

In the Royal Court of Jersey

Samedi Division

In the year two thousand and nineteen, the eighteenth day of June.

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 The Chief Officer for the Environment and Andium Homes Limited in relation to the development of Samares Nurseries and Cefn, St Clement, be registered in the Public Registry of this Island.


Greffier Substitute

LOD

Reg. Pub.

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Modification of a Planning Obligation Agreement under Article 25(12) of the Planning and Building (Jersey) Law 2002

relating to the development of 'Samares Nurseries' and 'Cefn', St Clement, Jersey

Dated: 18th June 2019

The Chief Officer for the Environment (1)

Andium Homes Limited (2)

DATE

18th June

2019

1. PARTIES

- (1) The Chief Officer for the Environment of South Hill, St. Helier, Jersey, JE2 4US (the "**Chief Officer**");
- (2) Andium Homes Limited, 33-35 Don Street St Helier Jersey JE2 4TQ (the "**Owner**");
and

2. INTERPRETATION

In this Agreement:-

- 2.1 Any reference to a party includes where the context so admits, that party's successors in title and assigns and in the case of the Chief Officer includes any person or body to whom the relevant functions of the Chief Officer may hereafter be validly transferred
- 2.2 Words and expressions in this Agreement shall bear the same meaning as in the Original Agreement as modified unless the context otherwise requires.
- 2.3 The principles construction set out in clause 2 of the Original Agreement as modified shall apply to the provisions of this modification unless the context otherwise requires.
- 2.4 Save as aforesaid 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 between the Chief Officer for the Environment and Samares Nurseries Properties Limited dated 25th July, 2017 and which was registered in the Public Registry on 25th July, 2017
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3. RECITALS

- 3.1 On the 25th July, 2017 the Original Agreement was registered in the Public Registry.
- 3.2 GR Langlois (1991) Ltd submitted an application (accorded the reference P/2017/1758) to construct pedestrian and cycle path to Western boundary of fields

C41 and C42 in substitution of those works permitted under application reference P/2016/1760 (Change of use of parts of Fields C52, C51 and C48 to create a cycle path) and provided for in the Original Agreement.

3.3 Having regard to the purpose of the Law the Island Plan 2011 and all other material considerations application P/2017/1758 is to be approved subject to the completion of this Modification to the Original Agreement.

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.

3.5 The Chief Officer has agreed with the Owner that the Original Agreement may be modified as hereinafter appearing

4. THE MODIFICATION

The parties to this Agreement have agreed that the Original Agreement should be modified in the manner detailed in the First Schedule

5. DECLARATION

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 re-stated herein in full and incorporated into this modification to the extent that they have not been modified by it.

FIRST SCHEDULE**Modification**

1. Clause 1 DEFINITIONS of the Original Agreement shall be modified as follows:

In the definition of “Applications” delete

“Change of use of parts of Fields C52, C51 and C48 to create a cycle path” and given the reference P/2016/1760;

and replace with

“Construct pedestrian and cycle path to Western boundary of fields C41 and C42 P/2017/1758”;

In the definition of “Cycle Path Works” delete:

“P/2016/1760”

and replace with

“P/2017/1758”

In the definition of “Planning Permits” delete:

“P/2016/1760”

and replace with

“P/2017/1758”

2. The Second Schedule to the Original Agreement shall be modified as follows:

After the sub-heading “The Planning Permits” delete:

“P/2016/1760”

and replace with

“P/2017/1758”

and replace the draft decision notice accorded the reference P/2016/1761 with the draft decision notice for P/2017/1758 which is annexed hereto to this modification.

[Redacted] m Homes Limited
[Redacted] HEAD OF OPERATIONS

In the presence of ... [Redacted] HEAD OF FINANCIAL PLANNING

This 18 day of JUNE 2019

Signed on behalf of the Chief Officer

by ... [Redacted] (PETER LE GRESLEY)

in the presence of ... [Redacted] (GIMMY DUFFELL)

this 18th day of June 2019