

**THE TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78**

**THE TOWN AND COUNTRY PLANNING APPEALS (DETERMINATION  
BY INSPECTORS) (INQUIRIES PROCEDURE) (ENGLAND) RULES  
2000 (SI 2000/1625)  
(AS AMENDED)**

**Appeal by Culham Storage Limited**

**Relating to Land to the north of Culham Campus, Thame Lane near Clifton  
Hampden**

**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**

**Full Statement of Case of  
South Oxfordshire District Council  
The Local Planning Authority**

**Planning Inspectorate reference: APP/Q3115/W/24/3358132**

**LPA Application reference: P24/S1498/FUL**

**April 2025**

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## **Appendices**

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- 4. Land to the west of Dyche Lane and to the south of New Leaf Plant Centre,  
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- 5. Land south of substation, Lycrome Road, Lye Green, HP5 3LD –  
APP/X0415/W/18/3212793**
- 6. Land adjacent to Thurcroft Substation, off Moat Lane, Wickersley, S66 1DZ –  
APP/P4415/W/18/3206823**

## 1.0 INTRODUCTION

- 1.1 This is the Statement of Case on behalf of South Oxfordshire District Council (**‘the council’**), and provides a description of the case that the Council will present at the forthcoming Inquiry in respect of the appeal by Culham Storage Ltd (**‘the Appellant’**) against the council’s decision to refuse planning application 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.’*

- 1.2 The decision notice, issued on 8 August 2024, confirmed the following refusal reasons:

*“1. The development is inappropriate development in the Green Belt that would be harmful to the spatial and visual openness of the Green Belt and would conflict with the purposes of the Green Belt. This site additionally provides an important Green Belt function in relation to strategic sites removed from the Green Belt for development. The application does not constitute very special circumstances as required by the National Planning Policy Framework to outweigh the substantial harm to the openness of the Green Belt. As such, the proposal is contrary to the NPPF, and Policies STRAT6 and DES9 of the South Oxfordshire Local Plan 2035.*

*2. The site proposed for battery storage provides a valuable transition between the registered parkland and the Culham Science site. The battery storage is large scale, would be industrial in appearance, and would introduce an urban industrial development into an important area of rural countryside. It would result in significant adverse effects on the landscape character and to views including those from public rights of way. The proposed mitigation is ineffective in*

*mitigating this harm and the proposal is contrary to the NPPF, and Policies ENV1, DES1 and DES2 of the South Oxfordshire Local Plan 2035, and Policy CUL5 of the Culham Neighbourhood Plan.*

*Further, this proposal, in addition to the development on allocated sites STRAT8 and STRAT9, will create an increased cumulative impact harmful to the landscape character of the area, contrary to Policies ENV1, DES1 and DES2 of the South Oxfordshire Local Plan 2035.*

*3. The proposed development of an industrial nature would encroach into the Nuneham Courtenay Grade I Registered Park and Garden (RPG), a highly significant C18 parkland landscape, which contains several listed buildings and structures. The development will result in significant adverse impacts to the designated heritage asset, and the setting of the RPG. The proposed landscape mitigation fails to respect the character of the RPG and its setting and would result in further harm. The harm to the heritage assets considerably outweighs the benefits of the proposed development and the proposal is therefore contrary to the NPPF and Policies ENV6 and ENV10 of the South Oxfordshire Local Plan 2035.*

*Further, this proposal, in addition to the development on allocated sites STRAT8 and STRAT9, will create an increased cumulative impact harmful to the setting of the designated Registered Park and Garden, contrary to Policies ENV6 and ENV10 of the South Oxfordshire Local Plan 2035, the NPPF.*

*4. The loss of Best and Most Versatile land throughout the lifetime of the proposed development (40 years) has not been justified by compelling evidence in accordance with the written ministerial statement of 15 May 2024 concerning the use of agricultural land, which is reflected in policy DES7 of the South Oxfordshire Local Plan 2035 and the NPPF.*

*5. Insufficient information relating to the results of an archaeological trenched evaluation has been submitted to demonstrate that the proposed development*

*would protect against harm to archaeological assets. As this information has not been provided, and the County Archaeologist has been unable to assess the impacts of the development, the development is contrary to Policy ENV9 of the South Oxfordshire Local Plan 2035.*

*6. Insufficient information has been submitted to demonstrate that the proposed development would be served by an appropriate drainage strategy. As such, the proposal is contrary to Policies INF4, EP4 and STRAT4 of the South Oxfordshire Local Plan 2035.*

*7. Insufficient information has been submitted to demonstrate that the proposed development would address Biodiversity Net Gain requirements. As such, the proposal is contrary to Policy ENV3 of the South Oxfordshire Local Plan 2035.*

*8. There is insufficient and inconsistent information regarding Arboricultural matters and to adequately assess any harmful impact on trees. As such, the proposal is contrary to Policy ENV1 of the South Oxfordshire Local Plan.'*

## **The Appeal Scheme**

1.3 As outlined in section 2.5 of the Appellant's SoC (ASOC), the Appellant has reviewed the scheme in the context of the refusal reasons and in the light of the consultation responses.

1.4 Para. 2.5.1 of the ASOC confirms:

*'...Potential refinements have been identified, principally to include the relocation of the connection tower from within the RPG and related works. In summary the changes comprise:*

- The relocation of connection tower to the main battery storage main compound;*

- *Updates to landscaping proposals to extend the woodland planting further south along the western boundary and to remove the proposed scrubland and tree planting from around the previous connection tower;*
- *Reduction in car parking from 14 to 4 spaces;*
- *Associated repositioning and reduction of battery storage containers and invertors to 248 containers and 31 invertor buildings due to improved technology;*
- *Reduction in the number of water tanks from 3 to 2 but with the same total storage capacity; and*
- *Alterations to the fence location around the battery compound.'*

1.5 The above amendments are reflected in the following amended drawings submitted with the appeal:

Block Plan (SL254\_L\_X\_GA\_1\_Rev A) (CD2.3.17)

Cross Sections (SL254\_L\_X\_CS\_1\_Rev A) (CD2.3.16)

Planting Plan Sheet 1 of 5 (515\_PP\_01\_Rev A) (CD2.3.7)

Planting Plan Sheet 2 of 5 (515\_PP\_02\_Rev A) (CD2.3.8)

Planting Plan Sheet 3 of 5 (515\_PP\_03\_Rev A) (CD2.3.9)

Planting Plan Sheet 4 of 5 (515\_PP\_04\_Rev A) (CD2.3.10); Planting Plan Sheet 5 of 5 (515\_PP\_05\_Rev A) (CD2.3.11); and

Fire Water Tank (SD\_12 Rev A) (CD2.3.15).

1.6 The amendments are also supported by the following technical reports:

List of species to be used within the new landscape areas

(515\_LPSPEC\_01\_Rev A) (CD2.3.4);

Landscape and Ecological Management Plan (515\_Culham BESS LEMP\_Rev A) (CD2.3.3);

Figure \_HO\_01: 1932 Ordnance Survey map overlain on an extract of the Appeal Scheme Block Plan (CD2.3.13);

515\_BPO\_01 Culham BESS Application and Appeal plan overlay (CD2.3.5);

515\_EE\_01\_Rev A Culham BESS Ecological Enhancements (CD2.3.6);

Accurate Verified Representations Updated to Accord With The Appeal Scheme (CD2.3.12);  
Flood Risk Assessment and Conceptual Drainage Strategy: HLEF85368 6 – Layout v8 December 2024 (CD2.3.2);  
Biodiversity: Appeal Scheme statutory metric\_v1 (CD2.3.1).  
Supplementary Environmental Information Report (CD2.3.18)  
Archaeological Evaluation Report Issue No. 1 November 2024 by Oxford Archaeology (CD2.2.2)

- 1.7 The Appellant submitted the above information in November 2024 in advance of the appeal being submitted to the Planning Inspectorate (PINS) on 23 December 2024. The council has considered this information and circulated it to internal and external consultees for comment, however, no public consultation has been undertaken on the revisions and additional information other than as part of the consultation in respect of this appeal. The council is happy to be guided by the Inspector as to whether formal public consultation is needed outside of this process.
- 1.8 The council is mindful that the acceptability of these potential amendments in light of PINS' Procedural Guide: Planning Appeals – England ('the Procedural Guide')<sup>1</sup>. Section 16 of the Procedural Guide relates to amendments to an proposed scheme once an appeal has been made and refers to the judgment reached in *Holborn Studios Ltd v The Council of the London Borough of Hackney* (2018), which refined the "Wheatcroft principles" set out in *Bernard Wheatcroft v Secretary of State for the Environment* (1982). Those judgements considered the tests to be applied in whether PINS should accept amended plans. These comprised:
- *Whether the proposed amendment involves a "substantial difference" or "fundamental change" to the application; and*
  - *Whether, if accepted, the proposed amendment(s) would cause unlawful*

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<sup>1</sup> <https://www.gov.uk/government/publications/planning-appeals-procedural-guide/procedural-guide-planning-appeals-england>

*procedural unfairness to anyone involved in the appeal.*

- 1.9 The Appellant considers that the Appeal Scheme amendments would not constitute a substantial difference or fundamental change to the application. The council is inclined to share this view for the reasons set out in paras. 2.5.7 to 2.5.9 of the ASOC. This is a matter which can be discussed further at the Case Management Conference with the Inspector which is scheduled for Tuesday 29 April at 10am.

