

Planning

Head of Service: Adrian Duffield



Listening Learning Leading

Oliver Troup
Statera Energy Limited
1st Floor 145 Kensington
Church Street
London
W8 7LP

CONTACT OFFICER: **William Sparling**

registration@southoxon.gov.uk

Tel : 01235 422600

Textphone: 18001 01235 422600

135 Eastern Avenue, Milton Park
ABINGDON OX14 4SB

13 September 2022

Ref: P22/S2503/PEJ

Dear Oliver,

Location: Site North of Culham Science Centre, near Clifton Hampden
Proposal: Development of a 500mw Battery Storage Facility with associated infrastructure, access and landscaping. (Additional information received 1 August 2022) ** MEETING & FOLLOW UP LETTER.**

Thank you for submitting a pre-application enquiry in respect of the development proposal described above. It is worth noting that pre-application discussions are confidential until a planning application is submitted, at which point they are then made public. Further to our pre-application meeting on Friday 9th September 2022, I write to provide you with the follow-up advice letter as requested.

Having regard to the proposed development, I have considered the relevant policies of the adopted development plan, which is the South Oxfordshire Local Plan 2035 (adopted 10/12/2020). The principal matters that would be considered as part of a formal application for planning permission would be as follows:

- Principle of development and Green Belt
- Heritage impact
- Landscape impact
- Best and Most Versatile Agricultural Land
- Highways and access
- Ecology
- Trees
- Drainage
- Archaeology
- EIA development

Site Context

Having regard to the submitted information and site visit, the site context can be summarised as follows:

- The site is located immediately north of the Culham Science Centre. It is currently farmland.
- The site lies entirely within the Oxford Green Belt.
- Part of the site is entirely within Nuneham Courtney Registered Park and Garden and the remainder of the site is within its setting. The registered park is a highly significant C18 parkland landscape and pleasure grounds containing a number of listed structures, follies and buildings including the Grade II* Nuneham House.
- The proposed development site borders Nuneham Courtenay Conservation Area to the north. The development site is also within the immediate setting of the Nuneham Courtenay Conservation Area and in the wider setting of the Grade II listed Thame Lane Bridge, the Grade II listed Europa School and the village conservation area of Clifton Hampden.
- There is a right of way along Thame Lane on the southern boundary, which forms part of the long distance Oxford Greenbelt Way, this continues alongside the railway line west of the site, within the strategic allocation site (STRAT 9); there are attractive views over the site from the footpath, to woodland and parkland, despite the two sets of pylon lines which cross/ bound the site.
- Aerial images indicate the site is largely open and in agricultural use.

Current Proposal

The current proposal can be summarised as follows:

- The proposal is for 625 batteries (the LVIA states 432).
- Six steel clad, pitch roof buildings, each approximately 110m long, 20m wide and 8m high which will house the Power Conditioning Systems (PCS) which are placed in buildings to mitigate noise Attenuation pond.
- Woodland and tree planting.
- Access and hard standing.
- 3m grass bunds and earthworks.
- Associated structures, fencing and security cameras are likely going to be required including a weld mesh compound fence with CCTV security cameras mounted on 4 m high posts.

A site layout plan has been submitted. A preliminary LVIA has been submitted which provides additional information, including proposed elevations and a site layout plan.

Planning Policy

The relevant document of the Development Plan is the South Oxfordshire Local Plan 2035.

[South Oxfordshire Local Plan 2035](#)

TRANS4 Transport Assessments, Transport Statements and Travel Plans
TRANS5 Consideration of Development Proposals
INF1 Infrastructure Provision
INF4 Water Resources
STRAT1 The Overall Strategy
STRAT8 Culham Science Centre
ENV1 Landscape and Countryside
ENV2 Biodiversity – Designated Sites, Priority Habitats and Species
ENV3 Biodiversity
ENV4 Watercourses
ENV5 Green Infrastructure in New Developments
ENV6 Historic Environment
ENV7 Listed Buildings
ENV8 Conservation Areas
ENV9 Archaeology and Scheduled Monuments
ENV10 Historic Battlefields, Registered Parks and Gardens and Historic Landscapes
EP4 Flood Risk
DES1 Delivering High Quality Development
DES2 Enhancing Local Character
DES3 Design and Access Statements
DES4 Masterplans for Allocated Sites and Major Development
DES9 Renewable Energy

