



**THE STATES assembled on Tuesday,
7th February, 1989 at 10.15 a.m. under
the Presidency of the Deputy Bailiff,
Vernon Amy Tomes, Esquire.**

All members were present with the exception of –

Senator John William Ellis – out of the Island.

Mrs. Enid Clare Quénauld, Connétable of St. Brelade –
ill.

Sir Martin Le Quesne, Deputy of St. Saviour – out of
the Island.

Robin Ernest Richard Rumboll, Deputy of St. Helier –
out of the Island.

Mervyn Renouf Billot, Deputy of St. Saviour – out of
the Island.

Leonard Norman, Deputy of St. Clement – out of the
Island.

Derek Ryder Maltwood, Deputy of St. Mary – out of the
Island.

Prayers

**Policy and Resources Committee: appointment of President and
members.**

THE STATES, on the proposition of Senator Richard Joseph
Shenton, appointed Senator Reginald Robert Jeune as President of
the Policy and Resources Committee.

Senator Jeune nominated for appointment as members –

Senator Dereck André Carter;
Connétable Iris Medora Le Feuvre of St. Lawrence;

Deputy John Le Gallais of St. Saviour;
Deputy Sir Martin Le Quesne of St. Saviour;
Deputy Robin Ernest Richard Rumboll of St. Helier;
Deputy Leonard Norman of St. Clement; and

Deputy Maurice Clement Buesnel of St. Helier was proposed by Deputy David John de la Haye of St. Helier and Deputy Terence Augustine Le Sueur of St. Helier was proposed by Senator John Stephen Rothwell.

THE STATES, having proceeded to a secret ballot, the Deputy Bailiff declared the following results –

Senator Carter – 33 votes;
Connétable of St. Lawrence – 28 votes;
Deputy Le Gallais – 31 votes;
Deputy Sir Martin Le Quesne – 36 votes;
Deputy Rumboll – 21 votes;
Deputy Norman – 31 votes;
Deputy Buesnel – 18 votes;
Deputy Le Sueur – 30 votes.

The Deputy Bailiff accordingly declared that the following had been elected members of the Committee –

Senator Carter;
Connétable of St. Lawrence;
Deputy Le Gallais;
Deputy Sir Martin Le Quesne;
Deputy Norman;
Deputy Le Sueur.

Regulation of Undertakings and Development: report for 1987 and 1988. R.C.1.

The Finance and Economics Committee by Act dated 23rd January, 1989, presented to the States a report on the operation of the

Regulation of Undertakings and Development (Jersey) Law, 1973, as amended, for the years 1987 and 1988.

THE STATES ordered that the said report be printed and distributed.

Matter noted – land transaction.

THE STATES noted an Act of the Finance and Economics Committee dated 23rd January, 1989, showing that in pursuance of Standing Orders relating to certain transactions in land, the Committee had approved, as recommended by the Harbours and Airport Committee, the leasing from Mr. John George Rondel of a site, designated L.83, situated at Haut de l'Orme, Trinity, for a period of ten years, with effect from 1st January, 1989, at an annual rent of £100, to be adjusted annually by the Jersey Cost of Living Index, required in connexion with the installation of the new noise monitoring unit.

Matters lodged.

The following subjects were lodged “au Greffe” –

1. Health Service: review of development policies 1988 to 1992. P.11/89.

Presented by the Public Health Committee. The States decided to take this subject into consideration on 7th March, 1989.

2. Industrial Disputes Tribunal: appointment of Chairman, Deputy Chairman and Panels. P.12/89.

Presented by the Legislation Committee. The States decided to take this subject into consideration on 21st February, 1989.

3. Recording of States' proceedings. P.13/89.

Presented by the House Committee.

4. Queen's Valley: sale of land. P.14/89.

Presented by the Public Health Committee. The States decided to take this subject into consideration on 21st February, 1989.

The following subjects were lodged on 31st January, 1989 –

1. Draft Trusts (Amendment) (Jersey) Law, 198 . P.9/89.

Presented by the Finance and Economics Committee.

2. Abbeyfield Jersey Society: loan. P.10/89.

Presented by the Finance and Economics Committee.

