that this Island will have in the future. Obviously, in my opinion, such a policy document must be written in a way which maintains the beauty and standard of living that we currently enjoy on-Island. Therefore, preparation of this policy document must begin with a full public consultation. Only then will we be in a position to decide what areas we exploit and how, and then after that, we can then instigate a Marine Management Plan to justify how the other areas will be used; not before.

605 We are actually working the wrong way around. A simple, logical sequence of events will ensure that we use our marine environment in the best and most environmentally friendly way for the maximum benefit of the people of this Island. What I mean by that is, if we start at the policy document and we allocated what areas we are going to use, we will then be able to manage that. At the moment we are trying to do it the wrong way around. We are talking about tourism and fishing and all the rest of it.

I understand how important our fishing rights are out to 12 miles. So, that is why we do need to extend out. We need a proper policy document that deals with all the other issues. Because if we then decided we are going to have wind turbines and tidal turbines in the water, the fishing is all going to be mucked up. You will not be able to lobster pot and all the rest of it.

615 So even though the Marine Management Plan is trying to deal with that and preserve it, unless we actually start with the States, with a policy document, leading it, then you can hang everything else off that. People say it is as important as our Land Use Plan. I do not disagree, but we did not start the Land Use Plan like we are starting this. So I do not think we are actually going about it the right way.

At the moment what we are trying to do is we are trying to ice the cake, but we have not even baked it. It is really important that we actually get it right. For me, I would like to see this item deferred and actually have to come back and get it right the first time.

625 Thank you very much.

The President: Thank you, Mr Dean. Does any other Member wish to speak on Item III?
Mr Barnes?

630 **Mr Barnes:** Mrs Paris has had her hand up.

The President: Sorry, I thought you were putting your hand up.

Mr Barnes: No, I was pointing across at Mrs Paris.

635

The President: Mrs Paris.

Mrs Paris: Thank you, sir.

640 Mr President, fellow colleagues, I think much good work has been done to date with the Marine Management Plan. It has completed the first phase of a very important project. It has brought it in front of everybody for debate and a lot of sensible suggestions and perhaps less sensible suggestions have come out of that.

645 I think we all recognise that there is huge economic benefit to be gained from the sustainable use of the seas around us and the States themselves have an important role to play in this, and I slightly disagree with Mr Dean on his logic line of where we should go from here. The States needs to be looking at tourism. It needs to be looking at infrastructure improvements. It needs to be looking at transport links and it needs to be looking at waste management, all of which are related to the management of the sea around us. I do not think any of those should be far ahead of any of the others; it should be an integrated plan.

650 However, having said that, some of the pressing issues on the way ahead rest on events whose outcomes are largely out of our hands: obviously Brexit, the UK's decision to leave the London Fisheries Convention with effect from July 2019 and the possibility of extending our territorial waters from three to 12 miles.

655 The argument that we should sit still and wait for these events to overwhelm us has no merit whatsoever, in my eyes. The Department for External Affairs in Guernsey, when updating P&R on 20th March this year, actually commented on the need for the Bailiwick to have a fisheries management policy in place before July 2019; otherwise there could be the really grave possibility of free access for everyone to the very rich fishing areas that we have within that possible extension, when the London Fisheries Convention falls away. That is urgent.

660 So I do not feel our desire for getting up and on with the Marine Management Plan is being ahead of the game; it is the beginning of some forward-thinking that could be of great economic benefit to Alderney.

The President: Thank you, Mrs Paris.
665 Mr Barnes.

Mr Barnes: Mr President, colleagues.
I totally endorse the principle of managing our own waters, but it is subject to the fact that we have to accept that we will not be able to police them and patrol them and be prohibitive to stop
670 people coming in, just as they do now. But we must do what we can to look to our future.

What I would not like to see is Alderney would be isolated by international waters. It has to be under the Bailiwick's control, which is the way it is going, but within that control we need our own control, along with Sark.

675 As Mrs Paris has mentioned, time is an issue. I do not believe in Mr Dean's timing process, although his thought process is good. But we have to get on and put this forward and bring it to the table to ensure that we are in the right place at the right time to secure our future.

Thank you.

The President: Thank you, Mr Barnes.
680 Mr Jean.

Mr Jean: I am going to knock out a few of these things, first. Starting out, it was indeed £50,000 to be spent, reduced to £25,000. There was indeed a posting going to be attached to this – gone. There was a management fee – gone. And some people quite clearly from the People's Meeting
685 do not even know what the money earmarked for preparation of a Marine Management Plan would be spent on; but, confidence in the fact that it will be spent quickly.