### **Refusal reason 5 – Archaeology**

- 1.10 In determining the appeal application the council considered that the archaeological trenched evaluation submitted with the applications was insufficient to demonstrate that archaeological assets would be protected from harm as required by Policy ENV9 of the South Oxfordshire Local Plan.
- 1.11 In response to this, the Appellant has submitted an Archaeological Evaluation Report Issue No. 1 November 2024 by Oxford Archaeology (CD2.2.2). Oxfordshire County Council's Senior Archaeologist has confirmed that the amended archaeological evaluation report provided as part of the information submitted for the above appeal is now acceptable and provides a suitable basis of information to provide further comments and recommendations in line with the NPPF.
- 1.12 The results of the trenched evaluation have served to demonstrate the presence of below ground archaeological remains within the appeal site, this characterised by both a series of recorded ditch, gully, and posthole features identifying a focus of late Roman occupation and structural elements relating to the sites military use. Whilst these recorded heritage assets are not demonstrably of equivalent significance as a scheduled monument, proposed development will impact on these archaeological features and as such they will require further investigation and record in advance of development should consent be granted.



- 1.13 Accordingly, the Senior Planning Archaeologist, recommends that, should planning permission be granted, the Appellant should be responsible for ensuring the implementation of a programme of archaeological investigation to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition.

*‘Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.*

*Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2024).*

*Following the approval of the Written Scheme of Investigation referred to in condition X above, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.*

*Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2024).*

- 1.14 The council anticipates that a Statement of Common Ground specific to archaeology will be agreed between OCC and the Appellant to reflect the above.

- 1.15 In the light of this, the council's concerns in respect of refusal reason 5 are addressed subject to conditions. No evidence will be submitted in respect of this issue.

### **Refusal reason 6 - Insufficient drainage information**

- 1.16 In determining the appeal application, the council considered that insufficient drainage details had been provided in order to demonstrate the appropriateness of the drainage strategy as required by policies INF4, EP4 and STRAT4 of the South Oxfordshire Local Plan.
- 1.17 Policy INF4 requires proposals to demonstrate that there is or will be adequate surface water capacity to serve the whole development whilst policy EP4 requiring requires that all development is supported by a Drainage Strategy which is expected to incorporate Sustainable Drainage Systems and ensure that run-off rates are attenuated to greenfield run off rates. Policy STRAT4 expects each development to provide an integrated water management plan to include proposed foul and surface water drainage strategies.
- 1.18 The council's Senior Drainage Engineer questioned the outfall on the western side of the railway and sought further details in respect of levels, means and agreement to install a connection under the railway and confirmation that the Applicant has rights to connect surface water to this watercourse, particularly since this is shown to be outside the site boundary.
- 1.19 The Appellant has reviewed the proposed Conceptual Drainage Strategy for both the appeal application as well as the proposed amends to this appeal.<sup>2</sup> Paras.4.8.5 to 4.8.13 of the ASOC confirms that the nature of the changes to the drainage strategy.
- 1.20 The council's Senior Drainage Engineer has reviewed the information submitted with this appeal and has provided an updated consultation response which is

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<sup>2</sup> The Application Scheme Flood Risk Assessment and Conceptual Drainage Strategy (CD2.2.8) and the Appeal Scheme Flood Risk Assessment and Conceptual Drainage Strategy (CD2.3.2).

contained in **Appendix 1** to this Statement. Since the council now considers that the revised drainage strategy is appropriate subject to conditions, the council is satisfied that refusal reason 6 has been addressed. No evidence will be submitted by the council to the Inquiry in respect of this issue.

### **Refusal reason 7 - Insufficient BNG information**

- 1.21 Policy ENV3 of the South Oxfordshire Local Plan supports development that will conserve, restore and enhance biodiversity and encourages proposals to provide a net gain in biodiversity where possible. The council's Senior Ecology Officer was not satisfied that the information submitted with the appeal application demonstrated compliance with policy ENV3 and sought confirmation of the baseline habitat condition, an updated BNG metric, a justification a justification for the loss of medium distinctiveness habitats and additional plans for the purpose of using a planning obligation to secure onsite BNG for sale on the BNG market.
- 1.22 The Appellant has submitted further evidence on BNG with this appeal, based on the appeal scheme as well as the proposed amended appeal scheme<sup>3</sup>. These result in a BNG of 67.11% for the Application Scheme and 62.10% BNG for the Appeal Scheme, satisfying trading rules for both. Excess habitat gains would not be sold on the BNG market for either scheme. In addition, a S106 agreement has been submitted with the appeal which satisfies the council's BNG requirements. The council anticipates that this will be covered in a specific Statement of Common Ground between the council and the Appellant and submitted in advance of the Inquiry. Accordingly, the council will not be presenting any evidence on this matter as our concerns have been addressed subject to conditions.

### **Refusal reason 8 - Insufficient Arboricultural Information**

- 1.23 The response from the council's Area Tree Officer to the appeal application dated 29 May 2024 confirmed: *'In principle I have no objections to the development in*

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<sup>3</sup> Application Scheme: Baseline and proposed conditions (CD2.2.5), statutory metric (CD2.2.4), Biodiversity Net Gain Assessment (CD2.2.6) and Ecological Impact Assessment (CD2.2.7)  
16 Appeal Scheme: Baseline and proposed conditions (CD2.2.5), statutory metric (CD2.3.1), Biodiversity Net Gain Assessment (CD2.2.6) and Ecological Impact Assessment (CD2.2.7)

*respect of trees. It seeks to remove very few trees to facilitate a major development of key local importance and offers a significant increase in tree planting by way of mitigation and improvement in line with Policies ENV1, DES1, and DES2 of the South Oxfordshire Local Plan 2035 and the Council's Joint Design Guide 2022, promoting the integration of the proposals within the context and character of the landscape.'* The Tree Officer went on to observe a number of inconsistencies in the information submitted. Consequently, conflict was identified against policy ENV1 of the South Oxfordshire Local Plan which states that development will only be permitted where it protects and, where possible enhances, features that contribute to the nature and quality of SODC's landscapes. In particular in part i) trees, hedgerows, habitats, topographical features and important views, amongst others.

- 1.24 The ASOC confirms that the final landscaping details are set out in the latest updated Landscape Ecological Management Plan Rev A (CD2.3.3) and Appeal Scheme planting drawings (CD2.3.7- CD2.3.11). In addition, the below ground cables have been moved south into the road and outside of the route protection (RPA) of the trees as expressly requested by the Tree Officer. Finally, all fence post footings required for RPA fencing will be dug by hand and sleeved to prevent the egress of leachates with the RPA of retained trees.
- 1.25 In the light of the information submitted with this appeal, the council is satisfied that its concerns expressed in refusal reason 8 have now been addressed and the identified conflict with policies ENV1, DES1, and DES2 of the South Oxfordshire Local Plan 2035 has been addressed. Accordingly, the council will not present evidence on this issue to the Inquiry.

### **Confirmation of outstanding refusal reasons**

- 1.26 In the light of the above, the council will present evidence to the Inquiry in respect of the following:

Refusal reason 1 – Green Belt

Refusal reason 2 – Landscape Character

Refusal reason 3 – Heritage Impacts

Refusal reason 4 – Loss of BMV

- 1.27 This SoC on behalf of the council is prepared in accordance with the Inquiries Procedure Rules (SI 2000/1625) and having regard to the Inspectorate's 'Procedural guide: Planning appeals – England' (updated September 2024) (the Procedural Guide), in particular section 11 Inquiries. It provides a succinct statement of the case that the council will present at the Public Inquiry which will commence on Tuesday 10 June 2025.
- 1.28 The appeal is to be determined in accordance with the overarching statutory test set by s.70(2) of the Town and Country Planning Act 1990 and s.38(6) of the Planning Compulsory Purchase Act 2004: the determination is to be in accordance with the statutory development plan, unless material considerations indicate otherwise.