Principle of Development

The current solar capacity in South Oxfordshire is understood to be 47MW. Scenario modelling with a high ambition pathway gives a target, in line with the date of the council's district wide carbon neutral aims, of 170 MW for South by 2030 (source Climate Action Pathways and Action Plan report, Anthesis, July 2021). The Oxfordshire Energy Strategy also has an aim to make Oxfordshire energy self-sufficient and to keep energy spend in the county. The Pathways to a Zero Carbon Oxfordshire report, Oxford University Environmental Change Institute 2021, states that all net-zero pathways will involve the expansion of solar generating capacity in Oxfordshire.

As part of the transition to a low carbon energy system, backup sources and energy storage will be required in locations with good grid connections and at a suitable scale to deliver capacity at short notice. Whilst it is noted the proposed site location is suitable due to proximity to the electricity grid with adequate capacity, the overall development strategy for the district is to direct development towards existing settlements and built-up areas in accordance with Policy STRAT1 (Overall Strategy).

South Oxfordshire Local Plan 2035 Policy DES9 (Renewable Energy) encourage schemes for renewable and low carbon energy generation and associated infrastructure at all scales. Furthermore, the other policies of the Development Plan ensure the most sensitive parts of the district are protected from adverse impacts of development, including sensitive landscapes, heritage assets and the Green Belt.

In accordance with Policy DES9, planning applications will be supported provided they do not cause a significant adverse effect to the landscape, historic environment,

safe movement, or openness of the Green Belt. As such, the policy permits this type of development in locations across the district where these effects are avoided. The current proposal is likely to cause a significant adverse effect to the landscape, the Grade I Listed Registered Park and Garden and to the openness of the Green Belt. Having regard to, Policy ENV1 (Landscape and Countryside) and Policy ENV6 (Historic Environment), Policy ENV7 (Listed Buildings), Policy ENV8 (Conservation Areas) and Policy ENV10 (Registered Parks and Gardens and Historic Landscapes). Landscape and heritage are considered in this letter further below under the relevant heading.

Policy STRAT6 (Green Belt), seeks to ensure the Green Belt continues to serve its key functions. It will be protected from harmful development. Within its boundaries, development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless very special circumstances can be demonstrated. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 147 of the NPPF states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 requires substantial weight to be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm (inappropriateness and any other harm (is clearly outweighed by other considerations)). Paragraph 151 states that elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed.

Having regard to the quantum, scale, massing and height of the proposal and associated works, the council considers the proposal constitutes inappropriate development in the Green Belt. The site character would change from an open, rural historic landscape to an industrial battery facility. Batteries, structures and bunds would lead to a loss of visual openness as well as spatial openness. Furthermore, the harm to the Green Belt and the countryside in this location, having regard to the sensitive historic and unbuilt character of the site, is very unlikely to be outweighed by other considerations. However, limited information has been submitted to assess the suitability of the land having regard to the objectives of Green Belt. Moreover, an assessment to demonstrate very special circumstances has not been submitted for consideration.

Moreover, as part of the preparation of the Local Plan, having regard to paragraph 140 of the NPPF, Green Belt boundaries have been amended to accommodate strategic allocations after a Green Belt review. These allocations should deliver compensatory improvements to the environmental quality and accessibility of the remaining Green Belt land, with measures supported by evidence of landscape, biodiversity or recreational needs and opportunities. Green Belt has been retained where it is considered to perform functions that meet its objectives set in national and local planning policy. The function of the remaining Green Belt in meeting its objectives is heightened and it is intended the revised boundaries will have a permanence in the long term and endure beyond the plan period.

In conclusion, as the proposal will likely cause a significant adverse effect on the landscape, to the registered park and garden and to the openness of the Green Belt, the principle of the proposed development is not accepted. Therefore, if a planning application were to be submitted, the council is unlikely to support the proposal and it is likely to be refused. The proposal is considered to be contrary to Policy DES9 (Renewable Energy), Policy ENV1 (Landscape and Countryside), Policy ENV6 (Historic Environment), Policy ENV10 (Registered Parks and Gardens and Historic Landscapes), Policy STRAT6 (Green Belt) and Policy STRAT1 (Overall Strategy).

