



**ALDERNEY  
COMMISSION**  
FOR RENEWABLE ENERGY

# **Guide to the Licensing and Consents Process**

**for obtaining a Licence in relation to land based renewable  
energy systems under the Renewable Energy (Alderney) Law,  
2007**

**LAND  
2019**

Contact us

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## Table of Contents

1. Introduction	Page 1
2. Stage 1 – Application for a Licence	Page 3
3. Stage 2 – Engineering, Technical Assessment and Certification	Page 6
4. Stage 3 – Publicity, Consultation	Page 7
5. Stage 4 – Determination of Application	Page 9
6. Annex 1	Page 11
7. Annex 2	Page 12

## Introduction

### The Commission

The Alderney Commission for Renewable Energy was established by the States of Alderney under the Renewable Energy (Alderney) Law, 2007 to provide an independent body to licence and control the deployment, management, operation and use of renewable energy systems in the island of Alderney and its Territorial Waters. The Commission is the licensing and civil enforcing authority for any renewable energy activities in the Island and its Territorial Waters.

### The Regulatory Role

The Commission wishes to take a positive role in the development of Alderney's renewable energy resources, particularly those from tidal, whilst ensuring that such developments are sustainable and of long term benefit to the Island and its people. To this end the Commission has developed a clear and simple consents process that is consistent with best practice in the UK. The Commission will update its consents guidance, in line with developing best practice and to reflect any new legislation and amendments.

### Guidance

This consents guide reflects the requirements under the Renewable Energy (Alderney) Law <sup>1</sup>, 2007 (the 'Law') and the Renewable Energy (Alderney) Ordinance <sup>2</sup>, 2008 as amended (the 'Ordinance'). The starting point for any applicant for a Licence is in Sections 4-17 of the Ordinance and the Renewable Energy (Alderney) (Fees) Regulations <sup>3</sup>, 2010. These can be found online here:

<sup>1</sup><http://www.guernseylegalresources.gg/article/91424/Energy>

<sup>2</sup><http://www.guernseylegalresources.gg/article/91422/Energy>

<sup>3</sup><http://www.guernseylegalresources.gg/article/99827/No-7---The-Renewable-Energy-Alderney-Fees-Regulations-2010>

The Commission is also available for informal consultation and guidance if required, although in relation to decisions before it, the Commission must keep an open mind until it has considered all relevant information.

This document is for obtaining a licence in relation to **wholly land based** renewable energy systems. Of necessity it can only be a general guide, since the circumstances of each application will differ.

## **Exemption from Licencing**

Exemptions to the Law are set out in the Ordinance Section 1 and notably includes the *'exemption of a system which has a rated maximum output of no more than 20 kilowatts'* (subject to additional criteria as set out in Section 1).

## **Your workforce on Alderney**

Please note, any non-resident contractors working on renewable energy projects on island will require an Employment Permit from the States of Alderney. This follows the Employment Permits (Alderney) Law, 1975, where all citizens of the EU (including Guernsey, Sark and Jersey residents), are required to apply for and be granted an Employment Permit before commencing employment on Alderney, unless they are exempted under the aforementioned Law. Please refer to the States of Alderney website <http://www.alderney.gov.gg/article/4064/Working-in-Alderney> or enquire at States of Alderney, Office of the Chief Executive, PO Box 1001, Alderney, GY9 3AA. 01481 822811.

In light of this requirement, the Commission recommends that developers include any suitable local resident contractors on their tender list when they are assessing their project requirements.

## **Stage 1 – Application for Licence**

### **1.1 Pre-application requirements**

On Alderney, development is permitted by the States of Alderney Building and Development Control Committee through application of the Building and Development Control (Alderney) Law 2002 in the context of the Alderney Land Use Plan 2017. The Commission will not accept an application for a licence for a Renewable Energy system unless necessary building and/or planning permissions are in place first.

The Renewable Energy activity or system is under the remit of the Commission, however it is expected that the information required by the States of Alderney will be very similar to that which is required by the Commission. In this context the States of Alderney and the Commission may consult in the early stages of an application and we advise that any work undertaken by the applicant should take into account this overlap and be considered in the context of satisfying both sets of requirements.

### **1.2 Submitting an application**

The applicant must submit an application for a Licence in accordance with the provisions of Section 4 of the Ordinance. Under Section 11(2) (a) of the Ordinance the Commission may also where it considers it appropriate to do so issue a Licence subject to a condition to obtain the further consent of the Commission in relation to a particular renewable energy activity. This guide should also therefore be used in respect of the satisfaction of a Licence condition and the applicant will be required to submit any further request for consent and supporting information within the timeframe specified in his Licence.

