

STATES OF JERSEY



FIELDS 85, 84 AND 80, LA RUE CARREE, ST. BRELADE: ACQUISITION OF LAND BY THE PUBLIC

**Lodged au Greffe on 12th April 2018
by the Minister for Education**

STATES GREFFE

PROPOSITION

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

- (a) to approve the acquisition by the Public of the land being Field No. 85, the majority of Field No. 84 and the majority of Field No. 80, La Rue Carrée, St. Brelade, measuring approximately 12.94 vergées, as shown cross-hatched on the Drawing attached at the Appendix, at a fair and proper price, together with the payment of the owner's reasonable legal expenses, to be agreed by the Minister for Infrastructure;
- (b) to agree that in the event of it not being possible to agree a fair and proper price with the owner of the said interest referred to in sub-paragraph (a), the Minister for Education should be empowered, in exercise of the powers conferred by Article 63 of the Education (Jersey) Law 1999, to acquire the land by compulsory purchase on behalf of the Public, in accordance with the provisions of the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961;
- (c) to authorise the payment or discharge of the expenses incurred in connection with the acquisition of the interest in land and any other interests therein referred to in sub-paragraphs (a) and (b), and of the payment of all legal expenses, from the Capital Head of Expenditure 'Les Quennevais School' (Business Unit FXA071);
- (d) to authorise the Attorney General and the Greffier of the States to pass, on behalf of the Public, any contract which it might be found necessary to pass in connection with the acquisition of the said land and any interests therein.

MINISTER FOR EDUCATION

REPORT

The [Education \(Jersey\) Law 1999](#) confers upon the States power to acquire land by compulsory purchase for the purposes of that Law. A Law which confers a power to acquire land by compulsory purchase is called “a special law”. The procedure which is followed is laid down in the [Compulsory Purchase of Land \(Procedure\) \(Jersey\) Law 1961](#). That Law does not confer any power to acquire land by compulsory purchase. What it does is regulate the procedure which is to be followed whenever the States have decided to exercise their power under a special law to acquire land by compulsory purchase.

Construction of a new Les Quennevais School (“the School”) is needed to replace the existing school which is reaching the end of its useful life. A full feasibility study was completed in May 2016. The output from the study was issued for consultation, with 67% of people who responded preferring Option 2, a new build on the fields north of St. Brelade’s Social Club, alongside Route de Quennevais. A planning application was submitted on 23rd June 2016. On 28th July 2016, the Minister for the Environment announced that a public inquiry into the planning application would be held, as the land is in the Green Zone on the 2011 Island Plan, where there is a general presumption against development, and where exceptional reasons are required to justify new buildings.

Although the need for the School was accepted, the outcome of the inquiry resulted in some design alterations and a further planning application. Planning permission was granted by the Planning Committee on 19th October 2017.

So as to provide for the construction of the School, it is necessary for the Public to acquire several parcels of land from various private landowners. The assembled land parcels (collectively known as “the Site”) comprise Fields 80, 84, 85, 86, 86A, 88, 88A and 87.

The various land parcels within the Site were valued by an independent chartered surveying firm (formally BNP Paribas Real Estate (Jersey) Ltd., now D2 Real Estate) in 2014, and an update to this valuation was carried out on 19th April 2016. This appraisal indicated the market value for land within the Site was £15,000 per vergée.

The Site was in private ownership. Jersey Property Holdings has, on behalf of the Public, sought to acquire the various parcels comprising the Site by agreement, the relevant owners and leaseholders involved being –

No.	Land	Interest
1	Field 86 and 86A	Owner
2	Field 87	Owner
3	Field 88	Owner
4	Field 88A	Owner
5	Fields 85, 84, 80	Owner
6	Field 86, 86A, 88	Leasehold

In 2015, D2 Real Estate were engaged to act on behalf of the Public to enter into formal negotiations with the various parties to agree terms to acquire the individual land parcels.

