

Request 10677 - Longstanton Conservation Area

Freedom of information request to South Cambridgeshire District Council by Andrew R Taylor for Resolute Estates Ltd Concerning the activity of the Council from 2004 to date in connection with the Longstanton Conservation Area, ("LCA") the requisition of land to expand the "green gap" between the village and Northstowe and associated activity, and the consequential multiple breaches by the Council of UK civil and criminal law whether statutory law or common law. Statement of intent The Council having received an adverse report from the Information Commissioner in June 2020, the Applicant gives notice that any response by the Council is erroneous, incomplete, obfuscating or cannot be found, the Applicant will apply to the Court in a process intended to lead to an order that some person responsible for the management and policy of the Council is in contempt of Court. Applicant / Questioner: Andrew Rhodes Taylor. Dated March 2022. Notes: 1 It is to be assumed that those responsible for the direction and management of the Council are personally satisfied that the replies to the questions here set out, will be true and complete, and are provided with the full authority and understanding of Members. 2 The applicant is aware that the Council has outsourced responses to Freedom of Information requests to a mutually owned organisation, the staff of whom have no experience of the operation of the Council and consequently cannot reasonably be expected to know where to find the information requested in this document. 3 These questions include a great deal of basic information which will assist competent Council staff in identifying the actual information required. The Applicant will be happy to cooperate further with such assistance. 4 In the past, the Council has replied to requests for financial information by providing a link and suggesting that the applicant should search the financial records for himself. If the Council makes a similar suggestion with regard to this present application, the Applicant will treat it as a refusal to provide information. 5 The Applicant made a substantial request on or around February 2019. The Council appeared to take every possible step to avoid answering questions. Indeed, in June 1 2020, the Information Commissioner was compelled to report that the Council had failed to satisfy its statutory obligation under the Act. The Applicant therefore reminds the Council that it is expected to comply with its statutory obligations and that the Applicant will oppose any application by the Council to defer, reduce or compromise any statutory obligation. To the extent that the Applicant provides any assistance to the Council in locating data requested, such assistance shall be without prejudice to the statutory obligations of the Council and

the timing set out in the FoI Act 2000. 6 In some cases multiple documents are requested, without specifying precisely what each document is. What we seek is information which can be provided only from a conversation. If the Council refuses to answer such questions on that basis, then this entire FOI process will be extended over a long period of time while the applicant progressively analyses data provided by the Council and uses as the basis for a further set of questions. If, alternatively, the Council is minded to accept the specific question and produce a reply consisting in multiple documents, then the Applicant is likely to be willing to accept a whole bundle and sort them personally. This will save a great deal of Council staff time, not only on this occasion but on multiple future occasions if the Council insists upon a step-by-step approach. 7 The applicant will take very seriously any indication that the Council's records have been removed, deleted or edited. If any such evidence becomes apparent, the Applicant will accept the risk of delay in making a claim, in order to assist the Director of Public Prosecutions as far as possible, in the prosecution of every person directly or indirectly involved. 2 The questions Special request For any document which is accompanied by any secondary document such as an addendum, appendix, map or other document intended for understanding of the principal document, please construe these questions as relating to the entire set of documents and not merely a single document referred to. If any document which is produced references some other document which is clearly intended for the better understanding of the principal document, we shall treat the response as not acceptable. Reason: we shall not permit the Council to obfuscate and delay the process by intentionally providing incomplete responses. 1 The Longstanton Conservation Area Appraisal prepared in 2005 ("CAA") and the CAG: four sets of data: comparison Over 2004 / 2005, either the South Cambridgeshire District Council ("Council") or the Conservation Advisory Group ("CAG") instructed for a new conservation area appraisal for each of the four villages believed to be affected by proposed development on land previously known as Oakington Airfield and now a large part of Northstowe. This request seeks data relating to the appraisal is undertaken for all four villages which could potentially have been damaged by their proximity to Northstowe. The applicant has no land ownership outside of Longstanton. The questions are asked in order to identify points where the proposals and processes differed between Longstanton on the one hand, and the other three villages on the other hand. 1.1 We refer to the Conservation Area Appraisals for Westwick and Rampton specifically. For each of these documents: 1.1.1 Please provide copies of the instructions from the Council to QuBE to provide the reports and assistance and other work which they did actually undertake in connection with these two conservation area appraisals in 2004-2005. (Hint: they were provided by David Grech). 1.1.2 please provide the frontsheet / title sheet for each of these

