

# Planning Committee

17 September 2025



<b>Application No.</b>	24/01112/FUL		
<b>Site Address</b>	Land North-East of Eco Park, Charlton Lane, Shepperton, TW17 8QA		
<b>Applicant</b>	Sunbury BESS Ltd		
<b>Proposal</b>	The construction of and operation of a Battery Energy Storage System of up to 100 megawatts electrical output with a total capacity of circa 200 megawatt hours, associated site access and partial cable route, with associated work.		
<b>Officer</b>	Matthew Clapham		
<b>Ward</b>	Halliford and Sunbury West		
<b>Call in details</b>	This planning application has been referred to the Planning Committee to make a decision by the Planning Development Manager under Standing Order Part 3 section (b), 2.		
<b>Application Dates</b>	Valid: 12/09/2024	Expiry: 12/12/2024	Target: Extension of Time agreed 19/09/2025
<b>Executive Summary</b>	<p>The proposed development comprises the construction of and operation of a Battery Energy Storage System ('BESS') of up to 100 Megawatts (MW) electrical output with a total capacity of circa 200 megawatt hours, together with associated site access and partial cable route and associated works on land north of Charlton Lane, Shepperton. The proposed development will take energy from the electricity grid when the demand is low or supply is high and feed this back into the grid when demand is higher or supply is lower, thus operating in either 'energy charge', 'energy storage' or 'energy discharge' modes, providing support balancing services to the National Grid.</p> <p>The proposed site covers an area of approximately 3.58 hectares ('ha'). The site comprises a landfilled former gravel workings site which has since been restored and is located on open land to the north of Charlton Lane in Shepperton. The site is part of a triangular belt of land between the M3 motorway and a railway line and is designated as Green Belt. Access to the site follows the existing track from Charlton Lane.</p> <p>This planning application proposes the erection of 50 battery container units each being 12.2m in length; 2.44m in width and 3.19m in height and each comprising an industrial lithium-ion battery complete with a battery management system and mechanical ventilation. There will also be 25 transformers which are to be connected to each battery within the</p>		

proposed BESS area. In addition, grid compliance equipment; switchgear housing; site security (including fencing; CCTV/security cameras; maintenance (intermittent) lighting columns; and landscaping and biodiversity enhancement adjoining the proposed BESS area.

Careful consideration has been given to the benefits of the proposal in meeting national and local policies with regard to aiding the transition to the delivery of renewable and low carbon energy to mitigate climate change and to aid the transition to increased dependency on renewable energy. This has been accorded substantial weight in support of the proposal.

The proposal is considered to represent 'inappropriate development' within the Green Belt. It would result in a harmful loss of openness of the Green Belt and would conflict with two of the purposes of the Green Belt through failing to assist in safeguarding the countryside from encroachment and to check the unrestricted sprawl of large built-up areas. However, the changes to Government policy, clearly supporting the provision of facilities such as a BESS to support the delivery of low carbon and renewable energy, when considering the planning and Green Belt balance are considered to outweigh the harm to the Green Belt.

Furthermore, the Council has itself declared a Climate Emergency. In addition, a significant amount of appeal decisions have recently demonstrated the shift in policy towards the acceptability of the provision of such facilities.

The reduction in the size of the proposed BESS from that already submitted is also considered to have reduce the concerns raised regarding the harm to the character and appearance of this area of land as, when combined with the proposed landscaping, the wider benefits of the provision of a BESS facility are considered to outweigh any harm from the proposal.

The Environment Agency have removed their objection regarding flooding and drainage matters.

Notwithstanding the significant concerns raised regarding fire hazards and health and safety issues, it is not considered that there is sufficient evidence to justify refusal on these grounds, as no objection has been raised by the Surrey Fire and Rescue Service, nor the Health and Safety Executive. Moreover, it is considered that the proposal would not adversely impact upon the residential amenity of the surrounding properties nor result in any landscaping or biodiversity concerns.

It is concluded that the environmental benefits of the proposal in aiding the transition to the delivery of renewable and low carbon energy to mitigate climate change and to aid the transition to increased dependency on renewable energy outweigh the harm to the openness of the Green Belt and the harm to the character and appearance of this rural area. It is considered that these cumulative benefits that would arise from the proposal amount to the very special circumstances which clearly outweigh the harm to the Green Belt and any other harm and therefore the proposal

	is considered acceptable.
<b>Recommended Decision</b>	The application is recommended for approval subject to the conditions set out in paragraph 8.3 below.

## MAIN REPORT

### 1. Development Plan

- 1.1 The following policies in the Council's Core Strategy and Policies DPD 2009 are considered relevant to this proposal:
- SP1 (Location of Development)
  - LO1 (Flooding)
  - SP6 (Maintaining and Improving the Environment)
  - EN1 (Design of New Development)
  - EN3 (Air Quality)
  - EN8 (Protecting and Improving the Landscape and Biodiversity)
  - EN11 (Development and Noise)
  - EN 14 (Hazardous Development)
  - EN15 (Development on Land Affected by Contamination)
  - SP7 (Climate Change and Transport)
  - CC1 (Renewable Energy, Energy Conservation and Sustainable Construction)
  - CC2 (Sustainable Travel)
- 1.2 Saved Local Plan Policy GB1 (Development Proposals in the Green Belt) is also relevant.
- 1.3 The National Planning Policy Framework (NPPF) December 2024 is also relevant.
- 1.4 On 19 May 2022, the Council agreed that the draft Spelthorne Local Plan 2022 – 2037 be published for public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The public consultation for the Pre-Submission Publication version of the Local Plan ended on 21st September 2022 and the local plan was submitted to the Planning Inspectorate on 25th November 2022.
- 1.5 An Examination into the emerging Local Plan commenced on 23 May 2023. However, it was paused to allow time for the new council to understand and review the policies and implications of the emerging Local Plan and to address the issues that were identified in the first week of the Examination, in particular flood risk and its potential implications in relation to the site allocation and delivery strategy of the plan.

1.6 On 12 December 2024, the Planning Inspectorate confirmed that the Local Plan examination would resume on the 27 January 2025. This has now taken place and the Examination closed on 18 February 2025. Adoption of the Local Plan by Council could be by November 2025 subject to the plan being found sound by the Inspector and public consultation undertaken on the Main Modifications <https://spelthornelocalplan.info/evidence-base/>

1.7 The relevant Emerging Local Plan policies are: -

- ST1: Presumption in Favour of Sustainable Development
- ST2: Planning for the Borough
- PS1: Responding to the climate emergency
- PS2: Designing places and spaces
- PS3: Heritage, Conservation and Landscape
- SP4: Green Belt
- E1: Green and Blue Infrastructure
- E2: Biodiversity
- E3: Managing Flood Risk
- E4: Environmental Protection

1.7 The Overarching National Policy Statement (NPS) for Energy (EN-1), Department for Energy Security and Net Zero, November 2023 sets out national policy for the delivery of energy infrastructure.

1.8 The PPG Renewable and low carbon energy, 2023 provides renewable and low carbon energy guidance and identifies the planning considerations.

1.9 The NPPF policy states at para 48:

Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

1.10 Section 38(6) the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan (unless material considerations indicate otherwise) and not in accordance

with an emerging plan, although emerging policies may be a material consideration.

1.11 At this stage, the policies in the Pre-Submission Spelthorne Local Plan carry limited weight in the decision-making process of this current planning application. The adopted policies in the 2009 Core Strategy and Policies DPD carry substantial weight in the determination of this planning application.

