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**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED), SECTION 78**

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

Appeal by Culham Storage Ltd, against the decision of South Oxfordshire District Council to refuse to grant Planning permission for the:

‘The development of a Battery Energy Storage System (BESS), comprising a 500 megawatt (MW) battery storage facility with associated infrastructure, access and landscaping, with a connection into the Culham Jet National Grid substation.’

AT: Land to the north of the Culham Science Centre, Thame Lane near Clifton Hampden, OX14 3GY

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

South Oxfordshire District Council reference: P24/S1498/FUL

**PLANNING**

**PROOF OF EVIDENCE OF MARK REYNOLDS ON BEHALF OF SOUTH OXFORDSHIRE DISTRICT COUNCIL**

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## 1. INTRODUCTION

- 1.1.** My name is Mark Reynolds. I am the Managing Director of Context Planning Ltd, a position I have held since November 2018. Context Planning is an independent town planning consultancy operating primarily in the South West on a wide portfolio of projects. I am instructed by South Oxfordshire District Council (SODC) to give evidence on its behalf at the public inquiry into this appeal.
- 1.2.** Before setting up Context Planning Ltd, I had over 15 years experience working in the planning departments of Wiltshire Council and Bath and North East Somerset Council in a variety of roles as a Planning Officer, Senior Planning Officer, Team Leader and latterly as Group Manager for the Development Management service of Bath and North East Somerset Council. I was also formerly a Non-Salaried Planning Inspector.
- 1.3.** I hold a BSc (Hons) in Physical and Human Geography from the University of Reading, an MSc in Spatial Planning from Oxford Brookes University and I have been a fully chartered member of the Royal Town Planning Institute (RTPI) since 2008. I have, during my career, acted as an expert planning witness on many occasions giving evidence at public inquiries.
- 1.4.** My evidence addresses the matter of whether the scheme accords with the development plan and whether planning permission should be granted having regard to this assessment and the consideration of other material considerations. I address matters of policy and provide the planning balance. I deal, in respect of reason for refusal one, with the appropriateness of the development and the effect on the purposes of the Green Belt and the spatial aspect of openness. I also provide the Council's evidence on the fourth reason

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for refusal which relates to the loss of Best and Most Versatile agricultural land (BMV).

- 1.5. My evidence is informed by evidence from Miss Anne Priscott, of Anne Priscott Associates Ltd who gives evidence in respect of reasons for refusal one, in terms of the effect on the visual aspect of openness of the Green Belt and deals with reason for refusal two on landscape matters. My evidence is also informed by Mrs Sasha Berezina also of Context Planning Ltd who gives the Council's heritage evidence in relation to reason for refusal three.
- 1.6. My evidence should also be read in conjunction with the main statement of common ground (SOCG) which is currently in draft form but will be agreed and signed by both main parties, in advance of the inquiry opening.
- 1.7. The evidence I have prepared in the form of this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution (RTPI). I can confirm that the opinions expressed in this proof of evidence are my true and professional opinions.

## 2. THE DEVELOPMENT

- 2.1. The appeal proposal is for the development of a Battery Energy Storage System (BESS) with a 500-megawatt (MW) capacity. The development would comprise 248 battery containers, 31 inverter houses, connection tower, 2 water tanks, substation with control room, new access road network, drainage infrastructure, landscaping measures, wildlife pond and permissive path. Overall, the appeal site covers approximately 26.8ha and comprises open agricultural fields and part of the Nuneham Courtenay Grade 1 Registered Park and Garden (RPG),

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a tarmac track known as Thame Lane and a farm track. The site is accessed from the south by Thame Lane, which connects to Abingdon Road further to the south.

- 2.2.** The Statement of Common Ground (SOCG) provides a fuller description of the appeal proposals and the site context. The relevant planning history at the site has been documented in the Council's Statement of Case (CSOC).

### 3. MAIN ISSUES

- 3.1.** I consider the main issues in this appeal to be;

1. The effect of the proposal on the openness and purposes of the Green Belt and whether it comprises inappropriate development;
2. The effect of the proposal on the Nuneham Courtenay Grade I Registered Park and Garden
3. The effect of the proposal on landscape
2. The effect of the proposal on, and the potential use of, Best and Most Versatile agricultural land (BMV) and;
3. Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

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## 4. STATUTORY DUTIES AND PLANNING POLICY

- 4.1. Sections 70(2) and 79(4) of the Town and Country Planning Act 1990 and S38(6) of the Planning and Compulsory Purchase Act 2004 require that applications for planning permission under the planning Acts be determined in accordance with the development plan, unless material considerations indicate otherwise. The starting point for consideration of this appeal must therefore be the development plan.

### **The development plan**

- 4.2. The development plan includes of relevance to this appeal:

South Oxfordshire Local Plan 2035 (Adopted December 2020) (CD:3.4.1)

Culham Neighbourhood Plan 2020-2041 (CD:3.4.2)

- 4.3. The following are considered to be the most important policies for the determination of this appeal:

STRAT6 – Green Belt

ENV1 – Landscape and countryside

ENV6 – Historic Environment

ENV10 – Historic battlefields, Registered Parks and Gardens and historic landscapes

DES1 – Delivering high quality development

DES2 – Enhancing local character

DES7 – Efficient Use of Resources

DES9 – Renewable and Low Carbon Energy

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STRAT8 – Culham Science Centre

STRAT9 – Land adjacent to Culham Science Centre

- 4.4.** The development plan was adopted following examination in public at which the policies were found to be ‘sound’. In determining the soundness of the development plan documents they were found to meet the tests outlined in NPPF paragraph 36 in that they were consistent with national policy so as to enable the delivery of sustainable development. The draft SOCG indicates both main parties consider the plan policies to be up to date.

### **Local Plan (STRAT6)**

- 4.5.** This Local Plan policy is the Council’s policy relating to Green Belt. It guides that the green Belt will be protected to ensure it continues to serve its key functions. It records that development will be restricted to those categories of development which are deemed appropriate by the NPPF, unless very special circumstances (VSC) can be demonstrated. It explains that VSC 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.
- 4.6.** The policy identifies where land has been removed from the Green Belt to accommodate strategic allocations, including STRAT8, STRAT9, STRAT10 and STRAT10i.
- 4.7.** Policy STRAT6, in seeking to avoid harm to the Green Belt is consistent with the requirement in NPPF paragraph 153 that substantial weight should be given to any harm to the Green Belt including harm to openness. STRAT6 references the VSC test which is repeated in NPPF paragraphs 153.



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- 4.8. The terms of STRAT6 are flexible and are broadly consistent with those of the Framework albeit its wording does not exactly replicate national policy. I afford it full weight in this appeal.

### **Local Plan (ENV1) (DES1) (DES2)**

- 4.9. Policy ENV1 advises that South Oxfordshire's landscape, countryside and rural areas will be protected against harmful development. Development will only be permitted where it protects and, where possible enhances, features that contribute to the nature and quality of South Oxfordshire's landscapes.
- 4.10. Policy DES1 requires new development to be of high-quality design, to use land efficiently while respecting the existing landscape character. Policy DES2 requires development to be designed to reflect the positive features that make up the character of the local area and enhance and complement their surroundings.
- 4.11. These policies are consistent with the advice in NPPF paragraph 187 that planning decisions '*should contribute to and enhance the natural and local environment*' by '*protecting and enhancing valued landscapes*' whilst '*recognising the intrinsic character and beauty of the countryside*'.
- 4.12. NPPF paragraph 135 guides that planning policies and decisions should ensure that developments function well and add to the overall quality of an area. They should be visually attractive, sympathetic to local character and history, including the surrounding built environment and landscape setting and policies DES1 and DES2 are consistent with this approach. I attach full weight to these policies.

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## Local Plan (DES7)

- 4.13.** Policy DES7 guides that new development is required to make provision for the effective use and protection of natural resources including (limb 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’*.
- 4.14.** The NPPF (paragraph 187) requires decisions to contribute to and enhance the natural and local environment by; (b) *‘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 BMV agricultural land’*.
- 4.15.** Paragraph 188 of the NPPF guides that plans should *‘allocate land with the least environmental or amenity value, where consistent with other policies in this Framework’* subject to footnote 65 which guides 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’*.
- 4.16.** The NPPF requires a decision maker to consider the necessity of utilising agricultural land for significant development proposals whilst also outlining the requirement for areas of poorer quality land to be preferred over those of a higher quality. Policy DES7 is consistent with the advice in the NPPF in that it requires new development to follow a sequential approach, preferring use of areas of poorer quality land and only where it is the most sustainable choice from reasonable alternatives should BMV agricultural land be considered. I afford full weight to this policy in considering the appeal proposals.
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## **Local Plan (DES9)**

- 4.17.** Policy DES9 explains that the Council encourages schemes for renewable and low carbon energy generation and associated infrastructure at all scales. It guides that applications for renewable and low carbon energy generation will be supported, provided they do not cause a significantly adverse effect to a range of factors (limbs i-v). Of most relevance to this appeal are limbs (i-iii).
- 4.18.** Limb (i) deals with protecting landscape, AONB (National Landscape) and locally valued, biodiversity and protected species. This is consistent with NPPF paragraphs 187, 189 and 193. Limb (ii) deals with the historic environment, designated and non-designated heritage assets. The policy approach of supporting development which would not cause ‘significantly adverse effect’ is inconsistent with NPPF paragraph 212 which requires great weight to be given to the conservation of assets, irrespective of the degree of harm. NPPF paragraph 213 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. This limb of DES9 is not consistent in its wording with the NPPF.
- 4.19.** It is important to note however that heritage specific policies of the South Oxfordshire Local Plan (2035) (SOLP) (ENV6 and ENV10) more closely aligned with the NPPF and form the key policies against which to assess the effect on heritage assets.
- 4.20.** Limb (iii) deals with the openness of the Green Belt advising that development will be supported, provided that it would not cause a significantly adverse effect to openness. The policy is silent on all other aspects of Green Belt policy. The leading development plan policy on Green Belt is STRAT6. Limb (iii) of DES9 is not consistent with the Framework which requires at paragraph 153 that substantial weight should be given to any harm to the Green Belt, including harm
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to its openness.

