

**STATES OF ALDERNEY**  
**BILLET D'ETAT FOR**  
**WEDNESDAY 22<sup>ND</sup> DECEMBER 2010 AT 16:30**

Members of the States:

I have the honour to inform you that the Meeting of the States will be held at **4:30 pm** on Wednesday 22<sup>nd</sup> December 2010. This will be preceded by the People's Meeting, which will be held on Tuesday 14<sup>th</sup> December 2010 at 7:00 p.m. in the Island Hall.

Sir Norman Browse  
President

**Item I**      **Proposed transfer of land to the Alderney Housing Association LBG**

The following letter has been received from Mr Willmott, Chairman of the Policy & finance Committee:-

"At the meeting of the States of 16<sup>th</sup> December 2009 the States passed the following resolutions: -

1. To authorise the Policy and Finance Committee to agree the terms of the Framework Agreement and to instruct the Chief Executive to sign that agreement once it has been approved.
2. To approve the formation of a sub-committee of Policy and Finance Committee to be charged with responsibility for liaising with the Alderney Housing Association and with ensuring that the Association complies with the terms of the Framework Agreement.
3. To approve the transfer of the States Housing Properties to the Alderney Housing Association at such time as it has been legally constituted and the Framework Agreement has been signed.

Since that date my Committee has had a number of meetings with representative of the Guernsey Housing Association and the Alderney Housing Association (AHA) has been legally formed as a company limited by guarantee under the umbrella of the Guernsey Association. My Committee has approved the business plan produced by the AHA and a framework agreement has been signed.

By the end of this year all the State's social housing stock should have been transferred to AHA. The Association plans to refurbish the majority of these properties, some of which require extensive modernisation or even demolition and replacement. Before the latter course of action can be followed it will be necessary to build a number of new units of accommodation in order that tenants in the worst of the existing properties can be relocated to allow the major refurbishment and/or demolition to take place.

A site at Platte Saline, which is shown as the hatched area on the attached plan has been identified as a suitable site for the first tranche of new building, and my Committee is proposing that this be transferred to the AHA. This transfer would be subject to a covenant that if no new building has commenced within five years the land would revert to the States. As the resolution of 16<sup>th</sup> December 2009 referred to housing properties only, a further resolution is required if this land is to be transferred to the AHA.

I would therefore be grateful if you could lay this matter before the States with appropriate propositions.

R Willmott  
Chairman”

**The States is asked to agree:-**

1. **To transfer the area of land at Platte Saline shown on the attached plan, being part of parcel number 200 in section 3 of the Alderney Land Register, award number AY 727, to the Alderney Housing Association LBG.**
2. **That this transfer be subject to a covenant that if no new building has commenced within five years the land would revert to the States of Alderney.**

**Item II**      **The Housing (Exemptions) (No 3) (Alderney) Ordinance 2010 – for Freshair Investments – The Vine**

The following letter has been received from Mr Sargent, Chairman of the Building and Development Control Committee:-

“Freshair Investments (Channel Islands) Limited, owner of the business premises known as “The Vine Bar & Bistro” in Victoria Street has applied for planning permission to construct a two bedroom single storey dwelling adjoining the existing premises. This will require an ordinance exempting them from the provisions of section 33 of the Building and Development Control (Alderney) Law, 2002. I attach, for this purpose, the proposed Housing (Exemptions) (No.3) (Alderney) Ordinance, 2010.

The Building and Development Control Committee has promoted this Ordinance because it considers that a flat for use by staff will help to make the business more viable, whilst also giving a boost to the construction industry at this time. The Ordinance is conditioned so that the dwelling can only be used in conjunction with the operation of any business run from the existing premises, and cannot be transferred separately from the existing premises.

Members will note that exemption will apply only in relation to Freshair Investments (CI) Limited’s application for planning permission for the construction of a dwelling and this permission does not count towards the number of “C” permits for the time being prescribed for purposes of section 15 of the 2002 Law.

