

## Report of the Head of Planning, Transportation and Regeneration

**Address** BUCKINGHAMSHIRE COUNTY COUNCIL OUTBOROUGH MIDDLESEX

**Development:** Out of borough consultation for Buckinghamshire County Council: Construction and operation of a 57MW battery storage facility, landscaping, fencing, and extension and widening of internal site access track.

**LBH Ref Nos:** 39707/APP/2021/3769

**Drawing Nos:**

**Date Plans Received:** 01/10/2021                      **Date(s) of Amendment(s):**

**Date Application Valid:** 01/10/2021

### 1. SUMMARY

Buckinghamshire Council have requested the London Borough of Hillingdon's comments on an application which seeks Planning Permission for the construction and operation of a 57MW battery storage facility, landscaping, fencing, and extension and widening of internal site access track.

Notably, the site covers a large area of Metropolitan Green Belt and is currently undeveloped. It is considered that this area of Green Belt performs well when viewed against the purposes of Green Belt. The Green Belt as a whole is critical in assisting in urban regeneration, by encouraging the recycling of derelict and other urban land.

The National Planning Policy Framework (NPPF) (2021) outlines that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt and 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.

The site would have a clear spatial impact, introducing a large battery facility into the Green Belt with a significant amount of ancillary equipment. Noting that the site is currently vacant, it is also anticipated that there would be an increase in activity generated from the development within the Green Belt. All of this harm to the openness would be permanent.

The proposed development would not meet any of the exceptions outlined within either Paragraph 149 or 150 of the NPPF (2021). The applicant has sought to identify the very special circumstances that would be needed to outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal.

The very special circumstances cited are the benefits of a new battery storage facility and proposed biodiversity enhancements. In relation to the battery storage facility, it is also not clear what site selection process has been undertaken for finding appropriate land near to the Iver Substation. There is a concern that the site selection process that has been undertaken has been overly focused on land within National Grid's ownership, at the expense of the Green Belt. It is therefore not evident that the benefits from the new battery storage facility could not be attained through a more preferable site.

The harm to the openness of the Green Belt is given substantial weight and is not considered to be outweighed by the very special circumstances presented under the application submission. As such, it is considered that very special circumstances do not exist.

Further, it is considered that the proposed development, by reason of its siting, size, scale and design, would be detrimental to the open, greenfield and Green Belt character, appearance and visual amenities of the area, as observed within mid-range views.

For the reasons outlined within the main body of the report, Hillingdon Council raise an objection to the proposed development.

## **2. RECOMMENDATION**

### **1 NON2 Objection - Green Belt**

The proposed development would constitute inappropriate development within designated Green Belt land and very special circumstances do not exist to outweigh the harm to the Green Belt by reason of inappropriateness. As such, the proposed development conflicts with Paragraphs 147 to 151 of the National Planning Policy Framework (2021).

### **2 NON2 Objection - Design**

The proposed development, by reason of its siting, size, scale and design, would be detrimental to the open, greenfield and Green Belt character, appearance and visual amenities of the area, as observed within mid-range views. As such, the proposed development conflicts with Paragraphs 126 to 136 of the National Planning Policy Framework (2021).

## **3. CONSIDERATIONS**

### **3.1 Site and Locality**

The application site comprises the Woodlands Park Landfill Site situated on land to the south of Slough Road predominately arranged to the east of the M25 between junction 16 (M40) to the north and junction 15 (M4) to the south. The site measures approximately 52.4 hectares and is located within the Buckinghamshire Council administrative area only but immediately adjoins the western Hillingdon Council boundary.

The application site is demarcated to the west by the M25 and to the east by the River Colne and comprises an area formerly worked for gravel and subsequently used for landfill in the mid to late 20th Century. To the south of the landfill are a number of fields either side of Palmer's Moor Lane, extending as far as the rear of properties on the B470 Iver Lane. The northern site boundary is defined by a fence-line across the landfill surface, with an access track connecting up to the A4007 Slough Road.

Within Hillingdon Council's administrative area, the site adjoins the West London Industrial Park (a Strategic Industrial Location), and the River Colne which is a designated Conservation Site of Metropolitan or Borough Grade I Importance. The adjoining land also forms part of designated Green Belt land and the Colne Valley Archaeological Priority Zone

### **3.2 Proposed Scheme**

This out of borough consultation for Buckinghamshire County Council relates to an

application which seeks permission for the construction and operation of a 57MW battery storage facility, landscaping, fencing, and extension and widening of internal site access track.

### **3.3 Relevant Planning History**

#### **Comment on Relevant Planning History**

None.

