

Divisions Affected – ALL

CABINET 24 January 2023

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

LAND TO THE EAST OF FRIEZE WAY / SOUTH OF KIDLINGTON ROUNDABOUT

Report by Corporate Director Customers and Organisational Development

RECOMMENDATION

1. The Cabinet is RECOMMENDED to

- (a) Authorise Officers to enter into negotiations regarding Heads of Terms with Oxford United Football Club (OUFC) to agree the commercial terms on which Oxfordshire County Council (OCC) would lease land to the east of Frieze Way / south of Kidlington roundabout (known as the 'triangle') to OUFC for the development of a new football stadium, subject to further Cabinet approval of detailed plans and undertakings and to planning permission.
- (b) Emphasise that Heads of Terms are non-binding and that any final agreement to lease or dispose of land to OUFC for the purposes of a stadium will be a Cabinet decision, published on the Forward Plan of Business.
- (c) Instruct officers to ensure that, prior to any recommendation to Cabinet regarding entering into a contractual or legal agreement with OUFC, sufficient information and undertakings have been received from OUFC to ensure that the objectives set out in (2a) below will be met.
- (d) Instruct officers to identify and mitigate medium and long-term financial risks and liabilities associated with any final agreement with OUFC to lease or dispose of the land.
- (e) Instruct officers to provide regular updates on progress to the Cabinet Member for Property and, as appropriate, Cabinet as a whole, and to add these Cabinet updates to the Cabinet's Forward Plan of Business to enable transparency and public scrutiny / engagement.
- (f) Instruct officers to identify further opportunities for engagement with a broad range of stakeholders as proposals for a scheme are developed.

This should include an engagement strategy from OUFC to demonstrate how they will take into account stakeholder and community views as the scheme promoter.

2. If the Cabinet decides to proceed it is RECOMMENDED that the Cabinet requires:

- a) Officers to ensure that any agreements with OUFC are consistent with the County Council's strategic priorities, by achieving the following objectives for the use of the OCC's land:
- 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
- b) Officers to pursue discussions with a view to agreeing terms that achieve community benefit, meet Oxfordshire County Council's strategic priorities, retain OCC's reasonable long-term control over the size and scale of OUFC's proposed scheme, comply with S.123 of the Local Government Act 1972 (and any other applicable legal requirements) and mitigate long term financial risk to the Council.

Executive Summary

3. In late 2021 Oxford United Football Club (OUFC) approached Oxfordshire County Council (OCC) and requested that OCC transfer by way of a 250-year lease, c.18 hectares (44.48 acres) of land, known as 'land at Stratfield Brake, Kidlington' for the development of a new 18,000 capacity football stadium with ancillary leisure and commercial facilities to include, hotel, retail, conference, and training/community grounds.
4. This land is currently leased out to three tenants by OCC, being Cherwell District Council (who in turn sub-lease to Kidlington Parish Council and Water Eaton and Gosford Parish Council), the Woodland Trust and Foxcotte Fencing Limited. As set out in the March 2022 Cabinet report, neighbouring land leased from OCC by the Woodland Trust (c. 2.8 ha) was excluded from these proposals.

5. Following OCC's public engagement in January and February 2022 (as reported to Cabinet on 15 March 2022 and attached at annex 4) and further discussions with OUFC and stakeholders, officers do not consider OUFC's proposal on the land known as 'Stratfield Brake, Kidlington' to be a suitable or deliverable proposition and therefore do not recommend that OCC progresses with the proposals originally received from OUFC.
6. As an alternative, officers have suggested to OUFC that they should focus any proposals on the c.4.9 hectares of land known as 'Land to East of Frieze Way / South of Kidlington Roundabout or the triangle' for the development of a new football stadium and ancillary development (within the stadium footprint). This parcel of land was included in the initial proposal from OUFC, originally identified as a potential location for displaced football pitches (annex 1, page 35).
7. The aerial photo and diagram below shows the area of land (the red outlines are for indicative purposes only). The stage 0 report from OUFC sets out that whilst there is limited space this parcel of land would be possible for a stadium in both East-West and North-South configurations (annex 1, page 59).