THE STATES decided to take the abovementioned subjects into consideration on 21st February, 1989.

Draft Family Allowances (Jersey) Regulations, 198 . P.168/88.

THE STATES acceded to the request of the Vice-President of the Social Security Committee that consideration of the draft Family Allowances (Jersey) Regulations, 198 (lodged on 6th December, 1988) be deferred from 14th February, 1989 to a later date.

Matters lodged "au Greffe" withdrawn.

THE STATES noted that in accordance with Standing Order 17(6) the following subjects, which were lodged "au Greffe", had been withdrawn –

Draft Evidence (Criminal Proceedings in other Jurisdictions) (Jersey) Law, 198 . P.6/88.

Lodged: 26th January, 1988.

Legislation Committee.

Entry controls for visitors to Jersey. P.10/88.

Lodged: 2nd February, 1989.

Deputy M.C. Buesnel of St. Helier.

Public 18-hole golf courses. P.35/87 and P.119/88. Withdrawn.

THE STATES noted that Senator Richard Joseph Shenton had withdrawn the following –

Public 18-hole golf course: La Moye Farm/Les Creux, St. Brelade – rescission of Act of the States. P.35/87.
Lodged: 17th February, 1987.

Public 18-hole golf course: rezoning of land at Les Quennevais, St. Brelade. P.119/88.
Lodged: 4th October, 1988.

Public 18-hole golf course. P.139/84. Withdrawn.

THE STATES noted that Deputy John Le Gallais of St. Saviour had withdrawn the Proposition relating to a public 18-hole golf course at Les Landes, St. Ouen (lodged on 25th September, 1984).

States' Meetings: printed record. P.95/88. Withdrawn.

THE STATES noted that Deputy Corrie Stein of Grouville had withdrawn the Proposition relating to a printed record of States' Meetings (lodged on 2nd August, 1988 and referred to the House Committee).

Industrial Disputes Tribunal: appointment of Chairman, Deputy Chairman and Panels. P.148/88. Withdrawn.

THE STATES noted that the President of the Legislation Committee had withdrawn the Proposition regarding the appointment of a Chairman, Deputy Chairman and Panels of the Industrial Disputes Tribunal, (lodged on 15th November, 1988) a revised Proposition having been lodged at the present Sitting.

**Beachcroft Guest House, Grève d’Azette – development.
Questions and answers.**

Deputy Corrie Stein of Grouville asked the Connétable of St. John, President of the Island Development Committee, the following questions –

- “1. In 1987 the Island Development Committee granted development permission for the construction of 12 self-catering apartments on the site of the former Beachcroft Guest House, which previously adjoined ‘La Maisonette’ belonging to Mrs. R. Silvester.

Will the President inform the House whether his Committee in granting development permission did so under the misapprehension that the high wall separating the properties was a party wall which would remain after the demolition of Beachcroft?

2. In the light of the difficulties which have arisen, will the Committee agree to make an ex gratia payment to Mrs. Silvester in recognition of the loss of privacy and the prejudice caused by overlooking resulting from the removal of the wall referred to in question 1 or, as an alternative, will the Committee agree to pay to have a new wall constructed?
3. Was the Committee aware that in order to carry out the development it would be necessary for the builders to obtain Mrs. Silvester’s permission to have access to enable them to place equipment and/or building material on her property?
4. Was the Committee shown plans or details of the excavations, underpinning and the construction work which it was proposed to carry out immediately adjacent to Mrs. Silvester’s property, was this work carried out to the Committee’s requirements and did it send an inspector to make sure that this was done?

5. Will the President give an undertaking that, in future, his Committee will pay particular attention to the problems which could arise from large scale commercial developments on sites which are relatively restricted in size and/or are surrounded by predominantly residential property?"

The President of the Island Development Committee replied as follows –

“Before replying to Deputy Stein’s questions, I believe it would be helpful to Members if I set out a résumé of the background to the application to develop the Beachcroft Guest House site and events which followed its receipt.

The site is situated on the coastal side of the Coast Road, Grève d’Azette. To the north-west is the Girl Guide Headquarters and to the south-east two residential properties and beyond them the Coast Road Stores. Mrs. Silvester lives in the property known as ‘La Maisonette’. I understand that the Deputy is asking these questions on her behalf. Although the area is mainly residential, there are commercial uses and activities in the vicinity of ‘La Maisonette’, some of which have been there for many years.

