

Statement from Horspath Parish Council (RS93):

Oxford City Sites and Housing Plan:

Examination in Public: Main Matter 7: EiP Session 7: 19th September 2012

Ref. Policy SP21 : Site 82: 'Horspath site'. Paragraphs: B2.52, B2.53, B2.54

Introduction

This Statement amplifies the response already submitted by Horspath Parish Council (RS93) on 23.3.2012, and seeks to address, in order, the **Inspector's questions 7.1, 7.2, 7.6, 7.8, 7.10, 7.11, 7.12 and 7.13** in connection with Policy SP21 for Site 82 – 'Horspath site', the land south of Oxford Road, Horspath, and then to explain briefly why this Policy is unsound on account of the inappropriate inclusion of "**wind turbines**" as a land use for Site 82 for which planning permission will be granted by Oxford City Council.

Horspath Parish Council is supportive of BMW Group's MINI Plant Oxford need to expand, and is in principle supportive of the provision in Oxford City Council's Sites and Housing Plan to relocate the Rover Sports Club from Site 150 onto Site 82, provided that there is no conflict with Green belt policy, but it believes that the provision of Planning permission for wind turbines on Site 82 would effectively prevent this relocation of the Rover Sports Club, and would therefore prevent or at least greatly reduce the options for BMW to achieve its expansion of the MINI Plant in Oxford.

7.1 Is this site appropriate for wind turbines? - No.

According to the Green Belt policy in the NPPF and the Oxford Core Strategy, and numerous legal judgements, the erection of any wind turbine, small-scale or otherwise, is an inappropriate '*engineering operation*' which may be permitted within the Green Belt only when specific '*exceptional circumstances*' (or '*very special circumstances*' as in paragraph 91 in the NPPF) exist which are judged to be of sufficient importance to override the primary purposes of the Green Belt. Such judgements can only be reached on the basis of an evaluation of a specific Planning Application for a specific wind turbine development, which must be supported by a Sustainability Assessment which evaluates the economic, social and environmental impact of that specific development. It is not lawful to introduce a local policy such as SP21 which states that Planning permission will be granted for wind turbines in the Green Belt, when this would only be lawful after a Sustainability Assessment is provided which demonstrates that alternative sites have been evaluated for wind turbines, and only when the Secretary of State has approved an exceptional departure from the National Planning Policy Framework and Local Plan. The City Council has provided no evidence in its Sustainability Assessment that any alternative sites have been evaluated for the development of wind turbines, and so Policy SP21 is unsound.

