

# Notice of Meeting



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## Eastern Area Planning Committee Wednesday 24 August 2022 at 6.30pm in the Council Chamber Council Offices Market Street Newbury

This meeting will be streamed live here: [Link to Eastern Area Planning Committee broadcasts](#)

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If members of the public wish to attend the meeting they can do so either remotely or in person. Members of the public who wish to attend must notify the Planning Team by no later than 4.00pm on 23 August 2022 by emailing [planningcommittee@westberks.gov.uk](mailto:planningcommittee@westberks.gov.uk).

### Members Interests

Note: If you consider you may have an interest in any Planning Application included on this agenda then please seek early advice from the appropriate officers.

Date of despatch of Agenda: Tuesday, 16 August 2022

### Further information for members of the public

Plans and photographs relating to the Planning Applications to be considered at the meeting can be viewed by clicking on the link on the front page of the relevant report.

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148 or email [planningcommittee@westberks.gov.uk](mailto:planningcommittee@westberks.gov.uk).

Further information, Planning Applications and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://www.westberks.gov.uk).

Any queries relating to the Committee should be directed to the Democratic Services Team by emailing [executivecycle@westberks.gov.uk](mailto:executivecycle@westberks.gov.uk).



**Agenda - Eastern Area Planning Committee to be held on Wednesday, 24 August 2022**  
(continued)

**To:** Councillors Graham Pask (Chairman), Alan Macro (Vice-Chairman),  
Jeremy Cottam, Alan Law, Tony Linden, Ross Mackinnon, Geoff Mayes,  
Richard Somner and Keith Woodhams

**Substitutes:** Councillors Graham Bridgman, Lee Dillon, Nassar Hunt, Owen Jeffery,  
Joanne Stewart and Andrew Williamson

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# Agenda

## Part I

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1. **Apologies for absence**  
To receive apologies for inability to attend the meeting (if any).
2. **Minutes** 5 - 26  
To approve as a correct record the Minutes of the meeting of this Committee held on 3 August 2022.
3. **Declarations of Interest**  
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
4. **Schedule of Planning Applications**  
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications.)
  - (1) **Application No. and Parish: 22/01330/REG3, Wokefield** 27 - 62  
**Proposal:** Construction and operation of a solar farm and battery storage system together with cable route and all associated works, equipment and necessary infrastructure  
  
**Location:** Land North Of Bloomfield Hatch Farm Bloomfield Hatch, Mortimer, Reading, West Berkshire  
  
**Applicant:** West Berkshire Council  
  
**Recommendation:** Approve subject to conditions
  - (2) **Application No. and Parish: 20/02029/COMIND, Burghfield** 63 - 188  
**Proposal:** Development of an Energy Recovery Centre and adjacent Data Centre and associated infrastructure

**Agenda - Eastern Area Planning Committee to be held on Wednesday, 24 August 2022**  
(continued)

**Location:** Reading Quarry, Berrys Lane, Burghfield, RG 30 3XH

**Applicant:** J Mould (Reading Ltd.)

**Recommendation:** Approve subject to conditions

(3) **Application No. and Parish: 22/01541/TELE56, Purley-on-Thames** 189 - 200

**Proposal:** Application to determine if prior approval is required for a proposed 15m monopole tower to support antenna, associated radio-equipment housing and ancillary development thereto

**Location:** Oxford/Reading Road (opposite junction with New Hill), Purley-on-Thames, Reading

**Applicant:** Dalcour Maclaren on behalf of Hutchison 3G (UK) Ltd

**Recommendation:** Grant prior approval subject to conditions

### **Background Papers**

- (a) The West Berkshire Core Strategy 2006-2026.
- (b) The West Berkshire District Local Plan (Saved Policies September 2007), the Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and relevant Supplementary Planning Guidance and Documents.
- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
- (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
- (e) The Human Rights Act.

*Sarah Clarke*

Sarah Clarke  
Service Director – Strategy & Governance  
West Berkshire District Council

If you require this information in a different format or translation, please contact Stephen Chard on telephone (01635) 519462.



**West Berkshire**  
C O U N C I L

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## DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

### **EASTERN AREA PLANNING COMMITTEE**

### **MINUTES OF THE MEETING HELD ON WEDNESDAY, 3 AUGUST 2022**

**Councillors Present:** Graham Pask (Chairman), Alan Macro (Vice-Chairman), Alan Law, Tony Linden, Geoff Mayes, Richard Somner, Keith Woodhams, Graham Bridgman (Substitute) (In place of Ross Mackinnon) and Nassar Hunt (Substitute) (In place of Jeremy Cottam)

**Also Present:** Michael Butler (Principal Planning Officer), Bob Dray (Development Control Team Leader), Tom Dunn (Principal Policy Officer), Paul Goddard (Team Leader - Highways Development Control) and Donna Toms (Planning Officer)

**Apologies for inability to attend the meeting:** Councillor Jeremy Cottam and Councillor Ross Mackinnon

#### **PART I**

#### **12. Minutes**

The Minutes of the meeting held on 13 July 2022 were approved as a true and correct record and signed by the Chairman subject to the inclusion of the following amendments:

- For Item 4(2), all references to Lucy Chopping should be replaced with Lucy Jones.

#### **13. Declarations of Interest**

Councillor Alan Macro declared an interest in Agenda Item 4(1), but reported that, as his interest was a personal or another registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

#### **14. Schedule of Planning Applications**

##### **(1) Application No. & Parish: 22/00146/RESMAJ Lakeside, The Green, Theale**

*(Councillor Alan Macro declared a personal interest in Agenda Item 4(1) by virtue of the fact that he knew some of the objectors and he also lived around 100m from the site. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)*

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 22/00146/RESMAJ in respect of a Section 73 application for variation of condition 2 (to allow for 9 dwellings), condition 3 (vary the phasing plan), condition 4 (materials), condition 9 (levels), condition 11 (landscaping), condition 14 (vehicle parking & turning), following grant of planning permission 20/00663/RESMAJ - Approval of reserved matters application for phase 1 (of the development, which was for 7 dwellings located off St Ives Close, details include access, appearance, landscaping, layout and scale) following Outline Permission Allowed on Appeal 15/02842/OUTMAJ (APP/W0340/W/16/ 3159722) – Outline application for Residential development of up to 325 houses and apartments (including 70 extra-care units) with associated access, parking, amenity space and landscaping. All matters reserved.

## **EASTERN AREA PLANNING COMMITTEE - 3 AUGUST 2022 - MINUTES**

Mr Michael Butler (Principal Planning Officer) introduced the item which took account of all the relevant policy considerations and other material planning considerations.

In accordance with the Council's Constitution, Ms Zoe Fenwick, Theale Parish Council representative, and Ms Sylvia Fowler, objector, addressed the Committee on this application.

### **Parish Council Representation**

Ms Fenwick in addressing the Committee raised the following points:

- Theale Parish Council had objections to raising the number of houses from seven to nine, on the basis that it would change the character of the existing St Ives Close development – the 11 existing dwellings were mostly bungalows and the new dwellings would effectively be three storey houses.
- Residents in St Ives Close and Volunteer Road would be overlooked.
- There would be a 25-30% increase in traffic. St Ives Close was a small road with limited parking and there were already concerns about refuse vehicles being able to access the site adequately. Issues experienced by residents and refuse / utility vehicles would be exacerbated by the increased traffic.
- The Parish Council had concerns about drainage and impacts on the environment as a result of removal of trees, bushes and vegetation required to deliver the required changes to the road layout.
- The site was significantly higher than St Ives Road and the Parish Council was concerned about the impact of works to address this.

### **Member Questions to the Parish Council**

There were no questions of clarification for the Parish Council.

### **Objector Representation**

Ms Fowler in addressing the Committee raised the following points:

- She lived in a property on Volunteer Road that backed onto the site.
- Under the approved plan for seven houses, there would be only one house adjacent to her property, which would be side-on with no facing windows and a large garden. However, under the new application for nine houses, there would be two properties backing onto her property with windows overlooking her garden and much smaller gardens.
- The proposed houses would be very high and would have a detrimental impact, blocking light and devaluing her property.
- She asked the Committee to take account of the impact of the proposal on the residents of Volunteer Close.

### **Member Questions to the Objector**

Members sought clarification about the orientation of the nearest property under the approved layout. It was confirmed that under the approved permission, there would be one property that would be side-on with one obscured glazed window on the first floor. Under the new application there would be two properties that would back onto the properties on Volunteer Road with multiple windows at first floor level and in the roof.

## EASTERN AREA PLANNING COMMITTEE - 3 AUGUST 2022 - MINUTES

### Ward Member Representation

Councillor Alan Macro in addressing the Committee raised the following points:

- He knew the site well.
- There was outline permission for up to 325 homes with permission granted for seven homes in Phase 1.
- There were several differences between this application and the approved one:
  - All houses in the new application were 2.5 storeys rather than 2 storeys.
  - There were eight five-bed homes and one four-bed home in the new application, while the approved application had just one five-bed home.
  - The property known as The Ramblers would have three houses backing onto it and one sideways on, which would be much closer than in the previous scheme.
  - There were two properties backing onto properties in Volunteer Road compared to one that was sideways on in the approved scheme.
  - The new application also had three houses backing onto the bungalow on the west side of St Ives Road and the new property at the end of The Green.
- Although the proposal met the Council's parking standards, the standards only went up to homes with three bedrooms, while most of the proposed dwellings in this application had five bedrooms. Also, standards were only achieved by including visitor spaces on the public highway. Most properties had tandem parking layouts and one had three inline spaces, which was impractical and the police had expressed concerns about possible tension between neighbours.
- The Drainage Officer report highlighted 17 outstanding issues, including:
  - No possibility of swales for sustainable drainage.
  - Proposed soakaways would be inappropriate due to the high water table.
  - Concerns about drainage into the lake, which had no outlet.
- The parking and drainage concerns suggested that there was too much development proposed for the site.

### Questions to the Ward Member

Members noted the police's concerns about potential conflict arising from the proposed parking layout, but suggested that any disputes would be between the occupants of individual homes rather than between neighbours. Councillor Macro felt that residents of five-bedroom homes would have more than two or three cars, and occupants would find the parking arrangements impractical and would use the visitor spaces instead.

A question was asked about whether Councillor Macro would have had a different view if he had not seen the previous application for seven homes. Councillor Macro indicated that his view would be the same – that the developer was trying to squeeze too much onto the site.

Clarification was sought regarding the location of the visitor spaces. These were shown on the plan between the houses and lake. Councillor Macro suggested that there may be conflict with the bin collection point.

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### Questions to Officers

Members challenged whether this was a minor amendment and whether a Section 73 application was appropriate. It was confirmed that a Section 73 application could be used to change the conditions on a consent and make material minor amendments. The scope of a Section 73 application would only be exceeded if it fundamentally changed the description of a development. The description of the development related to the outline consent for up to 365 dwellings. However, it was acknowledged that the balance of the housing mix across the site was part of the debate.

Members asked about the comments from Thames Valley Police. Officers were surprised by the comments on parking arrangements, since they had not received similar comments before, and tandem parking layouts were commonplace. Officers did not agree that there would be disputes between neighbours, since parking for each household would be within the property's curtilage. Regarding the comments on natural surveillance, it was explained that this was usually achieved by roads being overlooked by the fronts of properties. Officers were surprised by the comment, and indicated that they would struggle to substantiate this as a reason for refusal.

It was queried whether the developer was using the visitor spaces to meet the Council's parking standards, since eight of the properties only had two spaces. It was confirmed that if properties had car ports rather than garages, then they would count as a parking space. Also, it was highlighted that parking standards only covered dwellings with up to four bedrooms and required up to three spaces to be provided. Since Plots 1-3 only had two spaces, they were reliant on the visitor spaces to provide the third space. The Highways Authority could not object to this, since the Council had no standard for visitor spaces for houses (only flats) and overall there was sufficient parking within the site.

Members queried whether the properties had garages rather than car ports. It was confirmed that they were garages and not car ports as originally thought. Since garages were not counted as parking spaces, all of the visitor parking spaces would be used as third parking spaces for the properties, but officers considered that the proposal still complied with the parking standard. This was challenged by Members who noted that there were just 24 spaces on the site, but the parking requirement according to Policy P1 was for 27 spaces. Officers subsequently agreed that there was a shortfall of up to three spaces. It was proposed that this could be addressed via an amendment to Condition 14 to say that parking would be in accordance with details to be submitted, and to seek an amended layout with three spaces for each dwelling. It was noted that there was capacity within the site subject to landscaping considerations. Alternatively, an additional condition could be introduced to make each garage a car port by removing permitted development rights for front doors or seeking amended plans.

A question was asked about access for refuse / utility vehicles. It was explained that the current access was a private street, but the applicant had freehold ownership within the red line shown on the access plan, and the road would be made up to adoptable standard, with improvements to the width and alignment. It was noted that refuse trucks currently reversed down St Ives Road, but the proposed layout would permit them to turn round.

It was suggested that two of the properties could be used as six bedroom homes. Officers noted that there was an extra room that was labelled as a study / store. If this room was to be used as a bedroom by the occupant, that did not constitute development and so could not be controlled by condition.

Concern was expressed that the site was not at the correct level to access the existing foul drainage system. It was explained that Thames Water had raised no objections and



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there was a condition about finished floor levels that could address this point. Members noted that Thames Water had not responded. Officers confirmed that they had been consulted. It was explained that they were unlikely to object since they had a duty to make connections and would have to accommodate the increase from seven to nine dwellings. They would be more interested in phasing and this would be covered by the outline conditions.

Members also challenged whether additional rooms should be considered as bedrooms whether all properties would have sufficient amenity space given their number of bedrooms. It was explained that the Council's standard was a minimum of 100m<sup>2</sup> for dwellings with three or more bedrooms. It was confirmed that all properties exceeded this standard. Buyers would decide whether they were happy with the amenity space. It was also pointed out that future phases of the development covered by the extant permission would have higher densities, which would make it difficult to refuse this application on the grounds of overdevelopment.

### Debate

Councillor Alan Law expressed frustration with developers submitting applications with additional development beyond that covered in the original outline permissions. In this case, he felt that the consequences had not been considered in terms of parking and it did not meet the Council's parking standard. He had been minded to oppose the application on the grounds of overdevelopment, but recognised that there was adequate space within the site, and the Council would be likely to lose at appeal if they were to refuse it on that basis. He proposed to refuse the application on the basis that it did not comply with the adopted parking standard. This was seconded by Councillor Graham Bridgman.

Councillor Richard Somner indicated that he was minded to support the officers' recommendation, but only on the basis that the parking issue was resolved. He recognised that the developer wanted to provide luxury properties in a wonderful setting. He did not feel that the developer would remove two houses to address the parking shortfall. He suggested that the Committee should not come up with solutions for the developer, but should look at the application as submitted.

Councillor Graham Bridgman expressed surprise that a luxury six bedroom house was proposed with only just over 100m<sup>2</sup> of amenity space. However, he agreed that if it were not for the parking issue, the Committee would have difficulty in refusing the application. He noted that the parking policy was explicit and if it had been an application for a single property, it would not have got to committee. He agreed with Councillor Law that it should be rejected because it did not meet the parking standard.

Councillor Alan Macro suggested that if the visitor parking area was to be expanded, it would have landscaping implications, and would negatively affect the outlook from the properties. Alternatively, if the garages were converted to car ports, then this would result in three inline parking spaces on driveways, which he considered to be impractical. He felt that the proposal represented overdevelopment, but was content not to ask for this to be added as a reason for refusal. He also felt that the proposal was out of character since it featured 2.5 storey properties, while existing properties were bungalows on large plots.

Councillor Somner noted that the application was within the previously approved height range, so apart from the issue of overlooking, the Committee would be unable to refuse the application on grounds of building heights. He noted that the outline permission was for up to 325 homes, so if Phase 1 was for nine homes instead of seven, he would expect a corresponding reduction in the remaining phases.

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The Chairman expressed surprise that it was proposed for visitor spaces to be used by occupants, which would leave nowhere for visitors to park. He asked if the adopted parking standard only required visitor parking for flats. Mr Paul Goddard confirmed that was correct, but suggested that this could be amended in the next Local Plan. He noted that the developer was relying on visitor spaces to meet the parking requirement of the houses, but because they were on the public highway, they could not be allocated to individual properties. He apologised for mistakes made by officers in assessing the parking provision in relation to this application.

The Chairman could not recall another example of a small development where visitor parking had been an issue. Councillor Bridgman understood the concept of visitor parking in relation to flats, since flats had common areas around the building where parking may be allocated or shared. He also understood the concept of visitor parking in relation to houses, since occupants and visitors generally parked within the curtilage. However, in this case, visitor parking would be on the public highway outside the curtilage of the property and would be shared between the properties. He could foresee arguments between residents about the use of these spaces. He felt that future parking standards should be explicit about the number and location of visitor spaces.

Councillor Law noted that the standards were changed in 2016. He stated that the Local Plan was in its final draft and asked Mr Goddard to raise this with Planning Policy as a matter of urgency.

Mr Butler suggested that the sole reason for refusal should be parking, since it would be difficult to defend any other reasons at appeal.

Mr Bob Dray summarised the proposal as being to refuse planning permission on based on insufficient parking contrary to Policy P1 of the Local Plan. He also noted that there were further applications coming forward that would seek to increase the affordable housing percentage, so a deferral could be considered if Members felt that the issues could be addressed. However, he recognised the strong views of Members on this issue.

Mr Goddard observed that developers were increasingly reliant upon on-street parking to meet parking standards and he confirmed that he would take the matter up with the Planning Policy Manager.

Councillor Macro noted that if this application was rejected, then the applicant could still implement the approved proposal for seven homes.

The Chairman invited Members of the Committee to vote on the proposal by Councillor Alan Law and seconded by Councillor Graham Bridgman to refuse planning permission. At the vote the motion was carried.

**RESOLVED that** the Head of Development and Planning be authorised to refuse planning permission for the following reasons:

### **Reasons**

The proposed development fails to comply with the Council's residential parking standards as set out in Policy P1. Under these standards, a total of 27 parking spaces are required for the housing number and mix proposed. Garages are not counted towards this total. The proposed development would have a shortfall of three. In addition, eight of the proposed houses rely on the shared use of visitor spaces within the public realm, which is considered unacceptable and likely to lead to ambiguous ownership and conflicts between neighbours. As such, the development would lead to increase likelihood of on street parking in the wider vicinity which would be hazardous to highway safety and not amount to high quality design. The application is contrary to Policies CS13

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and CS14 of the West Berkshire Core Strategy, and Policy P1 of the Housing Site Allocations Development Plan Document (HSA DPD) 2006-2026.

### **(2) Application No. & Parish: 21/02450/REG4 Basildon Church of England Primary School, School Lane, Upper Basildon**

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 21/02450/REG4 in respect of redevelopment of the school grounds including new play equipment and fencing.

Mr Michael Butler (Principal Planning Officer) introduced the item which took account of all the relevant policy considerations and other material planning considerations.

In accordance with the Council's Constitution, Mr Geoffrey Couchman, Basildon Parish Council representative, Ms Ruth Cane, objector, and Ms Pam Slingsby, Ms Natasha Lee and Reverend Grant Fensome, applicants, addressed the Committee on this application.

#### **Parish Council Representation**

Mr Couchman in addressing the Committee raised the following points:

- Basildon Parish Council objected to the proposal on environmental grounds.
- The proposal would destroy an established wilding area with mature vegetation.
- The proposal also cut across the West Berkshire Environmental Strategy's vision to improve natural habitats and wilding areas.
- Existing vegetation would be removed and replaced with rubberised, safe play areas. This relied on petro-chemical manufacturing, which again had environmental issues.
- There were a number of trees on site. Two would be kept, but two or three of the less mature sycamores would be removed.
- It was strange to replace a natural environment (albeit neglected) by something that detracted from the environmental issues.

#### **Member Questions to the Parish Council**

Members asked if there was a planning policy issue with the proposal. It was noted that landowners could replace ponds, wildlife areas, trees that were not protected, etc with something else under planning rules (i.e. with no planning application required per se). It was noted that any building project would utilise building materials that had an environmental / carbon impact, but planning law did not allow such projects to be refused on environmental grounds. Members asked if the parish council could identify any planning policy grounds to refuse the application.

Mr Couchman indicated that it was not considered contrary to planning policy, but it was contrary to the adopted Environment Strategy. He quote from the strategy as follows: 'Our environmental assets will have been protected for future generations'. He noted that the school's freehold was within the Council's ownership. He also noted that there was a need to build houses, but this was a separate issue.

#### **Objectors Representations**

Ms Ruth Cane in addressing the Committee raised the following points:

- The proposed development would have adverse environmental impacts.
- Objectors were supportive of the Council's Environment Strategy, which was considered to be very forward looking and highlighted the need to engage all communities to take action to protect the environment. The Strategy also made a

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commitment to encourage children to be closer to nature and to improve the natural environment.

- Other aspects of the strategy that were considered important included:
  - Protecting the environment
  - Understanding the role of local woodland trees (the proposal would result in the loss of sycamore trees)
  - Improving diversity and wildlife
  - Protecting the environment for future generations
  - Working with residents and communities to deliver positive change
- The school referred to the proposed development as a 'forest zone'. While the school was believed to be well-intentioned, there was nothing in the proposal that bore any resemblance to a forest.
- It would use shredded rubber tyre surfacing and there were concerns about such products.
- The current wild environment provided a habitat for various wildlife and plants, which would be replaced with artificial constructions, which would not be in keeping with the character of the open field environment (Policy ADPP1).
- The proposed fire pit was considered a fire risk, and it was not clear how it could be moved when hot.
- The loss of the pond was a concern - not just the loss of rare newts.
- The objectors felt strongly that the proposal was not in line with the Council's strategic intentions and key policies.
- The school field was large and mostly laid to grass. It was perverse and irresponsible to remove the one wild area that was more than a monoculture. This was the only biodiverse part of the playground and replacing it with something as sterile as the proposed development was not sensible.
- Other sites within the school grounds had been cleared and had fallen into disuse.
- Previously, the local horticultural society had offered to maintain the wild area, but this offer had not been taken up.
- There was a small community owned wood nearby that the children had access to.
- Objectors were pleased to see proposed conditions requiring further landscaping plans.
- They had concerns that the area would be used by older children outside of school hours. They felt the area should be fenced off, since the fire pit would become a point of nuisance.
- In summary, the objectors could not see how the proposal was in line with the Council's Environment Strategy.

### **Member Questions to the Objector**

Members noted that 'forest school' was a term for outdoor learning and asked if this was considered to be an important part of children's education. Ms Cane agreed that it was important, but she did not see how that was furthered by removal of the only biodiverse area in the school grounds. It was suggested that this area could be enhanced by

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planting fruit trees that could be used for education purposes. She proposed an unused area to the north of the school as an alternative site for the forest zone.

Clarification was sought as the negative impacts of shredded rubber surfacing. It was explained that there were potential hazards associated with toxins in the material. While it was acknowledged that this was currently considered to be OK, there was emerging evidence of unstable chemicals present in the material. It was felt unnecessary to use this material.

A question was asked about how the pond was fed and where water went when the pond was full. Ms Cane did not know about how it was fed, but noted that it appeared to be just a collecting point for water, and levels varied throughout the year. She did not know where water went when the pond was full.

