

To: Cabinet
Date: 13 November 2019
Report of: Head of Planning Services
Title of Report: Oxford Stadium

Summary and recommendations	
Purpose of report:	To put in place a mechanism for this council to assist in bringing forward the Oxford Local Plan 2036 proposals for Oxford Stadium if the policy approach to retain the stadium is supported by the Planning Inspector examining the Local Plan.
Key decision:	Yes
Executive Board Member:	Councillor Alex Hollingsworth, Cabinet Member for Planning & Sustainable Transport
Corporate Priority:	Strong and Active Communities; Meeting Housing Needs; A Vibrant and Sustainable Economy; A Clean and Green Oxford
<p>Recommendations: That Cabinet resolves (subject to the Local Plan policy for Oxford Stadium (SP52) to retain the Stadium with enabling residential development being found sound by the appointed Planning Inspector,) to:</p> <ol style="list-style-type: none"> 1. Seek to procure a development partner / operator, with a viable business plan, to try to acquire the Oxford Stadium by agreement and deliver the requirements set out in Policy SP52 but to indemnify the Council for the associated costs; and, 2. Confirm that if the Oxford Stadium cannot be acquired by agreement, then, as a last resort it would be willing, if necessary, to use its Compulsory Purchase Order (CPO) powers to acquire the site; and to 3. Note that if an option to use CPO powers was to be pursued a further report would need to be submitted to Cabinet to seek approval for a detailed scheme for the redevelopment of this site demonstrating that the legal and policy tests for the use of its CPO powers had been satisfied. This would need to be accompanied by a recommendation to Council to seek authority to set up a budget for any additional costs for the implementation of its CPO powers, which would be redeemed from the development partner. 	
Appendices	
Appendix 1: Policy SP52: Oxford Stadium	

Introduction

1. This report is brought to help demonstrate the Council's commitment to ensuring the Local Plan policy approach is deliverable and set out the City Council's commitment to helping, if necessary, to deliver the proposed development for the revival of greyhound and speedway racing together with supporting leisure and community uses as set out in Policy SP52 for the Oxford Stadium in the Local Plan, if the Planning Inspectors support this allocation at the Examination.
2. The Council has a long-standing policy approach to protect and support sports and leisure uses in Oxford, which on this site has however been balanced against the need for housing within the city. Policy SP52 in the Local Plan reflects this view by supporting leisure / community uses, but allowing some residential 'enabling development' to secure these uses, subject to viability.
3. If Policy SP52 is supported, the City Council would hope and expect the landowner itself to bring forward the development of this site in accordance with the uses proposed in Policy SP52. However, if a policy compliant development is not forthcoming from the landowner within a timely period then approval is sought from Cabinet to take on a facilitating role in bringing the site forward.
4. In order to do that, approval is sought from Cabinet that in the circumstances that the site is not being brought forward by the landowner in line with the policy requirements the council would seek to procure a development partner / operator, with a viable business plan, to acquire the Oxford Stadium by agreement. In addition approval is sought to confirm that if necessary and as a last resort, in the event that the site cannot be acquired by agreement, the council would be willing to use their powers under a Compulsory Purchase Order (CPO) if satisfied that the legal and policy tests were met. If CPO powers were needed, a further report would need to be submitted to Cabinet for approval which demonstrate the details of the redevelopment scheme and that the relevant legal and policy tests for the use of CPO powers are met, having regard to the circumstances as they exist at that time together with a recommendation to Council for the setting up of a budget for any additional costs for the implementation of its CPO powers, which would be redeemed from the development partner.

Local Plan Allocation and process

5. The Oxford Local Plan 2036 has been submitted to the Secretary of State for Examination. The Inspectors have now been appointed to assess independently policies in the plan and to test their 'soundness.'
6. Policy SP52 allocates the Oxford Stadium site for the revival of greyhound and or speedway racing with supporting community and or leisure uses. Some residential development is proposed as enabling development (assumed to be around 100 homes) to contribute towards the viability of the scheme, providing this respects the operation or historic interest of the site and is consistent with the preservation and enhancement of the Stadium. This was based on March 2018 evidence which suggested that this scheme would be viable.
7. An objection to Policy SP52 has been received from the owner of the site, Cowley Investment Properties. Their principal objections include the lack of consultation with them, as owners, their view that to reopen the stadium is not viable based on a feasibility study they have undertaken that concludes that greyhound stadiums are

no longer viable and the significant investment identified as necessary by them to address the poor state of repair that the stadium is currently in.

