

To: Cllr John Cotton, Leader, SODC and Adrian Duffield, Head of Planning, SODC.

Plea for a Judicial Review regarding Thames Farm.

Harpsden Parish Council have been looking in detail at the Inspector's decision for Thames Farm (Appeal ref: APP/Q3115/W/16/3161733) and have the following points that may be useful in compiling your case for a Judicial Review:

Conflict with Neighbourhood Plan

There was no mention in the decision of para. 198 of the NPPF:

Where a planning application conflicts with a Neighbourhood Plan that has been brought into force, planning permission should not normally be granted.

The Inspector gave no reasons why this condition was given less weight even though his calculation of your land supply turned on such a tiny margin.

Housing numbers

The Inspector's calculation of OAN used a higher figure due to a lack of affordable housing delivery to date. Were the numbers of delivered affordable housing accurate, is this approach logical and does it have precedent?

The margin for error appears unacceptable. Even using possibly inaccurate figures and the uplifting of OAN, the figure is then taken to three decimal places (amounting to 2.998 years). This is clearly statistically nonsensical. As a minimum, the number should be rounded with a margin or error declared, perhaps 3 years + or minus x%. This must be weighed against para 198 – 'support for the development of NDPs must be given strong weight' which The Inspector does not seem to have done.

Sustainability – Cycling

The statements on both cycling and pedestrian sustainability are flawed.

Cycling sustainability is based on a misunderstanding of the law by an OCC Officer and should have been discounted by the Inspector.

Decision para 41. Comments regarding the safety of cyclists relate to the route along the A4155 to Henley. The road is busy with vehicular traffic, including buses and lorries, and is not a particularly hospitable route for cyclists but the distance from the site to the outskirts of the town is only about 1.5 kms and there are no accident records relating to cyclists on this short stretch of the main road. The route along the A4155 into Henley is not an unsafe route for cyclists. The pedestrian route into Lower Shiplake via the proposed crossing of the A4155 to the north of the War Memorial would be a safe route, as would be the alternative route via FP242/26 and Northfield Avenue. It is worth noting that the proposed pedestrian routes have been the subject of a road safety assessment and audit and that

the Highway Authority has no concerns regarding the safety of pedestrians, cyclists or traffic.

This paragraph is wrong on two counts:

First, the route along the A4155 is known by local people to be hazardous and it is therefore little used – hence the low accident record. There is strong evidence to support this claim of the route being shunned as the local community (supported by successive iterations of Shiplake Parish Council) has been campaigning for a safe cycle route into Henley for over 25 years. Cycling organisation Sustrans assessed the A4155 in the mid-1990s and deemed it unsuitable for cyclists. Extensive, but ultimately unsuccessful, efforts were then made to create a cycle-path alongside the railway line. The whole issue of safe cycle routes into Henley was again raised when the Shiplake Village Plan began to emerge in 2012. Despite further extensive work by Shiplake Parish Council, supported by the County Councillor, it has continued to not be possible to create a safe cycling route.

Second, at the inquiry County Councillor David Bartholomew read out an email from the Highways Officer stating that his assessment of the safety of cyclists may have been wrong as he was unfamiliar with legislation relating to the use of footpaths by cyclists. He was operating under the misapprehension that cyclists could use footpaths. The email contained the following statement from the officer *"...the Inspector may be minded to remove the reference to 'cyclists' if this is considered a sticking point – I am a mere Engineer and so my knowledge of Common Law is limited to courses at College and refreshers as part of CPD."* With regards to cyclists, the Inspector appears to incorrectly imply that cyclists can use the footways/footpaths into Lower Shiplake.

Sustainability – Pedestrian

There are two footpath options put forward by the applicant: one north, one south. The northern path is not deliverable and the assessment of the safety of the southern option has been disproved by recent events.

The northern footpath connecting the crossing point to footpath 242/26 is not deliverable by the applicant as much of the land is neither Highways land nor in the control of the applicant. This was not understood by OCC Highways at the time of the application but has since been discovered in relation to an application at Mount Ida opposite Thames Farm that proposes joint use of the footpath. The lack of deliverability of this footpath is the reason OCC Highways is now recommending REFUSAL of the Mount Ida application - P16/S2861/O. Consequently this pedestrian route is no longer available to Thames Farm residents. In addition the Application for Thames Farm Barn – P16/S4292/FUL - recommended a crossing point between the west and east junctions of Bolney Lane with the A4155. This application was refused by the SODC Planning Committee on the grounds of the dangers to pedestrians. There would, therefore, appear to be no crossing point available at the northern end of Thames Farm.

The Inspector accepted that the southern crossing at the War Memorial was a safe crossing route. A photograph of an accident on 15/08/17 involving an overturned car at this very spot disproves this assertion -

<http://www.henleystandard.co.uk/news/home/114029/breaking-car-flips-on-roof-outside-war-memorial.html>

Para 38 of the decision implies that the 85th percentile speeds were agreed by the two parties - was this in fact true? Our understanding is that there was a difference of opinion. Is the 36.5 mph "agreed" figure correct?

Furthermore The Inspector has totally discounted the needs of the pedestrian, expecting traffic travelling at the legal speed limit of 30 mph, to be able to see and make judgement for a 'safe' gap in traffic to cross the road. He has put all emphasis on the ability of the motorists to see a pedestrian in the road and slow or stop, which does not provide a safe environment for pedestrians particularly as The Police have tracked cars at this point at speeds of up to 45 mph. The speed of 37 mph used by The Inspector in this judgement is, therefore, not appropriate and does not reflect the very real dangers associated with this proposed crossing point.

We trust that the comments above will assist you in coming to a decision to progress with a Judicial Review and look forward to hearing further to this effect in due course.

Kester George
Chairman
Harpsden Parish Council

Tony Wright
Deputy Chairman
Harpsden Parish Council

21st August 2017.

c.c. John Howell, M.P.
Chairmen, Local Parish Councils
SODC Planning Committee
Cllr Will Hall,
Cllr Paul Harrison,
Cllr David Bartholomew,
Cllr Ken Arlett,
Cllr Julian Brookes.