1.12 Also relevant are the following Supplementary Planning Documents/Guidance:

- SPD on Flooding 2012
- SPD on Climate Change 2024

## 2. Relevant Planning History

Ref. No.	Proposal	Decision and Date
24/00017/FUL	The construction of and operation of a Battery Energy Storage System of up to 200 megawatts electrical output, associated site access and cable route with connection point at the existing National Grid/SSE 132 kV Laleham GSP (Grid Supply Point), with associated work.	Withdrawn 19.06.24
SP18/01299/SCC	Enlargement of an existing bund, creation of two additional smaller bunds, realignment and resurfacing of third-party access track, and associated landscaping.	Surrey County Council Approval 07.03.19
SP10/0947	Development of a Waste Management Eco Park, comprising: a Gasification Facility; Anaerobic Digestion Facility; Community Recycling Facility; Recyclables Bulking Facility; Education / Visitor Centre and Offices; Other Associated Infrastructure including Infiltration Basin and Landscaping; and the diversion of Public Footpath 70.	Surrey County Council Approval 09.03.12
SP10/0883	Permanent retention of the existing waste management facility, comprising a community recycling centre, materials recycling facility with bulking bays, a waste transfer station with associated infrastructure, an improved access onto Charlton Lane and an acoustic fence adjacent to Iydyne Cottage	Surrey County Council Approval 25.02.2011
04/01212/FUL	Development of the site to create an equestrian centre. Erection of stable block, hay and machinery storage barn and portable building to act as a changing, refreshment and	Refused 14.04.2005

	first aid facility. Creation of 2 no. all weather riding areas and a car park.	
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### 3. Description of Current Proposal

- 3.1 The site covers an area of approximately 3.58 hectares. The site comprises landfilled former gravel workings and is located on open land to the north of Charlton Lane in Shepperton.
- 3.2 The site, which has now been restored, is part of a triangular belt of land between the M3 motorway and a railway line and is designated as Green Belt. Access to the site follows the existing track from Charlton Lane.
- 3.3 The proposed development comprises the construction of and operation of a Battery Energy Storage System ('BESS') of circa 100 Megawatts hours (MWh) electrical capacity, associated site access and partial cable route with associated work on land north of Charlton Lane, Shepperton. The proposed development will take energy from the electricity grid when either the demand is low or the supply is high and feed this back into the grid when demand is higher or supply is lower, thus operating in either 'energy charge', 'energy storage' or 'energy discharge' modes, providing support balancing services to the National Grid.
- 3.4 This planning application proposes the erection of 50 container units 12.2m in length; 2.44m in width and 3.19m in height, each comprising industrial lithium-ion batteries complete with a battery management system and mechanical ventilation. In addition, the following equipment is proposed:
  - 25 transformers which are to be connected to each battery within the proposed BESS area;
  - Underground electrical cabling and electrical connection corridor;
  - Grid compliance equipment;
  - Switchgear housing;
  - Site security (including fencing; CCTV) / security cameras;
  - Maintenance (intermittent) lighting columns;
  - Water Tanks;
  - Landscaping and biodiversity enhancement adjoining the proposed BESS area;
  - Site preparation;
  - Provision of site access;

- Provision of site drainage; and
  - Landscaping and Biodiversity Management
- 3.5 The site of the BESS itself is located within the Metropolitan Green Belt. Access to the site is to the south from Charlton Lane off the entrance/exit to the Eco Park whilst another access point is to be created to the northwest under the M3 motorway.
- 3.6 The BESS would comprise a variety of buildings and structures set within a compound secured by 2.4m high palisade fence. The submitted plans indicate that the 50 battery container units would form 6 rows across the site with the transformers located alongside.
- 3.7 This proposal was due to be presented to the Planning Committee at the meeting on the 10<sup>th</sup> December 2024. However, the matter was deferred at the request of the applicant who requested an opportunity to address the concerns raised and in particular, to address the objection raised by the Environment Agency. The Council also note that the updated National Planning Policy Framework was due at that time and it was considered reasonable to accept the request to defer the application. The proposal has been amended to halve the size of the facility from a 200 megawatt facility to a 100 megawatt facility with associated reductions in the capacity / output and the site area and the amount of equipment and plant.
- 3.8 Copies of the proposed site layout and elevations are provided as an Appendix.

## 4 Consultations

- 4.1 The following table shows those bodies consulted and their response.

### Statutory Consultees

Consultee	Comment
County Highway Authority	No objection subject to a condition
Lead Local Flood Authority (Surrey County Council)	No objection subject to conditions
Environment Agency	No objection subject to conditions
Surrey County Council Rights of Way	No objection

### Non-Statutory Consultees

Consultee	Comment
Health and Safety Executive (HSE)	The HSE has confirmed that it is not located in an area where there are safety concerns

	and state that it is not in an area of interest to the HSE
Health and Safety Executive (Fire safety)	No objection
Surrey County Council Fire and Rescue	No objection
Sustainability Officer	No comments.
Cadent Gas	No objection
National Grid	No objection
Surrey County Council Waste and Minerals	No objection
Network Rail	No objection
Arboricultural Officer	No objection
Surrey Wildlife Trust	No objection subject to conditions
Surrey County Council Archaeology	No objection, recommended a condition
Environmental Health (Contaminated land)	No objection, recommended conditions
Environmental Health (Noise)	No objection subject to condition
Environmental Health (Air Quality)	No objections – recommended conditions including submission of an Air Quality Assessment

## 5. Public Consultation

- 5.1 The NPPF seeks to encourage pre-application engagement and front loading and advises that “early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.” The Council’s own Statement of Community Involvement states that the “Council will encourage applicants and developers to undertake pre-application consultation and discuss their proposals with their neighbours or the community before submitting their formal application.”
- 5.2 The applicant submitted a Statement of Community Involvement as submitted with the revised application. A meeting has taken place between the applicants and representatives of three Local Residents Associations, Charlton Village, Shepperton and the Lower Sunbury Residents Association (LOSRA).
- 5.3 Following receipt of the planning application, 361 properties were notified of the planning application. Statutory site and press notices were displayed, as the proposal constitutes a major application and is a departure from the



development plan. A total of 160 letters of representation have been received objecting to the application. Three letters of support were also received.

5.4 Following the submission of amended drawings the application was re-advertised and a further 40 letters of objection were received raising the same concerns and not considering that the reduction in size of the facility reduced the impacts.

5.5 Reasons for objecting include: -

- Green Belt
- Character and appearance of the area
- Health and Safety concerns
- Fire Hazard
- Contamination
- Need and justification for the facility
- Lack of local benefits
- Noise and disturbance during construction
- Too much industrialisation of this area
- Too much development on top of Eco Park
- Impact on wildlife and Biodiversity
- Residents already but up with rodents, odours
- Noise, dust, pollution dangers to human health
- Unsuitable in this location / other sites not considered
- Access safety
- Proximity to schools and houses
- Outlook, visual impacts
- Flooding and drainage concerns

5.6 Reasons for support were for the benefits of the proposal with regard to climate change.

## **6. Planning Issues**

- Green Belt
- Character and Appearance
- Climate Change
- Parking/Highway issues
- Flooding and Drainage
- Health and Safety
- Biodiversity/Landscaping and Ecology

## **7. Planning Considerations**

### Green Belt

7.1 The National Planning Policy Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 153 states that 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'.

- 7.2 At paragraph 143, the NPPF sets out the five purposes of the Green Belt. These are:
- To check the unrestricted sprawl of large built-up areas;
  - To prevent neighbouring towns from merging into one another;
  - To assist in safeguarding the countryside from encroachment;
  - To preserve the setting and special character of historic towns; and
  - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 7.3 Paragraphs 154 and 155 set out various exceptions as to what constitutes 'Inappropriate Development' and Paragraph 160 reinforces this with regard to renewable energy projects. The proposal is not a development for renewable energy production, rather its stated aim is to contribute to the transition to renewable energy by allowing the storage of energy for use at peak times or when unforeseen demand is put on the network. Renewable energy sources are highly variable due to their weather dependency and this storage facility allows the storage of electricity generated by renewable forms of energy when the weather is suitable for energy generation for times when the weather or time of day is not suitable to generate electricity.
- 7.4 The Council's Local Plan Policy GB1 was saved from the 2001 Local Plan and pre-dates the NPPF. However, the policy is broadly consistent with the NPPF and is afforded significant weight. Saved Policy GB1 does not allow for any development in the Green Belt unless it is one of a number of appropriate uses set out in the policy. This differs from the more recent NPPF, which allows exceptions to inappropriate development, where the identified harm to the Green Belt and any other harm is clearly outweighed by other considerations, which constitute 'very special circumstances'.
- 7.5 The site is located within the Green Belt and unallocated in the adopted local plan and therefore should be considered in this context. The application site is considered to be strongly performing in Green Belt terms based on the Council's Strategic Green Belt Assessment (2018). As such, it is not considered that the site may be considered as 'Grey Belt'.

