

STATES OF JERSEY



ESPLANADE QUARTER, ST. HELIER: MASTERPLAN

**Lodged au Greffe on 16th April 2008
by the Council of Ministers**

STATES GREFFE

PROPOSITION

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

- (1)
 - (a) to endorse the intention of the Minister for Planning and Environment to adopt the Masterplan for the Esplanade Quarter as an agreed development framework for the Esplanade Quarter;
 - (b) to approve the acquisition on behalf of the Public of the leasehold interest in an area of land which is held by AXA Sun Life Plc. situated at the rear of the Leisure Centre complex which forms part of the site of the Esplanade Quarter, measuring approximately 500.60 square metres as shown for identification purposes hatched black and marked “Land to be acquired subject to discussions with landowner” on Drawing Number P 580 97 (attached at Appendix 1);
 - (c) to agree that, if it is not possible to agree with AXA Sun Life Plc. that it should sell its interest in the land referred to in sub-paragraph (b) above at a fair and proper price, the Minister for Planning and Environment should be empowered in exercise of the powers conferred by Article 119 of the Planning and Building (Jersey) Law 2002 to acquire such interest in land and any other interest therein by compulsory purchase on behalf of the Public in accordance with the provisions of the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961, as amended;
 - (d) to authorise the payment or discharge of the expenses to be incurred in connection with the acquisition of the interest in land and any other interest therein referred to in sub-paragraphs (b) and (c) above and the repayment of all legal expenses; and
 - (e) to authorise the Attorney General and the Greffier of the States on behalf of the Public to pass any contracts which might be found necessary to pass in connection with the acquisition envisaged by this paragraph (1);
- (2)
 - (a) to approve the acquisition by the Public of the parcels of land and any interest therein comprising part of the Esplanade Quarter site currently vested in Waterfront Enterprise Board Limited or its subsidiaries and, in consideration therefor, to approve the leasing by the Public to Waterfront Enterprise Board Limited of the entire Esplanade Quarter site shown for identification purposes edged black on drawing number P 580 97 (attached at Appendix 1) by way of a lease for 150 years at a nominal rent;
 - (b) to authorise the Minister for Treasury and Resources to agree the detailed terms of the acquisition and the lease referred to in sub-paragraph (2)(a) above with Waterfront Enterprise Board Limited; and
 - (c) to authorise the Attorney General and the Greffier of the States on behalf of the Public to pass any contracts which might be found necessary to pass in connection with the acquisition and the lease envisaged by this paragraph (2).

COUNCIL OF MINISTERS

Note: The Masterplan document referred to in this Proposition is published separately.

REPORT

1. BACKGROUND TO THE MASTERPLAN

- 1.1 The area which is the subject of the Masterplan straddles the boundary between the present town of St. Helier and the area of the waterfront, which is not yet the subject of development. This area has come to be known as the Esplanade Quarter. It is shown for identification purposes edged black on drawing number P 580 97 attached at Appendix 1.
- 1.2 A number of masterplans have been developed for this area over the past 10 years which, without exception, have attracted significant public opposition for various reasons. A summary of the history of the various masterplans is set out at Appendix 3. Following the introduction of Ministerial Government and appointment of Senator F.E. Cohen as Minister for Planning and Environment, Mr. Chris Shepley CBE was appointed to carry out a review of the waterfront area. Mr. Shepley recommended the appointment of an architectural “supremo” to ensure that any proposals were of the highest quality. Following a selection process, Hopkins Architects Limited was commissioned by the Minister for Planning and Environment to produce a waterfront masterplan which would be a further articulation of the draft Supplementary Planning Guidance in relation to the waterfront area issued in 2006 (referred to at Appendix 3).
- 1.3 Hopkins Architects Limited is one of the top architectural practices in Europe and has won many international accolades for its pioneering, often complex, high quality projects. In consultation with the Planning and Environment Department, the practice has developed a masterplan of the highest quality for the future development of the Esplanade Quarter. It has been amended following public consultation, and the final version, which the Minister for Planning and Environment proposes to adopt, is enclosed as a separate document (the “**Masterplan**”). It is intended that the Masterplan will be independently reviewed by a world renowned architect.