Aerial photo and diagram showing the area of land subject to the proposal





8. The land is currently leased out to one tenant by OCC until 2025 with an option to break anytime on 12 months' notice.
9. This recommendation is in line with the outcome of the four-week public engagement exercise as reported to Cabinet on 15 March 2022. That exercise indicated that there was support for entering negotiations with OUFC from a majority of all respondents but there was majority opposition from those respondents indicating that they lived locally who raised some specific areas of concern. Cabinet asked officers to explore these further with OUFC and with the other interested councils (Cherwell District and Gosford & Water Eaton and Kidlington Parish Councils), before a view could be taken on the compatibility of OUFC's proposal with the principles proposed to guide OCC's approach.
10. Under the expected terms of the proposal, OUFC would be entirely responsible for obtaining planning permission subject to approval from OCC as landowner, relevant financial due diligence, and the satisfaction of any criteria set out by sports governing bodies such as the English Football league (EFL). It should also be noted that OCC would be a statutory consultee in any planning application in relation to matters such as highways. Recognising this, OCC has placed an ethical wall between those officers engaging in current discussions with OUFC and those who would have responsibility for responding to any future planning consultation.

Background

11. Since 2001, OUFC has played at the Kassam Stadium, which is owned by a previous Oxford United owner, Mr Kassam. The stadium was built on land purchased from Oxford City Council and originally built for the explicit purpose to provide a venue for Oxford United Football Club following its previous ground being no longer fit for purpose. A 25-year covenant was included in the land transfer used for the stadium construction that '*For the first 25 years from the*

date of this Transfer not to use the stadium forming part of the Property other than for the primary use of football league matches...). This runs until 14 October 2026. This Original Licence term links to this in that it was due to expire in 2026.

12. Mr Kassam sold the football club in 2006, however the stadium, conference centre and surrounding enabling developments including the hotels, parking and retail sites were kept under his ownership. In April 2021 the stadium owner terminated the licence agreement with OUFC; after negotiations a short extension was agreed, and this terminates on 30 June 2026. There is no right of renewal. OUFC have provided this information to OCC.
13. The Kassam Stadium is also currently listed as an asset of community value by Oxford City Council (see - [Assets of Community Value - The Kassam Stadium | Oxford City Council](#)). The current listing expires on 27 June 2023. The cover provided through listing is limited and cannot prevent the termination of the lease/licence nor compel the owner to sell the asset to the 'community' or a representative of a community, the only limitation is a six-month moratorium on disposal on the open market.
14. English Football League rules dictate that the location of any stadium must be within proximity of the town or city centre associated with the name (approximately 5 miles). Therefore, for OUFC to keep the name 'Oxford United' they must remain within this permitted area. OUFC have undertaken work to identify potential sites for a stadium (annex 2), which sets out the challenges and limited opportunities available.
15. This report follows those received by Cabinet on 18 January 2022 and 15 March 2022 (both available on the Oxfordshire County Council website). It builds upon the considerations set out in previous Cabinet reports and presents the additional information requested by OCC and provided by OUFC in response to OCC's request for evidence that any proposal will meet the strategic priorities of the Council. This suite of additional information is appended to this report in annexes 1-3.

Key Issues

16. At the Cabinet Meeting held on 15 March 2022, it was 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 objectives set out in paragraph 2(a) above.
17. It was further agreed that officers would write to OUFC to ensure that any proposal was consistent with the objectives set out in paragraph 2(a) above. Following receipt of this letter, OUFC commissioned the stage 0 report (annex 1).
18. In order that Cabinet could determine whether the proposal is able to meet the noted objectives, and following discussions with the other interested councils,

officers also requested further details from OUFC specifically to address the points below. These are referenced in the stage 0 report.

