



Quod

Summary 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

MAY 2025

Q220995

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1 Qualifications, Experience and Scope of Evidence

- 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 and have 20 years' experience in planning consultancy and have advised clients on a number of major infrastructure and renewable energy projects.
- 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. 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).
- 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.
- 1.8 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.
- 1.9 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

- 2.1 This section 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.
- 2.2 The Appeal Site does not strongly contribute to Green Belt purposes 1, 2 or 4. 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*”. The only relevant policies referred to in footnote 7 (other than Green Belt) in this case are in relation to designated heritage assets to which the Appeal Scheme would result in less than substantial harm at the lower and lowest end of the scale. The public benefits of the proposal and would not provide a strong reason for refusing or restricting development. The Appeal Site is, in my opinion, therefore Grey Belt land as defined in Annex 2 of the NPPF.
- 2.3 Paragraph 155 of the NPPF sets out the circumstances in which development in the Green Belt should not be regarded as inappropriate.

Criterion (a) 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 relating to urban regeneration is not directly applicable to the Appeal Scheme though the Appeal Scheme would result in negligible to minor beneficial effects to purpose 5 by assisting urban regeneration. With regard to purpose 3 the Appeal Scheme will result in moderate harm 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. Taken together this would plainly not amount to a fundamental undermining of the overall purposes of the remaining Green Belt across the plan area.

Criterion (b) It is clear that there is a demonstrable unmet need for BESS schemes. 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.

Criteria (c) 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) the Golden Rules' do not apply to the Appeal Scheme since it does not include the provision of housing.

- 2.4 In summary, 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 and Green Belt harm is not a factor to be considered in the planning balance.

3 Heritage

- 3.1 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 Nuneham Courtenay Grade 1 Registered Park and Garden . It is also common ground that less than substantial harm is a continuum and in accordance with the NPPG the extent of the harm should be clearly articulated.
- 3.2 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.
- 3.3 In accordance with paragraph 212 of the NPPF great weight should be given to an asset's conservation irrespective of the level of harm.
- 3.4 The Appeal Scheme would result in some direct benefit to the RPG through the restoration of the former parkland landscape of the southern area of the park. Overall, 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, as Mr Wain concludes, have a minor adverse effect upon the significance of the RPG. I therefore place the Appeal Scheme at the lower end of less than substantial harm to the RPG.
- 3.5 The Appeal Scheme will also assist in reducing the potential effects of the STRAT8 and STRAT9 allocations upon the setting of the RPG.
- 3.6 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.
- 3.7 RFR3 refers only to the RPG though I consider the potential for harm to any other heritage assets here for completeness:
- The Nuneham Courtenay Conservation Area - the level of harm would be at the lower end of the less than substantial harm category;
 - Listed Thame Lane Bridge - no more than a minor impact upon the setting placed at lowest end of the less than substantial harm category.
 - Other nationally listed (Fullamoor Farmhouse, Culham Station Ticket Office, Schola Europea) or locally listed (Culham Station House) buildings within the vicinity of the site - no contribution to the historic setting or significance and therefore no effect upon these designations.

4 Landscape

- 4.1 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.
- 4.2 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. The scale of planned development over these sites is substantial.
- 4.3 The landscape is also one significantly adversely affected by, and defined by, existing electrical infrastructure.
- 4.4 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 and the Proposed Development provides the opportunity to establish a more valuable transition in the long term.
- 4.5 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..*”. Mr McDermott, in response, concludes that in relation to the effect of the Appeal Scheme on landscape character there would be moderate to major adverse effects which would reduce as landscape mitigation matures and ultimately be beneficial. Mr McDermott also provides a detailed assessment of visual effects of the Appeal Scheme. The most significant visual impact will be to users of the Oxford Green Belt Way over a short section where it skirts the Culham Campus. Mr McDermott in his evidence considers that the setting of this route is already substantially adversely affected by the CSC, transmission lines and towers and the Appeal Scheme will overall have a Moderate adverse effect on the visual amenity of walkers due to the existing influence of the Culham Campus and existing infrastructure.
- 4.6 In relation to the STRAT8 and STRAT 9 allocations Mr McDermott concludes that 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.
- 4.7 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 Policy ENV1, DES1, DES2 or CUK5.

5 Agricultural land

- 5.1 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.
- 5.2 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.
- 5.3 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”*.
- 5.4 In the recent Burcot Farm appeal against South Oxfordshire District Council¹, 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.
- 5.5 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.
- 5.6 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.
- 5.7 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.
- 5.8 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.

¹ Burcot Solar and Bess appeal 2025 (para 35.)

6 Project benefits

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, with the proposed 500MW BESS representing less than 3% of the additional capacity required. The benefit from the contribution of the scheme to meeting national need for energy storage demand should plainly be given significant weight.
- **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. The presence of a grid connection should be given significant weight (which would be consistent with various previous appeal decisions²). If it were needed the credentials and track record of the Appellant³ 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 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

² 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).

³ 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).

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 through supporting the Culham Campus providing greater power security, resilience and stability. This will contribute significantly Culham Campus continuing to be a world leading fusion facility
- **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 significance of the RPG, Culham Conservation Area and Thame Bridge and– ‘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
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 designated heritage assets the harm is at the lower end of less than substantial harm.
- 7.3 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 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 role that battery storage needs to play.
- 7.7 This reflects my primary case that the Appeal Site is grey belt land and the Proposed Development is 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.
- 7.8 In summary, 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

- 8.1 A list of draft conditions was provided in the draft SoCG (CD2.5.1) which will be updated and submitted prior to inquiry.
- 8.2 The legal obligation relied on by the Appellant would secure the implementation of the Habitat Management and Monitoring Plan, payment of a Biodiversity Gain Land Monitoring Contribution to the Council and maintenance of the important woodland planting.

9 Conclusion

- 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.

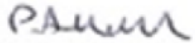
- v) Policy DES1 (Design) – the development proposals comply with all the relevant criteria listed within DES1 as set out in Section 4 of my proof.
- vi) Policy DES2 - the long-term legacy of the Proposed Development is the enhancement of landscape character having had specific and close regard to the 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

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