2. APPROVAL OF THE MASTERPLAN

- 2.1 The Masterplan proposes that the Esplanade Quarter be developed so that it incorporates a diverse range of uses and creates a lively residential and business area with plenty of open space and facilities for visitors and locals to enjoy at leisure. The development must be of the highest quality. Buildings will be constructed to an average maximum height of 6 floors. Apartments for local residents, office space, a hotel, self-catering apartments, public squares, boulevards and open space, shops, restaurants and bars, and 2 levels of underground parking are included in the Masterplan.
- 2.2 A boutique hotel and self-catering apartments will represent a significant investment in high quality accommodation for Jersey’s tourism industry and the waterfront will present a new focus for visitors to the Island. The new public squares, open tree-lined boulevards and landscaped open spaces will be accessible and enjoyable by the young and old. Pedestrian comfort and easy accessibility are crucial aspects of the Masterplan.
- 2.3 Locals and visitors alike, of all ages, will be able to enjoy the new shops, cafés, restaurants and bars. The Masterplan envisages that such new retail space will complement, not compete with, the existing town and bring life and vitality to the area. There will be shops providing for the needs of residents and office workers in the waterfront area and specialist shopping likely to appeal to visitors.
- 2.4 The Masterplan provides for nearly 400 new apartments for local residents. New homes will help to meet Jersey’s ongoing housing needs and relieve pressures to open up Greenfield sites for development. Their location will encourage people to walk or cycle to work, adding to the area’s sense of community and not to the increasing pressures on the Island’s roads.
- 2.5 The Masterplan includes high quality office space for Jersey’s thriving business community. Office space of the floor plate size and quality envisaged by the Masterplan is currently scarce in the Island despite there being demand for space of this type from a number of the largest financial and professional services

operations in Jersey. Evidence from local surveyors gathered on behalf of the Developer (referred to below) confirmed that there were requirements for 2007 – 2009 for 560,000 – 620,000 square feet from 14 large occupiers for modern “Category A” offices in Jersey. Such evidence reported the sea change that Jersey is experiencing in occupational requirements following the consolidation of a number of substantial financial sector companies. As a result the quality and size of the current office stock is not suitable. Demand for modern “Category A” offices in Jersey is expected to increase (50,000 – 100,000 square feet per annum) over the next few years. The Masterplan’s proposals will therefore satisfy the operating needs of the most demanding investors and occupiers in St. Helier and help meet Jersey’s evolving business accommodation needs.

2.6 The Masterplan proposes that a section of La Route de la Libération (from a point between Kensington Place and Patriotic Street to the current eastern end of the existing underpass) is lowered into a subterranean tunnel. The section in actual tunnel will be from the end of Gloucester Street to the eastern end of the existing underpass. The remaining sections will be the approach slopes to the tunnel.

2.6.1 The road currently forms a significant barrier between the waterfront area and the present town and prevents the full integration of the waterfront area with St. Helier life and commerce. This barrier will become increasingly pronounced as residential development progresses on the waterfront. Lowering the road will remove the barrier and permit the 2 areas to be seamlessly integrated and pedestrian and transport connectivity between the present town and the waterfront greatly improved. This will significantly ease and increase accessibility to the town for the 2,000 or so residents currently living, or who will be living, on the waterfront following the implementation of existing planning permissions for the area as well as residents of the Radisson hotel and conferencing facilities.

2.6.2 A roundabout will be constructed in the underground part of the road providing direct access to the underground car parking spaces. Capita Symonds, engineering consultant to the Minister for Transport and Technical Services, has confirmed that such a roundabout will be safe subject to careful attention to geometry, signing and traffic controls. The construction of the tunnel and roundabout will be subject to rigorous and continuing monitoring and supervision throughout by Capita Symonds and/or representatives of the Minister for Transport and Technical Services. The emergency services have been and will continue to be consulted extensively.

2.6.3 A transport assessment carried out by engineering consultants Faber Maunsell (on behalf of the Developer referred to below) and validated by Capita Symonds and the Department for Transport and Technical Services has concluded that the road network in and around the development area will be able to cope with predicted traffic flows; however it did identify potential traffic capacity problems at the West Park junction and through the tunnel under Fort Regent along La Route du Fort. Improvement works to the West Park junction of Victoria Avenue and La Grande Route de St. Aubin and implementation of a computer-controlled traffic signal linking system to improve traffic flows along La Route du Fort as far as Georgetown are included as part of the Masterplan and are to be carried out as part of the development.

