



**Kidlington Parish Council (KPC) response to OUFC's planning application for Stadium development. See <https://planningregister.cherwell.gov.uk/Planning/Display/24/00539/F>.**

## 1 Summary

- 1.1 We understand that the Council hopes to determine this application at the Planning Committee meeting on 31st July 2025. KPC restates that it is inappropriate to decide the application while several key material planning matters remain unresolved. We urge Cherwell to require OUFC to develop the overarching operational strategies and make them available to stakeholders including KPC, other consultees and Council for agreement before the application is decided.
- 1.2 We note that should the application be determined on the 31<sup>st</sup> the Planning Officer's report is expected to be published on the 23<sup>rd</sup> July. KPC has been informed that responses to the application should be received by 24<sup>th</sup> July. The planning portal also shows the 'Comments Due Date' as 24<sup>th</sup> July and the Site Notice (available on the planning portal) states that comments should be sent by 26<sup>th</sup> July. Given the extensive public interest, CDC should consider deferring the planning decision to allow time for all consultation responses to be considered.
- 1.3 KPC objects to the present planning application for the reasons given here and as detailed in our previous consultation responses dated 24 Apr 2024, 04 Jun 2024, 05 Feb 2025, April 2025 and May 2025. This response summarises the concerns arising from review of the additional documents posted to the planning portal since May 2025.
- 1.4 Our latest response primarily considers the case for Very Special Circumstances (VSC) to build on the Green Belt. We welcome confirmation from the CDC Planning and Policy team and the LUC report that the land is a very highly performing part of the Green Belt and that development of the site would have a considerable adverse impact on the most fragile part of the Kidlington Gap, creating a large urban conurbation in which Kidlington is perceived as having merged with the City. We ask CDC to set the bar for proving VSC very high given the need to justify causing a level of harm that would "fundamentally undermine the Green Belt purposes".
- 1.5 Nothing in the new information changes our view that VSC for the stadium are not yet proven. Planning permission should be refused on those grounds.
- 1.6 Should the application be approved, we repeat our concern that CDC should ensure that no work, including site clearance, takes place until the outstanding issues are fully resolved, These include but are not limited to:
  - The need for an independent accounting audit to demonstrate current and future financial stability
  - Reliable 3<sup>rd</sup> party evidence proving that the club cannot stay at Kassam
  - An independent audit of the ecological report and Biodiversity Net Gain (BNG) calculation
  - Amendments to the site and management plan as required to protect the ancient wood.

- Changes to the site plan and management strategy to mitigate the risk that the stadium development may cause loss or deterioration of adjacent potential ancient wood
  - A detailed operational plan for handling security/evacuation and crowd segregation with assurances that safety considerations will not adversely impact the traffic model
  - Completion of OCC's formal Highways consultation and sign-off (see 8.2)
  - Resolution of issues raised by Thames Water re foul and fresh water supply
  - Detail on the location, costs and management of the Controlled Parking Zone (CPZ)
  - Further traffic and pedestrian modelling needed to clarify the severity of the traffic congestion impact resulting from the proposed road closures.
- 1.7 KPC appreciates the importance the club holds for its supporters. To the extent that this is a valid planning consideration, CDC should give equal weight to the strength of local opposition: the Parish Poll and previous and successive opinion surveys have shown about two-thirds of local respondents as opposed to the development, this prior to the release of information, around road closures, delays to public transport, CPZ, etc., that are very likely to have increased the level of opposition. Our residents would have to live with the adverse impacts of building a stadium that would cause coalescence with Oxford and would create severe congestion on the two main A roads that connect Kidlington to the south.
- 1.8 Should the application be approved, KPC intends to make a Section 106 request in order to secure community benefits and to mitigate the additional local pressures that will likely arise as a result of the application.

