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PROPOSITION

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

to refer to their Act dated 10th November 1987 in which they approved the Town Map, as amended 2-87 and, in particular, a proposed link road improvement to form a gyratory scheme in the area of Wellington Hill, St. Saviour's Road and Stopford Road junctions together with a further road from the gyratory road to Oxford Road and -

- (a) to approve the revised alignment of the link road improvement scheme as shown on drawing No. 575/1, as an amendment of the Town Map 2-87; and
- (b) to approve the purchase on behalf of the public of approximately 5,550 square metres of land and buildings, and any interests therein, as shown hatched on drawing No. 575/1, from Le Masurier's (Oxford Road) Limited, Edgware Developments Limited and Le Masurier's (Stopford Road) Limited for £2,200,000 (Two million, two hundred thousand pounds), with the public being responsible for all reasonable legal costs associated with the transaction and all agreed accommodation works;
- (c) subject to the approval of sub-paragraphs (a) and (b), to authorise, on behalf of the public, the ceding, free of charge, of an area of land measuring approximately 561 square metres as shown cross-hatched on drawing No. 575/1, to C. Le Masurier Limited for the purpose of enabling the construction of a replacement office building, with the public being responsible for all reasonable legal costs associated with the transaction;
- (d) subject to the approval of sub-paragraphs (a), (b) and (c), to agree that C. Le Masurier Limited may continue to occupy the existing office building, following purchase by the public, rent free until the date that the Company vacates the existing offices and relocates to its replacement office building, such date to be no later than 30th April 1999;
- (e) to approve for the purposes of negotiating a settlement the payment of additional compensation to C. Le Masurier in the following sums -

£1,300,000 (one million, three hundred thousand pounds) on the date upon which C. Le Masurier Limited enters into a legally binding contract with a building contractor for the construction of a replacement office building which provides a minimum of 1,200 square metres office space;

£800,000 (eight hundred thousand pounds) on the date upon which C. Le Masurier Limited vacates the existing office building, such date to be on or before 30th April 1999;

£200,000 (two hundred thousand pounds) payable either -

PRESIDENT	
CHIEF OFFICER	
DIRECTOR OPERATIONS	(i)
DIRECTOR ENG	
CHIEF ENG P. & T	
CHIEF O.S.	
CHIEF ARCHITECT	
P.S.D. RECEIVED	
18 JUL 1999 (ii)	
P/ADMIN MANAGER	
FINANCIAL CONTROLLER	
CHIEF T/S OFFICER	
ADK	(iii)

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- (a) on 19th October 1997, if C. Le Masurier Limited submits a complete and adequate development application on or before 30th August 1997, but does not receive development permission on or before 18th October 1997;
- or
- (b) on the date upon which it vacates the existing office building, if C. Le Masurier receives development permission on or before 18th October 1997, and vacates the existing office on or before 31st March 1999;
- (f) subject to the approval of sub-paragraphs (a) and (b) to agree the purchase, on behalf of the public, of two parcels of land in other separate ownerships totalling approximately 30 square metres in area, within the line of the proposed new gyratory road, and any interests therein, at a fair and proper price to be agreed with the Finance and Economics Committee, with the public being responsible for all reasonable legal fees associated with the transaction and agreed accommodation works;
- (g) to authorise the Greffier of the States to sign the said drawing on behalf of the States;
- (h) to authorise the Attorney General and the Greffier of the States to pass on behalf of the public any contracts which it might be found necessary to pass in connexion with the said land and all interests therein;
- (i) to authorise the payment or discharge of the expenses incurred in connexion with the purchase and ceding of the said land, and of all interests therein, from the Planning and Environment Committee's capital vote of credit - "Acquisition of Land - Major Reserve" (Vote No. C0904).

PLANNING AND ENVIRONMENT COMMITTEE

NOTE: The Finance and Economics Committee, from a financial viewpoint, supports this proposition.

REPORT

1. Introduction

This report offers the States a unique opportunity to complete the town ring road which was part of the Island Plan approved by the States in 1987, end the uncertainty over land required from C. Le Masurier Limited by a mutually acceptable agreement, and remove the remaining barrier to completion of the new Jersey College for Girls in 1999, as approved by the States earlier this year.

Whilst the Public Services Committee lodged a report and proposition (P.86/97) on 17th June 1997 seeking compulsory purchase powers, that Committee had agreed that negotiations should continue between the Property Services Department (on behalf of the Planning and Environment Committee), and C. Le Masurier Limited to try to avoid the necessity of seeking compulsory purchase powers. On 8th July 1997 the States agreed to defer consideration of the Public Services Committee's report and proposition to allow time for the agreement set out in this report and proposition to be finalised with the company.