- 4.21.** The outlined conflicts with the NPPF mean that I reduce the weight I afford to policy DES9 in respect of the way in which it deals with the historic environment and Green Belt, for the purposes of this appeal.
- 4.22.** The overarching emphasis on supporting renewable and low carbon energy outlined in DES9 is consistent with the NPPF Chapter 14 section 'Planning for Climate Change'. NPPF paragraph 165 notes that plans should provide a positive strategy for energy from renewable and low carbon sources. Overall, having regard to NPPF paragraph 132, I attach significant but not full weight to policy DES9 having regard to the areas of conflict I have identified with the Framework.

### **Local Plan (ENV6) and (ENV10)**

- 4.23.** Policy ENV6 guides that proposals for new development should be sensitively designed and should not cause harm to the historic environment. Proposals will be supported particularly where they conserve or enhance the significance of the asset.
- 4.24.** Policy ENV10 requires developments to conserve or enhance the special historic interest, character or setting of Registered Parks and Gardens. It states that any harm to or loss of any heritage asset requires clear and convincing justification.
- 4.25.** These development plan policies are consistent with the approach outlined in chapter 16 of the NPPF. Paragraph 210 notes that in determining applications local planning authorities should take account of '*the desirability of sustaining and enhancing the significance of heritage assets*' and '*the desirability of new*

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*development making a positive contribution to local character and distinctiveness’.*

- 4.26.** NPPF paragraph 212 guides that *‘when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be).’* ENV10 echoes the paragraph 213 statement that any harm to a heritage asset requires clear and convincing justification.
- 4.27.** The development plan policies do not repeat the NPPF paragraph 215 requirement that *‘where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal’.* It is not necessary for local policy to slavishly repeat national policy and the Council applied the NPPF paragraph 215 balance in determining the application. I afford substantial weight to policies ENV6 and ENV10 whilst acknowledging the ‘heritage balance’ is not specifically referenced.

## **Culham Neighbourhood Plan 2020-2041**

- 4.28.** The Culham Neighbourhood Plan (CNP) (CD:3.4.2) was ‘made’ on the 12<sup>th</sup> June 2023. The appeal site is located partially within the parish boundary of Culham, with the edge of the RPG forming the edge of the parish. Reason for refusal 2 alleges a conflict with CNP policy CUL5. This policy introduces the Culham Design Code (CDC) (Appendix B to the CNP) (CD:3.4.2). It records that proposals *‘will be supported provided they have full regard to the essential design considerations and general design principles set out in the CDC’.*
- 4.29.** The CDC includes a section on development outside of the main village settlement (Culham). It guides at OVS2.0.1 that development should contribute

to the maintenance and delivery of a high quality multi-functional network of green spaces that provide long-term benefits and reinforce local character. NPPF paragraph 187 implores plan-makers to '*take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure*'. This CNP policy is therefore considered to be consistent with the NPPF and I afford full weight to it.

### **Other material considerations – The South Oxfordshire and Vale of White Horse Joint Local Plan 2041 (Pre-submission publication version) (Regulation 19)**

- 4.30.** On the 9<sup>th</sup> December 2024 the Reg 19 Joint Local Plan was submitted to the Secretary of State for Housing, Communities and Local Government in accordance with Regulation 22. Dates for Examination Hearings have been set to commence in June 2025 and will be phased.
- 4.31.** The most relevant draft policy which is directly applicable to the provision of a BESS is CE5 (Renewable Energy). This policy is, in part, worded similarly to policy DES9. It does however explicitly reference the need to consider cumulative and cross boundary impacts. Of the matters in dispute as part of this appeal, CE5 would support proposals for renewable energy where they do not cause significant adverse impacts which cannot be mitigated and are reversible at the end of the life of the renewable energy installation. The policy, like DES9 would guard against significant adverse impacts on the landscape, Green Belt and heritage assets. It would also introduce a specific reference to BMV land.
- 4.32.** The draft Joint Local Plan guides that planning applications for BESS will be supported where they both meet the requirement to avoid significant adverse effects on (limb 3 considerations a-j) and are identified as being in an area which is potentially suitable for BESS, as shown in policy maps or neighbourhood

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plans.

- 4.33.** The draft Joint Local Plan has reached an advanced stage, but it is important to acknowledge there are unresolved objections to the draft policy CE5 wording and this tempers the weight I afford to the policy at this stage. I afford limited weight to the draft policy in this regard which has not yet been examined.

### **National Planning Policy Framework (NPPF)**

- 4.34.** The NPPF is an important material consideration, it says at paragraph 1 that it provides a framework within which locally-prepared plans for housing and other development can be produced. At paragraph 2 it confirms the primacy of the development plan in decision making. Paragraph 3 advises that the Framework should be read as a whole (including its footnotes and annexes).
- 4.35.** Paragraph 7 guides that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching objectives; an economic objective, a social objective; and an environmental objective.
- 4.36.** Chapter 13 entitled 'Protecting Green Belt land' outlines (paragraph 142) that *'the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green belts are their openness and their permanence'*. Paragraph 143 explains the 5 purposes of the Green Belt.
- 4.37.** Paragraph 153 requires that local planning authorities (LPAs) *'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*
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*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'.*

- 4.38.** Chapter 14 deals with meeting the challenge of climate change. Paragraph 165 advises that to help increase the use and supply of renewable and low carbon energy, plans should '*provide a positive strategy for energy from these sources, that maximises the potential for suitable development...whilst ensuring that adverse impacts are addressed appropriately*'. LPAs should consider identifying suitable areas for renewable and low carbon energy source where this would help secure their development.
- 4.39.** Paragraph 168 guides, in determining planning applications for renewable and low carbon developments and their associated infrastructure, that local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy. LPAs are advised they should '*give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future*'.
- 4.40.** Paragraph 160 notes that '*when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources*'. My understanding of this paragraph is that it applies specifically to renewable energy projects and I do not consider the appeal proposal to be a renewable energy project and therefore this paragraph is not engaged by this proposal.
- 4.41.** Paragraph 187 outlines that planning policy and decisions should contribute to
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and enhance the natural environment in a number of ways; by protecting and enhancing valued landscapes; by protecting and enhancing soils; 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 minimising impacts on and providing net gains for biodiversity.

- 4.42.** Paragraph 188 implores Councils to allocate land with the least environmental or amenity value, where consistent with other policies of the Framework. Footnote 65 to this requirement advises 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’*.
- 4.43.** Paragraph 193 guides that local planning authorities should, in determining applications, apply the principle that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
- 4.44.** Paragraph 210 advises that in determining applications, LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 212 advises *‘when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be)’*. At paragraph 215 it guides that where a development proposal will result in less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 4.45.** In respect of implementing the NPPF, paragraph 232 advises that *‘existing*
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*policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given’.*

## **Planning Practice Guidance (PPG)**

- 4.46.** The PPG (Paragraph: 032 Reference ID: 5-032-20230814) records that BESS *‘can enable us to use energy more flexibly and de-carbonise our energy system cost effectively – for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for costly network upgrades and new generation capacity’.*

## **Climate Change Act 2008**

- 4.47.** The Climate Change Act 2008 introduced legally binding targets to reduce the UK’s greenhouse gas emissions. The Act committed the UK to reduce its greenhouse gas emissions by 80% by 2050 compared to 1990 levels. The Climate Change Act was amended in 2019 by the Climate Change Act 2008 (2050 Target Amendment) Order 2019 which increased the UK’s commitment to a 100% reduction in emissions by 2050.
- 4.48.** In response to this legislation the Council has set a more ambitious target of 2035 (and sooner if possible) to meet the commitment. The Council also declared a climate emergency in September 2021.

## **Infrastructure Planning (Electricity Storage Facilities) Order 2020**

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- 4.49.** The Infrastructure Planning (Electricity Storage Facilities) Order 2020 removed all forms of electricity storage, other than pumped hydroelectric storage, from the definition of nationally significant energy generating stations under the Planning Act 2008. This allows proposals, such as the subject of this appeal, to be determined under the Town and Country Planning Act 1990 regime.

### **Clean Power 2030 Action Plan (December 2024) (CD:3.3.1)**

- 4.50.** Guides that there is 4.5 GW of battery storage capacity (4<sup>th</sup> Quarter 2024) in Great Britain. Based on NESO (National Energy System operator) and DESNZ (Department for Energy Security and Net Zero) 23-27 GW of battery storage is needed by 2030 to support clean power.

### **National Policy Statements for Energy**

- 4.51.** Overarching National Policy Statement for Energy (EN-1) (CD:3.2.3), National Policy Statement for Renewable Energy Infrastructure (EN-3) (CD:3.2.4) are capable of forming material considerations for applications determined under the Town and Country Plan Act 1990 regime. They form the primary policy guidance for the Secretary of State in determining proposals for National Significant Infrastructure Projects. However, this is not a NSIP and EN-1 is not the main applicable policy.

