



Town planning and development



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## **RE: GORING NEIGHBOURHOOD PLAN**

### **COMMENTS ON NEW INFORMATION AND EMAILS RELEASED UNDER F.O.I., INFORMATION COMMISSIONER'S INSTRUCTIONS AND EXAMINER'S DIRECTIONS.**

Dear Mr. Townley,

We have previously submitted correspondence on the Goring Neighbourhood Plan (GNP) on behalf of the Wallingford Road Residents Group (WRRG), of which Ms. S. Dexter is a member. We write now directly on behalf of Ms. Dexter in response to the further Examiner's Directions (3 and 4) and particularly on the matter of emails released by the GNP in reference to communication which took place between an intermediary of that group and the appointed landscape consultants, Bramhill Design.

Having viewed the tranche of emails released following the findings of the Information Commissioner's Office (ICO), we consider that these raise, or reinforce, very important matters that have thus far been kept out of the public eye, and which have a direct bearing on the issues we have already raised in respect of site GNP6 (the proposed access to site GNP6 from Wallingford Road and development on land known as '*The Triangle*'). Ms. Dexter became concerned over the apparent lack of information to justifying these alterations to GNP6, and hence made the request for this information to be released in the first place. We consider that had this information been released when it was requested by Ms. S. Dexter (in May 2017), this would have influenced both her own, the WRRG's and the wider public's understanding of the processes that led to the inclusion of site GNP6 in the form it appears in the Reg.16 Submission. We therefore

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welcome the ability to comment on this new information now in order to ensure to avoid their prejudicial treatment.

We highlight below our chief concerns in respect of this new information, insofar as it relates to the representations we have already made in writing and at the hearing in July 2018.

In compiling this response, we wish to make it clear that Ms. Dexter's sole interest is in allowing transparency throughout this whole process so that the GNP can be understood and a balanced approach confirmed. Neither she nor we seek to criticise any group involved in GNP process, any expert consultancy or persons in particular. We simply seek to draw the Examiner's attention to the facts as they are now known insofar as they relate to sound planning practices and the formation and delivery of the Goring Neighbourhood Plan.

### **The details requested under FOI**

Having become concerned over the apparent lack of publically available information on certain aspects of site GNP6, in May 2017 Ms. Dexter made a specific request to the GNP under FOI. The request was in two parts:

1. A copy of all emails between the Goring Neighbourhood Plan Steering Group members, or members of any Neighbourhood Plan sub-groups and the consultant Bramhill Associates.
2. A copy of any plans, drawings or proposals submitted to the Neighbourhood Plan Steering Group or sub-groups relating to the site GNP6. In the event that any such information is withheld for any reason including commercial sensitivity please advise specifically what information is held by the Steering Group or sub-groups.

On 13<sup>th</sup> September 2018, the ICO issued a ruling that any information falling within the scope of the request, that is held by the volunteer working group, is held by the council. The Commissioner therefore requires Goring on Thames Parish Council to confirm or deny whether any information is held and, issue a fresh response that complies with the terms of the EIR (i.e. full disclosure of the information requested).

As the Examiner will be aware, the GPC has released a tranche of redacted emails to Ms. Dexter but has also submitted an appeal against the ICO's ruling. As instructed, it has also provided a written response to the Examiner on the request and the information thus far released.

On the information that has been released so far, it seems unlikely that this represents the total sum of email or other correspondence passing between the parties stated in point 1. It would appear that significant pieces of information are missing, and there are significant gaps in correspondence at times when one would normally expect there to have been quite significant discussions on the key issues at hand, particularly in the lead up to the public exhibition held on

the selected sites on 10th December 2016 – namely, the inclusion of *the Triangle* land and the Wallingford Road access. Furthermore, following the public exhibition, we find it very strange that there is no email correspondence at all between 10<sup>th</sup> December 2016 and 24<sup>th</sup> January 2017, which covers a time when Bramhill were completing their ‘Supplemental Report’, released at the end of January 2017.

Furthermore, to our knowledge the GPC or its related bodies does not appear to have released any further information in respect of point 2 above (plans, drawings, proposals etc). At the of the request (in May 2017) the GPC did provide Ms. Dexter with some links to information that was already in the public domain, but this did not satisfy the actual request. Moreover, it is readily apparent from the tranche of the released emails that there have been a number of supporting plans, sections etc. produced during the course of formulating the eventual draft Neighbourhood Plan, which have not been disclosed and to our knowledge are not in the public arena. It would therefore appear that the disclosure of information is incomplete, which questions the transparency of the plan-making process and, potentially prejudices the ability of members of the public to make due comment.

