

**SCOPING OPINION OF THE ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD MADE UNDER
REGULATION 15 OF THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT
ASSESSMENT) REGULATIONS 2017**

Reference No.:	24/02253/EIASCO	EIA Scoping
Proposal:	EIA Scoping Opinion Request letter and supporting EIA Scoping Report under Regulation 15 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in respect of the proposal for an Energy Recovery Facility.	
Location:	Fowles Crushed Concrete Hythe End Farm Hythe End Road Wraysbury Staines TW19 5AW	
Applicant:	Fowles Crushed Concrete Limited	
Agent:	Chris Lowden	
Date Received:	17 January 2025	
Case Officer:	Nick Westlake	
Recommendation:	No Further Action	
Parish/Ward:	Wraysbury Parish, Datchet Horton And Wraysbury	

1. Introduction

1.1 This EIA Scoping Opinion is provided in line with the following document:

- Request for an EIA Scoping Opinion dated 6th December 2024 Rev 00 (Draft)

1.2 I refer to your request for a Scoping Opinion from The Royal Borough of Windsor and Maidenhead to the extent of issues to be considered in the assessment and reported in the Environmental Statement (ES), and what information needs to be included therein.

1.2 This Opinion framed below, is informed on the basis of the information and advice from consultees that has been received to date.

1.3 As you will be aware, Regulation 15(9) enables the LPA to request additional information to that submitted within an Environmental Statement, even though a Scoping Opinion has been adopted, and an Environmental Statement submitted by you in good faith has been based on that Opinion. There remain opportunities, therefore, either before or after the formal submission of your ES, to ensure the submission of all information necessary, for the proper assessment of the proposed development.

1.4 In providing this Scoping Opinion I have reviewed the separate individual documents in relation to the topic chapters. I consider that the general report format that you have used would form an appropriate basis on which to address the matters set out in Regulation 15(6) (d) of the EIA Regulations.

2. The Proposed Development

2.1 The description of development is given as the following:

'The construction and operation of an Energy Recovery Facility (ERF) involving the thermal treatment of residual waste and associated infrastructure'

- 2.2 The application details notes that Fowles Skip Hire Ltd, (the prospective applicant) is heavily engaged in the recycling of commercial & industrial (C&I) and construction and demolition (C&D) wastes, which it intends to continue and develop. As a consequence of the recycling operations, the company also produces residual waste and wishes to move the disposal of this waste 'up the waste management hierarchy' and avoid landfill.
- 2.3 It therefore proposes to develop an energy recovery thermal combustion plant on the site, with the ability to generate electrical power and export heat, whilst maintaining inert waste recovery on the Site.
- 2.4 The Prospective Applicant is seeking to develop an energy recovery facility on the site with a throughput of 150,000 tonnes per annum.
- 2.5 The proposed facility will operate on a 24-hour basis, seven days per week, but will shut down approximately two weeks per year for maintenance
- 2.6 The main process building will be designed to accommodate all the process activities including the combustion plant, turbine-generator and flue gas treatment. The waste material will be burnt at a temperature above 850°C following combustion process. The structure proposed is anticipated to be around 30m to 40m above ground level. The main process building will also incorporate an integrated workshop/admin control area accessed by an internal bridge structure. The height of the flue stack is estimated to be around 50m.
- 2.7 The proposed development will be subjected to an Environmental Permit issued by the Environment Agency and needs to meet the requirements of the Industrial Emissions Directive.
- 2.8 The treatment process will also be the subject of an initial assessment in respect of Annex II of the European Waste Framework Directive to assure that the proposed facility can be considered as a 'recovery' operation rather than a 'disposal' operation (often referred to as the R1 status). The R1 status will be maintained for the operational lifetime of the facility

3. Matters to be Covered in the Environmental Statement

- 3.1 As you have noted in your report, Section 4 of the EIA Regulations 2017 sets out what an Environmental Statement should include, and it is not necessary for me to repeat the requirements of this Schedule or of Regulations 18(3), Regulation (4) and Regulation (5) here. However, please be aware of both the aforementioned sections of the EA Regulation in the preparation of your Environmental Statement (ES).
- 3.2 Section 6 of your report continues to set out a Methodology for assessing impacts in the Environmental Statement (ES). A summary is given on Table 5 -1. Overall, this appears to be an acceptable format to be used in any future submission.

- 3.3 In order to satisfy the expectation of Regulation 18(5)(b) the ES should clearly identify the profile of the expertise and qualifications of the competent experts involved in the preparation of this part of the ES and clearly identify which areas they are responsible for.

