



**Quod**

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# **Proof of Evidence**

**Of Pete Hall (for the  
Appellant) on Planning  
Matters**

Appeal by Culham Storage Limited

LPA REF: P24/S1498/FUL

PINS REF: APP/Q3115/W/24/3358132

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**MAY 2025**

Q220995

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# 1 Qualifications, Experience and Scope of Evidence

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## Qualifications and Experience

- 1.1 My name is Pete Hall. I hold a Bachelor of Arts Degree in Town and Country Planning and have a Diploma in Town Planning from the University of Newcastle upon Tyne. I am a Member of the Royal Town Planning Institute (RTPI) and an Associate member of the Royal Institute of Chartered Surveyors (RICS).
- 1.2 I am a Director at Quod, one of the largest independent planning consultancies in the UK, with offices in London and Leeds. I have 20 years' experience in planning consultancy and have advised clients on a number of major infrastructure and renewable energy projects, including Lower Thames Crossing, Sizewell C, Aquind Interconnector, Brinsworth to High Marnham (National Grid), and Hampshire Water Transfer and Water Recycling Project (Southern Water). I have also promoted development proposals through TCPA applications (ranging from 1,000 unit residential schemes through to small scale change of use and asset management projects) and acted for clients through the development plan examination process (including at Examination in Public in relation to Green Belt matters).
- 1.3 Quod was instructed by Culham Storage Limited ("the Appellant") in December 2022 to advise in respect of the planning case for the Appeal Scheme. Sean Bashforth has been involved since that date but was unavailable to give evidence at this inquiry by reason of a diary clash. I was instructed to give planning evidence in April 2025 as a result. I have liaised with Sean and other colleagues, read all of the background information and made enquiries such as I consider necessary to fulfil my duties as an expert witness. I have undertaken a detailed site visit (including walking the relevant public rights of way) prior to preparation of my evidence and am fully familiar with the local environment.
- 1.4 My evidence comprises my true professional opinion and is provided in accordance with the RTPI Code of Professional Conduct and the RTPI Practice Advice for Planners as Expert Witnesses (September 2018).

## Scope of Evidence

- 1.5 The Statement of Case of South Oxfordshire District Council ("SODC") advised that no evidence would be presented on four of the eight reasons for refusal (5, 6, 7 and 8).
- 1.6 As the Inspector directed during the Case Management Conference my evidence deals only with the Appeal Scheme.
- 1.7 I have, therefore, structured my evidence to address the issues related to the first four reasons, having regard to the specialist landscape and heritage evidence. In sequence my evidence demonstrates that:

- the land represents “grey belt” as defined in the NPPF and does not represent inappropriate development in the Green Belt having regard to the criteria set out at paragraph 155 of the NPPF;
- with reference to the expert evidence presented in relation to the potential effect of the development (alone and when considered cumulatively) on landscape character, that the proposals are not contrary to the NPPF nor Policies ENV1, DES1 and DES2 of the South Oxfordshire Local Plan 2035 or Policy CUL5 of the Culham Neighbourhood Plan;
- the degree of harm to the significance of the Nuneham Courtenay Grade I Registered Park and Garden (and Nuneham Conservation Area) are at the lower end of the scale of “less than substantial harm”. The degree of harm to Thame Lane Bridge is at the lowest end of the scale of less than substantial harm. Whether considered alone or cumulatively any harm to the significance of heritage assets is clearly outweighed by the public benefits of the proposed development and is not contrary to the NPPF and insofar as they are consistent with the NPPF, policies ENV6 and ENV10 of the South Oxfordshire Local Plan 2035. I have attached great weight to any harm to designated assets in accordance with decided caselaw and am fully aware of the statutory duty contained in section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990;
- the loss of Best and Most Versatile (BMV) agricultural land throughout the lifetime of the proposed development (40 years) would not conflict with policy DES7 of the South Oxfordshire Local Plan 2035 or the NPPF;
- if my primary case, that the proposed development is not inappropriate development in the Green Belt, is accepted the overall planning balance weighs overwhelmingly in favour of the grant of planning permission. If that argument is not accepted, other material considerations (including the benefits of the scheme) clearly outweigh any harm that would be caused by reason of definitional harm and any other harm such that very special circumstances would exist..

1.8 A Statement of Common Ground (“SoCG”) (CD2.5.1) was prepared by the Appellant and submitted with the appeal including draft planning conditions at Appendix B. This was subsequently updated on and reissued to SODC on 8 April 2025. Given that the appeal is only dealing with the Appeal Scheme, the SoCG is being updated and an agreed version will be submitted ahead of the inquiry. This will include an updated schedule of draft planning conditions.

1.9 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, I provide an assessment of the proposals against the development plan, whilst also considering the other material considerations which apply in this instance including, in particular but not limited, to the NPPF. A list of development plan policies and other material considerations is provided at section 5 of the SoCG (CD2.5.1). My conclusion is that the Appeal Scheme is consistent with the development plan insofar as the relevant policies are themselves consistent with the NPPF. There are no material considerations which would indicate a different result.

1.10 In addressing the planning balance, my evidence considers the significant public benefits that would be realised through the grant of permission for the Appeal Scheme most notably the provision of a critical contribution towards the UK’s need for new renewable energy infrastructure.

- 1.11 Where appropriate, my evidence also addresses matters raised by third parties in representations made in response to public consultation on the Appeal Scheme.
- 1.12 To avoid duplication, my evidence has cross-referred to the factual background and the extensive matters which have been agreed in the SoCG (CD2.5.1) as well as other information included in the Appellant's Statement of Case ("the SoC") (CD2.4.1).

## 2 Grey Belt / Green Belt

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- 2.1 This section of my proof demonstrates firstly that the Appeal Site represents 'grey belt' land as defined in the NPPF and secondly that the Appeal Scheme does not represent inappropriate development in the Green Belt.

### Grey Belt

- 2.2 The decision notice issued on 8 August 2024 predated the latest updates to the NPPF in December 2024 (and subsequent updates to the NPPG) which introduced the principle of the 'grey belt'.

### Policy

- 2.3 The NPPF defines grey belt at Annex 2: *"For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development"*.
- 2.4 Footnote 7 states that *"the policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 189) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change"*
- 2.5 As the category of grey belt was only introduced into national policy in December 2024 it is not reflected in the adopted development plan.

### Guidance

- 2.6 The updated NPPG includes, amongst other things, guidance on assessing Green Belt to identify grey belt land and guidance for considering proposals on grey belt land.

### Appeal decisions

- 2.7 A number of appeal decisions have dealt with the interpretation of grey belt policy since the revised NPPF, including Woodside House (Appeal Ref: APP/M3645/W/24/3347328; Dated 10/01/25) and Chapel Lane (Appeal Ref: APP/V4630/W/24/3347424, Dated 13/01/25). Whilst they are not binding, I have taken these decisions into consideration in my assessment because I consider their treatment of general principles to be helpful.

## Assessment

- 2.8 Land can qualify as grey belt either because it represents previously developed land (as defined in Annex 2 of the NPPF) or because it can be defined as land that “does not strongly contribute” to the Green Belt purposes 1, 2 or 4.
- 2.9 Notwithstanding a considerable amount of previous development including construction and operation of the naval airfield in the vicinity, the Appeal Site is not previously developed land. However, as addressed in this section, the land does not strongly contribute to Green Belt purposes 1, 2 or 4.
- 2.10 The Green Belt Assessment (CD1.1.40) prepared by Quod in April 2024 provided an assessment of the impact of the Proposed Development against the five Green Belt purposes having regard to three Green Belt studies prepared by or on behalf of SODC available at the time<sup>1</sup>. Subsequently an Oxford Green Belt Study Update was published in May 2024 (prepared by LUC on behalf of the South Oxfordshire and Vale of White Horse District Councils).
- 2.11 The Appeal Site was located in Broad Area 6 in the Oxford Green Belt Study (October 2015) but included as a new area CH2 in the Oxford Green Belt Study Update 2024 as shown at figure 2.1.

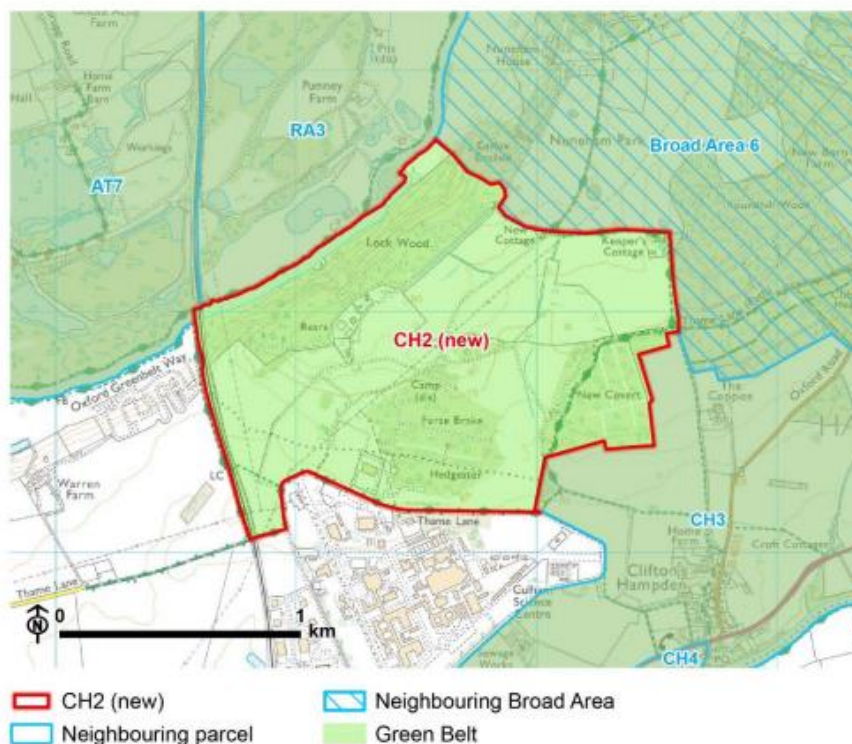


Figure 2.1 – extract from Oxford Green Belt Study Update 2024 Appendix A

<sup>1</sup> The SODC Local Green Belt Study (September 2015), Oxford Green Belt Study (October 2015) and Green Belt Assessment of Strategic Sites in South Oxfordshire (December 2018)



2.12 The SoC (CD2.4.1) provided a brief summary at paragraph 4.3.21 identifying that the Appeal Scheme would result in, at worst, minor harm to purposes 1, 2 and 4. I address this conclusion in further detail below having regard to the Green Belt Assessment and the studies prepared on behalf of SODC to conclude on the level of contribution to these purposes

*Purpose 1 to check the unrestricted sprawl of large built-up areas*

2.13 Due to the distance from large built-up area of (approximately 5km) the Appeal Site does not contribute to checking its sprawl. In my view no harm will occur to this purpose from the Appeal Scheme.

