



Hampstead Heath Consultative Committee

Date: MONDAY, 9 JULY 2012
Time: 7.00 pm
Venue: EDUCATION CENTRE, THE LIDO, OFF GORDON HOUSE ROAD,
HAMPSTEAD HEATH, NW5

12. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

- a) Hampstead Heath Sports Advisory Forum Minutes
To receive the public minutes of the meeting held on 21 May 2012
(previously circulated).
For Discussion
- b) Flood and Water Quality Management, Hampstead Heath - Progress and Procurement Structure Report
Report of the Superintendent of Hampstead Heath (copy attached).
For Discussion
(Pages 1 - 10)
- c) Proposal to Hold Affordable Art Fair in June 2013
Report of the Superintendent of Hampstead Heath (copy attached).
For Discussion
(Pages 11 - 20)

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Chris Duffield
Town Clerk and Chief Executive

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Committee(s):	Date(s):
Hampstead Heath Consultative Committee	9 th July 2012
Subject: Flood and Water Quality Management, Hampstead Heath – Progress and Procurement Structure Report	Public
Report of: Superintendent of Hampstead Heath	Late Paper for Discussion and Receiving Written Views

Summary

This report sets out the progress made with several key appointments associated with the implementation of the Flood Management and Water Quality Project. There is a level of commercial sensitivity with the tender evaluation process that the City Corporation has to respect, however, in its duty to receive the views of your Committee it is considered essential to set out the generic approach and structure of the various appointments, all aimed at ensuring that the most appropriate team is in place to meet the requirements of this complex and sensitive project. This includes the recently approved introduction of a Strategic Landscape Architect commission, together with the appointment of the design team and construction company.

Recommendations

That the views of the Hampstead Heath Consultative Committee be received on the approach and structure of the team to be appointed to progress the fundamental review of the scheme and detailed design necessary to meet the challenges presented by this complex and sensitive project.

Main Report

Background

1. At the Court of Common Council on the 14th July 2011 approval was given to the upgrade of the pond embankments on the Hampstead and Highgate chains, at an estimated cost of £15.12m, to reduce the risk of pond overtopping, embankment erosion and failure, to comply with the Reservoirs Act 1975 and the Flood and Water Management Act 2010.
2. The proposed outcome needs to recognise and overcome the tensions between the differing objectives of the reservoir legislation and the Hampstead Heath Acts. The overarching vision of the Project is to achieve a design that ***“Conserves the natural aspect of the Heath while protecting public safety”***.

3. The primary aim of the project is to ensure peak water flows pass safely through the ponds or over the dams without any collapse, ensuring the City of London meets its statutory obligations. Works include:
 - Embankment improvements - crest armouring, raising , and creation of spillways
 - Landscape amelioration in terms of preserving the semi-rural character of the Heath and habitat improvement
 - Replacement of the building currently on the embankment of the Ladies' Bathing Pond
 - Water quality improvements
4. Given the commercial sensitivity of the tender evaluation process, the City has a duty to keep confidential tenderers identity and costs of all submissions. Whilst this makes for some difficulty in terms of receiving the views of your Committee, there are some generic issues that we believe it would be helpful to set out to ensure that your Committee understands the approach, structure and options that have to be considered in terms of ensuring that the right team is appointed to meet the challenges and complexities associated with this sensitive project.

Appointment of a Strategic Landscape Architect

5. The City Corporation has following extensive consultation, recently approved the principle of appointing a Strategic Landscape Architect, whose role will be to work alongside the retained Panel Engineer to ensure an holistic approach to the design solutions for the project.
6. When the initial concept images were produced the scale of works and their impact on the Heath became clear. These designs, prepared by the hydrologist, were only ever conceptual in nature and led to the realization that the landscape issue is not a subsidiary issue to the main works, but central to the designs.
7. Strategic landscape considerations are seen as being essential within the context of the Hampstead Heath Act 1871. This view was endorsed by your Committee and other local community organisations. There are perceptions that the City's intentions and interpretations of the legislation and risks are unnecessarily placing compliance with current and planned reservoir legislation over and above the provisions of the Heath's foundation legislation. The City has obtained leading counsel's advice who have advised that City is doing what it needs to do and needs to "proceed with deliberate speed".
8. The City also believes that the landscape and obligations under the foundation legislation are important aspects of the project and strongly refutes the above position. The appointment of an eminent Strategic

Landscape Architect is considered the right approach and is supported by the local organisations and will do much to assuage fears that the City, through its appointed Design Team, is not sympathetic to the landscape in its approach to the Flood Management and Water Quality project.

