

Statutory Planning Guidance



A basic guide to the requirements for Planning Permission and Enforcement of Unauthorised Works, Derelict, Unightly and Dangerous sites

6. Decision notices

Following the above procedures the Committee will resolve to approve an application, with or without conditions (section 7), defer the application for specific reasons and re-consider it at a later date, or refuse the application.

Again, the Committee must give specific reasons based on their decision which will have been made according to the Law and with reference to the LUP policies. The Planning Officer's report will have specified which parts of the Law and the LUP are relevant.

A planning approval is valid for 3 years from the date of the Committee decision unless a different time limit is imposed.

This may be the case where an archaeological brief is imposed, for example, or where prolonged construction works would have an adverse impact on neighbouring properties.

7. Conditions

If the Committee have no overriding objection to an application but have detailed concerns such as materials, hours or working, disturbance during construction or the provision of future landscaping they may impose conditions on the consent.

These form part of the approved proposal and can only be amended or 'waived' with the written consent of the Committee.

8. Right of appeal on conditions or refusal

The applicant has a right of appeal, under Section 62 of the Law, against the conditions imposed or a refusal of consent which the Committee must serve within 14 days of their decision. (Section 65).

9. Works being carried out illegally

Any work or development that requires planning permission and has been carried out without permission is unauthorised and is in contravention of the provisions of Section 4 of the Law.

Under Section 17 of the Law the Committee may serve notice on the person who has, or is, carrying out work illegally.

That person has a right of appeal (section 21 (1)), but must do so within 21 days of the notice and ask the Court to set aside the notice.

Section 22 of the Law empowers the Committee to apply to the Court, if works to remedy the contravention are not taken within the agreed time, to impose a fine not exceeding level 5 on the Alderney uniform scale

The Law is quite complex on this matter. To view the Law please visit **alderney.gov.gg**

It should be noted that the grounds for an appeal are that the decision is 'ultra vires' (unreasonable) or beyond the powers of the Committee.

10. Building Regulations

The Law covers the regulations for Building Consent applications.

These are also submitted to the Planning Office for registration and receipt of the fee after which they are passed to the Building Control Officer.

The BC Officer works to current strict Building Regulations and can advise applicants on their building works through to signing off the construction.

11. Fees

For up to date Planning and Building Regulation application fees please visit **alderney.gov.gg**

12. Fines

There is a scale of fines referred to as the Alderney uniform scale which at its highest Scale 5 is £10,000. However, a fine can only be imposed by the Court at a level they deem appropriate.

Further information

For advice on planning exemptions, or further advice on making an application please contact:

The States of Alderney Planning Officer

Tissie Roberts
tissie.roberts@gov.gg
+44 (0) 1481 820031

For advice on **Building Regulations** please contact:

Mark Bristow
mark@hangingrock.co.uk

Go to **alderney.gov.gg** to view:

- **Land Use Plan 2017**
- **Building and Development Control (Alderney) Law, 2002**
- **The Exemptions Ordinance**
- **Fees Regulations for Planning and Building Control**

What is this guidance for?

This guidance has been drafted by the **Building and Development Control Committee (BDCC)** about the way decisions are taken on proposals for development and the powers the Committee have within the Law.

The Building and Development Control (Alderney) Law, 2002 is the primary statutory document that confers powers and responsibilities on the BDCC.

The Privy Council of our present King Charles III remains responsible for approving the Laws in Alderney, and the 2002 Law consolidated several earlier Laws to streamline the process.

1. Applying for Permission

The Law requires anyone looking to develop land to apply for permission to do so. This can range from a garden shed to a new house, the removal of trees or a wall, or the change of use of a building or a site.

Exemptions

There are various exemptions from the need to apply for permission. Please visit alderney.gov.gg to view exemptions.

If work is **not exempt** there are two categories of application:

Category A - *Minor or temporary works*

For example, applications for the removal of trees or hedges, sheds or temporary use of a building.

Category B - *New buildings, extensions, structural alterations, and works of a similar nature*

Applications may not necessarily include structures but, in general, these will give rise to the need for a Building Regulations application. This is a separate application submitted after the issue of a Planning Consent.

In either case, A or B, the applicant needs to provide enough information for the Planning Officer to compile a report on the application and for the BDCC to have enough accurate information to assess and decide on the application.

The application form must be signed by the owner of the land or the owner/s have given their written permission to the applicant to apply for the development and must be accompanied by the appropriate fee. (see 11 below).

Information must include a clear location plan, the design and structural details of the proposal, a description of any changes relative to existing structures, and so forth. If the BDCC do not have enough information they may defer the application.

2. How does the BDCC deal with an application

- When an application is received it is registered in the Planning Office and given a reference number.
- The application is checked for completeness and the applicant advised if any further information is required.
- If the application is for an extension to a building or the erection of a new building the applicant will be required to erect site poles to indicate the dimensions of the proposal.
- The application is advertised in the Official Gazette and the plans list is posted, weekly, to the public boards at the Court Office and adjacent to the entrance of St Anne's Church in Victoria Street.
- In order to reach as many people as possible the list also goes on the States of Alderney website: alderney.gov.gg
- Representations from interested parties must be received within 21 days of the advertisement.
- The Planning Officer makes a site visit to check the proposal and note any relevant considerations such as access, the proximity of neighbouring properties, the historic value of the site, etc.
- The Planning Officer is authorised to visit the site (Section 54 of the Law) to assess the application or to check unauthorised work but must make arrangements in advance of any need to enter a building.

3. Public consultation on applications

As noted above, applications are widely advertised.

Interested parties may make representations on an application and should do so in writing or by email so that their observations can be noted for the file.

The plans can be inspected, by appointment, in the Planning Office and anyone may attend the Open Planning Meetings where the applications are discussed and decided.

4. Pre-Application Advice

It can be very helpful if a prospective development is discussed before an application is made, especially regarding the detail of information needed and to check what planning policies are relevant.

The BDCC will decide the application on the basis of two key criteria:

- that the application has been legally made and includes all necessary information
- that the LUP policies are met

If there is a policy objection then the application will be refused or deferred if the proposal can be mitigated satisfactorily by way of amendment to the size, orientation or design of the proposal for example.

Pre-application advice can save time and money by explaining what policy considerations are relevant, adjusting a design or clarifying if any special information, such as an EIA, is needed.

5. Preliminary Declarations

There is a category of application (submitted on a form B) which allows the applicant to apply for a 'Preliminary Declaration' to be sought regarding the potential suitability of a proposal. This might, for example, be for infill housing or the use of a site for commercial purposes.

The application needs to include a reasonable degree of detail such as the location and dimensions of a new building or what impact a change of use will have.

If consent 'in principle' is given the actual development on site will subsequently be the subject of a detailed application in the ordinary way and the consent will lapse as with a full application (see section 7).