

Divisions Affected – ALL

CABINET

19 September 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 the Chief Executive

RECOMMENDATIONS

1. The Cabinet is RECOMMENDED to

- (a) Note the feedback from the stakeholder engagement exercise undertaken in April and May 2023 (set out in Annex 2) and the public engagement exercise undertaken between 9 June and 23 July 2023 (set out in Annex 3).
- (b) Agree to proceed with a freehold sale of the land located to the east of Frieze Way / south of Kidlington roundabout known as the Triangle, based on the heads of terms which are being negotiated with Oxford United Football Club (OUFC).

The freehold sale of the land would be subject to:

- the receipt of planning consent and the production by OUFC of a net zero carbon plan, fully costed with clear timescales and outcomes, from design, construction and full operation of the stadium
 - restrictive covenants to ensure that the land remains limited to use for stadium and sport purposes in perpetuity.
- (c) Agree that any capital receipt arising from a freehold sale would be used for the benefit of the local community.
 - (d) Delegate authority to the Director of Finance, in consultation with the Cabinet Member for Finance and Property, to negotiate and agree the final heads of terms, which would be substantially in accordance with the details set out in Annex 5 (exempt).
 - (e) Delegate authority to the Director of Finance, in consultation with the Head of Legal and Deputy Monitoring Officer, to conclude negotiations with the club and complete all necessary legal documentation for the sale.

- (f) Delegate authority to the Cabinet Member for Finance and Property, in consultation with the Director of Finance, to write to the club to outline requirements relating to the net zero carbon plan (set out in b above) and details of the restrictive covenants.

Executive Summary

2. In March 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.
3. OUFC informed the council that it must find a new home by the start of the 2026/27 season as its licence agreement at the Kassam Stadium expires in 2026 and there is no right of renewal. The club confirmed that a new permanent home within proximity of Oxford city centre is required to secure its long-term future.
4. The land at Stratfield Brake is leased to three tenants by OCC: 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.
5. On 15 March 2022, following OCC's public engagement in January and February 2022, Cabinet 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 council's strategic priorities. OUFC published their RIBA stage 0 report in December 2022. This utilises the design process set out by the Royal Institute of British Architects (the RIBA plan of work).
6. Following consideration of the proposals, Cabinet met on 24 January 2023 and decided it did not wish to progress with this proposal, believing it not to be a suitable or deliverable proposition. At this meeting further to officer recommendations, Cabinet agreed to enter negotiations with OUFC on the lease or disposal of a smaller parcel of land located to the east of Frieze Way / south of Kidlington roundabout known as the Triangle (Annex 4) subject to the scheme addressing seven strategic priorities. These were subsequently updated and agreed by Cabinet on 23 May 2023:
 - i. Maintaining a green barrier between Oxford and Kidlington and protecting and enhancing the surrounding environment including biodiversity, connecting habitats, and supporting nature recovery
 - ii. Improving public access to high-quality nature and green spaces

- iii. Enhancing inclusive facilities for local sports groups and on-going financial support
 - iv. Significantly improving the infrastructure connectivity in this location, improving public transport to reduce the need for car travel as far as possible, and to improve sustainable transport through increased walking, cycling and rail use
 - v. Developing local employment opportunities in Oxfordshire
 - vi. Increasing education and innovation through the provision of an accessible sports centre of excellence and facilities linked to elite sport, community sport, health, and wellbeing
 - vii. Supporting the council's net zero carbon emissions pledge through highly sustainable development.
7. These strategic priorities were set with the aim of achieving community benefit rather than enabling commercial development for the club. The Triangle site identified by the council was therefore proposed for the development of a stadium and not significant additional commercial development; any ancillary development proposed by the club has to be within the footprint of the stadium.
8. In March 2023 the Cabinet agreed an engagement and communications strategy. During April and May, Cabinet members and council officers met with a range of local stakeholders to listen to views regarding the proposal. At this stage OUFC had not produced detailed information on which to seek feedback. As such, this first phase of engagement related to the general principle of the use of the Triangle for a stadium and consideration of the council's strategic priorities with regards to any scheme. A summary of this stakeholder engagement is set out in Annex 2.
9. In June 2023 OUFC provided information to the county council about how it would address each of the seven priorities. This comprised [a summary document](#) produced specifically for OCC, setting out their response on a priority by priority basis and a range of more detailed information. The club published the summary and six detailed documents on its [public-facing stadium website](#).
10. Between 9 June and 23 July 2023, a further round of public engagement took place, as set out in the engagement and communications strategy agreed by Cabinet in March 2023 and based on the information provided by OUFC with regards to the scheme. The headline findings from the engagement exercise are set out in paragraphs 40 to 44, while the full report is in Annex 3.
11. Council officers have considered the responses provided by the club to the council's strategic priorities. A summary of their analysis of each response is provided in paragraph 46.
12. Having considered the club's responses, and the report of public engagement carried out between 9 June and 23 July, the recommendation by officers is to pursue the transfer of the site to the club.