2.6.4 During the development there will principally be 2 phases of temporary traffic management. The first phase will cause little or no disruption to the flow of existing traffic and will be in place for approximately 2¼ years. The second phase will be more disruptive but will only be in place for the remaining 9 months of road construction. Whilst the second phase will disrupt road users, it is envisaged that the actual delay to journey times will only be a matter of minutes.

2.6.5 The 520 public car parking spaces at the current Esplanade car park will be replaced within the basement car park of the new development. The existing spaces will be removed as soon as works commence on site and, subject to obtaining the necessary permissions, a temporary car park will be created on the current surface level car park at Elizabeth Terminal for approximately 320 cars. Spare capacity at existing public car parks will absorb the remaining 200 cars. The permanent public car parking spaces to be created as part of the development will be completed within 3 years of the development commencing.

- 2.6.6 The estimated long-term annual cost of maintaining and servicing the tunnel is £500,000 per annum. This cost consists of 2 main elements: (i) the cost of electricity to power lighting and ventilation; and (ii) the cost of maintaining the fabric of the tunnel (including maintenance and replacement of ventilation plant, lighting, signage, cleaning and maintaining the roadway). Whilst the long-term annual cost is estimated to be £500,000, the cost for the first 5 years of use of the tunnel will be significantly less and consist primarily of providing power for lighting and ventilation and cleaning services.
- 2.6.7 The cost of maintaining the fabric of the tunnel and providing power will be met (as usual) by the Department for Transport and Technical Services. It should be noted that at present the Department has not been allocated a budget from which to fund this ongoing obligation. It is proposed that the appropriate allocation will be included in the Department's annual budget from 2012 onwards, when the tunnel first comes into use. This allocation will be funded from States general revenues.
- 2.6.8 When the development is fully occupied it will provide an estimated 57 million additional rateable quarters. As the total contribution from the Island-wide rate is fixed, the charge per quarter will reduce proportionately, in this way reducing the cost of both domestic and commercial rates. Based on 2007 values, the increase in quarters would equate to a saving of approximately £540,000 in the existing Island-wide rates. Therefore, if States general revenues needed to increase to fund the tunnel from 2012, this could be achieved by offsetting the reduction in the Island-wide rate with an increase in other income-generating measures with minimal, if any, increase to the overall cost to business or households.
- 2.7 The development will connect the existing town with St. Helier's attractive harbour area, an area for recreation, relaxation and increasingly an area in which people live. It will gradually result in some businesses moving to the Esplanade Quarter from the existing town and this migration will act as a catalyst for future investment in and the regeneration and reinvigoration of some of the older and run-down parts of St. Helier. The Masterplan envisages that regeneration of parts of the existing town will provide opportunities for development of residential accommodation of all types, contributing significantly to the Island's ongoing housing needs. It is consistent with the "Strategy for the Future Development and Regeneration of St. Helier" published as part of the EDAW report in March 2007.
- 2.8 The Esplanade Quarter will be linked to the redesigned Les Jardins de la Mer gardens resulting in the waterfront, gardens and new public squares being seamlessly integrated with the existing town. The development will require Les Jardins de la Mer to be closed for 2 to 3 years to allow construction of new roads. However, the reinstated gardens will be significantly enhanced.
- 2.9 The Masterplan sets out standards of excellence for design and provides strict guidelines for building layout, heights and materials to ensure the development is constructed to the highest standard. It demands that each component of the development is built to the highest environmental standards and the materials used sustainable and climate-proof. It proposes that buildings will be set around colonnaded squares to provide shelter from wind and rain and places for people to sit and enjoy the public spaces. Granite will be an important feature and the existing seawall will be incorporated in the development. The Minister for Planning and Environment has already appointed the Waterfront Design Group, which comprises various local experts, to carry out an independent review of the Masterplan, and local experts will continue to be appointed throughout the development to ensure the Esplanade Quarter is designed to reflect the high standards of Jersey's architectural heritage, albeit in a contemporary context.
- 2.10 The Esplanade Quarter is expected to take approximately 7 (not more than 10) years to complete. The proposed layout of the Esplanade Quarter as set out in the Masterplan lends itself well to development over such a period. The area will be developed in phases and the undeveloped areas will, until their respective development, be areas of landscaped attractive open space for the Public to enjoy.
- 2.11 The Masterplan proposes that a sustainable waste management plan will be adopted which demonstrates

the highest achievable level of recycling of extracted material and best practice for the removal and disposal of such material. As much extracted material as practicable will be recycled on-site, while any remaining extracted material will be deposited at La Collette.