## **2 Very Special Circumstances (VSC) to release Green Belt – Financial considerations**

- 2.1 OUFC's latest Planning Statement Addendum Update 2 May 2025 posted 4/6/25 contains a change stating that a financial summary of the need for a new stadium has been submitted to Cherwell. The Additional Financial summary 23.06.2025 FINAL 1.pdf was posted on 24/6/25. It refers to an earlier financial summary dated Feb 2025, but this is not available for public scrutiny. KPC is informed that this is due to the commercial sensitivity of the club's current lease, but that it contains no additional financial information. As such, the Financial summary dated 23/6/2025 represents the evidence provided to assure CDC that the new stadium will ensure the financial stability and survival of the club.
- 2.2 KPC does not consider commercial considerations such *"Ensures Club's sustainable credible future and Championship status"* to be a valid planning consideration. For ease of reference we repeat that OUFC's clear preference to move and build a new stadium, along with the claim that doing so would help improve their commercial funding model, are not material planning considerations when seeking to demonstrate Very Special Circumstances. Cherwell should discount this argument when considering VSC.
- 2.3 If CDC is minded to consider the club's financial position when considering whether to release the land from the Green Belt, then the publicly available information financial information is inadequate, incomplete and out of date (for example that stadium construction would commence 2024). There appears to be no information on how the cost of building the stadium will be met and how this significant debt liability is projected to impact the club's future financial position. Clearly, the club is operating at a loss and is likely to continue to do so regardless of whether or not planning permission is given for the Triangle. The long-term financial viability of

the club is a particular concern to the Parish Council since a part-built or unoccupied stadium would be a serious liability to the area and would fail to deliver any benefits at all.

- 2.4 KPC does not believe that this unaudited and limited financial information, prepared by the Club's CEO, can be relied upon as a guarantee of the 'very substantial' level of benefit that is claimed as part of the VSC. Given the importance of the club's claims that the stadium will result in long-term financial sustainability this argument needs to be fully justified. The club needs to expose their figures to scrutiny in order to justify their claim.
- 2.5 We request that CDC asks for an independent (and if necessary confidential to CDC) audit of all the relevant accounting information. This should be completed and the summary findings made available before the application is determined.
- 2.6 KPC asks CDC to reject the business case as irrelevant in planning terms, and also to agree that the financial information provided to date does not demonstrate VSC.

### **3 Very Special Circumstances (VSC) to release Green Belt – Planning Policy Considerations**

- 3.1 CDC Planning Policy Conservation and Design Team's response to the OUFC application (posted 19/6/25) reviews the application against CDC policies and the NPPF. The key findings are that:
  - Oxford City (the City) Local Plan 2036 (adopted) policy SP14 confirms that the Kassam Stadium will remain on site and that any development around the stadium will not prejudice the development of the stadium West stand. The City has not asked Cherwell to provide a replacement site for the stadium as part of its emerging Local Plan 2040. Hence, OUFC's current stadium is safeguarded as a major commercial football venue for the foreseeable future.
  - Multiple Green Belt evidence studies have confirmed that the application site is strongly performing as Green Belt. CDC commissioned Land Use Consultants (LUC) to assess the applicants' claim that the site should be classed as Grey Belt. This document (*LUC Opinion on Green Belt role of land in the Kidlington Gap*, posted 19/6/25) confirms that the site is not Grey Belt, hence the proposal would be inappropriate development in the Green Belt.
- 3.2 LUC confirm that the site makes a strong contribution to: Green Belt Purpose A - to check the unrestricted sprawl of large built-up areas; Purpose B - to prevent neighbouring towns from merging; and Purpose C - to assist in safeguarding the countryside from encroachment. It follows that development of the site would have a considerable adverse impact on the Oxford Green Belt. The LUC study confirms that Kidlington should be considered a town when assessing the function of land in containing the spread of urban development. It also sets out the fundamental harm that development in the most fragile part of the Kidlington Gap would cause to the Green Belt and the adverse impact on the character of the area:
  - a. Unrestricted sprawl of the City beyond its northern boundary, breaching the remaining strong boundary separation from Oxford, taking development beyond the A34/railway
  - b. Incongruous development beyond the Kidlington roundabout that would impact the urban form of Kidlington, such that Kidlington would be perceived as being part of Oxford's urban sprawl

- c. Kidlington would effectively merge with the North Oxford site PR6b
- d. Significantly weaken the perceived openness of the settlement gap and strengthen the extent to which Kidlington is perceived as linked to the City: *“there would be a loss of almost all sense of separation between Oxford and Kidlington”*
- e. The de facto “merging of Kidlington with Oxford would represent a very significant increase in the size of a single urban area”
- f. The site is currently subject to little urban influence – it is in the countryside and undeveloped. “Given the height of the proposed stadium there would also be some urbanising impact on open land beyond the site boundaries”