### **Applicants Representations**

Ms Natasha Lee, Ms Pam Slingsby and Rev Grant Fensome raised the following points:

- The school had requested permission to convert a small, overgrown, unusable brambled area into a forest school and den-building play area.
- A forest school would promote holistic development of children through personal, social and technical skills, supplementary to classroom learning. It would also foster resilient, confident, independent, creative learners.
- Ofsted recommended that schools evaluated the quality of learning outside the classroom in order to maximise learners' achievement, personal development and wellbeing.
- DfE guidance referred to the importance and positive research of the benefits of children learning outside the classroom, particularly those with special education and behaviour needs, as well as those who were more vulnerable and disadvantaged.
- Also, SIAM schools were encouraged to have space for outside worship.
- The project was a milestone in delivery of a varied and highly effective curriculum.
- The area would include a range of play equipment to support this.
- To support educational outcomes, there would be stepping stones, a seating area, and an area to develop core stability and motor skills, identified as an issue post-pandemic.
- A den-building area and huts would promote creative development, team building, resilience and imaginative play.
- A seating area would allow classes to be taught surrounded by nature and for acts of class / school worship.
- The school was able to use nearby community woods for some lessons, but access was limited due to staff ratios and this was not so good from a safeguarding perspective.
- Pupils had contributed to the design of the proposal.
- Two teaching staff had experience of the forest school approach.
- The proposal was supported by the parent body who had fundraised for it over the last five years.
- Other locations had been considered, but this was the preferred area, since it was currently unusable by the school.

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- The structures would be wooden. Rubberised bark chips would be used, which would be natural in appearance. These were widely used.
- All large trees would be preserved.
- Low maintenance planting would feature between the paths.
- Serious consideration has been taken of neighbours throughout the planning process and the development had been moved further into the school site, away from the boundary in response to comments received.
- The school had been given five trees by West Berkshire Council, which would be planted on the boundary of the site.
- The existing area had a man-made pond, which needed to be manually filled and had been dry for many years.
- The existing area was full of brambles and nettles and was unsightly and unsafe.
- The area was less than 100m<sup>2</sup> and was smaller than extensions of neighbouring properties.
- The development would bring significant educational benefits for the school.

### **Member Questions to the Applicants**

Members noted that the existing pond was man-made and not fed by natural sources. They asked about the history of the pond and the wildlife it supported. The applicants stated that the pond had been redeveloped in 2006. The previous pond was a liner in the ground, but the new structure was raised and had a bridge over the top. Following changes to legislation, the area had to be fenced off and this made it difficult to maintain. Work was carried out with the Pang Valley Volunteers on two occasions to redevelop the area. The previous headteacher had not considered this to be an appropriate use of curriculum time, so the pond had fallen into disrepair. It rarely had water in it and the stopcock had to be removed, to stop it being abused by users of the footpath through the site. Historically, there had been tadpoles and frogs, but otherwise no significant wildlife.

Members sought clarification about the meaning of SIAM. Also, concerns were expressed about the potential fire risk posed by the fire pit. It was explained that SIAM was the Statutory Inspection of Anglican and Methodist Schools, which reported on the quantity and quality of worship at the school. This proposal, which included a collective outdoor worship space, was felt to be beneficial. The fire pit would be removable and the suppliers had indicated that it would cool down within two hours, after which it could be stowed away. The school allowed children to learn to manage risk and the fire pit would be controlled.

Members noted that the parish council's concerns related to the negative environmental impact of replacing a wild area and asked for more details of the wild area, what it was used for and what benefits it provided for the children. A question was also asked about plans to create wild areas elsewhere on the school site. It was confirmed that the area was very small (<100m<sup>2</sup>). It had been fenced off and was not accessible for students. It was covered in brambles and nettles and was overgrown, so it could not be utilised. It was considered to be in a useful location, next to the play area with good visibility from most of the school site. The children had access to other wild areas in the nearby community woodland and countryside.

The Rights of Way Officer's comments were noted and Members asked who would be driving on the public footpath. The public footpath passed through the school site and passed between the school building and playground. Driving was not permitted except

## **EASTERN AREA PLANNING COMMITTEE - 3 AUGUST 2022 - MINUTES**

construction traffic. At the front of the school, the footpath was fenced off from the staff parking area.

Members sought clarification as to what would be included in the development. It was explained that the proposal had been revised several times in response to consultation feedback. The plan titled 'Version 3' was the latest version and included shelters, amphitheatre with upright posts, weaving posts and frames.

Members asked why this location had been selected to the proposal. Discussions with Sport England had confirmed that the size of the playing field needed to be retained and the current structure needed to be removed in order to maintain tournament activities. Other possible sites included a small grassed area with surface-mounted planters, which was used by younger children. This was only about a third of the size and so would deliver limited educational benefits. The other grassed area was adjacent to the proposed site, but this already had play equipment that was higher than the proposed features. To the rear of the site was a fenced off area for the Early Years Centre – a small area behind this had been proposed by residents as an alternative site. However, this was not flat and would need significant excavation that would affect neighbouring properties. The area contained several fruit trees and was regularly maintained. There was no other suitable area in the school.

### **Ward Member Representation**

In addressing the committee, Councillor Alan Law raised the following points:

- The site was a wild, overgrown area.
- The Parish Council and objectors had made objections on environmental grounds, but the Ecology Officer had no serious objections.
- Many of the objections related to the choice of location within the site, but the applicant had provided a clear rationale for this.
- The officers' report mentioned some conditions that did not appear in the proposed conditions list.

### **Questions to the Ward Member**

There were no questions of clarification for the local ward member.

### **Questions to Officers**

Members asked if the Ecology Officer had visited the site. Officers did not think that the Ecology Officer had visited the site, but the application had been accompanied by an ecological survey, which required a site visit and detailed site appraisal. This was standard practice and was considered a sufficient basis on which to make reasonable judgements.

It was queried whether paragraph 6.10 referred to the woodland hut. This was confirmed by officers.

Clarification was sought as to the comment in 6.27. It was explained that the Ecologist's preference was to retain the pond, but this did not form part of the proposal. The mitigation plan and landscaping conditions would seek to mitigate the loss of the pond. The pond had been assessed as having low ecological value, so a reason for refusal on that basis could not be substantiated.

Members noted that the boundary fence with 17 Emery Acres was lower than those of surrounding properties and asked if this could be addressed by a condition. Officers highlighted that the landscaping condition included boundary treatments.

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The terms GCN and RAMs were queried - these referred to great crested newts and reasonable avoidance measures.

Members asked if conditions were required to manage fire risk. It was explained that a moveable fire pit did not constitute development, so did not require planning permission. This would be a matter for the school and their health and safety responsibilities.

Members noted that the mitigation plan was not included in Condition 7 on Ecology. Officers indicated that Condition 4 required the Ecology Mitigation and Enhancement Plan to be agreed. Surveys were covered by Condition 5 and Condition 7 required a fresh Ecology Survey if the development did not commence within a certain time period.

Members suggested that the Construction Management Plan should be enhanced to include the part of Informative 3 about not driving on the public footpath. Officers explained that this was a standard request from the Rights of Way Team for any works close to the network. Mostly, these issues were addressed by other legislation, but officers were happy for this to be added to the condition.

### **Debate**

Councillor Richard Somner recognised the benefits of the scheme for the children. Many local schools were in the fortunate position of being able to have forest zones where children could develop and learn outside. He recognised the logical reasons for the objections, but felt that these could be mitigated with things that the school wanted to do. Providing an area where the children were safe and were learning would lead to development and children wanting to get involved in environmental activities. This would have clear benefits both locally and for the wider area.

Councillor Graham Bridgman noted the objection of the Parish Council and objectors were on environmental grounds, which confused the roles of the Council as applicant and planning authority. The Committee's role was to consider whether the application met the Council's requirements as planning authority rather than defending the Council's environmental policies as the applicant. Also, he felt that the arguments overplayed the environmental policy aspects. The proposal was to replace a wasted area with something that would be of great benefit. He proposed to accept officers' recommendation with the amendment of conditions to ensure that the public footpath was not obstructed during construction. This was seconded by Councillor Richard Somner.

Councillor Tony Linden felt that it would be good for the community and would encourage other schools to look at similar projects. He fully supported the application.

Councillor Alan Law noted that there were two debates – one around the environmental policy aspects, which had been addressed by Councillor Bridgman, and the requirement for mitigation plans, and another around the location of the development within the site, for which there were no planning objections. He noted that there was a public right of way going through the middle of the school site and asked for an additional condition to require the existing fence to be retained as part of the landscaping. Officers were content for this to be added. This was supported by Councillors Bridgman and Somner.

Councillor Geoff Mayes expressed concern about loose rubber mulch being put over the fill in the pond. It was confirmed that the material would be bonded.

The Chairman invited Members of the Committee to vote on the proposal by Councillor Graham Bridgman and seconded by Councillor Richard Somner to accept officers' recommendation to approve the application, but amending Condition 3 related to the Construction and Environment Management Plan to include measures to safeguard the public footpath during construction, and amending Condition 11 on Landscaping to retain the existing fence alongside the public footpath. At the vote the motion was carried.



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**RESOLVED that** the Service Director of Planning and Regulation be authorised to GRANT PLANNING PERMISSION subject to the conditions listed below.

### **Conditions**

#### **1. Commencement of development**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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:

- Location Plan received 27.09.2021;
- Block Plan received 27.09.2021;
- Location of proposed development received 27.09.2021;
- Details of proposed equipment received 27.09.2021;
- Detailed Floor Plan received on 02.03.2022;
- 3D Image received on 02.03.2022;
- BSK33248-10 – Open Ended House Frame received 27.09.2021;
- IF 035 - Weaving Posts received 27.09.2021;
- IF 056 - Wigwam Posts received 27.09.2021;
- Materials Details received 27.09.2021;
- QF003 – Picnic Table – Small received 27.09.2021;
- QF103 – Large Shelter with Seating and Planters received 27.09.2021;
- Qf117 – Herb Planter received 27.09.2021;
- School Playground Equipment received 27.09.2021;
- Material Information received 27.09.2021;
- WILD003 – Woodland Hut received 27.09.2021;
- WILD009 – Log Amphitheatre – Three Tier received 27.09.2021;
- WILD033 – Forest Playhut – With Table and Seats received 27.09.2021;
- Tree Survey Drawing received 27.09.2021.

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

#### **3. 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.

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- (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.
- (i) Measures to ensure that the public right of way is not obstructed at any time during the course of the development.

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 conservation and enhancement of the biodiversity assets of the site. This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-24, and Policies CS17 and CS19 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.

#### **4. Ecological Mitigation and Enhancement Plan**

No development shall take place (including demolition, ground works, vegetation clearance) until an Ecological Mitigation and Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the Ecological Mitigation and Enhancement Plan shall be implemented in full as part of the approved development.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site. This condition is applied 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 Mitigation and Enhancement Plan will need to be adhered to throughout construction.

#### **5. GCN surveys for pond removal**

The existing pond shall not be removed until a report on a great crested newt survey has been submitted to and approved in writing by the Local Planning Authority. The report shall include any appropriate mitigation measures. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

#### **6. Lighting plan**

Prior to any installation of external lighting, an "Isolux lighting plan" showing the predicted levels of lighting shall be submitted to and approved in writing by the local planning authority.

Reason: The introduction of artificial light might mean certain species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

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### 7. **Ecology report valid for 3 years**

If the development hereby approved does not commence by 10<sup>th</sup> February 2025 (3 years from the original ecology survey), a further ecology survey shall be carried out and a report submitted to the Local Planning Authority for approval before any development takes place.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

**IMPORTANT:** If any protected species are identified in the new surveys that were not previously known to be on site, and are likely to be harmed by the development, then a protected species licence might be required before works can commence. Advice should be sought from Natural England and/or a suitably qualified ecologist.

**Reason:** To ensure the conservation and enhancement of the biodiversity assets of the site. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

### 8. **Materials**

The materials to be used in the development hereby permitted shall be as specified on the plans and the application forms.

**Reason:** To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

### 9. **Hours of work (construction/demolition)**

No demolition or construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:

8:30am to 6:00pm Mondays to Fridays;

9:00am to 1:00pm Saturdays;

No work shall be carried out at any time on Sundays or Bank Holidays.

**Reason:** To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

### 10. **Drainage**

There shall be no discharge into sewers, watercourses or other waterbodies during and post construction. The applicant shall ensure that no overland flow occurs as result of the works approved under this application, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that surface water will be managed in a sustainable manner. This condition is imposed in accordance with the National Planning Policy

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Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006), Sustainable Drainage SPD (2008).

### **11. Landscaping**

The development shall not be first brought into use until the site has been landscaped in accordance with a landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall retain the existing fence alongside the public footpath and shall include details of boundary treatments along the public highway and details of any planting.

Reason: To ensure appropriate landscaping of the site following completion of work. This condition is applied in accordance with the NPPF, Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and the Quality Design SPD.

### ***Informatives***

#### **1. 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.

#### **2. 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.

#### **3. Rights of way**

- The applicant is advised that all visitors to the site should be made aware that they would be driving along a public footpath. As a result they should drive with caution when manoeuvring into and out of the site, and should give way to pedestrians at all times.
- Nothing connected with either the development or the construction must adversely affect or encroach upon the footpath, which must remain available for public use at all times.
- The applicant is advised that the Rights of Way Officer must be informed prior to the laying of any services beneath the path.
- Where the ground levels adjacent to the path are to be raised above the existing ground levels, a suitable drainage system must be installed adjacent to the path, to a specification agreed with the Local Authority, prior to development commencing.
- No alteration of the surface of the right of way must take place without the prior written consent of the Rights of Way Officer.

#### **4. Proactive statement**

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 secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.

**(3) Application No. & Parish: 22/00719/HOUSE Abbey Gardens, Woolhampton**

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 22/00719/HOUSE in respect of a rear orangery.

Miss Donna Toms (Planning Officer) introduced the item which took account of all the relevant policy considerations and other material planning considerations.

In accordance with the Council's Constitution, Ms Jessica Raphael, objector, and Mr Gordon Bradley and Mr Brian Davies, applicants, addressed the Committee on this application.

**Objector Representation**

Ms Raphael in addressing the Committee raised the following points:

- She confirmed that she was the owner / occupier of 48 Abbey Gardens.
- She also spoke for Mr David Mayer, the owner / occupier of 50 Abbey Gardens and Mr Nicolas Lyon, the owner / occupier of 47 Abbey Gardens.
- A solid brick wall, twice the height of the existing fence would cause an extra 50% loss of light and overshadowing, with substantial harm due to reduced light entering her living room.
- A professional light survey should be commissioned.
- It was proposed that the rear boundary height would be reduced by at least two feet at the next hedge cutting. The parasol, which was removed prior to the site visit, was situated where the extension would be built and was clearly visible from the bridleway, meadow, recreation ground and highway at the side, as would the proposed orangery.
- The report mentioned three existing rear extensions, but objectors were only aware of one at number 45, and the planning consent for that was based on no there being no dwelling to the north, so there would be no issue with loss of light and foreshadowing. Also, number 45 was set back from its neighbour. She asked why the same criteria did not apply to this application.
- It was not clear how a development of twice the existing fence height could be considered 'minimal' and how light would only be reduced for 'a short period of the day'. It was suggested that light would be reduced all morning.
- It was not clear how this extension made a positive contribution to its immediate neighbours and the rest of West Berkshire – the only party that would benefit would be the applicant.
- The relevance of the 45 degree rule had been dismissed by the case officer and clarification was sought that this was correct.
- The management company had stated that they were neutral. However, Mr Steve Bailey was a director of the management company and spoke for himself. It was asked if he had a personal interest, since his extension was the basis for this proposal.
- Ms Raphael felt that this application should be rejected.
- Mr David Mayer had provided additional points as follows:
  - The proposed orangery would be an overly dominant structure, with the brick front and side elevation of 3.7m rather than 3.57m as stated.

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- The narrow gap between the side elevation and the property boundary would prevent future maintenance.
- Concerns were expressed about the impact of excavations for the foundations, which would be at least three times the wall width.

### **Member Questions to the Objector**

Members asked for details about the three similar extensions on nearby properties mentioned in paragraph 6.13 of the report. Ms Raphael was familiar with the extension at number 45, but was not aware of the others. She indicated that two similar proposals had previously been rejected and she did not feel that there was a precedent for this type of development.

Members who had visited the site confirmed that similar extensions were present at numbers 43 and 45, while number 50 had a traditional conservatory. Ms Raphael disputed that number 50 had a traditional conservatory.

A question was asked about when neighbouring properties would be affected by loss of light. Ms Raphael confirmed that she had sunlight in her rear garden throughout the morning, which helped to heat the rear of the property. From her own measurements, the proposed structure would overshadow three quarters of her patio and the rear of her house.

### **Applicant Representation**

Mr Bradley in addressing the Committee raised the following points:

- Numbers 40, 43 and 45 all had similar extensions.
- He thanked the committee for visiting the site and indicated that he would accept additional conditions to address any concerns.
- The residents association had been approached and had given unanimous support for the design. Three alternative designs had been prepared and the preferred design would cost around £20,000 more than the alternatives.
- The proposal would add value to the building.
- The bursar of the monastery had been approached – he had indicated that he would not oppose the application.
- The proposed orangery would not be overly dominant.
- The owner of number 50 had applied previously for a conservatory that was considerably larger than this one and had been upset when it had been rejected.
- Mr Bradley's wife had recently had a hip operation and wanted to be able to access the garden more easily than the current layout permitted.
- One of the objectors had queried why an orangery was proposed. The applicant confirmed that he would be growing oranges and lemons.

Mr Davies in addressing the Committee raised the following points:

- The property's lease made provision for appropriate and sympathetic extensions provided due process was followed. The landlord and residents committee had been consulted and the applicant had engaged a professional architect and had consulted a reputable conservatory manufacturer.
- Numbers 48, 49 and 50 had substantial front and rear gardens, so loss of light would have a minimal impact, since the sun would be on the front gardens in the afternoons.

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- The application was considered appropriate, modest, and in keeping and should be supported.

### **Member Questions to the Applicants**

Members asked about the impact of the proposal in terms of loss of light as a result of the 3.7m wall versus the existing 1.8m fence. A further question was asked about the depth of the wall that would face the neighbouring property. Mr Bradley was unable to give the exact dimension, but indicated that a gap would be left between the orangery and the fence. The height would be around 2-3 bricks below the rear window. His parasol was currently higher than the fence, but the sun was sufficiently high in summer as to flood both gardens. Ms Raphael would be able to use her front garden in the afternoon. The applicant's main concern was to get his wife back in the garden. Mr Davies suggested that there would be no loss of light, but there would be a loss of sunlight for a very short period of time. The architects had designed the orangery to meet all planning requirements, and it had been assessed by the Council's planning officers to ensure that it was compliant. He reiterated that all three properties (48, 49 and 50) enjoyed sunlight in their front gardens in the afternoon.

### **Ward Member Representation**

The Chairman in addressing the committee made the following points:

- He had not been ward member when this pleasant development had been built to fund the redevelopment of the old school.
- It had been designed with care and focused on the features of the old building, with castellation, stone courses and casement windows and the plans for the proposed orangery reflected these design elements.
- The top of the glass roof would be just under the upper floor window and the top of the brickwork would be around two bricks lower.
- Members had heard comments about potential loss of light and sunlight, but there would be no overlooking.
- The proposed orangery would fill the patio area.
- The property projected two bricks outwards from its neighbours.
- He could understand why the applicant wanted to build the orangery and why the neighbour might consider it overpowering, since it would feature a brick wall not quite twice the height of the fence.
- The front gardens were private and set back from a quiet section of road.

### **Questions to the Ward Member**

Members noted that the rear gardens of numbers 48 and 50 were very narrow and asked if the proposed orangery could be considered overpowering. The Chairman agreed that the gardens were not very wide. He noted that there were two gardens for each property – the rear gardens got sunlight in the morning and front gardens got sunlight in the afternoons. He suggested that it would be a judgement call whether the development could be considered overpowering.

Clarification was sought as to whether number 49 was set back or forward from its neighbours. The Chairman confirmed that the rear wall protruded by two bricks from the rear walls of its neighbours.

### **Continuation of meeting**

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In accordance with the Council's Constitution section 7.13.5, the Committee supported Councillor Bridgman's motion that the remaining business could be concluded by 10.30pm, and therefore continued with Agenda Item 4(3).

### **Questions to Officers**

Members asked about the planning implications of the limited overshadowing of neighbouring properties mentioned in the report. Also, clarification was sought as to what was meant by three similar extensions being in largely obscured areas of the estate. It was confirmed that Members needed to test the development against the policy that said development shall respect the character and appearance of the area. Existing single storey extensions in the area would affect the existing character and appearance and it would be up to Members to come to a decision on that issue. Neighbouring amenity had been assessed in terms of loss of light and the potential for overlooking. The main concern was loss of sunlight – daylight was more diffuse and therefore less of a concern. Officers' judgement was that the loss of sunlight would not be significant. The neighbouring property had multiple windows and ordinarily a development of comparable size would be permitted development. Assessment of whether the proposal would be overbearing was more subjective, but took account of any sense of enclosure or dominance of the brick wall. Given the dimensions of the proposal and the existing fence, officers did not feel that the proposal would be overbearing.

Clarification was sought as to which houses already had extensions. It was confirmed that houses 40, 43 and 45 all had extensions.

### **Debate**

Councillor Alan Law recalled the site visit to assess a previous application for an extension on this development, which had initially been refused. There were just two others in the vicinity. While he conceded that the current proposal was well-designed, he did not feel that it was subservient to the property or in character with the area.

Councillor Tony Linden agreed with Councillor Law. He noted that the rear gardens were narrow and was concerned that the side-walls of the proposed orangery would be overbearing for neighbouring properties.

Councillor Richard Somner disagreed and indicated that each neighbour would only be affected by a single wall, so would not be boxed in. He noted that Google Earth showed all three rear gardens in shade, but highlighted that the front gardens were very private and would be usable. He questioned the subservience issue given that the middle property was already longer than its neighbours. Also, there would be a gap between the fence and the exterior wall. He noted that his neighbour was faced by a similar wall on an adjacent property and this was inevitable with any extension.

Councillor Keith Woodhams asked if officers felt the proposed extension was subservient. Officers confirmed that this was a subjective decision, but key factors were height, width and dimensions relative to its surroundings or the existing building.

Councillor Geoff Mayes did not feel that it was subservient to the existing building, which projected outwards by around 450mm from its neighbours. The parasol had been up when he had visited the site and was visible from the rear gate. He did not see any downpipes on the rear wall, so he did not feel that drainage would be an issue. He noted that the extension could not be full-width to allow for the foundations. He considered that the property to the north would be in shadow, but suggested that light tracking projections should be carried out for different times of year to demonstrate the impact of the proposal.



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Councillor Alan Macro noted that the property faced east-north-east, so number 50 should not have an issue with shadowing, but number 48 would have an issue to some extent. He noted that the reports stated that the extension had been designed to be subservient to the original property and agreed with this assessment. He felt that the main issues were overshadowing and the effect of the brick wall, but noted that if the wall had windows, there would be issues with overlooking. He proposed to accept officers' recommendation and approve the application. This was seconded by Councillor Keith Woodhams.

The Chairman invited Members of the Committee to vote on the proposal by Councillor Alan Macro and seconded by Councillor Richard Somner to accept officers' recommendation to approve the application. At the vote, the motion was carried.

