

## **ADDENDUM**

### **Corrections and Additions to the Reports and Supporting Papers for the Christmas Meeting of Chief Pleas – 16<sup>th</sup> JANUARY 2013**

Enclosed are additional supporting papers for inclusion under Item 16 which has had recent minor changes made to it:

**Item 16**      Supplementary Report enclosing draft Statement of Policy  
Number: 01 and Procedure - 01.

**4<sup>th</sup> January 2013**

**Lt Col RJ Guille MBE  
Seneschal and President of Chief Pleas**

## **CHRISTMAS CHIEF PLEAS 16<sup>th</sup> January 2013**

### **Supplementary report and supporting papers for Item 16**

A version of the attached papers originally accompanied a report to the Christmas Chief Pleas on 18<sup>th</sup> January 2012 (Ref: Item 8) and are referred to in the current report. Minor refinements have since been made following discussions between the Director of Civil Aviation (DCA) and the General Purposes & Advisory Committee.

### **General Purposes & Advisory Committee**

**Statement of Policy Number: 01**

**Title:** Consultation with Alderney and Sark

**Effective Date:** 06.09.12

**File Ref:** C&E: P:\Global\Aviation\DCA Policies&Procedures\080812\_POL\_01

**Status:** Under consultation

**Rationale:**

The Aviation (Bailiwick of Guernsey) Law, 2008 Section 4(1)(c)(i) & (ii) requires that the DCA shall carry out his function where reasonably practicable, when the interests of Alderney and Sark are likely to be affected, following consultation, respectively, with the Policy and Finance Committee of the States of Alderney or the General Purposes and Advisory Committee of the Chief Pleas of Sark. Section 177 further states that an Ordinance made under the Law does not have effect in Alderney or Sark unless approved, respectively, by the States of Alderney or by the Chief Pleas of Sark.

The purpose of this statement of policy is to provide a sound basis for the development of appropriate working procedures between the DCA and the Alderney and the Sark authorities as to the arrangements for ensuring adequate consultation on aviation issues affecting Alderney and Sark; and to avoid, whenever possible, differences of approach on aviation matters across the Bailiwick generally.

**Policy Statement:**

1. Whenever a proposal is being considered (a) to amend the Aviation (Bailiwick of Guernsey) Law, 2008 or, (b) to add new functions by resolution of the States of Guernsey or, (c) to bring forward an Ordinance under the Law or, (d) to make Regulations or other subordinate legislation under the Law or, (e) issue instructions (including permissions, exemptions and restrictions), policies or procedures under the Law, which materially affect Alderney or Sark, the DCA shall ensure that appropriate and timely consultation with the Alderney and/or Sark authorities, as appropriate, is undertaken as required by the Aviation (Bailiwick of Guernsey) Law, 2008 Section 4(1)(c)(i) & (ii).
2. Nothing in the requirement to consult will be construed as detracting from or limiting the DCA's obligations and functions set out in the Aviation (Bailiwick of Guernsey) Law, 2008 Sections 2 and 4.
3. In particular, nothing in the consultation process shall be construed as hindering the DCA from making decisions under the Law, with fairness, impartiality and independence.
4. Consultations shall be carried out in an open and transparent way in accordance with procedures developed and agreed with the interested parties.

**Notes:**

1. This statement of policy was agreed by Sark GP&A Committee on xx/xx/xx
2. This statement of policy was agreed by the Policy and Finance Committee of the States of Alderney on xx/xx/xx

## Procedure – 01

**Title:** Consultation with Sark

**Effective Date:** xx/xx/xx

**File Ref:** C&E:P:\Global\Aviation\DCA Policies&Procedures\080812\_PROC\_01

**Status:** under development

### 1. Introduction

Consultation with Sark is required, under the Aviation (Bailiwick of Guernsey) Law, 2008, on aviation matters where the interests of Sark are likely to be affected. This procedure has been developed to provide a transparent and agreed methodology for the conduct of consultations taking into account **Statement of Policy 01** "Consultation with Alderney and Sark".

### 2. Purpose and Scope

This procedure is designed to provide guidance to the DCA and to interested parties on the conduct of consultations on any aviation matters affecting Sark. However, in the context of Sark, where there is a relatively low level of aviation activity and no established aerodromes for public use, the procedure is expected to be of particular value in handling requests for entry into the Sark Restricted airspace known as Restricted Area 95 (EG R095). It is not intended to be used as a means to challenge or subvert the decisions of the DCA properly taken under the Law.

