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27 August 2008

Sam Smith's Old Brewery
Tadcaster
LS24 9SB

Reference: M R Butler, Estates Manager

Dear Mr Butler

Regeneration of Central Area, Tadcaster

I thank you for your letter dated 5 August 2008. The District Council's letter dated 14 July 2008 to the Diocese of Leeds was an attempt to assist an agreement between the Brewery and the said Diocese on the sole issue regarding the land on St Joseph's Street. Although we have knowledge of the Brewery's proposals relating to the Central Area Car Park clearly the best party to promote the scheme would be the Brewery and not Selby District Council. The Information you have provided gives much more detail about the scheme in its entirety and outlines the value of the proposed works and also the long history of works carried out by the brewery. In the meeting at the District Council offices recently you indicated that the Brewery did not wish to correspond directly with the Diocese of Leeds but it does seem to us that the best way to try to reach a solution with regard to the land would be for the Brewery to resume such a dialogue.

*See attached
letter negotiated by
Council*

The present position is that the Diocese has responded to us by letter dated 28 July 2008, and I attach a copy of their letter and our reply. You will see that there is a meeting of the Diocese of Leeds Trustees on 18 September 2008 and this may be the last opportunity for them to change their mind and to either sell the land to the Brewery, or alternatively dedicate sufficient land into the public highway to enable the road scheme to be implemented.

At the moment the proposed meeting between the Brewery, officers of the District Council, officers of Yorkshire Forward, and officers of North Yorkshire County Council has been put on hold. My understanding is that you are not prepared to meet with North Yorkshire County Council unless they have legal representation at the meeting. The District Council is not in a position to influence North Yorkshire County Council in terms of any representation at a meeting and I think the best that we can do at the moment is to reinforce the benefits for Tadcaster and Selby District Council if the Central Area Scheme proposed by the Brewery goes ahead.

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If I can now turn to the specific questions you have asked me I will now respond to those referring to your numbering.

1. I am not sure whether there are any changes to the proposals but we think it is important that the Directors have a full understanding of all the issues involved in this matter in relation to the work undertaken by the Brewery in the past, the Brewery's ongoing proposals for the regeneration of Tadcaster, the District Council's involvement in this matter and the view of North Yorkshire County Council as Highway Authority.
2. The Judicial Review brought by Sam Smith's Old Brewery against Selby District Council is in respect of the scheme which we are proposing to implement for the Central Area Car Park and is not directly related to the widening of St Joseph's Street Tadcaster. It is true that the District Council's improvements could take place and are not dependant on the implementation of a new road traffic scheme but the Brewery's alternative scheme envisages a new road traffic system being part of their proposals.
3. Only the Roman Catholic Church can decide whether there is a serious detrimental affect to a place of worship and as land owner if you believe that is the position then it is your perfect right not to release the land. The Brewery have put forward a road traffic scheme which they would prefer and North Yorkshire County Council's Highway Authority are happy to accept that scheme but this does require a footway on either side of the roadway.
4. North Yorkshire County Council as the Highway Authority are the only people who can answer the questions with regard to the road traffic scheme and whether there has been public consultation is something which I cannot comment upon one way or the other. All I can do is repeat the fact that North Yorkshire County Council as the Highway Authority have agreed that a scheme that involves two way traffic down St Joseph's Street as acceptable.
5. There is no requirement on Sam Smith's Old Brewery to sell land for residential development and it could involve the sale of properties, or the leasing of properties in due course. Although there would appear to be no connection between the provision of these residential properties and the road traffic scheme the situation is that firstly the road traffic scheme as approved by the Brewery needs to be able to go ahead. If that point is reached it is our understanding that Sam Smith's Old Brewery will be prepared to execute the Section 106 Agreement with the District Council which has a detailed schedule of works that they need to carry out for the refurbishment of the Central Area in Tadcaster a part of which is the provision of 50 residential properties over a period of time. The District Council would agree to its own scheme for which planning permission has been granted to be quashed. Once the refurbishment works are carried out to the Central Area then the Central Area Car Park will be sold to the Brewery at market value.

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In conclusion we would make the following points:

1. The District Council would wish to avoid a High Court Judicial Review hearing with the Brewery which is a challenge to the District Council's scheme for regeneration of the area but if agreement cannot be reached then that will have to happen in the not too distant future.
2. The scheme put forward by Sam Smith's Old Brewery is much more extensive than that envisaged by the District Council and does include a number of additional elements as explained to yourself which would be a benefit to Tadcaster.
3. The District Council has taken no part in the discussions with regard to the implementation of a new road traffic scheme for the area concerned but North Yorkshire County Council as Highway Authority have agreed that a scheme put forward by the Brewery involving 2 way traffic down St Josephs Street, Tadcaster is acceptable to them but only if two footways can be provided, one each side of the street in question.
4. The District Council respects the views of the Roman Catholic Church with regard to its land holdings and feels that it is entirely up to the Diocese to decide whether or not land can be released. Having said that we thought it was important to seek to clarify the whole situation with regard to the rather complicated situation we are in, in Tadcaster so that at least the Directors at their meeting on 18 September 2008 can look at the whole picture and decide whether or not to release the land. If the land is to be sold or released this could of course be subject to conditions requiring the Brewery to commit to all of the provisions they are to agree with Selby District Council and North Yorkshire County Council.

If the land held by the Roman Catholic Church can be in some way be released for Highway purposes that would have a domino effect the benefits which would flow from that have been outlined in this letter.

Yours sincerely

Peter Burns
Head of Service – Legal and Democratic Services