

# GORING-ON-THAMES PARISH COUNCIL

**All Councillors are summoned to a meeting of Council, to be held at the  
Bellême Room, Village Hall, Goring on Monday 13<sup>th</sup> February 2017 at 7.30pm  
Public and press are invited to attend**

Members are respectfully reminded of the obligation to declare any interests relevant to business to be conducted at this meeting and of the convention as to withdrawal from the meeting for the relevant item unless the interest is not one that debars the member from speaking thereon.

## AGENDA – COUNCIL MEETING

Please note that the public and the media have a right to make audio and visual recordings of council meetings. It would be helpful if those wishing to record could contact the Council before the meeting so that we can ensure the necessary facilities are in place. The Chair of the meeting will advise the public that the meeting is being recorded. A request to record a meeting shall only be refused if the Chair of the meeting believes recording would disrupt the meeting. There are no restrictions on anyone at a council meeting using Twitter, blogs, Facebook or similar social media provided that the Chair does not consider their actions are disrupting the proceedings of the meeting.

1. To receive apologies for absence.
2. To receive declarations of interests.
3. Public forum: *An opportunity for the public to address the council. With the permission of the chairman, the public may also speak about specific items of business as they arise.*
4. To approve minutes of the meeting held on 12 December 2016.
5. Matters arising from those minutes not elsewhere on the agenda.
6. To receive chairman's report and announcements.
7. To consider a report on the Neighbourhood Plan, a report from Andy Best and emails received regarding the Primary School. (Appendices A, A1, A2)
8. Parish Finance:
  1. To approve payments for December 2016 and January 2017. (Appendices B, B1)
  2. To note receipts for December 2016 and January 2017. (Appendices C, C1)
  3. To note the bank account and reserves balances as at 31 January 2017. (Appendix D)
  4. To review income and expenditure against the agreed budget at the end of the third quarter 2016-17 (as at 07/02/17). (Appendices E, E1, E2)
  5. To consider an appeal by Goring United FC on refund of fees refused at the last council meeting. (Appendix F)
9. To note a report from County Councillor / District Councillor Kevin Bulmer. (Appendix G)

Colin Ratcliff, Clerk to the Council

8 February 2016

# GORING-ON-THAMES PARISH COUNCIL

10. To consider a report from the Police.
11. To consider a report on High Street issues. (Appendix H)
12. To consider issues relating to village parking. (Appendix I)
13. To consider a report on Gardiner Pavilion development. (Appendix J)
14. To consider a report on Recreation Grounds issues. (Appendices K, K1)
15. To consider a report on White Hill Burial Ground issues.
16. To note an update on Wallingford Road pavement widening (Appendix L)
17. To note a request for review of a Freedom of Information Act response and to consider the make-up of the review panel.
18. To conduct an annual review of Standing Orders and Regulations. To consider amendments to procurement quotation levels and whether votes cast should be recorded in the minutes. (Appendix M)
19. To consider the impact and issues for the village on the death of George Michael.
20. To note a report on Goring Village Hall (Appendix N)
21. To note an update on Appeal Court Application (Appendices O, O1, O2, O3)
22. To consider a maladministration complaint about SODC (Appendix P)
23. To consider a request by Mike Ward, to donate two benches to be placed near the bus stop outside Goring and Streatley Railway Station.
24. To note an update on Network Rail's Electrification project (Appendix Q)
25. To consider a proposal for a new Digital Community Alert and Newsletter Service (Appendices R, R1, R2)
26. Reports from Planning Committee – to receive minutes of meetings held on 6 December 2016 and 3 January 2017.
27. Correspondence.
  1. Thames Path National Trail request for support to improve the Thames Path in Goring
  2. Letter from The High Sheriff regarding Carers Oxfordshire.
  3. Request from Goring and Streatley Festival to use Gardiner 13 - 17 June 2018.
28. Matters for future discussion.
29. Confidential Business - To consider and, if thought fit, approve the following motion: In view of the confidential nature of the business about to transacted, it is advisable in the public interest that the public and press be temporarily excluded and they are instructed to withdraw.
30. To consider the annual review of staff salaries as from 1 April 2017.

Colin Ratcliff, Clerk to the Council

8 February 2016

**MINUTES OF THE MEETING OF GORING ON THAMES PARISH COUNCIL**  
**Garden Room, Goring Village Hall 7.30pm Monday 12 December 2016**

**Members Present:**

Chairman	Kevin Bulmer
Vice-Chairman	John Wills
Members	David Brooker
	Mary Bulmer
	Lawrie Reavill
	Bryan Urbick
	Emrhys Barrell

**Officers Present:**

Clerk	Colin Ratcliff
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11 members of the public and press

**16/270 To receive apologies for absence**

Apologies for absence were received from:  
Catherine Hall, Matthew Brown, Brandon Hancox

**16/ To receive any declarations of interests**

None

**16/ Public Forum**

John Boler stated an appeal had raised sufficient funds for MIGGS contribution to Readibus until at least April 2019. He updated the Parish Council (GPC) on attempts to get Network Rail and Oxfordshire County Council (OCC) to remove the rusty barrier on Wallingford Road. Network Rail have said that if OCC agree they will remove it and put a new fence behind the current barrier, thus allowing for a widening of the pavement. GPC were asked to continue supporting the project by writing to OCC to press for their agreement.

Andy Best, an ex-member of the Neighbourhood Plan Steering Group (NPSG) raised a number of issues relating to the exhibition held on 10 December on site selection: He was concerned that GNP6 was included for a small number of houses and that would be damaging. He questioned the decision making process, queried the brief to Bramhill, commented on the screening and access road and lack of transparency in the decision. The Chairman made a declaration of interest that Cllr. M. Bulmer's and his house sits directly behind that site.

David Wilkins noted that Andy Best had not declared a similar interest. He stated an FOI request had been received on similar issues which would probably assist in explanation as to the reasons and process, and that no firm decisions have been made yet. Mr Best stated that he did live nearby the site.

Ann Ludlam said that it was misleading the site had been off the list but was now back on. It was pointed out that no site was excluded. Cllr. Barrell asked Mr Best to submit a written statement outlining his comments.

Richard McNeill, a neighbour of Mr Best asked that the vehicle access be revisited to GNP6.

It was noted that a supplementary Bramhill report is still required and that a six week consultation will take place once the draft plan is published and before submission to South Oxfordshire District Council (SODC) who will also consult and submit to an examiner prior to a referendum.

Simon Carter spoke about Goring and Streatley Festival's request for funding.

Signed:

Dated:

- 16/ To approve minutes of the meeting held on 14 November 2016**  
**Resolved:** That the minutes be approved and signed by the Chairman
- 16/ Matters arising from those minutes not elsewhere on the agenda**  
Item 16/254 The litter bin has been removed at Sheepcot, initially there was a lot of rubbish which was dumped at the Council Office but since then the recreation ground has been clear of litter.
- 16/ To receive chairman's report and announcements**  
The Chairman has written to Mme Roy, expressing condolences on behalf of GPC on the death of her husband, Bellême Twinning Association.
- 16/ To consider a report on the Neighbourhood Plan. To ratify the appointment made at the last Council Meeting of Enid Worsley to the NPSG .**  
**Resolved:** That Enid Worsley's appointment be ratified.  
David Wilkins referred to Appendix A adding that the exhibition on 10 December had taken place. The NPSG are awaiting a supplementary report from Bramhill which will be published once received. He reported the proposed dates through to referendum will slip. The Chairman proposed a vote of thanks to all those involved in the Neighbourhood Plan for the hard work done so far.  
**Resolved:** To give a vote of thanks.  
Mike Stares noted the Site Selection Overview Group (SSOG) has formally written and confirmed the process was handled with integrity and no bias.  
A request for an additional £6,000 for the NP budget was discussed, for additional consultations, exhibitions and unexpected consultant's fees.  
**Resolved:** To approve an extra £3,000 for 2016-17 and £3,000 for 2017-18.  
The clerk was asked to contact SODC about the potential for any further grants.
- 16/ Parish Finance**
- 1 To approve payments for November 2016**  
**Resolved:** That the payments be approved
- 2 To note receipts for November 2016**  
Noted
- 3 To note the bank account and reserves balances as at 30 November 2016**  
Noted
- 4 To consider a reviewed Neighbourhood Plan budget**  
**Resolved:** That the proposed virements be approved.
- 5 To consider a grant application of £8,000 over two years for the Goring and Streatley Festival (deferred from October meeting).**  
**Resolved:** To defer until April or May when more will be known about current large scale expenses and the impact on 2017-18 budget.
- 6 To consider a request from Goring United for a partial refund of fees due to disruption caused by the Gardiner Pavilion works**  
**Resolved:** That no refund is possible given advance notice and the alternative facilities provided.
- 7 To consider a request from MIGGS for funding towards an "Accessible by train" leaflet / brochure to promote visits to Goring and Streatley**  
**Resolved:** To defer until April or May when more will be known about current large scale expenses and the impact on 2017-18 budget.

- 16/ To note a report from County Councillor / District Councillor Kevin Bulmer**  
Appendix I refers. NALC have given advice which undermines Community Bus funding issues. Cllr. Bulmer has taken that up with OCC whose legal department have a different view; asking them to work with NALC to review their advice. He updated on the latest situation on Unitary discussions, District council leaders are now apparently looking into a Mayor for a combined Authority which may have an impact on local planning decisions.
- 16/ To consider a report from the Police**  
Cllr. Wills had been unable to contact the local PCSO whose phone has apparently been out of order. The clerk had reported two suspicious persons seen and photographed in the village that the police did not apparently respond to. With recent reports of burglaries in South Stoke and at least one attempt in Goring this was disappointing.  
**Resolved:** To write to the police to raise concern over these two matters.
- 16/ To consider a report on High Street issues and Gardiner Pavilion**  
Appendix J refers. Concern was raised that no reports have yet been received on CIL funds despite over seven months passing from its inception with promises of regular six monthly updates. There was some support for a loan but more detail of costs and expected income to cover a loan would be needed.  
A proposal regarding the footpath from Wheel Orchard was placed on hold pending Goring Gap in Bloom's plans for the area.  
**Resolved:** To write to SODC regarding GPC's frustration at the lack of CIL information and for Cllr. Brooker to contact Keith Stenning regarding examples to help draft consultation plans for the High Street.
- 16/ To consider issues relating to village parking**  
None – awaiting a reply from SODC
- 16/ To consider a report on Gardiner Pavilion development.**  
Works are progressing satisfactorily. A report had been received that day from the architect.
- 16/ To consider a report on Recreation Grounds issues**  
Cllr. Reavill stated that swings in Bourdillon had been condemned and removed. Quotes have been received for replacement.  
Budget issues mean a review of how to proceed with new equipment in Gardiner is required. Cllr Urbick reminded the working group that formal plans need to be available at least a year in advance for grant applications.  
Cllr. Reavill wondered about contacting the Charity Commission to clarify what GPC can do with restrictive covenants in place at The Rectory Garden. The clerk was asked to review the previous discussion and decision (approx. 2012-13).
- 16/ To consider a report on White Hill Burial Ground issues**  
None
- 16/ To consider Food Festival use of The Rectory Garden, Gardiner Recreation Ground and car parks.**  
**Resolved:** That approval be given and to delegate future authority on this subject to the Clerk
- 16/ To consider options for re-routing of the 134 bus and a request to park the bus at the Parish Council Office**  
Cllr. Wills explained emails received about proposed changes to the 134 bus route. It would not go through the High Street but via Station Road, Thames Road and Glebe Ride. There were no objections to the proposals.  
**Resolved:** That permission be granted for temporary parking of a bus at the Council Office for a maximum of 6 months.

- 16/ **Reports from Planning Committee – to receive minutes of the meeting held on 8 and 22 November 2016.**  
Received and noted.
- 16/ **Correspondence**  
None
- 16/ **Matters for future discussion**  
Cllr Barrell asked why the number of votes cast are no longer recorded in the minutes. The clerk stated there is no requirement to record them unless a member asks for names to be recorded at the time of a vote. It was suggested this matter could be considered when standing orders are reviewed (February 2017).  
Cllr. Reavill stated he had received a complaint the access point into Gardiner had been closed for the building works. It was pointed out the works include a new path at the same point so it has to be closed until finished.
- 16/ **Confidential Business - To consider and, if thought fit, approve the following motion: In view of the confidential nature of the business about to transacted, it is advisable in the public interest that the public and press be temporarily excluded and they are instructed to withdraw.**  
**Resolved:** That the motion be approved
- 16/ **To consider quotes for replacement of removed swings in Bourdillon Recreation Field.**  
Concerns were raised that insufficient funds are available at present to replace.  
**Resolved:** To defer a decision and rethink a replacement in association with other plans for play equipment in the village. The working group to meet and bring proposals back at a future meeting.

The Chairman declared the meeting closed at 2135 hrs.

## **Goring Neighbourhood Plan update – February '17**

### *Consultation*

An Exhibition of the interim results of the Site Assessment Process took place in the Village Hall on the 10<sup>th</sup> December. Over 350 people attended including our MP. Feedback was generally extremely positive. Concerns were expressed by people living in the proximity of the provisionally Accepted sites of GNP3, GNP2 and the “triangle” of land attached to GNP6. There were serious concerns expressed by Peruvian Connections about the possible cancellation of their lease in GNP10.

An update has been published in the Goring Gap news as well as a response to the letter from the school Governors promoting the Developers outline proposal for a new school which is predicated on large scale development of GNP5 and the existing school site. There are potentially significant long term impacts on the village which cut through the extensive consultation and evidence collected over the last 12 months. The SG are meeting the Governors on 7<sup>th</sup> February to seek a joint way forward.

### *Progress update and next steps*

The Bramhill supplementary report has now been received and will be reviewed by the SSMG on 8<sup>th</sup> February. Any changes to interim site assessments presented at the Exhibition will be agreed by following the published methodology. SG policy has always been openness and transparency. In line with this, the Bramhill supplementary report, their TOR (also confirmed in their report), the up to date site assessments and the additional information provided to Bramhill as input to their supplementary report (subject to Developer agreement) will be published as soon as possible.

Further work is ongoing on the draft set of Plan Policies and Objectives, the Sequential Test, the Evidence database to support the Plan, the Consultation Appraisal, the Basic Conditions Statement and the Sustainability Appraisal. This has to be presented to GPC as a suite of documents.

We attended a meeting hosted by our MP and John Cotton to update NP groups. Specifically, SODC has a 3.9-year land supply and the lack of 5-year supply is no longer a lever for Developers. We also had a further meeting with SODC to review our program. SODC will only support our Plan if it's Policies and Evidence are robust and sustainable and that we “take account” of their 2032 Local Plan even though it's still under consultation. This document allocates a further 10% to the large villages (ie a total of over 250 houses for Goring. NB over 85% of residents told us they want no more than 86 new houses, this number would be hugely exceeded if the “free school” proposal was to be implemented).

As a result, work has commenced on adding to the analysis gathered during the village Housing Needs consultations to gather stronger evidence of our specific requirements in Goring rather than a random allocation of housing numbers by SODC to cover their gaps elsewhere.

### *Programme*

Additional tasks, detail and unplanned interaction with the village, along with an extended break over Xmas, have resulted in significant slippage. Key high level activities and programme dates are:

<b>Activity</b>	<b>Start Date</b>	<b>End Date</b>
Develop Plan pack and present to GPC	December 2016	April 2017
Parish & PC consultation	May 2017	July 2017
SODC Public Consultation	July 2017	August 2017
Plan examination	August 2017	Sept 2017
Referendum	Sept/Oct 2017	

### *Finance*

A budget of £22,000 was originally approved by the Council. To date £19,000 of funding has been secured for the development of the plan, of which approximately £17,000 has been spent. In December, the council approved the re-profiling of the budget and an additional £6K contingency. At present the plan is forecast to be within this overall budget.



## Goring Neighbourhood plan site GNP 6

### *Background*

Goring Neighbourhood Plan (NP) site GNP6 comprises a rectangular area of land adjacent to the rear gardens of properties on the north side of Springfield Road and a triangular shaped area fronting the east side of Wallingford Road immediately north of the existing built up area. The site contains a mix of intensively farmed arable land, an orchard and a paddock. The site was considered as part of the NP Landscape Capacity Report (the Bramhill Report) along with all other sites which concluded that only a section of the land adjacent to Springfield Road was suitable for development. This was detailed in the report on the NP website. At the public exhibition held on 10 December residents were informed that a revision to the Bramhill report was being written which concludes that a wider area is suitable for development. Although the revised report had not been seen by the Steering Group (SG) or Site Selection Management Group (SSMG), a unanimous vote accepted the anticipated findings of the report and included a wider area including the triangular shaped land in their sites selected for development. From discussions held at the exhibition it is apparent that the area was not assessed to the same degree of rigour as other sites and nearby residents are deeply concerned at the decision and its implications. This document has been produced on behalf of residents directly affected by the proposals although the impact will be seen well beyond neighbouring properties.



GNP6 viewed from the western side fronting Wallingford Road

### *Site characteristics*

The majority of the section of the site fronting Wallingford Road is currently a paddock which has for many years been grazed by horses. Adjacent is an area which is intensively farmed with mixed crops. The site rises to the crest of a hill which is visible from significant distances in all directions including from the B4009 heading southward towards the village. In the longer distance the Wittenham Clumps are visible from the site some 15km to the north. The area forms an aesthetically pleasing

area which is protected as part of an Area of Outstanding Natural Beauty (AONB). The images below illustrate some of the views from the site.



GNP6 looking west



GNP6 looking south-east towards Cow Hill



GNP6 looking north

### *The Bramhill report*

The Bramhill report was commissioned to assess the suitability of sites in terms of their visual impact. It is understood that the recommendations of the report form one of the few highest priority selection criteria alongside some more practical factors such as proof of land ownership and an assessment of any critical infrastructure issues. As such the recommendations have a very heavy weighting on the selection or otherwise of a site.

The Bramhill report drew a distinction between the lower lying areas of land (below the 65m contour) adjacent to Springhill Road which is concluded would be suitable for development with sufficient mitigation and other areas which it concluded were unsuitable including the entire triangular area fronting Wallingford Road. The report does not distinguish between development for housing or access roads but at a meeting held between members of the SSMG and Bramhill they confirmed that they considered the area to be unsuitable for either purpose.