Now, there is also the fact that this is going to run away with money. When this gets going, she is going to run. She has got legs. This has got legs. You will spend a lot of money on this once you start.

690 It is interesting, and it is safer, when I said, going behind Guernsey. That is exactly what we should do. With regard to Brexit negotiations, they have come along, and they have briefed us all the way and we are involved. They do, whatever is said, look after us in that respect. I think it is important that we do come behind Guernsey, or we could find ourselves out there with something we can neither handle nor resource, nor pay for. Now, I have said this time and time again.

695 Also in the account in *The Journal* is the fact again that ‘the fishermen are for this’. So, I have
seen fishermen this morning and they are *not* for it. Two States’ Members, on various occasions,
have told us the fishermen are for it and I am tired of it. The professional anglers, the professional
700 fishermen who pay for licences, who pay for fuel and go out to earn their living on the sea are not
for this. That is once and for all. All five of them. I have checked, today. So let us be clear about
that. I am in no way confused about what I do.

A very interesting interview which I was lucky to pick up, with the head of the Wildlife Trust,
definitely speaking against this and realising the amount of expenditure that would be involved. I
heard that interview myself. He talked of the amount of cost that would be involved in this project.
Interesting, is it not?

705 Too much to manage.

Let us talk about this situation where I have raised with the black fishing trade. We know what
that means to the Marine Plan and the fact that when we had people over they advised us not to
do anything about the French situation. That again shows that we cannot police these waters. It
is not possible to police them. We have to leave things as they are. That is what we have been
710 told.

Then, of course, there is the growing cost of the scheme, which I have already mentioned. For
me, one of my abiding interests in this is where our loyalties really lie. To me, to the larger part,
they should actually lie with our local fishermen. The ones who go to sea in ships to earn a living,
winter and summer. There are few enough of them. They are already suffering from DEFRA and
715 over-regulation and the fact that boats have come into these waters and taken large stocks of ray,
blonde ray of here and, when landing them, have caught the attention of DEFRA. Not Alderney
boats, by the way. Now, they too are restricted on blonde ray, restricted on bass, and struggle to
earn their living. These are important factors. Any more regulation for them is just *not on*.

So, we have a situation where we have been economical with the truth regarding the Alderney
720 fishermen and I want you just to look here. Going out to the 12-mile – and I did prove this,
Guernsey is not concerned in its negotiations with a marine plan. They are not and that is it. They
are not doing it now. But we were told originally that we were doing it because Guernsey were
doing it. Not so.

I have seen nothing from the UK government telling me anything. I have heard about
725 conversations and even in Mr Dent’s speech, that is all that he has said. We have seen no papers.
Conversations and conversations. There we are; I dismiss that out of hand.

Let me look here, just to be sure.

I would argue that I have been successful in cutting this down in size. But I would also argue
730 that it is not necessary that Guernsey are not picking it up. They are not running with it and there
is no need for Alderney to. This is an example to me of unnecessary empire-building and at this
time it is not necessary, and it is wrong.

We should indeed follow Guernsey from the angle that they have the legal infrastructure and
the money to back it up, because I can see us swallowing tracts of money. We have already been
735 told, in actual fact, that it will come back very quickly to the first figure that was quoted. I do not
believe, already, having heard the chairman of the Wildlife Trust in interview, that the voluntary
running of this is going to happen quite as easily as some of you may think. There too, the cost
will rise.

I would not touch this with a barge pole and the fishermen of Alderney do not want it and I
740 believe that the States of Alderney should take notice of those men who go down to the sea to
earn their living and stop this now. It is not necessary.

Thank you.

The President: Thank you, Mr Jean.
Mr Snowdon.

745

Mr Snowdon: Thank you, President, fellow colleagues.

750 It has been an interesting debate tonight. I am a little bit concerned about Mr Jean's comments about the Wildlife Trust and the fishermen. I have not spoken to the fishermen or the Wildlife Trust but actually the Wildlife Trust are quite a big player, helping out in this marine enforcement, so I hope that they are happy but that might be a different case.

Just touching on Mr Dean's points, we are putting an energy policy together and I am not quite sure if the Marine Plan that we see tonight has incorporated energy into it, which is obviously a very important point for us going forward, with renewable energy.

755 I think the intention of this is very good and there has been a lot of work done to this, which is fantastic. However, I think we need further clarification before we actually approve it tonight, so I would personally like to defer this and see it come back very quickly with clarification on a lot of the issues that have been raised tonight.

Thank you.

760 **The President:** Thank you, Mr Snowdon.

