

Divisions Affected – ALL

**CABINET
18 April 2023**

PROPOSAL FROM OXFORD UNITED FOOTBALL CLUB TO OXFORDSHIRE COUNTY COUNCIL AS LANDOWNER

Update

Report by Corporate Director Customers and Organisational Development

RECOMMENDATION

1. **The Cabinet is RECOMMENDED to**
 - (a) Note the progress set out in the report below.
 - (b) Note that the 'Likely Case' timetable set out in appendix 1 remains the probable timeframe for decision making.

Executive Summary

2. In January 2023 the Cabinet agreed to begin negotiations on commercial head of terms for the use of a parcel of land known as 'Land to East of Frieze Way / South of Kidlington Roundabout or the triangle' for the development of a new stadium for Oxford United Football Club (OUFC). At the time of writing this report negotiations for non-binding heads of terms are underway.
3. On 21 March 2023 the Cabinet endorsed a Memorandum of Understanding between Oxfordshire County Council (OCC) and OUFC. The Cabinet agreed a stakeholder engagement and communications strategy and three timetables as routes (optimistic, likely, and elongated) to a final decision regarding the land.
4. Cabinet recognises that heads of terms are non-binding, and that any final decision is to be subject to the scheme addressing a set of strategic priorities set out below:
 - maintain a green barrier between Oxford and Kidlington
 - improve access to nature and green spaces
 - enhance facilities for local sports groups and on-going financial support

- significantly improve the infrastructure connectivity in this location, improving public transport to reduce the need for car travel in so far as possible, and to improve sustainable transport through increased walking, cycling and rail use
 - develop local employment opportunities in Oxfordshire
 - increase education and innovation through the provision of a sports centre of excellence and facilities linked to elite sport, community sport, health and wellbeing
 - support the County Council's net zero carbon emissions pledge through highly sustainable development
5. Furthermore, the Cabinet would need to be satisfied that medium and long term financial liabilities and risks to the Council could be managed and that further work on due diligence would need to be undertaken.
 6. OUFC are continuing to undertake their own community engagement activities and develop a scheme proposal that addresses the strategic priorities set out at paragraph 4.

Background

7. This report follows those received by Cabinet on 18 January 2022, 5 March 2022, 24 January 2023 and 21 March 2023 (all available on the Oxfordshire County Council website). It provides an update on work underway and sets out indicative timetables, the framework for stakeholder engagement and progress in relation to these matters.
8. OUFC approached OCC in late 2021 with a proposal to develop Stratfield Brake playing fields and 'the triangle' for a scheme including a new home stadium and enabling commercial development. In January 2021 the Cabinet resolved to undertake a public engagement exercise to understand local views and set out a series of strategic priorities or objectives that any scheme should address prior to a final decision being made.
9. Following the public engagement activity, the Cabinet meeting held on 15 March 2022 agreed that officers would conduct discussions with OUFC to deepen their understanding of the detailed proposals being made and to consider their compatibility with the strategic objectives set out in paragraph 4 above and that OUFC should provide information to OCC setting out how their proposals would address these strategic priorities.
10. OUFC have chosen to utilise the design process set out by the Royal Institute of British Architects (the RIBA plan of work) and on 10 November 2022, Officers received a response from OUFC in the form of the RIBA stage 0 report. It should be noted that this report has been undertaken in relation to a wider proposal encompassing a land parcel including the Stratfield Brake playing fields. OUFC published their final stage 0 report on their website in December 2022.
11. Following a series of clarifications and stakeholder meetings and a consideration of the proposals, the Cabinet met on 24 January 2023 and

resolved to enter into negotiations for non-binding heads of terms for the use of 'the triangle' for a new stadium. This decision was undertaken recognising the scope and complexity of the original proposal was subject to a series of challenges both in terms of deliverability and the extent to which the strategic priorities would be addressed.

12. OCC have now received an updated vision, strategy and intent document from OUFC called 'Stand United'. This sets out a clear ambition and intent for the scheme and sets out the approach to which the club will address the council's seven strategic priorities. The document 'Stand United' will be published on the county council's website.
13. OUFC have continued to undertake their own stakeholder engagement.

Progress Update

14. A dedicated page has been published on the county council's website: www.oxfordshire.gov.uk/stadium. This includes an overview of the discussions, the proposed timeline, definitions of roles, and links to cabinet papers and news stories. It aims to provide a simple one-stop-shop for all stadium related information.
15. Officers have begun negotiations on non-binding heads of terms with OUFC. These heads of terms relate to the value of the land if utilised for a stadium and ensuring that any financial or commercial arrangements meet the relevant legislative criteria for the County Council.
16. Officers are currently working with an independent community facilitator to undertake stakeholder meetings to explore views with regards to the OUFC proposals. The meetings are taking place during April and are being led by an independent chair from the Consultation Institute. Cabinet members and senior council officers will be in attendance and the meetings are being formally noted.
17. At this stage no additional technical information has been provided by OUFC regarding the details of the scheme, as such the stakeholder meetings are designed to capture early views as to how OUFC's emerging plans meet the council's seven strategic priorities. The feedback from stakeholders will inform ongoing discussions with the club.
18. Invitations have been sent to local parish councils; district and county councillors representing the local area; Oxfordshire's MPs; local sports clubs; the current leaseholder of the Triangle and adjacent leaseholders; local interest groups including Friends of Stratfield Brake and the Triangle; groups representing OUFC supporters; and representatives of Oxfordshire's business community, including tourism. The council welcomes approaches from other organisations or community groups that would like to be involved.
19. An update briefing by OUFC will take place for county councillors on 17 April 2023 which will take the format of a presentation, questions and answers. A

recording of OUFC's presentation will be published on the council's website, together with a series of FAQs from the presentation.