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## 5. THE COUNCIL'S CASE

### **Reason for refusal 1 - The effect of the proposal on the Green Belt**

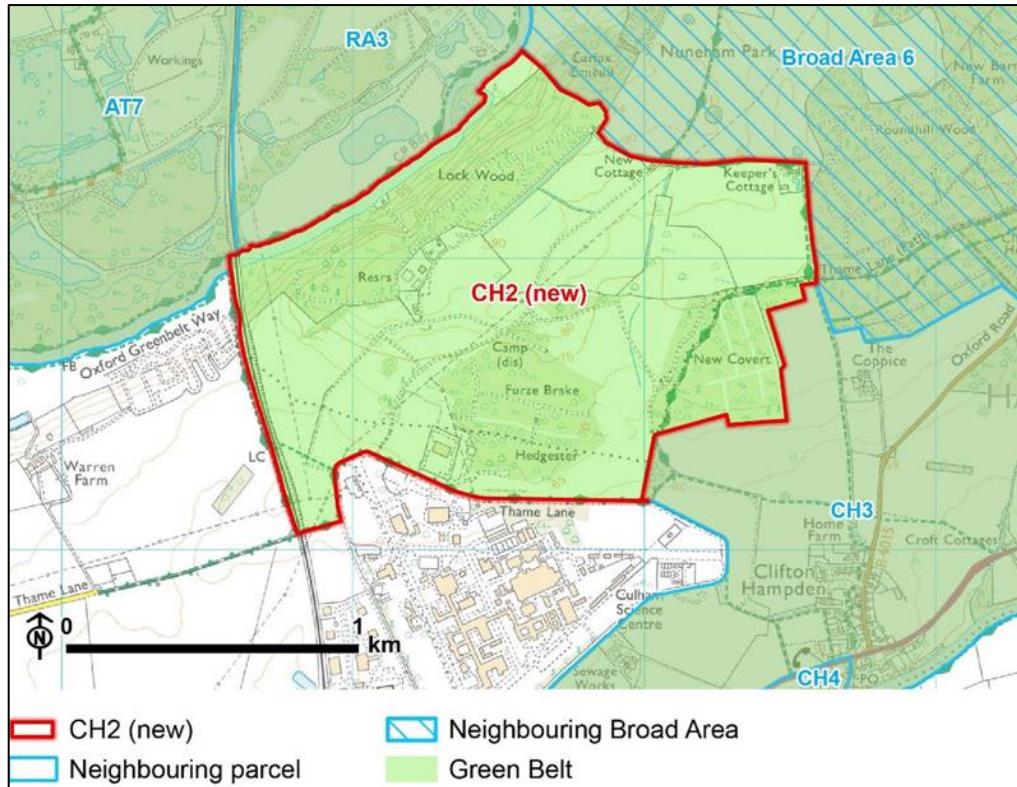
- 5.1.** The Council's evidence on the impact on the visual aspect of openness is provided by Ms Anne Priscott, she provides a separate Proof of Evidence (POE) in this regard. In my Proof of Evidence (POE) I deal with whether the proposals represent inappropriate development in the Green Belt, the spatial aspect of openness and the effect on the purposes of the Green Belt.
- 5.2.** Since the Appellant's Statement of Case (ASOC) (CD:2.4.1) was prepared they have recently advised that they now intend to argue the development to utilise 'grey belt' and the proposals to not be inappropriate development in the Green Belt. The NPPF provides a definition of grey belt (Annex 2 – Glossary) as being land which does not strongly contribute to any of purposes (a), (b) or (d) as outlined in paragraph 143. Grey belt also *'excludes land where the application of policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development'*.

### **Purposes of the Green Belt**

#### **A) To check the unrestricted sprawl of large built-up areas**

- 5.3.** CD:6.7 comprises the Council's most recent Green Belt study prepared by LUC (May 2024) to consider the contribution which parcels of land make to Green belt purposes. The appeal site is located within area 'CH2' (Fig 1). In respect of this land parcel the report (page 177) found the appeal site lies adjacent to the Culham Science Centre (CSC) which is not part of a large built-up area. The site makes a 'weak' contribution to this purpose having regard to the guidance

outlined in PPG (paragraph: 006 Reference ID: 64-006-20250225).



**Fig 1 – Map of CH2 area comprising the appeal site, Oxford Green Belt Study (2024)**

## **B) To prevent neighbouring towns merging into one another**

- 5.4.** The Oxford Green Belt study notes (page 177) that the CSC and the adjacent allocation (STRAT9) together will form a new town in the Green Belt. A further new town would be formed with the allocation (STRAT10 and STRAT10i) at Berinsfield (in conjunction with the existing settlement) to the east. The appeal site however would not extend built form beyond the existing eastern edge of the CSC, whilst the allocation at Berinsfield is to the east of the settlement, i.e. on the side further away from the CSC. Having regard to the PPG guidance, I

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agree the appeal site makes only a low contribution to this purpose.

**C) To assist in safeguarding the countryside from encroachment**

- 5.5.** The Oxford Green Belt study identifies parcel CH2 as 'high' in terms of its contribution to this purpose. It records that the land parcel is open apart from a warehouse (in its southern part) and that it shares open views with the surrounding countryside, particularly to the west from the high ground within the parcel. It notes *'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'*.
- 5.6.** The South Oxfordshire Local Green Belt Study (2015) (CD: 3.4.3) noted the area to be strongly linked to the Nuneham RPG and to the Thames Corridor to the north west. It characterised the site as not being adjacent to any settlement having only a small shared boundary with the loosely developed northern edge of the CSC.
- 5.7.** The appeal site comprises open, undeveloped land, prominent in local views. the development proposed is a large scale, major development covering some an expansive area with buildings and structures. The appellant argues that proportionately this development is much smaller than the STRAT9 and STRAT8 allocations and that this coupled with the presence of these neighbouring allocations makes the land less open and sensitive. I consider that the presence of the CSC and STRAT9 do not reduce the degree, or provide mitigation for, the further encroachment into the countryside which this appeal proposal would bring.
- 5.8.** The land at STRAT9 has been removed from the Green Belt with exceptional circumstances found to do so and whilst it is much larger than the appeal
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scheme, there are a number of safeguards within the policy allocation to protect the rural fringes of the site. STRAT9 (3ii) requires *‘lower density development located on the northern, southern and eastern edges of the site, to create a permanent defensible barrier edge to protect the Oxford Green Belt’*.

**5.9.** Further, (3iv) requires *‘appropriate landscaping and an integrated network of Green Infrastructure throughout the site and in particular along the boundaries of the strategic allocation, which would allow limited through views, creating a permanent defensible edge to protect the Oxford Green Belt’*.

**5.10.** The STRAT9 allocation will create hard defensible boundaries which are well landscaped. The CSC is already well self-contained, surrounded by a metal fence line with only the perimeter road to its north and west. Despite the STRAT8 allocation there is, and will remain, a very clear distinction between the rural countryside and parkland and these developed areas.

**5.11.** The appeal proposals will in my assessment seriously undermine the defensible Green Belt boundaries and would result in a sprawling form of development which substantially encroaches into the countryside. I concur with the Oxford Green Belt study (2024) conclusion that the site currently plays a ‘high’ role in contributing to this purpose and that this would be seriously undermined if the development were to proceed.

**5.12.** I also agree with and adopt the conclusions of Miss Anne Priscott in respect of the effect the development would have on this Green Belt purpose.

#### **D) To preserve the setting and special character of historic towns**

**5.13.** The Oxford Green Belt study identifies parcel CH2 as ‘low’ in terms of its contribution to this purpose. It records *‘there is no intervisibility with Oxford but*



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*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’.*

- 5.14.** I consider the Oxford Green Belt study conclusions are relevant to the appeal site and I consider the site makes a limited contribution to purpose D.

**E) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land**

- 5.15.** The proposal would not assist in encouraging the recycling of derelict or other urban land. The appeal site is a green field site and its development would mean that the proposed use as a BESS would not contribute towards supporting urban regeneration. The development would have a distinctly industrial and urban character. Given this consideration, the development would, at least visually, be more appropriately located on a derelict piece of urban land. I identify minor conflict with this purpose of the Green Belt because this development coming forward in the countryside on a green field site would not contribute towards encouraging the recycling of derelict and other urban land and no evidence has been adduced to demonstrate that possible urban locations or derelict land have been considered by the appellant.

**Do the appeal proposals comprise development of grey belt land?**

- 5.16.** The appellant now argues that the appeal scheme can be considered to meet the definition of grey belt. It had not hitherto been argued, despite the appeal being lodged after the publication of the current iteration of the NPPF. My understanding is that the appellant takes this position in respect of the ‘appeal



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scheme' and not the 'application scheme' (i.e. the scheme that was refused planning permission).

- 5.17.** As outlined, I do not find the appeal scheme to contribute strongly to any of purposes (a), (b) or (d) of the green Belt. The first part of the definition of grey belt in the Annex 2 glossary would therefore be satisfied. Grey belt land however also 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*'. Footnote 7 to NPPF paragraph 11, provides an exhaustive list of the protected areas or assets of particular importance which are covered by the footnote. Designated heritage assets form part of the list and the glossary to the NPPF defined heritage assets to include Registered Parks and Gardens.
- 5.18.** The heritage balance section of this Proof of Evidence (POE) considers in detail the weighing of the public benefits against the identified harm to the heritage asset, but for the purposes of the consideration of whether the site is grey belt it is sufficient to state at this point that I find the application of policies to protect the designated heritage asset would provide a strong reason for refusing or restricting the proposed development. I do not therefore consider the appeal site to comprise development of grey belt.
- 5.19.** NPPF Paragraph 154 explains that development in the Green Belt is inappropriate unless one of a series of exceptions applies. In this case none of the exhaustive list of exceptions would apply to the appeal proposals. I find the proposed development to therefore represent inappropriate development in the Green Belt.
- 5.20.** NPPF paragraph 153 makes clear that substantial weight should be given to any harm to the Green Belt. It guides that '*Inappropriate development is, by*
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*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'.*

- 5.21.** In the event I am wrong, and the Inspector determines that the appeal site would develop grey belt land, then this would potentially engage NPPF paragraph 155. In those circumstances I do not consider the development would fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. I would also accept there is a demonstrable unmet need for the type of development proposed.
- 5.22.** Further, I would accept that the development would be in a sustainable location having regard to the limited traffic that would be generated (outside of the construction and de-construction periods) and the fact that SOLP policy DES9 does not specify any geographical locations where renewable energy and associated infrastructure will not in principle be acceptable.
- 5.23.** On this construction, if the Inspector were to find the land to comprise grey belt, the development should, I accept, not be regarded as inappropriate in the Green Belt. If this finding is reached, I go on in my overall planning balance to consider the implications of this set of circumstances in my overall weighting exercise.

### **Spatial aspect of openness**

- 5.24.** The PPG (paragraph: 013 Reference ID: 64-013-20250225) advises that *'assessing the impact of a proposal on the openness of the Green Belt...requires a judgement based on the circumstances of the case'*. The paragraph then goes on to list, not exhaustively, the other matters which may need to be taken into account in making this assessment. The Courts have

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identified that openness has both spatial and visual aspects. In terms of the spatial aspect of openness, the volume of the development may be relevant. The duration of development and the degree of traffic generation and activity are also relevant.

