

In the Royal Court of Jersey

Samedi Division

In the year two thousand and seventeen, the twenty-fifth day of July.

Before the Judicial Greffier.

Upon the application of Her Majesty's Attorney General, IT IS ORDERED that the Planning Obligation Agreement between The Chief Officer for the Environment and Samares Nurseries Properties Limited in relation to Samares Nurseries and Cefn, St Clement, be registered in the Public Registry of this Island.


Greffier Substitute

LOD

Reg. Pub.

**Planning Obligation Agreement under Article 25 of the Planning and Building (Jersey)
Law 2002 (as amended)**

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

Dated:

25th July

2017

The Chief Officer for the Environment (1)

Samares Nurseries Properties Limited (2)

DATE

25 July

2017

PARTIES

- (1) The Chief Officer for the Environment of States Offices, South Hill, St Helier, Jersey JE2 4US ("the Chief Officer"); and
- (2) Samares Nurseries Properties Limited of Orchard Close La Grande Route De St Clement St Clement Jersey JE2 6QN ("the Owner").

RECITALS

- 1 The Owner warrants that it is the owner in perpetuity (*à fin d'héritage*) of the Site as described in the First Schedule.
- 2 The Applications for planning permission for the Development have been submitted for and on behalf of the Owner.
- 3 Pursuant to Article 9(5)(b) of the Law the Chief Officer referred the Applications to the Planning Committee for determination by that Committee.
- 4 Having regard to the purposes of the Law, the Island Plan 2011 and all other material considerations the Planning Committee at its meeting on 1st June 2017 resolved to approve the grant of planning permission with respect to the Applications subject to the prior completion of this Agreement.
- 5 The site is zoned for Affordable Housing under Policy H1 of the Island Plan 2011 and those of the Applications which relate to the construction of Dwelling Units have been submitted to further that objective in the provision of:
 - 20 one bedroom dwellings for social rented accommodation
 - 89 two bedroom dwellings for social rented accommodation
 - 51 three bedroom dwellings for social rented accommodation
 - 40 three bedroom dwellings for First Time Buyers
- 6 The parties hereto have agreed to enter into this Agreement in order to secure the planning obligations contained herein.
- 7 The parties acknowledge that this Agreement is legally binding.
- 8 This Agreement shall be construed so as to give effect to the purpose and intention of the Law.

NOW THIS AGREEMENT WITNESSES AS FOLLOWS:

OPERATIVE PART**1 DEFINITIONS**

For the purposes of this Agreement the following expressions shall have the following meanings:

"Affordable Housing"	residential accommodation for renting or accommodation for purchase, by persons who would otherwise have financial difficulties renting or acquiring residential accommodation in the general market for residential accommodation prevailing in Jersey;
"Affordable Housing Gateway"	a single point of access maintained by the Minister for Housing for Affordable Housing in Jersey and by which Approved AHPs allocate their homes to Eligible Persons;
"Affordable Housing Unit"	any one of the Dwelling Units to be constructed on the Site as part of the Development to be: (i) let by an Approved AHP to Eligible Persons at rents set in accordance with the Minister for Housing's rental policy and on Social Rental Terms; or (ii) sold to Eligible Persons and who are First Time Buyers, the sale being carried out in accordance with an Assisted Ownership Scheme;
"Agreement"	this agreement including the recitals and schedules hereto;
"Alternative Cycle Path Works"	all those works necessary for the provision of that part of the Eastern Cycle Route which does not run across the Site to be constructed in accordance with the Cycle Path Specification (and not being exactly the same route as envisaged by the Cycle Path Works), the route of which to be agreed between the Owner and the Chief Officer, both acting reasonably;
"Applications"	the applications for planning permission in respect of the Site and described as: "Change of use of land to create access to the

	<p>Samares Nurseries site including a chicane and 2 No. fences” and given the reference P/2016/1761;</p> <p>“Change of use of parts of Fields C52, C51 and C48 to create a cycle path” and given the reference P/2016/1760;</p> <p>“Change of use of land to create 3 No. accesses onto the Samares Nurseries site including a pergola, bollard and fence” and given the reference P/2016/1759;</p> <p>“Demolish existing dwelling (Cefn). Construct 20 No. one bedroom, 89 No. two bedroom and 91 No. three bedroom dwellings with associated vehicular access onto La Grande Route de St Clement, landscaping, parking, ancillary buildings and cycle route. EIA submitted. 3D model available. Revised Plans for roof windows in Zone 1 Plots 1-3 and Zone 2 Plots 4-7” and given the reference P/2016/1757; and</p> <p>“26 No. archaeological evaluation trenches” and given the reference P/2017/0172</p>
<p>"Approved AHP"</p>	<p>An Approved Affordable Housing Provider which is:</p> <ol style="list-style-type: none"> i. the Public; ii. a parish; iii. a housing trust which is approved by the Minister for Housing for the purposes of the provision of Affordable Housing; or iv. the Company; <p>when discharging their function of providing Affordable Housing having regard to the criteria set out from time to time by the States or by the Minister for Housing as the case may be;</p>
<p>"Approved Funder"</p>	<p>(a) Any financial institution which shall provide monies to the Approved AHP to enable it to proceed with the Development of that part of the Site which is to be used for Affordable Housing Units, which institution shall be regulated by the Jersey Financial Services Commission, the Guernsey Financial Services Commission, the Isle of Man Financial Supervision Commission or the</p>

	<p>Financial Services Authority of the United Kingdom, provided that if the proposed Approved Funder is not regulated by the Jersey Financial Services Commission, the Guernsey Financial Services Commission, the Isle of Man Financial Supervision Commission or the Financial Services Authority of the United Kingdom, the consent of the Treasury Minister (with regard to both the identity of the funder and the size of the fund provided) shall be first obtained and such consent of the Treasury Minister shall be deemed not to be unreasonably withheld or delayed if –</p> <p>(i) the proposed Approved Funder is unable to prove to the satisfaction of the Chief Officer that it is adequately regulated by a competent authority in the jurisdiction in which it carries on business, or</p> <p>(ii) the proposed Approved Funder fails or refuses to produce to the Chief Officer any information or documentation or independent confirmation of its status which the Chief Officer may reasonably request;)</p>
"Assisted Ownership Scheme"	A sales mechanism approved by the Minister for Housing in writing such scheme to include sale details of the mechanism to restrict in perpetuity the ownership of the Affordable Housing Units to Eligible Persons and who are First Time Buyers;
"Bus Service Contribution"	a one-off lump sum payment of One Hundred and Sixty Two Thousand Three Hundred and Eighty Pounds (£162,380) Sterling;
"Chief Officer"	the person appointed from time to time as the chief executive officer (or equivalent) of the administration of the States responsible for planning and building in accordance with Article 1 of the Law
"Clos Lempriere Cycle Path Planning Permit"	planning permit reference P/2016/1761 relating to the construction of a pedestrian/cycle link between the South-West corner of the Site and the North-West corner of Clos Lempriere, and all variations thereto;

"Commencement"		the date on which any operation forming part of the Development permitted by any one of the Planning Permits or any subsequent planning permission for the Development begins to be carried out
"the Company"		the company prescribed under Article 2 to the Social Housing (Transfer) (Jersey) Law 2013;
"Cycle Path Contribution "		a one-off lump-sum payment of Three Hundred and Forty Thousand Pounds (£340,000) Sterling;
"Cycle Path Specification "		the specification for carrying out the Cycle Path Works;
"Cycle Path Works"		all those works necessary for the provision of that part of the Eastern Cycle Route which does not run across the Site, the whole in accordance with Planning Permission reference P/2016/1760 and the Cycle Path Specification;
"Development"		the development of the Site as set out in the Applications
"Dwelling Unit"		a residential unit forming part of the Development to be constructed pursuant to the Planning Permits;
"Eastern Cycle Route"		the cycle network area referred to in Policy TT3 of the Island Plan;
"Eligible Person"		shall mean persons who are: (i) on the Affordable Housing Gateway register retained or referred to by the Minister for Housing from time to time in the discharge of that Minister's housing function; or (ii) certified by the Minister for Housing at all times acting reasonably consistently with the discharge of their housing function as being eligible to reside in the Affordable Housing Units; or (iii) otherwise meet the general objectives of the Company as set out and agreed in the Memorandum of Understanding

		entered in to between the Company and its guarantor on 22 nd July 2014
"First Time Buyer(s)"		<p>any person who:</p> <p>either:</p> <p>(1)</p> <p>(i) Does not own, and has not previously owned, whether as sole owner or jointly or in common with any other person or persons:</p> <p style="padding-left: 40px;">(a) any immovable property</p> <p style="padding-left: 40px;">(b) either in his own name or as beneficial owner, shares in any company, ownership of which confers the right to occupy residential accommodation;</p> <p>and</p> <p>(ii) is neither married to, nor buying as co-owner with, any person who does not fall within (i) above;</p> <p>or</p> <p>(2) has been approved by the Minister for Housing as being a person who would be in need of assistance in order to acquire property and to whom consent should be granted to acquire or to occupy the residential accommodation as the case may be, notwithstanding the fact that he does not fall within (1) above, any refusal by the Minister for Housing to approve a person as being in need of assistance to acquire or occupy property being subject to review by the Chief Officer, who shall have power to overrule the decision of the Minister for Housing;</p>
"First Time Buyer Unit"		means one of the forty (40) Dwelling Units to be constructed on the Site as part of the Development annotated with plot numbers 01-25 and 37-51 and shown coloured pink on drawing number 2964003P1 annexed hereto at Schedule Eight and to be sold to an Eligible Person who is also a First Time Buyer under an Assisted Ownership Scheme;

"Family Member"		a member of the family of an Eligible Person and for the purposes of this Agreement shall mean the brother, sister, daughter, son, step-child, parent, grandparent or grandchild;
"GST"		goods and services tax under the Goods and Services Tax (Jersey) Law 2007;
"Index"		the All Items Index of Retail Prices for Jersey as issued from time to time by the Statistics Unit to the States of Jersey;
"Index-Linked"		where any sum or contribution is expressed to be "Index-Linked" then that sum or contribution shall be adjusted in accordance with the provisions of clause 11 prior to payment;
"Infrastructure Minister"		the Minister for Infrastructure of the States of Jersey which expression includes any person or body to whom the functions of Infrastructure Minister and his successors may be transferred hereafter and any person to whom such functions are from time to time lawfully delegated;
"Interest"		interest at three per cent (3%) above the base lending rate of the HSBC Bank Plc from time to time;
"Island Plan 2011"		The States of Jersey Island Plan, 2011 (as amended from time to time);
"Law"		the Planning and Building (Jersey) Law 2002;
"Les Burons Cycle Path Planning Permit"		planning permit reference P/2016/1759 relating to the construction of a pedestrian/cycle link and an emergency vehicle/pedestrian/cycle link to the West of the Site and joining to Les Burons, and all variations thereto;

"Les Squez Youth Club Contribution"		a one-off lump sum payment of One Hundred and Fifty Thousand Pounds (£150,000) Sterling;
"Occupation, Occupy and Occupied"		occupation for the purposes permitted by the Planning Permits but not including occupation by personnel engaged in construction, fitting out or decoration or occupation for marketing or display or occupation in relation to security operations;
"Plan"		the plan of the Site extracted from the Jersey Digital Map annexed to this Agreement as part of the First Schedule;
"Planning Committee"		the body exercising functions conferred under Article 9A of the Law;
"Planning Permits"		the planning permissions for the Development with references: P/2016/1761, P/2016/1760, P/2016/1759 P/2016/1757 and P/2017/0172, copies of which are attached at the Second Schedule;
"Royal Court"		the Royal Court of the Island of Jersey;
"SHU"		the Strategic Housing Unit established following States approval of P33/2013 (or any successor body);
"Site"		the property of the Owner currently known as 'Samares Nurseries' and 'Cefn', St Clement, Jersey as shown for the purpose of identification only edged red on the Plan and as is more fully described in the First Schedule and upon which the Owner is to procure the carrying out of the Development;
"Social Rental Terms "		means terms that are approved by the Minister for Housing;

"Travel Plan"	a travel plan for the Development based upon and incorporating the objectives, targets, measures and initiatives for encouraging walking, cycle and use of public transport as described in the Travel Plan Framework, as approved by the Infrastructure Minister, acting reasonably;
"Travel Plan Framework"	means the draft travel plan contained in the Fourth Schedule;
"Travel Plan Co-ordinator"	a person appointed by the Owner and charged with the responsibilities set out in the Fourth Schedule and the Travel Plan for identifying and co-ordinating the implementation of measures in the Travel Plan designed to reduce travel to and from the Development by private motor car and dependent on the private motor car;
"Treasury Minister"	the Treasury Minister of the States of Jersey which expression includes any person or body to whom the functions of the Treasury Minister and his successors may be transferred hereafter and any person to whom such functions are from time to time lawfully delegated.

2 CONSTRUCTION OF THIS AGREEMENT

- 2.1 Where in this Agreement reference is made to any clause, paragraph or Schedule or recital such reference (unless the context otherwise requires) is a reference to a clause, paragraph or schedule or recital in this Agreement.
- 2.2 Words importing the singular meaning where the context so admits include the plural meaning and vice versa.
- 2.3 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeably in that manner.
- 2.4 Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and against each individually unless there is an express provision otherwise.
- 2.5 Any reference to a law of the States of Jersey shall include any modification, extension or re-enactment of that law for the time being in force and shall include all instruments, orders, plans, regulations, permissions and directions for the time being made, issued or given under that law or deriving validity from it.