The Planning and Environment Committee believes that the road line proposed in this report would be the most favourable. It is also the line preferred by C. Le Masurier Limited, as, once the scheme is completed it will allow that company to operate effectively without severance of its activities.

The Committee accepted that this could be achieved only by agreement and the barrier to agreement has previously been price. Following a recent significant move by the company, the Committee is pleased that it has been possible to produce an agreement which it is able to recommend to the States.

2. The proposal

This report recommends the revised alignment of the link road, already approved by the States as part of the Island Plan in November 1987, to provide a more appropriate routing which avoids severing the administration offices and warehouses of C. Le Masurier Limited.

It further recommends the purchase of approximately 5,550 square metres of land currently in five separate ownerships to enable the construction of the new roadways and pavements and a further area for use as a housing development or some other purpose to be agreed at a later date.

The buildings to be acquired with the land in the ownership of C. Le Masurier Limited are -

The offices of C. Le Masurier Limited
Sydney Cottage
The Gatehouse
The Electrical Workshop
1 and 2 Meadowview Cottages.

Two further small areas of garden and outhouse amounting to approximately 30 square metres are in other private ownerships.

The States are also asked to agree that the Planning and Environment Committee may acquire the land and buildings by agreement with the owners.

The northern and south-eastern ends of the proposed link road are already in public ownership.

In addition, it recommends the ceding of an area of approximately 561 square metres to C. Le Masurier Limited to enable the construction of a new office building to replace their existing office building which encroaches into the area required for the revised road alignment.

The need for the road scheme is set out in the attached Appendix which formed part of the report of the Public Services Committee (P.86/97).

In order to overcome the concerns of C. Le Masurier Limited about severance a re-alignment has been designed which allows the company to construct new offices which are attached to their existing complex and shields views of the existing warehouses from the new roads.

A study of the land which is available was undertaken in July 1991 by Tibbalds Munroe on behalf of the Planning and Environment Committee to ensure the area was comprehensively developed and appropriately designed. The land to the east of the new road in the ownership of C. Le Masurier Limited provides an opportunity to acquire land for a minimum of 16 units of housing, which would result in an attractive street frontage, or other purposes to be agreed by the States.

3. The Agreement

On Friday, 11th July 1997, agreement was reached with C. Le Masurier Limited, subject to Committee and States' approval, on the basis of an offer from the Property Services Department on behalf of the Committee, which the company is prepared to accept, for the purchase of the land and buildings required for the construction of the proposed gyratory road and the land to the east of the proposed roadway.

The basis of the settlement offers C. Le Masurier Limited a total consideration of a maximum of £4.5 million made up of the land price and payments of additional compensation for the purposes of negotiating a settlement. This figure is in excess of the amount of compensation that it is believed the company would be entitled to if their land was compulsorily acquired. However, it is also possible that any acquisition involving compulsory purchase could result in litigation, considerable delay and very considerable expense. It is therefore in the interests of the States to reach an agreement.

- (a) It is proposed in this recommended offer that £2.2 million is paid on completion of the passing of contract in the Royal Court. This sum is attributable to the land value.
- (b) There are three additional payments for the purpose of negotiating a settlement -
 - (i) £1,300,000 (one million, three hundred thousand pounds) on the date upon which C. Le Masurier Limited enters into a legally binding contract with a building contractor for the construction of a replacement office building which provides a minimum of 1,200 square metres office space;
 - (ii) £800,000 (eight hundred thousand pounds) on the date upon which C. Le Masurier Limited vacates the existing office building, such date to be on or before 30th April 1999;
 - (iii) £200,000 (two hundred thousand pounds) payable either -
 - (a) on 19th October 1997, if C. Le Masurier Limited submits a complete and adequate development application on or before 30th August 1997, but does not receive development permission on or before 18th October 1997;
 - or
 - (b) on the date upon which it vacates the existing office building, if C. Le Masurier receives development permission on or before 18th October 1997, and vacates the existing office on or before 31st March 1999;

The company will be constructing a replacement office building with semi-basement car parking and replacement residential units above. The cost for this building is estimated at over £5 million. Figures prepared by Woodward Burton Associates and verified by the Chief Quantity Surveyor of the Public Services Department indicate the cost to construct a new, modern office building of similar size to that which presently exists, to current Planning requirements and Building Bye-Law standards, would be in the order of £3.1 million. It is clear, therefore, that the company will be putting substantial additional capital into the project well beyond the £2.3 million being proposed as additional compensation for the purposes of reaching agreement.

