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Applicant:
Environmental Power
International and Claude
Fenton Holdings

PART I - DETAILS OF APPLICATION

Date of Application

6th February 2024

Application No.

24/00247/MINMAJ

THE PROPOSAL AND LOCATION OF THE DEVELOPMENT:

Proposed development of an Advanced Conversion and Recovery Facility comprising of two main buildings including processing hall and offices, access route, vehicle parking, cycle spaces, storage and landscaping.

Fenton House, Deans Copse Road, Theale, Reading RG7 4GZ

PART II - DECISION

In pursuance of its powers under the Town and Country Planning Act 1990, West Berkshire District Council **GRANTS** planning permission for the development referred to in Part I in accordance with the submitted application form and plans, subject to the following condition(s):-

1. Commencement of development

The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Written notification of the date of commencement shall be sent to the Local Planning Authority within seven days of such commencement.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Approved plans

The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:

- o Location Plan (drawing no: 01001 rev P04 dated Sept 23)
- o Site Plan (drawing no: 01051 rev P06)
- o Elevations and Section (Building 1) (drawing no: 00200 rev. P1, dated Nov 23)

- o Elevations and Section (Building 2) (drawing no: 00225 rev P1, dated Nov 23)
- o Site Sections (drawing no: 00070 rev P1, dated 18/01/24)
- o Rood Plan (Building 1) (Drawing no: 00102 rev. P1 dated 18/01/24)
- o Roof Plan (Building 2) (drawing no: 00127 rev P1, dated 18/01/24)
- o Office Floor Plans (Building 1) (drawing no: 00101 rev P1, dated 17/01/24)
- o Proposed Office Floor Plans (Building 2) (drawing no: 00126 rev P1, dated 19/01/24)
- o Process Floor Plan (Building 1) (drawing no: 00100 P1, dated 17/01/24)
- o Process Floor Plan (Building 2) (drawing no: 00125 rev P1, dated 19/1/24)
- o Design and Access Statement (doc ref: CRM.0165.001.PL.R.002)
- o Environmental Statement (document re: CRM.0165.001)
- o Non-Technical Summary
- o Chapter 1 - Background, introduction and
- o Chapter 2 - Site Description
- o Chapter 3 - Proposed Development
- o Chapter 4 - History and Policy
- o Chapter 5 - Need and Alternatives
- o Chapter 7 - Air Quality
- o Chapter 8 - Water Environment
- o Chapter 9 - Climate Change
- o Chapter 10 - Major Accidents and Hazards
- o Chapter 11 - Cumulative Impacts
- o Chapter 12 - Summary and Conclusion
- o Appendices
- o ES Addendum (and appendices)
- o Geo-environmental report (Document ref: CRM.0165.001.GE.R.001.D)
- o Energy Statement (dated 3rd February 2025)
- o BREEAM Letter (dated 18/10/24)
- o BREEAM Pre Assessment v6 (dated 17.10.24)
- o Greenhouse Gas Assessment (Dated Feb 2024)
- o Transport Assessment Volume 1 (Document ref: 240202/SK22287/TA02(-01) and Volume 2 (Document ref: 240202/SK22287/TA01(-01)
- o Swept Path Analysis (drawing no. SK22339-005 dated 6/12/24)
- o Arboricultural Impact Assessment (Dated January 2024)
- o Arboricultural Method Statement (Doc ref: 230982-PD-15a, dated Jan 2024)
- o Flood Risk Assessment (Doc ref: CRM.0165.001.HY.R.001.A)
- o Drainage Strategy Report Rev 2 (doc re: R100 dated April 2024)
- o Drainage Plan (drawing no: 13571/101 rev. P03)
- o Noise Impact Assessment (Doc ref: CRM.0165.001.NO.R.001)
- o Noise letter (Dated 26 April 2024)
- o Lighting Strategy (dated 23-01-2024)
- o Light Spill Diagram (dated 19 Jan 2024)
- o Landscape and Visual Impact Assessment (Doc ref: CRM.0165.001.LA.R.002.01)
- o Landscape Character Plan (Doc ref: CRM.0165.001.ENZ.XX.00.DR.L.00.004)
- o Landscape Mitigation Plan (CRM.0165.001.ENZ.xx.00.DRL.00.014 dated 14/02/24)
- o Ecological Impact Assessment rev B (doc ref: CRM.0165.001.EC.R.001 dated May 2024)
- o BNG Condition Assessment rev B and Matric rev B
- o Ecology letter (18th October 2024)
- o Habitat Regulation Assessment (Doc ref: CRM.0165.001.EC.R.006)
- o Socio-Economic Assessment (doc ref: CRM.0165.001.PL.R.001)

Reason: For the avoidance of doubt and in the interest of proper planning.