2.14 This is corroborated by the Oxford Green Belt Study Update 2024 which finds that in relation to land area CH2 as a whole “the parcel lies adjacent to the north of Culham Science Centre, which is not part of the large built-up area. Therefore, the parcel is not considered to contribute to checking the unrestricted sprawl of large built-up areas.” The study concludes that parcel CH2 makes no contribution to purpose 1.

*Purpose 2 to prevent neighbouring towns merging into one another*

2.15 The Appeal Site is not contiguous with an existing town albeit it abuts (to the south and west) the insets created by the allocation of STRAT8 and STRAT9 and their removal from the Green Belt.

2.16 There are substantial gaps in all other directions between the Appeal Site and the nearest towns or inset land. To the north west there is a gap of approximately 2.5km to Radley, 5km to Oxford to the north (as extended by the removal of the Grenoble Road land) and around 4km east to Berinsfield and its expansion land.

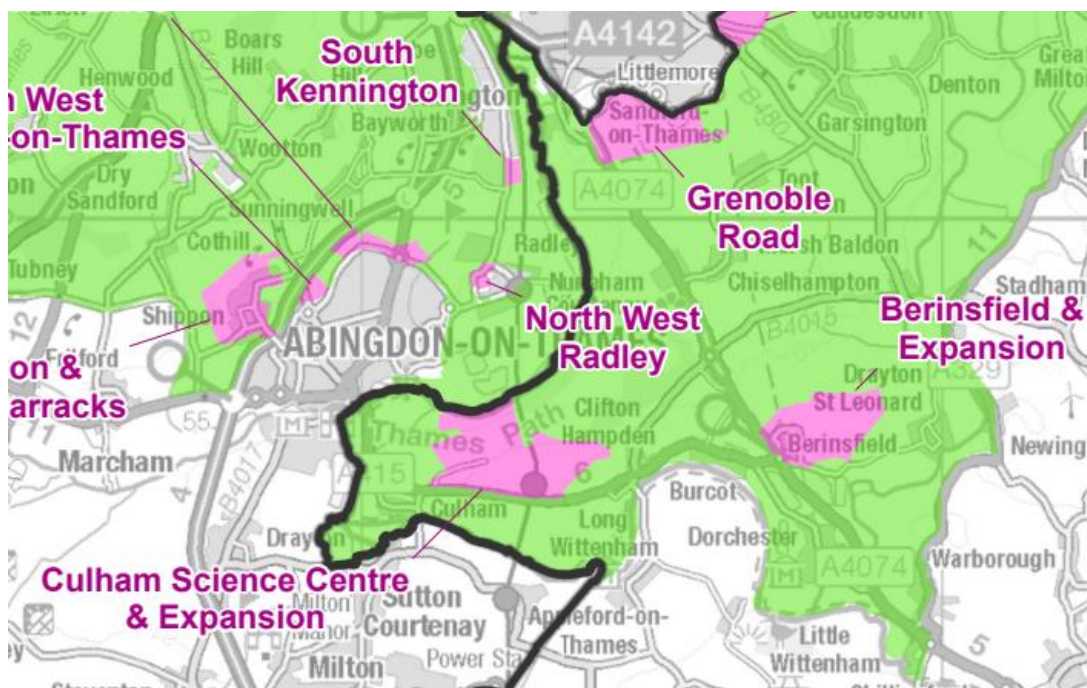


Figure 2.2 – extract from Oxford Green Belt Study Update 2024 Figure 3.1

2.17 As a result the development of the Appeal Site would make a very limited contribution to purpose 2.



2.18 This is again corroborated by the Oxford Green Belt Study Update 2024 which concludes that the contribution of parcel CH2 as a whole to purpose 2 would be 'low' and provides the following commentary: "...the parcel partially lies on the periphery of two settlement gaps: one to the north between Radley and the now inset Culham Science Centre and the associated adjacent strategic site allocation (SLP045 – Land adjacent to Culham Science Centre), which together represent a new neighbouring town in the Green Belt, and one to the east between Berinsfield and the new inset settlement, both of which result in some low contribution to this purpose. The parcel is open and generally well screened, apart from in the south west and south east where it abuts Culham Science Centre. However, the parcel's outer edges do not lie much closer to the neighbouring settlements than the existing urban edge of Culham Science Centre to the south of the parcel and the planned urban edge of the land to the west of the railway line. Furthermore, the high wooded ground of Lock Wood and the River Thames beyond to the north and the woodland in the east of the parcel represent strong separating features".

#### *Purpose 4 to preserve the setting and special character of historic towns*

2.19 The Appeal Site is located to the south of the Thames River valley on the southern side of wooded hills and cannot be viewed as part of the historic setting of Oxford.

2.20 The Oxford Green Belt Study Update 2024 suggests that parcel CH2 as a whole still has a relationship with Oxford but limited by distance: "the parcel consists of agricultural land and tree cover. There is no intervisibility with Oxford but it 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 that relates to one of the key elements of its special character. However, distance does limit the extent of this contribution". The study concludes that the parcel would make a 'low' contribution to purpose 4.

2.21 Even if that is accepted in relation to CH2 as a whole, given its location to the south western extreme of the CH2 parcel, I suggest the contribution of the Appeal Site to this relationship would decrease to a finding of very low or negligible. Either way the Appeal Site would not contribute strongly to purpose 4.

2.22 The Appeal Site plainly does not, therefore, strongly contribute to any of purposes 1, 2 or 4 .

#### *Footnote 7*

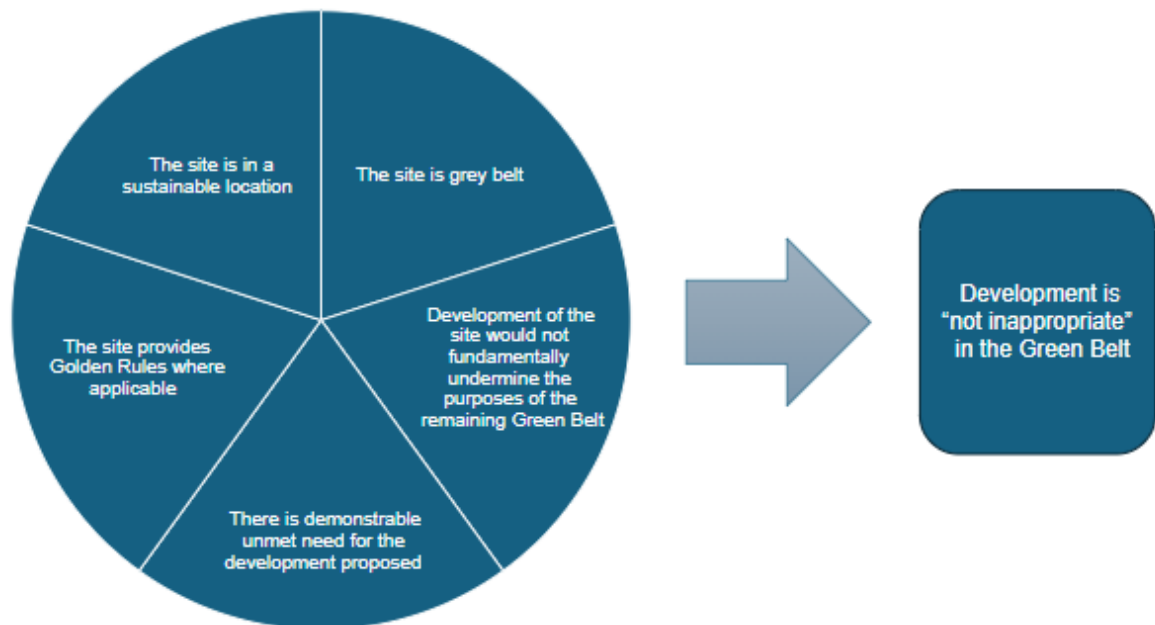
2.23 The NPPF definition of grey belt would exclude any land where the application of policies relating to areas or assets in footnote 7 – other than Green Belt – would "provide a strong reason for refusing or restricting development".

2.24 The only relevant policies referred to in footnote 7 (other than Green Belt) in this case are in relation to designated heritage assets. As addressed in detail in Section 3 of this proof, the 'less than substantial harm' to the significance of the Nuneham Courtenay Grade I Registered Park and Garden (RPG) (lower end of the scale), Nuneham Conservation Area (lower end of the scale) and Thame Lane Bridge (lowest end of the scale) are clearly outweighed by the public benefits of the proposal and would not provide a strong reason for refusing or restricting development.

2.25 The Appeal Site is, in my opinion, therefore Grey Belt land as defined in Annex 2 of the NPPF.

## Inappropriate development in the Green Belt

2.26 Paragraph 155 of the NPPF sets out the circumstances in which development in the Green Belt should not be regarded as inappropriate, as represented in figure 2 of the NPPG (replicated below). I consider these criteria in turn below.



Criterion (a) development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan

### *Purposes 1, 2 and 4*

2.27 As demonstrated above, the Appeal Site is grey belt land and it makes a very limited contribution to any of purposes 1, 2 and 4.

### *Purpose 5*

2.28 Purpose 5 relating to urban regeneration is not directly applicable to the Appeal Scheme though the proposed BESS would enable increased capacity for greater renewable energy generation in this area, as required by Local Plan Policy STRAT4 for strategic sites. Accordingly, the Appeal Scheme would result in negligible to minor beneficial effects to purpose 5 by assisting urban regeneration.

### *Purpose 3*

2.29 With regard to purpose 3 (safeguarding the countryside from encroachment) the Appeal Scheme will replace agricultural land with renewable energy infrastructure. This encroachment is, however, of a very limited scale and contiguous with an existing Green Belt inset.