Full details of the Bramhill findings can be found in their report and will not be repeated in full here but comments include:

- There is a hedge and line of trees along the boundary at (f) (southern boundary) which both emphasizes the rounded profile of the knoll and provides a very strong definition of the village edge, where there is a marked transition from village settlement to open countryside
- The visual envelope is very different for the triangular area at the western edge of the site. This piece of land is very visually exposed, being seen in near views from Wallingford Road. It is particularly important in the approach to Goring from the north, where the open downland landscape is consistent and contiguous on the east side of the road, offering very attractive and unspoiled views. The hedge and trees define a very marked boundary and defined transition between the rural landscape and the village settlement.
- There will be open views from Wallingford Road at the western end of the site, where the effect on visual amenity will be particularly adverse due to proximity and degree of change.
- In order to limit visual impacts over the wider area, it is recommended that only part of this site is developed. It is therefore recommended that the contour line at 65mAOD is used as an upper limit for development and construction on higher parts of the site than this should be avoided. This means keeping development to the southern edges of the site.
- The overall effect on the landscape is identified as major adverse.

The Landscape Capacity Assessment was carried out consistently across all sites on the basis of the summary details provided by the developer and set assumptions around housing density. Residents were advised that Bramhill would not consider developers design proposals, but instead the general suitability of the land for development.

### *The Bramhill supplementary report*

It is understood that following a meeting between the SG and the developers/land owners, Bramhill were commissioned to carry out further work to consider points of clarification or supporting evidence. Residents were advised at the public exhibition that the majority of the SG and SSMG have not had access to either the brief for the supplementary work nor the consultants report. Residents were also told that an SSMG member was advised of Bramhill's findings via an email and that these findings were reported to other SSMG members verbally.

Residents have been informed that Bramhill's revised findings now accept development of five dwellings and an access road on the triangular shaped area of land. This complete reversal is astonishing given the strength of recommendation in the original report. The justification provided to residents is that screening has been recommended and that housing will be to a lower density than originally assumed. Residents were advised that decisions were not, at this stage, being made on the basis of specific design characteristics. However, it appears that the decision taken relating to this site has now been taken with reference to design considerations such as housing density, landscaping and alignment (e.g. that housing would be parallel to Wallingford Road, set back at a similar distance to properties further to the south etc). This is inconsistent with the assessment of other sites. Suggestions that a reduced density of housing will have a reduced visual impact should be treated with caution given that:

- Experience shows that properties will be larger where density is lower.
- The layout is unknown. Assumptions have been made, for example, that housing will be parallel to Wallingford Road and set back a certain distance from the Wallingford Road but prior to consideration of designs this cannot be certain.
- Proposed screening is likely to be ineffective given the topography of land and based on experience of screening elsewhere.
- Whilst a reduced density of housing may reduce the overall impact it will also lessen the associated benefit. It is understood that a principle of the Bramhill assessment is that development on any part of the AONB is only considered potentially acceptable due to the associated need for housing. In this case an important and sensitive part of the AONB is being permanently sacrificed for a housing need benefit of only 5 dwellings.

It is unclear why a decision of such magnitude has been made without decision makers having access to the consultants brief or report. This contrasts with decisions taken on other sites will full access to the necessary information including the opportunity to discuss findings with the landscape consultant.

#### *Access to GNP6*

Access to GNP6 is proposed via a junction on Wallingford Road connecting to a road to the site. An access road and associated footways will be some 8.5m or wider and will require street lighting, signage and other infrastructure. This road will have a considerable detrimental impact on the southern approach to the village. Residents of Wallingford Road have questioned why the access is not via the section of land joining the main site to Springhill Road and were advised that this piece of land is too narrow for an access road. This is not correct. Latterly residents have also been advised that access via Wallingford Road is preferred by Oxfordshire County Council. Whilst this is an important consideration there are many examples of new housing accessing lower categories of road and the County Council's view should not be an entirely constraining factor. Indeed it is inexplicable to residents of Wallingford Road why the most important NP consideration, that of landscape impact, has been given such little consideration in this case. Access onto either Springhill Road or indeed onto Icknield Road would have a significantly reduced visual impact. Discussions with SSMG members suggest that the rationale for this decision is not fully understood by all and that the significant impact of the proposal has not been given sufficient consideration.

### *Consultation*

Residents have been advised that there will be sufficient opportunity for concerns to be raised at either the Parish Council or District Council consultations. The exact nature of this consultation is unknown, however, it is apparent that proposals will be presented as a single option and supported by a complex assessment process much of which is not yet available for public viewing. The behaviours of the SG spokesperson in discussion with residents give little confidence that any issues raised will be considered with an open mind. It is vital that any decisions made without robust evidence and transparency are reviewed at the earliest possible stage, ie before the SG findings are presented to the Parish Council, rather than being left with a hope of being corrected at a later stage.

### *Summary*

A late decision has been made to include in the NP proposals an area of land which residents feel to be entirely inappropriate. Key issues include:

- Concern that a decision was made without SG and SSMG members having sight of the revised landscape report or brief.
- It appears that the site has been assessed inconsistently with other sites, in particular the level of design characteristics considered and the level of opportunity afforded to the developer to change proposals.
- The findings are entirely at odds with the evidence available to residents on the NP website, particularly the Bramhill report.
- The inclusion of additional housing will increase the size of the 'acceptable' portion of GNP6 which is a large site, conflicting with the wishes of the village.
- Proposals for both housing and a road will have a highly significant and irreversible visual impact which will be seen for many miles in all directions.
- The proposals will leave significant scope for the developer to 'in-fill' more housing further increasing the impact.

The residents affected by this issue would ask that the decision to include development on this area is held in a 'pending' state until the developers proposals, consultants brief and supplementary report have been made available for review by both the Steering Group and residents and that meaningful engagement is held with residents regarding this issue prior to consultation on final proposals by the Parish Council.

The residents affected by these proposals would like to thank the Parish Council for providing the opportunity to raise these issues.

Emails received regarding the School / Neighbourhood Plan

**4 February 2017**

Dear Sir/ Madam

I believe that the draft Goring Neighbourhood Plan is flawed as it does not take into account the offer of a new school at no cost to the village, school or taxpayer.

In particular I note that in the original survey held by the development committee, the School was listed as being the biggest concern for residents in the village. I struggle to understand how the decision for something that is clearly integrally linked to the addition of new houses to our village, could have been viewed as out of remit.

It is already to the detriment of the community that in-catchment children can not attend the village school. This would become worse when new houses are built with no extra school facilities. I fear this could cause a real divided community where many children are being shipped out to schools outside of our village. The School has close ties to the Church, amongst other community bodies and I feel that this would therefore have a negative impact on the whole village as families would not feel a part of our village. Added to this is the fact that the School is in urgent need of repair, but there is no money in the pot. It would be ludicrous not to carefully consider this offer.

We believe that as a community we should adopt a long term vision by grasping this unique opportunity to provide a new enlarged school site and building. This would be a fantastic legacy that will benefit many future generations of Goring children.

Yours sincerely

Nicholas and Sarah Boulton-Jones

Valley Close

**4 February 2017** (To [complaints@oxford.anglican.org](mailto:complaints@oxford.anglican.org) cc to GPC and included by request)

A presentation by School Governance to parents on Thursday evening included reference to the deplorable state of maintenance and repair of the school buildings. Images were shown by way of evidence of this with the intention of enlisting parental support for a newbuild school on a remote location elsewhere. This presentation has now been posted on the School website (q.v.).

A number of complaints arise from this:

- It is clear from the photographs that there has been systemic management neglect of their responsibilities to repair and maintain the fabric of the school over a number of years. How and why was this allowed to happen under your stewardship?
- The assertion that there are funding constraints is specious. The Church of England is one of the wealthiest institutions in the country, so your reluctance to adopt the policies of Premises (VA) Schools can only be because the offer of a new school funded by speculative developers is more attractive.

- Your representative, Gordon Joiner was asked at the meeting about the likely outcome if the new school project failed to materialise. He implied that the necessary funding for repairs would have to be found (presumably from the ample CofE coffers).
- Three of the images posted showed a lavatory facility which was a hygiene disgrace, with mould on a wall and a generally insanitary appearance. Clearly this is a routine cleaning matter - and nothing to do with the age/condition of the building.
- As owners of the site you have refused to consider the other options, namely using the Bourdillon site as playground (it is already), introducing staggered breaks, building on the courtyard, closing the unused wilderness area and underutilised swimming pool, as a way of freeing up space for additional classrooms.

By association with the Governance Board, you condone the undermining of the Goring Neighbourhood Plan Steering Group, whose proposals have derived from democratic process.

- As your Premises (VA) Schools team benefits from building surveying expertise you should commission a professional survey of the school premises rather than rely on the uninformed opinion of those who lack the necessary skills and have a vested interest.

As a practising Christian and an active member of the UB I feel moved to register these complaints.

Yours sincerely  
John Francis

## **5 February 2017**

Please could you pass this on to the Parish Councillors for their consideration?

As a resident of Goring I write for your help on the above matter.

The sole intention of the Neighbourhood Plan steering group appears to be to keep new development to a minimum with no consideration for the local infrastructure and the welfare of future generations.

The current primary school is on a site which is too small for the number of students on roll, is in a rapidly deteriorating state of repair and regularly turns away in catchment children.

A proposal to build a new fit for purpose school at no cost to the Council, the School Governors, The Diocese of Oxford or the taxpayer has been received. The steering group have so far refused to consider incorporating this in their draft maintaining it is outside of their remit.

There is strong local feeling that this is a shortsighted and self-interested policy.

Please could you investigate this and try to bring about a solution that would be acceptable to the community?

Kind regards

Tim Monk

**6 February 2017**

I've been impressed with how the Neighbourhood plan has been run to date but I do believe that the draft Goring Neighbourhood Plan is flawed as it does not take into account the more recent offer of a new school at no cost to the village, school or taxpayer. I would urge the Neighbourhood Plan Steering Group to reconsider their decision.

Our current school buildings are nearing the end of their planned life and require over £1 million of repairs. Due to the current lack of education funding there is no money available to undertake these substantial repairs which will continue to accumulate.

The school is regularly turning away in-catchment children, a situation which will be exacerbated by the planned new homes. Again, there are severe funding restrictions which give little scope for any school expansion.

We believe that as a community we should adopt a long term vision by grasping this unique opportunity to provide a new enlarged school site and building. This would be a fantastic legacy that will benefit many future generations of Goring children.

Many thanks,

Amber Rhind

Gatehampton Road

**6 February 2017**

I believe that the draft Goring Neighbourhood Plan is flawed as it does not take into account the offer of a new school at no cost to the village, school or taxpayer. We urge the Neighbourhood Plan Steering Group to reconsider their decision.

Our current school buildings are nearing the end of their planned life and require over £1 million of repairs. Due to the current lack of education funding there is no money available to undertake these substantial repairs which will continue to accumulate.

The school is regularly turning away in-catchment children, a situation which will be exacerbated by the planned new homes. Again, there are severe funding restrictions which give little scope for any school expansion.

We believe that as a community we should adopt a long term vision by grasping this unique opportunity to provide a new enlarged school site and building. This would be a fantastic legacy that will benefit many future generations of Goring children.

Kind regards

Katharine Potter



Goring-on-Thames Parish Council			APPENDIX B			
Accounts for payment December 2016						
Payee	Description			Amount	Date	Ref
Current Account						
BGG	Street Cleaning / Litter picking November	3560		£ 576.00	15/12/2016	BACS 81/16
C Ratcliff	Salary	2310	£ 1,361.34			
C Ratcliff	Car allowance	2110	£ 20.00	£ 1,381.34	30/12/2016	BACS 96/16
C Ratcliff	Expenses	var		£ 92.61	30/12/2016	BACS 99/16
C Fox	Salary	2310		£ 120.00	30/12/2016	BACS 95/16
First Line IT	Email link to website	2240		£ 5.94	07/12/2016	BACS 75/16
Geoff Brown	Christmas Trees & Lights	3330		£ 202.03	07/11/2016	BACS 74/16
Goring Hardware	Stamps, Bags, Tree lights & fittings	var		£ 245.88	08/12/2016	BACS 79/16
HMRC	PAYE & NI December	2310		£ 728.72	22/12/2016	BACS 97/16
J M Krzak	Cleaning	2310		£ 154.65	30/12/2016	BACS 94/16
M & C Landscapes	Grass Cutting November	3110		£ 646.92	12/12/2016	BACS 77/16
M & C Landscapes	Grave Digging November	3210		£ 423.84	15/12/2016	BACS 82/16
Prestige Electrics	Electrical work Sheepcot & OJFS	var		£ 834.10	28/12/2016	BACS x 5
Richard Buxton Client Account	Legal Fees re Weir Judicial Review	2520		£ 18,768.42	30/12/2016	BACS 98/16
SODC	Dog waste bins Jul-Sept 2016	3560		£ 12.56	07/12/2016	BACS 73/16
SSE	Street Lights Maintenance	3420		£ 955.93	12/12/2016	BACS 78/16
Stanley Security Solutions	Alarm maintenance	2200		£ 16.38	22/12/2016	BACS 86/16
Swift Clk Ltd	Envelopes	2210		£ 8.53	07/12/2016	BACS 76/16
Tracy Averies	Gardiner Pavilion refurbishment	6324		£ 13,087.20	30/12/2016	BACS 100/16
Tracy Averies	Gardiner Pavilion refurbishment	6324		£ 17,233.38	21/12/2016	BACS 85/16
Direct Debits/Standing Orders						
Mainstream Digital	Phone	2240		£ 59.06	14/12/2016	DD
NEST	Pension Contributions	2310		£ 34.30	28/12/2016	DD
SODC	Business rates	2290	£ 79.00	£ 79.00	01/12/2016	DD
SODC	Business rates	2290	£ 53.00	£ 53.00	01/12/2016	DD
SSE	Street lights unmetered elecricity	3420		£ 329.64	19/12/2016	DD
Talk Talk	Broadband	2240		£ 22.31	12/12/2016	DD
Neighbourhood Plan						
DB Consulting	Banners	4903		£ 120.00	22/12/2016	BACS 84/16
Goring Village Hall	Meeting	4900		£ 71.50	12/12/2016	BACS 80/16
Displays UK	Display boards	4903		£ 647.16	22/12/2016	BACS 87/16
SwiftClik	Paper	4901		£ 34.80	07/12/2016	BACS 76/16
SwiftClik	A3 paper - Exhibition	4903		£ 14.71	15/12/2016	BACS 83/16
Total:				£ 56,959.91		

Goring-on-Thames Parish Council		APPENDIX B1			
Accounts for payment January 2017					
Payee	Description			Amount	Date Ref
<b>Current Account</b>					
BGG	Litter picking December	3560		£ 460.80	26/01/2017 BACS 3/17
British Gas	Service Contract OJFS	2260		£ 434.92	26/01/2017 BACS 6/17
C Ratcliff	Salary	2310	£ 1,361.14		
C Ratcliff	Car allowance	2110	£ 20.00	£ 1,381.14	31/01/2017 BACS 12/17
C Fox	Salary	2310		£ 120.00	31/01/2017 BACS 13/17
First Line IT	Email link to website	2240		£ 5.94	26/01/2017 BACS 4/17
Goring Hardware	Kettle	2570		£ 19.94	26/01/2017 BACS 1/17
HMRC	PAYE & NI December	2310		£ 728.92	31/01/2017 BACS 15/17
J M Krzak	Cleaning	2310		£ 103.10	31/01/2017 BACS 14/17
Realise Futures	Seat and fixings	3910		£ 557.40	26/01/2017 BACS 2/17
SODC	Dog waste bins Oct-Dec 2016	3560		£ 12.56	26/01/2017 BACS 10/17
SSE	Street Lights Maintenance	3420		£ 955.93	26/01/2017 BACS 7/17
SSE	Street Light Quarterly rechargeable repairs	3420		£ 322.14	30/01/2017 BACS 8/17
<b>Direct Debits/Standing Orders</b>					
Biff Bang Pow	Website hosting December	2240		£ 26.10	03/01/2017 DD
Mainstream Digital	Phone	2240		£ 1.03	16/01/2017 DD
NEST	Pension Contributions	2310		£ 34.30	30/01/2017 DD
NPower	Gas Gardiner Pavilion	2260		£ 147.71	18/01/2017 DD
NPower	Gas Sheepcot Pavilion	2260		£ 114.96	27/01/2017 DD
SODC	Business rates	2290	£ 79.00		
SODC	Business rates	2290	£ 53.00	£ 132.00	01/01/2017 DD
SSE	Street lights unmetered elecricity	3420		£ 361.87	21/01/2017 DD
Talk Talk	Broadband	2240		£ 22.31	10/01/2017 DD
Thames Water	Gardiner, OJFS, Sheepcot 10/10 to 16/12	2260		£ 501.86	04/01/2017 DD
Xerox Finance	Quarterly Printing Costs	2210		£ 169.85	31/01/2017 DD
Xerox Finance	Quarterly Lease	2210		£ 90.58	03/01/2017 DD
<b>Neighbourhood Plan</b>					
Zurich Insurance	NPSG Public Liability Insurance	4908		£ 198.00	26/01/2017 BACS 11/17
Goring Village Hall	Meeting 30/1/17	4900		£ 27.50	26/01/2017 BACS 5/17
<b>Total:</b>				£ 6,930.86	

<b>Goring-on-Thames Parish Council</b>		<b>APPENDIX C</b>			
<b>Receipts received December 2016</b>					
<b>From</b>	<b>Description</b>	<b>Code</b>	<b>Date</b>	<b>Ref</b>	<b>Amount</b>
Oxon Payments Office	Court compensation	1134	05/12/2016	DC	£15.00
Running Reborn	Use of recreation grounds	var	09/12/2016	Inv 1076	£88.13
Groundwork UK	Grant re NHP	1132	16/12/2016	DC	£1,000.00
Jamie DeOliveira	Donation for Memorial Bench	1132	13/12/2016	DC	£624.60
HSBC	Bank Interest	1190	30/12/2016	DC	£0.32
HSBC	Bank Interest	1190	30/12/2016	DC	£6.37
TSB	Bank Interest	1190	09/12/2016	DC	£1.89
				<b>Total:</b>	<b>£1,736.31</b>

