planning report D&P/0940a/02

17 July 2017

Howbury Park, Slade Green
in the London Borough of Bexley

planning application no. 15/02673/OUTEA

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<thead>
<tr>
<th>Strategic planning application stage II referral</th>
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<th>The proposal</th>
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<td>Cross-boundary outline application for the demolition of existing buildings and redevelopment to provide a strategic rail freight interchange comprising a rail freight intermodal facility, warehousing, new access arrangements from Moat Lane, associated HGV, car and cycle parking, landscaping, drainage, and associated works (within London Borough of Bexley). Creation of a new access road from the existing A206/A2026 roundabout, incorporating a bridge over the River Cray, landscaping and associated works (within Dartford Borough Council). All matters reserved except for Access.</td>
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<th>The applicant</th>
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<td>The applicant is Roxhill Developments Ltd and the agent is Nathaniel Lichfield &amp; Partners.</td>
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<th>Key Dates:</th>
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<tr>
<td>Pre-application meeting: 24 June 2015</td>
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<td>Application submitted to Borough: 20 November 2015</td>
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<td>Stage 1 reported to Mayor of London: 6 June 2016</td>
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<td>Planning Committee: 16 February 2017</td>
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<th>Strategic issues summary</th>
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<td>The proposal represents inappropriate development within the Green Belt and should not be approved except in very special circumstances.</td>
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<th>The Council’s decision</th>
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<td>Bexley Council has resolved to grant permission, subject to conditions and a section 106 agreement.</td>
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<th>Recommendation</th>
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<td>That Bexley Council be directed to refuse planning permission, for the reasons set out in this report.</td>
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On 25 April 2016, the Mayor of London received documents from Bexley Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred under the following categories of the Schedule to the Order 2008:

- 1B 1. (c) “Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings outside Central London and with a total floorspace of more than 15,000 square metres”;

- 2C 1. “Development to provide – (g) an installation for use within Class B8 (storage or distribution) of the Schedule to the Use Classes Order where the development occupies more than 4 hectares”;

- 3D 1. “Development - (a) on land allocated as Green Belt or Metropolitan Open Land in the development plan, in proposals for such a plan, or in proposals for the alteration or replacement of such a plan; and (b) which would involve the construction of a building with a floorspace of more than 1,000 square metres or a material change in the use of such a building;”

- 3E 1. “Development - which (a) which does not accord with one or more provisions of the development plan in force in the area in which the application site is situated; and (b) comprises or includes the provision of more than 2,500 square metres of floorspace for a use falling within any of the following classes in the Use Classes Order— (viii) class B8 (storage and distribution).”

On 6 June 2016, the Mayor considered planning report D&P/0940a/01, and subsequently advised Bexley Council that the application did not comply with the London Plan for the reasons set out in paragraph 86 of this report; but that the possible remedies set out in paragraph 86 of this report issues could address these deficiencies. As set out in the accompanying letter, the Mayor also expressed concerns about the robustness of the alternative sites assessment and the potential impact of additional freight trains on existing and proposed passenger service.

A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. On 16 February 2017, Bexley Council decided that it was minded to grant planning permission, subject to conditions and agreement of a section 106 agreement, and on 11 July 2017 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008, the Mayor may allow the draft decision to proceed unchanged, direct the Council under Article 6 to refuse the application, or issue a direction to the Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application. The Mayor has until 24 July 2017 to notify the Council of his decision and to issue any direction.

The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 has been taken into account in the consideration of this case.

The Mayor of London’s statement on this case will be made available on the GLA website www.london.gov.uk.
Update

At the consultation stage, Bexley Council was advised that the application did not comply with the London Plan and the following strategic concerns were raised:

- **Principle of development:** Proposed development is inappropriate and would be harmful to the Green Belt. A ‘very special circumstances’ case based on identified strategic need and the lack of alternative sites which could accommodate such a large facility and have access to the road and rail network has been made, which is considered to be persuasive but further information should be sought on the proposed carbon emission savings, reduction in traffic movements and the impact on the passenger rail network, in line with London Plan policy 6.15.