9. Such an appointment will ensure that the City will achieve the best possible solution to the liability it currently carries in terms of the spillway capacity problems that have been identified. Such an appointment will also give the City additional protection against the scheme being over engineered. This approach is fully supported by the City's retained Panel Engineer who has ultimate responsibility for ensuring that the peak water flows safely through the chains or over the dams without the risk of collapse of any dams.
10. The Strategic Landscape Architect will be appointed independently of the Design Team and report directly to the City as Client, thereby ensuring that the person is able to influence without being prejudiced by the partnership contract arrangements. The person appointed will not (for reasons of clarity of responsibility) engage in the detailed design, but will take an holistic approach to the landscape of the two valleys suggesting interventions to ensure that impacts are minimised.
11. Tender documents for the Strategic Landscape Architect services were issued on the 26th June 2012, and an appointment will be recommended by September 2012.

Design Review

12. It has been accepted that following the appointment of the Design Team there will be a fundamental review of the outline design to date. This will include verifying (or amending) hydrology studies, including the design flood, downstream impacts, potential options for spillway/dam design that are viable and comparing the existing landscape situation with the proposed changes.
13. Given the importance of this basic review in determining the level of intervention and potential design solutions to meet the vision and primary aim of the project, the outcome of this review will be reported to both the Heath Consultative and Management Committee's.

Approach to the Procurement Process

14. Given the complexity of the project it was decided that a "partnering contract" would provide the best approach. This style of contract has been used successfully on a number of major City Corporation projects. One of the main benefits against other forms of engineering contract is that it enables early involvement of the main contractor; this is seen as essential in

the development of the most sustainable and sensitive design solutions for this project.

15. The outline costs for the project are set out in Table 1 below:

Item	Evaluation Budget £000's	Spend £000's
Pre- Evaluation	271	243
Works	11714	0
Fees	2354	41
Staff Costs	777	45
Total	£15,116	£329

Table 1 –Outline Costs Approved at Evaluation Stage

Given the engineering nature and stage of the project the budget agreed at Evaluation Stage has a ‘confidence range’ of $\pm 20\%$.

16. Over the past eight months extensive work has been undertaken in preparing the contracts and specifications necessary to ensure that the following Design Team services are comprehensive:

- Engineering Design, Consultation and Planning Services
- Client Representative and CDM Co-ordinator (Project Management)
- Building Architect
- Landscape Architect and Ecology Consultant
- Cost Consultant (companies expressing an interest for this commission were excluded from tendering for other work packages).

17. All tenders have been individually analysed with 25% of the mark allocated to price and 75% to quality. The tenders were scored independently by another Panel Engineer together with officers from the appropriate Departments within the City Corporation. The City has developed a robust approach in taking decisions associated with major projects. In addition to a report being taken to the Hampstead Heath, Highgate Wood and Queen’s Park Management Committee, the project will also be subject to scrutiny and decision by the City’s Project Sub Committee, a sub committee of the City’s Policy and Resources Committee.

18. Approval was given at Evaluation Stage for the Engineering Design, Consultation and Planning Services to be negotiated with WS Atkins, the

company who employ the incumbent Panel Engineer, who through his statutory powers will ultimately be required to sign off the detailed design solution to meet the project aim and vision set out above.

19. The tender for the appointment of the Construction Contractor is currently being prepared. It is envisaged that once the appointment is made this contractor will remain with the project until completion. This appointment is due to be made by November 2012 and will also need formal approval by the Management and Projects Sub Committee's.
20. A diagram is appended to this report that shows the structure and relationships of the various design team constituents.

Appointment Options

21. There are several options that the City Corporation needs to carefully evaluate and consider in reaching a decision regarding the appointment of the most appropriate Design Team for this project.

