

Statement of Richard John Renouf

I am the senior of the two Procureurs du Bien Public of the Parish of St. Ouen, having been elected to that office in 2005. I am also an advocate of the Royal Court of Jersey and have practiced law in Jersey since 1984.

A Procureur du Bien Public is often referred to as a public trustee although the Royal Court of Jersey has described the office as follows:

“We conceive that the Procureur du Bien Public is not strictly a trustee, but is the procurator or proxy of the Parish, and that his principal duty is to represent the Parish in looking after the property of the Parish.”

I wish to explain the legal position in respect of the area to the south of the property [REDACTED] drawing on the content of Appendix 2 of the Parish’s main submission. I can also explain how the Parish conducted the assessment of other possible sites for the construction of sheltered accommodation.

I have carried out research into the legal title to Field 622. The field is divided into two parts although there is no physical separation. The eastern part of the field (the subject of the present planning application) is owned by the Rectorat of the Parish of St Ouen. The Dean of Jersey and Rector of St. Ouen hold the western part in trust for ecclesiastical purposes. The civil parish has no involvement with the western part.

Jersey parochial institutions and land tenures have their roots in Norman customary law and are very different to institutions in the UK. The closest equivalent to Rectorat land in England is glebe land but in Jersey both the civil and ecclesiastical sides of the parish are involved in the administration of Rectorat land.

The Rectorat’s title to the eastern part of Field 622 dates from 12th November 1971 but its association with the Anglican Church goes back to 1882 when it was acquired by the Rector of the time.

The title deed to the eastern part of Field 622 records that it is known as “La Croute de Corneille” and includes a “chemin ou passage” (road or passage) that leads from another road (situated yet further to the east) to the field itself. The road is bounded on its north by the land that became [REDACTED] and on its south by the old rectory. The description of this piece of land as a road or passage clearly suggests that it was in use as a means of access to the part of Field 622 that was worked as agricultural land.

The property [REDACTED] last changed hands on 6th July 2004 and the title deed relevant to that transaction records that the land known as “La Croute de Corneille” belonging to the Rectorat lies both to its south and to its west. All previous title deeds of [REDACTED] have recorded the boundary in just the same way.

The road or passage in the SE corner of Field 622 became disused, probably because access to it was along a narrow lane which became unsuitable for the increasing size of agricultural machinery. Instead other points of access from La Rue de la Croute were used. However two granite gateposts at the eastern end of the road or passage still remain to identify the entrance to the field.

In the 1990's the owners of [REDACTED] approached the Rector of the time with a request that they be permitted to use the road or passage that had fallen into disuse. A written licence agreement was prepared and signed and a licence fee paid in the amount of £50 per annum, to the best of my recollection. With the permission of the Rector, those owners removed the northern boundary enclosure of the road or passage (lying to the south of the garden of [REDACTED]) and put up enclosures on the western and eastern sides of the road or passage so that it appeared to form part of the garden of [REDACTED]. The next Rector failed to collect the licence fee and it has not been paid for perhaps 10 years or more. This information is known to me as I was a churchwarden during the 1990s and thereby involved in Rectorat affairs.

The owners of [REDACTED] pay parochial occupiers rates for the road or passage but do not pay the owners rates for it.

It cannot be said that the owners of [REDACTED] have acquired the road or passage through long usage or prescription. It is possible to acquire property in Jersey in that way after 40 years uninterrupted possession provided there are no contradictory claims in that time. Clearly the Rectorat maintains its claim to ownership, the possession is on a licence basis only and the rating authority recognises the Rectorat as owner.

The Rectorat has not wished to retake possession of the road or passage whilst the planning application for Field 622 is undecided. However if the application is granted, it will enter into discussions with the owners of [REDACTED] and in due course give notice of the termination of the licence arrangement.

I now deal with the selection of the eastern part of Field 622 as the Parish's preferred site. The choice was made by me together with the Connétable in office at the time (Mr Kenneth Vibert) and the senior procureur at the time (Mr David Ellam) now deceased. It was known in the parish that there were proposals to build further sheltered housing and we had already received at least one offer of land. I believe Mr Vibert had also spoken with some owners of other land to enquire about availability.

Important considerations for us were the proximity of any development to community facilities and ease of pedestrian access. Our existing sheltered accommodation forms a vibrant part of parish life and many of our residents take part in community activities conducted from the parish hall or community centre. They also make use of the shops, pharmacy, doctors' surgery and

other facilities at the centre of the village. Typically, many of our residents do not drive a car.

We considered a number of sites which are listed in the main submission and eventually concluded that Field 622 was the most suitable in terms of proximity and ease of pedestrian access. There were various reasons for not selecting other sites as described in the main submission. I am willing to elaborate upon these at the Public Inquiry if this would be helpful. In general terms we felt that many of the sites were too distant from the village centre and/or did not provide adequate or safe pedestrian access.

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Advocate Richard John Renouf
Procureur du Bien Public
Parish of St. Ouen
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