**RESOLVED that** the Service Director of Planning and Regulation be authorised to GRANT PLANNING PERMISSION subject to the conditions listed below.

### **Conditions**

#### **1. Commencement of development**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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:

Location and Block Plan received on 21 March 2022;  
Proposed Elevations, Floor Plans and Section received on 21 March 2022.

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

#### **3. Materials**

The materials to be used in the development hereby permitted shall be as specified on the plan and the application form. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.

Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Guidance 04/2 House Extensions (July 2004), and Supplementary Planning Document Quality Design (June 2006).

#### **4. Hours of work (construction/demolition)**

No demolition or construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:

7:30am to 6:00pm Mondays to Fridays;

8:30am to 1:00pm Saturdays;

No work shall be carried out at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This

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condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

**Informatives**

**1. Proactive**

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 secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.

**2. CIL**

The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

**3. Consent to enter adjoining land**

You must obtain the prior consent of the owner and occupier of any land upon which it is necessary for you to enter in order construct, externally finish, decorate, or in any other way carry out any works in connection with this development, or to obtain any support from adjoining property. This permission granted by the Council in no way authorises you to take such action without first obtaining this consent.

**4. Right of Way**

The applicant is advised that this planning permission does not in any way allow the Public Right of Way to be obstructed at any time during the course of the development.

*(The meeting commenced at 6.30 pm and closed at 10.01 pm)*

**CHAIRMAN** .....

**Date of Signature** .....

# Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	22/01330/REG3 Wokefield	30/08/2022	Construction and operation of a solar farm and battery storage system together with cable route and all associated works, equipment and necessary infrastructure  Land North Of Bloomfield Hatch Farm Bloomfield Hatch, Mortimer, Reading, West Berkshire  West Berkshire Council

To view the plans and drawings relating to this application click the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=22/01330/REG3>

**Recommendation Summary:** Approve subject to conditions

**Ward Members:** Councillors Geoff Mayes, Graham Bridgman and Royce Longton

**Reason for Committee Determination:** Major planning application made by West Berkshire Council

**Committee Site Visit:** 17<sup>th</sup> August 2022

## Contact Officer Details

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## **1. Introduction**

- 1.1 This application seeks planning permission for the construction and operation of a solar farm and battery storage system together with cable route and all associated works, equipment and necessary infrastructure.
- 1.2 The proposed development is an installation of a ground mounted Photo Voltaic (PV) solar development, consisting of an area of approximately 30.5ha. Permission is sought for 30 years and a further 6 months to allow for decommissioning and reinstatement. The installation would have the design capacity for approximately 25.77MWp of electricity generation. Together with associated infrastructure and housings, the development is comprised of the following main elements:
- Approximately 57,160 solar photovoltaic (PV) panels, mounted to frames;
  - Ten central inverters;
  - Fifteen transformers;
  - Ten battery storage Systems;
  - Access via an existing farm access from Cross Lane;
  - Approximately 4,225m of stock-proof fencing; and
  - Security and monitoring CCTV mounted on posts within each field.
- 1.3 The site is agricultural grassland and arable farmland and is boarded by dense hedges and tree lines along the field boundaries. Some significant trees can be found both within the fields and the boundaries but no tree preservation orders (TPOs) are present. There is a central strip of dense woodland within the central area of the site. The farm and farm house are found to the south of the site alongside other properties to the south.
- 1.4 To the east of the site runs a railway line, to the north east of the site is a public right of way (Woke/14/1 byway) and Goodboy's Lane runs to the west boundary of the site parallel to the site.
- 1.5 In terms of the surroundings, the site is rural in nature within an area characterised by mixed arable agricultural land, detached residential properties and light industrial use, including the Atomic Weapons Establishment (AWE) base at Burghfield approximately 1.5km north of the site.
- 1.6 There are two operational solar schemes within the vicinity of the site:
- Pierce's Farm/Land north of Goring Lane, approximately 800m north of the site; and
  - Pingewood Road South, approximately 2.6km to the north of the site.

## **2. Planning History**

- 2.1 No relevant planning history.

## **3. Procedural Matters**

- 3.1 **EIA:** The development has been considered under the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2017. The proposal falls within Schedule 2 of the Regulations, and as such, the applicant requested a formal Screening Opinion from the Local Planning Authority. After consideration of the relevant EIA criteria in Schedule 3 of the 2017 Regulations, it was concluded that an EIA would not be required for this proposal.
- 3.2 **Publicity:** Site notices were displayed on 08.06.2022 at the entrance to the site, off Goodboys's Lane, on the Public Right of Way (Woke/14/1 byway) to the north east of the site, adjacent to the connection point Anners Farm Road, and at The Mearings (at the proposed connection points). The deadline for representations expired on 29.06.2022.
- 3.3 **CIL:** Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

## 4. Consultation

### *Statutory and non-statutory consultation*

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

<b>Wokefield Parish Council:</b>	<p>Wokefield Parish Council (WPC) has a number of objections to this proposal.</p> <p>First, and foremost, we object to taking agricultural land out of production at a time when the nation is concerned about our ability to feed ourselves.</p> <p>Whilst the land is graded 3b (apparently lower-grade agricultural land), nevertheless there has been a viable farm there for many years.</p> <p>WPC would prefer to see solar generation targeted at brown field sites, marginal land, such as motorway verges and rail embankments, and the on the roofs of commercial buildings such as office blocks, shopping centres, carparks etc. This is consistent with the views expressed by WPC in relation to the existing solar farm in the parish created under application 13/03187/COMIND.</p> <p>Second, parishioners in the immediate vicinity have expressed several concerns which we are obliged to echo</p> <ul style="list-style-type: none"> <li>- Reduction in property values by as much as 5% in the opinion of a local estate agent</li> </ul>
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- The proposed access road will add unnecessary risk for vehicles entering/leaving the site. In addition, it will cause nuisance for residents whose properties are adjacent to the driveway.
- The Traffic Management report (P4) asserts there have been no reported serious accidents. This may be true, but residents are aware of 8 or 9.
- It is understood that when the Land concerned was bequeathed to the local government by the Palmer family and that the transfer included a covenant that stated that the land must be used solely for the education and use of young farmers.

Third, we have concerns about the lack of detail about the route and work required to connect the development to the grid.

There seems to be a glaring omission in the application of any narrative describing the work to connect to the grid. The Application Form merely mentions “cable route and all associated works, equipment and necessary infrastructure”. Despite a wealth of detailed documentation covering myriad aspects of the proposed installation, the only evidence of the connection is in the Location Plan showing 2 options for connection to the grid. Both are routed along Goodboys Lane to its junction with Goring Lane.

Option 1 routes the cable clockwise round AWE via Goring Lane, James Lane, and the Mearings before final connection to a wooden pole in a field at map reference SU67604 68755. WPC understand that part, if not all, of the Mearings is a private road owned by MOD/AWE. There is no evidence of consultation with owners about access for this routing nor with the national grid re: connection thereto.

Option 2 routes the cable anti-clockwise round AWE across Goring Lane into Palmer’s Lane then Rider’s Lane to a point in Burnt House Lane approximately at map reference SU68781 68577 near a powerline in an adjacent field.

There is no commentary explaining criteria for choosing between the two options

Furthermore, the Construction Traffic Management Plan makes no reference of the impact of the implied work WPC are mindful of the Application 13/03187/COMIND which authorised the existing solar farm in the Parish. This application claimed it would connect directly into the adjacent AWE site a matter of a few hundred feet. This proved not to be the case and connection to the grid entailed routing along country lanes towards Burghfield, a considerable distance. (Incidentally WPC are unable to find any subsequent planning applications which relate to this fundamental change to the project specification.)

Fourth, we have concerns that there are no documents describing the viability of the scheme.

	In all the planning documentation there is no reference to feasibility of the scheme which ought to be a matter of public record since this is a publicly sponsored development (Unlike the existing solar farm in the parish). In particular, WPC understand that the length of connection between the scheme and the grid increases power losses and WPC would like to better understand these issues. The Community Engagement Report filed with the application describes how moving inverters further away from Bloomfield Hatch residents by an unspecified amount to just 225m away “will slightly increase power losses in the schemes DC cable network; however this is considered acceptable in light of the benefits to local residents” but without quantifying how much. The cable run in Option 1 is approximately 4.2km. What impact, we wonder, does this have on power loss?
<b>Beech Hill Parish Council:</b>	No response with 21 day consultation period
<b>Stratfield Mortimer Parish Council:</b>	The Committee considered this planning application located in an adjacent parish council and had no objections in principle, however, would like to know what plans are in place to replant new trees in the area to cover the significant loss of trees and hedges on the proposed site. The Committee was also concerned that, as this land would now become classified as brown field, they would like to see a condition so that the land returns to green field classification after the decommission of the solar farm.
<b>Burghfield Parish Council:</b>	No objections
<b>Wokingham Borough Council:</b>	No objections
<b>Reading Borough Council:</b>	Reading Borough Council will not be providing any response on this application.
<b>WBC Highways:</b>	No objections subject to conditions. See report for detailed comments.
<b>Ramblers Association:</b>	No response with 21 day consultation period
<b>Ministry of Defence:</b>	No response with 21 day consultation period
<b>Health and Safety Executive:</b>	Solar Farms are usually not a relevant development in relation to land-use planning in the vicinity of major hazard sites and major accident hazard pipelines.  This is because they do not, in themselves, involve the introduction of people into the area. HSE’s land use planning advice is mainly concerned with the potential risks posed by

	<p>major hazard sites and major accident hazard pipelines to the population at a new development.</p> <p>HSE advice to the council to contact the relevant bodies within their email and in regards to the surrounding consultees such as the ONR.</p>
<b>Office for Nuclear Regulation (ONR):</b>	Do not advise against this development, subject to the conditions proposed by the emergency planners.
<b>Royal Berkshire Fire and Rescue:</b>	No response with 21 day consultation period
<b>Thames Valley Police:</b>	No response with 21 day consultation period
<b>Fisher German Oil Pipeline/ SERCO Oil Pipelines:</b>	No objections subject to informative.
<b>British Gas:</b>	No response with 21 day consultation period
<b>AWE:</b>	No response with 21 day consultation period
<b>Environment Agency:</b>	No response with 21 day consultation period
<b>WBC Planning Policy:</b>	No response with 21 day consultation period
<b>WBC Economic Development:</b>	No response with 21 day consultation period
<b>WBC Ecology Officer:</b>	No objections subject to conditions. See report for detailed comments.
<b>Natural England:</b>	<p>No objections. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites or result in the loss of best and most versatile agricultural land and has no objection.</p> <p>Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.</p>
<b>Network Rail:</b>	No objections
<b>WBC Public Rights of Way Officer:</b>	No response with 21 day consultation period
<b>WBC Joint Emergency Planners:</b>	No objections subject to conditions. See report for detailed comments.



<b>WBC Archaeology Officer:</b>	No objections subject to conditions. See report for detailed comments.
<b>WBC Conservation Officer:</b>	No objections subject to conditions. See report for detailed comments.
<b>Lead Local Flood Authority:</b>	No objections subject to conditions. See report for detailed comments.
<b>WBC Tree Officer:</b>	No objections subject to conditions
<b>Thames Water Utilities:</b>	No comments to make
<b>WBC Environmental Health:</b>	No comments to make
<b>WBC Minerals and Waste Team:</b>	No response with 21 day consultation period
<b>West Berkshire Spokes:</b>	No response with 21 day consultation period
<b>Berkshire Buckinghamshire Oxfordshire Wildlife Trust:</b>	No objections subject to conditions. See report for detailed comments.

### ***Public representations***

4.2 Representations have been received from 15 contributors, all of which object to the proposal. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

- The submitted document lacks information and details in regards to the impact the development would have on the Thames Basin Special Protection Area
- Community engagement before the application was considered inadequate and concerns were not listed too and have not been acted upon in the submissions.
- Support for Green Energy
- The development is considered to increase flooding to neighbouring homes and septic tanks
- The land categorisation is misleadingly calculate to not reflect the 37 ears of high successfully farm on the site.
- Concern raised in regards to the use of land that is protected and use for high quality farming for renewable energy production
- No information has been submitted with any plans as to ow they proposed to dig up the entire length of good boys lane, how the site will be connected to the grid.
- The build time is considered too short.
- The access to the proposed development poses risks to cyclists in the area.

- No alternative sites have been explored for this level of development.
- Local and National Policies seek to protect agricultural land that has been assessed as 'good quality with moderate Limitations...".
- The tenant farmers rear English Native Short Horn Cattle independently assessed as being of the highest quality and they were awarded farm of the year. In reality this Land has been evidenced as high quality.
- There is a restrictive covenant when the land was bequeathed to the Council by the Palmer Family of Huntley and Palmer Reading it can only be used in perpetuity for the use of young farmers.
- The submission has not taken enough account of CS17 in regards to conserving and enhancing the biodiversity of the site.
- Concern raised in terms of construction time length
- Concern raised in regards to visibility splays and the temporary traffic order reducing speed.
- The development does not enhance the local context as required by CS14
- The development has not taken enough account of the ecology of the site of surrounding areas
- The development has not taken enough account for birds and nesting birds
- Farm land must be used for food production not renewable energies
- The industrial size of the development is too big for the rural area
- The sight line distances in both directions are inadequate
- There has been 9 accidents along this stretch of road
- The access track to Bloomfield Hatch farm is considered to be inadequate due to it being a gravel driveway.
- The access roads is within close proximity to neighbouring dwellings and bedrooms.
- The site access operating ours are too long and over too many days
- The panels are clearly visible even with mitigation resulting in loss of amenity.
- The view from properties will be impacted due to the size of the proposed development
- There roads in the area will be dug up to accommodate the cables
- Loss of tree's would not be acceptable
- Devalue of homes
- Fences will be an eyesore
- The public engagement has been poor and the issues picked up are only a few that were cherry picked.
- The access road needs to be moved to reduce risks of serious accidents and nuisance caused to residents in the area.
- Residents are aware of 9 accidents that have occurred near to Bloomfield Hatch.
- The applicant has many other options to use that do NOT take vital farming land away.
- Alternative sites should be looked at rather farmland.
- Despite the land classification the farmer has farm the land for a significant period of time to which it has not restricted his ability to farm.
- The Railway Bridge near to the site could cause issues with long vehicles make deliveries.
- Impact on rural wildlife particularly endangered species of birds
- Impact on wellbeing i.e. noise from generators, disruption and visibility to quiet rural environment

## 5. Planning Policy

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate

otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP6, CS5, CS10, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies TRANS1, OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
- Policies 1 and 2 of the Replacement Minerals Local Plan for Berkshire 2001 (RMLP).
- Policy NRM6 of the South East Plan.

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Local Transport Plan for West Berkshire 2011-2026
- Manual for Streets
- WBC Quality Design Supplementary Planning Document (SPD)
- WBC Planning Obligations Supplementary Planning Document (SPD)
- West Berkshire Landscape Character Assessment (2019)

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Soils and agricultural land quality
- Character of the area and landscape impact
- Historic environment
- Impact to neighbouring amenity
- Highway impact
- Flood risk and sustainable drainage
- Impact to ecology and trees
- Implications of AWE Burghfield, Pipeline and Network Rail

### *Principle of development*

6.2 The most important development plan policies for determining whether the principle of development is acceptable are Policies ADPP1, ADPP6, CS10, and CS15 of the Core Strategy. The Core Strategy includes a Spatial Strategy (ADPP1 and ADPP6) that provides a broad indication of the overall scale of development in the district, applying the principles of sustainable development, and based on defined spatial areas and a settlement hierarchy.

6.3 According to Policy ADPP1, most development will be within or adjacent to the settlements in the hierarchy, and related to their transport accessibility and level of services. The urban areas will be the focused for most development. The scale and density of development will be related to the site's accessibility, character and surroundings. Only appropriate limited development in the countryside (outside of the defined settlement boundaries) will be allowed, focused on addressing identified needs and maintaining a strong rural economy.

6.4 The proposed application site is located within the East Kennet Valley, the name given to the rural south-east of the district that lies east of Thatcham and outside of the AONB.

Distinct features of this area are the Kennet and Avon Canal and River Kennet which both run from west to east across the breadth of this area, parallel to the Newbury – Reading train line and the A4. The East Kennet Valley is also characterised by a number of villages along the route of the canal/river and others dispersed across farmland and some woodland. The Atomic Weapons Establishment (AWE) has two bases in this area, at Aldermaston and Burghfield, which has implications for the future level of development in this area. Policy ADPP6 is the spatial strategy for the East Kennet Valley. According to the policy, the character of all the settlements in this area will be conserved and enhanced by ensuring that any development responds positively to the local context. Development in the open countryside will be strictly controlled.

- 6.5 Policy CS10 says that proposals to diversify the rural economy will be encouraged, particularly adjacent to Rural Service Centres and Service Villages. The policy goes on to say that proposals for appropriate farm diversification will be supported where it can be demonstrated that the proposal will make a long term contribution to sustaining the agricultural enterprise as a whole.
- 6.6 Whilst Policy CS15 focuses on sustainable construction methods, the supporting text identifies that carbon reduction is a key issue for West Berkshire. Sustainable construction and renewable energy generation can help in achieving emissions reduction.
- 6.7 West Berkshire Council has not identified suitable areas for renewable and low carbon energy within the current Local Plan. The Core Strategy states that in order to reduce local carbon emissions and meet national targets, a policy approach that supports and reflects the significant challenge ahead needs to be adopted, and that any renewable energy schemes should be efficient.
- 6.8 The National Planning Policy Framework (NPPF) is also an important material consideration. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, which includes an environmental objective of mitigating and adapting to climate change, and moving to a low carbon economy.
- 6.9 Paragraph 11d of the NPPF states that where there are no relevant development plan policies decision makers should grant planning permission unless the NPPF gives a clear reason for refusing planning permission, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole. The development plan does contain relevant development plan policies as referred to above, but as no specific sites are allocated it is appropriate to have due regard to this presumption in favour of sustainable development.
- 6.10 The NPPF details in paragraph 152 that the planning system should support the transition to a low carbon future in a changing climate, going on to say development should support renewable and low carbon energy and associated infrastructure.
- 6.11 Furthermore paragraph 158 states that when determining planning applications for renewable and low carbon development, local planning authorities should:
  - a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
  - b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

- 6.12 Overall it is considered that the NPPF supports the provision of renewable energies.
- 6.13 According to paragraph 48 of the NPPF, local planning authorities may also give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - c) the degree of consistency of the relevant policies in the emerging plan to [the] Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

6.14 Policy DC 3 is in the draft emerging Local Plan review to 2037. This policy can only be given limited weight due to its early stage of preparation. However, it does show the direction of travel, consistent with the NPPF's policies on such developments. Policy DC 3 states that:

*B. The Council will support proposals for renewable energy provided that the technology is:*

- i. Suitable for the location;*
- ii. Not on the most versatile agricultural lane (grades 1,2, and 3a);*
- iii. Is accompanied by a landscape/visual impact assessment; and*
- iv. Would not cause harm to residential amenity by virtue of noise, vibration, overshadowing, flicker or other harmful emissions.*

6.15 The supporting text to Policy DC 3 is also relevant:

#### *Renewable Energy Generation*

*Renewable energy technology can make a major contribution to reducing CO2 emissions. Communities can benefit from reduced fuel bills and improved security of energy supply. Building a green economy that can generate growth and improvements in people's lives is consistent with sustainable development and the Council's 'Environment Strategy' and helps build in a resilient economic future for renewable energy technology as it is constantly evolving. Examples of renewable energy technology include:*

- (i) Combined heat and power (CHP) with a modest plant being able to serve a large number of dwellings and commercial uses in a small geographical area;*
- (ii) Large scale ground mounted solar PV systems; and*
- (iii) Micro-renewable technology, in particular solar water heating, ground and air source heat pumps, photovoltaic cells and biomass boilers.*

*However it is important not to restrict future options for how renewable energy might be delivered within West Berkshire.*

6.16 This reports goes on to detail that the proposed development complies with all these criteria of DC 3.

6.17 Taking into account the relevant development plans policies, the national policies in the NPPF and the draft emerging policies in the Local Plan Review, it is concluded that the principle of development is acceptable. The overall acceptability of the development

depends on compliance with the development plan as a whole and consideration of all other relevant material considerations.

### ***Soils and agricultural land quality***

- 6.18 Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan.
- 6.19 Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural environment by recognising the economic and other benefits of the BMV agricultural land.
- 6.20 The application supporting information demonstrates through an Agricultural Land Classification Survey dated 16<sup>th</sup> April 2021 that the proposed development comprises approximately 30.5 ha of agricultural land, all of which the survey classifies as grade 3b. It is therefore not BMV as defined by the NPPF.
- 6.21 Natural England also consider that the proposed development, temporary in nature as described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas.
- 6.22 As such, the proposed development is not considered to conflict with paragraph 174 of the NPPF.

### ***Character of the area and landscape impact***

- 6.23 Policy CS14 requires new development to demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. It goes on to say that good design relates not only to the appearance of the development but the way in which it functions, and that the considerations of design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality.
- 6.24 Policy CS19 seeks to conserve and enhance the diversity and local distinctiveness of the landscape character of the District, and adopts a holistic approach to ensure that the natural, cultural and functional components of its character will be considered, particular regard will be given to
- (a) the sensitivity of the area to change,
  - (b) ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character, and
  - (c) the conservation, and where appropriate, enhancement of heritage assets and their settings (including listed buildings).
- 6.25 The application is supported by a Landscape and Visual Impact Assessment (LVIA) which has been subject to review by the Council's landscape consultant.

- 6.26 The site is located within Landscape Character Area (LCA) *CL1 Grazeley Open Clay Lowland*. As set out within the West Berkshire Landscape Character Assessment (2019) for LCA CL1, the valued features and qualities listed which can be found within the site include the mature oak trees both within hedgerows and as field specimens; the network of public rights of way which would include the PRoW on the northern edge and also Goodboys Lane would be valued for recreation; the stream (in the middle of the site) and its associated semi natural habitats; overall a strongly rural landscape with high levels of tranquillity which also provides a setting for the individual scattered farmsteads and partly the surrounding small villages.
- 6.27 Landscape detractors listed under LCA CL1 which are considered to be of relevance to this application include intrusive elements which are urban in character including large-scale fencing, as evident around the Atomic Weapons Establishment complex at Burghfield, the decline in hedgerow quality and the loss of farm ponds (a pond is located within the north western corner of the site). Noise and visual disruptions from transport routes would also include the railway line which aligns along the eastern boundary of the site.
- 6.28 The overall landscape strategy for LCA CL1 is to conserve the distinct rural character of the area by conserving and enhancing woodland, trees and hedgerows within the landscape; protecting and enhancing semi-natural habitats; maintaining the network of PRoW and rural lanes; respecting the form and vernacular of existing settlements in the landscape and historic farm buildings.
- 6.29 The visual assessment provided a Zone of Theoretical Visibility (ZTV), then identified potentially 8 viewpoints with accompanying photos taken in April 2022. This is a time of year when because the trees are not in leaf, allows more open and filtered views across the landscape. Overall, the site is only visible from adjacent public locations as shown by Viewpoints 1 and 2 on Goodboys Lane and Viewpoint 3 and 4 taken from the PRoW adjacent the northern boundary of the site. There would also be views from the adjacent railway line from the northern stretch up to the crossing point of the PRoW, viewpoints from this stretch were excluded from the LVIA.
- 6.30 Within the ZTV, there are a few residential properties where potentially there are views of the site. However as explained within the Solar Photovoltaic Glint and Glare Study (February 2022 by Pagerpower), any potential views are screened by intervening hedgerows/woodland etc.
- 6.31 Viewpoints 1 and 2 were taken from the quiet and rural Goodboys Lane. Due to the shallow 'V' shaped landform (contains the stream), there are views including the site from this lane as it descends then ascends, whereby views are through the roadside hedgerow (and also site boundary hedgerow) into parts of the western fields. These views are very rural in character with no visual detractors.
- 6.32 Viewpoints 3 and 4 were taken from the PRoW which aligns part of the northern boundary of the site. The intervening wide hedgerow contains a lot of semi-dead elm, also allowing summer filtered views from stretches of the footpath into the adjacent field and site.
- 6.33 Viewpoints 5, 6 and 7 were taken south west of Bloomfield Hatch farmstead. These views are to the intervening farmstead, paddocks with hedgerows; and also partly due to the flattish landform there are no views of the site.
- 6.34 Viewpoint 8 was taken at a distant north east from the site and just south of Gravelly Bridge Farm. Again, due to the flat landform and in part to the slightly intervening elevated and vegetated railway line, there are no views of the site.