13. This recommendation is also informed by the broader social and economic benefits of the club to communities across Oxfordshire. The club is the county's only professional football league club, with a long history dating back to 1893. It represents an anchor institution in the county, an integral part of the county's heritage and presence, and has a positive impact on many people's lives, including their physical and mental health. The club has advised that its future could be put at risk if it is not able to secure a permanent new home.
14. The transfer of the site to the club would be subject to the receipt of planning consent by the club and the production by OUFC of a net zero carbon plan, fully costed with clear timescales and outcomes, from design, construction and full operation of the stadium.
15. If planning consent were not gained by OUFC, the transfer of the land would not progress, and the land would not be placed on the council's disposal register.
16. Council officers have undertaken a comparative assessment of freehold versus leasehold options for the transfer of the site to OUFC, a summary of which is in paragraph 48. The recommendation by officers is to proceed with a freehold sale, which would be subject to restrictive covenants to ensure that the land remains limited to use for stadium and sport purposes in perpetuity.
17. The council's seven priorities would be enforced by being turned into practical, measurable steps (eg a minimum number of jobs and a minimum level of additional support for local sports clubs), with a timescale for them to be achieved and a timescale for the achievement to be sustained.
18. Once that had been done, the steps should be set out in a Collateral Agreement between OCC and OUFC. OCC should impose a requirement (enforced by way of a restriction on the freehold title) that, if the site were sold on to a different owner, the new owner would enter identical obligations with OCC.

Background

19. Since 2001 OUFC has played at the Kassam Stadium, which is owned by Mr Firoz Kassam. Mr Kassam owned OUFC for seven years from 1999 to 2006. The stadium was built on land purchased from Oxford City Council and originally built for the explicit purpose of providing a venue for OUFC following its previous ground at The Manor Ground no longer being fit for purpose.
20. A 25-year covenant was included in the land transfer used for the stadium construction that stated: '*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. The Original Licence term links to this in that it was due to expire in 2026.

21. Mr Kassam sold the football club to Nick Merry and Ian Lenegan in 2006. However, he retained ownership of the stadium, conference centre and surrounding land enabling phased developments, including the hotels, parking and retail sites. 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. The club has confirmed there is no right of renewal.
22. The club has shared detailed information about its licence agreement at the Kassam Stadium with OCC. The licence agreement and other related documents have been disclosed to the council on a confidential and commercially sensitive basis. These are included in exempt Annex 1.
23. 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 expired 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.
24. 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', it must remain within this permitted area. OUFC undertook work to identify potential sites for a stadium, which set out the challenges and limited opportunities available.
25. [OUFC's Alternative Sites report](#) – a review of potential alternative stadium sites for Oxford United Football Club (October 2022) – was received by Cabinet on 24 January 2023 as supporting information to the main Cabinet report.
26. This latest report follows those previously received by Cabinet on 18 January 2022, 15 March 2022 and throughout 2023 ([all available on the OCC website](#)). It builds upon the considerations set out in previous Cabinet reports and presents a final recommendation with regards to disposal of the parcel of land known as the Triangle for the purposes of a stadium.

Public engagement – overview and methodology

27. OCC undertook an initial public engagement exercise in January 2022. Lasting four weeks, with specific local targeted publicity, this exercise was open to all and explored the strategic priorities identified in the Cabinet report of 18 January 2022. It related to proposals from OUFC covering both the playing fields at Stratfield Brake and the land known as the Triangle. The engagement report is available on [OCC's website](#) (pp 294-322 of 15 March 2022 Cabinet reports pack).

28. In March 2023, the Cabinet adopted an engagement and communications strategy. Following this, independently facilitated stakeholder engagement was undertaken during April and May 2023. Detailed information from OUFC regarding their proposals was not available at this time and, as such, the discussions were based on in-principle usage of the Triangle for the purposes of a stadium and consideration of the council's seven strategic priorities which the Cabinet wished to see addressed. The Cabinet met in May 2023 to review a summary of this stakeholder feedback. Since the meeting, the summary has been updated to include all meetings that took place in April and May 2023. The updated summary can be found in Annex 2.
29. In June 2023 OUFC provided information to the county council about how it would address each of the seven priorities. This comprised [a summary document](#) produced specifically for OCC, setting out their response on a priority by priority basis, and a range of more detailed information. The club published the summary and six detailed documents on its [public-facing stadium website](#):
- Stand United – how OUFC believes it meets the criteria set by the County Council
 - New Stadium Project Vision – detailed information about the stadium site and principles for the design and future operations
 - Community Pledge – detailing some of the benefits OUFC feel the proposed new stadium will bring
 - Oxford United in the Community – a brief summary of the work of the club's charitable arm and a list of its main partner organisations
 - Statement of EDI policy – outlining the club's commitment to contributing to a more equal, diverse and inclusive Oxfordshire
 - Engagement – setting out the current club plans for community engagement
30. Following OUFC's publication of the above information, the council undertook six weeks of public engagement, comprising a survey and five public exhibitions between 9 June and 23 July 2023 to seek feedback on the responses provided by OUFC to the council's seven strategic priorities. This exercise was designed in such a way so as not to replace or undermine any future statutory consultation process that may be required by the local planning authority, Cherwell District Council.
31. The public engagement was independently managed and conducted by Westco Communications, a specialist strategic communications and engagement agency. Promotional activity and communications to support the public engagement was led by the county council.
32. An engagement page was created on the council's Let's Talk Oxfordshire portal. This introduced the focus of the exercise; hosted engagement materials including an overview and summary document provided by OUFC; and provided a series of frequently asked questions, information about the public exhibitions, details of how to request information in alternatives formats, a link to the online survey, and a link to OUFC's stadium website.