- a) The scale of OUFC's proposal – including identifying the land required for the stadium.
 - b) OUFC support to local sports clubs – details on how OUFC will ensure that their interests are protected.
 - c) Access to the site – details on how OUFC will achieve an increase in the use of public transport from 20% to 90%.
 - d) Parking proposals – details on how OUFC propose to manage the risk of the impact of uncontrolled parking in residential areas on match days.
 - e) Biodiversity gain and the enhancement of the surrounding natural environment – details on how OUFC will achieve to these goals.
19. On 10 November 2022, Officers received a detailed response from OUFC to the above issues by way of a 'RIBA Stage 0 Report' (attached at annex 1). 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 report on their website in December 2022.
20. The RIBA stage 0 report addresses a number of the OCC objectives and principles as set out in the Cabinet report in January 2022, although further information will be required in most areas. The limitations of the stage 0 report are set out in paragraphs 22 and 23 below.
21. The table below summarises opportunities and means by which the OCC objectives could be met. It should be noted that these relate to the original proposals from OUFC (i.e., Stratfield Brake playing fields and 'the triangle') and prior to final decision making by Cabinet these objectives must be assessed with regards to proposals relating solely to the smaller 'triangle' parcel of land. In summary:

OCC Objectives	OUFC Stage 0 Response
Maintain a green barrier between Oxford and Kidlington and protecting and enhancing the surrounding natural environment, improving biodiversity, connecting habitats and supporting nature recovery.	<p><u>Independent Assessment by consultants, Ecology Solutions Ltd.</u></p> <p>The Local Plan Part 1 highlights that development proposals within the Green Belt will be assessed in accordance with government guidance contained in the NPPF. It notes that development within the Green Belt will only be permitted if it maintains the Green Belt's openness and does not conflict with the purposes of the Green Belt or harm its visual amenities. The NPPF defines the construction of new buildings as inappropriate development in the Green Belt, which is by definition harmful, and should not be approved unless very special circumstances can be demonstrated. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the</p>

OCC Objectives	OUFC Stage 0 Response
	<p>proposal, is clearly outweighed by other considerations. Whilst it is acknowledged that this is an extremely high bar and a difficult test to meet, it is considered that OUFC's needs and the overall social benefit to the community in Oxfordshire from ensuring the Club can continue to play in the county and from the other benefits anticipated through the proposal are significant and that they may meet the 'very special circumstances' test. This would be tested through any subsequent planning application, were this to be made.</p> <p>The Biodiversity Net Gain Assessment undertaken used the DEFRA Biodiversity Metric 3.1.</p> <p>The landscape and habitat proposals include the loss of amenity grassland, amenity planting, willow plantation, rough grassland, hedgerows, mixed scrub, buildings, as well as areas of hardstanding, while areas of mixed scrub and the majority of hedgerows are to be retained.</p> <p>Following calculations undertaken using the DEFRA Biodiversity Metric 3.1 Calculation Tool, it can be seen that a net gain in biodiversity will not be delivered for habitats as a result of the proposed development however, a gain in hedgerows will be achieved. Specifically, the development will essentially 'break even' in habitat units (from 36.76 units to 36.75 units, equating to a 0.01% decrease) and an increase in hedgerow units from approximately 27.27 units to 38.29 units (which equates to a 40.41% increase).</p> <p>It should be noted that the DEFRA Biodiversity Metric calculation does not take into consideration measures relating to protected or notable species. The provision of new wildflower grassland will provide enhanced foraging opportunities for bats, birds and badgers, terrestrial habitat for amphibians, reptiles and invertebrates. Hedgerow enhancements, creation and new landscape planting will provide enhanced foraging and navigational opportunities for bats, foraging opportunities for badgers, foraging and nesting opportunities for birds and hibernation opportunities for amphibians and reptiles, as well as enhanced habitat for invertebrates.</p> <p>A number of additional enhancements will also be provided as part of the proposed development, that are not accounted for within the net gain calculation. This includes bat boxes providing enhanced roosting opportunities for bats and bird boxes providing enhanced nesting opportunities for birds, as well as the provision of log piles that will provide enhanced hibernation opportunities for amphibians and invertebrates post-development.</p> <p>The calculation indicates that a net gain in biodiversity cannot be achieved under the current development proposals. It is recommended that proposals are required to achieve a net gain in excess of 10%, which is expected to become the minimum net gain requirement following the adoption of a regulation within the Environment Act. In order to achieve a net gain of 10%, an additional 3.68 units</p>

