

BY DX

Mr M Rice
Head of Legal Services
Selby District Council
DX 27408
SELBY

Our Ref \20104134.2\534\111093.00153
Your Ref MR/JB

15 March 2006

Dear Mr Rice

TADCASTER TOWN CENTRE

Thank you for your letter of 22 February under Peter Burns' signature asking us to address future correspondence on this matter to you.

Since last communicating with him the publication of the Government's new Regional Spatial Strategy for Yorkshire and Humberside, in conjunction with Selby's Housing Trajectory analysis, has radically changed the approach to housing in the District for the purpose of the draft s.106 Agreement currently under negotiation.

It can now be seen that the Council's housing policy to date has resulted in a significant over-provision and that a much more conservative approach is now essential in order to comply with Government policy for the area.

In addition the situation in Tadcaster itself has materially changed with the implementation of a recent planning permission for some 20 to 30 new dwellings now under construction in Tower Crescent. It had previously been assumed that but for the 50 to be provided by SSOBT under the current draft of the s.106 Agreement, little if any other residential development was likely to come forward in Tadcaster over the next 3 years.

Those two new factors have a direct impact on the terms of the Agreement, especially as neither the Council presumably, nor SSOBT, would want to be complicit in a breach of the Government's housing policy for the District.

We therefore propose that the terms of the Agreement be varied so as to provide that SSOBT will be responsible for ensuring that the provision of 50 new dwellings in Tadcaster over the next 3 years is met, not necessarily by their constructing all 50 themselves, but by undertaking to make up the anticipated shortfall by providing only as many dwellings as may be necessary to bring the total to 50. To give effect to this I enclose a re-draft of the definition of Phase 3 on page 3 of the Agreement. It may assist you in considering the re-draft if I explain that the reference to joint ventures is to pick up on the wording of the in-principle agreement reached in correspondence last year (in particular see page 2 of my letter of 18 April). The purpose of the

1 Park Row Leeds LS1 5AB United Kingdom

T +44 (0)113 244 5000 F +44 (0)113 244 8000 DX 26440 Leeds 2B www.pinsentmasons.com

LONDON BIRMINGHAM BRISTOL EDINBURGH GLASGOW LEEDS MANCHESTER BRUSSELS HONG KONG SHANGHAI
Alliances in DENMARK DUBAI ESTONIA FRANCE GERMANY INDIA POLAND SPAIN SWEDEN USA

Regulated by The Law Society. A list of partners' names is available for inspection at the above address.

additional Plan 4 is to prevent any uncertainty in the future as to the boundary of the built-up area of Tadcaster in relation to the location of the 50 dwellings. Plan 4 will be available soon and I expect to send you a copy in the course of the next few days.

I also enclose for your consideration a draft of a letter (on the lines discussed with Peter Burns) for the Council to send to NYCC, after exchange of the s.106 Agreements, supporting SSOBT's proposal to acquire the Corner Site and to introduce a revised traffic circulation scheme.

I anticipate receiving instructions shortly on the other outstanding issues in connection with the drafting of the Agreement, whereupon we will return the draft to you approved as amended including amendments to take account of the points made in this letter.

Yours sincerely



David V Evans
Consultant

Enclosures

COPY