<b>Goring-on-Thames Parish Council</b>		<b>APPENDIX C1</b>			
<b>Receipts received January 2017</b>					
<b>From</b>	<b>Description</b>	<b>Code</b>	<b>Date</b>	<b>Ref</b>	<b>Amount</b>
GWR	Grant re Wallingford Road	1132	20/01/2017	Inv 1081	£7,000.00
Dignity Funerals	Interment - Westwood	1130	24/01/2017	ND1/S22	£1,016.00
TJ Watts	Interment - Watts	1130	30/01/2017	Inv 1083	£121.92
HSBC	Bank Interest	1190	01/01/2017	DC	£60.90
HMRC	Vat Repayment	105	25/01/2017	DC	£10,503.45
Howard Chadwick	Interment - Taylor	1130	26/01/2017	Inv 1082	£965.20
TSB	Bank Interest	1190	09/01/2017	DC	£7.30
				<b>Total:</b>	<b>£19,674.77</b>

**Goring on Thames Parish Council**  
**Monthly Report Bank Account and Reserves Balances**

As at: **31 January 2017**

**Reconciled Bank Account Balances**

Current HSBC	£10,000.14
Current TSB	£35,419.51
Support	£9,605.45
Capital Reserves (old HSBC a/c)	£0.00
Revenue Reserves (old HSBC a/c)	£0.00
TSB Reserves	£169,069.17
Unpresented Payments	<b>-£169.85</b>
Unpresented Receipts	£0.00
<b>Total</b>	<b>£223,924.42</b>

**Earmarked Reserves (Capital and Contingency)**

Street Light Replacements	R	£0.00
Ferry Lane Riverbank Repairs	R	£0.00
Ferry Lane Fence	R	£750.00
White Hill Burial Ground Approach Road	R	£0.00
Gardiner Pavilion Refurbishment	C	£121,732.85
Tree Purchase and Replacement	R	£12,500.00
OJFS Contingency for Repairs	R	£0.00
Rectory Garden	R	£1,000.00
Playground Equipment	C	£11,267.00
Weir Legal Fees	R	£9,504.08
Wallingford Road Widening	R	£7,000.00
Operating Reserve Account	R	£50,000.00

**Total Revenue Reserves** £80,754.08

**Total Capital Reserves** £132,999.85

**Total Reserves** **£213,753.93**

**General Funds Available** **£10,170.49**

Printed on 07/02/2017  
 Goring-on-Thames Parish Council Current Year  
 Annual Budget - By Combined Account Code

	Agreed	Actual YTD	Next Year
<b>Budget Income</b>			
1130 White Hill Burial Ground	10000	7428	14525
1132 Grants Received	58000	39147	10000
1134 Miscellaneous Income Other	11267	11322	500
1135 Community Car Park	6000	6300	6000
1140 Miscellaneous Property Income	130	135	150
1141 Gardiner Ground and Pavilion	1900	2348	2000
1143 Sheepcot Ground and Pavilion	3400	3504	3500
1176 Precept	93202	93202	95066
1190 Interest Received	150	220	100
<b>Total</b>	<b>184049</b>	<b>163606</b>	<b>131841</b>
<b>Overhead Expenditure</b>			
2110 Allowances Expenses Training	600	409	750
2200 Security, Fire & Safety	760	140	800
2210 Postage, copies and printing	600	416	660
2240 Telephone & Internet	800	570	800
2250 Office Equipment, Software etc	950	478	1000
2260 Utilities - Gas, Water, Electr	6760	4627	6800
2270 Insurance	2153	2153	2400
2290 Rates & Taxes	1850	1319	2000
2295 Inspections Surveys & Reports	106	106	500
2300 Miscellaneous Expenditure	150	59	150
2310 Staff Costs	32430	25199	32500
2410 Subscriptions	930	738	1000
2510 Audit & Accountancy Fees	1500	1057	1750
2520 Legal Fees	25988	25988	1500
2540 Hire of Meeting Room	300	417	750
2550 Publications	77	77	100
2570 OJFS Sundries & Maintenance	300	204	2600
2600 Vandalism	500	413	750
3100 Misc Burial Ground Costs	500	420	500
3110 Grass Weeding Strimming Fertil	15000	13571	15000
3120 Hedges/Fences/Paddocks/Gates	500	0	1500
3170 General Maintenance & Repair	2475	2070	5000
3210 Grave Digging	3600	666	5600
3310 Churches S214(6) LG Act 1972	50	0	50
3330 S137 Payments	10875	4872	8000
3350 Transport S26-29 LGR Act 1997	700	700	800
3420 Electricity - P/L	16200	12381	16500
3525 Trees	6000	1395	3000
3560 Waste / Litter / Street Cleani	9000	8296	6000
3562 Winter & Flooding	600	0	600
3650 Car Park	2500	2150	2500
3910 Seats & Tables	2250	1340	2250
4211 Playground Equipment	2000	814	0
4900 Meetings NP	244	99	0
4901 Printing NP	1855	1855	0
4902 Consultancy NP	11000	8303	0

4903 Exhibitions / Workshops NP	4530	2114	3000
4904 Research Materials NP	47	47	0
4905 Examination Preparartion NP	500	0	0
4906 Referendum Preparation NP	0	0	1000
4908 Misc Expenses/ purchases NP	2262	1268	0
6322 Ferry Lane Fence	750	0	0
6324 Gardiner Pavilion Refurbishme	147000	48159	0
6325 Tree Purchase and Replacement	12500	0	0
6327 Rectory Garden	1000	0	0
6331 Playground Equipment	11267	0	0
6332 Wallingford Road Widening	7000	0	0
6350 Legal Fees	9504	0	0
	Expenditure	358463	174881
	Income	184049	163606
			128110
			131841

## Cash Flow

Colin and I would like to update the Council on our cash flow situation (see snapshot balance sheet attached for details).

We now have about £2,986 in the current bank account which will not last long. Although on paper we have general reserves of £7,651, the amount of £4,665 is VAT owed back after next return due 31 March and will not be paid until April.

The main reasons for running close to our reserves are lower-than-budget income from burials as well as the lack of grant monies received for the pavilion so far. It should be noted that the application for approximately £28,000 S106 funds is with SODC, but the monitoring officer had an extended Christmas holiday and then was ill until late last week (so even after chasing, no one had attended to the matter).

Firstly, it is great that people aren't dying at the usual rate! We have already reduced the budget from previous years, and we should do the same for subsequent. It does represent a substantial income and probably best not to rely on it as much.

Though it isn't ideal, cash flow should not be a major concern as that is why we have reserves, etc. Because we have been - in my view - responsible and allocated reserves, we then don't have as much flexibility as the Council had in prior years. Previously there was so much in 'non-earmarked reserves' that no one ever noticed any issue of cash flow. In reality, we have plenty of money in reserves - general, ear marked and operating reserves (operating reserves are half our precept amount). I see this as a more of a 'juggling' exercise than a problem.

As a result, I would recommend that we utilise the operating reserves if necessary, until the cash flow is back favourable again. S106 funds are likely to take a few more weeks, and we also have a new influx of precept monies in April. I would request that the Council approve this approach, though very happy to discuss and entertain other suggestions.

**Cllr. Bryan Urbick**  
**7<sup>th</sup> February 2017**



31st March 2016

31st March 2017

**Current Assets**

196	Debtors	0	
3,188	VAT Control A/c	4,666	
5,702	Current Bank A/c	0	
96,000	Capital Account	0	
65,246	Support A/c	0	
45,000	Reserve Account	0	
0	TSB Current Account	2,983	
0	TSB Reserve Account	196,112	
<b>215,332</b>			<b>203,761</b>

**215,332 Total Assets****203,761****Current Liabilities**

293	Creditors	0	
<b>293</b>			<b>0</b>

**215,038 Total Assets Less Current Liabilities****203,761****Represented By**

160,238	General Reserves	7,649
54,800	EMR Operating Reserve	50,000
0	EMR Rectory Gardens	1,000
0	EMR Ferry Lane Fence	750
0	EMR Gardiner Pavilion	104,091
0	EMR Tree Purchase & Replacemen	12,500
0	EMR Playground Equipment	11,267
0	EMR Legal Fees - Weir	9,504
0	EMR Wallingford Road Widening	7,000
<b>215,038</b>		<b>203,761</b>

The above statement represents fairly the financial position of the authority as at 07/02/2017 and reflects its Income and Expenditure during the year.

Signed :  
Chairman

Date : \_\_\_\_\_

Signed :  
Responsible  
Financial

Date : \_\_\_\_\_

**Appeal from Goring United Football Club re Fees**

**14 December 2016**

Hi Colin,

Please can you put forward the below as my formal response to the Council's decision to reject my request for a partial refund. Please do let me know when the next public meeting is that I can attend, and please put something on the agenda if the matter is not resolved before then. I do hope that this can be resolved quickly and an amicable, more reasoned resolution can be found.

Thanks,

Alex

**Re: Goring United FC Gardiner pitch fees**

Firstly, the flat out rejection of the request for a refund is certainly surprising; given the conversation I had with David and Colin on the 3 October. They both made it quite clear when we met that a pro rata refund would be reasonable, given the amount of games we are unable to play at the Gardiner due to the pavilion works.

The club has paid £1,162.30 for just 8 matches at the Gardiner. That is at a cost of £145 per match. The fact that we are able to play our games at Sheepcot is frankly irrelevant. We paid a fee for the use of Gardiner and a separate fee for the use of Sheepcot. The fact that the club is able to play its games at Sheepcot is because we have paid £625 for the right to do so. Not through any replacement pitch being provided to the club, whilst the Gardner is unable for use.

If we hadn't paid for the use of Sheepcot, would we have been provided the use of Sheepcot pitch free of charge as a replacement? Providing a reason that we can use Sheepcot is only justifiable if this was the case.

Notice was indeed given that the work was due to begin sometime during the football season, however, I fail to see how this can be seen as a justification for expecting the club to pay for a full season of fees, yet only have the pitch available for approximately a third of the season. Please could this point be clarified?

Our club will indeed benefit from the facilities at Gardiner, as will the Bowls club and the Cricket club. I tried to organise some fundraising with both the other clubs, but was met with silence. Again, I fail to see the justification here as all clubs will benefit from the refurbished pavilion. A fairer and more reasoned course of action would surely be to have the football club pay the fees that reflect the use of the pitch for this season, as the other sports clubs have done this year. If it was then felt the clubs needed to contribute, this could have been discussed with all of the sports clubs collectively, rather than just the football club bearing the brunt.

If the works were due to begin in August at the start of the football season would the club be expected to pay the full amount of the pitch fees? Likewise, if the works were due to begin in May at the start of the cricket season, would the cricket club be expected to pay the full amount of their fees? Out right refusing a pro rata refund is effectively saying yes, both clubs would be expected to do so. Surely common sense must prevail here and all clubs are only expected to pay a fee for something they can actually use?

Regards, Alex Fletcher Chairman, Goring United FC

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Dear Alex,

Just before I forward this to the Councillors as I can guess some immediate questions they will have:

Can you comment on the fact you have not lost any matches due to being able to use Sheepcot which was always the alternative the council hoped to make available if you could not use the pavilion.

I didn't know that your rules meant you could not use Gardiner pitch for the game and Sheepcot Pavilion for changing / showers - they are only a few hundred yards apart and that point had not previously been raised by the club in the three years or so the project has been in the pipeline.

The council have not stopped your use of the pitch - just the pavilion while the works are being done and Sheepcot is and always has been available to use for showers etc and thanks to the flexibility of the Robins - all your matches.

Also for your information, the Cricket Club and Bowls Club are paying for the hire of containers for storage of the contents of the pavilion - approx. £1,000.

Colin.

Colin Ratcliff Clerk

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Hi Colin,

We have already cancelled one game because of the state of the Sheepcot pitch due to the fact it is being over used, something I have sought to rectify with the Robins. I reiterate the fact that we have paid for the right to use the Sheepcot, regardless of whether our use of the Gardiner was effected by the works. It's not an alternative that has been 'made available', if it's something that we have paid to use anyway. It would only be the 'alternative' you suggest if the council didn't charge us for use of the Sheepcot for the remainder of this season.

I checked the league rules when you informed me of the move date and passed that information on to you straight away. Would it have made any difference if you had known the league rules beforehand? I'm struggling to see the point here?

Regardless of rules, and as I said at the time, it's simply not feasible to suggest playing at the Gardiner and using the facilities at Sheepcot. A pitch and the facilities surely go hand in hand.

Keith has previously informed me of the cost of the containers and we offered to contribute to the costs due to the fact our equipment has now been stored there - even though our equipment is pretty minimal in comparison. Was a factor in the decision that because the two clubs have paid for the containers, that we should therefore not receive a pro rata refund? What would be a fairer action is for us all to be treated the same in terms of paying fees to use the Gardiner and contribute equally to the works.

We are the club that are being effected the most here, are not being treated fairly in the sense we have paid to use something we can't and yet we were/are the only club willing to contribute to the works.

Alex

# REPORT TO GORING DIVISION PARISH COUNCIL PARISH COUNCIL

## FEBRUARY 2017

### FROM CLLR KEVIN BULMER

#### GENERAL OCC REPORT

#### UNITARY UPDATE

Last week OCC launched 'A Fresh Start for Oxfordshire', a draft of OCC's intended proposal for DCLG on how and why a single unitary authority for Oxfordshire could work. The full proposal can be found online at [www.oneoxfordshire.org](http://www.oneoxfordshire.org). There will be meetings with key local stakeholders in the coming weeks and activities will take place across Oxfordshire's libraries. An online survey will enable OCC to engage with the wider public. The results of these actions will be incorporated into a revised version of the proposal document to be considered at the March 14th meeting of the Cabinet. Following advice from the DCLG at the end of last year, OCC has been reassured that there is nothing preventing the pursuing of reorganisation of local government in parallel to working with the District Councils on a potential devolution deal for Oxfordshire. OCC is keen to hear from as many councillors, community groups, businesses and residents as possible via the website.

#### PROPOSALS FOR SPENDING £3.4M OF ADULT SOCIAL CARE TEMPORARY FUNDING

Proposals for how £3.4m of temporary funding can be spent were discussed at Cabinet on 24th January. The money would come from OCC being allowed by Government to set a 5% council tax rise in 2017/18 and 2018/19 – with 3% intended to be spent on adult social care. If the council votes to levy the 5% council tax increase at its budget meeting in February, OCC proposes to spend the adult social care portion of the money investing in capacity building and resilience, to help respond to future demand. The proposals are for the temporary funding to be spent in three key areas over the course of 2017/18 and 2018/19:

##### **1. £1.01million to grow, develop and build resilience in the external care workforce**

The social care workforce and, in particular, the home care workforce, is one of the key constraints on the health and social care system in Oxfordshire. Issues with recruiting, retaining, training, and supporting this workforce, combined with the high cost of living mean that the private and voluntary sector face issues in providing adequate numbers of staff. The £1.01m would be used to improve recruitment and retention for existing providers, and the skill base of local care workers. It would increase workforce and capacity, and would benefit individuals funding their own care.

##### **2. £1.485 million to transform delivery**

OCC proposes to invest £1.485m in transforming capacity in the public and private sector. This involves optimising the use of available care capacity, improving purchasing and sourcing, and working with people who use services and their carers to make services better. OCC plans to increase staff capacity (social workers, occupational therapists, and care managers) to ensure the right size for home care packages whilst at the same time supporting people to have the maximum levels of independence. It is also proposed to create additional capacity to support assessment and reviews to achieve maximum flow for the whole system. OCC also proposes to invest in improvements to systems to enable it to better to track and monitor the care demands in order to understand and use available capacity. This investment would release additional capacity into the homecare market, increase the availability of homecare, and improve the speed and timeliness of social care assessments.

##### **3. Daytime support (£650,000)**

This money would be used to form part of the £975,000 that OCC is proposing to spend supporting Daytime Support Services to transition to the new model of service provision. (Further detail can be found in the next item).

## **ADDITIONAL £975,000 TO HELP TRANSITION FOR DAYTIME SUPPORT SERVICES**

OCC is proposing a new daytime support system that would enable older people and people with disabilities to live independently in their community. Having listened to more than 1,000 responses to a consultation that ran during November and December, the OCC's original proposals have changed to reflect comments made - with £975,000 extra being spent. The proposals continue to include a guaranteed core service for people who require daytime support, alongside financial support to enable community-based services to continue to flourish. People with 'assessed needs' who receive help from OCC's adult social services would continue to receive support under a new proposed structure for daytime support in the county. The proposal now includes the additional money to be spent as follows: 1. An additional £550,000 in a transition fund for voluntary sector providers who receive grant funding from the council. This is in direct response to providers who responded to the consultation to say more time was needed. 2. An additional £100,000 on fundraising support for the voluntary sector. 3. Replacing current annual funding for 47 community-based daytime support services with grant pots totalling £350,000 a year.

## **RESPONSE TO CCG'S CONSULTATION ABOUT OXFORDSHIRE'S HEALTH SERVICES**

The Oxfordshire Clinical Commissioning Group has now launched the first phase of its consultation on proposed changes to health services in Oxfordshire. OCC is a consultee in the process, and Cabinet is due to make its view known at the cabinet meeting on 21st February. OCC officers are currently examining the detail of the proposals, and Cabinet will consider these alongside the emerging public view. The Cabinet's view will also be fed into the full debate on the consultation, which the Oxfordshire Joint Health Overview and Scrutiny Committee (HOSC) is hosting on the 7th March. HOSC is an independent joint committee, which includes representatives from the four District Councils, the City Council and County Council. The issue is also scheduled to be debated at the full Council meeting on the 21st March to ensure that all County Councillors are given the opportunity to voice local concerns.

## **CARERS SET TO CONTINUE TO RECEIVE PERSONAL BUDGETS**

OCC currently provides personal budgets of between £200 and £600 a year to more than 1,800 people who provide care to relatives and others. A consultation was undertaken during 2016 about discontinuing these personal budgets to save the county council £690,000. However, after having listened to consultation responses, a new proposal has been made for annual personal budgets of £300 targeted at those carers with the highest needs. It is estimated that only one-third of those who received a personal budget in 2016/17 would not do so at all in 2017/18. The revised proposals will save OCC £588,000, with £400,000 of this to be directly reinvested in preserving the Dementia Service which supports 120 people in Oxfordshire.

