

DATED

24th July

2014

WREXHAM COUNTY BOROUGH COUNCIL

UNILATERAL RELEASE

Relating to part of land subject to an Agreement made pursuant to Section 106 of the
Town and Country Planning Act 1990
at the Former Firestone Site, Bridge Road, Wrexham Industrial Estate, Wrexham

T Coxon
Head of Corporate and Customer Services
Guildhall
Wrexham
LL11 1AY

DP/10007708

THIS **UNILATERAL RELEASE** is made on the 24th day of July
2014 by **WREXHAM COUNTY BOROUGH COUNCIL** of Guildhall Wrexham LL11
1AY ("the Council")

RECITAL

- (A) The Council is the Local Planning Authority for the purposes of Section 106 of the 1990 Act for the area in which the Release Land is situated
- (B) The Release Land is part of the Habitat Mitigation Site, which is subject to the S106 Agreement. The object of the S106 Agreement was to secure habitat improvement and mitigation on the Habitat Mitigation Site, and transport contributions, relating to the development of the Prison Site as a Prison.
- (C) At the time the S106 Agreement was entered into, the Welsh Ministers owned the Habitat Mitigation Site, and the Prison Site. On 27 June 2014 the Council acquired that part of the Habitat Mitigation Site shown edged green on the plan annexed to the S106 Agreement and the Ministry Of Justice acquired the Prison Site, from the Welsh Ministers. The land acquired by the Council includes the Release Land. The Council is awaiting registration of its title at the Land Registry. There are no other interests in the Release Land. The Ministry of Justice have been consulted in respect of the Planning Application and raise no objection.
- (D) Although the Release Land forms part of the Habitat Mitigation Site, no habitat creation or enhancement works are to take place within it pursuant to the Habitat Management Plan and/or the S106 Agreement. Accordingly in its capacity as Local Planning Authority, the Council is of the view that the Development will not impede the delivery of the proposed programme of habitat delivery or the Habitat Management Plan, and as such resolved on 2 June 2014 to grant the Planning Permission subject to this Release taking effect prior to the granting of the Planning Permission, in order to enable the Development

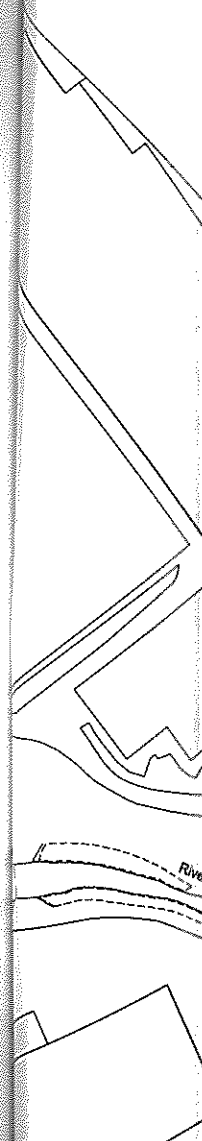
NOW THIS DEED WITNESSES as follows:-

1. DEFINITIONS

In this document unless the contrary intention appears the following terms shall have the following meanings:

"1990 Act"	means the Town and Country Planning Act 1990 as amended
"Applicant"	means F Lloyd (Penley) Ltd (Company Registration Number 01219185) of Bridge Road, Wrexham Industrial Estate, Wrexham, LL13 9SQ
"Development"	means the development of the Release Land by way of construction of two new warehouse units and associated service/hardstanding areas in accordance with the Planning Permission
"Plan"	means the plan annexed to this Release
"Planning Application"	means the application for Planning Permission for the Development of the Release Land submitted to the Council by the Applicant and given reference number P/2014/0275
"Planning Permission"	means the grant of planning permission issued by the Council pursuant to the Planning Application and any associated reserved matters approval(s)
"Release Land"	means that part of the Habitat Mitigation Site shown edged red on the Plan
"S106 Agreement"	means an agreement made pursuant to Section 106 of the 1990 Act dated 30 th April 2014 between the Council (1)

Ystad Ddiwy
(Wrexham)



