

Divisions Affected – Kidlington South

CABINET

15 March 2022

LAND AT STRATFIELD BRAKE, KIDLINGTON – PROPOSAL FROM OXFORD UNITED FOOTBALL CLUB TO OXFORDSHIRE COUNTY COUNCIL AS LANDOWNER

Report by Corporate Director Commercial Development, Assets & Investment

RECOMMENDATION

1. The Cabinet is RECOMMENDED to

- (a) Authorise Officers to enter into detailed discussions as requested by Oxford United Football Club (OUFC) on the use of Oxfordshire County Council (OCC) owned land for the development of a new football stadium, subject to approval of detailed plans and undertakings and to planning permission.
- (b) Instruct Officers to ensure that any In Principle Agreement resulting from discussions with OUFC satisfies the objectives set out in (2a) below.
- (c) Authorise Officers to explore lease surrender discussions with OCC's current tenants, and where appropriate with sub-tenants, subject to planning permission.
- (d) Instruct Officers to maintain open dialogue with stakeholders with interests in the project, in particular Cherwell District Council (CDC), the relevant Parish Councils, the community sports clubs who make use of Stratfield Brake, the Woodland Trust and neighbouring landowners.
- (e) Instruct officers to provide regular updates on progress to the Cabinet Member for Property and, as appropriate, Cabinet as a whole.
- (f) Require Officers to bring back to Cabinet for further discussion any detailed proposals that are made, and to bring to Cabinet for decision any In Principle Agreement that may be reached in due course.

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

- a) Officers ensure that any proposal by OUFC is consistent with the Oxfordshire Fair Deal Alliance's priorities, by achieving the following objectives for the use of the OCC's land:

- I. maintain a green barrier between Oxford and Kidlington
 - II. improve access to nature and green spaces
 - III. enhance facilities for local sports groups and on-going financial support
 - IV. 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
 - V. develop local employment opportunities in Oxfordshire
 - VI. increase education and innovation through the provision of a sports centre of excellence and facilities linked to elite sport, community sport, health and wellbeing
 - VII. support the County Council's net zero carbon emissions pledge through highly sustainable development
- b) Officers pursue detailed discussions with a view to agreeing terms that achieve community benefit, meet OCC's aspirations, retain OCC's reasonable long-term control over the size and scale of OUFC's proposed scheme, and comply with S.123 of the Local Government Act 1972 (and any other applicable legal requirements).
 - c) Officers continue to explore any opportunities with neighbouring landowners that might enhance the delivery of a community sports hub at Stratfield Brake in line with OUFC's commitment to replace and enhance the existing sports facilities and to develop sustainable operation models with the community clubs to protect their long-term future, prior to the commencement of any new stadium related development.
 - d) Officers to return to Cabinet if further detailed proposals are made by OUFC and, in due course, if an In Principle Agreement with OUFC is reached, so that financial and lease terms can be discussed at a Special Cabinet Meeting.

Executive Summary

3. Oxford United Football Club (OUFC) have approached OCC and requested that OCC transfer c.18 hectares (44.48 acres) of land 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. OUFC have informed Officers that they have conducted an extensive search of suitable locations in Oxfordshire and that Stratfield Brake is considered the most viable option for the Club. The aerial photo below shows the area of land (the red outlines are for indicative purposes only) subject to the proposal within its wider context.



The aerial photo below shows the area of land subject to the proposal, and the current tenants.



4. OUFC's proposal requests that the majority of OCC's freehold land holding at Stratfield Brake be leased to them for a term of 250 years. The land is currently leased out to three tenants by OCC being CDC (who in turn sub-lease to Kidlington Parish Council and Water Eaton and Gosford Parish Council), the Woodland Trust and Foxcotte Fencing Limited. There are no break clauses in

these leases, consequently, OCC are unable to agree to lease their land to OUFC unless all tenants, and sub-tenants, agree to surrender their leases.

5. Taking account of OCC's commitment to maintaining access to nature, Officers have excluded from the proposal land leased from OCC by the Woodland Trust (c. 2.8 ha / 7 acres).
6. At the Cabinet Meeting held on 18 January 2022, it was agreed that Officers should hold a 4-week Public Engagement Exercise and report the outcomes of the public engagement exercise and of the exploratory discussions with OUFC and current tenants to Cabinet on 15 March 2022. That exercise, combined with feedback from the current tenants, has indicated that there is support for entering negotiations with OUFC from a majority of respondents but some specific areas of concern that need to be explored further with OUFC before a view can be taken on the compatibility of the proposal with the principles proposed to guide OCC's approach.
7. An 'Ethical Wall' has been put in place to avoid potential conflicts of interest between OCC and CDC and to ensure that the interests of each Council are represented independently by named officers.

