

21.07.19

8 Connétable A.S. Crowcroft of St. Helier of the Minister for the Environment regarding the Jersey Bowling Club: (OQ.173/2021)

Could I just say for the record, first of all, that I am the president of the Jersey Bowling Club and the Parish of St. Helier owns the club. Will the Minister confirm that he will be prepared to sign a compulsory purchase order to acquire the land, in line with the Assembly's adoption of P.129/2020, in the event that it is impossible to find an alternative location for the Jersey Bowling Club?

Deputy J.H. Young (The Minister for the Environment):

The proposition which charged the Minister for the Environment to be empowered to use compulsory purchase powers, on my reading of it, it is entirely dependent, I think, on the availability of funding. Obviously the Compulsory Purchase of Land (Procedure) Law 1961 requires the States have also put funding in place. But obviously the Constable raises a hypothetical question, which is an important one, if the States do approve the funding for the whole project because the acquisition of land is for the hospital, et cetera, the whole thing, I would be prepared to sign a compulsory purchase order to acquire any land required, if that is necessary, to implement those States decisions. However, an important requirement, I have advised my officers that in the complex procedure of various notices under law I would not personally, as Minister, be prepared to sign the final third notice, which is the vesting order to transfer the land into the ownership of the States - I would not personally want to do that - until such time that the planning decisions in respect of both the Island Plan and the planning application have been made and the matter is very clear-cut.

4.8.1 The Connétable of St. Helier:

Would the Minister also be constrained by the decision of the States on 1st February to adopt my amendment to P.167/2020, under which the States agreed that any existing community facilities impacted by the development of the new hospital access road would be relocated and replaced?

Deputy J.H. Young:

I do apologise, I would have to take advice on that point. Obviously if we are in a position we have a series of various States decisions to the extent that one affects the other, the answer that I have given draws upon P.129/2020; the decisions in there that empowers the Minister for the Environment to do those acquisitions so I would have to take advice on that. I cannot say at the moment.

4.8.2 Senator T.A. Vallois:

I would just like to ask the Minister, just to clarify his answer, when he referred to the third notice with regards to this particular situation, whether that was on the basis of the planning application or whether that is on the basis of the planning application being determined in favour.

Deputy J.H. Young:

We are dealing with hypothetical here, but my thinking is, is that it would be wrong to prematurely take land compulsorily, even if the States had given all the authorities for it, until first of all the draft Island Plan that includes an explicit policy to enable the development of the land associated with Overdale and associated for the purposes of the hospital, until that is adopted by the States. Secondly, there is a planning application which has gone through a planning inquiry in a great deal of detail and there is a recommendation to approve which if it is me, as ...

The Greffier of the States (in the Chair):

I am afraid, Senator, you have frozen.

Deputy J.H. Young:

Sorry, my system froze. The third notice is a final step. A third notice goes straight to the Royal Court. On the Royal Court order, the land to be transferred on the Friday morning at their session and then that is it, the land is moved. I think that would be premature to invoke those without those preconditions being achieved, but I do think the procedures, the first and second notice which are leading up to negotiations possibly are useful things to do.

4.8.3 The Connétable of St. Helier:

Does the Minister believe that there is a distinction to be drawn between land that is required for the development of a hospital at Overdale itself and the Jersey Bowling Club site, which is only required because the hospital team want to drive a U.K.-style superhighway up Westmount Road?

Deputy J.H. Young:

This is a difficult one for me because I have declared an interest in having to make the planning decisions at every possible step of the way and nowhere have I expressed a personal view. But I am clear about one thing, that the road proposal goes with the hospital. I made it exactly plain to the team when I was asked for procedural advice that the planning inquiry should include both. None of us can predict the outcome of that inquiry but the 2 go together, as far as I am concerned, and I do not think they are separate. The road is being proposed because of the hospital.