



Appeal Decision

Inquiry held on 10-13 and 25 June 2025

Site visits made on 9, 10 and 11 June 2025

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22/07/2025

Appeal Ref. APP/Q3115/W/24/3358132

Land to the north of Culham Science Centre, Culham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Culham Storage Limited against the decision of South Oxfordshire District Council.
 - The application Ref is P24/S1498/FUL.
 - The development proposed is a Battery Energy Storage System (BESS), comprising a 500 megawatt (MW) battery storage facility with associated infrastructure, access and landscaping, with a connection to the Culham Jet National Grid connection.
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Decision

1. The appeal is allowed and planning permission is granted for 'a Battery Energy Storage System (BESS), comprising a 500 megawatt (MW) battery storage facility with associated infrastructure, access and landscaping, with a connection to the Culham Jet National Grid connection' on land to the north west of Culham Science Centre, Culham in accordance with the terms of the application ref. P24/S1498/FUL, dated 2 May 2024, subject to the conditions in a schedule attached to this Decision.

Procedural matter

2. The proposed development was amended after the application was determined. It is agreed by all parties that the amended scheme, referred to as the 'appeal scheme', shall be considered in determination of the appeal.

Site and surroundings

3. The appeal site is about 26.8 hectares and is, mainly, agricultural land adjacent to, and to the north-west of, the Culham Science Centre (CSC). This main part of the site is within the Green Belt and the north part of the site is part of the Nuneham Courtenay Grade I Registered Park and Garden (RPG). To the north of the site, on higher ground, is woodland that is within the Nuneham Courtenay Conservation Area. (NCCA). The site also includes land within the CSC that is partly occupied by an existing substation. To the west of the site is a railway line in a cutting. Thame Lane is between the site and the CSC and extends to the west over a railway bridge that is a Grade II listed building.
4. The CSC, which was established on a disused WWII airfield around 1960, is the home of the United Kingdom Atomic Energy Authority (UKAEA), amongst other businesses and organisations. It is surrounded by a high security fence within

which there are large, two and three storey, commercial and research and development buildings. Planning permission was granted in 2023 for the erection of a Fusion Demonstration Plant with ancillary offices, parking, landscaping and other infrastructure on land to the north-east of the CSC. The permitted scheme includes a building about 140 metres in height. Between the CSC and the railway line is industrial development that occupies former airfield buildings.

5. Within the appeal site and close to Thame Lane is an electricity pylon; one of the largest of its type carrying 400 kV cables. The cables emanate from Didcot Power Station, which is about 5 kms away to the south-west, and further pylons extend through the RPG to the north-east. There are two other slightly lower pylons within the site carrying cables in a line parallel to the railway line. Thame Lane is a public right of way and is part of the Oxford Green Belt Way (OGBW), a 50 km circular footpath. The footpath diverges from Thame Lane at the west side of the railway bridge on to a track that is parallel and close to the railway line.

The proposed development

6. The boundary of the RPG runs through the site; roughly west to east. The developed part of the site would be to the south of the boundary and would comprise 248 battery containers, 6 metres long, 2.4 metres wide and 2.9 metres high, 31 inverter houses, 12 metres long, 9.5 metres wide and 4.05 metres high, a connection tower, about 12.5 metres high located next to the pylon close to Thame Lane, two water storage tanks, and an electricity substation including equipment up to 9 metres in height. The developed part of the site would be surrounded by a 2.5 metre high mesh fence and there would be a 4 metre high wooden acoustic fence along the west and south boundaries of the battery compound.
7. Between the battery compound to the west and the substation to the east a track would lead from Thame Lane to the north boundary of the site. There would be permissive access throughout the site outside secure areas. The north part of the site, that part within the RPG, and land between the battery compound and a buffer zone alongside the railway line would be laid to grass and landscaped, with groups of trees, individual trees and tree bands. One band of trees would be parallel to and alongside the buffer zone, and another would be generally alongside the RPG boundary. Between the battery compound and the band of trees alongside the buffer zone there would be an attenuation pond and within the RPG there would be a wildlife pond.
8. The planning permission is subject to a condition that would require the removal of the BESS, if it is brought into use, 40 years after the first import of stored electricity to the National Grid. The condition would also require the implementation of an approved Decommissioning Method Statement. Some elements of the development would remain; the substation within the CSC, the connection tower, and the landscaped area and trees within the RPG.

Local planning policy

9. The Development Plan includes the South Oxfordshire Local Plan 2035 (SOLP). Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

10. SOLP policy STRAT6 seeks to ensure that the Green Belt continues to serve its key functions and otherwise carries forward Green Belt policy set out in the National Planning Policy Framework (NPPF). SOLP policy STRAT8 states that proposals for the redevelopment and intensification of the 77 hectare CSC will be supported where this does not have an unacceptable visual impact on the character and appearance of the surrounding countryside and the RPG. The policy removes the CSC from the Green Belt.
11. SOLP policy STRAT9 makes a strategic allocation of 217 hectares for the delivery of about 3,500 homes, a net increase of at least 7.3 hectares of employment land in combination with the adjacent CSC, and supporting services and facilities. The policy removes the STRAT9 land from the Green Belt. SOLP policy ENV1 states that South Oxfordshire's landscape, countryside and rural areas will be protected against harmful development. SOLP policy ENV6 states that proposals for new development should be sensitively designed and should not cause harm to the historic environment. SOLP policy ENV10 states that proposals should at least conserve the special historic interest, character or setting of a park or garden on the Register of Historic Parks and Gardens of Special Historic interest in England.
12. SOLP policy DES1 requires the design of all new development to be of high quality, and SOLP policy DES2 states that all new development must be designed to reflect the positive features that make up the character of the local area. SOLP policy DES7 requires new development to make provision for the effective use of natural resources by, amongst other things, avoiding the development of the best and most versatile agricultural land. SOLP policy DES9 supports schemes for renewable and low carbon energy production provided they do not cause significant adverse effects on the landscape, the historic environment and the openness of the Green Belt.