Option A

One approach the City could take is to appoint several different companies for each separate professional discipline; there are both advantages and disadvantages to this approach:

Advantages

- Several companies will receive the commission and the fees associated with this project, as opposed to just one company.
- This approach will potentially offer the lowest tender price.

Disadvantages

- Split responsibility, this could be potentially very difficult, particularly in terms of the Project Management function that would need to control a multi-disciplined team, potentially based at several locations across the country.
- Potentially less co-ordinated approach, as several companies will be trying to get their voices heard, particularly as some of the tenderers have indicated that they would sub-contract some services.
- Landscaping and Ecology has been identified as a critical service in terms of detailed design process. If the heritage significance of the Heath and its landscape is to be respected, it will be essential for the landscape and ecology team to strongly influence and challenge the detailed engineering design solutions on a day to day basis, ensuring that the vision and outline scheme developed with the support of the

Strategic Landscape Architect is adhered to throughout the design and construction phases. The appointment of separate companies may compromise this integrated design approach and make it much more difficult.

- Possible tensions between Design Landscape Architect and Strategic Landscape Architect if Design Landscape Architect commission is that company's only appointment on this project.

Option B

The alternative approach is to make a sole appointment. There are again advantages and disadvantages to such an approach and many present the converse of those points outlined above:

Advantages

- Single point of responsibility – in terms of controlling the project this presents a much more attractive approach for the City, with one company reporting to the City as client and controlling all the design services the risk of any dispute over responsibility is reduced, together with potential claims.
- Ensures better co-ordination of the project, which given the multi-disciplined approach will ensure that even where work some might be subcontracted there is still control through the main company.
- It would ensure that the critical relationship between landscape and ecology and the engineering design is completely integrated throughout the whole project. This is likely to present the best approach in terms of safeguarding the heritage landscape of Hampstead Heath.
- There is potential to further negotiate reduced fees because each package of work has been priced completely separately.

Disadvantages

- Public perception that one company has undue control of the detailed design, although this is mitigated by the appointment of the Strategic Landscape Architect.
- Given the scale of the project, a single company is unlikely to have the required range of services and will need to sub-contract some elements.
- This approach could result in one of the smaller packages of work submitted by another company of a higher quality not being selected.
- This is likely to be more expensive.

Programme

22. The following outline timetable has been prepared:

Task	Current Estimate
Designers Appointment	July 2012
Contractors Appointment	November 2012
Design Review	Sept – Dec 2012
Detailed Design	January – June 2013
Design/ Authority to Proceed with Work	July 2013
Planning Determination	Aug 2013 – Jan 2014
Start on Site	March 2014
Finish on Site	August 2015

Corporate & Strategic Implications

23. The works support the strategic aim ‘To provide valued services to London and the nation’. The scheme will improve community facilities, conserve/enhance landscape and biodiversity and contribute to a reduction in water pollution whilst meeting the City Corporation’s legal obligations. The risk of any dam breach and serious downstream flooding of communities (and consequent harm to the City’s reputation) is mitigated.

Implications

24. The risk of embankment failure at Hampstead Heath is assessed as a high risk on the City’s strategic risk register. A detailed report was submitted to the Audit and Risk Management Committee. In addition to the current measures to mitigate risks, the report also highlighted other risks that the City need to consider, including the resources needed for on-going consultation and the potential threat of legal challenge that could delay the project. If the right team is appointed to take forward the basic review and detailed design then hopefully this will provide a level of reassurance to the local community that will assist with reducing these risks and ultimately costs associated with them.