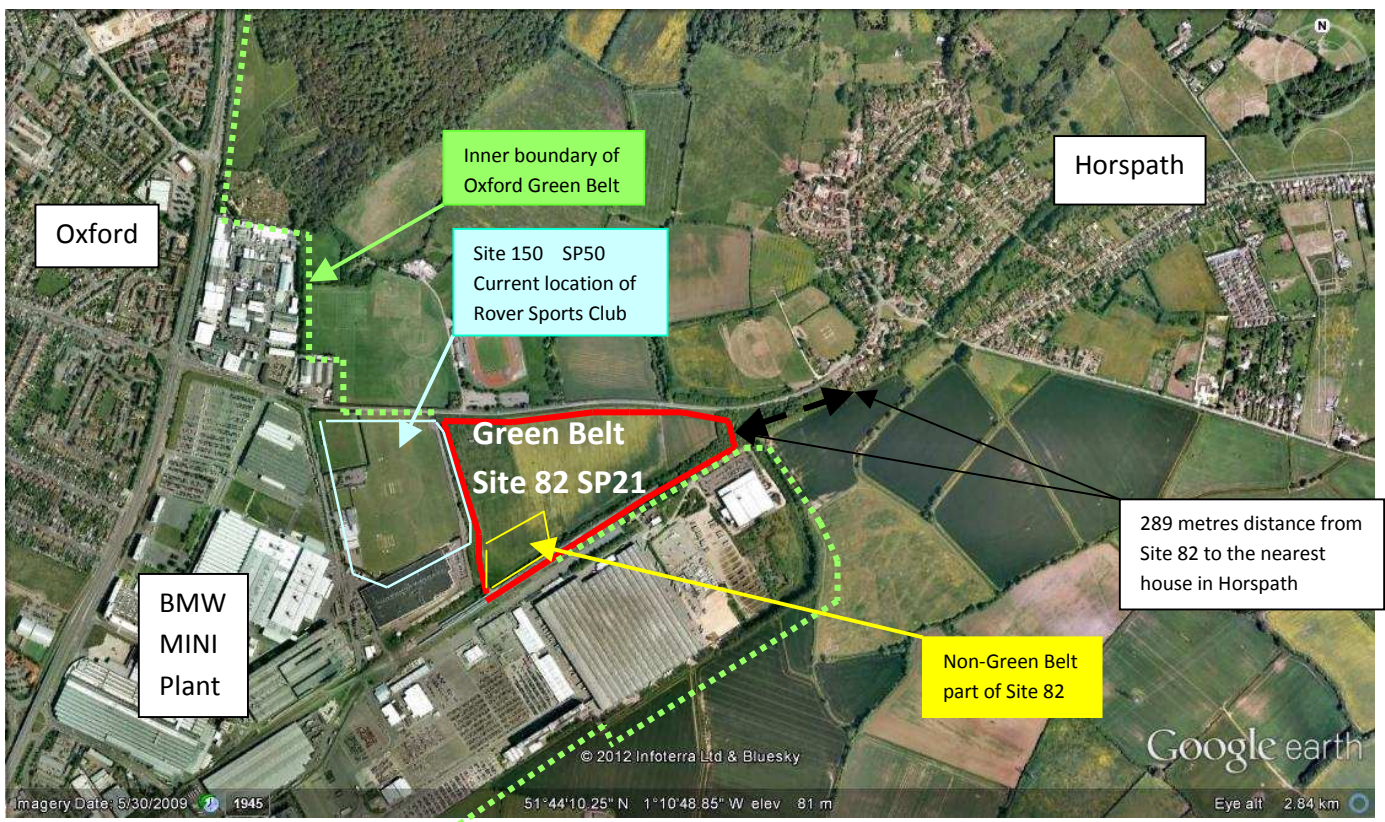
A specific evaluation of a specific Planning Application for wind turbines in the Green Belt is a highly technical matter which necessarily considers very many important environmental parameters which are not even mentioned in the supporting paragraphs B2.52, B2.53 and B2.54.

A factor of particular significance which makes the inclusion of "wind turbines" in Policy SP21 highly inappropriate is the extreme narrowness of the strip of Green Belt land which separates Oxford from the nearby village of Horspath near Site 82. The annotated aerial photograph overleaf shows the narrow width (c.300 m.) of this strip of Green Belt objectively. One of the purposes of the Green Belt policy is to ensure that, by its openness, there is adequate separation between settlements, and at this point the Green Belt is already at its minimum width to perform this function, so that any introduction of wind turbines to Site 82 would be inappropriate and unacceptable for a combination of Planning and environmental reasons.

7.2 Are there any environmental constraints on introducing wind turbines to Site 82? - Yes.

In addition to the requirement explained above to comply with Green Belt legislation, an environmental reason for excluding wind turbines from Site 82, is its close proximity to the nearest houses in Horspath, which would put residents well within the zone of noise nuisance from an active wind turbine, even according to the relaxed noise standards of ETSU-R-97. The mention of the avoidance of shadow flickering over the sports pitches in paragraph B2.54 as the only problem indicates an underestimate of the scope for environmental problems produced by wind turbines whose shadow flicker on Site 82 would also affect dwellings in the nearby village of Horspath.

Aerial Photo (2009) to show Site 82 allocated by Policy SP21, and the non-Green Belt section within it, the adjacent Site 150, and the critical narrowness of the strip of Green Belt separating the village of Horspath from Oxford and from potential developments on Site 82.