- **Air quality:** The applicant was advised that the submitted air quality information was not sufficient to allow for the impacts of the proposal to be properly understood and an assessment made in line with London Plan policy 7.14. A number of deficiencies were raised including no assessment against air quality neutral benchmarks, omissions within the submitted Air Quality Assessment and modelling including vehicle movements within the Strategic Rail Freight Interchange (SRFI), relationship with the transport modelling, failure to take account of sensitive receptors (including schools) and the verification of the model itself. The applicant was asked to consider further mitigation measures and advised that London Plan support for Strategic Rail Freight Interchanges in Policy 6.15 is conditional on robust justification and evidence that the net benefits of the scheme – in terms of emissions and traffic reduction would outweigh any localised impacts and any loss of Green Belt.

- **Biodiversity:** The proposal would result in the loss of a significant area of land that proposes complementary habitats to the adjacent Crayford Marshes. Mitigation is proposed, but compensation measures should also be secured.

- **Transport:** Concern regarding the potential impact on passenger rail, in addition to a number of other strategic transport issues raised (including level of cycle parking and contributions to signage and bus shelters).

The applicant has sought to address the outstanding issues as detailed below.

The Mayor is advised that this is a cross-boundary application. Following Bexley’s decision on 16 February 2017, Dartford Borough Council has subsequently resolved to refuse outline planning permission for the proposed development on air quality, transport and Green Belt grounds (20 April 2017). The elements of the proposed development within Dartford’s boundary include the creation of an access road from the existing A206/A2026 roundabout, incorporating a bridge over the River Cray, landscaping and associated works.

At Stage 1 (paragraph 11), the Mayor was advised that an application for an SRFI at Colnbrook, Slough was being considered by the Secretary of State. The Mayor is advised that the planning appeal for this scheme was dismissed, and planning permission refused for the proposal in a decision dated 12 July 2016. Overall, the Secretary of State concluded that the benefits of the scheme would not overcome the harm that would be caused to the particular piece of Green Belt in the Colnbrook Area which forms part of a Strategic Cap and adjoins the Colne Valley Park.

**Principle of development**

At Stage 1, a comprehensive analysis of the policy issues and considerations was set out including an assessment of the harm to the Green Belt, any other harm arising from the proposal
and consideration of the ‘very special circumstances’ case put forward by the applicant. In conclusion, the need for a SRFI was accepted, noting the National Policy Statement for National Networks (NPS), the London Plan and the Inspector’s decision on the 2007 case. It was considered the applicant had made a compelling ‘very special circumstances’ case but GLA officers were seeking further clarification on the biodiversity benefits of the proposal and the environmental benefits, notably whether the emission savings and overall reduction in traffic movements are sufficient to justify the loss of Green Belt in line with London Plan policy 6.15 and supporting paragraph 6.50.

11 Subsequent to Stage 1, there has been further discussion on biodiversity issues, transport issues and environmental issues between the applicant and stakeholders including Bexley Council, GLA, Transport for London, Network Rail and Highways England.

12 On balance, Bexley Council have concluded that the identified need for a SRFI, the economic benefits of the proposal and the absence of alternative sites, constitute very special circumstances which would outweigh the environmental impacts and the identified harm to the Green Belt. That decision is underpinned by a package of proposed mitigation measures, s106 legal agreement and a substantial number of planning conditions.

GLA officer assessment of the case.

13 As per paragraph 35 of the Stage 1 report, the proposal is inappropriate development in the Green Belt, which would cause substantial harm to the Green Belt with the ensuing loss of openness and the encroachment into the countryside. A conclusion also reached by Bexley officers.

14 The NPPF places substantial weight on any harm to the Green Belt in considering planning applications and the Planning Authority must be convinced that the evidence submitted by the applicant demonstrates that the harm to the Green Belt by reasons of inappropriateness, and any other harm, is clearly outweighed by very special circumstances in order to justify the granting of permission.

15 As per paragraph 37 of the Stage 1 report, the applicant’s justification for the proposals on this Green Belt site are set out in a ‘very special circumstances’ case based around 1) Identified Need 2) Lack of alternative sites 3) Lack of alternative options and 4) Other benefits including socio-economic benefits and environmental benefits.

