



Town planning and development



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RE: GORING NEIGHBOURHOOD PLAN

‘LEGAL’ SUBMISSION IN RESPONSE TO EXAMINER’S SUPPLEMENTARY DIRECTIONS (4) ON THE RELEASE OF NEW INFORMATION AND EMAILS REQUESTED UNDER F.O.I.

Dear Mr. Townley,

We write on behalf of Ms. Dexter in response to the further Examiner’s Supplementary Directions (4) of 22nd October 2018, in respect of matters arising as a result of the Information Commissioner’s Decision Notice.

The Supplementary Directions ask that Ms. Dexter provides the Examiner with any legal submissions she wishes to make in respect of the documents concerned being made publicly available. Mr. Townley of the SODC has since confirmed that this specifically means ‘*any legal arguments as to why the documents should or should not be made publicly available*’. The GNP has also been asked to provide comment on why the information should not be made publically available.

As you will be aware the ICO found that the information requested by Ms. Dexter in her request of May 2017 be made available to her. This did not determine whether this was exclusively for her own benefit or could be made publically available. Nonetheless, since the ICO determined that information held by the various groups associated with the promotion of the Goring Neighbourhood Plan (in this case the NPSG or the SSWG) is also for the business purposes of

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the council, and that if any information is held by the SSWG member, then it is held on behalf of the council, then it follows that this information should be available to any interested party.

As for the specific nature of the Examiner's request under Supplementary Direction (4), it is our view that given that the ICO has been determined that the information requested is held by the council for the purposes of carrying out its 'business', which itself is in the public interest, it follows too that this information should be considered to be publically accessible information.

As for the GNP itself, it is clear that in working on the development of the Goring Neighbourhood Plan, any member acting on behalf of the GNP, whether paid or otherwise, was carrying out business in the interests of a public body, which itself represents the local community. It follows that decisions or activity taken within this process will have had a direct influence on the resulting neighbourhood plan. It is therefore not unreasonable to expect that this process should be (and be seen to be) open and transparent, especially where decisions are being taken on the assessment and development of land within and around the village.

As you are aware, we have made extensive representations on the merits of site GNP6 within the plan-making process. This has largely presented a case that questions the merits of certain decisions that have led to the submission form of the plan. Prior to our instruction, Ms. Dexter became concerned over the apparent lack of information provided by the GNP that would justify certain alterations made 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. Given the above, we are therefore of the view that the documents concerned should be made publicly available and therefore open to full public scrutiny.

We would also request that it is ensured that a full disclosure is made. Having reviewed the information released privately thus far, it would appear that the information released does not appear to cover the whole quantum of information and emails that would have passed between the parties concerned during the requisite period governed by the ICO's decision. We would therefore also request full disclosure of all relevant information.

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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