I would be grateful if the Housing (Exemptions) (No.3) (Alderney) Ordinance, 2010 is placed before the States when it next meets together with an appropriate resolution.

G Sargent  
Chairman”

**The States is asked to approve “The Housing (Exemptions) (No.3) (Alderney) Ordinance, 2010”.**

**Item III**      **The Housing (Exemptions) (No 4) (Alderney) Ordinance 2010 – for Blue Horizon Limited – The Grand Site**

The following letter has been received from Mr Sargent, Chairman of the Building and Development Control Committee:-

“Blue Horizon Limited has applied for planning permission to construct a housing development of 36 dwellings at the Grand Hotel Site, Butes. This will require an ordinance exempting them from the provisions of section 33 of the Building and Development Control (Alderney) Law, 2002. I attach, for this purpose, the proposed Housing (Exemptions) (No.4) (Alderney) Ordinance, 2010.

Over the past five years, Blue Horizon Ltd has been working with various Building and Development Control Committees to deliver a scheme for the site which is agreeable. The Committee believes that the scheme now proposed will be a cohesive, well-designed, high quality development, which will give optimum use of the limited land resource on the Island. The development will predominantly provide smaller units of accommodation which have been identified as lacking in the recent Housing Needs Survey and it is envisaged that the project will give a welcome boost to the Island’s construction industry at this difficult time.

The development of thirty six properties will comprise thirteen dwellings designated for social housing / affordable housing, and twenty three dwellings for private sale.

Blue Horizon Ltd estimates the project to run for 3 to 5 years and is committed to a policy of employing local on-Island contractors. The Company propose to enter into a contract with the Alderney Housing Association for the construction of the first phase of social housing early in the new year.

Members will note that exemption will apply only in relation to Blue Horizon Ltd’s application for planning permission for the construction of 36 dwellings and this permission does not count towards the number of “C” permits for the time being prescribed for purposes of section 15 of the 2002 Law.

I would be grateful if the Housing (Exemptions) (No.4) (Alderney) Ordinance, 2010 is placed before the States when it next meets together with an appropriate resolution.

G Sargent  
Chairman”

**The States is asked to approve “The Housing (Exemptions) (No.4) (Alderney) Ordinance, 2010”.**

**Item IV**

**The Housing (Exemptions) (No 5) (Alderney) Ordinance 2010 – for Sebire Bungalows**

The following letter has been received from Mr Sargent, Chairman of the Building and Development Control Committee:-

“Robert William Sebire, Patrick John Sebire and Michael Edwin Sebire have applied for permission to construct three new two-bedroom dwellings on land forming part of land registered as entry number AY1328, located to the west of existing premises known as St Michael’s, Valongis. This will require an ordinance exempting them from the provisions of section 33 of the Building and Development Control (Alderney) Law, 2002. I attach, for this purpose, the proposed Housing (Exemptions) (No.5) (Alderney) Ordinance, 2010.

The Building and Development Control Committee has promoted this Ordinance because it believes that this cohesive development of three small dwellings will provide a type of housing which was identified as lacking in the recent Housing Needs Survey. The proposed bungalows have been designed specifically to suit elderly residents, but will equally be suitable for use as starter homes.

Members will note that exemption will apply only in relation to Messrs Sebiere's application for planning permission to construct 3 new dwellings and that this permission does not count towards the number of "C" permits for the time being prescribed for purposes of section 15 of the 2002 Law.

I would be grateful if the Housing (Exemptions) (No.5) (Alderney) Ordinance, 2010 is placed before the States when it next meets together with an appropriate resolution.

