

LEIGH DAY PRESS RELEASE: Residents' legal challenge to South Oxfordshire Local Plan decision

FOR IMMEDIATE RELEASE

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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.

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:

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“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.”

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Notes to Editors:

Bioabundance is [crowdfunding](#) its legal action. The [group](#) is the campaigning arm of South Oxfordshire Sustainability, founded in 2011; it works to protect and restore wildlife in South Oxfordshire.

See: [South Oxfordshire Local Plan 2035](#)

Grounds for the legal claim are available on request.