



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

17 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)

Drivers Jonas have forwarded to us a copy of your e-mail to Claire Morison of 16 December 2009.

In your e-mail you confirm that the Plans Board Chairman has decided to defer consideration of the Asda supermarket application until 6 January 2010 *"to allow the applicant an opportunity to respond to your late representations"*.

Our comments are as follows:

1. None of the representations that have been submitted on behalf of the Trustees in respect of the Asda application have been *"late"* as stated by your e-mail. The only representations submitted after the formal deadline for public comment on 11 December 2009 were those accompanying our letter to you of 14 December 2009 which commented upon supplementary information submitted in support of the Asda application (which was not made available to the Trustees or the public until 10 December 2009) and the officers' report to the Plans Board meeting itself (which was not published until 9 December 2009). In these circumstances your suggestion that the Trustees' representations were *"late"* is wholly unreasonable and raises further doubt as to impartiality of TWC's approach to the determination of the Asda application.
2. You have still not provided to the Trustees copies of Illustrations A and B attached to RPS's letter to TWC of 3 December 2009 although these have been specifically requested. As stated in our letter to you of 14 December 2009 the Trustees' representations on the illustrations will be highly material considerations which members will need to take into account in their determination of the Asda application. In order to avoid compounding the unreasonable manner in which public consultation on the Asda application has proceeded to date please would you send us copies of the illustrations by e-mail by return and provide your written confirmation that the Trustees will be given a reasonable period to review them with their professional team and provide comments to TWC. On the basis that those illustrations are sent to us today we will

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then be able to review with the Trustees' team how long it is likely to take to review those illustrations (clearly this is dependent upon what they show or say) and respond to you with a view to agreeing a timetable for the Trustees to produce further representations. The Trustees are likely to request a period of 21 days within which to produce such comments.

3. Please would you also provide your written confirmation of what steps are going to be taken to ensure that the Illustrations A and B are made available to the public for comment. We are concerned that TWC's approach to placing documentation relating to the Asda application on its website to date has been inadequate.
4. In your e-mail you have said that Asda would be allowed the opportunity to respond to the Trustees' latest representations. Please would you provide your written confirmation of when Asda has been asked to provide its comments by?
5. In the interests of procedural fairness and proper consultation please would you provide your written confirmation that we will be sent a set of any further representations which are submitted by Asda or its professional team by e-mail immediately that they are received by TWC and provided with a reasonable period for comment. Clearly it would be unacceptable if the Trustees are expected to respond to any further representations from Asda within a period which is shorter than the period which TWC affords Asda to respond to the representations submitted on behalf of the Trustees.
6. In your e-mail of 16 December 2009 you state that the Plans Board Chairman has agreed to defer consideration of the application until 6 January 2010. We understand that at the Plans Board meeting yesterday in announcing the deferral no reference was made to the application being reported back to the meeting on 6 January 2010 and the Plans Board Chairman stated that he hoped the matter would be brought back to the committee in January without specifying a date. Please would you provide your written confirmation as to whether the application will, in fact, be reported back to the Plans Board meeting on 6 January 2010.
7. Please would you provide your written confirmation of the deadline for publication of any Addendum Report to the Plans Board meeting on 6 January 2010 (or any subsequent meetings in January 2010).
8. Please will you confirm that when any Addendum Report to the Plans Board meeting on 6 January 2010 (or any subsequent meetings in January 2010) is published any further material submitted in respect of the Asda application will be placed on TWC's website and made publicly available. Given the failure of TWC to publish all submitted information (in particular Illustrations A and B submitted by RPS on 3 December 2009 as referred to above) in advance of the scheduled Plans Board meeting on 16 December 2009, we wish to have your specific assurance that this will not happen again.
9. Drivers Jonas' letter of 11 December 2009 submitting the Trustees' outline planning application for the redevelopment of the Red Oak Car Park within Telford town centre requested TWC's confirmation that the Trustees' planning application and Asda's supermarket application will be reported to the same planning committee meeting given that, in effect, a decision to grant planning permission for Asda's proposals on the Civic Offices site would be to reach a decision which would prevent the redevelopment of the Red Oak Car Park option and any such decision would, in effect, predetermine whether development could proceed on the Red Oak Car Park.



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Clearly TWC will not be in a position to consider the Trustees' planning application at the Plans Board meeting on 6 January 2010 or be in a position to fully report on the proposals which have been prepared by the Trustees and are the subject of their outline planning application. The existence and contents of the Trustees' outline planning application are, clearly, highly material considerations in the assessment of the Asda supermarket application given that the Trustees' proposals demonstrate that there is an available, suitable and viable option to accommodate the development now proposed by Asda on the Civic Offices site within the existing primary shopping area within Telford.

10. As a result we reiterate the request set out in Drivers Jonas' letter of 11 December 2009 and look forward to hearing from you by return.

Please would you provide us with your written response to points 2 to 9 (inclusive) above by close of business on Friday, 18 December 2009 to allow us to consider the position further with the Trustees.

Yours faithfully

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