7.6 Would the introduction of wind turbines to Site 82 through Policy SP21 result in any loss of sports pitches? - Yes, in two ways:

Firstly, Policy SP21 effectively conflicts with Policy SP50. According to Policy SP50, the sports fields of the Rover Sports and Social Club currently on Site 150, immediately adjacent to Site 82, should be provided on Site 82 when Site 150 is used for the expansion of car manufacturing by BMW Group, but this ignores the very important fact that the Rover Sports and Social Club facilities include two cricket grounds used for senior league competitive cricket, and if these pitches are relocated to a Site 82 to be shared with wind turbines inevitably in the field of view of the players, then the England & Wales Cricket Board would not approve these grounds for senior level matches. This failure to meet EWB standards would constitute the loss of two sports pitches.

Secondly, Horspath Cricket Club has recently established a 140-metre wide cricket ground (to meet the strict criteria of size and orientation prescribed by the England and Wales Cricket Board and Sport England for senior league competitions) which is immediately adjacent to Site 82 on the north side of Oxford Road, with the axis of these pitches inevitably aligned N-S so that any wind turbines erected on Site 82 would be in conflict with the field of view of the players, and would render these pitches unusable for the level of the game played in Horspath. Thus the erection of wind turbines on Site 82 would not only conflict with the Policy SP50, but would also conflict with the existing lawful use of the Green Belt for senior league competitive cricket by Horspath Cricket Club. The importance of maintaining the openness of the Green Belt for outdoor sports, including cricket, which requires an absence of visual distractions, has been emphasised elsewhere. Please refer to the relevant Appeal Decision by Inspector Philip Major on 9th September 2010 to protect an active village cricket pitch near Halifax from the visual interference to play by a relatively small 18 metres high turbine: Appeal Ref: APP/A4710/A/10/2127453. The proximity of even a small wind turbine creates problems of visual distraction for cricket.

7.8 Should any additional matters be highlighted? Yes.

Site 82 is situated very near the boundary between the LPAs of Oxford City and South Oxfordshire on two of its three sides, and while the allocation of this site for development may be important for the City of Oxford, the effect of any departure from national and local Green Belt policy by granting Planning permission for wind turbines on this site will be equally significant, if not more so, for its effect on the surrounding Green Belt in South Oxfordshire. The NPPF and the Localism Act emphasise a Planning obligation for LPAs to prepare their plans by engaging in effective joint working with adjacent LPAs on any relevant cross-boundary strategies, and there is no evidence presented by Oxford City Council that it has engaged in any collaborative work with South Oxfordshire to jointly develop Policy SP21 which will have a very significant impact in South Oxfordshire. Without such required joint working with South Oxfordshire, Oxford City's Policy SP21 will be unsound.

7.10 Is the policy text of SP21 clear and unambiguous? No.

The text of Policy SP21 does not unambiguously differentiate between the majority of the site which is in the Green Belt and the approximately 2 hectares of the site in the south-west corner which are not in the Green Belt in respect of the location of the wind turbines which are to be granted Planning permission. Although wind turbines erected anywhere on Site 82 would have an impact on the Green Belt, there would be less conflict with national Green Belt policy if the allocation of this site for "wind turbines" was restricted to the 2 hectares not in the Green Belt, but without this clarification in the policy text, it is ambiguous. Similarly with the addition of "social facilities" to the text of Policy SP21 in the modification PPC 48, further ambiguity is introduced, because clearly such "social facilities" for the Rover Sports Club are not **essential** for any sport and therefore cannot lawfully be established anywhere on Site 82 except within the 2 hectares which are not within the Green Belt. It is unclear if it is now proposed to permit both wind turbines and social facilities to be established anywhere within Site 82, in defiance of national planning policy, or are both of these types of development to be concentrated within the 2 hectare site which is not in the Green Belt? Is it even feasible in practice to locate all these developments within the 2 hectare part of the site? There is some explanation offered in supporting paragraph B2.54 of the intention to direct the building development of non-essential facilities to the non-Green Belt part of the site, but this remains ambiguous in the text of Policy SP21 itself. There needs to be unambiguous clarification in the text of Policy SP21 that the development of neither wind turbines nor social facilities will be permitted in the Green Belt part of Site 82.

