

STATES OF JERSEY



CLOS DES SABLES: FURTHER DEVELOPMENT – PETITION (P.121/2011) – REPORT OF THE MINISTER FOR TREASURY AND RESOURCES

**Presented to the States on 31st August 2011
by the Minister for Treasury and Resources**

STATES GREFFE

REPORT

Introduction

On balance, and after careful consideration, the Minister is minded to accept both parts of the proposition in order to provide some comfort to the residents of Quennevais Park and Clos des Sables. However, he has a number of points he wishes to raise regarding Deputy Tadier's proposal not to proceed with plans to dispose of the 2 plots identified at Clos des Sables or the 2 plots referred to in the report at Les Quennevais Park.

Impact of Proposition

Part (a) of the Proposition requests the Minister not to proceed with disposals. However, the petition and report focus on future development. Should part (a) be adopted, there would be no barrier to the States developing out the plots as rental units, for example. The proposition is, therefore, in some respects inconsistent with the report.

Notwithstanding this technicality, the proposition seeks to prevent development on these 4 plots by maintaining them in the ownership of the public. In so doing, the public would be prevented from realising the potential value of these sites, and there would be no possibility to test the planning system to determine what may be constructed on the plots.

Background

The Quennevais Park and Clos des Sables Estate was built in 1964/65, with the houses being subsequently sold as freehold private dwellings and the apartments being sold on a 99 year leasehold basis.

The Parish took over the administration of the estate roads and pavements, and the public retained ownership of the extensive common areas of the estate, including various footpaths, car parks, vehicular access ways to garages, and the landscaped areas. These common areas have been maintained at the public's expense since completion in the mid-1960s – the areas being initially under the administration of the Housing department until 2007 when the land holding was transferred to the Treasury and Resources Department under the administration of Jersey Property Holdings (JPH).

JPH is presently researching the title deeds of the estate houses to seek confirmation that each private dwelling has a contractual obligation to contribute towards the maintenance of the common areas. A typical clause which has been researched to date reads –

- “9. *That the purchasers shall have right of way on foot only at all times over not only the public footpath to the south of the first corpus fundi but also the other roads and pavements in 'Quennevais Park' in order to come and go to 'La Route des Mielles' or 'La Route des Quennevais', the purchasers being charged to contribute their fair proportion of the cost of maintenance of the footpath, road and pavements over their whole expanse.*”.

With regard to the 136 leasehold flats on the estate, the terms of the leases place an obligation on the leaseholders to meet the cost of maintaining the landscaped areas which surround the blocks, including the footpaths. However, in February 1968¹, the then Housing Committee decided to cease charging the leaseholders for grounds maintenance as the work was being undertaken by the Parks and Gardens Section of the then Department of Public Building and Works. The grounds maintenance is still undertaken by Parks and Gardens, but the cost of the works is charged to JPH (c. £47,000 per annum). It should be noted that the leases have never been varied to remove the recharge provisions.

JPH has continued to maintain the common areas at public expense, but has taken a more pro-active estate management role.

Firstly, JPH is progressing the sale of the public's freehold interest in the 99 year leasehold apartments. As the remaining lease period reduces, the leasehold interest is becoming increasingly difficult to assign as financial institutions are becoming reluctant to lend against the residual lease term. This programme is progressing well, with 3 Clos des Sables Blocks having completed to date, and a further 2 Blocks at Clos des Sables and 3 Blocks at Quennevais Park expected by the end of 2011.

In addition, in 2010, JPH undertook a review of the public's land holdings on the estate to determine if any plots were capable of development for residential purposes. The review identified the 4 plots shown on Appendix A and Appendix B to the Deputy's report as potentially able to be developed, subject to the necessary approvals. A consultation process then commenced with 'Planning and Building Services' and the local Deputies and Connétable.

The plots and estate density

The thrust of the petition is that the estates are '...already very built up...' and any further development would be detrimental.

The 4 plots comprise an area of 1,679 square metres within an overall area of 181,967 square metres within the Clos des Sables and Les Quennevais Park estates, representing less than 1% of the overall area.

In comparison to more recent housing estates such as Belle Vue, St. Brelade, the typical plot size for a three-bedroom dwelling is considerably more generous at Quennevais Park and Clos des Sables, at 342 square metres, when compared with a typical plot size of 204 square metres at Belle Vue. This indicates that the overall density of Quennevais Park/Clos des Sables compares favourably with other estates.

The estates were designed before large-scale car ownership and, as with many estates of a similar age, suffer from a lack of adequate parking. This has been remedied to some extent through the creation of off-street parking within the curtilage of properties through the conversion of front gardens to hard standing. The public has not, to date, sought to prevent such conversion or charge for access over its land holding.

¹ Item 11, Housing Committee meeting, 19th February 1968

The Minister does not accept the contention that the estate has ‘...more than its fair share of development...’ and considers that any development on the 4 plots is not likely to have a material impact on density.