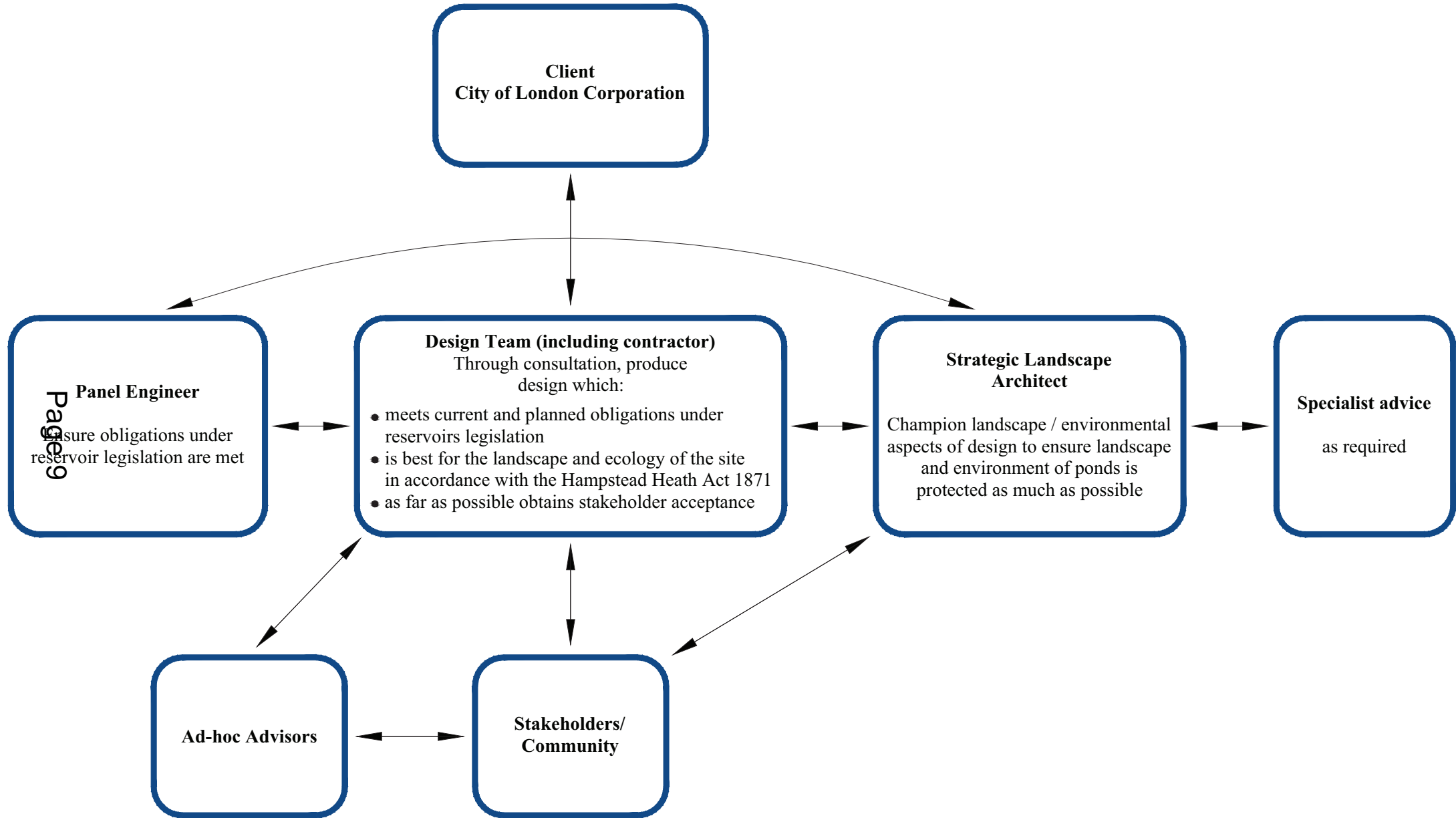
Conclusion

25. This is a major project for the Heath and the City and every effort must be made to ensure it succeeds in both meeting current and planned reservoir legislation, while also preserving the natural aspect and state of the Heath as far as possible, in accordance with the Hampstead Heath Act 1871.

Appendices

Diagram showing relationship between various commissions

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Committee(s):	Date(s):
Hampstead Heath Consultative Committee	9 th July 2012
Subject: Proposal to Hold Affordable Art Fair in June 2013	Public
Report of: Superintendent of Hampstead Heath	Late Paper for Discussion and Receiving Written Views

Summary

In January 2012 your Committee provided views on the success of the 2011 Hampstead Affordable Art Fair and supported the principle of hosting an event in October/November 2012 and principle of the event moving to a date in June 2013, subject to more details being provided.

Following consideration by officers and representatives of the Affordable Art Fair this report sets out a proposal to hold an event on Hampstead Heath for a 23 day period from the 2nd June 2013 to the 24th June 2013 with the fair taking place between Wednesday 12th and Sunday 16th June 2013.