documents, or confirm that when presented by Qube there was no front sheet nor other attribution nor contact information nor date. 1.1.3 Who drew the associated map tacked on at the end of each appraisal? 1.1.4 At what date was the map tacked on? The tacked-on map does not refer to any specific reference point in either appraisal nor does either appraisal refer to a map. 1.1.5 What is the purpose of this added map which does not support the information provided in the CAA. 1.1.6 Please provide any other document associated with either the maps or the appraisals, which indicate the relationship between the proposal documents and the maps. 3 1.2 We attach "Oakington CAA - Report to Cab 080905.pdf" and "Oakington CAA Rpt 200705.pdf" We note that the content of both documents is almost identical, but the authors and recipients are quite different. 1.2.1 What was the status of the Conservation Advisory Group ("CAG"), such that the Conservation Manager reported to that group? 1.2.2 Within the management structure of the Council in 2005, to whom did the Conservation Manager formally report? 1.2.3 Please provide a copy of the draft appraisal mentioned in one of the above documents as issued for public consultation on Monday, 25 th April 2005. 1.3 Please refer to paragraph 1.2, above and provide a copy of the equivalent of both documents relating, not to Oakington, but to Longstanton. 2 More on the Longstanton CAG I this document, "Added Land" means the land which was added to the CA in 2005. During the period between 01/01/2005 and 31/12/2007, the Council undertook continuing discussions with the Secretary of State relating to all elements of the proposal for a new town, based largely on the land previously known as Oakington airfield. 2.1 In those discussions, was the Council represented by the CAG or by some other committee or independent organisation? 2.2 Who or what other organisation, person or committee represented the Council in those negotiations at any time? 2.3 For each such person, group or committee, how were they instructed by the Council? 2.4 What was the status of the person or committee to whom each such person, group or committee reported and to whom they looked for instructions and authority? 2.5 Please provide a copy of all of the correspondence and accompanying documents and minutes relating to meetings and negotiations relating to Northstowe between the Council on the one hand and the Secretary of State on the other hand, between 01 January 2005 and 31 December 2007. 2.6 What was the legal status of the CAG within the Council structure? 2.7 Please provide a copy of the notice and minutes of the meeting of the Council or the Planning Committee which authorised the setting up and acceptance of the CAG and any other document which set out proposals for membership, purpose, meetings and other arrangements of or for the CAG. 2.8 Please provide copies of the notices and minutes of every meeting of the Conservation Advisory Group from January 01 2004 to December 31 2007. 4 2.9 Please provide copies of all correspondence between David Grech and members of

the CAG, touching upon work by the CAG. 3 Versions of the Longstanton CAA 3.1 The Applicant recalls that the version of the CAA which was first downloaded in 2017 is marked in a way which makes clear that it is a draft: the opening paragraph included the words: "(Paragraph about public consultation and adoption as Supplementary Planning Guidance/Supplementary Planning Document)" These words appear in the text of the document as paragraph 1.2. 3.1.1 Please provide a copy of that version as originally published, marked with the words above, including the front-sheet, now no longer available on the Council's website. 3.1.2 Please provide a copy of the CAA in the precise form in which it was submitted to the Conservation Advisory Group for approval, including the front-sheet, now missing. 3.1.3 Please provide a copy of the CAA in the precise form in which it was first sent to all members, including the front-sheet, now missing. 3.1.4 Please provide a copy of the CAA in the precise form in which it was submitted to the Minister for approval, including the front-sheet, now missing, prior to adoption by the Council, such submission believed to have taken place between August 2005 and November 2005. 3.1.5 Please provide a copy of the CAA in the precise form in which it was adopted as an SPD in 2007, including the front-sheet, now missing. 3.2 Please provide copies of all correspondence and enclosures and attachments in connection with the application to the Minister for approval of the enlargement of the LCA. 3.3 Please confirm that the CAA is the only document on which the Council relies as evidence of the historic asset and/or historic landscape value of the Added Land. Please provide copies of any other document, if any. 3.4 Neither the CAA nor its maps show or indicate any feature of historic value within the Added Land. Please provide every document specifying precisely what historic buildings or features support the contention of the Council that the Added Land should have been added in 2005 or should remain part of the LCA today? 3.5 Please provide a copy of whatever survey took place in 2005, resulting in a specific list of historic features on the Added Land.

