

AMENDMENTS RELATED BY
TELECON. WITH ALISON
(CHIEF EXEC.'S OFFICE, S.D.C.)
AT 4.55 pm on 12/9/06

THAT AN AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 BE SIGNED WITH SAMUEL SMITHS OLD BREWERY (TADCASTER) TO INCLUDE THE FOLLOWING MAIN POINTS:-

- (I) THE DISTRICT COUNCIL'S PLANNING PERMISSION FOR THE CENTRAL AREA CAR PARK BE QUASHED BY AGREEMENT BETWEEN THE PARTIES WITH BOTH PARTIES PAYING THEIR OWN COSTS;
- (II) THE AGREEMENT SHALL REFER TO A "DEFINED PERIOD" WHICH WILL BE AS FOLLOWS:
- A) A PERIOD NOT EXCEEDING 12 MONTHS FROM THE SIGNING OF THE SECTION 106 AGREEMENT FOR SSOBT TO GAIN AGREEMENT FROM NORTH YORKSHIRE COUNTY COUNCIL TO THE ADOPTION OF THE SSOBT PREFERRED TRAFFIC MANAGEMENT SCHEME FOR THE CENTRAL AREA OF TADCASTER (PERIOD 1). IF SUCH AGREEMENT IS NOT OBTAINED WITHIN 12 MONTHS OR NYCC COMMENCE IMPLEMENTATION OF THE CURRENT ADOPTED TRAFFIC MANAGEMENT SCHEME WITHIN THIS 12 MONTH PERIOD THE AGREEMENT SHALL CEASE TO HAVE EFFECT *ANY OTHER TRAFFIC CIRCS OR LOCAL SCHEMES*
- B) A PERIOD NOT EXCEEDING 12 MONTHS FOLLOWING EITHER THE EXPIRY OF PERIOD 1 OR SUCH EARLIER DATE IF SSOBT SECURE AGREEMENT WITH NYCC FOR THEIR PREFERRED TRAFFIC MANAGEMENT SCHEME FOR THE NECESSARY TRAFFIC ORDERS TO BE OBTAINED (PERIOD 2). PERIOD 2 CAN BE EXTENDED BUT ONLY IF AN OBJECTION IS MADE BY A THIRD PARTY TO ANY PROPOSED TRAFFIC ORDER AND AN INQUIRY IS STILL PENDING AT THE END OF THE 12 MONTH PERIOD TO DEAL WITH SUCH OBJECTION. PERIOD 2 CAN ONLY BE EXTENDED UNTIL THE OUTCOME OF SUCH INQUIRY AND NOT FOR ANY FURTHER PROCEEDINGS ... *OTHER THAN AT THE DISCRETION OF THE COUNCIL.*
- C) A PERIOD OF 5 YEARS FOLLOWING EITHER THE EXPIRY OF PERIOD 2 OR SUCH EARLIER DATE IF SSOBT SECURE THE NECESSARY TRAFFIC ORDERS IN LESS THAN 12 MONTHS FOR THE COMPLETION OF THE WORKS (PERIOD 3)
- (III) THE BREWERY WILL PROVIDE TWENTY NEW RESIDENTIAL UNITS IN TADCASTER BEFORE THE END OF PERIOD 3 (DESCRIBED ABOVE) SUCH UNITS BEING EITHER NEW BUILD STRUCTURES OR THE RENOVATION OF EXISTING BUILDINGS BUT IN EITHER INSTANCE A RESIDENTIAL UNIT WILL BE PROVIDED WHERE NO RESIDENTIAL UNIT IS IN EXISTENCE AT THE PRESENT TIME, SUCH DWELLINGS TO BE OFFERED FOR OCCUPATION BY THE *UNLIMITED* END OF PERIOD 3;
- (IV) THE FREEHOLD INTEREST OF THE CENTRAL AREA CAR PARK AND 43 KIRKGATE, TADCASTER, BE TRANSFERRED TO THE