4. The Scoping Opinion

- 4.1 The following sets out the Scoping Opinion which follows from a review of the Scoping Report, the other submitted documentation listed above, and the observations of the various statutory and non-statutory consultees, if received.
- 4.2 The matters to be covered in the Environmental Statement as set out in Chapters 5 and 6 of your Scoping Report are accepted. However, the points raised in the sections of this letter as set out below cover the additional matters to those already identified in the Scoping Report that should be included as part of the Environmental Impact Assessment.
- 4.3 Of course, the scope of the ES will need to be modified if there is a material change in the project (resulting from the revision of the scheme) or if new information comes to light and/or new environmental impacts are identified during the assessment of the planning application that have the potential to be significant.
- 4.4 For ease of reference I have followed the order of topics set out in your Scoping Report.
- i. Air Quality
 - ii. Biodiversity / Ecology
 - iii. Cultural Heritage / Archaeology
 - iv. Flood Risk and Drainage
 - v. Ground Conditions, the Water Environment and Waste Management
 - vi. Landscape and Visual Impact
 - vii. Noise and vibration
 - viii. Socio economic and Wellbeing
 - ix. Traffic and Transport
 - x. Cumulative Effects
 - xi. Other Matters

5. Topic Areas

i. Air Quality

- 5.1 The Council agrees that an air quality assessment to consider the impact of the development proposal including potential, pollutants during both construction and operational phases, dust impacts during construction and operation, particulate and gaseous emissions during operations and odour impact, should be scoped into any ES.
- 5.2 The likely changes in air quality or exposure to air pollution, as a result of the proposed development will have to be assessed. The Local Planning Authority (LPA) will use this information to form its own view on the “significance” of the effects of air quality impacts.

- 5.3 The proposed activities are Part A(1) activities under the Environmental Permitting Regulations (EPR) requiring an Environmental Permit. The Environmental Agency is responsible for the permits to control the operation of a regulated facility including emissions to water, air or land, noise and odour.
- 5.4 Furthermore, the proposed development site is close to the Wraysbury/M25 Air Quality Management Area, shown below.



- 5.5 The development proposal has the potential to significantly affect local air quality during both the construction and operational phases. It is recommended that the assessment considers the impacts on NO₂, PM₁₀, PM_{2.5} concentrations on local residential, commercial and industrial premises along with ecological sites (notably National Network sites) noted in your report. This should also include the impact of road traffic emissions during the construction phase. As your report states the assessment should also include the Wraysbury/M25 AQMA.
- 5.6 You state that an air quality assessment will be prepared for both the construction and operational phase. This is agreed as are the methods of data provision outlined in your report. Together with the points raised in your report, summarised in Table 5.1. The following matters should also be addressed in your ES:
- 5.7 Demolition, excavation works and construction
- The impact of dust during the construction phase from the various works and construction traffic on receptors primarily existing local residential, commercial and industrial premises along with ecological sites (notably National Network sites) noted in your report and the routes used to access the site. This should take into consideration and cumulative impact on the operations on site including any extant planning permission that exists.
- 5.8 Operational
- The impact of emissions on air quality within the AQMA and local area (see para 4.5)
 - The suitability of the location of the development for its proposed use.
 - The impact on future users of the development with respect to air quality.

ii. Biodiversity / Ecology

- 5.9 The Council agrees that ecology should be scoped into the ES. In addition to the points raised within your report and the summary points detailed in Table 5.1. The LPA makes the following comments that are essentially the Ecology consultee comments.
- 5.10 The surrounding landscapes are varied and likely ecologically significant, including the River Thames (priority habitat) which runs adjacent southernly to the site, ancient woodland (priority habitat) located to the south-west of the site boundary, Colne Brook (river), lakes (and numerous other waterbodies), open grassland, and generally excellent ecological connectivity to notable sites via linear habitat. The site lies within the 'green' impact risk zone for Great Crested Newts. It is considered that ecology shall be screened into the scope of the ES.
- 5.11 An ecological desk study has been informed with MAGIC (DEFRA), SSSI Impact Risk Zones (England) (DEFRA), QGIS (with full access to TVERC data), aerial imagery, and available site plans. A site visit was not conducted, and no ecological information has been submitted relevant to the proposals.

