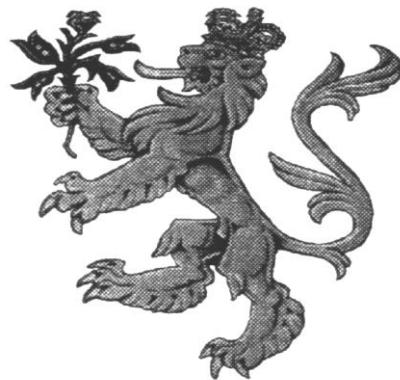


STATES OF ALDERNEY



BILLET D'ETAT

WEDNESDAY 14TH DECEMBER 2016

Price: £2.10

STATES OF ALDERNEY

BILLET D'ETAT

FOR WEDNESDAY 14TH DECEMBER 2016

Members of the States:

I have the honour to inform you that the Meeting of the States will be held at 5:30 pm on Wednesday 14th December 2016. This will be preceded by the People's Meeting, which will be held on Wednesday 7th December 2016 at 7:00 pm in the Island Hall.

**W Stuart Trought
President**

Item I **Administering the Oath of Office for the President of the States of Alderney in accordance with s. 36 The Government of Alderney Law, 2004**

The Greffier will administer, before the States, the Oath of Office of President of the States of Alderney to Mr Walter Stuart Trought who has been elected for a term of office of four years commencing on the 1st January 2017.

Item II **Rules of Procedure – Register of Members' interests**

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

"The Committee resolved at its meeting in October to extend the scope of the Register of Members' interests to include the whole of the Bailiwick of Guernsey rather than just the island of Alderney.

*This will require an amendment of Rule 22.(3) of the States of Alderney Rules of Procedure (made on 17th March 2010 and subsequently amended by resolution of the States in July 2010, January 2012 and September 2013); that currently states "The President and all States Members shall, within one month of the commencement of their term of office and by the 31st January in each year thereafter, make and lodge with the Greffier a declaration of all immovable property interests and business interests in Alderney owned by themselves or their spouse"; it is proposed that this should be amended to read "...a declaration of all immovable property interests and business interests in **Alderney or any other islands within the Bailiwick** owned by themselves or their spouse", which will require a resolution of the States of Alderney.*

It is also noted that should the resolution be passed by the States of Alderney then the Schedule to the Rules of Procedure with regards the Declaration of Interests will also require amendment to the reference to Alderney to include 'or any other islands within

the Bailiwick' for any declaration with regards immovable property interests, directorships and shareholdings/material interests in companies.

I would be obliged if the proposed amendments to the Rules of Procedure could be placed before the States at its next Meeting together with an appropriate proposition.

*Robert McDowall
Chairman"*

The States is asked to approve an amendment to the Rules of Procedure for States Meetings Rule 22.(3) as follows:

22.(3). The President and all States Members shall, within one month of the commencement of their term of office and by the 31st January in each year thereafter, make and lodge with the Greffier a declaration of all immovable property interests and business interests in Alderney or any other islands within the Bailiwick owned by themselves or their spouse;

and that Schedule 1 of the Rules of Procedure be amended accordingly.

Item III The Building and Development Control (Alderney) (Amendment No.2 and Fees) Ordinance 2016

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

"Following last July's States approval of Phase 1 of the Land Use Plan and Ordinance which amended the Building and Development Control (Alderney) Law 2002 (the law) the Committee (BDCC) have continued their review of the legislation following the ARUP Planning Review and now propose further changes to the law.

The draft Ordinance proposes the following changes:

1. Submission of Environmental Impact Assessments (EIA) and their independent review.

Section 5 of the law is amended to extend the existing power to the Committee to require additional information from the applicant as part of a planning application to include the submission of a statement or report of assessment of environmental impacts and other effects.

If the Committee considers that the environmental effects of a proposed development are significant or are of such scale, complexity or nature, or is likely to have such effects, then the Committee is also empowered to engage an expert to independently review and evaluate the environmental assessment submitted by the applicant and make a report to the Committee. The Committee will be empowered to recover the reasonable cost of such independent assessment from the applicant, subject to appropriate safeguards.

2. Increased Fees for Planning and Building Applications

The fees were last set in 10 February 2014 and are overdue for review.

The 2016 Budget for Planning and Building shows income equivalent to only 15% of ongoing expenditure on Planning & Building services. The present fee levels are extremely low compared with other jurisdictions. ARUP recommended these fees be increased in their 2014 report.

The increases proposed in the revised fee schedules will apply from 1st January 2017. At first sight the increases in fees proposed look very substantial compared with those which have applied for the last three years. However the majority of applications are for minor developments where the new fee levels proposed remain modest and are below those charged in Guernsey and Jersey for similar work.