It also raises the question of whether any minutes were taken at key meetings between Bramhill and the various GNP parties across this process, and if so, whether these should be placed in the public arena.

### **Summary of correspondence chronology**

The tranche of emails released starts on 10<sup>th</sup> April 2016 and covers a period of about 14 months up until the last released email on 1<sup>st</sup> June 2017. This period covers discussions on the initial involvement of Bramhill through to the release of selected sites via the public exhibition which took place on 10<sup>th</sup> December 2016, and the production of the first Supplemental Report in late January 2017, which, inter alia, answered specific questions on the merits of the site GNP5 and GNP6, and in particular, the access road and the development of the Triangle.

We note certain emails and comment below:

#### 15<sup>th</sup> – 19<sup>th</sup> July 2016

Emails in this period refer to setting up a meeting between Bramhill, the SWG representative and the chair of the Steering Group, who would like to meet later. Bramhill queried why the chair and SWG would not want to come at the same time. The SWG advised that the group wants to have something addressed and that it is probably best if he (the chair) does this in person. This meeting seems to have occurred jointly, but given that this (and all meetings) were on public business, one assumes there would be an agenda and minutes taken / action agreed, we would question whether this information should be made publicly available.

31<sup>st</sup> July 2016

The emails note that the latest reports are sent to the intermediary / Steering Group for review. This states that Bramhill have 'significantly altered the report to ensure consistency of appraisal across all sites'. Bramhill also acknowledge that this is the first time they have looked at the Kirkham report, and says they are now in agreement (with its findings on capacity and impact). (The SODC Landscape Character Assessment 2014 study was carried out by Kirkham Landscape Planning Ltd/ The Terra Firma Consultancy Ltd. and concluded development on Wallingford Road would be harmful).

2<sup>nd</sup> August 2018

An email to Bramhill here states "you seem to have changed your position on site 5 significantly. This will have a huge impact, as it was one place which otherwise likely to meet many of our needs. Are you absolutely definite of that change before I release the report and face the repercussions?"

Whilst one might argue this could reflect due diligence, it could also appear to show a certain level of pressure placed upon Bramhill to find ways of meeting the projected housing numbers and land release, rather than allowing the appointed experts to carry out an objective landscape assessment.

22<sup>nd</sup> Sept 2016

In an email exchange here (including notes) at point (4) it appears that the steering group wanted Bramhill to add reference to the stables, yard and horse menage in respect of the description or analysis of site GNP6. Bramhill were quite clear in resisting this. However, this does raise the question of whether a case was being made that existing uses within site GNP6 might lower its importance in the AONB, or, distinguish GNP6 as being of lower value than other sites in the selection process.

This is perhaps linked to point (6), where Bramhill go on to provide a response to a comment (which is so far undisclosed) concerning the omission of descriptive comments on 'detracting features' from some sites and not others. Bramhill state that "for the sake of consistency,.. we think it is important that the landscape condition criteria are set out in full in the summary tables, and we are therefore not happy with omitting the line 'some detracting features' in some places and not others". Since this is vague, we feel that for the sake of clarity, the questions leading to this response, and the sites this referred to, should be clarified by the GNP.

20<sup>th</sup> Oct 2016

Statement here says 'confirm whether the GNP wants you to carry out a 'tweaking exercise' but there is no reference to what this is.

8<sup>th</sup> Nov 2016

The GNP confirm that developers have engaged in process and revised proposals – but they need to review the sites, produce evidence in a supplemental report.