Does any other Member wish to speak on this? Mr McKinley.

Mr McKinley: Mr President, fellow States' Members, thank you.

765 I agree with many of the initial comments made by Mrs Paris and as the States' Member responsible for harbour and fisheries, I have also been speaking with the harbourmaster, the harbour authorities, the Maritime Trust, the fishermen. In fact, I spoke to several fishermen last night and I had three in support. So, maybe they are telling you what you want to hear, I do not know.

770 Not just professional fishermen but amateurs, recreational fishermen, charter fishermen also, perhaps we ought to do a slightly wider consultation with the fishermen and the recreational fishermen, along the lines of a meeting that we had several years ago in the Island Hall when the fishermen and others met and discussed some of the issues which were to do with netting, but other concerns also: times for fishing and what sort of fish you could catch. Perhaps we should have another meeting.

775 But this is not just about fishing. This is to do with other issues which were raised by Mr Dean and other States' Members. I will just go through one or two of them.

780 The proposal to extend from three miles to 12 miles will give us an area, if it was circular around Alderney – we have a slight problem on the east side of Alderney because we have an equal line between here and France – but if was just a circle it would go from 28 square miles to 452 square miles, so a considerable size increase.

785 Now, let us take off half of that, let us say 300. It would go from at least 28 to probably 300 square miles which would be under the control of Alderney. Anybody else wishing to come in and fish would have to get permission from Alderney to do so: charter fishermen, our own fishermen would be allowed to fish, only obviously much further out. We have unique fishing waters, although at this time and last year, as an amateur fisherman myself and a boat owner, I am not catching very much. That may be my style, rather than the fishermen's style, but all the same.

790 If we were to include areas such as the Hurd Deep, yes we may have some issues and I think the British Government have already said that if that is the case and we do have problems with Hurd Deep, they will come to our assistance. Certainly, we would not have the ability to do anything about that.

But the other areas that we would take control of are areas such as the Shoal Bank, which at the moment is a much sought-after area for fishing and which Guernsey are very keen to have part of, because I believe they wish to connect an electric cable between Guernsey and France going across the Shoal Bank.

795 Now if we get the 12-mile limit across the bank, we will own about 90% of Shoal Bank. The chances are that they will have to lay that cable in water which belongs to us. Perhaps they will have to pay us for it.

800 Also the area of the South-West Casquets, which is actually another area where flat fish and turbot are mainly caught, but other fish also. That would be within our area. It would not be within the area of Guernsey. It would be within our 12-mile limit. There are commercial and recreational advantages for this and, again, not just for fishing. We are talking about developing this over a period of years. It is not going to happen tomorrow; it is going to happen over 10 or 15 years and perhaps the main the benefits, dare I say, will arise long after I have left the States, for sure, and possibly left elsewhere, as well.

805 We are looking at something that is going to take some time. There was talk about no patrol vessel. No, we do not have a patrol vessel at the moment. We can call on *Leopardess*, when and if *Leopardess* is working, which is the Guernsey boat. But it takes time to get up here and by the time it gets here the people who we think are fishing illegally have probably long gone.

810 But there is another system in process at the moment which is known as AIT, which means that I can sit at my home, if I have the appropriate electronic equipment, and chart exactly where all the boats are within a 50-mile limit. It is quite possible that some of those boats would not switch on their equipment, but if that was the case and they were found out, they could be banned from fishing in our waters forever. So there is some way of control, even if it means we cannot actually go out there and confront them. We can find out whether they are fishing illegally or legally within
815 our waters.

There are other areas that could be developed. Mr Dean mentioned wind power, turbines in the future. Yes, we would have to be careful where we put them, because if we put them in the Race, which is a possibility of another issue ongoing at the moment, is that going to affect the fishing capabilities of the fishing courses within the Race? So we have to look at that as well.

820 But there are other activities which, if we had our own area, we could first of all bring across additional anglers, or additional professional anglers. We are looking at a massive 12-mile zone which could attract some very good fishermen, all of whom would pay a fair licence to come and work here.

825 So it might improve our economy, rather than actually taking money from our economy. There are other such sea activities such as sailing, snorkelling, kayaking, scuba diving and obviously the fishing, as I mentioned. Those are other areas which could bring people across here, because we have got unique waters. We have a unique Island and we need to develop that.

There are a few areas of concern. We need to look after our marine resources in the same way as we look after our land resources and I hope that what will come out of that will be greater
830 control of our own.