2.30 Only 6.9ha of the Appeal Site would contain buildings and structures and only 4.9ha of this would be located in the Green Belt. This represents a very small proportion (0.007%) of the

total volume of the Oxford Green Belt (around 66,000ha). It is also a very small area (only around 1.7% of the size) compared to the 294ha removed from the Green Belt for strategic allocation STRAT8 and STRAT9 with which the Appeal Site is contiguous.

- 2.31 The Oxford Green Belt Study Update 2024 found that parcel CH2 as a whole makes a ‘high’ contribution to purpose 3, stating that *“the parcel lies to the north of Culham Science Centre and is comprised of agricultural land and woodland, including the sloping Lock Wood on the edge of the River Thames in the north of the parcel. The parcel is open apart from a warehouse in the south and a reservoir and ancillary buildings in the north. It shares open views with the surrounding countryside, particularly to the west from the high ground within the parcel. The large buildings within Culham Science Centre to the south are visible from within the parcel, but tree cover and rising land in the parcel maintains distinction from the newly inset urban area”*.
- 2.32 The strongest countryside features within CH2 are to the north of the parcel, within the RPG and the River Thames corridor. Due to the urban context of the neighbouring land and the inset of land from the Green Belt, the Appeal Site is located in a less open and sensitive area of parcel CH2. There is a significant presence of pylons across the Appeal Site with a cluster in the southwest, all of which detract from the countryside character. This has influenced the layout of the proposals, which locate the battery compound in between these pylons in the southwest and west of the Site to ensure that no buildings or structure are located within the more sensitive RPG in the north. Similarly, the new substation building is sited in the southeast adjacent the Culham Campus and another existing warehouse structure.
- 2.33 The existing topography and tree cover which helps to ‘maintain distinction’ from the inset area will not be altered by the Appeal Scheme and will be enhanced through the proposed suite of landscape enhancements. It will provide benefits to the landscape character within the Green Belt by reinstating the character of wooded hills that paragraph 9.3 of the Local GB Study considers to be a special quality of the Green Belt in SODC. As a result, the proposals as a whole would improve the countryside character of this part of the Green Belt. Planting will not only screen the proposed buildings and structures within the Site but also reinforce the new Green Belt boundaries to the south and west.
- 2.34 In conclusion, my view is that the Appeal Scheme would result in moderate harm in relation to Purpose 3 by virtue of the physical encroachment into the countryside but this would be moderated by the limited extent of such encroachment, the localised nature of the harm against the Green Belt boundary created by the strategic allocations and the substantial landscape enhancements proposed.

### Conclusion

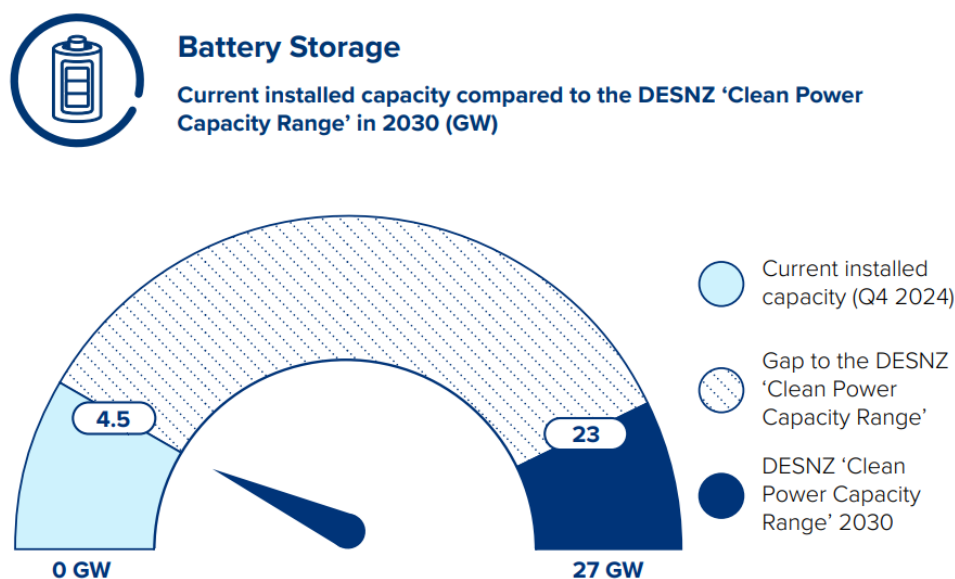
- 2.35 The test contained within criterion (a) of paragraph 155 is whether the development would *“fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan”*.
- 2.36 The Appeal Scheme would cause little or no harm to four of the five Green Belt purposes. The greatest effect would be on Purpose 3 due to a limited degree of encroachment into countryside (albeit moderated by the local context and landscape enhancements). Plainly this

would not amount to a fundamental undermining of the overall purposes of the remaining Green Belt across the plan area.

Criterion (b) there is a demonstrable unmet need for the type of development proposed

2.37 It is clear that there is a demonstrable unmet need for BESS schemes.

2.38 The scale of the need for energy storage is large and challenging. The graphic at page 95 of the Clean Power 2030 Action Plan (replicated below) puts this into stark context.



2.39 There is currently only 4.5GW of battery storage in Great Britain. To meet even the lower end of what DESNZ has identified as being required capacity would need to increase five-fold and in the next 5 years. Clean Power describes this as a *“very significant level of increase”* or *“a huge increase in grid-scale battery capacity”*. Ed Miliband in his Foreword places it as part of the need for a *“once-in-a-generation upgrade of our energy infrastructure”*.

2.40 Failure to deliver the deployment levels in Clean Power will mean failure of its overarching target to *“generate enough clean power to meet our total annual electricity demand, backed up by unabated gas supply to be used only when essential”* and the consequentially higher than targeted carbon emissions intensity of *“well below 50gCO<sub>2</sub>e/kWh by 2030”*.

2.41 Furthermore, the ranges expressed in Clean Power should not be seen as specific targets or a ‘cap’. The scale of the challenge will continue to increase beyond 2030 with demand for electricity is likely to increase significantly over the coming years and could more than double by 2050. As made clear in NPS EN-1 it is *“...not the role of the planning system to deliver specific amounts or limit any form of infrastructure...”*. Nor is it appropriate for planning policy to set limits on different technologies. Although made in the context of the technologies covered by the energy NPSs the point still applies here. A similar point was made by the Inspector in making his decision on Land West of Battlesbridge, Rettendon, Chelmsford City Council – Planning Inspectorate (PINS) ref: APP/W1525/W/22/3306710 that *“due to their need to support wider environmental benefits from renewable energy generation, the number of other*

*proposals elsewhere should not diminish the weight given to the environmental benefits from BESS schemes”.*

#### Criteria (c) sustainable location

- 2.42 The Appeal Scheme would not generate high levels of traffic movements and the Appeal Site represents a highly sustainable location for the type of development proposed located alongside the existing Culham Campus. The sustainability credentials of the location are demonstrated by SODC's strategic allocation strategy.

#### Criteria (d) 'Golden Rules'

- 2.43 The 'Golden Rules' do not apply to the Appeal Scheme since it does not include the provision of housing.

### Conclusion

#### NPPF policy

- 2.44 The Appeal Scheme does not represent inappropriate development in the Green Belt. It is not therefore necessary, with reference to paragraph 153 of the NPPF, for the Appellant to demonstrate that very special circumstances exist (although I do so on a without prejudice basis in Section 7 of this proof) and Green Belt harm is not a factor to be considered in the planning balance.

#### Development plan policy

- 2.45 Local Plan Policy STRAT6 (Green Belt) – repeats the main considerations set out in the National Planning Policy Framework (NPPF) restricting development to those limited types which are deemed appropriate in the Green Belt, unless very special circumstances can be demonstrated. For the same reasons set out above there is no conflict with STRAT6 as the Proposed Development is not inappropriate development in the Green Belt and even if it were very special circumstance exist.

## 3 Heritage

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- 3.1 The following three sections of my proof address the potential areas of planning harm as a result of the Appeal Scheme identified in the decision, namely heritage, landscape and agricultural land. For each topic, I draw on technical evidence and apply my own planning judgement to assess the degree of residual harm that should be carried forward into the planning balance.
- 3.2 This section deals with harm to heritage assets. I consider harm to the Nuneham Courtenay Grade 1 Registered Park and Garden (RPG) before going on to consider harm to other heritage assets which will be affected.

### Nuneham Courtenay Grade 1 Registered Park and Garden

- 3.3 It is common ground between the Appellant and SODC that the Appeal Scheme would result in less than substantial harm to the significance of the RPG.
- 3.4 Paragraph 215 of the NPPF is thereby engaged whereby the less than substantial harm to the significance of a designated heritage asset, should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 3.5 In accordance with paragraph 212 of the NPPF and well known case law derived from the statutory duty imposed by section 66(1) of the Planning (Listed Building and Conservation Area) Act 1990, great weight should be given to an asset's conservation irrespective of the level of harm.

#### The scale of less than substantial harm

- 3.6 It is also common ground that less than substantial harm is a continuum. It can run from anything above negligible harm up to harm that is just below substantial harm. Paragraph 18 of the NPPG provides clear advice that “*within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated*”.
- 3.7 Where exactly the Appeal Scheme sits on this scale of less than substantial harm is a matter of planning judgement. As confirmed in the Court of Appeal's judgment in *Bramshill v SSHCLG [2021] EWCA Civ 320*, *what amounts to “substantial harm” or “less than substantial harm” in a particular case will always depend on the circumstances* and “*The NPPF does not direct the decision-maker to adopt any specific approach to identifying “harm” or gauging its extent*”.
- 3.8 The NPPG (Paragraph 18a-018) advises that in “*general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.*”



- 3.9 The NPPG also provides guidance that: *“what matters in assessing whether a proposal might cause harm is the impact on the significance of the heritage asset. As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset’s physical presence, but also from its setting”* (NPPG Para 18 Reference ID: 18a-018-20190723).
- 3.10 In an appeal concerning the Edith Summerskill House (Appeal reference APP/H5390/V/21/3277137), the Inspector provided further useful direction on the interpretation of direct harm and harm in that is specific to setting. The Inspector in making their recommendations advised that: *“...in cases where the impact is on the setting of a designated heritage asset, it is only the significance that asset derives from its setting that is affected. All the significance embodied in the asset itself would remain intact. In such a case, unless the asset concerned derives a major proportion of its significance from its setting, then it is very difficult to see how an impact on its setting can advance a long way along the scale towards substantial harm to significance (12.50)”*. [page 78].

