



N A B A R R O

Via e-mail and post
gareth.thomas@telford.gov.uk

Planning Department
Development and Design
Telford & Wrekin Council
Derby House
PO Box 212
Telford
TF3 4LB

For Attention of: Gareth Thomas

11 December 2009

Our ref: PH/MDE/T1784/00003

Dear Sirs

Town and Country Planning Act 1990: Proposed Asda Store at Land at West Southwater, Telford – Application made on behalf of Asda Stores Limited (LPA Ref. No. W2009/0915)

We act on behalf of Telford Trustee No. 1 Limited and Telford Trustee No. 2 Limited ("**the Trustees**").

Today Telford and Wrekin Council ("**TWC**") will have received a planning application from the Trustees for a supermarket and other mixed use development at the Red Oak Car Park. This application is expressly intended to accommodate Asda's desire to have an improved store, but to do so in the town centre in accordance with policy.

You were informed by Drivers Jonas, the Trustees' planning consultants, that the Trustees intended to submit this application in early December 2009 and that it and the Asda application needed to be considered together. Contrary to previous indications from your department that the Asda application was to be considered at the 6 January 2010 meeting of the Plans Board, the Trustees were shocked to discover that it has been brought forward for consideration at the Plans Board meeting on 16 December 2009. Amongst other failings this has resulted in the officers' report being rushed out in advance of the end of the consultation period (today) in the knowledge that the Trustees and others had yet to complete their full responses.

The officers' report cannot be considered a complete or a sufficient basis for determination. We enclose additional representations prepared by Waterman, the Trustees' environmental consultants, identifying the serious shortcomings of Asda's Environmental Statement which need to be remedied prior to any determination.

Further, having read the officers' report the Trustees consider its analysis deeply flawed and additional submissions will be made at the beginning of next week. For the first time, in the officers' report the

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N A B A R R O

To: Planning Department
Date: 11 December 2009
Page: 2 of 2

Trustees and their team have been alerted to additional information from Asda of which the Trustees still have incomplete copies of despite requests made yesterday by Drivers Jonas.

At the heart of the justification for permission in the officers' report is an assertion that the Red Oak site is not available because Asda would "*block*" its availability. Quite apart from the self-serving use of that assertion to justify Asda's own move to a less sequentially preferable site, the Trustees' planning application demonstrates that the Red Oak site can be built out whilst maintaining continuity of trade. In addition to the host of other fundamental objections to the Asda scheme, that key point alone is sufficient to require that the Asda application be refused. Moreover, TWC, in its capacity as local planning authority, has not sought to consult the Trustees on these issues.

Consequently, the unseemly haste in seeking to determine the Asda application and the fact that this is being done before consideration of the Red Oak application only adds to the existing impression that TWC is not approaching the application in respect of its own land in a manner expected of an objective planning authority acting in the public interest.

The Trustees consider that the only proper approach is to defer the Asda application and consider both applications together. The Trustees will challenge any purported resolution to grant through the High Court and/or by "call-in".

As stated above further representations will follow this letter.

Yours faithfully

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Enc.

- Waterman Briefing Note