Background

8. This Report should be read by way of an update to the Actions agreed by Cabinet on 18 January 2022 (Report & Minutes attached).

Key Issues

9. At the Cabinet Meeting held on 18 January 2022, it was agreed that
 - a) Officers should hold a 4-week Public Engagement Exercise amongst residents and stakeholders to receive their feedback on the proposal and on the principles/objectives proposed to guide any future OCC negotiation with OUFC;
 - b) Officers should progress exploratory discussions with OUFC and with OCC's current tenants and, as appropriate, their sub-tenants regarding the proposal from OUFC to enable the use of OCC owned land for the development of a new football stadium, subject to planning permission;
 - c) Officers should report the outcomes of the public engagement exercise and of the exploratory discussions to Cabinet on 15 March 2022 with a recommendation on whether to commence formal negotiations and, if so, with which objectives.
10. The Public Engagement Exercise started on Tuesday 25th January and closed on Tuesday 22nd February. It was accessed via: letstalk.oxfordshire.gov.uk/stratfield-brake-land-use-proposal-2022.

11. OCC widely promoted the Engagement Exercise in various ways. Activity mainly focused on reaching residents and stakeholders in and around the Kidlington and Gosford and Water Eaton parishes, as these communities are local to Stratfield Brake and are more likely to be impacted by any future changes to this land.
12. OCC's promotional activity included:
 - A news story issued to media outlets and published on the news pages of county council's website (www.oxfordshire.gov.uk).
 - An item in OCC's eNewsletter, YourOxfordshire, sent by direct email to subscribers across the county and beyond.
 - An item in OCC's weekly newsletter for County Councillors and in its weekly staff newsletter.
 - Posts on 'Nextdoor' targeting the Kidlington and Gosford and Water Eaton area.
 - Packaged content sent to community news editors in the Kidlington and Gosford and Water Eaton area for use across their channels.
 - An extensive poster campaign across Kidlington village, including a wide range of local businesses and community noticeboards.
13. During the 4-week Public Engagement Exercise, Officers have continued to progress exploratory discussions with the Woodland Trust, Foxcotte Fencing Ltd, Kidlington and Gosford and Water Eaton Parish Councils and the community sports clubs who currently use Stratfield Brake. Generally, these key stakeholders are open to OUFC's proposals and in most cases have requested that OCC conduct further discussions with OUFC to clarify the detail of the proposal from OUFC and therefore its impact. CDC have made the following statement:

"Cherwell District Council note the proposal from OUFC for a new stadium and ancillary facilities at Stratfield Brake. We await with interest the outcome of the County Council's deliberations. As a tenant our duty will be to protect the interests of the users of the space and quite separately, as Local Planning Authority we will examine any proposal on its planning merits".
14. Based upon the results of the Public Engagement Exercise and meetings held with key stakeholders since Cabinet last considered the proposal received from OUFC, Officers have made the following observations (the full Engagement Report can be found in Appendix 1):
 - a) The Engagement Exercise received a high level of interest, with 3,740 survey responses submitted, and 14 written submissions received.
 - b) Nearly all survey participants, 3,517 (94 per cent) were members of the public and 207 (6 per cent) were stakeholders.
 - c) A very large proportion of people completing the survey, 79 per cent (2,919 people), were Oxford United FC (OUFC) supporters whereas 21 per cent (785 people) said they were not. Sixty percent of the OUFC supporters said

they regularly attend home games, with 34 per cent saying they attend all home games.