- 6.35 It is accepted that the installation of a solar farm will have an adverse effect on the actual site's landscape character, with an indirect impact concerning itself with the effect on the wider landscape character of the area, in particular against the underlying objective to conserve and enhance the landscape character of the *Open Clay Lowland landscape character type (CL)* and the *Grazeley Open Clay Lowland local character area (CL1)*. The applicants LVIA provided an assessment and stated that there would be no change, with a level of effect assessed as neutral. The landscape consultant appointed by the LPA disagrees with this assessment and how it was undertaken. The assessment has used the findings of the visual assessment; the assessment should have been undertaken against the description within the WBLCA 2019, in particular the impact and effect on valued features and qualities and how the development proposals also comply with the landscape strategy as set out within CL1. The LVIA assessment against the landscape character was incorrectly against whether one would be able to see the development proposals or not.
- 6.36 The survey area has a strong rural character, with limited modern influences. The development proposals will bring urban fringe elements into this strongly rural area which will have an adverse effect on the wider landscape.
- 6.37 The applicants LVIA considered the cumulative effects of the proposed development with potentially any other existing or pending planning application within their study area. This information was set out on Figure 2 of the applicants LVIA. It is agreed that there are three existing solar farms within and just beyond the study area. Due to the distance between these solar farms, there will be no significant cumulative effect.
- 6.38 Overall good primary mitigation measures (placement in the landscape), should then not lead to the requirement for secondary mitigation measures (landscape enhancements). The layout of the development proposals allows the retention of the central woodland belt and linear tree line and the surrounding mature hedgerows, with an additional buffer of rough grassland. Overall, the proposals have been designed to fit into the field pattern. However, the mitigation tree and shrub planting should be increased, as set out under the recommendations. The LPA's landscape consultant recommended the following:

*"The site is set within a well intact rural area, with very few visual detractors. Due to the flattish landform and well intact hedgerow field pattern, this provides immediate semi enclosure for the site. With well-designed tree/shrub planting mitigation measures, this could then successfully address the initial and long-term residual effect of the visibility of the solar panels over the next 30 years.*

*Based on the LVIA and my own site observations I would recommend that the planting mitigation measures are enhanced to protect the rural character of the area from sensitive viewpoints, as follows:*

- *East of Goodboys Lane: Instead of just beefing up the existing roadside hedgerow, I would recommend a 10m wide deciduous tree and shrub area of planting (planted on 1.5m centres) located along the western edge of the site adjacent Goodboys Lane*
- *South of PRow: The density of the proposed planting along this edge should be increased. I would recommend that a 10m wide tree and shrub belt with the plants planted on 1.5m centres be proposed*
- *Northern adjacent stretch adjacent railway line: Propose tapered 20 m wide woodland belt, linking into the proposed 10m wide tree and shrub belt to the north, as stated above*

*If all of these enhanced planting mitigation measures are undertaken, the solar farm would then be a discrete development with no long-term visual effects on the*



*surrounding area, in line with the landscape strategy for LCA L1, by conserving its distinct rural character.*

*Additional to the planting mitigation, the infrastructure should be low key and rural in character, some additional recommendations are as follows:*

- *Lighting: This should be avoided and not introduced into this area.*
- *Gateway off Cross Lane: Keep rural in style, avoid unnecessary large urban style signage. Siting should be discreet. Maintain access from Cross Lane as existing and avoid over engineered solutions and kerbing.”*

- 6.39 These points were taken on board by the applicants who have adjusted their Ecological Mitigation Plan to reflect the requests of the landscape consultant. Lighting can be controlled via planning condition. Whilst it may be necessary during construction for urban style signage at the gateway of cross lane for construction safety purposes this would only be temporary and beyond the construction period a more discreet approach to this area could be adopted.
- 6.40 Natural England raised comments in regards to the consideration of nearby AONB's. Given the site is not within the North Wessex Downs AONB or Chilterns and that there are significant distances and intervening development between the proposed development site and the AONB the LPA is satisfied in regards to the development having no material impact on AONB landscapes.
- 6.41 As stated within Policy CS 14: *New development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area.* Policy CS19 also considers the conservation and enhancement of the local Landscape Character Areas of West Berks. Overall the site is set within a well intact rural area, with very few visual detractors. Due to the flattish landform and well intact hedgerow field pattern, this provides immediate semi enclosure for the site. With well-designed tree/shrub planting mitigation measures, this could then successfully address the initial and long-term residual effect of the visibility of the solar panels over the next 30 years. This in combination with the changes made as a result of the recommendations of the LPA's landscape consultant the proposed development is considered to be acceptable in terms of landscape character and visual amenity.
- 6.42 The proposed development is considered to comply with ADPP1, ADPP6, CS14 and CS19 of the Core Strategy and complies with NPPF (Paragraphs 8 (c), 130 (a & b) and 174) in this respect.

### ***Historic environment***

- 6.43 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty of the Council when determining planning applications that requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The NPPF also states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 6.44 Policy CS 19 Historic Environment and Landscape Character notes that in order to ensure that the diversity and local distinctiveness of the landscape character of the District is conserved and enhanced, the natural, cultural, and functional components of its character will be considered as a whole.
- 6.45 Initial concerns were raised by the Council's Conservation Officer in regards to the scope of the Heritage Impact Assessment and whilst covering the archaeology aspects of the development it was considered that it did not adequately address the setting of nearby

listed buildings. During the course of the application an updated Heritage Impact Assessment was submitted that was considered to address the concerns of the Conservation Officer.

- 6.46 The revised Heritage Impact Assessment has addressed the concerns/issues raised by the Conservation Officer, and provides a thorough assessment of the proposals' impact on the heritage assets identified in her original comments. The Conservation Officer concurs with its conclusions and is content that the proposal will not cause any harm to the significance of the following heritage assets.

Designated;

- Grade II Listed Pierce's Farmhouse, c.300m to the north-west
- Grade II Listed The Elms, c.340m to the east
- Grade II Listed Clappers Farmhouse c.760m to the east
- Grade II\* Listed St Benedict's School at Wokefield Park, c.920m to the south-east
- Grade II Listed Old Hall, c.830m to the north
- Grade II Listed Crosslane Farm Cottages, c.1.1km to the south-east
- Grade II Listed Great Park Farmhouse, c.1.1km to the south

Non-designated:

- Wokefield Park,
- Bloomfield Hatch Farm

- 6.47 In light of these the proposed development is considered to comply with CS14 and CS19 in regards to the heritage of West Berkshire. The development is considered to conserve the historic and cultural assets nearby in West Berkshire by not causing there setting material harm.

- 6.48 The application to develop this green-field site as a solar farm is potentially of some archaeological interest, and the LPA's Archaeologist have been involved in pre-application discussions over how this potential could be assessed. A Heritage Impact Study has been undertaken, which establishes that although there are no known heritage assets (designated or undesignated) within the site, this may be partly due to little archaeological intervention having taken place. Evidence from the surrounding area suggests that the site might hold the remains of settlement and agricultural activity from the later prehistoric and Romano-British periods and is likely to contain former field boundaries and drainage systems from later periods. The significance of these features might not be very high, and the Archaeologist accepts that it is doubtful that they would need to be preserved in situ. Nevertheless, the construction of the solar farm could lead to the loss of some currently unknown heritage assets of archaeological interest, particularly where cable trenches are being dug and groundworks are needed for access tracks, and sub stations and works compounds. The solar panels themselves would have a relatively thin impact from each of their piles but this pin cushion appearance would be widespread and would also effectively prevent any future examination of the site.

- 6.49 The Archaeologist's preference is for further information to be provided as to the archaeological interest of the land through field evaluation, specifically geophysical survey. This could provide evidence of possible below ground features which have not

been previously seen as cropmarks or soil marks from the air, and thus allow for some targeted supervision (a watching brief) when construction begins. The Archaeologist accepts the argument that trial trenching across the fields in order to better understand the character and survival of any deposits or features could actually amount to a larger surface area being disturbed than that of the piling, and hence cause more impact. However should any heritage assets of high significance be unexpectedly uncovered during investigations, the Archaeologist would wish to discuss whether mitigation by design could be achieved. This point is mentioned in the submitted study report.

- 6.50 It would be beneficial for all parties for the non-intrusive survey to be carried out as soon as possible, but it could also take place as part of a staged programme of archaeological work secured through a condition.
- 6.51 It is therefore considered that in regards to the historic environment the proposed development complies with the Core Strategy policies.

### ***Impact to neighbouring amenity and land uses***

- 6.52 The Council's Environmental Health Officers have raised no objections to the application. The proposed development is most likely to cause disruption during the construction phases of the development. This phase would be temporary until the construction is finished. Planning conditions are recommended in regards to hours of construction to safeguard neighbouring amenity.
- 6.53 Whilst the construction access is near an adjoining dwelling it does move away from residential properties after utilising the access and existing gravel road. It is considered that this is an existing farm track that could be utilised by tractors, tractors with trailers and other large vehicles accessing the farm (such as animal transportation). It is therefore considered that any disturbance can be restricted via a construction time condition and it should be recognised that the movement of large vehicles along this section of access could occur through the day to day function of the farm. Once the development is completed there will be maintenance vehicles which would move through the existing farm access track past neighbouring dwellings such as the Graney's but these will be small 4x4's or vans. Given the existing use of the site as a farm these vehicles are considered to cause minimal impact.
- 6.54 A Glint and Glare Assessment was produced as part of this application submission. The assessment showed that solar reflections are geometrically possible towards 29 out of the 31 assessed dwelling receptors. Whilst the report does note that solar reflections may occur at some dwellings the report comments that mitigation is not required in this instance due to the following factors:
- There is consistent and substantial intervening vegetation both proposed and existing which would reduce the duration of the effects.
  - The visibility of the reflecting panels will be limited to above the ground floor. In practice the main living space during the day would be on the ground floor in the living rooms and kitchen.
  - The effects will coincide with direct sunlight, which is a far more significant source of light compared to a solar reflection.
- 6.55 The development is not considered to give rise to significant issues of neighbouring amenity through overshadowing, overbearing, overlooking, through noise impacts, or in terms of glint and glare from the panels. The development can be adequately controlled through the construction period by condition. The development is therefore considered to comply with Policy CS14 in this respect.

## ***Highway impacts***

- 6.56 The Highway Authority has raised no objection to the application. Through consultation in regards to the details of the Construction Traffic Management Plan the officers have raised no objection the existing access being utilised. The access would be laid to 10m of asphalt bonded surface to ensure loose debris is not spread onto the road. It is agreed that there will not be significant traffics flows from the site during the construction and operational phases.
- 6.57 Utilising the 85<sup>th</sup> percentile speeds detailed above, the required visibility splays, based on the recommended parameters from the centreline of the proposed access, are 114m and 104m to the east and west respectively.
- 6.58 Visibility splays have been provided to the kerbline in line with WBC standards. An offset of 1m has previously been used for the visibility splays in Issue 01 which is considered to be suitable given the nature of the carriageway is typically characterised as rural with no footway provision, and therefore, with the 2.4m set back applied, is considered to provide a robust visibility assessment.
- 6.59 The visibility assessment drawing provided at Appendix E of the Construction Traffic Management Plan demonstrates emerging visibility splays are provided within the extent of the adopted highway and client owned land, as follows:
- a) to the east 2m x 21m visibility splay can be provided to the kerbline
  - b) to the west 2m x 96m visibility splay can be achieved to the kerbline
  - c) to the east 2.4m x 14m visibility splay can be achieved to the kerbline
  - d) to the west 2.4m x 81m visibility splay can be achieved to the kerbline
- 6.60 Vegetation will be kept trimmed back to the fence line at the edge of the highway boundary on the western side of the access and will be trimmed back within the visibility splay requirements for the eastern side of the visibility splay within the applicants owned land and highway owned land.
- 6.61 Drawing SK03 provided in Appendix E of the Construction Traffic Management Plan indicates that appropriate forward visibility can be provided on Cross Lane. Therefore, the forward visibility on Cross Lane is considered suitable for the temporary construction site access, and low vehicle trips associated with the operation of the site.
- 6.62 Appropriate mitigation measures for the reduced visibility commensurate with the limited number of vehicle movements associated with the construction period will be provided. Temporary signal controls will be provided at the site access junction with Cross Lane. The signals will remain phased Green on Cross Lane unless a vehicle is using the construction site access.
- 6.63 Temporary signage will be provided on the highway verges in advance of the proposed site access to warn road users of the construction access and temporary signals ahead and therefore existing users of Cross Lane will be aware that vehicles will be turning into and out of the site access. There will be signage indicating the signals are in temporary use on Cross Lane.
- 6.64 Therefore, further to the temporary traffic signals at the sits access with Cross Lane during construction to assist with traffic management, it is considered that the achievable emerging visibility splays of 2.4m x 14m to the east and 2.4m x 81m to the west is therefore suitable for the site access.
- 6.65 A temporary construction road into the site will be constructed from the existing farm access track. The internal access track has been designed to adequately accommodate

larger vehicles delivering equipment to the site during construction. The construction track, which will be removed after the construction of the solar energy farm is complete.

- 6.66 The solar farm once completed would be serviced by smaller maintenance vehicles such as smaller vans and 4x4s to which can utilise the existing access arrangements through the site.
- 6.67 The site during construction phase will have adequate parking for contractors.
- 6.68 Overall the proposed development is considered to comply with Policy CS13 and highways safety can be managed through the implementation of the details in the submitted documents which can be conditioned accordingly.

### ***Flood risk and sustainable drainage***

6.69 The Lead Local Flood Authority accepts that :

- The site is in Flood Zone 1 hence the flood risk from rivers is not of concern.
- The proposed solar panels will be elevated above the ground such that the development will not be adversely affected by surface water flooding except in the lower part of the site adjacent to the stream valley; nor will it cause an increase in surface water flooding risk.
- There is likely to be some perched groundwater present within the site due to the ground make-up but this will not cause any flood risk, nor will the proposals be detrimental to groundwater.

6.70 The proposed solar panels will however contribute to some speeding up of rainfall run-off from the site due to the concentration of water landing on the panels that would otherwise currently fall on the ground and infiltrate naturally, and as a result this must be managed so as not to reduce the time taken for rainfall run-off to reach the natural low point at the existing stream. In section 13 of the submitted Flood Risk Assessment (FRA), the Surface Water Drainage Strategy deals with this largely by proposing gravel filled infiltration trenches (Section 13.3 SuDS Selection Matrix table 12, and Section 13.6 Proposed Surface Water Drainage Strategy). This is acceptable in principle but as pointed out in the report, 'flow barriers' will be required at intervals to slow any flow within these trenches and maximise infiltration potential.

6.71 Associated with this, therefore, it will be necessary to carry out a ground investigation and soakage tests to BRE365 across the site in order to inform the design of the trenches. Ultimately off-site discharge should not exceed the 1 in 1 year greenfield rate (contrary to the Qbar greenfield rate proposed in the report). The Lead Local Flood Authority require 1 in 1 year rate for all development.

6.72 In order for the LLFA to give final approval to the proposals in the future, it would be necessary for the applicant to provide a layout of the infiltration trenches including where any flow barriers will be located along with finalised construction details. Details of the outfall arrangements to the existing watercourse will also be required, as will an application under the ordinary watercourse consent process. This can be secured by planning condition.

6.73 The FRA report mentions the possibility of the provision of a green roof for the switchroom building. This would be welcome and should be encouraged in order for the Council to demonstrate a commitment to this type of SuDS solution.

- 6.74 Of concern would be the high likelihood of run-off from the site during construction allowing polluted water to be carried into the stream and therefore a robust Construction Management Plan is necessary to demonstrate how silt laden water will be intercepted and de-silted before reaching the stream.
- 6.75 As such, in summary the LLFA does not have any concerns over flood risk providing site run-off is managed in a suitable way such as suggested in the FRA report. In due course detail design proposals for the SuDS / SW management proposals will be required which should be based on a full site investigation and soakage tests.
- 6.76 On that basis, the LLFA raise no objections in principle to the current application in relation to drainage and flood risk subject conditions being applied. The proposed development is therefore considered to comply with Core Strategy Policy CS16.

### ***Impact on trees***

- 6.77 The application is accompanied by an Arboricultural Impact Assessment to BS 5837:2012 by Woodland and Countryside Management Ltd. This includes a Tree Survey, Arb Method Statement and Tree Protection details. The application paperwork also includes a Planning Statement by Renplan Consultants, a Landscape and Ecological Management Plan (LEMP) by Aluco Ecology and a LVIA by Amalgam Landscape which all touch on site trees and hedges.
- 6.78 The site benefits from a number of significant trees and hedges. There are many standard trees in the hedges and a linear woodland belt running approximately SW to NE between the two largest fields. There are some over grown trees, the most notable of which is tree 129 a B-grade Oak within the eastern field. Accommodation is made for this tree within the arrangement of the solar panels.
- 6.79 A low number of smaller open-grown trees (mostly Field Maple) are ear-marked for removal from the southern part of the site, as is a short stretch of Blackthorn / Hawthorn hedge (Hedge 7) in the north of the western field. The Tree Officers considered the LEMP to show that Hedge 7 will be translocated to the north-west corner of the western field and certainly this is welcome in terms of mitigation. They would advise the root systems of these hedge trees is undercut in the summer before translocation to encourage root branching and the development of a concentrated fine feeding root system. If the project is delayed, another under cut in year three and at a slightly greater depth should be carried out. Further delays will require further undercutting.
- 6.80 Tree protection is to be provided by the installation of deer/security fencing and temporary tree protection fencing and ground protection before any site activity begins. This is shown on the Woodland and Countryside Management Ltd Tree Protection Plan at Appendix 8 of the AIA. It is important that this timescale is adhered to, and Arb Supervision will be required to ensure this takes place in compliance with the TPP.
- 6.81 Replacement/additional tree planting is shown in the Ecological Mitigation Works plan 302/014-007 B. A Landscaping Plan showing specific species and specifications will be required and the Tree Officer has suggested a condition. There is the opportunity to plant one or two standard trees (or a low number depending on species and appropriate densities) in the northern-most corner of the western field. This could develop longer term into a Wood Pasture type of habitat.
- 6.82 The Tree Officer raises no objections and considers the proposed landscaping to be in principle acceptable subject to conditions securing specific information such as tree species.

## ***Biodiversity and ecological impacts***

- 6.83 Objections from residents and the residents association include concerns that the application has not given due regard to the Thames Basin Heaths Special Protection Area (SPA).
- 6.84 The Core Strategy recognises that a small area in the very south-east of the district around Beech Hill falls within the 5km boundary of the Thames Basin Heath SPA, as determined by Natural England. Policy ADPP6 requires screening of new residential development of one or more net additional dwellings proposed within this radius, and where significant effects existing or cannot be excluded, an Appropriate Assessment under the Conservation or Habitats and Species Regulations 2010 should be undertaken.
- 6.85 In May 2010 the Government announced its intention to abolish Regional Strategies, including the South East Plan. In February 2013 the South East Plan was formally abolished except for Policy NRM6 which relates to new residential development close to the Thames Basin Heaths Special Protection Area. Policy NRM6 therefore continues to be part of the statutory development plan.
- 6.86 Policy NMR6 states that new residential development which is likely to have a significant effect on the ecological integrity of Thames Basin Heaths Special Protection Area (SPA) will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects. Such measures must be agreed with Natural England.
- 6.87 The proposed development is not residential and so the specific requirements for residential development under the aforementioned policies are not engaged. The purpose of these policies in regards to these policies is to manage the anthropogenic impacts to the SPA. No concerns have been raised by Natural England or the Council's Ecologist with respect to the SPA. Given the nature of this development and the distance from the SPA, it is not considered that there would be a material effect on the SPA.
- 6.88 In their consultation response, Natural England advises it does not consider that this application will result in an adverse effect on the site integrity of any designated sites and will not result in the loss of best and most versatile (BMV) agricultural land. As such, no further detailed comments were offered.
- 6.89 Natural England does, however, provide some general advice. Soil is a finite resource which plays an essential role within sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food. It is recognised that a proportion of the agricultural land will experience temporary land loss. In order to both retain the long term potential of this land and to safeguard all soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management and appropriate soil use, with consideration on how any adverse impacts on soils can be avoided or minimised.
- 6.90 Consequently, Natural England advise that any grant of planning permission should be made subject to conditions to safeguard soil resources and agricultural land, including the preparation of reinstatement, restoration and aftercare plans; normally this will include the return to the former land quality (ALC grade). Natural England would also advise the authority to apply conditions to secure appropriate agricultural land management and/or biodiversity enhancement during the lifetime of the development, and to require the site to be decommissioned and restored to its former condition when

planning permission expires. These conditions are listed below in this report but are condition 17 Agricultural Land Management Strategy and condition 3

- 6.91 From an ecological perspective the Berks, Bucks and Oxon Wildlife Trust (BBOWT) are largely in favour of this application due to the number of different ecological enhancement works proposed, delivering biodiversity net gain (BNG), negligible impact on designated sites, the majority of onsite biodiversity features being retained and buffered, and retention of reasonable ecological connectivity on site (namely along the watercourse). BBOWT outline in their response several areas of suggested changes and improvements to the LEMP. These changes are not considered to be areas to which the BBOWT are objecting but are offering further input into the documents. This input can be accommodated through securing the documents via planning condition.
- 6.92 The application is accompanied by a completed Ecological Net Gain matrix 3.1 (as recently adopted by DEFRA). The matrix confirms that the proposal, subject to implementation of the recommendations set out in the Ecology Assessment report and the submitted landscaping ecological management proposals would deliver 13.28% ecological net gain to habitat units, a 10.47% ecological net gain of hedgerow units and a 16.20% net gain of river units.
- 6.93 The Council's Ecologist has raised no objections to the proposed development subject to condition. This conditions include the submission of a full detailed planting document with updates to the Landscape Ecological Management plan to reflect these details. The Ecologist also required a Construction Ecological Management plan. The Ecologist also required conditions restricting external light and requiring reports to be updated within certain time periods.
- 6.94 Overall, it is considered that the proposed development complies with Policy CS17, subject to applying appropriate conditions to avoid, minimise and mitigate potential environmental effects.