20. OUFC is undertaking their own engagement activities to help shape their own planning. The County Council welcomes these activities and recognises that they do not replace our own engagement and listening activities.
21. Following the submission of 'Stand United' on 31 March which sets out OUFC's vision and strategy for the stadium on the revised parcel of land known as the 'Triangle'; OCC has confirmed with OUFC that further technical detail will be required to set out how the scheme will address the council's seven strategic priorities. As such the 'likely timeframe' set out in annex 1 remains the assumed scenario and the optimistic timeframe that would have seen a decision made by Cabinet in July 2023 will not be met.

Proposed Next Steps

22. The next steps for this work are focused on OCC undertaking independently facilitated stakeholder meetings. These are planned to take place during April and May 2023. Invitations have been sent to a broad range of stakeholders (as set out in the engagement and communications strategy agreed in March 2023) and OCC remains open to approaches from other stakeholders to participate in this process.
23. Officers are working with the independent third-party specialist to agree and plan the second phase of open engagement, which will commence when OUFC publish their scheme proposals and information relating to how the Council's seven strategic properties will be addressed.
24. The working assumption is that the likely case timetable remains achievable, as such the open engagement is likely to take place between 5 June 2023 and 23 July 2023. With publication of the OUFC scheme details on 5 June.

Financial Implications

25. Financial implications associated with the engagement and communications strategy include officer time and the use of any independent advisors, this will be resourced through existing departmental budgets and supplemented by reserves, if necessary, estimated impact is under £30,000.

Comments checked by:

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Legal Implications

26. It should be noted that this report relates to Oxfordshire County Council as landowner, and not in its roles as statutory consultee to a planning application. Any potential stadium development would be subject to the usual planning

process and Oxfordshire County Council will undertake its role as a statutory consultee with regards to relevant matters as part of that process.

Comments checked by:

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Equality and Inclusion Implications

27. No further equality or inclusion implications have been identified in addition to those noted in previous reports relating to this matter. The publication of a timeframe to decision making and commitment to a period of six weeks for feedback seeks to enable as wide as participation as possible.

Sustainability Implications

28. Whilst there are no specific sustainability implications arising from this report it should be noted that any scheme proposal by OUFC must support OCC's net zero carbon emissions pledge through high sustainable development aspirations and overall net zero emissions targets; that any proposal must seek to enforce less reliance on cars and improve sustainable transport through increased walking, cycling, and rail use and that any proposal must achieve a 10% biodiversity net gain.

Risk Management

29. The county council will identify and mitigate financial risks associated with the potential development of a stadium on leased land (should a leasehold rather than a freehold transaction be pursued) as part of the next steps of this work. The council will take appropriate legal and financial advice to develop the mitigations, currently this advice is being sought.
30. Professional fees will need to be incurred before it is clear whether the transaction can proceed. The liability for these fees must rest with OUFC and not the County Council. Whilst the County Council will always act in good faith, if ultimately it was unhappy with the proposals in the professional reports, the County Council must retain the right to refuse to proceed with the transaction without being liable for OUFC's costs.
31. For the avoidance of doubt, the County Council will not be willing to enter into a conditional agreement for lease or transfer before the professional reports are obtained which might tie it to proceed with the transaction despite being unhappy with the proposals in the professional reports.

Consultations

32. The County Council undertook a significant public engagement exercise in January 2022. Lasting four weeks, with specific local targeting, this exercise was open to all and explored the strategic priorities identified in this report. It related to proposals from OUFC covering both the playing fields at Stratfield

Brake and the land known as the 'triangle' and described as land to the east of Frieze Way / south of Kidlington roundabout.

33. If a decision is made to make available the land to OUFC for a stadium, formal consultation would take place as part of the statutory planning process in due course. It is important to stress that County Council cannot replace or undermine the statutory consultation process that will be undertaken by the Cherwell District Council, as the local planning authority.
34. The County Council is aware that OUFC, as the scheme promotor, is undertaking pre-application engagement with community stakeholders and the planning authority; OCC welcomes this work.

Comments checked by:

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CLAIRE TAYLOR: CORPORATE DIRECTOR CUSTOMERS, ORGANISATIONAL DEVELOPMENT AND RESOURCES

Annex: Annex 1: Timetables

Background papers: None

Other Documents: This report follows those received by Cabinet on 18 January 2022, 15 March 2022, 24 January 2023 and 21 March 2023 all published on the county council website www.oxfordshire.gov.uk

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