#### **Inquiry Format, Statement of Common Ground and Documents**

- 1.29 The Inquiry will proceed as an in person event which will take place at The Great Hall, Cholsey, Wallingford OX10 9GW. All interested parties will be notified by the council in respect of the precise arrangements for the Inquiry some two weeks in advance of it. In addition, a notice containing details of the time and place of the Inquiry will be displayed on the site by the Appellant (no less than two weeks before).
- 1.30 In accordance with section 13 of the Procedural Guide, the council and the Appellant will seek to agree common ground and finalise a Statement of Common Ground (SoCG) as soon as practicable. The Appellant submitted a draft SoCG with their appeal submission and this is being considered by the council. It is possible that there will be topic based SoCG on Green Belt, Landscape and Heritage and this will be confirmed at the Case Management Conference with the Inspector.
- 1.31 All final and signed SoCG are put on the council's website.

- 1.32 The council and the Appellant will also agree a list of core documents which they intend to refer to during the Inquiry.
- 1.33 All appeal documentation, including SoCG, core documents, submitted to the Inquiry will be available to view on the council's website via the link [here](#):
- 1.34 In the event hard copies of documents need to be viewed, either Tracy Smith (Principal Appeals Officer) or Andy Heron (Senior Planning Officer) should be contacted on 01235 422422 to make arrangements for inspection at our offices at Abbey House, Abbey Close, Abingdon, OX14 3JE.

## **2.0 THE APPEAL APPLICATION – ORIGINAL AND PROPOSED**

- 2.1 The appeal scheme as refused and as now proposed (as discussed in Section 1.0 above), including specific documents and plans, will be set out in the SoCG and referred to in evidence.

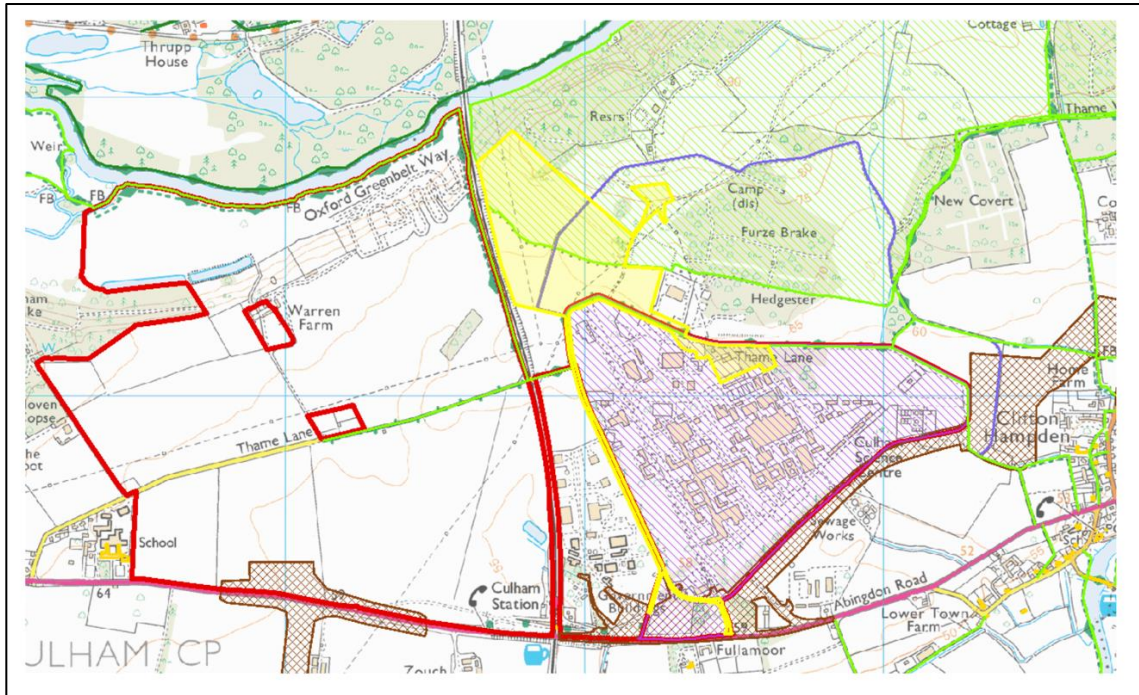
### **Environmental Impact Assessment**

- 2.3 The appeal proposal (both the original appeal scheme and the amended appeal scheme) falls within the definition under paragraph 3(a) (Energy industry – Industrial installations for the production of electricity, steam and hot water), as listed in Column 1 of Schedule 2. For this type of development to be ‘Schedule 2 Development’, consideration must be given to whether the site is either:
- (a) located in a ‘sensitive area’ (as defined under Regulation 22), or
  - (b) one where the relevant screening thresholds and criteria for paragraph 3(a) categories of development are met or exceeded, which in this case are that the area of the development exceeds 0.5 hectares.
- 2.4 Based on the above, the appeal proposal (original and as proposed to be amended) exceeds the applicable threshold for site area. When considering the scale and nature of the development proposed and the surrounding area (potentially sensitive receptors in the vicinity of the site), with due consideration of Schedule 3 of the EIA Regulations, it is considered that there is the potential for significant environmental effects to arise.
- 2.5 Consequently, the appeal scheme (original and as proposed to be amended) is considered to constitute Schedule 2 Development under the EIA Regulations.
- 2.6 For these reasons, the Appellant undertook an EIA and prepared an Environmental Statement to support the planning application for the appeal proposal.

### **3.0 APPEAL SITE LOCATION AND PLANNING HISTORY**

- 3.1 The appeal site is located adjacent to the northern boundary of Culham Science Centre. The site covers around 26.8 hectares and comprises open fields, a tarmac track known as Thame Lane and a farm track. The site is accessed from the east, south-east and south by the Thame Lane, which connects to Abingdon Road to the south.
- 3.2 There are a number of relevant designations that impact the site. The site lies within the Oxford Green Belt and part of the site falls within the Nuneham House Registered Park and Garden. The site is also adjacent to the Nuneham Courtenay Conservation Area. There are a number of listed buildings nearby, including Culham Station Ticket Office, Thame Lane Bridge, Fullamoor Farmhouse and the Europa School.
- 3.3 Most of the site constitutes Best and Most Versatile agricultural land, being largely Grade 2 classification. The site lies within Flood Zone 1. The Didcot to Oxford rail line is adjacent to the western side of the site.
- 3.4 The South Oxfordshire Local Plan 2035 has allocated 3,500 homes on an area to the south-west of the site. The map below shows the site location in yellow, with the red outline indicating the South Oxfordshire 2035 Local Plan STRAT9 housing allocation and the STRAT8 Culham Science Centre allocation shown with pink line hatching. The Registered Park and Garden is illustrated with greenline hatching and Public Rights of Way by the purple line and the light greenlines.





## Planning History

- 3.5 The planning history of the appeal site is set out in section 3.0 of the Delegated Report, and is set out in the SoCG. Appendix 1 comprises further details of the approved application for a 250MW BESS within the CSC boundary (P16/S2368/FUL).

## **4.0 PLANNING POLICY CONTEXT**

### **Legislation**

- 4.1 Sections 70(2) and 79(4) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the appeal decision should be in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 All policies and documents (or extracts thereof) referred to within this section have been provided with the council's questionnaire and will be included within the core documents.

### **Current Local Policy/Guidance**

- 4.3 The Development Plan for the purposes of this appeal comprises the South Oxfordshire Local Plan 2035 (SOLP) which was adopted in December 2020 and the Culham Neighbourhood Plan which was made in June 2023.

### ***South Oxfordshire Local Plan 2035 (SOLP)***

- 4.4 The SOLP was adopted having been found to be sound by the Inspector in his report of the Examination which was issued on 27 November 2020.
- 4.5 Having regard to outstanding refusal reasons (1 Green Belt; 2 Landscape; 3 Heritage; and 4 BMV) and the nature of the appeal proposal the following policies are considered to be relevant in the determination of this appeal The council will seek to agree these policies in the SoCG:
- 4.6 **Policy STRAT6 (Green Belt)** relates to Green Belt and restricts development within the Green Belt to that which is deemed appropriate by the NPPF, unless very special circumstances can be demonstrated. It clarifies that 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. As the policy defers to NPPF for “types of development which are deemed appropriate”, it does reflect new policy and guidance.

- 4.7 This policy identifies where land has been removed from the Green Belt to accommodate strategic allocations, including STRAT8, STRAT9, STRAT10 and STRAT10i.
- 4.7 **Policy DES1 (Delivering High Quality Development)** relates to delivering high quality development by ensuring that all new development must be of a high quality design that respecting the existing landscape character.
- 4.8 **Policy DES2 (Enhancing Local Character)** seeks to enhance local character through ensuring that proposals reflect the positive features that make up the character of the local area and should both physically and visually enhance and complement the surroundings and be informed by contextual analysis. Where proposals have the potential to impact upon a Conservation Area or the setting of a Conservation Area they should also take account of the relevant Conservation Area Character Appraisal.
- 4.9 **Policy DES7 (Efficient Use of Resources)** sets out how natural resources are to be used as efficiently as possible, and protected where applicable. Part vii) of this policy states development on best and most versatile agricultural land should be avoided unless it is demonstrated that such development is the most sustainable choice from reasonable alternatives, by first using areas of poorer quality land in preference to that of a higher quality.
- 4.10 **Policy DES9 (Renewable and Low Carbon Energy)** supports planning applications for renewable and low carbon energy generation provided that they do not cause a significantly adverse effect on a number of matters, including at i) landscape; ii) the historic environment, including development within the setting of heritage assets; iii) the openness of the Green Belt.
- 4.11 **Policy ENV1 (Landscape and Countryside)** seeks to protect the district's landscape, countryside and rural areas against harmful development.