- 2.6 References to any party to this Agreement shall include the successors in title to that party and to any deriving title through or under that party and in the case of the Chief Officer or the Infrastructure Minister or the Treasury Minister or the Minister for Housing the successors to their respective statutory functions.
- 2.7 This Agreement shall be construed so as to give effect to the purpose of the Law.

3 LEGAL BASIS

- 3.1 This Agreement is made pursuant to Article 25 of the Law.
- 3.2 The covenants, restrictions and requirements imposed upon the Owner under this Agreement create planning obligations pursuant to Article 25 of the Law and are enforceable by the Chief Officer against the Owner.

4 CONDITIONALITY

This Agreement is conditional and shall come into effect upon:

- (i) the grant of the Planning Permits; and
- (ii) Commencement of the Development by the implementation of any one of the Planning Permits

save for the provisions of Clauses 15 (jurisdiction) and Schedule 3 Paragraph 1 which shall come into effect immediately upon completion of this Agreement.

5 THE OWNER'S COVENANTS

The Owner covenants and agrees with the Chief Officer as set out in the Third Schedule so that this Agreement shall be enforceable without limit of time against the Owner and any person claiming or deriving title through or under the Owner to the Site or any part or parts thereof.

6 CHIEF OFFICER'S COVENANTS

The Chief Officer covenants with the Owner as set out in the Sixth Schedule.

7. PUBLIC REGISTRY OF CONTRACTS

The Chief Officer shall as soon as practicable apply to the Royal Court for an order that this Agreement be registered in the Public Registry of Contracts.

8 MISCELLANEOUS

- 8.1 Where the agreement, approval, consent or expression of satisfaction is required by the Owner from the Chief Officer under the terms of this Agreement such agreement, approval or consent or expression of satisfaction shall not be unreasonably withheld or delayed and any such agreement, consent, approval or expression of satisfaction may be given on behalf of the Chief Officer by the Director - Development Control of Planning and notice or communication to the Chief Officer pursuant to the provisions of this Agreement shall be addressed to the Director - Development Control of Planning at Planning and Building Services South Hill St Helier Jersey JE2 4US or as otherwise notified for the purpose by notice in writing.
- 8.2 Any notices on the Owner shall be deemed to have been properly served if sent by ordinary post to and addressed to such party at the address referred to above or as otherwise notified for the purpose by notice in writing.
- 8.3 Insofar as any clause or clauses of this Agreement are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Agreement.
- 8.4 This Agreement shall cease to have effect (insofar only as it has not already been complied with) if all the Planning Permits shall be quashed, cancelled, revoked or otherwise withdrawn or (without the consent of the Owner) it is modified (other than by process under Article 10 of the Law) by any statutory procedure or expires prior to the Commencement of Development.
- 8.5 No person shall be liable for any breach of any of the planning obligations or other provisions of this Agreement after it shall have parted with its entire interest in the Site but without prejudice to liability for any subsisting breach arising prior to parting with such interest.
- 8.6 Nothing in this Agreement shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission (other than the Planning Permits) granted (whether or not on appeal) after the date of this Agreement.
- 8.7 Except in so far as legally or equitably permitted this Agreement shall not prejudice or fetter or affect any statutory power discretion or duty of the Chief Officer and without prejudice to the generality of the foregoing it is agreed between the parties hereto that any benefit or power conferred on the Chief Officer by any of the obligations or covenants by the Owner in favour of the Chief Officer under this Agreement are in addition to any of the Chief Officer's statutory powers under the Law.
- 8.8 Nothing contained herein shall be construed as obviating the need for the Owner to obtain or acquire from any third party with respect to the Development or its use any consents permits authorisations rights interests in land or servitudes.
- 8.9 Nothing in this Agreement shall be construed or interpreted in such a way or inference to be drawn so as to place or create a duty of care upon the Chief Officer as a result of the Chief Officer agreeing to accept the covenants agreements and undertakings on the part of the Owner as contained herein.

- 8.10 The Owner shall not be entitled to any costs or compensation as a result of the making of this Agreement and the obligations contained herein.
- 8.11 All communications and notices served or made under this Agreement shall be in writing.

9 WAIVER

No waiver (whether expressed or implied) by the Chief Officer of any breach or default in performing or observing any of the covenants terms or conditions of this Agreement shall constitute a continuing waiver and no such waiver shall prevent the Chief Officer from enforcing any of the relevant terms or conditions or from acting upon any subsequent breach or default.

10 CHANGE IN OWNERSHIP

The Owner agrees with the Chief Officer to give the Chief Officer written notice (as soon as reasonably practical following such change) of any change in ownership of its interest in the Site occurring before all the obligations under this Agreement have been discharged.

11 INDEXATION

Any sum referred to in the Third Schedule shall be increased by an amount equivalent to the increase in the Index from the date on which this Agreement is registered in the Public Registry of Contracts until the date on which such sum is payable.

12 INTEREST

If any payment due under this Agreement is paid late, Interest will be payable from the date payment is due to the date of payment.

13 DISPUTE RESOLUTION

In the event that any dispute shall arise in respect of any provision of this Agreement it shall be referred if not resolved within seven (7) working days to the arbitration of an independent arbitrator under the provisions of the Arbitration (Jersey) Law 1998 such arbitrator to be named by the agreement of the parties to the dispute or in default of agreement by the President for the time being of the Royal Institution of Arbitrators upon the application of any party to the dispute.

14 GOODS AND SERVICES TAX

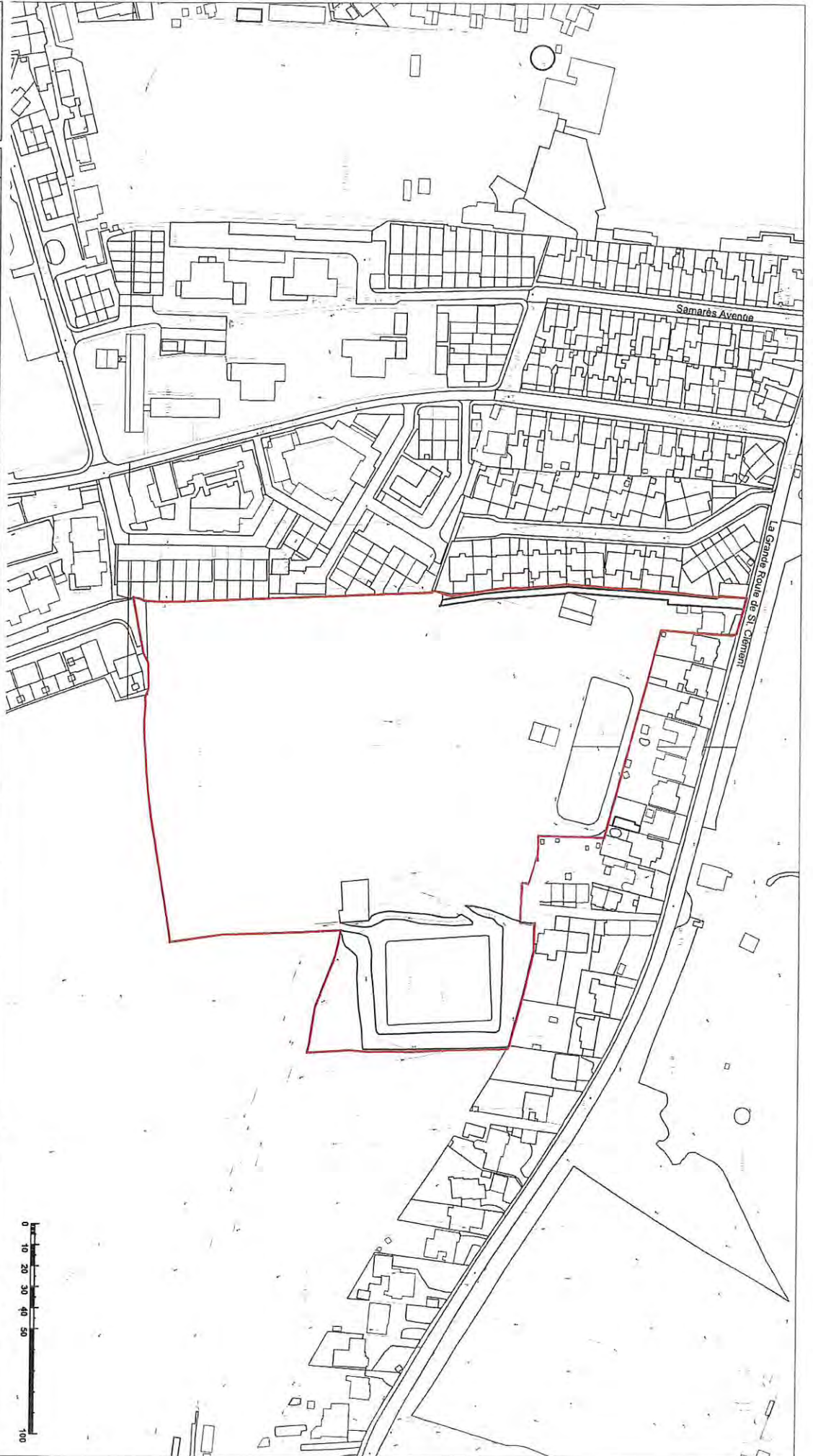
- 14.1 All consideration given in accordance with the terms of this Agreement shall be exclusive of any GST properly payable in respect thereof.
- 14.2 If at any time GST is or becomes chargeable in respect of any supply made in accordance with the terms of this Agreement then to the extent that GST had not previously been charged in respect of that supply the person making the supply shall have the right to issue a GST invoice to the person to whom the supply was made and the GST shall be paid accordingly.

15 JURISDICTION

This Agreement is governed by and interpreted in accordance with the law of the Island of Jersey.

FIRST SCHEDULE**Details of the Owner's Title and description of the Site**

The majority of the immovable property collectively known as 'Samares Nurseries' and 'Cefn' (but not including a small area of land adjacent to the parking area of St Joseph's Villas), to which the Owner has right pursuant to two (2) contracts passed before the Royal Court of Jersey on 7th November 2003, one with Roy Huelin Vibert and the other with Patricia Jennifer Harrison nee Vardon, as the same is shown for the purpose of identification only edged in red on the Plan.



NOTES
 Figured dimensions only are to be taken from the drawing. All dimensions are to be checked on site before any work is put in hand. In the event of any discrepancy between the drawing and the site, the drawing shall prevail. All drawings are to be read in conjunction with relevant drawings from other disciplines. The drawing is not to be used for construction without the express written permission of Axis Mason Ltd.
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Rev	Description	Dwn	Ckd	Date
P1	PLANNING	PM	IM	18/11/16

KEY

— Site Boundary

Axis Mason Digimap Licence No J74

Client: G R Langlois Ltd

Project: Samarès Nursery
 St Clement, Jersey

Drawing Title: Site Location Plan
P/2017/0172

AXIS MASON
 LONDON GLASGOW JERSEY GDANSK DURBAN
 Roads Ward, 33 Hill Street,
 London SE1 1XK
 020 731 5556 AXISMASON.COM

Scale @ A4: 1:2500
Project Co-ordinator: MMD
Date: OCT 2016
Issue Status: PLANNING

Job No: 2984
Drawing No: 001
Revision: P1

SECOND SCHEDULE
The Planning Permits

P/2016/1761

P/2016/1760

P/2016/1759

P/2016/1757

P/2017/0172

Department of the Environment
Planning and Building Services

South Hill
St Helier, Jersey, JE2 4US
Tel: +44 (0)1534 445508



Mr T Bull
Axis Mason Limited
3 Mulcaster Street
St Helier
Jersey JE2 3NJ

Planning Application Number P/2016/1761

Dear Mr Bull

Application Address:	Les Anquetils, Le Squez Road, St. Clement.
Description of Work:	Change of use of land to create access to the Samares Nurseries site including a chicane and 2 No. fences.

Please find enclosed the decision notice for the above application.

The approved plans and any conditions attached to the decision are important and should be complied with. If there is any variation from the approved plans or the conditions please notify us immediately.

Failure to comply with the approved plans or conditions may result in enforcement action.

If you are unhappy with a condition attached to this permission, you may request a review or make an appeal. How to do this is set out in Supplementary Planning Guidance Practice Note No. 3 available online at www.gov.je

Yours sincerely

Ginny Duffell BSc (Hons) Dip TP MRTPI
Assistant Senior Planner | Development Control
Department of the Environment | States of Jersey
Planning & Building Services | South Hill | St Helier | JE2 4US
T: +44(0)1534 448405 | E: g.duffell@gov.je | W: www.gov.je

Department of the Environment
Planning and Building Services
South Hill
St Helier, Jersey, JE2 4US
Tel: +44 (0)1534 445508



Planning Application Number P/2016/1761

Decision Notice

PLANNING AND BUILDING (JERSEY) LAW 2002

In accordance with Article 19(8) of the Planning and Building Law 2002, as representations were made in connection with this application, this decision shall not have effect during the period of 28 days immediately after the decision date.

This permission enures (unless otherwise stated) for the benefit of the land to which it relates and of each person for the time being having an estate or interest in that land.

This decision does not absolve the parties concerned from obtaining, nor does it overrule, any other permission that may be required under any other law. In addition, it does not overrule any private property rights, nor does it absolve the need to obtain the permission of the owner of the land to which this permission relates.

