

To: City Executive Board

Date: 3rd March 2010 **Item No:**

Report of: Head of Corporate Assets

Title of Report: Land at Cutteslowe Park - Consideration of objections to the Disposal of Public Open Space

Summary and Recommendations

Purpose of report: To allow Members to consider the objections received pursuant to the advertising of the intention to dispose of an area of Public Open Space at Cutteslowe Park.

Key decision: **No**

Executive Lead Member: Councillor Oscar van Nooijen –
Service Transformation Board Member
Councillor John Tanner –
Cleaner, Greener Oxford Board Member

Report to be Approved by: Mel Barrett, Executive Director,
City Regeneration

Finance: Sarah Fogden/Penny Gardner
Legal: Jeremy Thomas

Policy Framework: Tackle Climate Change and promote sustainable environmental resource management.

Recommendation(s): That City Executive Board agrees that having seen and considered the objections raised, a disposal for the stated purpose of the open space at Cutteslowe Park, as identified in this report, can proceed.

Background

- 1 At its meeting held on 17th March 2008 the Executive Board authorised officers to negotiate with Partnerships for Renewables (“PfR”) in respect of the entering into of option agreements to allow for investigations into the siting of wind turbines at sites throughout Oxford, which included Cutteslowe Park, the search area being as identified on the plan attached at Appendix 1.
- 2 At its meeting on 21st April 2008 the Executive Board considered a further report on the matter and 1), authorised officers to negotiate satisfactory terms for the granting of lease options for the sites identified therein (which again included Cutteslowe Park), ensuring market prices are obtained and 2), once terms are agreed request a report back for Executive Board approval to the negotiated terms.
- 3 A further report was presented to City Executive Board on 18th February 2009, which approved the continuation of investigations into the Cutteslowe Park option site to see if that could be brought forward by agreement.
- 4 The option site at Cutteslowe Park forms part of a larger open space used for both formal and informal recreational purposes and on that basis was considered to comprise an area of public open space.
- 5 Under the provisions of Section 123 (2A) of the Local Government Act 1972 “A principal Council may not dispose under sub-section (1) above of any land consisting or forming part of an open space unless before disposing of the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed disposal which may be made to them”.
- 6 The intended disposal was duly advertised in the Oxford Times on 29th October 2009 and 5th November 2009 and twenty two objections were received before the closing date of 25th November 2009. The plan at Appendix 2 shows the area advertised.
- 7 An analysis of the objections is summarised in the spreadsheet at Appendix 3.

Report

8. The approach adopted has been to group objections into common themes and to then comment on those themes follows:

9. **The loss of green belt land and public open space** - The option area comprises of 4.093ha which allows for feasibility investigations to be carried out within that area in order to establish the most effective siting of a turbine. If the option is exercised, the leased area will comprise of approximately 0.0703ha representing 0.017% of the area in question which is required for the foundation of the turbine along with an area for an onsite control building, and related access. Negotiations are continuing with PfR with the objective of minimising both the option and lease areas.
10. The principle of this objection will be considered as part of the submitted planning application(s), the relevant policy in the Oxford Local Plan 2001-2016 is the encouragement of renewable energy (CPC16) and energy efficiency (CP15). These are further endorsed in the Core Strategy (submission draft) where the Council seeks new development to respond to climate change. Other policies will also be considered on design, potential noise and nuisance, effect on wildlife and location within the Green Belt.
11. **Insufficient consultation, information and that the notice placed was in breach of Statute** – the advertisement was placed entirely in accordance with statutory requirements, those requirements are as previously detailed above in paragraph 6. In relation to the comments on consultation on the basis that the former Executive Board and City Executive Board reports referred to in paragraphs 1, 2 and 3 were in the public arena, officers were working on the clear assumption (with hindsight an incorrect assumption) that because of the previous reporting arrangements local people, including local interest groups, were aware of the proposal. It is not believed that the position has been materially altered as a consequence. More recently discussions have been held with the Friends of Cutteslowe Park, particularly a meeting was held on 2nd December 2009 and the matter has been referred to North Area Committee on 4th February. Two one day events were also recently run by PfR at Cutteslowe Pavilion on 16th February and Oxford Town Hall on 18th February, which served to provide further detail and information on process.
12. **Impact on flora and fauna** - The impact on flora and fauna will be considered in detail as part of the Environmental Impact Assessment ('EIA') process. A full and detailed EIA will be submitted with the planning application should the project successfully reach that stage. As part of this process PfR would also consult with Natural England and the Environment Agency.
13. **Impact on leisure** - There are no formal leisure activities which take place within the option area. It is not believed that there will be any adverse impact on informal activities.