#### Inappropriate development

- 7.6 The BESS would constitute 50 container units 12.27m in length; 2.44 in width and 2.94m in height, each comprising an industrial lithium-ion battery complete with a battery management system and mechanical ventilation, together with 25 transformers which are to be connected to each battery within the proposed BESS Area and various other associated equipment, structures and works as set out in paragraph 3.3 above. Consequently, the proposed development would not fall within any of the exceptions listed in paragraphs 154 NPPF.
- 7.7 Paragraph 155 of the revised NPPF (2024) relates to 'Grey Belt' and the applicant has asserted that the application site should be considered as such, and that the proposal represents 'appropriate development' as there is demonstrable unmet need for the type of development proposed. The

Council's Green Belt Assessment produced as part of the 'emerging' Local Plan states that the application site is overall 'strongly performing' in Green Belt terms. Notwithstanding this, it is noted that the assessment does mark the sub area where the application site as only being moderately performing in terms of restricting urban sprawl and preventing neighbouring towns from merging. However, the NPPF (paragraph 155) states that a development may be appropriate where it would utilise grey belt land and would **not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.** (Officer emphasis). The Green Belt assessment clearly states that 'Overall, the sub-area plays a fundamental role with respect to the wider Green Belt Local Area, and its release would harm the performance and integrity of the wider strategic Green Belt'. This is considered to demonstrate that the application site does not meet the criteria for Grey Belt land as set out in the NPPF.

- 7.8 Therefore, it is considered that the proposal would be inappropriate development in the Green Belt and is consequently harmful. Substantial weight should be given to this harm, and very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations.

#### Openness

- 7.9 Openness is an essential characteristic of the Green Belt that has both visual and spatial qualities. The site currently consists of an open area of land covered by grass and some trees and is not immediately enclosed, with limited fencing securing parts of the site and the railway line. However, the site is largely open to views from the public domain including the public footpaths which run to the south and east of the site together with vantage points along Charlton Lane where the pavement rises to go over the bridge over the M3 motorway. As such, in visual terms there will be a reduction in openness. The height of the proposed structures would make the proposal highly visible from the public footpaths, the railway line and surrounding bridges and pavements along Charlton Lane and would alter the rural appearance of the site itself and would act to draw the eye to the compound. This would result in a considerable change from an open field into an industrial style setting and would harm the openness of the Green Belt.
- 7.10 The addition of the amount of equipment as set out in paragraph 7.6 above, including the 2.4m high fence, lighting and CCTV columns and the battery units and transformers themselves which are 2.94m in height is considered to have a significant and adverse impact upon the openness of the Green Belt in spatial terms. The compound housing the battery units and transformers and the adjoining compound results in numerous utilitarian structures within the currently relatively open grassland and would introduce relatively significant additional volumetric massing in spatial terms to the openness.
- 7.11 To mitigate this, some landscaping is proposed and in view of the current appearance of the site, this landscaping would not appear out of character. It is noted that the additional landscaping as proposed in the Landscape and Visual Appraisal (LVA) to provide partially screening would take up to 10 years to effectively screen the compound, once the landscaping matures, the

proposal would have a limited visual envelope and the effect on the openness would be localised, so moderating harm to the openness.

- 7.12 Nevertheless, the proposal is considered to result in significant harm to the openness of the Green Belt and conflicts with Paragraph 13 of the national Planning Policy Framework and Policy GB1 of the 'Saved' Local Plan (2001)

#### Purposes of the Green Belt

- 7.13 The level and scale of development is such that it is considered to conflict with two essential purposes of the Green Belt outlined in the NPPF, namely a) to check the unrestricted sprawl of large built up areas and c) to assist in safeguarding the countryside from encroachment. The proposal would introduce a range of industrial plant of a purely functional appearance within a fenced compound into an area of countryside that in this part of the overall site is devoid of built form.
- 7.14 Therefore, the proposal would conflict with two of the Green Belt purposes in failing to check the unrestricted sprawl of large built-up areas and to assist in safeguarding the countryside from encroachment. This carries significant weight in regard to the impacts upon the purposes of including land within the Green Belt.

#### Character and Appearance of the Area

- 7.15 Policy EN1 a) of the Spelthorne Core Strategy and Policies Development Plan Document (2009) (CS&P DPD) states that new development should respect and make a positive contribution to the street scene and the character of the area in which they are situated.
- 7.16 Section 12 of the NPPF refers to design – Achieving well-designed places and in particular that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. It states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.17 It is recognised that the proposal is located to the north of the Surrey County Council Eco-Park development which dominates the immediate area, although it is noted that this forms part of the Surrey County Council Waste Strategy and was built on an existing refuse facility. It also provides disposal of waste and recycling facilities for a number of Boroughs within Surrey, including Elmbridge, and its form is the exception in this area which is characterised by open grassed land with some trees and shrubs and has a topography that is generally flat. The Landscape Visual Appraisal (LVA) submitted with the application does propose some additional planting that would in part screen the proposed BESS from public views and would partially mitigate the effect on the character and appearance of the area. This landscaping, with the expanse of open land continuing in the surroundings of the site, the open character would remain the dominant influence of the area. The 40 year 'temporary' period, albeit a long term permission, would allow the land to be remediated after this period.

- 7.18 Notwithstanding this mitigation, the site subject to this application is open Green Belt land covered with grass, trees and shrubs and is relatively visible from the two public footpaths that run to the east and south of the site and other parts of the public domain. As such, the proposal would result in the erosion of an open area of land and would result in moderate harm to the character and appearance of the area. that would be detrimental to the visual amenity of the area. As such, this is given moderate weight in assessing this proposal. As such, the proposal is contrary with Policy EN1a) of the CS&P DPD, which amongst other matters, seeks to ensure that developments make a positive contribution to the character and appearance of the area.

#### Climate Change

- 7.19 The Core Strategy and Policies DPD sets out at policy CC1 the approach to renewable energy, energy conservation and sustainable construction. This Policy states that the Council will seek to minimise the impact of climate change and reduce the impact of development in contributing to climate change by: a) promoting the inclusion of provision for renewable energy, energy conservation and waste management facilities in both new and existing developments, b) ensuring development is located in a way that reduces the need to travel and encourages alternatives to car use, and its design and layout takes account of climate change and c) supporting initiatives, including travel plans, to encourage non car-based travel.
- 7.20 Policy PS1 of the emerging Local Plan, 'Responding to the climate emergency', states that all development must respond to the climate emergency by a number of measures including the Council's intention to accelerate its efforts by introducing greener buildings, transportation, greener investments and increasing renewable energy and to plan for a low-carbon future in which carbon emissions and other greenhouse gases are reduced and we tackle and adapt to the new climatic norms. The Council declared a climate change emergency in October 2020. In addition, the Council worked with the Surrey boroughs and districts and Surrey County Council to produce the Surrey Greener Futures Climate Change Strategy (2020 – 2050) and Climate Change Delivery Plan 2021.
- 7.21 The Overarching National Policy Statement (NPS) for Energy (EN-1), Department for Energy Security and Net Zero, November 2023 sets out national policy for the delivery of energy infrastructure. Whilst a BESS does not produce renewable energy itself, it does store energy, including that of low carbon. The NPS recognises that electricity storage is one source which will help deliver the nation's energy objectives and will provide increased flexibility to store energy when there is excess supply and release it when needed. The NPS forecasts that by 2035, all the nation's electricity will need to come from low carbon sources, subject to security in supply.
- 7.22 The PPG on Renewable and Low Carbon Energy recognises that "electricity storage 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.