It also seeks support to host events in 2014 and 2015, together with researching the viability of hosting another event on the back of the Affordable Art Fair, which could generate additional revenue to support the management of Hampstead Heath.

Recommendations

That the Consultative Committee's views are received on the proposal to:

- enter into a licence with The Affordable Art Fair for a 23 day period from 2nd June to the 24th June 2013 with the fair taking place between Wednesday 12th and Sunday 16th June 2013.
- support the principle of hosting events in June 2014 and 2015, subject to satisfactory review of the 2013 event.
- support the principle for the Affordable Art Fair hosting a second event on the back of June show in 2014 and/or 2015, subject to further research and views of this Committee being received.

Main Report

Background

1. The Affordable Art Fair (AAF) was established in 1999 by Will Ramsay, founder, as a public showcase for contemporary art. Affordable Art Fairs are events that are now held successfully in Bristol, New York, Singapore, Melbourne, Amsterdam, and Brussels as well as a bi-annual event held in Battersea Park, London.
2. Galleries exhibit original work including paintings, sculpture, photography and prints. AAF creates a relaxed, friendly, enjoyable family environment where the public can browse, enjoy and learn about contemporary art, which is also available for purchase.
3. It is an event which principally supports the visual arts, participation and learning. It is open to the public for four and a half days with two reception evenings, including one charity benefit night.
4. The inaugural AAF Hampstead welcomed 17,000 (adult) visitors over the course of four and a half days and £2.6 million of art work was sold by the 98 galleries exhibiting. AAF does not take any commission on artwork sold – this figure is solely based on the items sold by all the participating galleries.
5. AAF Hampstead was deemed a significant success, for the Heath and for the art community. Considering it was a first event in a new area and with the scale of the project, there has been much positive feedback given by both visitors and exhibitors.

Current Position

6. A major issue for Hampstead Heath AAF 2011 was the conflict between hosting the Battersea and Hampstead fair back to back. Galleries exhibiting the week before were very unhappy about “*playing second fiddle*” to the Hampstead fair and felt AAF had split the market, diverting potential clients away from Battersea in favour of Hampstead.
7. Approval was given at your January 2012 Committee to host an event between 31st October and 4th November 2012. AAF made it clear that the only option for AAF Hampstead to take place in 2013 and beyond to minimise conflict with other art fairs was to host an event in early summer. The only viable date for the fair being June 2013. If approved it was then

hoped that the fair would become an annual fixture in the community and the Hampstead Heath diary at that time of year. It is thought the fairs success as an community event will increase significantly once it stands alone and is no longer in the shadow of the AAF Battersea the week before.

8. Preparations for the Hampstead AAF November 2012 are now well underway with marquees secured and a more refined marketing strategy in place. It is hoped that 2012 will build upon the success of the 2011 event and provide a platform to launch a summer fair in 2013. In 2012 AAF will be supporting the newly formed Keats Community Library as their charity beneficiary for the duration of the fair.

Proposals

9. Following discussions with officers and the AAF Board a proposal (see attached) has now been received to host an event in June 2013. The proposal would be to take a 23 day licence from the 2nd June to the 24th June 2013, with the fair taking place between Wednesday 12th and Sunday 16th June 2013. AAF will then be off-site before the peak season on the Heath commences in July 2013. Officers have reviewed the calendar of Heath activities and support the proposal.
10. The proposed timing coincides with the Hampstead Summer Festival where the art fair would be of substantial support to the festival by attracting audiences from across London to visit. AAF would aim to collaborate with the Hampstead community to tie into their Summer Festival and add a large cultural event to the festival roster.
11. AAF would like the fair to become an annual fixture in the community and the Hampstead Heath diary from June 2013 onwards and it is proposed that Committee approves the principle of AAF having a Licence for 2014 and 2015.
12. In addition AAF have begun investigations on the ability to host a second event for a further 5 day hire period on the back of the summer event. Several ideas have been initially considered, including a garden/flower show, but much more consideration has to be given to the economic viability of such a proposal. At this stage AAF have not been able to consider the business case in more detail and wish to secure the June 2013 event and review its success before committing resources to further research.

