



24 September 2024

## Request

Please could you supply me with the following information:

1. Details of the cost to the parish of obtaining 'The Professional Conveyancer's Legal Observations' regarding the obstruction to the road outside Maison de Derrière, Rue des Friquettes, and Field S409a, (including details of separate items invoiced for).
  - [exact date unknown, but presumably sometime between 1<sup>st</sup> March and 31<sup>st</sup> May 2024.
2. A full copy of the relevant report from the professional conveyancer.
3. All correspondence from this year [2024] with the professional conveyancer regarding:
  - Commissioning the above report
  - Responses to the content of the above report by parish officials, both to the conveyancer, and between parish officials [including members of the Roads Committee].

## Response

1. At the time of this response, no costs have been incurred by the Parish of St Saviour for obtaining conveyancing advice.
2. Advice was received by email (a report was not prepared) and the correspondence between Parish of St Saviour (POSS) and conveyancing clerk is as follows:

Email dated: 20 May 2024 2:42 PM

From conveyancing clerk to POSS

*I have been able to do some digging and found a description of the field. In a 1928 partage the filed claimed the bank and relief on the East side (towards "La Rue des Friquettes") as I suspected that is the only description towards the road. There is no mention of any deviations.*

*I also found a boundary description with boundary stones towards what is now the gym car park, but that does not help as it does not give any measurements from the road.*

*Interesting Maison de Derrière and the Field were in the same ownership until 1957 when Philip Le Breton Mourant sold Maison de Derrière. There was no mention of anything to do with the Field in that contract.*

*I have looked at some of the older OS Maps the entrance to the Field has not been clearly marked with any form of deviation.*

*I know the area involved as we had a client purchase at Maison de Derrière last year and ended up parking in the gym car park.*

*My personal opinion is that the owners of Maison de Derrière have made use of the Field entrance in order to facilitate their entrance and exit especially as vehicles have become larger and as it has become worn away it has inadvertently been tarmacked when the road was resurfaced or repaired..*

*A practical solution would be for the Parish to enter into a road widening transaction with xxxxxxx. Not an ideal solution or the cheapest solution from the Parish's perspective.*

Email dated: 28 May 2024 4.42 PM

From: POSS to conveyancing clerk

Further to your email and our conversation I reviewed the photos and would comment as follows:

1 The line of the tape and the tarmac appears to follow the foot of the bank of the field. This is backed up by the line of the bank to the North and the (new) bank adjacent to the school car park.

2 The boulders appear to be within the line of the old bank. Unless the Parish can come to an arrangement with xxxxxx it may be worth suggesting that xxx either paint them in a light colour or cover them in ground and grass so that they are more apparent.

3 In my opinion the bank has been worn away over the years by cars driving over the foot of the bank in order to turn into "Maison de Derrière". xxxxxxxx is not encroaching on the parish road by reconstructing the bank.

There are no specific measurements which are of help to determine the exact line of the field towards the parish road.



Email dated: 28 May 2024 17.04 PM

From conveyancing clerk To: POSS

*I think that the issue here is that the landowner (in my opinion) has done these things within the boundary of xxx land, they do not encroach on the parish road. This could get expensive for all sides if the parish tries to ask xxx to remove these items. If xxx reconstructs the bank as it was originally there (before it had been worn away) there would still be no encroachment.*

*It would be prudent for the Parish to enter into an amicable arrangement to acquire a passing area from the landowner and perhaps aid with rebuilding the bank. Perhaps the residents within "Maison de Derrière" could be compelled to contribute?*

*I don't see any issue with the Branchage Law.*

3. All correspondence from this year [2024] with the professional conveyancer regarding:

- Commissioning the above report – the email exchange seeking conveyancing advice is as below:

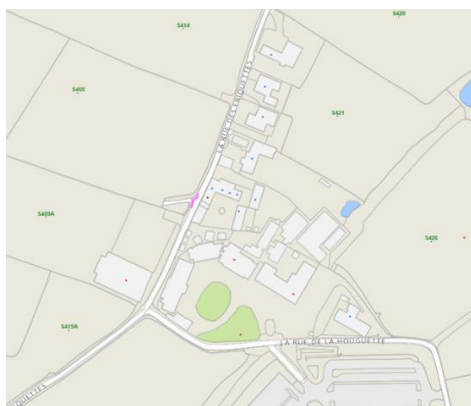
Email dated: 17 May 2024 15.02 PM

From POSS to conveyancing clerk

*We have encountered another boundary issue that requires your expertise. I have attached a location plan indicating the area of concern, marked by a pink line. This area involves the old entrance to a field, which has been blocked by boulders following the creation of a new entrance.*