4 The CAA use, purpose and approval process 5 The specified purpose of a meeting of Cabinet on 08 September 2005, includes, at page 51, Agenda Item 7, "To seek Cabinet approval for the revised boundary changes to the Longstanton Conservation Areas (including the amalgamation of the two existing Conservation Areas into a single enlarged Conservation Area) and for the adoption of the CAA as Council Policy (incorporating the amendments agreed by the Conservation Advisory Group and outlined in the attached appendix). It is clear from other documents that the CAA was written to support the expansion of the Longstanton Conservation Area ("LCA"). We allege that, in putting this document forward by way of a report to the Leader and Cabinet, the Development Services Director intentionally misrepresented the purpose of the CAA as relating to prospective future development in the enlarged Conservation Area when in fact the only purpose was to support the expansion of

the LCA. 4.1 Please provide a copy of the document sent out for consultation to the list of organisations mentioned at paragraph 4 under "Consultations". 4.2 Please provide a copy of the cover letter sent out with the document for consultation to the list of organisations mentioned at paragraph 4 under "Consultations". 4.3 Please provide a copy of the notice of the said meeting of Cabinet on 08/09/2005, together with accompanying documentation. Please provide a copy of the minutes of the same meeting. 4.4 Please provide copies of the map or maps showing the boundary changes proposed for approval at that meeting. 4.5 Please provide a copy of the specified amendments agreed by the Conservation Advisory group together with the document to which they are appended. We note at paragraph two on page 51 the box containing data entitled "Effect on Corporate Objectives". It states: "Quality, Accessible Services The Conservation Area Appraisal will be used as a local design guide and therefore assist in achieving the Council's aim of improved design standards and the delivery of a high quality planning service. . . . " 4.6 Please provide minutes of any subsequent meeting or Cabinet which changed the corporate objectives from those stated above, so as to become a document in support of not merely design standards but the historic environment and landscape as described, all as supported at least since 2015. If there is no such authority, please state that fact specifically. 4.7 If there is such a change as mentioned above, please provide notice or invitation to Cabinet in advance of the meeting to approve the change, of documents provided with that invitation or notice, and minutes of that meeting. On that same page 51, neither the "Background" nor the "Considerations" indicate that the appraisal document was actually placed before the leader or members of the Cabinet at any time, leaving them to find the information for themselves as specified in paragraph 4. 4.8 Please confirm that the CAA was not specifically provided to members of the 6 Cabinet in either hard or soft copy. 4.9 At what date was the CAA adopted formally as an SPD? 4.10 Please provide a copy of the agenda and other documents provided to Cabinet at the meeting of the Cabinet when the CAA was formally adopted as an SPD. 4.11 Is the CAA an SPD today? If not, 4.11.1 what is its status today? 4.11.2 when was the status changed? 4.11.3 where is its status recorded? 4.12 In what capacity and for what purpose was the CAA adopted, since clearly it contains neither description nor map describing the enlarged LCA. At paragraph 8 on page 52 of the same document it is stated that "a sustainability appraisal will be prepared and the appraisal (together with the sustainability appraisal) will then be issued for public consultation prior to adoption as a Supplementary Planning Document (SPD)." 4.13 Please provide a copy of that sustainability appraisal. On page 60 of the same document, please refer to note 5. The Council clearly states "the question of encroachment of Northstowe is not an issue to be resolved within the terms of the Appraisal and has already been dealt

