

APPENDIX 1 – SUMMARY OF REPRESENTATIONS

All third party responses have been carefully considered and, where appropriate, concerns have been addressed either through the supply of further information or through the planning conditions and obligations. Summary details of third party responses are included in this Appendix. Full details of all comments received are available via the Council's website.

A variety of organisations, resident associations and forums also submitted comments, and these are also considered below.

Committee Members will be updated on other consultation responses received between writing this report and the committee meeting.

A letter has been received from a Law Firm on behalf of a local interested group who raise the following key points:

- Deep concern about the application and wish to register strong objections. The application has numerous errors and procedural failings and, if approved, will cause irreversible damage to a site which has high local ecological significance and value. Key objections are:

- Protected Species: bats:

Despite the known presence of bats on the site and in the locality, including rare and priority species such as Barbastelle, the applicant has failed to follow Natural England's standing advice. It has not:

- Assessed bat population sizes
- Identified important flight routes and foraging areas used by bats close to the proposed development
- Taken into account the conflicts with Oxfordshire County Council's and Thames Valley Police's requirements such as lighting on both the woodland to the south of the site and on Frieze Way.

It is also raised that Natural England has high level principles that it applies when it is assessing licensing applications. One principle is whether there is a satisfactory alternative to delivering and meeting the need in the way proposed. If the Council considers that a licence is likely to be needed from Natural England in relation to any protected species, it should therefore consider whether there is an adequate alternative site.

- Traffic and Transport:

- Local Plan SLE4 requires the LPA to assess whether the development is '*suitable for the roads that serve the development*' and whether '*cumulative impacts... would be severe*'.
- The NPPF requires the LPA to assess 'likely' and 'reasonable' traffic scenarios.
- The following deficiencies mean that the LPA does not have the necessary information to address these requirements. The LHA has:
 - Ignored the primary recommendation of its own independent auditor, Pell Frishmann, to model worst case scenarios by having a base traffic modelling scenario which assumes zero traffic reduction due to mitigating measures.

- Failed to consider the impact of the road closure set up and take down times on the overall length of the road closure including failing to notice that the Applicant has allowed no set up or take down time for the erection and dismantling of barriers and cones along the length of Oxford Road it proposes to close.
 - Failed to consider the reasonable scenario in which the Oxford Road must be closed for the duration of a match in order to function safely as an emergency evacuation muster point.
 - Allowed only best case scenario road closure times to be modelled.
- Green Belt:
 - The Planning Policy Team has concluded that the Site is Green Belt and as such 'Very Special Circumstances' must therefore be evidenced.
 - Very Special Circumstances have not been evidenced:
 - The Applicant could remain at the current stadium; it simply chooses not to.
 - There is no evidence that the Applicant has ever approached the owner, Firoz Kassam, to negotiate a new long-term lease, or of a recent offer to purchase the current stadium
 - There is no evidence that the Applicant has approached Oxford City Council to discuss whether the Council could use its powers to compulsorily purchase the Kassam Stadium (whether itself, or as a facilitator).
 - Claims that a new stadium would make the Applicant financially sustainable and ensure its survival are not supported by the evidence provided.
 - The Applicant overstates the claimed benefits and understates the claimed harms of the development.
 - The Applicant's 'evidence' that it cannot remain at the current Kassam Stadium is its own press release which includes unverified quotes from the owner, Firoz Kassam.

The Council must be satisfied that the development would be in a sustainable location.

- Ancient Woodland:
 - The status of the possibly ancient woodland is of fundamental importance to this planning application because the plans do not allow for a 15m buffer zone.
 - The current plans would therefore lead to loss and deterioration of the woodland.
 - The Council, as LPA is responsible for determining whether the woodland is ancient and Natural England's most recent decision is not definitive.
 - Natural England's determination that this is not ancient woodland based on its absence on maps from 1823 to 1831 is incorrect as new evidence shows that it is obviously present and well establish on the OS 1833 map of the area, and indeed, with the same outline as it has today.
 - The Council should hold a statutory re-consultation on the Applicant's 18 July report in order to make a considered decision on this important matter.

- The letter provides an assessment of the benefits and harms of the proposed development.