National policy on climate change

13. Paragraph 161 of the NPPF states that the planning system should support the transition to net zero by 2050 and that it should support renewable and low carbon energy schemes and their associated infrastructure. Paragraph 168 states that, when determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities, and by implication other 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.
14. The Government's 'Overarching National Policy Statement for Energy (EN-1)' states, at paragraph 3.3.25, that electricity "Storage has a key role to play in achieving net zero and providing flexibility to the energy system..." and, at paragraph 3.3.26, that "Storage is needed to reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher".

Reasons

15. The main parties agree that the proposed development, with reference to paragraph 215 of the NPPF, would cause less than substantial harm to the setting and significance of the RPG.

16. The main issues are; first, the level of less than substantial harm that would be caused by the proposed development to the setting and significance of the RPG; second, whether the site is grey belt land and whether the proposed development otherwise complies with Green Belt policy in the NPPF; and third, the effect of the proposed development on the character and visual amenity of the landscape.

The first issue – the setting and significance of the RPG

17. The RPG is about 470 hectares and was, originally, an 18th century landscaped park around a country house, Nuneham House. The first phase of development was in the 1760's by the first Earl Harcourt who set out a classical landscape. The second phase was by William Mason in 1777 for the second Earl and the third phase was laid out by Lancelot Brown, under the supervision of William Mason, in 1779-82. The park was laid out to take advantage of views across the River Thames towards Oxford and to the west towards Abingdon. The principal drive into the RPG is off the Oxford to Henley road and approaches the house from the north-east. Before about 1900 the principal entrance was the south drive which entered the park about two kilometres south-west of the house. At the entrance to the park was Abingdon Lodge.
18. The RPG is considered in The Nuneham Estate Parkland Management Plan (NEPMP), prepared by Askew Nelson Ltd in 2019 to support an application for a five year Higher Tier Countryside Stewardship agreement with Natural England. The study area of the NEPMP covers about half of the RPG and land to the north; it does not cover the south part of the RPG including the north part of the appeal site. However, the NEPMP does include some useful information, particularly about changes in the 20th century. The study remarks that "1940 marked the end of Nuneham's celebrated days...and the beginning of a rapid decline...firstly by the erection of various wartime structures and occupation of the house and park by the Air Ministry, and then by the sale of the estate to the University of Oxford in 1948".
19. The NEPMP goes on to record some of the changes that have occurred after 1948. These include demolition of some 18th century estate buildings including Abingdon Lodge, conversion of the parkland firstly to grazed pastures and then almost entirely to arable farmland, and erection of National Grid electricity pylons across the park. It is stated, in the NEPMP, that "These significant changes have removed much of the character of wider landscape quality at Nuneham. What remains is, in part, a sense of former glory, albeit with potential for improved conservation, partial restoration and enhancement of the Nuneham Landscape". The NEPMP makes 155 recommendations. Under the heading 'Park (South)' recommendation 116 is "Arable reversion of fields" and recommendation 119 is "Investigate re-opening of Abingdon Drive as the main entrance into the park". The reason given for recommendation 116 is "To recreate Lancelot Brown's design for Park (South)".
20. Despite all of the changes that have occurred since 1940, the RPG was designated in 1984. As a Grade I RPG it has the highest of listings and paragraph 212 of the NPPF requires that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)". The NPPF defines the setting of a heritage asset as the surroundings in which such an asset is experienced, and the significance of a heritage asset to be the value of such an asset to this and future generations

because of its heritage interest. There is no public access through the south part of the RPG so it is only experienced from outside, principally from the OGBW. From vantage points along the OGBW the view is of gently upward sloping arable farmland between blocks of woodland, Lock Wood to the north and Furze Brake to the south-east. There is nothing in the view that defines the south-west boundary of the RPG.