In early 1987, officers of the Department were requested to give advice about the redevelopment of the guest house. The proposal was to build self-catering apartments. Having visited the site and noted that the guest house was not up to modern standards, they felt that the proposed redevelopment would be acceptable and would provide good facilities for visitors to the Island.

On 27th May, 1987 an application for planning permission was received. The proposal was to build 12 one-bedroom self-catering apartments and provide 13 car parking spaces. The existing guest house could take 30 guests and had only one parking space which was used by the owner.

While the proposals were being examined Mr. G.D. Smith, Assistant Director – Development Control, met Mrs. Silvester to discuss problems to do with the nearby premises. Mrs. Silvester was asked at that meeting if she was aware of the current application for the redevelopment of the guest house and replied that she was, and that she had been approached by the prospective developer. She said that she was concerned about the party wall and traffic problems. Mr. Smith advised her to write to the Committee with her comments and fears. None were received.

On 23rd June, 1987 I received a letter from Mr. M. Wood, the developer, asking if I could give his application urgent attention due to contracts which had been entered into. The concluding paragraph of that letter was as follows:

‘Incidentally, you may like to know that I have discussed the proposed development with Mrs. Silvester who occupies the adjacent property and who has been rather vociferous about the shop and tea-garden on the other side of her. I understand that Mrs. Silvester has no objection to the proposed development. In fact, she views it as an improvement on what is there at the moment.’

On 20th July, 1987 the Committee granted planning permission with conditions.

An application for permission to develop was made a month later; the proposals, after consultation and some negotiations over minor matters, were approved on 16th October.

A request to modify the proposals due to ‘legal problems’ on the site boundaries, was made in November but was not granted because the design was not acceptable.

On 21st January, 1988 the Department received a letter from Advocate A.O. Dart of Bedell & Cristin requesting sight of the drawings because Mrs. Silvester had

complained about the demolition of the wall on her boundary. An examination of both parties' titles had revealed that this was a party wall; Mrs. Silvester's consent was required before demolition started. Advocate Dart was shown the drawings and his questions were answered.

On 2nd February a meeting was held between Deputy Corrie Stein, Mr. R. Gray the Deputy Greffier, and Mr. Smith to discuss the problem which had arisen as a result of the wall having been taken down. Mr. Smith agreed to contact the developer to see if he was willing to raise the height of the wall to its previous level. The developer was agreeable in principle to constructing a wall but the fact that he had been served with six injunctions and an Order of Justice did not make him favourably disposed towards Mrs. Silvester. Some of these were later withdrawn but the developer remained concerned about the construction of an extension to the top of the existing wall. There were inadequate foundations and he was worried about the effect of building works on Mrs. Silvester's property.

On 4th May, 1988, I received a letter from the Bailiff informing me that Mrs. Silvester had written to Her Majesty The Queen and the Home Office complaining about the development. He requested that I provide him with information. This was done and His Excellency the Lieutenant Governor was also sent the same information at his request.

I trust that this description of events which took place both before and after the granting of the consents, provides sufficient background to preface my reply to the Deputy's questions and shows that the Committee and its officers have done what they can to help and co-operate with Mrs. Silvester and her advisers.

Here then are the answers to Deputy Stein's questions:

1. When my Committee discussed the planning application in 1987, Members did not need to know whether the wall between the two properties was a party wall or in single ownership. As consents issued by the Committee are purely permissive and do not grant any rights under civil law, the ownership of the wall would not have been a consideration in the determination of the application. It is the responsibility of the developer to ensure that he has the necessary rights in law to undertake his proposals. The approved drawings showed a wall 5 feet high; the Committee felt that the degree of overlooking prejudice from the windows of the self-catering accommodation called for nothing higher. In fact the boundary wall is now 9'9".
2. It is not my Committee's intention to make an ex gratia payment to Mrs. Silvester or agree to pay to have a new wall constructed for two main reasons.