Heritage Impact

As described above, much of the site is within Nuneham Park and its immediate setting, which is a Grade I Registered Park and Garden. Historic battlefields, landscapes, parks and gardens are an important part of the district's heritage and environment. Whilst there is a need to support the transition to a low carbon economy in suitable locations and at a suitable scale, historic parks and gardens are a fragile and finite resource. They have a special character which the council seeks to protect through relevant planning policy. They comprise a variety of features including the open space itself, views in and out, archaeological remains and a consciously designed landscape. Additionally, the north edge of the site borders the Nuneham Courtenay Conservation area.

Having regard to Policy ENV6 (Historic Environment), proposals for new development that may affect designated heritage assets should take account of the desirability of sustaining and enhancing the significance of those assets. Proposals should not cause harm to the historic environment and will be refused where they do not conserve or enhance the significance of the heritage asset and their settings. The site character would change from an open, rural historic landscape to an industrial battery facility.

Having regard to Policy ENV10 (Registered Parks and Gardens), proposals should conserve or enhance the special historic interest, character or setting of a park and garden. The current proposal would drastically change the character and setting of the Grade I Listed Nuneham Park. The change would not be neutral, as it would introduce 625 batteries and associated structures into an open parkland and rural estate setting. Whilst bunds would be included, such structures are completely alien and at odds with the existing protected historic character. Some woodland planting would not mitigate and indeed would introduce a further degree of change into the site context.

Furthermore, any harm or loss of significance requires clear and convincing justification with substantial harm being wholly exceptional. Where a proposed development will lead to substantial harm consent will only be granted where it can be demonstrated the harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. All other options for conservation or use must have been explored. The change brought about by the current proposal would result in at least substantial harm to the Grade I Listed Nuneham Park. The industrial character of the area would be harmful to the existing character and appearance of the area. Substantial public benefits have not been demonstrated to justify such an incursion in to the Grade I Listed Park and Garden and its setting.

The development is also within the immediate setting of the Nuneham Courtenay Conservation Area and in the wider setting of the Grade II listed Thame Lane Bridge, the Grade II listed Europa School and the village conservation area of Clifton Hampden. Policy ENV7 (Listed Buildings) requires proposals to affecting the significance of a Listed building or its setting to conserve or enhance the significance. Proposals resulting in significant harm will be refused unless it is demonstrated the harm is necessary to achieve substantial public benefits that outweigh that level of harm. Development proposals that result in less than substantial harm will be expected to minimise harm, avoid adverse impacts and provide justification for the harm. Public benefits to outweigh that harm will also be required. An assessment of the significance of the Listed buildings and structures should be undertaken plus the impact of the proposal on them.

Moreover, Policy ENV8 (Conservation Areas) requires proposals within or affecting the setting of a Conservation Area to conserve or enhance its special interest. The special characteristics of the Conservation Area should be protected. The proposal will introduce batteries and associated structures and works within the context of the Conservation Area, which would alter the views in and out of the Conservation Area and be at odds with the existing character and distinctiveness. This includes with respect to the development's siting, size, scale, height, alignment, materials and finishes, which would be industrial in their design and appearance in a rural setting. The proposal would be jarring and harmful to the conservation area. An assessment of the level of harm to the significance of the heritage asset should be undertaken.

In conclusion, the proposal will result in the substantial harm to Nuneham Park and its setting, which is a Grade I Listed registered park and garden contrary to Policy ENV6 (Historic Environment), Policy ENV10 (Registered Parks and Gardens) and Policy STRAT1 (Overall Strategy). It would be contrary to Policy DES1 (Delivering High Quality Development), Policy DES2 (Enhancing Local Character), Policy DES4 (Masterplans for Major Development) and Policy DES7 (Efficient Use of Resources). It has not been demonstrated that the harm is outweighed by substantial public benefits. If a planning application were to be made, the council would give great weight to the protection of the heritage asset and its setting and would refuse the application.

As part of any planning application, the applicants will be required to describe, in line with best practice and relevant national guidance, the significance of any heritage assets affected including any contribution made by their setting. The level of detail should be proportionate to the asset's importance – in this case, Grade I. More information can be found in the Oxfordshire Historic Environment Record. No heritage impact assessment has been submitted with the current pre-app enquiry. Historic England will be a consultee on any planning application in this location.