3. Display of Conditions

A copy of the planning permission for the development hereby permitted and any amendments subsequently approved shall be made available at the site office during working hours, and shall be made known to any person(s) given responsibility for the management and control of operations on the site.

Reason: To ensure that all employees may readily make themselves aware of the requirements of this permission so as to ensure the orderly operation of the site.

4. Hours of Work (Construction)

No work relating to the development hereby approved, including works of demolition or preparation prior to building operations and deliveries, shall take place other than between the hours of 07:00 and 18:00 Monday to Friday and 07:00 to 13:00 Saturdays and at no time on Sundays or Bank or National Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026, and Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5. Hours of Work (Deliveries)

No material deliveries shall take place outside of the following hours unless agreed in writing with the Local Planning Authority:

Mondays to Friday 07:00 to 18:00 and Saturdays 07:00 - 13:00

Reason: To safeguard the living conditions of surrounding occupiers. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026, Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Policy 26 of the West Berkshire Minerals and Waste Local Plan.

6. Visibility Splays

The land with the visibility splays shall be kept free of all obstructions to visibility over a height of 0.9m above the carriageway level.

Reason: In the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006 - 2026).

7. Surfacing of Access and Haul Road

The access and internal haul road which runs between the highway and the facility shown on approved Drawing 'Site Plan (drawing no: 01051 rev P06)' shall be surfaced with a bonded concrete or tarmacadam material across the entire width. The haul road shall be maintained and retained at all times for the use hereby permitted.

Reason: To avoid spillage of loose material onto the carriageway and in the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework, policy TRANS.1 of the West Berkshire District Local Plan and policy CS13 of the West Berkshire Core Strategy 2006-2026.

8. Construction Method Statement (CMS)

No development shall take place until details of a scheme (Construction Method Statement) to control the environmental effects of the demolition and/or construction work has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include:-

- i. the control of noise
- ii. the control of dust, smell and other effluvia
- iii. the control of rats and other vermin
- iv. the control of surface water run-off
- v. the proposed method of piling for foundations (if any)
- vi. proposed construction and demolition working hours
- vii. hours during the construction and demolition phase when delivery vehicles, or vehicles taking materials, are permitted to enter or leave the site.

The development shall be carried out in accordance with the approved scheme.

Reason: In the interests of the amenities of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the CMS must be adhered to throughout all construction work.

9. Annual Throughput

The throughput associated with the Pyrolysis Plant shall not exceed 104,000 tonnes per annum.

Reason: In the interests of local amenity. This condition is imposed in accordance, Policy 26 of the West Berkshire Minerals and Waste Local Plan. Policy CS14 of the West Berkshire Core Strategy (2006 - 2026) and Policies OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

10. Waste Permitted

- (i) No waste shall be treated at the Facility other than residual waste which cannot be reasonably managed further up the waste hierarchy in accordance with a scheme approved from time to time under part (ii) of this condition;
- (ii) The facility shall not be brought into use until a scheme has been submitted to and approved by the local planning authority in writing and which aims to minimise recyclable and reusable waste received at the ERC, showing:
 - (a) the sources and types of waste to be treated;
 - (b) the steps to be taken to ensure that (so far as practicable) there will have been prior treatment to ensure as much reusable and recyclable material is removed from that waste, and
 - (c) arrangements for the review of the scheme at not more than 3 yearly intervals.
- (iii) Any scheme approved under part (ii) above shall be implemented in full during the period in which the facility is operational until replaced by a subsequently approved scheme.

Reason: To enable the implementation of the waste hierarchy as required by The Waste (England and Wales) Regulations 2011 (as amended). This condition is imposed in accordance with Policy 3 of the West Berkshire Minerals and Waste Local Plan.

11. Receipt of Waste

No waste materials shall be accepted at the site directly from members of the public, and no retail sales of wastes or processed materials to members of the public shall take place at the site.

