



FLAXBY PARK

MAKING LIFE COMPLETE

27 March 2019

Dear Councillor Burnett

I am writing to express my concern with regard to your recent public statements within the Council Chamber on 6 March 2019, and Social Media posts on 10 March 2019, in relation to Flaxby Park Limited (FPL), the detail of which, I believe to be defamatory and misleading.

In essence, you asserted:-

- 1) Within the Council Chamber that 'misinformation' had been circulated in relation to the merits of a new 'rail halt' at Goldsborough and in your words "it would be highly likely that a new station would jeopardise our two trains per hour ambition".
- 2) By way of Social Media "It is being claimed by the promoter of the Flaxby site that a new station could be opened and that this wouldn't jeopardise the plans in place to increase services between Knaresborough and York to 2 trains per hour. The advice I've received says this isn't true".

In my view, 1) above is a matter for debate, but 2) above has no foundation and is not true.

You indicate in your Social Media comments that you have received 'advice', but to my knowledge, Harrogate District Council (HDC) have not, to date, performed a feasibility study, to determine the merits and implications of a new 'rail halt'. Indeed, if this was the case I feel sure that HDC would have tendered such evidence before the recent Examination in Public. I am therefore, entitled to question the validity of the advice you received in relation to this issue, and I believe that your comments are questionable and in the circumstances somewhat premature.

However, your assertion that FPL have commented in the terms that you have stated in relation to the 'rail halt' as at 2) above, is not true, and I therefore request that you avail me with the evidence you rely on to substantiate your claim.

It is one thing to advance an argument by being 'economical' with the truth and relying on 'scant' facts to support your position, but it is regrettable that you have asserted that 'misinformation' has entered the public domain in relation to the subject via FPL. I note and accept that you did not refer

to FPL, as the author of 'misinformation', when you spoke within the Council Chamber, but I am certain that the public will have concluded who you were referring to, particularly when one considers your Social Media posts three days after your Council Chamber contribution, which included the reinforcement of your position and further defamatory comments, by stating that FPL were responsible for 'falsehoods'.

You will be aware that 'falsehood' means 'lie' or 'lying' and 'misinformation' means 'false or inaccurate information, especially that which is deliberately intended to deceive', but I know you will agree that for 'misinformation' and 'falsehood' to occur the author must have 'guilty knowledge' and deliberately 'lie' or deceive. To question the integrity of FPL in such terms is serious, and I do wonder what evidence you have relied on to substantiate your claims.

I can say without fear of contradiction that FPL are not responsible for 'acts' or indeed 'omissions' which would constitute 'misinformation' or 'falsehoods'. The terms suggest a lack of integrity on the part of FPL, a 'charge' which you might not have intended, but nevertheless has been interpreted as such by numerous third parties.

As you are aware, I do not agree with you and your Officers, as to your conclusions in relation to the exclusion of the Flaxby Park site from the Draft Local Plan, but I have still treated you and your colleagues with the utmost respect, and accepted that you have a counter argument which you consider to be valid. It is therefore, with some regret that I find it necessary to write to highlight my concerns, as I believe your words are unfair and inappropriate in the circumstances before us.

I do not at this point, intend to seek legal advice, as to the possible remedies open to me, as I would prefer to believe that you have unintentionally used words of an inappropriate nature. I do hope that this is the case, but I would be grateful if you can either confirm that you 'stand by' your statements that Flaxby Park Limited are responsible for 'misinformation' and 'falsehoods' or otherwise.

On receipt of your reply, I will then decide on what 'action' I intend to take to deal with this matter.

Insofar as the Green Hammerton and Flaxby Park sites are concerned, I do not intend to rehearse the detail of the proposals, as this would be futile, but it might be helpful if I draw your attention to the documents provided by Network Rail and North Yorkshire County Council, both of whom have not objected to the FPL proposal, with the latter stating that delivery of the New Settlement is not dependent on the delivery of a Rail Halt.

No doubt Harrogate District Council will receive some intermediary comments from the Planning Inspectorate in the near future, which will assist all of the parties involved in the process to decide on their preferred courses of action.

I look forward to hearing from you in due course.

Yours Sincerely

Chris Musgrave
Company Director