#### Level of harm to the significance of the RPG

- 3.11 Both parties agree that the Appeal Scheme would cause a relatively lower degree of harm to the RPG than the original Application Scheme. The SODC SoC states that *“...the Appeal Scheme would result in a reduced level of less-than-substantial harm compared to the Application Scheme but would nonetheless be harmful”*.
- 3.12 Mr Wain provides an assessment of the likely effects caused by the Appeal Scheme to the RPG and concludes that the landscaping works within the RPG boundary would have a direct beneficial effect in helping to restore the former parkland landscape of the southern area of the park and to soften the visible effects of the war time and post-war modifications to the site.
- 3.13 The proposed development set out in the Appeal Scheme will increase the industrialisation of the landscape to the south of the park though given the limited extent to which setting contributes to the significance of the RPG in general and this part of the RPG in particular, the operational phase of the proposed development as set out in the Appeal Scheme would, Mr Wain concludes, have a minor adverse effect upon the significance of the RPG.
- 3.14 I therefore place the Appeal Scheme at the lower end of less than substantial harm to the RPG.

#### Cumulative harm

- 3.15 When considering the potential for cumulative effects, it is relevant to have regard to the relative timescales of the developments. Technically, cumulative effects will be those additional effects caused by the Appeal Scheme over and above the baseline at the point of delivery. Similarly, any subsequent development which comes later in time will be required to have regard to the Appeal Scheme as part of the baseline.
- 3.16 The part of the STRAT 9 allocation to the east of the rail line (Culham No 1) is subject to an undetermined planning application for the demolition of buildings and outline planning application (with all matters reserved) for up to 115,000sq.m (GIA) of employment floorspace (P24/S1759/O). In accordance with the requirements of the STRAT 9 policy a Framework Masterplan was submitted for the entire site. I noted that in relation to the potential for harm to be caused to the setting of the RPG the application submission concludes that *“the susceptibility of the Nuneham Courtenay RPG is considered to be Low, and its sensitivity is*



*therefore Medium. The magnitude of impact is judged to be Very Low, and the effect is Negligible. The likely effect is judged to be Negligible Beneficial because the Proposed Development would reinstate a historic route towards the RPG and provide the opportunity for more people to appreciate and understand its interest”.*

- 3.17 In relation to the housing element to the west of the rail line there is little prospect of any development (which includes 2,100 houses over the plan period and another 1,400 beyond 2035) on this site prior to the delivery of the Appeal Scheme. Any future planning applications would need to consider cumulative effects in sequence including the Application Scheme as part of the baseline if consented. Although the application is accompanied by a broad masterplan for the STRAT9 allocation is not possible at this stage to predict what form the scheme would take or the conclusions of any future heritage assessment – other than the policy requires the development of “*a layout and form that respects the setting of the heritage assets within and beyond the site*”.
- 3.18 Within the STRAT8 allocation planning consent was granted in 2023 for the erection of a Fusion Demonstration Plant with ancillary office space, parking, landscaping and associated infrastructure, including plant and machinery (P22/S1410/FUL) on land to the north east of the Culham Capus. The consented scheme comprises a substantial structure around 140m to the south of the RPG. The Committee Report stated that “*..the impacts are indirect and the significance of the RPG as a designed landscape would not be impacted from development within the designated area. The impact is considered to be exclusively to the setting of the RPG which contributes to its significance as a designed landscape intended to enjoy and benefit from the rolling riverside landscape. As such, the impact is considered to be less-than-substantial under the tests of the NPPF*”. In then concluding on the balance against the public benefits the report found that “*in light of the material considerations set out in this report, particularly the role in progressing fusion technology and the potential benefits to carbon reduction, I consider this harm is outweighed by the public benefits*”. The application was approved by SODC on 28 March 2023.
- 3.19 In relation to the rest of the STRAT 8 allocation – policy STRAT8 supports proposals for the redevelopment and intensification of Culham Campus where this does not have an unacceptable visual impact, particularly on the character and appearance of the surrounding countryside and the RPG. The policy requires the exact siting and phasing of the employment development must be agreed through the masterplanning and subsequent planning application process including addressing any heritage assets and their settings in accordance with Policy ENV6 and the NPPF.

#### *Conclusion on cumulative harm to the RPG*

- 3.20 Mr Wain considers the cumulative effects of the Appeal Scheme with the the Fusion Demonstration Plant (P22/S1410/FUL) and the Culham No 1 application (P24/S1759/O). He notes that buildings within both schemes will be visible from the RPG and would both increase the density of the development in these locations with buildings of greater height and areas of greater development density. The Appeal Scheme will add cumulatively to this by adding largely low-level electrical infrastructure adjacent to and within the Culham Capus. This will largely be screened by the proposed tree planting, while the taller buildings of the Fusion Demonstration Plan and Culham No 1 are likely to be more visible from the RPG.

- 3.21 Mr Wain then considers the longer term where STRAT8 and STRAT9 may be fully developed. He notes that the Appeal Scheme would not only offset the potential impact of the Appeal Scheme but also assist in reducing the potential effects of the allocations upon the setting of the RPG. The tree belt delivered by the Appeal Scheme, will remain following decommissioning, restoring the setting of the RPG and protecting it from the permanent development within STRAT8 and STRAT9.

#### Balance of harm against the benefits

- 3.22 As established in Bramshill *“there is no prescribed single, correct approach to the balancing of such harm against any likely benefits – or other material considerations weighing in favour of a proposal”* [72]. The judgement also established that *“identifying and assessing any “benefits” to weigh against harm to a heritage asset are also matters for the decision-maker”* as is the weight to be given to such benefits as a material consideration [76]. The judgement notes however that *“a potentially relevant “public benefit”, which either on its own or with others might be decisive in the balance, can include a heritage-related benefit as well as one that has nothing to do with heritage”*.
- 3.23 I provide an overall assessment of the planning balance at Section 7 of my proof which demonstrates that the benefits of the Appeal Scheme outweigh the less than substantial harm to the RPG.

#### Other heritage assets

- 3.24 RFR3 refers only to the RPG and the listed buildings and structures contained within. No reference is made to any other heritage assets in the reason for refusal though I consider the potential for harm to any other heritage assets here for completeness.
- 3.25 The Nuneham Courtenay Conservation Area partly intersects with the RPG though none of the Appeal Site is located within the Conservation Area (the Appeal Site is located approximately 270m to the south). For the reasons set out in Mr Wain’s evidence, as for the RPG, the level of harm on the Conservation Area would be at the lower end of the less than substantial harm category.
- 3.26 Mr Wain concludes that the Appeal Scheme would have no more than a minor impact upon the setting of the designated listed Thame Lane Bridge. I place this at lowest end of the less than substantial harm category.
- 3.27 Mr Wain finds that the Appeal Site makes no contribution to the historic setting or significance of any of the other nationally listed (Fullamoor Farmhouse, Culham Station Ticket Office, Schola Europea) or locally listed (Culham Station House) buildings within the vicinity of the site and therefore the proposed development will have no effect upon these designations.

#### Development plan policy

- 3.28 Parts 1, 2, and 4 of Policy ENV6: Historic Environment and Parts 1, 2 and 5 of Policy ENV10: Historic Battlefields, Registered Parks and Gardens and Historic Landscapes is also engaged by the conclusion of less than substantial harm on the RPG.

#### ENV6 – part 1

- 3.29 Requires that proposals for new development that may affect designated and non-designated heritage assets should take account of the desirability of sustaining and enhancing the significance of those assets. As set out in the SoC at paragraphs 4.5.5 – 4.5.21 the Proposed Development has taken into account the significance of the RPG and promoted enhancements to its setting and character.

#### ENV6 – part 2

- 3.30 The first sentence of part 2 of Policy ENV6 states that “*proposals for new development should be sensitively designed and should not cause harm to the historic environment*”. The first point is uncontentious, though I consider the second part is, on the face of it, in conflict with the NPPF at paragraph 215. Whereas policy ENV6 requires ‘no harm’ (i.e. would be breached even by harm at the very bottom end of the less than substantial harm scale) the NPPF requires a balance with public benefits.
- 3.31 Accordingly, one could either (i) give this part of the Policy ENV6 very limited weight in view of its non-compliance with the NPPF or (ii) read the policy as being subject to the NPPF test as it does not on the face of it exclude the balancing exercise. I prefer the latter though the outcome of either approach would be the same. As outlined in detail above the benefits of the Proposed Development outweigh the less than substantial harm to the designated heritage assets.

#### ENV10 – part 1

- 3.32 The Proposed Development will result in less than substantial harm to the RPG. For similar reasons as part 1 of ENV6, part 1 of ENV10 this harm must be balanced against the benefits as required by the NPPF.

#### ENV10 – part 2

- 3.33 Requires that any harm to or loss of significance of any heritage asset requires “clear and convincing justification”. This is in my view equivalent (and therefore not inconsistent with) the test of paragraph 215 of the NPPF to weigh harm against the public benefits of the proposal. I have dealt with this point in detail earlier.

#### ENV6 – part 4 and ENV10 – part 5

- 3.34 The Appellant has complied with the requirement to describe the significance of any heritage assets affected including any contribution made by their setting.

## 4 Landscape

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- 4.1 This section of my proof deals with RfR2 which relates to landscape and visual effects and states that *“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”*.
- 4.2 In making a judgement on the compliance of the Appeal Scheme with these policies I have had regard to the evidence of Mr McDermott on landscape and visual matters. Unless I state otherwise, my own judgements accord with those of Mr McDermott.

### Site context

- 4.3 Mr McDermott addresses the characteristics of the site and surroundings in detail but I will deal with it here insofar as is it directly referenced in RfR2, which states that *“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”*. In my view, this description paints a misleading picture of the site and its local context.
- 4.4 The total site area of the Proposed Development is 26ha in total though the developed area of the Proposed Development would extend to 6.9ha. This developed area would be adjacent (and within) the existing Culham Campus which extends to around 77ha and the existing industrial buildings to the east of the railway line (the Culham No.1 site which form part of the STRAT9 allocation) which extend to around 23ha. The developed area of the Proposed Development would represent only 6.5% of the cumulative total of these sites.



