

STATES OF JERSEY

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LES AMARRAGES, GREVE D'AZETTE, ST. CLEMENT: DEED OF ARRANGEMENT

**Lodged au Greffe on 27th May 2003
by the Environment and Public Services Committee**

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion –

- (a) to authorise the entering into of a Deed of Arrangement between the public and East Lodge Limited in relation to the encroachment on the sea-wall by approximately one foot to the south west by the residential development owned the said company known as Les Amarrages, Grève d'Azette, St. Clement (as shown on Drawing No. 15/Gen/03/57 owned by East Lodge Limited) with East Lodge Limited to make a payment of £65,000 to the public and to be responsible for all legal fees;
- (b) to request the Greffier of the States to sign the said drawings and to authorise the Attorney General and the Greffier of the States to pass the necessary contracts in connection with the proposed transactions; and
- (c) to authorise the Treasurer of the States to receive any payment to the public as it becomes due.

ENVIRONMENT AND PUBLIC SERVICES COMMITTEE

Note: The Finance and Economics Committee's comments are to follow.

REPORT

The Department of Property Services was approached by the representative of East Lodge Limited following the incorrect setting out and subsequent construction of the development known as Les Amarrages, Grève D'Azette, St. Clement.

At the start of construction the contractor set out Les Amarrages taking measurements from the road which has resulted in the development being constructed incorrectly, one foot to the south-west. The property is therefore constructed in close proximity to the sea-wall but does not rely on it for support. This error has led to various encroachments over the sea-wall, including window openings, one door opening on the ground floor and 2 balconies partially overhanging the sea-wall.

Les Amarrages is a residential development including an apartment block comprising 16 flats; 4 flats on 4 floor and basement car parking. East Lodge Limited has secured buyers for the flats but is unable to sell the units until the boundary issues to the south-west have been remedied with the Public.

The Public Services Department instructed the Department of Property Services to carry out a valuation of the area of encroachment and enter into negotiations with the representative of the development company.

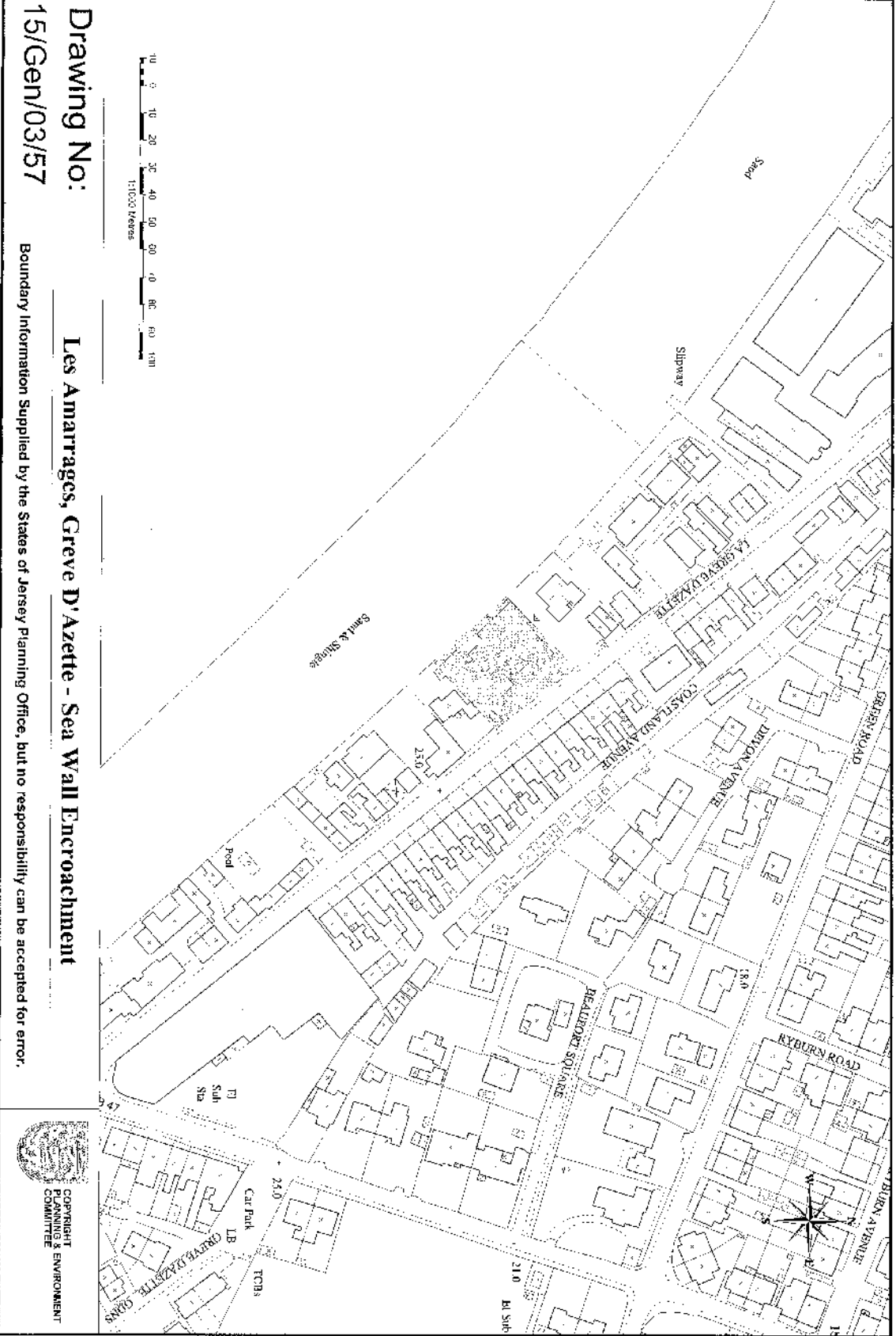
The value of the encroachments totalled £65,000 and it has been agreed that the full sum of £65,000 (sixty-five thousand pounds sterling) be paid by East Lodge Limited to the Public for a Deed of Arrangement to allow Les Amarrages to encroach one foot over the sea-wall with the following conditions –

- (1) The developer is to cover all reasonable legal costs and reasonable fees associated with this encroachment.
- (2) The developer is to allow the Public or the representative agent access in order to repair the sea-wall at any time in the future.

The funds realised by the granting of this deed of arrangement are to be allocated to the Public Services Revenue Vote, Coastal Protection (cost code QXC001) to be used for the maintenance and replacement of the sea defences of the Island.

The Environment and Public Services Committee has been advised that in this case a genuine mistake was made by the developer in setting out the building which was only discovered at a late stage of development. The Committee would like to assure the States that in the future it will not be prepared without prior negotiation and agreement, to consider financial settlements of this type where newly built structures encroach on land in the ownership of the Public. The Committee's officers will be advising developers and their professional representatives to exercise more care during the design and construction stage to ensure that errors of this type do not occur in future.

There are no other financial or manpower implications for the States.



Drawing No:

15/Gen/03/57

Les Amarrages, Greve D'Azette - Sea Wall Encroachment

Boundary Information Supplied by the States of Jersey Planning Office, but no responsibility can be accepted for error.