- 7.23 The National Grid is working to deliver carbon free operation with the ultimate goal of reaching net zero by 2050. Consequently, BESS play an important role in the national energy infrastructure system and this carries very substantial weight in support the proposal.

#### Highways

- 7.24 Policy CC2 states that the Council will seek to secure more sustainable travel patterns by only permitting traffic generating development where it is, or can be made compatible with the transport infrastructure in the area taking into account highway safety.
- 7.25 National Highways has not raised any objections subject to conditions and are satisfied that the proposal would not adversely impact upon the operation of the M3.
- 7.26 The County Highway Authority (CHA) has not raised any concerns or requirements. The CHA *'noted the concerns raised by residents in terms of increased traffic concerns. However, the proposed maximum number of daily trips during the development is 8 two-way trips during the initial stages of development, 4 two-way trips for the remainder of development and 2 two-way trips per month once the site is operational, it is the CHA's position that granting the application would not have a material impact on the safety and operation of the adjoining public highway. Given the above, it is the CHA's position that no objections on highway safety or capacity grounds would be raised'*. Therefore, the proposal is considered acceptable in terms of highway matters.
- 7.27 Therefore having regard to the comments from National Highways and the CHA, it is considered that the proposal would be acceptable in terms of impact on highway safety and would not conflict with Policy CC2 of the Spelthorne Core Strategy and Policies Development Plan Document (2009)

#### Flooding and drainage

- 7.28 Policy LO1 e) of the CS&P DPD states that the Council will seek to reduce flood risks and its adverse effects on people and property in Spelthorne by supporting appropriate comprehensive flood risk management measures within the Borough which are agreed with the Environment Agency.
- 7.29 The Environment Agency originally raised an objection to the proposal over concerns regarding the *Infiltration drainage of surface water mobilising contaminants within the landfill material*. However, following the submission of additional details and reports, the Environment Agency have removed their objection. Stating that *'the developer has outlined a clear and productive staged approach to ultimately devise an acceptable drainage strategy in order to protect groundwater..*

- 7.30 The Surrey County Council Sustainable Drainage Team acting as the Lead Local Flood Authority (LLFA) has not raised an objection subject to conditions. Due to the removal of the objection from the Environment Agency, the proposal is considered acceptable in regard to infiltration drainage of surface water.
- 7.31 Therefore, the proposal is considered acceptable in regard to flooding and drainage matters and complies with policy LO1 of the CS&P DPD.

The impact upon the residential amenity of adjoining properties

- 7.32 Policy EN1 b) of the Spelthorne Core Strategy and Policies Development Plan Document (CS&P DPD) states that new development should achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook.
- 7.33 The nearest residential properties to the proposed development are those in Charlton Village to the north-west (approximately 220 metres) and Upper Halliford to the south-east (approximately 260 metres). The nearest large built-up area is Sunbury-on-Thames located approximately 1km to the north-east of the site. The site is bounded by the M3 motorway to the north-west (beyond which are fields and residential properties off Charlton Road forming Charlton Village, Charlton Lane Waste Management Eco Park to the southwest (beyond which is Charlton Lane and the Sunbury Golf Course, a former landfill site), and the Shepperton to London Waterloo railway line to the south-east beyond which are residential properties in Hawthorn Way. This street forms part of Upper Halliford. There are further properties in Birch Green to the north-east.
- 7.34 In terms of noise, Policy EN11 of the CS&P DPD states that the Council will seek to minimise the adverse impact of noise by requiring developments to include measures to reduce noise to an acceptable level. The Council's Environmental Health Officer has previously raised no objection subject to the imposition of a condition requiring details of noise mitigation measures (e.g. acoustic fencing) to be submitted to and approved by the Local Planning Authority. However, any noise issues from the equipment should be considered in the wider context. There is significant background noise from the M3 motorway in particular, together with intermittent noise from the railway line, the Eco Park and flights from Heathrow Airport.
- 7.35 The proposed lighting on the site is in the form of 3m high lighting columns. These lights will only be operational for security reasons when movement is identified by sensors inside the compound, or at times when routine or emergency maintenance is being carried out. In view of existing background lighting and the limited use of lighting on site, no concerns are raised regarding light pollution. The Council's Environmental Health Officer has not objected due to the lack of detailed information on any significant lighting being used.
- 7.36 Due to the separation distances involved and the size of the structures proposed at the BESS it is not considered that there would be any adverse

impacts upon local residents in terms of any loss of light, loss of privacy or overbearing impact.

- 7.37 Therefore, the proposal is considered to comply with Policy EN1b) and EN11 of the CS&P DPD and no adverse impacts upon residential amenity to adjoining properties is considered to arise.

#### Health and Safety / Fire Hazards

- 7.38 Careful consideration has been given to concerns regarding health and safety and in particular fire concerns resulting from the use of Lithium batteries on the site. These concerns have been raised by a significant number of third party representations. Reference has been made to a documented incident of a BESS fire in the UK, when a battery system container at a BESS site in Liverpool caught fire and others elsewhere. The application has been accompanied by an Outline Safety Management Plan, which details initial appraisal of risks and also a strategy to mitigate any risks during the lifetime of the BESS.
- 7.39 It is of importance to note that neither the Health and Safety Executive, the Health and Safety Executive (Fire) or the Surrey County Council Fire and Rescue advisors have raised any objections to the proposals. It is also noted that BESS sites can be also designed with safety features, such as fire suppression systems, to ensure their safety. In this instance, after discussions with the relevant authorities, access from both the north and south has been provided for emergency vehicles in the event of a fire or other incident at the site and a number of water tanks would be provided on site.
- 7.40 With regard to fire, the site is some distance from the nearest residential properties and therefore the risk of a fire affecting neighbouring residential areas is considered minimal. Notwithstanding the incidents of fires involving Lithium batteries, there is no compelling evidence to demonstrate that this facility would be hazardous. In the unlikely event of a fire, it is considered that the facility would be readily accessible by a fire tender and there is no clear evidence, as illustrated by the lack of objections from the relevant authorities, that this facility would be especially vulnerable to the risk of fire.
- 7.41 Also, concerns have been raised that the proposed BESS could affect the health of local residents through chemicals used in the facility. However, there is also no clear evidence that such a facility would contain hazardous chemicals, likely to impact residents, or that it would result in harm to the local population or users of the adjoining public footpaths.
- 7.42 Policy EN14 states that the Council will refuse permission for any proposal likely to significantly increase the risks associated with any particular hazardous installation or impose conditions where necessary to avoid increased risk.
- 7.43 The PPG on Renewable and low carbon energy advises that “*when planning applications for the development of battery energy storage systems of 1 MWh or over, and excluding where battery energy storage systems are associated with a residential dwelling, are submitted to a local planning authority, the*



*local planning authority are encouraged to consult with their local fire and rescue service as part of the formal period of public consultation prior to deciding the planning application. This is to ensure that the fire and rescue service are given the opportunity to provide their views on the application to identify the potential mitigations which could be put in place in the event of an incident, and so these views can be taken into account when determining the application".* The PPG also refers to the guidance on BESS in the National Fire Chiefs Council for grid scale (typically 1 MW or larger) BESS in open air environments, using lithium-ion batteries. This proposal falls within this category. The guidance is very detailed and technical.