- 2.12 In accordance with the States Economic Growth Plan, the Esplanade Quarter development will help Jersey meet its objectives of economic growth with low inflation. Development in accordance with the Masterplan will generate new investment for the retail, leisure, tourism and finance industries, at the same time releasing existing pressures on residential and office space thereby preventing overheating.
- 2.13 The Masterplan has been subject to a wide public consultation exercise to enable people to express their views. This has included a public exhibition, a public meeting and extensive media coverage. The Minister for Planning and Environment has carefully considered the representations made and subsequent comments given and the Masterplan has been amended accordingly. The Minister for Planning and Environment has recently published the outcome of this public consultation exercise.
- 2.14 It is proposed that the States endorse the intention of the Minister for Planning and Environment to adopt the Masterplan for the Esplanade Quarter as an agreed development framework for the Esplanade Quarter. The Minister for Planning and Environment will then assess any applications for development of the area against the Masterplan and require that any such development is in accordance with the requirements of the Masterplan.
- 2.15 A detailed design code has been commissioned which sets out the design elements and materials required to be used to ensure the Esplanade Quarter development is of the highest standard.

3. COMPULSORY PURCHASE OF PART OF THE SITE

- 3.1 Part of the Esplanade Quarter site is currently leased to AXA Sun Life Plc (“**AXA**”) pursuant to a lease granted by the Public for a term of 150 years. The part of the site subject to the lease is shown for identification purposes hatched black and marked “Land to be acquired subject to discussions with landowner” on drawing number P 580 97 attached at Appendix 1.
- 3.2 The Masterplan envisages that this land will form part of the development site and will be used in connection with the construction of the tunnel and to provide a new surface road. It is proposed therefore that the land is taken back into public ownership and ultimately leased to Waterfront Enterprise Board Limited (the “**Board**”).
- 3.3 There are no rights under the lease permitting the Public to take back this land. The Board has written to AXA on 3 occasions to notify it of the Board’s interest in the land and requesting dialogue regarding the potential sale of its interest, however it has not received a response. It is proposed that the Board continues to seek to commence negotiations with AXA for the purchase of AXA’s interest in the land by the Public at a fair and proper price.
- 3.4 In the event that the parties do not reach agreement on a surrender or purchase at a fair and proper price, the Minister for Planning and Environment seeks agreement from the States that the Minister should be empowered to compulsorily purchase the land under Article 119 of the Planning and Building (Jersey) Law 2002 for the purpose of improving Jersey’s general amenities (Article 2).

4. GRANT OF LEASES

- 4.1 The Board is proposing to enter into a development agreement to give effect to the Masterplan developed for the Esplanade Quarter with its preferred bidder, Harcourt Developments Limited (or a wholly owned subsidiary of Harcourt Developments Limited) (the “**Developer**”).
- 4.2 A summary of the financial and other terms of the proposed development of the Esplanade Quarter in accordance with the Masterplan and design code has been provided by the Board and is attached at Appendix 4.

- 4.3 Ownership of the Esplanade Quarter site is currently made up of a number of parcels of land as set out below:
- 4.3.1 subsidiaries of the Board own the freehold of 4 parcels and any interest therein. These are shown for identification purposes shaded with dots and marked as “A”, “B”, “C” and “D” on drawing number P 580 99 attached at Appendix 2;
 - 4.3.2 the Board has long leasehold interests in 2 parcels pursuant to 2 leases granted by the Public. Both parcels are shown for identification purposes hatched black and marked “Esplanade Site” and “Les Jardins Site” respectively on drawing number P 580 99 attached at Appendix 2;
 - 4.3.3 the Public owns La Route de la Libération; and
 - 4.3.4 AXA has a lease of one parcel which is shown for identification purposes hatched black and marked “Land to be acquired subject to discussions with landowner” on drawing number P 580 97 attached at Appendix 1.
- 4.4 It is proposed that upon the purchase of the leasehold interest of AXA, the Public acquires for nil consideration the parcels of land and interests therein referred to in paragraphs 4.3.1 and 4.3.2 above which form part of the Esplanade Quarter site.
- 4.5 In consideration for such acquisition, a new lease of all of the land comprising the Esplanade Quarter (shown for identification purposes edged black on drawing number P 580 97 at Appendix 1) will be granted by the Public to the Board for a term of 150 years at a nominal rent for the purpose of implementing the Masterplan. The Board will pay a premium for such lease equivalent to the total costs, if any, incurred by the Public in acquiring the leasehold interest of AXA.
- 4.6 The lease will contain provisions providing for the land comprising the highway works to be automatically excluded from its demise upon completion of these said works. Any land relating to these highway works will revert to the ownership of Property Holdings but under the management of the Minister for Transport and Technical Services as highways authority. The Minister for Transport and Technical Services will assume responsibility for maintenance of such section of La Route de la Libération (subject to the Developer’s ongoing liability for latent defects, etc.). A highway works agreement will set out extensive provisions in respect of the development of the tunnel, road network and associated infrastructure and the Minister for Transport and Technical Services or his representatives will participate in the negotiation of such terms and the monitoring of such development works.
- 4.7 Following grant of the lease to the Board, the Board envisages granting one or more 150 year sub-leases of the Esplanade Quarter to one or more wholly owned subsidiaries of Harcourt Developments Limited at a nominal rent.