Figure 4-1 - Satellite image of the Site and surrounding (Site outlined in red).



- 4.5 The scale of planned development over these sites is substantial. The pending application at the Culham No.1 site for example proposes around 120,000sqm of commercial, retail and leisure floorspace. The consented Fusion Demonstration Plant at the Culham Campus would introduce a 38 metre high building into the area approximately 800m to the east of the Appeal Site.
- 4.6 To the west of the railway line the local plan allocates STRAT9 for approximately 3,500 homes. The relationship between the site (site area outlined in blue with developed area shaded blue) is shown at figure 4-2.

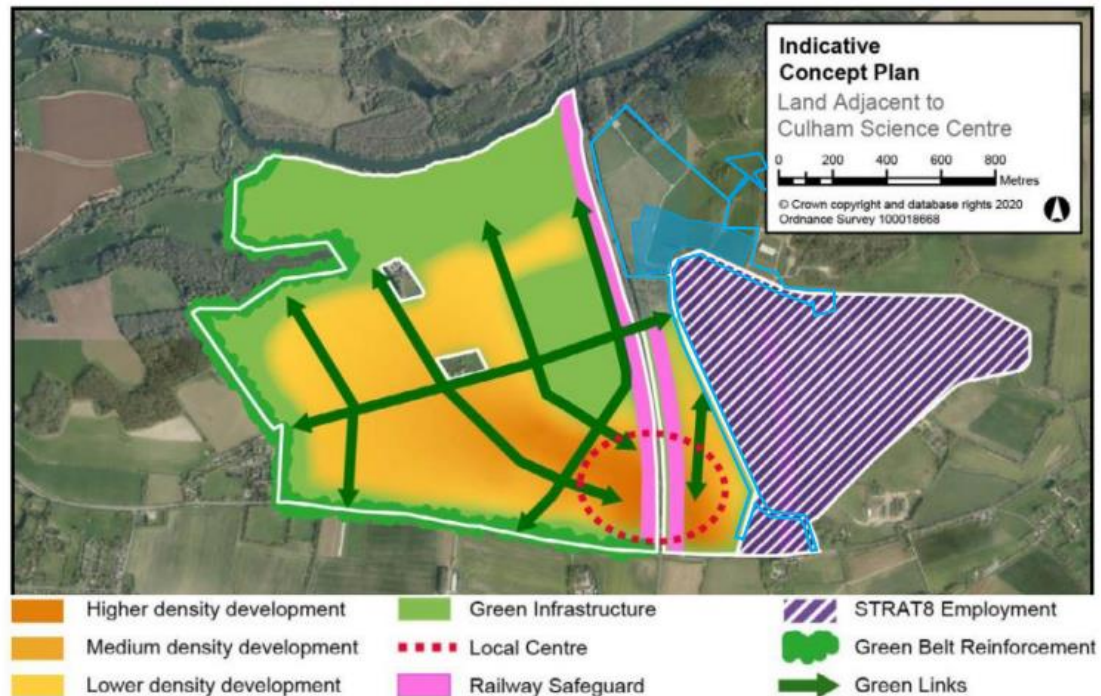


Figure 4-2 - Local Plan Culham allocations extract with Site outlined in blue and the proposed area of buildings shaded.

- 4.7 The landscape is also one significantly adversely affected by, and defined by, existing electrical infrastructure. The BESS is accompanied by substantial landscape mitigation and enhancements across 16ha of the site involving new hedgerows, woodland and scrubland) and is being introduced into an existing industrial context not into rural countryside.
- 4.8 RfR2 also states that *“the site proposed for battery storage provides a valuable transition between the registered parkland and the Culham Science site.”* The Appeal Site forms a transition between the RPG and the Culham Campus, but currently it is not a valuable one for the reasons set out at paragraph 4.4.4 of the SoC. The SoC also explains that the Proposed Development provides the opportunity to establish a more valuable transition in the long term including through establishing a belt of woodland which will provide screening in the long term.
- 4.9 The RfR2 then alleges *“significant adverse effects on the landscape character and to views including those from public rights of way and that the proposed mitigation is ineffective in mitigating this harm..”* I address these two points in turn below in planning terms with reference to Mr McDermott’s evidence before applying this evidence to the policies noted in RfR2.

## Effect on landscape character

4.10 Mr McDermott's evidence provides the following conclusions in relation to the effect of the Appeal Scheme on landscape character:

|  | Year 1   | Year 10   | Year 20   | Once decommissioned          |
|--|--|---|---|------------------------------|
| Character of the grassland to be occupied by the BESS, connection compound and substation (within the Appeal Site) | Moderate to major adverse  | Moderate to major adverse   | Moderate to major adverse   | Minor beneficial             |
| Character of the land within the RPG visually influenced by the BESS, connection tower and substation.             | Moderate to major adverse  | Moderate adverse  | Minor beneficial  | Minor to moderate beneficial |
| Character of the remaining areas visually influenced by the Appeal Scheme  | Negligible on the CSC<br>Moderate adverse on STRAT9 until it is built out. | Negligible on the CSC and STRAT9 as it is built out and mitigating tree planting becomes effective. | Negligible on the CSC and STRAT9 as it is built out and mitigating tree planting becomes effective. | Negligible                   |

## Effect on views including from public rights of way

4.11 Mr McDermott's evidence provides a detailed assessment of visual effects of the Appeal Scheme. The computer-generated Zone of Visual Influence (ZVI), confirmed by a site visit, indicates that the visual influence of the Appeal Scheme is restricted by Lock Wood and rising ground to the north and northeast, woodland to the east and the CSC to the southeast and south. The majority of the ZVI extends over STRAT9, as a result woodland tree planting is proposed to protect the visual amenity of people within it.

4.12 The most significant visual impact will be to users of the Oxford Green Belt Way over a short section where it skirts the CSC. The setting of this route is already substantially adversely affected by the CSC, transmission lines and towers and so Mr McDermott considers that while

there will be Moderate - Major adverse effects to a few specific viewpoints, in terms of the sequential experience along this part of the route, the Appeal Scheme will overall have a Moderate adverse effect on the visual amenity of walkers due to the existing influence of the CSC and existing infrastructure. There will be a very limited effect on the visual amenity of walkers as they head south along the railway towards Thame Lane from the river because for much of its length the path runs at a slightly lower level than the railway. A very short section on approaching Thame Lane does afford views across the Appeal Site towards the RPG and although views are marred by overhead lines and the CSC, the effect will initially be Moderate – Major adverse until mitigating tree planting becomes effective. While the Appeal Scheme will restrict views across to the RPG from certain sections of the Oxford Green Belt Way, during operation and on decommissioning, the historic tree belt was designed to visually enclose the RPG from the surrounding countryside.

- 4.13 The Appeal Scheme will have no effect on the visual amenity of people within existing residential properties.

### Cumulative effects

- 4.14 As addressed in relation to heritage, at the point that that the Appeal Scheme would come forward assuming both the Fusion Demonstration Plant (P22/S1410/FUL) and Culham No 1 application (P24/S1759/O) are assumed to form part of the baseline.
- 4.15 Again, cumulative effects will technically be those additional effects caused by the Appeal Scheme over and above the baseline at the point of delivery and any subsequent development which comes later in time will be required to have regard to the Appeal Scheme as part of the baseline. Mr McDermott concludes that the considering the Appeal Scheme in conjunction with these schemes would not change the magnitude of effect on landscape character above the Moderate – Major adverse effects on landscape character of the Appeal Site already identified - and would become beneficial towards the end of the operational life of the Appeal Scheme and following decommissioning.
- 4.16 In terms of visual impact, Mr McDermott concludes that the largely low-level nature of the Appeal Scheme, seen against the existing backdrop of the Culham Campus will be far less visible within the landscape than the buildings of the Fusion Plant and Culham No. 1.
- 4.17 Walkers using the OGBW/Thame Lane will walk past these tall buildings, adding to the industrial/urban edge perception, but they will be viewed in the opposite direction to the Appeal Scheme, seen in the context of the CSC and so will not have a cumulative adverse effect on views north from the Oxford Green Belt Way. The cumulative effect on visual amenity overall, when moving around the perimeter of the CSC will remain Moderate adverse.
- 4.18 With regard to the potential for the remainder of STRAT8 and STRAT9 to be delivered in future Mr McDermott concludes that the although Appeal Scheme will temporarily increase the amount of electrical infrastructure within the landscape and the level of urbanisation , the change from an open arable landscape to a developed one will not have a significant cumulative effect on landscape character given that 217 hectares of open farmland within STRAT9 will be developed. In terms of visual amenity to users of the PRow, the proposed BESS will temporarily add to the adverse visual influence of electrical infrastructure within the landscape but given the majority of STRAT8 and STRAT9 will be visible to users of the PRow



network in the area, additional electrical infrastructure over a comparatively short length of PRow will not, in Mr McDermott’s view, have a significant cumulative visual effect, and the proposed planting will establish meaningful buffers between the various developments which the current open grassland cannot.