### **4. Planning Policies and Standards**

The National Planning Policy Framework (NPPF) (2021) is a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

#### **UDP / LDF Designation and London Plan**

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

Part 2 Policies:

NPPF13	NPPF 2021 - Protecting Green Belt Land
NPPF15	NPPF 2021 - Conserving and enhancing the natural environment
NPPF3	NPPF 2021 - Plan Making
NPPF4	NPPF 2021 - Decision-Making

### **5. Advertisement and Site Notice**

**5.1** Advertisement Expiry Date:- Not applicable

**5.2** Site Notice Expiry Date:- Not applicable

### **6. Consultations**

#### **External Consultees**

None.

#### **Internal Consultees**

PLANNING POLICY OFFICER:

The Council's Planning Policy Officer comments relate to Green Belt matters and are outlined within the main body of the report.

FLOOD AND WATER MANAGEMENT OFFICER:

Buckinghamshire LLFA to comment on Flood Risk.

### **7. MAIN PLANNING ISSUES**

#### **7.01 The principle of the development**

The principle of the proposed development is a matter for Buckinghamshire Council to consider. Consideration of Green Belt matters is outlined within the main body of the report below.

#### **7.02 Density of the proposed development**

Not applicable to the consideration of this out of borough consultation.

### **7.03 Impact on archaeology/CAs/LBs or Areas of Special Character**

Not applicable to the consideration of this out of borough consultation.

### **7.04 Airport safeguarding**

Not applicable to the consideration of this out of borough consultation.

### **7.05 Impact on the green belt**

The proposal is located within the Green Belt. The site boundary covers a large area of Metropolitan Green Belt and is currently undeveloped. It is considered that this area of Green Belt performs well when viewed against the purposes of Green Belt, particularly in terms of preventing unrestricted sprawl and the merger of Uxbridge/Cowley with northern parts of Iver.

The National Planning Policy Framework (NPPF) (2021) outlines that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt and 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.

The proposed development would not meet any of the exceptions outlined within either Paragraph 149 or 150. The applicant has sought to identify the very special circumstances that would be needed to outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal (including that identified by other consultees).

The National Planning Practice Guidance (NPPG) outlines what factors should be taken into account when considering the potential impact of development on the openness of the Green Belt. The site would have a clear spatial impact, introducing a large battery facility into the Green Belt with a significant amount of ancillary equipment. It is difficult to establish whether there would be a significant visual aspect when viewed from the London Borough of Hillingdon. It is anticipated that the site would be most publicly viewed from the footpath adjacent to the river, which forms Section 11 of the London Loop. The photo from Viewpoint 1 indicates that the new development may not be visible from this point, however it would be beneficial if further photos were taken from alternative locations along this part of the river. It would also be useful to have indicative drawings of the proposed development overlaying the photos and included within the Visual Impact Assessment. Noting that the site is currently vacant, it is also anticipated that there would be an increase in activity generated from the development within the Green Belt. All of this harm to the openness would be permanent.

The very special circumstances cited are the benefits of a new battery storage facility and proposed biodiversity enhancements. Comments on the benefits of the latter should be taken from Buckinghamshire Council's Ecology Officer. In relation to the battery storage facility, the statement outlines how a filtering process for existing substations was undertaken, to narrow these down from 346 to 40 substations which could have a new battery storage facility connected to it. One of these substations was that at Iver. The Planning Statement includes a description of how the sieving process was undertaken, however there is no actual commentary as to how the Iver site performs against these criteria. Indeed, it is not clear how the site has passed through the sieving process, noting that land within/surrounded by nationally significant designations were meant to be excluded. The adjacent land to the substation is predominantly Green Belt, to which the Government explicitly attaches great importance. Paragraph 6.2.6 of the Planning

Statement also outlines that 'vacant land within the vicinity of Iver Substations that is undeveloped/previously developed is difficult to find'. This would indicate that other substations should have been looked at instead.

Notwithstanding the above, it is also not clear what site selection process has been undertaken for finding appropriate land near to the Iver Substation once it was chosen. The Planning and Design & Access Statement indicates that there should be a sequential test at Appendix A, but this appears to be missing. It is indicated that a search area of 1km from Iver Substation has been used, however it is not clear why this measurement has been chosen and it would appear arbitrary. Even within this 1km buffer, there are a number of vacant brownfield sites within both of the identified Strategic Industrial Locations (SILs) that do not appear to have been investigated. These areas have been safeguarded for a number of particular uses, including utilities infrastructure and are publicly visible from a quick internet search. There is a concern that the site selection process that has been undertaken has been overly focused on land within National Grid's ownership, at the expense of affording sufficient weight to the Green Belt. It is therefore not evident that the benefits from the new battery storage facility could not be attained through a more preferable site.