This is notification of the decision to GRANT permission to develop land under Article 19 of the Planning and Building (Jersey) Law 2002;

In respect of the following development:

Change of use of land to create access to the Samares Nurseries site including a chicane and 2 No. fences.

To be carried out at:

Les Anquetils, Le Squez Road, St. Clement.

REASON FOR APPROVAL: Permission has been granted having taken into account the relevant policies of the approved Island Plan, together with other relevant policies and all other material considerations, including the consultations and representations received.

INFORMATIVE

Given comments received during the assessment of the application, the States of Jersey recommends that the applicant should be aware that permission must be obtained from Transport and Technical Services - Highways Maintenance and/or Streetworks Team on +44 (0)1534 445509 . The agreed work will be required to be carried out by an approved contractor to the TTS's specification at the cost of the developer.

This permission is granted subject to compliance with the following conditions and approved plan(s):

APPROVED

Decision Notice

PLANNING AND BUILDING (JERSEY) LAW 2002

Planning Application Number P/2016/1761

- A. The development shall commence within three years of the decision date.
Reason: The development to which this permission relates will need to be reconsidered in light of any material change in circumstance.
- B. The development hereby approved shall be carried out entirely in accordance with the plans, drawings, written details and documents which form part of this permission.
Reason: To ensure that the development is carried out and completed in accordance with the details approved.

Condition(s):

1. No part of the development hereby permitted shall be begun until a Demolition/Construction Environmental Management Plan has been submitted to and approved by the Department of the Environment. The Demolition/Construction Environmental Management Plan shall be thereafter implemented in full until the completion of the development and any variations agreed in writing by the Department prior to such work commencing. The Plan shall secure an implementation programme of mitigation measures to minimise the adverse effects of the proposal on the environment, and shall include but not be limited to:
 - A. A demonstration of compliance with best practice in controlling, monitoring, recording and reporting on any emissions to the environment (such as noise and vibration, air, land and water pollution);
 - B. Details of a publicised complaints procedure, including office hours and out of hours contact numbers;
 - C. Details of any proposed crushing/ sorting of waste material on site;
 - D. Specified hours of working.
2. No part of the development hereby approved shall be occupied until the means of PEDESTRIAN/CYCLIST access as indicated on the approved plan has been wholly constructed in accordance with the approved plans and shall thereafter be retained and maintained as such.
3. No part of the development hereby permitted shall be begun until until details of the following have been submitted to and approved in writing by the Department of the Environment. These works shall thereafter be carried out in full in accordance with such approved details and retained as such:
 - i) construction details and materials for the access route
 - ii) construction details and materials for the wall, fencing and gate.
4. Waste management shall be implemented in full accordance with the approved Waste Management Strategy. Any variations shall be agreed to in writing by the Department of the Environment prior to the commencement of

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Decision Notice

PLANNING AND BUILDING (JERSEY) LAW 2002

Planning Application Number P/2016/1761

such work.

Reason(s):

1. To ensure the development does not have an adverse impact on public health or the wider environment, in accordance with Policies GD1, GD6 and WM1 of the Adopted Island Plan 2011 (Revised 2014).
2. In the interests of highway safety, in accordance with Policy GD1 of the Adopted Island Plan 2011 (Revised 2014).
3. In the interests of highway safety, in accordance with Policy GD1 of the Adopted Island Plan 2011 (Revised 2014).
4. To protect the amenities of the occupiers of neighbouring properties and the visual amenities of the surrounding area, in accordance with Policies GD1 and WM1 of the Adopted Island Plan 2011 (Revised 2014).

FOR YOUR INFORMATION

The approved plans can be viewed on the Planning Register at www.gov.je/planning

The following plan(s) has/have been approved:

- 1-Location Plan
- 2-Proposed Site Plan and Elevation 206 P5
- 3-Waste Management Plan
- 4-Existing and Proposed Elevations 224 P1
- 5-Design Statement

DECISION DATE:

The development may also require building permission, for which a separate application will need to be made. If you are in any doubt as to whether building permission is required please telephone the Building Applications Team on 448407.

APPROVED

Decision Notice

PLANNING AND BUILDING (JERSEY) LAW 2002

Planning Application Number P/2016/1761

APPROVED



NOTES
 Figures dimensions only are to be taken from the drawing. All dimensions are to be checked on site before any work is put in hand. It is the client's responsibility to ensure that the drawing is read in conjunction with all other relevant drawings, specifications and other documents.
 All drawings are to be read in conjunction with relevant drawings from other consultants. In the case of inconsistency, seek confirmation from the relevant consultant.
 This drawing and the report is made available to the client under the terms of the Axis Mason Ltd.
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Rev	Description	Dwn	Cnd	Date
P1	PLANNING	TB	TB	01/12/16

KEY

— Site Boundary

Axis Mason Digimap Licence No J74

Client:	G R Langlois Ltd
Project:	Samarès Nursery St Clement, Jersey
Drawing Title:	Site Location Plan CLOS LEMPIÈRE APPLICATION <i>P/2016/1761</i>

AXIS MASON
 LONDON GLASGOW JERSEY GOANSK DURBAN

Roads West, 25 Hill Street,
 Coventry, CV3 9EX
 030 721 5828 AXISMASON.COM

Scale @ A4:	1:2500	Date:	NOV 2016
Project Co-ordinator:	IMD	Issue Status:	PLANNING
Job No:	2964	Drawing No:	221
Revision:			P1

Department of the Environment
Planning and Building Services

South Hill
St Helier, Jersey, JE2 4US
Tel: +44 (0)1534 445508



Mr T Bull
Axis Mason Limited
3 Mulcaster Street
St Helier
Jersey JE2 3NJ

Planning Application Number P/2016/1760

Dear Mr Bull

Application Address:	Field No. C52, C51 and C48, Rue du Maupertuis, St. Clement.
Description of Work:	Change of use of parts of Fields C52, C51 and C48 to create a cycle path.

Please find enclosed the decision notice for the above application.

The approved plans and any conditions attached to the decision are important and should be complied with. If there is any variation from the approved plans or the conditions please notify us immediately.

Failure to comply with the approved plans or conditions may result in enforcement action.

If you are unhappy with a condition attached to this permission, you may request a review or make an appeal. How to do this is set out in Supplementary Planning Guidance Practice Note No. 3 available online at www.gov.je

Yours sincerely

Ginny Duffell BSc (Hons) Dip TP MRTPI
Assistant Senior Planner | Development Control
Department of the Environment | States of Jersey
Planning & Building Services | South Hill | St Helier | JE2 4US
T: +44(0)1534 448405 | E: g.duffell@gov.je | W: www.gov.je

Department of the Environment
Planning and Building Services
South Hill
St Helier, Jersey, JE2 4US
Tel: +44 (0)1534 445508



Planning Application Number P/2016/1760

Decision Notice

PLANNING AND BUILDING (JERSEY) LAW 2002

In accordance with Article 19(8) of the Planning and Building Law 2002, as representations were made in connection with this application, this decision shall not have effect during the period of 28 days immediately after the decision date.

This permission enures (unless otherwise stated) for the benefit of the land to which it relates and of each person for the time being having an estate or interest in that land.

This decision does not absolve the parties concerned from obtaining, nor does it overrule, any other permission that may be required under any other law. In addition, it does not overrule any private property rights, nor does it absolve the need to obtain the permission of the owner of the land to which this permission relates.

This is notification of the decision to GRANT permission to develop land under Article 19 of the Planning and Building (Jersey) Law 2002;

In respect of the following development:

Change of use of parts of Fields C52, C51 and C48 to create a cycle path.

To be carried out at:

Field No. C52, C51 and C48, Rue du Maupertuis, St. Clement.

The proposed development is considered to be acceptable having due regard all of the material considerations raised. In particular, the development has been assessed against the loss of agricultural land and visual harm to the landscape character, as raised in a representation to the scheme. It is acknowledged that the proposal will result in the loss of agricultural land however the path measures only 3.5m in width and follows the field boundaries. As such, the proposal is not considered to compromise the agricultural functioning of the fields.

Whilst the proposed cycle path will be visible, given the materials and route alongside field boundaries, it is not considered to cause serious harm to the character of the landscape and is therefore considered acceptable having regard for Policy NE7 of the Adopted Island Plan 2011 (Revised 2014).

APPROVED

Decision Notice

PLANNING AND BUILDING (JERSEY) LAW 2002

Planning Application Number P/2016/1760

INFORMATIVE 1

Given comments received during the assessment of the application, the States of Jersey recommends that the applicant should be aware that permission must be obtained from Transport and Technical Services - Highways Maintenance and/or Streetworks Team on +44 (0)1534 445509 . The agreed work will be required to be carried out by an approved contractor to the TTS's specification at the cost of the developer.

INFORMATIVE 2

The applicant's attention is drawn to the consult response from The Natural Environment Team dated 19/01/2017 regarding native tree and hedgerow planting species and the Countryside Access Strategy for Jersey 2016.

INFORMATIVE 3

Given comments received during the assessment of the application, the States of Jersey recommends that the applicant should be aware that the site has been identified as having the possible presence of protected wildlife species. It is the responsibility of the applicant to inform all site workers of the possibility of protected species on site and the implications under the Conservation of Wildlife (Jersey) Law (2000) and you are advised that it is your duty under the Law to stop work and notify the Department of Environment on +44 (0) 1534 441600 immediately should any species be found.

This permission is granted subject to compliance with the following conditions and approved plan(s):

- A. The development shall commence within three years of the decision date.
Reason: The development to which this permission relates will need to be reconsidered in light of any material change in circumstance.
- B. The development hereby approved shall be carried out entirely in accordance with the plans, drawings, written details and documents which form part of this permission.
Reason: To ensure that the development is carried out and completed in accordance with the details approved.

Condition(s):

- No part of the development hereby permitted shall be begun until a Demolition/Construction Environmental Management Plan has been submitted

APPROVED

Decision Notice

PLANNING AND BUILDING (JERSEY) LAW 2002

Planning Application Number P/2016/1760

to and approved by the Department of the Environment. The Demolition/Construction Environmental Management Plan shall be thereafter implemented in full until the completion of the development and any variations agreed in writing by the Department prior to such work commencing. The Plan shall secure an implementation programme of mitigation measures to minimise the adverse effects of the proposal on the environment, and shall include but not be limited to:

- A. A demonstration of compliance with best practice in controlling, monitoring, recording and reporting on any emissions to the environment (such as noise and vibration, air, land and water pollution);
- B. Details of a publicised complaints procedure, including office hours and out of hours contact numbers;
- C. Details of any proposed crushing/ sorting of waste material on site;
- D. Specified hours of working.

2. No part of the development hereby approved shall be occupied until the means of VEHICULAR/PEDESTRIAN/CYCLIST access as indicated on the approved plan has been wholly constructed in accordance with the approved plans and shall thereafter be retained and maintained as such.

3. No part of the development hereby permitted shall be begun until until details of the following have been submitted to and approved in writing by the Department of the Environment. These works shall thereafter be carried out in full in accordance with such approved details and retained as such:

- i) construction details (to include technical solutions to minimise risk of hazards at field crossing points) and materials;

4. Waste management shall be implemented in full accordance with the approved Waste Management Strategy. Any variations shall be agreed to in writing by the Department of the Environment prior to the commencement of such work.

5. No part of the development hereby permitted shall be begun until a scheme of landscaping has been submitted to and approved in writing by the Department of the Environment. The scheme of landscaping shall provide details of the following;

- i) all existing trees, hedgerows and other plants, walls, fences and other features which it is proposed to retain on the site;
- ii) the position of all new trees and/or shrubs, this must include the species of plant(s)/tree(s) to be planted, their size, number and spacing and the means to be used to support and protect them;
- iii) other landscape treatments to be carried out including any excavation works, surfacing treatments, or means of enclosure;
- iv) the measures to be taken to protect existing trees and shrubs;
- v) the presence of any invasive plant species on site, and if present, a detailed method statement for the removal and long-term management/

APPROVED

Decision Notice

PLANNING AND BUILDING (JERSEY) LAW 2002

Planning Application Number P/2016/1760

eradication of the species; and,

vi) A landscape management plan for the maintenance of the landscaped areas. Once agreed, the approved scheme shall be implemented in full and thereafter retained and maintained as such.

Reason(s):

1. To ensure the development does not have an adverse impact on public health or the wider environment, in accordance with Policies GD1, GD6 and WM1 of the Adopted Island Plan 2011 (Revised 2014).
2. In the interests of highway safety, in accordance with Policy GD1 of the Adopted Island Plan 2011 (Revised 2014).
3. In the interests of highway safety, in accordance with Policy GD1 of the Adopted Island Plan 2011 (Revised 2014).
4. To protect the amenities of the occupiers of neighbouring properties and the visual amenities of the surrounding area, in accordance with Policies GD1 and WM1 of the Adopted Island Plan 2011 (Revised 2014).
5. To safeguard the character and appearance of the area in accordance with Policies GD1, NE1, NE2 and NE4 of the Adopted Island Plan 2011 (Revised 2014).

FOR YOUR INFORMATION

The approved plans can be viewed on the Planning Register at

www.gov.je/planning

The following plan(s) has/have been approved:

- 1-Location Plan
- 2-Proposed Site Plan 209 P3
- 3-Waste Management Plan
- 4-Design Statement

DECISION DATE:

APPROVED

Decision Notice

PLANNING AND BUILDING (JERSEY) LAW 2002

Planning Application Number P/2016/1760

The development may also require building permission, for which a separate application will need to be made. If you are in any doubt as to whether building permission is required please telephone the Building Applications Team on 448407.