### ***Implications of AWE Burghfield, Pipeline and Network Rail***

- 6.95 Emergency Planning have reviewed this application in relation to the AWE Off-Site Emergency Plan. It is noted that high voltage cables will be running in close proximity to the AWE Burghfield site. The Emergency Planners commented that provided AWE have no concerns the cable could pose a risk to the site impacting on the safety and operations of the site, then Emergency Planning have no adverse comments on this application subject to the conditions. AWE has been consulted but have not received comments from them. The Office of Nuclear Regulation updated there comments following WBC Emergency Planners input stating that they do not advise against this development.
- 6.96 It is noted that a response from Exolum Pipeline system's was received noting that the proposed cabling crosses one of its pipelines. The LPA has engaged with this consultee who recommended that an informative be attached to the planning application requiring a works consent order be applied for by the applicants to ensure the safety of the pipeline during the construction of the development. This issues was also raised by the Health and Safety Executive (HSE) who recommended finding a resolution as above with the pipeline owners. The LPA also took on board the HSE's comments and consulted with the relevant parties accordingly (mainly AWE, ONR, Emergency Planning and the pipeline owners).
- 6.97 Overall, whilst there are a number of health and safety related constraints nearby to the site and proposed development, it is considered that these can be adequately controlled



via a number of conditions and informatives. The development is therefore considered to be in accordance with Core Strategy Policy CS8.

- 6.98 A railway line runs along the eastern boundary of the application site, and so glint and glare from the panels was identified as a potential issues. The LPA has consulted with Network Rail on the glint and glare report that was submitted during the course of the application. This report found that the development would not be harmful or give rise to health and safety issues. Whilst no formal response has been received from Network Rail to this consultation, direct communications with their Asset Management Team have given a positive response raising no issue with the proposal. The LPA is therefore content that the development will not give rise to issues related to the adjacent railway.

## 7. Planning Balance and Conclusion

- 7.1 The proposed development is considered to be supported in principle by the NPPF and the overarching aims of the Core Strategy and associated local planning policies. There is strong social and environment support for the provision of renewable energy in tackling climate change and dealing with the climate crisis. Overall, it is considered that there are substantial benefits to the proposed development that weigh in favour of granting planning permission.
- 7.2 The application site is generally well-contained within the landscape, and although there would be landscape and visual impacts, there are not considered significant when weighed against the benefits of the development. It is considered that the proposed layout has responded positively to the host landscape in terms of using the topography and landscape features to assimilate the development into its setting. Moreover, further mitigation can be secured through conditions. The biodiversity of the site, including a significant number of trees, can be protected and enhanced as part of the proposals.
- 7.3 Whilst the development would be visible within the surrounding landscape, no significant issues in relation to neighbouring amenity have been identified. The Highway Authority raises no objections to the access or potential impacts on the highway. No material conflicts with neighbouring land uses, including AWE, the railway line or oil pipelines, have been identified. There are no significant flood risk issues with the site and conditions can ensure appropriate drainage measures.
- 7.4 Overall, taking into account the main issues identified by this report and having regard to the representations made in response to application consultation, it is concluded that the proposed development complies with national and local planning policy and that the benefits of the development outweigh the limited adverse effects. As such, the application is recommended for conditional approval.

## 8. Full Recommendation

- 8.1 To delegate to the Service Director of Development & Regulation to GRANT PLANNING PERMISSION subject to the conditions listed below.

### **Conditions**

1. **Commencement of development**  
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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:

Site Location Plan and Red Line Boundary - 302-014-008 REV C

Proposed Layout Plan - 302-014-004 REV D

Intake Substation Plan - 302-014-009 REV B

Proposed Installation Elevations - 302-014-005 REV D

Proposed Ecological Mitigation Works & Planting - 302-014-007 REV D

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

3. **Lifetime of development**

No electricity shall be generated by the development hereby permitted until 14 days prior notice has been submitted to the Local Planning Authority in writing. The development hereby permitted shall be removed in its entirety and the land restored to its former condition within 30 years and six months of the date that electricity was first generated by the development, or within six months of the development failing to generate electricity for 12 consecutive months, whichever occurs first. The land shall be restored to its former condition to enable it to revert to agricultural use in accordance with a scheme of decommissioning work and land restoration that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the land is restored to its original undeveloped condition following the expiry period or once the development fails to generate electricity, in the interests of protecting the amenity of the open countryside. This condition is imposed in accordance with the National Planning Policy Framework, and Policies ADPP1, ADPP6, CS10, CS14, CS15 and CS19 of the West Berkshire Core Strategy (2006-2026).

4. **Decommissioning removal of operational development**

As part of the decommissioning process required by Condition 3, all operational development in, on, over or under the land enclosed by the red line on the Location Plan associated with the development hereby permitted shall be completely removed from the application site within 30 years and six months of the date that electricity was first generated by the development, or within six months of development failing to generate electricity for 12 consecutive months, whichever occurs first.

Reason: To ensure that the land is restored to its original undeveloped condition following the expiry period or once the development fails to generate electricity, in the interests of protecting the amenity of the open countryside. This condition is imposed in accordance with the National Planning Policy Framework, and Policies ADPP1, ADPP6, CS10, CS14, CS15 and CS19 of the West Berkshire Core Strategy (2006-2026).

5. **Materials**

No development shall take place until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the external materials respond to local character. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP6, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006). A pre-commencement condition is required because the materials we need to be agreed prior to construction.

6. **Hours of work (construction/demolition)**

No demolition or construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:

7:30am to 6:00pm Mondays to Fridays;

8:30am to 1:00pm Saturdays;

No work shall be carried out at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

7. **Drainage measures**

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 attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse or piped system at no greater than 1 in 1 year Greenfield run-off rates;
- c) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels. Soakage testing shall be undertaken in accordance with BRE365 methodology;
- d) Include run-off calculations based on current rainfall data models (FEH 2013 preferred), 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) Ensure permeable paved areas are designed and constructed in accordance with manufacturers guidelines if using a proprietary porous paved block system; otherwise ensure any permeable areas are constructed on a permeable sub-base material, such as MoT/DoT Type 3;
- 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;
- h) Include measures with reference to Environmental issues which protect or enhance the ground water quality and provide new habitats where possible;

- i) Include details of how surface water will be managed and contained within the site during construction works to prevent silt migration and pollution of watercourses, highway drainage and land either on or adjacent to the site;
- j) Include an Application for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse (i.e stream, ditch etc);

Thereafter, the development shall be undertaken in accordance with the approved details. The development shall not start generating electricity until the drainage measures have been completed in accordance with the approved details.

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 the Sustainable Drainage Supplementary Planning Document (December 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.

#### 8. **Archaeological work**

No development including site clearance shall take place within the application area until a Stage 1 written scheme of investigation (WSI) for a programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. For land that is included within the WSI no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by Stage 1, then for those parts of the site which have archaeological interest a Stage 2 WSI shall be submitted to and approved in writing by the Local Planning Authority. For land that is included within the WSI no site clearance work or development shall take place other than in accordance with the agreed WSI, which shall include:

- a) The statement of significance and research objectives, the programme and methodology of archaeological site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
- b) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting archaeological material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the Stage 2 WSI.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. Such an approach follows the guidance set out in paragraph 205 of the 2021 National Planning Policy Framework and is in accordance with the requirements of Policy CS19 of the West Berkshire Core Strategy (2006-2026). A pre-condition is required because the WSI will need to be adhered to through construction activities.

#### 9. **Arboricultural supervision**

No development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site

monitoring, which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: The Local Planning Authority must be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with the objectives of the NPPF and Policies ADPP1, CS14, CS17, CS18 and CS19 of West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures and site supervision works may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

10. **Tree protection**

All tree protective fencing and ground protection shall be erected and installed in accordance with the submitted plans, reference Woodland and Countryside Management drawing numbers WWCM/SSR/HPE/ES/BHF/TP/1 dated May 2022. The protective fencing shall be implemented and retained intact for the duration of the development, unless otherwise agreed in writing by the Local Planning Authority. Within the fenced area(s), there shall be no excavations, storage or mixing of materials, storage of machinery, parking of vehicles or fires.

Reason: Required to safeguard and to enhance the setting within the immediate locality to ensure the protection and retention of existing trees and natural features during the construction phase in accordance with the NPPF and Policies ADPP1, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

11. **Landscaping**

No development shall take place until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:

- a) Detailed plans with planting a retention schedules, noting species, plant sizes and proposed numbers/densities.
- b) A programme or work including an implementation programme providing sufficient specifications to ensure successful cultivation of trees, shrub and grass establishment.

All landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations / first operation of the development (whichever occurs first). Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within the lifetime of the development five years of completion of the approved landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: Comprehensive landscaping is essential to ensure the development is appropriately assimilated into the environment, and detailed specifications and a programme of works are necessary to ensure proper establishment and maintenance. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD. A pre-condition is required because

landscaping is essential to landscape and visual mitigation and so a clear strategy must be agreed before the development is built out.

12. **Landscape maintenance**

No development shall take place until a Landscape Maintenance and Management Strategy has been submitted to and approved in writing by the Local Planning Authority. Such a strategy shall detail the maintenance and management of the landscape during the lifetime of the development. Thereafter the development shall be carried out and operated in accordance with the approved details.

Reason: To ensure that the landscaping remains of a sound quality throughout the lifetime of the solar farm, to the benefit of the character of the area and neighbouring properties. This condition is imposed in accordance with the National Planning Policy Framework, and Policies ADPP1, ADPP6, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026).

13. **AWE Emergency Plan**

No development shall take place until a site-specific Emergency Plan has been submitted to and approved in writing by the Local Planning Authority. The Emergency Plan shall provide policies and procedures for the preparedness and response to an incident at AWE Burghfield. The Plan should cover both the construction and operational phases of development, or two separate plans may be provided for each phase. The Emergency Plan must cover the processes for:

- a) Activation of the Plan.
- b) Sheltering.
- c) Supporting the vulnerable residents, staff and visitors whilst in sheltering conditions.
- d) Evacuation.
- e) Recovery.

Thereafter, the development shall be carried out with the implementation of the approved Emergency Plan(s), or an approved revision.

Upon the site being commissioned for operations to commence the approved measures within the Emergency Plans shall be implemented in full, shall be kept up-to-date by the site manager/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.

A landline phone shall be installed on site to ensure the AWE Telephone Alerting System can operate successfully, to inform the workers in the event of a radiation emergency at AWE.

Reason: The approval and implementation of a site-specific Emergency Plan is necessary to mitigate the residual risk posed to public safety by the close proximity of AWE Burghfield, to ensure appropriate preparedness and response in the event of an incident at AWE, and to ensure that the development does not adversely affect the AWE Off-Site Emergency Response Plan. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS8 of the West Berkshire Core Strategy 2006-2026.

Note: For queries relating to the content of the site-specific Emergency Plan, please contact the Joint Emergency Planning, West Berkshire Council, Council

Offices, Market Street, Newbury, RG14 5LD. Tel: 01635 503535, Email: [emergencyplanning@westberks.gov.uk](mailto:emergencyplanning@westberks.gov.uk). Please quote the application reference. 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.

14. **Construction Traffic Management Plan (CTMP)**

The development shall be carried out in accordance with the approved Construction Method Statement and site set-up plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

15. **Access and visibility splays**

The first development operation shall be the construction of the site access onto Cross Lane in accordance with the approved details. No further development shall take place until the access has been completed in accordance with the approved details, and the visibility splays shown on the approved drawings, including within the CTMP, have been provided at the site access. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.9 metres above carriageway level.

Reason: In the interests 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). A pre-condition is necessary because safe access must be maintained from the outset of construction.

16. **Agricultural Land Management Strategy**

The development hereby approved shall not begin producing electricity until an Agricultural Land Management Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include the following:

- a) A strategy for reinstatement, restoration and after plans for the soil to return the soil to the former land quality grade or as close as reasonably possible.
- b) A agricultural land management plan for the lifetime of the development.

Thereafter the development shall be carried out in accordance with the approved details.

Reason: Soil is a finite resource which plays an essential role within sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food. The soil before the solar panels need to be maintained so that the land can be returned to its original condition This condition is imposed in accordance with the National Planning Policy Framework, and Policies ADPP1, ADPP6, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026).

17. **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: This condition is imposed in accordance with the National Planning Policy Framework, and Policies ADPP1, ADPP6, CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition is required because the LEMP may need to be implemented during construction.

18. **Landscape and Ecological Management Plan (LEMP)**

No development shall take place until an updated 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: This condition is imposed in accordance with the National Planning Policy Framework, and Policies ADPP1, ADPP6, CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026). A pre-commencement condition is required because the LEMP may need to be implemented during construction.



19. **Time constraints for ecological plans/updated reports**

Bat reports will need to be updated every 12 months and all other surveys after 3 years. As such after 12months/3 years (as appropriate to their validity) from the date the approved report is written a further supplementary ecological survey will need to be undertaken and submitted to and approved in writing by the Local Planning Authority along with any mitigation measures updated. Thereafter the development shall be undertaken in accordance with the approved details.

Reason: Ecological surveys are valid for limited periods of time. As such, they will need to be kept under review to ensure the appropriate mitigation measures are in place in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

20. **Lighting strategy (Landscape/Ecology)**

No external lighting shall be installed until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- (a) Identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance.
- (b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species.
- (c) Include isolux contour diagram(s) of the proposed lighting.
- (d) Ensure all lighting levels are designed within the limitations of the appropriate Environmental Lighting Zone , as described by the Institute of Lighting Engineers.

No external lighting shall be installed on site except in accordance with the above strategy.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.

21. **Restrictions during bird breeding season**

No demolition, or site/vegetation clearance shall take place during the bird breeding season (March to August inclusive) unless carried out under the supervision of an experienced ecologist, who will check the habitat to be affected for the presence/absence of any birds' nests. If any active nests are found then works with the potential to impact on the nest must temporarily stop, and an appropriate buffer zone shall be established, until the young birds have fledged and the nest is no longer in use.

Reason: To prevent harm to nesting birds from demolition and vegetation clearance. This condition is applied in accordance with the statutory provisions relating to nesting birds, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

22. **Hard landscaping**

The development hereby permitted shall not commence until the hard landscaping of the site has been completed in accordance with a hard landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) to be provided as part of the development.

Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.

### **Informatives**

1. **Proactive statement**

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 secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.

2. **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.

3. **Pre-conditions**

This decision notice contains pre-conditions that 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.

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. 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. **Access construction**

The Asset Management team, West Berkshire District Council, Environment Department, Council Offices, Market Street, Newbury, RG14 5LD, or [highwaysassetmanagement@westberks.gov.uk](mailto: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.

6. **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.

7. **Damage to the carriageway**

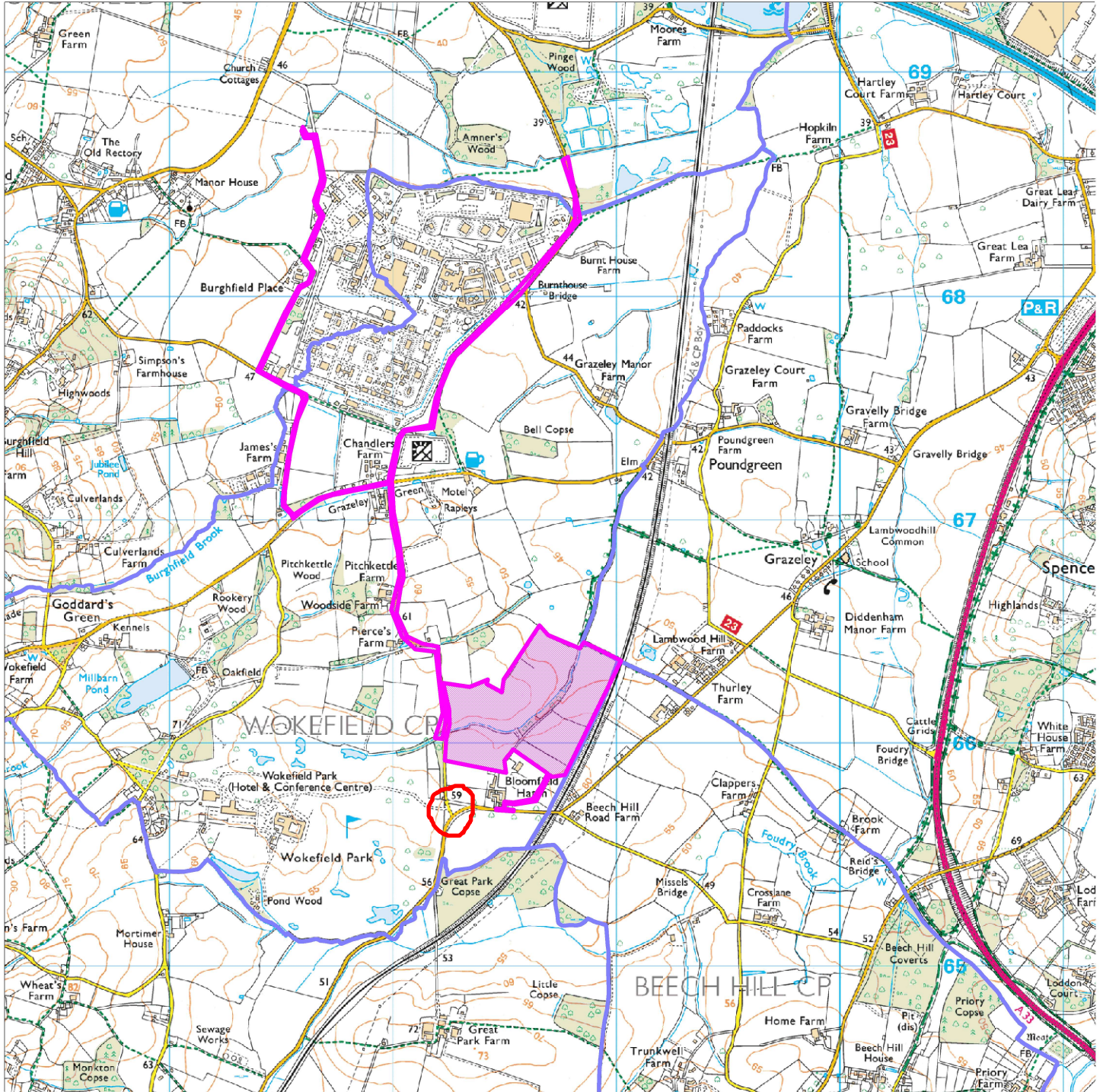
The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

8. **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.

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Land North Of Bloomfield Hatch Farm, Bloomfield Hatch, Mortimer, Reading RG7 3AD



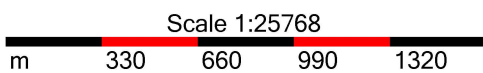
Map Centre Coordinates :

Scale : 1:25768

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	11 August 2022
<b>SLA Number</b>	0100024151



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# Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	20/02029/COMIND Burghfield	6 <sup>th</sup> January 2021 <sup>1</sup>	Development of an Energy Recovery Centre and adjacent Data Centre and associated infrastructure.  Reading Quarry, Berrys Lane, Burghfield, RG 30 3XH  J Mould (Reading Ltd.)

<sup>1</sup> Extension of time agreed with applicant until 31<sup>st</sup> August 2022

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/02029/COMIND>

**Recommendation Summary:** Approve subject to conditions

**Ward Member(s):** Councillor Graham Bridgman, Councillor Royce Longton, Councillor Geoffrey Mayes

**Reason for Committee Determination:** Call in by Cllr Bridgman (subject to recommendation for approval)

**Committee Site Visit:** 17<sup>th</sup> August 2022

## Contact Officer Details

**Name:** Elise Kinderman  
**Job Title:** Team Leader – Minerals and Waste  
**Tel No:** 01635 519814  
**Email:** [elise.kinderman1@westberks.gov.uk](mailto:elise.kinderman1@westberks.gov.uk)

## 1. Introduction

- 1.1 This application seeks planning permission for the development and operation of an Energy Recovery Centre (ERC) and Data Centre, together with associated infrastructure (ancillary offices, parking, weighbridge, back-up generators, water tanks/pump house, air chillers and silo).

### Application Site

- 1.2 The application site is located approximately 5km south west of Reading, within the wider Reading Quarry site, which is a historic mineral working and comprises several existing permanently consented waste management facilities. These include an inert waste recycling facility and wash plant, Waste Recycling and Transfer Facility WRTF, and biomass boiler. The application site is adjacent to a former restored mineral working and inert landfill (Knights Farm), and parts of the Reading Quarry site have also been restored with inert fill. It is understood that the site has recently ceased to accept waste and EA data confirms that there was no remaining capacity at the end of 2019. A drainage pond is also present on the western edge of the site wider Reading Quarry site. This is specified as an 'infiltration pond for landfill' on the site's environmental permit.
- 1.3 The application site is approximately 6.4ha and located at the eastern edge of the wider Reading Quarry site. This part of the site is currently being used to stockpile and process inert waste for recycling, and this is proposed to be relocated approximately 400m eastwards towards the consented WRTF area, under an existing permission.
- 1.4 The site is bounded by the M4 motorway to the south and Berrys Lane to the north, the Reading motorway services are located directly to the west of the site. The closest residential properties are approximately 300m north/west of the site on Berrys Lane/Pingewood Road. The settlement known as Burghfield Bridge is approximately 1km to the north-west, while the outskirts of Reading lie approximately 1.7km to the north (Calcot) and 1.4km to the east (Green Park). Burghfield lies approximately 1.8km to the south west.
- 1.5 An existing concrete batching plant is located to the north east of the application site, and directly adjacent to the east of the site is a historic mineral working which is now a fishing lake. The site is also located within a Local Wildlife Site (Burghfield Gravel Pits) which covers the assemblage of lakes associated with historic mineral working in the area to the south west of Reading. The site is also within the Kennet Valley East Biodiversity Opportunity Area.

### Proposal

- 1.6 J Mould (Reading) Ltd. is proposing to develop an Energy Recovery Centre (ERC) and Data Centre at their existing Reading Quarry waste management site off Berrys Lane, just north of the M4 between Burghfield and Reading.
- 1.7 The ERC will measure approximately 78 metres long by 60 metres wide. The roof will have a curved form, with the highest elevation being approximately 25m high with two stacks approximately 50m high. The Data Centre will measure approximately 66m long by 116m wide and will be approximately 17m high. The external plant area and office for the Data Centre will measure approximately 36m long by 70m wide and will be approximately 10m high (dimensions taken from updated ES Chapter 3). The proposed buildings and ancillary buildings are shown on the plans No. 2080, Rev E, dated 31.05.2022 (Data Centre Elevations), No. 2030, Rev G, dated 31.05.2022 (ERC – North and South Elevations), No. 2040, Rev F, dated 31.05.2022 (ERC – East and West



Elevations), and No. 2110, Rev B, dated 31.05.2022 (Ancillary Building Elevations). The proposed site layout is shown on plan No. 2000, Rev K, dated 31.05.2022.