It is expected that in future with the repeal of the "C Permit" system and planning consents running with land ownership, there will be an increase in larger applications. These incur increased regulatory effort and costs, especially in building control where we are already feeling the effect of the introduction of the industry standard, Guernsey Building Regulations. Compared with the very high cost of building projects in Alderney, the increased fees proposed will remain a relatively minor cost overhead for the developer.

The proposed new fees have been set after discussions with the Finance Committee with the aim of aligning total fee income to approximately 40% of States ongoing expenditure on the planning function. This aligns with both the UK standard set out in the November 2010 report from the Department of Communities and Local Government on Planning Costs and Fees and with consideration given to the "user pays" principle.

For simplicity, the existing fee structure remains unchanged from 2014, other than the introduction of a new category 6 for planning applications applicable to larger development sites.

Will you please arrange for the Amendment No.2 and Fees Ordinance attached, together with this explanatory letter, to be included in the December Billet.

*Matt Birmingham
Chairman"*

The States of Alderney is asked to approve the Building and Development Control (Alderney) (Amendment No.2 and Fees) Ordinance, 2016.

Item IV Registration of Buildings and Conservation Areas under the Building and Development Control (Alderney) Law, 2002.

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

"Under the provisions contained in Section 50(2) of the Building and Development Control (Alderney) Law, 2002, as amended, the Building and Development Control Committee is required to publish in a Billet d'État, at least once every three years, a list of all buildings and conservation areas appearing in the Register of Historic Buildings and Ancient Monuments. The list was last published in a Billet D'Etat on 23 October 2013 and there have been no amendments made to the list since then. The list is attached.

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

*Matt Birmingham
Chairman"*

The States of Alderney is asked to take note of the list of properties appearing in the States Register of Historic Buildings and Ancient Monuments as required by The Building and Development Control (Alderney) Law, 2002.

Item V **Annual Reports of States Committees for 2016**

On the 4 May 1977, the States resolved to instruct all committees to prepare an annual report, and for that report to be debated at the December States Meeting.

(i) Annual Report of the Policy and Finance Committee

The following report was received from Mr McDowall, Chairman of the Policy and Finance Committee:-

“To dispel the myth of fewer meeting in 2016, there were eight monthly Policy & Finance Committee Meetings in 2016 (January, February, April, May, June, July, September and October). There have traditionally been ten meetings per year with no monthly meeting held in February or August. No meeting was held in November as a result of the election and a meeting was not contemplated for December unless there is urgent routine business to transact. There were four additional special meetings driven by external events:

- *The Good Governance review following the raid on Dr Lyons’ Medical Practice*
- *On the” FAB link”*
- *Aurigny Budget for 2017*

Small matters were despatched with reasonable speed but the major issues on the agenda are work-in-progress:

- *Implementation of the financial relationship changes with Guernsey*
- *Continuing unsatisfactory service from Aurigny*
- *Future funding and ownership of the airport /runway*
- *“Brexit implications” for the Crown dependencies and specifically for Alderney*
- *“Fablink”*
- *Political and Administrative Governance*
- *Economic development*

The meetings have become longer to enable more lengthy debate, which, on some subjects has been extended to more extensive debate in the full States.

External events (Fablink, Financial relationship/Brexit) are influencing and will influence priority issues to a much more profound degree than they have historically.

I would like to thank Members for their robust, highly participative contributions to the Policy & Finance Committee Meetings in 2016.

*Robert McDowall
Chairman”*

(ii) Annual Report of the Building and Development Control Committee

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

“2016 has been a busy and successful year for the BDCC.

At the start of the year, as part of the process building towards the 2016 Land Use Plan review, after public consultation and in association with industry professionals ARUP, the BDCC issued a spatial Housing Strategy for the next 20 years. This included a number of recommendations in relation to the Land Use Plan itself which included the introduction of Housing Character areas and a new hierarchical structure for the development of land for housing. Along with this a number of recommendations were made for changes to the Building and Development Control Law including the repeal of Part V of the law known as the "C" permits system.

It is believed by the Committee that this change could significantly help the future of the construction industry over the next decade and following adoption at the July States meeting will become law from the 1st of January 2017.

Further changes also have strengthened the law in regards the requirement to consider environmental impacts and the sustainability of the island within the planning process.

In addition, the BDCC for the first time created an overall vision for the island in terms of its spatial development. This is a small but highly significant change that fundamentally underpins the planning process and the development of spatial policy for the island for the future.

The proposed Land Use Plan changes were placed before the independent Land Use Plan enquiry chaired by Alan Langton in April 2016. This most open and inclusive of States processes was universally well received by the participants and the public and was placed on the July Billet for adoption where it was ratified.

