

# Planning Committee

10 December 2024



<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 200 megawatts electrical output with a total capacity of up to 400 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: Within target
<b>Executive Summary</b>	<p>The proposed development comprises the construction of and operation of a Battery Energy Storage System ('BESS') of up to 200 Megawatts (MW) electrical output with a total capacity of up to 400 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 96 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 48 transformers which are to be connected to each battery within the proposed BESS area. In addition, grid compliance equipment; switchgear housing; site security (including fencing; CCTV/security cameras;</p>		

	<p>maintenance (intermittent) lighting columns; and landscaping and biodiversity enhancement adjoining the proposed BESS area.</p> <p>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.</p> <p>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.</p> <p>The proposal is also considered to result in harm to the character and appearance of this rural undeveloped area of land which is clearly visible from a number of vantage points in the public domain including public footpaths.</p> <p>There is an existing objection raised by the Environment Agency regarding flooding and drainage matters.</p> <p>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 harmful landscaping or biodiversity concerns.</p> <p>It is concluded that the harm to the Green Belt, the harm to the character and appearance of this rural area and harm to flood risks, are such that they outweigh the environmental benefits of the proposal.</p>
<p><b>Recommended Decision</b></p>	<p>The application is recommended for refusal for the reasons set out in paragraph 8.</p>

## 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 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
- 1.4 The National Planning Policy Framework (NPPF) December 2023 is also relevant. The Government also published a draft revised NPPF in July 2024, which has not currently been adopted.

- 1.5 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.
- 1.6 The PPG Renewable and low carbon energy, 2023 provides renewable and low carbon energy guidance and identifies the planning considerations.
- 1.7 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.
- 1.8 An Examination into the emerging Local Plan commenced on 23 May 2023. However, on 6 June 2023, the Council resolved to request that the Planning Inspector pause the Examination for a period of three (3) months to allow time for the new council to understand and review the policies and implications of the emerging Local Plan. After the three months pause the Council would decide what actions may be necessary before the Local Plan Examination should proceed.
- 1.9 At the meeting of the Council on 19 July 2023, it was agreed that Catriona Riddell & Associates be appointed to provide ‘critical friend’ support to inform the options for taking the Local Plan process forward.
- 1.10 On 14 September 2023, the Council considered a report following the deferral in June. The report listed three options; to continue with the local plan to include further work (especially on design codes), to request a further pause, or to withdraw the local plan. On the day of the meeting, a letter was received from the Housing Minister stating that the Housing Secretary was directing the Council “not to take any step to withdraw the plan from examination...” The Council resolved to extend the pause in the Examination timetable until the proposed changes to the NPPF had been published before determining the next steps.
- 1.11 On 22 September 2023, the Inspector agreed to a further pause to the Examination and requested that the Council continue to address the issues that he 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.
- 1.12 On 10 November 2023, the Environment Agency (EA) provided comments on Spelthorne’s Level 1 and Level 2 Strategic Flood Risk Assessment (SFRA) seeking additional information, amendments and updates to the assessment.
- 1.13 Following the Environment & Sustainability Committee meeting on 29 February 2024, it was resolved to propose, to the Planning Inspector, modifications to the emerging Local Plan, including the removal of all Green Belt site allocations, with the exception of two allocations that meet the need for Gypsy, Traveller and Travelling Showpeople, the removal of site allocations at high risk of flooding and to move some higher flood risk sites to

the later plan period (years 11-15), and the withdrawal the Staines Development Framework as a core document.

1.14 On 19 March 2024 the Council published updated Level 1 and Level 2 SFRA. On 2 May 2024 the EA provided comments, including a request for additional clarification which was provided on 17 May 2024

1.15 On 18 July 2024, Council considered a report into the resumption of the Local Plan Inquiry which had previously been agreed by the Corporate Policy and Resources Committee on 8 July 2024. The report set out the recent response from the Environment Agency, and the options for deciding whether or not Council agreed a request for further Main Modifications to the Local Plan in order to resume the Examination hearings and progress the Plan to adoption. Council agreed the option to progress the local plan and officers have now requested this from the Inspector.