There was talk, I think somebody mentioned the question of local boats fishing and, yes, people not being able to – I think this came out possibly at the People’s Meeting, which we missed – local boats not being able to pick up local people. That is not actually right, now, because we passed that a couple of years ago. Providing the charter anglers have the right licensing and have passed
835 the right tests to navigate around our waters, they are allowed to pick up people from Alderney.

We want to try to encourage, actually, more local charter boats, so that people could come over here and get on those boats and have that as part of their holiday. Not just a full week of fishing, but a few days of fishing out of, say, a fortnight’s holiday.

840 I question also, the 12-mile zone, I think somebody mentioned, would allow fishing but not ownership. Perhaps I can get an answer on that question. And Mr Barnes mentioned that we would still be under Bailiwick control. I am not quite sure how that works out, other than if we had a 12-mile zone, it is our zone, surely?

845 I think that I have probably said enough. I think I would encourage this. I think we need to look at the long-term. We need consultation. Perhaps we need meetings with those who are showing concerns so that we explain exactly what we are trying to do. We are not trying to take away their rights, we are trying to improve their rights, improve the areas in which they can fish. That is just one thing.

Thank you very much, sir.

850 **The President:** Thank you very much, Mr McKinley.
Mr Roberts, do you wish to speak on the subject?

Mr Roberts: Yes please.

855 A Marine Management Plan, in my mind, is now needed. I voted against this last time, as it was my view that £50,000 was far too high a sum needed. It is wonderful how it came down when we protested. But it has, and I am very happy.

860 I do support a 12-mile territorial limit, on the grounds that the sea bed may just be our salvation for future generations. The strongest tidal power to generate possible billions, at a greater distance from our shores. Fishing stocks far greater than before and who knows what the future holds with minerals that may be there, with new, innovative technology?

I have spoken to several parties who now believe that this can be achieved for much lower than £25,000. We would be foolish not to declare this 12-mile limit in the coming of Brexit, because if we do not, someone else will. Be it the British or the French, they will claim it. It is ours.

865 Think hard about the future of our generations, with a 12-mile limit. Mr Dean, I agree, common sense. But certain areas will be allocated for fishing, with certain areas for other resources. Twelve miles around Alderney is a huge area, with room for all and a future for Alderney.

Mr Barnes, policing, you say, would be impossible. It may well be possible, with resources becoming much more valuable in the future.

Thank you.

870 **Mr President:** Thank you, Mr Roberts.
Mr Tugby, do you wish to speak on this?

Mr Tugby: Yes, sir.

875 I am not sure on this one at all, sir, without knowing the true costs. It is alright saying £25,000. That is for the first year, I suppose. I presume it must only be for the first year, because Mrs Paris said in the People's Meeting, I believe, that it would be spent quickly. But what happens next year? What happens the year after? If we knew the true cost, where it was all going, then I would be more inclined to go for it.

880 What is concerning me, we cannot even police the three-mile limit at the present time. If we cannot police our three-mile one, how on earth are we going to police 12 miles? Between France and Alderney it is not 12 miles. Then there is the gap between Alderney and Guernsey, well it is not 24 miles there, so I can see Guernsey muscling in on our 12-miles, or we will be muscling in on their 12-miles.

885 There is a few too many questions that still need to be answered before I am willing to start giving my vote on spending any money on it. I know there is a fisherman that is definitely against it. I spoke to one today who is totally against it, without any shadow of a doubt.

890 But there are so many things that need to be addressed and what is the final cost going to be, because it could get totally out of hand? What happens if there is a major catastrophe in our 12 miles? Who is going to pick up the bills? We would definitely want guarantees from the British government that they would pick up the bill, or some government, because at the end of the day we could not afford a major clear up.

895 Plus what happens if there are extra minerals or something out there and we expect the British government to actually clear up any mess? I cannot see that they would allow us to have full rights to whatever was under the sea bed.

It is things like that that we need to know the answers for before we start spending any money or any vast amounts. That is why, at the present time, I will vote against.

900 **The President:** Thank you very much, Mr Tugby.
Mr Dent, do you wish to exercise your right to reply?

Mr Dent: Mr President, yes, I would.

905 First of all, I would like to say that Guernsey and Jersey have advised us on the issue of territorial waters and, indeed, the Marine Master Plan in regard to Brexit and I believe they have said that it something that they would prefer not to be involved in. It is something that we should be fighting our own cause for, because there are over-lapping conflicts of interest.

910 The Guernsey position is that this is something they do not want to be involved in. This is something we should be wishing on our own for, and indeed our interests differ from those of Guernsey. The most important point that I want to make as I sum up is that this proposition is really about kicking off a process for protection of our maritime waters.