14. **Height of the turbines and impact on view** - This aspect will be considered as part of the planning process. PfR will submit photomontages to assist with the visualisation, and will show the view from various directions.
15. **The number of turbines** - Study work carried out at this site indicates the site will be restricted to a single turbine. The Council will be able to place this restriction in the legal documentation.
16. **Noise generated by turbines** - This will be addressed through the planning process. As part of the initial investigations, the proposed siting has placed the turbine far enough from dwellings to ensure the appropriate noise buffer is met, which in this instance is 300m from the nearest dwelling, and in consideration with the location from the ring road which is required to meet a buffer of 125m.
17. **Insufficient wind to support a turbine in this location** - PfR's initial studies suggest there is sufficient wind at this site (otherwise they would not be pursuing the option) to generate substantial amounts of electricity (as much as is used by 1200 homes per year). This view will be verified (or not) by data obtained from the met mast. If the data gained from the met mast renders a turbine unviable then the proposal will not go ahead.
18. In accordance with the governing Legislation City Executive Board are therefore requested to consider the objections that have been received. Members should be aware that if they are minded to uphold these objections then the option/disposal will not proceed any further.

Financial Implications

19. There are no direct financial implications arising out of the contents of this report.

Equalities

20. None arising for the purposes of this report.

Legal Implications

21. There are no implications other than those set out in the report.

Sustainability/Climate Change Considerations

22. Facilitating renewable energy generation has obvious beneficial impacts on climate change due to the large reduction in carbon compared to conventional energy generation. It also has a wider impact by demonstrating community, regional and national leadership by Oxford City Council tackling climate change.

23. The amount of electricity generated by each turbine erected is equivalent to the electricity needs of 1200 houses. There are benefits to Oxford's performance against the NI186 (per capita carbon emissions from LA area) from enabling wind energy generation on OCC land.

Risk Implications

24. A risk assessment has been undertaken and the risk register is attached at Appendix 4.

Recommendation

24. That City Executive Board agrees that having seen and considered the objections raised, a disposal for the stated purpose of the open space of land at Cutteslowe Park, as identified in this report, can proceed.

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Background papers:

Report to former Executive Board – 17th March 2008 - Renewable Energy project: Community-scale commercial wind turbines on OCC land

Report to former Executive Board - 21st April 2008 - Renewable Energy Project: Community-scale commercial wind turbines on OCC land - Lease Options

Report to City Executive Board - 18th February 2009 - Renewable Energy Project: Community Scale Commercial Wind Turbines on OCC land – Lease Options

Report to North Area Committee – 4th February 2010 - Renewable Energy Project: Community Scale Commercial Wind Farms on OCC Land – Lease Options, Cutteslowe Park