G Sargent  
Chairman"

**The States is asked to approve "The Housing (Exemptions) (No.5) (Alderney) Ordinance, 2010".**

**Item V**      **End of Year Public Holidays**

The following letter has been received from Mr Willmott, Chairman of the Policy & finance Committee:-

"As the forthcoming Christmas and the New Year Public Holidays fall at weekends, there is a need for our Bank Holidays (Alderney) Ordinance, 1988 to be amended so that the Boxing Day public holiday shall be on Tuesday, 28 December 2010 and the New Year's Day public holiday shall be on Monday, 3 January 2011.

The necessary Ordinance has been prepared by Law Officers Chambers and is attached hereto.

You will note that the holiday scheduled for Monday 27 December 2010 has not been included in the Ordinance - this is for the reason that the Bank Holidays (Alderney) Ordinance, 1988 already provides for a holiday on that day in the event of 26<sup>th</sup> December falling on a Sunday.

I should be obliged if you would place this matter before the States with an appropriate proposition.

R G Willmott  
Chairman"

**The States is asked to approve of "The Public Holidays (Alderney) Ordinance, 2010".**

**Item VI**      **Green Paper – Future Sea Fisheries Policy for Alderney**

The following letter has been received from Sir Norman Browse, President of the States of Alderney:-

"I have received the following Green Paper from Messrs Beaman and Kelly:-

The purpose of this document is to propose a policy on fishing within the three mile Sea Fisheries limit around Alderney and the Casquets in which the General Services Committee may introduce fisheries controls provided that they are based on conservation methods, are non-discriminatory and allow no less a standard than that required by British Sea Fisheries and EU legislation. The aim of these proposals is to preserve fish stocks around the island and ensure equanimity for all sections of the fishing community.

In preparing this document, attention has been given to the opinions expressed by people at:

- the open meeting held on the 24<sup>th</sup> June 2010
- representations made to the States General Services Committee
- results of the recent consultation exercise
- meetings with interest groups and individuals.

Those given the opportunity to express their views were:

- local professional fishermen
- non Alderney professional fishermen licensed by Guernsey Sea Fisheries to operate in our waters
- charter angling skippers
- local amateur anglers
- Individuals and groups indirectly connected to the fishing industry.

In addition, Alderney's Harbour Master, Guernsey Sea Fisheries Department and the Alderney Wildlife Trust have been consulted. No one has been excluded from the process and we would like to thank those who have made lengthy and useful submissions.

We also found that the vast majority of all those consulted were fair and sensible. Some have argued that Alderney's geographical position means we should leave things as they are. Whereas in the past this may well have been true, improvements in navigational aids and boat construction and restrictions placed in other jurisdictions mean we cannot rely on this remaining the same. Greater regulation elsewhere could well mean an increase in interest in Alderney's waters.

We were pleased to note that there was much common ground between the parties consulted and there were a number of factors that we considered.

These were:

- The size of vessel
- The type of fishing
- Evidence of fish caught in these waters
- Sustainable fishing
- Single representative body

#### **The size of vessel**

We felt that there should be a limit on the size of commercial fishing boats within our waters. Smaller vessels can put to sea less frequently and are obviously restricted in the quantity of fish they can catch.

The majority of charter angling boats currently using Alderney waters travel across the Channel from England. There is a minimum size of vessel required to carry a party of charter anglers safely. It is therefore our view that any maximum size restriction be placed purely on commercial fishing vessels. It will be seen below that other more appropriate restrictions can be applied to charter vessels.

#### **Type of fishing and sustainability**

Some types of commercial fishing are wasteful because they can have by-catches of fish which are not commercially valuable but which may be valuable as a sport fish, for example grey mullet. Some types of fishing such as beam trawling destroy not only fish stocks but also the sea bed itself. We consider line fishing to be the most sustainable fishing method. It also has an added advantage that these fish have a higher market value than net caught fish. Many supermarkets and restaurants in the UK only market line caught fish. Such fish are recognised as a premium product and in order to promote this, and to have Alderney seen as a producer of high quality

fish, the States should support sustainable fishing by assisting the professional fishermen to market fish caught by this method.