APPROVED



NOTES
 Figure dimensions only are to be taken from this drawing. All dimensions are to be checked on site before any work is put in. The drawings are for information only and are not to be used in conjunction with any other architect's detail drawings, schedules and specifications. All drawings are to be read in conjunction with relevant drawings from other drawings. This drawing must not be copied in whole or in part without the prior written permission of Axis Mason Ltd.
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Rev	Description	Dwn	Ckd	Date
P1	PLANNING	TB	TB	01/12/16

KEY

— Site Boundary

Axis Mason Digimap Licence No J74

Client:	G R Langlois Ltd
Project:	Samares Nursery St Clement, Jersey
Drawing Title:	Site Location Plan ECR APPLICATION <i>P/2016/1760</i>

AXIS MASON
 LONDON GLASGOW JERSEY GDANSK DURBAN
 Reads Wharf, 33 Mill Street,
 London, SE1 2AX
 020 731 5559 AXISMASON.COM

Scale @ A4:	1:2500	Date:	NOV 2016
Project Co-ordinator:	IMCD	Issue Status:	PLANNING
Job No.:	2964	Drawing No.:	222
Revision:			P1

**Department of the Environment
Planning and Building Services**

South Hill
St Helier, Jersey, JE2 4US
Tel: +44 (0)1534 445508



Mr T Bull
Axis Mason Limited
3 Mulcaster Street
St Helier
Jersey JE2 3NJ

Planning Application Number P/2016/1759

Dear Mr Bull

Application Address:	Les Burons, Le Squez Road, St. Clement.
Description of Work:	Change of use of land to create 3 No. accesses onto the Samares Nurseries site including a pergola, bollard and fence.

Please find enclosed the decision notice for the above application.

The approved plans and any conditions attached to the decision are important and should be complied with. If there is any variation from the approved plans or the conditions please notify us immediately.

Failure to comply with the approved plans or conditions may result in enforcement action.

If you are unhappy with a condition attached to this permission, you may request a review or make an appeal. How to do this is set out in Supplementary Planning Guidance Practice Note No. 3 available online at www.gov.je

Yours sincerely

Ginny Duffell BSc (Hons) Dip TP MRTPI
Assistant Senior Planner | Development Control
Department of the Environment | States of Jersey
Planning & Building Services | South Hill | St Helier | JE2 4US
T: +44(0)1534 448405 | E: g.duffell@gov.je | W: www.gov.je

Department of the Environment
Planning and Building Services
 South Hill
 St Helier, Jersey, JE2 4US
 Tel: +44 (0)1534 445508



Planning Application Number P/2016/1759

Decision Notice

PLANNING AND BUILDING (JERSEY) LAW 2002

In accordance with Article 19(8) of the Planning and Building Law 2002, as representations were made in connection with this application, this decision shall not have effect during the period of 28 days immediately after the decision date.

This permission enures (unless otherwise stated) for the benefit of the land to which it relates and of each person for the time being having an estate or interest in that land.

This decision does not absolve the parties concerned from obtaining, nor does it overrule, any other permission that may be required under any other law. In addition, it does not overrule any private property rights, nor does it absolve the need to obtain the permission of the owner of the land to which this permission relates.

This is notification of the decision to GRANT permission to develop land under Article 19 of the Planning and Building (Jersey) Law 2002;

In respect of the following development:

Change of use of land to create 3 No. accesses onto the Samares Nurseries site including a pergola, bollard and fence.

To be carried out at:

Les Burons, Le Squez Road, St. Clement.

REASON FOR APPROVAL: Permission has been granted having taken into account the relevant policies of the approved Island Plan, together with other relevant policies and all other material considerations, including the consultations and representations received.

INFORMATIVE

Given comments received during the assessment of the application, the States of Jersey recommends that the applicant should be aware that permission must be obtained from Transport and Technical Services - Highways Maintenance and/or Streetworks Team on +44 (0)1534 445509. The agreed work will be required to be carried out by an approved contractor to the TTS's specification at the cost of the developer.

This permission is granted subject to compliance with the following conditions and approved plan(s):

Decision Notice

PLANNING AND BUILDING (JERSEY) LAW 2002

Planning Application Number P/2016/1759

- A. The development shall commence within three years of the decision date.
Reason: The development to which this permission relates will need to be reconsidered in light of any material change in circumstance.
- B. The development hereby approved shall be carried out entirely in accordance with the plans, drawings, written details and documents which form part of this permission.
Reason: To ensure that the development is carried out and completed in accordance with the details approved.

Condition(s):

1. No part of the development hereby permitted shall be begun until a Demolition/Construction Environmental Management Plan has been submitted to and approved by the Department of the Environment. The Demolition/Construction Environmental Management Plan shall be thereafter implemented in full until the completion of the development and any variations agreed in writing by the Department prior to such work commencing. The Plan shall secure an implementation programme of mitigation measures to minimise the adverse effects of the proposal on the environment, and shall include but not be limited to:

- A. A demonstration of compliance with best practice in controlling, monitoring, recording and reporting on any emissions to the environment (such as noise and vibration, air, land and water pollution);
 B. Details of a publicised complaints procedure, including office hours and out of hours contact numbers;
 C. Details of any proposed crushing/ sorting of waste material on site;
 D. Specified hours of working.

2. No part of the development hereby approved shall be occupied until the means of EMERGENCY VEHICLE/PEDESTRIAN/CYCLIST access as indicated on the approved plan has been wholly constructed in accordance with the approved plans and shall thereafter be retained as such.

3. No part of the development hereby permitted shall be begun until until details of the following have been submitted to and approved in writing by the Department of the Environment. These works shall thereafter be carried out in full in accordance with such approved details and retained as such:

- i) construction details and materials;

4. Waste management shall be implemented in full accordance with the approved Waste Management Strategy. Any variations shall be agreed to in writing by the Department of the Environment prior to the commencement of



Decision Notice

PLANNING AND BUILDING (JERSEY) LAW 2002

Planning Application Number P/2016/1759

such work.

Reason(s):

1. To ensure the development does not have an adverse impact on public health or the wider environment, in accordance with Policies GD1, GD6 and WM1 of the Adopted Island Plan 2011 (Revised 2014).
2. In the interests of highway safety, in accordance with Policy GD1 of the Adopted Island Plan 2011 (Revised 2014).
3. In the interests of highway safety, in accordance with Policy GD1 of the Adopted Island Plan 2011 (Revised 2014).
4. To protect the amenities of the occupiers of neighbouring properties and the visual amenities of the surrounding area, in accordance with Policies GD1 and WM1 of the Adopted Island Plan 2011 (Revised 2014).

FOR YOUR INFORMATION

The approved plans can be viewed on the Planning Register at www.gov.je/planning

The following plan(s) has/have been approved:

- 1-Location Plan
- 2-Design Statement
- 3-Waste Management Plan
- 4-Proposed Site Plan 207 P1
- 5-Proposed Site Plan 208 P2
- 6-Proposed Site Plan 210 P4
- 7-Existing and Proposed Elevations 223 P1

DECISION DATE:

The development may also require building permission, for which a separate application will need to be made. If you are in any doubt as to whether building permission is required please telephone the Building Applications Team on 448407.

APPROVED

Decision Notice

PLANNING AND BUILDING (JERSEY) LAW 2002

Planning Application Number P/2016/1759





NOTES
 Figure dimensions only are to be taken from this drawing. All dimensions are to be checked on site before any work is put in hand. If in doubt, seek confirmation. This drawing must be read in conjunction with the accompanying site layout, site schedules and specifications. All drawings are to be read in conjunction with relevant drawings from other consultants in the case of inconsistency. The drawing must not be copied in whole or in part without the prior written permission of Axis Mason Ltd.
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Rev	Description	Dwn	Old	Date
P1	PLANNING	TB	TB	01/12/16

KEY

— Site Boundary

Axis Mason Digimcp Licence No J74

Client:	G R Langlois Ltd
Project:	Samares Nursery St Clement, Jersey

Drawing Title: Site Location Plan
 LES BURONS APPLICATION
 P/2016/1759

Job No:	2964	Drawing No:	220	Revision:	P1
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Scale @ A1: 1:2500
 Date: NOV 2016
 Project: IMKD
 Issue: PLANNING
 Co-ordinator: Status:

AXIS MASON
 LONDON GLASGOW JERSEY GDANSK DURBAN
 Race Point, 33 Mill Street,
 London, SE7 2AX
 020 731 5588 AXISMASON.COM

**Department of the Environment
Planning and Building Services**

South Hill
St Helier, Jersey, JE2 4US
Tel: +44 (0)1534 445508



Axis Mason Limited
3 Mulcaster Street
St Helier
Jersey JE2 3NJ

Planning Application Number P/2016/1757

Dear Mr Bull

Application Address:	Samares Nurseries, La Grande Route de St. Clement, St. Clement.
Description of Work:	Demolish existing dwelling (Cefn). Construct 20 No. one bedroom, 89 No. two bedroom and 91 No. three bedroom dwellings with associated vehicular access onto La Grande Route de St Clement, landscaping, parking, ancillary buildings and cycle route. EIA submitted. 3D model available. Revised Plans for roof windows in Zone 1 Plots 1-3 and Zone 2 Plots 4-7.

Please find enclosed the decision notice for the above application.

The approved plans and any conditions attached to the decision are important and should be complied with. If there is any variation from the approved plans or the conditions please notify us immediately.

Failure to comply with the approved plans or conditions may result in enforcement action.

If you are unhappy with a condition attached to this permission, you may request a review or make an appeal. How to do this is set out in Supplementary Planning Guidance Practice Note No. 3 available online at www.gov.je

Yours sincerely

Ginny Duffell BSc (Hons) Dip TP MRTPI
Assistant Senior Planner | Development Control
Department of the Environment | States of Jersey
Planning & Building Services | South Hill | St Helier | JE2 4US
T: +44(0)1534 448405 | E: g.duffell@gov.je | W: www.gov.je

Department of the Environment
Planning and Building Services
 South Hill
 St Helier, Jersey, JE2 4US
 Tel: +44 (0)1534 445508



Planning Application Number P/2016/1757

Decision Notice

PLANNING AND BUILDING (JERSEY) LAW 2002

In accordance with Article 19(8) of the Planning and Building Law 2002, as representations were made in connection with this application, this decision shall not have effect during the period of 28 days immediately after the decision date.

This permission enures (unless otherwise stated) for the benefit of the land to which it relates and of each person for the time being having an estate or interest in that land.

This decision does not absolve the parties concerned from obtaining, nor does it overrule, any other permission that may be required under any other law. In addition, it does not overrule any private property rights, nor does it absolve the need to obtain the permission of the owner of the land to which this permission relates.

This is notification of the decision to GRANT permission to develop land under Article 19 of the Planning and Building (Jersey) Law 2002;

In respect of the following development:

Demolish existing dwelling (Cefn) Construct 20 No. one bedroom, 89 No. two bedroom and 91 No. three bedroom dwellings with associated vehicular access onto La Grande Route de St Clement, landscaping, parking, ancillary buildings and cycle route. EIA submitted. 3D model available.

Revised Plans for roof windows in Zone 1 Plots 1-3 and Zone 2 Plots 4-7.

To be carried out at:

Samares Nurseries, La Grande Route de St. Clement, St. Clement.

Permission has been granted having taken into account the relevant policies of the approved Island Plan, together with other relevant policies and all other material considerations, including the consultations and representations received.

In addition, the representations raised to the scheme on the grounds of increase in traffic generation, insufficient parking; drainage; single point of access/exit and crime prevention have been assessed. However, it is considered that the proposal accords with the terms of Policy GD1 of the 2011 Island Plan (Revised 2014) in that it does not unreasonably harm the amenities of neighbouring users nor will it lead to unacceptable problems of traffic generation, safety and parking.

APPROVED

Decision Notice

PLANNING AND BUILDING (JERSEY) LAW 2002

Planning Application Number P/2016/1757

INFORMATIVE 1

Consideration to be given to SUDS with respect to surface water disposal in accordance with Island Plan Policies NR1, NR2 and LWM3.

INFORMATIVE 2

Given comments received during the assessment of the application, the States of Jersey recommends that the applicant should refer to the guidance on the type of information to be provided in a Demolition/Construction Environmental Management Plan (D/CEMP) which can be found online at:

<http://www.gov.je/industry/construction/pages/constructionsite.aspx>

INFORMATIVE 3

Given comments received during the assessment of the application, the States of Jersey recommends that the applicant should refer to the guidance on The Control of Dust and Emissions from Construction and Demolition, which can be found online at:

http://www.london.gov.uk/thelondonplan/guides/bpg/bpg_04.jsp

INFORMATIVE 4

Given comments received during the assessment of the application, the States of Jersey recommends that the applicant should refer to the guidance contained in the document 'Guidelines on Noise Control for Construction Sites' which is available online at

<http://www.gov.je/Industry/Construction/Pages/ConstructionSite.aspx> and 'British Standard BS5228:2009 Code of Practice for Noise and Vibration Control on Construction and Open Sites'.

INFORMATIVE 5

The Applicant's attention is drawn to the consult response from the Department for Infrastructure - Drainage dated 03/02/2017 regarding the need for permission from the Parish and States Highway Authorities to place a private service under La Grande Route de St Clement.