- 3.3 The Planning Policy conclusion is that the development would be contrary to Local Plan Policy ESD 14 'Green Belt' and result in a significant change that fundamentally undermines the role of the Green Belt in the plan area.
- 3.4 Cherwell’s Planning Policy response and the LUC report vindicate and expand on Kidlington Parish Council’s long-standing position that this development would result in coalescence with Oxford City. Cherwell can be in no doubt from successive Local Plan consultations that this outcome would be unacceptable to very many residents of North Oxford, Kidlington and surrounding settlements.
- 3.5 We ask Cherwell to refuse the application on the grounds that it is contrary to Local Plan Policy ESD 14 and the NPPF. It is our view that, since the level of harm would “fundamentally undermine the Green Belt purposes”, the bar for proving VSC should be set very high.

#### **4 Very Special Circumstances (VSC) to release Green Belt – Community Benefits/ sport provision**

- 4.1 OUFC have submitted an update (June 2025 - Community Benefits ) summarising the proposed community benefits. This lists a number of specific commitments and (p. 2) additional facilities that the stadium and hotel facility would provide. There is a commitment to support grassroots sport, community groups, charities and schools. The stadium will also provide a home for the club’s associated charity, enabling it to increase the scope of current activities.
- 4.2 Generally KPC would welcome these potential opportunity benefits for residents should the stadium be built. However other strategic developments in the area will also provide direct, community focused benefits. Clubs currently based at Stratfield Brake are not under threat of being closed due to lack of funding for the facility as OUFC In the Community have claimed.
- 4.3 Regarding the need for the stadium to contribute to delivering sports facilities, this is partially addressed by CDC’s Planning Policy team’s response (Planning Policy response to OUFC application, posted 19/6/25). Cherwell’s adopted and emerging Local Plans incorporate Playing Pitch and Outdoor Sports/Open space assessment and strategies. They do not identify a need for the stadium or for the additional community support. There is no provision to alter the Green Belt boundaries within the emerging local plan. As such, we consider that the exceptional circumstance test (NPPF para 146) of *‘instances where an authority cannot meet its identified need for homes, commercial or other development through other means’* is not met and hence the community benefit case should be discounted when applying the more rigorous test of VSC.

- 4.4 Please refer to our previous feedback on the value of the proposed benefits to our community and the strength of local opinion opposed to a stadium in Kidlington. KPC remains of the opinion that the potential but uncertain benefits currently offered by the stadium do not outweigh the harm to the area.

## **5 Very Special Circumstances (VSC) to release Green Belt – The Club must move**

- 5.1 The Planning Statement Addendum Update 2 May 2025 All Appendices (1) posted 4/6/25 incorporates an APPENDIX 4: OUFC SHORT TERM KASSAM STADIUM EXTENSION. This states that the club has negotiated an extension to stay at the Kassam for a further 2 years. *“Following this, no further extensions or new lease agreements will be possible. This is confirmed in a press release that attached at Appendix 4. In short, this confirms that if planning permission for the new stadium is not forthcoming...”*

An OUFC press statement, published on its own website, is not reliable or sufficient evidence to prove that the club cannot stay at Kassam. We repeat our request (April 2025 point 2.6 and May 2025 ) asking CDC to require written evidence that OUFC has:

- a) Tried and failed to negotiate a new long term lease agreement with the stadium company
  - b) Made a market value purchase offer for the land and that this has been rejected
  - c) Sought assistance from Oxford City Council
  - d) Investigated the feasibility of obtaining a CPO and can show this is not an option; and
  - e) Supplied details of their proposed contingency arrangements for continuing to operate at a stadium once the current lease ends along with a valid explanation why these cannot be sustained long term.
- 5.2 The club has now had 9 months to respond to CDC’s Officer’s (letter 11/9/2024) request for proof that it cannot stay at the Kassam stadium. In that time it has successfully negotiated an extension of stay which it is attempting to downplay. It has failed to provide reliable 3<sup>rd</sup> party evidence that it must move. In summary, KPC urges CDC to discount this argument when considering whether the case for VSC exists.