*There is a current dispute between the owner of field number S409, xxxxxxxx, and the residents opposite in Maison de Derriere. The Roads Committee has reviewed the retrospective planning application for the new field entrance and has not found grounds to object, imposing only its usual conditions.*

*The asphalt by the entrance of the field seems to go back further into the entrance making us think it is part of our road and this is why we need to determine the exact boundary where the parish road ends and the field begins. Your assistance in clarifying this matter would be greatly appreciated, and we hope it will not be too time-consuming or costly.*



Email dated: 17 May 2024 4.05 PM

From conveyancing clerk to POSS

*I am expecting the description to be vague in that it will be the ownership of the bank towards the public road which may not help very much.*

Email dated: 17 May 2024 4.13 PM

From POSS to conveyancing clerk

*We are hoping that the parish owns some of the land at the entrance because it looks like part of the road when it was last asphalted and if so we can make a turning area and alleviate the dispute between neighbours.*

- Responses to the content of the above report – these are contained in the Roads Committee minutes below which refer to the land and to the conveyancing advice:

**Roads Committee** meeting minutes held on 24 January 2024

**3.9 Planning Applications**

**P/2023/0843 Field S409 La Rue des Friquettes:** update. This application is due to be considered at the next public Planning Committee meeting.

**Roads Committee** meeting minutes held on 13 March 2024

**6.4 Planning Application P/2023/0843**

PH enquired if there was any update on Planning application P/2023/0843 field S409 La Rue des Friquettes. It was noted that the applicant had requested the RC's representation at a Planning Hearing. The request was declined, with the applicant being advised that the RC must maintain impartiality



## Roads Committee meeting minutes held on 8 May 2024

### 4.1 P/2023/0843 Field S409 La Rue des Friquettes

It was noted that this application had been approved. Concerns were raised by the residents of Maison de Derriere regarding the obstruction caused by stones and earth placed on the road surface opposite the Maison de Derriere residence.

While recognizing the field owner's lack of obligation to provide a turning area, it was acknowledged that the current situation poses possible safety hazards. Discussion ensued regarding the alleged encroachment on the parish road and the possibility of the Parish acquiring part of the land to make a turning area. Additional measures such as installing a mirror or planter were suggested.

MV and the Parish Infrastructure Manager met on-site with the landowner to address restrictions imposed by the Committee and proposed solutions to stabilize the top area and minimize water/mud runoff onto the road such as extending the asphalt within 2 metres of the highway to 5 metres, it was also observed that the issues are at the top of the field entrance as the soil will still come down and accelerate over the asphalt. It is therefore important that the top section needs stabilizing with hogging etc. **Decision:** It was agreed to write to the field owner stipulating the requirement to prevent mud and water from entering the parish road and to explore the possibility of acquiring land to create a turning area. Additionally, the Committee will engage with lawyers to ascertain the boundary and will write to the resident of Maison de Derrière to advise that the Committee is working closely with the field owner to remove the potential obstruction and explore road widening to create a turning area. Proposed by KL seconded SP.

## Roads Committee meeting minutes held on 14 August 2024

### 3.10 P/2023/0843 Field S409 La Rue des Friquettes

As there is to be a public hearing for this matter on 28 August 2024 it was decided to make no further comment until after the hearing.

## Roads Committee meeting (draft minutes yet to be approved) held on 18 September 2024

### 5.4 Field S409 La Rue des Friquettes

It was noted that the outcome of the Planning Hearing was still pending. However, it is hoped that the decision and any observations will help resolve any ambiguity surrounding the issue of encroachment. The applicant has also approached the Parish, expressing a desire to proceed with preparations for building a wall at the old entrance, as outlined in the planning application. The Roads Committee reviewed the research conducted by a conveyancing clerk, which found no reference to boundary definitions in any title deeds for this section of the road. Advice sought, also concluded that there were no issues relating to encroachment. Given the uncertainty surrounding the boundary, members expressed a desire to formally establish a boundary between the Parish and the landowner.

**Decision:** To consult with the landowner of field S409 and establish a clear boundary. An onsite meeting will be arranged with the applicant/landowner, conveyancer, and the Roads Committee to resolve the matter.

## FOI exemption applied:

### Article 25(2) - Personal Information - Personal data, applicant not subject but supply contravenes data protection principles

Information is absolutely exempt information if – (a) it constitutes personal data of which the applicant is not the data subject as defined in the Data Protection (Jersey) Law 2018; and (b) its supply to a member of the public would contravene any of the data protection principles, as defined in that Law.