5. CONCLUSIONS

The Masterplan provides a robust framework in which the Esplanade Quarter can be successfully and sustainably developed. It will enable the provision of a boost to tourism, high quality office space, some of the planned for additional housing units and many other important public amenities and infrastructure projects agreed with the Minister for Planning and Environment. This proposition has the ability to move the development of the remaining area of the waterfront forward as never before and deliver substantial benefits to the Island. The Council of Ministers therefore commends the proposition strongly to the States.

6. FINANCIAL AND MANPOWER IMPLICATIONS

The financial implications are set out above and there are no manpower implications for the States arising out of this proposition.

APPENDIX 1



Proposed Lease of Land
AT Combination of Les Jardins & Esplanade Square Sites St Heller
 (Under Hopkin's 2006 Proposal)
BY The Public of the Island
TO Harcourt Developments Limited

DEFINITIVE COORDINATE CORRECTION OF THE BOUNDARY POINTS
 This drawing is to be read in conjunction with the coordinate listing Sheet Number P/H/ 580 97

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Drawn by: Park Services Ltd
 Scale: 1:500 (A3)
 Date: February 2007
 Drawing Number: P 580 97

APPENDIX 2



Proposed Change of Designation Land from Freehold to Leasehold
 AT Combination of Les Jardins & Esplanade Square Sites St Helier
 (Under Hopkin's 2006 Proposal)

Drawn by
 Checked by
 Phil Allen & David
 11/03/08 (AJ)
 March 2008
 Drawing Number : P 580 99

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BACKGROUND TO THE MASTERPLAN

- 1990** Proposals prepared by the Waterfront Advisory Group were adopted by the States.
- 1992** Specific proposals based on the 1990 proposals were produced by Andrews Downie and Partners, which were substantially adopted by the States.
- 1995** The Waterfront Enterprise Board was established by Act of the States.
- 1996** Waterfront Enterprise Board Limited was incorporated on 21st February 1996 with articles of association stating that the objectives for which it was established were “(a) to promote, co-ordinate and implement a comprehensive strategy for the development of the St. Helier Waterfront area as shown on Map No: 92 approved by the States on 10 November 1992 [P.123/1992]”; and “(b) to exercise administrative control over the use of the land and the adjacent shore and water areas in the Waterfront and to liaise and consult with the relevant committees of the States of Jersey and other governmental and regulatory authorities in relation to investment in infrastructure projects in and development of the Waterfront”.
- 2000** The Planning and Environment Committee commissioned Howarth Tomkins Architects (“HTA”) to produce a Waterfront Design Framework. HTA, as part of this commission, consulted the community through a weekend-long design workshop (Waterfront 2000) in order to inform the development of a revised draft Waterfront Design Framework.
- 2001** Drivers Jonas assessed the financial viability of the Waterfront Design Framework and identified a major budget deficit in the proposals. The St. Helier Waterfront Masterplan, produced by Michael Feltor Landscape Architects for the Board, updated the proposals of the Waterfront Design Framework produced by HTA and sought to address some of the economic concerns.
- 2002** The States approved the lease and sale by the Public to the Board of a number of parcels of land located within the St. Helier waterfront area (P.45/2002).
- 2002** The Island Plan was adopted.
- 2004** The States of Jersey Strategic Plan 2005–2010 was agreed by the States. The development of the St. Helier Waterfront was seen as an opportunity to secure something that could contribute to the economic well-being of the Island but which could also ensure that its unique identity, character and culture was reflected and bolstered.
- 2004** A development brief for Esplanade Square was agreed by the Planning and Environment Committee.
- 2005** Draft proposals for the 3 remaining principal development sites were published by individual developers.
- 2005** The Commission for Architecture and the Built Environment (CABE) carried out a review of the schemes with a view to assisting the Environment and Public Services Committee to complete an assessment of the different developments and establish a strategy for analysing the implications of the projects.
- 2006** Draft Supplementary Planning Guidance was published in relation to tall buildings (provided by Peter Sandover) together with draft Supplementary Planning Guidance in relation to the Waterfront Development Framework. Both documents went out to public consultation. A public forum to discuss both documents was held. Subsequently a report was prepared by Chris Shepley.
- 2006** Following a selection process, Hopkins Architects Limited was commissioned by the Minister for Planning and Environment to produce a waterfront masterplan.

