

Our ref: Q220995
Email: matt.eyre@quod.com
Date: 23 December 2024



The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

By online portal only.

Dear Sir/Madam

Section 78 Appeal ('the Appeal') – Refusal to grant planning permission (reference P24/S1498/FUL) for “the development of a Battery Energy Storage System (BESS), comprising a 500 megawatt (MW) battery storage facility with associated infrastructure, access and landscaping, with a connection into the Culham Jet National Grid substation” at Land to the north of the Culham Science Centre Thame Lane near Clifton Hampden, OX14 3GY ('the Appeal Site').

Local Planning Authority: South Oxfordshire District Council ('the LPA')
LPA decision date: 8 August 2024 (appeal deadline 8 February 2025)
Appellant: Culham Storage Limited
Agent: Quod Ltd

We are instructed by the Appellant in respect of the above appeal, which accompanies this letter.

Time limits for the Appeal

The LPA refused planning permission on 8 August 2024. The deadline for the submission of this Appeal is six months from the date of that decision, being 8 February 2025. The Appeal has been submitted within the relevant time period.

Notice of Intention to Appeal

On behalf of the Appellant, we issued the Notice of Intention to Appeal to the LPA and the Planning Inspectorate on 4 December 2024. In accordance with the Planning Inspectorate's "Procedural Guide: Planning appeals - England" (September 2024) (the "Appeal Guidance"), this Appeal is submitted more than 10 working days following the issue of that notice.

Appeal documentation

The following documentation has been submitted alongside the Appeal:

Quod | 21 Soho Square London W1D 3QP | 020 3597 1000 | quod.com

Quod Limited. Registered England at above No. 7170188





- Appeal form, supporting information and covering letter;
- Statement of Case;
- Draft Statement of Common Ground, including draft Core Documents List; and
- Proposed Scheme Updates.

Formal request for hearing the Appeal by public inquiry

On behalf of the Appellant we formally request that the Appeal is heard by way of public inquiry.

Guidance issued by the Planning Inspectorate¹ makes clear that an inquiry would be appropriate if, inter alia, there is a clearly explained need for the evidence to be tested through formal questioning by an advocate and/or the issues are complex.

Having regard to this guidance and taking account of all relevant considerations in respect of the Appeal we consider the Appeal warrants hearing at a public inquiry for the following reasons:

- The reasons for refusal cover multiple topics including Green Belt, landscape and visual impact and heritage and the Appellant and Council are a considerable way apart. The rationale behind the Council's judgements needs to be fully examined and tested in order to determine the Appeal. The issues are sufficiently complex that they can only properly be tested through formal questioning by advocates.
- The issues involved in the Appeal are complex and were subject to a number of local representations. The Appeal scheme proposes a battery energy storage system for which there is an urgent national need. This is evidenced by the removal of such development from the Planning Act 2008 explicitly to "remove a barrier to its deployment."² Both the type of technology proposed plus the national and regional need for it will be explained through the formal presentation and testing of evidence. To ensure that the Inspector is fully appraised of the merits and impacts of the scheme, the Appellant considers it important that parties have the opportunity to cross-examine witnesses. Legal submissions may also be required in respect of the approach to Government policy in the context of a section 78 appeal and the relevance of potential alternatives to the scheme.

¹ Criteria for determining the procedure for planning, enforcement, advertisement and discontinuance notice appeals (published 21 April 2022, updated 05 August 2024). Available here: <https://www.gov.uk/government/publications/criteria-for-determining-the-procedure-for-planning-enforcement-advertisement-and-discontinuance-notice-appeals/criteria-for-determining-the-procedure-for-planning-enforcement-advertisement-and-discontinuance-notice-appeals> [accessed 10/12/2024].

² EXPLANATORY MEMORANDUM TO THE ELECTRICITY STORAGE FACILITIES (EXEMPTION) (ENGLAND AND WALES) ORDER 2020 2020 No. 1217



For the reasons given above, and in light of the Planning Inspectorate's guidance set out above, we consider an inquiry is appropriate given the national need for the development, the complexity and technical nature of the issues involved, and the clear need for the evidence to be tested through formal questioning by advocates.

Proposed duration and timing of the Inquiry

At present, the Appellant envisages calling up to 3 witnesses. Based on this, and the complex evidence that will need to be tested, the Appellant requests that the Appeal is listed for 5 days.

To help inform the window within which an inquiry could potentially take place, the Appellant is not available to attend an inquiry on the following dates:

- 20th – 31st May 2025
- 1st June – 6th June 2025
- 8th July -15th July 2025

The Appellant would be grateful if these dates could be borne in mind by the Inspectorate when considering potential dates for the Appeal.

We would be grateful if you could acknowledge receipt of the Appeal and confirm that the Appeal has been validly lodged with the Inspectorate.

Should you require any further information, please do not hesitate to contact myself or my colleague Matt Eyre using the details above.

Yours sincerely

Sean Bashforth
Senior Director