

**CHERWELL DISTRICT COUNCIL
PLANNING COMMITTEE**

14 August 2025

WRITTEN UPDATES

**Agenda Item 5 – Land To The East Of Stratfield Brake And West Of Oxford Parkway
Railway Station Oxford Road Kidlington**

Additional representations from third parties

5 new representations received, 4 in objection and 1 in support

A particular letter of objection and accompanying response note (to the applicant's '*Arboricultural Technical Note*' dated 18 July 2025), received on 11 August 2025, raising the following points in summary:

- New evidence (including the 1833 OS map) suggests the woodland bordering the Triangle site may qualify as Ancient Woodland.
- The Applicant's Arboricultural Technical Note is alleged to contain material flaws, including:
 - Omission of key historical maps.
 - Misinterpretation of woodland features and history.
- The Council is urged to:
 - Reconsult on the new evidence.
 - Engage Natural England to reassess the woodland's status.
 - Correct procedural errors, including misleading statements in the planning officer's report.

Response received (12 August 2025) in relation to the response above, disputing evidence submitted for the following summarised reasons below and asking that the evidence submitted be completely dismissed and afforded no weight:

1. Misunderstanding of Criteria: Ancient woodland status depends on continuous woodland cover since 1600 AD, not individual tree age.
2. Unreliable Estimates: The growth rate calculations are speculative and fall short of the required age threshold.
3. Unsupported Assumptions: Claims about coppice stool continuity lack physical or historical evidence.
4. Contradictory Historic Records: Historic maps show the area was open pasture for centuries, undermining claims of continuous woodland

Letter received 13 August 2025 raising the following points in summary:

Supports the principle of the stadium development but raises significant concerns about the transport strategy and its potential adverse impacts:

- Oxford Road Closures: Proposed matchday closures could cause delays of up to 15 minutes on key routes and 13 minutes for buses. Emergency evacuation plans are not yet detailed.

- Pedestrian Safety: High pedestrian volumes crossing Oxford Road are a concern. Alternatives such as bridges/underpasses or relocating cycle parking and drop-off points are suggested.
- Walking & Cycling Routes: The proposed “greenway” is not deliverable. The Frieze Way route is viable but needs design clarification and safety improvements.
- Bus & Rail Provision: No formal commitments to enhanced services. Chiltern Railways cannot guarantee matchday rail services. Planning obligations are requested to secure funding and delivery.
- Parking & CPZs: Controlled Parking Zones should be extended to nearby future developments.
- Governance & Funding: The Match Day Travel Plan lacks governance detail. All mitigation measures should be secured via planning obligations.

Response received (13 August 2025) disputing the claims made against road closures by other third parties, in summary raising the following points:

- Diversion Window Misunderstood: The 45-minute window is a flexible operational envelope—not a rigid 35+5+5 minute breakdown. Deployment and removal are phased and managed dynamically.
- Speculative Infrastructure Assumptions: The objection incorrectly assumes continuous fencing/barriers along the full 675m closure. The application proposes targeted infrastructure at pinch points, consistent with modern event traffic management.
- Pedestrian/Bus Segregation: Safe separation can be achieved without full-length barriers using marshals, shuttle control, and temporary pens.
- Emergency Access Misrepresented: Evacuation plans allow for rapid access via removable sections and steward control. Full dismantling mid-event is not required.
- Appropriate Detail for Planning Stage: OCC confirms that deployment specifics will be secured via planning condition and TTRO approval—standard practice for stadium operations.

Response received (13 August 2025) disputing the comments made regarding the third party response to ‘Tree Age Calculations and Ancient Woodland Claims’.

Officer note – No new ecological information has been submitted by the applicants requiring a statutory re-consultation. Officers are satisfied with the approach taken to the assessment of Stratfield Brake (i.e. that it is not Ancient Woodland). Ancient woodland is defined as land that has been continuously wooded since at least 1600 AD, and in assessing such status, reliance is placed on Natural England (NE) as the responsible authority rather than information from other parties such as OUFC. While it is acknowledged that the Ancient Woodland Inventory does not rule out the identification of additional ancient woodland areas, in this case, NE has given the matter significant consideration, including issuing three formal communications. Their latest position reflects appropriate scrutiny, and although differing views have been expressed by various stakeholders, NE’s authority is the basis for judgement. Given the thorough review already undertaken, it would be unreasonable to delay the application’s determination. This is a substantial area of woodland, but one that has been properly assessed.

Additional representations from consultees

CHILTERN RAILWAYS AND NETWORK RAIL (received 8 August 2025) - Updated finalised joint response, with requested Section 106 Heads of Terms:

Rail capacity:

- Chiltern Railways can confirm that following an announcement of new trains on Tuesday 5 August, we do expect to have enough carriages to serve the stadium development.
- Whilst our new (MK5A) trains will not serve Oxford Parkway, they will free up our existing trains (Class 165 and Class 168) so that we can run longer and more services from December 2026. This means that we do now have additional capacity secured to support future Oxford United football fixtures.
- We are continuing to monitor future development across our Oxford – London and Oxford – Milton Keynes routes including from the Puy du Fou Theme Park, Bicester Village growth and Universal Studios development.
- It is likely that more rail capacity will be needed by the early 2030's to support this cumulative growth. We are building a business case for new battery/electric trains which subject to approval from the Department for Transport would be introduced in the mid 2030's.

