



PARISH OF ST HELIER



Minutes of the Parish Assembly

Wednesday 15 December 2021 at 7.00 p.m.

Assembly Room, Town Hall

74/21	Welcome & Apologies
	<p>Apologies: Bernie Manning, Barbra Corbett and Malcolm L'Amey</p> <p>Deputies in Attendance: Deputy Stephen, Ahier, Inna Gardiner, Rob Ward. Mary Le Hegarat (online)</p> <p>Procureurs in Attendance: Peter Pearce and Geraint Jennings</p> <p>The Constable welcomed those attending the Assembly in person and online. He explained that unfortunately those online would not be able to participate in the vote at the end of the evening.</p>
75/21	<p>To consider the offer from the Government of Jersey for: the purchase of Parish land at West Park for the sum of £6,530,845; a 150-year lease at a rent of £100 per annum for an attenuation tank underneath People's Park, a land swap in respect of land currently leased by the Jersey Bowling Club; the transfer of Parish roads as identified in the project and access rights and other matters as set out in the Heads of Terms. P.06/2021</p>
	<p>The Constable opened the meeting by saying he appreciated parishioners in attendance may have a view on the building of the new hospital, the site or the road layout. However, the Assembly is asked to consider an offer from the Government of Jersey, in respect of a land acquisition, as set out in the Heads of Terms, which can be found in Projet: 06/2021. The Constable declared in the interest of transparency that he is president of the Jersey Bowling Club.</p> <p>Procureur Peter Pearce advised the Assembly he is personally opposed to road and the sale of land to build it, if he had the power to stop it, he would do so. He doesn't have that power and neither has the Assembly. It is not about whether the Parish want to sell land, as compulsory purchase has taken this choice away from parishioners despite previous decisions of the Parish Assembly. The Government has made an offer to acquire the land for development of the road and the Procureur's Oath of Office, requires that the offer be considered. Having studied the offer and taken independent advice, the Procureur's have concluded that the offer represents value to ratepayers, and have decided that it should be brought to the Parish Assembly for consideration. I would like to assure the Assembly that the value offered for the land has been independently assessed as representing appropriate market value.</p> <p>The Assembly were advised that is a single one-off offer, which needs either to be accepted or rejected as a whole; it is not open to amendment or negotiation. If those present wish to stop the project, they should fight the planning application and not the Government offer. If you accept this offer, the bowling club have a secure future and Parish will get 6.5 million pounds. If you vote against, the deal will fall away; the bowling club's future will be uncertain, the value obtained for the land may be less and the purchase will still go ahead.</p> <p>The Constable asked for a Proposer and Seconder: Proposer: Procuerur Peter Peace; Seconder: Deputy Stephen Ahier.</p> <p>Jason Turner, CEO provided an introduction, in which he explained that if the offer was accepted by the Assembly, legal work would begin in respect of all pieces of land, with the intention of having final Heads of Terms ready to sign in January 2022 and contract ready to coincide with the determination of</p>

the planning application. No contract would be passed until such time as planning permission has been received

If the offer is rejected, the Government have indicated that they will withdraw the offer and commence a compulsory purchase process in respect of this land. Whilst the compulsory purchase process would commence, the States Assembly has agreed that the Government wouldn't enact the final stage, taking possession of the land until planning permission was in place.

Silvio Alves, Head of Infrastructure outlined the various parcels of land in more detail.

Frank Dearie, asked why the Parish would wish to surrender control by selling the land, when there are unresolved issues and the Parish Roads Committee has concerns. It would be better to reject the offer, and keep it in our back pockets as evidence of market value, to ensure the Parish receive at least that sum, should the Government go down the compulsory purchase route. The Parish may receive a greater sum as an unwilling seller. The Constable explained it had been made clear by the Government that if the offer were rejected, the deal would fall away.

Chris Thomas expressed concerns about the entrance at the top of Queens Road by the cemetery, on route to Overdale as the road is only the width of one car.

Madeleine Want, pointed out P:06/21 refers to 157 parking spaces, when there are 167 spaces and Kensington Street has been referred to as Kensington Road. There will be a loss of 115 spaces, with only 49 spaces being replaced in Elizabeth Lane. Many spaces will operate as residents parking in the evening, but being retired she is at home all day and there will be insufficient places to park. Jason Turner, CEO provided clarification of the 10-space difference, which is listed elsewhere in the project. The Parish will advise the Government of the error to the street name.

Mary Ayling-Philips said our ancestors had fought for a park; there had been many attempts to take the green space, which is sparse in St Helier. The space is small compared to parks in UK cities and should be protected, especially in this time of climate change.

Norman De La Haye was uncomfortable that planning permission had not been acquired, but 20 million pounds had been spent on acquiring properties by compulsory purchase. The Government are taking it for granted that the Parish will say yes, when Planning may still say no.