## **CONTACT DETAILS**

**Address:** Councillor Kevin Bulmer, County Hall, New Road, Oxford OX1 1ND

**Email/Tel:** [kevin.bulmer@oxfordshire.gov.uk](mailto:kevin.bulmer@oxfordshire.gov.uk). 07803005680

**Twitter:** Kevin Bulmer @bulmer\_kevin



**Goring Parish Council - Goring High St – Report**

3 Feb 2017

Proposed High St roadworks

As previously reported I have started to put together a consultation document, which I would like to enhance with illustrations of what is being proposed. To that end I have approached OCC Highways who indicated that they would provide the following:

- a. Some form of drawing to accompany the consultation document.
- b. An approximate cost for the works including any associated fees.

Unfortunately, this is still awaited.

Proposal: Subject to the outcome of the public consultation, if the majority are in favour that we proceed to instruct OCC Highways to commence with their consultation process and produce designs and a programme to implement the works. Financing of the works would be through borrowing to be paid off as CIL funds become available.

Footpath from the High St to Wheel Orchard car park

We were in the process of making contact with BT but were advised by R Bridle to hold off as he had contacts at BT who he was seeking to approach to put forward ideas as to what could be done to improve this footpath. If we do not hear from Ron B within the next two weeks I propose that we seek to contact BT.

Lorry's through the High St

As you may be aware OCC are pursuing a campaign to get the government to enact legislation making it compulsory for lorry's to be fitted with commercial sat navs.

I have recently been part of discussions to seek to widen the publicity for this proposal but had to point out that we had no formal records of lorry movement, however we had approached OCC Highways at a meeting last year where they agreed to provide us with forms that could be used to record lorry passing through the village. Although OCC had been chased by the Clerk we have still not received them. Action: K Bulmer

Overflowing bins

It is brought to our attention on a regular basis that rubbish bins in Ferry Lane and the wheel orchard car park in particular are overflowing, which appears to be a problem mainly at weekends.

Can I propose that we hire someone to check and clear bins at weekends including picking up general rubbish.

Cllr David Brooker

**23 January 2017**

**Wheel Orchard Car Park**

**Email from SODC**

Hi Colin

Thanks for your call on Friday, it was good to speak to you. As promised a few lines to confirm our discussion.

I will take this opportunity to sketch out the process for undertaking changes to the maximum stay period at Wheel Orchard car park. The operation of the council car parks is governed by the council's car parking order which covers issues such as fees, maximum stay periods, excess charge notice costs etc. Copies available on our website.

To make changes to the order the council needs to obtain the consent of Oxfordshire County Council highways and undertake a full advertised public consultation. This sounds very bureaucratic, but unfortunately we are required to follow the legislation which is very prescriptive. In addition, the internal council governance processes require a decision to authorise a consultation to consider a change to the order, then a further decision to make any changes once the consultation has closed and responses have been considered.

Anyway, as discussed the costs for car park surveys are £500 per day (we would need 3 days) for:

- An hourly survey between 8am and 6pm for the Wheel Orchard car park (noting any vehicles using permits) and on street spaces, and taking a note, where possible, of which direction people exit the car park from
- An hourly record of the number of free spaces in the station car park (but not how long people stay, because we would need to get permission to do this).

then £500-£1000 for report preparation and a pre visit. The total cost for the necessary survey work would therefore be in the region of £2,500

I have discussed this with OCC highways who agreed that the above approach was sensible and that it was best to avoid Mondays and Fridays as they were atypical.

If the parish council can either cover the survey and report costs, or undertake the survey work and pay for the report preparation it would be helpful to move this forward, as without this information it won't be possible to justify the proposed changes to OCC. If you can assist we could further discuss the practicalities of undertaking the survey work.

I hope this is helpful, but do let me know if you have any queries. I look forward to hearing from you once you have a decision from the Parish Council

Kind regards

Ben Coleman

Project Manager



## Architect's Report

7 February 2016

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Contract Week 10 of 20

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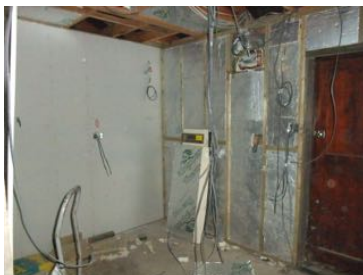
### A32.1 Programme

Work started on site: 21 Nov 16  
Completion due: 23 Apr 17  
Duration: 20 weeks  
Currently: Week 10 - i.e. approaching the half-way mark.  
No delay has been reported by the contractor.  
The project is presently on programme.

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### A32.2 Progress

- Stripping out work is complete.
- The new side extension concrete floor slab and internal & external walls are complete.
- The new window openings have been formed (the existing windows have been temporarily fitted in the new window openings until the new double glazed windows are available).
- New rigid roof insulation has been laid between the ceiling joists.
- Areas of plasterboard ceiling have been replaced.
- The new partitions have been erected.
- The kitchen dry-lined walls have been formed.
- The below-ground drainage is substantially complete and the above-ground drainage is progressing.
- New mains water pipework has been installed.
- 1<sup>st</sup> fix electrics have been carried out.
- The new accessible shower floor is being prepared for tiling



### A32.3 Events that could give rise to delay

Storage units: As previously reported, the temporary storage units were positioned where it is proposed to route the new rainwater drains and soakaway so it will not be possible to complete the rainwater drainage installation until the storage units are removed.

The contractor is aiming to complete the new side extension store room as soon as possible so that the contents of the temporary storage units could be moved into it prior to completion, which would then allow the storage units to be removed and the rainwater drainage works to proceed. However, this has the potential to give rise to delay.

Weather: To date, there have not been any exceptionally adverse weather conditions that have affected progress.



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**A32.4 Variations**Client instructed variations:

The Council has asked for the 'external tap' in the existing store to be relocated to a new position in Store 2. Otherwise there have not yet been any variations to date.

Contractor variations: The contractor has offered to replace the plasterboard ceiling instead of removing and making good where there was an existing textured ceiling finish as this is more time and cost effective for the contractor: there is no cost implication and the Council benefits from a new ceiling finish.

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**A32.5 Costs**

- The additional cost for relocating the 'external' tap has been agreed and the Contract Sum adjusted accordingly.
  - Otherwise there have not been any cost adjustments.
  - None of the original Contract Sum contingency has yet been expended.
  - The contractor has made 3 no. applications for payment and 3 no. certificates of interim payment have been issued.
  - A further application for payment is expected shortly.
  - 26% of the total construction cost has been certified to date
  - The project is presently within budget and no cost increase is currently anticipated.
- 

**A33 Building Regulations compliance**

SODC Building Control has visited site on several occasions and has inspected the -

- Excavations
  - Foundations
  - Ground floor slab
  - Below-ground drainage.
- 

**A34 Safety and health**

No safety or health issues have been reported.

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**U10 Ventilation system**

The contractor has advised that the design of the extract ventilation system is currently in hand and that details should become available shortly.

The contractor is aware that Building Control requires details of a fully compliant system to be submitted to them for approval prior to installation.

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## **Recreation Issues - February 2017 Update**

### **Storage Units for Goring Robins**

A proposal from the Goring Robins is awaited.

### **Play Equipment**

The quotes for the required repairs were considered by the Council at the December meeting, but it was agreed to defer a decision pending a review by the Working Party.

### **New Play Equipment**

With GPC resources under pressure at the present time, it is unlikely that we would be able to proceed with the proposal for additional play equipment. However, following the comment from Cllr Urbick at the December meeting that proposals for external funding take up to a year to progress, it is suggested that a scheme is prepared to add two pieces of additional equipment to the repair of the swings in the Bourdillon Field, and seek external funding.

### **Rectory Garden**

The SODC Forestry Officer is not willing to advise the GPC on the best approach to the problem of the lime trees in the double avenue in the Rectory Garden. The Clerk has checked the files to establish our legal position as Trustees of the Memorial Garden, with the following results:

### **Minutes 11/3/13**

After discussion Councillors agreed to take Legal advice on the Rectory Gardens Trust Deed.  
*(CR – I can't find any report back in the minutes of 2013-14)*

In view of the lack of legal comment on the issue, and our current limited financial resources, I suggest that the Clerk should write to the Charities Commission for some (hopefully free) advice.

Decisions of GPC concerning the Rectory Garden and mentioned in the Clerk's report were as follows:

“At its July meeting the Parish Council decided, subject to the approval of the SODC, to have the Lime Trees thinned by 15-20% and have the crowns lifted to 4.5 m above ground level in order to open up the Lime Tree avenue. The Council will also carry out levelling and reconditioning of the grass, remove moss from the path, erect a “welcoming” notice making it clear that this memorial garden is open to the public, provide more seating and consider the planting of bulbs”

The full report from the Clerk is attached.

Sheepcot Field

There have been problems with the garage door, which the Clerk has arranged to be fixed.

An e-mail to the Clerk from the Secretary of the Goring Robins Club makes the following comments:-

A professional grounds-man has been employed to mark out our pitches this season, and to do some ground repair work. He has made some suggestions about the general upkeep of the grass areas, as shown below, in his own words.

1. *Consider fencing the boundary between the farm field and the playing field, using chicken wire to keep rabbits at bay, If the rabbits keep digging at the pitches, holes are present and an accident happens (child breaks ankle), then the club and Parish would be in a difficult situation. At least by making attempts it shall minimise risks further.*
2. *Put up more dog signs - fouling is illegal and I have noticed a lot during my work.*
3. *There are a lot of weeds on the fields - I would look to spray the field and overseed in the future.*

I realise there are potential financial implications in these suggestions, but the Club would welcome the Council's view on them.

The comment about financial implications is particularly germane, and a rabbit-proof fence for the long boundary adjacent to the farm would be very expensive. However, I think we must address the issue of potentially dangerous holes in the pitch.

In the past, when finances were not as stretched as they are at present, it was GPC policy to assign money for recreation ground maintenance as and when required. I suggest in future we should make an appropriate budgetary provision for this purpose.

Lawrie Reavill

05.02.2017

**Minutes 11/3/13**

Mrs Stephanie Bridle wondered if Planning Permission was needed as the garden was in a conservation area. However until plans were actually available this would not be known. Cllr Brooker said he would like to see some costings and was concerned that GPC would be left with a high maintenance cost.

Cllr Strong thought it would help communications if a member of the Council joined the Goring in Bloom committee as an observer and the Council unanimously agreed nominating Cllr Strong.

The Council also unanimously agreed that the costs of drawing up a plan for the Gardens would be funded from the Grant received from OCC.

Mrs Bridle said she felt that the lime trees were out of proportion to the size of the garden and Mr Farr could not understand why some of the trees had not been removed as agreement for this had been obtained 5 years ago. The Chairman said he was not in favour of removing healthy trees. District Cllr Ann Ducker said she thought it was very unlikely that the Tree Officer would agree to the removal of healthy trees in the conservation area. After discussion Councillors agreed to take Legal advice on the Rectory Gardens Trust Deed. *(CR – I can't find any report back in the minutes of 2013-14)*

**Minutes 20/5/2013**

To consider, as Trustees, changes to Rectory Gardens as suggested by Goring in Bloom.

The Chairman confirmed that all those who wanted to speak on this matter would be able to do so but first he wanted to remind everyone that Councillors as Trustees had to take account of the wishes of the benefactor as set out in the Trust Deed. He then read out clause 4 and part of clause 5 which he felt were particularly relevant.

**Public Forum**

Angela Clarke felt that the garden in its present form was dull and needed to be made more inviting.

Stephanie Bridle for Goring in Bloom said it was their wish to improve Rectory Gardens to give it colour and thereby making it more attractive.

She then provided information in support of the group's proposal.

Goring in Bloom sees its proposal as a positive move breathing new life into the garden and maintaining the legacy.

Richard Lester stated that he had read the Trust Deed which he considered to be quite definite. The garden should continue as a grass area as set out in Clause 4. He thought that past Councils should be congratulated for preserving Rectory Gardens in accordance with the Trust Deed. He personally felt that the Village Sign was a mistake and saw the present proposal as creeping urbanisation.

Council agreed unanimously that in view of clause 4 it could not agree to the proposal of "Goring in Bloom".

**Letter 19/6/13 to GGN**

The Rectory Garden was presented to the Village by Lord Sandford in memory of his daughter who was tragically killed in a boating accident in 1934, aged 21. The Trust Deed is very specific in the way the Rectory Garden was to be laid out, with Lime Trees, path and the remaining area grass.

The Councillors are the Trustees and were unanimous that in view of the clear content of the Trust Deed, as set out by a grieving father, they could not agree to the proposal put forward by Goring Gap in Bloom as it included significant additional hard surfaces.

However, there were parts of the proposal which the Council felt could enhance the attractiveness of Rectory Garden and remain true to the Trust Deed. At its July meeting the Parish Council decided, subject to the approval of the SODC, to have the Lime Trees thinned by 15-20% and have the crowns lifted to 4.5 m above ground level in order to open up the Lime Tree avenue. The Council is extremely grateful to have received a verbal offer of a donation from a Goring resident to cover the costs.

The Council will also carry out levelling and reconditioning of the grass, remove moss from the path, erect a "welcoming" notice making it clear that this memorial garden is open to the public, provide more seating and consider the planting of bulbs.

I hope that these improvements when completed will enhance this valuable amenity in the centre of our Village and also encourage more people to enjoy the pleasant green area

**Minutes 9/9/2013**

Cllr Mary Bulmer stated that she was in the process of gathering information concerning her reports which the Council had requested (*CR – I can't find any report back in the minutes of 2013-14*)

**Minutes 14/10/2013**

Chairman's report:

Last week I met with the Granddaughter of Lord Sandford who donated Rectory Garden to the Parish, in memory of his daughter Peggy Edmondson who had tragically died from a boat accident. The Granddaughter is also named Peggy in memory of her relative. Peggy was appreciative of the decision by Goring PC to keep to the terms of the Trust Deed, as she was sure that this would have been what her Grandfather would have wanted. We had a discussion about what the PC had in mind for the Rectory Garden including the Welcome sign which she kindly offered to donate, the wording being as suggested by Cllr Brown a few meetings ago. She fully supported what the PC had agreed to do to enhance the Garden. However she was not supportive of the suggestion that bulbs be planted.

Colin Ratcliff  
Clerk  
19/12/2016

**Wallingford Road pavement widening – traffic survey and status report**

Using a cash grant awarded by Great Western Railway to the parish council and the Mobility Issues Group for Goring and Streatley (MIGGS), Transport Planning Associates (TPA) was commissioned to provide transport and highways advice on proposals to widen the footway along Wallingford Road, between the High Street and Reading Road junctions.

Based on the evidence collected the report concludes that removing the rusty rail barrier and replacing and realigning the railway boundary fence, as envisaged by Network Rail, would “enhance the pedestrian infrastructure without compromising the safety of the other road users”.

The report also concludes that two risk assessments, conducted in 2012 (jointly by OCC Highways and Network Rail) and in 2016 (for Network Rail) were “potentially flawed” as they did not refer to the actual site conditions and accident records and were therefore based on incomplete and/or incorrect assumptions. TPA considers that these assessments might, with full information, have led to different conclusions on the need for a crash barrier.

The report is being made available to Network Rail and OCC Highways. The Council is invited to note the report and the ongoing efforts, jointly with MIGGS, to encourage Network Rail to remove the rusty rail barrier and realign the fence. Network Rail has indicated its willingness to do this but can only go ahead with the approval of the highway authority.

MIGGS has said that removing the rusty rail and realigning the fence would enable the pavement to be widened by at least 300mm, enabling a wheelchair or mobility scooter to pass safely on the pavement and giving greater protection to all pedestrians, especially parents with pushchairs. The 2012 risk assessment showed that this could be done without affecting the safety of the railway. This work is seen by MIGGS and Network Rail as the first part of a longer term plan to upgrade the pavement to full specification.

Options examined by TPA for further improvements in road safety between the High Street and Reading Road junctions include raising the kerb height, introducing speed humps and extending the 20mph limit.

The survey conducted for the report found that goods vehicles account for only 13 per cent of northbound traffic between Reading Road and High Street and only 12 per cent southbound. The average speeds in this section of Wallingford Road do not exceed 20.6mph; and the 85th percentile ones 27.5mph. The 30mph speed limit is therefore respected by the vast majority of drivers. However, north of the High Street junction, where no crash barrier is installed, speeds are higher, at 28.1mph (average) and 33.5mph (85th percentile) respectively. In Wallingford Road north of High Street the 30mph speed limit is exceeded by about one in five vehicles northbound and one in four southbound. About 17 per cent of southbound and 12 per cent of northbound traffic in this section is goods vehicles

The full report is available for viewing at the Parish Council office during normal public opening hours or by email.

John Boler

7 February 2017

## **Proposed Standing Order Amendment: Procurement Levels**

For many years, in our Standing Orders, there have been limits established for the Clerk to manage the day-to-day activities (and budget!) of the Parish. These are:

- Less than £500 – it is the Clerk's discretion, of course seeking value for money within budget.
- £500-£5,000 - three quotes are required, and then Council approval
- £5,000 - £10,000 – A full tender process is required
- Greater than £10,000 is at Council's discretion

(There are some exceptions – for example, professional/specialist work does not necessarily need to have three quotes.)

These limits have been the same for as far back as the Clerk can find in the records (at least 2007 on the computer) and they are at best cumbersome and often unworkable. In actuality, this means the Clerk needs to get three quotes for most of the work we need to have done.

It is proposed that these limits could be raised to a more workable figures given inflation and the reality of the cost of relatively small works.

We have considered the model financial regulations from the National Association of Local Councils (NALC, of which we are members) for consideration by Council. Even in this, the values are to be set by the Council when adopting Financial Regulations as their own. We also looked at a few similar-sized parish web sites - only one with documentation available is Sonning Common who use a £2,000 limit for three quotes/estimates unless the Chairman of the Council/Chairman of the Finance Committee and the RFO agree that it is impractical to do so.

With my 'practical business hat on', I therefore propose:

- £2,000 - Clerk's discretion, of course, seeking value for money within budget
- £2,000-£7,500 – Clerk to obtain three quotes and then Council approval
- £7,500+ Full tender process

(Exceptions – professional/specialist advice (ie legal fees, architects, etc). For this, we should use continue to use Council's discretion.)

All discussion and suggestions welcome!

**Cllr. Bryan Urbick**  
**7<sup>th</sup> February 2017**



## **Goring Village Hall**

As all will have seen, there has been a lot of good work done in the past year by the GVH Trustees. In this past year or so, the Hall has been completely painted and redecorated, a refurbishment of the Clock Tower, energy efficiency improvements as well as the day-to-day management of the Hall use. The hiring has increased significantly, and things overall seem very well managed. The Hall is a well-utilised asset, and many of us enjoy its prominence at the heart of our village – and as the Council is both regular user of the Hall as well as represented in the Trustees, we help to support the efforts for its continued success.

