



## Items for Decision

### 1. Declarations of Interest

### 2. Questions from County Councillors

Any county councillor may, by giving notice to the Proper Officer by 9 am two working days before the meeting, ask a question on any matter in respect of the Cabinet Member's delegated powers.

The number of questions which may be asked by any councillor at any one meeting is limited to two (or one question with notice and a supplementary question at the meeting) and the time for questions will be limited to 30 minutes in total. As with questions at Council, any questions which remain unanswered at the end of this item will receive a written response.

Questions submitted prior to the agenda being despatched are shown below and will be the subject of a response from the appropriate Cabinet Member or such other councillor or officer as is determined by the Cabinet Member, and shall not be the subject of further debate at this meeting. Questions received after the despatch of the agenda, but before the deadline, will be shown on the Schedule of Addenda circulated at the meeting, together with any written response which is available at that time.

### 3. Petitions and Public Address

*Members of the public who wish to speak at this meeting can attend the meeting in person or 'virtually' through an online connection.*

*Requests to speak must be submitted by no later than 9am four working days before the meeting. Requests to speak should be sent to [committeesdemocraticservices@oxfordshire.gov.uk](mailto:committeesdemocraticservices@oxfordshire.gov.uk).*

*If you are speaking 'virtually', you may submit a written statement of your presentation to ensure that if the technology fails, then your views can still be taken into account. A written copy of your statement can be provided no later than 9 am 2 working days before the meeting. Written submissions should be no longer than 1 A4 sheet.*

#### **EXEMPT ITEM**

In the event that any Member or Officer wishes to discuss the information set out in Annex 1 to Agenda Item 4, the Committee will be invited to resolve to exclude the public for the consideration of the Annex by passing a resolution in relation in the following terms:

"that the public be excluded during the consideration of the Annex since it is likely that if they were present during that discussion there would be a disclosure of "exempt" information as described in Part I of Schedule 12A to the Local Government Act, 1972 and specified below the item in the Agenda".

NOTE: The report does not contain exempt information and is available to the public.

**ANNEX A TO THE ITEM NAMED HAS NOT BEEN MADE PUBLIC AND SHOULD BE REGARDED AS 'CONFIDENTIAL' BY MEMBERS AND OFFICERS ENTITLED TO RECEIVE THEM.**

**4. Wheatley Park School, Holton, Oxfordshire** (Pages 1 - 6)

*Cabinet Member:* Finance

*Forward Plan Ref:* 2023/271

*Contact:* Michael Smedley – Head of Estates, Assets and Investment

Report by Executive Director: People, Transformation & Performance

Granting of a right of way over land at Wheatley Park School, Holton, Oxfordshire to Oxford Brookes University and their successors in title.

*The information in this case is exempt in that it falls within the following prescribed categories:*

*3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)*

*and since it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, in that a negotiation is ongoing and would prejudice the position of the authority in the process of that negotiation and the Council's standing generally in relation to such matters in future, to the detriment of the Council's ability properly to discharge its fiduciary and other duties as a public authority.*

*Annex 1 containing exempt information under the above paragraph is attached.*

**The Cabinet Member is RECOMMENDED to give approval for the grant of a right of way over land at Wheatley Park School, Holton, Oxfordshire to Oxford Brookes University and their successors in title, subject to s77 approval by the Secretary of State, in respect of the sale of part of a playing field.**

## **Councillors declaring interests**

### **General duty**

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed 'Declarations of Interest' or as soon as it becomes apparent to you.

### **What is a disclosable pecuniary interest?**

Disclosable pecuniary interests relate to your employment; sponsorship (i.e. payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

### **Declaring an interest**

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest. If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

### **Members' Code of Conduct and public perception**

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member 'must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself' and that 'you must not place yourself in situations where your honesty and integrity may be questioned'.

### **Members Code – Other registrable interests**

Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your other registerable interests then you must declare an interest. You must not participate in discussion or voting on the item and you must withdraw from the meeting whilst the matter is discussed.

Wellbeing can be described as a condition of contentedness, healthiness and happiness; anything that could be said to affect a person's quality of life, either positively or negatively, is likely to affect their wellbeing.

Other registrable interests include:

- a) Any unpaid directorships

- b) Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority.
- c) Any body (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management.