Protected Species & Habitats

- 5.12 Numerous historical protected species records are present within a 2km radius of the proposed site, including for molluscs, fish, riparian mammals (an otter record from 2009 is onsite), invertebrates, birds, harvest mouse, reptiles, and amphibians.
- 5.13 Protected species could use the site for shelter and commuting purposes, and the trees onsite could be suitable for foraging by several species including bats, all of which are likely to experience adverse impacts should the development commence – due to several direct and indirect factors, including (but not limited to) the emissions and pollutants associated with the proposals, relating to the air, dust, noise, light, surface-water runoff, contamination, soil.
- 5.14 There is also the potential for the loss or fragmentation of habitats, increasing barriers and reducing connectivity between the surrounding woodland, grassland, and waterbodies. The likely increase of footfall at the proposed site could comprise biosecurity, and lead to the introduction of invasive or alien plant species. As well as protected species, these factors are also likely to impact the nearby ecosystems – the River Thames, woodland (including ancient woodland), other waterbodies, and designated sites.
- 5.15 As such, the proposals could affect priority and protected species on and around the site, and any application submitted would need to provide a full **Ecological Impact Assessment**, comprising an extended **Phase I Habitat and Species Scoping Survey** (or equivalent) and any **Phase II Surveys** identified as being required – it is understood, as stated within the Covering Letter, that *"The EIA will include an assessment on ecology which will conform to the standard set out by CIEEM for Ecological Impact Assessment."* Any trees proposed for removal should undergo a **Ground Level Tree Assessment** (GLTA) or equivalent to assess their potential to host roosting bats. Further details are provided below.
- 5.16 It should be noted in addition to the above, that the National Trust site Runnymede and Anker Wycke is located less than 350 metres south. This site is known to provide habitat for rare species (particularly invertebrates, which are ecological indicators sensitive to pollution), including the Purple Emperor (*Apatura iris*) butterfly, which is protected under Schedule 5 of the 1981 Wildlife and Countryside Act (for sale only).

Planning Policy

- 5.17 Paragraph 99 of the government Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System (this document was not revoked by the National Planning Policy Framework) states that:

“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. “

Survey Requirements

- 5.18 Surveys should be carried out by suitably experienced ecologists who are a member of a professional organisation such as the Chartered Institute of Ecology and Environmental Management and / or are licensed or accredited by Natural England to survey protected species. The surveys should be carried out within the optimal season and follow best practice guidelines. These surveys should be provided as part of the ES.

Extended Phase I Habitat & Protected Species Scoping Survey

- 5.19 An Extended Phase 1 Habitat Survey is a standardised technique for environmental audit and involves classifying and if required mapping habitats on and adjacent to the application site. The survey is then ‘extended’ and any features or habitats that are likely to be of importance for notable or protected species, and or prove to be a constraint to development are investigated further and described.

Phase II Ecology Surveys

- 5.20 If the survey shows that the site contains habitats suitable for protected species, further surveys for species such as reptiles will need to be carried out and any mitigation measures provided as part of a future planning application.

Biodiversity Net Gain (BNG)

- 5.21 Biodiversity net gain became mandatory on 12th February 2024. From this date, planning applications must be accompanied by the minimum information set out in Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015. Upon submission of the application (contained within the ES) the applicant must submit information to demonstrate that a minimum of 10% in biodiversity net gain can be realistically delivered. If insufficient evidence is provided, there is a chance of refusal as BNG is a material consideration as part of the planning process. The following information must be submitted upon application, in accordance with the PPG:

- (1) **Biodiversity Net Gain Statement**, confirming whether:
 - (a) Mandatory BNG applies to the development or not
 - (b) Habitat degradation has occurred prior to or following the Statutory Metric calculations
- (2) **The Statutory Metric Calculations** in Excel with:
 - (a) Pre-development baselines and post-development calculations
 - (b) Date of metric completion
 - (c) Name of competent person (and relevant qualifications)
- (3) **A Scaled Map**, showing:
 - (a) On-site existing habitats (UK Habitat classifications)
 - (b) Irreplaceable habitat

- 5.22 It is strongly encouraged that a **draft BNG plan or BNG assessment** is included upon application. The submission of a draft at the application stage can provide information regarding whether BNG can be

discharged successfully on-site, whether significant on-site habitat enhancements need to be secured with a section 106 agreement, and whether off-site gains are required for the development.

5.23 From the information provided and lack of available plans, it is not clear that the application would be exempt from biodiversity net gain, such as under the de minimis exemption. **Should the applicant believe that the proposed development is exempt, a statement should be provided reading a suitable justification for this.** Nonetheless, biodiversity enhancements shall be incorporated into the development on the site, and details of all enhancements including the creation and restoration of habitat should be provided. A proposed landscaping plan should be issued.