OCC Objectives	OUFC Stage 0 Response
	<p>would need to be provided either through onsite or offsite provision, or through contributions to an offsetting scheme.</p> <p>It is considered that the development proposals will deliver a net gain in biodiversity through the additional enhancement measures detailed above that are not accounted for within the calculation.</p>
<p>Improve public access to high-quality nature and green spaces.</p>	<p><u>Independent Assessment by consultants, Ridge and Partners LLP.</u></p> <p>Further Biodiversity enhancements suggestions (to mitigate significant effects and/or provide biodiversity net gains) include:</p> <ul style="list-style-type: none"> - Long-term positive management of retained hedgerows - Maintenance of green corridors to connect habitats and provide green links through the site to the wider countryside, for example through retention and creation of species-rich hedgerows - Enhancement of retained grassland areas to wildflower grasslands - Creation of new species-rich wildflower grasslands - Inclusion of Sustainable Urban Drainage Systems (SUDS) within the development - Incorporate Swift boxes or House Sparrow terraces on new buildings - Provide integrated bat boxes, bee bricks and other wildlife nesting provisions - Plant native species within the landscaping <p>Further information is required with regards to this objective if a proposal relating solely to 'the triangle' is developed.</p>
<p>Enhance facilities for local sports groups and on-going financial support.</p>	<p><u>Independent Assessment by consultants, AFL Architects and an Independent Assessment by consultants, Ridge and Partners LLP.</u></p> <p>As part of the Feasibility exercise, options have been explored to enhance and/or relocate some/all of the existing community sports facilities in accordance with Sport England Design Guidance Notes (2016 update). In addition, OUFC have held talks directly with the existing clubs to explore opportunities for on-going financial support.</p> <p>Community benefit / enhancement would remain an expectation even if the stadium proposal was pursued on the Triangle rather than the playing fields.</p>
<p>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.</p>	<p><u>Independent Assessment by consultants, AFL Architects and Independent Assessment by consultants, Ridge and Partners LLP.</u></p> <p>The Report considers the baseline transport information available and takes into consideration the proposed infrastructure improvements already planned in the vicinity. OUFC has the aspiration that 90% of fans will travel to the stadium by sustainable modes. As part of this study, OUFC</p>

OCC Objectives	OUFC Stage 0 Response
	<p>have held discussions with both local bus and rail operators. Emerging proposals include:</p> <ul style="list-style-type: none"> • Providing a new pedestrian and cycle route through the re-provided football pitches • Providing a new toucan crossing facility over the A4260 • Providing a new cycle friendly bridge to the north of the site away from the woodland • Creating a formal route to Croxford Gardens to the north • Bus routes to the site may need to include: <ul style="list-style-type: none"> ○ Extending the existing P&R services to the site on match days ○ Separate bus services on match days ○ AV shuttle buses from various P&R sites ○ Extending / improving the frequency of services <p>The Report also sets out how OUFC propose to operate on match days which includes access by foot, bike, bus, coach, rail and private cars.</p> <p>Further detail on these proposals would need to be received and confirmed as part of continued discussions with OUFC.</p>
Develop local employment opportunities in Oxfordshire.	<p><u>Independent Assessment by consultants, Biggar Economics.</u></p> <p>The Study reviewed OUFC generated economic impact through its activities and the employment it supports in 2021. It was estimated that OUFC has an annual economic impact of:</p> <ul style="list-style-type: none"> • £9.0 million Gross Value Added (GVA) and supports 251 jobs in Oxford; • £10.3 million GVA and 274 jobs in Oxfordshire (including Oxford); <p>In addition, Oxford United in the Community (OUitC) is a non-profit organisation associated with the club which was founded in 2008 and currently employs seven full-time employees. In 2020/21, the activity of OUitC involved:</p> <ul style="list-style-type: none"> • 103 kids in Premier League Kicks; • 53 people in DIVERT; • 1,219 participants in Manor Club Extra; • 54 teachers in Premier League Primary Starts; • 123 students in the National Citizens Service; and • a total 19,913 participants in football courses (holiday courses, skills centres and development centre). <p>Further detail on economic impact would need to be confirmed in relation to future plans</p>
Increase education and innovation through the provision of a sports centre of excellence and facilities linked to elite sport, community sport, health and wellbeing;	<p><u>Independent Assessment by consultants, AFL Architects and Independent Assessment by consultants, Ridge and Partners LLP.</u></p> <p>As part of the Feasibility exercise options have been explored to enhance and/or relocate some/all of the existing community sports facilities in accordance with Sport England Design Guidance Notes (2016 update). In</p>