- (c) Whilst the company has agreed to absorb its own legal, surveying and architectural costs accumulated over the past nine years during negotiations, it is recommended that the conveyancing fees associated with the purchase be met by the Public, as would have been the case in any normal acquisition of land for a public highway. The costs of the company's re-location are included within the additional compensation payments proposed.
- (d) The public will be responsible for the reasonable accommodation works, including walls, security fences, gates and entrances to secure the company's land on the line of the new south and east boundaries. This to be carried out at public expense and will include the cost of new drainage

connections, re-location of the existing site security lights, cameras, security/fire warning installations and certain other works to be agreed, as made necessary by the transfer of land and buildings to the public.

At this stage it is not possible to give the exact cost of these accommodation works because the number of entrances, style of boundary walls, landscaping and extent of the services on the Le Masurier land needing re-location have still to be finalised. However, these are costs which would have to be borne by the public whatever the method of acquisition or route is chosen for the road.

- (e) The 561 square metres of land which are being ceded to C. Le Masurier Limited are not thought to be of high value to the States once the road is constructed due to the land's size, shape and isolated location. If this land were retained by the public, it would be utilised for roadside landscaping. Transferring it to the company ensures the possibility of a more aesthetically pleasing streetscape, with the office development screening the gable end features of the shed-like, existing warehouse.

This would not include the small area of land to the northern end of the area which the adjacent owner has requested to purchase. C. Le Masurier Limited have agreed to allow temporary drainage connections during the construction period.

- (f) C. Le Masurier Limited will be permitted to occupy the existing office building rent free until 30th April 1999 whilst the company constructs its new building.
- (g) The public is also to ensure that provision is made in the future for the Archway Veterinary Centre to retain a minimum of two car parking spaces immediately adjacent to the south wall of its building to allow for the loading/unloading of animals and client parking.

4. Funding

The Capital vote of credit available to the Planning and Environment Committee (C0904) is sufficient to enable the initial sums of £3.5 million to be paid. However, the balance required, together with an amount sufficient for the accommodation works, would be required from the States General Reserve at a later date.

5. Conclusion

The company has always been opposed to both the Island Plan route for the new road which would have completely severed its existing offices from the remainder of the operational buildings, and the use of compulsory purchase which could potentially result in litigation, delay and costs.

It has not been previously possible to reach an agreed settlement because of major differences in approach by each party to land valuation. With the recent narrowing of the gap between the parties and the gesture of good faith by C. Le Masurier Limited in withdrawing the litigation pending against the Committee, it has been possible to reach this agreement which overcomes those difficulties.

The States now have a unique opportunity to reach an amicable agreement for the purchase of the land which not only allows the most acceptable routing for the road but also enables the acquisition of a valuable area of land which is suitable for either housing development or other purpose as determined by the States.

EXTRACT FROM P.86/97

REPORT BY THE PUBLIC SERVICES DEPARTMENT - THE NEED FOR THE ROAD

In 1982 the then Public Works Committee obtained the approval of the States to a number of improvements around the ring road in order to minimise delay and enable improvement to be made within the ring road to provide a better environment for the residents and shoppers in St. Helier.

The problems associated with the school traffic on St. Saviour's Road/Wellington Hill junction together with the need for proper access to the proposed multi-storey car park in Oxford Road highlighted the need for an improvement in this area. A widening of St. Saviour's Road and Wellington Hill was considered but it soon became clear that this would not give a satisfactory solution to the traffic problem and would do nothing to improve access to the proposed car park.

In 1984 the States purchased land off St. Saviour's Road/Stopford Road for housing and therefore the need to service this area also had to be addressed. This prompted the investigation of the proposed link road to form a gyratory and in 1985 proposals were put forward on a possible alignment. In order to provide an access on to Stopford Road, the purchase of the property "Navarimo" was considered and the contract passed in 1986.

In 1987 the proposed gyratory scheme was included in the Island Plan which was approved by the States and in mid-1988 the Gas Company obtained development permission to construct new offices which would front the link road from the proposed gyratory road to Oxford Road.

C. Le Masurier Limited submitted plans for the development of a supermarket alongside the new proposed road and were granted planning permission for new offices and supermarket in 1990.

Following the review of a number of options on an actual road alignment based on the sketch line approved in the Island Plan, a firm alignment was agreed between Public Services, Planning and Environment, Le Masurier's and Housing in February 1991.

Development permission was granted to Housing in 1993 and work is proceeding on the construction of houses on the site to comply with the agreed alignments. (Note: These houses were recently completed).

