

To: City Executive Board

Date: 31st March 2010 **Item No:**

Report of: Interim Head of Corporate Assets

Title of Report: Land at Cutteslowe Park – Proposed terms for option to lease agreement for wind turbines with Partnerships for Renewables

Summary and Recommendations

Purpose of report: To seek approval to the terms of the proposed option to lease agreement for land at Cutteslowe Park for the erection of a wind turbine.

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): The City Executive Board is recommended to:

Approve the entering into of a lease option with PfR at Cutteslowe Park on the terms as set out in this report, and otherwise on detailed terms and conditions to be approved by the Interim Head of Corporate Assets in consultation with the Lead Member for Service Transformation.

1. Background

- 1.1 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 a number of sites throughout Oxford, which included Cutteslowe Park, as identified on the plan attached at Appendix 1.
- 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, ensuring market prices are obtained and 2), once terms are agreed request a report back for Executive Board approval to the negotiated terms.
- 1.3. A subsequent 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.
- 1.4. Following the advertising of the intended disposal of public open space, a further report was approved by City Executive Board on 3rd March 2010. This report dealt with the 22 objections received to the disposal of public open space whereby Members approved the continuation of the transaction.
- 1.5. Public exhibitions by PfR have been held at Horspath, Cutteslowe and Oxford Town Hall during February which has provided further public consultation on the proposals.
- 1.6. Investigations and due diligence work are now in the final stages of being concluded and officers are now in a position to put forward the proposals and recommendations as detailed in the Not for Publication Appendix to this report.

2. Report

- 2.1 Subject to approval of this report, Officers will finalise the detail of the option to lease agreement and proceed to finalise the required legal documentation.
- 2.2 The plan showing the option area and route of the access road is shown at Appendix 2. The objective has been to minimise the option area and to give as great a certainty as possible to the location of the turbine and supporting infrastructure. The option area does not impact the football pitches in the park.
- 2.3 Once the option agreement has been completed, the (up to) 3 year initial period of feasibility work by PfR would begin:

- Year 1 Various parts of the site would be tested to find the best location for the turbine. This would involve erecting a met mast which would provide wind speed data vital for feasibility assessment. A planning application would be submitted for this purpose.
- Years 2 and 3 The exact position for the wind turbine would be identified following which planning permission would be sought.

- 2.4 If planning permission was granted and the feasibility work shows the site is viable, PfR would then draw down a 25 year lease. If, by the end of the third year, planning has been applied for but has not yet been granted, PfR would have the ability to extend the option for a further 3 years, prior to entering into a 25 year lease after planning has been granted.

Members should note that, as per the South Horspath site, once an option on the site has been granted the Council will have no ability to influence or veto the final position of the turbine within the option area, subject to the comments in 2.2 above.

- 2.5 The transaction will remain, subject to the agreement by the Council of a detailed Method Statement, which will set out how the construction phase shall be dealt with. This would typically include; how the access road will be constructed, responsibility for maintenance, how landscaping shall be reinstated where areas may be affected, and how any disruption shall be minimised and mitigated. This will also be required as part of the planning application process.
- 2.6 Public access for informal recreation is to be maintained through the option period, to the extent that is feasible.

3. Planning Issues

- 3.1 This site falls under Oxford City Council as the Local Planning Authority and as such the planning permission would be determined by them. The most 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 emerging Core Strategy where the Council seeks new development to respond to climate change.

4. Equalities

- 4.1 There are no equalities issues arising for the purposes of this report.

5. Sustainability/Climate Change Considerations

- 5.1 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.
- 5.2 The amount of electricity generated by the turbine to be erected is equivalent to the electricity needs of 1100 houses.
- 5.3 There are benefits to Oxford's performance against NI186 (per capita carbon emissions from LA area) from enabling wind energy generation on OCC land.

6. Legal Implications

- 6.1 The Council's powers to dispose of land comprised within the General Fund are contained within Section 123 of the Local Government Act 1972.
- 6.2 Following the undertaking of further due diligence it is confirmed that the option site forms part of a larger area previously used for allotment purposes but which have been disused for at least 20 years. The Council will require the approval from the Secretary of State to disposal in accordance with Section 8 of the Allotments Act 1925. That application is to be immediately progressed subject to the approval of this report.

7. Risk Implications

- 7.1 A risk assessment has been undertaken and the risk register is attached at Appendix 3.

8. Proposal

- 8.1 The detailed proposal and recommendations are as set out in the 'Not for Publication' report that follows.