915 I take Mr Dean's point, but he said we are trying to ice our cake before it is baked. We are not trying to do this, we are trying to start a process. I, for one, want the UK Government to know that we are serious. I do not know where it is going to end up on the cost front, but I am assured that there is much volunteer help available in Alderney and we have people who are willing to assist as indeed we seem to have people on many projects willing to assist.

920 We are asking, in fact, only for a very modest sum at this moment. I do not believe that it necessarily will escalate. We suggested £25,000, but we have said that it should be subject to approval. That is every item that comes up for expenditure has got to go through a further process of approval.

I go back to the point that we are proposing a light touch approach to this. It is important that we show the world we care about our marine waters, but the speed that we go out has obviously got to be in line with other points. I would not want to be rushing ahead on other matters. I do definitely want to start the process.

925 Thank you very much.

The President: Thank you very much.

Monsieur Greffier, in view of the opinions expressed this evening, could you please take items to vote item by item; i.e. items (i), (ii), (iii) and (iv).

930 **The Greffier:** Yes, sir. In which case, the States are formally asked to note the current state of the Alderney Marine Management Plan and to endorse the following recommendations, taking them in turn.

Number (i): to designate Alderney's marine area as a 'Locally Managed Marine Area'.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Mr Birmingham	Mr Tugby	None
Mr Roberts	Mr Jean	
Mrs Paris		
Mr McKinley		
Mr Dent		
Mr Snowdon		
Mr Dean		
Mr Barnes		

935 **The Greffier:** Sir, eight votes to two, in favour.

Secondly, to 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.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Mr Birmingham	Mr Tugby	None
Mr Roberts	Mr Jean	
Mrs Paris		

Mr McKinley
Mr Dent
Mr Snowdon
Mr Dean
Mr Barnes

The Greffier: Again, sir, eight votes to two, that passes.

940 Thirdly, 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.

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Mr Birmingham	Mr Tugby	None
Mr Roberts	Mr Jean	
Mrs Paris	Mr Snowdon	
Mr McKinley	Mr Dean	
Mr Dent		
Mr Barnes		

The Greffier: Six votes to four in favour.

945 And fourthly, 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).

A vote was taken and the results were as follows:

FOR	AGAINST	ABSTAINED
Mr Birmingham	Mr Jean	Mr Tugby
Mr Roberts		
Mrs Paris		
Mr McKinley		
Mr Dent		
Mr Snowdon		
Mr Dean		
Mr Barnes		

950 **The Greffier:** Eight votes for, one against, and one abstention, sir.

The President: Thank you very much indeed, Monsieur Greffier.

IV. QUESTIONS AND REPORTS

The President: We will move onto the next Item.

955 **The Greffier:** Thank you, sir.

Item IV this evening is Questions and Reports. I confirm receipt of two questions for verbal reply.

The President: I am in receipt of three which were received within time.

960 Were there any comments at the People's Meeting on Questions and Reports, please, Mrs Convener?

Mrs Paris: There were no comments at all, sir.

965 **The President:** Thank you very much indeed.

**General Services Committee –
Pollution and safety issues following fires at the Trigale**

The President: We move to question one, which is a question for Mr Dent. Would you care to put your question to the Chairman of the General Services Committee, please?

970 **Mr Dent:** Thank you Mr President.

Would you, Chairman of the General Services Committee, 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?

975 **Mrs Paris:** Mr President, fellow Members –

The President: Mr McKinley, there is somebody speaking, thank you very much.

980 **Mrs Paris:** Mr Dent's question relates to recent events on the Island and I understand these are still subject of an investigation, so I will not comment in any detail.

However, it does raise the ongoing issue, which we always have in front of us, which is what is the right level of legislation for an island as small as ours?

985 As Mr Roberts so aptly said at a previous States' Meeting, one size just does not fit all, and it may be that we should be taking a fresh look at environmental control legislation and health and safety legislation, too. It is a very fine balance, keeping the population from harm and making it impossible to achieve anything with the finite resources that we have. This is the question that we are constantly up against.

So, although not directly relevant, I will just say that the results of the air pollution survey will be put before the States for debate without resolution at the June States' Meeting.

990 **The President:** Thank you, Mrs Paris.
Does any Member have any secondary questions as a result of Mrs Paris's answer? No?

**Policy and Finance Committee –
Development to assist the economy**

995 **The President:** In that case, we move on to question number two. Mr Barnes, please propose your question to the Chairman of Policy and Finance.

Mr Barnes: Thank you, Mr President.

1000 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, 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?

1005 Thank you.

The President: Mr Dent, do you wish to reply?