A parishioner questioned whether an area of Val Andre was being given away and advised there is no mention of an area of Westmount Gardens. The top of Queens Road is shown on the developer's plans, as is the junction on Tower Road near the cemetery, but these are not mentioned in the Project. Will the Government make a further planning application later. The Constable clarified the Government is only purchasing the land outlined in the project; he believes plans have changed recently and they are not taking Parish land in Val Andre as they have their own land in the area. There are some areas where drainage is underneath Parish land, but in these instances, the ground will be reinstated to its current condition.

Procureur Geraint Jennings advised the Assembly is only authorising what is in the project, nothing else is included in the deal, It is being presented to parishioners to accept or reject. If the Government require further land, they will need to come back to another Assembly. Procureur Peter Pearce, confirmed that drainage from properties at Westmount, currently runs through Val Andre and this may need upgrading. The CEO confirmed that rights to install infrastructure, such as drainage in Val Andre were planned but that land would be reinstated afterwards and returned to Parish ownership

Steve Beddoe is opposed the selling of the land and the amount of money the Government is spending on the hospital project. He requested clarification as to how much extra the Parish would be receiving if they accept the offer. He had concerns about what the Parish would be losing by way of parking

spaces, amenity space, a beautiful walkway and a bowling club. In his view, it is criminal that properties are being purchased and left empty, when the Island has a housing crisis. He is concerned that the changes to Westmount Road will encourage traffic to speed and can anticipate traffic calming measures being required in the future. Mr Beddoe accused the Parish and the Constable of acquiescing. The Constable responded saying Parish and he had been anything but acquiesce, he had lodged three amendments in the States and the Parish were doing everything possible to secure the future of the bowling club. The offer is brought before the Assembly this evening, as the Oaths of Office of both the Constable and Procureur's require them to do so.

John Baker, stated everything has a value, whether it be financial or environmental, 160 trees would be lost which are irreplaceable to both climate change and St Helier. Income from parking spaces amounts to £170,000 each year and so he believes that the figure being offered by the Government should be doubled. The offer does not provide real value or take into account the loss of heritage and amenity space.

Tamara Vanmeggelen felt the Parish would be better off under compulsory purchase. The offer is confusing the protection of the bowls club with what is best for the Parish. The Constable put an amendment in to the budget proposition for the hospital, which was passed. The amendment indicates irrevocably and unequivocally that the Government are to relocate the bowls club; it doesn't say that the Parish has to accept the road deal. Whether the Assembly say yes or no this evening, the Government has to honour the proposition. The bowling club will be better off under compulsory purchase as this offer states if they can't secure planning permission for the bowling club at Warwick Farm, the Government will need to hand the bowling club money to find a new site to relocate. The proposition states the Government is to relocate the bowling club and so its future will be more secure. The Constable's amendment also stated the Government had to replace all parking, but 100 spaces are not being replaced and so this is not in line with the proposition. If the Parish Roads Committee do not agree, why should the Assembly.

Compulsory Purchase will only take place once planning has been agreed and so there is no difference in the timing. There has been no planning enquiry and surely, there should be some level of sweetener, incentive or concession to secure the Parish's yes, as early as January. We have no idea what the road will look like, we haven't seen a plan or computer generated model; there is nothing in this offer for Parish to agree to it now. The Assembly has not seen the independent valuation in full and so have no idea how the figure has been calculated. This feels like coercion, if we say yes it is very easy for Planning to say the Parish has agreed and it is very important that the Planning Inspector sees the Parish Assembly has turned down these plans for the road, not once or twice but three times. The Parish document shows the areas of land separately and so it does not show the extent of the land being acquired. St Helier is losing the ability to manage the road network in the west of town.

Jason Turner, CEO said the Parish was advised that it is a fair price and the timing of the offer is driven by the compulsory purchase timetable, as if the offer is rejected by the Assembly, the compulsory purchase timetable will commence.

Jonathan Queree introduced himself as a professional valuer and chartered surveyor. He explained as a registered valuer, he uses the red book valuation methodology, which is an internationally recognised method of valuation; it is this that the Court will refer to when determining values. A valuation report has been produced and given to Constable and Procueurs, he can assure the Assembly it has been a long drawn out process of valuation and he is of the opinion that he has reached the correct figure. The offer on table is considerably in advance of numbers presented originally by the Government's surveyor. Two areas he can refer to, to provide assurance that the Parish haven't rolled over, without giving away too much detail that may comprise the Parish's position in Court are West Park Car Park which is now double the original valuation; the Parish fought its position over its development potential and took advice from two separate Architects. If the matter goes to Court, the Parish will have to justify its position whilst the Government are likely to revert to their original position, a difference of two million

pounds on this area alone.