Corporate & Strategic Implications

13. This proposal supports the City Together Strategy of being “vibrant and culturally rich”. It also helps to supports the Open Spaces Business Plan

improvement objective of “Marketing our services and adapting events and education programmes to deliver opportunities particularly for young people.”

Implications

Financial

14. Overall the 2011 AAF Hampstead Fair company made a loss of £50,000. The City received £30,000 income for hire of the site and a further £20,000 towards operational costs of staff time, transport and materials. The income for the use of the site has been reviewed in terms of maximising the contribution to support management of the Heath and whilst the 2012 site fee will remain at £30,000 the operational costs in 2012 will rise to £25,000.
15. If a three year licence is approved in principle then the site fee would be increased for 2013, depending on the performance of the fair in 2012 and if it breaks even (as predicted) or makes some profit (as aims to), and the operational fee set at £25,000, subject to annual review.
16. As set out in the report, there remains the potential for an additional event. Subject to further research, this could be for a further five day hire period, potentially doubling the fee that the City Corporation receives from AAF.

Risk implications

17. These are set out in some detail in the detailed post fair report. Ultimately it is a commercial decision for AAF to determine whether or not to hold an event on the Heath. The ability to earn additional income from East Heath fairground site was a matter that was raised with many local groups and Societies at meetings held during 2011 about budget reductions. There was a consensus that this area of the Heath could accommodate additional events, if they were complementary to the Heath and local area. The provision of an art fair was a popular event and hopefully in future years AAF can build upon the community partnerships to strengthen the relationship with this event.

Legal Implications

18. Under article 7(1)(bb) of the Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967 (“the Order”) the City may provide exhibitions and trade fairs on the Heath for the purpose of promoting the arts.

19. Under article 7 of the Order the City may erect structures and set apart or enclose a part of the Heath. Under article 8 of the Order the City may enter into a licence with any person to provide such an exhibition or trade fair subject to such terms and conditions as to payment or otherwise as it considers desirable, and to sell goods. Under article 10 of the Order the City may authorise the licensee to make reasonable charges for admission.
20. AAF would be responsible for securing all necessary permissions to host the event.

Conclusion

21. Overall the provision of Hampstead AAF has been seen as a very positive addition. Many views favoured an annual fair on the Heath as it underlines the area's rich traditions with the arts and incorporated many community values, whilst creating a revenue stream for the City of London. The provision of June 2013 Hampstead AAF will hopefully ensure not only future economic success for AAF but also the basis to become an annual fixture in the community and the Hampstead Heath diary from June 2013 onwards.

Background Papers:

Hampstead Heath, Highgate Wood and Queen's Park Management Committee, Review of Affordable Art Fair on Hampstead Heath in October 2011 and Proposals for 2012 and 2013, January 2012

Appendices

Affordable Art Fair, The Affordable Art Fair Hampstead Heath – June 2013 Proposal

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The Affordable Art Fair Hampstead – June 2013 Proposal

We very much enjoyed organising the Affordable Art Fair event on Hampstead Heath in 2011, and providing a successful event which benefitted the local and the art community. The forthcoming fair in November 2012 is creating a huge amount of interest with much excitement from galleries and visitors about AAF's return to the Heath. The feedback about the art fair last year has been very positive, particularly as the event underlined the areas rich traditions with the arts and incorporated many community values whilst also creating a key revenue stream for the City of London Corporation.

Key facts and figures from 2011 and 2012

- The inaugural AAF Hampstead welcomed 17,000 (adult) visitors over the course of four and a half days and £2.6 million* of art work was sold by the 98 galleries exhibiting.
- In 2012 the fair expects to receive between 18,000 – 20,000 visitors over the course of four and a half days with approximately 110 galleries exhibiting.
- Considering the scale of the project, AAF Hampstead was deemed a real success for the Heath, the City of London Corporation and for the art community, with much positive feedback garnered from both visitors and exhibitors alike.
- Operations ran smoothly due to careful planning and organisation, with consultation and support from the City of London. We aim to improve the fair in areas of weakness and build on efficiency in 2012.
- The Affordable Art Fair beneficiary in 2011 was the Royal Free Charity who raised approximately £2000, promoted the charity and gained valuable information about their archive of artwork.
- The charity beneficiary for 2012 is the neighbouring Keats Community Library.
- Other partners include Hampstead School of Art, Heath Hands, City of London Corporation, Cass Art, The Contemporary Art Society and Laithwaites.