First, paragraph (11) to Article 6 of the Island Planning (Jersey) Law, 1964, states that 'no compensation shall be payable in respect of injurious affection to any estate or interest in any land by reason of this article'.

Second, as was made clear by the Bailiff's reply to my Department's letter sending him the information he required, Mrs. Silvester has by no means exhausted her legal remedies if she had a claim against the developers.

3. The Committee was not aware that the developers would have to enter Mrs. Silvester's land to undertake construction. The consent granted by my Committee did not give consent for the developer to enter Mrs. Silvester's land. If he could not obtain her consent he had the options of not building, changing his building method or modifying his design.

4. Although the Committee was not shown the consulting engineer's drawings for the foundations of the building, they were examined and accepted by officers of the Department. The engineering design work had been carried out to comply with one of the conditions attached to the development permit. The site and the work in progress was visited by one of the Department's building control officers at all the required stages.

My Department has been informed by C.H. Rothwell and Partners that it was necessary to underpin the gable end of 'La Maisonette'; this is a party wall between the two properties. The appropriate insurance cover was taken out by the developer to meet any claims for damages from adjoining owners. Underpinning works are regarded as repairs by my Department and therefore it was not necessary for proposals to be submitted or the work inspected. I am, however, advised that the consulting engineers supervised the works.

5. I would like to assure both the Deputy and Members of this House that careful consideration is always given to commercial development particularly where it is to take place in residential areas. My Committee did not look on this as a 'large scale development' but rather as the replacement of an existing out-worn guest house by new self-catering accommodation which would allow better facilities and higher standards to be met without adversely affecting the amenities of the residents who lived next door."

Reasons for withdrawing P.35/87 and P.119/88. Personal statement by Senator R.J. Shenton.

Senator Richard Joseph Shenton made a personal statement in the following terms –

“The recent developments with regard to Les Quennevais have thrown the future of the area into question.

My proposition P.119 of 1988 was designed to offer an alternative to the La Moye Farm/Les Creux land. This would now not appear possible and so I believe it would be right and proper for me to allow the Island Development Committee to deal with the land in question after consultations with the Parish of St. Brelade.

The proposed golf course at La Moye Farm/Les Creux was opposed by myself and other members of the House on the grounds that the land was a valuable agricultural asset and should not be lost to the farming community. The case therefore would more properly be put by the Committee responsible for agriculture, and whilst I continue to hold the views which I have expressed publicly I feel it right that if the matter is to be debated then this should come from that Committee.

In order that interested parties may be aware of my decision I have circulated this statement to the President of the Island Development Committee, the President of the Agriculture and Fisheries Committee and to the Connétable of St. Brelade.”

St. Helier waterfront plan. Statement.

The President of the Island Development Committee made a statement in the following terms –

“The Island Development Committee has resolved how it intends to approach the critically important waterfront planning project.

The project falls into three distinct stages –

1. the preparation of a planning brief;

2. the selection of a consultant;
3. the preparation of the waterfront plan by the selected consultant.

The Committee has retained the services, as an independent adviser, of Mr. William Whitfield, C.B.E., a respected member of the architectural and planning professions in the United Kingdom. He will advise the Committee through all three stages of the project.

The first stage, the preparation of the planning brief, is potentially the most difficult part of the project. It is an exercise in achieving consensus – not just within the States but in the community at large – of what the Island should do with its premier waterfront area. The brief will set the balance between accommodating the Island's development requirements, and protecting and improving the appearance of the waterfront area. It will include certain given requirements, but it will not constrain the originality and creativity of the planning consultants finally selected.

In the first stage of the project, Mr. Whitfield will be assisted by an advisory group. I shall sit as a member of that group to provide the necessary link between the Island's planning committee and Mr. Whitfield, but the other ten members of the group, none of whom are States members, represent a wide balance of interests within the community and have all previously demonstrated their commitment to the Island's future in different ways.

The members of the group are as follows –

Advocate William Bailhache
Mr. Marcus Binney O.B.E.
Mr. Donald Filleul
Mrs. Celia Jeune
Mr. Bill Mahoney
Mr. Bill Morvan

Jurat Mrs. Barbara Myles
Mr. Robin Pallot
Mr. Nigel Quérée
Mr. Frank Walker.

