

**WRITTEN QUESTION TO THE PRESIDENT OF THE ENVIRONMENT AND PUBLIC SERVICES  
COMMITTEE BY DEPUTY G.C.L. BAUDAINS OF ST. CLEMENT**

**ANSWER TO BE TABLED ON TUESDAY 10th MAY 2005**

**Question**

Given the possible danger to children from, for example, broken glass, unused fuel containers, and a disused reservoir using the derelict, privately owned H4 site No. 15 in the Island Plan (Samarès Nurseries, St. Clement for recreation and in view of its close proximity to large housing estates at Le Squez and Le Marais in particular would the President inform members whether the Committee has any powers to restrict access or make safe this site and, if so, will it be exercised in this case?

**Answer**

Following concerns expressed by Senator P.V.F. Le Claire, and Deputies J.A. Martin and C.J. Scott Warren, an officer of the Planning Department attended a meeting at the site with the two Deputies and the owners on 5th April 2005.

The glasshouses have been out of use for some time, and I am advised that children are gaining access to the site and throwing stones at a glasshouse from the bank of the reservoir. The potentially dangerous situation that has arisen at Samarès Nurseries is primarily the responsibility of the owner and requires improved site security and notices warning of danger. The owner of the site has been advised that it is in his own interests to secure the site.

The Committee has no powers to restrict access to a private site or to make such a site safe. The Island Planning Law 1964, at Article 13, confers powers on the Committee to serve notice on an owner of land where 'the amenities of any part of the Island are seriously injured by the condition of any land', 'requiring that such steps for abating the injury' are taken.

It cannot be said that the amenities of this part of the Island are seriously injured by the condition of the land, and thus Article 13 does not apply.