1.16 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).

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.

1.17 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.

1.18 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 Ivydene 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 first aid facility. Creation of 2 no. all weather riding areas and a car park.	Refused 14.04.2005

## 3. Description of Current Proposal

- 3.1 The site covers an area of approximately 5.86 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 up to 200 Megawatts (MW) 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 96 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:
- 48 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 96 battery container units would form 9 rows across the site with the transformers located alongside.
- 3.7 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.

<b>Consultee</b>	<b>Comment</b>
County Highway Authority	No highway requirements.
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.
Lead Local Flood Authority (Surrey County Council)	No objection subject to conditions
Environment Agency	Raised an objection as the development involves the use of infiltration drainage of surface water which poses an unacceptable risk of pollution to groundwater.
Cadent Gas	No objection
National Grid	No objection
Surrey County Council Archaeology	No objection, recommended a condition
Environmental Health (Contaminated land)	No objection, recommended conditions
Environmental Health (Air Quality)	No objections – recommended conditions including submission of an Air Quality Assessment
Environmental Health (Noise)	Requested Additional details regarding noise levels likely to be generated
Surrey County Council Rights of Way	No objection
Surrey County Council Waste and Minerals	No objection
Network Rail	No objection



Arboricultural Officer	No objection
Surrey Wildlife Trust	No response to date

## 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 with the previous proposal that was withdrawn, although not with this current 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 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
- 5.5 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 152 The National Planning Policy Framework 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 156 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 presently 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).

#### Inappropriate development

- 7.6 The BESS would constitute 96 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 48 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 and 155 of the NPPF. 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

- 7.7 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 significant loss of 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. 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.
- 7.8 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 is approximately 8,700sqm while the adjoining compound is approximately 3,200sqm. The overall footprint of the containers housing the batteries is 1,438sqm. It is not considered that some additional landscaping as proposed in the Landscape and Visual Appraisal (LVA) to provide partially screening would overcome the impacts of this particular proposal upon the openness of the green belt.

#### Purposes of the Green Belt

- 7.9 The level and scale of development is such that it is considered to conflict with two of the Green Belt purposes 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. As such, the proposal is in conflict with these two purposes of including land within the Green Belt. The proposal, by developing this area of open land between residential properties to the west and the Eco-Park and those residential properties to the east beyond the railway is considered to result in conflict with purpose a) which seeks to restrict the sprawl of built up areas. Furthermore, the proposal is considered to result in encroachment into the Countryside by developing this open area of land,
- 7.10 Therefore, the proposal, being inappropriate development within the Green Belt would, by definition, harm the Green Belt. The spatial and visual effects combined would result in the loss of openness, whilst 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.

#### Character and Appearance of the Area

- 7.11 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.
- 7.12 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.
- 7.13 It is recognised that the proposal is located to the north of the Surrey County Council Eco-Park development which dominates the immediate area. However, 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. However, landscape screening requires a significant amount of time and even a 40 year ‘temporary’ period is relatively short for landscape to mature. In addition, the site is of a size and location that currently has an open countryside character that would be replaced by regimented rows of industrial style structures that even if screened in part by hedgerows and planting, would erode the rural character of the site.

- 7.14 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. The location of these public footpaths demonstrates the rural feel of the area by providing walks and footpaths for residents to enjoy the open Green Belt land. The site itself would also be visible from pedestrians walking along Charlton Lane and from the railway line to the east as passengers enter and leave Shepperton by rail. As such, the proposal would result in the loss of an open area of land that would be detrimental to the visual amenity of the area and would not make a positive contribution to the character and appearance of the area. This is given substantial weight in assessing this proposal. As such, the proposal is contrary with Policy EN1a) of the CS&P DPD.

### Climate Change

- 7.15 The local plan 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.
- 7.16 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.
- 7.17 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.
- 7.18 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:

- 7.19 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 substantial weight in support the proposal.

