

20.11.30

4 Deputy S.M. Ahier of St. Helier of the Chief Minister regarding purchase of property (OQ.346/2020):

Will the Minister provide his assessment of the appropriateness of the offer by D2 Real Estate to acquire a driveway near Overdale, taking into consideration the adoption of Our Hospital Site Selection: Overdale, P.123/2020, as amended?

Senator J.A.N. Le Fondré (The Chief Minister):

Senator Farnham is dealing with all matters to do with the hospital and he is going to answer the question.

Senator L.J. Farnham (Deputy Chief Minister - *rapporteur*):

I would like to reiterate to reinforce to Members that there are no plans to acquire any properties or land, which may be required for access routes, before a report on alternative access strategies, as required by the Constable of St. Helier's amendment, has been presented to the States Assembly for approval. We are anticipating that investigation and report will be completed for presentation to the States later in December. In the meantime, engagement with landowners will continue so that the hospital project can, as much as possible, remain within its projected timetable.

3.4.1 Deputy S.M. Ahier:

The email stated: "On behalf of the public of the Island I confirm I have been instructed to offer." Can the Assistant Chief Minister inform the Assembly who instructed D2 Real Estate to make such an offer?

Senator L.J. Farnham:

First of all I would say that discussions commenced some time ago with all relevant landowners and property owners. Some of those discussions have reached agreement in principle but many of those discussions are ongoing. In those instances, the landowners and property owners are very keen to come to agreement. In fact in a number of cases agreement in principle has been reached. But of course they are frustrated because potentially, as the amendment was accepted, we cannot go any further than that until we have States Assembly approval, which we hope to get when we bring the report back. So I do not see anything wrong with the process continuing to try to reach agreement wherever possible.

3.4.2 Deputy M.R. Higgins of St. Helier:

Does the Minister believe that it shows almost bad faith, not only to States Members who passed the proposition and the expectation that no further steps would be taken until that report is delivered to the States, and secondly giving the wrong impression, not only to the other householders, but also to the Island as a whole as to what Ministers' assurances mean?

Senator L.J. Farnham:

There is no easy way to negotiate in some instances like this. We know that the proposed access routes are not favoured by some of the residents. So when there is a resident or residents unwilling to negotiate there is never an easy solution. But I do not agree that it is inappropriate. I think it is entirely appropriate for us to engage with the residents while of course being mindful that we cannot acquire any property before coming back to the States. But it is entirely appropriate to

continue with the discussions because we want to avoid more costly delay. The intentions are to stick to the timetable as much as possible.

3.4.3 Deputy M.R. Higgins:

Would the Minister accept that it is almost as if they shot themselves in the foot because States Members believed that nothing was going to happen until the report came before the States and so did residents? Therefore this storm has occurred because they have not made themselves clear and they never notified the Members or the residents that they are planning a change and will continue negotiating in the meantime.

Senator L.J. Farnham:

No, I do not agree with that. The amendment said, and I shall read it: "To request the Council of Ministers, prior to its acquisition of land or properties required to facilitate access to the preferred site for Jersey's new hospital." It said: "Prior to its acquisition." I want to reconfirm to Members that we will not be acquiring any land or property prior to fulfilling the obligations of the amendment as approved by the Assembly. But we would not be doing the Island taxpayers a service if we were to halt all discussions, all engagement, with landowners right now because it would mean there would be further costly delay. I would reiterate again that not all landowners want discussions to halt. Many of them are very keen for the certainty and to get agreement in principle as soon as possible.

3.4.4 Senator S.Y. Mézec:

Following on from the answer that the Minister has just given, it is very clear that the wording of the amendment that was accepted does not prohibit exploratory discussions with residents. But it does very clearly prohibit the acquisition of land before that report takes place. So would the Minister like to say that making an offer at this point is premature and would he like to distance himself perhaps from the language that might have been used in those discussions with those residents and make it clear to them that the decision of the States Assembly will be respected?

Senator L.J. Farnham:

I thank the Senator. I can reassure Members that the decision of the States Assembly will be respected. Looking at the email that was sent, the language was acceptable, it was in the format of an offer. Perhaps the message could have stipulated that no transaction could take place prior to the further States approval in line with the amendment. Difficult as it is for some of the land and property owners up there, and I understand their difficulties and nobody wants to be forced to sell land they would rather not sell. I can understand their interpretation of the email. But I do maintain it was acceptable, although it could have been worded slightly better to just clarify that an acquisition could not be made without further States approval.

3.4.5 Senator S.Y. Mézec:

Could the Minister confirm exactly how the decision of the States Assembly in adopting that amendment, how that decision was transmitted to the officers who are working on his behalf so that they were aware of the decision that the Assembly had made and aware that it is the sovereign decision, which overrides what Ministers may prefer in some instances? How was that communicated to the officers who are working on his behalf? Does he believe that they understand that it is the decision of the Assembly, which takes precedence here and not what instructions Ministers may have given before that decision was taken?

Senator L.J. Farnham:

Yes, I can confirm that of course the project team became aware of the decision because they were all tuned in to the debate.

[15:15]

Following that, a meeting of the Executive team took place to make sure they fully understood the interpretation of the amendment, which was quite clear. So they worked absolutely in line with that amendment and the Senator alluded to, in his initial question, the amendment said: "Prior to any acquisition." It did not say: "Prior to any further negotiations." It said: "Prior to any acquisition." We are going to make sure we absolutely stay within the interpretation and the meaning of the amendment.

3.4.6 Deputy M.R. Le Hegarat of St. Helier:

Accepting the explanation so far of the Deputy Chief Minister in relation to what has proceeded over the last few weeks, can he not see or would he not accept that the perception of the Island of Jersey is that, by seeing that they are continuing to offer to purchase land in those given areas, they may also be seen to be making a presumption that, whatever the report says, it will be driven in a manner that has seemed to remain with the option that was first put forward by his department?

Senator L.J. Farnham:

I can accept that it could appear to be that. But the process is following the exact format as stipulated in the amendment. So, while it could be seen to outsiders that an offer on a piece of land or a property, some of which have been accepted, could be deemed to be a presumption that we are going to purchase that piece of land. But of course it is absolutely clear, and especially to the sellers of the land who have accepted the offer in principle, the acquisition, the transaction, cannot take place until the States have approved the further transport strategy, as it agreed to do when it voted for the amendment. So I can understand there could be a misinterpretation but I want to reinforce the point that the hospital team are working within the amendment.

3.4.7 Deputy S.M. Ahier:

Have the residents whose houses were due to be demolished been informed by the Assistant Minister that a review is underway? May I ask again if the Assistant Chief Minister was the person who instructed D2 Real Estate to make the offer?

Senator L.J. Farnham:

The negotiating team are in touch with the 3 properties, not me directly. I did not instruct the agent to make the offer. I did not instruct or not instruct. The agent was just carrying on in line with the process that they had been following since discussions started with all landowners.

The Deputy Bailiff:

Has your question been answered, Deputy Ahier?

Deputy S.M. Ahier:

Sorry, whether the residents had been informed that a review was underway, if the Minister could respond?

The Deputy Bailiff:

Yes, the first part of the question I do not think you replied to. Do you want to put it again to the Minister, Deputy Ahier, so that it is understood by the Minister clearly?

Senator L.J. Farnham:

I could save a little bit of time. The negotiating team are in contact with the 3 properties that have accepted the offers in principle, as I understand it. They are aware that transactions cannot take place until the Assembly has approved the transport alternative access strategy as set out in the amendment.