

ST. SAVIOUR'S ROAD TO WESTLEY COURT, ST. HELIER: ACQUISITION OF ROADWAY

**Lodged au Greffe on 12th March 2002
by the Planning and Environment Committee**



STATES OF JERSEY

STATES GREFFE

150

2002

P.35

Price code: B

PROPOSITION

THE STATES are asked to decide whether they are of opinion -

- (a) to approve the purchase on behalf of the public of an area of land measuring approximately 200 square metres and forming an unnamed roadway off St. Saviour's Road as shown hatched on drawing No. 1159/1/41 and to authorise the Greffier of the States to sign the said drawing on behalf of the States;
- (b) to agree that, if it is not possible to agree a fair and proper price with the owner or owners, whose identities are not known, the Planning and Environment Committee should be empowered to exercise Article 4 of the Island Plan (Jersey) Law 1964, as amended, to acquire the land and any interest therein by compulsory purchase, in accordance with the provisions of the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961, as amended;
- (c) to authorise the Attorney General and the Greffier of the States to pass on behalf of the public any contracts which it might be found necessary to pass in connection with the acquisition of the said land and all interest therein;
- (d) to authorise the payment or discharge of expenses incurred in connection with the purchase of the said land and all interests therein from the Planning and Environment Committee Capital Vote of Credit - Major Land Acquisition (C.0904); and
- (e) to agree that the land referred to in paragraph (a), once acquired, should be transferred to the administrator of the Housing Committee.

PLANNING AND ENVIRONMENT COMMITTEE

- Notes:
- 1. The Housing Committee supports this Proposition.
 - 2. The Finance and Economics Committee's comments are to follow.

Report

Since the early 1970s, various sites have been purchased to enable the construction of a section of the gyratory road system (La Rue Le Masurier) and the Westley Court Housing development. The remaining section of land to the south and east respectively, now administered by the Housing Committee, has been identified as a housing re-development site. There is, however, an area of land measuring approximately 200 square metres, shown hatched on drawing 1159/1/41, which is not in Public ownership. This area of land is a section of private roadway of unknown ownership. The Public has access rights over this land through the purchase of other properties in the area such as 1-8 Salisbury Cottages and 1-4 Wesley Cottages, all of which have since been demolished. The Public is also charged to contribute towards the maintenance and upkeep of the roadway.

There are no service rights beneath the section of private roadway concerned, but various other third parties claim access rights. In the past, problems have occurred due to the fact that there is no claimed ownership to this section of land and this is likely to cause further problems in the future for the residents of the proposed new development.

Once acquired, it is intended to restrict access over this section of roadway for pedestrian purposes only, with an agreement being reached with the owners of Dale Cottage to provide a new access onto La Rue le Masurier rather than onto St. Saviour's Road, thereby removing what the Public Services Department considers a danger. Public ownership of this area of land is therefore considered to be beneficial not only to the scheme itself, but also to pedestrian and traffic management in the area. If the present situation of unknown ownership is allowed to continue, it will make the administration and policing of this section of road extremely difficult, particularly in relation to the unauthorised parking of cars and the placing of obstructions.

The Committee now has the opportunity to acquire one last piece of land on behalf of the Public to enable significant improvements to be made in terms of traffic management, pedestrian access and road safety.

In the opinion of the Department of Property Services, the land in question has only a nominal value of £10 or £100. In the event that the unknown ownership status remains, and the land is acquired through compulsory purchase, an Advocate will be appointed to represent the unknown owner, and a Board of Arbitrators will be appointed to decide on a fair and proper price to be paid for the land after receiving evidence from both parties. The Public will be responsible for the costs of the private Advocate and the Board of Arbitrators.

There are no additional manpower implications for the States.

