



## ORDINANCE OF THE STATES: V of 2024

### The Building and Development Control (Alderney) (Fees) (Amendment) Ordinance, 2024

<i>Made</i>	<i>15 May 2024</i>
<i>Coming into force</i>	<i>1 June 2024</i>

THE STATES OF ALDERNEY, in pursuance of their Resolution of the 15th May, 2024, and in exercise of the powers conferred upon them by sections 5(1)(b), 39(3) and 75 of the Building and Development Control (Alderney) Law, 2002<sup>a</sup>, and all other powers enabling them in that behalf, hereby order:-

#### Amendment of the 2016 Ordinance.

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

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

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<sup>a</sup> Order in Council No. XII of 2003; this enactment has been amended.

<sup>b</sup> Alderney Ordinance No. XIV of 2016; this enactment has been amended.

(3) For Schedule 2 (table of fees to accompany deposit of plans under the building regulations) substitute the Schedule 2 set out in Schedule 2 to this Ordinance.

**Application of fees.**

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

- (a) an application under section 5 of the Law for permission to carry out development or other work,
- (b) an application under section 10A of the Law for a preliminary declaration in relation to development or other work, and
- (c) a deposit of full plans deposited with the Committee under the building regulations,

as the case may be, made or deposited on or after the 1<sup>st</sup> June, 2024.

**Interpretation.**

3. In this Ordinance, unless the context requires otherwise, "the Law" means the Building and Development Control (Alderney) Law, 2002.

**Citation and commencement.**

4. This Ordinance may be cited as the Building and Development Control (Alderney) (Fees) (Amendment) Ordinance, 2024 and shall come into force on the 1<sup>st</sup> June, 2024.

SCHEDULE 1

Section 1(2)

"SCHEDULE 1

Section 2

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

CATEGORY	DEVELOPMENT OR OTHER WORK TO WHICH APPLICATION RELATES	FEE £
1	<b>The erection of a dwelling or the material change of use of a building to create a dwelling including any associated works.</b>	
A (single dwelling-house)  (i)	for one dwelling-house erected or created of-  less than 120 square metres in floor area	800
(ii)	120 square metres or more in floor area	800 for the first 120 square metres and 6 for each additional one square metre and for any additional part remaining of less than one square metre

<p>B (single flat)</p> <p>(i)</p> <p>(ii)</p>	<p>for one flat erected or created of –</p> <p>less than 75 square metres in floor area</p> <p>75 square metres or more in floor area</p>	<p>400</p> <p>400 for the first 75 square metres and 6 for each additional one square metre and for any additional part remaining of less than one square metre</p>
<p>C (multiple dwelling-houses)</p> <p>(i)</p>	<p>for two or more dwelling-houses erected or created-</p> <p>for each dwelling-house erected or created (up to a maximum of three) of less than 120 square metres in floor area</p>	<p>800</p>
<p>(ii)</p>	<p>for each dwelling-house erected or created (up to a maximum of three) of 120 square metres or more in floor area</p>	<p>800 for the first 120 square metres and 10 for each additional one square metre and for any additional part remaining of less than one square metre</p>

(iii)	for four or more dwelling-houses erected or created, for each dwelling-house	10 per square metre and for any additional part remaining of less than one square metre
D (multiple flats)	for two or more flats erected or created-	
(i)	for each flat erected or created (up to a maximum of three) of less than 75 square metres in floor area	400
(ii)	for each flat erected or created (up to a maximum of three) of 75 square metres or more in floor area	400 for the first 75 square metres and 10 for each additional one square metre and for any additional part remaining of less than one square metre
(iii)	for four or more flats erected or created, for each flat	10 per square metre and for any additional part remaining of less than one square metre