16 In reference to the ‘other harm’ identified at Stage 1, outstanding matters in relation to Air Quality and Biodiversity have been addressed, in part, and can be overcome through scheme design, proposed mitigation measures and the use of planning conditions.

17 As demonstrated by the planning history of the site, this is an extremely complex case and the issues are finely balanced. The “compelling need” for an expanded network of SRFIs is acknowledged and that given their locational requirements the number of locations suitable for SRFIs will be limited (Paragraph 2.56, NPS). It is also acknowledged that in London and the South East most existing facilities are small scale and/or poorly located in relation to the main urban areas and that there is a particular challenge in expanding rail freight interchanges serving that region (Paragraph 2.57 & 2.58, NPS). However Paragraphs 5.170, 5.172 and 5.178 of the NPS are all clear that the policies for controlling development in the Green Belt apply without any modification for SRFI proposals. The proposal is inappropriate development within the Green Belt and inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances (Paragraph 87, NPPF). When considering any planning application, 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, is clearly outweighed by other considerations (Paragraph 88, NPPF).

18 In balancing the considerations relating to the application; at 57.4 hectares, the totality of the harm to the Green Belt with the ensuing loss of openness and the encroachment into the countryside is substantial. In line with the NPPF and the London Plan, the weight against the development is very strong and compelling. A package of proposed mitigation measures including travel and freight management plans, biodiversity management plans and a variety of additional safeguards which would be applied through planning conditions, including a low emission strategy and landscaping, could mitigate the other harm identified.

19 In terms of the benefits of the proposal, the most important contribution of the proposed development would be its potential to add to a network of SRFIs in the London and South East region, reducing the identified unmet need and delivering national policy objectives; and this is given very significant weight. As London will be the location of many of the ‘final markets’ for Howbury Park, it is unlikely to increase the rail freight mode share within London, as envisaged within the draft Transport Strategy (June 2017), therefore there will be no demonstrable benefits for London. While rail could compete for ‘feeder’ movements of goods to and from other SRFIs, it is unlikely that significant flows between the south east ports and Howbury Park would be by rail since the distances involved are far short of the threshold distance of around 100 miles around which rail is able to compete with road haulage. This suggests the proposed facility is likely to be used mostly as a traditional road-based distribution facility.

20 The potential benefits to the national road network from the improvements in logistics efficiency that the site would enable are noted. The principle of siting strategic logistics facilities close to the rail network is also supported, since without this there is no potential for feeder traffic to be switched to rail in the future. However, such considerations are not believed to be significant enough in their own right to outweigh other strategic matters. The challenge in finding sites suitable for SRFIs in London and the South East is acknowledged and this is also given some weight. The economic benefits of the proposal and the reduction in carbon emissions are also each attributed appropriate weight. On balance, however, the benefits of the scheme do not clearly overcome the harm.

21 In conclusion, the potential harm to the Green Belt by reason of inappropriateness is not outweighed by the other considerations and, given the absence of demonstrable benefits for London, very special circumstances do not exist to justify the development and the harm it would cause to London’s Green Belt. The development is contrary to Policy 7.16 of the London Plan and the NPPF.

Biodiversity

22 At Stage 1, it was noted that the application site occupied part of a Borough Grade 1 Site of Importance for Nature Conservation (SINC), with the northern boundary abutting Crayford Marshes, a Site of Metropolitan Importance (SMI) for nature conservation. Subsequent survey work undertaken by the applicant, and accepted by the Council, indicates that the part of the Grade 1 SINC affected by the proposed development has a lower biodiversity value than the remainder of the SINC.