21<sup>st</sup> Nov 2016

An email here to Bramhill outlines a series of 5 questions relating to site GNP6 having had the GNP liaise with developers directly. Bramhill are asked to specifically focus on these questions. To recap, these questions were:

1. *Are there any major landscape or visual impact issues with access from GNP6 to Wallingford Road across the triangle in the NW corner of the site? No other road access is possible.*
2. *What mitigation, if any, would be desirable for the road access there?*
3. *If road access at that point is mitigated with, for example, hedges or trees, would it also become acceptable to build houses in the triangle along Wallingford Road as shown in the concept drawings?*
4. *Is there any further mitigation which would make limited development of that triangle acceptable in addition to use for the road?*
5. *Is there anything in relation to the orchard which would counter the developer's statements about it and justify its retention?*

In the reply (attached to an email dated 22 Nov. 2018) Bramhill's response is uncertain, stating they "need to look again...". However, they do note:

- "Can probably profile the road in so that it doesn't stand out in the landscape" – This is hardly a convincing commitment to the road, but this is of course predicated on Bramhill being advised by the developer 'no other access is available'.
- Bramhill advise that the road/access cannot be done without extra land take from adjacent field to the north (i.e. the scale of the access was becoming apparent).
- Notwithstanding, Bramhill still maintain that the "alternative access would be preferable though", which implies that they are aware that access from Wallingford Road will cause harm to the AONB, and that it can only be considered if it is the only option available. It is also notable that Bramhill are relying on the advice of the GNP that 'no other access is available', rather than any definitive reports to evidence that position.
- Bramhill ask for appropriate sections to identify the contour appropriate for development ridge of houses within site GNP6 and suggest single storey houses on 65m contour.
- Bramhill say no trees on Wallingford road as it would interfere with views to/from junction.
- Bramhill say housing in the triangle 'may get in as one of the least-worst options'.

29<sup>th</sup> Nov 2016

Bramhill confirm houses in the Triangle should be resisted and that the open and exposed quality needs to be 'respected and protected'.

Bramhill also state that they went out to review sites 5 and 6 in the autumn. Bramhill state that "The consultants for site 5 and 6 appear to have been somewhat 'economical' in their visual assessment and we disagree with some of their findings"

Bramhill also state that "Site 6 looks much as we discussed. The access from Wallingford Road **could** work, but houses along the Triangle frontage should be resisted, as the land here is elevated".

In concluding this email response, Bramhill also state "It is amazing how in longer views, with the tree density, even at this time of year which is the most visually 'exposed' or open, Goring's settled area just disappear, and only the occasional group of 2 or 3 roof tops are apparent in any particular locality. This is a quality that we feel needs to be respected and protected".

In this selection of emails we note that Bramhill are clearly being pressed to look at the Wallingford road access as well as development within the Triangle. On the access it appears Bramhill are still unconvinced, but remain opposed to development in the Triangle on visual grounds. It is noted however that at no point thus far has the question of density (across site GNP6) arisen in these discussions, yet this appears to end up becoming the main fallback for allowing development in *the Triangle* in the Bramhill Supplemental Report, released at the end of January 2017. This questions whether the density issue is a viable reason, or a reason that was found afterwards.

30<sup>th</sup> Nov 2016

This series of emails confirms that one sectional drawing has been received by Bramhill (included in the email transcript). Bramhill suggest other sections are also required, and refer to potential sectional lines 'on our mark-up attached to previous email' (this email and mark up is missing from the release). Bramhill also suggest a point further north on Wallingford Road, nearer to Spring Farm Cottages, and from further afield.

Nonetheless, Bramhill say the section is 'on the margins of acceptability', implying they are aware the 'development envelope' is being pushed to the extreme, they ask for more sections first, and state that it is up to them (the developer) to convince us.

6<sup>th</sup> Dec 2016

Bramhill question to whereabouts of a sectional drawing that has apparently been sent over from the GNP. This email also confirms that at this point, 4 days before the public exhibition on

Saturday 10<sup>th</sup> December, Bramhill are still working on the report, and request confirmation that their written report (presumably the Supplementary Report issued on 24<sup>th</sup> January 2017) can follow on from their verbal report.

A (seemingly corrupted) email is later attached sent 'on behalf of Jerry Unsworth' (acting for the developer) (dated 2<sup>nd</sup> December 2016) stating that 3 cross sections are included (as opposed to the 5 requested by Bramhill) to justify development in GNP6. These do not appear to have met with Bramhill's suggested locations. It is stated that 'these offer representative views and reflect what was practicable in the timescale'. To our knowledge, only one cross sectional plans has been made public on the GNP website, and they are certainly not included in these emails.

This email also confirms that 'our plans are only illustrative at this stage and further supporting work on landscape and visual impact would support any subsequent planning applications'.