Comments made in Objection

Green belt

- Proposal is inappropriate development in the green belt.
- Proposal would have an unacceptable impact on openness and the green belt.
- Proposals would result in unacceptable built development and hardstanding.
- There are not adequate very special circumstances to justify the development.
- Site search and selection process submitted is inadequate
- Development of this parcel will lead to coalescence with Oxford
- Lack of justification to leave the Kassam site
- The ASA contradicts OUFC original site area requirement of 7.17ha
- No evidence that OUFC is financially stable

Officer Comment: *It is acknowledged that the application proposes 'inappropriate development' in the green belt, represents a departure from green belt policy and that the proposal would impact adversely on openness. However, as explained in this report it is considered that the very substantial overall planning and public benefits of the proposed development, combined with the other material considerations identified in this report, as controlled and mitigated by the conditions and planning obligations recommended would, represent 'very special circumstances' which on balance outweigh the harm caused by the proposals to the green belt and the conflict with green belt policy. The site selection process carried out in respect of the green belt is considered to be acceptable for a development of the nature proposed. An evaluation of the proposal in respect of the green belt is carried out in greater detail in sections 9 and 10 of this report.*

Transport, traffic, access, and parking

- Proposal would exacerbate the already unacceptable levels of traffic, congestion and parking in the area and also hamper the movement of emergency service vehicles.
- Site is detached from major transport hub of Oxford Parkway and as such, the site is not in a sustainable location
- Proposal would provide inadequate numbers of parking spaces.
- Inadequate account taken of existing passenger usage and the impacts of service closures in respect of public transport.
- Transport Assessment submitted contains inaccuracies and does not adequately assess the development proposed.
- Transport and Pedestrian modelling is inadequate/inappropriate
- Proposal would be detrimental to highway and pedestrian safety.
- The transport mitigation measures proposed are inadequate and the applicant has made no guarantees in terms of those put forward.
- Do not want a Controlled Parking Zone in the area
- Private roads in the area will suffer parking problems.
- A bridge ought to have been provided over the Oxford Road to negate the need to close the road
- Further engagement with Peartree Park and Ride is needed
- Insufficient emergency evacuation information provided
- HMV and counter terrorism assessments should be made prior to determination

- Unacceptable impact on emergency services capacity, including ambulance and fire services
- S106 obligation should be imposed to require Club to explore alternative pedestrian connectivity strategies to and from the stadium

Officer Comment: *Transport and Highway matters, including parking, are discussed in section 9 of this report, where the above issues are addressed. The proposal would result in certain highway impacts associated with the inevitable peaks in travel activity immediately before and after matches, but the TA and detailed traffic modelling work conclude, and Officers concur, that the traffic impacts would not result in an unacceptable level of traffic congestion. The application includes a shuttle bus service that would provide links to the Park and Ride services, including Peartree and Thornhill. A network of coach services is also currently provided which will be monitored and improved (if required) and will help encourage non-car travel.*

Alternative pedestrian connections were explored with the applicants as part of a confidential pre-application submission. The alternatives included the provision of a footbridge over the Oxford Road. The current application does not include the provision of a bridge, as it is not required as direct highway mitigation to the stadium proposal. Furthermore, it is likely that a bridge would still require traffic management (i.e. road closures) on match days, as it is not clear how large volumes of pedestrians would safely access the stadium, unless the bridge was of a substantial width (greater than 10 metres). A narrower bridge would result in queuing, impact on travel time and could encourage people to cross the road in an un-safe manner. As such, all bridge options would likely need to be closed on match days. In addition, Thames Valley Police have confirmed that they would not be supportive of a bridge or underpass crossing under the Oxford Road, stating that a bridge/underpass would prove a significant challenge in terms of maintaining safety and responding to incidents of disorder.

Crowd and traffic management measures will be implemented, managed, and monitored by condition, controlling traffic on the roads around the stadium and at Oxford Parkway to ensure the safety of fans is prioritised. The applicant will require a certificate from the County Council, via Trading Standards, in consultation with the Safety Advisory Group¹ (SAG) before they can bring the stadium into use. The safety certification process requires evidence of satisfactory evacuation procedures along with all other safety protocols.