INFORMATIVE 6

The Applicant's attention is drawn to the consult response from the Department for Infrastructure - Highways dated 19/01/2017 regarding access to adjoining roads.

INFORMATIVE 7

Given comments received during the assessment of the application, the States of Jersey recommends that the applicant should be aware that the site has been identified as having the possible presence of protected wildlife species. It is the responsibility of the applicant to inform all site

APPROVED

Decision Notice

PLANNING AND BUILDING (JERSEY) LAW 2002

Planning Application Number P/2016/1757

workers of the possibility of protected species on site and the implications under the Conservation of Wildlife (Jersey) Law (2000) and you are advised that it is your duty under the Law to stop work and notify the Department of Environment on +44 (0) 1534 441600 immediately should any species be found.

This permission is granted subject to compliance with the following conditions and approved plan(s):

- A. The development shall commence within three years of the decision date.
Reason: The development to which this permission relates will need to be reconsidered in light of any material change in circumstance.
- B. The development hereby approved shall be carried out entirely in accordance with the plans, drawings, written details and documents which form part of this permission.
Reason: To ensure that the development is carried out and completed in accordance with the details approved.

Condition(s):

1. No part of the development hereby permitted shall be begun until a Demolition/Construction Environmental Management Plan has been submitted to and approved by the Department of the Environment. The Demolition/Construction Environmental Management Plan shall be thereafter implemented in full until the completion of the development and any variations agreed in writing by the Department prior to such work commencing. The Plan shall secure an implementation programme of mitigation measures to minimise the adverse effects of the proposal on the environment, and shall include but not be limited to:
- A. A demonstration of compliance with best practice in controlling, monitoring, recording and reporting on any emissions to the environment (such as noise and vibration, air, land and water pollution);
 - B. Details of a publicised complaints procedure, including office hours and out of hours contact numbers;
 - C. Details of any proposed crushing/ sorting of waste material on site;
 - D. Specified hours of working.
2. Waste management shall be implemented in full accordance with the approved Waste Management Strategy. Any variations shall be agreed to in writing by the Department of the Environment prior to the commencement of such work.

APPROVED

Decision Notice

PLANNING AND BUILDING (JERSEY) LAW 2002

Planning Application Number P/2016/1757

3. No part of the development hereby approved shall be occupied until the levels of potential contaminants in the ground have been investigated, any risks to human health or the wider environment assessed and mitigation measures proposed in a remediation strategy to be submitted to and approved in writing by the Department of the Environment. The approved remediation strategy shall be implemented in full, in accordance with the requirements of Supplementary Planning Guidance Planning Advice Note 2 - Development of Potentially Contaminated Land, as amended. Any changes to the strategy require the express written consent of the Department of the Environment prior to the work being carried out.

4. No part of the development hereby approved shall be occupied until a completion report and contaminated land completion certificate demonstrating completion of the works and the effectiveness of any remediation set out in the approved scheme, is submitted to and approved in writing by the Department of the Environment. Where required by the Department the completion report shall also include a plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the Department.

5. Notwithstanding the conclusions reached within the Phase 1 Desktop Study, following the commencement of development during the demolition and construction phases, should any contamination not previously identified be found, the Department of the Environment shall be informed as soon as possible. No further development shall be carried out (unless otherwise agreed in writing with the Department) until the levels of potential contaminants in the ground have been investigated and any risks to human health or the wider environment assessed and mitigated, in accordance with the requirements of Supplementary Planning Guidance Planning Advice Note 2 - Development of Potentially Contaminated Land as amended.

6. No part of the development hereby permitted shall be begun until a full CCTV Survey of the public foul sewer pipework has been submitted and approved in writing by the Department of the Environment.

7. No part of the completed development hereby approved shall be occupied a full CCTV Survey of the public foul sewer pipework has been submitted and approved in writing by the Department of the Environment.

8. No part of the development hereby approved shall be occupied until the approved drainage works, including the following is completed in accordance with the approved plans:

- 1) connection to the foul sewer
- 2) secure termination of the foul sewer connection to the property, to be demolished, known as ""Cefn"" on La Grande Rote de St Clement.

APPROVED

Decision Notice

PLANNING AND BUILDING (JERSEY) LAW 2002

Planning Application Number P/2016/1757

9. No part of the development hereby approved shall be occupied until the approved drainage works including disposal of surface water and/or Sustainable Urban Drainage Solutions is completed in accordance with the approved plans, and thereafter be retained as such.

10. No part of the development hereby permitted shall be begun until a full travel plan shall be submitted to and approved in writing by the Department of the Environment. The approved travel plan shall be implemented in full and thereafter retained for 10 years unless otherwise agreed to in writing by the Department.

11. No part of the development hereby permitted shall be begun until drawings, including materials, to a scale of no less than 1:100 shall be submitted to and approved in writing by the Department of the Environment/Department for Infrastructure for the following details:

- i. Vehicle junctions with the existing States of Jersey network
- ii. Cycle routes on the site and new connections off the site
- iii. Relocation of the lamp column on La Grande Route de St Clement at the site access.
- iv. Drainage
- v. Any other necessary works on or adjacent to the highway.

12. No part of the development hereby approved shall be occupied until the means of vehicular, pedestrian and cyclist access as indicated on the approved plans has been wholly constructed in accordance with the approved plans and shall thereafter be retained as such.

13. Prior to the development being brought into first use, visibility splays shall be laid out and constructed in accordance with the approved plans. The visibility splays shall then be retained thereafter and no visual obstruction of any kind over the height of 600mm shall be erected within them.

14. No part of the development hereby approved shall be occupied until the vehicular manoeuvring area and respective car parking spaces have been laid out, surfaced and drained as indicated on the approved plans. The car parking spaces shall thereafter be retained solely for the use of occupants of the development and shall not be sub-let for any other purpose.

15. No part of the development hereby approved shall be occupied until the cycle parking facilities as indicated on the approved plan have been wholly constructed in accordance with the approved plans. The facilities shall thereafter be retained solely for the use of occupants of the development and retained as such.

16. All dwelling units hereby approved shall have an accessible electric outlet for recharging electric vehicles off-street. Before the first occupation of

APPROVED

Decision Notice

PLANNING AND BUILDING (JERSEY) LAW 2002

Planning Application Number P/2016/1757

any dwelling, precise details of the proposed location of each electric outlet shall be submitted to and approved in writing by the Department of the Environment. The approved scheme shall be implemented in full and retained as such.

17. No part of the development hereby approved shall be occupied until the provisions and arrangements to be made for the storage, sorting, recycling and disposal of refuse are completed in accordance with the approved plans, and thereafter be retained and maintained as such.

18. Prior to their first use on site, samples of all external materials to be used (including any hard landscaping materials) shall be submitted to and approved in writing by the Department of the Environment. The approved materials shall be implemented in full and thereafter retained and maintained as such.

19. Prior to first occupation of any part of the development hereby approved, the approved work of art in relation to the Percentage for Art contribution must be installed and thereafter retained unless otherwise agreed to in writing by the Department of the Environment.

20. No part of the development hereby permitted shall be begun until a scheme of landscaping has been submitted to and approved in writing by the Department of the Environment. The scheme of landscaping shall provide details of the following;

- i) the position of all new trees and/or shrubs, this must include the species of plant(s)/tree(s) to be planted, their size, number and spacing and the means to be used to support and protect them;
- ii) other landscape treatments to be carried out including any excavation works, surfacing treatments, or means of enclosure;
- iii) the presence of any invasive plant species on site, and if present, a detailed method statement for the removal and long-term management/eradication of the species; and,
- iv) A landscape management plan for the maintenance of the landscaped areas.

Once agreed, the approved scheme shall be implemented in full and thereafter retained as such.

21. No part of the development hereby approved shall be occupied until all hard and soft landscape works as indicated on the approved plan have been carried out in full, unless otherwise agreed to in writing by the Department for the Environment. Following completion, the landscaping areas shall be thereafter retained as such.

22. No part of the development hereby permitted shall be begun until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Department of the Environment.

APPROVED

Decision Notice

PLANNING AND BUILDING (JERSEY) LAW 2002

Planning Application Number P/2016/1757

The schedule shall include details of the arrangements for its implementation and ongoing maintenance. The maintenance shall be continued in accordance with the approved schedule unless otherwise agreed in writing by the Department.

23. The findings and required mitigation measures outlined in the Ecology Assessments (Ecological Survey Results Report (ESRR) and Species Protection Plan (SPP)) shall be implemented prior to the commencement of development, continued throughout the phases of development (where applicable) and thereafter retained as such. Any variations that may be required as a result of findings on site are to be agreed in writing by the Department of the Environment prior to works being undertaken.

Reason(s):

1. To ensure the development does not have an adverse impact on public health or the wider environment, in accordance with Policies GD1, GD6 and WM1 of the Adopted Island Plan 2011 (Revised 2014).
2. To protect the amenities of the occupiers of neighbouring properties and the visual amenities of the surrounding area, in accordance with Policies GD1 and WM1 of the Adopted Island Plan 2011 (Revised 2014).
3. To ensure the development does not have an adverse impact on public health or the wider environment, in accordance with Policies GD1 and GD6 of the Adopted Island Plan 2011 (Revised 2014).
4. To ensure the development does not have an adverse impact on public health or the wider environment, in accordance with Policies GD1 and GD6 of the Adopted Island Plan 2011 (Revised 2014).
5. To ensure the development does not have an adverse impact on public health or the wider environment, in accordance with Policies GD1 and GD6 of the Adopted Island Plan 2011 (Revised 2014).
6. To ensure the integrity of the existing foul drainage systems; to ensure that they can adequately accommodate the development and in order to prevent any pollution of groundwater in accordance with Policy LWM2 of the Adopted Island Plan 2011 (Revised 2014).
7. To ensure the integrity of the existing foul drainage systems; to ensure that they can adequately accommodate the development and in order to prevent any pollution of groundwater in accordance with Policy LWM2 of the Adopted Island Plan 2011 (Revised 2014).
8. To ensure that the property has adequate foul drainage and in order to prevent any pollution of groundwater in accordance with Policy LWM2 of the

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Adopted Island Plan 2011 (Revised 2014).

9. To ensure that that the completed development is provided with satisfactory infrastructure and to have regard for highway safety, in accordance with Policy GD1 of the Adopted Island Plan 2011 (Revised 2014).

10. In the interests of promoting sustainable patterns of development, in accordance with Policies TT9 and SP6 of the Adopted Island Plan 2011 (Revised 2014).

11. In the interests of highway safety, in accordance with Policy GD1 of the Adopted Island Plan 2011 (Revised 2014).

12. In the interests of highway safety, in accordance with Policy GD1 of the Adopted Island Plan 2011 (Revised 2014).

13. In the interests of highway safety, in accordance with Policy GD1 of the Adopted Island Plan 2011 (Revised 2014).

14. To ensure that the development provides adequate provision for off-street parking and manoeuvring for users of the site, in the interests of highway safety and the general amenities of the area, in accordance with Policy GD1 of the Adopted Island Plan 2011 (Revised 2014).

15. In the interests of promoting sustainable patterns of development, in accordance with Policies TT9 and SP6 of the Adopted Island Plan 2011 (Revised 2014).

16. In the interests of promoting sustainable patterns of development, in accordance with Policies TT9 and SP6 of the Adopted Island Plan 2011 (Revised 2014).

17. In accordance with Policy WM1 of the Adopted Island Plan 2011 (Revised 2014).

18. To promote good design and to safeguard the character and appearance of the surrounding area, in accordance with Policies GD1 and GD7 of the Adopted Island Plan 2011 (Revised 2014).

19. In accord with the provisions of Policy GD8 of the Jersey Island Plan 2011 (Revised 2014).

20. To safeguard the character and appearance of the area in accordance with Policies GD1, NE1, NE2 and NE4 of the Adopted Island Plan 2011 (Revised 2014).

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21. To ensure that the benefits of the approved landscaping scheme are carried out and completed, making a positive contribution to the amenities of the site in accordance with Policies GD1, GD7, NE1, NE2 and NE4 of the Adopted Island Plan 2011 (Revised 2014).

22. This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in accordance with the requirements of Policies GD1, NE1, NE2 and NE4 of the Adopted Island Plan 2011 (Revised 2014).

23. To ensure the protection of all protected species in accordance with Policies NE1, NE2 and NE4 of the Adopted Island Plan 2011 (Revised 2014).