On 18th December 2015, Jersey Property Holdings wrote to the various parties' landowners that it wished agree to purchase their relevant land by negotiation, in a timely and orderly manner, at a prevailing market value price. It has always been the preference when acquiring land by the Public to do so by agreement, rather than resort to compulsory purchase powers (where available). However, in that communication, Jersey Property Holdings was obliged to advise the recipients that the importance of the project meant that if a negotiated agreement was not possible the fall-back position, as a last resort, was compulsory purchase.

Jersey Property Holdings has therefore endeavoured to pursue a strategy of acquisition by negotiation. Following negotiations between the parties and their respective agents, consistent purchase considerations were agreed with all freehold interest owners based on a value of £15,000 per vergée. Ministerial consent for the acquisition of land parcels No. 1–4 was granted and the land acquired between 22nd September and 6th October 2017, as set out in the table below.

No.	Land Parcel	Ministerial Decision	Contract Passed
1	Field 86 and 86A	MD-PH-2017-0014	22nd September 2017
2	Field 87	MD-PH-2017-0019	6th October 2017
3	Field 88	MD-PH-2017-0012	22nd September 2017
4	Field 88a	MD-PH-2017-0013	22nd September 2017

It has been agreed with the owner of Fields 80, 84 and 85 that the value of the land is £194,100 (One Hundred and Ninety-Four Thousand, One Hundred Pounds). During the negotiations it became apparent that it would be necessary to agree further terms with the owner owing to the possible diminution in value, the owner's retained land/buildings would suffer as a result of the newly-developed School; taking into account a number of factors (including the effect on value of the residential unit currently on the retained land, and also any future redevelopment potential of the retained land that would be impacted by the School development).

A valuation was carried out by a third party on instruction from the owner, which was carried out in accordance with the RICS Valuation Professional Standards (the 'Red Book'). The valuation ascertained the diminution in value to the retained property (comprising land and buildings) as being £58,900 (Fifty-Eight Thousand, Nine Hundred Pounds). This was accepted by Jersey Property Holdings.

Heads of Terms were signed with the owner, dated 7th December 2017. In accordance with Standing Order 168(1)(a), the Minister for Infrastructure agreed, as recommended by Jersey Property Holdings, for the Public to acquire Fields 85, 84 (part) and 80 (part) (MD-PH-2017-0055). The decision was made on 16th December 2017. A date was proposed by the Public to complete the acquisition before Court (namely 26th January 2018).

However, due to a lack of progress, it was not possible to complete on 26th January or on 2nd February. A subsequent completion date suggested by the Public of 9th February was not agreed by the owner's legal adviser due to a pending planning application in respect of the owner's retained property.

On 14th February 2018, communication on behalf of the Owner was received, the effect of which was to seek to renegotiate the major terms pertaining to the acquisition, including the consideration agreed, and to further seek to include a number of conditions on the future use of the land.

These new terms were a material departure from the signed Heads of Terms. In the opinion of Jersey Property Holdings, the agreed Heads of Terms are a fair and true reflection of the amount which the land might have been expected to realise if sold on the open market by a willing seller. Whilst the preference is for the Public to acquire the remainder of the Site by agreement, and remains ready, willing and able to pass contract on the basis of the signed Heads of Terms, it is now appropriate to seek the relevant authority to compulsorily acquire the remainder of the Site at a fair and proper price.

Fields 85, 84 (part) and 80 (part), La Rue Carrée, St. Brelade are needed for the new school, as it cannot be built in their absence.

The provisions of the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961 apply only where the provisions of another Law have conferred power on the States to acquire land by compulsory purchase on behalf of the Public. The relevant Law for this purpose is the Education (Jersey) Law 1999.

The price to be paid for the land will be determined in due course by the Board of Arbitrators as part of the compulsory purchase procedure under the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961.

Collective responsibility under Standing Order 21(3A)

The Council of Ministers has a single policy position on this proposition, and as such, all Ministers, and the Assistant Ministers for Education, are bound by the principle of collective responsibility to support the proposition, as outlined in the Code of Conduct and Practice for Ministers and Assistant Ministers ([R.11/2015](#) refers).

Financial and manpower implications

The project budget includes a provision to acquire the land forming the site based on the valuations provided by the independent chartered surveying firm D2 Real Estate. There are no additional manpower implications for the States arising from this proposition.

APPENDIX