33. Westco Communications designed and hosted the online survey, which consisted of a mix of closed and open questions, including questions to understand the profile of respondents.
34. Five public exhibitions staffed by Westco Communications were held between 24 June and 20 July 2023. These provided an opportunity for members of the public, particularly those who may be less confident using digital technology, to view the exhibition boards and associated information and to get practical support with having their say. The locations were: Exeter Hall, Kidlington (2 x events); Cutteslowe Community Centre, Oxford; County Library, Westgate, Oxford; and Blackbird Leys Community Centre, Oxford. The five events were attended by 293 people in total.
35. To publicise the engagement widely, a range of online and offline communications channels were used, with a strong focus on local targeting. These included: news releases, radio adverts, paid for and organic social media posts, communications packs sent to groups and community organisations, and distribution of posters and flyers with QR codes, including leaflets to all properties within an approximate 2-mile radius of the Triangle.
36. In total 5,441 people responded to the online survey or completed a paper copy. Just over two thirds of respondents are 'a resident of Oxfordshire' (71%). Just under a quarter responded as 'a member of the public living outside of Oxfordshire' (23%). Just over half (53%) of respondents are supporters of OUFC, with 75% of them living in Oxfordshire. A small number of responses came from business representatives, representatives of a group or organisation, and local councillors - but fewer than one per cent.
37. As part of the reporting process undertaken by Westco Communications, the survey data was cleaned for duplicate responses using email addresses, postcodes, and other identifiers. Detailed postcode analysis has also been undertaken to verify if respondents were Oxfordshire residents and to classify diverse groups of people depending on where they live.
38. All open-ended questions have been coded into themes to allow the responses to be quantified. This comprised reading, recording and reviewing every comment received.
39. In addition, a small number of written responses were received from the following groups and organisations. Nearly all these stakeholders expressed strong concerns or strongly negative comments:
 - Friends of Stratfield Brake (concerned/negative)
 - Kidlington Parish Council (concerned/negative)
 - Lathbury Road Residents Association (tending towards being supportive with some concerns)
 - Savills on behalf of Bellway Homes Ltd (neutral)
 - Savills on behalf of Christchurch (neutral)
 - Sport England (concerned/negative)

- Summertown and St Margaret's Neighbourhood Forum (concerned/negative)
- The Countryside Charity Oxfordshire / CPRE (concerned/negative)
- Wolvercote Neighbourhood Forum (concerned/negative)

Public engagement – headline findings

40. Set out below are the headline findings from the public engagement exercise. These focus on the responses of Oxfordshire residents, who represent 71 per cent of respondents. However, the detailed report – which can be found in Annex 3 – illustrates the wide range of views held by different communities, depending on geography, demography and supporter status. This includes analysis by all respondents, those who live in Oxfordshire, those who live within a 2-mile radius of the Triangle, and those who live outside the county.
41. Overall, a slim majority of Oxfordshire residents felt the information provided by the club fully addressed each of the seven priorities. It is important to note, however, that respondents who live nearest the Triangle hold the strongest reservations. It is also worth noting that respondents who are supporters of OUFC are more likely to think that the club has fully addressed the strategic priorities.

Relative importance of strategic priorities

42. Whilst OCC considers each of the seven strategic priorities to be of equal importance, it is interesting to understand which are the most important to respondents. When respondents were asked to select the three most important priorities for OUFC to address in their proposals, Oxfordshire residents selected:
- Priority 4, which relates to 'travel/transport infrastructure' (52%)
 - Priority 3, which relates to 'enhancing inclusive facilities for local sports groups' (44%)
 - Priority 1, which relates to 'maintaining a green barrier between Oxford and Kidlington (41%)

Oxfordshire residents' assessment of OUFC's response to the council's strategic priorities

43. When survey respondents were asked to consider the responses provided by OUFC to the council's seven strategic priorities, the views of Oxfordshire residents are as follows:

Priority 1: Maintaining a green barrier between Oxford and Kidlington and protecting and enhancing the surrounding environment including biodiversity, connecting habitats, and supporting nature recovery

- 64 per cent of Oxfordshire residents think that the information provided by OUFC has fully (52%) or mostly (12%) addressed this priority. While around a

third think that OUFC has partially (7%) or has not addressed this priority (28%). Two per cent of Oxfordshire residents did not know.

Those county residents who do not think that OUFC has fully addressed the priority, were asked what further information they think is necessary. The top themes arising from their responses are:

- i. Disbelief/disagreement: building on the Triangle will destroy the green barrier and existing nature and biodiversity - 26%
- ii. Build the stadium elsewhere, stay at the Kassam, or just don't do it at all - 18%
- iii. More details (unspecified or very specific, such as planting schemes, tree types, visual impact assessment, quantified biodiversity impact) - 9%
- iv. More on infrastructure: traffic, parking access, connections - 8%
- v. Proposals undermine the local plan / undermine green belt - 7%

Priority 2: Improving public access to high quality nature and green space

- 65 per cent of Oxfordshire residents who responded to the survey think that the information provided by OUFC has fully (55%) or mostly (10%) addressed this priority; while a third think that OUFC has partially (8%) or not addressed the priority (26%). One per cent of Oxfordshire residents did not know.

