

STATES OF JERSEY



OUR HOSPITAL – BUDGET, FINANCING AND LAND ASSEMBLY (P.80/2021): AMENDMENT (P.80/2021 AMD) – AMENDMENT

**Lodged au Greffe on 28th September 2021
by the Council of Ministers
Earliest date for debate: 5th October 2021**

STATES GREFFE

OUR HOSPITAL – BUDGET, FINANCING AND LAND ASSEMBLY
(P.80/2021): AMENDMENT (P.80/2021 AMD) – AMENDMENT

1 PAGE 2, PARAGRAPH (e) –

In the proposed paragraph (e) subparagraph (i) after the words “Appendix 1”, delete the remaining words.

2 PAGE 2 , PARAGRAPH (e) –

In the proposed paragraph (e), subparagraph (iii), delete the words “Subject to the implementation of”.

3 PAGE 2 , PARAGRAPH (e) –

Redesignate the proposed paragraph (e), subparagraph (iii) (a) to (c) as a new paragraph (f).

4 PAGE 2 , PARAGRAPH (e) –

In the new paragraph (f), before the words “the act of the States”, insert the words “that the planning application submitted for consideration should fully describe the mitigations to address”.

5 PAGE 2 , PARAGRAPH (e) –

In the new paragraph (f), subparagraphs (a) to (c) replace all references to the “Parish of St. Helier” with “Connétable of St. Helier”, in subparagraph (b) replace “agreement” with “consultation” and in subparagraph (c) delete the word “agreed” and insert the words “provided in consultation”.

COUNCIL OF MINISTERS

Note: After this amendment, the proposition would read as follows –

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

(e) in accordance with the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961 –

- (i) to approve the acquisition by the Public of the land and properties required to deliver the Our Hospital project at Overdale, including, where appropriate, land or property to accommodate the hospital buildings and their reasonable curtilage and any other properties to facilitate access to the site as identified as the permanent site area on Plan 4 in Appendix 1, ~~and the acquisition of new rights identified as Compulsory Purchase Rights of Access on Plan 3 Appendix 1;~~
- (ii) to negotiate with the owners for the purchase of the said land and properties at a fair and proper price to be agreed by the Minister for Infrastructure;
- ~~(iii) subject to implementation of the Act of the States dated 1st February 2021, which approved the preferred primary access option for a new hospital at Overdale, including the following decisions –~~
 - ~~a. the minimising of any reduction in the green space and tree planting in People’s Park and Westmount Road and their environs, and any other Parish land impacted by highway improvements in relation to the new hospital project, and the replacement of any green areas that are lost and any lost trees in consultation with the Parish of St. Helier and Jersey Trees for Life;~~
 - ~~b. the relocation and replacement of any existing community facilities that are impacted by the development of the new hospital access roads, in agreement with the Parish of St. Helier; and~~
 - ~~c. the replacement of any parking facilities that are lost due to the development of the new hospital access roads at a location to be agreed with the Parish of St. Helier;~~
- (iii) to empower the Minister for Environment, in exercise of the powers conferred by Article 119 of the Planning and Building (Jersey) Law 2002, to acquire the land and any interest therein, including the acquisition of a servitude or other right over land by the creation of a new servitude or right, or to extinguish or modify a servitude or other right over land, by compulsory purchase on behalf of the Public in accordance with the provisions of the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961, not to be executed until the successful determination of the Planning Application for the new hospital and access road;

- (iv) to provide funds to meet the expenses of up to a maximum of £36 million included within the budget sums included in paragraphs (a) and (b) above for the acquisition of the land and properties and any interest therein as referred to in sub-paragraph (i) of paragraph (e) in accordance with Article 3(b) of the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961, and, in accordance with the Public Finances (Jersey) Law 2019 (“the Public Finances Law”), to authorise the payment or discharge of the expenses incurred in connection with the acquisition of the land and any other interests therein referred to in sub-paragraph (i) of paragraph (e), and of the payment of all legal expenses;
- (v) to authorise H.M. Attorney General and the Greffier of the States on behalf of the Public to pass any necessary contracts in connection with the acquisition and subsequent sale of the site and adjoining land.
- (f) that the planning application submitted for consideration should fully describe the mitigations to address the Act of the States dated 1st February 2021, which approved the preferred primary access option for a new hospital at Overdale, including the following decisions –
 - a. the minimising of any reduction in the green space and tree planting in People’s Park and Westmount Road and their environs, and any other Parish land impacted by highway improvements in relation to the new hospital project, and the replacement of any green areas that are lost and any lost trees in consultation with the Connétable Parish of St. Helier and Jersey Trees for Life;
 - b. the relocation and replacement of any existing community facilities that are impacted by the development of the new hospital access roads, in agreement consultation with the Connétable Parish of St. Helier; and
 - c. the replacement of any parking facilities that are lost due to the development of the new hospital access roads at a location to be agreed provided in consultation with the Connétable Parish of St. Helier.

REPORT

With reference to the Connétable of St Helier's additions to paragraph (e)(i), the Council of Ministers proposes to remove the reference to Plan 3. The Compulsory Purchase of Land (Procedure) (Jersey) Law 1961, requires a plan for compulsory purchase, which is provided as Plan 4 of Appendix 1 to the Report attached to P.80/2021. The area defining the acquisition of new rights over areas of land is shown on Plan 4. Therefore, the inclusion of Plan 3 plan is provided in the Report appended to P.80/2021 for information only and it is not required to a plan for approval. If it were so, it would potentially create legal challenges by confusing the situation.

With reference to the Connétable of St Helier's additions to paragraph (e)(iii), the Council of Ministers supports the principle to ensure that the impact on any trees and amenity spaces is minimised. However, the Connétable's additions are tied directly to the compulsory purchase process, which serves to compromise the process by making the Parish of St Helier a party to the approvals for any potential compulsory purchase of its own land. This cannot be accepted as it sets a precedent that effectively undermines the compulsory purchase process. In order to resolve these concerns, it is suggested to effectively 'cut and paste' the Connétable of St Helier's wording into its own clause, respecting the principles of the amendment but removing the direct association with the compulsory purchase process.

The Council of Ministers also proposes to clarify the requirements of the wording 'in agreement with the Parish of St Helier' to 'in consultation with the Connétable of St Helier'.

Financial and manpower implications

There are no financial implications if this Amendment to the Amendment is accepted. However, there are considerable direct financial and manpower implications if the Connétable of St Helier's Amendment is accepted in its original wording, as this is likely to mean that the approval process for compulsory purchase will delay the project.