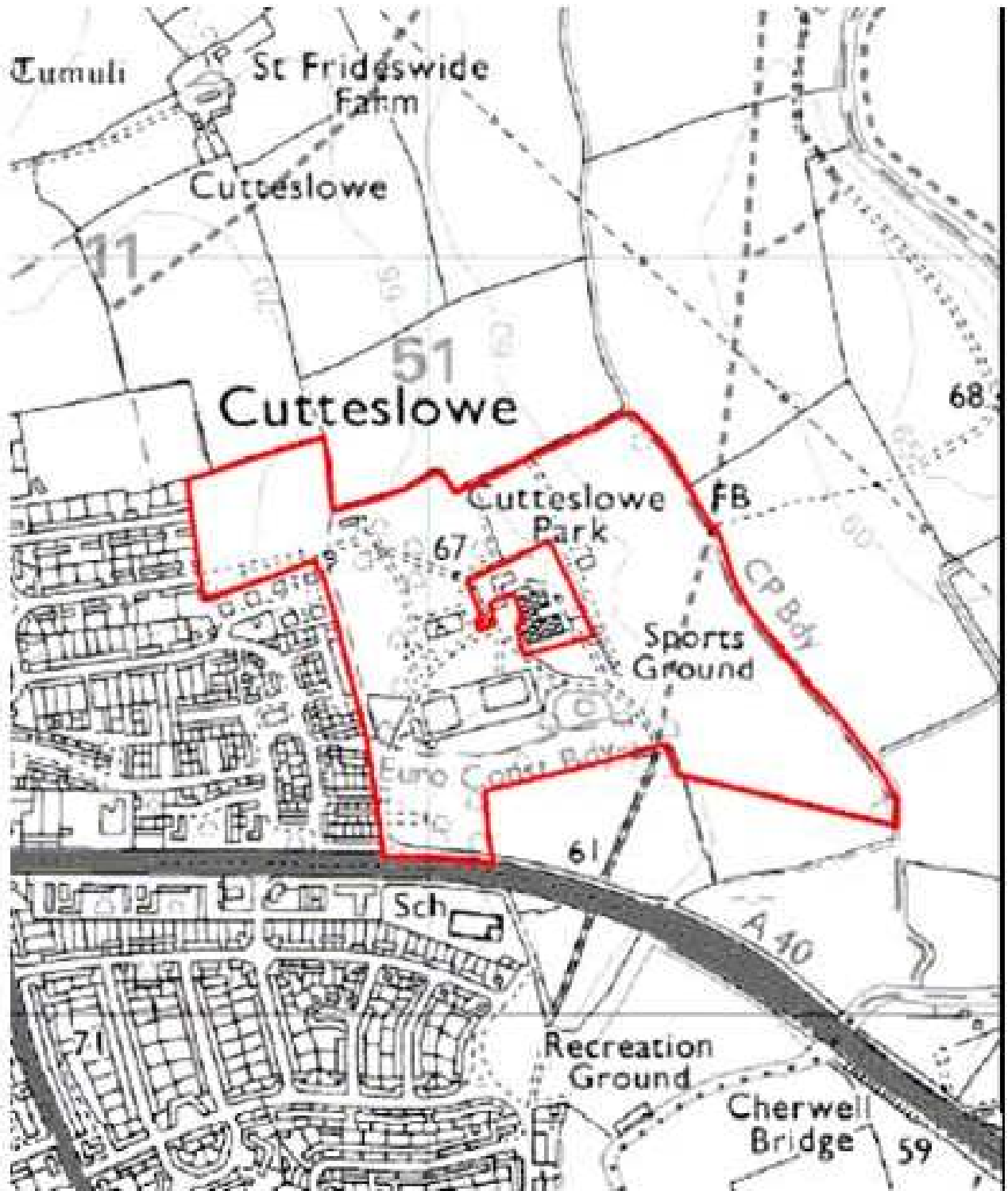
Appendix 1 – Plan of Cutteslowe Park Search Area (March 2008)