OCC Objectives	OUFC Stage 0 Response
	<p>addition, OUFC have held talks directly with the existing clubs to explore opportunities for on-going educational support.</p> <p>Further detail on these proposals – and others that might contribute to this objective – would need to be received and confirmed as part of continued discussions with OUFC.</p>
<p>Support the County Council's net zero carbon emissions pledge through highly sustainable development.</p>	<p><u>Independent Assessment by consultants, AFL Architects and Independent Assessment by consultants, Ridge and Partners LLP and Independent Assessment by consultants, Bioregional.</u></p> <p>The report sets out detailed sustainably and low energy strategies including:</p> <p>Sustainable design and construction</p> <ul style="list-style-type: none"> • BREEAM Excellent certification with an assessment score of >70% • Looking at embodied carbon of materials – a Lifecycle Carbon Analysis will be carried out to compare several options • Low carbon architectural and buildings services systems design to create a mixed-use development with efficient, comfortable buildings • Responsible sourcing of materials • Responsible resource consumption: <ul style="list-style-type: none"> – efficient daylighting/lighting design and efficient equipment to reduce electricity consumption – water saving fixtures and fittings reducing water use • Responsible construction practices including best practice pollution prevention policies applied on site • Biodiversity Net Gain to be achieved through a range of green infrastructure and landscaping features. <p>Renewable energy and zero carbon</p> <ul style="list-style-type: none"> • Fossil fuel free development • Potential for Air source/ground source heat pumps used for space heating, cooling and domestic hot water • Potential for Solar photovoltaic (PV) panels installed on roofs generating electricity on site • Explore electricity procurement from suppliers using 100% renewable energy • Exploration into battery storage to store electrical energy for use on site and contribute to local grid flexibility • Establish definition of zero carbon will be applied and explore strategies to reduce embodied and operational carbon <p>Sustainable transport strategy</p> <ul style="list-style-type: none"> • Footbridge over the A4260 connecting pedestrians to Oxford Parkway train station • Utilise local existing extensive park-and-ride capacity • Electric car charging spaces to meet Building Regulations Part S • Cycle parking to meet Sports England, BREEAM and planning policy requirements

OCC Objectives	OUFC Stage 0 Response
	<ul style="list-style-type: none"> • Exploring shuttle bus options <p>Further detail on these proposals – in particularly relating to the detailed design of the stadium – would need to be received and confirmed as part of continued discussions with OUFC.</p>