**AAF does not take any commission on artwork sold – this figure is solely based on the items sold by all the participating galleries*

What the Affordable Art Fair Hampstead has to offer

- AAF's contribution to existing cultural facilities within the area builds on greater creative and educational opportunities for audiences to participate in.
- Supports local galleries and artists by expanding the art market in the area.

- Collaborates with members of the community by incorporating their skills and enthusiasm for the arts and provides free art-based workshops and activities as part of the AAF Education Programme.
- The fair attracts and engages a new, diverse audience to the area that possibly have not utilised the Heath previously.
- Visitors and exhibitors support nearby traders by using local businesses and facilities.
- The event provides a platform for a local charity such as Keats Community Library to raise its profile, fundraise and reach a new audience to recruit members. (A percentage of every Charity Private View ticket sold through AAF is donated to the beneficiary and the beneficiary receives 100% of the Private View ticket (£25 each) if the charity sells tickets to supporters directly).
- A substantial hire fee as agreed with City of London Corporation.
- Operation fee for the City of London Corporation's collaboration.
- Complimentary and discount ticket offers for local residents and community members.
- Extensive nationwide PR and marketing campaign highlighting the Heath and surrounding area.

June 2013 Proposal

- We propose to move AAF Hampstead from the Autumn to a more suitable Spring/Summer season.
- Ideally we would like to take over the site on the weekend of 2 June for a 23 day licence with the fair taking place between Wednesday 11 - Sunday 16 June 2013.
- AAF will then be off-site before the peak season on the Heath commences in July.
- We would like the fair to become an annual fixture in the community and the Hampstead Heath diary from June 2013 onwards.
- The proposed timing coincides with the Hampstead Summer Festival where the art fair would be of substantial support to the festival by attracting audiences from across London to visit. AAF would aim to collaborate with the Hampstead community to tie into their Summer Festival and add a large cultural event to the festival rostra.
- Reasons for the move as explained previously include problems between AAF and galleries who exhibit at the Battersea fair in October as well as various logistics determined by the weather.
- Additionally we feel that AAF Hampstead is very much in the shadow of AAF Battersea that takes place the week before. We believe the Hampstead fair would become comparatively more successful if it became a stand alone event and would be an even stronger asset to the area at that time of year.
- No other London art fair is held in June currently. If AAF Hampstead became an annual June event, it would be heralded as a very prestigious and integral arts event within London's cultural diary, focusing particular awareness on the area at that time.
- Understandably it is a busy time for the City of London and their staff and so we would aim to alleviate pressures where possible and collaborate with their schedule ensuring operations continue to run smoothly.
- The marquee layout would be the same as in 2011 and 2012.
- The schedule on the following page outlines the amount time the fair would be on site.

June 2013 Schedule

DAY	DATE	JUNE	SCHEDULE
1	Sun 2		Take over site (Race for Life)
2	Mon 3		Scaffolding & tent equipment delivered
3	Tue 4		Scaffolding
4	Wed 5		Scaffolding
5	Thu 6		Scaffolding & floor
6	Fri 7		A frame lifted
7	Sat 8		Roof, Walls, Stairs
8	Sun 9		Ancillary tents. Production install
9	Mon 10		Internal build
10	Tue 11		Internal build. Exhibitors move in
11	Wed 12		AAF
12	Thu 13		AAF
13	Fri 14		AAF
14	Sat 15		AAF
15	Sun 16		AAF
16	Mon 17		AAF dismantle & production removed
17	Tue 18		Ancillary tents down
18	Wed 19		Roof & walls removed
19	Thu 20		A frame lowered, flooring removed
20	Fri 21		Flooring & scaffolding dismantled
21	Sat 22		Scaffold dismantle
22	Sun 23		Scaffold dismantle & removed
23	Mon 24		AAF off site

N.B. Please note Sunday has been taken into account as a work day in the schedule. Tenancy will be extended by three days if contactors are unable to access the site on Sundays.

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