For those county residents who do not think that OUFC has fully addressed the priority, they were asked what further information they think is necessary. The top themes arising from their responses are:

- i. Disbelief/disagreement: building on green land cannot improve public access to nature, it destroys or reduces natural space. The land (the Triangle) is currently rich in diverse wildlife and flora - 25%
- ii. More detail (sometimes general, sometimes specific, such as how much green space and of what type) - 11%
- iii. Build it elsewhere, stay at the Kassam, or just don't do it at all - 11%
- iv. Infrastructure concerns: traffic, roads, local parking - 7%
- v. Not enough space for a stadium and a hotel and much green space - 7%

Priority 3: Enhancing inclusive facilities for local sports groups and ongoing financial support

- 70 percent of Oxfordshire residents think that the information provided by OUFC has fully (60%) or mostly (10%) addressed this priority. Around a quarter of residents think that OUFC has partially (8%) or has not addressed this priority (18%). Four per cent of Oxfordshire residents did not know.

For those county residents who do not think that OUFC has fully addressed the priority, they were asked what further information they think is necessary. The top themes arising from their responses are:

- i. Guarantees needed, firm assurances, distrust proposals will be what is actually developed - 12%
- ii. How will this be funded – distrust financial support will be sustained - 9%
- iii. Is there a need is there a demand - 9%
- iv. More detail (sometimes general, sometimes specific, which sports) - 8%
- v. Build it elsewhere, stay at the Kassam, or just don't do it at all - 8%

Priority 4: Significantly improving 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

- 63 per cent of Oxfordshire residents who responded to the survey think that the information provided by OUFC has fully (51%) or mostly (12%) addressed this priority; while just over a third think that OUFC has partially (7%) or not addressed the priority (29%). One per cent of Oxfordshire residents did not know.

For those county residents who do not think that OUFC has fully addressed the priority, they were asked what further information they think is necessary. The top themes arising from their responses are:

- i. Traffic volumes increasing, congestion, especially match or event days - 28%
- ii. Parking concerns, local parking controls, over a wide area, limited parking spaces - 21%
- iii. Pressures on public transport capacities - 11%
- iv. Pressures on existing Park and Ride resources - 10%
- v. More detail needed - 9%

Priority 5: Developing local employment opportunities in Oxfordshire

- 66 per cent of Oxfordshire residents who responded to the survey think that the information provided by OUFC has fully (57%) or mostly (9%) addressed this priority; while three out of ten residents think that OUFC has partially (8%) or not addressed the priority (22%). Four per cent of Oxfordshire residents did not know.

For those county residents who do not think that OUFC has fully addressed the priority, they were asked what further information they think is necessary. The top themes arising from their responses are:

- i. Already high employment levels here, problems filling vacancies – 18%

- ii. Scepticism about claim there will be 340 'new' jobs – full time? – 13%
- iii. More detail, such as what types of jobs, skills, FT or PT, day or evening - 10%
- iv. Jobs for local people? – 10%

Priority 6: Increasing education and innovation through the provision of an accessible sports centre of excellence and facilities linked to elite sport, community sport, health, and wellbeing

- 67 percent of Oxfordshire residents think that the information provided by OUFC has fully (58%) or mostly (9%) addressed this priority; while 28 per cent think that OUFC has partially (7%) or not addressed the priority (21%). Five per cent of Oxfordshire residents did not know.

For those county residents who do not think that OUFC has fully addressed the priority, they were asked what further information they think is necessary. The top themes arising from their responses are:

- i. Already have good facilities here, could be done / more need elsewhere, including old stadium/Kassam - 14%
- ii. More detail, non-specific - 9%
- iii. Guarantees needed, doubts about funding, no track record - 8%
- iv. Work with schools and local groups - 7%
- v. Impact of stadium on residents' well-being: noise, light, air pollution - 4%

Priority 7: Supporting the council's net zero carbon emissions pledge through highly sustainable development

- 64 percent of Oxfordshire residents think that the information provided by OUFC has fully (53%) or mostly (11%) addressed this priority; while around a third think that information provided by the club has partially (6%) or not addressed the priority (26%). Four per cent of Oxfordshire residents did not know.

For those county residents who do not think that OUFC has fully addressed the priority, they were asked what further information they think is necessary. The top themes arising from their responses are:

- i. Impossible – replacing green space with buildings and roads - 20%
- ii. Impossible during construction/demolition – heavy traffic, concrete - 15%
- iii. Traffic – people will travel by car, so concerns about traffic, congestion - 13%
- iv. Better to stay where they are (Kassam) and make that Net Zero - 11%
- v. More detail on exactly what, funding, guarantees - 9%

Further comments

44. Respondents were asked if they had any further comments about the proposals. The key themes Oxfordshire residents discussed are:
- i. Positive comments: support, should it go ahead, a very good proposal addressing all concerns, a good opportunity/potential for the immediate community and for Oxfordshire - 18%
 - ii. Traffic and congestion concerns - 11%
 - iii. Loss of Green Belt and the areas of nature - 9%
 - iv. Important to support OUFC for the benefit of Oxford and the county - 9%
 - v. Parking concerns for local people - 6%