4.19 While the Appeal Scheme will temporarily add to the level of development, its backdrop will be of existing and future development. The proposed woodland and parkland tree planting will screen the majority of this development from the RPG, protecting its internal setting and character. The legacy of the Appeal Scheme will be to leave a landscape framework which will beneficially reduce any permanent cumulative landscape and visual effects arising from STRAT8 and STRAT9 on the RPG

Development plan policy

Policy ENV1

- 4.20 Policy ENV1: Landscape and Countryside contains four parts.
- 4.21 Part 1 relates to development within an AONB (now National Landscapes) or which could affect the special qualities of an AONB. This limb is not applicable to the Appeal Scheme.
- 4.22 Part 2 relates more broadly to South Oxfordshire’s landscape, countryside and rural areas stating that 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 policy then lists particular features (which is presumed to not reflect a definitive or exhaustive list) which I address in turn below:

| Feature  | Protect  | Enhance   |
|--|--|---|
| <i>i) trees (including individual trees, groups of trees and woodlands), hedgerows and field boundaries;</i> | The Appeal Scheme will not result in any loss of landscape features, such as trees or hedges beyond the CSC. | <p>An extensive landscape scheme is proposed to screen the Proposed Development and enhance the biodiversity of the local area which includes, new tree belt screen and improved grass seed mixes.</p> <p>The proposed landscaping is sympathetic and contributes to existing landscape character through tree planting and reintroduces historic woodland belts that used to be present before the introduction of the airfield.</p> |

|  |   |   |
|--|---|---|
| <i>ii) irreplaceable habitats such as ancient woodland and aged or veteran trees found outside ancient woodland;</i>                 | The development will not affect any ancient woodland / veteran trees  | N/a   |
| <i>iii) the landscapes, waterscapes, cultural heritage and user enjoyment of the River Thames, its tributaries and flood plains;</i> | The Appeal Site is located around 140m to the south of though the development will not affect these features of the River Thames                | N/a   |
| <i>iv) other watercourse and water bodies;</i>   | No watercourses flow through the Appeal Site and the development will not affect any other watercourses or water bodies                         | N/a   |
| <i>v) the landscape setting of settlements or the special character and landscape setting of Oxford;</i>                             | The Appeal Site is located approximately 5km to the south of Oxford with no intervisibility   | N/a   |
| <i>vi) topographical features;</i>   | The land within the Appeal Site that will accommodate the electrical infrastructure and substation is flat with no topographical features.      | N/a   |
| <i>vii) areas or features of cultural and historic value;</i>  | The Appeal Scheme avoids the location of any electrical equipment within the RPG  | Extensive landscaping to enhance the parkland   |
| <i>viii) important views and visually sensitive skylines;</i>  | Mitigation measures proposed to moderate effects on visual receptors  | The Appeal Scheme will result in beneficial residual effects from other important viewpoints                                    |
| <i>ix) aesthetic and perceptual factors such as tranquility, wildness, intactness, rarity and enclosure.</i>                         | The area where it is proposed to locate electrical equipment is not tranquil or wild and the southern parkland is no longer intact or enclosed. | The Appeal Scheme will increase the intactness, enclosure and tranquillity of the RPG as the proposed landscaping establishes.. |

4.23 Part 3 of ENV1 states that development which supports economic growth in rural areas will be supported provided that it conserves and enhances the landscape, countryside and rural areas. Although arguably not a 'rural area' given the site context, this limb of ENV1 provides

support for the Appeal Scheme given that it complies with the requirement to conserve or enhance the identified landscape features.

- 4.24 Part 4 relates to the retention of important hedgerows. There are no hedgerows within the Appeal Site.
- 4.25 In summary, the proposed landscaping is sympathetic and contributes to existing landscape character through tree planting and reintroduces historic woodland belts that used to be present before the introduction of the airfield. As a result, the Appeal Scheme does not conflict with any of the four limbs of Policy ENV1.

**Policy DES1**

- 4.26 Policy DES1 requires all new development to be of a high quality design that satisfies a number of design criteria. These criteria extend beyond the consideration of landscape but I consider each in turn below for completeness:

| Design criteria  | Assessment  |
|--|---|
| i) uses land efficiently while respecting the existing landscape character;                | <p>The Appeal Scheme will deliver 500MW of nationally and regionally important battery storage through the development of 6.9ha of land adjoining the existing Culham Campus.</p> <p>The layout locates the batteries within as small a footprint as possible, subject to cooling and enabling the safe access and movement between the battery units.</p> <p>As addressed in Mr McDermott’s evidence and in this chapter the proposed development respects and enhances the existing landscape character beyond the proposed electrical infrastructure compounds and, on decommissioning, the whole of the Appeal Site</p> |
| ii) enhances biodiversity and, as a minimum, leads to no net loss of habitat;              | <p>The Appeal Scheme would deliver a 62.10% BNG. The restoration of the historic tree belt along the southern boundary will be a public benefit.</p>  |
| iii) incorporates and/or links to a well-defined network of Green and Blue Infrastructure; | <p>The Appeal Scheme will allow for public access via permissive paths and the creation of new woodland planting and wildflower meadows improving accessibility in an area otherwise inaccessible.</p>  |

|   |   |
|---|---|
|   | <p>The Appeal Site is a sustainable location collocated alongside the Culham Campus. The Appeal Scheme will not generate a high level of traffic.</p>   |
| iv) is sustainable and resilient to climate change;   | <p>The Appeal Scheme is designed to be resilient to climate change, incorporating measures to minimise the risks of increased flood risk and surface water run-off through the provision of attenuation basins on-site; and selection of native and resilient planting for incorporation into the landscaping to reduce potential future maintenance / replacement.</p> |
| v) minimises energy consumption;  | <p>The operational phase of the Proposed Development would enable the storage and use of excess renewable electricity (avoiding generation curtailment) and the displacement of fossil fuel-powered peaking power generators. This would result in a positive effect on greenhouse gas emissions. .</p>   |
| vi) mitigates water run-off and flood risks;  | <p>The FRA and Conceptual Drainage Strategy (CD2.2.8) demonstrated that the development area is at low risk of flooding from all sources and that the Appeal Scheme incorporates surface water attenuation and SuDS. SODC confirm (paragraph 1.20 of their SoC that the strategy is appropriate.</p>  |
| vii) takes into account landform, layout, building orientation, massing and landscaping;  | <p>The approach to the design of the Proposed Development and the consideration of these factors is set out in the Planning Design and Access Statement (CD1.1.45) and the approach to landscaping addressed in detail in Mr McDermott's evidence.</p>  |
| viii) provides a clear and permeable hierarchy of streets, routes and spaces to create safe and convenient ease of movement by all users; | <p>The layout of the operational site is led primarily by functional requirements enabling safe access and movement between the battery units.</p> <p>Beyond the operational site the Appeal Scheme improves public access through the provision of permissive paths within the RPG.</p>  |

|   |  |
|---|--|
| ix) ensures that streets and spaces are well overlooked creating a positive relationship between fronts and backs of buildings;   | N/a  |
| x) clearly defines public and private spaces;   | The public and private spaces within the Appeal Scheme are very clearly delineated through fencing and delineation of the permissive path through the site.  |
| xi) provides access to local services and facilities and, where needed, incorporates mixed uses, facilities and co-locates services as appropriate with good access to public transport;    | Colocation with Culham Campus represents a significant local benefit as confirmed in the letter of support from UKAEA which states that the <i>“Appeal Scheme will help UKAEA to realise its ambitions for the Campus, and in turn the national ambition to further fusion research”</i> .                           |
| xii) provides a wide range of house types and tenures;  | N/a  |
| xiii) respects the local context working with and complementing the scale, height, density, grain, massing, type, and details of the surrounding area;                                      | The Appeal Scheme should be seen in the context of the 294 hectares of STRAT8 and STRAT9. The proposed area for electrical infrastructure will fill the gap between STRAT8 and STRAT9 (which have been removed from the Green Belt) and the warehouse to the north of the Culham Campus which remains in Green Belt. |
| xiv) secures a high quality public realm that is interesting and aesthetically pleasing; and designed to support an active life for everyone with well managed and maintained public areas; | The Appeal Scheme will deliver new public realm through the provision of permissive paths and the creation of new woodland planting and wildflower meadows.  |
| xv) does not differentiate between the design quality of market and affordable housing or the adjacent public realm;  | N/a  |
| xvi) is designed to take account of possible future development in the local area;  | The location of the Appeal Site has regard to the existing and future development at the Culham Campus (and will help to facilitate its future growth) and the development allocation on STRAT9. The location of the physical  |

|  |   |
|--|---|
|  | infrastructure which is limited to 6.9ha of the Appeal Site sits adjacent to the Culham Campus and effectively fills a gap between the STRAT9 allocation and the warehouse to the north of the Culham Campus.   |
| xvii) understands and addresses the needs of all potential users by ensuring that buildings and their surroundings can be accessed and used by everyone; | Access to the operational development will be controlled and not open to the public. New public realm is created in the area of the Appeal Site within the RPG.   |
| xviii) creates safe communities and reduces the likelihood of crime and antisocial behaviour as well as the fear of crime itself; and                    | The design of the Appeal Scheme reflects operational safety and security requirement. The SODC Designing out Crime Officer consultation responses advised that details regarding security and fencing were satisfactory and provided no objection or further comment. |
| xix) ensures a sufficient level of well-integrated and imaginative solutions for car and bicycle parking and external storage including bins             | Once operational the development will be unmanned with very minimal extra traffic movement for occasional maintenance inspections and servicing. Four parking spaces are provided.  |

## Policy DES2

4.27 Policy DES2 is concerned with enhancing local character.

4.28 Part 1 requires all development to “*be designed to reflect the positive features that make up the character of the local area and should both physically and visually enhance and complement the surroundings*”. As explained in detail in Mr McDermott’s evidence the landscaping of land within the RPG is sympathetic to and contributes to the existing parkland landscape character through parkland tree planting and reintroduction of a historic woodland belt that was present before the construction of the WWII airfield. Once the proposed woodland planting matures it will result in a benefit once it effectively screens the Appeal Scheme and the other urban influences further to the south. Once the Appeal Scheme has been decommissioned the woodland will beneficially screen the permanent development within STRAT9 from the RPG. Mr McDermott finds that the Appeal Scheme will deliver a permanent legacy through the beneficial restoration of the southern boundary of the RPG which will aid historic interpretation and protect the setting of the RPG.

4.29 Part 2 requires new development proposals to be informed by a contextual analysis to demonstrate how design has been informed by and positively responds to its site and surroundings and reinforces place identity by enhancing local character. Parts 3, 4 and 5 relate to the need to have regard to Character Assessments in the design of the development.

- 4.30 As established in Mr McDermott's evidence the long-term legacy of the Proposed Development is the enhancement of landscape character having had specific and close regard to the site context.

***Policy CUL5 of the Culham Neighbourhood Plan.***

- 4.31 The policy supports proposals in Culham provided they have full regard to the essential design considerations and general design principles set out in the Culham Design Code.
- 4.32 The Delegated Report (CD 1.4.2) in paragraph 8.9 cites part OVS2.0.1 of the Culham Design Code which states that "*All development should contribute to the maintenance and delivery of a high quality multi-functional network of Green and Blue Infrastructure in the Parish to provide long-term benefits for people, places and nature, in ways that reinforce local character.*" Again as set out in Mr McDermott's evidence the Appeal Scheme would provide a long term legacy of landscape character enhancement in particular delivering the restoration of the historic boundary of the RPG.