However, such decisions are a matter for the Minister for Planning and Environment to determine, having due regard to any representation. The Planning and Building (Jersey) Law 2002 contains measures for interested parties to comment on, and object to, development or change of use proposals.

The recent Island Plan recognises the need for more affordable housing and has set a target of 150 units to be delivered from publicly-owned sites. These plots have the potential to realise 4 of these 150 units.

The report also refers to delay in bringing forward the proposed development on the ‘Lesquende plot’ (adjacent to the current Belle Vue development). There has been a protracted process to develop a scheme that is likely to be acceptable to Planning.

The revised drawings were submitted on 29th July 2011 for a scheme of 35 two-bedroom apartments and 20 two-bedroom houses, all of which have been designed for the over-55s and to the “lifelong home standards”.

Disposal approvals process

In approving Standing Order 168, the Assembly delegated to the Minister powers in relation to the disposal of land on behalf of the public of Jersey. In order to dispose of these, or any other sites, the Minister must comply with Standing Order 168(3), which requires the Minister to –

“...at least 15 working days before any binding arrangement is made for the disposal, acquisition, letting or rental of land on behalf of the public of Jersey ... present to the States a document setting out the recommendation which he or she has accepted.”.

The 15 day period provides an opportunity for any member to raise questions about, or objections to, the proposed transaction. This is the appropriate point in the decision-making process to raise such objections.

The Minister assures members that he will respond to queries within that timeframe and will not conclude any transaction without giving due consideration to the issues raised. This may include bringing the proposal to the States Assembly, should that course of action be warranted.

The Deputy’s report appears to confuse the role of the Minister for Treasury and Resources in considering the disposal of land and the role of the Minister for Planning and Environment in determining what may be built on a plot of land. It is important to ensure that the 2 roles are kept clear and distinct, such that the States Assembly does not seek to influence decisions that are to be made under the Planning and Building (Jersey) Law 2002.

The proposed disposal does not pre-judge the future use of the plots, and any objection to proposed use, by the States or a third party, may be made at the appropriate time through the mechanisms contained within the Planning Law.

Part (b) – Consultation

Part (b) of the Proposition seeks consultation with ‘residents and parish representatives before any future proposals are pursued for the sale or development of public land...’.

The Minister fully supports appropriate consultation with stakeholders as an essential precursor to any significant development or disposal proposals. The Minister refutes the implication that there has been insufficient consultation.

The Deputy, in his report, refers to a meeting held on 11th April 2011 with the Assistant Minister for Treasury and Resources and officers of JPH. What is not stated is that this was preceded by a meeting with the Deputy, Assistant Minister and officers of JPH on 6th April 2011, and before that a meeting with the Deputy, the parish Connétable, a JPH officer and the consultant architect in January 2011.

At this first meeting, the option of calling a Public meeting at Communicare was discussed, but discounted by all.

JPH has also undertaken extensive consultation with estate residents and parish officials as part of the successful programme to dispose of the States’ landlord interest in the 99 year lease properties. At least 12 meetings took place between June 2009 and the present; most of which were in the evening to best suit the needs of the residents.

Financial and manpower implications

Disposal receipts

The States, in approving successive Business Plans, have set financial targets for to be achieved from the disposal of surplus land and buildings. The target for 2011 is £9 million in 2011, with a further £8.8 million in 2012 and 2013. Disposal receipts from these 4 plots will contribute to this target and support the balance held in the Consolidated Fund.

The value of the 4 plots identified will be largely dependent on what planning approval can be obtained and whether there is a political decision to utilise the plots for uses that do not maximise value.

Revenue costs

JPH incurs the cost of the maintenance of the grassed areas around the estates, which is provided by the Transport and Technical Services Department at an annual cost of some £46,000; although this will reduce to around £21,000 as JPH progresses its initiative to dispose of the public’s interest in 99 year leasehold properties. The cost of maintaining these 4 plots is some £2,800 per annum.

Summary

The Minister visited the sites which are the subject of this proposition on Wednesday 10th August 2011 in order to be able to clarify his response. On balance, and after careful consideration, the Minister is minded to accept both parts of the proposition in order to provide some comfort to the residents of Quennevais Park and Clos des Sables. However, when considering whether to approve the proposition, he would wish States Members to consider the following points –

- The proposition as worded does not preclude development, provided the plots in question remain in public ownership.
- Part (b) is accepted insofar as it is taken to refer to the existing consultation processes of JPH which the Minister considers to be satisfactory.
- JPH will continue its review, as requested by the current Minister, of whether residents could or should be contributing to some costs, for example maintenance. Previous charging arrangements (or lack of them) under previous Ministers should not be taken as precluding changes.
- There will be an impact on projected capital receipts which may require compensating adjustment elsewhere.
- This proposition does represent involvement of the States Assembly in implementation matters, as opposed to policy and strategy. The Minister is generally and normally opposed to such involvement. The Minister regards arrangements under Standing Order 168 to be sufficient to allow review by States Members of property-related decisions taken under policy direction that they themselves have set.