

2.1 Deputy R.G. Le Hérissier of St. Saviour of the Minister for Planning and Environment regarding a land swap between the States and a local company:

Under what criteria was the land swap agreed with Five Mile Limited of land to the south of the Watersplash (R.94/2007 refers) which includes the transfer to the company of a small coastal strip in a highly sensitive area?

Senator T.A. Le Sueur (The Minister for Treasury and Resources):

I will ask my Assistant Minister to deal with this answer please.

Deputy J.A.N. Le Fondré of St. Lawrence (Assistant Minister for Treasury and Resources - rapporteur):

Negotiations for this transfer go back to 2004 and the strip of land in question is, broadly speaking, a rutted track about 8 feet wide and which is used for vehicle access and has over time I believe expanded into additional parking in the area to the south of the Watersplash. The transaction the Deputy refers to involves a swap for this piece of land and the public will, in return, receive two significantly larger pieces of land on the opposite side of the road which are adjacent to St. Ouen's Pond. While I am not a member of planning, I would note that it is my understanding that both the areas in question are in the green zone as opposed to the zone without its own character, and given its present use I would submit that the public are receiving something that is potentially of greater environmental benefit given the proximity to St. Ouen's Pond and hopefully something that we can improve upon in the future in an environmental sense.

2.1.1 Deputy R.G. Le Hérissier:

Given the highly sensitive nature of this piece of land would the rapporteur indicate what understandings were reached as to the future use of this particular piece of land?

Deputy J.A.N. Le Fondré:

Before I go into that, could the Deputy clarify his definition of the sensitivity of the nature of the land, please?

Deputy R.G. Le Hérissier:

In an area of the coast of Jersey which is regarded as highly sensitive and where if not in all aspects there is a presumption against development.

Deputy J.A.N. Le Fondré:

That is why I defined the area as being in the green zone rather than without its own character, although we are treading out of my areas of expertise into planning matters. My understanding is that there is a proposal that involves the redevelopment of the Watersplash and which in my view should be quite a significant improvement than what already exists in the area. I do not know fully the details of the scheme and that will be a matter for the Planning Minister to resolve, however, strong support has been given by the Minister for Economic Development and the former Economic Development Committee, and it is felt that it is quite important for tourism. As I already said, I would reiterate in our opinion we are receiving something that is of greater environmental benefit by receiving the land closer to St. Ouen's Pond given the nature of the existing land strip that is being transferred.

2.1.2 Deputy R.G. Le Hérissier:

Would the rapporteur not acknowledge that really his department, and potentially Planning, have got themselves into a major pickle because there is a real possibility that this land could be developed and that is by implication what they have agreed to?

Deputy J.A.N. Le Fondré

I think that is potentially the whole point. I do not think we are in a pickle at all, Sir. It is a very, very thin strip. It is 8 feet wide. It is of little environmental benefit as far as I understand it. I understand that all of this type of scheme will be controlled by the Planning Minister and, as I said, from a public point of view, I think we have acquired something that is of potentially greater environmental benefit by acquiring something for the public on the other side of the road closer to St. Ouen's Pond, which in the context of that immediate area, is probably the most sensitive.

2.1.3 Senator S. Syvret:

Is it not the case that the Deputy himself is interested in properties on the coastal strip of St. Ouen's Bay and it could be argued that he may be conflicted in terms of establishing developmental precedent?

Deputy J.A.N. Le Fondré:

We did consider that matter because obviously I do own a property that is half a mile to a mile down the road and in the end the conclusion is if you apply that criteria to anybody within the Island of having an interest within a property within a half a mile to a mile of another transaction I think we would all be in trouble. So, essentially no. So, we did consider it quite carefully and the general view is that I do not have a conflict, Sir.

Senator S. Syvret:

The point was, Sir, encouraging other owners in that area to be able to develop establishes a precedent which will benefit other owners in the region.

Deputy J.A.N. Le Fondré:

As I said, Sir, I do not know if I want to get into the personal nature of matters. I am in a different zoning and ultimately those types of things come under the remit of the Planning Minister, Sir.

2.1.4 Deputy J.B. Fox of St. Helier:

I used to be Chairman of the Sub-Committee and it was always very, very sensitive that area. I wonder if the Assistant Minister could advise me, because of the sensitivity - and clearly some departments are in favour of this - was it taken to the Council of Ministers for overall consideration because I perceive that this is where, under Ministerial government, maybe such sensitivity should be discussed.

Deputy J.A.N. Le Fondré:

I do get slightly puzzled as to... we talk about the sensitivity of the area, Sir. As I said it is about an eight-foot wide sand and rutted track as far as I understand it. We are achieving something which is considered to be of better environmental value. In terms of anything involving development proposals and things like that, that is under the remit of the Planning Minister. What we are dealing with is a land transaction here, Sir, so it will be down to the Planning Minister with his planning and his environmental hat on to deal with whatever the nature of the scheme is.

2.1.5 Deputy R.G. Le Hérissier:

Just a final wrap-up: would the Assistant Minister - or the rapporteur - now concede that a major mistake was made in that a highly protected piece of land has been granted... and he has allowed a piece of land to be let out even though he trivialises and minimises its extent, and he is setting a very dangerous precedent?

Deputy J.A.N. Le Fondré:
No, Sir.