

BILLET D'ETAT FOR 20-07-2011

Date: 8th July, 2011

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 20th July 2011. This will be preceded by the People's Meeting, which will be held on Wednesday 13th July 2011 at 7:00 p.m. in the Island Hall.

W Stuart Trought
President

Item 1 Alderney Potable Water Project - Phase 3 Replacement Water Storage Project at La Marette

The following letter has been received from Mr Walden, Chairman of the General Services Committee:-

The long term aim of Alderneys water project has been to improve the collection and filtration of raw water and combine this with a resilient water storage and distribution system. The project is in four phases:

- Phase One - A new transfer main between Bonne Terre catchment and Battery Quarry storage reservoir, with three Collection Chambers to harvest the islands higher yielding streams.
- Phase Two - a centralised filtration facility at Battery Quarry
- Phase Three - a replacement reservoir tank with increased storage capacity for potable water.
- Phase Four - the replacement of the ageing distribution network

Phase One was completed in March 2009. Phase two was completed in March 2011.

The project so far has improved resilience and improved water quality. The central reservoir facility at Battery Quarry is full even after prolonged periods without rain and there has been a marked improvement in the quality of water delivered to consumers.

Phase 3 of the project comprises:

1. The procurement and installation of new potable water storage tanks to replace the old concrete bunker at La Trigale.
2. A new pump station on the site to replace the aging pump station at La Trigale. The project has been approved in principle as part of the overall plan for the improvement of water supplies on the Island. The integrity of the existing Trigale tank is doubtful, particularly in relation to the ironwork around the facility. Additionally the adjacent underground pump station is at risk because of recent leakages and the potential for flooding.

The purchase of the land at Windy Corner, La Marette has been agreed, the Land Use Plan Inquiry has been completed, and the design of the installation has been completed.

The objective of this phase of the project is to provide an approved, hygienic storage facility for the

treated water from the new centralised treatment plant in sufficient quantity to sustain supplies for up to 12 hours. Current usage figures suggest that this equates to 600m³ of stored water.

In considering the material of construction for the storage tanks three options were considered: Glass Reinforced Plastic (GRP), Steel, and Concrete, either constructed in situ or precast. A detailed design by a structural engineer for the in-situ concrete tank was obtained and from that an independent costing was procured. For the two other material types quotes were also obtained so as to give a cost comparison. On return of the costs for the three types of materials the Sewage and Water Advisory Group (SWAG) met on the 18th March 2011 and concluded that Water Regulations Advisory Scheme (WRAS) approved GRP tank construction was the preferred choice. This decision was approved by the GSC on 21st March 2011. Following the GSC decision eight companies were invited to tender for the new tanks. Seven were returned and opened at a special GSC on the 27th May 2011. A review panel consisting of a member of SWAG, the Phase 3 project manager and the Water Board manager met and scored each individual tender. Balmoral Tanks was recommended as the preferred bidder. References were sought and obtained.

The tank base element of the project also went out to tender: three tenders were received and opened at a special GSC on 10th June 2011. The same tender review panel met and evaluated the tenders. J Main was recommended as the preferred base contractor.

Other elements of the project will utilise, States Works, Water Board or island contractors.

The following table gives a breakdown of the project elements and their costs

Purchase and erection of tanks	£132,000
Tank base and access road	£60,000
Pump House	£40,000
Mechanical and Electrical	£168,000
Other	£65,000
Total	£465,000

* 15% contingency included

The water board is a trading fund but does not carry reserves. Both phases of the project so far have been funded by a grant from the States of Alderney, and this project will be funded in the same way and is subject to further discussions with Treasury and Resources Department in Guernsey.

It is therefore proposed that the method of funding is delegated to the Policy and Finance Committee for approval following the discussions with Treasury and Resources.

I would be grateful if you would place this matter before the States of Alderney with appropriate propositions.

W Walden
Chairman

The States is therefore asked to resolve, after consideration of the above report from the Chairman of the General Services Committee and subject to approval by the Treasury and Resources Department, to:-

1. Approve Phase 3 of the Potable Water Project as detailed in the above report.
2. Accept the total expenditure of up to £ 465,000 to implement the Phase Three of the Potable Water Project.