- 1.8 The ERC will be comprised of a building containing plant and equipment (reception hall, thermal hall, turbine hall and room for electrical switchgear), a control room and amenities will also be located on the first and second floor levels.
- 1.9 Refuse Derived Fuel (RDF)<sup>1</sup> and other residual waste from non-hazardous municipal, commercial and industrial sources will be combusted within the ERC to generate electricity that will be exported to the national grid and/or the proposed adjacent Data Centre. It is also proposed that some of the excess heat generated from the ERC will be utilised by the Data Centre office and other onsite waste management processes.
- 1.10 The ERC will have a throughput of up to 150,000 tonnes per annum (tpa) with a thermal input of 40MWth, and output of 28MWth and 11MWe. The fuel for the ERC will be sourced from the on-site Waste Recycling and Transfer Facility (WRTF) and other sites in the wider area.
- 1.11 The Data Centre will house computing facilities and network equipment for collecting, storing, processing and distributing data and connecting communication networks so that end-users can access information remotely. It will be located adjacent to the ERC (co-located) and utilise excess electrical energy and some excess thermal energy produced by the ERC. The Data Centre will also utilise energy from a solar panel array on the roof.
- 1.12 The Data Centre will include a main data centre area at the rear of the building, an ancillary office at the front together with external plant area, which will also contain backup generators. Car parking and sheltered cycle storage will also be provided for staff and visitors.
- 1.13 The proposal will utilise the existing access road (Berrys Lane) and the internal access route for the site will be widened and surfaced to accommodate two-way HGV traffic. The development will also provide for pedestrian and cycle access from Berrys Lane.
- 1.14 The proposed ERC would operate 24 hours a day, 360 days per year, with the exception of maintenance periods, and deliveries are proposed to take place over a 15-hour period between 06:00 hours and 21:00 hours. The Data Centre would operate 24 hours a day, 365 days of the year.
- 1.15 Further details about the proposal are provided in the Environmental Statement at Chapter 3.

## 2. Planning History

- 2.1 Reading Quarry has an extensive planning history, however the application of most relevance to this part of Reading Quarry and this application is 02/02267/COMIND, for the development of a recycling facility of inert wastes and ancillary buildings, which establishes this section of Reading Quarry as a permanent waste management facility.
- 2.2 The table below outlines the relevant planning history of the application site.

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<sup>1</sup> A type of Waste Derived Fuel, Refuse Derived Fuel or RDF has been prepared by a treatment process to produce a broad specification fuel. The specification will depend upon the plant to be used, but typically at the most basic level will have had metals and inert materials removed, removal of some recyclables and limited shredding/bag splitting. Wikiwaste, (2021). *Refuse Derived Fuel*. [online] Available at: [https://wikiwaste.org.uk/Refuse\\_Derived\\_Fuel](https://wikiwaste.org.uk/Refuse_Derived_Fuel) [Accessed 22nd September 2021].

<b>Application</b>	<b>Proposal</b>	<b>Decision / Date</b>
02/02267/COMIND	Recycling facility for inert wastes and ancillary buildings.	Approved June 2003
08/02401/FUL	Part Retrospective – Extension of recycling facility for construction, demolition and excavation materials including the partial infilling of former quarry with inert waste, erection of workshop and office/weighbridge and retention of open storage area.	Approved December 2009
10/00145/FUL	Retrospective – Extension to workshop	Approved April 2010
10/02521/COND1	Application for approval of details reserved by conditions 8, 10, 11, 13, 20, 21, 22, 25, 26, 27, 30, 31 and 32 of planning permission reference 08/02401/FUL	Approved June 2011
13/01466/FUL	Section 73 – Variation of Condition 2 – amendment of drawing 2d (Phase 4) dated September 2009 and consequential amendments to other drawings of approved reference 08/02401/FUL- Part Retrospective – Extension of recycling facility for construction, demolition and excavation materials including the partial infilling of former quarry with inert waste, erection of workshop and office/weighbridge and retention of open storage area.	Approved August 2013
14/01698/SCREEN	EIA Screening Opinion Request	EIA Not Required July 2014
14/01932/MINMAJ	Proposed sand washing and recycling plant	Approved November 2014
15/02082/FULC	Erection of recycled offices for J Mould (Reading).	Approved October 2015
16/01737/COND1	Application for approval of details reserved by Condition 3 – CMS, Condition 5 – Materials and Condition 7 – Landscape, of approved application 15/02082/FULC – Erection of recycled offices for J Mould (Reading).	Approved August 2016
16/02085/FULC	Section 73: Variation of Condition 4 – BREEAM of approved application 15/02082/FULC – Erection of recycled offices for J Mould (Reading).	Approved October 2016

16/03152/SCREEN	Environmental Impact Assessment Screening Opinion Request	EIA Not Required December 2016
16/03110/NONMAT	Non-material amendment to planning permission 15/02082/FULC: Erection of recycled offices for J Mould (Reading). AMENDMENT: Substitution of external materials already approved.	Approved January 2017
16/03253/COMIND	The development of waste recycling facility and 1MW biomass boiler located within an existing waste management site, The development will comprise a waste reception building, a picking station, a biomass boiler, skips and metal shredding area. The site will process up to 50,000 tonnes per annum of material.	Approved March 2017
17/03480/FULC	Variation of condition 2: Approved plans, of approved reference 15/02082/FULC, Erection of recycled offices for J Mould (Reading).	Approved February 2018
18/00447/COMIND	Section 73A: Variation of Condition 11 – Drainage, of planning permission reference 16/03253/COMIND. Amend condition wording by removing ‘within 3 months’ timescale.	Approved May 2018
18/00672/SCOPE	EIA Scoping Request = 120,000 tonnes per annum Energy from Waste Facility utilising Refuse Derived Fuel (RDF) from non-hazardous municipal, commercial and industrial waste sources.	Issued May 2018

### 3. Procedural Matters

#### Environmental Impact Assessment

- 3.1 The application has been considered under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the EIA Regulations). The application has been submitted with an Environmental Statement and has been considered as EIA development in line with Schedule 1(10) of the EIA Regulations.
- 3.2 Under regulation 19 (3) of the EIA Regulations, when a relevant planning authority receives an environmental statement in connection with an EIA application, the authority must send to the Secretary of State, within 14 days of receipt of the statement, a copy of the statement and a copy of the application and of any documents submitted with the application. The National Planning Casework Unit (NPCU) manage planning decisions on behalf of the Secretary of State for Communities and Local Government. The application was validated on the 16<sup>th</sup> September 2020 and the NPCU were sent details

of the application on the 23<sup>rd</sup> September 2020 and therefore this duty has been discharged.

- 3.3 Regulation 25 of EIA Regulations specifies that if a relevant planning authority is of the opinion that additional information is required in order to reach a reasoned conclusion on the likely significant effects of the development, then the relevant planning authority *must* notify the applicant in writing accordingly. In accordance with this regulation, a formal request for additional information regarding the Environmental Statement (ES) was issued on 06<sup>th</sup> August 2021.
- 3.4 Regulation 25 of the EIA Regulations also requires that the recipient of any further information or other information in relation to an ES must publish in a newspaper circulating in the locality in which the land to which the application relates is circulated, the details regarding the further information and how to access it, and invite representations on it, and specify that the information must be accessible for a period of not less than 30 days (regulation 25(3)). The further information must also be sent to those who were consulted on the original ES (regulation 25(4)) and where the recipient of the further information is the relevant local planning authority, this must be sent to the Secretary of State (regulation 25(5)).
- 3.5 In accordance with these regulations and on receipt of the further information, an advertisement was placed in the Reading Chronicle on 06<sup>th</sup> January 2022 and 16<sup>th</sup> June 2022, with the period for representations to expire on 07<sup>th</sup> February 2022 and 18<sup>th</sup> July 2022 respectively. Site notices were also erected for the relevant periods. In addition, all original consultees and representors were consulted on the further information regarding the ES on 06<sup>th</sup> January 2022 and 16<sup>th</sup> June 2022, with the period for representations to expire on 07<sup>th</sup> February 2022 and 18<sup>th</sup> July respectively. The NPCU were notified of the further information on 06<sup>th</sup> January 2022 and 16<sup>th</sup> June 2022.
- 3.6 Concern has been noted from some representors over the date of the Environmental Statement (August 2020), which pre-dates the most recent Scoping Opinion (November 2020) and potential conflict with regulation 18(4)(a) of the EIA Regulations which states that an Environmental Statement must *'where a scoping opinion or direction has been issued in accordance with regulation 15 or 16, be based on the most recent scoping opinion or direction issued (so far as the proposed development remains materially the same as the proposed development which was subject to that opinion or direction)'*. However, it is not obligatory to request a Scoping Opinion, and if the Council receive such a request after the preparation of the ES and submission of the application, in order to comply with regulation 6(6) of the EIA Regulations, a late request cannot in practice be refused, particularly if it could improve the quality of the resulting ES. In addition, regulation 25 also allows the Council to request further information after a scoping opinion has been issued, to ensure the ES complies with the requirements in Schedule 4 and address any deficiencies in the ES. Such a request for further information under regulation 25, was issued on 06<sup>th</sup> August 2021. Further information was duly provided by the applicant and has been taken into account alongside the original ES. Given that all of the information has been considered as part of the Environmental Impact Assessment, it is not considered to be problematic that the ES pre-dated the Scoping Opinion.
- 3.7 It has also been suggested that all of the documents submitted as part of Volume 3 of the Environmental Statement (entitled 'standalone non-EIA technical chapters') should be considered to form part of the ES despite them being identified as 'non-EIA'. The Council is of the opinion that where information forms part of a topic scoped into the ES, then it is considered to form part of the ES. The fact that some technical chapters are appended to the ES do not mean they (necessarily) fall within the scope of the ES. It appears to have been used as a convenient mechanism for submitting all the relevant information to support the application and is clearly provided without prejudice to any

conclusions outside the scope of the ES. This approach is accepted as being appropriate, and all relevant information has been taken into account in assessing the application.

- 3.8 Representors have stated that the Environmental Statement does not provide a description of the reasonable alternatives studied by the developer, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment and that this should be supplied in order to comply with the EIA Regulations. However, the EIA Regulations do not require an applicant to consider alternatives. Although where alternatives have been considered, Paragraph 2 of Schedule 4 requires the applicant to include in their Environmental Statement a description of the reasonable alternatives studied (for example in terms of development design, technology, location, size and scale) and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.
- 3.9 An alternative site assessment has been included for the Data Centre. This includes the required description of reasonable alternatives and reasons for selecting the chosen option, therefore it is considered that this aspect has been covered adequately in line with the EIA Regulations.
- 3.10 Chapter 5 of the updated ES explains that alternatives for the ERC were not considered, as the proposed site is in permanent waste management use, and therefore is safeguarded as a waste management facility (under Policy WLP21 of the Waste Local Plan for Berkshire (WLP) and Policy 10 of the emerging Minerals and waste Local Plan (MWLP)) and is consistent with locational policies for waste management uses (WLP Policy 16 and MWLP Policy 5). The ES therefore considered that as the ERC would be consistent with locational policy, a separate assessment of alternatives was not required.
- 3.11 Additional information and scheme revisions were submitted and consulted upon from 4<sup>th</sup> February – 6<sup>th</sup> March 2021. However, it was not clear that this material formally comprised part of the Environmental Statement. Therefore, the applicant was invited to remedy this through the Council's Regulation 25 letter of 06<sup>th</sup> August 2021 by submitting an addendum to the Environmental Statement, plus update the Non-technical summary in order to be able to appraise the likely significant effects of the proposal on the environment and thus comply with EIA Regulation 18.
- 3.12 The further information to the Environmental Statement in response to the Council's Regulation 25 letter was received in two rounds, and was consulted upon from 06<sup>th</sup> January 2022 – 07<sup>th</sup> February 2022 and 16<sup>th</sup> June – 18<sup>th</sup> July 2022 as described in paragraph 3.5 above.

### **Request for Call In**

- 3.13 It is understood that a request by a third party has been submitted to the Secretary of State to call in the application for determination in the event that the Committee's resolution is for approval. Therefore, in the event of a resolution to grant permission officers will contact the National Planning Casework Unit for confirmation as to whether the Secretary of State wishes to call in the application before a decision is issued.

### **Advertisement of a Major Application and EIA Development**

- 3.14 Article 15(4) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) requires in the case of an application for planning permission for major development, the application shall be publicised by giving requisite notice:

by site display in at least one place on or near the land to which the application relates for not less than 21 days; or by serving the notice on any adjoining owner or occupier; and by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is circulated.

- 3.15 Article 15(2) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) requires in the case of an application for planning permission which is an EIA application accompanied by an Environmental Statement by giving requisite notice:

by site display in at least one place on or near the land to which the application relates for not less than 21 days; and by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is circulated.

- 3.16 A site notice was displayed on 7<sup>th</sup> October 2020 to expire on 7<sup>th</sup> November 2020 and the application was listed in a public notice in the Reading Chronicle on 1<sup>st</sup> October 2020. The authority has therefore discharged its duty to publicise applications in accordance with the DMPO.

#### *Re-consultation*

- 3.17 Additional information received in support of the application was re-consulted upon on 4<sup>th</sup> February 2021. A site notice was displayed on 04<sup>th</sup> February 2021 to expire on 06<sup>th</sup> March 2021 and the application was listed in a public notice in the Reading Chronicle on 04<sup>th</sup> February 2021. In addition, all original consultees and representors were consulted on the additional information between 04<sup>th</sup> February 2021 and 6<sup>th</sup> March 2021.

- 3.18 Further rounds of consultation for additional information received in support of the application commenced on 06<sup>th</sup> January and 16<sup>th</sup> June 2022. A site notice was displayed on 06<sup>th</sup> January 2022, to expire on 07<sup>th</sup> February 2022 and 16<sup>th</sup> June to expire on 18<sup>th</sup> July 2022 and the application was listed in a public notice in the Reading Chronicle on 06<sup>th</sup> January and 16<sup>th</sup> June 2022. In addition, all original consultees and representors were consulted on the additional information between 06<sup>th</sup> January - 07<sup>th</sup> February 2022 and 16<sup>th</sup> June - 18<sup>th</sup> July 2022. The authority has therefore discharged its duty to publicise additional information in accordance with the DMPO.

#### **Community Infrastructure Levy (CIL)**

- 3.19 The proposed development is not CIL liable, as the development is not residential and does not involve an increase in residential or retail floorspace. A Community Infrastructure Levy payment would therefore not be required for this proposal for these reasons, in accordance with the West Berkshire CIL charging schedule<sup>2</sup>.

## **4. Consultation**

### ***Statutory and non-statutory consultation***

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

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<sup>2</sup> West Berkshire Council, (2014). *Community Infrastructure Levy Charging Schedule*. [online] Available at: <https://info.westberks.gov.uk/CHttpHandler.ashx?id=38033&p=0> (Accessed 04/02/21).

<b>Burghfield Parish Council</b>	No objections subject to assurance of pollution effects.
<b>Theale Parish Council</b>	No comment  <u>Additional Comments 11.01.22</u>  No objection
<b>Holybrook Parish Council</b>	No comment  <u>Additional Comments 16.02.21</u>  Holybrook Parish Council fully supports the comments already submitted by its fellow parishes.
<b>Sulhampstead Parish Council</b>	No objections
<b>Wokefield Parish Council</b>	No response received
<b>Shinfield Parish Council</b>	Object on the following basis: <ul style="list-style-type: none"> <li>- Excessive amount of vehicle movements on unsuitable roads.</li> <li>- Importation of waste against national policy</li> <li>- Fumes travelling over South West Reading and Shinfield Parish.</li> </ul>
<b>Basingstoke &amp; Dean Borough Council</b>	No objection
<b>Wokingham Borough Council</b>	No objection to this application, including with respect to traffic movements on roads within or adjacent to the borough.  <u>Updated Comments 30.06.22</u>  No objection
<b>Reading Borough Council</b>	No overall objections  <u>Additional Comments 09.02.21</u>  Unless the changes result in the proposals being significantly larger than the original submission we will continue to have no objection as per our response in November.  <u>Additional Comments 18.05.22</u>  No overall objections.  However, Reading Borough Council request to be formally consulted upon approval of details applications or legal agreement obligations relevant to:

	<ul style="list-style-type: none"> <li>- Proposed haulage routes/traffic generation related matters.</li> <li>- Bus route measures/improvements</li> <li>- Control of pollution measures</li> <li>- Air Quality assessments</li> </ul> <p>Request that an informative in this regard is appended to the decision should permission be granted.</p>
<p><b>Hampshire County Council</b></p>	<p>The development proposals are unlikely to result in any adverse highway safety or traffic impact implications in the Hampshire district. Hampshire County Council in its role as the Local Highway Authority for the district would not wish to raise any objections to the development proposals.</p> <p>Notwithstanding the above, the construction trips are unknown and it is recommended that a condition is included on any planning permission in order to control the number of construction trips that would be generated on the highway network as a result of the development proposals.</p> <p><u>Additional Comments 06.07.22</u></p> <p>The additional information does not change the previous recommendation made on 08 October 2020, and no objection is raised.</p>
<p><b>WBDC Highways</b></p>	<p>The proposal is acceptable to highways, subject to some minor additions to the drawings as follows:</p> <p>Request clarification as to how the pedestrian and cycle facilities at the existing site access will link to the proposed site layout, plus details regarding sight lines for the vehicular and pedestrian/cycle access onto Berrys Lane.</p> <p>For the data centre, 16 car parking spaces are proposed, however it cannot be assumed that the building will be a data centre in perpetuity, and based on a B1 use up to 24 parking spaces are required.</p> <p><u>Additional Comments 18.12.20</u></p> <p>In my previous response, there were two issues that I was looking to be addressed:</p> <ol style="list-style-type: none"> <li>a. I would like to see how the proposed pedestrian / cycle route links in with the site layout, as it is not shown continuing into the site layout plan 2000.</li> <li>b. I have details of sight lines for the vehicular access. I would also like detail on sight lines for the pedestrian / cycle accesses onto Berry's Lane at a setback of 1.0 and 2.4 metres.</li> </ol> <p>I would be grateful if these details could be submitted</p> <p><u>Additional Comments 05.05.21</u></p>



Unfortunately they have not really responded on the sight lines item. Can details be submitted on what sights lines can actually be achieved?

Additional Comments 18.05.21

Drawing No. CRM.1144.010.PL.D.004, indicates that visibility for pedestrians and cyclists to the right along the south side of Berry's Lane would be limited. This is at a splay depth of both 2.4m and 1m. The provision of a suitable visibility splay requires thirty party land which lies outside the client's control. With sight lines of only 110 metres to the east, this does appear to be an issue of concern. I would ask that speed surveys be undertaken fronting the site to ascertain what the required visibility is. Cycle / pedestrian access is proposed within the site as shown on the attached drawing CRM.1144.010.PL.D.004.B. HGV Access Route Revised. This will provide a joint pedestrian / cycle access from the existing Berry's Lane site access to the site initially alongside the site access road and then along the previously proposed route but without the link to Berry's Lane opposite Pingewood Road North previously proposed. I am concerned regarding the loss of this, and it enabled the route to join onto Pingewood Road North that is more suitable for pedestrians. However the distance from the site access to Pingewood Lane is relatively short at less than 100 metres, and I accept this may be preferable to a pedestrian / cycle access with very limited sight lines. I am now content with the car parking provision and other site layout aspects. In conclusion, I consider that the sight lines onto Berry's Lane remain an issue, and I would request a speed survey to enable further consideration of this issue.

Additional Comments 11.10.21

I am content with has been submitted.

Additional Comments 22.02.2022

The original TA projected of 66 HGV vehicle movements per day (33 in, 33 out). No objection was raised to this number, as it was considered that the increase was not considered severe or sufficient in number to raise objection.

The TA addendum projects 78 HGV vehicle movements per day (39 in, 39 out). I consider this to be a very limited difference. Therefore once again, no objection was raised to this number, as it was considered that the increase was not considered severe or sufficient in number to raise objection.

All other vehicle movements associated with staff, etc. are unchanged with the proposal

All other items regarding this proposal, appear to be resolved.

Additional Comments 01.08.2022

I have no objection to the proposed alternative route.

<p><b>WBDC Environmental Health</b></p>	<p><u><i>Air quality</i></u> Air quality concerns have been addressed within the application. The proposed primary and secondary abatement measures in the plant will be sufficient to reduce levels of all pollutants to those required for compliance with the Industrial Emissions Directive.</p> <p><u><i>Noise</i></u> The proposed development will introduce many new sources of noise to the location, some of which will be 24 hrs. Although the site is close to the M4 and background noise levels are elevated in the area, this will drop during the early morning. Therefore a noise impact assessment is required prior to determination of the application.</p> <p><u><i>Contaminated Land</i></u> A landfill gas risk assessment is required as the site is adjacent to a former landfill site. The site is also likely to be covered in made ground and therefore an unforeseen contaminated land condition is required to deal with any contamination discovered during the construction.</p> <p><u><i>Dust and Odour</i></u> These are likely to be covered by conditions in the Environmental permit.</p> <p>Conditions requested:</p> <p><b>Noise:</b> All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise therefrom does not exceed at any time a level of 5dB[A] below the existing background noise level or 10dB[A] if there is a particular tonal quality [or is intermittent in nature] when measured in accordance with BS4142:2014 at a point one metre external to the nearest residential or noise sensitive property</p> <p>Reason To protect the occupants of nearby residential properties from noise.</p> <p><b>Construction Method Statement:</b> 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:-</p> <ul style="list-style-type: none"> <li>(i) the control of noise</li> <li>(ii) the control of dust, smell and other effluvia</li> <li>(iii) the control of rats and other vermin</li> <li>(iii) the control of surface water run-off</li> <li>(iv) the proposed method of piling for foundations (if any)</li> <li>(v) proposed construction and demolition working hours</li> <li>(vi) hours during the construction and demolition phase when delivery vehicles, or vehicles taking materials, are permitted to enter or leave the site.</li> </ul>
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The development shall be carried out in accordance with the approved scheme.

Reason: In the interests of the amenities of the area.

**Hours of Working:**

No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 07:30 and 18:00 Monday to Friday and 08:30 to 13:00 Saturdays and at no time on Sundays or Bank or National Holidays.

Reason: To protect the occupiers of neighbouring properties from noise and disturbance outside the permitted hours during the construction period.

**Floodlighting:**

Details of floodlighting and other externally mounted lighting of the site shall be submitted to and approved in writing by the local planning authority. The floodlighting shall be installed, maintained and operated in accordance with the approved details unless the local planning authority gives its written consent to the variation.

Reason: to protect residential amenity.

**Landfill gas:**

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.

Reason: To protect future occupiers of the site and structures from the risks associated with the migration of toxic and flammable gasses.

**Unforeseen Contamination:**

If contamination is found at any time during site clearance, groundwork and construction the discovery shall be reported as soon as possible to the local planning authority. A full contamination risk assessment shall be carried out and if found to be necessary, a 'remediation method statement' shall be submitted to the local planning authority for written approval. Should no evidence of contamination be found during the development a statement to that effect shall be submitted to the local planning authority

Reason:

To protect future occupiers and users of the site from the harmful effects of contamination.

*Additional Comments 13.10.20*

The proposed floodlighting condition should cover Highways England concerns as well. Because the operation is 24hrs and

could have an impact when the noise levels are low during the very early morning period I would like to see this upfront.

Additional Comments 05.11.20

Regarding the Noise Addendum, there still seems to be a doubt over some aspects of the development which could have an effect on the noise levels, however I am satisfied that this would be overcome with suitable mitigation so should not be a constraint with development pending the following condition:

All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise therefrom does not exceed at any time a level of 5dB[A] below the existing background noise level when measured in accordance with BS4142:2014 at a point one metre external to the nearest residential or noise sensitive property.

Reason

To protect the occupants of nearby residential properties from noise.