with through this policy of “Green Separation”. 4.14 Please provide a copy of the document referred to by the Council which sets up the policy of “Green Separation” separately from the CAA. 4.15 Please provide a copy of every document appraising or otherwise specifically describing the policy of Green Separation other than as a policy set out in the Local Development plan of 2007 and subsequently. 4.16 Please provide a copy of any document discussing or assessing the issue of Green Separation other than documents relating specifically to Northstowe (concerning which nothing had been agreed in 2005). 5 CAA maps (Longstanton) The CAA was drawn in 2005. The appraisal document contains no map of the preexisting land area of the two small conservation areas and the area proposed to be added. To obtain that information, the reader must refer to 2 separate files containing the maps. 5.1 At what date were those maps drawn? 5.2 At what date were the two associated maps first treated as associated with the CAA? 5.3 Please provide a copy of the minutes of the Planning Committee at which the two associated maps were approved as identifying the changed boundaries of the LCA? 7 5.4 Please provide copies of those two maps as drawn when first associated with the CAA. 5.5 What person or organisation drew those maps? 5.6 At what dates and for what reasons have those maps been replaced or edited since first drawn and for what reasons? 6 Public Reports Pack 08 09 2005 We have a copy of the above document which is introduced as follows: “31 August 2005 To: The Leader – Councillor SGM Kindersley Deputy Leader – Councillor RT Summerfield Members of the Cabinet – Councillors Dr DR Bard, JD Batchelor, Mrs JM Healey, Mrs EM Heazell, Mrs DP Roberts and Mrs DSK Spink MBE Dear Councillor You are invited to attend the next meeting of CABINET, which will be held in the COUNCIL CHAMBER at South Cambridgeshire Hall on THURSDAY, 8 SEPTEMBER 2005 at 10.00 a.m. Yours faithfully GJ HARLOCK Finance and Resources Director” In relation to that document: 6.1 Please provide copies of comparable invitations to attend Cabinet meetings, together with the minutes of such meetings held on 14/07/2005 and 21/07/2005. 6.2 Please provide copies of documents which constituted the “pack” sent out with this invitation, limited to those documents connected to agenda item 7. That agenda item refers specifically to: “Longstanton – Conservation Area Appraisal” refers to “proposed boundary changes”, “draft Conservation Area Appraisal”, “appendix to the attached report”. Please provide all three documents. 6.3 Page 51 relates to Agenda Item seven. At the end of the general description, the Contact Officer is given as “David Grech – Conservation Area and Design Officer”. In the management structure of the Council, please specify what were the duties of the Conservation Area and Design Officer and to what person or office did he directly report? 6.4 Please provide the minutes of the Cabinet meeting to which the above document was an invitation. 7 The present proposal is inside the settlement boundary We note map file “050201 -