On the 8<sup>th</sup> of March, this Goring Village Hall Management Trustees Charity will have its AGM (at 7.30pm in the Garden Room). On behalf of the Trustees, I would like to invite the Parish Councillors to attend. From 7pm there will be a small reception with wine, soft drinks and nibbles provided by The Goring Grocer, with a display of photographs showing some of the work done this year. This is an opportunity for the Councillors and other members of the public to meet the trustees face to face, learn about plans for the future and to make any views known. The Trustees would welcome your attendance.

There is a bit of business to be conducted – it shouldn't take too long. All of the current trustees are standing for re-election, but there is also a desire to welcome new members. Additionally, the Trustees are setting up a group - Friends of GVH. Don't worry, this will not involve asking anyone for money! It's simply that when events are run, there often aren't enough trustees to handle all the work that is involved. The plan is to look for people who would be willing to help out at events on an occasional basis, doing things like helping to set up and clear away, serve on the tea bar or bar, sell raffle tickets or even bake a cake.

Hopefully some Councillors will be able to attend, but if not, I will continue to pass on the compliments for the good work the Trustees are doing.

**Cllr. Bryan Urbick**

## **Weir Court Case – Appeal Status**

As of the date of writing this update there has yet been no decision by the Court to allow the appeal, though there has been some activity in the past couple weeks.

Initially, on 8<sup>th</sup> December 2016, the application was lodged with the Court of Appeals. (See the submission as an Appendix N-a). As usual, our barrister and our solicitors have done an excellent job (in my view) to present this. From that date, SODC and the Sustainability Group each had 14 days to respond with their submission(s), and then a judge will review the papers and decide if we will be granted the appeal. We followed a few days later with a witness statement to support the request for a reduced 'cap' on costs (from the usual £10,000 to £5,000).

On the 16<sup>th</sup> January 2017 SODC entered a response to the court, arguing against allowing the appeal (see Appendix N-b). First of all, they were over 20 working days late in submitting the response, but they also used some spurious arguments. We responded promptly and with some strong words - about the delay, but also about their arguments. See our prompt (submitted 24<sup>th</sup> January 2017) and strongly worded response (Appendix N-c) – highlighting their delay, but also discounting their arguments. Our barrister and others suggest that SODC hurt their argument by the way they responded, though only time will tell.

We suspect a decision will be made by the court in the coming weeks (though the Appeals Court is not held to any timeline, it is highly likely that it will be considered before the end of this Court Term of 12<sup>th</sup> April 2017). There are three possible decisions: 1) to allow the Appeal to go forward based on the papers; 2) to refuse permission to go forward; or 3) to request an oral hearing, after which the decision would be made. There is a 'public interest' advantage in our case being heard. The Appeal Court is particularly keen to decide on matters in which lower courts have made conflicting decisions. This is the case with our application. We hope this, as well as our other arguments, will sway the court to allow our application to appeal.

I would like to give an overview about the costs. Worst case scenario is that we would have to pay our costs (capped at just under £10k if we lose) and SODC costs (likely to be capped at either £5k or £10k) - so worst case is that we would have to pay £20k. About £10k is currently reserved by the Parish Council, plus we have a commitment for up to £6.5k by anonymous donors, subject to the Stop Goring Hydro group seeking to raise the additional £10k. We understand SGH has the ability to provide £3.5k if necessary, and they are trying to raise £6.5k to minimise the need. Best case, of course, is that we win and get back our costs for the original High Court Case and the Appeal.

The Council will be kept up-to-date as to how things progress.

**Cllr. Bryan Urbick**  
**7<sup>th</sup> February 2017**

On Appeal from Mr Justice Cranston

B E T W E E N

THE QUEEN  
on the application of  
(GORING ON THAMES PARISH COUNCIL)

Appellant

-and-

(1) SOUTH OXFORDSHIRE DISTRICT COUNCIL

(2) THE ENVIRONMENT AGENCY

Respondents

-and-

GORING AND STREATLEY COMMUNITY ENERGY LTD

Interested Party

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APPELLANT'S SKELETON ARGUMENT  
FOR PERMISSION TO APPEAL

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*The references in this skeleton to the Appellant's Bundle are in the format [AB/XX]*

1. This appeal is brought against the decision of Cranston J dated 17 November 2016 refusing to quash the decision of South Oxfordshire District Council ('the **Council**') to grant planning permission for the demolition of the existing weir at Goring Lock for a distance of approximately 18m and its replacement with three Archimedes screws and associated housing for generators, control equipment and a 2.1m wide fish pass, eel pass and 3m wide flood control gate ('the **Development**') under application reference P/15/S2946/FUL.
2. The appeal is brought on 4 grounds. Ground 1 concerns the construction and application of section 31(2A) of the Senior Courts Act 1981 and its interaction with the statutory duty contained in section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 ('the **1990 Act**'). The High Court has held that the wording of section 31(2A) is unclear and the decisions applying that section lack consistency. The Court of Appeal has yet properly to consider the correct approach under s 31(2A). This appeal presents the opportunity to consider the effect of s 31(2A) and to provide much needed guidance on its application and interaction with other statutory duties. That, in and of itself, is a good reason to grant permission to appeal. In addition, Ground 1 (like Grounds 2, 3 and 4) has a real prospect of success. Permission to appeal is therefore requested on the following grounds:

- (a) **Ground 1:** The learned judge erred in finding that it was highly likely that the outcome would not have been substantially different if the Council had applied the correct test under section 72 of the 1990 Act.
- (b) **Ground 2:** The learned judge was wrong to hold that the conclusion that there would be no harm to the Areas of Outstanding Natural Beauty ('**AONB**') was lawful, despite admitted harm to the conservation areas which fall within, and are acknowledged in policy to contribute to the special character of, those AONBs.
- (c) **Ground 3:** The learned judge erred in finding that the Council's approach to acoustic harm to the AONB was lawful.
- (d) **Ground 4:** The learned judge was wrong to conclude that the duty to investigate harm to listed buildings "must be triggered by at least someone either in the Council or outside raising it as a potential issue" and/or that it was not necessary for the officer's report to identify the listed buildings which may be harmed by the development.

## **Background**

- 3. The factual background to the Appellant's claim for judicial review is set out at paragraphs 5-34 of Cranston J's decision. A chronology is appended to this skeleton argument.
- 4. By way of brief summary, the Appellant is the parish Council for Goring-on-Thames. Goring and Streatley are two villages separated by the River Thames. Goring (and the Development site) lies in South Oxfordshire and within the Chilterns AONB. Streatley lies in West Berkshire and the North Wessex Downs AONB. Both Goring and Streatley are Conservation Areas. The location of the villages has, since Celtic times, marked the crossing of the River Thames. A bridge between the two villages runs over the river carrying the Thames Path. From that bridge the iconic view of the Goring Lock and Weir can be appreciated. The development will involve, *inter alia* the demolition of 18m of the weir and its replacement with 3 Archimedes screws each 3.5m in diameter. The development will be prominently visible from the bridge, from both banks of the river, and to those using the River for pleasure. It will be visible in views of the Grade I listed Church of St Thomas of Canterbury from the River, its bank and from the curtilage of the Grade II listed Swan Hotel. It will also be visible in

views of and from the Swan Hotel itself. Once in operation the turning of the turbines means the Development will emit a mechanical sound. It is accepted that this sound will be different from the sound of running water presently heard at Goring Weir.

5. On 20 April 2016 the Appellant lodged a claim for judicial review against South Oxfordshire District Council and the Environment Agency challenging the decision to grant planning permission for the Development. On 25 July 2016 Lang J granted permission on all grounds on the papers. On 1 November 2016 the Appellant and the Environment Agency signed a Consent Order and the ground of claim against the Environment Agency was discontinued.
6. Cranston J heard the claim on 9 November 2016. By his decision of 17 November 2016, against which this appeal is brought, he dismissed ground 1 holding that the Council's finding that there would be no harm to the AONBs was lawful. In relation to Ground 2 he held that the Council had breached its duty to under section 72 of the 1990 Act in that it had not given considerable importance and weight to the harm to the conservation area. However, he held that despite this failure to give "considerable importance and weight" to harm to the Goring and Streatley Conservation Areas, "there is simply no prospect that this issue would make any difference to the overall planning balance" and therefore applied section 31(2A) of the Senior Courts Act 1981. He also held that the Council had not failed to comply with the duty to have special regard to preserving the setting of listed buildings. In the course of argument before Cranston J, the Council conceded it had failed to produce a screening opinion as required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Cranston J held that no significant effects were likely to arise and exercised his discretion not to quash the grant of permission on this ground. He made a declaration that the Council's decision had been unlawful, refused permission to appeal and made no order for costs.

### **Legal and Policy Background**

7. Much of the legal background is set out at paragraphs [35] – [45] of Cranston J's judgment. In addition to what is set out there, the following legal principles are of particular relevance to this appeal:
  - (a) Section 31(2A) is a firmly backward looking provision referring to what would have happened in the past if the error had not occurred, not to what would happen if the matter were to be returned to the defendant for a new decision (*R (Williams) v Powys County Council* [2016] EWHC 480 at [25]). In *R (Mark*

*“Consideration of whether the outcome was highly likely to have been substantially the same should normally be based on material in existence at the time of the decision and not simply post-decision speculation by an individual decision maker. Any other course runs the risk of reducing the importance of compliance with duties of procedural fairness and statutory or other requirements that certain matters be taken into account and others disregarded. Indeed, it would undermine the efficacy of judicial review as an instrument to ensure the rule of law applies to decision making by public authorities, by deterring claimants from bring a case or the court from granting permission by a declaration by a decision maker who has failed to obey the law to the effect that obedience would have made no difference. Whatever else Parliament may have intended to achieve by this legislation, I cannot infer that it included so draconian a modification.”*

- (b) Matters of planning judgement are within the sole competence of the primary decision maker and it is entirely for that primary decision maker to attribute to the relevant considerations such weight as he thinks fit (*Tesco Stores Ltd v Secretary of State for the Environment* [1995] 1 WLR 759 per Lord Hoffman at 780H and Lord Keith of Kinkel at 764G).
- (c) Parliament's intention in enacting section 66 of the 1990 Act was *“that the decision-maker should consider very carefully whether a proposed development would harm the setting of a listed building”* (per Sullivan LJ in *Barnwell Manor Wind Energy Limited v East Northamptonshire District Council* [2014] EWCA Civ 137 at [17]).
- (d) Section 72 of the 1990 Act creates a strong statutory presumption against granting planning permission for development which would cause harm to a conservation area, even less than substantial harm should not be treated as a less than substantial objection (per Sullivan LJ in *Barnwell Manor* at [23] and [29]).

**Ground 1: The learned judge erred in finding that it was highly likely that the outcome would not have been substantially different if the Council had applied the correct test under section 72 of the 1990 Act.**

- 8. There is a real prospect of demonstrating that the learned judge misapplied the test under s 31(2A) of the Senior Courts Act 1981. In any event, the authorities demonstrate that the construction of s 31(2A) is uncertain. The meaning of that section is of considerable public

importance and has yet to be subject to proper consideration by the Court of Appeal. Guidance regarding its scope and application is much needed and the opportunity to clarify the correct approach to the test under that section is, in and of itself, a good reason why this appeal should be granted permission.

(a) section 31(2A) Senior Courts Act 1981 should be given a narrow construction

9. Section 31(2A) requires the court to refuse to grant relief *“if it appears to the court to be highly likely that the outcome for the applicant would not have been substantially different if the conduct complained of had not occurred”*

10. In Bokrosova v London Borough of Lambeth [2015] EWHC 3386 (Admin) Elizabeth Lang J said at [90],

*“What section 31(2A) seems to be asking, albeit not clearly, is whether, if the defendant’s unlawful conduct is taken out of the equation, that would make any difference to the outcome for the claimant.”*

11. However, In R (Mark Logan) v London Borough of Havering [2015] EWHC 3193 (Admin) Blake J expressed, at [55], concerns regarding s 31(2A). He highlighted that inherent in an unduly broad application of that section is the danger of reducing the importance of compliance with statutory duties, and made clear that any determination regarding whether the outcome appears highly likely not to have been substantially different should normally be based on material in existence at the time of the decision. He went on to say,

*“it may well be that the new provision was only intended to apply to somewhat trivial procedural failings that could be said to be incapable of making a material difference to the decision made. If recourse can be had to the drafting history and statements of sponsoring ministers to assess the purpose of the legislation and the mischief to be cured there may be material support for such a conclusion.”*

12. Blake J’s remarks suggest a narrow construction of s 31(2A) and encourage recourse to Hansard material to determine the mischief which the section was intended to remedy.

13. When the House of Lords were considering amendments to the Bill, Lord Faulks QC (then minister of state for justice) made clear that the section was intended prevent abuse of the judicial review process and to “filter out” “minor technicalities”.<sup>1</sup> That statement satisfies the rule in Pepper v Hart [1992] UKHL 3; The meaning of s 31(2A) is unclear and the words of Lord Faulks QC are an unambiguous statement regarding the mischief the provision was intended to remedy by the minister promoting the Bill. Lord Faulks QC’s speeches in the

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<sup>1</sup> Hansard, House of Lords, 9 December 2014 Column 1738

House of Lords confirm that s 31(2A) should be given a narrow interpretation. It applies only to trivial or minor technicalities. It does not apply to examples of substantive unlawful decision-making.

14. During the same debate, Lord Faulks made clear that the intention of section 31(2A) would not involve “*putting the judge in the position of the decision-maker... The judge is not being asked to second-guess the decision of the administrative body*”.<sup>2</sup> Section 31(2A) does not, therefore, entitle a judge to determine what weight he would himself give to a relevant material consideration; rather he is entitled only to determine the weight it was given by the primary decision maker.

(b) Relationship between section 31(2A) of the Senior Courts Act 1981 and section 72 of the 1990 Act

15. In light of the above, a breach of the duty under section 72 is not the sort of trivial or technical breach to which section 31(2A) was intended to or can apply. The authorities make clear that section 72 creates a strong presumption against the grant of planning permission where there is harm to a conservation area and requires “considerable importance and weight” to be given to that harm in the planning balance. Although any harm whatsoever to a conservation area must be given considerable importance and weight, the full extent of that weighting (and its weight relative to other matters) are within the sole purview of the primary decision maker. As such, they are inherently matters of planning judgement that are neither within the expertise nor the jurisdiction of the Administrative Court. As the extract from Hansard referred to above makes clear, s 31(2A) does not permit a judge to “second-guess” the decision of an administrative body, and that would apply to the weight to be given when assessing the harm to a conservation area. Section 31(2A) cannot therefore be used to determine that a failure to give considerable importance and weight to harm to a conservation area would not have resulted in a substantially different outcome, making such a finding requires the exercise of planning judgment which the section does not permit. The section is not intended to apply to breaches of a substantive statutory duty, into which category the duty to give considerable importance and weight under section 72 falls. In short, section 31(2A) properly construed simply does not, in the ordinary course of events, apply where the court has found a breach of section 72 under the 1990 Act.

(c) Cranston J’s Approach

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<sup>2</sup> Idem



16. Further, or in the alternative, and without prejudice to the above, even if section 31(2A) could apply to breaches of section 72 of the 1990 Act, Cranston J's decision on this matter involved the impermissible exercise of planning judgment.
17. Section 31(2A) is, on any construction, and as Cranston J accepted, a backwards looking provision. If section 31(2A) entitles the court to consider the question of weight at all, it is only in the sense of reaching a factual determination regarding the weight the primary decision maker gave a relevant material consideration when himself determining the issue. Cranston J's finding that the factors weighing in favour of the grant of planning permission "were weighty" is unsupported by the evidence on what the Council did. In finding that the factors in favour of granting permission were "weighty" Cranston J impermissibly himself determined the weight that should be given to a relevant material consideration in the teeth of the evidence before him, and in doing seeks to exercise a planning judgment in a way not permitted in judicial review proceedings.
18. The only evidence regarding the weight given to the factors weighing in favour of granting permission is contained in the Officer's Report to Committee. The relevant findings in the Officer's report are at 6.5iii **[AB/340]** where the officer holds that "*the harm is less than substantial and **can be satisfactorily outweighed** by the benefits of the scheme*" and in the conclusion at 7.1ii where it is said "*the impact on the historic merits of the Conservation Area and effect on visual amenity constitutes less than substantial harm, **which is outweighed** by the public benefit of the renewable energy generation and through the use of the existing water source*" **[AB/342]**. This latter finding was adopted by the committee as one of the reasons for granting permission.
19. These are only findings regarding the weight to be given to the benefits of the scheme. They go no further than saying that those benefits "outweighed" and "satisfactorily outweighed" the harm to the conservation area. However, that was in circumstances where the strong statutory presumption against the grant of planning permission had not been applied and where harm to the conservation area had not been given considerable importance and weight. The word "outweigh" especially when qualified by "satisfactorily" simply does not support the suggestion that the factors weighing in favour of granting permission were so extraordinarily powerful that there was no prospect that the application of the strong statutory presumption against the grant of planning permission would have made any difference to the overall planning balance. The Officer's Report does not say "substantially" or "markedly" or even "clearly" outweigh. It just says "outweigh". In the absence of such wording there is no basis for inferring that the factors weighing in favour of the grant of permission "were weighty" to the extent that they indubitably outweighed the considerable importance and

weight to be given to the strong statutory presumption against granting planning permission for the Development.

20. Finally, the use of the word “minor” harm is an impermissible gloss on the Committee’s findings. The Committee’s reasons for granting permission state that the impact on the historic merits of the Conservation Area constitute “less than substantial” (not minor) harm. However, less than substantial harm is not (as Sullivan LJ made clear in Barnwell Manor) a less than substantial objection to the grant of planning permission. Cranston J does not appear to have appreciated this. If he had, he could not have reached the decision that he did.

21. It should be noted that in R (Lensbury) v Richmond Upon Thames [2016] EWCA Civ 814 (also involving an Archimedes screw on the River Thames) Sales LJ found at [42] that in light of the strictness of Metropolitan Open Land Policy and the public interest it protects, it could not be said that the decision regarding the grant of planning permission for a similar hydropower station on the basis of a misinterpretation of that policy would not have been substantially different. Cranston J made no reference to this decision in this context, despite the fact that it was the only Court of Appeal authority on the point before him. The reasoning in Lensbury reasoning applies *a fortiori* to a breach of section 72. A comparison of the two decisions applies is a telling example of the inconsistency with which s 31(2A) is applied and demonstrates the need for guidance.