Oxford Parkway – S.106 requirements:

- Network Rail as the owner of the land would be a co-signatory to the Section 106 agreement with Chiltern Railways to ensure it is future proofed as the UK railways transition to public ownership.
- Network Rail and Chiltern will need to work with Oxford United to deliver the enhancements according to existing railway standards and permissions. Further design work by a specialist contractor will need to be paid for by Oxford United to ascertain exact costs and scope of these interventions once the scheme progresses to a detailed design stage.
- Chiltern/Network Rail will appoint an interface Project Manager to deliver the enhancements with Oxford United providing the funding.

Payment of contributions towards Chiltern Railway improvements, to include;

- 2 new access gates to the Oxford bound platform and associated ticket readers
- 4 additional customer waiting shelters (2 on each platform)
- Creation of a dedicated toilet facility to meet the needs of 4000 fans on match days
- Improvement to wayfinding and signage between the station and new stadium
- Contribution towards provision of operational management centre at Oxford Parkway
- Contribution towards providing match day barriers and related storage facility

NATURAL ENGLAND (received 11 August 2025) Natural England has reviewed new evidence submitted on 24 July 2025 and concluded that while Stratfield Brake cannot be definitively ruled out as ancient woodland, the available evidence is contradictory and insufficient to support such a designation.

The site is confirmed as long-established woodland with high biodiversity value and qualifies as priority deciduous woodland habitat, which ranks just below ancient woodland in conservation importance. Historic mapping shows woodland presence from around 1830, but earlier maps are either inconsistent or unreliable for confirming woodland continuity before 1600.

Ecological surveys and species data are incomplete or lacking in location specificity, and discrepancies exist between reports. The presence of old coppice stools and ancient woodland indicator species is noted but not clearly mapped.

Natural England recommends further seasonal ground flora surveys and mapping of old growth features but, given the planning context, concludes that Stratfield Brake does not meet the criteria for ancient woodland. Nonetheless, it urges strong protection measures to prevent habitat loss or degradation.

Officer comment: Following Natural England's review of new evidence submitted and their conclusions submitted on 11 August 2025, Officers are content that the status of Stratfield Brake has been appropriately assessed.

In accordance with paragraph 193a of the National Planning Policy Framework (NPPF), which states:

When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

Officers are satisfied that the application has incorporated appropriate safeguards. These include measures to avoid habitat deterioration, protect root protection zones, and to minimise impacts on biodiversity, through appropriate conditions and legal obligations (i.e. woodland management plan).

Officers therefore consider that the application accords with national policy requirements for the protection of priority deciduous woodland habitats.

OCC HIGHWAYS: Comments have been provided to address the points raised by Mayer Brown's Transport Technical Note Report (TTN) dated 15th July on behalf of Kidlington Parish Council. Oxfordshire County Council (OCC) acting as the Local Highway Authority (LHA) has engaged with the applicant along with multiple stakeholders throughout the planning process and has thoroughly assessed the proposed new stadium development. As such the recommendation of no objection subject to planning conditions and planning obligations is maintained. **The full response can be found at appendix 1.**

WOODLAND TRUST: The Woodland Trust, managing Stratfield Brake on behalf of Oxfordshire County Council, raises concerns about drainage impacts from the proposed stadium development:

- Culvert Clearance: Supports Cherwell DC's drainage advisor recommendation that planning consent be conditional on clearing the 750mm culvert under Frieze Way.
- Ecological Risk: Increased surface water discharge may turn Stratfield Brake into a floodplain, threatening mature woodland and biodiversity.
- Access Issues: Seasonal flooding already affects the permissive path network and canal towpath access. Additional runoff could worsen this.
- Requested Conditions:
 1. Applicant to clear the drainage ditch across Stratfield Brake and connect to the canal siphon.
 2. Works to be completed alongside culvert clearance before stadium operation.
 3. All works to be funded by the applicant and agreed with the Woodland Trust and OCC.
 4. Ongoing maintenance of culvert and ditch to be applicant-funded and agreed with relevant parties.

The Trust emphasises that these measures are essential to prevent ecological harm and ensure public access is not compromised.

Additional representations from Agent/Applicant

Clarification received regarding the date that the right to use the Kassam ends.

- The licence at the time of the ASA was until June 2026
- The extension is **only agreed to June 2027** (not 2028)
- There is an **option to extend to June 2028** – but the stadium company made this **conditional on planning permission having been granted**. E.g if planning permission is not granted the club have to vacate by 2027.

This has been reflected in the Officer update below.

Additional representations from Councillors

COUNCILLOR MIDDLETON - concerns about the assessment of financial viability information provided to support the VSC argument for this application. There is no detail that can be scrutinised by either members of the planning committee or the general public, save for an outline position that was published but was not re-consulted on. There's also a non-disclosed document that is being used to inform a vital aspect of the VSC consideration that is not available for scrutiny or consultation. On that basis the recommendation of weight in the VSC matrix is being made that also cannot be properly scrutinised by the planning committee.

