



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

22 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) and outline application for residential development (LPA Ref. No. W2009/0945)

Thank you for your letter sent on 18 December 2009 in response to our letter of 17 December 2009. We note your letter was dated 16 December 2009 in error.

Our comments using your numbered paragraphs are as follows:

1. The representations submitted on the last day of the consultation period were by definition not late as they were within the consultation period. These included the Briefing Note prepared by Waterman dated December 2009. The date at the foot of the Briefing Note of 5 November 2009 was the date that the first draft of this note was prepared. Its final content was not settled until its submission on 11 December 2009. Again we would reiterate that Drivers Jonas' letter of 16 November 2009 made express reference to the fact that the Trustees reserved their right to comment in due course on additional matters, for example the approach adopted in the Environmental Statement once their review of the planning application had been completed. Given that Telford & Wrekin Council ("**TWC**") had identified 11 December 2009 as the date by which public comment on the planning application had to be submitted the Trustees, working with Waterman, programmed the completion of that review by the deadline set by TWC.

We note your comments regarding the impartiality of TWC as local planning authority and your reference to the deferral of the determination of the applications as evidence of the fairness of the determination process. We reject that assertion because the need to defer the determination clearly arose from the wholly unreasonable approach TWC had adopted in reporting the applications to the Plans Board meeting on 16 December 2009. For the reasons set out below it is also regrettable that it appears that similar criticisms are highly likely to arise given TWC's intention to report the applications to the Plans Board meeting on 6 January 2010.

2. We can confirm that we have now received the illustrations referred to in RPS's letter to TWC of 3 December 2009. We note that you have asked for our final representations on or before 4

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January 2010. We will review the illustrations with the Trustees' professional team and confirm separately whether we regard this as a reasonable deadline.

3. We note your comments on TWC's approach to correspondence submitted as part of the planning application not being made available on its website. This is highly unfortunate and contrasts with many local planning authorities where representations are put on websites. We note, however, that you have confirmed that you will forward to us RPS's response to your letter to RPS of 15 December 2009 as soon as it is received and, as confirmed at your response at numbered paragraph 5, will also forward to us any other relevant correspondence.
4. We note from your letter to RPS of 15 December 2009 that you have asked for their detailed response to the points raised in the Trustees' representations on or before 23 December 2009 and that these will be sent to us upon receipt. Please would you confirm that these are going to be e-mailed to us on or before 23 December 2009 upon receipt by TWC.
5. Noted.
6. Noted.
7. We are surprised to note that you are preparing to issue your report to the Plans Board meeting on 6 January 2010 on 28 December 2009 after you have received RPS's comments but before you receive the Trustees' comments. In addition we are not sure how you intend to fully review and independently assess RPS's response if that is received on 23 December 2009 and then publish a report on 28 December 2009 which is a Bank Holiday and also only one working day after the latest date for RPS's representations to be submitted. The programme you have set out also means that you will have settled your report without having been able to take into account the further representations from the Trustees which you have asked to be submitted on or before 4 January 2010. Again this reiterates the concern expressed in our letter of 14 December 2009 that the application is being fast tracked at the cost of consultation with key stakeholders.
8. Noted.
9. You have asked us to provide further explanation of why the Trustees' planning application and the Asda supermarket application should be reported to the same Plans Board meeting. The main reasons are as follows:
 - (a) the Trustees' planning application demonstrates a suitable, available and viable alternative to the Asda proposal on the Civic Offices site. As such it is highly relevant that it is taken into account in applying the sequential approach to the Asda proposals on the Civic Offices site;
 - (b) in the absence of such joint consideration the question of pre-determination arises because if planning permission is granted for Asda on the Civic Offices site then the position is that it is highly unlikely that an alternative supermarket operator will be prepared to invest in the Red Oak Car Park scheme or negotiate terms with the Trustees for re-occupation of the existing Asda unit within the primary shopping area or any extension or refurbishment of that unit. This would be the consequence of a decision to grant planning permission on the Civic Offices site. Again this is a highly material consideration.



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We understand that TWC will assess these applications against the transport work prepared as the evidence base for the Central Telford Area Action plan ("**CTAAP**"), including the VISSIM model. This is despite the fact that CTAAP has not yet been adopted, its consideration has been suspended and this information has not yet been made available for consultation, and, we understand, will not be available until 31 December 2009, which is after the proposed publication date of the report to the Plans Board. Please confirm this is correct and ensure that this information is provided to us as soon as it is published, or if it is already available, please provide copies.

Please would you provide us with your written response to point 4 above.

Yours faithfully

NABARRO LLP