Additional Comments 01.02.22

*Air Quality*

The Environment Agency can be relied upon to ensure that emissions to air of pollutants such as dioxins, furans, oxides of nitrogen, ash and dust are suitably controlled under the Environmental Permitting regime that they operate.

*Noise*

Recommend that if this application is approved a condition should be imposed requiring a Noise Validation Report to be submitted on completion of the works, to confirm that outdoor noise levels are as predicted, if not quieter, when the facility is running at maximum capacity.

Recommend that “acoustic wall panels/sheets” should be used instead of standard wall panels for the building envelope instead of standard , in addition to acoustic louvres to openings as mentioned in the updated Chapter 11.

Note that fuel deliveries are not scheduled to occur at night, which again should be “conditioned”. It is not clear how the plant will run overnight without fresh deliveries of fuel, and further information is needed on this.

I am not overly concerned about noise from a reasonably small number of delivery lorries during the day.

The Construction Method Statement contained within Chapter 11 of the updated ES is fine.

The remaining “Environmental” issues are best left to others to comment on as necessary.

Additional Comments 28.02.22

	<p>I confirm that I am happy with Enzygo's response</p> <p><u>Additional Comments 28.06.22</u></p> <p>No additional comments to make. The previous comments made by environmental health remain relevant.</p>
<p><b>WBDC Emergency Planning Officer</b></p>	<p>Having regard to this application and how it may impact on the AWE Off-Site plan with respect to the ability to ensure the health and safety of those in the application site and any potential impact on those already in the area as a result it is considered that subject to the site, and the respective occupants when construction is complete, having suitable buildings to shelter in by way of construction and robust Business Continuity/Emergency Plans I would not have adverse comments to make.</p> <p>As a result should the application be approved I would recommend the following conditions are attached:</p> <ol style="list-style-type: none"> <li>1. 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 development.</li> <li>2. No development, shall take place until an outline Emergency Plan has been submitted to and approved in writing by the Local Planning Authority. This outline emergency plan should be in sufficient detail 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.</li> <li>3. No occupation of the buildings, shall take place until a comprehensive Emergency Plan has been submitted to and approved in writing by the Local Planning Authority.</li> </ol> <p>The Emergency Plan must be implemented in full, shall be kept up-to-date by the site operator, thereafter, being reviewed and amended as necessary and at least annually. The Local Planning Authority may at any time require the amendment of either/both plan(s) 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</p> <p><u>Additional Comments 07.03.21</u></p> <p>[Regarding re-consultation] I cannot see any emergency plans and therefore I am assuming there is nothing additional for emergency planning to feedback on at this stage.</p> <p><u>Additional Comments 07.02.22</u></p> <p>Emergency Planning have no further comments to make following the additional information provided. Our position</p>

	<p>remains the same and the same conditions are requested as set out in the original response.</p>
<p><b>WBDC Ecology</b></p>	<p>There is no information as to who carried out the ecological surveys.</p> <p>A biodiversity net gain calculation has not been submitted, which is contrary to policy CS17 of the West Berkshire Core Strategy. This is particularly the case due to the fact that the site is within the Burghfield Gravel Pits Local Wildlife Site and the Kennet Valley East Biodiversity Opportunity Area. Therefore we require that the development delivers a net gain for biodiversity and these details will need to be submitted to the LPA before determination of this application.</p> <p>We are also not satisfied that the construction phase and post construction phase environmental impacts in certain locations have been fully taken into account when reading table 4.1 of the EclA.</p> <p>These comments are based on a first brief look at the proposal and there may be other aspects that will need to be addressed over the lifetime of the proposal.</p> <p><u><i>Additional Comments 29.01.21</i></u></p> <p>The concerns that we raised in our initial response have been dealt with, we require the following conditions to be put in place:</p> <ul style="list-style-type: none"> <li>• LEMP (Landscape Environmental Management Plan) – including; the locations of all ecological enhancements (minimum of 20 bird nesting opportunities and 5 bat roosting opportunities – this is to cover habitat loss and disturbance in the construction phase), habitat and enhancement installation/planting (including species list) and ongoing management prescriptions to cover the biodiversity net gain period. Pre commencement condition.</li> <li>• CEMP (Construction Environmental Management Plan). Pre commencement condition.</li> <li>• Post construction lux lighting plan. Pre commencement condition.</li> </ul> <p>The submissions to discharge these conditions will need to be scrutinised by the LPA as to their suitability.</p> <p>We note because of the location of this site enhancements for birds such as terns and sand martins might be worth exploring as options, to this end we have attached an initiative design concept that could work on such a site.</p> <p><u><i>Additional Comments 15.07.22</i></u></p> <p>Having reviewed the latest submissions we find no reason that this application cannot be considered for approval, in addition to the suggested conditions proposed by BBOWT we require the following issues are covered by conditions:</p>

	<ol style="list-style-type: none"> <li>1. The submission of an acceptable SuDS design and maintenance plan as a pre commencement condition (only if SuDS measures are required, and should focus on water quality as well as flood prevention).</li> <li>2. A condition stating that each ecological report (with regard to the aspect that it covers) is only valid for 3 years (for bat aspects of the report these will need updating after 12 months) from when it is written, this includes relevancy as to how these documents inform other necessary related submissions, the reports details/submission is subject to scrutiny by the LPA.</li> </ol>
<b>Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT)</b>	<p>Object to the proposal due to a lack of information to show that there would be no resulting negative impact on biodiversity.</p> <p><i>Air Quality</i> Inconsistencies between the air quality assessment and EcIA. We request that clarification is given to the potential effects from air quality on Internationally designated sites through the submission of a Habitat Regulations Assessment Screening Report.</p> <p><i>Hydrology</i> The revised drainage strategy submitted to West Berkshire Council on the 7th January 2021 now includes a connection to Englefield Lagoon. The potential ecological effects of this connection from loss of habitat and changes in water quality have not been assessed.</p> <p>It is also noted that groundwater is particularly sensitive to contamination in this location and that a Phase 2 site investigation has not been undertaken to better understand whether the historic landfill extends onto the boundary of the site. We request that the EcIA is updated to assess the potential effects of the revised drainage strategy and that a Phase 2 site investigation is undertaken to information potential groundwater contamination. The EcIA should also consider the findings of this investigation.</p> <p><i>Ecology</i> A review of the EcIA has found the habitat descriptions for the site to be limited and the only vegetation described as being present is the scrub along the southern boundary. We request that the EcIA is updated to include a more detailed description of the habitats within the site and bordering it, and that linkages with the LWS habitats are considered in greater depth.</p> <p><u><i>Additional Comments 15.07.21</i></u></p> <p>BBOWT remove their objection in relation to air quality effects, subject to the inconsistencies between the air quality assessment and EcIA being updated. We also remove our objection due to the absence of a Phase 2 contaminated land investigation as it will be conditioned. We uphold our objections due to the absence of:</p>

- an air quality assessment of the potential effects on the habitats at Burghfield Gravel Pits LWS;
- an assessment of the potential effects on biodiversity from the creation of a connection to Englefield Lagoon; and
- details of all habitats on site and bordering it and a more detailed assessment of the effects of habitat loss and creation on biodiversity, including on the LWS.

Additional Comments 01.02.22

*Air quality*

Sufficient information has been provided to show that there would be no effects on biodiversity receptors from changes to air quality resulting from the proposal.

*Hydrology*

Sufficient information has been provided to show that there would be no effects on biodiversity receptors from changes to hydrology resulting from the proposal, if protection measures are in place.

*Ecology*

We recognise that the site is currently of relatively low ecological value but its location within a Local Wildlife Site and Biodiversity Opportunity Area should mean biodiversity enhancement is at the core of its redevelopment. We feel the current proposals do not meet the requirements of policy CS17.

I have summarised our key concerns below:

- Habitat loss not fully considered or assessed;
- No significant areas of new habitat creation to reflect the location within a LWS and BOA;
- Insufficient buffer to wetland habitats within the LWS;
- Reduction in habitat connectivity along the southern boundary.

Additional Comments 11.07.22

We have reviewed the updated information which addresses our previous comments and shows that the proposal now makes a more positive contribution for wildlife and in particular the adjoining Local Wildlife Site (LWS). Therefore, we remove our objection.

Should the Council be minded to grant permission, BBOWT recommend that conditions are attached that cover the following topics:

- Construction Ecology Management Plan (CEMP) – to include details of how the LWS and its associated species would be protected during the construction phase;
- Landscape and Ecology Management Plan (LEMP) – to include; a detailed design of the pond and surrounding habitats to demonstrate how the pond has been designed to enhance biodiversity; and, details of how the LWS would be protected from any adverse impacts resulting from the operation of the site; and



	<ul style="list-style-type: none"> <li>• Lighting strategy – to ensure boundary habitats are not subject to increased levels of artificial light.</li> </ul>
<p><b>WBDC Landscape Consultant</b></p>	<p><i>Direct Impacts and impacts on landscape character of the site:</i></p> <p>The proposals will have a direct impact on the landscape elements of the site. I agree with the LVIA that this will result in a medium magnitude of change resulting in a minor adverse effect which is not significant.</p> <p>The LVIA did not undertake an assessment of the Landscape Character of the site, assess the effect of the proposals on the landscape character of the site and surrounding area. The proposals will result in an increase in the built form and although this will be an obvious change in character, I agree this will only result in a minor adverse effect which will not be significant. With the additional tree and shrub planting this will provide a benefit to the site, although existing boundary trees and shrubs of value should be retained and protected where possible.</p> <p><i>Visual Impacts:</i></p> <p>The proposals will be adding structures/buildings in an area not characterised by large scale structure/buildings of this nature. Although there are other detracting features within the wider area, the proposals from a number of viewpoints will not be seen in proximity to them.</p> <p>It can be agreed that the two 50m chimney stacks will be visible from a wide area. The chimney stacks will also be visible in longer views from more rural areas to the south and the AONB. Although from locations further to the south adjacent Burghfield village (not within the AONB), where the stacks might be visible, the density of mature trees within this area will provide some screening/mitigation.</p> <p>Adjacent views will be semi-screened by existing boundary vegetation</p> <p>Views from the PRoW to the north of the site on the lakeside edge are the most sensitive, as the proposals will introduce new buildings above the existing lakeside vegetation within an area for and promoted for recreation.</p> <p>Overall, it will not be possible to fully screen the two 50m stacks and the two buildings, however what would reduce the visual effect would be a building with a more sympathetic curved organic shape which flowed with the landscape and where visible mirrored the adjacent treeline, which would reduce its overall presence.</p> <p><i>Indirect Impacts on the Wider Landscape:</i></p> <p>The proposals will be visible from the surrounding area; therefore, they will have a visual influence on the surrounding landscape character area. As stated within WBLCA2019, large</p>

scale buildings will be a detractor on the landscape character of the area.

*Assessment of LVIA:*

Comments on the Mitigation Plan (Figure ENZ-01-xx-DR-L\_00\_021):

- Mounding should as far as possible marry back into the surrounding landform. Planting on the top of the mounds could also be problematic as the conditions will be dry.
- Due to the required easement for the gas mains, this will limit the amount of space for proposed planting along the western edge. Additional planting could be proposed on the western side of this easement within the adjacent field. There could be an opportunity here to include a wide area of tree planting which would benefit this area and also provide some screening/mitigation for views from the west.
- The central hedgerow will not contribute much to the area. It would be best to reduce the overall central area and allow more space for mitigation planting around the periphery.
- Join the proposed attenuation pond up to the area of vegetation to the north by the omitting road, to avoid creating an isolated feature.
- Can the hardstanding around the Data Centre be reduced? Especially to the south and eastern edge to permit more space for mitigation tree planting.
- Lettering/advertisements on the facades should be avoided as this further enhances the visibility of a building within the landscape.
- It is not clear where the cycleway will be installed adjacent to the access road. There could be an opportunity to have a more direct access route off Berrys Land from the north.
- No information has been provided on the proposed boundary fence. Often a high close boarded fence can be visually intrusive as a linear manmade feature in a rural setting. The design and location of the boundary fence should be considered and avoid long stretches of a close boarded fence visible from public viewpoints.

*Conclusion:*

The proposal is currently contrary to the NPPF, and to Local Plan Policies CS14, CS18, CS19 and ADPP4

*Recommendations:*

- Improve the architecture and shape of the building, producing a more organic shape as with other recently constructed ERC within the UK. A more organic shape could be more sympathetic with the surrounding landscape character and in particular from views to the north from the lake and longer views from the AONB.
- Rationalise the areas of hardstanding around the site to provide more space for tree and shrub planting. Also

follow the additional guidance regarding the mitigation plan.

Additional Comments 24.02.21

Policy CS19 considers the conservation and enhancement of the local Landscape Character Areas of West Berks. As stated within the WBLCA 2019 prominent large-scale buildings are identified as a detractor within this area. The proposal includes two large scale buildings and two 50m high chimney stacks, with the LVIA's visual assessment stating from views from the north, the proposals will result in a moderate adverse visual effect which should be regarded as significant within an Environmental Impact Assessment.

As stated within Policy CS14...*new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area.* The proposed design of the two buildings have been developed to minimise their visual effect on the area, the revised designs might now provide a level of respect, but the proposals still do not enhance the appearance and character of the area. The nearest building of the same size and character is the J Mould recycling centre, although lower in height, the LVIA still states that this building is a detracting feature.

As stated within Policy ADPP4 ... *As part of the Biodiversity Opportunity Area, a strategic approach will be taken towards the Kennet Valley Meadows to ensure that the habitat continues to be able to support a diverse range of species and that the area's recreational function is maximised.* Also as stated within Policy CS18...*developments resulting in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted.* The site and a more extensive area to the north is designated as a Local Wildlife Site with the lake area north of the site also used for recreation with a PRoW, sailing club and fishing. The proposed buildings and chimney stacks will be visible from this northern area, as illustrated within the applicant's photomontages the existing view is significantly development free, therefore just by their visibility they will detract from the visual quality of the landscape.

Paragraph 8 of the NPPF sets out how to achieve a sustainable development with an environmental objective to contribute to protecting and enhancing our natural, built and historic environment. Paragraph 127 sets out how planning decisions are made to ensure that developments are visually attractive as a result of good architecture, layout and appropriate landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 130 states how permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 170 states how planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. By taking advice from West Berks the applicant has improved

the design of the two buildings where they could now be described as visually attractive as far as possible as an Energy Waste facility can be. The application has also proposed areas of tree and shrub planting which will also bring benefits to this recovering landscape as well as reducing the visibility of the buildings within the landscape.

However, as detailed within this report, and the previous report (5<sup>th</sup> November 2020) the application due to its overall visibility fail to achieve the requirements of the NPPF. The proposal is therefore contrary to the NPPF and to Local Plan policies CS14, CS18, CS19 and ADPP4 as stated above.

*Additional Comments 07.02.22*

I have now had an opportunity to assess the revisions to the above application. Overall, there has been no significant changes for me to update my conclusion (24<sup>th</sup> February 2021). However it is noted that the NPPF has been updated and my reference to paragraphs are for the NPPF2019.

*Additional Comments 26.07.22*

The latest revision includes the proposed pond on the northern edge being linked by additional vegetation to the northern vegetated boundary. This had been originally provided as a recommendation within the landscape comments dated 10<sup>th</sup> February 2022. As stated by the WBC ecologist this is an ecological improvement. This additional area of planting within the compound will also benefit the northern boundary, allowing more space for tree and shrub planting as a buffer to the landscape to the north. This additional planting in time will reduce the adverse impact on the views from the north and viewpoint 3 in particular.

**Note** – Due to the size and scale of this type of development it will always result in an adverse effect on the wider landscape. Therefore, for a proposal to be acceptable, it would therefore not always be strictly in accordance with local plan policy. However, the current scheme (June 2022) contains well-designed buildings in a site, which alongside robust planting measures will help reduce and mitigate the effect on the wider landscape as far as is possible.

Within Year 1, the proposals will have a substantial/moderate adverse visual effect on some views from the lake. By Year 15, due to the planting mitigation measures, the buildings will become better assimilated into the maturing treed landscape, reducing their level of effect. However, the chimneys will always be visible from the wider landscape, for this reason the proposals will result in a significant visual effect.

As the site has an existing industrial land use, the development proposals and the mitigation measures (tree and shrub planting and pond) will bring landscape benefits to the site itself and immediate area.

<p><b>WBDC Trees Officer</b></p>	<p>No existing trees or groups of trees are proposed for removal, however group G8 Willows are coincident with the attenuation pond on the mitigation plan and this requires clarification. Going forward a Tree Protection Plan and Arboricultural Method Statement (including Arb monitoring) will be required.</p> <p>More detailed Landscaping proposals (species mix, planting and maintenance methodology etc.) are needed. The site will benefit from offsite Poplar trees along the M4 to the south. These are outside the red line boundary. Therefore additional landscaping will be required if these fail (as Poplar can be fragile and the M4 is a high value target).</p> <p>Conditions requested:</p> <p><i>Landscaping (including hard surfaces)</i></p> <p>No development shall take place (including site clearance and any other preparatory works) until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the treatment of hard surfacing and materials to be used, a schedules of plants (noting species, plant sizes and proposed numbers/densities), an implementation programme, and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:</p> <ul style="list-style-type: none"> <li>a) completion of the approved landscaping within the first planting season following the completion of the development; and</li> <li>b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the development shall be replaced in the following year by plants of the same size and species.</li> </ul> <p>Thereafter the approved scheme shall be implemented in full.</p> <p>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 these details before any development takes place.</p> <p>Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy July 2006-2026.</p> <p><i>Tree protection scheme</i></p> <p>No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing. All such fencing shall be erected prior to any development works taking place and at least 2 working days' notice shall be given to the Local Planning Authority that it has</p>
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been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.

A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

*Arboricultural Method Statement*

No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area.

A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation, other measures and works may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

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

*Arboricultural supervision condition*

No development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority.

A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures and site supervision works may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

Additional Comments 07.04.21

I note the Landscape Architects comments and would therefore suggest that any Landscaping I had suggested as a Condition would need to be robust. The new proposed site plan by ADI and dated Feb 1st shows rows of coolers south of the Energy Facility. The presence of the coolers near to proposed landscaping planting raises a question as to whether such planting will conflict with the operation of the coolers due to leaf, debris and mast fall. Such a conflict would probably result in the premature loss of those trees and the benefit they would provide.

Additional Comments 11.03.22

The new Arb Impact Assessment and Arb Method Statement by Enzygo are helpful, though somewhat hesitant about the implementation of tree protection (which is essential for retained trees, in my view). Site Arb supervision will help to ensure tree protection and ground protection is correctly implemented and I have suggested a further condition below. Equally the TPP can be secured by condition as well. I would expect all tree protection measures suggested to be implemented in full.

The issue I have raised previously about litter fruit and debris from the proposed planting affecting the cooling plant has not adequately been addressed in my view. This could be designed out by pushing the cooling plant further north on the plans.

Requested conditions:

*Landscaping (including hard surfaces)*

No development shall take place (including site clearance and any other preparatory works) until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the treatment of hard surfacing and materials to be used, a schedule of plants (noting species, plant sizes and proposed numbers/densities), an implementation programme, and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:

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

Thereafter the approved scheme shall be implemented in full.

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 these details before any development takes place.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy July 2006-2026.

*Tree Protection (scheme submitted)*

All Tree Protective Fencing shall be erected in accordance with the submitted plans, reference drawing number 1144-010-ENZ-XX-01-DR-AR-45-001 Rev P01 by Enzygo Environmental Consultants dated Sept 2021.

The protective fencing shall be implemented and retained intact for the duration of the development.

Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

Reason: Required to safeguard and to enhance the setting within the immediate locality to ensure the protection and retention of existing trees and natural features during the construction phase in accordance with the NPPF and Policies ADPP1, (ADPP5 if within NWDAONB), CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

*Arboricultural supervision condition*

No development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority.

A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures and site supervision works may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

*Additional Comments 14.03.2022*

The planting near the cooling plant is not a deal-breaker.



	<p>Please use my latest list of Conditions as I have amended what I requested originally in the light of the more recent submissions.</p>
<p><b>WBDC Drainage Team (Lead Local Flood Authority)</b></p>	<p><i>Contaminated Land</i>  The LLFA agrees with the EA comments and supports EA Conditions 1 and 2 associated with this concern.</p> <p><i>Groundwater</i>  The WBC groundwater level (GWL) mapping indicates GWLs to be more problematic for the development than the information put forward in the FRA seemingly does. However, the FRA does point to high GWL precluding infiltration SuDS from being used, which we would agree with. So <b>no infiltration can be permitted</b>. Further investigation and consideration of the presence and effect of high GWLs should be undertaken.</p> <p><i>Foul Sewer Arrangements</i>  The response to the EA states that sewage would be directed to an onsite septic tank with removal from site by road tanker. However, FRA paragraphs 6.8 and 7.5.5 include a PTP as a possible option (as well as septic tank + tanker) and these paras. should be revised to avoid ambiguity.</p> <p>The revised Drainage Strategy drawing CRM.1144.010/101/P03 shows a dashed blue line from the proposed septic tank to the proposed flow control manhole and ultimately to Englefield Lake [Lagoon]. This connection must be deleted from the plan as no connection between the two systems will be permitted.</p> <p><i>Drainage Strategy and FRA</i>  Drawing CRM.1144.010/101/P03 shows an existing pond with a note that the water level is taken from a 2006 topo survey. Satellite imagery indicates the pond has become overgrown or infilled. It should be clarified what the current condition of the pond is in and how it is to be incorporated into the proposed development, since fig.1 of the Enzygo letter dated 6/1/2021 indicates a pump at the pond and therefore it appears that the pond still forms part of the drainage proposals.</p> <p>On drawing 101/P03, a large area at ground level between the proposed buildings is proposed to be surfaced with permeable paving thus providing drainage for that area. Bearing in mind the use to which part of the site is to be put and the lorries serving it, the LLFA questions whether this is a practical solution both for longevity of the surface (through block heave during turning movements) and for maintenance in order to keep it draining effectively. A feature of the local roads in that area resulting from other industrial activity is that they are often coated in slurry. That will inevitably be tracked onto the permeable paving together with waste materials occasionally dropped from the lorries serving the ERC plant, so we foresee that the porous surface could quite easily become blocked such that the infiltration of the surface becomes quickly degraded.</p> <p>The Drainage Strategy drawing together with the FRA propose a surface water management system which can be summed up in broad terms as being permeable paving draining to underground</p>

storage tanks with discharge off-site at a controlled rate ultimately to Englefield Lake. The requirements of the WBC SuDS SPD are that green SuDS be used where possible in order to provide habitat, biodiversity and amenity. With the exception of some limited landscaping, the development has no greenery and will instead be a 'sea of concrete and steel'. Reference is made to Table 6.3 in FRA para 6.5.4 where "*SuDS appropriate to the development*" is shown solely to be permeable paving and cellular crates. The LLFA disagrees that only those two methods be used and therefore wishes the Applicant to consider the use of green roofs for both buildings; certainly the data centre could house such a feature, with the solar panels sitting above. This would in turn provide a major cooling function for that building supplementing the proposed heat transfer cooling system from the ERC as well as providing a significant amount of water storage. If the ERC building cannot be adapted to incorporate a green roof, then green walls can be incorporated into this structure.

Proposed offsite discharge is suggested as 5l/s. Whilst acknowledging this is betterment over the existing site, this rate should be further reduced to Qbar as a maximum (at 3.4l/s) as per national guidance. More modern designs of flow control now comfortably allow for a minimum discharge down to 2l/s without any problems, so there is no reason why the Qbar flow of 3.4l/s (or less) cannot be used.

