

Address by Mr James Malcomson on Consideration for call-in request relating to Cabinet Decision - Disposal of Land at Foxwell Drive, Headington

Outline of nature of contribution from Friends of Old Headington

The Heads of Terms of the proposed Option Agreement for land at Foxwell Drive, Headington have not been made public in Council papers and the discussion of this matter at Cabinet was minimal (less than 2½ minutes in total of which 1 minute 48 seconds was a presentation by the recommending officer) with no questions asked by councillors. In view of that, important issues about what the City would commit itself to by an agreement have not been subject to consultation with, or scrutiny by, either members of public or (I understand) councillors who are not members of Cabinet.

The Friends of Old Headington consider that the following issues have not been given adequate consideration and scrutiny:

1. The green space in the relevant part of Foxwell Drive and the “tiny forest” the Council has planted there are effectively “public open space”. The Council should consult with the public before making an option agreement to sell it.
2. The Risk Register concerning the Option Agreement is unclear:
 - a. Risk 1 (Non-completion) is described as “Option agreement is not signed” with possible cause “College decides not to proceed with sale of the development land”. It does not specify whether any agreement would be signed *only if* the College sells the land.
 - b. Risk 3 (Planning delays) lists as a Control/Mitigation: “The agreement allows the Council to object to the *details* of any planning application before it is submitted” (emphasis added). But there is no specification of what constitutes a detail or of the implications of such an objection. (Does it amount to veto power over details?) So we do not know precisely what the Council would, and would not, be in a position to object to or the significance of any such objection.
3. Potential conflict of interest: The existence of an option agreement gives rise to genuine concerns about conflict of interest or, at the very least, about how any appearance of conflict of interest will be handled, in any future planning application for that site. Under an agreement, the City Council will presumably benefit financially from any grant of planning permission for this development. Judging by comments on social media and elsewhere, many citizens are already sceptical of the Council’s impartiality in handling conflicts of interest between planning and financial considerations.
4. Oxford Local Plan. Although the (now withdrawn?) Oxford Local Plan 2040 did not allocate Ruskin Fields as a site suitable for development, an Option Agreement for access at this stage would surely be used by the developers to make a case for this allocation to be changed for the next version of the Oxford Local Plan. (They already have, in an email dated 4 January 2024 to the Planning Policy Team saying that they “*are finalising an Option Agreement to secure access rights over City Council owned land linking Foxwell Drive to the Ruskin College estate*”, used this as an argument for having the non-allocation changed.) The Friends of Old Headington are concerned that, even if such a case is unsuccessful, the Inspector for the next version of the Oxford Local Plan will interpret an Option Agreement as ambivalence by the City Council on the

issue and thus an encouragement to over-rule rejection of this site for development. Concern about this would only add further “planning blight” to the Foxwell Drive area.

We draw the following conclusions:

- Before proceeding to negotiate any Option Agreement, the City Council should make public the Heads of Terms for an agreement, with any sensitive monetary figures redacted, before entering negotiations on a full agreement.
 - A senior planning expert we consulted has advised that “there could not really any commercial confidentiality about the agreement” if monetary figures are redacted.
- Any proposed full agreement should be made public, again with any sensitive monetary figures redacted, before it is finalised.
- It would be more appropriate to wait to negotiate an Option Agreement until after the next Local Plan has been finalised and approved by the Planning Inspectorate, at which point it will be known whether Ruskin Fields is considered suitable for housing development. Only if it is, should access possibilities be explored.

James Malcomson
Chair of Trustees
Friends of Old Headington