5.24 Additional detail regarding BNG can be found on the RBWM website: [Biodiversity net gain | Royal Borough of Windsor and Maidenhead](#)

Designated Sites

5.25 The site is within close proximity of various statutory and non-statutory designated sites, including (but not limited to) the following:

- Wraysbury & Hythe End Gravel Pits Site of Special Scientific Interest (SSSI), 0.5km
- Staines Moor Site of Special Scientific Interest (SSSI), 1km
- Langham Pond Site of Special Scientific Interest (SSSI), 1.1km
- Wraysbury Reservoir Site of Special Scientific Interest (SSSI), 1.4km
- South West London Waterbodies Special Protection Area (SPA) and Ramsar Site, 1.1km
- Thames Basin Heaths Special Protection Area (SPA), 7.4km
- Windsor Forest & Great Park Special Area of Conservation (SAC), 3.3km
- Wraysbury II Gravel Pits Local Wildlife Site (LWS), 0.2km

5.26 Natural England have been consulted on this application and has stated in their consultation response that “*A robust assessment of environmental impacts and opportunities based on relevant and up to date environmental information should be undertaken prior to a decision on whether to grant planning permission.*”

5.27 Therefore, given the scale of the proposals and sensitive receptors nearby, **Natural England** must be consulted on any future applications, as suggested by the distance to designated sites and situation of the proposals within a SSSI Impact Risk Zone - [SSSI Impact Risk Zones \(England\) | Natural England Open Data Geoportal](#). It is recommended that information on the potential impacts of this proposal upon these designated sites is submitted and further consultation with Natural England be undertaken with regards to designated sites.

5.28 The LPA will undertake an Appropriate Assessment with Natural England given being in close proximity to protected areas and connections to these areas with the Thames. Accordingly, you should submit a Shadow HRA to assist the LPA with this AA exercise with your submission and cover this off in your Ecology Chapter of your Environmental Statement.

Summary

5.29 The application site may contain habitats used by protected and priority species and **surveys** to confirm their presence or absence would need to be undertaken as part of any planning application, as part of the ES. These surveys and any mitigation plans would need to be submitted within any ES, otherwise it is likely that insufficient information will have been provided for the local planning authority to determine the likely impact of the proposals upon protected and priority species and habitats.

5.30 In addition, details on how the development will provide a **net gain in biodiversity** using the **statutory biodiversity metric** are required. It is highly encouraged that a draft habitat management and monitoring plan (HMMP) and/or a draft BNG plan are submitted upon application to support the

mandatory BNG planning condition. Furthermore, **Natural England** is to be consulted on any subsequent application.

- 5.31 Natural England point you to Annex A of their letter dated 03 March 2025, this provide Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for the proposed development, their comments have not changed from the original submission.

iii. **Cultural Heritage / Archaeology**

- 5.32 Berkshire Archology have reviewed the site area included with the application and on this occasion have suggested that archaeology can be screened out of the ES. The consultee indicated that the site is over a former gravel pit, the extraction of the gravel from this area will have destroyed any archaeology that might have been present and as such the archaeological potential of the site is likely to be very low. As such no archaeological mitigation will be required on this occasion.
- 5.33 With regards to the above ground heritage assets, this impact should be scoped into the ES. The scope of the study area in relation to Cultural Heritage is accepted, including the summary in table 5.1. The potential impact of the proposed development on the setting of the heritage assets, in particular those in close proximity must be considered as part of the ES submission.
- 5.34 It is expected that the services of a historic environment specialist are used for the 'built heritage' part of the assessment, and not to rely on the skills and expertise of purely landscape/townscape impact assessors, as the matters to be considered are different.

iv. **Flood Risk and Drainage**

Please see the Environment Agency (EA) comments dated 23rd April 2025

- 5.35 Flood Risk should be scoped into the assessment. The EA note that according to the Flood Map for Planning, the site lies within Flood Zones 2 and 3 which is land defined by the Planning Practice Guidance (PPG) as having a medium and high probability of flooding respectively. In accordance with footnote 63 to paragraph 181 of the National Planning Policy Framework, a site-specific flood risk assessment (FRA) will be required as the proposed development is in Flood Zones 2 and 3.
- 5.36 It is noted that a sequential approach within the site has been undertaken however, please also be aware of sequential test and exception test requirements of the NPPF. Passing these tests needs to demonstrate accordance with the national policy.
- 5.37 The EA also note that the FRA has not been submitted therefore we are not able to further comment on details. This FRA should be updated in line with latest guidance and included with any planning application submitted. More comments on the FRA requirement from the LLFA are detailed below.
- 5.38 The EA round off their comments dated 23rd April 2025 with the following comments:

'Datchet to Hythe End Flood Improvement Measures project

Point 10 of Policy NR1 'Managing Flood Risk and Waterways' in the Royal Borough of Windsor and Maidenhead Local Plan states: Further development land associated with strategic flood relief measures will be safeguarded, including the proposed River Thames Scheme and the flood relief channel from Datchet to Wraysbury. Development should facilitate the improvement and integration of waterways in Maidenhead, including the

completion of the Maidenhead Waterway Project. The Datchet to Hythe End Flood Improvement Measures planning application is proposed within the study area for the Datchet to Hythe End Flood Improvement Measures project. This should be acknowledged in any EIA carried out by the applicant. Additionally, paragraph 172 of the NPPF (part b) requires the safeguarding of land from development that is required, or likely to be required, for current or future flood management.'