Officer assessment of OUFC's response to the council's strategic priorities

45. Council officers have considered the responses provided by the club to the council's seven strategic priorities. These analyses are based on officers' judgment at this stage in the process using quantifiable information where possible, for example 10 per cent Biodiversity Net Gain (BNG). Where information is not quantifiable, industry standards or officers' technical/specialist knowledge has been used. This is different from an assessment made for the purposes of a statutory planning process. A summary of their analysis of each response is provided in paragraph 46.
46. Officers' analysis of the information provided by OUFC for each priority is as follows:

Priority 1: Maintaining a green barrier between Oxford and Kidlington and protecting and enhancing the surrounding environment including biodiversity, connecting habitats, and supporting nature recovery

- This priority comprises two different, although related, elements: i) maintaining the green barrier between Oxford and Kidlington; and ii) protecting and enhancing the surrounding environment, including biodiversity, connecting habitats, and supporting nature recovery.
- The masterplan for the site is still being developed. OUFC states it is committed to the implementation of a community group which it will engage and meet with to take feedback on the green barrier and how surrounding environments can be enhanced through the development.
- OUFC seeks to address this priority by situating the stadium as far south within the site as possible, and by providing a useable and publicly accessible green space to the north at the closest point to Kidlington. In this location the green space is proposed to be seen in the context of open areas on either side of the site, ie the Stratfield Brake sports ground, the roundabout and the new greenspace that will be provided as part of

Cherwell District Council's development area. The club also proposes enhanced tree planting and buffer planting along the edges of the site.

- OUFC addresses this priority through its stated commitment to a minimum of 10 per cent Biodiversity Net Gain (BNG), as well as further work with the county council and partners to seek opportunities to deliver up to 20 per cent BNG as the development proposals progress. The acceptability of the proposals in biodiversity terms will be determined through the planning process, which will be informed by further detail from arboriculture and ecological assessments.
- OUFC proposes that the stadium is connected to the wider countryside, woodlands, canal walks and nearby villages and communities in a way that is attractive, safe and enjoyable for walkers and cyclists, whilst also promoting environmental and cultural stewardship.
- A forum/working group for local people has been established by the club to provide community engagement throughout the process. This will be in addition to the public engagement already underway by OUFC, giving residents a voice on aspects of the scheme.

Conclusion

Officers consider that OUFC has mostly addressed priority 1 at this stage by committing to:

- i. providing a useable and publicly accessible green space to the north at the closest point to Kidlington;
- ii. enhancing tree planting and buffer planting along the edges of the site connecting the stadium to the wider countryside, woodlands, and neighbouring developments; and
- iii. committing to a Biodiversity Net Gain of a minimum of 10 per cent.

Notwithstanding this, the stadium site is located within the green gap between Oxford and Kidlington, which also forms part of the Oxford Green Belt. Building within the Green Belt requires 'very special circumstances' to be demonstrated, which would be assessed through the planning process by weighing up the merits of the proposal.

Priority 2: Improving public access to high-quality nature and green spaces

- To address this priority, OUFC has expressed a commitment to allow public access to the site, allowing flexible multi-functional spaces for everybody to enjoy and to improve accessibility for pedestrians and cyclists.
- Specific improvements proposed by the club include:
 - Improved appearance of the boundary fencing and tree lines.

- Creation of publicly accessible flexible multi-functional spaces.
 - Provision of a 'community plaza,' a well-designed welcome area for all visitors to the north of the stadium. This is proposed to include publicly accessible green space, open gardens, and areas for eating and socialising.
 - Enhanced tree planting and buffers along the western and eastern boundaries.
 - Preservation and opportunity for enhancement to the woodland to the south through planting of natural local species, including trees, shrubs, and landscaped gardens, to support the nature recovery of the area.
 - Improved public access by bicycle or on foot through a new entrance and a new safe access across Oxford Road.
- Overall, the development will open the site to the public and increase the open space and community provision in the locality. As plans are developed, more detailed information will be provided about how the new spaces will meet the needs of a wide range of potential users, including young people and older adults, and landscaping can be developed to 'green' footpaths/cycle paths to increase the attractiveness of key access routes.

Conclusion

Officers consider that OUFC has mostly addressed priority 2 at this stage by committing to:

- i. provide public access to the site;
- ii. provide flexible multi-functional spaces for everybody to enjoy;
- iii. accessibility for pedestrians and cyclists; and
- iv. Biodiversity Net Gain and enhanced planting along the boundaries and within the site.

Priority 3: Enhancing inclusive facilities for local sports groups and ongoing financial support

- Subject to engagement with the relevant parish and district councils, the club's proposal gives significant commitments to enhancing inclusive facilities and to ongoing financial support for local sports groups. There are specific commitments regarding access for those with disabilities, to address issues of mental health, and to promote women's football.
- There is an ongoing commitment to work with schools and the local employment plan, building on OUFC's longstanding programme.
- There are ongoing commitments to East Oxford through the Horspath Training Ground. OUFC is currently a significant community asset within the East Oxford communities and contributes to and runs a wide range of community programmes. There is a commitment by the club to maintain these links to East Oxford into the long term.