- 5.25.** For the purpose of protecting the Green Belt, openness may be defined as an absence of development. It is a relative concept, since few parts of the Green Belt are entirely devoid of buildings. The appeal site is entirely open at present forming part of the RPG and surrounding countryside. It is visually distinct from the CSC, whilst the railway line to the east physically separates the land from the STRAT9 allocation. Policy STRAT9 includes measures to create a permanent, defensible well landscaped boundary with extensive areas of green infrastructure at its eastern end to protect the remaining Green Belt, including the appeal site.
- 5.26.** The proposal in its revised form involves the introduction of 248 battery containers, 31 inverter houses, connection tower, 2 water tanks, substation with control room, new access road network, drainage infrastructure, landscaping measures and permissive path. The proposed built development would cover an area of over 5ha of the Green Belt (the extension to the sub-station is within the CSC).
- 5.27.** The developed parts of the appeal site would be densely developed with extensive patterns of buildings and structures. Spacing between buildings would be limited, presumably to that considered necessary to allow the operation and maintenance of the facility. The development would not be visually permeable, and would substantially reduce the spatial aspect of openness at the site. It would intrude into the undeveloped parkland, completely outside of the well contained CSC merging it with the RPG.
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- 5.28.** The appellant's Green Belt Assessment (CD:1.1.40) accepts at (paragraph 6.8) that there will be a spatial impact resulting from the proposals but seeks to justify this by noting that this is limited to the developed area of the site. That the spatial impact is limited to the area proposed to be developed is a truism in relation to any development and does not mitigate the loss of openness.
- 5.29.** The assessment goes on to note that the appeal proposals would be smaller than the STRAT8 and STRAT9 allocations and that cumulatively the difference would be limited. It is the effect of the appeal proposals which needs to be considered, the existing allocations removed these land parcels from the Green Belt so a comparison of sizing is of limited assistance in my view.
- 5.30.** Overall, I find the parts of the site within the Green Belt to be wholly open spatially with no above-ground built development. The proposed development of buildings and structures densely situated across over this large expanse of land would substantially diminish the spatial aspect of openness. SOLP policy DES9 advises that planning applications for associated infrastructure to renewable and low carbon energy generation will be supported provided that they do not cause a significantly adverse effect to the openness of the Green Belt. I find the appeal proposals to be in breach of this requirement and the development would be in breach of DES9 in this regard.

### **Visual aspect of openness**

- 5.31.** Ms Anne Priscott deals, in her landscape POE, with the effect of the development on the visual aspect of openness. She concludes that views of the site are highly valued and will become appreciated by more people through the implementation of the SOLP allocations. There are important views of the appeal site from the PROW network. The sense of openness across the railway line towards the site and from the CSC towards the appeal site is high and highly
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valued. The proposed planting at the western boundary of the appeal site would further disrupt this openness.

- 5.32.** She finds the significant urbanising influence of the CSC, in combination with the policy allocations places far greater importance on the appeal site remaining open. The sense of openness is enhanced through the lie of the land and the way in which views from the green Belt rise up to the parkland edge.
- 5.33.** The proposed development and its associated fencing and landscaping measures will all act to very significantly reduce the visual aspect of openness in an area which has been retained within the Green Belt to provide an important undeveloped, open edge to the CSC and STRAT9 allocations. The retention of proposed landscape screening permanently and the connection tower mean that the harm to the visual aspect of openness would be more permanent than the harm to the spatial aspect of openness. I concur with the conclusions of Miss Priscott in respect of the appeal proposal's effect on the openness of the Green Belt.

### **Reversibility and the duration of effects**

- 5.34.** The development would, in part, be temporary in nature. The Environmental Statement (ES) Chapter 2 (CD:1.1.9), paragraph 2.160 advises that the substation extension, connection tower and landscaping are permanent features whilst the remainder of the development would be decommissioned, removed and the land restored to its former condition. This could be controlled by planning condition, in the event the Inspector were minded to allow the appeal. The effect on the visual aspect of openness of the removal of much of the proposals would be much less pronounced, given the landscaping would be retained.

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- 5.35.** In terms of spatial openness, part of this loss of openness would be temporary in nature. The proposed operational period of 40 years is nonetheless a prolonged period, equivalent to more than a generation. It should be noted that temporary does not equate to short or medium term in the case of this development.
- 5.36.** Whilst the Council accept that permission is being sought for a 40 year period, and any future planning application would need to be determined on its own individual merits, the possibility of a further application to retain and continue to use the BESS beyond the 40 year period could result.
- 5.37.** NPPF (paragraph 168c) guides that LPAs should in determining applications, *‘in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site’*. Whilst I note the appeal proposals are not for a renewable energy site, the BESS forms associated infrastructure and, at least in current policy terms, there is strong policy support for extending the life of renewable energy facilities once operational.
- 5.38.** Furthermore, if the technology is still operational and storage of energy from renewables continues to be required in the context of a decarbonising energy sector there may be pressure to extend the life of the BESS.
- 5.39.** Overall, I accept that elements of the proposal are temporary in nature, this would reduce the effect on the spatial aspect of openness and to a lesser extent on the visual aspect of openness. This reduces my overall finding of harm to openness, but I continue to find the development to result in a significant loss of openness contrary to SOLP policies STRAT6 and DES9.
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## **Reason for refusal 2 - The effect on landscape character and views**

- 5.40.** The evidence of Miss Anne Priscott deals with the second reason for refusal. She notes the appeal site to form part of 'Oxford South Ridge Hilltops' landscape character type 7D (CD:5.4) This was the baseline used in the application LVIA (CD 1.1.50). An updated landscape character assessment (LCA) (2024) was adopted in 2024 (CD 6.1) but not used in the Supplementary Environmental Information (CD 2.3.18) issued in December 2024 by the Appellants. The Site forms part of prominent west-facing slopes rising up onto the ridge of the LCA (2024) 7D Oxford South Ridge Hilltops.
- 5.41.** Miss Priscott concludes that landscape sensitivity is high in this location. She considers the land to comprise a valued landscape for the purposes of NPPF paragraph 187a and explains why she considers the site to provide a valuable transition between the RPG and the CSC.
- 5.42.** In terms of the effect of the development, Miss Priscott finds the proposals would be discordant, detracting from the parkland character. The BESS and associated infrastructure would be large scale, industrial in appearance and would introduce an urban industrial development into a valued area of rural countryside. The proposals would, she finds, result in significant adverse effects on the landscape character and to views including those from PROWs. The proposed mitigatory planting would introduce a number of elements not characteristic of the landscape which would themselves result in the permanent loss of the historic landscape patterns. The effects of the proposed mitigatory planting have also been significantly overstated in her view.
- 5.43.** When taking into account the planned employment and strategic housing allocations (STRAT 8 & 9) the proposed development would bring about
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additional cumulative impacts that would result in further harm than would be the case for a stand-alone scheme in this landscape.

- 5.44.** Overall, she concludes the appeal proposals would be contrary to Policies ENV1, DES1 and DES2 of the SOLP and policy CUL5 of the Culham Neighbourhood Plan. I agree with and adopt her conclusions.

### **Reason for refusal 3 - The effect on the Nuneham Courtenay Registered Park and Garden**

- 5.45.** The evidence of Mrs Berezina addresses reason for refusal 3. She finds the RPG to be a heritage asset of particularly high significance. She identifies harm to several morphological elements of the original designed layout of the park. The historic south drive to and from Nuneham House, the traceable location of the lost gateway building of Abingdon Lodge and the remnants of the former estate road beyond the RPG that connects the park with Culham train station ticket office (grade II\* listed).
- 5.46.** Mrs Berezina finds that the supporting Heritage Impact Assessment (HIA) underestimates and fails to understand fully the significance of these affected components of the setting of the RPG. She concludes the appeal scheme would appear completely at odds with the unspoilt, open qualities of the surrounding countryside and would detract from the rural setting of the parkland.
- 5.47.** The appeal site forms an important undeveloped transition between the parkland and agrarian countryside. The appeal scheme would introduce an intrusive form of development of industrial character, sprawling out beyond the currently well-defined edge of the CSC into the last remaining section of the open countryside. The development would merge the RPG with the CSC and visually with the STRAT9 allocation resulting in harmful cumulative effects on



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the RPG when taking into account the STRAT8 and STRAT9 allocations.

- 5.48.** Mrs Berezina finds the southern edge of the RPG to make a greater contribution to the significance of the heritage asset in cultural, communal, aesthetic and historic terms than much of the remainder of its setting and accordingly attaches greater weight to the importance of protecting this. The proposed mitigatory planting, she considers, would not be a faithful restoration of the historic arrangement and would itself now obscure views which assist in revealing the significance of the heritage asset.
- 5.49.** Overall, Mrs Berezina finds the appeal proposals would result in a significant level of harm, placed on at least the medium magnitude of the 'less than substantial harm' spectrum. She identifies breaches of the terms of SOLP policies ENV6 and ENV10 and the NPPF. I agree with and adopt the analysis of Mrs Berezina.

#### **Reason for refusal 4 - Use of Best and Most Versatile Agricultural Land**

- 5.50.** NPPF paragraph 187 advises that planning decisions should protect and enhance soils; and recognise the economic and other benefits of the best and most versatile agricultural land. At footnote 65 to paragraph 188 the document records 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*'.
- 5.51.** The Rt Hon Claire Coutinho in her WMS of May 2024 on solar and protecting BMV agricultural land recorded that '*for all applicants the highest quality agricultural land is least appropriate for solar development and as the land grade increases, there is a greater onus on developers to show that the use of higher*

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*quality land is necessary*'. I accept this statement was made in relation to solar PV rather than BESS, however the two are frequently co-located and both often involve the development of significant areas of agricultural land.

- 5.52.** Policy DES7 aligns closely with national policy in seeking to avoid the development of BMV 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'*.
- 5.53.** The appellant's Agricultural Land Classification Report (CD:1.1.4) confirms that the appeal site, in its entirety comprises BMV land. It is common ground that during the lifetime of the development 21.4ha of BMV agricultural land would be lost from production. In terms of the agricultural land 88% of the site is grade 2 with 11% grade 3a and 1% grade 3b (non-BMV).
- 5.54.** The Council does not dispute the findings of the appellant's agricultural land classification report and no technical objection to the appellant's characterisation of the soils on the appeal site will be adduced at the inquiry in this regard.
- 5.55.** Given the clear instruction through policy DES7 and the NPPF, it is incumbent on the appellant to justify the use of both agricultural land, and particularly BMV agricultural land. It is only in circumstances where it has been shown to be necessary and the most sustainable of reasonable alternatives that development as proposed should be located on BMV agricultural land.