I have attached the consultation response from the conservation officer to this letter.

Landscape Impact

Having regard to Policy ENV1 (Landscape and Countryside), South Oxfordshire's landscape, countryside and rural areas will be protected against harmful

development. Development will only be permitted where it protects and, where possible enhances, features that contribute to the nature and quality of South Oxfordshire's landscapes. The proposed development site is located in the Nuneham Courtenay Ridge character area. It is within the Parkland and Estate Farmland landscape type, which is rural, unspoilt and generally of an enclosed character with strong woodland and tree cover.

The proposal would result in the loss of visually open land that would be detrimental to its landscape and visual quality, including public views. The proposal would be at odds with the landscape character of the area. The proposed new structures and bunds would introduce new features into the site, which would go beyond a degree of change and lead to harm to the visual and spatial openness of the landscape. Indeed, as described above, the addition of some woodland planting would not mitigate harm to the landscape from the industrial character of the site. Incorporating bunds into the proposal may hide the batteries from view, but would remove the view itself along with the spatially open nature of the site.

In conclusion, the proposal would cause a significant adverse impact on the landscape, contrary to Policy EN1 (Landscape and Countryside), Policy DES1 (High Quality Design), Policy DES2 (Design and Character) which requires proposals to reflect the local landscape character. If a planning application were to be submitted the council is unlikely to be supportive of the proposals in principle.

I have attached the consultation response of the landscape officer to this letter.

Best and Most Versatile Agricultural Land

Policy DES7 (Efficient Use of Resources) requires new development to make provision for the effective use and protection of natural resources. The policy requires proposals to avoid development of the best and most versatile agricultural land, unless it is demonstrated to be the most sustainable choice from reasonable alternatives. It requires the use of poorer quality land in preference to that of a higher quality. If a planning application is submitted, it should be accompanied by an agricultural land classification report prepared by a suitably qualified organisations for assessment. Proposals which result in the loss of Grade 1, 2 or 3a BMV land are unlikely to be supported by the council, in accordance with Policy DES7 (Efficient Use of Resources) and paragraph 174 of the NPPF.

Highways and Access

Policy TRANS5 (Transport – Consideration of Development Proposals) requires proposals to demonstrate safe and secure access for all users and modes of transport. It also requires proposals to demonstrate they will not lead to harm to the highway network through additional traffic movements.

OCC have indicated the primary concern for the current proposal would be demonstrating there is suitable and safe access and maintaining any footpaths so that they are free of obstruction.

I have attached the highway officer consultation response to this letter. Furthermore, I have attached advice on the public rights of way in the vicinity of this site, which has been provided separately by OCC.

Ecology

The pre-app enquiry is accompanied by limited ecology information.

Policy ENV2 of the SOLP seeks to protect important ecological receptors (Designated sites, protected species, priority habitats, etc.). When adverse impacts are likely, development must meet the criteria outlined under the policy to be acceptable.

Policy ENV3 of the SOLP seeks to secure net gains for biodiversity and requires that applications are supported by a biodiversity metric assessment. Net loss of biodiversity will not be supported.

It is recommended that any forthcoming application is supported by a full ecological impact assessment (EclA) and a biodiversity metric assessment. Detailed faunal (e.g. breeding bird, reptile, bat activity) or botanical surveys may be required to inform the EclA.

Trees

The trees to the north of this site are protected as they are within the Conservation Area.

The applicant has submitted no arboricultural information with this request for pre application advice. Therefore, it has not been possible to assess the arboricultural impact that this proposal is likely to have.

Any future applications need to include a tree survey and arboricultural impact assessment. The tree survey will need to be completed in accordance with BS 5837 2012 by a competent consultant arborist and should include any trees on and adjacent to the site that may be impacted by the proposed development.

From the information collected, a tree constraints plan can be produced (overlaid onto an accurate topographical drawing). The arboricultural impact assessment should evaluate the direct and indirect effects of the proposed design and where necessary recommend mitigation.

Future proposals then need to be designed to reflect the tree constraints identified. The impact must be presented in an Arboricultural Impact Assessment, and details of how the trees are going to be protected in an Arboricultural Method Statement and Tree Protection Plan.