21. The view from the OGBW is typical of views in many parts of rural South Oxfordshire and there is very little in the view of heritage interest; a group of trees might be a remnant of Lancelot Brown's designed landscape. The heritage interest of the RPG, if a viewer of the farmland knows of its designation, is diminished by the power lines that pass through it and by the visible presence of the large buildings of the CSC to the south. Recommendation 125 of the NEPMP is "Remove pylons; bury line or re-route" to "...improve the quality of views across the park", but this is not likely to be a realistic prospect, and the CSC will be further developed with the addition of a building 140 metres high. Furthermore, the arable reversion of fields would only be possible with the agreement of land owners, and Abingdon Drive, outside the RPG, could not be reopened because its route passes through the CSC. The proposed development does, however, provide for the reinstatement of the route of the drive from Thame Lane through the site and beyond the location of the demolished Abingdon Lodge.
22. The proposed development has two distinct elements; the introduction between the RPG and the CSC of the proposed BESS, and the reinstatement of a parkland landscape in the south-west part of the RPG. Historic England, in their representation on the appeal scheme, stated that "Because the proposed landscaping could never be a truly faithful restoration...it has limited benefit...but it does provide the opportunity for some limited improvement to the parkland and wood-pasture character of the southern end of the RPG". Ms Berezina, for the Council, has also commented on the proposed landscaping lacking authenticity, but Lancelot Brown did not have to contend with the presence of power lines and pylons when he designed the landscape and it is these industrial features that affects how authentic the landscaping can be.
23. The planning permission is subject to a landscaping condition that would provide the opportunity for details of landscaping to be further refined and agreed by the Council with, if necessary, the input of Historic England. The partial restoration and enhancement of the Nuneham Landscape, a clear aspiration of the NEPMP, is unlikely to come forward other than as part of a scheme such as that proposed by the Appellant. The BESS would expand the industrial character of the CSC up to the boundary of the RPG for a period of 40 years, whilst the reinstated parkland would be retained in perpetuity in accordance with an agreed planning condition. The temporary harm caused by the BESS to the setting and significance of the RPG, albeit for a period of 40 years, must be balanced against the permanent benefit of the partial reversion of arable farmland and the restoration and enhancement of the Nuneham Landscape.
24. Taking all the aforementioned factors into account the agreed less than substantial harm that would be caused by the proposed development would be, as a matter of planning judgement, at the low end of the less than substantial scale. The proposed development does conflict with SOLP policies ENV6 and ENV10.

The second issue – grey belt land and Green Belt national policy

25. Grey belt is defined, in the glossary to the NPPF, as land in the Green Belt that is either previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b) or (d) in paragraph 143. The glossary entry goes on to state that 'grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 would provide a strong reason for refusing development. Footnote 7 states that the policies referred to in the definition of grey belt are those in the NPPF relating to, amongst other things, designated heritage assets.
26. Purposes (c) and (e) in paragraph 143 of the NPPF, safeguarding the countryside from encroachment and assisting in urban regeneration, are excluded from consideration of whether the appeal site is grey belt land. The main parties agree that the site does not strongly contribute to purposes (a), (b) and (d) in paragraph 143 so the site can, initially, be considered to be grey belt land.
27. It has been concluded that the accepted harm to the setting and significance of the RPG would be at the low end of less than substantial harm. The significant weight that must be given to the benefits associated with renewable and low carbon energy generation and associated infrastructure far outweighs, as a matter of planning judgement, the very less than substantial harm that the proposed BESS would cause to the setting and significance of the RPG, even though, in accordance with paragraph 212 of the NPPF, great weight is given to the conservation of the RPG. There is therefore no strong heritage reason to refuse the development and there is therefore reason to conclude that the proposed development would be on grey belt land.
28. Paragraph 155 of the NPPF, leading on from paragraph 154 which sets out types of development that are not inappropriate in the Green Belt, states that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where the development would utilise grey belt land and would not fundamentally undermine the purposes of (taken together) the remaining Green Belt across the area of the plan, in this case the SOLP, where there is a demonstrable unmet need for the type of development proposed, and where the development would be in a sustainable location (the 'Golden Rules' apply to housing developments and are not therefore relevant in this case).
29. The significant weight that must be given to the benefits associated with renewable and low carbon energy generation, and the proposal's contribution to a net zero future, demonstrates that there is a compelling and demonstrable unmet need for the proposed BESS, which would be on grey belt land. As previously identified the proposed development would not strongly contribute to, and would not therefore fundamentally undermine, purposes (a), (b) and (d) in paragraph 143 of the NPPF, and purpose (e) is not relevant. As for purpose (c), though the appeal site is part of the countryside, the part of the site that would be developed is small in relation to the overall size of the South Oxfordshire Green Belt, it is immediately adjacent to the CSC, and the extensive STRAT9 development will be nearby to the west and south-west. The proposed development would not, also as a matter of planning judgement, fundamentally undermine purpose (c) or any of the other four purposes of including land in the Green Belt.

30. Access to the site from the trunk road network is through the industrial area to the west of the CSC. Heavy goods vehicle and other traffic during the construction and decommissioning phases would cause no material harm and there would be little traffic associated with the development during its 40 year lifespan. Connection of the BESS to the National Grid would be within the site. These two principal factors must lead to a conclusion that the development would be in a sustainable location.
31. The BESS development would utilise grey belt land, it would not fundamentally undermine the purposes of the Green Belt, there is a demonstrable unmet need for the type of development proposed, and it would be in a sustainable location. The proposed development would not therefore be inappropriate development, and otherwise complies with Green Belt policy set out in the NPPF.
32. Paragraph 153 and footnote 55 of the NPPF, taken together, indicate that the effect of a not inappropriate development on the openness of the Green Belt does not need to be addressed. It follows that very special circumstances to justify allowing a development, is also a matter that does not need to be addressed. The requirement of Section 38(6) of the Planning and Compulsory Purchase Act 2004 does need to be addressed and will be in the planning balance considered below.