SUMMARY OF THE FINANCIAL TERMS OF THE PROPOSED DEVELOPMENT OF ESPLANADE QUARTER

Harcourt Developments Limited (or one or more wholly owned subsidiary(ies) of Harcourt Developments Limited) will be granted one or more 150 year sub-lease(s) by Waterfront Enterprise Board Limited (the “**Board**”) of the Esplanade Quarter site, shown for identification purposes edged black on Drawing Number P 580 97 attached at Appendix 1. If more than one sub-lease, each will be on virtually identical terms. In return for such sub-lease(s) Harcourt Developments Limited (or a wholly-owned subsidiary of Harcourt Developments Limited) (the “**Developer**”) will make payments of £50 million to the Board, build a mixed-use development on the site in accordance with the finalised masterplan, design codes and development agreement and deliver significant infrastructure benefits. The payments will be made in 3 tranches over an 8 year period. These payments are guaranteed either from a bank of good financial standing or by way of an acceptably rated insurance bond. They are based on independent valuations and, backed by the guarantees, represent no risk to the States or the Board.

The proposed development includes significant new public open spaces and squares that will be paid for (and maintained) by the Developer as part of the overall scheme. Combined, these public areas are 5 times the size of the Royal Square and include a main square and a covered winter garden (both of which are comparable in size to the Royal Square).

In addition, the Developer will carry out and meet the cost of associated infrastructure works. These works include sinking a section of La Route de la Libération below ground and constructing an underground tunnel; installing traffic management improvements; providing appropriate support to public transport services; and reinstating and enhancing Les Jardins de la Mer. The costs associated with the infrastructure works have been ascribed a value of £45 million and the Developer will provide a financial guarantee in this sum in order to fund the completion of such works in the event that the Developer defaults. Such infrastructure works will greatly ease pressures on the immediate surrounding residential and commercial areas and benefit the Island as a whole. The future maintenance of the infrastructure will be undertaken as usual on behalf of the Minister for Transport and Technical Services at an estimated long-term cost of £500,000 per annum. This cost will be met from States general revenues and, if necessary, income generated by increases to offset savings to business and households resulting from associated reductions to the Island-wide rate.

If the values at practical completions exceed certain trigger values as set out in the development agreement, the Board will receive a 33% share of the increased value in the form of overage payments. Assuming inflation at 4% per annum is reflected in capital values, these additional sums could total £25 million, but are subject to future market conditions and consequently the overages are not guaranteed.

In summary, the total value the States will receive in monetary terms is a minimum of £50 million excluding the overage payments or £75 million including the potential overage payments, together with substantial non-monetary benefits by virtue of the infrastructure works that the Developer will carry out and pay for, which have been ascribed a value of £45 million.

The terms of the development agreement the Board proposes to enter into with the Developer include various remedies available to the Board if the Developer was to commit certain types of default. The development agreement will require the Developer to complete the development within a certain timeframe and the Board will have step-in rights (subject to any funder’s prior right to do the same) to complete the development should the Developer fail to do so in accordance with the terms of the development agreement.

A review of the proposed waterfront development was carried out by the Corporate Affairs Scrutiny Sub-Panel and presented to the States on 21st January 2008 (S.R.2/2008). The independent advisor to the Sub-Panel advised that he was satisfied that the process which had been followed leading to the revised proposals for a land transaction deal between the Board and the Developer had been carried out professionally and with due regard to obtaining value for money for the public. The Sub-Panel concluded that it was satisfied that the process of negotiations with the Developer complied with good commercial practice.