Thames Valley Police has requested conditions, including those to require an exceptional evacuation strategy, prior to development above slab level. These details will also form part of the safety certification process. Under the latter, the emergency exit capacity will state the number of people (that is, spectators and all other people present) that can safely exit from the sports ground, or section within it, under emergency conditions to a place of safety within a set time. The determination of that set time is based on an assessment of the levels of fire risk present throughout the exit route.

It is important to note that the system of safety certification lies with the County Council. Under the Safety of Sports Grounds Act 1975, any authorised persons from the certifying (local) authority, police, fire and rescue authority and the building authority may enter and make inspections of the sports ground at any reasonable time. The Act also makes provision for the certifying authority to issue a notice prohibiting or

¹ The SAG is an advisory body. It does not make decisions nor issue enforcement actions. Rather, it exists to assist a local authority in discharging its legal responsibilities.

restricting the entry of spectators to all or part of a sports ground where, in its opinion, there is a serious risk to their safety.

The Guide to Safety at Sports Grounds (also known as the Green Guide) provides detailed guidance on the building, planning and management of safety at sports grounds. The Green Guide has no statutory force but many of its recommendations will be made statutory at individual grounds where reference is made within safety certificates.

Under the Guide to Safety Certification², it is confirmed that responsibility for safety at a sports ground lies at all times with ground management. However, at certain sports grounds and/or for certain matches or events the presence of the police may be required to maintain public order and prevent the commission of offences. The local authority has no responsibility for operational policing either inside or outside the sports ground. All operational issues concerning the deployment of police officers within a sports ground are for the police themselves.

In this regard, no objections have been offered by Thames Valley Police or the Local Highway Authority.

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. Contributions have been requested 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, although these are lower than standard residential permits (currently £20 annually in the existing matchday CPZs but subject to review). It is at the club's discretion if they wish to pay for residents permits within this zone for a set time, however, this is not something the LPA can request as a CIL compliant contribution.

The Applicant has submitted a framework travel plan with this application, which is acceptable for this stage of the application and is to the satisfaction of the Local Highway Authority. Full travel plans for each land use will be required by condition.

The application does not seek consent for the erection of a bridge. The Local Highway Authority have confirmed that a bridge is not required as direct mitigation to the stadium.

The site has been tracked for emergency vehicles around the entire site and notably, the perimeter of the building. There is 100% coverage. The fire strategy report contains the performance requirements for fire vehicle access and dry riser provision, hydrants etc which Oxfordshire Fire Service have not objected to.

In relation to the Ambulance service, as noted in the consultation responses above, the SCAS have stated they are confident there would be no care gap in the event of a major incident. They have an active stadium plan which covers access, care gap risks and major incident scenarios. These plans are updated annually before the start of each season and would be updated for a new stadium.

It is noted that the development will also need to meet the requirements of other legislation, for example licensing and Building Regulations, and it is not considered appropriate to duplicate the requirements of other legislative regimes.

² <https://sgsa.org.uk/document/guide-to-safety-certification/>

Careful scrutiny of the TA and other key transport parts of the submission has taken place, including by specialist Transport Consultants, on behalf of and in addition to Local Highway Authority Officers. On balance Officers consider that the assessment is robust and the proposed scheme acceptable on highway safety, transport, and parking grounds.

Loss of and adverse impacts on amenity

- Proposal would result in unacceptable levels of noise and disturbance.
- Proposal would result in unacceptable levels of crime and litter.
- Proposal would cause unacceptable levels of pollution.
- Additional vehicle movements, traffic, congestion, and parking generated by proposal would harm amenity.
- The proposed uses would harm amenities on match days and at other (non-match day) times and be of no benefit to the area.
- Mitigation proposed in respect of protecting amenities is inadequate and will not achieve the suggested outcomes.