The third issue – the character and visual amenity of the landscape

33. The appeal site is part of Area 7D: Oxford South Ridge Hilltops in the Landscape Character Assessment (LCA) for South Oxfordshire and Vale of White Horse. The key characteristics of Area 7D refer to a relatively well wooded landscape, predominantly large scale arable fields with few hedgerow trees, the RPG, a low density settlement pattern, a good network of public rights of way including the OGBW, a predominantly rural character with localised intrusion of power lines and built development, and views generally reduced by landform and tree cover resulting in an enclosed landscape.
34. Views eastwards and northwards from the OGBW, across the appeal site, are of large scale arable fields framed by woodland. Only those who know of the designation and extent of the RPG will be aware that it is in these views and it is not defined by any boundary. The landscape strategy for Area 7D in the LCA includes the conservation and management of the RPG including its landscape park and pleasure grounds. But there is no landscape park or pleasure grounds in these views so this element of the strategy must relate to that part of Area 7D around Nuneham House. There is no visible evidence of Abingdon Drive or of Abingdon Lodge.
35. The views from the OGBW are not of parkland but of arable farmland framed by blocks of woodland. Power lines and built development at CSC intrude into the views and, together with the railway line, undermine the tranquillity of this part of Area 7D. The landscape character of the area is diminished by these industrial elements and this is recognised in the LCA. Whereas the character of the landscape around Nuneham House has a strong sense of place this cannot be applied to the southern elements of the RPG and the appeal site between Lock Wood and Furze Brake. This part of Area 7D is not distinctive and is diminished by industrial development on and adjacent to it. Whilst it has value, particularly to those who use the OGBW, it is not, as a matter of planning judgement, a valued

landscape for the purposes of the NPPF and it does not have a high level of sensitivity to change.

36. The proposed BESS, as described in paragraph 6, would have a profound effect on the character of the site. In some views from the OGBW the battery containers and inverter houses would be visible, and in all views from the footpath the connection tower and the 4 metre high boundary fencing would be visible. Where the OGBW follows Thame Lane the views of the BESS would be close but here the footpath is underneath a power line. Screening vegetation is proposed and photomontages in the submitted Landscape and Visual Impact Assessment (LVIA) indicate that the BESS would be screened in views from the OGBW where it is parallel to the railway line by year 10. Prior to this, however, the proposed development would undermine the visual amenity and character of the landscape for users of the public right of way.
37. The landscaping scheme includes the planting of a tree belt between the proposed BESS and the railway line. This tree belt, which would be retained after decommissioning of the BESS, would obscure long views towards the RPG and the tree planting that is proposed within it, which would also be retained. It would create a visual barrier that would be detrimental to the visual amenity and character of the landscape for users of the public right of way. However, notwithstanding the drawings submitted, an agreed condition would require the prior approval of a scheme for the landscaping of the site, including the planting of trees and shrubs. Such a scheme should omit the tree belt parallel to the railway line in favour of further ground cover.
38. The omission of the proposed tree belt parallel to the railway line would not undermine screening of the proposed BESS and would improve visibility of the partial restoration and enhancement of the south part of the RPG. The restored parkland landscape would be accessible to the public who could divert to it, along the route of Abingdon Drive, from the OGBW. For the 40 year lifetime of the BESS the diversion would be between battery containers and inverter houses to the west and a sub-station to the east, but once within the RPG visitors would be able to roam the parkland and take in views westwards towards Abingdon.
39. The proposed BESS and its screen fencing, initially, would have a moderate adverse effect on the character of the landscape. This would diminish to a minor adverse effect once screening vegetation has become established. Prior approval and implementation of a scheme of landscaping, pursuant to an agreed condition, would ensure that the proposed restoration of the parkland landscape of the south part of the RPG would improve the character of the landscape, particularly after the BESS is removed and the south part of the site is restored to farmland.
40. The proposed BESS would have a moderate adverse effect on the visual amenity of the area, for an initial period of time, but this would diminish to a minor adverse effect once screening vegetation has become established. The harm that would be caused must also be considered in the context of other developments in the area; power lines that cross the landscape, industrial development in and alongside the CSC, and the forthcoming STRAT8 and STRAT9 strategic developments. There is conflict with SOLP policies ENV1, STRAT1 and DES2.