Development will only be permitted where it protects and, where possible enhances, features that contribute to the nature and quality of SODC's landscapes, such as trees, hedgerows, habitats, topographical features and important views, amongst others.

- 4.12 **Policy ENV6 (Historic Environment)** requires *inter alia* that proposals that may affect heritage assets (designated and non-designated) should: take account of the desirability of sustaining and enhancing their significance and putting them to viable uses; not cause harm to the historic environment; and describe their significance. These include Conservation Areas, RPG's and historic landscapes.
- 4.13 New development should be sensitively designed and should not cause harm to the historic environment. Where proposals have an impact on heritage assets they will be supported where they conserve or enhance the significance of the asset, make a positive contribution to local character and make a positive contribution towards wider public benefits.
- 4.14 **Policy EVN10 (Historic battlefields, registered parks and gardens and historic landscapes)** This policy requires that proposals should conserve or enhance the special historic interest of the heritage asset. Any harm or loss of significance of any heritage asset requires convincing justification, with substantial harm or total loss of Grade 1 or II" Registered Historic Parks and Gardens wholly exceptional.
- 4.15 The SOLP policies have been adopted in the context of the 2019 National Planning Policy Framework (NPPF). Notwithstanding the update to the NPPF in 2024, the consistency of the policies with national policy, having regard to para. 219 of the NPPF is not disputed by the Appellant.

## **Culham Neighbourhood Plan (CNP)**

- 4.16 **Policy CUL5 (Design Code for Culham) (DCC)** provides conditional support for proposals in Culham on the basis that they have full regard to the essential design considerations and general design principles set out in the Culham Design Code (Appendix B of the CNP). OVS2.0.1 of the DCC considers that development should contribute to the maintenance and delivery of a high-quality multifunctional network of Green and Blue Infrastructure to provide long-term benefits for people, places and nature, in ways that reinforce local character.
- 4.17 The council omitted a copy of policy CUL5 and Appendix B from its questionnaire and have therefore attached it as **Appendix 2** to this Statement.

## ***Emerging***

### Joint Local Plan 2041

- 4.8 The Joint Local Plan 2024 (JLP) has reached the Regulation 22 stage, having been submitted on the 9th December 2024 to the Government for inspection. In line with para. 49 of the National Planning Policy Framework (NPPF), decision-makers may give weight to relevant policies in emerging plans depending on several factors: the stage of preparation, the extent of unresolved objections, and the degree of consistency with the NPPF.
- 4.9 Notwithstanding the above, the starting point for decision taking remains the policies in the current adopted plan. The JLP is at an advanced stage of preparation and carries some weight. However, the examination process has only recently started, therefore the weight must be tempered by the potential for any necessary modifications. Whilst the representations period has now concluded, particular care will need to be given when considering any unresolved objections to policies, which may limit the weight assigned to certain policies until further clarity is achieved through the JLP examination process. Therefore, limited weight can be attributed to its policies at this stage.

## **Other documents**

4.16 The council will also refer to the following documents that supplement the above policies, where necessary (these will be listed in the SoCG and provided as core documents):

- NPPF
- PPG
- Clean Power 2030 Action Plan: A new era of clean electricity – December 2024
- Written ministerial statement of 25 March 2015 on solar energy: protecting the local and global environment
- Climate Change Act 2008
- UK Battery Strategy – November 2023
- The British Energy Security Strategy – April 2022
- Overarching National Policy Statement for Energy (EN-1)
- National Policy Statement for Renewable Energy infrastructure (EN-3)
- Landscape Character Assessment for South Oxfordshire and Vale of White Horse – September 2024
- Landscape Character Assessment for the Local Plan 2033- South Oxfordshire District Council (November 2017)
- Guidelines for Landscape and Visual Impact Assessment (GLVIA3), LI/IEMA, 2013
- Landscape Institute Technical Guidance Note 06/19 Visual Representation of Development Proposals
- Landscape Institute Technical Guidance Note 02/21 Assessing landscape value outside national designations
- Oxford Green Belt Study 2015
- Green Belt Assessment of Strategic Sites in South Oxfordshire – December 2018
- South Oxfordshire District Council's Green Belt Topic Paper – April 2020
- Oxford Green Belt Study 2024 Update – May 2024

4.17 The council will refer to the following appeal decisions which are appended to the SOC as appendices:

- Land at Barton in Fabis, Nottingham, NG11 0HA – APP/P3040/W/23/3324608  
**(Appendix 3)**
- Land to the west of Dyche Lane and to the south of New Leaf Plant Centre, Coal Aston S18 3AA – APP/R1038/W/24/3353898 **(Appendix 4)**
- Land south of substation, Lycrome Road, Lye Green, HP5 3LD –  
APP/X0415/W/18/3212793 **(Appendix 5)**
- Land adjacent to Thurcroft Substation, off Moat Lane, Wickersley, S66 1DZ –  
APP/P4415/W/18/3206823 **(Appendix 6)**

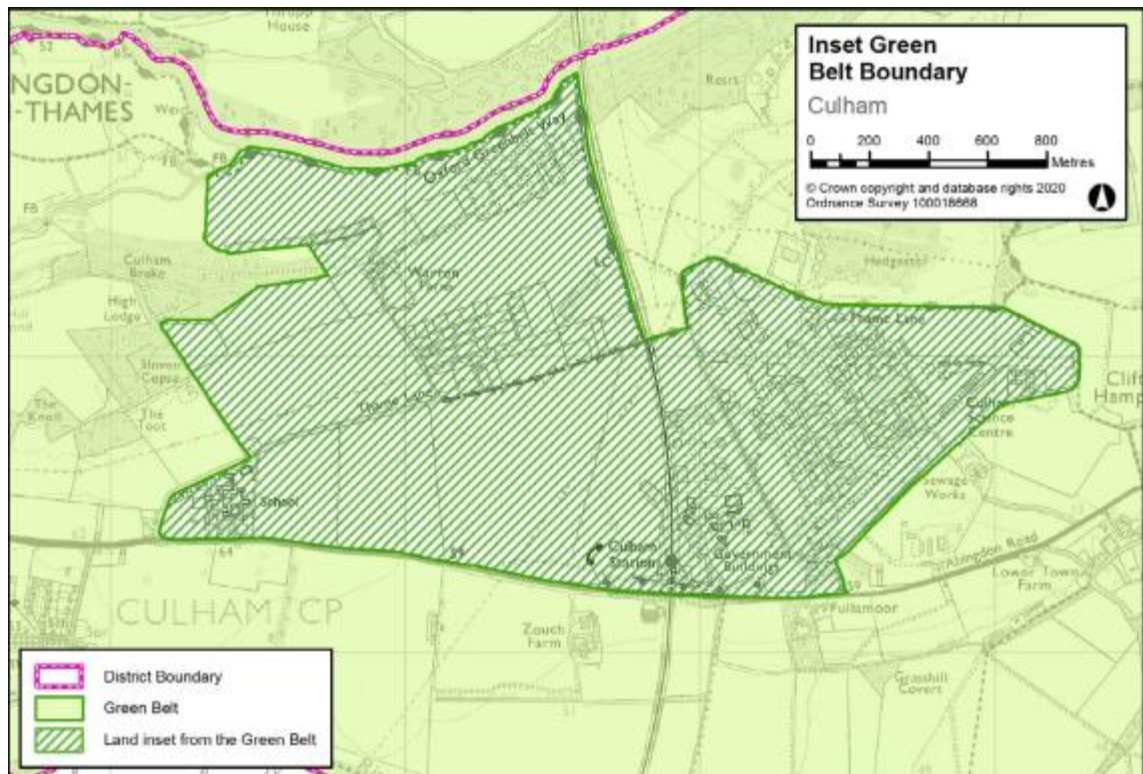
## **5.0 THE CASE FOR THE COUNCIL**

### **Refusal Reason 1 – Inappropriate development in the Green Belt**

- 5.1 Evidence on the effect on the Green Belt will be given by Mr Mark Reynolds (dealing with appropriateness of the development and the purposes of the Green belt) and Miss Anne Priscott (dealing with openness).
- 5.2 The application site lies wholly within the Oxford Green Belt as defined on the Policies Map accompanying the South Oxfordshire Local Plan 2035. Policy STRAT6 sets out the expectation for development located in the Green Belt, which can be summarised as follows:
- 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 is clearly outweighed by other considerations.