### **Species caught and records**

We believe it is important that we collect evidence of the fishing methods and fish caught in our waters. This will give us the ability to produce reliable data on which future fishing controls may be based.

At present the professional fishermen are required to keep records of their catches which are submitted to Guernsey Sea Fisheries. No record is kept of what fish are caught by charter anglers or amateur anglers. It is felt that it would be impractical to require or indeed 'police' the latter. However charter angling boats are able, if so minded, to catch considerably more than their shore based 'colleagues' and we think that it is appropriate to require Charter Anglers to keep records of fish caught and not returned to the sea and to place some restrictions on the numbers of certain types of fish caught and kept.

### **Representative body**

The General Services Committee is mandated by the States of Alderney with responsibility for Sea Fisheries. Individual fishermen or groups have presented their opinions to us and to previous General Services Committees. However no group jointly representing all interests has ever held a meeting with the General Services Committee.

It is appreciated that should a group be formed comprising of all the different sections of the fishing community there would be competing requirements and views. However this should not prevent such a body being formed and this should be encouraged by the States with the individual groups electing representatives to serve from within their community. Hopefully this would prevent misunderstandings.

### **Recommendations**

There is little doubt that the following proposals will not satisfy all groups. Some will consider that the proposals do not go far enough and some that they go too far. We consider the following to be a good starting point for the future of sustainable fishing in Alderney. Items 1 to 3 are subject to 'grandfather rights' of individual boats and skipper/owners which would be based on a predetermined track record of fishing. If introduced these proposals will currently only apply to waters within three miles of Alderney and the Casquets.

1. The banning of all commercial trawling to protect both fish stocks and the sea bed condition - Legislation would be introduced under a States of Alderney Sea Fishing Ordinance.
2. Commercial fishing vessels must be less than 10 metres in length and restricted to a maximum of 250 hp - Legislation would be introduced under a States of Alderney Sea Fishing Ordinance.
3. An all year round ban on netting inside an imaginary a line drawn across Platte Saline between Grosnez point to Robin Rock. This would be introduced by an attachment to Bailiwick Fishing Vessel Licences or if introduced as a more permanent Fisheries Management Measure -Legislation would be introduced under a States of Alderney Sea Fishing Ordinance
4. An all year round ban on static gear on the inside of the breakwater - This can be controlled by the Harbour Master under powers given within the Bray Harbour Ordinance.

5. A ban on netting from 1<sup>st</sup> May until the 31<sup>st</sup> October in:
- (i) Inside an imaginary line drawn across Arch Bay and Corblets Bay between Chateau a L'Etoc Point and Bon Ami
  - (ii) Inside an imaginary line drawn across Longis Bay between the south end of Raz Island and Queslingue
  - (iii) Inside Braye Harbour. This being south of an imaginary line drawn between the Outer Grois Rock and the north-east end of the Sunken Breakwater line and include Saye Bay
- Items (i) and (ii) could be introduced by an attachment to Bailiwick Fishing Vessel Licences or if introduced as a more permanent Fisheries Management Measure legislation would be introduced under a States of Alderney Sea Fishing Ordinance. Item iii can be controlled by the Harbour Master under powers given within the Braye Harbour Ordinance.
6. Charter fishing vessels, that are not Registered Sea Fishing Vessels, should have a bag limit restricting the catching of Ray, Turbot and Brill to two fish (not per species) in total per person per day to protect stocks. This would require legislation to be introduced under a States of Alderney Sea Fishing Ordinance.
7. All charter fishing vessels to carry log books which can be inspected. This is to ensure that recommendation number 6 is complied with. This would require legislation to be introduced under a States of Alderney Sea Fishing Ordinance.
8. A restriction on the landing on Alderney of more than two fish per person from charter vessels that are not Registered Sea Fishing Vessels. This would require legislation introduced under a States of Alderney Sea Fishing Ordinance.
9. The States would support the tagging of local line caught fish to add value to their sales.
10. The formation of a fishing advisory group incorporating representatives of the groups involved in fishing in Alderney.