Other matters

41. Lock Wood to the north of the appeal site is within the NCCA. The proposed partial restoration of the parkland landscape of the south part of the RPG, immediately adjacent to the NCCA, would enhance the character and appearance of the heritage asset. The BESS would, within a few years, be screened in views outwards from the NCCA, and it would have a negligible negative effect on the character and appearance of the area. The BESS would be temporary, albeit for 40 years, but the partial restoration of the parkland landscape of the south part of the RPG would be permanent. Overall, the character and appearance of the NCCA would be preserved and, in time, would be enhanced. The proposed development would not harm the NCCA and would not undermine the significance of this heritage asset.
42. The setting of Thame Lane railway bridge, given its direct relationship to the railway line, is confined. It is experienced only whilst on it, and in near views from the east and west. In these views, and nearby, will be elements of the STRAT9 development and it is this strategic development covering 217 hectares, rather than the BESS which would be some distance away to the north, that will intrude into the setting of the railway bridge. The proposed development would not harm the setting of Thame Lane railway bridge and would not undermine the significance of this heritage asset.
43. The proposed BESS would take up 5 hectares of Best and Most Versatile Agricultural (BMV) land. Paragraph 187 of the NPPF recognises the economic benefit of BMV land and SOLP policy DES7 requires new development to make provision for the effective use of natural resources by, amongst other things, avoiding 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. The Council maintains that the policy requires consideration of alternative sites and a sequential approach to deciding the sustainable choice of a site.
44. SOLP policy DES7 was considered in a recent, unchallenged, successful appeal for a solar farm at Burcot Farm near Abingdon and within South Oxfordshire District Council area. In her decision the Inspector states that “DES7 requires the consideration of reasonable alternatives, not alternative sites, and I consider it does not require a sequential approach”. Another Inspector’s conclusions are not binding but consistency in decision making is important. Furthermore, the Council’s position on this matter is confusing and, in fact, academic.
45. The proposed development is for a BESS on a specific area of BMV land for a period of 40 years (there is no reason to suppose that the land would not be successfully returned to being BMV land pursuant to an agreed condition for remediation of the site). The use of 5 hectares of BMV land for 40 years and the harm that this would cause will be considered in the planning balance, as will the benefit of using the land for a renewable energy project.
46. All matters mentioned in support of, and in opposition to, the appeal have been taken into account but they do not, either individually or collectively, affect the planning balance to be considered and the overall conclusion to be reached.

Conditions

47. The main parties have agreed a list of twenty conditions. All of the conditions have been imposed though they have been amended, where necessary, in the interests of clarity and precision and to meet the tests set out in the national Planning Practice Guidance (PPG). Reasons for the conditions, as agreed by the main parties, are given in the schedule of conditions attached to this decision.
48. Condition 1 is pursuant to Section 91 of the Act, condition 2 is for the avoidance of doubt, conditions 3 and 4 relate to the temporary nature of elements of the permission, conditions 5, 7 and 8 are in the interests of the visual amenity of the surrounding area, condition 6 will protect biodiversity, and conditions 9 and 15 will address concerns about flooding.
49. Conditions 10 and 11 are in the interests of highway safety, conditions 12 and 13 will protect archaeological interests, condition 14 is in the interests of the visual appearance of the development, and condition 16 will protect public safety. Condition 17 will protect the bat population of the area, condition 18 will protect residential amenity, condition 19 will ensure that there will be public access through the site where possible, and condition 20 will preserve soil that will be stored pending reinstatement after the temporary permission has expired.

Section 106 Agreement

50. A draft Legal Agreement, made pursuant to Section 106 of the Act, was submitted before the Inquiry. The completed Legal Agreement was signed by all relevant parties on 25 June 2025 and was submitted to the Planning Inspectorate. The Agreement requires, principally, the submission of a Habitat Management and Monitoring Plan (HMMP) for approval by the local planning authority, the implementation of the HMMP, and the payment of a Biodiversity Gain Land Monitoring Contribution to the Council; all to secure an appropriate level of Biodiversity Net Gain.
51. The obligations of the Agreement are related to requirements of development plan policies and are necessary to make the development acceptable in planning terms. They are, furthermore, directly related to the development, are fairly and reasonably related in scale and kind to the development, and are in place to mitigate the effects of the development. The Legal Agreement complies with the tests set out in the PPG and with Regulation 122 of the CIL Regulations 2010.

The planning balance

Harm caused by the proposed development

52. The proposed BESS would cause temporary harm to the setting and significance of the RPG, albeit for a period of 40 years, but the proposed development would also result in the partial reversion of arable farmland and the restoration and enhancement of the RPG. The heritage harm caused by the proposed development would be at the low end of the less than substantial scale. The development conflicts with SOLP policies ENV6 and ENV10.
53. The proposed BESS would have a moderate adverse effect on the visual amenity of the area and on the character of the landscape, for an initial period of time, but this would diminish to a minor adverse effect once screening vegetation has

become established. The development conflicts with SOLP policies ENV1, STRAT1 and DES2.

54. The proposed BESS would take up 5 hectares of BMV land for a period of 40 years. The proposed development conflicts with SOLP policy DES7.

Benefits of the proposed development

55. The principal benefit of the proposed development is the need for the BESS. This is agreed by the main parties and is set out in section 6.2 of the SoCG. Some extracts from this section are:
- a) There is an urgent need for electrical storage to support the growth of renewable energy generation to meet the Government's 2050 net zero target.
 - b) The support a BESS provides in increasing renewable energy generation nationally and in addressing energy security challenges is acknowledged to have significant weight.
 - c) The proposed BESS would be a critical element in developing renewable energy infrastructure and would make a significant contribution towards meeting climate change policies at all levels and to addressing energy security challenges.
56. Other benefits include the support that would be provided to the skilled workforce at CSC, including those employed by the UKAEA, and the restoration of, and access to, the south part of the RPG. These benefits are afforded minor weight.