## 5 Agricultural land

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- 5.1 RfR4 relates to Best and Most Versatile (BMV) agricultural land. It states that: “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”.
- 5.2 Paragraph 187 of the NPPF requires that planning decisions should “contribute to and enhance the natural and local environment” by inter alia “*recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland*”. Paragraph 188 relates to plan making. It is concerned with allocating land within the least environmental value where consistent with other policies in the NPPF. Footnote 64 states that “*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*”. Paragraph 188 is not applicable to decision making. However, even if it was, the Proposed Development would not constitute the significant development of agricultural land.
- 5.3 There is no legal or policy requirement in the NPPF for the Appellant to undertake a ‘sequential test’ in relation to loss of agricultural land, beyond recognising the benefits of BMV.
- 5.4 The 15 May 2024 Written Ministerial Statement issued by Claire Coutinho and referenced in RfR4 was directed at large solar farms and is not directly relevant to BESS proposals which have the different nature, scale and benefits of different technologies. The Appellant disagrees with the use of the WMS in RfR4 for this reason.
- 5.5 Local Plan Policy DES7 (Efficient Use of Resources) – requires new development to make provision for the effective use and protection of natural resources including: “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”.
- 5.6 In the recent Burcot Farm appeal against South Oxfordshire District Council<sup>2</sup>, the Inspector concluded that whilst the wording of Local Plan policy DES7 clause vii), requires that the use of BMV land needs to be demonstrated to be the most sustainable choice from reasonable alternatives, it does not require consideration of alternative sites. Nor does it require a sequential approach. I respectfully agree with this interpretation.
- 5.7 As demonstrated in the submitted Agricultural Land Classification Study (CD1.1.4), the Appellant acknowledges that the Appeal Site comprises 88% Grade 2, 11%, Grade 3a and 1% Grade 3b (1%). As a result 99% of the Appeal Site comprises BMV.

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<sup>2</sup> Burcot Solar and Bess appeal 2025 (para 35.)

- 5.8 The Site Selection Process document, as referenced in the SoC, demonstrates that alternative sites perform no better than the appeal site in terms of ALC characteristics.
- 5.9 The loss of BMV would be minimal when compared to the amount of productive BMV land within the surrounding area and South Oxfordshire District. There have been no objections from any statutory body concerning BMV, including Natural England.
- 5.10 Overall, a very small amount of BMV land would be lost through the Proposed Development which would result in minor harm. No poorer quality land is available in the area, and the loss would be clearly outweighed by the substantial benefits of the proposals so that Local Plan Policy DES7 and paragraph 187 of the NPPF would be satisfied.

## 6 Project benefits

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6.1 The Appeal Scheme would deliver substantial benefits. These are set out in detail in the SoC though in summary include:

- **Contribution to the National Need for Energy Storage Demand** – the importance of the proposed development is a matter of agreement. As reflected in the SoCG, the DR stated that the Proposed Development represents “critical infrastructure” which would “support a low carbon future”.
- In order to achieve clean power by 2030 the current capacity of 4.5GW of battery storage in Great Britain must be increased to between 23-27 GW. The significant scale of this required increase is reflected in the steps taken by the Government to put in place a supportive and favourable planning environment for this type of development.
- The contribution made by the Appeal Scheme towards meeting the national demands would be substantial. A 500MW BESS facility would have capacity to store surplus energy from intermittent renewable source capable of providing the electricity equivalent to supply the daily requirement for over 400,000 homes<sup>3</sup> (this is an illustrative example – BESS is not restricted to supplying homes).
- To emphasise the scale of the task by 2030 this would still only represent less than 3% of the additional capacity required to meet even the lowest end of the Clean Power growth scenario<sup>4</sup>. The achievement of net zero policies is reliant on proposals like the Proposed Development – and a significant number of them.
- The urgent need for action is also reflected in public opinion. The latest DESNZ Public Attitudes Tracker: Net Zero and climate change (Summer 2024) indicated a high (91%) and growing awareness of the concept of net zero and that although the majority of people are concerned about climate change (80%) only 20% are confident that the UK is on track to meet its Net zero target by 2050. There has been a very limited level of public objection or concern in relation to the Proposed Development.
- The benefit from the contribution of the scheme to meeting national need for energy storage demand should plainly be given **significant weight**.
  - Paragraph 168 of the NPPF advises decision makers, for all forms of renewable and low carbon energy developments and their associated infrastructure, to

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<sup>3</sup> Based on a 2-hour BESS discharge (there would be three charge / discharge cycles a day):  
500MW x (2 x 3) hr x 1000 = 3million kWhs per day (1million kWhs for single discharge).  
2700kWh per annum / 365 = 7.40 kWhs per day average consumption requirement for each domestic property.

3 million kWhs per day / 7.40 kWhs per day = equivalent of 405,405 domestic properties supplied per day (135,135 for a single discharge).

<sup>4</sup> 0.5GW as a percentage of 19.5GW = 2.7%

*“...give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal’s contribution to a net zero future”.*

- SODC acknowledged in their DR (paragraph 20.6) that *“very significant weight is given to the need for the BESS in terms of addressing climate change and energy security challenges”.*
  - This is consistent with the interpretation of the Planning Inspectorate in making recommendations on other recent BESS schemes. In making their recommendations on Appeal Decision APP/V4630/W/24/3347424 for a 50MW BESS scheme in Walsall the Inspector stated (paragraph 100) that *“the imperative of mitigating climate change, achieving net-zero, and the ability of this project to make an early contribution to the clean power pathway are significant public benefits and attracts great weight”.* There is no reason to take a different approach here. If anything the weighting in this case would be greater given the comparative capacities of the two schemes (the Appeal Scheme has a capacity around ten times that of the Walsall scheme).
- **Delivery and timing – significant weight** – the connection agreement with National Grid secured for 2027, provides important assurance on the delivery and deployment of the scheme in line with the 2030 targets. Applicants made now to the District Network Operator (DNO) are likely to receive connection dates too late to contribute to 2030 objectives. The presence of a grid connection should be given significant weight (which would be consistent with various previous appeal decisions<sup>5</sup>). If it were needed the credentials and track record of the Appellant<sup>6</sup> should also provide further comfort regarding delivery.
  - **Biodiversity benefits - significant weight** - as additional information demonstrates there would be a 62.10% net gain delivered by the Appeal Scheme.
  - **Landscape benefits – significant weight** – through the delivery of a permanent beneficial restoration of the southern boundary of the RPG. The proposed tree belt will re-establish the historic boundary, aiding historical interpretation and protect the setting of the RPG from adjacent existing and allocated development, long after the temporary BESS scheme has been decommissioned.
  - **Meeting the Regional Need for Energy Storage Demand – moderate weight** – SODC has declared a climate emergency. Increasing resilience to the likely impact of climate change and promoting a low carbon future is stated as one of the adopted Local Plan’s

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<sup>5</sup> CD10.5 APP/X1925/W/23/3323321 – Land at Graveley Lane, Great Wymondley (12.79); CD10.6 APP/D0840/W/23/3334658 – Land known as Penhale Moor, Cornwall (33); CD10.7 S62A/22/0006 – Land at Berden Hall Farm, Berden (82).

<sup>6</sup> Culham Storage Limited is a Special Purpose Vehicle (SPV), for the Appeal Scheme, of Stratera Energy Limited (Statera) which is the parent company, developer, owner and operator of the site. Since 2015 Statera Energy has been developing and operating flexible energy generation and battery storage schemes, with operational sites in Humberside, Essex, Leicestershire, Northamptonshire, Wiltshire, Hertfordshire and Teeside. Statera has 1,200MW of assets operational or under construction over 16 sites, with a further 16 gigawatts (GW) in development, comprising a mix of pumped storage, battery storage, flexible generation and hydrogen production. Of the delivered capacity half (600MW) is battery storage with a further 3GW in development (including the 500MW proposed through the Appeal Scheme).

strategic objectives (paragraph 8.26) (my emphasis). The recent decision (in October 2024) of SODC to revise its deadlines to become carbon neutral for the district as a whole from 2030 to 2045 highlights the challenges of meeting local and regional need for low carbon technologies.

**Energy Security Benefits – moderate weight** - due to the forecast constraints in fossil fuel supplies over the coming years and to support the Government's strategy to generate secure renewable energy within the country.

- **Supporting the growth of the high-skilled workforce, research and investment at Culham Campus –moderate weight.** The letter of support from UKAEA further reinforces the benefits of the Appeal Scheme for the future of the Culham Campus. The Proposed Development would provide direct local benefits providing greater power security, resilience and stability.
- **Public accessibility improvements – minor weight** - delivered through the provision of the permissive path through the northern part of the Appeal Site within the RPG.

# 7 Planning Balance

7.1 The previous section of my proof set out the substantial benefits that would arise from the Appeal Scheme. I have also addressed potential harm in relation to heritage, landscape and agricultural land in sections 3, 4 and 5. I do not repeat those points in detail here but have summarised these in table 7.1:

Table 7.1 – summary of benefits and harm

| Benefits   | Harm  |
|--|---|
| Contribution to national need for energy storage – significant weight          | Less than substantial harm to the significance of the RPG, Culham Conservation Area and Thame Bridge – ‘great’ weight |
| Delivery and timing – significant weight                                       | Landscape character - temporary moderate to major adverse effect  |
| Biodiversity net gain – significant weight                                     | Visual amenity – temporary moderate adverse effect  |
| Landscape benefits – significant weight  | Loss of BMV – minor harm  |
| Meeting a regional need for energy storage – moderate weight                   | Archaeology - minor harm <sup>7</sup>   |
| Energy security – moderate weight  |   |
| Supporting growth of high skilled workforce at Culham Campus – moderate weight |   |
| Public accessibility improvements – minor weight                               |   |

7.2 Although great weight must be given to any level of harm to the significance of designated heritage assets the harm is at the lower end of less than substantial harm.