22. OUFC elected to present its work to date through the structure of a RIBA (Royal Institute of British Architects) stage 0 report. It should, however, be recognised that the objectives and principles set out at paragraphs 2a and 18 above cannot yet be fully resolved or finally addressed through a RIBA stage 0 report, whose objective is primarily strategic rather than design.
23. To fully satisfy these objectives they will need to be considered and addressed through undertaking detailed project development planning (as set out in the RIBA stages 1, 2 and 3). This detailed design will need to reflect and refer to the land parcel identified by OCC and set out in this document rather than the wider scheme identified by OUFC. It is the view of the council that non-binding Heads of Terms can be negotiated in parallel with and subject to the next stage of detailed work required to demonstrate how the council's objectives will be met.
24. OCC retains its commitment to the priorities set out in this report and whilst the recommendations outlined in this report constitute an 'in principle' commitment to agree the commercial terms on which OCC would lease land to facilitate a stadium on the parcel of land referred to as the 'triangle', they do not commit the County Council to a final agreement until these objectives (and other considerations referred to in this report) are demonstrably satisfied.
25. In engagement with OCC, local parish councils have expressed a series of questions listed below.
- The extent to which the land including Stratfield Brake sports pitches is required.
 - What benefits, sporting and other, would there be for residents? What replacement facilities would there be for the current sports club users?
 - More detail required on how negative impacts will be mitigated, noise, congestion, parking, crowds?
 - More detail on the how the site will look, how green/eco-friendly it would be, how would it fit with the surrounding landscape.
 - How can we be sure any commitments entered into will be honoured?
 - What are the further opportunities for local engagement?
26. It is the view of OCC that most of these questions will be addressed through the next stages of project planning. Issues relating to the impact on the sports pitches are removed from consideration with the OCC proposal now relating solely to the 'triangle' parcel of land. In terms of commitments and community benefits, these will need to be identified and agreed as part of any negotiations.

27. The County Council accepts the significant challenges facing OUFC in terms of securing a long-term home stadium and the limited options regarding potential sites (annex 2). It has clearly set objectives for any agreement with OUFC that prioritise community benefit rather than enabling commercial development for the Club and indeed seeks to mitigate environmental impacts of any stadium development. In its discussions with OUFC, the County Council has expressed concerns regarding over-development in the form of either commercial property or housing; this reflects local concerns identified through the public engagement activity and from stakeholders.
28. In this context, OCC believes that the need to lease the whole site originally proposed by the club is not demonstrated by the information provided to date. OCC is therefore proposing an alternative opportunity with any negotiations for the lease/use/disposal of the land the basis for the development of a stadium and not significant additional development.

Proposed Next Steps

29. Officers are to be authorised to negotiate and document Heads of Terms relating to OUFC leasing land from OCC for the development of a new football stadium subject to the provision of undertakings and approval of detailed plans and planning permission. Heads of terms are non-binding, and a further Cabinet decision will be required prior to any final contractual or legal agreements. If suitable Heads of Terms cannot be agreed or if the information and undertakings provided by the OUFC fail to demonstrate how the council's objectives will be met, it is likely that officers would advise Cabinet not to proceed.
30. Officers are to undertake appropriate due diligence, in accordance with OCC's statutory functions, risk appetite and legal obligations. This should include reasonable clauses and covenants on the undertakings OUFC will make to meet OCC's objectives.
31. Officers are to explore lease surrender discussions with OCC's current tenant in the event that agreement with OUFC is reached.
32. Officers to provide regular updates on progress to the Cabinet Member for Property and, as appropriate, Cabinet as a whole. These Cabinet updates will be added to the Cabinet's Forward Plan of Business to enable transparency and public scrutiny / engagement. In due course a project timetable will be set out and published.
33. Officers are to identify further opportunities for engagement with stakeholders as proposals are developed and impacts clearly identified. It is likely that these will tie into timeframes related to the RIBA stages: annex 1 represents the first stage of eight, the first five of which relate to the project concept, business casing and design. The County Council will follow the principles set out in their engagement and consultation strategy when seeking feedback.

Financial Implications

34. Financial implications are still to be determined. However, any disposal of the land for a potential stadium will have to deliver best value and be compliant with section 123 of the local government act 1972 (see below).
35. Oxfordshire County Council will need to undertake a full financial risk assessment and identify mitigations with regards to the long-term implications of leasing land to OUFC in the event that the club folds and no alternative tenant could be found.
36. External advisers will be required to support the Council to ensure effective due diligence is completed especially with regards to technical matters. As such resources (legal and contractual support) may be required. At this stage the costs of advice have not yet been identified. It is anticipated that any costs would be recovered through the receipts obtained from leasing the site.
37. Relevant oversight of agreements will be provided as part of the County Council's audit and governance frameworks to ensure appropriate governance, risk, control and assurance arrangements are in place.