The policy also sets out where the Green Belt boundary has been altered to accommodate strategic development including for policies STRAT8 and STRAT9 at Culham Science Centre as shown at Appendix 4 of the local Plan (see Fig 1).





**Figure 1: Appendix 4 of the Local Plan – Culham**

5.3 The NPPF at policy 143 sets out the 5 purposes of the Green Belt as follows:

- (a) to check the unrestricted sprawl of large built-up areas;
- (b) to prevent neighbouring towns merging into one another;
- (c) to assist in safeguarding the countryside from encroachment;
- (d) to preserve the setting and special character of historic towns; and
- (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

5.4 At paragraphs 153 the NPPF goes on to advise how decisions on proposals in the Green Belt should be considered. It states that “*Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances very special circumstances will not exist unless the potential harm to the Green Belt ..., is clearly outweighed by other considerations*”.

5.5 It is common ground between the parties that the appeal proposals comprise ‘inappropriate development’ in the Green Belt. Having regard to the advice within

the NPPF and SOLP policy STRAT6 the development should not be approved unless very special circumstances (VSC) can be demonstrated.

- 5.6 In addition to harm by reason of inappropriateness, the council will argue that the proposed development would result in a loss of openness in both spatial and visual aspects.
- 5.7 The council will draw on the LUC Oxford Green Belt Study Update (May 2024) that identifies the high contribution the land in area CH2, including the appeal site, makes to Purpose 3 (assisting in safeguarding the countryside from encroachment) in particular and how the proposed development would unacceptably reduce openness, including those aspects of openness specifically cited in this evidence base document.
- 5.8 The assessment undertaken by Miss Priscott underpinning her evidence will also demonstrate that cumulative effects arising from the impact of adjoining strategic sites and other approved and under consideration proposals will impact on the manner in which the openness of the landscape is experienced and viewed and that these combined impacts would bring about a further reduction in openness and severely impact on the policy objectives of the Green Belt in this area.
- 5.9 From a spatial perspective, the proposal would introduce a substantial amount of development over what comprises a significant area of the Green Belt spatially. The ground coverage of shipping containers, inverters, control rooms transformers, welfare and storage containers, water tanks, extensive fencing some of which would be 4m in height and the significantly taller connection tower will significantly reduce openness.
- 5.10 The council will demonstrate that the appellant's assessment that the loss of the spatial aspect of openness will be limited underrepresents the effects of the development. The cumulative evidence of Miss Priscott will further demonstrate that whilst neighbouring allocations are larger than the appeal site this does not justify the proposals, noting that these neighbouring sites have been removed from the Green Belt.

- 5.11 The development will also result in a significant loss of the visual aspect of openness. The council will argue that from locations where it can be viewed, a number of aspects of the proposed development, whether the Application Scheme or the Appeal Scheme, would appear as uncharacteristic forms of development which would reduce the perception of openness over what is currently in large part an open, highly visible landscape. Planting is proposed to soften the appearance of the development, but this will also have the consequence of reducing the visual aspect of openness.
- 5.12 The council will acknowledge that large parts of the proposal would be temporary for a period of 40 years, and by association, the energy storage benefits will be temporary; however this remains a very substantial period of time during which harm would result to openness. The council will accept that outside of the construction and decommissioning periods, which themselves are significant, there would be limited day to day activity at the site, but this would not address the harms identified. Overall, both visually and spatially the proposed development would harm the openness of the Green Belt.
- 5.13 In terms of the contribution of the appeal site to Green Belt purposes, the council's most recently published Green Belt assessment (LUC Green Belt Study - May 2024) (evidence base to the emerging plan) considers the land as part of a larger parcel (CH2). Parcel CH2 is identified to make a 'high' contribution to assisting in safeguarding the countryside from encroachment. The study identifies the land abutting CSC to be open. It shares open views with surrounding countryside and plays an important role in separating CSC and the Nuneham Courtenay grade 1 RPG. The council does not agree with the appellant that the level of harm would be moderate or that proposed landscaping measures balance this conflict.
- 5.14 When altering the Green Belt boundary to 'inset' the strategic allocations at STRAT8 and STRAT9 SOLP policy STRAT6 outlined a requirement that *'development should deliver compensatory improvements to the environmental quality and accessibility of the remaining Green Belt land'*. The NPPF paragraph 149 in respect of defining Green Belt boundaries advises that plans should (e) *'be able to demonstrate that Green Belt boundaries will not need to be altered at the*

*end of the plan period'; and (f) 'define boundaries clearly, using physical features that are readily recognisable and likely to be permanent'.*

- 5.15 Developing the appeal site, which directly abuts the inset land, would not deliver compensatory improvements to the Green Belt. The council will argue the contrary, that developing the site with extensive levels of built form will harm openness and undermine the purposes of the remaining Green Belt.
- 5.16 The site is identified to make a 'low' contribution to the purpose of preventing neighbouring towns from merging and to preserving the setting and special character of Oxford. The land forms part of the undeveloped Thames Valley landscape that extends all the way into the centre of the city, thus giving it a relationship with Oxford contributing to its special character. There is no intervisibility with Oxford however which limits the extent of the contribution to this purpose.
- 5.17 Overall, the development will be argued to be contrary to SOLP policies STRAT6 which guards against development which would harm the Green Belt, in the absence of VSC. SOLP policy DES9 would also be breached because the development would cause a significantly adverse effect to the openness of the Green Belt.
- 5.18 The Appellant contends that Very Special Circumstances exist to outweigh the identified harm to the Green Belt. The planning balance section of this SOC addresses the council's conclusions in respect of whether the 'other considerations' would clearly outweigh the harm to the Green Belt (and any other harms) so as to constitute the very special circumstances necessary to justify the development.

## **Refusal Reason 2 – Harm to Landscape Character**

- 5.19 Evidence on the landscape issues arising from the appeal will be provided by Anne Priscott (CMLI) for the council.
- 5.20 The evidence she will present will summarise the impacts on landscape and visual receptors affected by the proposed development. The evidence of Miss Priscott

will also articulate why the sensitivity of the landscape and visual receptors is higher than the levels attributed in the LVIA that accompanied the application, and harm greater than that tended by the appellant. The landscape character and views will be impacted by the proposal in addition to other planned development, including STRAT9, and therefore additional cumulative effects will be brought about. Through her analysis Miss Priscott will explain why the development does not meet with landscape policy requirements.

5.21 Miss Priscott's evidence will also consider the role and contribution that the site makes to the openness, both visually and spatially, to the Green Belt.

5.22 The landscape character refusal reason identified that:

*The site proposed for battery storage provides a valuable transition between the registered parkland and the Culham Science site. The battery storage is large scale, would be industrial in appearance, and would introduce an urban industrial development into an important area of rural countryside. It would result in significant adverse effects on the landscape character and to views including those from public rights of way. The proposed mitigation is ineffective in mitigating this harm and the proposal is contrary to the NPPF, and Policies ENV1, DES1 and DES2 of the South Oxfordshire Local Plan 2035, and Policy CUL5 of the Culham Neighbourhood Plan. Further, this proposal, in addition to the development on allocated sites STRAT8 and STRAT9, will create an increased cumulative impact harmful to the landscape character of the area, contrary to Policies ENV1, DES1 and DES2 of the South Oxfordshire Local Plan 2035.*

5.23 The evidence will consider the Application Scheme and articulate the nature and magnitude of the harmful impact of the proposals on the valuable transitional land it would occupy between the Registered Park and Garden and the Culham Science site. The evidence to be presented will articulate the form and magnitude of harm from the over industrialisation of the rural landscape, the impact on views from public rights of way and how the mitigation proposed would disrupt landscape patterns.

5.24 Miss Priscott will describe how and why the proposed siting of the connection tower and mitigating planting proposals in the Application Scheme would result in

the creation of new landscape patterns that would be in perpetuity disrupting the well-established landscape character of the area and thus harming landscape character as described in the landscape character assessment and RPG listing, as evidenced on historic maps.