23 The applicant has agreed a proposed mitigation package with the Council to offset the impacts of the proposed development and a Marshes Management Regime has been produced which will be secured and enforced through the Section 106 Legal Agreement, which includes the transfer of marsh land in the control of the applicant to a Marshes Management Company and a bespoke drainage solution would assist in maintaining water levels in Crayford Marshes.
The total mitigation package amounts to £2.8m, and the applicant has set out how this will fund capital works and management over a 25 year period:

| Capital Works – to include ditch works, installation of signage / interpretation boards, re-establishment of footpaths, installation of fencing and removal of invasive species. | £200,000 |
| Initial Staffing Costs – to cover warden for 18 months + one-off admin costs. | £50,000 |
| Drainage enhancements – Costs of bespoke SUDs scheme to hold and release water into Crayford Marshes. | £800,000 |
| Site Office – Provision of an operations base within the development for 25 years at £12,000 pa. | £300,000 |
| Long term Management – to achieve the aims of the Marshes Mitigation Plan for 25 years. Equates to c.£70,000 per annum for 25 years. Assumes part-time warden. | £1.45m |
| TOTAL | £2.8m |

Table 1: proposed biodiversity mitigation package.

24 Local biodiversity stakeholders including London Wildlife Trust, Buglife, the RSPB, the Bexley Natural Environment Forum (BNEF) and the warden of the Thames Water Crossness Nature Reserve would be consulted on the final details of the Marshes Management Plan and would be invited to meetings of the Marshes Management Company, however they would have no decision making role. As an equal shareholder in the proposed Management Company with the landowners, it would be down to the Council to seek to ensure the views of the local community and local biodiversity stakeholders were fully considered. Overall, GLA officers consider local biodiversity stakeholders should not be on the periphery of the management of the Marshes and should be given an active role in the long term management of the Marshes through the proposed Management Company. The proposed costs should be reviewed, in conjunction with these local stakeholders, to ensure they are sufficient to deliver the assumed biodiversity benefits at the Marshes over the 25 year period.

25 Proposed measures within the development itself to improve biodiversity include wildflower grasslands, hedgerow planting, tree planting, green walls and new ponds within the landscaping. Conditions are also proposed to minimise the impacts of lighting and ensure native species are planted.

26 Overall the proposed development would result in the loss of large areas of roughland and grassland habitat on the site, which would be mitigated to a degree by the creation of better quality grassland habitat as part of the landscaping proposals. The proposals could result in significant improvements to the ditches and wetlands in the Crayford Marshes SMI, in particular it is recognised that the sustainable drainage scheme (SUDs) of the proposed development would assist in managing and maintaining water levels within the marshes, however this is reliant on the effectiveness of the long-term management regime and ensuring the proposed funding is adequate. GLA officers are of the view that local biodiversity stakeholders will need to be actively involved with the long-term management of the Marshes if the potential biodiversity gains are to be achieved here. On balance, if a robust scheme of mitigation and long-term stewardship were in place, the proposal could be in line with London Plan policy 7.19.

Air quality

27 At Stage 1, the applicant was advised that the submitted air quality information was not sufficient to allow for the impacts of the proposal to be properly understood and an assessment
made in line with London Plan policy 7.14. A number of deficiencies were raised including no assessment against air quality neutral benchmarks, omissions within the submitted Air Quality Assessment and modelling including vehicle movements within the Strategic Rail Freight Interchange (SRFI), relationship with the transport modelling, failure to take account of sensitive receptors (including schools) and the verification of the model itself. The applicant was asked to consider further mitigation measures and advised that London Plan support for Strategic Rail Freight Interchanges in Policy 6.15 is conditional on robust justification and evidence that the net benefits of the scheme – in terms of emissions and traffic reduction would outweigh any localised impacts and any loss of Green Belt.

Following the Stage 1 comments, the applicant has positively engaged with GLA officers and responded to concerns by conducting further surveys and modelling work which demonstrate that the proposal has an acceptable impact. The Council have also liaised with GLA officers in relation to proposed conditions to ensure these are robust and ‘future-proofed’. A proposed Low Emissions Strategy would ensure operations at the site and its associated road transport would be monitored on an annual basis to ensure air quality issues are minimised, and addressed (if required). As a consequence, the development is considered to be consistent with London Plan policy 7.14.

**Transport impact**

At Stage 1, concerns were raised in relation to the proposal’s potential impacts on passenger rail services including an extension of the Elizabeth Line or metroisation of South-Eastern services, and encouraging a mode shift to more sustainable forms of transport. Other detailed issues raised included levels of short and long stay cycle parking, local cycling and walking infrastructure, car parking, HGV generation and routing, construction logistics, and impact on local public transport services.