Conclusion

57. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is at the heart of the planning balance.
58. The world is in crisis; a climate crisis caused by carbon emissions. One of the remedies to the crisis is to reach net zero carbon emissions as soon as possible. The Government has set necessarily challenging targets to reach net zero and has stated, in EN-1, that "Storage has a key role to play in achieving net zero and providing flexibility to the energy system...".
59. The acknowledged significant weight that must be afforded to the need for the BESS, in itself and as a matter of planning judgement, far outweighs the low level of less than substantial harm that would be caused to the RPG and to the significance of this heritage asset, the moderate/minor harm that would be caused to the character of the landscape and to the visual amenity of the area, and the temporary loss of 5 hectares of BMV land.
60. The proposed development conflicts with SOLP policies ENV1, ENV6, ENV10, STRAT1, DES2 and DES 7, and therefore with the adopted development plan when considered as a whole. However, the aforementioned benefits of the proposed development, the need for the BESS and the partial restoration of the parkland landscape of the RPG, are the material considerations which indicate that the appeal shall be determined other than in accordance with the adopted development plan.

61. The appeal is allowed and planning permission is granted for 'a Battery Energy Storage System (BESS), comprising a 500 megawatt (MW) battery storage facility with associated infrastructure, access and landscaping, with a connection to the Culham Jet National Grid connection' on land to the north west of Culham Science Centre, Culham in accordance with the terms of the application ref. P24/S1498/FUL, dated 2 May 2024, subject to the conditions in a schedule attached to this Decision.

John Braithwaite

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr D Hardy	Barrister
he called	
Mr P Hall BA DipTP MRTPI MRICS	Director of Quod
Mr C McDermott BSc BLD	Director of Sightline Landscape
Mr I Wain BA MCIFA	Head of Heritage Management Services at Oxford Archaeology

FOR THE LOCAL PLANNING AUTHORITY:

Ms E Lambert	Barrister
she called	
Mr M Reynolds BSc(Hons) MSc MRTPI	Managing Director of Context Planning Ltd
Ms A Priscott BA(Hons) CMLI	Chartered Landscape Architect
Ms S Berezina BA(Hons) MA MRTPI IHBC	Director of Context Planning Ltd

THIRD PARTIES:

Mr S Sensecall MRTPI	Consultant at Carter Jonas
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DOCUMENTS

1. Opening Submissions on behalf of the Council.
2. Opening Submissions on behalf of the Appellant.
3. Bramley Solar Farm Residents Group v SSLUH&C and others CO/1120/2023.
4. Note – STRAT8 and STRAT9 planning applications/masterplan status.
5. Note: National Grid.
6. Culham Soils Management Strategy.
7. Culham Storage Limited – Site Selection Process.
8. Illustrative Decommissioning Plan.
9. Closing Submissions on behalf of the Council.
10. Closing Submissions on behalf of the Appellant

SCHEDULE OF CONDITIONS – APPLICATION REF. P24/S1498/FUL

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following drawings and documents, except where details are approved through discharge of any other condition attached to this permission:

Site Location Plan SL254_L_X_LP_01

Block Plan SL254_L_X_GA_1Rev A

Cross Sections SL54_L_X_CS_1 Rev A

Proposed Elevations PDD-101839-ELE-004 P1

Proposed Layout PDD-101839-LAY-005 P1

Proposed Cable Routes and Cable Sealing End Compound Layouts PDD-101839-LAY-003 P4

Compound Layout PRO1078-03-LAY001 P1

Planting Plan Sheet 1 515_PP_01 Rev A

Planting Plan Sheet 2 515_PP_01 Rev A

Planting Plan Sheet 3 515_PP_01 Rev A

Planting Plan Sheet 4 515_PP_01 Rev A

Planting Plan Sheet 5 515_PP_01 Rev A

Vehicle Tracks External to Compound SD_1

Perimeter Deer Fence SD_2

Weld Mesh Fence to Battery Compounds SD_3

Palisade Fence to the Substation Compound SD_4

External Transformer in the BESS Compound SD_5

Battery Container Rev A SD_6

Spare Parts Container SD_7

Welfare Module SD_8

Inverter House SD_9

Macadam Access Track SD_10
Pole Mounted Security Camera SD_11
Fire Water Tank SD_12 Rev A
Control Room Building SD_13
Parkland Tree Protection SD_14
Compound Surface Finishes Rev A SD_15
Permissive Path Way Marker Post SD_18
EHS Tree pit detail in soft landscape areas SD_20
Stock Proof Fence SD_21

Reason: To secure the proper planning of the area in accordance with Development Plan policies.

3. With the exception of the elements of the scheme to remain listed below, planning permission is for a temporary period of 40 years from the date of first operation of the development hereby permitted. Written confirmation of the first import of electricity date shall be provided to the Local Planning Authority within one month after the event.

At least 6 months before the planning permission is due to expire for the temporary elements, a Decommissioning Method Statement (to include a timetable for implementation and a scheme to restore the land to its former condition) and a Decommissioning Landscape Plan shall be submitted to and approved in writing by the Local Planning Authority. The temporary elements shall then be removed and the ground reinstated in accordance with the Decommissioning Method Statement and Decommissioning Landscape Plan.

The elements of the scheme to remain are:

- 1) The Connection Tower and its compound;
- 2) The extension to the substation within the Culham Campus;
- 3) Electrical cabling between the substation within the Culham Campus and the Connection Tower;
- 4) Resurfaced sections along the route of Abingdon Drive;
- 5) The access track connecting the resurfaced section of the Abingdon Drive with the existing Thames Water Reservoir access track;
- 6) Tree, scrub and grassland identified for retention within the Decommissioning Plan.

Reason: Because of the temporary nature of the development and in order to safeguard the amenities of the area and protect the rural character of the area in accordance with Policies ENV1, DES1 and DES9 of the South Oxfordshire Local Plan 2035.

