

To: Cabinet
Date: 18 March 2026
Report of: Jane Winfield – Director of Property and Assets
Title of Report: Grant of Easement at Blackberry Lane

Summary and recommendations	
Decision being taken:	Request approval to enter into an Option Agreement in relation to granting an Easement in relation to land at Blackberry Lane.
Key decision:	Yes
Cabinet Member:	Cllr Ed Turner – Deputy Leader (Statutory) – Finance and Asset.
Corporate Priority:	Supports a strong local economy by securing a capital receipt for the Council higher than the current use value.
Policy Framework:	Oxford Local Plan 2016–2036 (no specific allocation for the site).

Recommendation(s): That Cabinet resolves to:	
1.	Delegate authority to the Director of Property and Assets in consultation with the Director of Law, Governance and Strategy, the Group Finance Director, and the Lead Cabinet Member for Finance and Assets to agree the final commercial terms for the Option Agreement as set out in Exempt Appendix 1.
2.	Delegate authority to the Director of Property and Assets in consultation with the Director of Law, Governance and Strategy, Group Finance Director, and Lead Member for Finance and Assets, to approve the final form of the Option Agreement and enter into it on behalf of the Council.
3.	Delegate authority to the Director of Property and Assets in consultation with the Director of Law, Governance and Strategy and the Group Finance Director and Lead Member for Finance and Assets to agree the final disposal price for the easement and to ensure that the disposal is compliant with the Council's statutory duty to obtain Best Consideration reasonably obtainable pursuant to Section 123 of the Local Government Act 1972.

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Information Exempt from Publication	
	<p>The Exempt Appendix and Risk Register contain commercially sensitive information relating to the financial or business affairs of the Council and BW ESS.</p> <p>This information is exempt under Schedule 12A to the Local Government Act 1972, on the following basis:</p> <p>Information about someone’s finances or business.</p>

Appendix No.	Appendix Title	Exempt from Publication
Appendix 1	Exempt Appendix	Yes – Exempt under Schedule 12A (financial/business affairs).
Appendix 2	Easement Plan	No – Not exempt under Schedule 12A (financial/business affairs).
Appendix 3	Risk Register	Yes – Exempt under Schedule 12A (financial/business affairs).

Introduction and background

1. BW ESS (formerly Penso Power) obtained planning consent in July 2025 for a Battery Energy Storage System (BESS) adjacent to Cowley Substation, off Blackberry Lane, Oxford.
2. To enable the development, BW ESS requires an easement over Council-owned land as set out in paragraph 5 below.
3. The location of the proposed easement is approximately 4.1 miles directly southeast of Oxford city centre on the southern edge of the Oxford City Council boundary adjoining South Oxfordshire District Council. Figure 1 shows the approximate location in relation to the City.



Figure 1: Location of Proposed Easement

- The land forms part of the Council's agricultural estate at Blackbird Leys Farm and is currently let under a 60-year Agricultural Holdings Act tenancy to Thames Water Utilities Limited (TWUL), expiring in 2037; TWUL has underlet to a farm tenant via a Farm Business Tenancy currently being renewed for two years from December 2025 until December 2027.



Figure 2: Aerial Image of Indicative Area of Easement Location

- The easement will cover two defined areas: a cable easement of 3,986 m² and an access road easement of 805 m², covering a total area of approximately 4,791 m² (1.18 acres) of arable land, as shown in Figure 2. The agreed commercial terms are set out in the Exempt Appendix (Appendix 1), and the easement areas are shown on the Easement Plan (Appendix 2).

Project rationale and strategic fit

- The primary rationale for agreeing the easement is to avoid a compulsory acquisition route that BW ESS could pursue, thereby reducing delay and cost risk and securing a certain, negotiated capital receipt for the Council.

Details of the proposed option agreement and easement

- The Option Agreement will allow BW ESS to call on the easement if it meets a number of objectives.
- The easement will grant BW ESS rights for:
 - Access to/from Blackberry Lane to the BESS site.
 - Installation of underground cabling to connect the site to the NGET Cowley substation.

- Temporary laydown areas for cabling works.
9. Due to the land currently being let to TWUL under an Agricultural Holdings Act tenancy, TWUL is entitled to a share of the easement fee.

Financial issues

10. The proposed easement will generate a one-off capital receipt.
11. The easement will also result in the loss of agricultural income currently charged under the headlease. This is considered negligible in the context of the one-off capital receipt.

Legal issues

12. The Council has the legal power to grant an option to grant an easement, and to grant an easement under its general disposal powers in Section 123 of the Local Government Act 1972. The easement will be documented by a formal Deed of Easement, following completion of an Option Agreement, if the option is exercised.
13. In order to grant the easement, the Council will need to vary a lease of land granted to Thames Water Authority (now Thames Water Utilities Limited) dated 23rd May 1978, which will be affected by the Deed of Easement. TWUL has agreed to this and will be a party to the Option Agreement and the Deed of Easement.
14. BW ESS is a statutory undertaker under the Electricity Act 1989 and has obtained a generation licence. This gives BW ESS compulsory purchase powers, meaning it could acquire the rights through a statutory process if agreement is not reached. Accepting the negotiated terms avoids the risk of compulsory acquisition and associated costs.

Level of risk

15. A risk register has been prepared and will be attached as Appendix 3 to the report. Overall, the risks are considered manageable and outweighed by the benefits of securing a guaranteed capital receipt and supporting strategic sustainability objectives.

Equalities Impact

16. An Equalities Impact Assessment has been considered for this decision. The grant of an easement for cable installation and access does not affect service delivery or public access and is therefore assessed as having no adverse impact on any protected groups under the Equality Act 2010.

Carbon and Environmental Considerations

17. The easement will indirectly support the Council's zero-carbon objectives by enabling delivery of a Battery Energy Storage System (BESS). While the easement itself does not generate carbon benefits, the resulting BESS will help integrate renewable energy into the grid and reduce reliance on fossil-fuel generation during peak periods

18. The environmental impacts of the BESS site have been addressed through the site's planning conditions, which secure:

- Noise mitigation measures (low-noise equipment, acoustic enclosures).
- Visual screening (landscaping and boundary treatments).

19. These measures are outside the scope of the easement but ensure the development operates within acceptable environmental standards.

Report author	Douglas Harvey
Job title	Senior Estates Surveyor
Service area or department	Corporate Property
Telephone	07483011364
e-mail	Dharvey@oxford.gov.uk

Background Papers:

None.

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