- The club proposes to provide both maintenance and financial support for the Stratfield Brake sports pitches, including football, cricket, rugby and running. A formal partnership between OUFC and the four local clubs, as well as their governing bodies, is being proposed, enabling them to benefit from all the support a professional sports club has to offer.
- There is a commitment by the club to setting up a working group to develop a Sports Playing Facilities Strategy for the local area.
- OUFC's plans also include a gym within the stadium itself, which will be open all year round for community use.

Conclusion

Officers consider that OUFC has mostly addressed priority 3 at this stage by committing to:

- i. engage with the relevant parish and district councils with proposals that provide significant commitments to enhancing inclusive facilities;
- ii. work with schools and the local employment plan, building on OUFC's longstanding programme;
- iii. maintain its commitments to East Oxford through the ongoing presence of the Horspath Training Ground;
- iv. provide both maintenance and financial support for the Stratfield Brake sports pitches, including football, cricket, rugby and running club; and
- v. provide a gym within the stadium for the community, available all year round.

Priority 4: Significantly improving 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

- OUFC has expressed a commitment to implement a sustainable travel plan, with a target to achieve 90 per cent sustainable travel modes by reducing the need for car travel and encouraging sustainable transport.
- The masterplan for the site is still being developed based on minimal car parking being provided and an emphasis on active travel and public transport use in line with the council's Local Transport and Connectivity Plan.
- Specific improvements to connectivity being proposed by the club include:
 - Enhanced public bus services and dedicated fan services on match days. OUFC is exploring the potential to deliver a combined travel ticket to get fans out of cars and onto trains and buses. This would provide public transport to and from every Oxford United home game, committing season ticket holders to sustainable transport modes for the full season with the use of the bus and rail systems in Oxfordshire throughout the season.

- OUFC is investigating using the existing Oxford Smartzone ticket and looking at what rail tickets may be available with both Chiltern Railways and GWR.
- Public transport connections from the other park and ride sites around Oxford on match days. There are c.6,000 existing car spaces that have been identified as being underutilised on match days.
- Enhanced pedestrian and cycle facilities, improving the route between Oxford Parkway and the proposed stadium site and into Kidlington.
- Enhanced and new controlled pedestrian crossing facilities across Oxford Road.
- The club will also work with the councils (who have the legal powers) and residents to put in place effective measures to control traffic flows and car parking to address the concerns in Kidlington about parking management and access in residential streets on match days.
- In terms of county council work, connectivity is already being improved in this area to support the delivery of the Cherwell Local Plan Partial Review sites, for example as part of improvements to Kidlington roundabout; a new dedicated bus lane on Bicester Road (southbound); new signalised crossing facilities on Bicester Road, Oxford Road south and Frieze Way; a new pedestrian/cycle path; and improvements to street and footpath lighting. The county council, in its local highways authority role, would comment on any forthcoming planning application in line with the local transport and connectivity plan.

Conclusion

Officers consider that OUFC has mostly addressed priority 4 at this stage by committing to:

- i. Achieve 90 per cent sustainable travel modes over time by reducing the need for car travel and encouraging sustainable transport by offering improvements to bus service provision and pedestrian and cycle links.
- The transport implications of the development would be fully assessed (along with any additional improvements required to connectivity) through the statutory planning application process. The county council would be a statutory consultee in any planning application as the local highways authority and would respond accordingly.

Priority 5: Developing local employment opportunities in Oxfordshire

- OUFC has confirmed that the proposed development would provide around £100m investment and support, approximately 380 jobs and at least 20 apprenticeships throughout the construction period.
- There are no planned redundancies from the Kassam Stadium. It is anticipated that a further 340 direct full-time jobs and c.20 apprenticeships would be supported, both in and around the proposed stadium.

- The club expects the proposed development and operation of the stadium to deliver c.£31m Gross Value Added (GVA) per year.
- Economic benefits would be assessed further at the planning application stage. The planning application would also need to commit to a Community Employment Plan (CEP) for construction and end-use.

Conclusion

Officers consider that OUFC has mostly addressed priority 5 at this stage by committing to:

- Provide considerable local employment opportunities during construction and steady state running operations thereafter. The club anticipates that 380 jobs and at least 20 apprenticeships will be created throughout the construction period and 340 direct full-time jobs and c.20 apprenticeships will be supported, both in and around the proposed stadium.

Priority 6: Increasing education and innovation through the provision of an accessible sports centre of excellence and facilities linked to elite sport, community sport, health, and wellbeing

- OUFC has expressed a commitment to enhancing the club's community outreach, in support of the vision of its charitable arm 'Oxford United in the Community' to see every person in Oxfordshire having the opportunity to have a positive connection with the club every day, inspiring happier, healthier, and better-connected communities.
- Specific improvements to increasing education and innovation being proposed by the club include:
 - Provision of flexible educational and community facilities and a gym within the stadium, which will promote health and wellbeing and support community sport.
 - All-year-round operation, which will enable hosting of events and activities to increase participation in sport and to improve health and wellbeing.
 - Workshops at the stadium and on-pitch coaching out of season to develop football and teamwork skills.
 - A partnership with Abingdon and Witney College to develop special educational needs and disability educational courses alongside sports courses.
 - Continued use of and investment in the training ground at Horspath Road to offer ongoing provision of community activities for Blackbird Leys and East Oxford residents.
- A masterplan is being developed by the club and discussions are being held with relevant community groups and health organisations to identify their needs and those of the local community to maximise opportunities provided by flexible event and education spaces within the stadium, which would be

accessible to the public. This will support the club's ambition to provide facilities linked to community sport, health and wellbeing.