22. For these reasons there is a real prospect of showing that the learned judge’s finding that it was highly likely that the outcome would not have been substantially different if the Council had applied the correct test was wrong as a matter of law. Moreover, the correct interpretation of section 31(2A) is ambiguous and its interaction with substantive statutory duties like section 72 of the 1990 Act is unclear as set out above. The proper approach to that section is a matter of great public importance and the opportunity to clarify the meaning of that provision, and for the Court of Appeal to give guidance on the matter, is in an of itself a good reason why permission should be granted.

**Ground 2: The learned judge was wrong to hold that the conclusion that there would be no harm to the AONBs despite admitted harm to the conservation areas within which those conservation areas lie was lawful.**

23. The learned judge erred in finding that the conclusion that there would be no harm to the Chilterns and North Wessex Downs AONBs was lawful, given that the Council had found harm to the Goring and Streatley Conservation Areas which fall within and form part of their

respective AONBs and the latter of which is explicitly described in the Conservation Area Appraisal as making “an important contribution to the cultural and historic aspects of the natural beauty of the AONB and as such should be conserved and enhanced” **[AB/395]**. The Chilterns AONB Management Plan in describing the special qualities of the AONB (p.8 paragraph 8) **[AB/449]**:

“The area is rich in history with ancient man-made features scattered through the countryside and a legacy of grand houses and designated landscapes from the 17th and 18th centuries. There are 122 Schedules Ancient Monuments in the AONB and 15 parks and gardens on English Heritage’s register. There are 2,149 listed buildings of which 140 are Grade I and II\* and 94 conservation areas”

24. Cranston J accepted, at [48], the Appellant’s submission that “cultural heritage is very much part of what Dame Fiona Reynolds describes as “the fight for beauty”” and that “its importance is brought out clearly in the Chilterns AONB management plan.”
25. He also accepted at [53] that, by analogy with the principle, long established in green belt cases, that permission being granted for a series of apparently reasonable developments can have a serious cumulative effect, even localised harm to cultural heritage amounts to harm to the AONB.

(a) The Council took the wrong approach

26. The learned judge therefore accepted the Appellant’s “broader submission” (as it was described in submissions before the High Court); namely that the Council had taken the wrong approach to assessing harm to the AONB. The Council’s pleaded case (High Court skeleton §10 **[AB/494]**, Grounds of Resistance §19 **[AB/179]**) was always that “the factors which are relevant to assessments of impact upon these receptors are themselves different” with assessment in the AONB context concerned with “potential landscape character and visual impact” and in the conservation area context with “impact upon the heritage significance of a conservation area”. This reflected the approach taken by the Council as expressed in the Officer’s Report. The learned judge accepted at [48] and [50] that “heritage enters a planning assessment with an AONB”. In doing so he rejected the approach the Council had taken. The necessary result of this conclusion is that the Council misdirected itself regarding the correct approach to assessing harm to the AONB. It misunderstood that harm to heritage assets could constitute harm to the AONB and in doing so failed to take the harm to the conservation area into account when considering harm to the AONB. This being so, the learned judge should have held that the Council’s decision was unlawful as it misdirected itself on the correct approach to harm to the AONB.

27. There is thus a real prospect of showing that Cranston J erred in finding that the Council's determination that the Development would not harm the AONBs was lawful.

(b) Incompatibility of finding harm to the conservation area but not to the AONBs

28. Moreover, the historic environment is singled out as a special quality of both the Chilterns and North Wessex Downs AONBs according to the AONB management plans (see above) and the Conservation Area for Appraisal for Streatley.<sup>3</sup> Somewhat surprisingly Cranston J does not refer to the fact that the Conservation Area Appraisal for Streatley states **[AB/395]** that *“the conservation area makes an important contribution to the cultural and historic aspects of the natural beauty of the AONB and as such should be conserved and enhanced.”* In light of this passage, the Judge's finding that the harm the Council found to that conservation area did not necessitate a finding of harm to the AONB as a whole is unsupportable. No doubt if a Conservation Area Appraisal existed for the Goring Conservation Area it would contain a similar statement. However, the Council remains in breach of its statutory duty to produce such an appraisal. Nevertheless, a comparison of the findings in the Officer's Report on visual impact and heritage make quite plain that the decision reached by the Council in relation to the Goring Conservation Area was irrational. Paragraph 6.5ii **[AB/340]** states that,

*“the location here does not easily lend itself to discreetly housing the generators, as this part of the river is open in character and prominent in views from the river area, Given the sensitivity of the area revisions were sought to minimise the built structures and brick wall over the weir and to explore other materials and finishes to help assist with reducing the visual impact within the Conservation Area.”*

And concludes (at 6.5iii) that,

*“ultimately there will be some alteration to the character of this part of the river and the contribution it makes to the conservation area.”*

29. This contrasts with 6.3vi where the Officer states,

*“Notwithstanding the landscape importance of the AONB and the special landscape character of the river corridor, the proposed development should be viewed in the context of the existing weir structure and is not considered to have an adverse effect on its visual appearance over and above that of the existing weir”.*

30. Those two findings are not compatible. We are here dealing with a single development, on a single stretch of river, the landscape character of which is (as Cranston J accepted) inherently linked to its historical, as well as aesthetic, qualities. A finding that there would be harm to visual and heritage character of the conservation area that makes up this part of the

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<sup>3</sup> Despite the Council's designation of the Goring Conservation Area some 20 years ago the Council has failed in its duty to adopt a conservation area appraisal, which meant specialist information was not available to the officer as to the heritage assets within the Goring conservation area..

river is a finding that there would be harm to a special characteristic of the AONB. The conservation area is a part of the AONB and is identified as making an important contribution to its special characteristics. Harm to the conservation area is harm to the AONB. The Council's decision the conservation area would be harmed but the AONB would not be was irrational.

31. This ground has a real prospect of success. It satisfies and exceeds the test for permission to appeal.

**Ground 3: The learned judge erred in finding that the Council's approach to acoustic harm to the AONB was not unlawful.**

32. Cranston J accepts at [57] that amongst the special qualities of AONBs is their tranquillity. He also accepts that "tranquillity will be high on the list of priorities of many of those walk [sic] along the Thames Path or "mucking about in boats" on the river. He records that the 2012 Noise impact assessment accepted that the mechanical noise which the turbines will produce will be different from the sound of running water presently heard at Goring Weir.

33. He then concludes at [58] that "the nature of the legal challenge, *Wednesbury* unreasonableness, is determinative" and records that "the challenge is not that the Council failed to take into account a material consideration." This is simply untrue. Ground 2(b) as set out in the Claimant's Statement of Facts and Grounds states the Council "failed to have regard to the detrimental impact noise from the development would have on the tranquillity of the Chiltern Hills AONB" **[AB/64]**

34. The learned judge then says that "what the Council did was to apply its policy on noise, EP2, concerning residents, as it was obliged to do. The AONBs' management plans are not statutory planning policies". This highlights the lacuna in the Council's decision making approach. Although not part of the Development Plan, the AONB management plan is a relevant material consideration (especially given the duty upon local planning authorities under section 85 of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of AONB.) It should have been taken into account and was not. As Cranston J implicitly recognises, the Council considered harm only from a development plan policy perspective and not (as it should have) as an additional relevant material consideration that might cause harm to the AONB.

35. Cranston J is wrong to suggest that "no one pointed to tranquillity in relation to the AONBs". Several of those who objected to the proposed development referred to noise (and in

particular the frequency (measured in Hz) as opposed to intensity (measured in Db) of the sound). This was sufficient to bring the matter to the Council's attention. Either the Council failed to have regard to the effect of the noise from the Development on the tranquillity of the AONB or their conclusion that it would cause no harm whatsoever to the AONB was irrational.

36. The learned judge therefore misunderstood or ignored the way in which the Appellant's case was pleaded. There is a real prospect of showing that had he not done so his decision would have been different.

**Ground 4: The learned judge was wrong to conclude that the duty to investigate harm to listed buildings “must be triggered by at least someone either in the Council or outside raising it as a potential issue” and/or that it was not necessary for the Officer’s Report to identify the listed buildings which may be harmed by the development.**

37. Cranston J accepted at [61] the Claimant's submission that section 66 of the 1990 act imposes a duty upon local planning authorities to investigate whether or not a proposed development may impact the setting of a listed building. However, he held that that duty “must be triggered by at least someone either in the [Parish] Council or outside raising it as a potential issue.” As a matter of fact, at least one consultation response before the District Council referred specifically to the potential harm to the Grade II listed Swan Hotel. (This evidence was supplied to the Court during the hearing and is at the **[AB/451-455]**).<sup>4</sup> Even on Cranston J's construction, this would have been sufficient to trigger the duty to investigate.

(a) no requirement for duty to be triggered by consultation response

38. However, even if there was no specific objection Cranston J was wrong to conclude that the duty to investigate must be triggered by someone raising harm to listed buildings as a potential issue. The duty is imposed by statute and is not conditional. In Barnwell Manor Sullivan LJ made clear at [17] that,

*“Parliament’s intention was that the decision maker should consider very carefully whether a proposed development would harm the setting of a listed building”.*

39. The duty to consider very carefully whether or not there will be harm to the setting of a listed building rests on the local authority, regardless of any consultation responses received. It is

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<sup>4</sup> Other letters before the District Council have been obtained after the hearing and these support the Claimant's position that the issue of heritage harm was specifically raised by consultees. These letters although not before the High Court, are included in the Court of Appeal bundle at AB/451-464.

triggered by the existence of a nearby listed building not by an objection intimating the development might harm a listed building. The approach to ascertaining whether there is a risk of harm to the setting of a listed building is set out in the Guidance produced by Historic England entitled “*The Setting of Heritage Assets: Historic Environment Good Practice Advice*”. This refers to identifying potential harm to setting by reference to the ‘Zone of Visual Influence’. It nowhere suggests that Council’s should rely on objections (or the absence of them) in fulfilling its statutory duty. The Council cannot pass the buck on to others. Requiring the duty to triggered would undermine its purpose; namely to ensure that potential harm to listed buildings is both taken into account (and subsequently given considerable importance and weight).

40. This approach is also supported by national planning policy. National Planning Policy Framework paragraph 129 states that,

*“local planning authorities should identify and assess the particular significance of any heritage asset that **may** be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of available evidence and any necessary expertise”* (emphasis added)

41. For these reasons there is a real prospect that the Court of Appeal will take a different approach from Cranston J and find that the duty to investigate arises whether or not an objector has identified potential harm to listed buildings in a response to consultation.

(b) Harm to heritage assets an important issue by virtue of the statutory duty to protect them

42. The effect of the statutory duty under section 66 of the 1990 Act is to make the potential for harm to the setting of listed buildings an important relevant material consideration which, as such, requires inclusion in an officer’s report. Where the officer forms the view that there will be no harm to the setting of listed buildings, the duty under section 66 still necessitates that the potential for harm to be referred to in the report, so that members of the committee have the opportunity to investigate the potential for harm themselves and to form their own judgement regarding whether or not harm will occur. Officers and committee members do not always agree and officers cannot exclude from their reports important potentially relevant material considerations. The statutory importance afforded to harm to listed buildings by section 66 necessitates identification of the potential for harm to listed buildings in an officer’s report to committee.

43. In the present case there is no mention of listed buildings or the duty under section 66 of the 1990 Act anywhere in the officer’s report. This is especially surprising given that the Development will be visually prominent in views of the Grade I listed Church of St Thomas of Canterbury, from the river, and from the curtilage of the Grade II listed Swan Hotel. There is

therefore a real prospect of showing that the learned judge took the wrong approach on this issue.

### **Application for a Protective Costs Order**

44. The Parish Council has the benefit of a Protective Costs Order (PCO) granted at the High Court of Lang J **[AB/222]** limiting its costs to £10,000 as an organisation. If permission to appeal is granted the Appellant submits that in accordance with CPR 52.19 the court should exercise its discretion to extend the extant PCO limiting the costs of this appeal payable by the Appellant to the Respondent to £5,000 and by the Respondent to the Appellant for the proceedings in the Court of Appeal to £17,500 (+ VAT) (essentially half the high court PCO thresholds). The basis for setting a lower PCO in the Court of Appeal is that the Appellant is a Parish Council bringing this claim in the public interest. It has already committed to cover the PCO of £10,000 for the High Court, and if it is not successful in this appeal it would struggle to afford a full second £20,000 in adverse costs along side its own costs, which is being done on a partial CFA basis, to make matters affordable. Its annual precept which is a matter of public record is approximately £95,000.

45. The Respondent has accepted that this is an Aarhus Claim. There is a need to facilitate access to justice, especially in environmental claims where the Aarhus convention requires that proceedings are not 'prohibitively expensive'. No substantial sum of money turns on this claim.

### **Conclusion**

46. The court is therefore respectfully requested to grant permission to appeal and to grant a protective costs order. All four grounds of appeal have a real prospect of success. In addition, Ground 1 raises a point of wider public importance concerning the construction and application of s 31(2A) of the Senior Courts Act 1981 and should be granted permission on this basis alone.

**CHARLES STREETEN  
FRANCIS TAYLOR BUILDING  
TEMPLE, EC4Y 7BY**



## **APPENDIX I**

### **CHRONOLOGY OF EVENTS**

30/10/12	IP submits initial planning application
25/02/13	Initial planning application withdrawn
22/09/2015	IP submits amended planning application
18/02/2016	Planning permission granted
4/4/2016	Pre-Action Protocol letter sent
20/03/2016	Claim for judicial review filed
25/07/2016	Lang J grants permission on the papers
1/11/2016	Consent Order signed by EA and Appellant
9/11/2016	Cranston J hears substantive claim
17/11/2016	Cranston J hands down judgement granting declaratory relief and making no order for costs
30/11/2015	Cranston J refuses application for permission to appeal

IN THE COURT OF APPEAL (CIVIL DIVISION)

ON APPEAL FROM

CLAIM NO. CO / 2122 / 2016  
[2016] EWHC 2898 (Admin)

IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION  
PLANNING COURT

THE HON. MR JUSTICE CRANSTON

IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW

BETWEEN:

**R (ON THE APPLICATION OF GORING PARISH COUNCIL)**

Claimant/Appellant

**-V-**

**(1) SOUTH OXFORDSHIRE DISTRICT COUNCIL  
(2) THE ENVIRONMENT AGENCY**

Defendants/Respondents

**GORING AND STREATLEY COMMUNITY ENERGY LIMITED**

Interested Party

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**First Appellant's Response to  
Appellant's application for permission to appeal**

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1. The Appellant seeks permission to appeal in relation to Grounds 2 and 3 of the original claim, only. Ground 1 – concerning Environmental Impact Assessment – is not the subject of the application for permission to appeal.
2. Permission to appeal should be refused. The Grounds do not disclose a real prospect of success. None of the matters raised are of general public importance, but instead turn on the circumstances of this case. The court's exercise of its discretion not to quash was entirely proper and there is with respect no reason why the Court of Appeal should intervene in that exercise of discretion.

## Permission to Appeal Ground 1 – effect upon conservation areas

3. As the First Respondent Council (hereafter “the Council”) submitted during the hearing, the Committee Report does explain the considerable benefits of and weight to be given to renewable energy production from the proposed development.
4. The Council received advice on the potential impact upon conservation areas from its own conservation officer, and the conservation officer at West Berkshire Council (the neighbouring local planning authority). The advice it received, as noted in the Committee Report, was that if there was any harm to a conservation area it was limited and “satisfactorily outweighed” by the benefits of the proposal.
5. In the judgment below, the learned judge held:

*“68. If the Council did fall down in fulfilling its section 72 duty, as I conclude it did, there is the separate question of whether “it appears... to be highly likely that the outcome for the applicant would not have been substantially different if the conduct complained of had not occurred”: Senior Courts Act 1981, s. 31(2A). This, on the authorities, is a backward-looking provision: Bokrosova v. London Borough of Lambeth [2015] EWHC 3386 (Admin), [90], per Elizabeth Laing J; R (Williams) v. Powys County Council [2016] EWHC 480 (Admin), [25], per CMG Ockelton, sitting as a deputy High Court Judge; R (Mark Logan) v. London Borough of Havering [2015] EWHC 3193 (Admin), [55], per Blake J. If so satisfied, the court must refuse relief.*

*69. In my view it is highly likely that the outcome would not have been substantially different if the Council had applied the correct test. If there was any harm to heritage assets the response of both conservation officers, from the*

*Council and West Berkshire Council, was that it was, at most, minor harm. That approach then became part of the officer's report. More importantly, the factors weighing in favour of the grant of planning permission were weighty, the opportunity of generating renewable energy from an existing water source. In my view there is simply no prospect that this issue would make any difference to the overall planning balance if the decision had been taken in accordance with section 72. "*

6. The learned Judge applied the proper approach to the section 31(2A) test, having referred to the relevant authorities on the application of that test. The Judge noted correctly that the Committee Report had described the considerable renewable energy benefits of the proposed development. The Judge was both entitled to and correct to find it was very likely that the outcome would have been the same, and exercise his discretion accordingly. No point of wider principle arises and there is no good reason why the Court of Appeal should review the Judge's exercise of discretion. There is no real prospect of success on appeal and no other compelling reason why permission should be granted.

#### **Permission to appeal Grounds 2 and 3 – effect upon AONB**

7. The Court of Appeal has held that a finding of harm to one part of a designated area such as a National Park does not mean that there must be a finding of harm to the designated area as a whole (*Howell v Secretary of State* [2015] EWCA Civ 1189, per Sir David Keene at [23]-[25]). The Appellant's submissions are therefore misconceived: the Council did not err in concluding that a degree of harm to a feature within the AONB (the Goring Conservation Area) did not mean that there was harm to the AONB as a whole.
8. The Appellant's claim was framed in terms of irrationality and *Wednesbury* unreasonableness, rather than error of law in relation to statutory duty or

national policy requirements – see paragraphs 54 and 57-59 of the Judgment of the court below – notwithstanding the Appellant’s attempts to widen that ground of challenge now. The Council could not be said to be irrational in its conclusion in relation to the effect on the AONB as a whole, that being a classic matter of planning judgement. There is no real prospect of success upon appeal and no other compelling reason why permission should be granted.