Reason: In the interests of local amenity and to ensure the implementation of the waste hierarchy as required by The Waste (England and Wales) Regulations 2011 (as amended). This condition is imposed in accordance with Policies 3 and 26 of the West Berkshire Minerals and Waste Local Plan, Policy CS14 of the West Berkshire Core Strategy (2006 - 2026), and Policies OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

12. Records of Waste

From the date the site begins to receive waste a record of the monthly receipt of waste (including source and volume) shall be maintained and shall be made available to the Local Planning Authority at any time upon request. All records shall be kept for at least 24 months following their creation or such longer period as the Local Planning Authority may specify in writing.

Reason: To enable the implementation of the waste hierarchy as required by The Waste (England and Wales) Regulations 2011 (as amended) and to ensure the significant environmental effects associated with the proposal as assessed by the Environmental Statement are accurately taken into account. This condition is imposed in accordance with Policy 3 of the West Berkshire Minerals and Waste Local Plan.

13. Sheeting of waste

All loaded (heavy) goods vehicles transporting waste entering/leaving the site shall ensure that the waste is netted, sheeted, or placed within containerised vehicles.

Reason: In the interests of local amenity. This condition is imposed in accordance with the National Planning Policy Framework, the National Planning Policy for Waste, Policy 26 of the West Berkshire Minerals and Waste Local Plan, Policies TRANS.1 and OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006 - 2026).

14. R1 Efficiency Status

Prior to operation of the Facility, details verifying that the facility has achieved R1 status from the design stage shall be submitted to the Local Planning Authority. Within 24 months of the first operation of the facility, details verifying that the operating facility has achieved R1 status through certification from the Environment Agency shall be submitted to the Local Planning Authority. Thereafter, R1 status shall be maintained for the lifetime of the facility, and confirmation shall be provided to the Local Planning Authority on request.

Reason: To ensure that the Energy Recovery Centre is classified as a recovery operation and not a disposal operation in order to comply with the Waste Hierarchy, as set out in the Waste (England and Wales) Regulations 2011 (as amended) and in compliance with the Waste Management Plan for England (2021). This condition is imposed in accordance with Policy 3 of the West Berkshire Minerals and Waste Local Plan.

15. Solar Panels

The facility shall not be brought into use until the solar panels are constructed in accordance with the approved details, and the electric link has been constructed and is capable of transmitting the electrical power produced by them to the facility.

Reason: To ensure compliance with the requirements of West Berkshire Core Strategy Policies CS14 and CS15 and West Berkshire Minerals and Waste Local Plan Policy 25.

16. Pest Management Plan

Prior to the Facility being brought into use, a Pest Management Plan, which shall include measures for the management and control of pests such as flies and vermin, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of local amenity. This condition is imposed in accordance with Policy 26 of the West Berkshire Minerals and Waste Local Plan and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

17. Lighting

All lighting shall be installed, maintained and operated in accordance with the approved details contained in the Lighting Strategy Report produced by DFL-UK unless the local planning authority gives its written consent to the variation.

Reason: to protect residential amenity in accordance with the National Planning Policy Framework, Policy 26 of the West Berkshire Minerals and Waste Local Plan, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

18. Construction Traffic Management Plan (CTMP)

No development shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that the conclusions in the Transport Assessment and Air Quality Assessment are able to be applied to the construction period and ensure no additional effects arise during this period. This condition is imposed in accordance with the National Planning Policy Framework, Policy 26 of the West Berkshire Minerals and Waste Local Plan and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and. A pre-commencement condition is necessary because insufficient detailed information accompanies the application and construction traffic management measures may be required throughout the construction phase. Therefore it is necessary to approve these details before any development takes place.

19. Repair/Maintenance of Vehicles

Repair, maintenance and refuelling of plant and machinery shall, where practicable, only take place on an impervious surface drained to an interceptor and the contents of the interceptor shall be removed from the site.

Reason: To minimise the risk of pollution of the water environment and soils. This condition is imposed in accordance with the National Planning Policy Framework, the National Planning Policy for Waste, Policy 26 of the West Berkshire Minerals and Waste Local Plan and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

20. Noise

A scheme shall be submitted to and approved in writing by the Local Planning Authority, which specifies the provisions to be made for the control of noise emanating from the site. Thereafter, the use shall not commence until the approved scheme has been fully implemented.