- OUFC states it remains committed to the continuation and enhancement of their existing work within Oxfordshire and specifically in the Blackbird Leys area. Use of and continued investment in the training ground facilities at Horspath Road to further increase education and community outreach is particularly important given the prominent levels of deprivation within that community.
- OUFC has identified a desire to increase targeted work with children with special educational needs and disabilities.
- The potential health impact of the development would be fully assessed through the statutory planning application process.

Conclusion

Officers consider that OUFC has mostly addressed priority 6 at this stage by committing to:

- i. flexible educational and community facilities and a gym within the stadium;
- ii. facilitate the hosting of events and activities to increase participation in sport and to improve health and wellbeing;
- iii. a partnership with Abingdon and Witney College to develop special educational needs and disability educational courses alongside sports courses; and
- iv. continued use of and investment in the training ground at Horspath Road to offer ongoing provision of community activities for Blackbird Leys and East Oxford residents.

Priority 7: Supporting the council's net zero carbon emissions pledge through highly sustainable development

- OUFC has expressed a commitment to deliver the new stadium to achieve at least a BREEAM 'Very Good' rating, and an aspirational target of achieving 'Excellent.' BREEAM is used to specify and measure the lifecycle sustainability performance of buildings.
- OUFC has highlighted sustainable measures in the early design phase including roof-mounted solar panels and electric vehicle charging points. Operationally, there are plans to avoid 'single-use plastics' and divert over 95 per cent of waste from landfill, as well as implement sustainable water management solutions.
- From a transport perspective, the club's mode share target of 90 per cent of fans travelling by active and sustainable modes will help towards achieving net zero operational carbon. At the current Kassam Stadium, 90 per cent of trips are made by private car; under the new proposal the overall reduction in car use and increase in the number of fans travelling by active and

sustainable modes would significantly reduce overall carbon emissions within the city.

- OUFC has committed to work with the county council and partners to seek opportunities to deliver net zero solutions as the development proposals progress.
- The club has stated the proposed stadium will endeavour to deliver zero plastic, with minimal waste and packaging. Onsite catering will seek to maximise the use of locally produced food and drink.
- The stadium would be designed to reduce the impact of noise on the local environment.
- Floodlighting would be installed to limit light spills to neighbouring communities and environments.
- OUFC has stated it is committed to undertaking a full environmental audit during the development through a 360-sustainability process. It has also committed to the transparent reporting of Environmental, Social and Governance (ESG) targets and progress through the formation of an ESG framework, which would be displayed on the club's website.

Conclusion

Officers consider OUFC has mostly addressed priority 7 at this stage by committing to:

- i. Deliver the potential new stadium to achieve at least a BREEAM 'Very Good' rating, with an aspiration for delivering to BREEAM 'Excellent'.
 - ii. To align with the council's net zero targets, the council would wish to see the production by OUFC of a net zero carbon plan, fully costed with clear timescales and outcomes, from design, construction and full operation of the stadium.
47. Having considered the club's responses, the recommendation by officers is to pursue the transfer of the land to the club. This is subject to the club securing planning consent and producing a net zero carbon plan, fully costed with clear timescales and outcomes, from design, construction, and full operation of the stadium.

Leasehold vs freehold options

48. The table below compares selling the site (freehold transfer) with leasing it. Officers believe that a freehold transfer is the best option based on offering best value, limiting financial risk, and removing ongoing management responsibilities for the council. The view of officers is that the costs and complexities of a leased arrangement do little to help the council meet its objectives of achieving community benefit and mitigating long-term financial risk.

Issues	Freehold transfer	Lease
Is there a risk that payment might not be made?	No risk as the payment is made upfront.	There is a risk that fluctuating income levels could result in OUFC paying late or failing to make rent payments, which would need to be chased and managed by OCC.
Where are obligations contained?	Covenants in transfer deed and Collateral Agreement for the seven strategic priorities.	Covenants in lease. The lease agreement would contain the seven strategic priorities.
How are obligations enforced?	Legal action against OUFC.	Legal action against OUFC plus the “ultimate option” of being able to terminate the lease and take the site back. However, remediating the site would create a significant financial burden for OCC.
What if OUFC becomes insolvent?	OUFC’s administrators could sell the site to a new owner to raise money for its creditors, but the site would be subject to the existing restrictive covenants, which means its use would remain limited to stadium and sport purposes in perpetuity.	The lease would normally terminate and the site would revert to OCC. However, OCC would then have the financial burden of removing buildings, remediating the site and restoring it to its previous use as Green Belt.
What ongoing involvement with the site would OCC have?	OCC would have no ongoing involvement with the site unless a breach of the covenants in the original transfer is brought to its attention or a request is made by OUFC to vary the covenants.	OCC would remain the freeholder of the site, with ongoing management responsibilities. As freeholder, it would be expected to keep a watching brief on the site, be consulted on all planning applications, and it would be much more likely to get drawn into discussions over future activities on the site than if it had not retained the freehold. This would have an ongoing financial and resourcing implication, in terms of officer time, and potential liability for the council.
Is there a risk of the site being abandoned?	If the site were abandoned during construction (or afterwards), OCC would have to sue OUFC for breach of its covenant to deliver on the seven priorities.	If the site were abandoned during or after construction, OCC would want to restore it to Green Belt. This means OCC would have the significant financial burden of removing buildings, remediating the site and restoring it to its previous use.