### **1.3 Requirements**

The application to the Commission must contain those matters specifically set out in Section 4 of the Ordinance and should also include:

- Non-technical overview.
- Full details of the developer and any associates and/or partners including its Company or Limited Partnership number, registered office, a list of current directors and an address for service within Alderney.
- Full details of the work to be carried out, including contractors and equipment to be used and timelines.
- Information to provide sufficient evidence of the developer's operational and financial ability to complete the project.
- Full details of all equipment and materials to be deployed.
- Full operations and maintenance plan.

- The developer's Health and Safety (H&S) Policy and any other relevant certification including quality e.g. accreditation to ISO standards. Please note that the Commission must have particular regard to ensure that the operation of the renewable energy system is not a danger to human life, and must have regard to the need to protect human health. Accordingly applications should include health and safety statements, working methodology, and identify who will be the responsible person for health and safety requirements and how the applicant intends to comply with the Health and Safety at Work (Alderney) Ordinance, 2003.
- The developer's H&S programme for planning, designing, installing, operating and decommissioning the project ; which also need to be submitted to an Inspector appointed under the Health and Safety at Work (Alderney) Ordinance, 2003 for their consideration. Inspectors are currently appointed from the Guernsey Health and Safety Executive (HSE).
- Full decommissioning programme; this may be required for larger land based systems -see Section 4 and Schedule 2 of the Ordinance. Applicants should consider and include information to provide sufficient evidence of the developer's operational and financial ability to decommission the project at the end of its current life (or the Licence period) and details of the appropriate financial instrument offered in support of the decommissioning programme. Please refer to the Commission's 'Guideline for Decommissioning of Renewable Energy Systems' to be found at - [www.acre.gov.gg/document-library](http://www.acre.gov.gg/document-library)
- Details of engineering and process certification (see Stage 2).
- An Environmental Statement (see 1.4) which may be required for larger land based systems. This should include an assessment of the potential environmental impacts and appropriate mitigation measures (see 1.5).
- Proof of insurance satisfying the requirements of Section 9(5)(c) of the Ordinance. The Commission will require that both the Commission and the States of Alderney are named as co-insured.
- The appropriate application fee under the Renewable Energy (Alderney) (Fees) Regulations, 2010.

The Commission may require the applicant to give permission for further investigations to be made by the Commission which it deems necessary to determine the application. In this case the applicant may be required to pay a fee towards the reasonable expenses of such investigations.

#### **1.4 Environmental Statement**

A Regional Environmental Assessment\* (REA) has been completed for Alderney and its territorial waters. It provides information on the environmental considerations and risks associated with the development of renewable energy plans. It is intended to be

used to support individual licence applications and the preparation of Environmental Statements.

Schedule 1 of the Ordinance sets out the requirements for an Environmental Statement ('ES') which may be required for larger land based systems. This is a comprehensive schedule which should be read in conjunction with this section. The level of environmental assessment required will be proportionate to the size and location of the particular development envisaged in the application. The ES should be supplied to the Commission in hard copy and electronically.

### **1.5 Environmental Impact Assessment**

A full Environmental Impact Assessment (EIA) will normally be required as part of the ES. For advice on preparing an EIA please refer to the statutory guidance SG 1/18\*\* issued by the States of Alderney. It is a comprehensive document which defines the EIA process supporting sustainable development on Alderney. EIA topics and a list of local stakeholder contacts are set out in Appendix D of that document. SG 1/18 should be used in conjunction with this guidance as the Commission will likely have additional requirements.

For the purposes of the Commission, a suitable scale on which impacts should be assessed are set out in Appendix 1.

Mitigation measures should be recorded using the approach specified in Appendix 2.

### **Reference**

\*Alderney Regional Environmental Assessment of Renewable Energy, Environment Report, March 2014. [www.acre.gov.gg/document-library](http://www.acre.gov.gg/document-library)

\*\* SG 1/18 (Environmental Impact Assessment)  
[www.alderney.gov.gg/article/161037/Policy-and-Law](http://www.alderney.gov.gg/article/161037/Policy-and-Law)

## **Stage 2 – Engineering, Technical Assessment and Certification**

### **2.1 Certifying Body**

The Commission will want to understand and approve the technology to be used and the means to deploy that technology being subject to a duty under the Ordinance to have regard to the technical quality of the renewable energy system. To this end the developer will be expected to seek certification from a suitable organisation. DNV GL ([www.dnvgl.com](http://www.dnvgl.com)) has been accepted by the Commission as a suitable Certification Body (assuming there is no conflict of interest) but other bodies may be acceptable if they can meet the Commission's criteria.