FOR YOUR INFORMATION

The approved plans can be viewed on the Planning Register at www.gov.je/planning

The following plan(s) has/have been approved:

- 1-Location Plan
- 2-Proposed Site Plan 003 P1
- 3-Proposed Floor Plans and Elevations - Zone 1 101 P2
- 4-Proposed Floor Plans and Elevations - Zone 2 102 P2
- 5-Proposed Floor Plans and Elevations - Zone 3 103 P1
- 6-Proposed Floor Plans and Elevations - Zone 4 104 P1
- 7-Proposed Floor Plans and Elevations - Zone 5 105 P1
- 8-Proposed Floor Plans and Elevations - Zone 6 106 P1
- 9-Proposed Floor Plans and Elevations - Zone 7 107 P1
- 10-Proposed Floor Plans and Elevations - Zone 8 108 P1
- 11-Proposed Floor Plans and Elevations - Zone 9 109 P1
- 12-Proposed Floor Plans and Elevations - Zone 10 110 P1
- 13-Proposed Floor Plans and Elevations - Zone 11 111 P1
- 14-Proposed Floor Plans and Elevations - Zone 12 112 P1
- 15-Proposed Floor Plans and Elevations - Zone 13 113 P1
- 16-Proposed Floor Plans and Elevations - Zone 14 114 P1
- 17-Proposed Floor Plans and Elevations - Zone 15 115 P1
- 18-Proposed Floor Plans and Elevations - Zone 16 116 P1
- 19-Proposed Floor Plans and Elevations - Zone 17 117 P1
- 20-Proposed Floor Plans and Elevations - Zone 19 121 P1
- 21-Proposed Floor Plans and Elevations - Zone 20 122 P1
- 22-Proposed Floor Plans - Zone 18 118 P2
- 23-Proposed Floor Plans - Zone 18 119 P2
- 24-Proposed Floor Plans and Elevations - Zone 18 120 P2
- 25-Proposed Floor Plans - Zone 21 123 P1
- 26-Proposed Floor Plans and Elevations - Zone 22 125 P1

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- 27-Proposed Floor Plans and Elevations - Zone 23 126 P1
- 28-Proposed Floor Plans - Zone 24 127 P1
- 29-Proposed Floor Plans - Zone 25 129 P1
- 30-Proposed Floor Plans - Zone 25 130 P1
- 31-Proposed Floor Plans - Zone 26 133 P1
- 32-Proposed Floor Plans - Zone 26 134 P1
- 33-Proposed Floor Plans - Zone 27 136 P1
- 34-Proposed Floor Plans - Zone 27 137 P1
- 35-Proposed Floor Plans - Zone 28 142 P1
- 36-Proposed Floor Plans - Zone 28 141 P1
- 37-Proposed Floor Plans - Zone 28 140 P1
- 38-Proposed Floor Plans - Zone 29 146 P1
- 39-Proposed Floor Plans - Zone 29 147 P1
- 40-Proposed Floor Plans - Zone 30 150 P1
- 41-Proposed Floor Plans - Zone 30 151 P1
- 42-Proposed Site Roof Plan 004 P2
- 43-Proposed Site Zoning Plan 005 P1
- 44-Proposed Site Parking Plan 006 P1
- 45-Proposed Refuse Plan 007 P1
- 46-Proposed Landscape Plan 010 P1
- 47-Proposed Elevations and Sections - Zone 21 124 P1
- 48-Proposed Elevations and Sections - Zone 24 128 P1
- 49-Proposed Elevations - Zone 25 131 P1
- 50-Proposed Elevations and Sections - Zone 25 132 P1
- 51-Proposed Elevations and Sections - Zone 27 139 P1
- 52-Proposed Roof Plan - Zone 28 143 P1
- 53-Proposed Elevations - Zone 28 145 P1
- 54-Proposed Elevations and Sections - Zone 28 144 P1
- 55-Proposed Elevations and Sections - Zone 29 149 P1
- 56-Proposed Elevations and Sections - Zone 30 153 P1
- 57-Proposed Context Elevations 300 P2
- 58-Proposed Elevations and Sections - Zone 26 135 P2
- 59-Proposed Elevations - Zone 27 138 P2
- 60-Proposed Elevations - Zone 29 148 P2
- 61-Proposed Elevations - Zone 30 152 P2
- 62-Proposed Other Buildings Plans and Details - Sheet 1 400 P2
- 63-Proposed Other Buildings Plans and Details - Sheet 2 404 P2
- 64-Proposed House Facade Details 403 P1
- 65-Proposed Apartment Facade Details 405 P1
- 66-Proposed Visibility Splay 011 P1
- 67-Proposed Illustrative View 1 401 P1
- 68-Proposed Illustrative View 2 402 P1
- 69-Waste Management Plan
- 70-External Lighting Strategy
- 71-Public Art Statement
- 72-Foul Drains Plan 108 P2

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- 73-Planning Statement
- 74-Design and Access Statement pt 1
- 74-Design and Access Statement pt 1
- 75-Framework Construction Environmental Management Plan
- 76-Crime Impact Statement
- 77-EIS Non-Technical Statement
- 78-Environmental Impact Statement pt. 1
- 78-Environmental Impact Statement pt. 2
- 78-Environmental Impact Statement pt. 3
- 78-Environmental Impact Statement pt. 4
- 78-Environmental Impact Statement pt. 5
- 79-Environmental Impact Statement Appendix 1 - Development Brief pt. 1.
- 79-Environmental Impact Statement Appendix 1 - Development Brief pt. 2.
- 79-Environmental Impact Statement Appendix 2 - Geotechnical and Geo-environmental Desk Study Report
- 79-Environmental Impact Statement Appendix 3 - Phase 1 Desk Study
- 79-Environmental Impact Statement Appendix 3 - Phase 1 Desk Study Photographs
- 79-Environmental Impact Statement Appendix 4 - Asbestos Survey
- 79-Environmental Impact Statement Appendix 5 - Ecological Method Statement - Vegetation Clearance
- 79-Environmental Impact Statement Appendix 6 - Initial Ecological Assessment
- 79-Environmental Impact Statement Appendix 7 - Ecological Survey Results Report
- 79-Environmental Impact Statement Appendix 8 - Species Protection Plan
- 79-Environmental Impact Statement Appendix 9 - Application for license to take or disturb wildlife
- 79-Environmental Impact Statement Appendix 10 - Air Quality Assessment
- 79-Environmental Impact Statement Appendix 11 - Archaeological Desk Based Assessment
- 79-Environmental Impact Statement Appendix 12 - Residential Travel Plan
- 79-Environmental Impact Statement Appendix 13 -Transport Assessment pt. 1
- 79-Environmental Impact Statement Appendix 13 -Transport Assessment pt. 2
- 79-Environmental Impact Statement Appendix 13 -Transport Assessment pt. 3
- 79-Environmental Impact Statement Appendix 13 -Transport Assessment pt. 4
- 79-Environmental Impact Statement Appendix 13 -Transport Assessment pt. 5
- 79-Environmental Impact Statement Appendix 13 -Transport Assessment pt. 6
- 79-Environmental Impact Statement Appendix 13 -Transport Assessment pt. 7
- 80-Drainage Calculations
- 81-Proposed General Arrangement Foul Drainage - Full Site 100 P2
- 82-Proposed General Arrangement Foul Drainage - Sheet 01 101 P2
- 83-Proposed General Arrangement Foul Drainage - Sheet 02 102 P2
- 84-Proposed General Arrangement Foul Drainage - Sheet 03 103 P2
- 85-Proposed General Arrangement Foul Drainage - Sheet 04 104 P2
- 86-General Arrangement FW Drainage Details 105 P3
- 87-Proposed General Arrangement Foul Rising Main 108 P2

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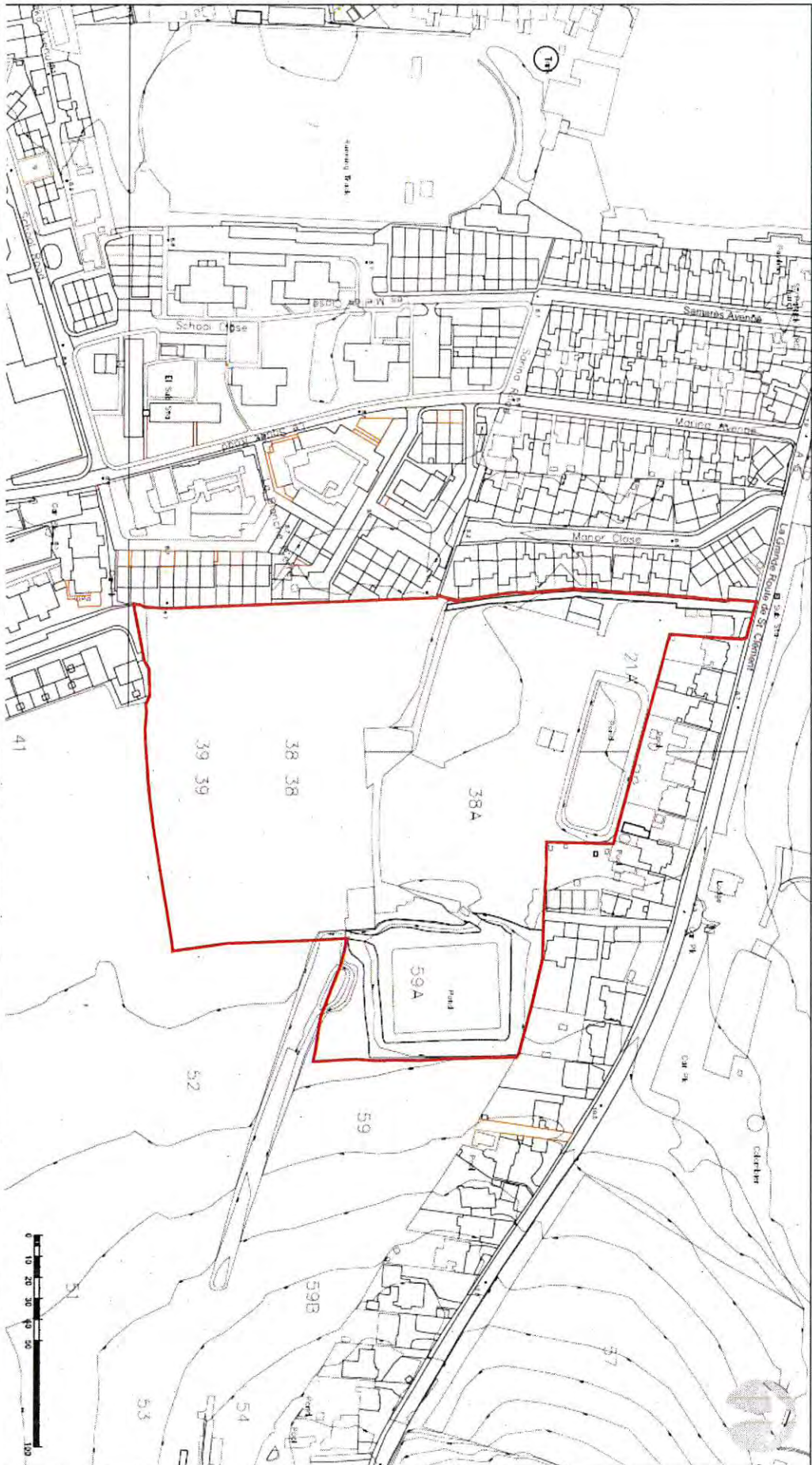
- 88-Proposed General Arrangement Surface Water - Full Site 120 P2
- 89-Proposed General Arrangement Surface Water - Sheet 01 121 P2
- 90-Proposed General Arrangement Surface Water - Sheet 02 122 P
- 91-Proposed General Arrangement Surface Water - Sheet 03 123 P1
- 92-Proposed General Arrangement Surface Water - Sheet 04 124 P1
- 93-Proposed General Arrangement Surface Water - Details 125 P2
- 94-General Arrangement Surface Water - Full Site 120 P3
- 95-General Arrangement Foul Rising Main 108 P3
- 96-Archaeological Evaluation (WSI)

DECISION DATE:

The development may also require building permission, for which a separate application will need to be made. If you are in any doubt as to whether building permission is required please telephone the Building Applications Team on 448407.

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Figure 1 – Location plan – Samares Nursery



<p>NOTES</p> <p>1. Proposed development site to be shown on the site plan. The site plan should be checked for accuracy before any work starts on the ground. If any errors are found, please contact the planning department.</p> <p>2. This drawing must be read in conjunction with the other drawings of this project.</p> <p>3. All drawings are to be read in conjunction with the other drawings of this project.</p> <p>4. The drawings are to be read in conjunction with the other drawings of this project.</p> <p>5. The drawings are to be read in conjunction with the other drawings of this project.</p> <p>6. Drawing No. 2964</p>	<p>Rev</p> <p>Description</p> <p>P1 PLANNING</p>	<p>Drawn</p> <p>PM</p>	<p>Checkd</p> <p>IM</p>	<p>Date</p> <p>18/11/16</p>
	<p>KEY</p> <p>— Site Boundary</p>			
<p>Axis Mason Digimap Licence No J74</p>				
<p>Client</p> <p>G R Langlois Ltd</p>		<p>Project</p> <p>Samares Nursery St Clement, Jersey</p>		
<p>Drawing Title:</p> <p>Site Location Plan</p>		<p><i>p/2016/1757</i></p>		
<p>AXIS MASON LONDON GLASSBORO JERSEY DUBLIN</p>		<p>Reed Wood 33 Mill Street LONDON SE21 2JN 020 7311 5500 AXISMASON.COM</p>		
<p>Scale @ A4:</p> <p>1:2500</p>	<p>Date:</p> <p>OCT 2016</p>	<p>Project</p> <p>IMCD</p>	<p>Issue</p> <p>PLANNING</p>	<p>Co-ordinator</p> <p>Status:</p>
<p>Job No.:</p> <p>2964</p>	<p>Drawing No.:</p> <p>001</p>	<p>Revision:</p> <p>P1</p>		

Department of the Environment
Planning and Building Services

South Hill
St Helier, Jersey, JE2 4US
Tel: +44 (0)1534 445508



Mr T Bull
Axis Mason Limited
3 Mulcaster Street
St Helier
Jersey JE2 3NJ

Planning Application Number P/2017/0172

Dear Mr Bull

Application Address:	Samares Nurseries, La Grande Route de St. Clement, St. Clement.
Description of Work:	26 No. archaeological evaluation trenches.

