

Leeds City Council,
Planning Services,
Merrion House,
Leeds, LS2 8BB.

1st August, 2020.

Dear Sirs,
Planning Application 17/02594/OT – Racecourse Approach, Wetherby.

I am writing in connection with the above, as Chair of Better Wetherby Partnership in response to your letter dated 21st July which confirmed that this Application is to go before Plans Panel on 6th August, 2020, as agreed at Panel on 16th July, 2020.

The invitation to speak was denied at the last Panel meeting at the decision of the Chair, Cllr. McKenna. The motion approved by Panel on 16th July, 2020 included “..*the right to speak will be for the Chair to decide*”. The form of response requested in your letter dated 21st July, 2020 clearly indicates there will be no opportunity to speak at the Panel meeting on 6th August, 2020 which is a matter of regret.

Better Wetherby and, I'm sure others, believe this Panel should be heard in public. This request is not unreasonable given the relaxation of Social Distancing rules and it surely cannot be beyond the ability of an Authority the size of Leeds to find an adjoining room set up whereby speakers can move between rooms to deliver comments as required. I look forward to hearing there is a change of heart and that this request will be met.

This letter follows on from my letter of 10th July, 2020 and makes both positive suggestions and criticisms which we believe will avoid potentially serious and unfortunate consequences should this Application be approved as it currently stands. Given that seriousness this letter will be forwarded to the Chair and Members of the Plans Panel and the Leader of the Council who has previously given assurances which were in danger of being ignored by Panel, a situation which would do the Council no good in the wider world.

There are a number of recurring references in this letter, thus for the sake of brevity, the following:-
BW – Better Wetherby Partnership.
TW – Taylor Wimpey.
LCC – Leeds City Council, generally referring to Planning Services.
LSAP – The Leeds Site Allocation Plan.
RA – Racecourse Approach.

Given the length of this letter and in an effort to assist I summarise by bullet point below the key issues which are then repeated in detail on the following pages in the same order as the bullet points as Members need to be made aware in detail.

- Further consultation with residents was the cornerstone of the Panel decision on 16th July and also as promised in the Leader's letter to BW of 24th April, it has not happened, see Item 1 below for detail.
- The Application fails to satisfy the LSAP, Wetherby Neighbourhood Plan and the NPPF, all of which are adopted and Statutory documents, enshrined in Law, see Item 2 below for detail.

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- The Application fails to satisfy conditions in the LSAP in respect of the York Road access and the involvement of Council Officers in valuation matters outside their jurisdiction is potentially very serious, see Item 3 below for detail.
- The Application fails to satisfy conditions in both the LSAP and Wetherby Neighbourhood Plan in respect of Pedestrian and Cycle access to York Road, see Item 4 below for detail.
- The Application fails to satisfy conditions in both the LSAP and Wetherby Neighbourhood Plan in respect of improvements to Footpaths and Bridleways, see Item 5 below for details.
- The Application fails to satisfy conditions in the LSAP and requests by Panel for a Comprehensive Design Brief and Masterplan of the whole LSAP site, see Item 6 below for details.
- BW has made its position clear with some summary suggestions, see Item 7 below for details.

In addition I would advise in the strongest terms that members of the Plans Panel read the Public Access Portal entry by a Mr Paul Crossan dated 27th July, 2020. That entry spells out very clearly this Application is non- LSAP compliant and the ramifications, not just for LCC but nationally of allowing non- compliance are serious indeed. I note a copy was sent to the Chair of Panel who will be in dereliction of duty not to make other Members aware of its' existence.

1. CONSULTATION – At the conclusion of the Panel discussion on 16th July, Cllr. Caroline Gruen, as Chair asked Daljit Singh for wording to reflect the Panel decision. The answer was “*So the decision is that it (the Application) will be brought before Panel on 6th August after consultation with residents and the right to speak will be for the Chair to decide*”. There was no further comment.

Despite the attempts of BW, sadly no further consultation has taken place. BW tried to engage with TW in the form of a live radio debate with Tempo FM of Wetherby on 27th July, TW declined but sent a statement from their PR agency, again demonstrating arrogance in refusing to be involved in an important local issue. The statement made a virtue of 35% affordable properties (only the minimum required), made the false statement that Planning Consent was granted in August 2019 when that was not the case and a further false statement that Officers recommended approval to the 16th July Panel when that was not the case and, as we all know even the recommendation to defer and delegate was changed on the day. TW clearly consider engagement a redundant process on anything other than their own terms.

BW has similarly tried to consult with LCC Planners but have merely been advised by email that the only 'consultation' should be by submission of comments with the clear steer that these comments, supposedly consultation, be in respect of additional documents recently made public. With the greatest of respect this fails the definition which is “ Consultation implies a meeting to consult...to take into consideration feelings, opinions, etc”.

2. LSAP AND NEIGHBOURHOOD PLAN – Officers appear determined to fashion an Approval. There are two blatantly obvious reasons for this. Firstly the so called Aireborough Case which has gone against the incorporation of Green Belt land in the LSAP. As it appears from Court documents the elimination of all Green Belt sites from the LSAP will leave a shortfall of some 3,800 dwellings and as RA represents a further 1,100 dwellings the prospect of loss is clearly a concern

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but NOT a reason for rushing through an Application which fails to meet LSAP. I will return to LSAP and the Neighbourhood Plan in detail.