## **The Site Selection Process**

- 5.56.** The appellant's Site Selection Process (May 2024) (SSP) (CD:1.1.47) outlines the appellant's approach to site selection. It confirms a series of key selection

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criteria were applied (paragraph 2.11) these focussed on need in the region, the availability of a connection to the 275/400kV network by 2030 and identifying a site within a heavily constrained transmission area.

- 5.57.** In addition to meeting the ‘primary objectives’ (listed above), the document advises that site specific considerations were also taken into account, one of which was environmental and planning constraints (including use of agricultural land).
- 5.58.** The SSP explains (paragraph 2.2.4) that the ‘*B9 boundary area was identified as being the part of the National Grid with the great need in the coming decade*’. A location in the south of England was sought, with connection into the National Grid 400kV network. The Culham Jet Substation was chosen and an agreement secured with National Grid Electricity Transmission (NGET) to connect the proposed BESS. The applicant company Culham Storage Limited was incorporated on the 18<sup>th</sup> August 2022.
- 5.59.** A single point of connection was identified in developing the proposals. This is despite the fact that there are many substations with 275kV or 400kV connections within the search area. In choosing a preferred and single point of connection (POC) (Step 3 in the SSP) prior to assessing the extent of BMV which might be used (part of Step 4), the SSP greatly limited the potential for a site to be found which did not require the use of BMV. The decision to only consider one POC, irrespective of the extent of BMV land which might be used, means that reasonable alternatives to utilising BMV land have not been investigated by the appellant contrary to the requirement outlined in SOLP policy DES7.
- 5.60.** The SSP methodology is flawed in that it fails to guide the developer to seek to avoid BMV agricultural land. The surveys underpinning the appellant’s
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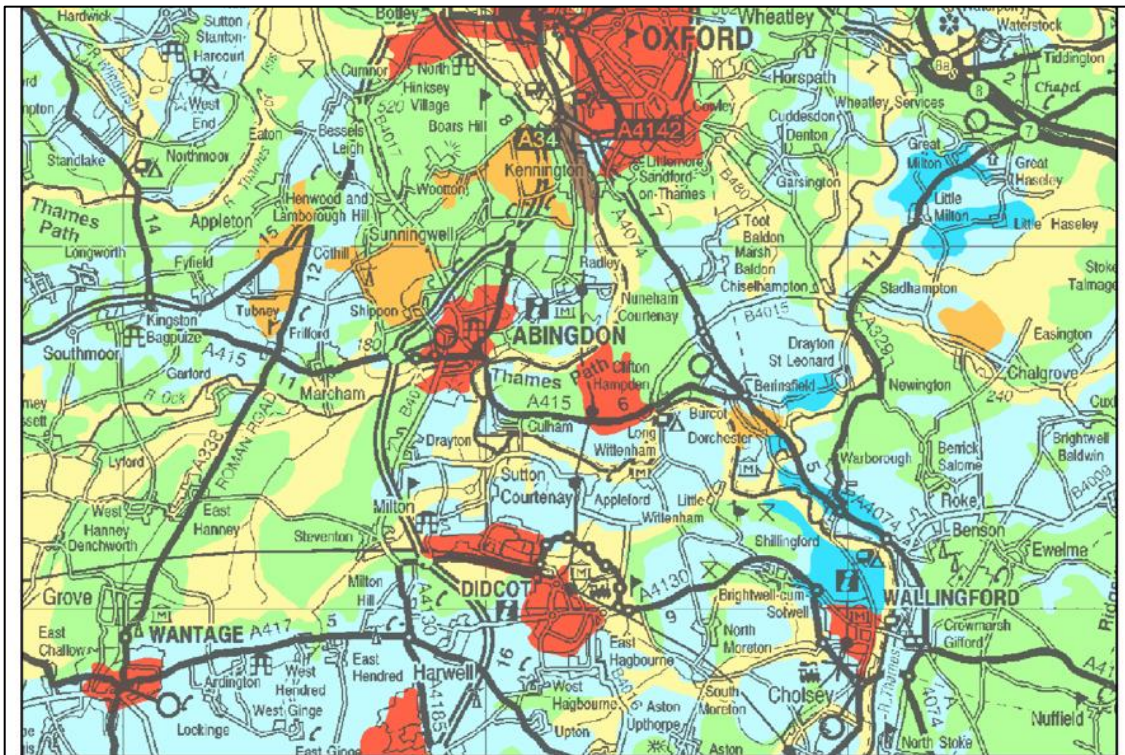
Agricultural Land Classification post-date the incorporation of Culham Storage Limited.

- 5.61.** Both development plan and governmental policy seek to promote renewable energy generation and associated infrastructure like BESS but within the context that such developments should use BMV agricultural land as a last resort. Natural England in 2012 estimated that 42% of agricultural land falls within BMV categories (CD:6.8), it is not the case that BESS by necessity must be positioned on BMV agricultural land.
- 5.62.** It is important to also recognise that targets are set at national level and the PPG (Paragraph 003 Reference ID: 5-003-20140306) states in this respect that *‘whilst local authorities should design their policies to maximise renewable and low carbon energy development, there is no quota which the Local Plan has to deliver’*.
- 5.63.** SOLP policy DES7 is clear that BMV agricultural land is to be avoided *‘unless it is the most sustainable choice from reasonable alternatives, by first using areas of poorer quality land in preference to that of a higher quality’*. The presence or otherwise of other BMV agricultural land does not obviate the need to seek to avoid using it or provide the justification in of itself to develop it.
- 5.64.** In seeking to avoid using BMV agricultural land it is incumbent on the developer to consider this as part of choosing their preferred POC. Failure to do so increases the likelihood that BMV agricultural land will be developed. High level mapping in the form of the Agricultural Land Classification (ALC) is readily accessible and it should be used as part of the ‘sieving’ of potential areas to seek to avoid BMV agricultural land.
- 5.65.** BESS regulate energy by importing and exporting to the National Grid as
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required. The location of the energy storage does not need to be locally fixed in this respect to assist in meeting the national or local need for energy. There is no reason therefore that a search area should be necessarily limited to a particular substation or indeed local authority boundary. This view is supported by the government recognising there is no need to have specific targets for the incorporation of renewables and associated infrastructure at a local level.

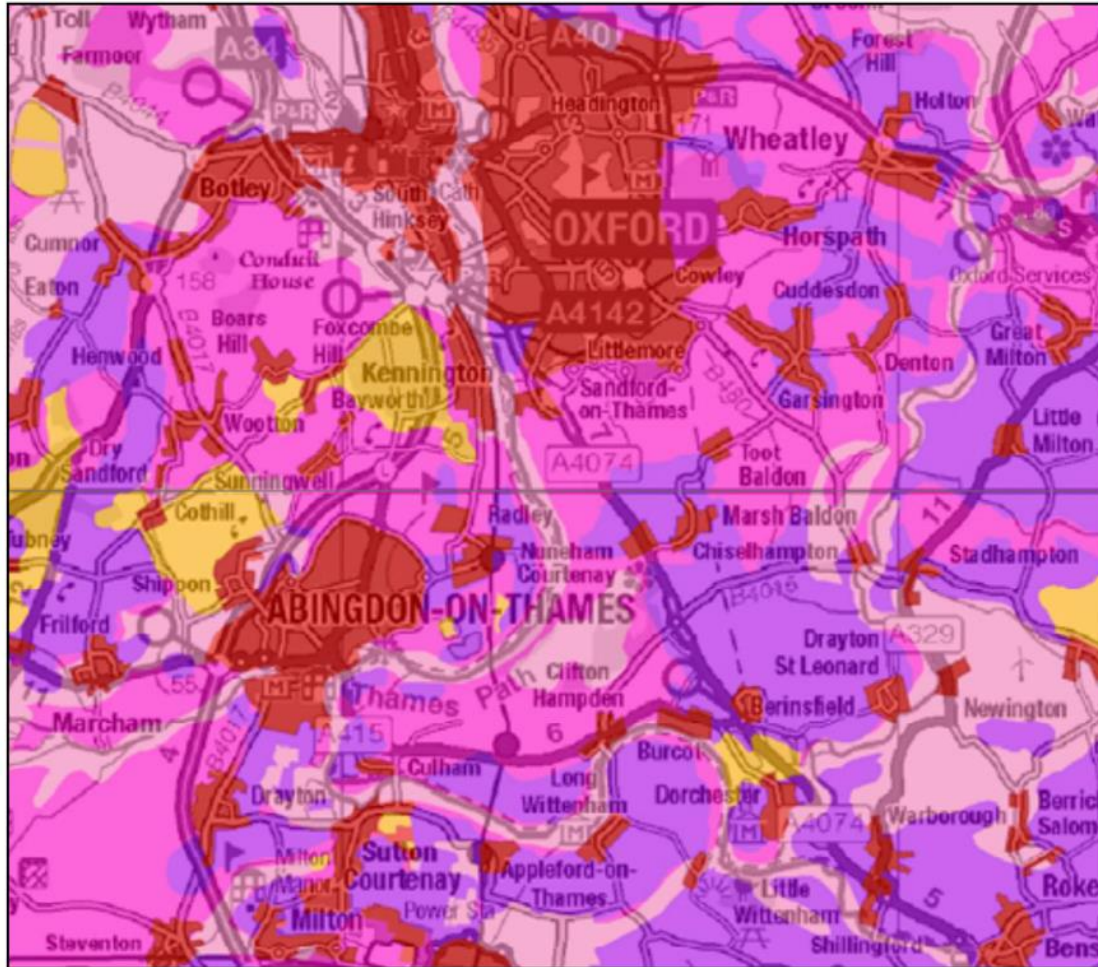
- 5.66.** Statera Energy are headquartered in the UK and describe themselves as among the flexible generation leaders in the country having enough capacity in operation to power around 750,000 homes. The developer operates across the country and their operations are not limited to a single geographical area in this regard.
- 5.67.** The NPPF and the development plan respectively were prepared with the benefit of understanding the general grading of agricultural land across the country and district having regard to the DEFRA Agricultural Land Classification Maps. National and local policy has nonetheless been designed to safeguard BMV agricultural land across the country and the district, irrespective of the degree to which it is prevalent in a local area.
- 5.68.** Notwithstanding the POC point, the appellant argues that the DEFRA ALC map shows the typical ALC mix in the surrounding area of the site to be typical of the appeal site. The appeal site, and the alternative sites which the appellant considered (IS1-IS3) are all located within red areas which are described as 'land predominantly in urban use'. The ALC map (Fig 2) does not in this regard support the appellant's claim that surrounding land is similar in terms of the extent and make up of BMV. The ALC is unknown in respect of the alternative sites and no testing of them or any others has taken place.