7<sup>th</sup> Dec 2016

This email states that Bramhill is working on the written commentary on the Triangle (along with the Orchard), and asks for confirmation that this meets the expectations of the Steering Group / appointed intermediary – "I would be grateful for your confirmation that this is at the right level and in the ballpark that you were expecting". This also confirms that Bramhill have still at this later stage not had access to the land.

The attached written commentary by Bramhill is included in the email, and essentially expands on their brief answers to the specific questions they were asked to respond to on 21<sup>st</sup> November 2016 (above). This essentially later becomes the Supplemental Report of January 2017.

The attached commentary mostly covers issues regarding the main section of the site and how this relates to long-range views and the 65m contour etc. However, we do note that whilst at this stage (7<sup>th</sup> Dec) there is no commentary at all on the proposed access road or its impacts in light of the AONB or development of the triangle. However, the section setting out the mitigation of the access road is already very well developed here. This then raises the question of whether the emphasis here was on finding an appropriate form of mitigation to justify the access (and subsequently, developing the triangle), rather than first fully assessing the impacts of the development itself on the integrity of the AONB. Such an approach would appear to be contrary to the methodology required under paragraphs 115 and 116 of the extant NPPF at that time, a matter we have already raised in previous submissions on behalf of the WRRG.

9<sup>th</sup> December 2016

The final email of note is at 5.31pm on the day before the public exhibition (which took place on 10<sup>th</sup> December). This email appears to include the full review of site specific proposals as an attachment, but this is not included in the release of information here. This email confirms that

this review is in draft form only, that there are areas of work required, and that this will be worked on 'next week'.

Despite there obviously being a significant amount of work left to do on the Bramhill Supplementary report, this is the last email release in the FOI bundle before the next emails, on the 24<sup>th</sup> January 2017.

#### 24<sup>th</sup> Jan 2017

This correspondence clearly suggests that other correspondence took place in that time but which is claimed was not received. These were however still 'sent' and implies other conversations took place around it.

#### 29<sup>th</sup> Jan 2017

It is noted that the email here included the completed set of reports on the 'Review of site specific proposals', which were clearly being worked on between 9<sup>th</sup> December 2016 and 29/30<sup>th</sup> January 2017.

It should be noted, it is only at this time that Bramhill produced their Landscape Capacity Supplemental Report (1) (January 2017). It is in this document that Bramhill provided their answers to the specific questions raised by the developer and the GNP on site GNP6. To our knowledge, this is also the first time that residential density of 25dph is referred to in justifying development in the Triangle (para.87). It features nowhere in the emails released thus far (above) as one might expect it to be, if indeed, a move to develop below this threshold density would somehow allow development on the Triangle, where right up until 29<sup>th</sup> November 2016, Bramhill themselves were categorically stating that 'houses along the Triangle frontage should be resisted, as the land here is elevated'.

Para 87 of the January Supplemental Report implies that the GNP Landscape Capacity Study recommended that there should be no development on the triangle, because developing at 25dpa would be harmful (again, there is no mention of this being the sole reason in the original report – just that development per se would be harmful). Para. 88 then justifies development here because it "is very different in terms of development pattern. It fits with adjacent and opposite houses: the new houses would be in alignment with existing houses to the south, and would front on to existing houses on the opposite side of Wallingford Road". Thus, without justification, or the mention of it in the released emails, this appears to be nothing short of an 'about turn'.

#### April 2017- June 2017.

It seems that at this point Bramhill were asked to go to site and review and update their findings on GNP6 if necessary. A plan provided on 1<sup>st</sup> June 2017 clearly suggests development parameters at this stage still exclude a significant amount of development to be less / not suitable in *the Triangle* (shown in yellow on the plan). (It is noted that this was reproduced in full in Bramhill's second Supplemental Report of June 2017)

## Specific Matters of Concern

On behalf of Ms. Dexter, our chief concern relates to the processes leading up to the selection of and justification for the proposed access to site GNP6 from Wallingford Road, the last minute inclusion of proposed development on '*The Triangle*', and the lack of any rational narrative to explain why this is justified, especially given that this is in effect an 'about turn' from the position maintained throughout this process up until at least 29<sup>th</sup> November 2016. Our previous representations on this issue have questioned the planning rationale of developing the Triangle (and access Road here). In our view this is not easily justified, and certainly has not been thus far. The release of information now has not provided any further support to this aspect of GNP6, and indeed, it appears to emphasise that there remains something of an information vacuum in this whole process. In essence, we feel it raises more questions than it answers.