### 3. Points of Contact

For the purpose of consultation the DCA will normally make contact and work through the Chairman of the General Purposes & Advisory Committee of Sark Chief Pleas. It will be the responsibility of the Chairman of the GP&A Committee to inform his Committee colleagues and other officials as he deems necessary about the subjects under discussion and the decisions being taken.

### 4. EG R095

4.1 **EG R095** extends from the reference point at 492546N 0022145W to 3nm radius and to a height of 2000ft above ground level (approximately 2400 feet above mean sea level). It is a 'Restricted Area' where flight is not permitted except with the permission of the Director of Civil Aviation or, under a permission previously granted by the States of Guernsey Public Services Department when they had that responsibility.

4.2 There are five categories of aviation activity foreseen as taking place in R095:

1. **Operational – ATC:** meaning cases where Guernsey ATC route aircraft into R095 for operational reasons – traffic spacing, avoidance of conflict or general safety. Such activity, by its very nature, does not require prior permission. The activity would be monitored for use, and excessive activity would result in discussions with ATC.

2. **Operational – Emergency/Humanitarian:** as the name suggests, this includes any situation of Search and Rescue, medical evacuation etc. when authorised by an agreed person (to be defined), but including the emergency coordination services in Guernsey or Sark and the national Rescue Coordination Centre for a large incident, or the medical officer on Sark in the case of a simple Medevac. Such cases would not require prior permission, but a report would be provided annually to GP&A Committee for Chief Pleas.
3. **1-Off Requests:** Such activity as flying displays, requests from Trinity House for aviation support to maintain the lighthouse, aerial photography etc. These could be initiated by Sark or by individual applicants via Guernsey ATC or direct through the DCA. The outcome in each case will be either the granting or denial of an exemption by DCA to operate in R095 for the designated activity and time specified in the Exemption. Note – Decisions of the DCA are subject to an appeals process to the Royal Court under Section 11 of the Aviation Law on the grounds of reasonableness, for example.
4. **Requests for Royal Flights, Military Displays and Military Training:** These go through Government House and, in addition, Royal visit requests come to Sark through the Seigneur. Chief Pleas will be consulted, or at least notified, when time permits by the Seigneur for Royal visits and by the President of Chief Pleas for other Government House initiated visits. In each case, the initiating office must inform the DCA so that the necessary consultation with other stakeholders, particularly Air Traffic Control, takes place.
5. **Long Term Exemptions:** Such applications are expected to be rare. Since long term exemptions would have a continuing impact on the peace and tranquillity of Sark the GP&A Committee can be expected to refer their consultation role in such cases to Chief Pleas to ensure the widest possible consultation within Sark. It would not expect the consultation procedure to be complete until Chief Pleas has given its approval. The party first receiving the application shall inform the other interested parties to ensure that full and open consultation takes place.

## 5. Consultation Process

As indicated in paragraph 4, consultation is required only for cases 3, 4 and 5. In each of these cases the commencement of the process will depend on which party first receives the request from the applicant. In general, the key points of contact are the Director of Civil Aviation and the Chairman of the GP&A Committee. Through them, all other stakeholders shall be informed as appropriate.

In particular, the Chairman of GP&A Committee has responsibility for co-ordinating consultation and informing the interested parties on Sark. These include: Sark Chief Pleas and the Seigneur. The DCA is responsible for the overall co-ordination of the consultation process and, particularly, for informing the airport authorities to ensure that the aviation activity, where permitted, is conducted in the full knowledge of Guernsey ATC. The DCA may also consult with the relevant States of Guernsey Departments.

## 6. Decisions

In accordance with the Aviation (Bailiwick of Guernsey) Law, 2008, the decision with respect to the granting of exemptions is a matter for the DCA. On completion of the consultation process, the DCA shall make his decision and inform the applicant accordingly. The decision will result in either, the granting of an Exemption from the restriction on flying imposed in EG R095 or a refusal to grant an Exemption. In the case where an Exemption is granted, it shall define the limits of use of the airspace in terms of time, type or types of aircraft to be used, type of activity and, if appropriate, the number of flights that are permitted. A grant of exemption shall be accompanied by a justification of the decision in writing being sent to the Chairman of Sark's GP&A Committee.

## 7. Appeals

A person aggrieved by a decision of the DCA may appeal against the decision in accordance with the Aviation (Bailiwick of Guernsey) Law, 2008, Section 11.

**END**