Reason: To protect the occupants of nearby residential properties from noise. In accordance with the National Planning Policy Framework and policy 26 of the Minerals and Waste Local Plan.

21. Contaminated Land

No development approved by this permission shall commence until a landfill gas investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. Where a risk from gas is identified, appropriate works to mitigate the effects of gas shall be incorporated in detailed plans to be approved by the Local Planning Authority. Thereafter the development shall not be undertaken except in accordance with any approved mitigation works/measures.

Reason: To protect future occupiers of the site and structures from the risks associated with the migration of toxic and flammable gasses. This condition is applied in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement conditions is required because the remediation scheme needs to be adhered to throughout all construction.

22. Contaminated Land

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority, prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Thereafter the development shall not be undertaken except in accordance with the approved remediation scheme.

Should any unforeseen contamination be encountered during the development, the developer shall inform the Local Planning authority immediately. Any subsequent investigation/remedial/protective works deemed necessary by the LPA shall be carried out to agreed timescales and approved by the LPA in writing. If no contamination is encountered during the development, a letter confirming this fact shall be submitted to the LPA upon completion of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is applied in accordance with the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement conditions is required because the remediation scheme needs to be adhered to throughout all construction.

23. Emergency Plan

No development shall take place until a comprehensive Emergency Plan has been submitted to and approved in writing by the Local Planning Authority in relation to the construction phase of the application. Thereafter the approved Emergency Plan shall be implemented throughout the construction phase of the development.

Reason: In order to ensure protection of any construction staff should there be a radiation emergency at AWE Burghfield. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS8 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the Emergency Plan must be implemented throughout all construction work.

24. Outline Emergency Plan

No development shall take place until an Outline Emergency Plan for the development has been submitted to and approved in writing by the Local Planning Authority. In order to provide assurance that an effective plan will be put in place, normally this means that only the final contact details and names are not completed.

The Emergency Plan must cover the processes for:

- o activation of the plan,
- o sheltering,
- o supporting the vulnerable residents, staff and visitors whilst in sheltering conditions
- o evacuation and
- o recovery

Reason: In order to ensure that the development will not have an impact on the AWE Off-Site Emergency Plan and therefore place the people on the site and the response at risk should there be a radiation emergency at AWE Burghfield. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS8 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the OEP may influence the detailed construction of the development.

25. Comprehensive Emergency Plan

No occupation of the office space shall take place until a comprehensive Emergency Plan has been submitted to and approved in writing by the Local Planning Authority. Upon occupation the approved measures within the Emergency Plans shall be implemented in full, shall be kept up-to-date by office space operator and management/owners. Thereafter, the plan should be reviewed and amended as necessary and at least annually. The Local Planning Authority may at any time require the amendment of the plan by giving notice pursuant to this condition. The Local Planning Authority may at any time require a copy of the then current Emergency Plan for the site which shall be submitted to the Local Planning Authority within 1 month of notice being given.

Reason: in order to ensure that the office space has integrated emergency plans that will not have an impact on the AWE Off-Site Emergency Plan and will mitigate the risk to those people on the site. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS8 of the West Berkshire Core Strategy 2006-2026.

26. Arboricultural Method Statement (submitted)

The Arboricultural Method Statement and tree protection measures within Tim Moya Associates report ref: 230982-PD-15a dated Jan 2024 shall be implemented in full and tree protection measures and works carried out in accordance with the Assessment. No changes shall be made to the works unless amendments have been submitted to and approved in writing by the Local Planning Authority and shall include details of any changes to the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

27. Landscaping

No development or other operations shall commence on site until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) Schedules of plants noting species, plant sizes and proposed numbers/densities;
- b) An implementation programme providing sufficient specifications to ensure successful cultivation of trees, shrub and grass establishment.

The scheme shall ensure:

- c) Completion of the approved landscape scheme within the first planting season following completion of development;
- d) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality. This is to ensure the implementation of a satisfactory scheme of landscaping in accordance with the NPPF and Policies ADPP1, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; landscaping measures may require work to be undertaken throughout the construction phase and so it is necessary to approve those details before any development takes place.

28. Sustainable Urban Drainage Systems

No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority.