## **6 Biodiversity and Ecological Matters**

The following new information from the applicant refers: 10736.may25 Statutory Biodiversity Metric(1); 10736.biodiversitynetgain.updated May 2025.vf2; and 10736.further Comments Response May 2025.vf1. The latest response from Ecology Solutions responds to consultation comments and addresses changes to the application. The response is disappointing and heightens concerns as to the credibility of this body of work. There is nothing here to substantially change KPC’s previous statements of concern and objection. Points of note include:

- Confirmation that much of the mandatory BNG gain will be off-site. This is the least desirable mitigation strategy, particularly on Green Belt.
- The claimed onsite BNG gain is based on the applicants continuing to classify the willow plantation as ‘arable, non-cereal crop’ despite objections from BBOWT and Cherwell’s Ecology officer that this is not appropriate. The football pitch is still classed as ‘poor modified

grassland’ – again arguably misclassified given the pitch will be regularly re-seeded, i.e not permanent, partly artificial and heavily managed.

- The report (2.3) is wrong to state that Frieze Way is currently lit along its entire length. Lighting is restricted to the roundabout areas. As such it provides an essential ‘dark wildlife corridor’ for bats and others along its length, and crucially allows connectivity between Stratfield Brake, the Triangle and adjacent woodland/green spaces. The facts are that the stadium operations will require changes to Frieze Way including greatly increased lighting (along its length if the footway is implemented), and also that the police will need to be satisfied that the stadium and road lighting is adequate for safe operation. The report makes explicit the intention to review lighting levels for safety reasons ‘at a later stage’. This seems tacit admission that the ‘bat friendly’ lighting levels will not be deliverable.
- The ecologist’s claim that the stadium site will provide an enhanced habitat for bats is difficult to believe. The mass of the stadium, sterilised pitch, increased lighting and heavy footfall will be accompanied by the loss of the insect-rich willow plantation etc.

- 6.1 A further concern is the related Oxfordshire County Council requirement for an off-road pedestrian and cycle walkway along the length of Frieze Way. This will require the removal of established hedgerows and result in further loss of valuable habitats. The need to light the road will further impact light sensitive species including bats. Since this path is a condition of the stadium development arguably it should be the applicant’s responsibility to mitigate the loss. We have seen nothing to suggest that any consideration has been given to this matter.
- 6.2 KPC asks CDC to ensure that the Ecological assessment and BNG calculations are redone to properly address these concerns. Given Ecology Solutions have not delivered a credible and unbiased assessment, CDC should commission an independent ecologist to audit the ecological aspects of this submission.
- 6.3 KPC continue to OBJECT to this application on ecological grounds for the reasons given here and as detailed in previous responses.

## **7 Proximity to Ancient Woodland**

- 7.1 Natural England’s (NE) response (06/7/25) confirms that the Woodland on the Triangle’s South border meets the criteria for inclusion in the Ancient Woodland Register. NE had previously advised that (regardless of the outcome) “*since the site has Ancient Woodland Markers, CDC should apply NPPF pt 193 (c) when considering the application*”. In any case, the wood is S.41 NERC protected Deciduous Woodland Priority Habitat/ancient woodland.
- 7.2 We urge CDC to ensure that the ancient wood is protected against harm. KPC understands that this will require a number of amendments to the site layout and management plan including:
- CDC’s Arboricultural officer has advised that a larger (15m) buffer zone should be enforced to protect Ancient Woodland. The proposed stadium boundary currently does not provide a 15m buffer along the entire length of the Southern boundary.
  - The management of the proposed ditch along the boundary must be amended to ensure that there is no requirement to remove overhanging branches. We note that the current Ecology Report has not addressed CDC’s officer’s concerns. The applicants still intend to pare back overhanging branches from the wood in years 0 through 5 with ongoing regular management



of 'shade levels' over the proposed boundary ditch. CDC should stress that this is not acceptable and ensure that the applicant undertakes not to remove overhanging branches.

- The risk that flooding from the stadium car park will flow into the wood and cause irreparable damage to the trees and soil (it is a bluebell wood) must be completely mitigated.

