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Subject: Hospital on People's Park?
Date: Saturday, September 26, 2015 11:10 BST

Dear Andrew

Having lived with the Police and Hospital site dilemmas for a number of years many of us realise the extreme difficulty of finding a site that works.

I had heard during the week that the People's Park was being seriously considered as an option for the Hospital but dismissed it as fanciful talk. I actually thought that it was Parade Gardens which was being considered. I thought that was bold but could see in extremis how that with an awful lot of work be positioned with land acquisition of adjacent sites, and giving back some land for open space.

I have just seen the front page of the JEP and in last two hours had calls from people I know. One an old old friend of mine who lives up the Hill who never engages politically. He asked whether it was an April Fool.

This is difficult but here is my initial pennyworth's.

No doubt research has been undertaken on the legals but I understood that the People's Park was given to the people of Jersey as guaranteed Public Open space in perpetuity. I understood that there was a protection in the form of a covenant which would require the consent of the the Seigneur of the Fief du Mont au Prete. Ownership of the land was I thought vested in the Parish of St Helier. An assembly would have to be convened and parishioners convinced as well as substantial compensation being paid.

As with the removable of other rights and covenants these can be achieved by the the passing of a specific law in the States. Such as proposition would be bitterly fought and I would have thought would be appealable to the privy council. Opponents would be prepared to go the way. This would be Queen's Valley Mark 2 but in a world of fast moving new media and where we have a specific strategic plan to make St Helier a better place which this would be pitted against.

It should be assumed that there would be free legal advice will be given to opponents by people such as the attendees at the IOD event last week. I've already been told that a lawyer is willing to dedicate their firm and is researching the possibility of raising a "Clameur de haro" the ancient procedure where an individual who thinks his property rights are being infringed falls on their knees before at least two witnesses, in the presence of the wrong-doer, and in the location of the alleged offence. The "Criant" possibly the Constable, another Parish official, Deputy or resident or chair of the residence association could be candidates. With no doubt full cameras rolling with their hand in the air - they would cry..

"Haro! Haro! Haro! A l'aide, man Prince, on me fait tort." (Hear me! Hear me! Hear me! Come to my aid, my Prince, for someone does me wrong.) After saying the Lords Prayer in French, an injunction is then immediately in force and the Royal Court must convene to determine the dispute. Presumably the argument would be to drop any application for the land being built on contrary to the covenant.

Even if it fails the theatrical nature of this would be great media stuff especially ahead of the MTFP Part 1 debate.

Each decision to get the Hospital built on the site would be extraordinarily difficult with a guaranteed hardcore of people in absolute and immovable opposition. A hard core could well be joined by many many more who would oppose any building of People's Park for all sorts of reasons and would simply not be able to reconcile the States need for a new hospital with concreting over part

of some of the the islands major event public open space.

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At every point the question would be asked: is this the only site? There must be better solutions than ripping up the historic green and public space in the supposedly overcrowded St Helier. The Millennium Town Park conspiracy theorists would have a field day.

There can scarcely be another proposal that would have the potential of galvanising so much opposition. The debate would be visceral making the removal of Christmas Bonus look literally like a walk in the park, if you would pardon the pun.

I realise that a green site or at least a single clean sites would be hugely preferable. All towns have to find space for important public buildings such as hospitals as they evolve and modernise. Buildings and areas are demolished and regenerated. Public authorities often use compulsory purchase to secure such sights.

With all towns and cities evolving all over the world - I cannot think of a single major public park in any town or city I know that has been compromised. Public Parks are a guaranteed constant in an ever changing world. They are a no go zone. They are afforded the higher level of protection above all else. To remove them would require Herculean efforts. The damage if the proposal would be lost would be long lasting and immeasurable.

Even with the arguments that no doubt could be made about the fantastic nature of the new Hospital facility on the site, the price would be a very very high one.

If this is true - I urge extreme caution.

There has been no formal discussion at COM. Ian will need to say what the situation is with collective responsibility. Ministers and Assistant-Ministers will be being lined-up for individual calls on Monday "do you agree"? What do you want us to say?

This has the capacity of being the most visceral debate I have heard and it pains me to learn about it by opening the JEP.

Can you please urgently tell ministerial colleagues what the position is.

It is with regret I am having to write this email especially after such a splendid evening in which we are making so much fantastic progress for a better Jersey and St Helier. I will stand shoulder to shoulder on issues with anything that ministers want to achieve but this is the biggest thing I would ever have been asked to support against my gut instinct. I have to be honest to say now what I know I'm not sure that I could ever support it. At the same time you have my absolute unwavering commitment in trying to find a solution but time is running out.

Philip

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