Background papers:

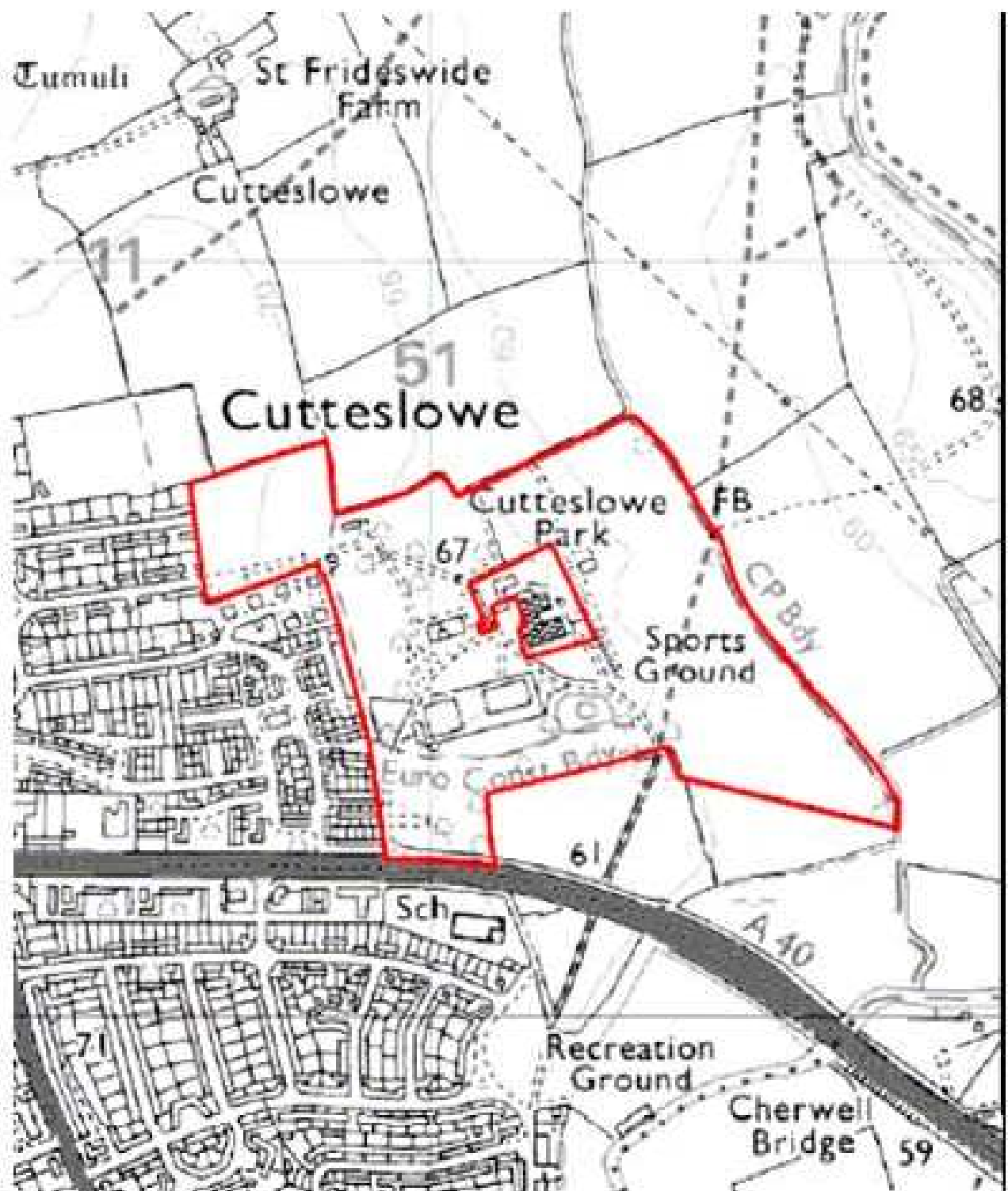
- Report - 17th March 2008 - Renewable Energy project: Community-scale commercial wind turbines on OCC land
- Report - 21st April 2008 - Renewable Energy Project: Community-scale commercial wind turbines on OCC land - Lease Options
- Report - 18th February 2009 - Renewable Energy Project: Community Scale Commercial Wind Turbines on OCC land – Lease Options
- Report – 4th February 2010 - Renewable Energy Project: Community Scale Commercial Wind Farms on OCC Land – Lease Options, Cutteslowe Park
- Report – 3rd March 2010 – Renewable Energy Project: Consideration of objections to the Disposal of Public Open Space

Appendix 1 – Plan of Cutteslowe Park option area
Appendix 2 – Plan of Option Area
Appendix 3 – Risk Register

