

To: City Executive Board

Date: 8th February 2012

Report of: Executive Director City Regeneration and Housing

**Title of Report: OXPENS MEADOW- SAFEGUARDING PUBLIC AMENITY
AND COMPENSATORY FLOOD STORAGE - REPORT BACK**

Summary and Recommendations

Purpose of report: To report back to CEB on the current position on the Town Green application and the proposals to safeguard Oxpens Meadow

Key decision? No

Executive lead member: Councillors Bob Price and Colin Cook

Report approved by:

Corporate Assets: Steve Sprason

City Planning: Michael Crofton-Briggs

Finance: Nigel Kennedy

Legal: Jeremy Thomas

Environment: John Copley

Policy Framework: Corporate Plan: improve the local economy, environment and quality of life. West End Area Action Plan.

Recommendation(s): The recommendation is that:

The City Executive Board agrees to apply for Town Green status for Oxpens Meadow after works to the area for compensatory flood storage are completed.

Appendix to report

1. City Executive Board Report: Oxpens Meadow March 2010

Introduction

1. CEB approved the Oxpens Meadow report of 30th March 2010 and the recommendation:

The City Executive Board is recommended to instruct officers to investigate further the option of transferring ownership of the land at Oxpens Meadow, shown unhatched in the plan attached to this report, across to a Community Trust and to report back to CEB.

2. The report sets out the context and includes a plan of the area provided in the CEB report March 2010(Appendix 1).
3. This report is to update the City Executive Board (CEB) and to confirm the Council's strategy for Oxpens Meadow, including the application for the meadow to be designated as a Town Green, once works to allow compensatory flood storage are completed.

Background

4. In brief SENDRA (St. Ebbe's New Development Residents' Association) made an application for Oxpens Meadow to be designated a Town Green under s.15 of the Commons Act 2006. This application is with the County Council, as the relevant authority, for consideration.
5. Subsequently the Council adopted the following Motion by general assent (25th January 2010).

Council invites the City Executive Board to apply to the County Council to register the area shown in green on the Identified Sites Map at page 5 of Part 1 of the adopted West End Area Action Plan as a Town Green under the Commons Act 2006 as the best means of securing the long term protection of the Meadow from encroachment.

6. There followed the report to CEB of 30th March 2010. This advised that Oxpens Meadow is also needed to provide compensatory flood storage to safeguard the surrounding area. This is required to offset the impacts of climate change, and to allow the land held by the Council and British Rail Residuary Body to the north of the ice-rink to be developed as a strategic regeneration site. The works require a shallow re-grading of the Meadow to allow partial flooding when there is an exceptional event
7. The report advised that the necessary works would not be permitted under a Town Green designation, and to defer a designation until the works are completed. The timing of the works is uncertain, and will require detailed design work and funding to be allocated. This in part depends on how land

held by the British Rail Residuary Body (BRBR) is brought forward. The Council, with the Homes and Communities Agency, has made a series of proposals to BRBR for joint working to ensure comprehensive development. The Council will prepare Supplementary Planning Guidance if the current discussions with BRBR do not achieve a satisfactory resolution.

8. In order to give SENDRA assurance in the interim period exploration of the option to transfer the Meadow to a community trust was suggested. The Council would have no option but to contest any Town Green application in advance of the flood capacity works and believes that it has a very robust position.

Community Trust Option

9. The Council, SENDRA and Friends of Oxpens Meadow (FOM) have had helpful and positive discussions. We are agreed that the optimum solution to protect the Meadow is to have a Town Green designation, and the Council should apply for the designation. The issue is timing and whether there are solutions which might afford protection in the interim, such as the transfer of the land to a trust.
10. The advantages of transferring the Meadow to a community trust (either on a leasehold or freehold basis) are that it establishes independent management and safeguarding of the area.
11. There are some significant disadvantages which have been identified. The powers of the trust would still need to be limited to allow the compensatory flood storage works to be undertaken and the necessary flexibility would require the Council's powers to be widely drawn. A new trust administration would be required and the costs and responsibilities could be significant if taken outside the Council's management.
12. It was concluded that that the community trust option did not significantly improve the protection of the Meadow, and carried risks and costs. It was agreed that a report back to CEB would seek confirmation that the Council will proceed with a Town Green application after the flood works.

Conclusion

13. The preferred strategy remains the Council's commitment to seek a Town Green designation once the flood compensation works are undertaken. The area designated would be as identified in the CEB report of 30th March (Map A) which includes the land within the boundary edged green, with the exclusion of the hatched area. If the Council defaults on this position (which is not envisaged), then SENDRA and FOM may pursue a Town Green application in their own right. The Council would prefer to see a joint application with SENDRA for the withdrawal of the current Town Green application. SENDRA is looking to retain its application until the City Council makes its own application, in due course. A further discussion will

be needed with the County Council, as the relevant authority, to agree the process and handling. In the event that the County Council did not agree to continue to hold the current application in abeyance any attempt to progress the application would be strongly opposed by the City Council.

14. The risk assessment, and equalities/climate change and environmental impact, together with the financial and legal implications remain as set out in the report of 30th March 2010.

Name and contact details of author:-

Name David Edwards

Job title Executive Director

Service Area / Department City Regeneration and Housing

Tel: 01865 252394 e-mail: dedwards@oxford.gov.uk