- 7.44 Surrey Fire & Rescue Service was consulted on this application and has advised that it appears to demonstrate compliance with the Fire Safety Order in respect of means of warning and escape in case of fire. The Service comments further that the premises may be inspected in due course in accordance with Surrey Fire and Rescue Service's risk-based inspection programme and the information in the Building Regulations and Fire Safety Statutory Consultation notes referred to in the response should be considered prior to the start of works. The scheme has been examined by a Fire Safety Inspecting Officer and it appears to demonstrate compliance with the Building Regulations 2010. The response make a number of notes on Building Regulations and Fire Safety Statutory Consultation, which should be considered prior to the start of works: Fire Risk Assessment, Fire Safety Information, Goodwill advice and Automatic Water and Fire Suppression Systems.
- 7.45 Given the clear advice given to the LPA by the Health and Safety Executive, the Health and Safety Executive (Fire) and the Surrey County Council Fire and Rescue, there are no planning reasons to prevent this development on fire safety grounds. Therefore, the proposal complies with Policy EN14 of the CS&P DPD.

#### Biodiversity/Ecology and Landscaping

- 7.46 Policy EN8 of the CS&P DPD states that the Council will seek to protect and improve the landscape and biodiversity of the Borough by ensuring that new development, where possible, contributes to an improvement in the landscape and biodiversity.
- 7.47 The site is not located within any specific area of ecological or biodiversity designation. The Queen Mary Reservoir which is located west of the proposed BESS facility is designated as a Site of Nature Conservation Importance (SNCI), as is an area to the northwest of the facility on the other side of the M3 - Land East Of Charlton Village (north of M3).
- 7.48 A Screening Opinion was made regarding the need for an Environmental Impact Assessment (EIA) and it was determined that an EIA is not required.
- 7.49 The applicant has submitted a Landscape and Visual Appraisal and a Landscape Strategy Plan which sets out various proposals for landscaping and planting that firstly will help to mitigate the visual impacts of the proposal upon the Green Belt and the open character of the area and secondly to

provide enhancements that it proposes will improve the biodiversity of the site and local area. This has been updated from the previous withdrawn scheme.

- 7.50 The proposal would result in the loss of a number of existing trees and shrubs together with grassland. However, the Council's Arboricultural Officer has not raised any concerns regarding the loss of any landscaping and is satisfied with the scope of the Landscaping Strategy Plan. The proposal has also increased the level of planting around the site in order to provide greater screening of the facility when viewed from the public domain.
- 7.51 The Surrey Wildlife Trust (SWT) has not raised an objection to the proposals and did not object to the previous application. It is also noted that Natural England has not objected. As stated previously, the site itself is not located within an SNCI. A screening opinion was undertaken and determined that an EIA is not required for this proposal. The 10% Biodiversity Net Gain requirement will be met by both on site methods and the provision of off site benefits which is covered by separate BNG legislation. As such, the proposal complies with policy EN8 of the CS&P DPD.

#### Air Quality

- 7.52 Policy EN3 of the CS&P DPD states that the Council will seek to improve the air quality of the Borough and minimise harm from poor air quality by requiring an air quality assessment to be submitted for developments of this type. The applicant has submitted further information in the form of an Air Quality Assessment (AQA) following initial comments from the Council's Environmental Health Officer (EHO) who, whilst not raising a specific objection did request further detail and recommended suggested conditions and informatives. The proposal therefore complies with Policy EN3 of the CS&P DPD.

#### Contaminated land

- 7.53 The applicant has submitted a contaminated land assessment in accordance with the requirements of Policy EN15 of the CS&P DPD which requires that proposals for development on land affected by contamination are accompanied by an assessment of risk from contamination. This has been reviewed by the Council's Environmental Health Officer (EHO), who recommended conditions in accordance with para. 189 of the NPPF and Council Policy EN15.

#### Archaeology

- 7.54 'Saved' Local Plan policy BE26 requires that developments of this size are accompanied by an agreed scheme of archaeological assessment. The Surrey County Council Archaeological Officer has confirmed that the submitted 'assessment has demonstrated that deposits across at least the greater proportion of the site have previously been destroyed by mineral extraction but that there remains a potential for archaeological remains to survive within the parts of the site where no quarrying is recorded and that mitigation for impact of those areas would be reasonable. This office is in agreement with these findings'. Consequently, the officer has recommended

that a condition is applied should permission be granted in order to mitigate the impacts of development.

#### Other Considerations

- 7.55 The applicant accepts that the proposal represents inappropriate development and has submitted a specific Very Special Circumstances Report (VSCR) to support the proposal and a further addendum. Of particular relevance is that 'The UK Government has committed to meeting a legally binding target of net-zero carbon emissions by 2050 and a related political target of 2035 for a net zero electricity system. Spelthorne Borough Council have subsequently declared a climate emergency'. This revised application includes an additional VSCR that provides further justification as to why this particular site is required as no suitable alternative sites are available. The assessment is set out below:
- 7.56 The applicant's VSCR specifically lists six justifications which are considered in turn:

1. The need for renewable energy generation and its role in meeting the challenge of climate change

#### Applicant's points

- 7.57 The applicant has stated that 'there is a significant and quantifiable need for the deployment of battery storage and the role it plays in supporting renewable energy generation, which is being driven by government at local and national level in the UK.' This is supported by various government publications and statements including the UK governments commitment to decarbonise the UK's electricity system by 2035 and the 'Net Zero Strategy, Build Back Greener' which sets out a vision to end the country's contribution to climate change and reverse the decline in the natural environment.
- 7.58 The applicant re-affirms that in order to meet these targets, a major investment in proven technologies is required in order to meet the economic, social and environmental dimensions of sustainable development set out in the NPPF which in itself is supported by the Government's Energy White Paper and the National Policy Statement EN-1. (NPS). The NPS states 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'.
- 7.59 In the VSCR the applicant also reiterates the benefits of battery storage in assisting the National Grid in balancing the electricity transmission network brought about by fluctuating power generation and surges and dips in consumption, confirming that the 'BESS has the capacity to hold the power and release it into the grid as and when is required'. The VSCR also notes that the BESS does not emit carbon dioxide as it does not generate electricity but only stores it for use when required. Various other appeal decisions for proposals elsewhere in the country are referred to.

#### Officer's Response

- 7.60 The Council recognises the policy support for the delivery of renewable and low carbon energy and associated infrastructure to mitigate climate change. However, the proposal is not a renewable energy project, although it would provide enhanced energy resilience in the National Grid. As such, while the energy to be stored in the proposed BESS would be generated by both renewable and non-renewable energy, it could, over time, provide greater support for renewable energy production.
- 7.61 These benefits and proposals of this type are supported by Government policy and this is given significant weight in assessing this proposal in relation to the harm to the Green Belt and any other harm. In considering the justification above, the NPPF lends general support for initiatives to support low carbon and decentralised energy networks. Paragraph 161 states that 'The planning system should support the transition to a low carbon future in a changing climate..... It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure'.
- 7.62 The updated National Planning Policy Framework (December 2024) also confirms in paragraph 163 ' The need to mitigate and adapt to climate change should also be considered in preparing and assessing planning applications, taking into account the full range of potential climate change impacts'.
- 7.63 Paragraph 168 of the NPPF states that 'When determining planning applications for renewable and low carbon development, local planning authorities should: (a) not require applicants to demonstrate the overall need for renewable or low carbon energy' and added in the updated NPPF (December 2024)' and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future';
- 7.64. In December 2024, the Government also published the Clean Power 2030 Action Plan which includes a plan to increase the current 4.5 GW of battery storage capacity in Great Britain to 23-27 GW of battery storage by 2030 to support clean power. It states that 'The government expects the majority of this increase to come from grid-scale batteries, with small-scale batteries also making a contribution'.. The UK Energy White Paper, Powering Our Net Zero Future (2020) is also relevant as it sets out and describes the costs of inaction.
- 7.65 National Planning Policy in support of these types of developments is afforded significant weight. Furthermore, as noted in paragraph 7.23 the role that this development contributes to the national energy infrastructure system in relation to climate change carries very substantial weight.