Drainage

Having regard to Policy EP4 (Flood Risk), the site is located in Flood Zone 1 and at low risk of fluvial flooding. Surface water flood maps indicate that the site is at low

risk from this source and groundwater risk maps indicate that there is a medium to high risk from this source. The site is considered to be in a suitable zone for the type of development proposed in terms of flood risk planning policy.

Archaeology

In addition to the heritage comments provided above, having regard to Policy ENV6 (Historic Environment), proposals for new development that may affect below ground heritage assets should take account of the desirability of sustaining and enhancing the significance of those assets.

The proposal site is located in an area of considerable archaeological interest and potential within the Grade I Registered Park and Garden of Nuneham Courtenay. Cropmarks and geophysical survey further identify prehistoric and/or Roman settlement and associated activity to be present both within and immediately adjacent to the proposal site. A considerable number of other archaeological sites have been recorded in the immediate environs of the proposal area.

An archaeological desk-based assessment, incorporating the results of a detailed geophysical survey, will need to be submitted along with any planning application for the site in line with the National Planning Policy Framework (NPPF 2021) paragraph 194. This assessment will need to be undertaken in line with the Chartered Institute for Archaeologists standards and guidance for desk-based assessments and geophysical survey including the submission of an appropriate written scheme of investigation to agree the scope of the assessment.

A programme of further archaeological investigation will likely be required ahead of the determination of any planning application for the site. This investigation must be undertaken in line with the Chartered Institute for Archaeologists standards and guidance for archaeological evaluation including the submission and agreement of a suitable written scheme of investigation.

The assessment and any works will need to assess the potential of the site to contain archaeological deposits and the significance of any such deposits as well as the impact of this development on the registered park and garden and its setting. The council will take this into account with respect to the assessment of significance on the harm to the wider historic environment including the Grade I Registered Park and Garden, Conservation Area and setting of the Listed buildings.

EIA Development

The proposal has not been screened for the purposes of Environmental Impact Assessment (EIA). If the applicant opts to proceed it is recommended an EIA screening opinion is formally requested from South Oxfordshire District Council. If it would envisage cumulative impact would be a key matter to be addressed.

Conclusion

As the proposal will likely cause a significant adverse effect on the landscape, to the registered park and garden and to the openness of the Green Belt, the principle of

the proposed development is not accepted. Any planning application for the proposed development would not be supported by the council and it would be likely to be refused.

The proposal is considered to be contrary to Policy DES9 (Renewable Energy), Policy ENV1 (Landscape and Countryside), Policy ENV6 (Historic Environment), Policy ENV10 (Registered Parks and Gardens and Historic Landscapes), Policy STRAT6 (Green Belt) and Policy STRAT1 (Overall Strategy).

The proposal will result in the substantial harm to Nuneham Park and its setting, which is a Grade I Listed registered park and garden contrary to Policy ENV6 (Historic Environment), Policy ENV10 (Registered Parks and Gardens) and Policy STRAT1 (Overall Strategy). It would be contrary to Policy DES1 (Delivering High Quality Development), Policy DES2 (Enhancing Local Character), Policy DES4 (Masterplans for Major Development) and Policy DES7 (Efficient Use of Resources).

The proposal would cause a significant adverse impact on the landscape, contrary to Policy EN1 (Landscape and Countryside), Policy DES1 (High Quality Design), Policy DES2 (Design and Character) which requires proposals to reflect the local landscape character. Proposals which result in the loss of Grade 1, 2 or 3a BMV land are unlikely to be supported by the council, in accordance with Policy DES7 (Efficient Use of Resources) and paragraph 174 of the NPPF.

Substantial work would be required to understand the significance of the heritage assets in the vicinity as well as the impact on those assets including the level of harm. Public benefits will need to be demonstrated, as will very special circumstances with respect to the Green Belt. Other proposals which lead to a similar level of harm to the landscape, on the registered park and garden (for example those within the designation or its setting), other heritage assets including Conservation Area and Listed buildings, and Green Belt would be unlikely to be supported by the council.

These views represent my officer opinion and are not legally binding on the council in the subsequent determination of any formal planning application. The attached consultation responses are subject to the same caveats.

Yours sincerely,

A handwritten signature in black ink, appearing to read "W Sparling".

William Sparling
Senior Planning Officer (Major Applications)