Mr Dent: Thank you.

1010 I am very pleased Mr Barnes read my article and I hope others did, too. In that article, I tried to emphasise that Alderney would only succeed if it moved away from the concept of following Guernsey. It is more important for us to complement each other than to compete.

Too often, I have heard some of my colleagues advocating that we rely on Guernsey for advice and wait for them to do things, before we follow. This approach simply will not do.

1015 Now some detail. In fact, we have 22 areas where we are trying desperately to make some progress and I will try very briefly to summarise where we stand on each.

I will start with FAB, this is at least something that does not involve Guernsey. We have sought a better commercial deal from the promoters of the link and some substantial progress has been made.

1020 The ARE commercial seabed licences have been terminated and ACRE is now seeking to recover monies owed to them and to others by ARE. As soon as the current legal proceedings are resolved, we hope to revisit the market and negotiate new renewable energy resource deals. To this end, we are preparing the ground for a new policy on renewable energy.

1025 The other 21 matters can be divided into those matters we can pursue ourselves and the issues where we need to work with Guernsey. I will start with nine other areas of important economic implications that we are progressing on our own.

Digital connectivity. We now have an agreement with Sure, who are implementing the project to give Alderney much faster broadband speeds and we are hoping to announce very shortly some good news in regards to a new IT venture that will bring new investment and jobs to the Island.

1030 The development of Fort Tourgis, but this time with Dutch Government guarantees. This project is expected to bring in some 7,000 additional visitors per year, create new jobs and bolster the sustainability of our Southampton lifeline with very useful extra traffic.

1035 Brexit. We have adopted a new approach, more compatible with our resources, and working with Guernsey wherever we can. We are, however, pursuing a different approach to Guernsey on fisheries and territorial waters, as we believe there are valuable resources that can be captured by Alderney.

1040 Partnership law. We are progressing new legislation based on the concept of an administrative partner who would be an Alderney resident and might allow us to become the spiritual home for large world-wide partnerships. We believe this could be the basis of an important new niche market for Alderney – progress has been slow, but we have established with the Law Officers that there should be no adverse reputational risks.

Six – big data opportunities, KYC regulation and ethical handling of data. We are continuing to examine opportunities. Big data is now handled without reference to the wishes of those who

1045 supplied that data. We believe there is a niche opportunity for regulating the handling of data in an ethical manner

Seven – implications of new financial relationship, TRP/Occupiers Rates. We continue working towards a single property tax suited to Alderney’s own needs. And we continue to work on other options to make us fiscally different from Guernsey.

1050 Vision. We are progressing a vision for the island that could be the foundation for reforms in regard to economic planning and governance. We are, however at only the early stages and we recognise that it will be important to maximise public consultation

The Marine Masterplan, which is number nine, and we have just talked about it.

1055 I need now to move on to those matters that we need to work co-operatively on with Guernsey. The last 18 months have in fact been rather frustrating, but not because of attitudes here in Alderney. Most frequently it has been because of the apparent inertia we find when dealing with our Guernsey neighbour. However, and as my article in *The Journal* suggested, there are, for the first time, signs that our opposite numbers in Guernsey are beginning to work positively towards some common goals. And, as I have said on a number of occasions, it takes two to tango.

1060 Make no mistake, Alderney, really does need the co-operation of Guernsey to get on with many of the things that we aspire to. Maybe Guernsey-folks’ minds have, for the last 18 months been focused elsewhere. And unfortunately when they have thought about Alderney – or at least when some of their politicians have thought about Alderney – it may have been to distract these good Guernsey people from their own more local problems.

1065 Some of the things that we are working on with Guernsey:

Air transport. Since December we have been constructively working with the Committee *for* Economic Development on a Public Service Obligation approach to our air transport problems and lobbying for the long-delayed rehabilitation works at our airport. We believe that for the first time we are being taken seriously and this is a major achievement. Last year we successfully tendered 1070 our aviation fuel supplies. We continue to lobby constructively around the still-continuing residual Medevac problems

Sea transport. Last year and this, we have examined a number of regular ferry service options – unfortunately, most were deemed high risk and/or financial unsustainable. More recently we followed Guernsey and Jersey’s initiative for an inter-island service with a bolt-on extension to 1075 Alderney – though sadly this also has not been successful. We are now pursuing other initiatives involving a dedicated service. The financial problems are, however, substantial and a subsidy of the order of £300,000 to £500,000 per year seems likely. If we were to pursue this, it could mean a large increase in occupiers’ rates or accepting a large reduction in the support Guernsey gives to our air services. Clearly some hard decisions will be necessary

1080 Health. The Wilson Report led us to closer liaison with the Committee *for* Health & Social Care. Professor Wilson also reported on options for our primary health care services. There has been an on-going discussion with HSC. Alderney clearly needs a bespoke solution suited to its small population and isolated position. We have also liaised with the Committee *for* Employment & Social Security on an equality and rights programme and disability discrimination legislation – 1085 again noting the need for bespoke solutions. Sadly, the fall-out from the investigations into the Eagle Medical Practice continues.