8. The Planning Inspectors will consider the Council's evidence and that submitted by the site owner alongside representations from Sport England and others in support of the Local Plan policy. They will then reach a conclusion as to whether the Local Plan policy for this site is sound and can be kept as currently drafted for adoption. The proposals in this report relate to the policy as submitted for examination.
9. The recommendations for approval would only be pursued if the policy is found sound by the Planning Inspectors following the examination and the plan is adopted by the Council. If the Inspectors materially change the policy so that the stadium is not to be retained then the Council would not implement this course of action as it would no longer be relevant.

Appoint development partner / operator

10. If Policy SP52 is supported, the City Council would hope and expect the landowner to bring forward the development of this site in accordance with the uses proposed in Policy SP52. However, if a policy compliant development is not forthcoming from the landowner within a timely period then approval is sought from Cabinet to take on a facilitating role in bringing the site forward. In these circumstances officers are seeking confirmation that Cabinet will support a resolution to Council to seek a development partner / operator with a realistic and viable business plan to try and acquire the site by agreement and deliver the requirements set out in the submitted policy, but to ensure that the financial implications for the Council are limited.
11. In the first instance, the Council would seek, with its development partner, to acquire the land by agreement. However, recommendation 2 makes it clear that if it is not possible to secure the site by agreement, the Council would as a last resort and if necessary be prepared to use its Compulsory Purchase Order (CPO) powers and seek approval from Council for any associated budgetary expenditure to acquire the site. Any costs incurred by the Council would be expected to be covered by the development partner / operator through a development agreement.

Compulsory purchase process

12. The Council considers that in the event of no agreement being achieved with the landowner that the option to use its CPO powers to help assemble the land would, as a last resort, be pursued. The power to make a CPO which would be relied upon is s.226 of the Town and Country Planning Act 1990. This powers can be relied on inter alia where acquisition is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated. Section 226 of the Town and Country Planning Act 1990 provides the powers for a local authority to seek the compulsory acquisition of land, subject to the authorisation of the Secretary of State. It is considered that given the deteriorating condition of the property and its location within a Conservation Area it is expedient to pursue the CPO of the site in the interests of the proper planning of the area, which in this case is balanced against the impact on the human rights of those with an interest in the land affected.

13. The CPO process requires the local authority to fully justify the use of CPO powers. There are several legal and policy tests which must be shown to be met. These include setting out a compelling case in the 'public interest' for use of such powers, as well as the need to consider the 'public sector equality duty' and 'human rights' in respect of the use of CPO powers. There is a requirement to show that adequate resources are available to implement the scheme within a reasonable time period and that there are no likely impediments to the delivery of the scheme. It is necessary to show that there is no alternative means by which the same purposes could be achieved and that the CPO measure being pursued is a 'last resort'. Recommendation 3 makes it clear that before CPO powers are formally engaged, that a further report would be presented to Cabinet to demonstrate that the relevant legal and policy tests for a CPO were met.

Environmental Impact

14. This proposal forms part of Policy SP52 of the draft Oxford Local Plan 2036. This site was assessed as part of the Sustainability Appraisal (which includes a Strategic Environmental Assessment) as submitted to the Secretary of State as part of the supporting evidence for the Oxford Local Plan 2036.

Legal Issues

15. Through recommendation 2 approval is sought from Cabinet to confirm a willingness to, if necessary, and as a last resort, use its Compulsory Purchase Order (CPO) powers to acquire the site with the appointed development partner. The development partner / operator would be required, as part of the agreement, to indemnify the Council for any cost/ liability associated with the use of these CPO powers.
16. Before any CPO process is instigated, a further report would need to be submitted to Cabinet to set out the details of the proposals and that the relevant legal and policy tests are met on the a basis of the circumstances as they exist at that time, together with a recommendation to Council to seek approval for a budget for any additional costs for the implementation of its CPO powers, which would be redeemed from the development partner.

Financial Implications

17. A further report would be submitted to Cabinet with a recommendation to Council to seek authority to seek approval for a budget for any additional costs for the implementation of its CPO powers, which would be redeemed from the development partner.

Equalities Impact

18. Consideration has been given to the public sector equality duty imposed by s149 of the Equality Act 2010. The Council considers there is a 'need' for this development to revive the stadium for greyhound and or speedway, together with other community or leisure uses to be undertaken in the 'public interest'. This need has been balanced against the public sector equality duty and the impact on human rights but consider that this recommendation for approval to use CPO powers as a last resort is justified, in order to take forward this development scheme. Having paid due regard to the need to meet the objectives of that duty the view is taken that the duty is met.

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Background Papers: None

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