

23<sup>rd</sup> July 2017

Dear Parishioner,

### **Maufant Village roads**

On the 10<sup>th</sup> January 1979 at a Parish Assembly chaired by the then Connétable, the late Mr George Le Masurier, consideration was given to an Act of the Parish Roads Committee whereby it was recommended that the Parish take over the “administration” of the roads, pavements and road lighting of that part of the Maufant Village Development situated in the Parish of St Martin. That decision was unanimously approved by the Assembly.

That transfer of the “administration” never took place and by May 1980 the Housing Committee of the time recorded in their minutes that the Connétable had informed that Committee that they were unanimously against the Parish taking over the grassed areas of Maufant because of the serious shortage of labour.

Since that time there has been little progress. I am the fifth Connétable and Deputy Steve Luce the fourth Parish Deputy trying to close this matter following the 1979 Assembly.

The original deeds of contract remain to this day, that each of the owners of the original 151 properties are bound by their respective contracts of purchase to contribute towards the costs of maintaining the estate roadways, pavements and pedestrian passageways and of the cost of the electricity used for lighting the roadways and pavements in Maufant Village. To our knowledge this has not happened and to date, “the public” (the tax-payer, through various States Departments and more recently through the States Property Holdings Department) have continued to fund the maintenance work in Maufant Village.

Many will be aware that further development has taken place at Maufant Village and the owners of the newest homes that were built at a later phase (Clos du Ruisseau) have formed their own Home Owners Association. They will take responsibility for the maintenance of the roads, pavements and common areas within their part of Maufant Village.

Legal advice has been sought on a number of occasions as to how this matter could be best resolved. The interpretation of “administration” in the original decision is unclear and more recent legal advice received by the Parish is that it would now be very unwise to try and implement a decision that is ambiguous and that is now nearly 40 years old.

Parishioners will be aware that a small part of Maufant Village is in St Saviour and the residents who reside in that part of the estate are in the same situation as those that live in St Martin. They too find that their roads, pavements and common areas in the initial development are paid for by “the public”.

The Parish of St Martin is in no position to accept the financial burden for taking on the responsibility of a “private estate”. The current Roads Committee and the Parish Procureurs du Bien Public do not support the Parish taking over the existing contracts of purchase. To do so would find the Parish of St Martin having to fund the maintenance of all the roads, pavements and common areas in Maufant Village, something that would be extremely costly in the long term and could also set a precedent for residents of other private estates in the parish to seek.

The existing “contracts of purchase” are such that a cost recovery arrangement against a set share per house and the Minister for Infrastructure reserves “the public’s” position that all future works undertaken on the roads and pavements may be recharged in accordance with those contracts. It is likely that should the two parishes take over responsibility, the clause would fall away and we (the two parishes) would take over that liability on all the original 151 homes in Maufant Village.

Should the parish take on the responsibility then parking restrictions are likely to be implemented. Illegally parked vehicles would be issued with Parking Notices. Consideration would be given for the introduction of Residents Parking Permits for which a charge could be made and / or pay-card parking zones introduced. Speed limits would be introduced and enforced.

I have no doubt that these new restrictions would be welcomed by some but opposed by others. I received a number of complaints and a petition from Maufant Village residents when LibertyBus introduced a service through Maufant Village to assist the residents, reminding me that it was a “private estate”. Indeed it is, but currently maintained by “the public” and not the Maufant Village residents.

I am sorry to write this letter but do so because I believe the residents of Maufant Village, and indeed all St Martin parishioners, need to know the situation we all face. It is possible that some home-owners are unclear as to their contractual obligations. Should the current situation remain then it is possible that residents will be recharged by the States of Jersey for any work on the pavements, roads and common areas as well as lighting, something that they have been entitled to do throughout this long saga but has instead been funded from the public purse.

The matter has gone on far too long and the only way forward seems to be the rescindment of the 1979 Parish Assembly decision that was never progressed. This will allow residents to set up their own Housing Association and make suitable arrangements for cost recovery.

I therefore write to advise all parishioners that I intend to bring this matter to a Parish Assembly at a date yet to be fixed, but towards the end of September or early October. The Assembly will be circulated in the Gazette page of the Jersey Evening Post, displayed in the Church Box and on the Parish website.

Yours sincerely,

Michel Le Troquer  
**Connétable**