Officer Comment: *Officers conclude, in light of all the environmental information that has been submitted in the EIA process (including consultees' representations), that, as controlled by the mitigation provided by the conditions and planning obligations recommended, the development proposed would be acceptable in terms of its impacts on the amenities (in all regards) of existing and prospective neighbouring properties. An evaluation of the proposal in respect of the different aspects of amenities is carried out in greater detail in section 9 of this report.*

Design, appearance and sustainability credentials are unacceptable

- Design of proposal is unacceptable, would cause a loss of visual amenity, harms the character of the site and wider area and constitutes over-development
- Proposal fails to achieve the policy requirement of high quality design.
- Proposal is not clear or sufficiently detailed on aspects of the development
- Proposal would have unacceptable lighting impacts.
- Proposal would impact adversely on energy usage.
- Questionable carbon reduction pledges
- Economic benefits are limited

Officer Comment: *The design of the proposed development is considered to be acceptable, appropriate and have appropriately addressed the relevant design related policies in the development plan. It is not considered that the proposal would have an unacceptable impact on the character, appearance or visual amenities of the area having regard to the ES and the relevant proposed mitigation measures. As regards energy policy, it is noted that the proposal is likely to achieve a "very good" rating under the BREEAM assessment methodology, in accordance with Policy ESD 3. The details provided with the application are deemed to be sufficient for its proper assessment and the design approach put forward is appropriate.*

Unacceptable impacts on existing habitats, trees, and protected species

- Proposal results in loss of TPO'd trees
- The woodland to the south is ancient woodland and is being considered for designation by Natural England

- Existing site habitats are unique and have been undervalued
- Evidence of rare flora and fauna that has not been properly assessed
- Inadequate mitigation measures for protected species, particularly bats
- Concern raised regarding the mapping information provided directly to Natural England and their response relating to the status of the woodland based upon that. A delay is sought to enable further consideration by Natural England.

Officer Comment: *The woodland to the south is not considered to be Ancient Woodland, as set out in the main body of this report. Natural England have not objected to the proposal.*

Subject to conditions/legal agreement impact on bats is considered acceptable as detailed in the ecology section in the main report

Following mitigation and enhancement measures, overall impacts are considered to be positive at the local level and will ensure no net loss in biodiversity terms. The proposals therefore in the first instance avoid where possible and thereafter mitigate for any biodiversity loss.

The EIA assesses the impact of the proposed drainage strategy on receptors within a 1km radius and concludes that will be no change to the greenfield runoff rates from the Site, there will be a Negligible significance of effect to the impact zone of the Pixey and Yarnton Meads SSSI, the wildlife area adjacent to the Oxford Canal and Stratfield Brake woodland during the construction period.

The LPA are satisfied that the woodland is not ancient woodland as set out in the appraisal and in this context, there is no need for a further delay as there has been clear consideration by Natural England.

Flooding and Drainage

- Adverse impact on flooding and drainage of Oxford to Kidlington roads
- Sewage and waste capacity concerns

Officer Comment: *Greenfield run off rates from the site will be maintained. The drainage strategy includes measures to clear the existing culvert, which will alleviate existing surface water flooding issues. Thames Water has a statutory obligation to provide foul drainage and water supply. The EA and Thames Water raise no objection to the proposals, subject to conditions to secure an infrastructure phasing plan.*

Comments Made in Support

Economic and Community benefits

- Benefits for young people and women's football
- Economic benefits for Kidlington, as facilities would encourage tourism
- Aligned with central Government growth agenda
- Would secure long term future of the Club
- Would provide an accessible green space
- Freeing Kassam site would provide much needed housing
- Football important for community cohesion and mental wellbeing
- The development strongly aligns with CDC's and OCC's strategic priorities
- Would allow for continued charity work by Oxford United in the Community
- Reduction in anti-social behaviour through provision of leisure facilities for young people

Green Belt and VSC

- Perfect example of grey belt designation
- Roads provide barrier from Kidlington. Gap will be maintained
- Existential threat to OUFC clearly VFC
- Site search and selection process submitted is robust

Traffic and Transport

- Sustainably located
- Would improve public transport infrastructure
- Mitigation measures appropriate
- More accessible to cyclists
- OUFC's Wembley match (May 2024) demonstrates that Oxford Parkway has capacity

Design

- Well considered design and low carbon development
- Improved site accessibility and inclusion
- Noise/light pollution mitigated by design
- Improved drainage at Stratfield Brake
- All electric stadium

Biodiversity and drainage

- Will increase and enhance biodiversity
- Improved drainage/flood protection at Stratfield Break

Officer comment: *Impacts of the proposal on community use, the community more widely, the green belt and design and landscaping matters are addressed in main report above.*