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

- 5.69.** Developing the point further, using the Natural England predictive ALC mapping (Fig 3) the alternative sites are found within an area of ‘moderate likelihood’ of BMV (20-60%). Fig 2 shows a likelihood of large areas of grade 3 land to the north of the A415 but the mapping does not distinguish between grades 3a and 3b.





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

- 5.70.** The appellant asserts that, having considered the DEFRA ALC map, alternative sites IS2 and IS3 both comprise grade 2 land and in this regard perform no better than the appeal site. The available evidence does not support this conclusion, the land is not identified to be grade 2, whilst the predictive mapping indicates only a moderate likelihood of BMV. The wider land parcel north of the A415 is likely to comprise a mixture of some BMV and some non-BMV. The

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conclusions of the SSP are not robust in this regard.

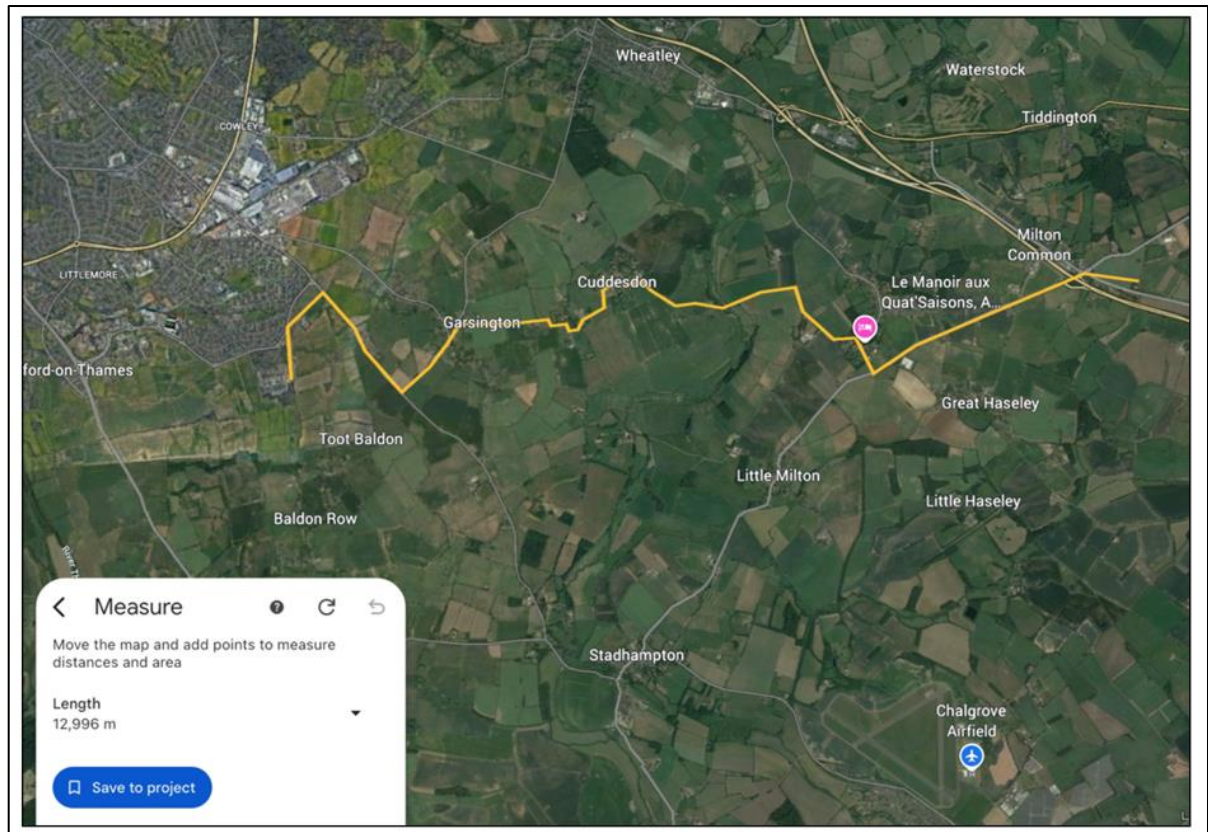
- 5.71.** The only way to definitively determine the grading of an individual piece of land would be to undertake site specific testing, as has been undertaken for the appeal site itself. Given that only three alternative sites have been identified as alternatives by the appellant it would be feasible for these to have been tested to determine the grading. A robust consideration of reasonable alternatives would in my view have undertaken this exercise, particularly having regard to the fact that the available evidence indicates these parcels may well contain lower amounts of BMV of a lesser grade than the appeal site.

### **The extent of the site search area**

- 5.72.** The appellant does not within the SSP explain how the extent of the search area has been defined, it makes broad reference to the increased efficiency of the installation being placed in close proximity to the substation because reduced cable lengths are required to make the connection. The appellant adduces no evidence to indicate that the search area went beyond the immediately adjacent land to the CSC or indeed to consider any further alternatives beyond IS1-IS3.
- 5.73.** It is not uncommon for BESS and Solar PV farms to be located some distance from a substation connection. For example, the dismissed appeal included as Appendix 4 to the Council's Statement of Case (CSOC) (CD:2.4.2) (paragraph 51) proposed a 45MW BESS 1.4km from the substation POC. The appellant includes an appeal decision (CD:4.4) (paragraph 28) where the appellant considered a 3km search area to be viable from the POC for a proposed BESS. Similarly (CD:6.9) comprises an appeal for a 100MW BESS near Halesowen, the Inspector at paragraph 39 acknowledged a 3km search radius from an agree POC was reasonable with the appeal site being 1.2km from the substation.



**5.74.** In terms of a more local example, I am aware of a solar farm (49.9MW) and associated infrastructure within South Oxfordshire (P21/S3915/FUL) (CD:6.10) and associated cabling (P22/S2220/FUL) (CD:6.10) which has been approved for a grounded cable connection approximately 13km in length from Milton Common to the Cowley sub-station. Fig 4 shows the approved route and length of the cabling required.



**Fig 4 – Length of cabling connecting Solar farm to Culham Substation**

**5.75.** No supporting evidence has been provided in respect of viability as part of the application or appeal to explain the approach taken to determining the extent of the search area or indeed its extent. I do not consider the extent of the search area to be adequate, meaning that possible reasonable alternatives have not been identified which might obviate the need for, or reduce the impact on, BMV

land. The loss of BMV over the course of the life of the development has not been justified in this case, contrary to SOLP policy DES7.

- 5.76.** More generally, there have been a number of approvals/applications lodged for large scale solar farms within South Oxfordshire which have been located on greenfield agricultural land but that have largely avoided developing on BMV agricultural land (Fig 5).

<b>Site address and application reference</b>	<b>Size of site</b>	<b>Extent of BMV being developed on</b>	<b>Extent of non-BMV</b>
P24/S1336/FUL – Land <u>north west</u> of Nuneham Courtenay	57ha	2ha	55ha
P21/S3915/FUL – <u>Dodwells</u> solar farm, land north of the A40 near Milton Common	112ha	4.4ha	107.6ha
P20/S4360/FUL – Land to the <u>south west</u> of Cowley substation	123ha	10.9ha	85.8ha
P20/S3245/FUL – <u>Harlesford Farm</u> near Tetsworth, Oxfordshire	81.7ha	1.1ha	80.7ha
P20/S3244/FUL – Land to the <u>north west</u> of Stoke Talmage, Stoke Talmage	69.7ha	0ha	69.7ha

**Fig 5 – Table of large solar farms in the district and the extent to which they use BMV agricultural land**

- 5.77.** These solar farms are significantly larger than the BESS appeal scheme, yet they have been able to identify sites which minimise/avoid the use of BMV agricultural land. These cases demonstrate, with a robust site search, it is by no means certain that BMV agricultural land need be lost in developing large sites in South Oxfordshire.

### **Existing use of the site**

- 5.78.** The appeal site is predominantly grade 2 land. The appellant's Agricultural Land

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Classification report (CD:1.1.4) confirms at Appendix 1 (taken from the MAFF ALC guidelines 1988) that such land has only minor limitations to agricultural use in terms of crop yields. A wide range of agricultural and horticultural crops can usually be grown with a generally high yield.

- 5.79.** The land is currently farmed for hay and silage. Whilst accepting the Council has no control over its usage, given its quality it could support agricultural crop production. The proposed development would remove the possibility of the appeal site being used for agricultural production for a prolonged period in excess of a generation. NPPF paragraph 187 is clear that planning decisions should contribute to and enhance the natural and local environment by recognising the economic and other benefits of BMV land, this policy requirement applies regardless of the nature of the current usage of such land.

### **Relevant appeal decisions**

- 5.80.** The Council listed in the SOC a selection of appeal decisions which would be drawn upon in evidence to illustrate the process of how site selection should proceed in cases involving BMV agricultural land and the way in which Inspectors have approached proposals in the Green Belt and the consideration of whether very special circumstances were identified. Details of these cases have been provided in evidence and key points are summarised in the following paragraphs.

### **Appendix 3 - SOC (CD:2.4.3) Land at Barton in Fabis, Nottingham**

- 5.81.** A proposal for a large BESS in the Green Belt, was found to comprise inappropriate development, harmful to both the visual and spatial aspects of openness and to be in conflict with the purpose of safeguarding the countryside from encroachment. The Inspector identified significant harm to the character and appearance of the area and did not find that landscaping comprising a mix
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of native hedgerows and trees would adequately screen the BESS, particularly during winter months. Despite the presence of pylons at the site the Inspector found the development to be harmful.

- 5.82.** The Inspector attributed weight to the benefit the development would provide by introducing up to 100MW of storage. He recognised that a viable grid connection was determinative in filtering suitable sites. However, at paragraph 27, he noted that:

*'as the assessment focuses solely on the Nottingham-East and Ratcliffe-on-Soar 132kV network as the agreed point of connection and in the absence of any substantive evidence to indicate why any other sites in the operational area of the provider were discounted, I cannot be certain that there are no alternative sites located in other areas of the district, outside of the Green Belt. Consequently, whilst having had regard to the Alternative Sites Assessment, and mindful that this is not a policy requirement, the evidence does not persuade me that the proposed BESS could not be provided in a less harmful location elsewhere in the locality'.*

- 5.83.** The Inspector went on to conclude (paragraph 35) that the environmental benefits of the proposal were insufficient to clearly outweigh the harm to the Green Belt, therefore the very special circumstances necessary to justify the proposal were not made out.