LLFA (Lead Local Flooding Authority)

- 5.39 Drainage should be scoped into the ES. In addition to the points raised in your report and the summary points included in Table 5.1 the following comments are offered.
- 5.40 The LLFA would expect to see a Drainage Design which must show the location of the proposed components and the connectivity of the system as well as invert levels, cover levels, pipe numbers, gradients, and pipe sizes, and storage volumes of all SuDS components. We would expect a Drainage layout to accompany the strategy.
- 5.41 The LLFA would encourage the applicant to investigate the use of above ground SuDS components such as rainwater harvesting, rain gardens/planters and tree pits in order to address the 4 pillars of SuDS: amenity, biodiversity, water quantity and water quality. Further information regarding rain gardens can be found in the UK Rain Garden Guide.
- 5.42 Calculations for the proposed surface water drainage scheme are required for the events detailed below:
- 1 in 1 year event demonstrating that there is no surcharging within the system in line with Sewers for Adoption
 - 1 in 30 year event demonstrating that the system does not flood
 - 1 in 100 year event plus 40% climate change demonstrating that any flooding is contained on site
- 5.43 These calculations must include details of critical storm durations and demonstrate how the proposed system as a whole will function during different storm events.
- 5.44 If the applicant is proposing to infiltrate, testing should be in line with BRE 365 which states that the pit should be filled and allowed to drain three times to near empty, on the same or consecutive days. The lowest infiltration rate of the three test results should then be used for design.
- 5.45 If the applicant is proposing to infiltrate we would also expect to see a groundwater investigation. As groundwater fluctuates seasonally and ground water recharge is highest over the winter period (from November until March); ground investigations must take place over the winter period to demonstrate peak seasonal highs. (A minimum of one reading must be taken per month over this period.)
- 5.46 We would also require details of the maintenance arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented.

v. Ground Conditions, the Water Environment and Waste Management

- 5.47 The assessment of ground conditions and the water environment, should be scoped into the ES. The Environment Agency shall be consulted on the findings. In addition to the finding within your report and summary in Table 5.1, the LPA offer the following guidance.

- 5.48 The applicant should be aware that as per the Environmental Protection comments on 23/03081/FULL, the site being on old landfill site has the potential for the release of gases trapped under the ground.
- 5.49 Within application 23/03081/FULL and the discharge of condition, the applicants' consultants in consultation with the RBWM Environmental Protection Officer produced a summary of past investigations and risk assessment that showed that ground gas was not likely to be produced at any concentrations to be a risk to sensitive residential receptors. The contaminated land condition for this application was recommended for discharge.
- 5.50 The EIA scoping report details the parameters of the waste incinerator whereby foundations will be required, and so intrusive works will need to take place. To this end we would expect the full contaminated land condition to be applied at the application stage.
- 5.51 The potential for the release of contamination during the proposed works not only is a potential risk to any work force but also to the controlled water environment and should also be included in any assessment. An unexpected contamination aspect to any outputs of an assessment with procedures for remediation and mitigation should be included as well as any long term monitoring.
- 5.52 If permission were to be granted on this site, it would involve the standard contaminated land condition (in appendix 1) to manage this issue. However, this is as in addition to any conditions may be requested by the Environment Agency with respects to groundwater and any current permits for the site.
- 5.53 The EA state in their response, that in our role supporting the planning process at sites affected by contaminative land use we are primarily concerned with the protection of controlled waters. Here, the primary controlled water receptors associated with the site are nearby surface water bodies including several unnamed water courses, the River Thames and groundwater beneath the site in the Shepperton Gravel and Chalk Aquifers.
- 5.54 The site has a history of contaminative land use including waste processing and disposal. As such the following will need to be considered further as the proposal is developed:
- Existing ground conditions and land remediation that may be required to make the site suitable for redevelopment and to ensure that it presents no further risk to identified controlled waters receptors.
 - Pollution that could arise because of the development and the activities listed below could impact on local controlled waters receptors:
 - o Management of construction activities.
 - o The impact of deep foundations on the underlying aquifers.
 - o Management of site drainage (both foul and surface water).
- 5.55 Site drainage is critical for the site and **water management** must be **scoped in** to the ES.
- 5.56 The planning system plays a key role in determining the location of developments which may give rise to water pollution, and hence planning decisions can have a significant impact on water quality, and land. The assessment should take account of the risks of water pollution and how these can be managed or reduced.
- 5.57 Thames Water are the statutory sewerage undertaker for the area and have stated that the EIA Regulations 2017 set out in Schedule 4 that water and wastewater issues may need to be covered in an ES. Thames Water consider the following issues should be considered and covered in either the ES or planning application submission:

1. *The developments demand for Sewage Treatment and network infrastructure both on and off site and can it be met*
2. *The surface water drainage requirements and flood risk of the development both on and off site and can it be met.*
3. *Build – out / phasing details to ensure infrastructure can be delivered ahead of occupation.*
4. *Any piling methodology and will it adversely affect neighbouring utility services.*

5.58 Please see the Environment Agency comment dated 23rd April 2025 for details expected in the event of a full planning application.

Waste Management

5.59 The EA state Waste management is a critical aspect to the new proposed development and must be **scoped into** the ES. The LPA agrees. Further to the points raised in your report and the summary in Table 5.1, the LPA offer the following comments.

5.60 This site is currently a waste treatment facility safeguarded by the Central and Eastern Berkshire Joint Minerals and Waste Plan, adopted by the Royal Borough of Windsor and Maidenhead in November 2022.

5.61 Any loss of waste treatment capacity from the currently permitted waste treatment activity would need to be considered to ensure the required treatment capacity in Central and Eastern Berkshire Joint Minerals and Waste Plan is not put at risk. In this regard, please see Policy M8 of the Waste Plan that says existing facilities involved in the recycling of materials such as yours will be safeguarded.

5.62 Changes to existing permitted operations would need to comply with the environmental permitting regulations and the operator would need to vary or surrender permits accordingly. Any new regulated activities would need to be authorised either as new permit or a variation to incorporate existing activities especially where they are directly associated.

5.63 The excavation treatment and redeposit of any material on this historic landfill is a waste activity and must be covered by an appropriate environmental permit for the permanent deposit and recovery of waste on the site.

5.64 An environmental permit should minimise emissions from the proposed development but it will not prevent them. Amenity issues should therefore be **scoped into** the ES that is discussed in alternative sections. Council's Sustainable Design and Construction SPD should be referenced to and the Sustainability SPD.

vi. Landscape and Visual Impact

5.65 The Council agrees that landscape / visual impact should be scoped into the ES. In addition to the details you outline in your assessment including Table 5.1. The LPA makes the following comments with regard to these matters.

5.66 You state that given the height of the building and the wider landscape topography. The proposed process building, ancillary structure and stack has the potential to result in adverse landscape and visual impacts. This is agreed and a Landscape and Visual Impact Assessment (LVIA) will be required as part of the ES. The LPA would request that the viewpoints are agreed with the LPA before submission.

5.67 The report states the LVIA will follow the principles set out in the latest document "Guidelines for Landscape and Visual Impact Assessment, Third Edition, (2013)" prepared by the Landscape Institute and Institute of Environmental Management and Assessment. Also be aware of and viewpoints in

accordance with Technical Guidance Note (TGN 06/19) 'Visual Representation of Development Proposals' (Guidance provided by The Landscape Institute). https://www.landscapeinstitute.org/wp-content/uploads/2019/09/LI_TGN-06-19_Visual_Representation-1.pdf

- 5.68 Therefore, a project methodology that scopes the extent of the study area, selection, extent and orientation of views, and reference to specific townscape and heritage features/ guidance within the Tall Buildings SPG and assessment of Character Area, is required.
- 5.69 This methodology should include reference to the Council's Tall Buildings SPD and the Council's Landscape Character Assessments 2010. This should set out the justification for the study area and scoping out specific sensitivities that are not included in the Study Area but referred to in the above Supplementary Planning Guidance.
- 5.70 The LVIA must clearly identify and evaluate any mitigation and enhancement measures incorporated into the scheme and provide reiterative assessment of the proposed impacts on the landscape character, key Viewpoints and visual receptors. The LVIA process should positively contribute to the Placemaking of the proposed development.

vii. Nosie and Vibration

- 5.71 Noise and vibration shall be scoped into the ES. Again, in addition to the comments in your report and Table 5.1, that are accepted, the LPA offer the following advice.
- 5.72 Construction Noise and Vibrations, along with Traffic Noise should have due regard for cumulative impacts. Other planned major schemes in the local area should also be taken into consideration.
- 5.73 The main concern from an Environmental Protection perspective is the noise impact on sensitive receptors, the proposed facility will operate 24/7 and is in close proximity to residential properties. A noise assessment will be required, the assessment should demonstrate that noise emanating from proposed plant will be well below (at least 10dB) the background noise level in accordance with BS4142.
- 5.74 Also, the noise impact of the deliveries on the residential properties along Feathers Lane is a concern and should be assessed, the proposed deliveries starting time at 6am from Monday to Friday may be unacceptable and should be changed to 7am.
- 5.75 Noise from the construction phase should be minimised, details of proposed mitigations measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites should be included within a Construction Environmental Management Plan submitted as part of the ES.