9. As far as the alleged issue of impact upon the tranquility of the AONB was concerned, no one, including the Appellant Parish Council, had raised that matter as a material consideration which needed to be taken into account by the Council. This matter appeared for the first time in the Appellant’s grounds of claim. As the learned Judge held:

*“57. I fully accept that amongst the special qualities of AONBs is their tranquillity. The Chilterns AONB management plan has a heading “Loss of tranquillity”, underlining that it is a much valued quality but is constantly being lost with the noise from motorways, trunk roads and low flying aircraft. I also accept that tranquillity will be high on the list of priorities of many of those walk along the Thames Path or “muck about on boats” on the river. The 2012 Noise assessment accepted that the mechanical noise which the turbines will produce will be different from the sound of running water presently heard at Goring weir. But it also went on to calculate that the sound from the scheme at the nearest residence would not be above the ambient sound.*

*58. Again the nature of the legal challenge, Wednesbury unreasonableness, is determinative. That challenge is not that the Council failed to take into account a material consideration. What the Council did was to apply its policy on noise, EP2, concerning residents, as it was obliged to do. The AONBs’ management plans are not statutory planning policies. No one pointed to tranquillity in relation to the AONBs. The Swan Hotel was to be specially notified of the planning application.*

*Nothing said by any of the specialist consultees could be characterized as a concern with loss of tranquillity. Even if a couple of the public responses to the planning application can be interpreted as raising noise in a broader sense than its impact on residents, it was not in terms of tranquillity or “mucking about in boats” in the AONBs.*

*59. The Council was entitled to reach the planning judgment it did in paragraph 6.3iv that there was no harm to the AONB from the scheme. There was nothing for it to have regard to under section 85 of the Countryside and Rights of Way Act 2000 or paragraph 115 of the NPPF. It was not irrational for it to reach the conclusions it did.”*

10. The Judge’s conclusions were entirely correct. There is no real prospect of success upon appeal and no other compelling reason why permission should be granted.

#### **Permission to appeal Ground 4 – effect upon listed buildings**

11. The learned Judge held:

*“61. ...the Council is entitled to maintain its submission in this regard [that no objector had raised the potential for impact upon a listed building] when knowledgeable groups like Goring Parish Council did not raise listed buildings and their settings as a concern. The duty to investigate under section 66, which I am prepared to accept, must be triggered by at least someone either in the Council or outside raising it as a potential issue. In the circumstances as I have described them that threshold cannot be regarded as having been reached.*

*62. It is not entirely true to say that none of the heritage assets in views of which the scheme will be visible were referred to in the officer’s report. The Swan Hotel*

*on the other side of the river in Streatley was mentioned, albeit not that it is Grade II listed. But the Council was entitled to regard any concern about it and its setting as having been allayed. After the revised plan in January 2016, Streatley Parish Council had withdrawn its objection to the application. We are also told that West Berkshire Council's conservation officer had considered the potential for impact upon listed buildings, primarily one suspects the Swan Hotel, and concluded that there would be no harmful effect. 63. Apart from the Swan Hotel, the setting of listed buildings was never a main issue of the application. Therefore it was not necessary for the officer's report to identify each one simply to confirm that there would be no material impact upon it. As Evans LJ put it in *MJT Securities v. Secretary of State for the Environment* (1998) 75 P & CR 188, there is no need to refer to insignificant issues, only the main issues. Since there was no harm to any listed building which the Council was required to take into account, the duty in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 did not arise."*

12. To the extent that there is a particular duty to consider the potential for impact upon listed buildings, over and above the general *Tameside*<sup>1</sup> duty upon a decision-maker to properly acquaint itself with the relevant facts, then in circumstances whereby a decision-maker has taken advice from specialist conservation officers; the planning officers themselves have considered whether there was the potential for impact upon any listed building<sup>2</sup>; and no member of the public has maintained an objection that there would be harm to a listed building or its setting;<sup>3</sup> the learned Judge was correct to find that the Council had complied with any duty it might have and there was no need to address this matter in the Committee Report. The Appellant is simply wrong to assert that the

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<sup>1</sup> [1977] A.C. 1014

<sup>2</sup> Canavan Witness Statement paragraph 4-5.

<sup>3</sup> The Streatley Parish Council objection refers to the Swan Public House listed building but does not assert that there would be a particular impact upon it or upon its setting, as a listed building; in any event that Parish Council withdrew its objection – including any objection that might relate to the Swan Public House – following the January 2016 amendment to the proposed development.

First Respondent failed to consider whether the proposed development would harm the setting of a listed building or buildings: see Katherine Canavan Witness Statement paragraphs 4-5, where Ms Canavan confirms that the planning officers did consider that matter. There is no real prospect of success on appeal and no other compelling reason why permission to appeal should be granted.

### **Protective Costs Order ('PCO')**

13. The Appellant has not advanced any good (let alone compelling) reason why the PCO made in the court below should be varied. If a group, undertaking or association – in this case a Parish Council – chooses to spend its funds on litigation of this nature then it should expect the usual costs protection limits to apply to such an entity. The Parish Council has benefited from the PCO regime and its challenge has been properly and fairly heard in the court below. It has had access to justice. No final order for costs was made in the court below and therefore the Parish Council has only had to bear its own costs, despite having failed in its challenge. The potential costs of an appeal were always foreseeable to the Parish Council and nothing now said by the Appellant provides justification for varying the PCO, especially where it is the Appellant's choice whether or not appeal, and where it did not have to pay any of the Council's costs in the High Court.

### **JEREMY PIKE**

Francis Taylor Building  
(The Chambers of Mr Andrew Tait Q.C.)  
Temple, London EC4Y 7BY.

16<sup>th</sup> January 2017



On Appeal from Mr Justice Cranston

B E T W E E N

THE QUEEN  
on the application of  
(GORING ON THAMES PARISH COUNCIL)

Appellant

-and-

(1) SOUTH OXFORDSHIRE DISTRICT COUNCIL

(2) THE ENVIRONMENT AGENCY

Respondents

-and-

GORING AND STREATLEY COMMUNITY ENERGY LTD

Interested Party

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APPELLANT'S REPLY  
TO SOUTH OXFORDSHIRE DISTRICT COUNCIL'S RESPONSE

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*References to the Permission to Appeal Bundle are in the format [AB/Vol/PP]*

1. This Reply responds to the letter dated 16 January 2017 from Sharpe Pritchard ('the **January Letter**') enclosing South Oxfordshire District Council's ('the **Council**') Response ('the **Response**') to the Appellant's notice. This reply is not an exhaustive rebuttal. It seeks simply to avoid any risk that the court may be misled by statements made in the January Letter and the Response.

## Timing

2. PD52C 19(1) upon which the Council relies requires any response to be filed and served within 14 days of service of the Appellant's notice. The Appellant's notice was deemed served on 13 December. The Response was not served until 16 January 2017. It was 20 days out of time.

## Costs of Responding to the Permission Application: PD 52C

3. The Council makes a surprising application for its costs for preparing the Response. It relies on CPR 52.2<sup>1</sup> in combination with PD52C 19(1). Paragraph 19(1) states that the Council "*is **permitted**, and is encouraged*" (emphasis added) to file and serve a brief statement of reasons why permission should be refused. The language of paragraph 19(1) includes no requirement to do so. Paragraph 19(3) (to which the Council does not refer) emphasises that absent a direction from the court the Appellant need take no further steps when served with an appellant's notice. The absence of a requirement to produce a statement itself suggests the costs of preparing one are not ordinarily recoverable.
4. Paragraph 20(1) of the current PD 52C (to which the Council also, regrettably, does not refer) makes explicit the fact that such costs are not ordinarily recoverable. It states that, absent a direction from the court,

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<sup>1</sup> It is unclear to what "CPR 52.2.17" refers. CPR 52.2 requires compliance with Practice Directions 52A – 52E

*" There will normally be no order for the recovery of the costs of a respondent's written statement.*

5. Despite the Council's apparent insistence that the basis of their costs application is the requirement to comply with the relevant PD, the Response fails to do so. Not only was it out of time, but PD 52C 19(1)(b) states that a respondent's statement should be *"not more than three pages long"*. The Response is 7 pages. The costs of the Response should be disallowed, in any event, given this failure to comply with the PD.<sup>2</sup>

### **Ground 1: Section 31(2A)**

6. The Council refers at Response paragraphs 2 and 6 to the *"the court's exercise of its discretion not to quash"* and to the Court of Appeal reviewing *"the Judge's exercise of discretion"*. This is inaccurate. The Appellant challenges the learned judge's approach not to discretion (which he exercised under Issue 3), but to the construction and application of the statutory duty imposed upon him by section 31(2A) of the Senior Courts Act 1981 (under Issue 2). The construction and application of that section is not a matter of discretion. It is a matter of law. If engaged s 31(2A) creates a statutory duty not to quash. If the learned judge misconstrued and/or misapplied the statute this appeal should succeed.

### **Ground 2: Harm to the AONB**

#### (a) The Council's Approach

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<sup>2</sup> By analogy with PD52C 31(4)

7. The Council suggests at Response paragraph 8 that the Appellant is attempting to widen the grounds of challenge on appeal. This is untrue. The Appellant argued in the High Court that the approach taken by the Council was wrong in principle. Indeed, the Appellant's Solicitor's contemporaneous note of the proceedings in the High Court indicates that Cranston J interjected suggesting that the Appellant's 'broad' (as opposed to 'narrow') argument on Issue 1 was that the Council did not take the right approach and that the court need not therefore be concerned with *Wednesbury* unreasonableness. It is hoped that this matter can be agreed between the Parties to avoid the need to request a transcript of proceedings in the High Court.

(b) *Howell v SoS*

8. The reasoning in *Howell v Secretary of State for Communities and Local Government* [2015] EWCA Civ 1189 does not apply in this case. As Sir David Keen observed at [18], the appeal site (unlike the site of the hydropower station in the present case) was not within the designated area of the Norfolk and Suffolk Broads. Unsurprisingly, given that the proposed turbine was not in the Broads and the area upon which it would have a visual effect did not meet the Broads designation criteria and was not of Broads character, Sir David Keen upheld the Inspector's planning judgment that a visual effect on that area did not automatically result in material harm to the natural beauty of the Broads.
9. There are two crucial distinctions between *Howell* and the present case:
- (a) The development is in this case within the AONB and therefore any material harm to the surrounding area is material harm to the AONB.

(b) Built heritage and conservation areas are explicitly acknowledged in the AONB Management Plans to contribute to the special qualities of the AONBs [AB/Vol2/501] and the Streatley conservation area is said by the Conservation Area Appraisal to "*make an important contribution to...the natural beauty of the AONB*" [AB/Vol2/450].

This is distinct from Howell where the proposed development was outside the Broads and its visual effects were perceptible in an area not of Broads character.

#### **Ground 4: Listed Buildings**

10. The assertion in Ms Canavan's witness statement that "*the potential for impact on the setting of listed buildings, in particular the Swan Hotel, was considered*" does not remedy the flaws in the Officer's Report. The credibility of that witness statement, like that of Ms Crawford's to which it refers, suffers as a result of its timing. It was produced after the decision was made and runs the risk of giving evidence (consciously or unconsciously) infected by a desire to uphold the planning permission. It cannot be relied upon.

11. Ms Canavan's witness statement, and the witness statement of Ms Crawford with the screening opinion exhibited as **SC[1]**, are notable for the fact that they make no reference whatsoever to the Grade I listed Church of St Thomas of Canterbury.

12. In any event, the witness evidence is irrelevant to Ground 4(b). Important matters must be recorded in the Officer's Report.

## Protective Costs Order ('PCO')

13. The Council wrongly states at paragraph 13 that the Appellant "*has only had to bear its own costs despite having failed below*". The Appellant did not fail below. Cranston J's order dated 29 November 2016 **[AB/41]** declares that the Council did not comply with the duty in s 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and did not comply with the duty in regulation 7 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Cranston J found for the Appellants on two of the three issues and the Appellant secured declaratory relief.
14. In R (Hunt) v North Somerset Council [2015] 1 WLR 3575 the Supreme Court held,
- "If a party who has been given leave to bring a judicial review claim succeeds in establishing after fully contested proceedings that the defendant acted unlawfully, some good reason would have to be shown why he should not recover his reasonable costs."
15. In light of Cranston J's findings at [75] and the statement in Hunt above there can be no suggestion that the decision on costs in the High Court was anything other than expected.
16. The Appellant's reason for seeking a PCO in the terms proposed are set out in the Appellant's skeleton argument for permission at paragraphs [44] – [45] **[AB/56]** as well as the witness statement of Bryan Urbick dated 5 January 2017 **[AB/15-18]**. Whilst ultimately the level of any costs cap is a matter for the court to determine, the figures proposed are just and reasonable in the circumstances.

**CHARLES STREETEN**

**FRANCIS TAYLOR BUILDING**

**TEMPLE, EC4Y 7BY**

23 January 2017

## **Proposal for a Formal Maladministration Complaint against South Oxfordshire District Council**

As a result of the High Court Judgment regarding the weir, the judge highlighted some failures of SODC in regards to Planning law and the Order clearly stated failure in regard to specific statutes and regulations.

As all will recall, the primary reason GPC pursued the weir matter in court was because of our growing concerns over SODC's approach to planning, and we had strong evidence (as was proven in the Court judgment) as to SODC's serious failures. Rather than accept that they had failed and work to rectify the underlying causes, it appears SODC chooses to position this as a 'win' – therefore completely ignores the issues that got them into the problem in the first place: their failures to do their job properly. And beyond the judgment, there is additional evidence from the court case of SODC's failures - indicating either a disregard for facts, or a failure to properly consider the matter by a poorly trained or poorly managed team – I believe these instances to be evidence of a systemic problem, not simply over the weir application. The systemic issues need to be addressed.

Not only have there been grave failures with regard to handling the weir application, SODC has also failed in their duty regarding Network Rail and the electrification. SODC failed to highlight Network Rail's failure in law – and had they done so earlier, it is highly likely that the current structures wouldn't have been erected until the consultation had been done. And before one says, "That's Network Rail's fault, not SODC's", it is SODC's responsibly to preserve and enhance the AONB and as planning authority have both the power and means to have stopped Network Rail until they had properly consulted.

As we all know, SODC have also failed in their calculation of the numbers of houses to be built and grossly misjudged the situation so as to weaken the position with regard to planning appeals for some large development projects. As we have experienced, this miscalculation has made the District particularly vulnerable to inappropriate development.

All of the matters highlighted demonstrate serious maladministration, and if the Planning Director and leadership team are not held accountable, the situation is not likely to improve.

Our solicitors have advised that we could raise a formal complaint against SODC, and if we are not satisfied, to then refer the complaint to the Local Government Ombudsman. As a result, I would recommend that we raise a formal complaint with the Chief Executive of South Oxfordshire District Council. This is separate from any action with the potential appeal of our case to the Court of Appeal. If we are unhappy with the response from SODC, we can then raise the complaint with the ombudsman.

I provide a draft of that complaint, below – though very wordy, in this case, I believe the detail is important to have a proper resolution of our complaint:

- - -

Chief Executive  
South Oxfordshire District Council

Dear Sir

**RE: Formal Complaint of Maladministration**



You are likely to be aware of the High Court Judgment in the *Goring on Thames Parish Council v South Oxfordshire District Council* (High Court ref: CO/2122/2016). Though there is an outstanding application in the Court of Appeal regarding the judge's use of discretion in the matter, and in what we believe are some failures on the judge's part (and other legal arguments), there are some matters of SODC's failures that are not in doubt.

In the Court Order of 29<sup>th</sup> November 2016, it clearly outlines SODC's failure in regard to specific statutes and regulations.

"The Court declares that the First Defendant's decision did not comply with the duty in section 72 of the Planning (Listed Buildings etc) Act 1990, and did not comply with the duty in regulation 7 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2007."

Additionally, in the final paragraph of the Judgment, SODC was strongly criticised as being '...flawed in their approach to planning decisions'. We believe this highlights some issue of maladministration and must be properly addressed.

Beyond the judgment, there is additional evidence from this court case of SODC's failures.

In the hearings, SODC's barrister informed the Court – when discussing one of the grounds for our claim – that 'no one had mentioned Listed Buildings' in the letters of objection to the weir application. Evidence was provided of some letters that did indeed mention listed buildings and the barrister was forced to apologise for his clients – SODC - misleading the court. This demonstrates that the Planning Officer was not properly considering the consultation responses from the public. This is a failure in ability and/or training of the officer, and highlights poor leadership and management.

As well, it was disclosed that SODC had failed in their statutory duty to have completed a Conservation Area Appraisal. The SODC barrister, informed by the SODC Planning and Legal team, told the judge that a Conservation Area Appraisal was 'in hand'. After evidence to the contrary was provided, SODC had to apologise for misleading the Court in this matter, as there is no current plan to provide a Conservation Area Appraisal – unless Goring on Thames Parish Council fund it themselves! This instance demonstrates the Planning team is not properly aware of what needs to be done, and even what is being done. Again, this shows a weakness in leadership and management.

The Parish Council believes these instances to be evidence of a systemic problem, not simply over the weir application. In order to remedy this and future maladministration, the systemic issues need to be addressed.

Not only have there been grave failures with regard to handling of the weir application, SODC has also failed in their duty regarding Network Rail and the electrification. When raising the issue with the Leader of the Council (in the Town & County Forum of 4<sup>th</sup> November, 2015) – the Head of Planning, Mr A Duffield was in attendance as well – it was stated that 'there was nothing that can be done'. A few months later, after the efforts of a locally organised 'Railway Action Group' (with participation at the time of Goring-on-Thames Parish Council and South Stoke Parish Council), Network Rail was forced to apologise for their failures and to commit to a proper consultation over the matter. If SODC Planning, had, from the outset, held Network Rail to their responsibilities to consult, the Parish Councils (now with seven additional local Parish Councils) and local residents would not be fighting for a retrofit. This earlier intervention by SODC and proper consideration of

the legal requirements, would have saved UK taxpayers millions of pounds in retrofitting. It is SODC's responsibly to preserve and enhance the AONB and as planning authority have both the power and means to have stopped Network Rail until they had properly consulted. The SODC Planning team's failure has been costly, time consuming, distressing and, in our view, sorely lacking in the appropriate legal responsibilities of the Planning Authority.

