

## **FOR IMMEDIATE RELEASE**

**Tuesday, 26 January, 2021**

### **Residents' legal challenge to South Oxfordshire Local Plan decision**

Residents have issued a legal claim against South Oxfordshire District Council's decision to go ahead with a hugely controversial Local Plan that was adopted under pressure from Robert Jenrick, Housing, Communities and Local Government Secretary.

Mr Jenrick has been named as an interested party in the application by the Bioabundance Community Interest Company to have the plan quashed by the planning court under s.113 of the Planning and Compulsory Purchase Act 2004.

The green light for the plan to build 23,550 homes by 2034 was given in a divided vote at a meeting of the full council on 10 December, 2020. Nine councillors who abstained said they did so on the basis that following massive intervention by Mr Jenrick, the vote was not a free vote. It was a choice between adopting the Local Plan or having it thrust upon South Oxfordshire, they said. [see Appendix 1 below for comments made by Councillors].

The Local Plan was developed by a Conservative local administration that was replaced in May 2019 by a Lib Dem-Green coalition that had campaigned to end over-development. The alliance wanted to withdraw the Local Plan and take forward a new one "with climate change at its heart".

However, over a period of 21 months, the Ministry for Housing, Communities and Local Government (MHCLG) put severe pressure on South Oxfordshire District Council and threatened to withhold promised infrastructure funding, for projects including the Didcot Science Bridge, Milton Interchange dual carriageway, a new river crossing at Culham and a bypass at Clifton Hampden, if the Local Plan was not adopted.

A report by a Local Plan Inspector suggested inadequate ways to address climate change target provision, says the Bioabundance Community Interest Company which was set up to promote climate change mitigation and defend the natural world for the benefit of current and future generations. Its grounds for challenge are:

- The conduct of the adoption vote: the way that it unlawfully took into consideration the threatened consequences of government intervention and was dictated by the MHCLG.
- The calculation of housing numbers by the Plan Inspector working with building 775 dwellings per annum instead of the standard 627
- The inadequate regard paid to the effect of high housing numbers on climate change.

#### **Ian Ashley, director, of the Bioabundance Community Interest Company said:**

"Local community groups, some of whom have fought this plan for years, are joining Bioabundance and are delighted that this action is being brought forward. The Plan would destroy the countryside and a large part of the Green Belt around Oxford."

#### **Dr Sue Roberts, director of Bioabundance, said:**

"The Local Plan Inspector supported building a higher number of dwellings than the standard recommendation, without explaining why. The Local Plan grossly over-provides for housing: space is allocated for over 30,000 homes, four times the number that can even be filled,

according to data from the Office for National Statistics. Unneeded housing is no rationale for worsening climate breakdown and the collapse of the natural world.

“This is the first time a local plan has ever been challenged because of our climate and ecological crisis. This pioneering action by Bioabundance is our last chance to put our environment before housebuilder profit in South Oxfordshire.”

**Lisa Buchan of Bioabundance said:**

“This Plan is an assault on local democracy and residents in my area are outraged. We at Bioabundance thank our great legal team with its track-record on defending the environment.”

Leigh Day solicitor Tom Short, represents Bioabundance with barristers Tim Buley QC and Alex Shattock of Landmark Chambers.

**Tom Short said:**

“Our client is concerned about both the manner in which the Local Plan has been forced through under enormous pressure from the Secretary of State, and the detrimental environmental impacts it will lead to. It is important that decisions of local authorities that have significant ramifications for the environment for years to come be taken in a free and fair manner, not dictated by central government as appears to have happened here.”