4. In the event the development ceases to export electricity to the grid for a continuous period of 12 months, a scheme of restoration for the removal of the Battery Energy Storage System and any associated equipment, shall be submitted to and approved in writing by the local planning authority within 3 months from the end of the 12-month period. The restoration scheme shall include details of the retention of any approved boundary treatment(s) and planting. The approved scheme of restoration shall then be fully implemented within 6 months of written approval being given.

Reason: Because of the temporary nature of the development and in order to safeguard the amenities of the area and protect the rural character of the area in accordance with Policies ENV1, DES1 and DES9 of the South Oxfordshire Local Plan 2035.

5. No development shall take place until details of existing and finished site levels relative to a fixed datum point on adjoining land outside of the application site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the visual appearance of the development in accordance with Policies DES1 and DES2 of the South Oxfordshire Local Plan 2035.

6. No development shall take place, including vegetation clearance or ground works, until a construction environmental management plan for Biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP:Biodiversity shall include the following:
 - 1) Update to ecological surveys for relevant habitats and species. Update surveys shall follow national good practice guidelines.
 - 2) Risk assessment of potentially damaging construction activities.
 - 3) Identification of biodiversity protection zones.
 - 4) Practical measures (both physical measures and sensitive working practices) to avoid, reduce or mitigate the impacts on important habitats and protected species during construction.
 - 5) The location and timing of sensitive works to avoid harm to biodiversity features.
 - 6) The times during construction when specialist ecologists need to be present on site to oversee works.
 - 7) Responsible persons and lines of communication.
 - 8) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP:Biodiversity shall be adhered to and implemented in full.

Reason: To avoid impacts on protected species and other ecological features during construction, in line with Policy ENV2 of the South Oxfordshire Local Plan 2035.

7. No development shall take place until a scheme for the landscaping of the site, including the planting of trees and shrubs, the treatment of the access road and hard standings, and the provision of boundary treatment has been submitted to and approved in writing by the Local Planning Authority, in consultation with Historic England. Details shall include schedules of new trees and shrubs to be planted (noting species, plant sizes and numbers/densities), the identification of the existing trees and shrubs on the site to be retained (noting species, location and spread), any earth moving operations and finished levels/contours, an implementation programme and a long-term management plan.

The scheme shall be implemented before the development is brought into operation and thereafter be maintained in accordance with the approved scheme.

If any of the trees or shrubs planted dies or becomes seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub or equivalent number of trees or shrubs, as the case may be, of a species first approved by the Local Planning Authority, shall be planted and properly maintained in a position or positions first approved in writing by the Local Planning Authority.

Reason: To help to assimilate the development into its surroundings in accordance with Policies ENV1, DES1 and DES2 of the South Oxfordshire Local Plan 2035.

8. No development shall take place, including vegetation clearance, until an Arboricultural Method Statement and accompanying Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall include the following:
 - 1) A specification of any pruning or tree surgery works to any trees to be retained, to prevent accidental damage by construction or demolition activities.
 - 2) The specification and location of temporary tree protective fencing and any ground protection required to protect all retained trees in accordance with the current edition of BS 5837 "Trees in relation to design, demolition and construction", and details of the timing and duration of its erection.
 - 3) The definition of areas for the storage or stockpiling of materials, temporary on-site parking, site offices and huts, mixing of cement or concrete, and fuel storage.
 - 4) The means of demolition of any existing site structures within Root Protection Areas (RPA) of trees to be retained, and the re-instatement of the area they currently occupy.
 - 5) The route and method of installation of any underground services in the RPA of retained trees; consideration shall be made to avoid siting of utilities and

service runs within the Root Protection Area (RPA) of all trees to be retained. Only where it can be demonstrated that there is no alternative location for the laying of utilities, shall encroachment into the RPA be considered. Methodology for any installation works within the RPA shall be provided and shall be in compliance with the current edition of NJUG 'Guidelines for the planning and installation and maintenance of utility apparatus in proximity to trees'.

6) The details and method of construction of any other structures such as boundary walls in the RPA of retained trees and how these relate to existing ground levels.

7) The details of materials and method of construction of any roadway, driveway, parking, pathway or other surfacing within the RPA, which shall be of a 'No Dig' construction method, in accordance with the principles within Arboricultural Association Guidance Note 12 "The use of cellular confinement systems near trees". Works shall be in accordance with current industry best practice, and shall be appropriate for the type of roadway required in relation to its usage.

8) A specification of foundation design demonstrating absolute minimal soil excavation, soil compaction or soil contamination within the RPA of adjacent trees.

9) Provision for the supervision of any works within the RPA of trees to be retained, and for the monitoring of continuing compliance with the protective measures specified, by an appropriately qualified arboricultural consultant, to be appointed at the developer's expense and notified to the Local Planning Authority, prior to the commencement of development. Supervision shall include regular reporting of continued compliance, and any departure therefrom, to the Local Planning Authority.

Thereafter the development shall be carried out in accordance with the approved details and shall be maintained during the entire course of development.

Reason: To safeguard trees which are visually important in accordance with Policies ENV1, DES1, and DES2 of the South Oxfordshire Local Plan 2035.

9. No development shall take place until a detailed sustainable drainage scheme has been submitted to and approved in writing by the Local Planning Authority, in consultation with Network Rail. This shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development.