Another significant example: it is well known that SODC have failed in their calculation of the numbers of houses to be built and grossly misjudged the situation so as to weaken the position with regard to planning appeals for some large development projects. As we have experienced, this miscalculation has made the District particularly vulnerable to inappropriate development. This failure by the Planning leadership has caused great disruption in Goring, but also other areas in the District.

All of the matters highlighted above demonstrate serious maladministration, and if the Planning Director and leadership team are not held accountable, the situation is not likely to improve.

What does the Goring-on-Thames Parish Council want in response?

1. An acknowledgement of SODC Planning failures and an apology to Goring on Thames Parish Council and Parishioners for those failures.
2. A specific plan to remedy the systemic issues, with formal reprimand of the Planning Director and Planning Leadership Team, restructuring and retraining to ensure that the currently flawed approach to planning decisions is improved.
3. Commitment to fund and complete, as per legal requirement, a Conservation Area Appraisal for Goring within 12 months of the date of this letter.

Thank you for consideration of these matters that we consider grave and take quite seriously. We await your response, and hopefully it will satisfy the Parish Council and our constituents. If not, we will consider to take the matter to the Local Government Ombudsman, and further, if necessary.

Yours faithfully,

Colin Ratcliff, Clerk

For and on behalf of Goring-on-Thames Parish Council

cc: Cllr Kevin Bulmer, Ward Councillor, South Oxfordshire District Council  
Cllr John Cotton, Leader, South Oxfordshire District Council  
Mr Adrian Duffield, Head of Planning, South Oxfordshire District Council  
James Burton, Reporter, The Henley Standard newspaper

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All thoughts and suggestions are very welcome to the draft letter. Assuming the Council agrees to the proposed complaint, I suggest that we let Colin and I work through any amendments, and that we authorise Colin to send it out.

**Cllr Bryan Urbick**

## **Progress with Network Rail regarding the rail electrification**

Network Rail has postponed the series of six public consultation meetings in the area (Goring was planned for Saturday 22nd January). Sadly, due to NR's failure to deliver notices to all households in Goring and other parishes in the area, at least 30 showed up at the Goring Village Hall for the originally planned consultation.

This change of plans is as a result of critical feedback of the scope and content that was to be presented at the public meetings. The critical feedback was made by the Design Advisory Group (DAG), a body made up of representatives of statutory conservation groups like Natural England and the AONB Conservation Boards who have been advising Network Rail since the start of the electrification programme. The Railway Action Group (RAG) supported this criticism and made this clear to NR at the meeting with them held on 12th January.

The meeting with senior Network Rail managers was well attended by numerous Parish Councillors from many of the parishes in Oxfordshire and Berkshire that are adversely affected by the unsightly gantries installed along the track from Reading to Didcot. Other people attended, including the planning officer from the Chilterns AONB and member of DAG. The meeting was requested by RAG to have a detailed review of Network Rail's Phase 2 Report on the new electrification designs for replacing the existing gantries, along with a preview of the presentation material for the public consultations. Both RAG and DAG were not satisfied with the Phase 2 report and the scope of the new electrification design options for possible retrofitting within the Goring Gap and the whole length of track with the two AONBs. Network Rail agreed that it would consider further and more imaginative options, including reinstating a form of the wire headspan design, which is the least visually intrusive design of all, but which had been dropped from the shortlist.

For more detailed information on this, Councillors can visit, or refer others to visit, the front page news section of the RAG website ([www.savegoringgap.org.uk](http://www.savegoringgap.org.uk)). If anyone would like to be updated immediately on any further significant issues affecting the electrification process in our area, they can register for information alerts by signing up to the RAG mailing list on the Contact page of the website.

Though the process is delayed, I believe this is a good outcome. It means that NR are listening, and continue to try to put forward acceptable solutions to the current situation. Any retrofitting is, of course, caveated with the need for government and Board approval, however at this point, the continued efforts by NR are promising. When the consultations are held, all will be notified – and we should strongly encourage as many people as possible to attend and make their views known.

**Cllr. Bryan Urbick**  
**7<sup>th</sup> February 2017**

## **A Proposal for a New Digital Community Alert and Newsletter Service**

When the Goring Gap News published a letter containing erroneous information about the Weir claim, it was frustrating that there was no fast way to inform our parishioners of the error – we needed to wait several weeks for a rebuttal to be printed. This is not a criticism of the GGN, but rather the challenge when we depend on it to disperse information.

When Network Rail postponed a recent consultation about the rail electrification and inadequately informed our parishioners that it was postponed. It would have been good to have a way to distribute this information to an established e-mailing list. Perhaps those 30 people who showed up to find that the event had been postponed would have not wasted their time!

There are other matters, in my short tenure on the Parish Council, that would have greatly benefited from a more immediate communication device.

As a result of the frustrations about the NR postponement, Ron Bridle shared with me an idea he has been working on to create a new digital community alert and newsletter service – his working name for this is GENIE (Gap Electronic News & Information Exchange). Please see attached appendices to this proposal R1 and R2 providing thoughts for GENIE and how we can get this moving. I have also met with Ron to discuss, and strongly support the effort. It should be noted that GGN were presented with the idea late last year, but decided a digital newsletter was not in their remit – so importantly, this idea is not replacing GGN, but rather filling a gap.

To set this up, Ron is asking for a small grant – to pay for a ‘Data Protection Act’ registration and to cover some other small set-up costs. When set-up, the GPC will have unfettered access to the service, and be able to send out communication. I will work with Ron to get things moving.

In conjunction with this proposal (and to make initial use of the new service), I would like to promote the idea of a Goring-on-Thames Parish Council e-newsletter to better communicate those items that we feel should be communicated to our constituency – this is not meant to replace GGN, but rather allow us to focus on communicating, in the detail we would like, the issues we deem important. I suggest it will be short (only a few pages each month/bi-monthly), and focus on our issues.

I propose to take this on as editor for a 12-month trial, in a similar form to the SODC e-mailed newsletter (I have, for nearly 2-1/2 years been the editor of the South Stoke Parish Newsletter, and have all the software, etc to do it). For this GPC newsletter, there will be no cost to the Council, and all Cllrs and residents will have access to provide information to Parishioners – not commercial information at all, but rather about community issues, events and situations that are likely to have less detail or not available in the GGN. After the 12 months, we can decide to continue or to discontinue.

I would welcome Council approval to go ahead with both supporting Ron in setting up his ‘GENIE’ idea and providing a one-time S137 grant of up to £250 to get things started, as well as approval to start the PC e-newsletter.

**Cllr. Bryan Urbick**  
**7<sup>th</sup> February 2017**

# GENIE (*Gap Electronic News & Information Exchange*)

A new, digital community alert and newsletter service

## Summary

**This rapid alert and newsletter service** would provide, whenever necessary, a fast (even same day) dissemination of useful, important or urgent community information - to all residents who have agreed to receive it.

*(NB. GENIE is a working title. It could be called something quite different if a better acronym can be developed).*

**There is no current method of quickly communicating important public information** directly to the majority of residents, should the need arise. So, this new system would provide an important local public service. Eventually, there could be many categories of information (sent out in separate newsletters) and five suggestions are listed at the end. The primary function, however, is a rapid alert system for important public information. This would inform the whole online community of important local issues quickly. If rapid feedback was needed for any reason, this alert system would be especially useful. The other 'social' categories are important and necessary to build up the overall subscriber database.

**In the absence of such a system** when an important item of news needs to be sent out quickly we struggle to get the message out efficiently to the whole population. Recent examples when such a system would have been useful include the last minute postponement of the Network Rail public consultations, corrective information about the legal status about the Hydro scheme and developments affecting the Neighbourhood Plan). What tends to happen now is that 1) local people, or organisations, with mailing lists would be asked to help sent out messages, 2) the 'grapevine' would swing into action, 3) a flurry of social media messages and individual emails would be sent out, and 4) notices pinned up around the village etc. In addition, GPC might also consider using its mailing list if the need was council-related. All this, however, would take time and the whole process would lack coordination and impact. The message might also get distorted along the way. If the problem occurred a week after the deadline for the GGN, neither the information about the problem, nor the reporting of the outcome, could be published until about 6 weeks after the event. The GGN, of course, was never intended to deal with this type of breaking news or urgent issue. We need a modern, sophisticated and joined-up fast communication service.

**GPC** currently uses a basic alert system using MailChimp to inform parishioners about forthcoming council meetings. South Stoke PC uses MailChimp too for their regular newsletters, as do many local societies and organisations to keep in touch with their members. The one thing in common with all successful newsletters, is that people who subscribe (free opt-in) actually *want* to receive important targeted and timely information which affects them or could benefit them. GENIE will be a comprehensive system involving multiple newsletters covering people's main areas of interest and need.

**This new service** could be developed by any community-minded group. However, new ideas have more credibility and have more chance of success if a well established organisations publically supported the idea when it was launched. Hopefully, GPC will give its support to this project and, ideally, use it itself as a vehicle for communicating council-related matters. NB: I proposed this concept to the GGN as an 'add-on' rapid electronic information service to the GGN (called GGN Extra), to supplement its monthly printed publication, but the management didn't want to take on a digital sister project.

**This proposed service** is easy to set up and operate at no, or a relatively small, financial cost. The new service, at its simplest, is a targeted and branded newsletter service', using sophisticated email technology. Social media, such as Facebook, Twitter and websites, are useful tools, but many, especially people of a 'certain age', do not use it. There are local people with extensive mailing lists and databases of several hundred people, but none of these are comprehensive enough to be confident that they will reach more than a minority of their potential audience. The grapevine works reasonably well, but the reach is patchy, at its best, and the accuracy of the message cannot be assured. GENIE would use an extensive email database which could be employed to great effect in the case of an emergency or need to inform the public quickly.

**This is basically a one-way communication system**, however, there are two simply ways to provide interactivity. Firstly, subscribers will be able to use the same email address set up primarily for non-subscribers to register their interest in subscribing to a particular newsletter, and 2) a GENIE Blog account would be set up for anyone to use to make comments.

## How the service would work

**Newsletters will be sent out** as 'blind copies' (for confidentiality) using a standard commercially available free bulk email service, such as MailChimp, the world's leading emailing platform. (There are mores sophisticated alternatives, such as Constant Contact, which are not free, but allow greater throughput, but MailChimp will be more than sufficient initially). Subscribers would only need to supply their email addresses and their general location (eg Goring, Streatley or South Stoke). Subscribers from outside the three villages, could receive the information too and form another sub-category, eg 'Others'.

**To establish a database** for each of the five or so individual types of newsletters, the plan will be to launch the new service prominently in the GGN. Also, all the main local organisations and certain individuals (who already have extensive local databases) will be asked to mail out the launch message asking anyone who would like to subscribe, to one or more of the new newsletter databases to email a central data collection point (tba). As time goes on and the value of the service becomes apparent, the master database will grow until it should eventually include the majority of online residents.

**One central, secure 'Master' list would be held.** With MailChimp, it is possible for each of the five or so 'Category lists' to be 'Sub-lists' of this Master list. Further sub-lists (automatically generated by the 'village of residence') to enable very targeted information to go to any resident of one specific village. However, to ensure the growth of the Master database (for use to send out important public Information), it will be a condition of subscription that people who subscribe to any of the newsletter categories that will also be automatically added to the Master list who will receive 'Public Information'.

**An important benefit** of having access to a comprehensive local database is the ability to conduct snap polls or surveys etc (eg to assess the mood and views of residents on important or controversial issues such as Goring Hydro Scheme, Network Rail's electrification or the outcome of Neighbourhood Plan).

**Subscribers can easily 'unsubscribe'** if they find the service is no longer of interest to them. New categories can be added at anytime and the whole service would be dynamic and tailored to the changing needs of the community. Suggestions for new categories can be made by anyone. They simply submit their requests to the 'Editorial Group' (all the Sub-editors and maybe others) who would decide if the category was likely to be successful and viable. The new category would need to supply it's own Sub-editor who would be trained up and agree to comply with the conditions and rules of the project.

**Editorial oversight**, to ensure that only important, accurate and relevant news is sent out, would be the responsibility of the relevant Sub-editor, who will be a carefully selected and responsible volunteer knowledgeable and involved in the subject concerned. These sub-editors would receive the basic information from any source (including GPC and GGN), and would decide whether the information was of sufficient relevance and importance to trigger a specific newsletter being sent out or form part of a joint newsletter. Frequency of publication would be on a simple 'as-and-when' basis.

### Possible Categories of Newsletters:

**Some possible categories are below.** Each category of newsletter would be distinctly different and branded, eg with a different colour header, but clearly 'part of the GENIE editorial family'. Each category editor would develop their own editorial style, but probably write just a few brief paragraphs. Further details could be via hyperlinks, to more comprehensive relevant information and background.

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**This proposed service** is easy to set up and operate at no, or a relatively small, financial cost. The new service, at its simplest, is a targeted and branded newsletter service', using sophisticated email technology. Social media, such as Facebook, Twitter and websites, are useful tools, but many, especially people of a 'certain age', do not use it. There are local people with extensive mailing lists and databases of several hundred people, but none of these are comprehensive enough to be confident that they will reach more than a minority of their potential audience. The grapevine works reasonably well, but the reach is patchy, at its best, and the accuracy of the message cannot be assured. GENIE would use an extensive email database which could be employed to great effect in the case of an emergency or need to inform the public quickly.

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# **MARKETING STRATEGY (TO MAXIMISE SUBSCRIPTIONS)**

## **1. Promotion**

**1.1** Using the first 'Public Information'-branded newsletter, Ron to mail out to all local residents, clubs and societies to alert them to GENIE, the new newsletter service, and ask them to forward it to all people on their own mailing lists, with a suggestion for people to click the live link [subscribe2genie](#) and specify which newsletters they want to subscribe to.

**1.2** Ron to submit exciting launch article for the GGN, again suggesting readers email to subscribe.

**1.3** Consider producing an A5 flyer to be delivered door-to-door to everyone in Goring, Streatley & South Stoke. (inexpensive to produce and about £50/000 to deliver).

**1.4** Depending on take-up from GGN launch article, consider inserting a display advert in GGN for a couple of months.

## **2. PR**

**2.1** Submit editorial to all local newspapers serving the three villages, eg Henley Standard, Newbury Times, Oxford Mail and Round & About etc.

**2.2** Request that existing local commercial Newletters (eg Action Coach, Pickle Marketing & Swift Ink etc) relay the information out to all their databases.

**2.3** Notify all the local PR companies and members of the Goring Gap Business Network to include the availability of GENIE in any communications out to their local customers.

**5 January 2017 by email:**

Hello

I am emailing to gauge response from the Parish in relation to making the Thames Path more accessible for all along the Goring reach.

Basically what we're proposing to do is to lay a Coxwell Self Binding gravel path along the enclosed section of trail that runs from Goring's land grid ref SU595804, then heading down stream through the enclosed stretch. These works of course are funding dependent and whilst the Thames Path would be able to use some of its budget to support the works, we will also have to apply to other sources for full funding and the length of works will depend on the funding.

We do look to improve areas of the trail that are enclosed and that run out of larger villages and towns (we never surface through open meadows) with in- keeping porous surfaces such as the self-binding gravels. This encourages users and the less able to go further along the trail and also be able to utilise the Thames Path for longer periods - throughout the wetter seasons.

Attached is a photo of recently completed works where the trail runs out of Marlow. The photo shows the work straight after completion prior to the gravel fully binding and darkening. Another example of these works can be viewed along the Benson to Wallingford reach of the Thames.

I'd be grateful if you could let me know what the Parish thinks about this proposed project and whether you would support it?

I look forward to hearing from you soon.

Kindest regards      Steve

Steve Tabbitt

Thames Path National Trail Manager

[www.nationaltrail.co.uk/thames-path](http://www.nationaltrail.co.uk/thames-path)

Twitter: @NTThames

National Trails Office, c/o Oxfordshire County Council, Signal Court, Old Station Way, Eynsham, OX29 4TL

***Enjoy National Trails today and contribute to their future***

***Discover and donate at [www.nationaltrail.co.uk/thames-path/donate](http://www.nationaltrail.co.uk/thames-path/donate)***







THE HIGH SHERIFF OF OXFORDSHIRE  
MRS SARAH TAYLOR



Mr Peter Clegg  
Clerk, Goring Parish Council  
The Old Jubilee Fire Station  
Red Cross Road  
Goring  
Oxon RG8 9HG

January 2017

Dear Mr Clegg,

As you may be aware, I have chosen as my 'theme' for my year in office the plight of unpaid carers in Oxfordshire. The 2011 Census identified 60,000 such carers in our county. This is probably a much-understated figure, as it is known that carers can often take up to five years to see themselves as having a caring role (Carers UK). Currently an estimated 1 in 6 people are forced to give up work to care. This is clearly unsustainable, given the demographic trends of a shrinking workforce being asked to work longer to meet growing care and pension bills. Research from Age UK has calculated that the cost to the Government of carers being forced to give up work to care has reached £5.3 billion in lost tax revenues, lost earnings and increased benefit payments.

I hosted a seminar late last year for organisations in Oxfordshire that get involved with helping carers. One of the recurring threads of our discussions was that a community information network was of great importance. It is in that context that I am writing to you, as it would be hugely beneficial if Parish Councils could be at the forefront of an alliance to promote and support the different organisations, both statutory and Third Sector, who provide professional support to all ages of carers across the county. By working in partnership we will be able to encourage the population of Oxfordshire to identify carers in their midst and to value and respect the role that they play in our society. We will then be able to ensure that these carers know about and can access the help that is available.

Carers Oxfordshire would like to work with you on this and have suggested that they come and meet you to tell you more about carers and about how they can be helped. Kay Francis, the interim head of service, or one of her team, will be in touch shortly to arrange a meeting.

Yours sincerely,

Mrs Sarah Taylor

7 February 2017 by email:

**Goring and Streatley Festival**

Dear Colin,

I am writing on behalf of the Board of Goring and Streatley Festival. As you are aware the plans for the Festival are well under way for 2018.

The Festival seek the approval of the Parish Council to use Gardiner Field to house a marquee as in 2016. The exact details are not complete but the layout, infrastructure, timings and duration we anticipate will be largely similar to those that were seen in June of last year.

The dates of use will be between [13 - 17 June 2018](#). Assuming the Parish Council approves we will then contact the Cricket Club to seek their support and assistance.

Yours sincerely,

Simon Carter

**Goring and Streatley Festival**