- 5.25 Miss Priscott's evidence will also consider the Appeal Scheme which has revised the proposals, particularly amending those where development was proposed within the RPG boundary. The council's evidence will show that the impact to the character of the landscape, including areas defined by the council's heritage witness as being within the Parkland's setting, will compromise the character of the landscape, how the inherent and designed patterns are experienced and how this results in harm to its overall value.
- 5.26 Based on the Appellant's SoC, para 4.4.9, there is an element of dispute between the parties in that the Appellant considers that the Application Scheme would result in a Moderate – Major harm to the landscape character of the Site but only a Minor adverse effect on the character of the landscape immediately adjacent to the Site, since in the Appellant's view this area is already influenced by electrical infrastructure and urban development (increasingly so if STRAT9 is built out). The council considers the impacts to be greater.
- 5.27 Based on the Appellant's SoC, para 4.4.10, there is also dispute between the parties in that the Appellant considers that the Application Scheme would result in a Moderate and Moderate – Major harm to the visual amenity of people using the Oxfordshire Green Belt Way as it passes the Site. The council considers the overall visual impacts to be greater.
- 5.28 The Appellant sets out that by way of compensation, the amended Appeal Scheme will beneficially allow walkers access into the part of the RPG that is within the control of the Appellant. The council will demonstrate that the benefits would not outweigh the harm and that the mitigation proposed would bring about changes in landscape character that would not weigh as beneficially as contended by the Appellant.

- 5.29 Notably, revised proposals were submitted after the determination of the original application which amended the proposed plans. These are being referred to as the Appeal Scheme. Whilst there has been no formal consultation on these proposals, the ASOC records that these are intended to overcome specific concerns the council articulated about the nature of proposed development directly within the RPG and issues of the proposed mitigating planting that result in harm to the RPG and its landscape context.
- 5.30 The ASOC makes clear that both the original Application Scheme and the Appeal Scheme will impact the landscape character of part of the Grade I RPG and result in harm to the landscape character including within the setting of the RPG.
- 5.31 In addition, the Appellant's letter dated 23<sup>rd</sup> December 2024 records their assessment that the Application Scheme results in a higher level of harm to the landscape than the Appeal Scheme.
- 5.32 Evidence will be put forward by the council that will explain the differences between the impacts of the Application Scheme and the Appeal Scheme and how these would have different outcomes in relation to landscape policy.
- 5.33 The landscape evidence will also address concerns over cumulative effects arising from the impact of adjoining strategic sites and other approved and under consideration proposals that impact the manner in which the landscape is experienced and viewed.

### Conclusion

- 5.34 Overall, the Application Scheme is in conflict with those policies cited in Reason for Refusal 2: Local Plan Policies ENV1, DES1 and DES2, Culham Neighbourhood Plan Policy CUL5 (Design Code part OVS2.0.1) and the NPPF.
- 5.35 The Appeal Scheme would also be in conflict with Policies Local Plan Policies ENV1, DES1 and DES2, Culham Neighbourhood Plan Policy CUL5 (Design Code part OVS2.0.1) and the NPPF.

### **Refusal Reason 3 – Harm to the Grade I Registered Park and Garden**

- 5.36 Evidence on the heritage issues arising from the appeal will be provided by Samantha Allen, Senior Heritage Officer for the council.
- 5.37 The evidence will summarise the heritage assets affected by the proposed development and will explain why the Nuneham Courtenay Registered Park and Garden (RPG) is the main heritage asset impacted by the proposal.
- 5.38 It will also consider the role and contribution that its setting makes to its overall significance and consider the cumulative impact of development in the setting of the RPG.
- 5.39 The heritage refusal reason identified that:

*The proposed development of an industrial nature would encroach into the Nuneham Courtenay Grade I Registered Park and Garden (RPG), a highly significant C18 parkland landscape, which contains several listed buildings and structures. The development will result in significant adverse impacts to the designated heritage asset, and the setting of the RPG. The proposed landscape mitigation fails to respect the character of the RPG and its setting and would result in further harm. The harm to the heritage assets considerably outweighs the benefits of the proposed development and the proposal is therefore contrary to the NPPF and Policies ENV6 and ENV10 of the South Oxfordshire Local Plan 2035.*

*Further, this proposal, in addition to the development on allocated sites STRAT8 and STRAT9, will create an increased cumulative impact harmful to the setting of the designated Registered Park and Garden, contrary to Policies ENV6 and ENV10 of the South Oxfordshire Local Plan 2035, the NPPF.*

- 5.40 The evidence will consider the Application Scheme and the harmful impact of the proposals on the significance of the Registered Park and Garden and why the



proposed siting of the connection tower and mitigating planting proposals would result in less-than-substantial harm to the significance of the Grade I Parkland.

- 5.41 The evidence will also consider the Appeal Scheme which has revised the proposals where development was proposed within the RPG boundary. The evidence will show that the impact to the character of the Parkland's setting will compromise the manner in which the RPG is understood and experienced and how this results in harm to its overall significance.
- 5.42 Based on the ASOC, there is no dispute between the parties that the original application scheme would result in significant adverse impacts to the designated heritage asset of the Grade I Nuneham Courtenay Registered Park and Garden (RPG).
- 5.43 Revised proposals were submitted after the determination of the original application seeking to amend the proposed plans. These are being referred to as the Appeal Scheme. Whilst there has been no formal consultation on these proposals, they are intended to overcome specific concerns about the nature of proposed development directly within the RPG and issues of the proposed mitigatory planting that result in harm to the RPG and its landscape context.
- 5.44 The ASOC makes clear that both the original Application Scheme and the Appeal Scheme will impact the Grade I RPG and result in harm to the significance of this heritage asset. The Appellant's draft SoCG outline that it is their view that the proposals results in a high level of harm to the RPG.
- 5.45 Evidence will be put forward by the council that will explain the differences between the impacts of the Application Scheme and the Appeal Scheme. It will conclude that harm arises from both schemes with the Application Scheme resulting in a high level of less-than-substantial harm whilst the Appeal Scheme would result in a reduced level of less-than-substantial harm compared to the Application Scheme but would nonetheless be harmful.
- 5.46 The heritage evidence will also address concerns of a cumulative effect arising from the impact of adjoining strategic sites and other approved and under

consideration proposals that impact the manner in which the RPG is experienced and understood in its setting.

### Conclusion

- 5.47 Overall, the Application Scheme is in conflict with Policies ENV6 and ENV10 of the SOLP as the proposal is not sensitively designed and results in harm to, and loss of, the Grade I Registered Park and Garden. This harm needs to be weighed against the public benefits of the proposal.
- 5.48 The Appeal Scheme is also in conflict with Policies ENV6 and ENV10 for the above reasons but results in a lower level of resulting harm, which will be explored in more detail in the council's heritage evidence. In the event the Appeal Scheme drawings are to be allowed into the appeal the harm that would result from this amended scheme needs to be weighed against the public benefits of the proposal.
- 5.49 The heritage balance should be undertaken having regard to the need to place considerable importance and great weight to the conservation of heritage assets irrespective of the level of harm identified. Any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification in this regard.

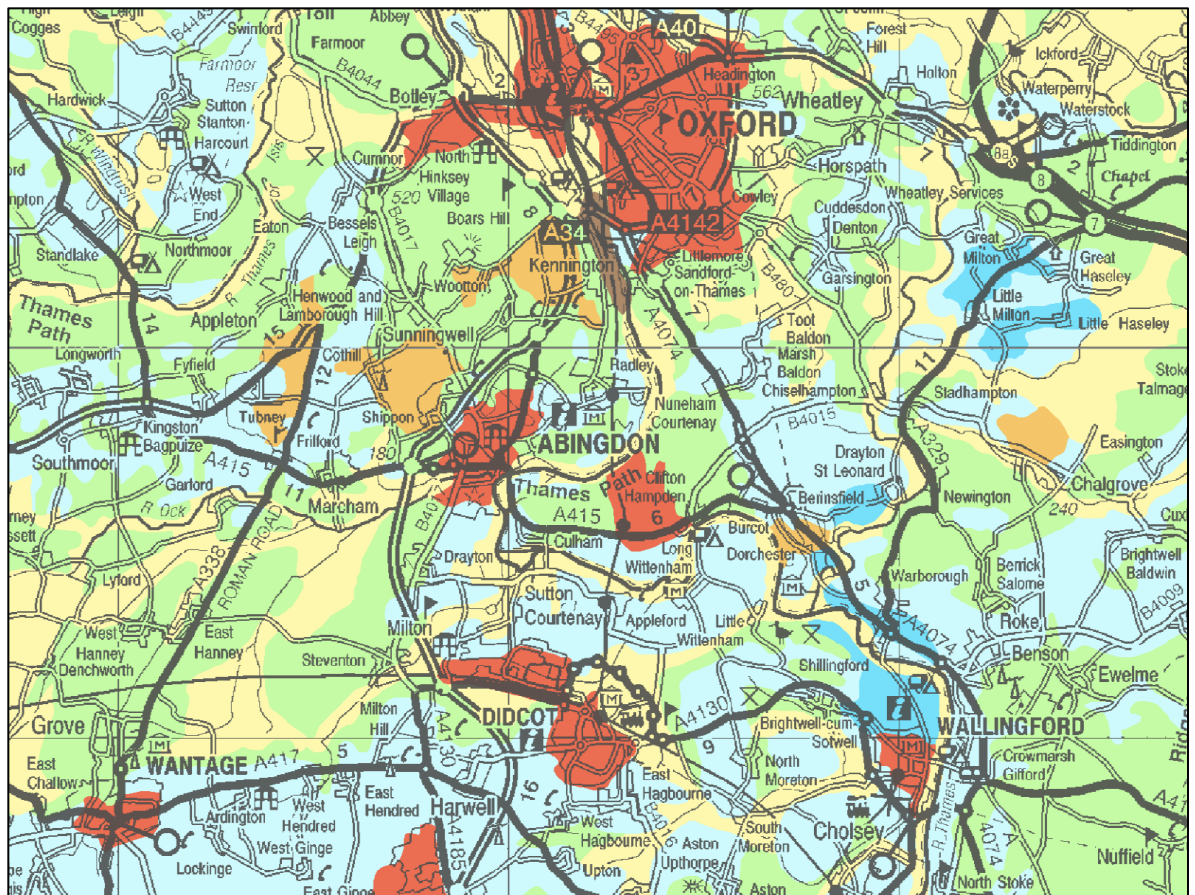
### **Refusal reason 4 – Loss of best and most versatile (BMV) agricultural land**