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Legal Implications

38. 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.
39. Oxfordshire County Council purchased part of the land at Stratfield Brake in 1937, to provide a strategic gap between north Oxford and Kidlington. The site is in the Green Belt, although the Council is not required to keep the land undeveloped. There are no restrictions on the title to the land prohibiting development, although the Council should satisfy itself before disposal that it is under no obligation to offer the land back to the former owner.
40. Councils are required to maximise the land value in accordance with S.123 of the Local Government Act 1972 and cannot dispose of land for a consideration (i.e. monetary payment) less than the best that can be reasonably obtained in the market, except with permission of the Secretary of State.
41. In due course OCC will seek opinion with regards to matters of state aid and subsidy.

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Equality and Inclusion Implications

42. As part of any proposal OCC will be seeking to ensure appropriate community benefit to support the ongoing sustainability of local sports clubs and facilities. Whilst the parcel of land now under consideration does not displace clubs on using the Stratfield Brake sports pitches, OCC would expect to see strong plans in place for a partnership between OUFC and local clubs to meet these criteria.

Sustainability Implications

43. Any proposal by OUFC must support OCC's net zero carbon emissions pledge through high sustainable development aspirations and overall net zero emissions targets.
44. Any proposal must seek to enforce less reliance on cars and improve sustainable transport through increased walking, cycling, and rail use.
45. Any proposal must achieve a 10% biodiversity net gain.

Risk Management

46. 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.
47. 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.
48. 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.
49. The County Council must ensure that all capital payments received come from the client account of a firm of solicitors acting for OUFC which has taken responsibility for money laundering checks. The County Council may wish to carry out independent checks on the source of OUFC's 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.

Consultations

50. 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. The report of the findings is appended to this document (annex 4).

51. At this stage further public engagement has not been undertaken; the exercise undertaken earlier in the year still stands regarding the principles for negotiation and whether the County Council should enter into discussions, albeit with regards to a smaller parcel of land. The feedback gathered during this exercise has helped the County Council to understand the concerns of residents, such as building on the green belt and building close to Kidlington and of the scale of development, with resulting impacts on traffic and illegal parking. These factors are recognised within this document and are reflected with regards to the recommendation to negotiate with OUFC on the smaller parcel of land (i.e., the 'triangle' rather than the playing fields plus the triangle), thereby reducing the potential physical impact of any development.
52. At this stage, objectives for undertaking further public engagement are not sufficiently clear. As the Council has already canvassed views on the principles for negotiation, a new public engagement exercise would inevitably be focused on the 'triangle' site itself (already considered as part of the public engagement in January 2022) and would not address the issues which the vast majority of residents would want to know about: the detailed plans for the stadium and its impact. Any additional public engagement at this stage would therefore be a repeat of the previous activity without further detail related to a site already considered.
53. The County Council will welcome and take into consideration further views from communities and stakeholders when more detailed plans from OUFC are available at future milestones. If a decision is made to make available the land to OUFC for a stadium, 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. The County Council anticipates that OUFC, as the scheme promotor will wish to undertake pre-application engagement with stakeholders and the County Council will insist upon this as part of its negotiations with OUFC.

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CLAIRE TAYLOR: CORPORATE DIRECTOR CUSTOMERS, ORGANISATIONAL DEVELOPMENT AND RESOURCES

Annex:

Annex 1: OUFC RIBA Stage 0 Report (October 2022)

Annex 2: OUFC Alternative Sites Report (October 2022)

Annex 3: OUFC Economic and Social Impact of Oxford United Football Club (August 2021)

Annex 4: OCC Report Stratfield Brake, Kidlington land use proposal Engagement report (March 2022)

Background papers: None

Other Documents: This report follows those received by Cabinet on 18 January 2022 [aebhdfh \(oxfordshire.gov.uk\)](https://www.oxfordshire.gov.uk/aebhdfh) and 15 March 2022 [aebhdfh \(oxfordshire.gov.uk\)](https://www.oxfordshire.gov.uk/aebhdfh)

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