Education. This is, of course, a transferred service and while we have an interest we can presently only lobby. Mr Snowdon has been keeping a very careful watch.

1090 Tourism. We have a Tourism Action Group, working actively with Visit Alderney and the accommodation sector. For details, I would refer you to Mr Snowdon and Visit Alderney.

Immigration/investment visas. We have re-visited an initiative to allow persons making substantial investments in the Alderney economy to obtain immigration rights. Work is however currently on hold – the UK and Guernsey have raised a number of objections.

1095 Taxation law. We have been lobbying to allow UK and other foreign tax-payers to visit Alderney without penalty for longer. We believe that the new double taxation agreement will provide the

regulatory environment, at least for UK taxpayers, that we have long sought – we do, however, await the final outcome

1100 Numismatics and philately. We have negotiated a new agreement and policy with Guernsey Post for Alderney stamps and are working with the Commonwealth Mint to ensure that our new contract with them maximises our revenue opportunities

And lastly four matters that many of us believe are important to a progressive society:

1105 Same sex marriage. We have now legislated and I believe next month will be bringing to the States some minor amendment to ancillary legislation that will allow our first marriages to take place

Assisted dying, better palliative care and opt-out organ donation. We have been working with Guernsey and where appropriate will be further sounding Island opinions

Code of practice for archaeological activities. We are in the early stages of putting together a proper code.

1110 Relationships with our French neighbours and Jersey. Both France and Jersey present a number of opportunities: France for exploiting our tidal energy; for almost everything post-Brexit; and as a source of visitors. Jersey for waste disposal and as a source of regional co-operation and as a transport hub. We have invited French regional decision-makers on fact-finding missions and have had useful talks with the authorities in Jersey

1115 If I may conclude by pointing out that we only have 5.4 senior civil servants – though we do have 10 politicians. My civil servant colleagues, in fact, often tell us we are trying to do too much.

Thank you, Mr President.

The President: Thank you, Mr Dent.

1120 Does anybody have any secondary questions for Mr Dent as a result of his response?
Mr Birmingham, yes?

Mr Birmingham: Thank you.

1125 Mr Dent, you mentioned in your speech there about repatriation of taxes and the financial relationship, you mentioned TRP. As part of that re-negotiation of financial arrangements, can you confirm that repatriation of fuel duty is still part of that discussion?

Mr Dent: I can confirm that it is still an item that may be discussed. I think there has been no discussion of it. It is not off the table, but it has not been an active subject of discussion in the last term.

1130 Thank you.

The President: Mr McKinley.

1135 **Mr McKinley:** May I ask one question, please, sir, to do with digital connectivity? You mentioned that it was ongoing, which we know it is, but when do we expect it to be complete and what is it actually costing us?

1140 **Mr Dent:** I am not sure when exactly it will be complete, but it is progressing rapidly. I will have to find out the exact time. I do not think it is costing us anything. It is a deal that we have with Sure.

Mr McKinley: I asked that question, sir, if I may, because there is a rumour it is costing us £200,000. I understand it is costing us nothing.

1145 **Mr Dent:** Absolutely.

The President: Thank you.

Mr Barnes.

1150 **Mr Barnes:** Can I just clarify something? I am under the impression that we are subsidising it to the tune of £200,000 over the next two years?

Mr Dent: Well then, I will have to research the answer. If I have misled you on that, my apologies.

1155

The President: Mr Snowdon?

1160 **Mr Snowdon:** Can I just clarify, if I may? Is it £200,000 subsidised until the two years, basically, that we are paying the amount, where it increases and after two years the price of the internet goes up once it is completed, but not actually towards the infrastructure? I think that might be the £200,000 issue.

Mr Dent: Mr Snowdon, you might be right, but I think, given the confusion that I have caused already, it would be wise of me to hold my breath.

1165

The President: Thank you.

Does that conclude the secondary questions with regard to that? Thank you very much.

**Policy and Finance Committee –
States of Guernsey inaction re Alderney economy, runway and Aurigny**

The President: Mr Roberts, I believe you have a question for the Chairman of P&F?