These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and the WBC SuDS Supplementary Planning Document December 2018 with particular emphasis on Green SuDS and water re-use;
- b) Include flood water exceedance routes (low flow, overflow and exceedance routes), both on and off site;
- c) Include full information of catchments and flows discharging into and across the site and how these flows will be managed and routed through the development and, where the flows exit the site, both pre-development and post-development information must be provided;
- d) Include run-off calculations based on current rainfall data models (i.e. FEH), discharge rates (based on 1 in 1 year greenfield run-off rates), and infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- e) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- f) Include written confirmation from Environment Agency of their acceptance of the discharge from the site into the wider water network and confirmation that the downstream network has the capacity to take this flow;
- g) Include a management and maintenance plan showing how the SuDS measures will be maintained and managed after completion for the lifetime of the development. This plan shall incorporate arrangements for adoption by the Council, Water and Sewage Undertaker, Maintenance or Management Company (private company or Trust) or individual property owners, or any other arrangements, including maintenance responsibilities resting with individual property owners, to secure the operation of the sustainable drainage scheme throughout its lifetime. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;

The above sustainable drainage measures shall be implemented in accordance with the approved details before the use hereby permitted is commenced in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006) and SuDS Supplementary Planning Document (Dec 2018). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be

undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

29. Sustainable Urban Drainage Systems (SuDS)

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of, and in accordance with approved details from, the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reasons: To protect sensitive receptors in line with paragraph 174 of the National Planning Policy framework so they will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution. Permeable pavement infiltration drainage is proposed and it has the potential to mobilise contaminants from the soils. This condition is imposed in accordance with the National Planning Policy Framework, Policy 26 of the West Berkshire Minerals and Waste Local Plan and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

30. Drainage Strategy

The development permitted by this planning permission shall be carried out in accordance with the approved drainage assessment including the following specific mitigation and preventive measures detailed therein:

- a) Sustainable drainage systems comprising of attenuation tank, rainwater gardens, permeable soakaways and stone filled trenches are constructed as per British standards.
- b) No connection to watercourse or land drainage system is within 10 metres of any ditch or watercourse.
- c) Proper maintenance of septic tank is done ensuring safe disposal of effluent at least once a week to offsite treatment facility.
- d) Materials and chemicals likely to cause pollution should be stored in appropriate containers and adhere to guidance for the storage of drums and intermediate bulk containers.
- e) Any facilities, above ground, for the storage of oils, fuels, chemicals and other potential pollutants shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges, and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land, or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
- f) Appropriate procedures, training and equipment should be provided for the site to adequately control and respond to any emergencies including the clean-up of spillages, to prevent environmental pollution from the site operations.
- g) Any polluting materials and chemicals are stored in an area with sealed drainage.

Reason: The Thames River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact could cause deterioration of chemical and biological status of Theale Lake. Paragraph 187 of the National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. In this case we consider that there is potential impact to nearby Theale Lake water quality posed by this proposed development through surface and subsurface pathways. To minimise the risk of pollution of the water environment and soils. This condition is imposed in accordance with the National Planning Policy Framework, the National Planning Policy for Waste, Policy 26 of the West Berkshire Minerals and Waste Local Plan., Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

31. Pollution Prevention Plan and Maintenance Schedule

No development approved by this planning permission shall be commenced until a pollution prevention plan and maintenance schedule for the septic tank has been submitted and approved in writing by the planning authority. The approved details shall then be fully implemented in accordance with the approved details throughout the lifetime of the development.

Reason: The Thames River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Without this condition, the impact could cause deterioration of a quality element to a lower status class and cause deterioration of a drinking water protected area, in this case the Kennet and Holy Brook water body, because it would result in the release of untreated effluent. This condition is imposed in accordance with the National Planning Policy Framework, Policy 26 of the West Berkshire Minerals and Waste Local Plan and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is necessary as insufficient detailed information detailed information accompanies the application and approved measure may need to be incorporated into construction work.

32. Ecological Enhancements

All the ecological enhancement recommendations in Section 5.0 to 5.1.3 of the Ecological Impact Assessment (January 2024, Enzygo Limited) should be implemented in full, the enhancements should be evidenced by means of photographs of the features in-situ submitted to the local planning authority.

Reason: To enhance biodiversity in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

33. Compliance with existing detailed biodiversity method statements, strategies, plans and schemes

All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (January 2024, Enzygo Limited), as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

34. Landscape and Ecological Management Plan (LEMP)

No development shall take place until a Landscape and Ecological Management Plan (LEMP) (also referred to as a Habitat or Biodiversity Management Plan) has been submitted to and be approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the LEMP may need to be implemented during construction.