Given the above I would suggest that this aspect of the VSC should be given absolutely no weight rather than 'little' weight and completely excluded from the VSC consideration.

Officer comment: This aspect of the VSC is given little weight on the basis that officers have not had sight of any detailed accounts or business plans to show the substance behind these assumptions. The weight to be applied to the VSC and any other material planning consideration is ultimately a matter of judgement for the decision maker – in this case the Planning Committee with the advice of its officers.

Officer Update:

Clarification/amendments to the committee report:

Para 9.76 of the committee report is amended to -

- 9.76 At the present time, OUFC play at the Kassam Stadium. Evidence has been submitted to demonstrate that post ~~30 June 2026~~ **June 2027**, OUFC will have no legal right to use or occupy the Kassam Stadium and post 14 October 2026 there will be no legal obligation for the main use of the land to be for football (by any club). **There is an option to extend to June 2028 – but the stadium company made this conditional on planning permission having been granted. E.g if planning permission is not granted the club have to vacate by 2027.**

Para 9.118 1st bullet point of the committee report amended to –

- Site 27 (Kassam Stadium) – the availability of the Kassam Stadium is detailed in the ‘Need to relocate from the Kassam Stadium’ section above. In essence, post ~~30 June 2026~~ **June 2027**, OUFC will have no legal right to use or occupy the Kassam Stadium and post 14 October 2026 there will be no obligation for the main use of the land to be for football (by any club). **There is an option to extend to June 2028 – but the stadium company made this conditional on planning permission having been granted. E.g if planning permission is not granted the club have to vacate by 2027.**

Whilst it is currently available, it does not provide the necessary security of tenure required by EFL (as detailed in the ‘EFL Requirements’ section below).

Conclusions in respect of Heritage updated as per the relevant paragraphs below:

- 9.185 **In accordance with paragraph 216 of the NPPF, the effect of the proposal on the significance of a non-designated heritage asset (in this case, archaeological remains) must be balanced against the scale of the harm or any loss to the significance of the heritage asset.** The County Archaeologist has noted that the submitted ADBA concludes that if further Mesolithic remains are recorded on the site they could be of regional significance. If granted permission, the development of a stadium is likely to have extensive impacts on any surviving below ground remains which are **non-designated heritage assets**. Whilst this would be a harmful impact, a staged programme of archaeological investigation should be implemented to be sought via a planning condition and this would therefore result in less than substantial harm. For this reason the OCC Archaeologist raises no objections. The additional investigation would enable the investigation, recording, analysis and archiving of heritage assets before they are lost and to advance the understanding of the heritage assets in their wider context through publication and dissemination of the evidence.

Conclusion

- 9.186 **In terms of the direct impact on non-designated heritage assets, the County Archaeologist is satisfied that** the suggested conditions would address and **appropriately record** safeguard any potential below ground remains **and therefore on balance, the impact is considered acceptable. In terms of the impact on designated heritage assets,** a large development of this kind will undoubtedly have a visual impact within the landscape and there will inevitably be wider landscape implications in views both close to the site and from the wider countryside. This does not however necessarily equate to heritage harm or more specifically mean there is harm to the significance of the heritage assets as a result of development within their setting.
- ~~9.186 The NPPF requires (paragraph 215) that where a development proposal will lead to less than substantial harm to the significance of a heritage asset (in this case below ground archaeology), this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. This balance will be undertaken in the overall planning balance later in this report.~~
- 10.21 As per paragraph 216 of the NPPF, it is also necessary, due to the identification of the potential for **a direct effect on non-designated archaeological assets** ~~less than substantial harm to heritage assets (i.e. below ground archaeology),~~

to **reach a balanced judgment, having regard to the scale of any harm or loss and the significance of the heritage asset.** ~~weigh this harm against the public benefits of the proposal, including where appropriate, securing its optimal viable use.~~ In this case and for the reasons set out throughout this conclusion which represent significant public benefits, it is considered that those benefits outweigh the harm to **non**-designated heritage assets. This also acknowledges the required planning conditions sought by the OCC Archaeology team which has led to their response of no objection.

Correction of para 9.235

- 9.235 The submitted metric demonstrates a net loss for biodiversity on site and there are queries in the metric regarding the baseline and post development habitat classifications which will need to be updated later via a metric required to discharge the statutory condition. The development is statutorily obligated to achieve a 10% net gain but in this case the proposal seeks to deliver a 20% net gain. The achievement of this higher standard is proposed as a combination of on-site habitat creation and the purchase of off-site credits to enhance biodiversity. This would be secured via a legal agreement and/or planning conditions accompanying any planning permission. ~~The achievement of BNG will be.~~ The provision of an updated Habitat Management and Monitoring Plan (HMMP) will be required and a monitoring fee for habitat reports to be submitted for a minimum of 30 years given the complexity of the habitats to be created.
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