#### **Appendix 4 – SOC (CD:2.4.3) Land to the west of Dyche Lane, Coal Aston**

- 5.84.** A BESS proposal in the Green Belt was found to cause considerable harm to its openness and to Green Belt purposes (a), (b) and (c). Whilst not designated, the Council argued the land to be a valued landscape with which the Inspector agreed. The Inspector identified harm to the landscape and was unconvinced

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that the screening mitigate would work (paragraph 33). Less than substantial harm to the significance of a conservation area was found with the site forming part of its setting.

- 5.85.** The Inspector (paragraph 55) gave significant weight to the proposal's benefits associated with renewable and low carbon energy generation and its contribution to a net zero future prior to 2030, as required by NPPF paragraph 168. The Inspector went on however to decide that the overall benefits of the proposal were cumulatively insufficient to clearly outweigh the extent of harm to the Green Belt and the character and appearance of the area. The appeal was consequently dismissed.

#### **Appendix 5 – SOC (CD:2.4.3) Land south of substation, Lycrome Road, Lye Green**

- 5.86.** A BESS proposal in the Green Belt was dismissed. The proposal was found to be visible from public viewpoints and would harm the visual and spatial aspects of openness of the Green Belt. The Inspector found the development would be utilitarian and industrial in character and would harm the rural character and appearance of the appeal site.
- 5.87.** The Inspector (paragraph 13) found she had insufficient evidence to understand whether the chosen Lye Green substation was the only strategic substation with available capacity in the overall geographical area covered by the distribution company. The Inspector (paragraph 18) also noted that whilst the BESS might store electricity from renewable sources there was no proven link demonstrating that this would necessarily be the case. The Inspector concluded that the 'other considerations' did not clearly outweigh the harm she identified.

#### **Appendix 6 – SOC (CD:2.4.4) Land adjacent to Thurcroft Substation, off**

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## Moat Lane, Wickersley

- 5.88.** A BESS was proposed in the Green Belt and the open countryside. The development was found to harm both the spatial and visual aspects of openness. It would also have contravened the Green Belt purpose of avoiding encroachment into the countryside.
- 5.89.** The Inspector gave moderate weight to the contribution the proposal would make to balancing the energy network (paragraph 26) but did not find that the proposal would directly relate to an increase in renewable energy production (paragraph 31). The Inspector concluded that the 'other considerations' did not clearly outweigh the harm to the Green Belt and dismissed the appeal.

## Other Considerations

### The need for BESS

- 5.90.** The PPG (Paragraph: 032 Reference ID: 5-032-20230814) guides in respect of BESS: *'electricity storage can enable us to use energy more flexibly and decarbonise our energy system cost effectively – for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for costly network upgrades and new generation capacity'*.
- 5.91.** The UK Government has set a statutory target to cut greenhouse gas emissions by 100% (compared to 1990 levels) by 2050. Climate emergencies have been declared nationally and locally in this context. The Government in the Clean Power 2030 Action Plan (CD:3.3.1) has identified an ambition to deliver 23-27GW of battery storage capacity by 2030 which is expected to be needed to support clean power. NPPF paragraph 168 guides that decision makers should



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

- 5.92.** Overarching National Policy Statement for Energy (EN-1) advises (paragraph 3.3.25) that *'storage has a key role to play in achieving net zero and providing flexibility to the energy system, so that high volumes of low carbon power, heat and transport can be integrated'*. EN-1 guides that electricity storage can maximise the usable output from intermittent low carbon generation, *'reducing the total amount of generation capacity needed on the system; providing a range of balancing services to the NETSO and Distribution Network Operators (DNOs). To help operate the system; and reducing constraints on the networks, helping to defer or avoid the need for costly network upgrades as demand increases'*.
- 5.93.** The development proposed is a large BESS, capable of storing 500MW of energy. This would make a significant contribution towards meeting the targets associated with increasing BESS nationally.
- 5.94.** SOLP policy DES9 encourages schemes for renewable and low carbon energy generation and associated infrastructure but this is conditional on them not causing significant adverse effect to a number of factors. The revised NPPF (paragraph 168) instructs LPAs, when determining planning applications, to *'give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future'*.
- 5.95.** There is agreement between the parties that significant weight should be afforded to the benefit of providing additional energy storage capacity (see ASOC - paragraph 5.2.37) (CD:2.4.1).
- 5.96.** The ASOC (CD:2.4.1) argues that significant weight should be afforded to the
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ability for the proposal to be delivered quickly with a connection date agreed with the National Grid of 2027. I give significant weight to this if it is to be considered to comprise a separate benefit of the appeal proposal.

- 5.97.** The appellant argues that the BESS has the ability to support the growth of the high-skilled workforce at CSC and considers this should be given moderate weight as a benefit of the proposal. This would principally be on the basis that creating a connection to the grid from the BESS would sure up supply and reduce outages.
- 5.98.** No evidence has been adduced to the Inquiry to demonstrate that the CSC is currently suffering from problems with power outages. It is also unclear as to how power stored in the BESS would be used given it also would connect into the substation and the 400kV lines which transport power large distances. In any event I have already taken into account the benefit of the proposed BESS in reducing the impacts of intermittent supply to the network.
- 5.99.** I agree with the appellant that the energy security benefits associated with the BESS should be afforded moderate weight.

### **Landscape and Biodiversity Net Gain**

- 5.100.** The appellant considers that landscape enhancements would result in connection with the development. The landscaping measures proposed are principally works of mitigation. Miss Priscott in her evidence finds these do not accord with the adjoining management plan of the RPG or the historical context of the site. Overall, if the appeal is allowed significant harm has been identified by the Council to result to the landscape and the argued landscape enhancements are not agreed to be enhancements. I attribute no weight to this argued benefit.



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- 5.101.** The proposals would result in an uplift of 62.10% in BNG. This gain significantly exceeds the mandatory requirement of 10% and the delivery of BNG is consistent with the requirements of paragraphs 187 and 192 of the NPPF, and the PPG (Paragraph 013 reference ID: 5-013-20150327). The level of BNG being offered is a benefit of the proposal to which I attribute moderate weight.
- 5.102.** Increased public access into the land within the RPG should, the appellant contends, be afforded minor weight as a benefit of the proposal. This is said to be on the basis that exceptional views over the Thames Valley are possible. The proposed landscaping belts would however in, all areas save for the most western end, remove any such views whilst elements of the BESS and associated infrastructure would also be prominent.
- 5.103.** The setting to the circular path would be much altered from the existing parkland setting, reducing the legibility of the edge of the parkland. This notwithstanding I accept there would be a benefit in improving access and I attribute limited weight to this.

### **Whether there are alternative sites**

- 5.104.** The appellant argues that a benefit of the scheme is that there are no alternative sites. The SSP documents that 3 alternative sites were considered (Fig 6). Site IS1, positioned within the CSC, is located on land now removed from the Green Belt within the STRAT8 allocation. This site previously had planning permission (P16/S2368/FUL) (Appendix 1 to CSOC) (CD:2.4.3) for a 250MW BESS. The SSP advises that the site is too small for a 500MW BESS and that Staterra were unable to contract with the landowners.



**Fig 6 – The alternative sites considered**

**5.105.** The landowner of IS1 in 2016 was the UK Atomic Energy Authority (UK AEA) and they remain the landowner. The UK AEA wrote to the Council in support (CD:5.20) of the appeal proposals, outlining the benefits they considered would accrue to UK AEA if the project proceeded. The desire to establish a BESS is consistent with the UK AEA having prepared the 2016 application for a smaller BESS within the CSC. It is entirely unclear on this basis why the land would no longer be available for this alternative non-Green Belt site which is also outside the RPG.

**5.106.** STRAT8 removed Site IS1 from the Green Belt as part of the wider CSC site. Limb 1 of the policy specifically provides for the redevelopment and intensification of the Culham Science Centre site as part of the allocation. The land was proposed to be removed from the Green Belt at a time when the permission was extant. The UK AEA letter (CD:5.20) explaining their support for

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the appeal proposals raises similar reasoning to that which underpinned the 2016 proposal for a smaller BESS. Whilst accepting the size of the proposed BESS has increased since that point, a degree of flexibility may reasonably be required as to sizing, configuration and capacity. A BESS of reduced capacity would nonetheless still deliver the benefit of providing battery storage.

**5.107.** Given the BESS was not progressed and alternative proposals have emerged for the IS1 site it appears that UK AEA do not prioritise the delivery of a BESS, or at least not on their land. The STRAT8 allocation however covers a large site of some 77ha and the allocation specifically promotes the redevelopment and intensification of the site. In this context the appellant's reasons to discount the site require further justification.

**5.108.** The NPPF advises (paragraph 145) that *'strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period'*. Developments proposed in association with the CSC should in this regard be accommodated in STRAT8 and STRAT9 which together comprise some 294ha because this land has been removed from the Green Belt to accommodate identified needs whilst providing defensible Green Belt boundaries.

**5.109.** Site IS2 (Fig 6) has been discounted on the basis that it would be located within 250m of residential properties and it is a greater distance from the Culham Jet sub-station. The appeal site would be closer to residential dwellings than IS2 once the STRAT9 allocation is built out. The appellant's Noise Impact Assessment (CD:1.1.42) advises (para 3.4) that the STRAT9 development will be approximately 60m from the boundary with the Culham site boundary and the noise sensitive uses will be at distances of around 100m from the appeal site boundary.