7.11 Would the development of Site 82 according to Policy SP21 be inconsistent with the CS? Yes.

The Green Belt policy in the Oxford Core Strategy does not permit the grant of planning permission for wind turbines in the Green Belt, so Policy SP21 is inconsistent and is therefore unsound.

7.12 Would the development of Site 82 in accordance with Policy SP21 be inconsistent with national policy? Yes.

The Green Belt policy in the National Planning Policy Framework does not permit the grant of planning permission for wind turbines in the Green Belt, except in very special circumstances, which can only be determined in respect of specific Planning Applications. Policy SP21 is therefore not in accordance with national policy and is therefore unsound.

7.13 Are there any other matters that could make the allocation of Site 82 according to Policy SP21 unsound? Yes.

In paragraph **B2.54** there is a suggestion that *‘there may be scope for small-scale wind turbines to be located’* on Site 82, *‘subject to consultation with the Ministry of Defence’*. “Small-scale” is not adequately defined in terms of size or number and is therefore ambiguous, but in practice, any scope for this type of development is a very remote possibility, not only because of the conflict between wind turbines and Green Belt policy and the use of nearby land for cricket, but also because it has been established that a wind turbine erected on Site 82 would be ‘visible’ to the primary surveillance radar systems operated by Air Traffic Control at the three busy local airports - RAF Brize Norton, RAF Benson, and London Oxford Airport (at Kidlington). Any wind turbine on Site 82 would interfere to some extent, dependent on its design, with the ability of these radar systems to provide the means for the safe regulation of the very frequent air traffic movements above Site 82 in this exceptionally busy local ‘choke point’ within the UK’s airspace. This is a serious impediment for any wind turbine developers, which neither developers nor the Ministry of Defence can overcome, and it is proven to exist by the intervention of the Ministry of Defence Infrastructure Organisation as recently as March 2010 with its insurmountable objections to the single 120 metre high wind turbine proposed on Site 82 by Partnerships for Renewables, which was therefore withdrawn. The scope for efficient electricity generation from any smaller wind turbine than this on Site 82 is minimal, because this site is physically shielded from the wind below that level through a full 180 degrees of arc from the north-west round to the south east by the nearby hills of Shotover Hill, Horspath Common, Castle Hill (Wheatley) and Garsington Hill. To suggest in paragraph B2.54 that there may be such scope for small wind turbines is entirely misleading about the reality of this possibility, and to state that Planning permission will be granted for wind turbines in Policy SP21 ignores the primary need to comply with Green Belt policy unless there are exceptional circumstances. Such very special circumstances are most unlikely to exist given the recent **Planning history of Site 82** in relation to three recent proposals for different configurations of wind turbines, which were all withdrawn in the face of insuperable objections very correctly raised by the Ministry of Defence. To imply that Planning permission might be granted for “small-scale wind turbines” in the paragraph B2.54 supporting Policy SP21 is simply misleading information for anyone reading this ambiguous policy, because without a full evaluation of the known sensitivity of important ATC radars to wind turbines located on Site 82, Planning permission cannot be granted by the LPA, and Policy SP21 is therefore ineffective and unsound.

Conclusion.

The inclusion of the words *“wind turbines”* in the text of Policy SP21 for the allocation of Site 82 is inappropriate, ambiguous, inconsistent with national and local Green Belt policy, and takes no

account of the specific local requirements for outdoor sports on and near Site 82, or of the need to keep the local airspace safe by using radar uncluttered by wind turbine interference. Policy SP21 is also unsound because it is in practice undeliverable and ineffective. Because of its inconsistency and its inadequacy by the inclusion of the words “wind turbines” in the policy text, Policy SP21 conflicts with Policy SP50 for the expansion of BMW’s MINI Plant Oxford, and this would have adverse consequences on the local economy, environment and society.

In our earlier response (23.03.2012), Horspath Parish Council has recommended that in order to render this policy sound, the words “wind turbines” should simply be deleted from the text of Policy SP21. All references to wind turbines in Paragraph B2.54 should also be deleted.

Submitted by Martin Harris

For Horspath Parish Council (RS93)

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