Maps NS - The Site 1 of 1 Council.pdf". It shows the present appeal site as within the settlement boundary. 7.1 Please confirm that the proposal Site is within the settlement boundary today. 8 7.2 If the Council is unable to provide that confirmation, please provide documentary evidence of the settlement boundary having been changed and approved by the Council. We note file ref 050201-Appendix 2- NS43 St Michael's Mount Response Council.pdf Please refer to section head "Longstanton Conservation Area". Note the references to Consultants and their report. 7.3 Please provide a copy of every report produced by those consultants for that purpose. 8 Celia Wignall In 2016/17, the Council instructed Celia Wignall (then an independent consultant) for a report in opposition to our application S2482/16/OL.: 8.1 Please provide a copy of: 8.1.1 her instructions from the Council; 8.1.2 her correspondence with Case Officer David Thompson; 8.1.3 her invoice for her work. NOTE: all financial records are kept for a minimum of six years. Local authorities are no exception. Accordingly there is NO WAY the Council could have mislaid an invoice. Of course this applies to other financial records in this request. 9 Jon Burgess In preparing the CAA in 2004 and 2005, the Council issued a "Consultants' Brief" dated 28 th of May 2004. In connection with that brief: 9.1 Please provide copies of: 9.1.1 the separate instructions to Burgess covering all of his work relating to the conservation areas of all four villages; 9.1.2 the "specific advice" referred to in the Consultants' Brief; 9.1.3 tender documents returned by QuBE/Burgess; In preparing the CAA in 2004 and 2005, the CAG instructed one Jon Burgess to prepare a report: he submitted a report titled: LONGSTANTON: QuBE COMMENTS ON PROPOSED CHANGES TO CONSERVATION AREA BOUNDARY AND 'GREEN SEPARATION'. We attach copy for reference. In that report, Burgess tells us that on 20 December 2004, David Grech "from the SCDC Conservation Team" wrote to ask QuBE to: "Advise on your preferred boundary treatment / treatments for the revisions to the Conservation Area where it falls within, or is abutted by, the green separation. This could include, for example, additional buffer areas adjoining the Conservation Area or suitable landscape treatment within it." 9.2 Please provide copies of: 9.2.1 all correspondence with him covering all of his work relating to the conservation areas of all four villages; 9.2.2 his invoice/bill covering all of his work relating to the conservation areas of all four villages. 10 Inspectors appointed by Secretary of State Questions relating to discussions with the Inspectors culminating in this report: Report to South Cambridgeshire District Council by Cliff Hughes BA(Hons) Dip TP MRTPI and Terry Kemmann-Lane JP DipTP FRTPI MCMI Inspectors appointed by the Secretary of State for Communities and Local Government The Planning Inspectorate June 2007 Room 3/25 Hawk Wing, Temple Quay House, 2 The Square, Bristol BS1 6PN 0117 372 8128 e-mail: mark.billing@pins.gsi.gov.uk Access: <https://www.scams.gov.uk/planning/local-plan-and-neighbourhood-plan-ning/the->

adopted-development-plan/northstowe-area-action-plan-aap/ Notwithstanding any issue with regard to the legality of the CAG, some party or parties were instructed to liaise with the Secretary of State (including the above named inspectors), and multiple issues relating to the advent of Northstowe. 10.1 Please provide copies of all correspondence and documents passing between, or discussed with, the above Inspectors or any other person instructed by the Secretary of State in connection with Northstowe, on the one hand, and any officer or other person representing the Council, on the other hand, from 1 st of January 2004 to 1 st of January 2008. 10.2 Please provide a copy of the Council's "Preferred Options Report" referred to by Jon Burgess. (This document may be one of the large number provided by the Council in response to the immediately previous request). 11 Local councillors' report July 2021 We note the District and County Councillor Report – Longstanton Ward dated July 2021. We note the last sentence at the bottom of Page 1, which states: "We agree with the need for affordable housing in the district generally as it is far too expensive for many young people and young families to live here, and we need to ensure people are not priced out of living in our area. However locally we feel that this demand is being met by the development of Northstowe.". 11.1 Please provide documentary evidence which indicates that local demand from people who find the district "far too expensive", is being met at Northstowe where the average house price exceeds the average for the district. 12 Outstanding questions to Stephen Kelly, re: application 20/04232/OUT Andrew Taylor wrote to Stephen Kelly a message which he copied to Bridget Smith, Tumi Hawkins, Liz Watts, Lewis Tomlinson and others. It is recorded as having been sent on 04/02/2021 at 13.22 hours. In that message, Taylor asked a number of questions. Kelly has not replied to the message. The questions are repeated below. 10 The text of some has been changed, so as to prevent the Council from avoiding a response. These are the questions. 12.1 What instructions have been given to Tomlinson to encourage him to treat application 20/04232/OUT, differently from any other application? 12.2 Who instructed Tomlinson to obtain responses from local consultees by submitting and posting individual letters to over 100 addresses? 12.3 When and Why did the Council decide to breach its statutory obligations by failing to determine this case?