2. The requirement for the BESS in this location and the lack of alternative sites

Applicant's Points

- 7.66 The applicant has confirmed that the site was chosen due to its close proximity to the Laleham Grid Supply point which is located 2.8km away from the proposed site which is at the end of viability in terms of the efficiency in providing the overall financial viability of the proposal due to the cost of laying cables long distances.

The key criteria in selecting the site were set out as follows:

- Separation from residential areas and settlements, including sensitive uses such as schools and hospitals;
- Site area required for the Proposed Development;
- Current suitability of the Site for the Proposed Development (former Quarry Land);
- Existing visual screening provided by the M3 Motorway, Charlton Lane Waste Management and Eco Park and trees and hedgerows around the perimeter of the Site;
- Ease of access to the site for construction and HGV's (no amendments are required to the public highway to facilitate the Proposed Development; and
- Lack of environmental constraints (e.g., ecological/landscape designations, heritage assets, flood risk, etc.).

- 7.67 A search area was also identified showing the area 3km away from the Laleham GSP, the point of connection.

- 7.68 The updated VSCR provides eight other sites, six within Spelthorne; one within Hounslow and one within Runnymede Borough that were considered and discounted. All of these sites were also located in the Green Belt. As stated in paragraph 7.43 above, there is a requirement to connect to the Laleham GSP so the search area was centred on a 3km radius around this point. In this area the majority of land is within the Green Belt. Those undeveloped areas outside of the Green Belt were discounted due to their important community uses and close proximity to residential receptors.

Area 1 – Land East of Staines. This site, forming Shortwood Common and Hengrove Farm in part was discounted due to the constraints on the site, namely Common Land, archaeology, SSSI's, public footpaths and proximity to Bronzefield Prison, a School and an allotment.

Area 2 – Land at London Road. This site, including Ashford Sports Club in Short Lane was discounted due to Archaeology and proximity to residential receptors and a children's play area

Area 3 – Land at Bedfont Lakes. This site was discounted as it included a Site of Nature Conservation Importance and a Local Nature Reserve together with its close proximity to residential receptors and HMP Feltham.

Area 4 – Land north of Shepperton, either side of New Road, including Shepperton Car Boot site. This site was discounted due to close proximity to residential receptors on the southern and western boundaries and its location within Flood Zone 3.

Area 5 – Land South of B376 Shepperton Road, including agricultural land at Laleham Farm and the former Littleton Lane minerals site. This site was discounted due to its location within Flood Risk Zones and proximity to Grade II\* Laleham Abbey.

Area 6 - Land North of B376 Shepperton Road, including agricultural land at Laleham Nurseries and land west of Shepperton Studios. This site was discounted due to its location within Flood Risk Zones.

Area 7 – Land north of Laleham, including land off Worple Road and Laleham Road including Staines and Laleham Hockey Club. This site was discounted due to its location within Flood Risk Zones and residential receptors and public footpaths.

Area 8 – Land at Penton Hook (Runnymede). This site was discounted due to it being located within Thames Basin Heaths protection area and close proximity to residential caravans.

### Officer's Response

- 7.69 While acknowledging that there is need for such energy supply facilities to meet national and local need, particularly with the current uncertainty over energy supplies, only limited evidence has been provided to justify why the proposal should be located in this location. The applicant has submitted a justification as to why this site was selected and this is partly due to the proximity to the Laleham GSP which at 2.8km away is on the limit of the distance for which a proposal of this nature is viable. Alternative sites have been considered, as set out above. It is acknowledged that a suitable site in this semi-urban location is difficult to identify. However, this proposed site equally with many of the alternative options has public footpaths running across the site and is in relatively close proximity to residential receptors. Therefore, there is only limited evidence to confirm that the BESS could not be provided in a less harmful location elsewhere in the locality or wider area.

### 3. Support for the rural economy;

#### Applicant's points

- 7.70 The applicant notes that the proposal has the potential to support economic growth through the creation of jobs associated with ongoing maintenance of the BESS as well as indirect jobs associated with its construction and decommissioning. The VSCR also states that BESS sites contribute to a more reliable, affordable and sustainable energy supply in rural areas and that significant weight should be attached.

#### Officer's response

- 7.71 The applicant suggests that the proposal will provide benefits in the form of new jobs both from the operation of the BESS facility and through the construction and decommissioning. These benefits are considered to be very limited with the site being subject to only occasional maintenance when in

operation and the actual construction and commissioning is likely to involve specialist contractors which are not necessarily to be from the locality. The benefits to the local economy are therefore given only limited weight.

- 7.72 The applicant has stated that BESS sites assist the National Grid in balancing the electricity transmission network. No evidence has been provided to support the assertion that they, or this site in particular, would contribute to a more reliable, affordable and sustainable energy supply. In addition, since it relates to the national grid, the specific reference to rural areas must be irrelevant. Therefore, no weight can be afforded to this consideration.

4. Wider environmental benefits including planned biodiversity net gain

Applicant's points

- 7.73 The VSCR asserts that the existing site is considered to be of limited ecological value and the proposal will result in a number of biodiversity enhancements as set out in the Landscape Strategy Plan will result in a Biodiversity Net Gain.

Officer's response

- 7.74 The applicant has stated that the site is considered to have limited ecological value and that the proposed Landscape Strategy Plan will result in Biodiversity Net Gain (BNG). The Surrey Wildlife Trust has not objected to this application. Furthermore, whilst noting the benefits of aiding the constant supply of energy to the National Grid, the BESS is about storage rather than energy creation through renewables with no sustainable energy production forming part of the proposal. Therefore, it is considered that there is no more than a limited landscape effect if mitigation measures through the use of landscaping as set out in the Landscape Strategy Plan are taken into account and as such is given moderate weight in assessing this proposal.

5. The temporary and reversible nature of the proposal

Applicant's points

- 7.75 The applicant confirms that the development would be temporary, for a period of 40 years after which the site would be decommissioned and returned back to its current use. Therefore, the impact on the Green Belt is temporary and fully reversible avoiding any long term impacts. The applicant has presented an appeal decision on a comparable proposal and the applicant considers that moderate weight should be given to the consideration of very special circumstances.

Officer's response

- 7.76 It is proposed that the BESS would be in place for a period of 40 years. Whilst this is long term, it can nonetheless be considered a temporary period. The Planning Policy Guidance (PPG) confirms that the duration of development

and its remediability can be taken into account when considering the potential impact of development on the openness of the Green Belt. The temporary nature of the proposal is accorded moderate weight.

## 6. Community benefits

- 7.77 The applicant does not elaborate on the community benefits in the VSCR. There are considered to be limited benefits in economic terms and as the BESS will feed into the National Grid directly there is no substantive evidence that the proposals will benefit the local community rather than it supporting the national supply of power and therefore these benefits are accorded limited weight.

## Equalities Act 2010

- 7.78 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The question in every case is whether the decision maker has in substance had due regard to the relevant statutory need, to see whether the duty has been performed.

- 7.79 The Council's obligation is to have due regard to the need to achieve these goals in making its decisions. Due regard means to have such regard as is appropriate in all the circumstances.
- 7.80 The NPPF defines people with disabilities as individuals that have a physical or mental impairment, which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. This can include but is not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs. It is considered that proposal is acceptable in regard to the equalities act.

## Human Rights Act 1998

- 7.81 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.82 Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.



- 7.83 Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e. peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.
- 7.84 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, Officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

#### Financial Considerations

- 7.85 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not. In consideration of S155 of the Housing and Planning Act 2016, the proposal is not a CIL chargeable development and will not generate a CIL Payment.. The proposal will generate business rates but not generate a New Homes Bonus and Council Tax payments which are not material considerations in the determination of this proposal.

