

CHERWELL DEVELOPMENT WATCH ALLIANCE (CDWA)

ANNUAL REPORT

Chair`s Report for the Year Ended 31st December 2020

BACKGROUND

CDWA was inaugurated on 20 June 2018, initially to co-ordinate four *Member Associations*: the Begbroke & Yarnton Green Belt Campaign (BYG); the Harbord Road Residents` Association (HRARA); Kidlington Development Watch (KDW); and GreenWayOxon (GWO, inc. the North Oxford Golf Course). Shortly after inauguration, the Woodstock Action Group (WAG) also joined as a Member. Each Association is able to elect at least two *Delegates* to CDWA`s Committee.

During the year the officers elected by the Delegates have been: Giles Lewis (Chair), resigned 11th June 2020, Suzanne Mclvor (Chair) appointed 17th July 2020, Linda Ward (Secretary for the year), and Suzanne Mclvor (Treasurer for the year).

OBJECTIVE

CDWA`s objective is primarily *to oppose Cherwell District Council`s Local Plan Partial Review* which proposes the building of a minimum of 4,400 houses on Green Belt land to the north of Oxford; and to keep a watchful eye on related developments of potential relevance to the aims of its Member associations.

DELEGATES

Delegates who served during the year were: David Young (GWO); Margaret Eynon (GWO); Giles Lewis (BYG); Richard Pye (BYG); Kevin Bezant (KDW); Linda Ward (KDW); Suzanne Mclvor (HRARA); Caroline Johnson (HRARA); Trish Redpath (WAG).

Alan Lodwick (co-opted 29th September 2020) and John Hill (for the year) are Associate *members*.

ACTIVITY

The Coronavirus pandemic and resulting lockdowns/restrictions have meant that since April 2020, CDWA meetings have been held on Zoom. Along with other organisations the committee quickly adapted to the world of virtual meetings. Thanks go to our Secretary for generously bearing the cost of a Zoom subscription and allowing the committee to meet for longer than 45 minutes without the interruption of launching a follow-on meeting.

During the year the Committee worked hard to raise awareness of and to impact the Cherwell Local Plan Partial Review. Various initiatives were instigated such as: emailing all local councillors in Oxfordshire; writing to Robert Jenrick as Secretary of State for Housing; asking Layla Moran MP to meet with Jenrick; a poster campaign in Sandy Lane; and more. However, there was always an awareness that the only effective ways to stop the plan were via intervention from Jenrick (unlikely); influencing Cherwell District Councillors (unlikely to succeed due to the strong Conservative majority); and the last resort of seeking a Judicial Review.

CDWA participated in the Cherwell Main Modifications (MMs) consultation which ended on 20th December 2019. The MMs were unpalatable to CDWA because, although the removal of Site PR10 in Woodstock was welcomed, there was: a large extension to PR9 with the removal of a further 10ha of Green Belt; even more trees lost from the golf course due to increased housing density; and a significant loss of recreational space in Kidlington as more homes were allocated to sites there. There was little expectation of our feedback on the MMs being heeded and we were therefore not surprised when the MMs remained largely unchanged after the consultation.

The Oxford Local Plan (OLP) is of direct relevance to Cherwell because it is from Oxford City that Cherwell's obligation to meet Oxford's 'unmet housing need' arises. CDWA was therefore involved

in both plans. Oxford City Council's MMs consultation closed at the end of March 2020. Early in 2020 it was difficult to predict which plan (Cherwell or Oxford) would be adopted first.

Eventually it was the Oxford Local Plan which was adopted first. CDWA took Counsel's advice on whether it would be possible, or indeed necessary for CDWA's Cherwell objectives, to challenge this plan in the courts. CDWA decided that, on balance, the most appropriate course of action would be to try and challenge the Cherwell plan once it was adopted. With this in mind CDWA started to explore the likely cost and options for professional advice (including whether it would be necessary to have a solicitor).

With the Cherwell Plan likely to be adopted on 7th September 2020 initial advice on the likelihood of a successful outcome to a challenge was sought from Counsel. Concurrently the cost of a legal challenge was investigated and, although there are many unknowns in any legal challenge, most estimates fell between £55,000 and £60,000. This included the services of a solicitor which CDWA was advised would be necessary and also a £10,000 provision for an adverse costs order. Sources of potential funding were also investigated with a view to establishing if it might be possible to raise sufficient funds to take a challenge through the court.

After much further thought and work, CDWA engaged the services of a barrister and solicitor and a claim, on the grounds of challenges to underlying housing need and adequacy of re-provisioning the golf course, was filed with the High Court on Friday 16th October 2020. The funding stream for each of these grounds is identifiably different because of the different interests that are represented in the two claims by CDWA's constituent member groups. Since the claim was filed the defendants (Cherwell District Council and the Secretary of State and the interested parties ie the college and University landowners) have filed their '*grounds for resistance*' against the claim. A '*reply*' to this was made by CDWA. At the time of writing CDWA has been given permission to take the claim to the High Court with the judge saying that there is '*an arguable case*'. The hearing is expected to take

place around June 2021 although this may be subject to change depending on the court workload and other factors beyond CDWA's control.

Merton, one of the Oxford Colleges has an interest in both the PR9 and PR6b sites. It has pushed ahead with its pre-application planning procedures and CDWA remains vigilant of the need to monitor this and other sites, and to take action if necessary.

ACKNOWLEDGEMENTS

Thanks go to all the CDWA delegates and also to our Associate Members, all of whom have worked tirelessly throughout 2020. Each delegate brings their own particular skills without which CDWA would have been much less effective. Special thanks go to Giles Lewis whose skilful leadership as chair guided the committee through its first two years. Giles had the foresight to ensure that CDWA was properly and formally constituted thus providing a sound basis for CDWA to apply to the court using the Aarhus Convention for its liability for costs to be capped at £10,000. Thanks also to our secretary Linda Ward for continuing to cover the administration of meetings and also for her skill and work on the CDWA website and crowd funder. However, the special thanks offered to these individuals should not diminish the part played by everyone within CDWA, a strong team which worked together during what was a very challenging year.

CDWA would also like to take this opportunity to thank *everyone* who has helped to fund the Judicial Review. Without your generosity the last resort of a legal challenge would not have been possible.

The financial support of CPRE Oxfordshire; the Oxford Green Belt Network; local residents of all affected Parishes; Gresswell Environment Trust; and the following Town and Parish Councils is acknowledged with gratitude: Kidlington PC; Gosford & Water Eaton PC; Woodstock TC; Yarnton PC; Begbroke PC and Garsington PC. CDWA is also grateful to CPRE Oxfordshire for providing a means by which gift aid could be claimed on donations.

Treasurer`s Report for the Year Ended 31st December 2020

In 2020, following advice from its legal advisors, CDWA initiated a legal challenge against Cherwell District Council following its adoption of the Cherwell Local Plan Partial Review. To date CDWA has incurred costs for the legal advice relating to the first two stages of the Statutory Challenge. The third and most expensive stage, the hearing, is expected to take place in 2021. The legal fees incurred so far are substantial and CDWA was only able to embark on the Statutory Challenge process because of the exceptional level of support that it has received from the organisations mentioned above in the Chair`s Report and also all the members of the public who responded so generously to fund raising initiatives such as the crowd funder. On behalf of CDWA I would like to offer heartfelt thanks to all our supporters.

As we go into a new financial year CDWA is confident that it has sufficient funds to complete the legal challenge. Should this be successful the possibility of more costs arising from a possible appeal will also need to be considered.

Suzanne McIvor (*Chair & Treasurer*)