Please find enclosed the decision notice for the above application.

The approved plans and any conditions attached to the decision are important and should be complied with. If there is any variation from the approved plans or the conditions please notify us immediately.

Failure to comply with the approved plans or conditions may result in enforcement action.

If you are unhappy with a condition attached to this permission, you may request a review or make an appeal. How to do this is set out in Supplementary Planning Guidance Practice Note No. 3 available online at www.gov.je

Yours sincerely

Ginny Duffell BSc (Hons) Dip TP MRTPI
Assistant Senior Planner | Development Control
Department of the Environment | States of Jersey
Planning & Building Services | South Hill | St Helier | JE2 4US
T: +44(0)1534 448405 | E: g.duffell@gov.je | W: www.gov.je

Department of the Environment
Planning and Building Services
South Hill
St Helier, Jersey, JE2 4US
Tel: +44 (0)1534 445508



Planning Application Number P/2017/0172

Decision Notice

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In accordance with Article 19(8) of the Planning and Building Law 2002, as representations were made in connection with this application, this decision shall not have effect during the period of 28 days immediately after the decision date.

This permission enures (unless otherwise stated) for the benefit of the land to which it relates and of each person for the time being having an estate or interest in that land.

This decision does not absolve the parties concerned from obtaining, nor does it overrule, any other permission that may be required under any other law. In addition, it does not overrule any private property rights, nor does it absolve the need to obtain the permission of the owner of the land to which this permission relates.

This is notification of the decision to GRANT permission to develop land under Article 19 of the Planning and Building (Jersey) Law 2002;

In respect of the following development:
26 No. archaeological evaluation trenches.

To be carried out at:
Samares Nurseries, La Grande Route de St. Clement, St. Clement.

REASON FOR APPROVAL: Permission has been granted having taken into account the relevant policies of the approved Island Plan, together with other relevant policies and all other material considerations, including the consultations and representations received.

This permission is granted subject to compliance with the following conditions and approved plan(s):

- A. The development shall commence within three years of the decision date.
Reason: The development to which this permission relates will need to be reconsidered in light of any material change in circumstance.

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Decision Notice

PLANNING AND BUILDING (JERSEY) LAW 2002

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- B. The development hereby approved shall be carried out entirely in accordance with the plans, drawings, written details and documents which form part of this permission.

Reason: To ensure that the development is carried out and completed in accordance with the details approved.

Condition(s):

1. No part of the development hereby permitted shall be begun until an updated Written Scheme of Investigation (WSI) for detailed archaeological excavation which will include a programme of controlled, intrusive fieldwork with defined research objectives to examine, record and interpret archaeological deposits, features and structures and have provision to for post evaluation reporting has been submitted to and approved in writing by the Department of the Environment. Once approved in writing, shall be implemented at the applicant's expense. In the event that any significant archaeological finds are made, work shall cease and the Department of the Environment shall be notified immediately to allow for proper evaluation of such finds and may further mitigation.

Reason(s):

1. To ensure that special regard is paid to the interests of protecting the architectural and historical interest, character and integrity of the building or place in accordance with Policies SP4, HE5 of the Adopted Island Plan 2011 (Revised 2014).

FOR YOUR INFORMATION

The approved plans can be viewed on the Planning Register at www.gov.je/planning

The following plan(s) has/have been approved:

- 1-Location Plan
- 2-Archaeological Desk-Based Assessment
- 3-Proposed site Plan SK12-P1
- 4-Design Statement
- 5-Identification and Classification of site
- 6-Phase 1 - Geotechnical ad Geo-environmental Desk Study Report
- 7-MoLA Written scheme of Investigation for an Archaeological Evaluation

DECISION DATE:

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Decision Notice

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Planning Application Number P/2017/0172

The development may also require building permission, for which a separate application will need to be made. If you are in any doubt as to whether building permission is required please telephone the Building Applications Team on 448407.

APPROVED

THIRD SCHEDULE

The Owner's Covenants with the Chief Officer

The Owner in regard to the Site covenants, agrees and undertakes:

COMMENCEMENT

- 1 Not to Commence the Development until either of the Owner or the developer of the Site (being G R Langlois (1991) Limited) on behalf of the Owner has given to the Chief Officer seven (7) days' notice in writing of its intention so to do.

AFFORDABLE HOUSING

- 2 Subject to the Seventh Schedule, each and every Dwelling Unit shall be an Affordable Housing Unit and shall not be used other than for Affordable Housing save that 40 of the Dwelling Units may be sold in the manner provided for in and subject to this Third Schedule to Eligible Persons who are also First Time Buyers.
- 3 Subject to paragraphs 6 and 7 of this Third Schedule and the Seventh Schedule, the Affordable Housing Units may only be sold or transferred to an Approved AHP for rental by the Approved AHP to Eligible Persons meeting the required qualifications as set out in this agreement, as well as any additional allocation criteria applied for the time being by the SHU or the Minister for Housing.
- 4 Subject to paragraphs 6 and 7 of this Third Schedule and the Seventh Schedule, the Affordable Housing Units may only be used or Occupied by Eligible Persons and their Family Members in pursuance of arrangements made between the occupier of each such unit of accommodation and the Approved AHP.
- 5 Subject to the Seventh Schedule none of the Affordable Housing Units shall be occupied otherwise than as the relevant occupier's sole permanent residence.
- 6 Of the Affordable Housing Units those forty (40) units indicated as First Time Buyer Units on drawing 2964003P1 may be sold or transferred to Eligible Persons on an individual unit basis in the following circumstances:
 - a. the sale being carried out in accordance with an Assisted Ownership Scheme;
 - b. the purchase is by an Eligible Person who is also a First Time Buyer; and
 - c. the relevant Affordable Housing Unit shall not be Occupied otherwise than as the relevant occupier's sole permanent residence

and for the avoidance any doubt any subsequent sale or alienation thereafter of a First Time Buyer Unit may only be to an Eligible Person who is also a First Time Buyer.

- 7 No Affordable Housing Unit sold or purchased in accordance with paragraph 6 shall be used or Occupied other than in accordance with an Assisted Ownership Scheme.

CYCLE PATH NETWORK

- 8 Not to permit the Occupation of more than fifty per cent (50%) of the Development until either:

- a. the Owner has procured the completion of either:

- i. the Cycle Path Works; or
- ii. the Alternative Cycle Path Works

it being acknowledged that the Owner shall be required to complete either the Cycle Path Works or the Alternative Cycle Path Works, but not both; or

- b. in the event that the Owner has been unable to complete the Cycle Path Works or the Alternative Cycle Path Works as envisaged by Paragraph 8(a) above by the time that fifty per cent (50%) of the Dwelling Units are ready for Occupation due to reasons beyond its control (which, for the avoidance of doubt and without prejudice to the generality of the foregoing shall include any third party imposing terms which no reasonable land-owner could reasonably accept or perform), the Owner has paid the Cycle Path Contribution to the Treasurer of the States and on payment thereof the obligation to complete the Cycle Path Works and the Alternative Cycle Path Works shall be released and of no further effect and Occupation of more than fifty per cent (50%) of the Development shall then be permitted.

BUS SERVICE CONTRIBUTION

- 9 To pay the Bus Service Contribution to the Treasurer of the States prior to first Occupation of any Dwelling Unit, such sum to be applied towards the improvement of the bus service in the community local to the Site .
- 10 Not to Occupy any Dwelling Unit until the Bus Service Contribution shall have been paid to the Treasurer of the States, such sum to be applied towards the improvement of the bus service in the community local to the Site.

LES SQUEZ YOUTH CLUB CONTRIBUTION

- 11 To pay the Les Squez Youth Club Contribution to the Treasurer of the States prior to first Occupation of any Dwelling Unit, such sum to be applied towards the improvement and maintenance of Les Squez Youth Club.
- 12 Not to Occupy any Dwelling Unit until the Les Squez Youth Club Contribution shall have been paid to the Treasurer of the States, such sum to be applied towards the improvement and maintenance of Les Squez Youth Club.

TRAVEL PLAN

- 13 Not to permit Occupation of more than fifty per cent (50%) of the Development until the Owner shall have secured the appointment of a Travel

Plan Co-ordinator and to maintain that post for a minimum of four (4) years following completion of the Development.

- 14 The Travel Plan Co-ordinator shall have the duties and responsibilities set out in the Fifth Schedule.
- 15 Not to permit Occupation of more than fifty per cent (50%) of the Development until the Owner shall have prepared and submitted to the Chief Officer for his approval (such approval not to be unreasonably withheld or delayed) a Travel Plan and to maintain that Travel Plan for 10 years following completion of the Development.
- 16 Not to permit Occupation of more than fifty per cent (50%) of the Development unless and/or until the Chief Officer (acting reasonably and without delay) has approved the Travel Plan submitted to him in accordance with the preceding paragraph.
- 17 To procure the implementation of the Travel Plan from the date from which more than fifty per cent (50%) of the Development shall be Occupied and to provide that each owner of a Dwelling Unit shall be bound in their contracts of acquisition to comply with the terms of the approved Travel Plan in so far as it relates to such Dwelling Unit.

CYCLE LINKS

- 18 Not to permit Occupation of more than fifty per cent (50%) of the Development until the Owner shall have procured the completion of those works permitted by the Clos Lempriere Cycle Path Planning Permit, such works to be completed to the reasonable satisfaction of the Chief Officer.
- 19 Not to permit Occupation of more than fifty per cent (50%) of the Development until the Owner shall have procured the completion of those works permitted by the Les Burons Cycle Path Planning Permit, such works to be completed to the reasonable satisfaction of the Chief Officer.

ARCHAEOLOGY

- 20 Not to Commence any part of the Development until the archaeological investigation work permitted by Permit P/2017/0172 has been implemented to the satisfaction of the Chief Officer.

FOURTH SCHEDULE

Travel Plan Framework

1. INTRODUCTION

1.1 Background

- 1.1.1 It is proposed to redevelop the Site to deliver an exemplar of sustainable residential development.
- 1.1.2 This Travel Plan Framework defines, in an integrated approach, how transport demand for the Site should be managed. It provides a framework within which the Travel Plan for the whole Site should be developed.
- 1.1.3 The Travel Plan must provide a set of measures that, when implemented, will meet the objectives and targets set out in this Schedule. The measures are aimed at primarily improving travel choices for residents of the Development, but visitors to the Development will also benefit from the range of sustainable measures required to be implemented as part of the Travel Plan.
- 1.1.4 The Travel Plan must be in a form approved by the Chief Officer acting reasonably (such approval not to be unreasonably withheld or delayed) prior to fifty per cent (50%) Occupation of the Development. The Travel Plan may be amended from time to time, with the approval of the Chief Officer.
- 1.1.5 Implementation, monitoring and management of the Travel Plan will be the responsibility of the Owner and will be funded by the Owner for four (4) years following completion of the Development. The Owner will appoint a Travel Plan Co-ordinator prior to first Occupation of the Development and such Travel Plan Co-ordinator shall manage and implement the plan and generally have the duties and responsibilities set out in the Fifth Schedule.
- 1.1.6 The Owner shall use its reasonable endeavours to procure that the Travel Plan Co-ordinator liaises with, reports to and attends whenever reasonable and proper so to do any meetings convened by the Chief Officer and cooperates whenever reasonable and proper so to do at all times with the Chief Officer and provides an annual update in writing to the Chief Officer on the progress of the Travel Plan and any problems or issues arising from or associated with access, parking and transportation and travel planning matters.

1.2 Travel Plan Structure

The Travel Plan shall include details of the following:

- Baseline study of existing travel patterns as at first Occupation of a Dwelling Unit;
- Objectives and benefits to be secured by the Travel Plan;

- Proposed arrangements for parking, servicing, refuse collection, deliveries, access and egress to all parts of the Development, disabled access and public transport;
- Targets;
- Measures;
- Provisions for funding;
- Provisions for monitoring, review and enforcement; and
- Sanctions for non-compliance.

2. OBJECTIVES AND BENEFITS

2.1 Objectives

2.1.1 The objectives of the Travel Plan are to:

2.1.1.1 improve the transport choices available to people rather than focusing on providing for the private car;

2.1.1.2 reduce the level of car use, particularly single occupancy car use;

2.1.1.3 increase incentives to walk, cycle and use public transport;

2.1.1.4 achieve an agreed target of peak-hour trips by non-car drivers;

2.1.2 The above objectives are consistent with the secondary objectives of increasing accessibility to services, reducing the impact and effect of congestion, minimising vehicle emissions and CO2 emissions, widening travel choice, discouraging the use of private motor vehicles and encouraging the use of public transport and walking and cycling;

2.1.3 In addition the design of the streetscape throughout the Development with areas of shared surfaces for all modes of transport, limited road markings and priority given to pedestrians and cyclists, will seek to minimise car use across the Development.