We are informed that there is in place enabling legislation to allow for the passing by the States of an Alderney Fishing Ordinance.

This paper is submitted to the States for information prior to further public consultation.

I would ask the States to note and/or debate this Green Paper.

**Sir Norman Browne  
President"**

## **Item VII Alderney Tidal Energy Project**

The following Paper has been received from Mr Willmott, Chairman of the Policy and Finance Committee:-

"The States of Alderney wish to express their continued support for the Alderney Tidal Energy Development Project which will deliver tidal energy from the waters

around Alderney. Alderney Renewable Energy Ltd (ARE) signed an agreement with the States of Alderney in December 2005. Subject to targets being met, ARE has certain long term commercial rights. The States of Alderney also created the Alderney Commission for Renewable Energy (ACRE) to regulate the project and to create the necessary legislation.

In 2008 the States of Alderney granted ARE an exclusive 65 year licence, which is extendable, to commercially develop tidal power in 50% of Alderney's territorial waters. ARE continue their development programme and are currently considering ways in which to secure Government incentives, which are an accepted and essential step in the development of renewable energy sources for the future delivery of electricity to the UK and European grids. These incentives are in the form of either renewable obligation certificates or feed-in tariffs.

At a recent meeting in Alderney, Lord McNally, the Minister of State from the UK Ministry of Justice, agreed that the Alderney project would be of significance to the UK government when deciding whether to make incentives available to the Channel Islands and Alderney in particular.

The States of Alderney supports the exploitation of Alderney's tidal resource and consequently is supportive of the work of ARE in this regard. ARE as a private company, are independent of the government of Alderney and as such are entitled to enter into commercial negotiations with any body which ARE may deem necessary in the continuance of their business. However, in so doing ARE cannot represent the interests of the States of Alderney.

Intergovernmental negotiations between any UK or European Authority and Alderney, in relation to agreements between those authorities, is solely a matter for the States of Alderney. These negotiations are critical for the future success of the project and the States of Alderney hereby mandate the Chief Executive to enter into negotiations with the UK and other Governments to secure this objective.

R G Willmott  
Chairman”

**The States of Alderney is asked to mandate the Chief Executive to enter into negotiations with the UK and other Governments to secure this objective**

**Item VIII** **Policy & Finance Committee - Annual Report for 2010**

The following letter has been received from Mr Willmott, Chairman of the Policy and Finance Committee: -

“In accordance with States Resolution VII(1) of the 4<sup>th</sup> May, 1977, I attach hereto the Annual Report of the Policy and Finance Committee for 2009.

I would be grateful if you would place this Report before the States with an appropriate proposition.

R G Willmott  
Chairman”

**The States is asked to accept the Annual Report for 2010 of the Policy and Finance Committee**



**Item IX**      **General Services Committee - Annual Report for 2010**

The following letter has been received from Mr Walden, Chairman of the General Services Committee: -

“In accordance with States Resolution VII(1) of the 4<sup>th</sup> May, 1977, I attach hereto the Annual Report of the Policy and Finance Committee for 2009.

I would be grateful if you would place this Report before the States with an appropriate proposition.

W Walden  
Chairman”

**The States is asked to accept the Annual Report for 2010 of the General Services Committee**

**Item X**      **Building and Development Control Committee - Annual Report for 2010**

The following letter has been received from Mr Sargent, Chairman of the Building and Development Control Committee: -

“In accordance with States Resolution VII(1) of the 4<sup>th</sup> May, 1977, I attach hereto the Annual Report of the Policy and Finance Committee for 2009.

I would be grateful if you would place this Report before the States with an appropriate proposition.

G Sargent  
Chairman”

**The States is asked to accept the Annual Report for 2010 of the Building and Development Control Committee**

**Item XI**      **Questions and Reports**