### **Members Code – Non-registrable interests**

Where a matter arises at a meeting which directly relates to your financial interest or wellbeing (and does not fall under disclosable pecuniary interests), or the financial interest or wellbeing of a relative or close associate, you must declare the interest.

Where a matter arises at a meeting which affects your own financial interest or wellbeing, a financial interest or wellbeing of a relative or close associate or a financial interest or wellbeing of a body included under other registrable interests, then you must declare the interest.

In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

Where a matter affects the financial interest or well-being:

- a) to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

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## Divisions Affected – Wheatley ED

### CABINET MEMBER FOR FINANCE

18 October 2023

## Wheatley Park School, Holton, Oxfordshire - Right of Way

### Report by Executive Director People, Transformation & Performance

#### RECOMMENDATION

The Cabinet Member is **RECOMMENDED** to give approval for the grant of a right of way over land at Wheatley Park School, Holton, Oxfordshire to Oxford Brookes University and their successors in title, subject to s77 approval by the Secretary of State, in respect of the sale of part of a playing field.

#### Executive Summary

1. Oxford Brookes University (OBU) have agreed to sell their former Wheatley campus to Crest Nicholson (Crest) and planning consent has been received, at appeal, for circa. 500 homes. Consent has been granted based on access from the east of the site and a western access to the site over Oxfordshire County Council land, let to the River Learning Trust (RLT). OBU have requested the grant of a right of way over the OCC/ RLT site. See site plan below.
2. Terms have been agreed to the grant of a right of way
3. Part of the land is currently used as playing field. Any grant will be subject to any necessary consent from the Secretary of State in respect Section 77 of the School Standards and Framework Act 1998.
4. OBU and Crest are currently pursuing a revised planning application with access only from the eastern side of the site which will not require access over OCC/ RLT land for a slightly smaller scheme. Their preference is to agree a right of way and implement the planning consent they already have.

#### Background

5. Oxford Brookes University) own a 53-acre site at Wheatley to the north of the A40. This has been used for teaching, administration, and student accommodation. Terms have been agreed to sell the site to Crest Nicholson with the university agreeing to vacate by November 2024, with the option to extend this by a further 6 months.
6. OBU have received planning consent for circa. 500 new homes for the site. The application was initially refused but consent was granted on appeal. The planning consent granted assumed access to the site from both ends of the site.
7. The proposed access to the west of the site is over a roadway on land that is owned by Oxfordshire County Council and let to the Academy Trust tenant - River Learning Trust.
8. OBU constructed (under licence) this roadway to provide western access across OCC/RLT land during 2016/2017. Its use was restricted for educational purposes only. Planning permission was granted for the access road by South Oxfordshire District Council although the easement itself was not implemented after works had been completed. Its use does not extend to the access road being used for a residential development.
9. Without access over the land OBU/ Crest are not able to implement their planning consent. To address this issue an approach to OCC/ RLT requesting a right of access over this roadway has been made. OBU / Crest have also submitted a revised planning application for a revised scheme with access only from the eastern side of the development.
10. The second planning application is due to be considered in the Autumn of 2023. OBU believe their professional advisers have demonstrated that the site can be accessed without reliance on the western access route and that there is a very high chance of success, but are geared up to appeal a refusal. If consent were to be granted for the scheme with access just from the east there would be no requirement for the western access route, although access from the western side is preferred as more houses can be built and there is an existing planning consent.
11. There is a lot of local opposition to the second planning application with the main concerns being the additional traffic being generated, with access to the A40 through Wheatley, noise, pollution, and loss of community facilities.
12. Discussion have been ongoing with the consultants acting initially for OBU and now jointly for OBU and Crest to see if an agreement can be reached to grant access over the roadway to the west of the site.
13. The roadway is in the grounds of the school and is part of their playing field. Any transaction to will therefore need to be approved by the Secretary of State.
14. Discussions between OCC and OBU/ Crest's advisers have led to an agreed sum to allow access from the west. The sum will be split equally between OCC and RLT.



## **Risk Management**

15. The Council must ensure that all capital payments received come from the client account of a firm of solicitors acting for the purchaser, which has taken responsibility for money laundering checks. The Council may wish to conduct independent checks on the source of the funds and must reserve the right to withdraw from the transaction at any stage in the event that these are not completed to its satisfaction.