- 5.50 Evidence on this reason for refusal will be provided on behalf of the council by Mr Mark Reynolds, Planning Consultant. The appellant acknowledges that the appeal proposal would result in the use of Grade 2 and 3a best and most versatile (BMV) agricultural land. It is common ground between the parties that the site comprises 88% Grade 2 and 11% Grade 3a BMV agricultural land, with 1% Grade 3b. The council has no technical objection to the Appellant's characterisation of the soils on site and no technical evidence will be adduced at the inquiry in this regard.
- 5.51 SOLP policy DES7 advises that new development is required to make provision for the effective use and protection of natural resources where applicable,

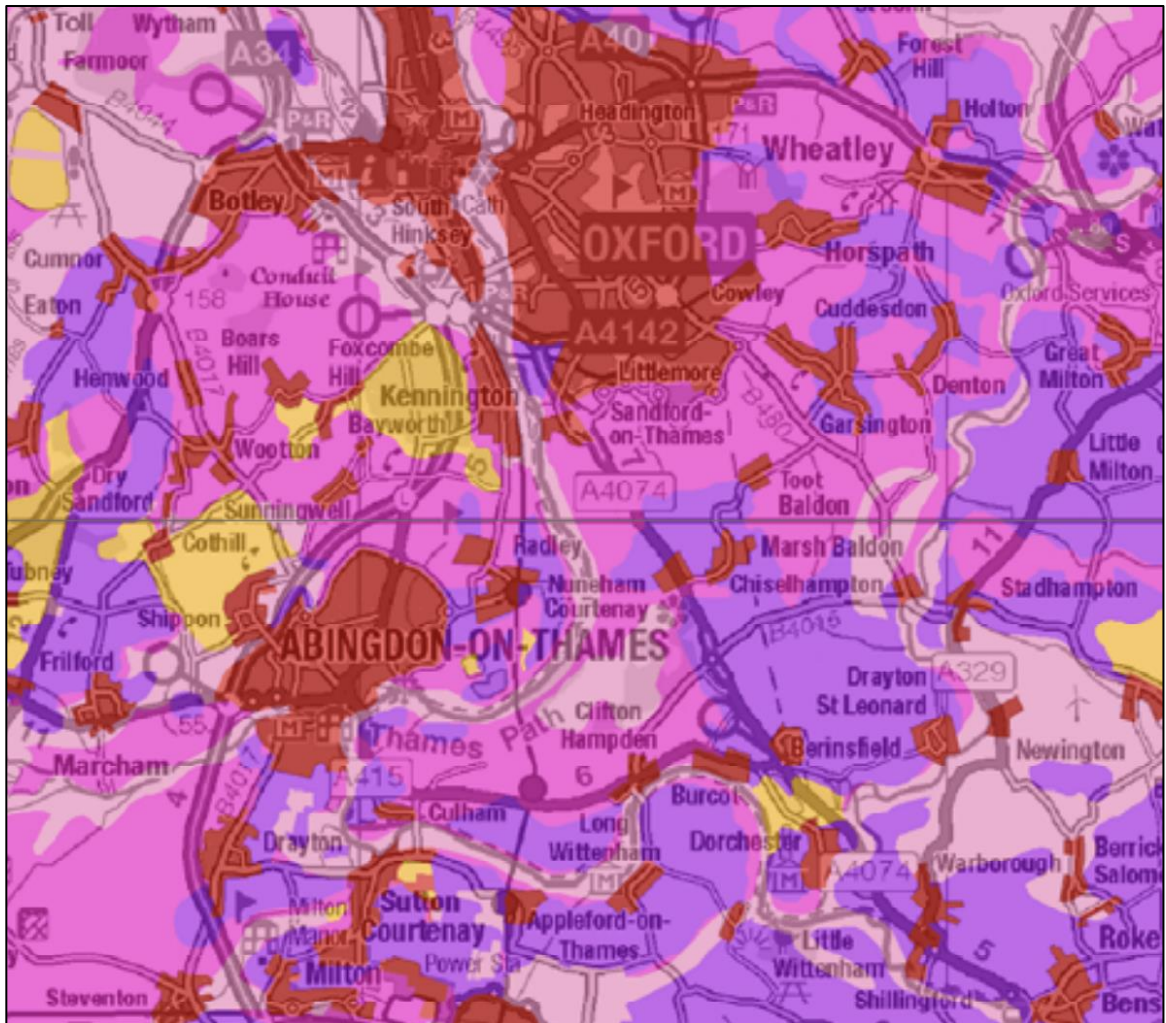
including (criterion vii) *‘avoiding the development of the best and most versatile agricultural land, unless it is demonstrated to be the most sustainable choice from reasonable alternatives, by first using areas of poorer quality land in preference to that of a higher quality’*.

- 5.52 Paragraph 187 of the NPPF guides that planning decisions should contribute to and enhance the natural and local environment by recognising the economic and other benefits of BMV land.
- 5.53 Paragraph 188 guides that plans should allocate land with the least environmental or amenity value and at Footnote 65 it notes *‘where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality’*. This is consistent with the emphasis of DES7.
- 5.54 The council will demonstrate that the loss of BMV land throughout the lifetime of the development has not been justified. The council’s reason for refusal referred to the written ministerial statement (WMS) of the 15<sup>th</sup> May 2024. The WMS is agreed between the parties to be a material consideration and this will be referenced within the Statement of Common Ground (SOCG).
- 5.55 Reason for refusal 4 references the WMS and a requirement for compelling evidence to justify use of BMV. The council will accept that the WMS principally relates to solar development and doesn’t specifically require compelling evidence to justify the use of BMV. This notwithstanding, SOLP policy DES7, requires development to avoid BMV, unless it is demonstrated to be the most sustainable choice from reasonable alternatives. The policy then goes on to explain that this will be done by first using areas of poorer quality land in preference to higher quality land.
- 5.56 The appellant’s approach to site selection, it will be demonstrated, was flawed with only one substation connection considered in detail, irrespective of this potentially meaning the development using BMV agricultural land. The appellant’s Site Selection Report (SSR) (CD: 1.1.47) confirms (paragraph 3.2) *‘Culham substation was identified along with a number of other 400kV substations to need a new circuit/network changes by 2030/31’*. Choosing one particular 400kV

substation has driven the site selection process without due consideration being given to the possibility of an alternative connection being sought that might have avoided using BMV agricultural land. The below Figs 2 & 3 comprise extracts from Natural England mapping of BMV. They indicate there are areas less likely to comprise BMV proximate to the site, which might accommodate the BESS complex.



**Fig 2 – Natural England ALC mapping (Light blue = grade 2, green = grade 3, light yellow = grade 4)**



**Fig 3 – Natural England – Predictive ALC mapping (High likelihood >60% = purple; Moderate likelihood 20-60% = bright pink; Low likelihood <20%; Non-agricultural – yellow)**

- 5.57 Developing the appeal site as proposed would not realise the economic and other benefits of the BMV agricultural land which local and national policy supports. The Appellant's SSR (CD: 1.1.47) considered three possible alternative sites all of which also closely adjoin the Culham Science Centre (CSC). The SSR advises that none of the alternative sites performed better in terms of ALC metrics. No testing has been undertaken of these alternative sites to confirm the extent of BMV which would be utilised.
- 5.58 The council will argue that the Appellant's approach has failed to consider all reasonable alternatives. SOLP policy DES7 requires avoidance of BMV land, unless it has been demonstrated to be the most sustainable choice from

reasonable alternatives. The SSR provides no explanation as to the extent of the search area adopted, however only sites directly adjacent to the Culham Jet sub-station have been identified as part of the site selection process.