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- 5.110.** The Noise Impact Assessment (Table 6.4) confirms there would be no predicted increase in noise levels above background ambient noise at noise sensitive premises in STRAT9. Ruling out IS2 on the grounds of proximity to residential dwellings is unjustified in this case.
- 5.111.** The second reason why IS2 has been ruled out is on the grounds that it is further from the POC. Given that BESS can be installed and operated some distance from their POC, proximity to the substation likewise does not appear to be a reasonable ground to rule out the site. No evidence as regards the viability of cable length has been adduced and IS2 is clearly well located in terms of its proximity to the Culham Jet Substation grid connection.
- 5.112.** Whilst not cited as reasons that IS2 has been rejected, the SSP goes on to note that the site would perform no better in terms of heritage, landscape and agricultural land. The site is mistakenly referred to as being grade 2 BMV land, but this is not known and unsupported by the ALC mapping. No testing of the land has taken place either, so I do not concur with the assertion that the land performs similarly to the appeal site in terms of use of BMV land.
- 5.113.** IS2 is positioned set further away from the Nuneham Courtenay RPG in a less sensitive location with the intervening CSC. Mrs Berezina finds that development of this alternative would reduce the effect of the BESS on the RPG in comparison to the appeal site. Further, Miss Priscott considers the effect on landscape would be much reduced if this alternative were developed. In this respect I do not agree with the SSP analysis that IS2 in respect of heritage, landscape or agricultural land classification performs no better than the appeal site.
- 5.114.** More generally, to reiterate, the extent of the SSP site search is not agreed. This is relevant in respect of the consideration of whether very special
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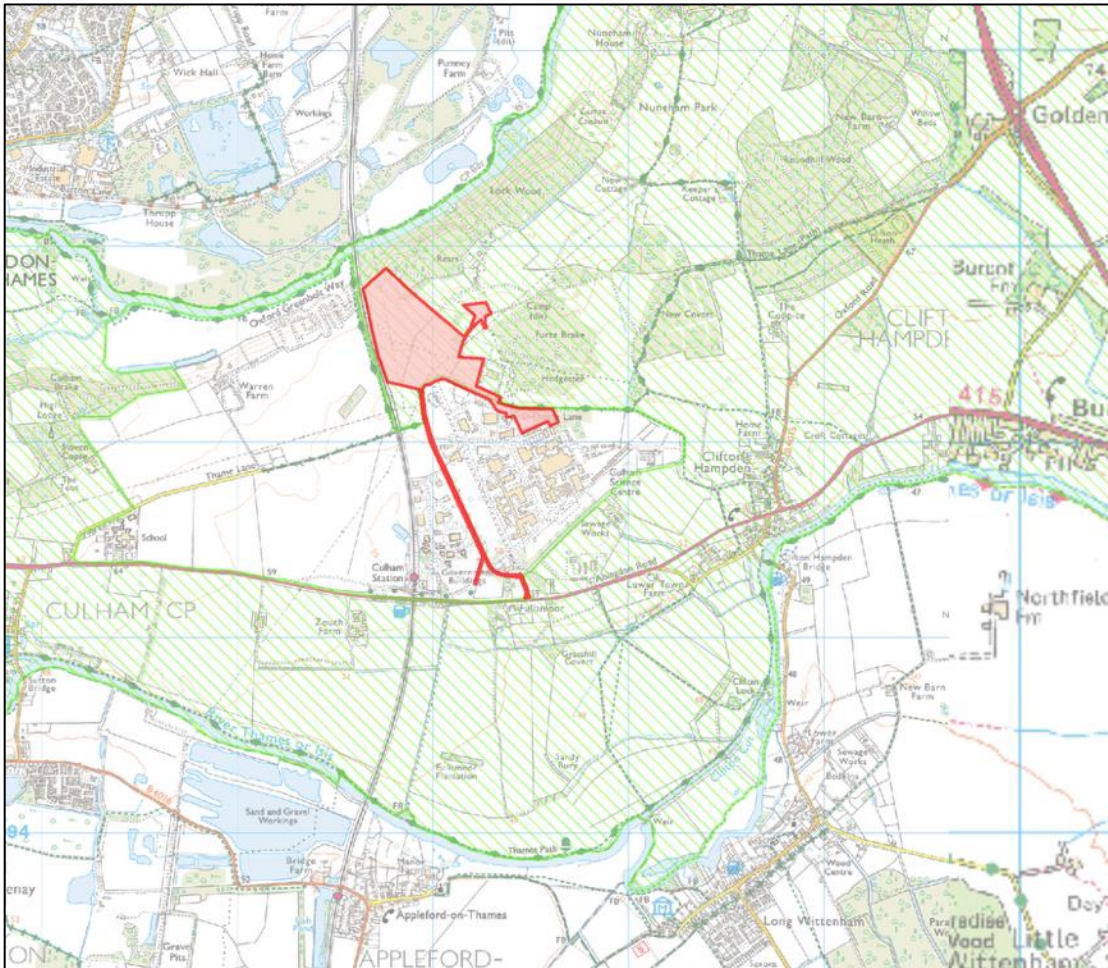
circumstances exist to develop in the Green Belt, because an increased site search range would potentially allow sites outside of the Oxfordshire Green Belt to be considered. In this regard the Green Belt terminates along the line of the Thames, approximately 2.5km to the south of the appeal site, so this is a relatively peripheral location in respect of the extent of the Oxford Green Belt (Fig 7).

**5.115.** As outlined, I do not agree that considering only a single POC has been justified and further, even if I am wrong on this, I find the search area radius around the Culham Jet substation to have been inadequately justified. Even if the Inspector were to agree that all reasonable alternatives have been considered by the appellant, I find that the identified alternatives would be less harmful than the appeal proposal. Overall, I afford no weight to the lack of an alternatives as an argued benefit of the proposals because I don't consider this position to have been substantiated.

### **Economic benefits**

**5.116.** The construction and deconstruction of the BESS would create jobs comprising a temporary economic benefit. The principal economic benefits in this case would be time limited to these periods given that on-going operation of the facility will require limited staffing. I attach limited weight to this benefit.





**Fig 7 – Map of the extent of Green Belt (green diagonally lined area) in relation to the appeal site**

## 6. HERITAGE BALANCE

- 6.1.** In respect of heritage matters the NPPF (paragraph 215) guides that where a development would lead to less than substantial harm to a heritage asset this harm should be weighed against the public benefits of the proposal. This ‘heritage balance’ is to be struck before considering the overall ‘planning balance’.

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- 6.2.** NPPF paragraph 212 advises that *‘when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance’*.
- 6.3.** NPPF paragraph 213 also outlines that *‘any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification’*. The RPG is grade I listed and is an asset of the highest significance having regard to NPPF paragraph 213. The identified harm to the RPG is considered to be at least at the middle of the less than substantial harm spectrum. I attribute great weight to this harm.
- 6.4.** Balanced against the harm, the BESS, which is of a substantial size and has a capacity to store 500MW of electricity and could be deployed quickly. This would make a significant contribution to assisting in mitigating the effects of climate change, I afford this benefit significant weight like the appellant. The proposal would contribute towards maintaining energy security and I, like the appellant, afford this benefit moderate weight. The provision of BNG, above that which is statutorily required is a benefit of moderate weight in my assessment and I attach limited weight to the benefits of providing improved access into the part of the RPG within the appellant’s control and to the economic benefits associated with the development.
- 6.5.** The public benefits are in combination significant in this case however they would not in my assessment outweigh the significant level of harm which would result to the RPG, a heritage asset of the highest significance. The heritage balance is in my assessment therefore failed.
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## 7. PLANNING BALANCE

### **Conclusion in a scenario where the development would be inappropriate development in the Green Belt**

- 7.1. The development comprises inappropriate development, which would, by definition, be harmful to the Green Belt and should not be approved except in very special circumstances. NPPF paragraph 153 guides that *'local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness'*. Further that, *'very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'*.
- 7.2. In addition, the proposed development would result in a significant loss of openness and a high degree of conflict with purpose (C) of the Green Belt in failing to assist in safeguarding the countryside from encroachment. I also identify a low level of conflict with purposes (b), (d) and (e). Overall, I attach substantial weight to these harms to the Green Belt and identify conflict with LP policy STRAT6 and DES9 as well as the NPPF.
- 7.3. As well as weighing the harm to the Green Belt into the planning balance any other identified harms also need to be considered. I have outlined that I identify harm to the significance of the RPG to which I attach great weight.
- 7.4. The evidence of Miss Priscott is that the proposals would be discordant, detracting from the parkland character. The BESS and associated infrastructure
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would be large scale, industrial in appearance and would introduce an urban industrial development into a valued area of rural countryside. The development would be contrary policies ENV1, DES1 and DES2 of the SOLP and policy CUL5 of the Culham Neighbourhood Plan. I afford the harm that would result to the landscape character and views substantial weight.

- 7.5.** The development would use 21ha of BMV agricultural land for a period of 40 years. In this case the use of BMV has not been justified as being necessary and lower quality agricultural land has not been preferred by the appellant. There are significant flaws in the appellant's SSP in terms of its geographical extent, POC and its assessment of potential alternative sites that may obviate/reduce the use of BMV agricultural land. The development is in conflict with SOLP policy DES7 and the NPPF. I attach significant weight to this harm in my planning balance.
- 7.6.** On the other side of the balance, I have outlined the weight I afford to the public benefits of the appeal proposal (paragraph 6.4). While collectively the benefits arising from the appeal scheme are significant, the harm that would be caused by allowing this development to the Green Belt, the significance of the RPG, to the landscape and through the loss of BMV agricultural land resource would not be clearly outweighed by these other considerations. I do not therefore find the very special circumstances required to justify the appeal proposals. I therefore respectfully invite the Inspector to dismiss this appeal.

### **Conclusion in a scenario where the development accords with NPPF paragraph 155**

- 7.7.** In the event the Inspector concludes this proposal would utilise grey belt land, and having regard to the provisions of NPPF paragraph 155, the development would not comprise inappropriate development. In these circumstances there

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would be no requirement to consider the effect on openness of the Green Belt and no harm would result to the Green Belt as a result of the proposals.

- 7.8.** In those circumstances my assessment is that the harm to the significance of the RPG harm coupled with that which would be caused to the landscape and through the loss of BMV agricultural land resource would not be outweighed by the benefits of the proposal.
- 7.9.** Overall, I find the development to be contrary to a number of individual development plan policies, and clearly contrary to the plan when taken as a whole. In applying the Section 38(6) balance any other material considerations do not indicate a decision should be taken otherwise than in accordance with the development plan. I therefore respectfully invite the Inspector to dismiss this appeal.

**Mark Reynolds BSc (Hons) MSc MRTPI**

Managing Director | Context Planning

