

The Legal Issues

There are two sets of legal legacies that need to be dealt with to enable the project to proceed. The first relates to a S. 106 Agreement under the Town and Country Planning Act 1990, entered in respect of the Gloscol development. The second relates to restrictions and obligations arising from the 2007 transfer of the site.

(i) The Gloscol S.106

Planning permission for the new Gloscol was granted in 2004 (several years before the establishment of LSPT). There was an associated S.106 Agreement. With regard to Llanthony, the Agreement principally obligated the college to make facilities (toilets, catering etc) available to the Council for up to 12 events per annum within the priory grounds. In return for this provision, the college was granted the rights to use the grounds for amenity purposes, subject to some low level maintenance such as litter picking. This made sense at the time. However, there are now good reasons to remove these obligations. The reasons include:

- The events obligation has been little used over the years – it is not thought that the council has ever called on the use of the Gloscol facilities for events.
- The obligation predates LSPT which wishes to have exclusive use of the grounds for events (to generate funds for its activities).
- The proposal to grant Gloscol a lease of the restored medieval range complex signals a new chapter and it is proposed to grant a new deed of easement (making the S106 access rights redundant)

LSPT formally requests that the Council agrees to formally discharge the S106 in its entirety.

(ii) Transfer Obligations and Restrictions

There are a number of obligations that need to be removed to enable the project to proceed.

First, there are restrictive covenants that would prevent the LSPT entering a lease with a tenant which will effectively provide the lifeblood of the site and sustain its running costs into the future.

Second, there is the "option agreement" which allows the Council to buy the site back should LSPT fail – this provision would be unacceptable to the prospective tenant and it, in any event, now feels unnecessary given the maturity and success of LSPT.

Third, there is the board representation from the city council – whilst it is highly likely that LSPT will continue to seek Council representation on its board it does not

feel that this should now be an on-going obligation. The board has a very strong skillset and low director turnover. It is now a mature, stable and competent Trust.

LSPT formally requests that the Council agrees to formally waive / delete the relevant terms identified in the Transfer dated 08 November 2007.