- d) Local residents (Kidlington, Gosford, Water Eaton) represent 22 per cent of the participants - with some overlap with OUFC supporters.
 - e) Among all survey participants, there is very strong support for OCC as the landowner, to start negotiations with OUFC regarding the lease of land that it owns at Stratfield Brake for a term of 250 years: Eighty per cent say yes, although support is much lower (38 per cent) among local residents
 - f) Among local residents responding to the survey, 38 per cent are in favour of the county council starting negotiations and 58 per cent are not. Four per cent are unsure.
 - g) Many survey participants recognise the importance of OUFC to the broader area, the city, and the county.
 - h) Supporters of the negotiations feel that it is a good opportunity on both a countywide basis and locally. The promise to develop and enhance many local health and fitness and sports clubs, is felt to be particularly good for the community and to be positive from an employment perspective. With regards to infrastructure, people felt the location was good with both road links and transport access.
 - i) Concerns expressed by those against mainly revolve around traffic, congestion, and parking, and about environmental (including green gap/belt) issues.
 - j) The list of six objectives is generally thought to be good although some express concerns about whether they are realistic or achievable.
 - k) Twenty-two per cent of survey participants said something should be added to the list of objectives, with comments focusing mainly on the broad themes of environmental impact, infrastructure, and community impact and were largely points of detail that could sit behind four of the existing six objectives
 - l) Eighty-two per cent of survey participants thought none of the objectives should be removed. The objective that people would most like see taken off the list, with just 108 mentions, was objective a) "maintain a green barrier between Oxford and Kidlington and improve access to nature and green spaces". This was substantiated by comments around the lack of necessity for a green belt, that development was already happening, and that this proposal is necessary.
 - m) With regard to the written submissions, 8 were from members of the public – all of which were against the council entering into formal negotiations and 6 were from stakeholders (2 supportive, 2 against, 1 unsure and 1 did not give a view).
 - n) Those against OCC entering into formal negotiations detailed concerns around the scale of development in the area and encroachment, the loss of green space/belt, concerns about traffic, transport, and parking. Several people also raised planning matters.
15. Officers have continued to progress exploratory discussions with OUFC who remain committed to acquiring a 250 year long-leasehold interest in the land.

OUFC propose that the lease would be taken in the name of Oxford United Football Club Limited (Company No. 470509) and have provided details of the ownership structure and shareholders to assist OCC Officers in carrying out appropriate due diligence.

16. If the Club should cease to exist, the headlease will allow it to be leased to another professional football club recognised by the Football Association. Any sublease of the Stadium site will require the Stadium to remain in place with community sports taking place in it at times when it is not being used for professional football. The Club would be required to register the stadium as an 'Asset of Community Value' which gives the local community limited ability to bid for it if it is sold.
17. OUFC request that the remainder of the OCC land not utilised for the Stadium may be sublet as a whole or in parts by OUFC, at a market rent to operators providing commercial and leisure facilities such as retail, hotel and conference facilities. All of these would, of course, be subject to planning approval. It is understood that the revenue from these is required to fund the construction of the Stadium and ongoing costs. In the event that the OUFC folds and no professional football club that is recognised by the Football Association can be found to sub-lease the Stadium, the entire headlease and any sub-leases will revert to OCC as the landlord (i.e. the Landlord will step in and the Tenant may not retain control, sell or benefit from any income / premium / capital from the commercial and leisure facilities and therefore the relevant subleases and agreements for the site will also revert to OCC as the Landlord).
18. OCC is not in possession / control of any of the land requested by OUFC, having leased the majority of it out until 2097 to CDC at a rent of £1 per annum, who have in turn sub-let for a similar term. There are no break clauses in these leases. It should be noted that OCC are unable to agree to lease their land to OUFC unless all tenants, and sub-tenants, agree to surrender their leases.
19. OUFC have confirmed in writing that they commit to providing/replacing the existing community sports facilities to at least the same standard, and to develop sustainable operation models/business plans with the community clubs to protect their long-term future.
20. Officers have continued to challenge OUFC's design proposals to ensure that the minimum amount of Green Belt land is developed upon. They will also seek to maximise increases in public access to green spaces as a result of the proposals.
21. To retain control of the size and scale of any future development, OCC would agree with OUFC that the headlease includes reasonable provision for OCC as landowner to approve scheme design plans.
22. Any decision to support the development of this land located within the Green Belt, should take into consideration the reason that OCC acquired this land, being to prevent the 'coalescence of the settlements' and to provide a strategic gap between north Oxford and Kidlington.

23. The proposal provides opportunities to significantly improve the infrastructure connectivity in this location and to work with key stakeholders (including local Sports Clubs) to enhance facilities for the benefit of the local community. OUFC are committed to supporting OCC's net zero Carbon emissions pledge to new developments and to improving public transport to reduce the need for car travel in so far as is possible.
24. CDC are the local planning authority. Under the terms of the proposal OUFC are entirely responsible for obtaining planning permission subject to approval from OCC as landowner. It should also be noted that OCC will be Statutory Consultee in any planning application.

Oxfordshire Fair Deal Alliance Principles

25. Officers consider that the proposal provides opportunities that support the Oxfordshire Fair Deal Alliance principles for the use of the OCC's land. As a result of feedback received following the Public Engagement Exercise, Officers have noted that contributors to the Exercise noted the importance of:

Objective (i) maintain a green barrier between Oxford and Kidlington and improve access to nature and green spaces

- Contributors noted the importance of environmental aspects, biodiversity, wildlife protection, green space, woodlands protection, and the potential impacts of noise and light pollution.
- Some contributors emphasised the importance of maintaining the Green Belt between Kidlington and Oxford, noting the significant scale of new development taking place around Kidlington and Yarnton. Others questioned the need for a green belt or the relevance of this consideration in light of the development.