3. Delegate the Policy and Finance Committee to approve the method of funding for the project, following discussions with the Treasury and Resource Department.

Item II Sanctions

The following letter has been received from Mr Llewellyn, Deputy Chairman of the Policy & Finance Committee:-

The Iran (Freezing of Funds) (Alderney) Ordinance, 2011

On 12th April 2011 Council of the European Union adopted Council Regulation (EU) No 359/2011 which places restrictive measures on certain persons responsible for serious human rights violations in Iran, and persons, entities or bodies associated with them. The Regulation creates a new asset freezing regime which complements the existing EU financial sanction in respect of Iran under Council Regulation (EU) No 961/2010 of 25th October 2010 which imposes various measures, including an asset freeze, on persons in relation to Iran's proliferation-sensitive nuclear activities. The Iran (Freezing of Funds) (Alderney) Ordinance, 2011 has been drafted by Law Officers Chambers in order to ensure that Alderney financial institutions and other bodies comply with the sanction measures and do not maintain any accounts or otherwise hold any funds or economic resources for the entities and individuals named in the HM Treasury consolidated list. A copy of the draft legislation is attached for approval.

The Ivory Coast (Freezing of Funds) (Alderney) (Amendment) Ordinance, 2011

Council Regulation (EC) No 560/2005 of the 12th April 2005 implements United Nations Security Council Resolution 1572 (2004) in the European Union, which introduced financial sanctions against persons designated by the UN Sanctions Committee as constituting a threat to the peace and national reconciliation process in the Ivory Coast. This 2005 regulation was amended by Council Regulation (EU) No 25/2011 of 14th January 2011 which amongst other matters, introduced an asset freeze, on persons identified by the Council of the European Union as obstructing the process of peace and national reconciliation, and in particular those who are jeopardising the proper outcome of the electoral process in the Ivory Coast.

On the 30th March 2011 a further resolution was passed, UN Security Council Resolution 1975 (2011), which imposes targeted sanctions against individuals who meet the criteria in Resolution 1572 (2004) and subsequent resolutions, including those individuals who obstruct peace and reconciliation in the Ivory Coast, obstruct the work of the United Nations Operation in the Ivory Coast and other international actors in the Ivory Coast and commit serious violations of human rights and international humanitarian law.

On the 6th April 2011 an amendment was made to the 2005 Regulation by Council Regulation (EU) No 330/2011, to reflect the additions to the list of those subject to asset freezes made by Resolution 1975 (2011); by providing further grounds on which competent authorities may license derogations from the asset freezing prohibitions; and so as to include additional restrictive measures relating to bonds, securities and loans. Parts of this regulation (EC 330/2011) are not implemented automatically by the ambulatory reference in the Ivory Coast (Freezing of Funds) (Alderney) Ordinance, 2006 therefore Law Officers Chambers have been requested to draft appropriate amendments to the ordinance and a copy of the Ivory Coast (Freezing of Funds) (Amendment) Ordinance, 2011 is attached for approval.

The Syria (Restrictive Measures) (Alderney) Ordinance, 2011

In view of the violent repression against civilians in Syria, including the use of live ammunition

which has resulted in the death and injury of a large number of demonstrators since 19th March 2011, the EU has decided to implement measures against those responsible. The Regulation targets 13 individuals, but not including President Bashar al-Assad and provides for an arms embargo, a travel ban and an asset freeze against those responsible. The EU Council Regulation was adopted on 9th May 2011. However, before the sanctions can be adopted in Alderney domestic legislation needs to be implemented for enforcement measures and penalties. Law Officers Chambers have been requested to draft such legislation and I attach a copy of The Syria (Restrictive Measures) (Alderney) Ordinance, 2011 for approval. I would be grateful if you would place this matter before the next meeting of the States of Alderney with an appropriate proposition.

A O Llewellyn
Deputy Chairman

The States is asked to approve:

1. The Iran (Freezing of Funds) (Alderney) Ordinance, 2011;
2. The Ivory Coast (Freezing of Funds) (Amendment) Ordinance, 2011;
and
3. The Syria (Restrictive Measures) (Alderney) Ordinance, 2011.