2.2 Benefits

The following benefits will be achieved if the objectives are met:

2.2.1 for residents and visitors to the Development:

2.2.1.1 less reliance on the private car;

2.2.1.2 improved travel options;

2.2.1.3 opportunity for a healthier lifestyle; and

2.2.1.4 more vibrant community to live in;

2.2.2 for the Owner:

2.2.2.1 future residents are likely to be attracted by the offer of a wide-range of transport benefits and an environment where the incidence of cars and traffic is minimised;

2.2.2.2 a demonstration of the environmental credentials of the Development; and

2.2.2.3 assistance with the creation of good relations with the local community;

2.2.3 wider benefits:

2.2.3.1 improved cycle and pedestrian routes available to the local community;

2.2.3.2 ongoing reductions in vehicular-generated traffic on the local highway network;

2.2.3.3 improvements to congestion levels, delays and queuing;

2.2.3.4 ongoing improvements to air quality and noise; and

2.2.3.5 an exemplar in sustainable development that provides best practice evidence for other developments both within the Island of Jersey and at a national level.

3. TARGETS

3.1 In order to assess whether the Travel Plan is successful in achieving the objectives, a set of targets will need to be agreed with the Chief Officer.

3.2 All targets will need to be SMART; that is Specific, Measurable, Achievable, Realistic and Time-related.

3.3 There are two types of target, namely: 'action' and 'aim' targets. Action targets set out specific commitments to implement measures within certain timescales to ensure delivery. Aim targets provide numerical goals for mode shift.

3.4 Action Targets

3.4 The key action target is the appointment of the Travel Plan Co-ordinator prior to first Occupation of the Development.

3.5 Aim Targets

3.5.1 As noted above, the principal objectives of the Travel Plan are to reduce the level of car use, to increase the use of sustainable modes of travel and to reduce the need to travel.

3.5.2 The aim targets to be developed once a baseline travel survey has been carried out and the modal split ascertained will include:

- 3.5.2.1 progressive reductions in the level of single occupancy vehicle use;
 - 3.5.2.2 that the number of car vehicle trips per occupied Dwelling Unit per weekday will not exceed a target set by the Chief Officer;
 - 3.5.2.3 that the number of weekday vehicle trips generated daily by the Site once fully occupied will not exceed a target set by the Minster;
 - 3.5.2.4 progressive increases in the use of the bus services, walking and cycling.
- 3.5.3 The aim targets can be measured from indicators such as:
- 3.5.3.1 number of walking trips per Dwelling Unit per day;
 - 3.5.3.2 number of cycling trips per Dwelling Unit per day;
 - 3.5.3.3 number of bus trips per Dwelling Unit per day;
 - 3.5.3.4 number of peak hour trips;
 - 3.5.3.5 number of walking/cycling trips within the Site.

4. MEASURES

4.1 Introduction

- 4.1.1 The Travel Plan must include a range of travel measures aimed at achieving the objectives set out in paragraph 2 of this Schedule.
- 4.1.2 It is important that the Travel Plan is flexible to deal with changing conditions and that it seeks to involve transport stakeholders to develop and deliver a strategy that reduces the need to travel and encourages movement by means other than car.
- 4.1.3 It must take account of trips generated by:
 - 4.1.3.1 residents' travelling between home and work;
 - 4.1.3.2 visitors; and
 - 4.1.3.3 deliveries to and from the Development.

4.2 Dwelling Unit Occupier Commitments

- 4.2 It will be a condition of all contracts of acquisition of a Dwelling Unit to comply with the Travel Plan in so far as it relates to such a Dwelling Unit.

4.3 Public Transport

- 4.3.1 It is not possible, at this stage, to be prescriptive over the details of the services that must be provided.

4.3.2 Notwithstanding the need for flexibility, a possible scheme could include the provision of:

4.3.2.1 online bus timetable and route information for all residents and visitors; and

4.3.2.2 physical displays of public transport information (route maps and timetables) throughout the Site. These will be located at bus shelters and at information points located in the communal areas.

4.4 Walking

4.4 The following measures are proposed in order to promote walking: the layout of the Development to be pedestrian and cyclist friendly and designed to encourage slow vehicle speeds (i.e. shared surface areas, minimal road markings, appropriate landscaping signage etc.).

4.5 Cycling

4.5 The following measures are proposed in order to promote cycling:

4.5.1 the layout of the Development to be pedestrian and cyclist friendly and designed to encourage slow vehicle speeds (i.e. shared surface, minimal road markings, appropriate landscaping signage etc.);

4.5.2 high quality cycle parking to be provided at convenient and visible locations with minimum cycle standards or as otherwise agreed in consultation with the Chief Officer.

4.6 Car Share

4.6.1 It is proposed that the residents occupying the Development will be encouraged to make use of a car share database.

4.6.2 The Owner's obligations are:

4.6.2.1 to establish a car share database prior to Occupation of fifty per cent (50%) of the Development;

4.6.2.2 to provide by the terms of his appointment that the Travel Plan Co-ordinator will manage and maintain the car share database; and

4.6.2.3 to promote the use of the car share database by all residents Occupying the Development.

4.7 Parking

4.7 The availability of parking at the Dwelling Units is a key determinant in the proportion of trips that are undertaken using a private car.

4.8 Communication and Marketing

4.8 The Travel Plan Co-ordinator must develop and implement a communication and marketing strategy to maximise the effectiveness of the Travel Plan. The

communication strategy will include consulting with residents of the Development with regard to the Travel Plan.

5. MONITORING

5.1 Introduction

5.1 Monitoring has two roles:

5.1.1 to provide feedback so that the Travel Plan can be refined; and

5.1.2 to measure the level of success in meeting the objectives of the Travel Plan.

5.2 Strategy

5.2.1 It is proposed that a questionnaire based information gathering process is adopted as the monitoring strategy.

5.2.2 Key performance indicators are to include:

5.2.2.1 traffic generation and parking demand data;

5.2.2.2 cycle parking utilisation;

5.2.2.3 public transport patronage; and

5.2.2.4 public awareness of transport options.

5.2.3 The following procedures should be followed in relation to the frequency of the monitoring of the Travel Plan:

5.2.3.1 the first (baseline) survey to be undertaken one (1) year following Occupation of fifty per cent (50%) of the Development and annually thereafter;

5.2.3.2 monitoring should take place in neutral months, during school term times, avoiding public holidays;

5.2.3.3 surveys should take place on Tuesday, Wednesday or Thursday as commuting patterns can be inconsistent outside of these days; and

5.2.3.4 monitoring should take place at the same time each year and on days with similar weather conditions.

5.2.4 Every time monitoring is undertaken, key background information must be recorded so that, among other things, the survey sample can be extrapolated to represent the number of residents. The following background information should be collected:

5.2.4.1 number of residents living in the Development;

5.2.4.2 weather conditions;

5.2.4.3 sustainable transport measures available; and

5.2.4.4 car and cycle parking provision and utilisation.

FIFTH SCHEDULE

Duties of the Travel Plan Co-ordinator

1. To implement and manage the Travel Plan and monitor performance thereof.
2. To promote the objectives and aims and benefits of the Travel Plan.
3. To liaise with all residential occupiers of all Dwelling Units with regard to the Travel Plan.
4. To encourage participation and compliance with the Travel Plan.
5. To monitor car, bus, bicycle and motor cycle usage across the Site.
6. To prepare annual monitoring reports to the Chief Officer in accordance with the requirements of the Travel Plan.
7. To act as a point of contact on transport and the Travel Plan matters at the Development for residents of and visitors to the Development and the Chief Officer.
8. To perform any other duties set out in the Travel Plan and/or as may be reasonably requested by the Owners from time to time.

SIXTH SCHEDULE

Chief Officer's Covenants

Repayment of contributions

- 1 The Chief Officer hereby covenants with the Owner to use or procure the use of all sums received by the Treasurer of the States under the terms of this Agreement for the purposes specified in this Agreement for which they are to be paid or for such other planning purposes arising from the Development as the Chief Officer shall in his discretion consider to be reasonably appropriate in the circumstances.
- 2 The Chief Officer covenants with the Owner that he will procure or arrange that the Treasurer of the States will pay to the Owner such amount of any payment made by the Owner to the Treasurer of the States under this Agreement which has not been expended in accordance with the provisions of this Agreement within five (5) years of the date of receipt by the Treasurer of the States of such payment.
3. The Chief Officer covenants with the Owner to use reasonable endeavours to issue the Planning Permits as soon as practically possible after this Agreement is recorded as registered in the Royal Court as evidence by an Act of the said Court.

SEVENTH SCHEDULE

Cessation of Obligations

1. Where an Approved Funder is the holder of a judicial hypothec charged upon that part of the Site comprising the Relevant Land in accordance with the provisions of the "Loi (1880) sur la Propriété Foncière" to secure the repayment of monies loaned to the Approved AHP to enable it to proceed with the acquisition and/or development of the Affordable Housing Units and the Approved AHP is in default then the Approved Funder may do the following:
 - a. Such Approved Funder having obtained an "acte Vicomte chargé d'écrire" for repayment of the debt secured by such hypothec against the Relevant Land, offer to the Public of the Island (for the purposes of this Fifth Schedule, the "Public") by notice in writing given to the Minister for Treasury and Resources within fourteen days of the grant of such Acte Vicomte chargé d'écrire the option (exercisable within the six months following the service of such notice) of taking a hereditary transfer of the Relevant Land in the event that the Approved Funder takes tenure of the Relevant Land in any ensuing dégrèvement on the terms set out in paragraph 2 below.
 - b. In the event that the Approved AHP becomes bankrupt as defined by Article 8 of the Interpretation (Jersey) Law 1954 offer to the Public by notice in writing given to the Minister for Treasury and Resources the option (exercisable within the six months following the service of such notice) of taking an assignment from the Approved Funder of all of its rights in the debt due to the Approved Funder by the Approved AHP secured by such hypothec, provided that –
 - i. unless and until the insolvency procedure of dégrèvement is abolished and is not replaced by any insolvency procedure entitling the holder of a hypothec to realise that security by bringing proceedings for the vesting in it of the property upon which the hypothec is secured this paragraph will only apply in respect of bankruptcy proceedings which have been initiated by the Approved AHP or any third party including the Public but will not apply to bankruptcy proceedings which have been initiated by or at the instance of the Approved Funder; and
 - ii. during the six months following the service of the option notice referred to in this paragraph, the Approved Funder will take all such steps in the bankruptcy proceedings as are necessary or appropriate to protect its rights and interests in those proceedings.
2. If the Public exercises the option pursuant to paragraph 1(a) and takes such transfer of the Relevant Land, the Public will be substituted for the Approved

AHP in respect of the debt and obligations secured by the hypothec and will discharge –

- a. all amounts due thereunder at the date of transfer forthwith; and
 - b. all continuing obligations of the Approved AHP to the Approved Funder under the debt and obligations secured by the hypothec as they fall due.
3. If the Public exercises the option pursuant to paragraph 1(b), the Approved Funder will assign to the Public all its rights in the debt due to the Approved Funder secured by the hypothec and in the hypothec itself and the Public will discharge to the Approved Funder all sums due in respect of the said debt and hypothec as at the date of assignment.
 4. Where the Public, having been offered an option in accordance with either of paragraphs 1(a) or 1(b) of this Schedule, does not accept the option within the period specified for its acceptance, the provisions of Schedule 3 concerning the Affordable Housing Units shall cease to apply to the Relevant Land and the Chief Officer shall as soon as practicable following the said provisions ceasing to have effect as aforesaid issue to the Approved Funder and or the owner of the Relevant Land a formal written acknowledgement of the same.



EIGHTH SCHEDULE

First Time Buyer Units



AXIS MASON
 CONSULTANTS
 10000 SANDHURST AVENUE, SUITE 200
 MISSISSAUGA, ONTARIO L4V 1P5
 TEL: (905) 876-2333 FAX: (905) 876-2334
 WWW.AXISMASON.COM

CLIENT: OLSBURG
PROJECT: SHERBORN HAVEN
DATE: 01/20/2016

DESIGNED BY: ARCHITECTURE
DATE: 01/20/2016
DESIGNED BY: ARCHITECTURE
DATE: 01/20/2016

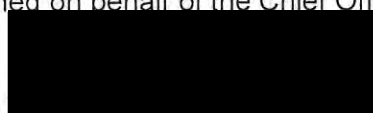
REVISIONS:

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	01/20/2016
2	ISSUED FOR PERMIT	01/20/2016
3	ISSUED FOR PERMIT	01/20/2016

NOTES:
 1. All dimensions are in meters unless otherwise specified.
 2. All elevations are in meters unless otherwise specified.
 3. All bearings are in degrees, minutes and seconds unless otherwise specified.
 4. All bearings are measured clockwise from the north-south line.
 5. All bearings are measured from the north-south line.
 6. All bearings are measured from the north-south line.
 7. All bearings are measured from the north-south line.
 8. All bearings are measured from the north-south line.
 9. All bearings are measured from the north-south line.
 10. All bearings are measured from the north-south line.

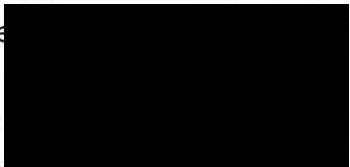
Signed on behalf of the Chief Officer

by



PETER LG GRESLEY
DIRECTOR

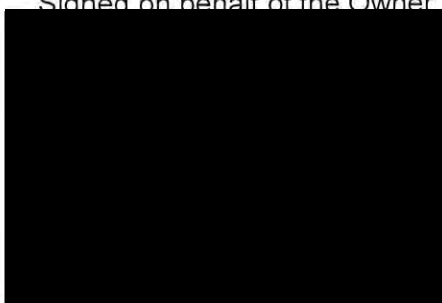
in the presence



Ginny Duffell

this 25th day of July 2017

Signed on behalf of the Owner



authorised representative
M N MEND

this 14th day of July 2017