35. Construction Environmental Management Plan

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction.

36. BREEAM

The assessable elements of the Facility shall achieve Excellent under BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme). The buildings shall not be occupied until a final Certificate has been issued certifying that BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme) rating of Excellence has been achieved and a copy has been provided to the Local Planning Authority.

Reason: To ensure the development contributes to sustainable construction. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS15 of the West Berkshire Core Strategy 2006-2026 and Supplementary Planning Document Quality Design June 2006.

37. Schedule of Materials

No development shall take place until a schedule of the materials to be used in the construction of the external surfaces of the buildings hereby permitted, has been submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition is necessary as insufficient information has been included with the application, and the building materials will need to be determined prior to construction.

38. Decommissioning

If for any reason other than for extended maintenance or repair, the Facility cease to be used for a period of more than 36 months, a scheme for the demolition and removal of the buildings and related infrastructure (which shall include all buildings, structures, plant, equipment, areas of hardstanding and access roads) shall be submitted for approval in writing to the Council. Such a scheme shall include:

- (i) details of all structures and buildings which are to be demolished;
- (ii) details of the means of removal of materials resulting from the demolition and methods for the control of dust and noise ;
- (iii) timing and phasing of the demolition and removal;
- (iv) details of the restoration works; and
- (v) the phasing of restoration works.

The demolition and removal of the building and the related infrastructure and subsequent restoration of the site shall thereafter be implemented in accordance with the approved scheme.

Reason: To ensure a satisfactory restoration of the site upon the facility coming to the end of its operational life. This condition is imposed in compliance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006 - 2026.

39. Delivery Management Plan

No development shall take place until details of a Delivery Management Plan have been submitted to and approved in writing by the Local Planning Authority. The Plan shall ensure delivery and collection vehicles access the site at staggered intervals, to mitigate the risk of more than one vehicle waiting at the security gate that could lead to queuing on Deans Copse Road. Thereafter the Delivery Management Plan shall be adhered to and retained for the purposes of deliveries to the site and collections from the site at all times.

Reason: To ensure there is adequate and safe access into the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan. A pre-commencement condition is required because the Delivery Management Plan needs to be adhered to throughout all construction.

40. Fire hydrant

No development shall take place until a scheme has been submitted to and approved by the Local Planning Authority which shall include the: i) Specifications for the installation of a functional fire hydrant and associated infrastructure; and ii) Maintenance procedures necessary for the functional fire hydrant and associated infrastructure. The use of the facility approved shall not commence until the fire hydrant and associate infrastructure have been installed in accordance with the approved plans. Thereafter the fire hydrant and associated infrastructure shall be

maintained and retained at all times in association with the use hereby permitted and in accordance with the approved scheme.

Reason: In the interests of fire safety. There are at present, no available public mains in this area to provide a suitable water supply in order to effectively fight a fire. This condition is imposed in accordance with the NPPF, policies CS5 and CS14 of the West Berkshire Core Strategy 2006-2026, and the Quality Design West Berkshire Supplementary Planning Document June 2006. A pre-commencement condition is required because the Fire Hydrant scheme needs to be adhered to throughout all construction.

41. Site Security

The facility shall not be first occupied until fencing, gates, access control and CCTV shall be provided in full accordance with the details that have first been submitted to and approved in writing by the Local Planning Authority. Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015, no additional/alternations shall be made to the fencing, gates, access control or CCTV without written permission of the Local Planning Authority.

Reason: To ensure the site is secure and in the interest of public safety. This condition is imposed in compliance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006 - 2026 and Policy 26 of the Minerals and Waste Local Plan.

The decision to grant planning permission has been taken having regard to the policies and proposals in the statutory development plan. This includes the West Berkshire Core Strategy 2006-2026, the Housing Site Allocations DPD 2006-2026, the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), the West Berkshire Minerals and Waste Local Plan, Saved Policy NRM6 of the South East Plan, and Neighbourhood Development Plans for Stratfield Mortimer and Compton. Regard has also been given to the National Planning Policy Framework, Planning Practice Guidance, and relevant supplementary planning documents and guidance.

The reasoning above is only intended as a summary. If you require further information on this decision please contact the Council via the Customer Call Centre on 01635 519111.