viii. Socio Economic and Wellbeing

- 5.76 The LPA agree this aspect should be scoped into the ES, in addition to the findings of your report and summary in table 5.1 which the LPA accepts. The following advice is offered.
- 5.77 The Council agrees that human health should be scoped into the ES and has made comments relating to several different aspects including contaminated land, water quality and health impacts above.
- 5.78 The LPA note that the applicant expects circa 200 employment opportunities created during the 3-year construction phase and approximately 35 permanent employment opportunities once the facility is operational.

- 5.79 This chapter needs to address clearly the impact that the proposed development will have on the need for and provision of employment opportunities (both during and after the construction phase of the proposals) in the area.
- 5.80 The baseline conditions should be informed by local data sources covering all these matters, in addition to the Census and ONS. Impact mitigation measures should be identified, together with mechanisms for achievement (in particular whether through Section 106 or CIL means).
- 5.81 See, <https://www.gov.uk/government/publications/health-impact-assessment-in-spatial-planning> and Healthy-Urban-Planning-Checklist-3rd-edition-April-2017.pdf (healthyurbandevelopment.nhs.uk)

ix. Traffic and Transport

- 5.82 The Council does not agree that transport should be scoped out of the ES. The LPA consider this should be scoped into the assessment. In addition to the points raised in Table 5.1 the LPA offer the following comments.
- 5.83 You state there is no limit for vehicles moving into and out of the site. This may be the case on the permitted extant approvals on site. However, what would be proposed is not extant and requires permission in its own right. This would include new Highways implications. Therefore, a full Transport Assessment should be included in the ES. It should also take into consideration all planned changes to the highway network in the vicinity of this application.
- 5.84 The impacts should be assessed to 2032 which will take into account developments proposed to be allocated as part of the adopted Local Plan. It should also take into consideration all planned changes to the highway network in the vicinity of this application.
- 5.85 Any proposed parking levels which fall below current adopted guidance (or those agreed under the extant planning permission) need to be addressed and supported by appropriate evidence. The report should clearly identify the measures to be adopted to enhance and where necessary promote new sustainable transport initiatives as considered necessary.
- 5.86 Undertake a review of the current national and local transport policies and parking standards (including car and cycle parking standards) relevant to the scheme proposals to confirm that the proposed development is policy compliant.
- 5.87 The following national, local policy guidance should be referred to in the TA:
- National Planning Policy Framework (NPPF 2024)
 - Manual for Streets (MfS) 2007
 - Manual for Street 2 (MFS) 2010
 - RBWM's Highway Design Guide
 - Parking Strategy (2004)
- 5.88 The proposed baseline study should include in the review the following elements:
- Parking survey of the surrounding area (Lambeth Methodology to be used);
 - Pedestrian Audit
 - Cycle Audit
 - Personal Injury Accident data
 - Existing Traffic Conditions

- 5.89 To determine the baseline traffic conditions near the proposed development, Automatic Traffic Counts (ATC) and Manual Classified Counts (MCC) should be undertaken at the junctions near to the development entrance.
- 5.90 The LPA accept that there are no cumulative schemes within close proximity of the host site. However, evidence of no cross boundary developments needs to be demonstrated. The LPA suggest you contact the neighbouring LPA's and search the neighbouring LPA's planning websites for confirmation of this conclusion. RBWM has consulted with the neighbouring authorities however have not heard back at this point. Once comments have been received these shall be forwarded over to yourself.
- 5.91 The development proposals shall include the following:
- Proposed Layout
 - Access Arrangement
 - Access by Foot/Cycle
 - Access by Public Transport
 - Internal Road Layout
 - Servicing Arrangement
 - Car and Cycle Parking
 - Workplace Travel Plan
 - Details of any proposed or required off-site highway works
- 5.92 Trip generation assessment (TRICS) to be undertaken. The sites selected to be comparable in terms of their quantum and location (accessibility). The TA should also include:
- Trip Distribution & Assignment;
 - Existing Junction Operation (Base Year)
 - Future Year Assessment, including with and without development and include any committed developments