Item III The Housing (Exemptions) (Alderney) Ordinance, 2011

The following letter has been received from Mr Sargent, Chairman of the Building and Development Control Committee:-

Mr J K Ayrle-Gardner & Ms A C Burgess wish to regularise the conversion of the premises known as 13 Little Street from a four bedroom dwelling into two separate dwellings comprising a three bedroom dwelling and a one bedroom dwelling. This will require an ordinance exempting them from the provisions of section 33 of the Building and Development Control (Alderney) Law, 2002. I attach, for this purpose, the proposed Housing (Exemptions) (Alderney) Ordinance, 2011.

Members will note that exemption will apply only in relation to Mr Ayrle-Gardner & Ms Burgess's application for planning permission for the conversion of the premises, 13 Little Street, and that this permission does not count towards the number of C permits for the time being prescribed for purposes of section 15 of the 2002 Law.

I would be grateful if the Housing (Exemptions) (Alderney) Ordinance, 2011 is placed before the States when it next meets together with an appropriate resolution.

G Sargent
Chairman

The States is asked to approve The Housing (Exemptions) (Alderney) Ordinance, 2011.

Item IV Alderney Land Use Plan Review

The following letter has been received from Mr Sargent, Chairman of the Building and Development Control Committee:-

In accordance with Section 25 of the Building & Development Control (Alderney) Law, 2002, as amended, the Building and Development Control Committee is required to review the Land Use Plan at least once every five years. A review of the Plan has been carried out by the Committee.

In accordance with Section 26, the President of the States has appointed an Inspector to hold a Planning Inquiry. The person appointed by the President to consider the proposed alterations or additions to the Plan was Mr Anthony Whitehead, Dip TP, MRTPI.

The Inquiry was held on the 4th & 5th May 2011 and the scope of the Inquiry was to consider 15 alterations and additions to the existing Land Use Plan for the Island, proposed by the Building and Development Control Committee. All 15 of the alterations proposed by the Committee were supported by the Inspector, subject to some minor modifications, which are detailed in his Report. A list of these 15 alterations proposed by the Committee is attached.

During the Inquiry, an independent representation was made regarding re-zoning of the buildings recorded in the index of properties for the Agricultural Zone as Saye Farm Barn/Studio 1 & 2 from Agricultural Zone to General Building Area. Full details of this are to be found in paragraphs 104 115 of the Inspectors Report.

In his Report, the Inspector recommended that the proposal for re-zoning of the buildings to General Building Area be adopted, to enable future use as holiday cottages.

The Committee does not support the Inspectors recommendation. The matter was discussed at length at the Building and Development Control Committee meeting of 9th June 2011.

There is no evidence that there is a demand for additional tourist accommodation. Information from the Tourism Department indicates that at present there are 224 beds available from the 38 self-catering properties. This is an increase of 11 beds when compared with the previous year.

The Committee noted that Section 14 of the Building and Development Control (Alderney) Law, 2002, had been repealed in June 2007. There is now no specific provision in Law for the erection or use of a building subject to the condition that it shall be designated as self-catering tourist accommodation.

The Committee was concerned that properties created for use as self-catering tourist accommodation would become full-time residential accommodation. The Inspector takes the view that open-market residential accommodation at this location would not be appropriate as this would change the character of the site significantly and impact on the openness of the local area which is rural in nature.

The Committee proposes that there be no change to the Land Use Plan as regards to Saye Farm Barn/Studio 1&2.

Two additional third-party representations were considered by the Inspector regarding individual matters. The Inspector recommended that there should be no change to the Land Use Plan in respect of these submissions. The Committee accepts the Inspectors recommendations. Full details can be found at paragraphs 89-103 in the Inspectors Report.

In accordance with Section 29 of the Building and Development Control (Alderney) Law, 2002, I attach a copy of the Inspectors Report dated 1st June 2011, and the Land Use Plan as amended, and recommend that the States adopt this Land Use Plan.

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

Geoffrey Sargent
Chairman

The States is asked to adopt the Land Use Plan as attached

Item V Questions and Reports

Issued: Friday 8th July 2011

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