INFORMATIVE:

1. The applicant's attention is drawn to the fact that above conditions must be complied with in full before any work commences on site, failure to do so may result in enforcement action being instigated.

2. Protected Species

Prior to the commencement of this proposal you are reminded that if there is any evidence of Protected Species on the site you must consider the implications of the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000 and comply with any necessary additional regulations and licences. For example, you must avoid taking, damaging or destroying the nest built or being used or egg of any wild bird as this would be an offence (with certain exceptions).

You must also not intentionally or recklessly damage, destroy or block access to any habitat used by a protected species, such as bats, dormice, reptiles or any other species as listed in The Conservation of Habitats and Species Regulations 2010, Schedule 2 European Protected Species of Animals. Any licensing requirements are in addition to the requirements for planning permission and subject to a separate process. The following website gives further advice on this matter www.gov.uk/guidance/wildlife-licences

3. The above Permission may contain pre-conditions, which require specific matters to be approved by the Local Planning Authority before a specified stage in the development occurs. For example, *"Prior to commencement of development written details of the means of enclosure will be submitted to and approved in writing by the Local Planning Authority"*. This means that a lawful commencement of the approved development cannot be made until the particular requirements of the pre-condition(s) have been met. A fee is required for an application to discharge conditions.

4 Compliance with approved drawings

Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Local Planning Authority, before work commences, if you are thinking of introducing any variations to the approved development particularly if these arise as a result of changes to meet Building Regulations. Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible.

5 Compliance with Conditions

Your attention is drawn to the conditions of this permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990 (as amended). All Conditions must be complied with. If you wish to seek to amend a condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.

6 Pre-Conditions

Conditions nos. 18 (Construction traffic management plan), 27 (Landscaping), 29 (SuDS), 31 (Pollution Prevention Plan and Maintenance Schedule), 34 (Landscape and Ecological Management Plan), 36 (BREEAM pre-assessment), 38 (Schedule of Materials) impose requirements which must be met prior to commencement of the development. Failure to observe these requirements could result in the Council taking enforcement action or may invalidate the planning permission and render the whole of the development unlawful.

7 Building Regulations

Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given. You are advised to consult with Building Control Solutions (the Local Authority Building Control

service for West Berkshire provided in partnership by Wokingham Borough Council) before works commence. Call: 0118 974 6239, email: building.control@wokingham.gov.uk, or visit: www.wokingham.gov.uk/building-control

8 Decision Making

This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.

9 Environmental Impact Assessment

This decision has been made taking into account the relevant environmental information, as defined by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017

10 EA Permit

This proposal may require an Environmental Permit under the Environmental Permitting (England and Wales) regulations 2016, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that there is no guarantee that a permit will be granted. Additional 'Environmental Permitting Guidance' can be found at: <https://www.gov.uk/environmental-permit-check-if-you-need-one>

11 Biodiversity Net Gain

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

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

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be West Berkshire District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS

The following are the statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
 - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
 - 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).
 - 4.5 Self and Custom Build Development, meaning development which:
 - i) consists of no more than 9 dwellings;
 - ii) is carried out on a site which has an area no larger than 0.5 hectares; and

iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

APPLICABLE EXEMPTION

The exemption that is considered to apply to this application is: The application for planning permission was made before 12 February 2024.

IRREPLACEABLE HABITAT

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

THE EFFECT OF SECTION 73D OF THE TOWN AND COUNTRY PLANNING ACT 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements

made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

PHASED DEVELOPMENT

If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 would apply if the permission were subject to the biodiversity gain condition.

In summary: Biodiversity gain plans would be required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).

12 Access construction

The Asset Management team, West Berkshire District Council, Environment Department, Council Offices, Market Street, Newbury, RG14 5LD, or highwaysassetmanagement@westberks.gov.uk should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.

13 Damage to footways, cycleways and verges

The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge arising during building operations.

14 Damage to the carriageway

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

15 Incidental works affecting the highway

Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 - 503233, before any development is commenced.

16 Approval - Need for Revision

This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. The local planning authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area.

Decision Date :- 18th March 2025

Bob Dray
Development Manager

TOWN AND COUNTRY PLANNING ACT 1990

Notification to be sent to an applicant when a local planning authority refuse planning permission or grant it subject to conditions

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against the local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online via
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.