#### **7.07 Impact on the character & appearance of the area**

The proposed development comprises a 57MW battery storage facility, landscaping, fencing, and extension and widening of internal site access track.

Paragraphs 126 to 136 of the National Planning Policy Framework (2021) makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. This National Design Guide (2021), and the National Model Design Code (2021) illustrate how well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 40 of the National Design Guide (2021) states that well-designed places are:

- based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
- integrated into their surroundings so they relate well to them;
- influenced by and influence their context positively; and
- responsive to local history, culture and heritage.

The application site adjoins the western boundary of the London Borough of Hillingdon's administrative area. The site forms part of designated Green Belt and is characterised by greenfield land. Accordingly, the existing site complements the purpose of its Green Belt designation by preserving openness.

The Uxbridge Industrial Park is located to the west and is notably separated from the site by the River Colne, as well as the administrative boundary.

The proposed development of a battery storage facility would inevitably compromise the existing aesthetic. It is acknowledged that the battery storage facility and ancillary structures proposed would not exceed 4.1 metres in height and may not be seen within long-distance views. There is, however, a public footpath which adjoins the River Colne from which the proposed development would be seen. Accordingly, the proposed development, by reason of its siting, size, scale and design, is considered to be detrimental to the open, greenfield and Green Belt character, appearance and visual amenities of the area, as observed within mid-range views.

#### **7.08 Impact on neighbours**

There are no Hillingdon residential properties within the immediate vicinity of the site. As such, the impact on resident amenity is not considered to be applicable to the consideration of this out of borough consultation.

#### **7.09 Living conditions for future occupiers**

Not applicable to the consideration of this out of borough consultation.

#### **7.10 Traffic impact, Car/cycle parking, pedestrian safety**

Vehicular access to the proposed battery storage facility would be from the A4007 which links Uxbridge town centre with Iver Heath and onwards via the A412 to Slough. The number of vehicle trips generated by the use and the associated data centre facility is considered to be low and without detriment to road safety or the free flow of traffic in Hillingdon. As such, no objection is raised with respect to highways matters.

#### **7.11 Urban design, access and security**

Not applicable to the consideration of this out of borough consultation.

#### **7.12 Disabled access**

Not applicable to the consideration of this out of borough consultation.

#### **7.13 Provision of affordable & special needs housing**

Not applicable to the consideration of this out of borough consultation.

#### **7.14 Trees, landscaping and Ecology**

TREES AND LANDSCAPING

Not applicable to the consideration of this out of borough consultation.

ECOLOGY

The site adjoins the River Colne, a Nature Conservation Site of Metropolitan or Borough Grade I Importance. Any impact on the ecological value of the site and connecting habitats should be considered by Buckinghamshire Council's Ecology Specialist.

#### **7.15 Sustainable waste management**

Not applicable to the consideration of this out of borough consultation.

#### **7.16 Renewable energy / Sustainability**

Not applicable to the consideration of this out of borough consultation.

#### **7.17 Flooding or Drainage Issues**

Any impact on the flood and water management should be considered by Buckinghamshire Council's Flood and Water Management Specialist.

#### **7.18 Noise or Air Quality Issues**

NOISE

There are no Hillingdon residential properties within the immediate vicinity of the site. As such, the impact on the nearest residential noise environment is not considered to be applicable to the consideration of this out of borough consultation.

AIR QUALITY

The site is located next to the Hillingdon Air Quality Management Area and Uxbridge Air Quality Focus Area. However, it is acknowledged that generator specification requirements will be determined by Buckinghamshire Council. Traffic generation is also considered to be low in relation to data centre uses. As such, no objection is raised with regard to air quality matters.

#### **7.19 Comments on Public Consultations**

Not applicable.

#### **7.20 Planning obligations**

Not applicable.

#### **7.21 Expediency of enforcement action**

Not applicable.

#### **7.22 Other Issues**

None.

### **8. Observations of the Borough Solicitor**

#### **General**

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

#### **Planning Conditions**

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

#### **Planning Obligations**

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

#### **Equalities and Human Rights**

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a

proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

#### **9. Observations of the Director of Finance**

Not applicable

#### **10. CONCLUSION**

The proposed development would constitute inappropriate development within designated Green Belt land and very special circumstances do not exist to outweigh the harm to the Green Belt by reason of inappropriateness.

The proposed development, by reason of its siting, size, scale and design, would be detrimental to the open, greenfield and Green Belt character, appearance and visual amenities of the area, as observed within mid-range views.

Accordingly, Hillingdon Council raise an objection to the proposed development.

#### **11. Reference Documents**

National Planning Policy Framework (July 2021)  
National Design Guide (January 2021)  
National Model Design Code (June 2021)

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