2	<b>The erection of a building, or the extension to a building, not falling within category 1 or 4, in relation to, or within the curtilage of, a dwelling-house, including any associated works.</b>	
A	for each building or extension of less than 20 square metres in floor area	175
B	for each building or extension of 20 square metres or more in floor area	175 for the first 20 square metres and 45 for each additional 10 square metres and for any additional part remaining of less than 10 square metres
3	<b>The erection of a building, or the extension to a building, not falling within category 4, other than in relation to a dwelling-house or within the curtilage of a dwelling-house, including any associated works.</b>	
A	for each extension of less than 20 square metres in floor area	300
B	for each extension of 20 square metres or more in floor area	300 for the first 20 square metres and 100 for each

		additional 10 square metres and for any additional part remaining of less than 10 square metres
C		
(i)	for the erection of a building of less than 120 square metres in floor area	975
(ii)	for the erection of a building of 120 square metres or more in floor area	975 for the first 120 square metres and 100 for each additional 10 square metres and for any additional part remaining of less than 10 square metres
4	<b>For the carrying out of any minor or temporary development or other work not falling within category 5 and not involving the erection of a building or a structural alteration to a building, for all such development or works.</b>	95
5	<b>For a material change of use of a building or other land other than a material change of use to create a dwelling.</b>	215

6	<b>For the carrying out of any development or other work not falling within any other category in this Table.</b>	
A	in respect of a site of 0.1 of a hectare ( $\frac{1}{4}$ of an acre) in area or less	185
B	in respect of a site of more than 0.1 of a hectare ( $\frac{1}{4}$ of an acre) in area but not exceeding one hectare (2.49 acres) in area	185 for the first 0.1 of a hectare and 50 for each additional 0.01 of a hectare and for any additional part remaining of less than 0.01 of a hectare
C	in respect of a site of more than one hectare (2.49 acres) in area but not exceeding two hectares (4.94 acres) in area	9,250 for the first one hectare and 50 for each additional 0.01 of a hectare and for any additional part remaining of less than 0.01 of a hectare
D	in respect of a site of more than two hectares (4.94 acres) in area	15,400 for the first two hectares and 300 for each additional 0.01 of a hectare and for any

		additional part remaining of less than 0.01 of a hectare
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NOTES TO THE TABLE OF FEES

**Maximum fee per application.**

1. The relevant fee payable in accordance with the table and these notes is subject to a maximum of £250,000 per application.

**Retrospective applications.**

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

**Proposed development within more than one sub-category.**

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

**Demolition and associated works.**

4. Despite paragraph 3 -

- (a) where a category or sub-category of development or other work is described as including works associated with that development or work a separate fee is not payable in respect of those associated works where

they also fall within another category or sub-category to the Table, and

- (b) where demolition is necessary to carry out other development or work falling within any category of this Table no additional fee is payable in respect of that demolition.

**Interpretation.**

5. In this Schedule -

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

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

SCHEDULE 2

Section 1(3)

"SCHEDULE 2

Section 4(1)

TABLE OF FEES TO ACCOMPANY DEPOSIT OF PLANS UNDER THE  
BUILDING REGULATIONS

CATEGORY	BUILDING WORK OR MATERIAL CHANGE OF USE TO WHICH PLANS RELATE	FEE £
<b>1</b>	<b>The creation of a new dwelling, by its erection or by a material change of use of a building, including any associated building work.</b>	
A	for each dwelling-house created  i) of up to 120 square meters of floor area  ii) of 120 square meters or more of floor area	600  600 for the first 120 square meters and 6 for each additional one square metre and for any additional part remaining of less than one square metre
B	For each flat created	
	i) of up to 75 square meters of floor area	500

	ii) of 75 square meters or more of floor area	500 for the first 75 square meters and 6 for each additional one square metre and for any additional part remaining of less than one square metre
<b>2</b>	<b>The – (a) erection or material change of use of a building, or (b) extension or other material alteration to a building, not falling within category 1 including any associated building work.</b>	
A	of less than 20 square metres in floor area	250
B	of 20 square metres or more, but less than 50 square metres, in floor area	375
C	of 50 square metres or more, but less than 100 square metres, in floor area	500
D	of 100 square metres or more, but less than 250 square metres, in floor area	600
E	of more than 250 square metres in floor area	1050
F	for the erection of a garage, carport, conservatory or sun lounge within the curtilage of a dwelling, for each such garage, carport, conservatory or sun lounge	215