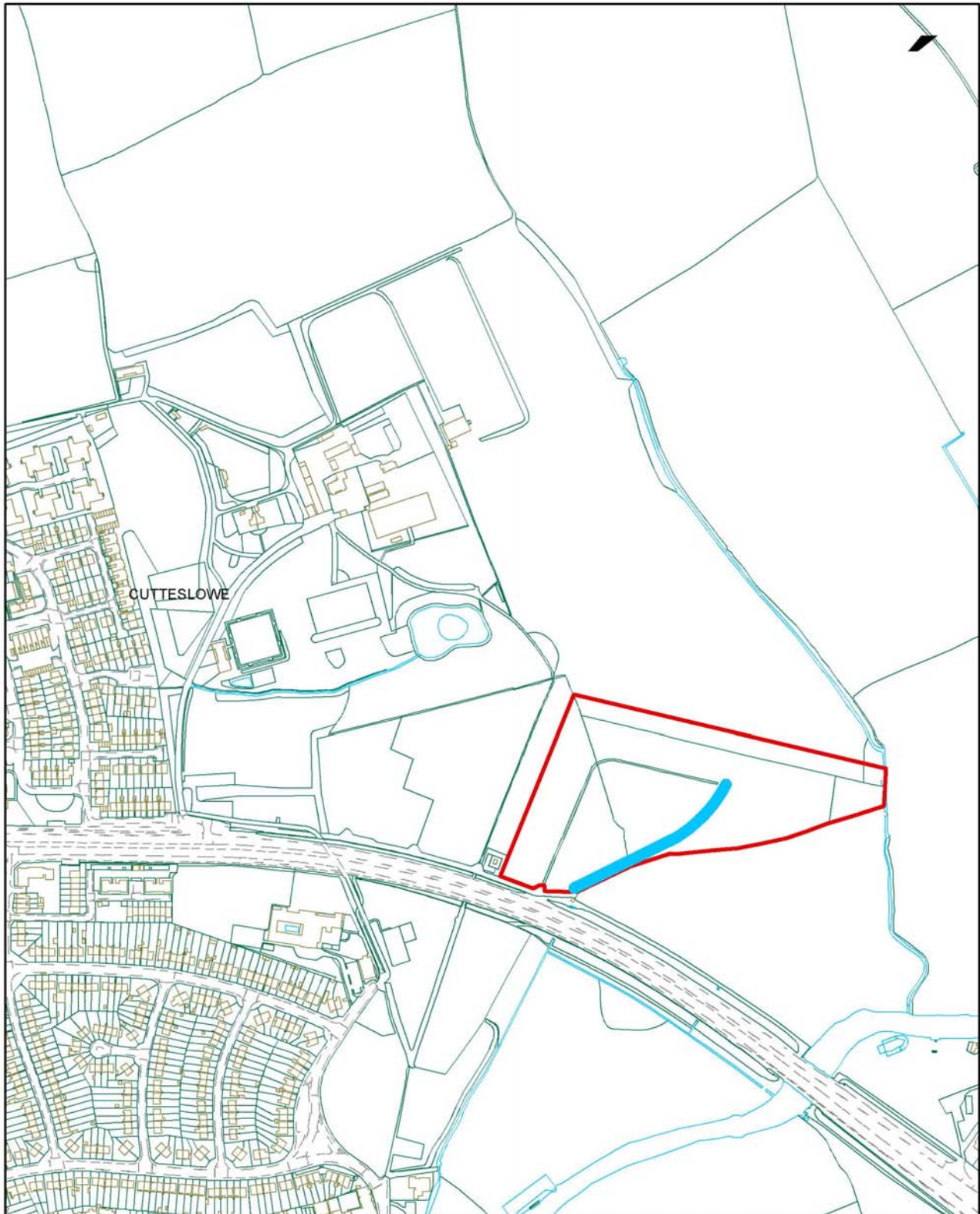
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Version number: 3.0

Appendix 1



Appendix 2



Option Plan, Cutteslowe Park, Oxford

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

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Financial & Asset Management



CEB Report Risk Register – Land at Cutteslowe Park

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			Q1	Q2	Q3	Q4	I	P
1	Scheme does not proceed which will impact on Council's policy of reducing future CO2 emissions by 15%. Tackle climate change and promote environmental resource management.	3	3	CEB do not agree to the proposed terms of disposal.	Mitigating Control: Ensure active liaison with Lead Members during pre-meeting processes. Possible need to flex detailed terms to meet Members aspirations. Ensure compliance with statutory and regulatory requirements. Level of Effectiveness: (H)	2	2	Action: Ensure dialogue between all parties is maintained on a regular basis. Develop full understanding of any Member concerns. Action Owner: Ruth Whelan	Outcome required: Approval of report by CEB. Milestone Date: 31 st March 2010	1	2	3	4	I	P