49. A comparison of income for both options is provided in Annex 5 (exempt).

Protecting the Long-Term Use of the Land

50. Following a freehold sale, OCC would restrict the use of the site to being a football stadium via freehold covenants. These would be binding on successors in title to OUFC should OUFC decide to sell on. They could be enforced through court action if breached. OCC could (at its discretion) vary the restrictions/obligations in future in return for payment.
51. The covenants would set aside the use of the land for football/community sports and leisure/sports stadia in perpetuity, with limited ancillary commercial use within the stadium footprint.
52. It would be made clear in these restrictions that the use of the land for commercial or residential development is prohibited (noting that OCC has supported, in principle, ancillary commercial development related to the activities of the stadium within the stadium footprint).
53. OCC is aware that the landholder to the south may become interested in commercial development. There is a treeline separating these land parcels, which would be retained by the county council to prevent the adjacent piece of land from being seen as a potential extension site for the stadium.
54. The council's seven priorities would be enforced by being turned into practical, measurable steps (eg a minimum number of jobs and a minimum level of additional support for local sports clubs), with a timescale for them to be achieved and a timescale for the achievement to be sustained.
55. Once that had been done, the steps should be set out in a Collateral Agreement between OCC and OUFC. OCC should impose a requirement (enforced by way of a restriction on the freehold title) that, if the site were sold on to a different owner, the new owner would enter identical obligations with OCC.
56. The seven priorities may overlap with planning requirements. The agreement with OCC would stand separately to (and be enforceable separately from) any agreement between OUFC and the local planning authority.
57. If planning consent is not gained by OUFC, the freehold sale of the land would not progress and the land would not be placed on the council's disposal register.

Financial Implications

58. The final agreement reached for a freehold sale would create a capital receipt for the county council, which is compliant with section 123 of the Local Government Act 1972 and offers best value.

59. Two separate valuation reports have been obtained from surveyors and both conclude that the sum agreed represents a reasonable sale price for the site if it was restricted to use as a football stadium and the owner of the site was obliged to comply with the council's seven priorities. These reports are appended to Annex 5 (exempt). It should be noted, however, that valuation is not straightforward as there is limited comparable evidence to value land with restricted use for a stadium and restricted covenants on the title in perpetuity, plus the collateral agreement for the seven strategic priorities is unique.
60. Financial Regulations set out that all capital receipts generated through the disposal of land or property assets are treated as a corporate resource and used to support the capital programme unless it is specifically agreed otherwise by Cabinet. Given this site would otherwise not be sold, it is proposed that rather than being treated as a corporate resource, any capital receipt arising would be used for the benefit of the local community.

Comments checked by:

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Legal Implications

61. It should be noted that this report relates to Oxfordshire County Council as landowner and not in its role as statutory consultee to a planning application. Any stadium development would be subject to the usual planning process and Oxfordshire County Council would undertake its role as a statutory consultee with regards to relevant matters as part of that process.
62. 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, and the council has satisfied itself (through legal advice from a KC) that it is under no obligation to offer the land back to the former owner.
63. 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 (ie monetary payment) less than the best that can be obtained in the market, except with permission of the Secretary of State. As indicated above, work has been undertaken to ensure that this transaction is compliant with S.123 of the Local Government Act 1972.

Comments checked by:

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Equality and Inclusion Implications

64. As part of any agreed sale, OCC would seek to ensure appropriate community benefit to support the ongoing sustainability of local sports clubs and facilities. The scheme should be developed with regards to elevated levels of

accessibility and the activities of the club in terms of community engagement should support all sections of the community including young people, women and girls, people with disabilities, the neuro-diverse and people from different race and ethnic backgrounds.

65. An equalities impact assessment (EIA) of the information provided by the club in response to the council's seven strategic priorities and the engagement exercise carried out by the council is provided in Annex 6.

Sustainability Implications

66. The proposal by OUFC must support OCC's net zero carbon emissions pledge through high sustainable development aspirations and overall net zero emissions targets.
67. The proposal must seek to enforce less reliance on cars and improve sustainable transport through increased walking, cycling and rail use.
68. The proposal must achieve a 10 per cent biodiversity net gain.
69. A climate impact assessment (CIA) of the information provided by the club in response to the council's seven strategic priorities is provided in Annex 7.

Risk Management

70. 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 agreement with OUFC would require payment through OUFC's solicitors' client account. The solicitors are under obligations to the Solicitors Regulation Authority and law enforcement agencies (including the police) to check the source of funds they receive, and a seller is entitled to assume that funds transferred from a solicitors' client account are legitimate.

Martin Reeves, Chief Executive

Annexes: Annex 1: (exempt): Confidential Kassam Stadium licence position
 Annex 2: Feedback report from phase one stakeholder engagement
 Annex 3: Phase two public engagement report
 Annex 4: Location of the Triangle and proposed stadium
 Annex 5 (exempt): Valuation and Heads of Terms
 Annex 6: Equalities Impact Assessment
 Annex 7: Climate Impact Assessment

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