1170

Mr Roberts: Yes, please, Mr President.

Mr Dent, in December 2014 and January 2015, the States of Guernsey resolved to undertake a number of actions concerning Alderney, its economy, its runway and Aurigny. During our Policy and Finance Committee meeting last week we heard of inaction, reversals in approach, and repeated delays, many caused by the need for ever more rigorous scrutiny by the States of Guernsey.

1175

I refer here principally, but not exclusively, to the promised rehabilitation and future-proofing work at our airport. For example, a pothole appeared recently in the runway which represented a real risk to life before it was spotted and fixed.

1180

Does he agree with me that the failure to invest in Alderney's runway exposes the States of Guernsey to potential litigation, as a consequence of this neglect?

Will he, as Chairman of the Policy & Finance Committee, ask our Alderney Representatives if they will remind their Guernsey colleagues in the States of Deliberation of their 2014 and 2015 Resolutions and the subsequent failure to act on them?

1185

What should our future approach to co-operation with the States of Guernsey be?

The President: Mr Dent, would you care to respond to that question?

Mr Dent: Again, I would like to thank Mr Roberts for this question.

1190

I must note first that I am not a lawyer and it is not appropriate for me to comment on matters of litigation. However, the failure to rehabilitate our runway and its continued operation under a Civil Aviation Authority derogation does make me very nervous. It also raises questions in regard to the success of any competitively let public service agreements. We know that some potential candidate operators will be unhappy operating on a sub-standard runway.

1195 I am, however, pleased that the Chairman of the States' Trading Supervisory Board has now recognised this problem. I hope that he will be able to influence his colleagues on Guernsey's Policy & Resources Committee and make it clear that it is in both Guernsey's own and Alderney's interest that the PSA tendering process should be successful.

1200 I will certainly ask our Alderney Representatives to remind their Guernsey colleagues in the States of Deliberation of their 2014 and 2015 Resolutions and the subsequent failure to act on them. Indeed I have already done so.

1205 As to your final question, 'What should our future approach to co-operation with the States of Guernsey be?', I note that the delays surrounding the rehabilitation work have been put down to the need for scrutiny. In fact, it seems they have needed over three years for their scrutiny. This is an unconscionable length of time and surely not one that Guernsey believes to be reasonable. In Alderney we examine the legislation and measures that the States of Guernsey feel is appropriate for the economic benefit of the whole Bailiwick, usually within a few weeks. We feel that is the right thing to do.

1210 If the future-proofing of our runway cannot be resolved in the next few weeks, then I can only say that we will be considering whatever options remain open to us.

Thank you.

The President: Thank you very much, Mr Dent.

1215 Does anybody have any secondary questions for Mr Dent as a result of the response he has just given?

Mr McKinley: Could I just clarify one thing, please, sir?

The President: You mean you wish to ask for a clarification?

1220

Mr McKinley: No, I wish to clarify what was just said in terms of our relationship, what Mr Jean and I try to do.

The President: Would you care to stand and ask a question?

1225

Mr McKinley: Thank you sir, Mr President.

1230 I would just confirm that actually Mr Jean and I are in constant discussion on three main issues in Guernsey – not, obviously, during the formal States' Meetings, but between the formal States' Meetings, before, lunchtime, dinner, whenever it may be. Those three areas are: Aurigny, obviously; our runway, obviously; and our breakwater.

I do believe that we are actually gathering quite a lot of support from the Deputies down there in Guernsey, particularly from Charter 18 but with others also, who are probably about to bring a relevant requête to the States of Guernsey. That is all I can say at the moment, sir, except this.

1235 **The President:** Thank you very much, Mr McKinley. If that is all you can say, that is fine.

Mr Jean: I would, if I may?

The President: You wish to make a comment?

1240

Mr Jean: I do, if I may?

The President: Please stand.

1245 **Mr Jean:** It is basically to inform the House that I did raise the question of the runway at the Meeting on 16th May, with Mark Darby, and what was done was basically to say to him, quite

1250 pointedly, that did he agree with me that P&R should get on with it and complete the task. He did, in actual fact, talk about the potholes and the repair and he did agree with another remark, which I said, which was did he feel it was impeding flight time in Alderney. He did agree with that, but I could not get him to go quite as far as I wanted him to go, but he was made aware that I wanted P&R to get on with it.

The President: Thank you very much.

1255 **Mr Dent:** Thank you, sir.

The President: I believe that concludes this evening's States' Meeting. Monsieur Greffier, would you be kind enough to close the Meeting?

PRAYERS

The Greffier

The Assembly adjourned at 7.06 p.m.