#### Conclusion

- 7.86 The proposed development represents inappropriate development within the Green Belt which, by definition, substantially harms the Green Belt. The spatial and visual effects combined would result in the significant loss of openness, whilst the proposal would result in the unrestricted sprawl of large built-up areas and the encroachment into the countryside, which also carries significant weight. The proposal would also cause moderate harm to the character and appearance of the area.
- 7.87 The applicant has submitted a Very Special Circumstances Report to justify the proposal and has highlighted national policies supporting such proposals which carry significant weight in assessing the proposal. It is considered that the contribution that the proposal would make to mitigate climate change and help regulate electricity flows within the wider supply network carry very substantial weight. Further moderate weight is given to the landscaping and biodiversity benefits of the proposal together with its temporary nature.

7.88 In conclusion, it is considered that the cumulative benefits that would arise from the proposal amount to the very special circumstances which clearly outweigh the harm to the Green Belt and any other harm and therefore the proposal is considered acceptable.

7.89 Therefore, the application is recommended for approval.

## 8. Recommendation

8.1 The options available to the Planning Committee for decision making are:

- To approve the application as set out in this report. This option is recommended. The report analyses in some detail the reasons why the application is considered to be acceptable in planning terms.
- To approve the application subject to additional /amended conditions and informatives. This option is not recommended, the conditions and informatives are set out below. The Planning Committee should be minded of paragraph 57 of the NPPF which states that :- *planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects* ([National Planning Policy Framework](#)).
- To refuse the application. This option is not recommended. The report assesses why officers consider the application to be acceptable and there are [no material planning reasons](#) to refuse the proposal.

8.2 The application is recommended for approval, subject to conditions and informatives below.

8.3 **APPROVE** subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:-.This condition is required by Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: EDG113-GC-DD-02 REV1-230713; EDG113-GA-DE-07 REV1-231220; EDG113-GA-DE-02 REV3-20240508 ; EDG113-GA-DE-03 REV1-230712; EDG113-GC-DD-03 REV1 – 230713; EDG113-GA-DE-04 REV1-230712 EDG113-GA-DE-05 REV1-231024; EDG113-GA-DE-06 REV1-231220; EDG113-GA-PP-02 REV3-20240829; EDG113-GA-SL-01 REV8-20240829 received 12.09.2024 EDG001-PL-02 REV 03 and EDG001-PL-01 REV 03 received 02.06.2025

Reason:-.For the avoidance of doubt and to ensure the development is completed as approved.

3. The permission hereby granted shall expire 40 years and 6 months from the date when electrical power is first exported from the development to the electricity grid network, excluding electricity exported during initial testing and commissioning. Written confirmation of the first export date shall be provided to the Local Planning Authority no later than one calendar month after power is first exported to the grid.

Reason:-.In the interests of the visual amenities of the locality in accordance with Policy EN1 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

4. If the development hereby permitted fails to produce electricity for supply to the grid for a continuous period of two years and there is no realistic prospect of the development becoming operational again without repairs, a scheme shall be submitted to the Local Planning Authority for its written approval within 3 months of the end of that 2 year period for the remedy, repair or removal of the development. Where repairs or replacements are required, the scheme shall include a proposed programme of remedial works. Where removal of the development is required, the scheme shall include the same details required under Condition 5 of this permission, for the decommissioning of the site. The relevant scheme shall thereafter be implemented in accordance with the approved details and timetable.

Reason:-.In the interests of the visual amenities of the locality in accordance with Policy EN1 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

5. Not later than 12 months before the expiry of this permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal of the development and the subsequent restoration of the site. The scheme shall include details of: the extent of equipment and foundation removal and the site restoration to be carried out; the management and timing of any works; a traffic management plan to address likely traffic impact issues during the decommissioning period; an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife, habitats and tree features on the site; location of material laydown areas; full details of the removal of the equipment, associated buildings and plant, any trackways and subsurface cabling and all associated works of ground restoration including trench backfilling; full details of all other works to restore the land to allow for agricultural production following the removal of structures from the site; a programme of implementation. The approved scheme shall be implemented and then proceed fully in accordance with the agreed details in accordance with the decommissioning programme.

Reason:-.In the interests of the visual amenities of the locality in accordance with Policy EN1 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

6. The development hereby permitted shall not commence until details of the final design of a surface water drainage scheme have been submitted to and approved in writing by the planning authority. The final solution should follow

the principles set out in the approved drainage strategy. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

a) Where infiltration is proposed confirmation is required of a 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level and confirmation of half-drain times.

b) Hydraulic calculations to demonstrate the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+40% allowance for climate change) storm events.

c) Construction drawings for all drainage elements including cross sections and detailed drainage layout plan.

d) An exceedance flow routing plan demonstrating no increase in surface water flood risk on or off site. The plan must include proposed levels and flow directions.

e) Details of drainage management responsibilities and maintenance regimes for all drainage elements.

f) Details of how surface water will be managed during construction including measures to protect on site and downstream systems prior to the final drainage system being operational.

Reason:-.To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site

7. Prior to the first occupation of the development, a verification report must be submitted to and approved by the Local Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), confirming any defects have been rectified. Provide the details of any management company. Provide an 'As-Built' drainage layout and state the national grid reference of key drainage elements.

Reason:-.To ensure the Drainage System is constructed to the National NonStatutory Technical Standards for SuDS

8. No development shall take place until

i) A site investigation has been carried out to fully characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until the extent and methodology of the site investigation have been agreed in writing with the Local Planning Authority.

ii) A written Method Statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to the commencement of remediation. The Method Statement shall include an implementation

timetable and monitoring proposals, and a remediation verification methodology.

The site shall be remediated in accordance with the approved Method Statement, with no deviation from the statement without the express written agreement of the Local Planning Authority.

Reason:- To protect the amenities of nearby residents and the environment from the effects of potentially harmful substances. NOTE The requirements of the above Condition must be carried out in accordance with current best practice. The applicant is therefore advised to contact Spelthorne's Pollution Control team on 01784 446251 for further advice and information before any work commences. In accordance with policies SP6 and EN15 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

9. Details of a scheme of both soft and hard landscaping works shall be submitted to and approved by the Local Planning Authority prior to the installation of the battery storage units hereby approved. The approved scheme of tree and shrub planting shall be carried out prior to first occupation of the operation of the battery energy storage development. The planting so provided shall be maintained as approved for a minimum period of 5 years, such maintenance to include the replacement in the current or next planting season, whichever is the sooner, of any trees or shrubs that may die, are removed or become seriously damaged or diseased, with others of similar size and species, unless the Local Planning Authority gives written permission to any variation.

Reason:- (a) To minimise the loss of visual amenity occasioned by the development and to enhance the proposed development. In accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

10. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, to be conducted in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority.

Reason:- The site lies in an area of archaeological potential. The potential impacts of the development can be mitigated through a programme of archaeological work. This is in accordance with national and local plan policy.

11. The development hereby approved shall not be utilised unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning areas shall be retained and maintained for their designated purposes.

Reason:- In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to meet the objectives of the NPPF (2024) and to satisfy policies CC2 and CC3 of Spelthorne Borough

12. Prior to the installation of any external lighting details including type, size, location, intensity, direction and timing of illumination of the proposed external lighting shall have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall thereafter at all times be maintained and operated in strict accordance with the approved details.

Reason:-.To safeguard the amenity of neighbouring residential properties and in the interest of Biodiversity in accordance with Policies EN1 and EN8 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

13. Before use of the development commences, a noise-mitigation scheme shall be submitted in writing and approved in writing by the local planning authority detailing measures that will be implemented to ensure that the rated level of sound from the plant (operating at capacity) hereby approved shall be at least 10 dB(A) below the background noise level at the nearest/any sound-sensitive premises. All measurements shall be made in accordance with the methodology of BS 4142 (2014 + A1:2019) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Reason:-.To safeguard the privacy of the adjoining properties in accordance with policies EN1 and EN11 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

14. Prior to the commencement of development, a scheme for fire containment and suppression measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the commencement of the use of the development and maintained at all times thereafter.