### **2.2 Types of Certificate required**

Both a Type and Project Certificate from the Certification Body (together with any conditions) will be required by the Commission as part of the application process. In exceptional circumstances (to be agreed with the Commission) a prototype certificate may be acceptable for a limited period. However the case for this would need to be made based on the state of development of the selected device and the Commission would need to be kept informed either by the developer or the Certification body of the steps in the process of obtaining a prototype certificate and any restrictions to be implemented as part of this certification.

### **2.3 Monitoring**

The developer will be expected to maintain the Certification through regular surveys of the operating system to meet the Certification Body's requirements. Withdrawal of the Certificate by the Certification Body and the reasons for withdrawal, together with the proposed corrective actions must be reported to the Commission within a period of not greater than 5 working days.



## **Stage 3 – Publicity, Consultation**

### **3.1 Notice of Application for Licence**

This is the formal publicity and consultation process for the Application. Applicants are referred to Sections 5, 7 and 8 of the Ordinance and the importance of the publicity and consultation Process. The developer will be required to place a notice (Ordinance Schedule 3) publicising the application and inviting comments and feedback from all stakeholders and the general public, giving a notice period of twenty one days for comments to be made. A list of those to be consulted is set out in 3.3. The application, (and any accompanying Environmental Statement and Decommissioning Programme if required), must also be made available for public inspection at the Commission's offices.

### **3.2 The Application Process**

- The developer places a notice in the Alderney Gazette of the making of the application, the proposed operation and the opportunity to inspect the application. The notice must state the date (twenty one days after the date of the notice) by which representations in respect of the project must be received, and the address to which they must be sent. The developer is also required to publish the notice in such other ways as the Commission considers will bring the attention of those likely to be affected.
- The representations will be considered by the Commission and objectors given the opportunity to make oral representations at a hearing before the Commission in accordance with the procedure in section 8 of the Ordinance. The hearing will be held in public unless the Commission directs otherwise.
- The Commission must consider all representations made in response to the above publicity, including those made at any hearing, and any other material considerations it is required to consider in reaching its eventual decision on an application.
- The final decision on a particular consideration will rest with the Commission. In doing so it will act in accordance with the Ordinance, in particular sections 6 to 8.

### **3.3 Stakeholders and Consultees**

The Commission has defined the following stakeholders as Consultees with whom the developer should engage throughout the consents process, including submission of the completed Environmental Statement where required for comment:

- States of Alderney CEO;
- Alderney Wildlife Trust;
- Guernsey Health and Social Services Department (HSSD);
- Inspectors appointed under the Health and Safety at Work (Alderney) Ordinance 2003;
- General Manager – Ports of Guernsey (Alderney Airport);

- Alderney Electricity Ltd and;
- The Alderney Society.

In addition to those listed above other consultees should be identified during the EIA process (where an EIA is required) or may be specified by the Commission. The Commission will advise and assist the developer to ensure that all requirements are satisfied.

The Commission is statutorily required to consult Alderney Electricity Limited and may decide to consult other bodies as set out in section 7 of the Ordinance.

### **3.4 Consultee objections**

The applicant will be given the opportunity to respond to comments made by all Consultees. Where any Consultees make objections they will also have the opportunity to make oral representations at a hearing under section 8 of the Ordinance.

## **Stage 4 – Determination of Application**

### **4.1 Consideration and Review**

The Commission will consider all the information and documentation submitted by the developer, any statutory Consultees and other representations made in response to the publicity outlined in Stage 3. Engineering, technical or environmental reports sent to the Commission may be submitted for independent review depending on the scale and environmental sensitivity of the proposed development. However, the Commission will ensure that any independent reviews required will respect any commercially confidential information submitted by the developer.

The Commission will satisfy itself that all representations from stakeholders, including the public have been considered (see section 9 (3) and (4) of the Ordinance); that information has been provided on how any adverse impacts have been minimised; and that the appropriate mitigation measures have been identified. The final weighing of relevant considerations including objections and other representations will rest with the Commission.

### **4.2 Health and Safety**

The Commission will also take into account the response from health and safety inspectors appointed under the Health and Safety at Work (Alderney) Ordinance, 2003 on the health and safety aspects of the proposed development.

### **4.3 Conditions of Consent**

All other applicable statutory consents or permits required should be obtained before a Licence is granted or a Condition is approved.