**ENDS**

## **APPENDIX 1**

### **Comments made by Councillors at the Council meeting on 10<sup>th</sup> December 2020 at which the South Oxfordshire Local Plan was adopted.**

Eight Councillors who voted for the Plan or abstained expressly voiced concerns about coercion or lack of a free choice in the vote:

1) **Councillor Casey-Rerhaye**, who abstained, said at [02:44:20] *“I truly believe that a vote that is made under duress, a choice that is offered under threat, is not a free vote, is not a real vote, and is not a fair exercise of the mandate that I have been given. And after listening to the debate tonight, I will continue listening. But I am faced I know I'm faced with a choice between adopting the plan or having it thrust upon South Oxfordshire. If I vote to adopt this plan, it will become South Oxfordshire's plan. And if I vote, if I vote not to adopt the plan, it will become South Oxfordshire's plan. The legislation that the Secretary of state used for the legal direction is clear about his powers to do this. So I think I must therefore abstain. I think I will abstain because my vote counts for nothing here.”*

2) **Councillor Dragonetti**, who abstained, said at [01:45:34] *“I feel a foot on my neck and I still don't know whether to be brave or cowardly.”*

3) **Councillor Filipova-Rivers**, who abstained, said at [03:02:10] that *“the most troubling aspect of this injustice that we have been subjected to is the intervention and the thinly veiled bullying we have been subjected to... I have felt so pressured*

*politically and in every other way possible to make a decision which I do not want to make because I do not believe it's the right one. And yet here we are. So please tell me, why is it that my vote matters?"*

**4) Councillor Gregory**, who abstained, said at [02:32:34] *"So we can all sit here and pretend this vote matters tonight, but let's face it. This conservative local plan will be adopted regardless of how anyone votes this evening, and it really does beg the question, does local democracy really exist?"*

**5) Councillor Kantor**, who abstained, said at [02:20:39] that *"...the conservative secretary of state has intervened. He is forcing us to adopt the former conservative administrations plan. This plan will deliver nothing for local residents, but maximum profit for developers that are hell bent on cashing in on our prime Green fields around Oxford. What is happening here today isn't democracy. It is the death of democracy. Our vote counts for nothing..."*

**6) Councillor Khan**, who voted for the Plan, said at [02:16:27] that *"I must say I am disgusted that the government got involved and put a direction on this council. I'm a supporter of democracy and the council should have the right to vote whichever way they want and whichever way they wish without pressure. Government intervention was wrong and still is."*

**7) Councillor Simpson**, who voted for the Plan, said at [03:31:09] that *"I understand the consequences of losing our planning powers and possibly further areas of responsibility should this council vote not to adopt the local plan. I understand the impact that this would have on our ability to implement our existing and progressive corporate plan, which puts the climate emergency biodiversity net gain in the wellbeing of our community at its very heart."*

**8) Councillor Wilson**, who voted for the Plan, said at [02:53:18] that *"we are subject to a level of coercion in terms of what we do tonight, that is probably fairly unprecedented... if we vote against this plan, the threatened implications are more likely than not to happen, it's more likely than not that the money will not be available for Didcot, which I represent, and which is one of my chief concerns. And it's more likely than not that the threats about closing us down in some way or making the county responsible for planning or whatever it is, is more likely than not that those will be followed through... And by the way, I include in the coercion that the statement that says Didcot won't get any money unless you vote such and such a way that is coercion and it's going to continue."*

#### **Further comments by Councillors who voted against the Plan:**

**1) Councillor Rawlins**, who voted against, said at [02:03:58] that *"So all of the threats that we have seen recently, the bullying that's reached absurd letters [corrects himself] levels officers threatened through back-channels ... as the future of the council and with clear job implications, councillors who've been browbeaten with suggestions of dire consequences even to their home when it comes to warnings of the direction. Whatever happened to democracy and localism?"*

**2) Councillor Barker**, who voted against, said at [01:53:40] that *"sadly it seems that*

*our votes don't matter."*

**Council Press Release:**

Also, in a press release issued by the Council on 11 December 2020, **Councillor Simpson**, Cabinet Member for Planning at South Oxfordshire District Council, said: *"We were faced with no real choice but to adopt the plan – there was a very real possibility of the government removing planning powers from South Oxfordshire if the plan was not adopted – and so councillors have done what they needed to do to keep the final say on planning matters in our district."*