#### Highways

- 7.20 National Highways has not raised any objections subject to conditions. They commented that the Applicant has submitted a scope of works to comply to the required standards to safely install the crossing under the M3 motorway.
- 7.21 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.

#### Flooding and drainage

- 7.22 The Environment Agency has raised an objection to the proposal. This is on the grounds that '*The site is underlain by a historic landfill, the contents of which have not been fully understood. Infiltration drainage of surface water via shallow soakaways could mobilise contaminants within the landfill material, aiding migration towards the underlying Kempton Park Gravel Member, a principal aquifer. Given this we do not have confidence that groundwater quality beneath the site will not deteriorate as a result of this development. This objection is supported by paragraphs 180, 189 and 190 of the National Planning Policy Framework (NPPF)*'. The Environment Agency did not raise any objections to the previous scheme that was withdrawn. However, when asked for clarification, they responded that '*Our previous stance was to take a more lenient approach with the hope a final drainage scheme (without the use of infiltration) would be agreed via a pre commencement condition. The FRA within this application has now been amended twice and the use of infiltration drainage is still being proposed. If a different, more acceptable, drainage scheme was in place we would be willing to include that as a pre-commencement condition. However, the current proposal is for infiltration drainage, therefore we have nothing to condition as we do not agree with the scheme proposed. We would like to see an acceptable drainage scheme in place before any approval of planning permission to ensure an acceptable scheme will be implemented correctly*'.

- 7.23 The Surrey County Council Sustainable Drainage Team acting as the Lead Local Flood Authority (LLFA) has not raised an objection but has recommended conditions. Due to the objection from the Environment Agency, refusal is recommended in terms of potential flooding concerns in relation to infiltration drainage of surface water.

The impact upon the residential amenity of adjoining properties

- 7.24 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.
- 7.25 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.
- 7.26 In terms of noise, 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.
- 7.27 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.
- 7.28 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.

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

#### Health and Safety / Fire Hazards

- 7.30 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.
- 7.31 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.
- 7.32 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.
- 7.33 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.
- 7.34 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.
- 7.35 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.

- 7.36 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.
- 7.37 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.

#### Biodiversity/Ecology and Landscaping

- 7.38 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).
- 7.39 A Screening Opinion was made regarding the need for an Environmental Impact Assessment (EIA) and it was determined that an EIA is not required.
- 7.40 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.
- 7.41 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.

- 7.42 No response has been received from the Surrey Wildlife Trust (SWT) at the time of writing this report, although it 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 SSCI. A screening opinion was undertaken and determined that an EIA is not required for this proposal. Any updates will be reported to the Committee.

#### Air Quality

- 7.43 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.

#### Contaminated land

- 7.44 The applicant has submitted a contaminated land assessment. 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

- 7.45 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

- 7.46 The applicant accepts that the proposal represents inappropriate development and has submitted a specific Very Special Circumstances Report (VSCR) to support the proposal. 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:
- 7.47 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

- 7.48 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.
- 7.49 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'.
- 7.50 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

- 7.51 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.
- 7.52 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 152 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’.

- 7.53 Paragraph 163 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 recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and (b) approve the application if its impacts are (or can be made) acceptable. The UK Energy White Paper, Powering Our Net Zero Future (2020) is also relevant as it sets out and describes the costs of inaction. Therefore, these issues are accorded substantial weight.

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

Applicant’s Points

- 7.54 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.).

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

- 7.56 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 Nouth 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

- 7.57 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, insufficient 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, notwithstanding flood risks, which have now been identified as a concern by the Environment Agency, 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, the evidence is not sufficient 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

- 7.58 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

- 7.59 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.
- 7.60 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

- 7.61 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

- 7.62 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 responded to this application. However, for the previous application they did request additional information to be submitted. 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 limited weight in assessing this proposal.