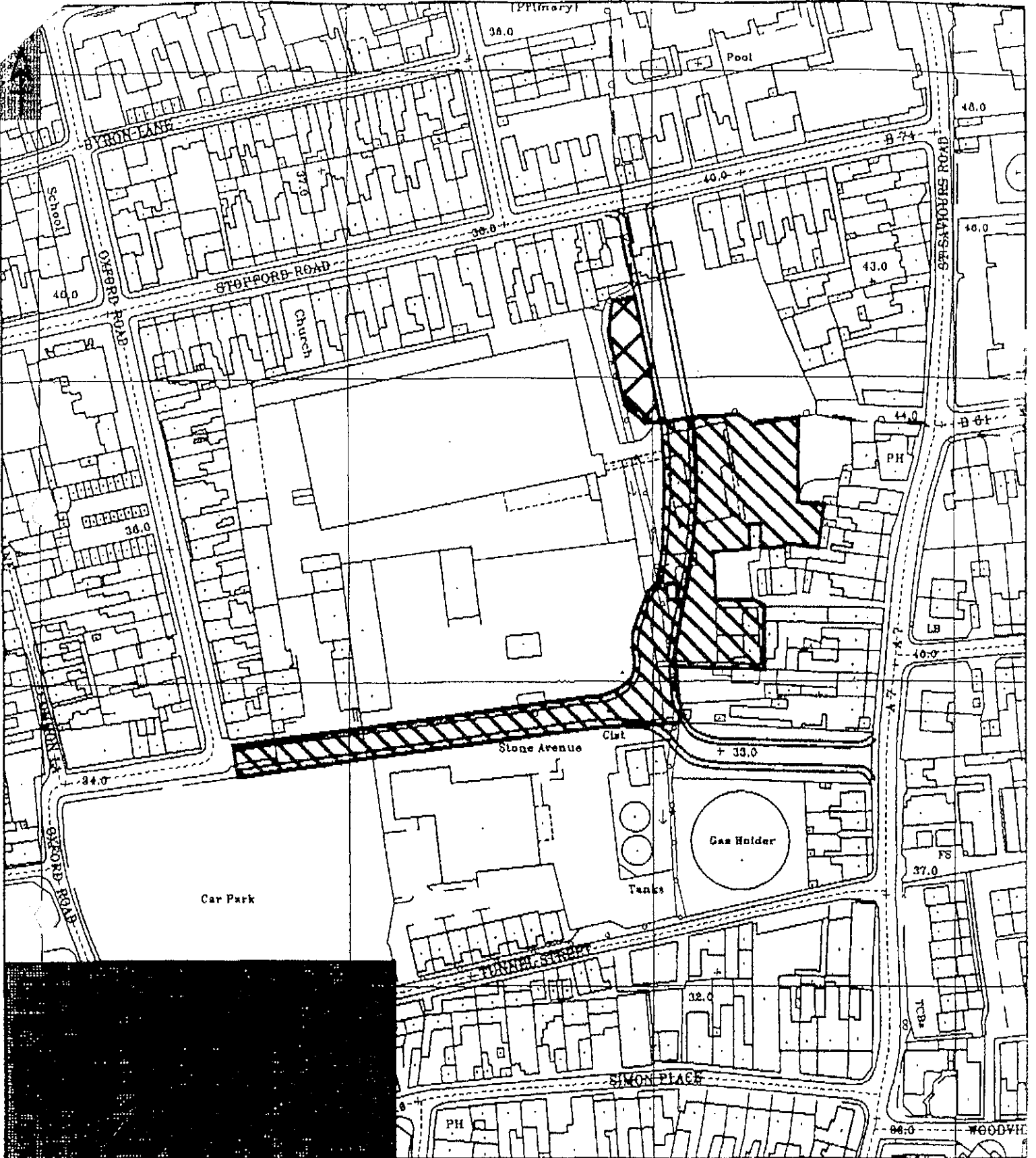
All the above were considered by the States to be sufficient to justify the scheme and confirmed by Professor Kenneth Gwilliam following his review in 1992.

Since that time the States have approved in principle the move of Jersey College for Girls to Mont Millais and as part of the assessment of the effects on traffic of the move, the Public Services Department used their computer traffic model to test the various options. What this clearly showed was that without the proposed gyratory scheme in place, not only would the problems on the ring road increase significantly, but there would be unacceptable problems at all the junctions along Mont Millais/Bagatelle Road from Howard Davis Park to Five Oaks.

Even without the College's move, the estimated cost of delay without the scheme is in the region of £300,000 a year and this would be significantly higher if the move of the College went ahead without the construction of the gyratory road.

The recent study carried out for the EPIA Nos. 3 and 5 shows that considerable environmental improvements in those areas can only be implemented if and when the scheme is in place as much of the "through traffic" would still require to be permitted if the gyratory were not constructed.

In order to enable the removal of through traffic, in particular heavy vehicles, from residential areas, to cope with the traffic effects of the proposed move of College for Girls, to provide the long-awaited proper access to the new Gas Company offices and showroom and to reduce the cost of general traffic delays in the St. Saviour's Road area, it is essential that this improvement is carried out without further delay.



STOPFORD ROAD GASWORKS GYRATORY

DRAWING No: 575/1

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