

SONNING COMMON PARISH COUNCIL

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Mr D Buckle

Chief Executive

SODC

18 February 2014

Dear Mr Buckle

Community Governance Review

Your letter of 13 February has given us great cause for concern. We do not accept your proposal that we should be left with a boundary that *'is unsatisfactory in community governance concerns'*¹. This letter deals first with the recommendation specific to us and then with inconsistencies in your process.

Recommendation CGR20

Before elaborating on what we see as serious inconsistencies in the whole review process itself we must point out that the narrative concerning recommendation CGR20 is inaccurate and misleading. Under Justification it is stated that: *'The working group consulted the two parish councils on these proposals but neither supported them.'* This is an egregiously incorrect interpretation of our letter to you dated 21 January wherein without rejecting them we expressed perplexity at those initial proposals saying that:

'Our final submission took careful account of your criteria which, although not numbered, we assumed were in priority order. First in your list is: 'natural or man-made boundaries that help to define clearly one community from another'. On that basis our views are that:

a. Our proposed north-eastern boundary line was put forward because it follows both a hedge and a ridge line that combine to provide a clear natural boundary to this settlement. The working group proposal on that edge seems to focus primarily on a man-made boundary of minor roads that we find perplexing and we suggest that it be reconsidered.

b. We readily accept the proposal following Gallowstree Road on the north-west as there is no obvious natural boundary there.

This response is very far from not supporting the proposal – since when did reconsider and reject become synonymous?

This misinterpretation is compounded in the 'Summary of other responses' which opens quite fallaciously by saying: *'Despite the fact that the council has not yet put forward any proposals, we have received a lot of resident comment.'* Detailed proposals were indeed been put forward in letters dated 19 December 2013 that you sent to both parish councils. The proposals map attached to your letter was, quite reasonably, widely circulated by RPPC to stimulate the correspondence that you received from their residents.

¹ CGR 20 final paragraph

What neither the working group recommendations nor RPPC's local briefing addressed are the effects of your Core Strategy and your Strategic Housing Land Allocation Assessment (SHLAA) wherein 1,916 dwellings were assessed as comprising the Sonning Common Settlement: 'the built form of the settlement including all the continuous and adjacent housing – including across roads until an envelope area of undeveloped countryside was reached'.

The entire parish of Sonning Common and much of the parish of Rotherfield Peppard have been used by your staff to define the Sonning Common Settlement, a fact that seems to have been entirely overlooked.

The effects of this are significant because the number of dwellings in the parish of Sonning Common at March 2011 was 1,595. So to make up the full 1,916 on which our Core Strategy allocation of new homes to be built between 2017 and 2027 is based, your Planning Department included 321 dwellings from Rotherfield Peppard as part of the Sonning Common Settlement.

As a result twenty three out of our current allocation of 138 new homes are included because of dwellings that are actually in Rotherfield Peppard parish - largely the houses that would come to us if our proposal is accepted.

We are actually relieving Rotherfield Peppard of the need to find sites and provide facilities for those extra homes without any commensurate gain to our income. If, as seems likely, the SHMA raises our allocation we will have to find more sites and provide more facilities for yet more new homes – a challenge that natural justice suggests should actually be given to Rotherfield Peppard parish. The RPPC residents' complaints to you about our wishing to develop on open land are at best misinformed.

Process inconsistencies

We now turn to the manifest inconsistencies in the CGR recommendations regarding the application of the criteria set out in your both original and amended Terms of Reference. When we read the original six criteria we applied, as is our wont, the Reasonable Person² approach that their sequence indicated their priority, an opinion since borne out by careful scrutiny of the LGBCE 'Guidance on community governance reviews 2010' on this matter.

This logic would say that if a proposal clearly meets the first criterion, '*natural or man-made boundaries that help to define clearly one community from another*' this largely obviates the need to consider lower order criteria. If then the same proposal also completely meets the next criterion, '*housing developments that straddle parish boundaries, thereby resulting in people being in different parishes from their neighbours*' then surely we must be looking at what is known as a 'slam dunk'.

As was made very clear in our detailed submission to you of 21 November 2013, we believed and still believe that our proposal meets 100% of both criteria and is not conflicted by any of the next three criteria: '*effective and convenient representation of local residents at parish level; the LGBCE's proposals for the warding of South Oxfordshire for the purposes of district council elections; the newly created county council electoral divisions*'.

We did not believe that the original sixth nor the added seventh criterion: '*views expressed in relation to any changes, particularly from those people directly affected; and the extent to which proposals reflect the identities and interests of the affected community*' could ever outweigh the solidity of the first two criteria.

² Also known in law as: 'the man on the Clapham omnibus' test.

Careful reading of the twenty two boundary recommendations other than our own CGR20 shows that where either or both of the first two criteria were met they have been recommended in every case even in the face of very strong parish council and resident opposition.

To conclude the justification (page 100) by saying that the working group *'makes this recommendation because, although it considers the existing boundary is unsatisfactory in community governance terms, it cannot identify a noticeably improved one that better meets the terms of reference of the review'* is literally incredible as well as being laced with the irony of the working group publicly admitting its failure to achieve what it was set up to do. If this recommendation is allowed to proceed Sonning Common will remain a village with an illogical border that runs down a street and through properties and be a testament to SODC's failure to take the proper decision. Not much to show after sixty two years.

Conclusions

We have to presume that the working group was unable or unwilling to venture so far south to view the lie of the land and observe that our proposed boundary runs along the ridge above the dry valley that separates us from Rotherfield Peppard and which makes each village invisible to the other³. This line indubitably marks and makes a natural boundary that defines clearly one community from the other. To allow specious objections to deny the facts of geography and geology whilst continuing to burden us with the costs of servicing the wider area and accommodating its housing needs and then to preclude further consultation seems to fall somewhere between manifest error at best and maladministration at worst.

Given the seriousness of our concerns **we believe that at the very least we should meet the working group on the ground before CGR20 is even discussed in Council** so that they can actually see what is proposed. We wish at that meeting to explain, show on the ground and have our proposal properly considered.

Failing that then we should at least be offered the logically almost defensible boundary that you put forward to us on 19 December. **We did not reject it nor did we say that we could not support it – we just queried how it met the criteria.** It will, if all else fails, just about pass muster in governance terms in our reading of the 2007 Act and the LGBCE guidance.

Otherwise we will have to consider how we can appeal to higher authority and would welcome your support in making this a test case for a ruling from the LGBCE.

Yours sincerely

Douglas Kedge
Chairman

Copied to:
All SODC members;
Steven Corrigan.

³ See map appended hereto.

Appendix.

Map showing the 300' contour lines either side of the Stony Bottom dry valley separating Sonning Common from Rotherfield Peppard.

From the point where paths P12 and P13 meet P11 both villages are invisible over their respective ridges.

The SCPC proposed boundary runs along this contour line which forms a clear natural boundary as specified in the criteria for the CGR.