## 5. The temporary and reversible nature of the proposal

### Applicant's points

- 7.63 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

- 7.64 It is proposed that the BESS would be in place for a period of 40 years, 14 years beyond the net-zero carbon emissions of 2050 and 29 years beyond the related political target of 2035 for a net zero electricity system, and then would be decommissioned and the land returned to its former condition. In the context of the level of harm identified, the adverse effects would be experienced over a significant period of time and the suggested temporary nature for a considerable period of 40 years is not considered to mitigate the harmful impacts upon the Green Belt. This therefore is accorded very limited weight.

## 6. Community benefits

- 7.65 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

- 7.66 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.

- 7.67 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.
- 7.68 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 it would be possible for individuals with disabilities to access the development and the proposal is acceptable in regard to the equalities act.

#### Human Rights Act 1998

- 7.69 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.70 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.
- 7.71 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.
- 7.72 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

- 7.73 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. This is a material consideration in the determination of this planning application. 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

- 7.74 The proposed development represents inappropriate development within the Green Belt would, by definition, substantially harm the Green Belt. The spatial and visual effects combined would result in the substantial loss of openness, whilst the proposal would result in the encroachment into the countryside. The applicant has submitted Very Special Circumstances Report to justify the proposal and has highlighted national policies supporting such proposals which carry some weight in assessing the proposal. It is considered that the harm to the Green Belt, the loss of openness and other harm to the character and appearance of the area by eroding the open countryside appearance of the area when viewed from the public domain by the introduction of an industrial form of development are not clearly outweighed by other considerations in supporting the transition to renewable forms of energy generation.
- 7.75 As stated in the paragraphs above, there are merits to the proposal. BESS play an important role in the national energy infrastructure system and this carries substantial weight in support the proposal. Furthermore, the Council has afforded limited weight to the temporary nature of the development and the community and environmental / biodiversity benefits of the proposal. However, the Council consider that substantial weight should be given to the proposal representing inappropriate development within the Green Belt; substantial weight to the loss of openness and substantial weight to the harmful impacts upon the character and appearance of the area. Weight should also be given to the potential impacts raised by the Environment Agency with regard to flooding.
- 7.76 When balancing the weight given to any benefits from the proposal, it is considered that these benefits are far outweighed by the identified harm and therefore the proposal is unacceptable.
- 7.77 Therefore, it is considered that the proposed development is unacceptable in this location and that 'very special circumstances' do not exist that would justify the proposal. The NPPF states that 'local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'.
- 7.78 Therefore, the application is recommended for refusal.

## **8. Recommendation**

8.1 REFUSE for the following reasons:

1. The proposal is considered to represent inappropriate development within the Green Belt for which no very special circumstances have been demonstrated. It would also result in a substantial loss of openness within the Green Belt and conflict with the purposes of the Green Belt. Therefore, it is contrary to Section 13 of the National Planning Policy Framework (2023) and 'Saved' Policy GB1 of the Spelthorne Borough Local Plan (2001).
2. The proposed development, by virtue of its location in an open area of land, would result in significant harm to the character and appearance of this rural area, contrary to the National Planning Policy Framework (2023) and Policy EN1 of the Spelthorne Core Strategy and Policies Development Plan Document (2009).
3. Insufficient evidence has been submitted to demonstrate that the proposed development will not result in any flooding risks by virtue of the proposed drainage of surface water which poses an unacceptable risk of pollution to groundwater. It is therefore contrary to the National Planning Policy Framework and Policy LO1 of the Spelthorne Core Strategy and Policies DPD (2009).

8.2 The Committee are requested to agree to the removal of reason for refusal three were the Environment Agency to agree to any amended proposal and withdraw their objection.

8.3 With regard to reason for refusal three above, the Committee is also requested to agree to:

Delegate to the Planning Development Manager, in consultation with the Chair of the Planning Committee, authority to not defend reason for refusal no. 3 above in any appeal, in the event that the objection from the Environment Agency is subsequently satisfactorily addressed and overcome.