

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

relating to the development of The Apollo Hotel, 9 St Saviours Road. St Helier

Dated: 5 June 2023

The Chief Officer for the Environment (1)

Springfort (Apollo) Limited (2)

DATE 5 June 2023

1. PARTIES

- (1) The Chief Officer for the Environment of PO Box 228, St Helier Jersey JE4 9SS (the "**Chief Officer**");
- (2) SPRINGFORT (APOLLO) LIMITED a company incorporated in Jersey with company number 145922 whose registered office is situate at 26 New Street St Helier Jersey JE2 3RA ("**the Owner**").

2. INTERPRETATION

In this Agreement:-

- 2.1 Any reference to a party includes where the context so admits, that party's successors in title and assigns and in the case of the Chief Officer the successors to the Chief Officer's statutory functions.
- 2.2 Words and expressions in this Agreement shall bear the same meaning as in the Original Agreement as modified unless the context otherwise requires.
- 2.3 The principles of interpretation and construction set out in clause 2 of the Original Agreement as modified shall apply to the provisions of this modification unless the context otherwise requires.
- 2.4 Save as aforesaid the expressions in the left hand column have the meanings attributed to them in the right hand column.

Original Agreement	The Planning Obligation Agreement relating to the Site between The Chief Officer for the Environment, Mount Pleasant Holdings Limited and Lincoln Hotel Holdings Limited dated 21 April 2023 and which was registered in the Public Registry on 21 April 2023 at page 690 of
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	book 1496

3. RECITALS

- 3.1 The Chief Officer caused the Original Agreement to be registered to give the Original Agreement its full effect.
- 3.2 The Owner acquired firstly from Mount Pleasant Holdings Limited part of the Site by contract dated 25 November 2022 and registered at page 86 of book 1509 of the Public Registry secondly from Lincoln Hotel Limited the remainder of the Site by two contracts dated 25 November 2022 and registered respectively at page 91 of book 1509 and page 98 of book 1509 of the Public Registry.
- 3.2 The Owner has requested the Chief Officer to agree to a modification of the Original Agreement.
- 3.3 The Owner as successor in title to the Site has agreed to be a party to the requested modification of the original Agreement as the person against whom the planning obligations under the Original Agreement that are to be modified herein are enforceable.
- 3.4 Having regard to the purpose of the Law the Island Plan 2022 and all other material considerations the Chief Officer has agreed to the request of the Owner and it is accordingly agreed that the Original Agreement may be modified as hereinafter appearing.

4. THE MODIFICATION

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

5. DECLARATION

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

FIRST SCHEDULE

Modification

The Original Agreement shall be modified as follows:

Paragraph 17 of the Third Schedule to the Original Agreement shall be removed and replaced by a new paragraph 17 in the following terms:

Not to Occupy or cause or permit to be Occupied Block A forming part of the Development and being the most westerly of the four blocks forming part of the Development and to be constructed along side St Saviour's Road until such time as the Pedestrian Footway Works have been completed to the reasonable satisfaction of the Chief Officer (in consultation with the Minister for Infrastructure).

Signed by the Chief Officer

..... [REDACTED] KELLY WHITEHEAD.

In the presence of [REDACTED] LAWRENCE DAVIES

This 5 day of June 2023

Signed on behalf of the Owner

..... [REDACTED] COIN PATMAN

In the presence of [REDACTED] MICHAEL WEST

This 5 day of June 2023