Subsequent to the Stage 1 report, the applicant, in consultation with TfL, has carried out further analysis and committed to a number of s106 obligations and conditions, which address the transport issues that have been raised. This includes contributions of £136,000 towards improved signage/wayfinding in the local environ to assist pedestrians and cyclists, £35,000 to upgrade local bus stops in line with TfL’s Accessible Bus Stop Guidance (March 2017), £75,000 for Travel Plan monitoring and the funding of a shuttle service to transfer employees from the site to Slade Green Station.

In addition, the applicant has prepared a detailed Travel Management Plan with a range of measures designed to promote access to the site via public transport and active modes of transport. Future car and cycle parking arrangements (EVCPs, blue badge, etc.) will also be required to be provided in line with London Plan requirements prior to the occupation of any unit on site. The Travel Management Plan also provides extensive controls on HGV and LGV movements arising from the development. HGV trips will be capped at the site and their impact on the surrounding highway network will be closely monitored via an Automatic Number Plate Recognition (ANPR) to be funded by the applicant. Construction logistics arrangements will also be required to maximise use of the Blue Ribbon Network to reduce impacts on the local highway network during construction.

Notwithstanding the strategic transport benefits of the scheme as discussed above, it is acknowledged that more site specific transport issues raised at Stage 1 have been satisfactorily resolved, either through provision of further information and subsequent discussions with TfL, Network Rail and Highways England, or via the proposed planning conditions/ obligations.
Response to consultation

33 The Council notified surrounding residents and businesses, as well as site notices and a notice within the local press. There were 165 representations received; 164 raising objections to the scheme and 1 representation supporting the scheme.

34 147 of these are individually signed leaflets entitled “Save Our Skylarks” (organised by Bexley Wildlife) were received, objecting to the proposed development on the grounds of harm to biodiversity, including several bird species. Objections were also made on the grounds of increased road traffic and carbon emissions.

35 Of the remaining objections to the scheme, in summary, these include:

- Inappropriate development within the Green Belt;
- Increased road traffic and HGV movements;
- Noise pollution;
- Air pollution;
- Loss of wildlife/biodiversity;
- Impact on the rail network and concerns with capacity.

36 The 1 representation in support of the scheme was submitted by Viridor Waste Management Ltd, who adjoins the proposed development site. They support the new road access which will help alleviate local congestion from their current vehicle traffic on local roads and the development would offer the opportunity to use rail to transport materials, to help further reduce road congestion.

37 The following political representatives also made representations to Bexley Council:

- **Gareth Bacon, London Assembly member**: Formally objects to the planning application on the grounds that a development of this scale would have a devastating impact on the local Green Belt. Acknowledges a planning balance needs to be struck, but believes the environmental harm outweigh the economic benefits of the scheme.

- **Jean Lambert, MEP London**: Objects to the scheme on the basis of scale, carbon and air pollution impacts, damage to the Green Belt, impact on a designated Site of Importance for Nature Conservation (SINC), reduction in amount of habitat available for bird species and overall loss of Bexley’s natural capital.

- **Gareth Johnson, MP for Dartford**: Raises concerns with regards to additional HGV movements at Junction 1A, causing delays for local residents and increased congestion on the local network.

38 **Responses from Statutory Bodies**

- **Historic England**: No objection, subject to the inclusion of pre-commencement conditions for archaeological investigations and Historic Building Assessment for the locally listed Howbury Grange and outbuildings.
• Environment Agency: No objection, subject to conditions relating to groundwater, contamination and compensatory habitat creation.

• Highways England: No objection, subject to conditions/legal agreements securing limits on peak period freight movements, ANPR vehicle monitoring, real time traffic information for freight drivers, welfare facilities for freight drivers, freight management plan, employee travel plan and construction traffic management plan.

• Network Rail: No objection and the proposal is supported, in principle. Have worked with the applicant on the detailed technical rail element.

• Port of London Authority (PLA): No objection, subject to conditions on the construction of the proposed bridge, riparian life-saving equipment, maximising river transport during construction and details of external lighting in relation to river navigation and river ecology.

• Natural England: No objection.

• Crossrail: No objection, subject to conditions on Crossrail Safeguarding.