## **Corporate Policies and Priorities**

16. The granting of a right of way site supports the agreed Property and Asset Strategy agreed in November 2022, by maximising the value of investments to support the long-term financial sustainability of the Council land and supporting the local community by the provision of land for social housing,

## **Staff Implications**

17. There are no staff implications.

## **Equality & Inclusion Implications**

18. There are no equality and inclusion implications.

## **Financial Implications**

19. The Capital & Investment Strategy for 2023/24 agreed by the Council in February 2023 sets out that the principle that capital receipts should be treated as a corporate resource and used across the capital programme flexibly.

20. The grant of a right of way proposal would provide a capital receipt. The sum agreed is supported by independent valuation advice. The disposal is therefore compliant with the best value requirements as set out in section 123 of the Local Government Act 1972

Comments checked by:

Salhan, Prem - Finance Business Partner (Resources & E&P)

[Prem.Salhan@Oxfordshire.gov.uk](mailto:Prem.Salhan@Oxfordshire.gov.uk)

## **Legal Implications**

21. The Council has power to dispose of its land assets pursuant to Section 123(1) of the Local Government Act 1972, subject to its duty to ensure it receives best value for them. The Council owns the freehold to the site. It will need to comply with Section 77 of the School Standards and Framework Act 1998 and obtain consent from the Secretary of State for the disposal and it will also need to obtain the consent of the leaseholder (River Learning Trust).

Comments checked by:

Richard Hodby, Solicitor, Law and Governance  
Richard.hodby@oxfordshire.gov.uk

## Sustainability Implications

22. There are no sustainability implications

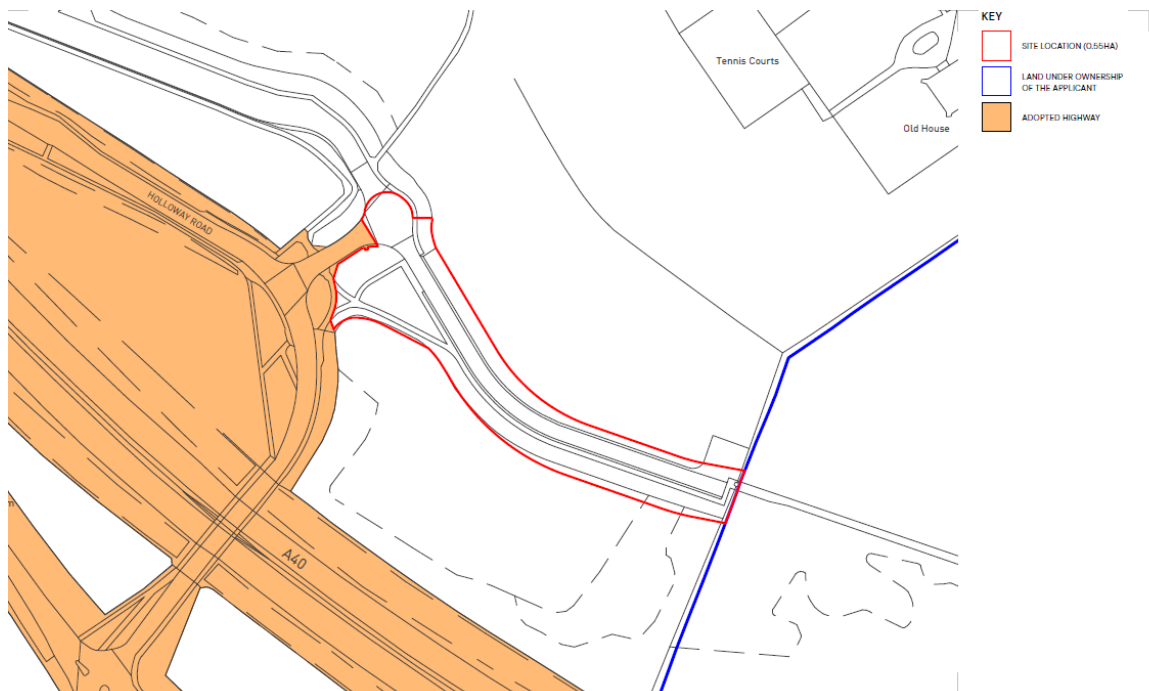
## Risk Management

23. The information as set out within the Exempt Annex No 1 demonstrates assessment as to the financial risks has been undertaken resulting in concluding the recommendation to dispose of the site.

**Vic Kurzeja, Director of Property Services**  
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2nd October 2023



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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