- 5.59 The Appellant maintains that for reasons of efficiency and viability the shorter the cable connection to a sub-station the better. Operationally speaking this may be so, but no evidence has been adduced to demonstrate that sites which are further afield would be unviable or unacceptably inefficient. The Appellant has failed therefore to justify the use of BMV land having not considered all reasonable alternatives.
- 5.60 The council will contend that the methodology for site selection is opaque and falls short of the evidential threshold required to justify use of BMV land imposed by SOLP policy DES7. As outlined, the requirement to seek to avoid BMV land in favour of poorer quality land remains a fundamental plank of national planning policy.
- 5.61 The council will demonstrate that loss of BMV land would clearly conflict with policy DES7 of the SOLP, paragraphs 187 and 188 of the NPPF and that the council was justified in refusing permission as outlined in reason for refusal No.4.

### **Other Matters**

- 5.62 BESS are referenced within the PPG (Paragraph: 032 Reference ID: 5-032-20230814) *'electricity storage can enable us to use energy more flexibly and decarbonise our energy system cost effectively – for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for costly network upgrades and new generation capacity'*.
- 5.63 The UK Government has set a statutory target to cut greenhouse gas emissions by 100% (compared to 1990 levels) by 2050. Climate emergencies have been declared nationally and locally in this context. The Government has identified a need to deliver 23-27GW of battery storage capacity by 2030. NPPF paragraph 168 guides that decision makers should *'give significant weight to the benefits*

*associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future'.*

- 5.64 The development would, the appellant advises, allow early connection to the network with a connection agreement with the National Grid secured for 2027. The council agrees with the Appellant that significant weight should be given to the contribution towards meeting the need for further battery energy storage demands.
- 5.65 The development would, the appellant advises, directly support the CSC which has been a national centre for fusion research since 1965. CSC is power hungry and the BESS would provide an enhanced connection to the National Grid that will give greater power security, resilience and stability. The council would afford limited weight to this argued benefit, no evidence has been adduced to indicate that the success of CSC has been limited by problems of power security or stability.
- 5.66 The council will accept that the proposals will result in short term employment opportunities, principally during the construction and decommissioning phases, however, it is understood that during the operational phase, maintenance access would be limited. The bulk of the benefit in this regard will occur over two distinct short periods (during construction and decommissioning) and the council will argue limited weight should be attached to this as a benefit.
- 5.67 Given the overall findings of harm to the landscape, no weight is afforded to the mitigatory measures proposed which have been taken into account but fail to offset the harm which would result. Similarly, the Appellant's argued heritage benefits have been considered in the internal heritage balance and an overall finding of less than substantial harm has been concluded. The council will therefore argue that no weight should be afforded to this as an argued benefit.
- 5.68 In respect of BNG, the submission of further information has, the council will accept, has now overcome this reason for refusal. The council will argue that moderate weight should be afforded to this benefit.



- 5.69 The council will agree with the appellant that improving public accessibility to the northern part of the appeal site, within the RPG, is a benefit of the proposal. Increasing recreational access to the Green Belt is a requirement of SOLP policy STRAT6 and notwithstanding the overall finding of harm to the Green Belt, minor weight is afforded to this benefit, in common with the appellant's assessment.

### **Alternative sites**

- 5.70 The appellant argues a benefit of the scheme is that there is a lack of alternative sites. The council will argue that a lack of alternative sites has not been demonstrated by the appellant. Inadequate evidence has been provided to understand the methodology followed in terms of assessing alternative sites and given the site's proximity to the edge of the Green Belt, a non-Green Belt location may be available and suitable and/or a site which could avoid or reduce the use of BMV land.
- 5.71 The conclusions of the SSR in respect of two of the sites which it identifies as alternatives will be contested by the council. Site IS1 is located within the CSC and had planning permission granted for the development of a 250MW BESS (P16/S2368/FUL). The appellant discounts this site on the basis that it is inadequately sized to accommodate a 500MW BESS. It is also suggested that the site may not be available. The 2016 application site was smaller than the actual land parcel upon which the BESS was approved so a larger BESS might be achieved at the site. The land has been removed from the Green Belt and has the closest connection point to the Culham Jet substation.
- 5.72 The land was in 2016 available for a 250MW BESS and remains undeveloped. The applicant at the time was the UK Atomic Energy Authority (UK AEA) and Capita Energy Services Limited, with the UK AEA as owner of the site. It remains the case that UK AEA are the owners of the site. UK AEA wrote in support of the appeal proposals (at application stage) and are intended to benefit from the operation of the BESS. It is unclear on this basis why the land would not be available for this alternative non-Green Belt site which is also outside the RPG.
- 5.73 Site IS2 has been discounted on the basis that it would be located within 250m of residential properties and its greater distance from the Culham Jet sub-station.



The SSR also concludes the site would perform no better in heritage, landscape and agricultural land. The council will argue that the appeal site would be closer to residential dwellings than IS2 once the STRAT9 allocation is built out. IS2 is positioned set away from the Nuneham Courtenay RPG and the Council will argue that development of this site would result in a reduced level of harm to the RPG compared to the appeal site. No agricultural land classification testing of this site has taken place so the extent or prevalence of BMV at IS2 is unknown.

- 5.74 Both IS1 and IS2, the council will argue, appear to be alternative sites for the development which would be less harmful. IS1 in particular, given its planning history, position outside of the Green Belt and the RPG and proximity to the Culham Jet sub-station makes this an alternative site albeit the requirement for up to 500MW might need to be reduced. If a Green Belt location were to be required, IS2 would also be less harmful than the appeal site.
- 5.75 The council will argue that the failure to adequately assess alternative sites coupled with the failure to act on the identified sites IS1 and IS2 means a lack of alternative sites has not been demonstrated and this is not a benefit to which weight should be attached in the planning balance. It also weakens the appellant's case in respect of justifying the presence of VSC.

### **The Heritage Balance**

- 5.76 The council identifies that the main heritage asset which would be affected by the proposals would be the Nuneham Courtenay Grade I Registered Park and Garden (RPG). In respect of the Application Scheme it would not be sensitively designed, would encroach into the RPG and would harm the character of the parkland setting of the asset. It would merge the appeal site with CSC reducing the RPG's legibility and taking into account the STRAT8 and STRAT9 allocations this harm will be exacerbated by the cumulative impact of these developments in their totality. Overall a level of harm which the council place at the upper end of the less than substantial harm spectrum would result.
- 5.77 The Appeal Scheme, if it is to be considered, would result in a reduced level of harm to the heritage asset. The removal of the connection tower and raised bunding from within the RPG represent improvements, the council will however

argue that the appeal proposals would nonetheless harm the setting of the RPG in many of the aforementioned ways. Both developments would be contrary to SOLP policies ENV6 and ENV10.

- 5.78 In respect of both the Application Scheme and the Appeal Scheme, the council will argue that the public benefits whilst significant in this case, would be outweighed by the harm identified to the significance of the Grade 1 RPG. The heritage balance would therefore be failed in this case.

**6.0 THE OVERALL PLANNING BALANCE - DO THE OTHER CONSIDERATIONS CLEARLY OUTWEIGH THE HARM TO CONSTITUTE VERY SPECIAL CIRCUMSTANCES TO JUSTIFY THE PROPOSAL?**

- 6.1 The appeal site is located in the Green Belt, to which the Government attaches great importance, and the proposal constitutes inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. As well as harm by reason of inappropriateness, the council will demonstrate that a loss of openness would result, and that the development would conflict with several of the purposes of the Green Belt. Substantial weight must be given to any harm caused to the Green Belt as required by the Framework (paragraph 153).
- 6.2 In respect of the Grade 1 RPG, NPPF paragraph 212 requires that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). The council will argue that the harm to the heritage asset, in isolation, outweighs the public benefits of the proposal.
- 6.3 The council will also argue that the development of this large scale, industrial in appearance development in an important transition between the RPG and the CSC would significantly harm landscape character and views, including in combination with other planned development in the area.
- 6.4 The appeal proposals will result in the loss of a significant area of BMV agricultural land for the duration of the development. This loss has not been justified to be necessary and significant weight is attached to this identified harm.
- 6.5 Overall, the council will demonstrate that the harm to the Green Belt by reason of inappropriateness, loss of openness and conflict with the purposes of the Green Belt alongside the other identified harms including to the significance of the Grade 1 RPG, the landscape and through the loss of BMV agricultural land would not be clearly outweighed by the other considerations which have been identified.
- 6.6 The proposal it will be argued is in conflict with the development plan when read as a whole and there are no material considerations which indicate a decision not

in accordance with the plan should be reached. The Inspector will therefore be respectfully invited to dismiss the appeal.

## **7.0 PLANNING CONDITIONS**

- 7.1 On a without prejudice basis, an agreed list of conditions will be submitted in the SoCG that both the appellant and the council consider necessary should the Inspector be minded to allow the appeal.