Objective (ii) enhance facilities for local sports groups and on-going financial support

- Contributors noted that in addition to the existing sports facilities at Stratfield Brake that there were other sports and fitness groups in the locality that needed improvement including parks, play areas and disabled access/facilities.

Objective (iii) 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

- Contributors noted the importance of transport infrastructure including road access, traffic management, foot bridges, buses on match days, road and pedestrian safety, cycle lanes.

- Contributors also noted the importance of parking issues – planning and restrictions and enforcement.

Objective (iv) develop local employment opportunities in Oxfordshire

- Contributors noted the importance of local business/employment opportunities.

Objective (v) increase education and innovation through the provision of a sports centre of excellence and facilities linked to elite sport, community sport, health and wellbeing

- Some contributors did not consider this appropriate for OCC to consider.

Objective (vi) support the County Council's net zero carbon emissions pledge through highly sustainable development

- Some contributors did not consider it possible for development, or OUFC, to be net zero.

26. Generally, Officers have noted that a large number of comments predominantly revolved around (1) the potential impact on wildlife and on the environment, (2) the need to protect the greenbelt and keep Kidlington and Oxford distinct, (3) the provision of sufficient and sustainable transport infrastructure including concerns about congestion, road capacity and parking, and (4) the scale of development in the area.
27. If a decision is taken to proceed, Officers will conduct discussions with OUFC to deepen their understanding of the detailed proposals being made and to consider their compatibility with the principles set out in 2(a). Subject to these discussions and sharing any detailed proposals with Cabinet, officers would ensure that any In Principle Agreement satisfied all of the objectives set out above.

Financial Implications

28. The potential financial implications are set out in Appendix 1 of the 18 January 2022 Cabinet Report.

Comments checked by:

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Legal Implications

29. The potential legal implications are set out in the 18 January 2022 Cabinet Report.

Comments checked by:

Richard Hodby, Solicitor, Legal Services (richard.hodby@oxfordshire.gov.uk)

Equality & Inclusion Implications

30. As part of any proposal OCC will be looking to see that the sports clubs and community uses will continue to be provided as part of any new development.
31. In light of the proposed location which is close to existing public transport facilities it will provide easier access for the public.
32. The proposal would provide for an increase in local employment opportunities estimated by OUFC at 800+ new jobs.

Sustainability Implications

33. Any proposal by OUFC must support OCC's net zero Carbon emissions pledge through high sustainable development aspirations and overall net zero emissions targets.
34. Any proposal must seek to enforce less reliance on cars and improve sustainable transport through increased walking, cycling, and rail use.
35. Opportunity to design and create a state of the art, sustainable building with ancillary facilities that recognise the challenge of climate change.

Risk Management

36. Consideration should be given to the political, local and planning challenges of supporting development on OCC owned land that is located within the Green Belt.
37. Negotiations between the various leasehold interests, stakeholders and users will need to be carefully managed to ensure existing community facilities are re-provided and disposal of land at best value is achieved.

Proposed Next Steps

38. If agreed, Officers to write to OUFC clearly setting out the Oxford Fair Deal Administration's commitments for the use of OCC owned land.

39. Officers to enter into detailed discussions with OUFC on the use of OCC owned land for the development of a new football stadium, subject to approval of detailed plans and undertakings and to planning permission.
40. Officers to conduct detailed discussions with OUFC to ensure that any In Principle Agreement satisfies the objectives set out in (25) above, carefully considering the results of the Public Engagement Exercise.
41. Officers to explore an acceptable proposal, and to undertake appropriate due diligence, in accordance with OCC's statutory functions and legal obligations.
42. Officers to explore lease surrender discussions with OCC's current tenants, and where appropriate with sub-tenants, subject to planning permission.
43. Officers to maintain open dialogue with stakeholders with interests in the project, in particular Cherwell District Council, the relevant Parish Councils, the community sports clubs who make use of Stratfield Brake, the Woodland Trust and neighbouring landowners.
44. Officers to provide regular updates on progress to the Cabinet Member for Property and, as appropriate, Cabinet as a whole.
45. If an In Principle Agreement is agreed with OUFC, Officers to return to Cabinet so that the detailed proposals can be discussed at a Special Cabinet Meeting and a decision taken as to whether to proceed.

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