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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**

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

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## 1. THE COUNCIL'S CASE

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

- 1.1. I find that the appeal would result in a substantial loss of openness of the Green Belt. The parts of the site to be developed are currently wholly open spatially with no above ground built development. The proposed development of buildings and structures densely situated over this large expanse of land would substantially reduce the spatial aspect of openness. I acknowledge the operational period of 40 years is temporary, nonetheless it is a prolonged period and does not equate to short or medium term in this case.
- 1.2. In respect of the visual aspect of openness Miss Priscott finds that views of the site are highly valued and will become appreciated by more people through the implementation of the SOLP STRAT8 and STRAT9 allocations. The sense of openness across the railway line towards the site and from the CSC towards the appeal site is high and highly valued.
- 1.3. The proposed development and its associated fencing and landscaping measures will all act to substantially 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.
- 1.4. In addition, the proposed development would result in a high degree of conflict with purpose (C) of the Green Belt in failing to assist in safeguarding the

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countryside from encroachment. I also identify a low level of conflict with purposes (b), (d) and (e). I do not agree with the appellant that the proposed development would take place on grey belt land. Whilst the appeal site does not contribute strongly to Green Belt purposes A,B or D, I do consider that the harm to the grade I Nuneham Courtenay RPG comprises a strong reason for refusing or restricting development.

- 1.5.** I find the development to be contrary to SOLP policies STRAT6 and DES9 and the NPPF in respect of reason for refusal 1.

### **Reason for refusal 2 – the effect of the proposal on landscape**

- 1.6.** 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.
- 1.7.** 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.
- 1.8.** 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 been significantly overstated in her view.
- 1.9.** When taking into account STRAT 8 & 9 she considers the proposed
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development would bring about additional cumulative impacts that would result in further harm than would be the case for a stand-alone scheme in this landscape. 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 of the proposal on the Nuneham Courtenay RPG**

- 1.10. Mrs Berezina finds the RPG to be a heritage asset of the highest 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).
- 1.11. She records that 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 to the RPG.
- 1.12. 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

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significance of the heritage asset.

- 1.13.** 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 conclusions of Mrs Berezina.

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

- 1.14.** 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). Given the clear policy instruction 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.
- 1.15.** The appellant’s site selection report advises that 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. 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.
- 1.16.** In seeking to avoid using BMV agricultural land it was incumbent on the developer to consider this as part of choosing their preferred POC. Failure to do

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so has led to a site being chosen which comprises entirely BMV agricultural land.

- 1.17.** Notwithstanding the disagreement as regards the POC, the appellant asserts that, having considered the DEFRA ALC map, their alternative sites IS2 and IS3 both comprise grade 2 land and 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. No testing of the alternative sites to determine their ALC has taken place.
- 1.18.** The appellant does not, within their submission, explain how the extent of the search area has been defined. 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. It is not uncommon for BESS and Solar PV farms to be located some distance from a substation connection.
- 1.19.** 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 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 and the NPPF.

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## Other Considerations

### The need for BESS

- 1.20.** 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 has identified an ambition to deliver 23-27GW of battery storage capacity by 2030 which is expected to be needed to support clean power.
- 1.21.** NPPF paragraph 168 guides that decision makers should '*give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future*'. 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. The BESS could be delivered quickly, we are told, by 2027. There is agreement between the parties that these factors should attract significant weight as a benefit of the proposal. I afford moderate weight, like the appellant, to the energy security benefits associated with the BESS.

### Biodiversity Net Gain and recreational access

- 1.22.** The proposals would result in an uplift of 62.10% in BNG. This gain significantly exceeds the mandatory requirement of 10%. The level of BNG being offered is a benefit of the proposal to which I attribute moderate weight.
- 1.23.** Increased public access into the land within the RPG would provide a benefit of limited weight in my assessment. The proposed landscaping belts would potentially remove views, whilst elements of the BESS and associated

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infrastructure would also be visible. The setting to the circular path would be much altered from the existing parkland setting, reducing the legibility of the edge of the parkland reducing its amenity value.

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

- 1.24.** The site selection report documents the three alternative sites considered. Site IS1 previously had planning permission for a 250MW BESS with the UK AEA being joint applicants. The application, the subject of this appeal, was supported by the UK AEA and it is unclear why the appellant advises that the landowner of IS1 (the UK AEA) could not be contracted with to deliver the BESS given they sought the original permission and support the current proposal.
- 1.25.** IS1 forms part of STRAT8, land which was removed from the Green Belt to enable the redevelopment and intensification of the CSC. The land in connection with STRAT9 also makes provision for employment. The combined allocations include 294ha of land removed from the Green Belt to meet the identified needs for development across the two sites.
- 1.26.** Site IS2 has been discounted by the appellant 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 however be closer to residential dwellings than IS2 once the STRAT9 allocation is built out. The appellant's Noise Impact Assessment confirms that the appeal proposals would not increase noise above background ambient noise levels for noise sensitive receptors in the STRAT9 development. I do not identify a reason to rule IS2 out on exposure to noise grounds.
- 1.27.** IS2 is positioned relatively closely to the Culham Jet Substation. Given that BESS can be installed and operated some distance from their POC, proximity
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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 in this regard and I note that other BESS facilities are routinely situated some distance from the POC. Overall, I afford no weight to the lack of alternatives as an argued benefit of the proposals because I don't consider this position to have been substantiated.

### **Economic benefits**

- 1.28.** 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.

## **2. HERITAGE BALANCE, PLANNING BALANCE AND CONCLUSION**

### **Heritage Balance**

- 2.1.** The RPG is grade I listed and is an asset of the highest significance. The identified harm to the RPG is considered by Mrs Berezina to be at least at the middle of the less than substantial harm spectrum. I attribute great weight to this harm. Balanced against this harm I weigh the above outlined public benefits, whilst in combination they are significant, they would not in my assessment outweigh the significant level of harm which would result to the heritage asset and heritage balance is in my assessment therefore failed.

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

- 2.2.** 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. The proposed development would also 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.
- 2.3.** Further ‘other harm’ would result to the landscape, Miss Priscott finds the development 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. I afford the harm that would result to the landscape character and views substantial weight. As detailed in the heritage balance, I also attach great weight to the harm to the heritage asset in the overall balance.
- 2.4.** 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 site selection process in terms of its geographical extent, POC and its assessment of potential alternative sites that may obviate/reduce the use of BMV agricultural land. I attach significant weight to this harm in my planning balance.
- 2.5.** 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,
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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.

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

- 2.6.** In the event the Inspector concludes this proposal would utilise grey belt land, the development would not comprise inappropriate development. There would be no requirement to consider the effect on openness of the Green Belt and no harm would result to the Green Belt. In those circumstances my assessment is that the harm to the significance of the RPG in combination 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.
- 2.7.** 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**

Director | Context Planning