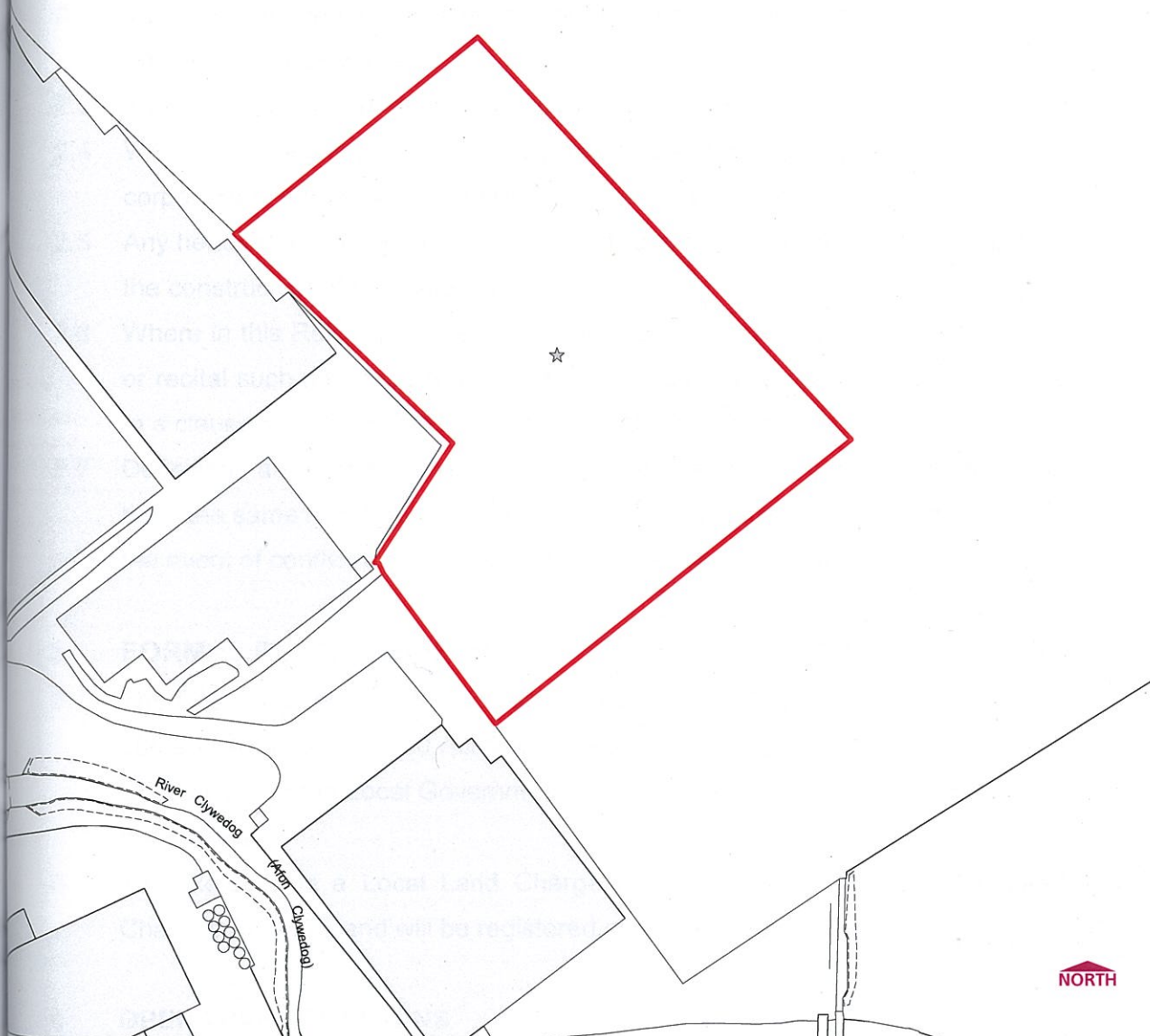
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Planning Services
Lord Street, Wrexham
Telephone 01978 298994
Planning@wrexham.gov.uk

Date: 10/06/2014
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(Wrexham Industrial Estate)



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Department of Community Wellbeing & Development
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**Town & Country Planning Act 1990
Section 106 Obligation**



Land released from Planning Obligation

wrexham
COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL
wreccsam

2 INTERPRETATION

- 2.1 A reference in this Release to an Act of Parliament or section of such Act or to any order regulation statutory instrument or the like shall include a reference to any replacement modification amendment or re-enactment of the same
- 2.2 Wording importing the masculine gender includes the feminine and neuter genders and vice versa.
- 2.3 Words in the singular include the plural and vice versa.
- 2.4 Words importing individuals shall be treated as importing firms companies corporations authorities and other bodies and vice versa
- 2.5 Any heading or side notes are for ease of reference only and shall not affect the construction of this Release
- 2.6 Where in this Release reference is made to any clause paragraph or schedule or recital such reference (unless the context otherwise requires) is a reference to a clause paragraph or schedule or recital in this Release
- 2.7 Definitions and expressions in this Release shall where the context so admits have the same meaning as defined or expressed in the S106 Agreement and in the event of conflict the provisions of this Release shall prevail

3 FORMAL REQUIREMENTS

- 3.1 The Council enters into this Release in pursuance of its powers under Section 106 and 106A of the 1990 Act Section 2 of the Local Government Act 2000 and Section 111 of the Local Government Act 1972 and all other enabling powers in that regard
- 3.2 This Release is a Local Land Charge for the purposes of the Local Land Charges Act 1975 and will be registered as such by the Council

4 OPERATIVE PROVISIONS

The Council in its capacity as Local Planning Authority, and as owner of the Release Land, **HEREBY RELEASES** the Release Land from the S106 Agreement so that from the date hereof the definitions of the Habitat Mitigation Site and the Land in the S106 Agreement shall be deemed to exclude the Release Land

5 DECLARATIONS

- 5.1 Nothing contained or implied in this Release shall prejudice or affect the discretions rights powers duties and/or obligations of the Council in the exercise of its functions as local planning authority and the discretions rights powers duties and/or obligations of the Council under all public and private statutes byelaws orders and regulations may be fully and effectually exercised
- 5.2 The expression "the Council" shall include its successors in title
- 5.3 The S106 Agreement shall continue in full force and effect other than as provided by clause 4 of this Release

EXECUTED as a DEED on the date specified at the commencement of this document

Executed as a deed by affixing
the Common Seal of
WREXHAM COUNTY BOROUGH COUNCIL
in the presence of:



Head of Corporate and Customer Services