<sup>7</sup> Archaeology is no longer a reason for the refusal following the submission and acceptance by SODC of the Archaeological Evaluation Report Issue No. 1 November 2024 by Oxford Archaeology (CD2.2.2) which demonstrates the presence of below ground archaeological remains within the Appeal Site (not of equivalent significance to a scheduled monument) which require further investigation which can be secured by planning condition

- 7.3 Although the Appeal Scheme will initially have a moderate – major adverse effect on the landscape character of the Appeal Site, though as the restorative landscape within the RPG establishes and matures the adverse effects on the landscape character of the RPG will decline, representing a benefit towards the end of the operational life of the facility.
- 7.4 The Appeal Scheme will result in a moderate adverse effect on visual amenity because of the existing substantial influence of the CSC and transmission lines is already so dominant.
- 7.5 The harm to BMV and archaeology would be minor.
- 7.6 These harms are all clearly outweighed by the benefits which, as made clear by paragraph 168 of the NPPF, is the contribution to meeting net zero and specifically the recognised crucial roll that battery storage needs to play.
- 7.7 This summary reflects my primary case that the Appeal Site is grey belt land and the Proposed Development is not inappropriate development in the Green Belt. In the event that this primary case is not accepted other material considerations (including the benefits of the scheme) clearly outweigh any harm that would be caused by reason of definitional harm and any other harm such that Very Special Circumstances would exist. I address this discretely in the following section.

### Very Special Circumstances

- 7.8 In section 2 of my evidence I demonstrated that the Appeal Site is grey belt and the Appeal Scheme does not represent inappropriate development in the Green Belt. However in the event that the Appeal Site is not considered to be Grey Belt land and the Appeal Scheme is considered to be inappropriate development in the Green Belt, other material considerations would clearly outweigh any harm caused to the Green Belt by definitional harm and any other harm such that very special circumstances would exist to justify the grant of planning permission.
- 7.9 Paragraph 153 requires the decision maker to *“ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness . 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 by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”*.
- 7.10 Any other harm in this context will include any harm to openness (and that should be given substantial weight) as well as any other harm likely to be caused by the development whether related to Green Belt or not.

#### *Harm to the Green Belt purposes*

- 7.11 I have already addressed the level of potential harm to the five purpose of the Green Belt above and conclude:
- Purposes 1 and 4 – minor harm
  - Purpose 2 – minor harm



- Purpose 3 – moderate harm.
- Purpose 5 – negligible to minor beneficial.

7.12 The level of harm to the five purposes is therefore on a range from minor beneficial to moderate harm but with the majority sitting at the minor harm level.

#### *Harm to openness*

7.13 The NPPG provides guidance, with reference to case law, on how to consider the potential impact of development on the openness of the Green Belt identifying a non exhaustive list of matters that may need to be taken into account, namely:

- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume*
- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness*
- *the degree of activity likely to be generated, such as traffic generation*

7.14 I consider each of these factors in turn below.

#### Spatial and visual aspects

7.15 The spatial and visual aspects of openness, although separate matters, should be considered in tandem in assessments of effects on openness.

7.16 Spatially, the Proposed Development will result in some loss of openness of the Green Belt in the immediate area of the Appeal Site where the battery compound and substation are located. The proposed developed area comprising the BESS, substation and all hardstanding within the Green Belt comprises 4.88ha. This represents a very small proportion (0.006%) of the total volume of the Oxford Green Belt (around 66,000ha) and only around 1.6% of the area inset from the Green Belt through the STRAT8 and STRAT9 designations.

7.17 In setting out these facts I do not claim that removing one area from the Green Belt provides automatic justification for the removal of neighbouring land. The facts do however place the claims by SODC that “from a spatial perspective, the proposal would introduce a substantial amount of development over what comprises a significant area of the Green Belt spatially” in some perspective.

7.18 In visual terms Mr McDermott’s evidence finds that there will be temporary minor harm to the openness of the Green Belt to a localised area adjacent to existing and future urban development during the operation of the development and that “the Appeal Scheme will also allow access and enjoyment to a part of the Green Belt where the currently is none. The woodland planting in the northern part of the parkland has been designed to frame the fine views across the Thames Valley and Green Belt towards Abingdon, a viewpoint currently not available to the public. The loss of openness would not be permanent, and decommissioning would result in a greater and more robust sense of openness, which is particularly necessary due to the impending build out of the permanent urban areas”.

#### Duration of the development and remediability

- 7.19 This would primarily be temporary and reversible for the reasons explained at paragraphs 4.3.11 – 4.3.15 of the SoC.

#### Degree of activity

- 7.20 Post construction there would be very limited traffic or on site activity and must also be to read in context with the Culham Campus.

#### Conclusion on harm to openness

- 7.21 As stated in the SoC at paragraph 4.3.18 *“overall, the Appellant considers that there will be minor to moderate harm to the openness of the Green Belt to a localised area adjacent to existing and future urban development during the operation of the development, with harms reduced following decommissioning”*.

#### Any other harm

- 7.22 The other identified potential harms relevant to the Proposed Development are listed at table 7.1 above.

#### Other considerations

- 7.23 The benefits and circumstances of the Appeal Scheme amount to very special circumstances which outweigh the identified harm.

- The very significant contribution to low carbon energy infrastructure;
- Proximity of the site to a substation that has capacity and with a connection agreement in place
- The recognised benefits for the future expansion of the Culham Campus as demonstrated by the letter of support from UKAEA
- The other established benefits including BNG, restoration of historic landscaping, provision of new public realm and public access
- The predominantly temporary nature of the development

- 7.24 I conclude that the benefits of this proposal and other material considerations, clearly outweigh the harm to the Green Belt and the other harms identified such that very special circumstances exist to justify this proposal.

#### Summary

- 7.25 The Proposed Development will deliver very significant benefits which outweigh the limited harms and demonstrate very special circumstances even when the limited harm to the Green Belt is accorded substantial weight. Notwithstanding the primary case that the scheme is not inappropriate development in the Green Belt, the Inspector is respectfully asked to find that exist very special circumstances exist.

## 8 Planning Conditions

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- 8.1 In this section of the proof I consider the potential use of planning conditions in relation to the Appeal Scheme.

### National Policy

- 8.2 Paragraph 56 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 8.3 Paragraph 57 of the NPPF states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. It subsequently explains that agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

### Draft Planning Conditions

- 8.4 A draft list of conditions is contained in the draft SoCG and will be updated in a revised draft submitted prior to the start of the inquiry. The proposed conditions would in summary:
- restrict the permission to a temporary period of 40 years and, following the discontinuance of the use, require the Appeal Site to be decommissioned and restored in accordance with a scheme of restoration (which must be submitted to and approved by the Council).
  - sufficient to control the impact of the Appeal Scheme in order that planning permission could be granted.
- 8.5 The Appellant and SODC agree that the proposed planning conditions would meet the statutory tests set out in the NPPF; they are considered to be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

### Draft Planning Obligations

- 8.6 The legal obligation relied on by the Appellant would:
- (1) secure the implementation of the Habitat Management and Monitoring Plan;
  - (2) secure payment of a Biodiversity Gain Land Monitoring Contribution to the Council; and
  - (3) secure maintenance of the important woodland planting..

## 9 Conclusion

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- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, read together with section 70(2) of the Town and Country Planning Act 1990, requires that this planning application is be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 9.2 I have also considered the Government's policy approach to renewable energy, which is set out in the recently updated NPPF (December 2024) and the updated energy NPSs (November 2023), which I consider to be material considerations that should be afforded substantial weight as should Clean Power 2030 Action Plan published in December 2024.
- 9.3 Clean Power has a simple message. The reforms required to the country's energy systems are the most ambitious in generations. The scale of the task by 2030 is significant in scale and there is a need for urgent action.
- 9.4 The requirement that applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise relates to the Development Plan as a whole, not individual policies nor for that matter an individual criterion of and individual policy.
- 9.5 In my view the Appeal Scheme is consistent with the relevant Development Plan policies cited in the reasons for refusal insofar as they are themselves consistent with up to date NPPF policy. On the material policies:
- i) Policy STRAT6 (Green Belt) – repeats the main considerations set out in the NPPF restricting development to those limited types which are deemed appropriate in the Green Belt, unless very special circumstances can be demonstrated. For the reasons set out in this proof, the Appeal Site is grey belt and the Appeal Scheme is not inappropriate development in the Green Belt (my primary case) and even it were (my secondary case) very special circumstance would exist.
  - ii) Policy ENV6 (Historic Environment) – assuming that the intent of ENV6 is to be subject to the balancing exercise required by the NPPF the significant benefits of the Appeal Scheme outweigh the less than substantial harm to heritage assets.
  - iii) Policy ENV10 (Historic Battlefields, Registered Parks and Gardens and Historic Landscapes) - requires that any harm to or loss of significance of any heritage asset requires "clear and convincing justification. The Proposed Development provides this by virtue of the compelling planning benefits.
  - iv) Policy ENV1 (Landscape and Countryside) – development to protect or where possible enhance features that contribute to the nature and quality of South Oxfordshire's landscapes. The Appeal Scheme delivers this through a permanent beneficial restoration of the southern boundary of the RPG and delivery of new public realm through the provision of permissive paths and the creation of new woodland planting and wildflower meadows.

- v) Policy DES1 (Design) – the development proposals comply with all the relevant criteria listed within DES1 as set out in Section 4 of my proof.
- vi) Policy DES2 - the long-term legacy of the Proposed Development is the enhancement of landscape character having had specific and close regard to the site context.
- vii) Policy DES7 (Efficient use of resources) – a very small amount of BMV land would be lost through the Proposed Development which would result in minor harm. No poorer quality land is available in the area, and the loss would be clearly outweighed by the substantial benefits of the proposals

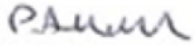
- 9.6 Even if any conflict with the individual Development Plan policies were found, that conflict would need to be weighed in the planning balance against other considerations, including in particular the need for and the public benefits of the proposals.
- 9.7 I have weighed the significant and compelling benefits of the Appeal Scheme against the harms of the Appeal Scheme and conclude that the impacts of the Appeal Scheme would be clearly and demonstrably outweighed by the substantial benefits of the Appeal Scheme.
- 9.8 Overall, I conclude that the Appeal Scheme accords with the development plan as a whole and there are no material considerations which indicate that a decision should be taken other than in accordance with the development. There are, however, significant material considerations which weigh in favour of this application and even if it were found that there were any conflicts with individual policies these material considerations are so significantly positive that they would clearly and demonstrably outweigh any purported conflict.
- 9.9 On this basis, I consider that the Appeal Scheme should be granted planning permission.

## 10 Declaration

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The evidence which I have prepared and provide for this planning appeal in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

Dated: 13 May 2025



Peter Hall  
Director