As soon as these changes were adopted, work immediately began on the final phase of the Land Use Plan Review which is due for completion in the summer of 2017. This is dealing with economic matters, conservation and built environment issues alongside heritage and the rural environment. The project is advancing well, the initial work streams have already been completed with the input of the Alderney Society, Alderney Wildlife Trust, Guernsey Museums, J Trails, Donald Hughes and Tissie Roberts. I am grateful for all their efforts. Participative workshops are being held by ARUP during December.

The public call for sites produced over 70 submissions for both development and protection of sites, which are now being evaluated by ARUP. This work will inform the draft Land Use Plan policies which will come forward to BDCC in 2017.

During this year the BDCC have considered a number of other policy issues including the creation of a new windows policy for conservation areas, the adoption of clear propriety guidance for Committee members in regards the planning process and the finalisation of a protocol for the adoption of open planning meetings.

I hope that the new BDCC Committee formed in 2017 choose to adopt this protocol and take the decision to conduct the process of approving planning applications in a public forum.

Of course all this work is on top of the day to day operation of the Planning Department. 116 planning applications and 45 building applications have been submitted so far this year. Of these, 98 planning and 40 building applications have been dealt with. Alongside this the planning office has been involved in a number of pre planning discussions on a number of potential developments, not least the FAB link project and significant discussion with the Law Officers involving the appeals process and potential future changes to the planning law.

The Committee took the decision some time ago to try to speed up the planning process on simple and non-contentious applications. In 2016, 49 of the 98 applications dealt with so far have been approved under the fast track approval process. This shows that the BDCC continues to try to improve the service and

spend more of its time dealing with more complex and contentious applications rather than on the simple and straightforward, making better use of officer and States Member's time.

Looking ahead, 2017 appears as though it will even busier than 2016 and I wish the 2017 Committee good luck with what is likely to be a large legislative programme alongside some significant planning applications.

Finally, as Chairman I would like thank my fellow BDCC members for their support and I would like to give my thanks to John Young and Sam Osborne for their dedication and hard work over the last year and to Laura Baines as Minute Secretary. In addition my thanks go out to the Law Officers particularly Helen Shorey and Robin Gist for their assistance in what is a complex area of law.

*Matt Birmingham
Chairman"*

(iii) Annual Report of the General Services Committee

The following report was received from Mr Tugby, Chairman of the General Services Committee:-

"This year saw the appointment of a new Technical Services Officer, a great attribute to the department, with a number of projects being undertaken and completed.

A number of maintenance projects on States owned properties have been carried out, one being the Town Clock, which underwent major refurbishment, and has become a real focal point for the High Street and Le Huret area. The bus shelter at Whitegates has been renovated and has proved to have been popular over the Summer period with visitors and locals. It envisaged that improvements will continue to be carried out during 2017 to further enhance this area. Work on St Anne's Church has finally begun again after the recent storm damage with a Project Manager being appointed to assist the States with this project.

The Mouriaux to Platte Saline sewage project is now underway with half the project completed, this work will continue in 2017. A number of sewage pump operations have been overhauled or replaced due to mechanical failure this year.

The disposal of the island's green waste continues to be an issue, a long term capital project including the purchase of a fit for purpose piece of equipment, which should reduce man hours, and enable it to be handled more efficiently. All those on the island who recycle are also to be thanked as this helps to keep the costs down by reducing the amount which is sent for landfill in Guernsey.

The Grounds Maintenance Team have seen some recent changes and are now up to full complement, with the team undertaking a number of winter projects including plant propagation and bedding displays. Excellent work has been carried out with the assistance of DEFRA and outside agencies in identifying and destroying an Asian Hornet nest that was found on island. Well done to the team.

The facilities at the Harbour (showers) have been refurbished and major improvements to the facilities have now been completed. An issue with Pilotage due to the retirement of the incumbent Pilot has been resolved with the assistance and support of the Guernsey Pilots, this system is working very well.

Repairs to certain areas of coastal erosion around the island have commenced, the areas identified at present being the Glacis (near recycling), Corblets wall, Clonque, Sayer and an area at Longis near to the Nunnery.

The Water Board have been busy this year replacing and improving areas of poor infrastructure, a number of properties benefitting from high pressure water pipes where low water pressure has been identified.

One of the key work streams in the States' Economic Development Plan is to develop the tourism strategy, building on the achievements of the Living Islands initiative run in 2014 and 2015, to grow visitor numbers and enhance the tourism experience in relation to the important niche areas of heritage and wildlife. The Committee agreed to the establishment of an Estate Management Policy, and the subsequent development of Management Plans for key island sites, a very cost effective way to help secure the objectives, with the collaborative working of the States Works Department labour force and the volunteer labour available to the Island's non-governmental organisations (such as the Wildlife Trust) who see this as a sensible and pragmatic way to achieve the most cost effective results for the island.

*Ian Tugby
Chairman"*

Item VI Questions and Reports

No Questions or Reports were received

Issued: 2nd December 2016