The car-parking value is noticeably in advance of the Government's original offer. Car parking has been calculated on an investment basis, the Parish has said it has a number of spaces, with the monthly rental being X, and a yield put on it, allowing for transaction fees and stamp duty. The bowls club's original offer was zero, the Government has increased the offer, slowly and surely. We are a few hundred thousand pounds in advance of where I had suggested the Parish could be. Please don't think you have 6.5 million in your back pocket as compulsory purchase won't factor in the negotiated position; the Government will revert to their starting position. The Court will act as arbitrator and may determine a price in the middle. With the compulsory purchase law, in UK, it would consider market value, however Jersey law not refer to market value, it refers to what a reasonable party would offer to a willing seller.

Ted Vibert asked why 6.5 million would not be considered market value. He was advised the offer is being made without prejudice, as it is the Governments desire to make progress traction in the negotiations. Jonathan Queree responded, the Government have moved considerably more than an ordinary party might do to get the deal done. I am not saying their offer has been overvalued, but you could argue there is a little fat in it with them coming considerably further in the Parish direction to make the deal happen.

A parishioner asked if the parking at the Crematorium had been valued. It was confirmed the parking at the site did not belong to the Parish, however the parking on the road did and there has been no mention by the Government as to the removal of the parking. As it is not part of the deal, should the Government require these spaces they will need to come back to the Parish Assembly with a further offer.

A gentleman asked how the figure of ground rent is calculated over 150 year. It was explained that there is no exact science to this and so it is based on today's figures. The Constable stated the Parish had no concerns as to the tank, there is already a tank situated under the park and the Parish are granted the use of the water for watering purposes.

Robert Weston stated that by not releasing the full valuation the Assembly was not able to understand the value. Jason Turner, CEO said the Parish would need to take further advice as to whether it could release the valuation, as these details would form part of documents presented to the Arbitration Board. Mr Weston argued the details of the valuation were fundamental to vote. When the States Assembly requires more information, they defer the decision until it can be produced. He said he would be happy to put proposal to the Assembly to defer until parishioners knew the offer was fair.

The Constable said the professional valuer is present and has explained the process and why the information is not able to be shared with the Assembly, at this point. From what I have heard this evening if I am reading the Assembly correctly; I believe it is not concerned about the price being offered; it is more the Assembly do not appreciate the stance being taken by the Government. They wish to send a message to the Government of how they are feeling, these feelings include being held to ransom, being bullied and threatened, not being listened to and the government orchestrating a land grab.

A parishioner enquired why the Inn on the Park parking spaces were valued so much higher than spaces along People's Park It was explained that Inn on the Park Car Park was being valued as a development site and not as parking. The spaces along the park are considered as off road parking and whilst there is not a big difference, they attract a higher figure than the on road spaces in Pierson Road.

A question was posed as to the loss of the children's play park and adult's area. It was explained that only a small part of the playground would be 'shaved off' to create the active transport corridor. The

	<p>Government have agreed to replace the reinstate the playground equipment.</p> <p>David Gardiner stated, as the Parish is responsible for the upkeep of Park, losing mature trees and replacing them with younger ones, which will require intense care for a number of years, should be factored into the offer.</p> <p>Edward Trevor stated Jersey needs a new hospital and although this is not his preferred site, it is what the Island's elected officials have agreed. The figure offered could be way above that achieved by way of compulsory purchase. He advised that he had been involved in a London borough, where anyone living within half a mile of a site being considered for development had to declare an interest and if this were applied at the Assembly, there would be very few people eligible to vote.</p> <p>A gentleman questioned whether enough notice had been given advertising the Assembly and enabling parishioners to digest the information. The Constable advised that 12 days' notice had been provided.</p> <p>Mary Ayling-Phillips stated that previous research had identified a covenant was put in when the park was given to the public for their enjoyment. Procureur Jennings confirmed a covenant is in place, but the complications involved in that are a matter for the government to address and not something the Parish should spend money on sorting out. Procureur Jennings stated the offer on the table is for the Parish to accept a sum of money, if covenants bring other parties into play then that is for the Government to sort directly with them, it does not change the offer to the Parish.</p> <p>Procureur Pearce stated he was pleased the Assembly don't agree with selling the land and ruining the Park, but unfortunately it is out of Parish hands. The Hospital Team's actions have upset many residents, it may not be what they set out to do, but it is what they have achieved. If we reject the offer we play into their hands, they will have full access to the land without impediment, if planning permission is granted. The Parish will have no control over the price offered, as the Court will be the arbitrators.</p> <p>A vote was taken within the Assembly Room, the result was as follows:</p> <p>The deal was rejected with 14 votes in favour and 47 votes against, there were no spoilt papers</p>
	<p>The date of the next Parish Assembly was confirmed as Wednesday 22 December 2021 at 7.00 pm</p>