<b>3.</b>	<b>The carrying out of any specified building work not carried out as part of building work falling within any other category in this Table.</b>	
A	for the provision or alteration of a drainage system, including the installation of a cesspit, for any number of such drainage systems	125
B	for the erection of a retaining wall, for any number of such walls	125
C	for building work involving the underpinning of a building, for any number of such buildings underpinned	185
D	for the installation of a swimming pool or spa (including any plant room, pool room or other room required in relation to such swimming pool), for any number of such pools or spas	150
E	for the construction of a road, for any number of such roads	150
F	for the demolition of a building, for any number of buildings demolished	125
G	for the provision or material alteration of a controlled service or fitting not falling within any other sub- category to this category, for any number of the same	60
H	for the replacement of existing windows or external doors within an existing aperture, for any number of such windows or external doors	95
I	for the renovation of a thermal element	125
J	for the fitting out of a shop or office	300
K	for the material alteration of a building, other than	300

	an alteration falling within any other sub-category in this Table, where the estimated cost of the building work is less than £10,000, for each of the same	
L	for the alteration of a building, other than an alteration falling within any other sub-category in this Table, where the estimated cost of the building work is £10,000 or more, for each of the same	600

### NOTES TO THE TABLE OF FEES

#### **Retrospective applications.**

1. Where a deposit of full plans is made in respect of building work or a material change of use which has been carried out without approval of plans required under the building regulations the fee payable, to the extent that such plans relate to such work or change of use, is double that otherwise payable in accordance with this Schedule.

#### **Building work or a material change of use in more than one sub-category.**

2. (1) Where the deposit of full plans is made in respect of more than one sub-category of building work or material change of use listed in the Table, the fee payable is, subject to the following provisions of this Schedule, the aggregate of all the fees payable in respect of the building work or material change of use in question.

(2) Despite subparagraph (1) –

(a) where a category or sub-category of building work or material change of use is described as including works associated with that building work or material change

of use a separate fee is not payable in respect of those associated building works where they also fall within another category or sub-category of the Table, and

- (b) where demolition is necessary to carry out building work falling within any category of this Table no additional fee is payable in respect of that demolition.

**Alterations to previously approved plans.**

3. A deposit of full plans that seeks to revise previously approved plans is charged at the rate applicable to the revision. For example, a deposit of full plans to alter the internal layout of a dwelling as shown on previously approved full plans would be charged as for an alteration falling under category 2.

**Category 2.**

4. (1) Where a deposit of full plans relates to building work falling within category 2A to E in relation to –

- (a) more than one extension to the same building the fee shall be calculated by aggregating the floor area of all extensions created or formed by the building work or material change of use,
- (b) more than one building, a separate fee is payable in respect of each building.

(2) The building work specified in category 2F is charged under that category and not under the appropriate general category for an extension of the appropriate floor space in 2A to E.

### Interpretation of Schedule.

5. In this Schedule, unless the context requires otherwise -

"**associated building work**" means any building work which can reasonably be regarded as necessary to carry out the description of building work or material change of use in question and related terms shall be construed accordingly,

"**estimated cost**" means such reasonable amount as may be charged by a person in business to carry out the work in question,

"**retaining wall**" means a wall built to support a mass of earth, soil or rocks on one side of it where the difference in level supported is greater than 450 millimetres, and

"**controlled service or fitting**", "**conservatory**", "**demolition**", "**extension**", "**floor area**", "**material alteration**", "**sun lounge**" and "**thermal element**" have the same meanings as in the building regulations."

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