x. Cumulative Effects

- 5.93 The LPA welcome the concept of assessing in-combination effects (also known as inter-relationship) arising from the Proposed Development. Your report refers to these effects which in isolation may only represent a slight effect upon a receptor, but in conjunction with the other effects arising from the topic assessments, may represent a greater effect and need to be given further consideration.
- 5.94 The LPA accept that there are no cumulative RBWM schemes within close proximity of the host site. However, evidence of no cross-boundary developments needs to be demonstrated. The LPA would encourage yourselves to agree the list of nearby developments with the LPA (please see Council's published weekly lists etc, committed development in the Local Plan etc) to account for this in the wider chapters within the Environmental Statement.
- 5.95 The relevant local neighbouring authorities are:
- Runnymede Council planning@Runnymede.gov.uk
 - Spelthorne Council planning.development.control@spelthorne.gov.uk
 - Hillingdon Council planning@hillington.gov.uk
 - Rushmoor Council plan@rushmoor.gov.uk

- 5.96 These local authorities have not objected to the proposals or provided any further advice about development that could provide a cumulative effect. Your ES needs to be definitive on this fact. If any further correspondences are received, we shall forward these over in due course.

xi. Other Matters

Sunlight and Daylight

- 5.97 It has not been demonstrated that sunlight and daylight issued should be ruled out. You should have due regard for the BRE guidelines and look at potential solar glare. The ES should look to demonstrate that the proposed development will not result in any increase adverse impact on residential properties. Light pollution / spillage from the development should be assessed. For completeness and the avoidance of doubt the LPA would require this aspect to be screened into the assessment.
- 5.98 In the absence of reports and detailed designs we are unable to conclude on this point. In the formal ES, parameters should be provided to enable the LPA to conclude on this point.

Climate Change

- 5.99 It is likely, based upon the information submitted, that that Climate Change can be scoped out of the ES. A standalone document on Energy and Sustainability will be expected to accompany the planning application. A standalone document on Energy and Sustainability will be expected to accompany the planning application.

Aviation

- 5.60 It is agreed that that Aviation can be scoped out of the ES. Your site is 4.2km from Heathrow airport. Heathrow Airport have been consulted on this application and have not responded. The LPA have followed the CAA guidance on this matters <https://www.caa.co.uk/commercial-industry/airspace/event-and-obstacle-notification/planning-consultations/>
- 5.61 The LPA have consulted with the CAA, the response received raised no comment or objection. If further correspondences are received, they will be forwarded over in due course.

Consultations

- 5.62 In accordance with Regulation 17 of the EIA Regulations 2017, the consultee email addresses are given below. If the applicant requires any more information in this regard, please contact the case Officer directly.

Reading Central Library	info@berkshirearchaeology.org.uk
CAA (Airports Or NATS)	enquiries@caa.co.uk
Conservation	Conservation@RBWM.gov.uk
Environment Agency (Planning)	Planning_THM@environment-agency.gov.uk
RBWM Ecologist	Ecology@RBWM.gov.uk
Environmental Protection	Environmental.Protection@RBWM.gov.uk
Highways Department	HDC@RBWM.gov.uk
Lead Local Flood Assessment	Suds@RBWM.gov.uk
Natural England	consultations@naturalengland.org.uk enquiries@naturalengland.org.uk

Conclusion

- 5.63 The matters identified in this Scoping Opinion, together with the consultation responses, should be taken into account in the finalisation of your Environmental Statement that will need to accompany an application for planning permission for the proposed development.
- 5.64 The advice provided in this response is provided on the basis of good will of an individual Officer and is not considered binding upon any decision subsequently taken by the Local Planning Authority.

Nick Westlake, Major Projects, Principle Planning Officer, (RBWM)

Signed off by: Jo Richards, Development Management Team Manager (RBWM)

Appendix 1 - Full Contaminated Land Planning Condition

Unless otherwise agreed by the Local Planning Authority in writing, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- ☐ a survey of the extent, scale and nature of contamination;
- ☐ as assessment of the potential risks to:
 - ☐ human health
 - ☐ property (existing or proposed) including buildings, crops, livestock, adjoining land,
 - ☐ groundwater and surface waters,
 - ☐ ecological systems,
 - ☐ archaeological sites and ancient monuments:
- ☐ an appraisal of remedial options, and proposal of preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's Land Contamination Risk Management (LCRM). How to assess and manage the risks from land contamination

2. Submission of Remediation Scheme.

A detailed remediation scheme to bring the site to a condition suitable for 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. 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.

3. Implementation of Approved Remediation Scheme.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification/ validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work must stop and it must be reported immediately by telephone and in writing to the Local Planning Authority within 2 working days. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is the subject of the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over the required period, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's Land Contamination Risk Management (LCRM). How to assess and manage the risks from land contamination

Reason: To ensure that risks from land contamination to the future users of the land and the 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. Relevant Policy Local Plan NAP4.