The scheme shall not be brought into use until the surface drainage works have been carried out and completed in accordance with the approved details.

The scheme to be submitted shall include:

- 1) A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire.”
- 2) Full drainage calculations for all events up to and including the 1 in 100yr plus climate change event (Note: the CV values should be set to 0.95 for roof areas and 0.9 for paved areas and the latest FEH input date should be used).
- 3) Fully detailed sustainable surface water drainage layouts.
- 4) Proposed site and floor levels.
- 5) SUDS features and sections.
- 6) Details of control chamber and penstock / valve.
- 7) Drainage Construction Details.
- 8) Maintenance and Management Plan covering all surface water drainage and SUDS features.
- 9) Details of how water quality will be managed during construction and in perpetuity.

Reason: To prevent pollution and flooding in accordance with Policies ENV12 and EP4 of the South Oxfordshire Local Plan 2035.

10. Wheel washing facilities shall be established within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Such facilities shall be established prior to the commencement of demolition or construction and shall be kept in operation at all times during demolition and construction works.

Reason: To mitigate the impacts of dust from construction to local amenity in accordance with South Oxfordshire Local Plan 2035 Policies ENV12 and EP1.

11. The submitted Construction Traffic Management Plan (CTMP) prepared by Statera Energy Ltd shall be implemented prior to any works being carried out on site and shall be maintained throughout the course of the development

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times and in accordance with Policy TRANS5 of the South Oxfordshire Local Plan 2035.

12. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the

application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the recording of archaeological matters within the site in accordance with the NPPF.

13. Following the approval of the Written Scheme of Investigation referred to in condition 12, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

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

14. Notwithstanding any description of materials in the application no works involving the use of any external facing materials shall take place until a full specification of materials to be used externally on the buildings, battery containers and inverters / transformers has been submitted to and approved in writing by the Local Planning Authority. The specification shall include the type, colour, and texture of the materials. Development shall be carried out in accordance with the approved specification and all materials used shall be retained thereafter.

Reason: In the interests of the visual appearance of the development in accordance with Policies DES1 and DES2 of the South Oxfordshire Local Plan 2035.

15. The development hereby permitted shall not be brought into operation until a SUDS Compliance Report prepared by an appropriately qualified engineer has been submitted to and approved by the Local Planning Authority. This shall demonstrate that the sustainable drainage system has been installed and completed in accordance with the approved scheme (or detail any minor variations).

This report shall as a minimum cover the following;

- 1) Inclusion of as-built drawings in dwg and pdf and shp format.
- 2) Inspection details of key SUDS features such as flow controls, storage features and volumes and critical linking features or pipework undertaken, with appropriate photographs and evidence of inspections incorporated at each key stage of construction and on completion.
- 3) Details of any remediation works required following the initial inspection.
- 4) Evidence that the remedial works have been completed.

- 5) Details of a management plan set up to maintain and operate the system.

Once implemented, the SUDS shall be maintained and operated in accordance with the approved scheme.

Reason: To ensure the proper provision of surface water drainage and to ensure flooding is not exacerbated in the locality in accordance with Policy EP4 of the South Oxfordshire Local Plan 2035.

16. The development hereby permitted shall not be brought into operation until full details of a fire detection and suppression system have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of public safety, security and to protect the surrounding natural environment in accordance with policy ENV12 of the South Oxfordshire Local Plan 2035.

17. No external lighting shall be installed on site until a sensitive lighting strategy for bats has been submitted to and approved in writing by the Local Planning Authority. The strategy shall protect the conservation status of local bat populations, by:

1) Identifying those areas/features on site that are likely to be both sensitive for bats and vulnerable to disturbance from artificial lighting, including known or potential breeding sites, resting places, foraging areas or important routes used to access key areas of their territory.

2) Demonstrating that the design and siting of the proposed lighting installation shall not disturb or prevent bats using the areas identified in 1) (through provision of appropriate lighting plans, isolux contour maps and technical specifications).

All external lighting shall be installed in accordance with the specifications and locations set out in the approved strategy and retained as such thereafter.

Reason: To avoid impacts on bats from insensitive external lighting in line with Policy ENV2 of the South Oxfordshire Local Plan 2025.

18. The hours of construction shall be restricted to 0800 to 1800 Monday to Friday and 0800 to 1300 on Saturday. No work is permitted to take place on Sundays or Bank and Public Holidays.

Reason: To ensure that the development is not unneighbourly in accordance with Policy DES6 of the South Oxfordshire Local Plan 2035.

19. After the development is brought into use permissive access shall be provided and maintained throughout the site during the operational lifetime of the development, except for secured operational areas established in accordance with approved plans listed in condition 2.

Reason: To ensure compensatory improvements to the accessibility of remaining Green Belt land is provided in accordance with Policy STRAT6 of the South Oxfordshire Local Plan 2035.

20. Prior to commencement of development, a comprehensive Soil Management Plan (SMP), including a Detailed Topsoil and Subsoil Management Plan, shall be submitted to and approved in writing by the Local Planning Authority. The SMP shall demonstrate how all topsoil and subsoil will be stripped, stored, and reinstated, ensuring that soils are handled to avoid compaction, contamination, and loss.

Reason: To maintain and manage soil resource.