The second reason is the bullying and arrogance of TW who seem to think LSAP means they have Planning Consent and do not need to communicate with anyone, contrary to their promises at Plans Panel on 29th August, 2019. TW have attended one meeting of Wetherby Town Council with two junior staff members who were either unwilling or unable to answer the basic of questions. As for the rest of interested parties, no involvement.

Justice Lieven in the Aireborough Case was clear that LSAP was key, thus looking at the LSAP conditions relative to the RA site:-

3. York Road Access -The LSAP requires a vehicular access to York Road. TW claim they cannot agree terms with the 3rd Party owner and applied for the removal of this Condition which was quite rightly refused by Panel on 30th January, 2020. Since then Officers have back tracked by suggesting the elimination of this access in contravention of the LSAP. However, in the LCC letter dated 21st July, 2020, TW now produce a rudimentary feasibility layout on 3rd Party land which, incidentally is omitted from the Illustrative Masterplan drawing prepared and submitted some 6 weeks later. Which is to be believed?

In the case of York Road the 3rd Party has a right to ask for what he believes and has been advised is market value. The 3rd Party also has the benefit of Case Law (Stokes v. Cambridge 1961) to support his right to seek what he believes and has been advised is the market value of his land. Case Law will fix the value of the site as a proportion of the total development cost (up to the LSAP 1,100 dwellings), equating to possibly millions, this is apparently the reason TW don't want a solution rather than paying for one. Furthermore the actions and decisions of the 3rd Party are nothing to do with Council Officers and the action of involving the Council's Asset Management team is improper to the case and quite possibly legally unsound. This alone could create serious problems for LCC.

BW strongly suggest that LCC preserve the LSAP on this point and REFUSE the Application. The alternative would appear to be Judicial Review as to not refuse would weaken the whole purpose of the LSAP and affect the validity and strength of other SAPs and Neighbourhood Plans nationally as well as going against a key element of Justice Lieven's ruling, which stands in Law.

4. Pedestrian and Cycle access to York Road – TW have failed to produce any plan of merit for the LSAP requirement for a SAFE cycle and pedestrian link to Wetherby centre, one dropped kerb hardly meets the requirement. This element also fails to satisfy the adopted Neighbourhood Plan at Para 3.3.2, contrary to the Officer's Report. To preserve the LSAP and Neighbourhood Plan on this point the Application should be REFUSED.

5. Improvements to Footpaths and Bridleways – This a further condition within LSAP which has been ignored by TW, is contrary to the Neighbourhood Plan and thus is a valid ground for REFUSAL. The Neighbourhood Plan is an adopted document which carries weight and its' content cannot be ignored.

6. Masterplan – The Plans Panel on 28th March, 2019 specifically requested a Masterplan of the whole LSAP site. This is in addition to the same request by Panel in October, 2018 and, most important the LSAP which clearly states a comprehensive design brief needs to be produced for

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the WHOLE site. This has not happened, the recent 'Illustrative Masterplan shows significantly less than the 800 homes on the TW site and nothing of the 300 homes on the adjoining site. This is not a Masterplan as required and is a further valid reason for REFUSAL.

All the above are stated as Conditions in the LSAP and/ or the Neighbourhood Plan and thus cannot be ignored by Panel, nor can they be allowed to be omitted as to do so will further complicate the integrity of those documents which are legally binding on LCC.

BW note that TW have lodged a notice that they intend to Appeal on the grounds of non-determination of this Application. If that were to be the case then the process for the Application stops but it does not excuse LCC from making an Indicative Decision as if there were no Appeal process and that should be REFUSAL.

7. BETTER WETHERBY POSITION AND SUGGESTIONS – BW wish to make it quite clear that it is not against some development and accepts this will happen, if not with TW, but it has to happen in a manner which complies with the LSAP and Neighbourhood Plan which this proposal does not thus we suggest the following:-

York Road Access – Use the 3rd Party land to form a better than 'T' junction, roundabout even.

Pedestrian and Cycle ways – Provide a dedicated safe solution to the Town Centre from the SW corner of the site. BW believes there are ways to do this.

Footpaths and Bridleways – Properly lit and hard surfaced.

Masterplan – Provide for the whole LSAP site, keeping the proposed school away from the YO1.

Many other points such as compliance with the Leeds Climate Emergency, Transport emerging plan etc can be dealt with as reserved matters in any Application which does comply with the LSAP, etc. This as submitted does not and as BW stated previously, if approved LCC will have allowed TW to drive a coach and horses through LSAP and the Neighbourhood Plan.

Given all the above there is only one way forward and that is to Refuse the Application. Should TW appeal they would have to prove that the LSAP and the Neighbourhood Plan are ill founded or that the Panel is not being compliant with NPPF Paragraph 12, which clearly states that under the conditions here Planning Consent should be REFUSED.

Let me be clear. BW only want to see a development here which is truly sustainable as anticipated by LSAP and approved by a Government Inspector, a development which is an integral part of the Town, as far as it can be and not isolated on the other side of a motorway with poor access and the tokenism of a shuttle bus.

Greater effort and creativity are required here and BW wish to be part of that, after all we will be living with the results on the ground, not in a Balance Sheet.

Yours faithfully,



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Roger Owen,
Chair,
Better Wetherby Partnership.

Working to ensure that the physical character of Wetherby and District is protected and developed for the benefit of the community of both current and future generations.

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