• Thames Water: No objection, subject to conditions and informatives on foul and surface water discharge, drainage strategy, piling and water supply.

39 Responses from non-statutory bodies

• Metropolitan Police: No objection, subject to conditions to achieve Secured by Design principles.

• London Fire and Emergency Planning Authority (LFEPA): No objection, subject to ensuring compliance with Building Regulations.

• Slade Green Community Forum: Object to the proposal on the grounds of inadequate public consultation, adverse transport impacts, noise impacts and adverse air quality issues. Also wish to ensure local employment opportunities are secured.

• London Wildlife Trust: Object to the proposed loss of biodiversity and a SINC. Inappropriate development within the Green Belt and risk of further infill and loss if permission is granted. Inadequate mitigation.

• Bexley Natural Environment Forum: Object to the proposals as inappropriate development in the Green Belt and negative impacts on biodiversity including habitats for declining bird species.

• Bexley Civic Society: Object to the proposals as inappropriate development within the Green Belt, increases in HGV movement, rail network capacity issues, and increase in traffic congestion.

• Bexley LA21 Transport Forum: Object to the development due to the adverse transport impacts upon both the road and rail network.

• Inland Waterways Association: No objection to the wider development, have raised comments in relation to the proposed bridge and the impact upon navigation and mooring.
• **Dartford and Crayford Creek Restoration Trust**: Object to the impact of the proposed bridge upon the navigability of the River Cray.

• **Bexley Green Party**: Object to the development due to flawed sustainability claims, increased air pollution, visual intrusion in the Green Belt, reduction in bird habitat and loss of land designated as a SINC.

• **The Royal Society for the Protection of Birds (RSPB)**: Opposes the loss of green space in Bexley and loss of breeding habitat for scarce and declining bird species.

The objections raised have been considered in the Council’s Committee Report of 16 February 2017 and where they affect strategic policies, have been considered in this report and the Mayor’s Stage One report.

**Draft Section 106 agreement**

The following are to be included within the draft Section 106 agreement:

- Marshes Management Regime, drainage strategy and management implementation totalling £2.8m;
- Noise mitigation scheme, totalling £45,000;
- Signage Strategy (including Legible London signage) totalling £136,429;
- Establishment of a Community Liaison Group;
- Transport Management Plan, including Travel Plan, Freight Management Plan and Rail Freight Plan;
- Provision of a Shuttle Bus for employees for 5 years;
- Bus Stop contribution, totalling £35,000;
- Contribution for works to Junction 1A on M25;
- Training and Employment, including measures for local employment, training and skills.
- S106 monitoring costs (including £75,000 for Travel Plan monitoring).

**Article 7: Direction that the Mayor is to be the local planning authority**

Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. An initial review of these policy tests suggests that the Mayor could take over this application but in this instance, GLA officers are recommending that the Mayor refuse the application.

**Legal considerations**

Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008, the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 5 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority.
authority for the purpose of determining the application. The Mayor may also leave the decision to the local authority. In directing refusal, the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

44  Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

45  Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

46  Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the Council to do so) and determining any approval of details (unless the Council agrees to do so).

Conclusion

47  Whilst the applicant has sought to address issues raised at consultation stage in relation to biodiversity, air quality and transport, given the absence of demonstrable benefits for London, it is not considered that ‘very special circumstances’ exist which clearly outweigh the potential harm to the Green Belt by reason of inappropriateness. The application therefore does not comply with London Plan policy 7.16 and the NPPF.

Reason for refusal: The proposal is inappropriate development in the Green Belt and very special circumstances have not been demonstrated which would clearly outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm. The development is therefore contrary to Policy 7.16 of the adopted London Plan 2016 and the National Planning Policy Framework.

for further information, contact GLA Planning Unit (Development & Projects Team):

**Julieanna Mcloughlin, Assistant Director – Planning**
020 7983 4271  email julieanna.mcloughlin@london.gov.uk

**Sarah Considine, Senior Manager – Development & Projects**
020 7983 5751  email sarah.considine@london.gov.uk

**Shelly Gould, Strategic Planning Manager – Development Decisions**
020 7983 5852  email shelley.gould@london.gov.uk