The released emails quite clearly indicate that there was at least an element of pressure placed on the independent landscape experts to reconsider their views on development to the north of Goring, be this to site GNP5, GNP6, or particular aspects of it, and this appears to be more elevated on the matter of including the Wallingford Road access and developing the Triangle. We therefore question why such influence was exerted, and to what extent this was?

Nonetheless, the email release clearly shows that the appointed landscape consultants retained very strong views that the proposed access to site GNP6 from Wallingford Road would be harmful, that alternative access should be considered, and that even after being instructed that 'no other access is available', Bramhill were quite clear in stating that development on '*The Triangle*' should be resisted due to the harm this would cause in the approach to Goring on this 'elevated ground'. Bramhill's view on this was retained throughout, until later being altered by the them in what would appear to have been the first week in December 2016, before being later 'justified' in their January 2017 Supplemental Report, released some 7-8 weeks later. We are aware that others have written to the Examiner on this matter, in particular highlighting the manner in which these aspects of site GNP6 were selected 'at the last minute', and we feel that this requires thorough examination in order to ultimately determine if indeed, the creation of an access to Wallingford Road and development in *the Triangle* is in fact, justified, bearing in mind the NPPF's requirements to assess the impacts of 'major' developments in the AONB.

Whilst it is readily apparent that is the focus on justification for including the Wallingford Road access and *Triangle* development heightened in the autumn of 2016, at no point in the released emails is there any reference to the reason why '*The Triangle*' should actually be included in the final submission draft. There is simply nothing of any sound reason to justify this until the Supplemental Report in late January 2017.

The email release includes reference to detailed cross sections and drawings produced by the Developer's consultants (Unsworth), which would appear to have been quite critical in satisfying Bramhill that the GNP6 would be acceptable. However, no details of the sections requested have been made public or released in this FOI bundle, and only one of the cross-sections has been made public (the email states 3 were produced). There is also no reference made in any

subsequent emails concerning them. This then leaves the question of how significant these sections were, and why they have not been made public.

It is also apparent that after the initial tendering and instruction process, we can find little or no discussion of how the impact of the access road or *Triangle* land would affect the integrity of the AONB, or more particularly, the process of assessing this impact in light of paragraphs 115 and 116 of the (then) NPPF (as a 'major development'). As our previous submissions state, the NPPF makes it clear that this issue should be the foremost consideration in any decisions that would harm it, yet the issues raised in the released emails refer solely to possible mitigation 'to make it acceptable'. In our view this reinforces the WRRG's claim that the processes employed here have failed to consider this particular site as a 'major development' in the context of the NPPF, contrary to the claims made by the GNP in the hearing. It appears that concessions have continuously been made to the needs of the possible development (and developer), rather than to the impact on the AONB, therefore questioning the soundness of the approach adopted.

As stated at the outset, we feel that the newly released emails raise serious questions around the processes leading up to the inclusion of access from Wallingford Road and development on *The Triangle*. The released emails suggest that during this process, significant influence was exerted on the appointed independent experts to adapt their professional view in order to accommodate the expectations of the Steering Group or developer. This suggests that it was done in order to suit the developer's requirements, and therefore, it is questionable whether the interests of the AONB were at the heart of the plan-making process. The emails confirm that Bramhill were in effect forced to consider site GNP6 on the basis 'no other access was possible' other than from Wallingford Road, which must have altered their review. Moreover, there is nothing in the email release to demonstrate that the availability or lack of any other access points has even been questioned or tested. This then reinforces the case put forward by the WRRG that the assessment of this site in particular has not followed the requirements of the NPPF, and therefore cannot therefore be considered to be sound.

Finally, we would reiterate the point that it would appear that the released emails do not appear to cover the whole quantum of information and emails that would have passed between Bramhill and the Parish Council / Steering Group etc. during the period. There are obvious references to other emails, information, plans and reports etc. that are not included in the release. Therefore, in light of the ICO's findings, and in the interests of transparency and the integrity of the plan-making process, we would request that all background information, plans, minutes and emails falling under the remit of the FOI request, are released for consideration before further decisions are taken in respect of the Goring Neighbourhood Plan.

We trust that these comments will be passed to the Independent Examiner for review in his consideration of the issues.

Yours sincerely,

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