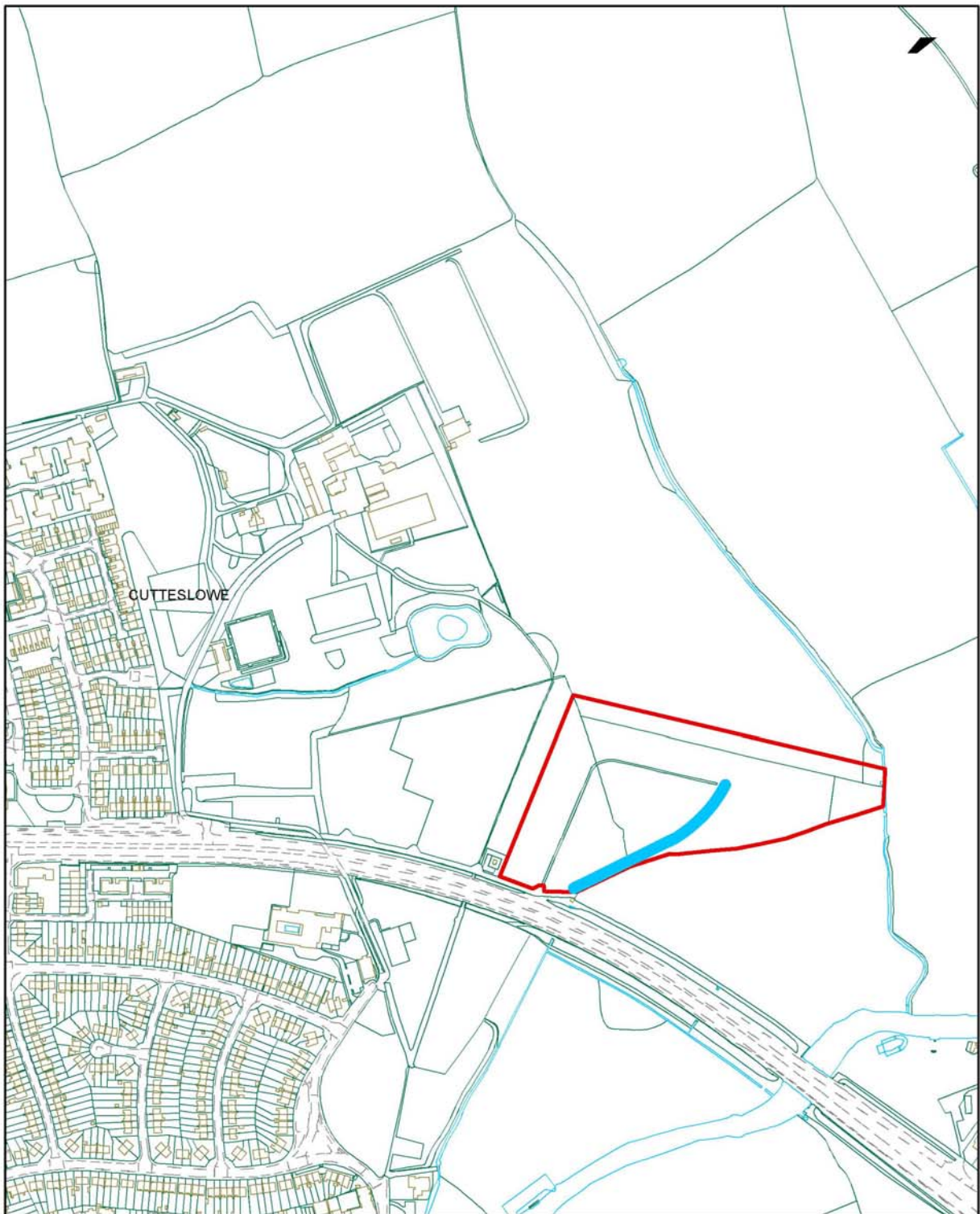
Appendix 2 – Plan of Provisional Option Area (Area Advertised)

Appendix 3 – Summary of Objections

Appendix 4 – Risk Register

Version number: 1.0





Option Plan, Cutteslowe Park, Oxford

Scale: 1:5,000 Key: — Option Area — Access Road

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Financial & Asset Management



WIND TURBINE – ANALYSIS OF OBJECTIONS												
Green Belt	Public Open Space	Impact on Leisure	No Consultation	Height	Number of Turbines	View	In Breach of Statute	Information Incomplete	Impact on Flora Fauna	Noise	Not Enough Wind	Total number of objections
x	x	x	x	x	x	x			x			
	x	x	x				x	x	x			
	x	x	x					x			x	
		x										
			x					x	x	x		
		x	x			x		x	x			
			x					x			x	
			x					x	x			
	x	x	x					x				
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			x					x	x			
			x					x	x			
2	8	11	17	1	1	5	1	14	12	2	6	22

CEB Report Risk Register

Risk Score Impact Score: 1 =Insignificant; 2 = Minor; 3 = Moderate; 4 = Major; 5 = Catastrophic												Probability Score: 1 = Rare; 2 = Unlikely; 3 = Possible; 4 = Likely; 5 = Almost Certain					
No.	Risk Description Link to Corporate Objectives	Gross Risk		Cause of Risk	Mitigation	Net Risk		Further Management of Risk: Transfer/Accept/Reduce/Avoid		Monitoring Effectiveness				Current Risk			
		I	P			I	P	Action:	Outcome required:	Q 1 ☺	Q 2 ☺	Q 3 ☺	Q 4 ☺	I	P		
1	Scheme does not proceed which will impact on Council's policy of reducing future CO2 emissions by 15%.	3	3	CEB do not agree to the disposal of public open space.	Mitigating Control: Submission of all objections so they may be considered. Level of Effectiveness: (HML) H	3	3	Ensure dialogue between all parties is maintained. Action Owner: Ruth Whelan Mitigating Control: Regular monitoring of consultation between parties. Control Owner: Ruth Whelan	Approval of report by CEB. Milestone Date: Ongoing.	☺	☺	☺	☺				