- 7.3 NPPF point 193 c states "*Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists*". The "wholly exceptional reasons" test refers to "For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat". This would seem to be higher than the VSC criteria, which KPC considers have not yet been demonstrated.
- 7.4 CDC should take measures, in line with national planning guidance, to adequately mitigate the risk that the stadium development may cause loss or deterioration of the wood. KPC notes that failure to do so represents potential material grounds for refusal.

## **8 Traffic and Crowd Management**

- 8.1 In order to grant planning permission Cherwell must be satisfied that para 115 (d) of the NPPF is met, i.e. significant impacts on the transport network or on highway safety, have been identified and can be mitigated. The OCC transport officer's report (OCC response 24-00539-F 30 May 2025) is disappointing in that several key issues raised by OCC's own consultant and consultation respondents are ignored or dismissed.
- 8.2 OCC have raised no objection to the application subject to conditions which include a number of works via Section 278 agreements. The County Council have not formally ratified road closures. The following items will require a separate legal (Traffic Regulation Order) process, which includes public consultation, and which will require sign-off by the cabinet member for highways:
- Oxford Road diversion route.
  - Parking measures at Oxford Parkway.
  - Matchday Controlled Parking Zone.
  - Speed limit reduction on Frieze Way.
  - Parking restrictions on Bicester Road, Oxford Road and Frieze Way.
  - New cycle paths and signalised crossing.
- 8.3 Many of these measures will require identification of areas required to be dedicated as public highway (e.g. the Frieze Way footway), and are dependent on reaching agreement with all relevant landowners. If the application is approved then CDC should apply a condition to ensure that no work takes place until these matters are signed off.
- 8.4 We refer CDC to the concerns KPC has raised previously and restate KPC's objection to the application on the grounds that the traffic/crowd management plan involves the closure of locally important arterial A roads that cannot be adequately mitigated. The applicants have not shown that the development meets the requirements of para 115 (d) NPPF.
- 8.5 KPC remains opposed in principle to a development that requires match day road closures. It believes that the duration and impact of the stadium traffic and pedestrian management plans is

likely to be significantly greater than predicted. The failure to provide detailed operational planning for handling security/evacuation and crowd segregation plans reinforces this view, since any additional measures will increase road closure times.

- 8.6 KPC has obtained consultancy advice regarding its unmet concerns on issues of traffic management. The consultants' report together with our comments on it are attached to this submission.

## 9 Controlled Parking Zones (CPZ)

- 9.1 KPC is concerned that a match day Controlled Parking Zone (CPZ) will be required for a 2km (approximate) distance from the site, similar to the existing matchday CPZs around the current stadium which are managed effectively by the County Council. OCC have requested contributions for the design, consultation and implementation of this along with costs towards additional enforcement. Residents within this zone would need to apply to the County Council for permits. We understand that the County Council cannot request OUFC to pay for residents permits within this zone for a set time, via the planning process. Currently this is at the club's discretion and we suggest that this could be part of the community benefits package to be agreed with CDC, as a good will gesture to those most impacted. It would be wholly unacceptable for residents or the Parish Councils to have to pay in any way for the CPZ. It is also essential that the CPZ should be rigorously enforced.
- 9.2 Please refer to KPC's previous responses on this matter which is of great concern to KPC, since we do not consider the CPZ proposals are sufficiently well worked up to be confident that the zones will be implemented, funded and monitored as necessary to protect our residents interests.

## 10 Policing, Security, Hostile Vehicle Mitigation, and Evacuation Measures

- 10.1 Please refer to KPC's previous responses on this matter which is of great concern to KPC.
- 10.2 CDC's Planning Policy team comment on the requirement (NPPF para 102) for planning policies and decisions to promote public safety and take into account security and defence requirements. They note that "*Relevant agencies including Police and Fire and Rescue Services should be consulted to ensure that location, layout and design of the proposal can be considered appropriately to ensure public safety and security*". It is our view that this consultation should take place and report on the safety and security measures that will be required prior to the planning decision.
- 10.3 KPC object to this application on the grounds that the applicants have failed to demonstrate that the application meets the requirements set out in The NPPF 2024, Section 8, Paragraph 102.

### Attachments:

- Transport Technical Note prepared by Mayer Brown for KPC, July 2025
- KPC Traffic supplement

Sarah Kearney – Clerk - sent on behalf of the Kidlington Parish Council