OWNERSHIP OF SAMUEL SMITHS OLD BREWERY (TADCASTER) ON A VALUATION TO BE DETERMINED BY AN INDEPENDENT VALUER BUT ONLY WHEN THE REFURBISHMENT WORKS ON THE CAR PARK, THE PROVISION OF THE NEW TOILET BLOCK, THE RELOCATION OF THE MARKET AND TWENTY RESIDENTIAL PROPERTIES HAS OCCURRED. THIS WORK TO BE COMPLETED BY THE END OF PERIOD 3;

(V) IF THE WORKS ARE INCOMPLETE BY THE END OF PERIOD 3 THE AGREEMENT SHALL CEASE AND THE CENTRAL AREA CAR PARK AND 43 KIRKGATE WILL NOT BE TRANSFERRED TO SSOBT PURSUANT TO IV ABOVE

(VI) UPON THE TRANSFER OF THE FREEHOLD OWNERSHIP OF THE CENTRAL CAR PARK A LICENCE IS ENTERED INTO FOR A PERIOD OF EIGHTY YEARS TO ENABLE THE DISTRICT COUNCIL TO CONTINUE TO RUN THE MARKET IN TADCASTER ON LAND WHICH WILL BE WITHIN THE OWNERSHIP OF SAMUEL SMITHS OLD BREWERY (TADCASTER) AND A ON THE HIGHWAY

(VII) UPON THE TRANSFER OF THE FREEHOLD OWNERSHIP OF THE CENTRAL CAR PARK A LEASE FOR A PERIOD OF EIGHTY YEARS BE ENTERED INTO BETWEEN THE DISTRICT COUNCIL AND THE BREWERY IN RESPECT OF THE LOCATION OF THE TOILET BLOCK ON LAND WITHIN THE OWNERSHIP OF THE BREWERY;

(VIII) THE COUNCIL WILL PAY £60,000 TOWARDS THE COST OF THE NEW TOILET BLOCK TO INCLUDE THE CONSTRUCTION OF THE SHELL, THE COST OF THE UNIT AND THE COST OF INSTALLATION OF THE SERVICES REQUIRED;

(IX) ON THE PASSING OF THIS RESOLUTION, A LETTER BE SENT TO NORTH YORKSHIRE COUNTY COUNCIL, CONFIRMING THIS EVENT HAS OCCURRED AND EXPLAINING AS PART OF THE PROPOSALS THE BREWERY WOULD WISH TO PURCHASE LAND KNOWN AS 'CORNER PLOT' AT THE JUNCTION OF HIGH STREET AND CHAPEL STREET, TADCASTER AND THE DISTRICT COUNCIL WOULD SUPPORT THE SALE OF THAT LAND TO THE BREWERY IF NORTH YORKSHIRE COUNTY COUNCIL WOULD SO WISH;

IN ORDER TO CARRY OUT THE OVERALL LANDSCAPING SCHEMES

(X) ON THE PASSING OF THIS RESOLUTION, A LETTER ALSO BE SENT TO NORTH YORKSHIRE COUNTY COUNCIL CONFIRMING THIS EVENT AND INDICATING THAT SELBY DISTRICT COUNCIL WOULD AGREE NOT TO RAISE ANY OBJECTION TO A ROAD TRAFFIC SCHEME AGREED BETWEEN NORTH YORKSHIRE COUNTY COUNCIL AND THE BREWERY FOR THIS PARTICULAR SCHEME.

SHOULD SUPPORT SSOBT'S COMPRES - HERALDIVE TADCASTER TOWN CENTRE

REGENERATION SCHEME AS SET OUT IN THE PLANNING PERMISSION OBTAINED ON OCTOBER 15TH 2003 & IN DRAFTING SO,

(XI) TO BE AGREED THAT PROPERTIES NOS. 20, 22, 24A AND 24B ST JOSEPH STREET, TADCASTER BE ALLOCATED FOR RESIDENTIAL DEVELOPMENT, FOR AFFORDABLE HOUSING. THE DESIGN OF THESE PROPERTIES TO BE IN KEEPING WITH PROPERTIES ALREADY, OR TO BE BUILT, IN THAT AREA.