Conditions of consent may be prescribed in accordance with sections 9 and 11 of the Ordinance. Terms and conditions may specify:

- Where an EIA is required developers are to provide monitoring information linked to the ES.
- Requirement for ongoing stakeholder engagement throughout the life of the project.
- Review clauses.
- Requirement that data acquired during survey and operations are shared with the Commission, with appropriate safeguards for commercially sensitive data.

#### **4.4 Granting or Refusing an Application**

The Commission will issue to the applicant a notice of its decision. If an application is granted any conditions to which the licence is subject will be specified together with the reasons for the imposition of such conditions.

If an application is refused the Commission will include in the notice the reason for the refusal. The applicant has a right of appeal under section 29.

Any licence issued by the Commission shall be listed on the Commission's public register of licences naming the licensee together with a copy of the licence.

**Appendix 1 - Criteria to be used to assess environmental impact \***

	<b>Ecological Effects</b>	<b>Socio-economic effects</b>	<b>Stakeholder concerns</b>	<b>Consequence for developers</b>
<b>MAJOR</b>	Degradation to the quality or availability of habitats and/or wildlife with recovery within an ecologically important period.	Change to commercial activity leading to a loss of income or opportunity beyond normal business variability/risk Potential short term effect upon public health / well-being. Real risk of injury.	Significant concern from other stakeholders (e.g. other local/regional/international concerns). Breach of local/regional/international legislation for protected species and habitats. Potential for wide-scale active campaigning locally or wider.	Introduce mitigation measures so as to reduce the impact to a level that can be accommodated and/or avoid a breach of legislation. Likely to be a requirement to closely monitor areas of residual impact.
<b>MODERATE</b>	Change in habitats or species beyond natural variability with recovery potentially within a period of low ecological importance.	Change to commercial activity leading to loss of income or opportunity within normal business variability/risk. Possible but unlikely effect upon public health/well-being. Remote risk of injury.	Concern from other stakeholders (e.g. local/regional concerns). Breach of local legislation for protected species and habitats.	Introduce mitigation measures so as to reduce the impact to a level that can be accommodated and/or avoid a breach of legislation. Likely to be a requirement to monitor areas of residual impact.
<b>MINOR</b>	Change in habitats or species which could be measured but of a scale unimportant relative to natural variability.	Possible nuisance to other activities and some minor influence on income or opportunity. Nuisance but no lasting effect upon public health/well-being.	Specific concerns within a limited group. Small scale breach of local legislation (e.g. minor environmental concern: a specific species or habitat).	Be aware of potential impacts, manage operations to minimise impacts and interactions.
<b>NEGLIGIBLE</b>	Change in habitats or species so small as to be difficult to measure relative to natural variability.	Noticed by, but not a nuisance to other commercial activities. No discernible effects upon the health and well-being of the public.	Stakeholder awareness but no concerns.	No positive intervention needed but ensure they do not escalate in importance.
<b>NO INTERACTION</b>	None	None	None	Ensure changes to activities do not lead to new impacts
<b>POSITIVE</b>	An enhancement of ecosystem or popular parameter	Benefits to local community	Benefit to stakeholder issues and interests	Actively work to maximise specific benefits whilst minimising any indirect adverse affects.

\*Based on "Environmental Impact Assessment – Guidance for Developers at the European Marine Energy Centre", 2013.

**APPENDIX 2**

**Impact Evaluation**

1. Developers should identify which activities have the potential to cause impacts (column 1 in table below).
2. The basis for these impacts, including the mechanism involved and the environmental component affected should be described in column 2 of the table.
3. The significance of the impact based on the criteria in appendix 1, assuming a worst case impact i.e. with no mitigation or management measures in place, should be entered into column 3 of the table. Where there are uncertainties in the significance of the impact these should be noted.
4. Developers should identify management and mitigation measures that will be employed against each issue and list these in column 4 of the table.
5. The measures listed will allow assessment of the residual impacts that are anticipated to arise following implementation of the mitigation and management measures. Residual impacts should be rated using the criteria in Appendix 1 and entered into column 5 of the table.
6. Any residual impacts, ranked as moderate or major should be discussed in more detail in the main text of the ES document.
7. For any potentially significant impacts there will be a requirement to develop and implement appropriate monitoring programmes.

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Identified activity (list as required below)</b>	<b>Prediction of potential impact</b>	<b>Potential impact significance</b>	<b>Proposed management and mitigation measures</b>	<b>Residual impact significance</b>
Activity 1				
Activity 2 etc				