


In the Royal Court of Jersey

Samedi Division

In the year two thousand and eleven, the twenty-fourth day of November.

Before the Judicial Greffier.

Upon the application of Her Majesty's Attorney General, IT IS ORDERED that the attached modification to the Planning Obligation Agreement between S.A.M. Homes Limited, and The Minister for Planning and Environment in relation to Field 1218, St. Helier, be registered in the Public Registry of this Island.


Greffier Substitute

LOD

Reg. Pub.

L1287-779--



**Modification of a Planning Obligation Agreement under Article 25(12) of the
Planning and Building (Jersey) Law 2002**
relating to the development of Field 1218 Mont A L'Abbe St Helier

Dated :

24th November

2011

The Minister for Planning and Environment (1)

S.A.M. Homes Limited (2)

Law Officers' Department

Morier House,

ST. HELIER

Jersey

JE1 1DD

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1. Parties

DATE 24th November 2011

PARTIES

- (1) The Minister for Planning and Environment of South Hill St Helier Jersey JE2 4US ("the Minister")
- (2) S.A.M. Homes Limited First Floor Centre Office, Charles House, Charles Street, St Helier, JE2 4SF ("the Owner")

2. Interpretation

2. In this Agreement –

- 2.1 Any reference to a party includes, where the context so admits, that party's assigns and successors in title, and in the case of the Minister includes any person or body to whom the relevant functions of the Minister may hereafter be validly transferred.
- 2.2 Any expression defined in the Original Agreement shall have the same meaning for the purposes of this Modification.
- 2.3 The expressions in the left hand column have the meanings attributed to them in the right hand column.

"the Original Agreement"	The Planning Obligation Agreement relating to the Site and which was registered in the Public Registry on the 13 th November, 2009
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3. Recitals

- 3.1 On the 13th November, 2009 the Original Agreement was registered in the Public Registry.
- 3.2 The Owner has submitted an application (reference RC/2011/1376) under Article 21 of the Planning and Building (Jersey) Law 2002 to the Planning Minister to vary Condition 3 of Permit P/2006/2648 (“the Planning Permission”) and in so doing has requested that the Original Agreement be modified
- 3.3 The Planning Minister having regard the question of the conditions to which the Planning Permission should be subject and all other material considerations has agreed that the Original Agreement shall be modified in the manner set out herein
- 3.4 The Owner is party to this modification as the person or persons against whom the planning obligations under the Original Agreement that are to be modified herein are enforceable.

4. The modification

- 4.1 The parties to this Agreement have agreed that the Original Agreement should be modified in the way set out in the Schedule

5 Declaration

- 5.1 Save as hereby modified the provisions of the Original Agreement shall remain in full force and effect and the terms of the Original Agreement are deemed to be restated here in full and incorporated in this modification to the extent that they have not been modified by it.

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Schedule

Modification

1. Clause 1 (DEFINITIONS) of the Original Agreement shall be modified by the insertion of the following definition after the definition for “Affordable Housing”:

“Approved Scheme” any scheme submitted to the Minister and approved by him in respect of Condition 3 of P/2006/2648 as varied by application RC/2011/1376 that achieves the outcome of a Qualifying Person being able to acquire an Intermediate Housing Unit at the Unit Price

2. The definition of “Qualifying Person” shall be modified by the insertion of the of the following sub-paragraph after paragraph 4:

“or any other person approved by the Minister for the purposes of an Approved Scheme”

3. The Third Schedule of the Original Agreement shall be modified as follows:

3.1 Paragraph 3.1 shall be substituted as follows:

“3.1 subsequent to practical completion of the Works to transfer each of the six (6) Intermediate Housing Units (by means of a contract of hereditary sale passed before the Royal Court) to a Qualifying Person on terms that accord with an Approved Scheme with the benefit of the following:

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- 3.1.1 full and free rights of access both pedestrian and vehicular from and to the public highway;
- 3.1.2 full and free rights to the passage of water soil electricity gas and other services through the pipes drains channels wires cables and conduits which shall be in the adjoining land up to and abutting the boundary to the Intermediate Housing Units all such services to be connected to the mains.”

2.2 Paragraph 3.3 shall be deleted

2.3 Paragraph 4.3 shall be substituted as follows:

“4.3 all subsequent transfers of an Intermediate Housing Unit by a Qualifying Person shall be to First Time Buyers approved as such by the Housing Minister”

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Signed on behalf of the P

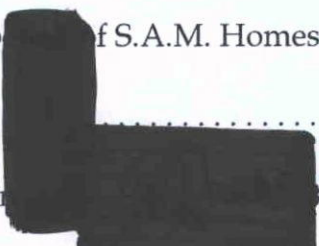


by

in the presence of

this 24th day of November 2011

Signed on behalf of S.A.M. Homes Limited



by

in the presence

this 17th day of November 2011

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