The findings of the group will be presented to the States in due course.

In the second stage of the project, the Island Development Committee will be aided by Mr. William Whitfield's wide range of contacts and experience in the architectural and planning fields. We anticipate inviting several consultancies of international repute to make submissions to undertake the waterfront plan in accordance with the brief. The procedure we will adopt will give those consultancies the opportunity to show, graphically, how they would approach the planning exercise if appointed, and will allow them to express their initial concept and ideas. The results of this exercise will be published, and the public and States Assembly given an opportunity for comment before the Committee selects and appoints a consultant.

In the third stage of the project, the selected consultant will develop his original concepts into a waterfront plan, using the full brief. By the time he is appointed, the results of the hydraulic studies for future land reclamation will be available, and it is likely that a decision will have been made on how to meet the Island's electricity demands. These will be incorporated into, and act as constraints in the preparation of the plan.

My Committee anticipates that the programme for the project will be as follows –

- (a) preparation of brief – 3 months;
- (b) selection of consultant – 3 months;
- (c) preparation of plan – 6 months.

However, public consultations and consideration by the States Assembly will be necessary between each stage, and thus the project will take considerably longer to complete than the 12 months total of the stages.

The initial stages of the project will be financed by an existing Committee vote for the planning of the land reclamation site. Depending on the submissions made by the consultants, it is likely that the Committee will be requesting additional funds from the States before it commissions stage three of the project.

The Waterfront Advisory Group, as it will be known, will generate its own publicity during stage one of the project. My Committee will, however, make regular reports on the progress that is being made on this very important project.”

Public Holidays and Bank Holidays (Jersey) Act, 1989.

THE STATES, in pursuance of Article 2 of the Public Holidays and Bank Holidays (Jersey) Law, 1951, as amended, made an Act entitled the Public Holidays and Bank Holidays (Jersey) Act, 1989.

Road Traffic (No. 32) (Jersey) Regulations, 1989. P.4/89.

THE STATES, in pursuance of the powers conferred on them by the Order in Council of the twenty-sixth day of December, 1851, and Article 49 of the Road Traffic (Jersey) Law, 1956, as amended, made Regulations entitled the Road Traffic (No. 32) (Jersey) Regulations, 1989.

Minimum income for elected members of the States: Act. P.5/89.

THE STATES resolved as follows –

1. In the Act dated 28th April, 1981 with regard to the provision of a minimum income for elected Members of the States, as amended, after paragraph 1 there shall be inserted the following new paragraph –

“1A. With effect from the commencement of the Act dated 7th February, 1989 with regard to the provision of a minimum income for elected Members of the States, a payment made under paragraph 1 of this Act shall be increased on the first day of January in every year by the percentage figure halfway between the percentage rise in the Jersey Cost of Living Index and the percentage rise in the Jersey Wages Index during the twelve months ending June of the preceding year.”.

2. This Act shall be deemed to have come into force on the first day of January, 1989.

Regulation of Undertakings and Development (Amendment No. 4) (Jersey) Law, 1988 (Appointed Day) Act, 1989. P.7/89.

THE STATES, in pursuance of paragraph (2) of Article 5 of the Regulation of Undertakings and Development (Amendment No. 4) (Jersey) Law, 1988, made an Act entitled the Regulation of Undertakings and Development (Amendment No. 4) (Jersey) Law, 1988 (Appointed Day) Act, 1989.

Draft Regulation of Undertakings and Development (Amendment No. 5) (Jersey) Regulations, 1989. P.8/89.

THE STATES commenced consideration of the draft Regulation of Undertakings and Development (Amendment No. 5) (Jersey) Regulations, 198 (lodged on 24th January, 1989) and adopted the Preamble and Regulation 1.

Regulation 2 was adopted, the States having accepted an amendment of Deputy Robin Ernest Richard Rumboll of St. Helier that in new Regulation 1AA(2) for the words “or (j)” there should be substituted the words “, (j) or (k)”.

Regulations 3 and 4 were adopted.

The Regulations were thereupon lodged, as amended, in Second Reading.

THE STATES rose at 3.15 p.m.

E..J.M. POTTER

Greffier of the States.