

Date: 11th August 2023
Our Ref: **Error! Unknown document property name./M-059132**
Your ref: RGA/MAT/01025853/1

Leigh Day,
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**Law & Governance
Customers, Culture and
Corporate Services
County Hall
New Road
Oxford OX1 1ND**

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Law & Governance
Legal Services**

Dear Sirs

Re: Name: Proposed Claim for Judicial Review – Consultation on disposal of council-owned land to Oxford United Football Club

- 1. The Claimant**
Friends of Stratfield Brake
- 2. The Defendant**
Oxfordshire County Council
- 3. Interested Parties**
Oxford United Football Club

4. Introduction

For ease of reference your headings have been mirrored. Your comments under this heading are noted. The Council is however strongly of the view that any claim for judicial review brought on the grounds set out in your letter would be misconceived and the Council would therefore oppose any such claim and seek an order for costs against your client.

5. The decision your client proposes to challenge

Noted. The Council would however point out that the Council's decision to undertake further public engagement on this issue was taken by Cabinet at its meeting on 23rd May 2023. Any challenge to that decision would therefore be hopelessly out of time. Further, the consultation has now finished, and so any challenge to the Council's decision to consult, and the basis on which it did so, would be entirely academic. Further and in any event, for the reasons summarised further below, any such claim would be without merit.

6. Your letter

Comments Noted.

7. Factual Background

Noted, although the Council necessarily reserves the right to submit evidence setting out the full background to this matter should your client decide to bring proceedings.

8. Legal Background

Noted and agreed.

9. Proposed ground of challenge

1. The Council notes that the sole ground of challenge particularised in your letter is that the Council failed to provide sufficient reasons for the proposed disposal of the Triangle site to allow consultees to provide an intelligent response to the consultation. The Council considers that any such claim brought on this basis would be misconceived because:
 - (i) As set out above, it would be hopelessly out of time, the Council's decision to undertake further public engagement having been taken as long ago as 23rd May 2023.
 - (ii) Again as set out above, the consultation has now closed, meaning that any such claim would be academic.
 - (iii) Further and in any event, the Council does not accept that your client was unable to make an intelligent response to the engagement exercise based on the information that was available to it. The central theme of your letter, namely that your client could only make an intelligent response if it had full details of any commercial negotiations that have taken place between OUFC and the landowner of the the stadium, and what would happen to the stadium if OUFC was to move out, is plainly misconceived. I would remind you that the Council's involvement in this matter is as freehold owner of the land OUFC wishes to buy, not as local planning authority for that land or as local planning authority for stadium. The Council cannot for example know at this stage what would happen to the stadium in the event that OUFC moved out. Your suggestion – taken to its logical conclusion - appears to be that the Council could not lawfully resolve to sell its land absent the information to which you refer. With respect, that is clearly wrong.

10. Action the Council is expected to take

The Council cannot pause the current consultation – it has finished – and the Council does not currently intend to undertake a further consultation exercise ahead of the matter being reported to Cabinet next month. Any application for judicial review made now would plainly be premature pending the outcome of the Cabinet's consideration of this matter.

11. ADR

We note you do not suggest any ADR / other proposals, but the Council remains willing to discuss any proposals you may have.

12. Aarhus Costs

The Council considers that it is likely that a claim brought on the basis of the matters set out in your letter would be an environmental claim for the purposes of the Aarhus Convention, but reserves its position pending sight of any such claim.

13. Further information

The Council confirms that your request for information in accordance with the Environmental Information Regulations has been separately registered as, 22030 EIR, with a send date of 21st August.

Kind Regards

A. Lockhart

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Solicitor - for and on behalf of Anita Bradley

Director of Law & Governance and Monitoring Officer

Direct Line: **Error! Unknown document property name.**

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