Response

Thank you for your request received on 15 March 2022, which, due to the subject matter we have considered under the Environmental Information Regulations (2004) –(EIR). Guidance on what is covered by EIR can be found here -[What are the Environmental Information Regulations? | ICO](#)

We can confirm that we do hold information relevant to your request.

Having reviewed your extensive request - we note your request contains in excess of 70 queries. We find that exception 12(4)(b) – the request is manifestly unreasonable – applies. All exceptions under EIR are subject to a public interest test, we explain our application of this exception and public interest test as follows:

Access to information rights provided under both Freedom of Information Act 2000 (FOI) and the Environmental Information Regulations (2004) – (EIR) provide for access to information that is already in existence, held by the organisation and able to be disclosed into the public domain.

This access does not provide for general enquiries, requests for opinions, reviews or any action that would result in creating new information that is not already in existence. We note that several of your queries raise these type of questions and you state :

What we seek is information which can be provided only from a conversation .

FOI and EIR are not the avenue for and cannot be used to compel responses to this type of query – this department cannot assist you with these queries, which may be considered an inappropriate use of FOI and EIR and may be viewed as vexatious under the Acts. Your queries that request such responses should be directed to the relevant departments directly, where they will consider whether they can assist you.

Several parts of your request ask for ‘all correspondence’ and/or ‘documents’ on particular matters. The matters you refer to are considered closed and have completed their regulatory processes . All relevant material has already been published has been published into the public domain and is available to you here:

[Conservation Area Appraisals \(greatercambridgeplanning.org\)](http://greatercambridgeplanning.org)

[Northstowe Area Action Plan \(AAP\) - South Cambs District Council \(scams.gov.uk\)](http://scams.gov.uk)

Given the age of the matter in line with our retention policies some of the information may no longer be held – you can see our records retention policy here : [Corporate Policy - Document Retention and Record Management \(scams.gov.uk\)](http://scams.gov.uk)

Please note that where information is published and reasonably accessible for individuals to find and/or search for themselves and links are provided in an information request response, the organisation is not required to respond further.

Taking into account the scope of these pieces of work, the material held on these matters is substantial. To assess the work and impact on the organisation to manage your request, we have undertaken a snapshot of the volume of material for just one of your queries – the questions raised at point 10 – of your document

- Inspectors appointed by the Secretary of State - Questions relating to discussion with inspectors culminating in this report.....

We have found in relation to the Northstowe AAP a minimum of 5700 files held that will require review to see if they hold any relevant material

In considering whether this is an overly burdensome cost to the organisation, in line with ICO guidance we have used the cost limit provided in FOI – which is £450 or 18 hours of officer time at £25 per hour.

Allowing an average of 5 minutes to review each of the 5700 files located for that query alone, would require at least 475 hours of officer time, resulting in an estimated cost to the organisation in excess of £11,000

To apply such substantial resource to the management of one information request would require the diversion of officers from their normal duties for a considerable amount of time, and create a substantial disproportionate burden to the organisation.

It is not in the public interest to divert resources in this way. This would have a detrimental effect on normal customer service for the wider population we serve.

It is not appropriate to divert resources to a task considered of little wider public value due to the matters considered to be complete. In addition the searches and work required to identify relevant material may return minimal results or indeed be futile.

Due to the nature and extensiveness of your request and the reasons given above we consider exception 12(4)(b) – the request is manifestly unreasonable – is correctly engaged and we decline to respond to this particular request in its entirety.

You are invited to review your request. To assist you we advise that you may wish to consider removal of questions that require a discussion or are intended to create new information not currently held – as noted above we cannot assist you with such queries under FOI/EIR. You may wish to refine the time frames of your request and/or consider more specifically the correspondence (to or from particular parties) and material being sought.

We appreciate you will be disappointed in this response, however, we hope our explanation of the application of the exception above helps to explain why we cannot justify such resource being allocated to just one information request

We aim to provide a high quality service to you and hope that you are satisfied with this response. If you have any further questions please do not hesitate to contact us.