Reason:-.To safeguard the privacy of the adjoining properties in accordance with policy EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

15. Any development should be carried out in accordance with the method of working outlined in section 6.2.10 to 6.2.13 of the updated Ecological Appraisal report (October 2024)..

Reason:-.To safeguard the Biodiversity of the area in accordance with Policy EN8 of Spelthorne Borough Council's Core Strategy and Policies Development Plan Document February 2009.

16. Prior to the occupation of the development, details of a scheme of the means of enclosure shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use is first implemented. Development shall be carried out in accordance with the approved details and maintained as approved.

Reason:-.To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and the appearance of the locality in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

17. No development shall commence until a Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide details of any site preparatory works and construction activities demonstrating that (a) any waste generated by construction, demolition and excavation activities is limited to the minimum quantity necessary; (b) opportunities for re-use and recycling of construction, demolition and excavation waste on the application site are maximised; and (c) sufficient on-site facilities to manage waste (storage, reuse and recycling) arising during the operation of the development of an appropriate type and scale will be provided and maintained for the duration of the development.

Reason:-.To comply with Policy 4 of the Surrey Waste Local Plan 2020.

18. Prior to the commencement of any excavation works and landscaping works, geotechnical submissions, in accordance with Design Manual for Roads and Bridges (DMRB) standard CD622 shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways).

Reason:- To mitigate the risk to the geotechnical assets and ensure the stability of the M3 embankments adjacent to the permitted development and to protect the integrity of the Trunk Road geotechnical asset in accordance with DfT Circular 01/2022: The Strategic Road Network and The Delivery of Sustainable Development.

19. Prior to the commencement of development, details of the pipeline crossing and depths in relation to the existing ditch and ground profiles shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways).

Reason:- In the interest of the safe and efficient operation of the Strategic Road Network, and to protect the integrity of the Trunk Road drainage asset in accordance with DfT Circular 01/2022: The Strategic Road Network and The Delivery of Sustainable Development

20. Prior to the commencement of directional drilling under the M3;

- details and plans of how the process will be implemented and monitored shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways).

- Details of ground movement monitoring, CCTV defect surveys and investigation of the pipework shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways).

Reason: In the interest of the safe and efficient operation of the Strategic Road Network, and to protect the integrity of the Trunk Road assets in

accordance with DfT Circular 01/2022: The Strategic Road Network and The Delivery of Sustainable Development.

21. Prior to the commencement of development, an Air Quality Assessment (AQA), prepared in accordance with best practice guidance shall be submitted to and approved in writing by the local planning authority.

Reason: To manage and prevent further deterioration of existing quality air across the borough in accordance with NPPF.

22. Prior to the commencement of the development, a, a Dust Management Plan (DMP), based on an AQDRA (Air Quality and Dust Risk Assessment), and a detailed method statement shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following the following:

- a) As relevant to the development, a drawing showing details of (1) site entrance(s) & exit(s); (2) details of site hoarding, (3) details of wheel washing methods (a dedicated system with rumble grids and the waster suppressors) (4) hardstanding locations (5) water point and (6) all the receptors and environmental monitoring points (as relevant to the development).
- b) Details of consultation and complaint management with local businesses and neighbours as well as a detailed and acceptable communication plan
- c) mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light, and odour and an Outline air quality Safety Management Plan

All works shall be carried out in accordance with the approved statement thereafter.

Reason: To protect neighbouring residential occupiers from potential adverse environmental impacts associated with the construction of this development, and to ensure that the development is undertaken to minimise any such adverse impacts

23. Before the development is commence:- Details of ventilation system adopted for the development shall be submitted for the approval of the Local Planning Authority. The submission should include the location of the air intakes and the complete specification and maintenance regime for the equipment, which must be established and in place before the development commence. The equipment shall thereafter be retained and maintained in accordance with the approved details.”

Reason: To manage and prevent deterioration of indoor air quality and reduce carbon dioxide emissions while maintaining climate control.

#### INFORMATIVES TO APPLICANT

1 Access by the Fire Brigade Notice of the provisions of Section 20 of the Surrey County Council Act 1985 is hereby endorsed on this planning permission. Copies of the Section may be obtained from the Council Offices



or from County Hall. Section 20 of this Act requires that when a building is erected or extended, proper provision must be made for the Fire Brigade to have means of access to the building or to any neighbouring buildings. There are also requirements relating to access and facilities for the fire service contained in Part B of the Building Regulations 2000 (as amended).

## 2. BIODIVERSITY NET GAIN - PRE-COMMENCEMENT REQUIREMENT

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission, would be Spelthorne Borough Council. There are statutory exemptions which mean that the biodiversity gain condition does not always apply and these are set out in The Biodiversity Gain Requirements Exemptions Regulations 2024.

This permission will require the approval of a Biodiversity Gain Plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply

3. You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking:

- a) Work that is audible beyond the site boundary should only be carried out between 08:00hrs to 18:00hrs Monday to Friday, 08:00hrs to 13:00hrs Saturday and not at all on Sundays or any Public and/or Bank Holidays;
- b) The quietest available items of plant and machinery should be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels;
- c) Deliveries should only be received within the hours detailed in (a) above;
- d) Adequate steps should be taken to prevent dust-causing nuisance beyond the site boundary. Such uses include the use of hoses to damp down stockpiles of materials, which are likely to generate airborne dust, to damp down during stone/slab cutting; and the use of bowsers and wheel washes;
- e) There should be no burning on site;
- f) Only minimal security lighting should be used outside the hours stated above; and
- g) Building materials and machinery should not be stored on the highway and contractors' vehicles should be parked with care so as not to cause an obstruction or block visibility on the highway. Further details of these noise and pollution measures can be obtained from the Council's Environmental Health Services Unit. In order to meet these requirements and to promote good neighbourliness, the Council recommends that this site is registered with

the Considerate Constructors Scheme ([www.ccscheme.org.uk/index.php/site-registration](http://www.ccscheme.org.uk/index.php/site-registration)).

4. The applicant is advised that the design of the development should give sufficient consideration and incorporates appropriate mitigation to prevent unacceptable amenity impacts to sensitive receptors and/or occupiers from existing and future mineral workings and waste management facilities in the vicinity as per the 'agent of change principle' set out in the National Planning Policy Framework 2024

5. This development involves work to the public highway (strategic road network) that can only be undertaken within the scope of a legal Agreement between the applicant and National Highways (as the strategic highway company appointed by the Secretary of State for Transport). Planning permission itself does not permit these works. It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained (and at no cost to National Highways). Works to the public highway will normally require an agreement, under Section 278 of the Highways Act, with National Highways. Any new access to the SRN (completely new or materially altered) also requires specific consent from National Highways under S175B of the Highways Act 1980. Advice on this matter can be obtained from the Spatial Planning Team, National Highways, Bridge House, Walnut Tree Close, Guildford, Surrey, GU1 4LZ. Email [PlanningSE@nationalhighways.co.uk](mailto:PlanningSE@nationalhighways.co.uk) Tel 0300 123 5000

6. Thermal runaway can lead to fire, explosion and release of toxic gases or water run-off. Therefore, the design must comply with Health and safety in grid scale electrical energy storage systems guidance

7. The leakage of emerging materials used in battery manufacture is still not thoroughly studied, and the elucidation of pollutive effects in environmental elements such as soil, groundwater, and atmosphere are an ongoing topic of interest for research. All issues related to Health and safety, Radiation and traffic must be addressed prior to implementation. The developer should be made aware that improper or careless processing and disposal of spent batteries leads to contamination of the soil, water and air.