In respect of future maintenance of the permeable paving, due to the proximity of the lake system to the site and potential lack of opportunity for this substance to break down before reaching the lake, glyphosate should not be used in this situation, which I am sure the WBC Ecology Officer would concur with.

It is noted that the internal access road for the wider site has no SuDS measures proposed even though this appears to be part of the proposals (upgraded re-surfaced). These details should be supplied.

*Additional Comments 17.02.21*

The revised information deals satisfactorily with some of the LLFA's previous comments, but not all. There are additional concerns arising from the revised drainage layout drawing as well, although I expect these can be dealt with easily.

There is a difference of opinion between the LLFA and Enzygo over ground water and its possible impact. Neither view is supported by absolutely clear-cut evidence so as we do not have sufficient "clear-cut evidence" to support its previous arguments, the LLFA will accept Enzygo's position and we have no further comment on that aspect. There is also no further concern regarding the possible existence (or not) of a 'power station'; Enzygo's suggestion for what this might actually be is an acceptable conclusion.

Confirmation regarding the proposed foul sewer arrangements is acceptable.

Whilst accepting the comment that the existing pond and associated pump will not form part of the proposed development and that the inclusion of the pond on the drawing is merely to show the how the new development will retain the existing piped connection from the pond, the information still does not explicitly confirm either way the pond's existence (except by implication of course).

The inclusion of the new swale and the green wall are both positives compared to the original proposals as they were understood.

The amended reduced off-site flow discharged at 3.4l/s is acknowledged.

The additional detail showing the proposed internal access road is acknowledged. Where the internal access road is shown being drained by a combination of swale and surface water sewer, presumably water will be drained directly from the road into the swale where they are adjacent, but does the sewer also allow run-off to drain into it, via gullies for example? Since that pipe subsequently has a direct connection to the existing culvert under Berry's Lane and out to Englefield Lake, there should be additional pollution control for that section.

The proposed oil separator is shown to be downstream of the large attenuation tank whereas the best location in the system would be upstream of it in order to intercept hydrocarbons in particular before they could enter the tank. Is there a particular reason why this configuration is proposed, since over time the inside of the tank structure will become coated in oily residue with the currently proposed layout?

Prior to commencement of work on site a SuDS/SW Drainage Management and Maintenance Plan should be supplied. This can be via Condition.

*Additional Comments 19.02.21*

I accept the comments regarding the pond. There is no reason to condition maintenance on the pond as it is not part of the formal drainage strategy, and it's reasonable to assume that vegetation clearance will be done on an 'as required' basis anyway.

I also accept the comments about changes to the swale not being possible although I still have some reservations about how it will perform in the long term; therefore frequent maintenance is essential. Is it possible to use a planted rill instead as this would have a smaller plan area?

The answer regarding the position in the system of the oil interceptor is accepted.

*Additional Comments 20.07.21*

The issues raised under the “Hydrology” heading (paragraphs 7.18-7.21 incl.) of the Quod ES Review Note should be responded to by the Applicant. Some elements have likely already been considered by them in their drainage strategy and other documents, but rather than me offering supposition, the Applicant should explicitly confirm this is the case.

Specifically in respect of 7.21 and the possible presence of a “*Fuel Reception Hall with a waste reception pit*” and high ground water levels. Confirmation and details of exactly what this is, if necessary, should be provided for our further assessment. The groundwater level could be virtually up to ground surface level according to our mapping information thus creating a potential contamination risk.

The Quod document also mentions in 6.5 that “*It is unclear if the pond proposed to be used for surface water attenuation is also intended to be used for water required for operational processes. No information is provided on this process or associated water demand*”, possibly in reference to cooling for site operations. Again, the Applicant’s response should be given.

As to conditions, please bear in mind the Environment Agency’s letter and their conditions dated 18<sup>th</sup> Feb. which obviously should be included with any final condition.

For the LLFA, I would prefer that all relevant parts of our standard condition wording is used if acceptable to you, this being:

*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 West Berkshire Council local standards, particularly the WBC SuDS Supplementary Planning Document December 2018;*
- b) *Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse at no greater than Greenfield run-off rates;*
- c) *Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;*
- d) *Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;*
- e) *Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;*
- f) *Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or*

*statutory undertaker, management and maintenance by a management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime;*

- g) Include a Contamination Risk Assessment for the soil and water environment (assessing the risk of contamination to groundwater, develop any control requirements and a remediation strategy);*
- h) Include measures with reference to Environmental issues which protect or enhance the ground water quality and provide new habitats where possible;*
- i) Apply for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse (i.e. stream, ditch etc.);*
- j) Include with any design calculations an allowance for an additional 10% increase of paved areas over the lifetime of the development;*
- k) Provide details of how surface water will be managed and contained within the site during any construction works to prevent silt migration and pollution of watercourses, highway drainage and land either on or adjacent to the site;*
- l) Provide a verification post-construction report carried out by a qualified drainage engineer demonstrating that the drainage system has been constructed as per the approved scheme (or detail any minor variations thereof), to be submitted to and approved by the Local Planning Authority on completion of construction. This shall include: plans and details of any key drainage elements (surface water drainage network, attenuation devices/areas, flow restriction devices and outfalls) and details of any management company managing the SuDS measures 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.*

*Additional Comments 01.03.22*

Having reviewed the updated FRA, the LLFA is satisfied that most of the previous issues have been incorporated or dealt with in an acceptable way.

There are however a few more minor issues:

1. Although the drainage proposals giving rise to this possible pollution source are likely to have been dealt with to the EA's satisfaction through a "no infiltration" drainage strategy, there remains a possibility of ".....the issue of contamination on site which "presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters". We previously stated that "The LLFA agrees with the EA comments and supports EA Conditions 1 and 2 associated with this concern" and should you intend to recommend Approval of the Application, those Conditions should form part of the approval unless the EA has explicitly withdrawn this particular request.

2. One of the proposed mitigation measures for the development is a green wall, but this is not identified in table 6.2 "SuDS Options" under para. 6.5.4, and furthermore there is no detail as to how rainfall run-off will be directed to and used by the plants forming the green wall. Further expansion of those details should be provided in para 6.6.5.

3. A major aspect relating to possible pollution sources caused by the development will occur during the construction phase, including large excavations to form the fuel reception area as well as for the building foundations, both of which will require significant dewatering operations due to high groundwater levels. It is very difficult to de-silt water pumped from such excavations without causing silt pollution and we consider that the CMS or CEMP should include reference to these difficulties and provide adequate solutions.

4. Because the document has evolved over time and incorporates older documents included in previous correspondence, there are several occasions where a superseded version of drawings 101 and 102 appear in the document. To avoid confusion it is recommended that the out of date version are identified as "superseded". Additionally what appears to be the latest version of drawing 101 is still numbered as P04 but has revision P05 listed in the revision box so the drawing number should be amended to P05.

5. Throughout the document there are also 3 occasions where the site drain survey is reproduced and would question whether this and other duplication is really necessary.

Additional Comments 08.03.22

With respect to the Enzygo letter dated 4th March 2022:

1. Their agreement to the EA Conditions is noted.
2. We accept that the green wall is not factored into the SuDS Strategy in terms of attenuated volumes and water quality. The expanded explanation of this part of the proposal is appreciated and would comment that the associated water storage tank should be as large as possible so that the need to utilise mains water is kept as low as possible.
3. Their agreement to the CMS Condition is noted (and I assume that you will use your suggested wording further down this email chain).

	<p>4. The revised drawing included at p93 of the FRA is noted (although I have since realised that on the previous page, drawing 102 is numbered as revision P01 but the revision box is now at revision P03).</p> <p>5. The repetition of several sets of information in the FRA is not an issue of further concern overall.</p> <p>Therefore I am now happy to recommend approval of the FRA/surface water strategy on the basis that the EA Conditions, the CMS Conditions (as below) and the SuDS Conditions (also as below) are included as part of the Approval.</p> <p><u>Additional Comments 04.08.22</u></p> <p>I have reviewed the FRA drawings and note no significant changes to the drainage that would cause concern.</p>
<b>WBDC Archaeology</b>	<p>There are no below ground archaeological implications to this proposal as the land has already been subject to mineral extraction. Generally there do not appear to be many heritage assets close by, and most of the landscape in the vicinity is of fairly low historic landscape sensitivity with the exception of historic settlement areas at Pingewood and Amner's Farm. Possibly any impact here needs some consideration.</p> <p><u>Additional Comments 21.01.21</u></p> <p>Not much heritage impact – no change in views</p>
<b>WBDC Conservation Officer</b>	<p>It is not considered that any designated heritage assets are affected, either directly or in terms of their settings, by the proposals subject of application 20/02029/COMIND.</p> <p><u>Additional Comments 14.01.21</u></p> <p>I am happy with the conclusions contained in the assessment requested by Historic England. These echo my previously made building conservation comments.</p> <p><u>Additional Comments 06.01.22</u></p> <p>The further information is not considered to raise any new building conservation issues. Confirmation of previously made comments.</p>
<b>Natural England</b>	<p>No comments</p> <p><u>Additional Comments</u></p> <p>The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.</p> <p><u>Additional Comments 23.02.21</u></p>

	<p>The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.</p> <p><u>Additional Comments 23.06.21</u></p> <p>It is Natural England's expert judgement that there is unlikely to be Likely Significant Effect as a result of changes to air quality from the proposed development of an energy recovery centre, either alone or in combination with other plans and projects.</p> <p>We are in agreement with the March 2021 opinion by Gateley Legal that there are inconsistencies between the EclA and Air Quality Assessment. We would advise that these contradictions are revisited by the applicant.</p> <p>However, it is our judgement that the conclusions reached by the applicant in regards to air quality are correct.</p> <p><u>Additional Comments 31.01.22</u></p> <p>The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.</p> <p><u>Additional Comments 24.06.22</u></p> <p>The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.</p>
<p><b>Royal Berkshire Fire and Rescue Service</b></p>	<p>The Fire Authority may object to the proposed application given that insufficient information is provided relating to the provision of suitable water supplies for firefighting purposes.</p> <p>The application fails to adequately mitigate its specific and direct impact on the Fire Authority or promote the development of a safe community.</p> <p>The objection can be overcome by including the following condition should permission be granted:</p> <p>Condition: Development shall not commence until details for the provision of a water supply including fire hydrants to meet firefighting needs throughout the development (including the installation arrangements and the timing of such an installation) have been submitted to, and approved in writing, by the Local Planning Authority. The approved measures shall be implemented in full accordance with the agreed details.</p> <p>Reason: To ensure that adequate measures for firefighting can be incorporated into the development, including the construction phase.</p>



<p><b>Southern Gas Networks</b></p>	<p>Thank you for your enquiry, there is a high pressure pipeline in the vicinity of your works. Your proposals would require the exact location of this pipeline and other SGN assets to be located before any work commences, either by electronic detection or by hand excavated trial holes as specified in the attached SW/2 document.</p>
<p><b>Thames Water</b></p>	<p>Foul waste - no objections as waste will not be discharged to the public network.</p> <p>Surface water – no objections as surface water will not be discharged to the public network, although approval should be sought from the Lead Local Flood Authority.</p> <p>Water comments – the proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted:</p> <p>The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. The necessary processes will need to be followed if work is to be carried out above or near Thames Water pipes or other structures.</p> <p>Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Therefore Thames Water request the following condition:</p> <p>No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.</p> <p>Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.</p> <p><u><i>Additional Comments 29.06.22</i></u></p> <p>Foul waste - no objections as waste will not be discharged to the public network.</p> <p>Surface water – no objections as surface water will not be discharged to the public network, although approval should be sought from the Lead Local Flood Authority.</p>

	<p>Water comments – the proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted:</p> <p>The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. The necessary processes will need to be followed if work is to be carried out above or near Thames Water pipes or other structures.</p> <p>Condition Requested:</p> <p>No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.</p> <p>Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.</p>
<p><b>Environment Agency</b></p>	<p><i>Foul Drainage</i></p> <p>We <b>object</b> to the proposed development as submitted as it involves the use of a non-mains foul drainage system which poses an unacceptable risk of pollution to ground and surface waters. We therefore recommend that planning permission be refused on this basis.</p> <p>The development proposes effluent disposal to a watercourse with insufficient dilution. The application suggests that they will be unable to connect to foul mains drainage, and will therefore require a package treatment plant, discharging to a drainage ditch running alongside the M4. Under the general binding rules for small sewage discharges (2015), discharges are not allowed to ditches or a surface water that does not contain flowing water throughout the whole year. This drainage ditch is regarded as not flowing throughout the whole year and as such, would not be allowed under these rules.</p> <p>It is accepted that the application site is located some distance away from a mains drainage connection and therefore that the site would require an alternative means of waste disposal. Alternatively, the applicant could investigate the possibility of discharging to ground instead, however this will require a drainage field which is unlikely to fit on the site and would also require groundwater investigations to ensure that this does not impact on the aquifer beneath the site.</p>

To overcome the objection, please revise the foul drainage plan in line with general binding rules for small sewage discharges (2015) and NPPF framework 170 and PPG ref ID 34-020-20140306 and the above comments.

#### *Contaminated Land*

The phase 1 report shows the previous use of the proposed development site as a waste transfer site and inert landfill presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within source protection zone 2 and located upon a secondary aquifer A.

The application has demonstrated that it will be possible to manage the risks posed to controlled waters by this development. However, further detailed information will be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

The proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy which should be carried out by a competent person in line with paragraph 178 of the NPPF. Without the requested conditions, we would object to the proposal in line with paragraph 170 of the NPPF because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by unacceptable levels of water pollution.

#### **Condition 1:**

Prior to each phase of development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - All previous uses
  - Potential contaminants associated with those uses
  - A conceptual model of the site indicating sources, pathways and receptors
  - Potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

**Reasons**

To protect groundwater quality in line with paragraph 170 of the National Planning Policy Framework and will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

**Condition 2:**

Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

**Reasons**

To protect groundwater quality in line with paragraph 170 of the National Planning Policy framework and will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

*SuDS*

In light of the information in the Phase 1 report, we do not believe that the use of infiltration SuDS is appropriate in this location. We therefore request that the following condition is included as part of any permission granted. Without this condition we would object to the proposal.

**Condition 3:**

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of 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**

Permeable pavement infiltration drainage is proposed and it has the potential to mobilise contaminants from the soils.

*Advice for Local Planning Authority*

Fluvial flood risk is not considered a problem on this site. However, groundwater flooding could be a potential issue that has not been considered in the planning application. There is a small power station adjacent to the site that is vulnerable to

groundwater flooding. We recommend you consult the Lead Local Flooding Authority regarding this application.

Additional Comments 18.02.21

Given that the options for foul waste removal are extremely limited at this site, we are satisfied with the applicant's plan to utilise a septic tank with offsite treatment. However, in order to ensure that every precaution has been taken to protect the environment, the Environment Agency will need sight of both a pollution prevention plan and a maintenance schedule for the septic tank.

**Condition 1**

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

- Pollution prevention plan
- Septic tank maintenance schedule

**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.

**Condition 2**

Prior to each phase of development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the

remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

**Reason**

To protect groundwater quality in line with paragraph 170 of the National Planning Policy Framework and will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

**Condition 3**

Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

**Reason**

To protect groundwater quality in line with paragraph 170 of the National Planning Policy Framework and will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

**Condition 4**

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters.

**Reason**

Permeable pavement infiltration drainage is proposed and it has the potential to mobilise contaminants from the soils.

*Additional Comments 11.03.22*

The amended details confirm that foul waste will be managed through an on-site septic tank and then tankered from the site by a private company for final treatment.

This is in accordance with previous details which enabled us to remove our objection to the application and recommend planning conditions.

We would like to revise one of the conditions we previously requested in our response dated 18 February 2021 to ensure that a pollution prevention plan and maintenance schedule for the septic tank are submitted and approved prior to commencement of the development.

	<p><b>Environment Agency position</b></p> <p>The proposed development will be acceptable if the following conditions are included on the planning permission's decision notice. Without these conditions we would object to the proposal due to its adverse impact on the environment.</p> <p><i>Amended condition:</i></p> <p><b>Condition 1</b></p> <p>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.</p> <p><b>Reason</b></p> <p>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.</p> <p>All other conditions unchanged.</p>
<p><b>National Highways</b></p>	<p>Significant concern regarding surface and foul water drainage as the applicant is proposing to have a surface water outfall and a foul water outfall into the existing watercourse, which appears to be a Highways England drainage asset. Highways England does <u>not</u> permit any third party development to connect into or drain into our existing highway drainage network as per the DfT Circular 02/2013. We ask that the application is not determined (other than a refusal) until such time as we have resolved our concerns in order for us to provide a Formal Recommendation.</p> <p>There does not appear to be a lighting assessment or any lighting plans submitted with the application at this time, however, due to the proximity of the site to the M4 we request that any lighting points downwards at all times and is maintained as such in perpetuity.</p> <p>Officer comment: The WBC Environmental Health Officer has requested that a flood lighting scheme be submitted and has confirmed that this will address Highways England concerns regarding this.</p> <p><i><u>Additional comments 07.01.21</u></i></p> <p>Based on the contents of your <i>Reading Quarry, Berrys Lane, Burghfield, RG30 3XD – Highways England Objection Letter Response</i> (containing your revised Indicative Surface and Foul Water Drainage Strategy (Drawing 101 Rev P03)) we are</p>

pleased to advise you that we are now in a position to remove our holding direction on this development and to provide the LPA with our formal response in which we seek to recommend the following two conditions, to which we request your prior agreement. These conditions seek to ensure that the drainage is implemented as per drawing 101 Revision P03 and that a lighting assessment is submitted, to ensure that any lighting points downwards at all times and is maintained as such in perpetuity:

1. The development shall be carried out in accordance with the Offsite Highway Works General Arrangement shown on drawing 101 Revision P03 or such other scheme of works or variation substantially to the same effect, as may be approved in writing by the Local Planning Authority (in consultation with Highways England) and the approved scheme of highway works shall be completed fully prior to first occupation of the development hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the M4 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

2. Prior to the installation of any external lighting full details of lighting and its location shall be submitted to and approved in writing by the local planning authority (in consultation with Highways England). The development shall thereafter be undertaken in strict accordance with the approved details prior to the first occupation of the development hereby permitted and retained in accordance with the agreed specification.

Reason: To mitigate any adverse impact from the development on the M4. To ensure that the M4 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Additional Comments 11.05.21

From the information currently available it would appear that the solar panels could not be easily seen from the M4, therefore unlikely to impact the safe and efficient operation of the M4.

Therefore Highways England do not request a Glint and Glare assessment, although if one is produced we would be happy to review.

Additional Comments 14.07.22

We have reviewed the additional information and note that they are landscaping changes in response to another consultee. The



	<p>safe and efficient operation of the SRN will not be affected so we can advise that we have no further comments and our previous response dated 7th January 2021 still applies.</p>
<b>Health and Safety Executive</b>	<p>Do not advise against</p>
<b>Office for Nuclear Regulation</b>	<p>Due to the scale and location of the proposed development ONR advise against this application unless the emergency planners at West Berkshire which is responsible for the preparation of the Burghfield off-site emergency plan required by the Radiation Emergency Preparedness and Public Information Regulations (REPPiR) 2019 are consulted with regard to this application and that they subsequently provide written confirmation that, in their opinion, the proposed development can be accommodated within their existing off-site emergency planning arrangements (or an amended version of it).</p> <p><u><i>Additional comments 11.11.20</i></u></p> <p>I have consulted with the emergency planners within West Berkshire Council, which is responsible for the preparation of the Burghfield off-site emergency plan required by the Radiation Emergency Preparedness and Public Information Regulations (REPPiR) 2001. They have provided adequate assurance that the proposed development can be accommodated within their off-site emergency planning arrangements.</p> <p>The proposed development does not present a significant external hazard to the safety of the nuclear site.</p> <p>Therefore, ONR does not advise against this development.</p> <p><u><i>Additional Comments 28.01.22</i></u></p> <p>I have consulted with the emergency planners within West Berkshire Council which is responsible for the preparation of the off-site emergency plan required by the Radiation (Emergency Preparedness and Public Information Regulations) (REPPiR) 2019. They have not been able to provide me with adequate assurance within the consultation timescale that the proposed development can be accommodated within their off-site emergency planning arrangements. Therefore, ONR advises against this development, in accordance with our Land Use Planning Policy (<a href="http://www.onr.org.uk/land-use-planning.htm">http://www.onr.org.uk/land-use-planning.htm</a>).</p> <p><u><i>Additional Comments 15.03.22</i></u></p> <p>Subsequent to our previous advice, the emergency planners at West Berkshire Council have now provided adequate assurance that the proposed development can be accommodated within their off-site emergency plan arrangements. Consequently, we now <b>do not advise against</b> this development.</p> <p>However, we recommend that the applicant liaise with AWE Burghfield in relation to the potential external hazards the</p>

	proposed development poses to AWE Burghfield and vice versa, if they have not already.
<b>Ministry of Defence</b>	No safeguarding objections.  <u><i>Additional Comments 12.01.22</i></u>  This application relates to a site outside of Ministry of Defence safeguarding areas. We can therefore confirm that the Ministry of Defence has no safeguarding objections to this proposal.
<b>West Berkshire Spokes</b>	No comments
<b>West Berkshire Waste Management Team</b>	No response received
<b>Civil Aviation Authority</b>	No response received
<b>WBDC Access Officer</b>	No response received
<b>AWE</b>	No response received
<b>Police &amp; Crime Commissioner</b>	No response received
<b>British Gas</b>	No response received
<b>North Wessex Downs AONB Partnership</b>	No response received
<b>WBDC Planning Policy</b>	No response received
<b>WBDC Transport Policy</b>	No response received
<b>SERCO Oil Pipelines</b>	No response received
<b>West Berks Public Health</b>	No response received
<b>National Grid</b>	No national grid assets affected in this area.  <u><i>Additional Comments 17.06.22</i></u>  No national grid assets affected in this area.
<b>SSE</b>	No response received

<b>WBDC Economic Development</b>	No response received
<b>WBDC Housing Development Officer</b>	No comment
<b>UK Without Incineration Network (UKWIN)</b>	<p>Objects to the proposed development.</p> <p>The claims of 200kg per tonne CO<sub>2</sub> savings compared to landfill are unsubstantiated.</p> <p>RDF can only be exported overseas for energy recovery, <u>not</u> landfill. RDF should be reduced through increases to recycling and waste minimisation, not increased energy from waste.</p> <p>Heat export claims are unsubstantiated.</p> <p>The Climate Change Committee's Sixth Carbon budget encourages moves away from the incineration of waste.</p> <p>Energy from Waste is not low carbon.</p> <p>An Energy from Waste Facility in Kent has recently been refused.</p> <p>It was recently ruled in the courts, that when considering a proposed development, the adverse impacts of greenhouse gas emissions from that development can be given "significant, or even decisive" weight in the planning balance and are even capable of being "treated as a freestanding reason for refusal". (ClientEarth, R (on the application of) v Secretary of State for BEIS &amp; Anor [2021] EWCA Civ 43 (21 January 2021)).</p> <p><u>Additional Comments 19.07.22</u></p> <p>The objection to the proposed development is maintained.</p> <p>The claimed performance of the facility indicates a high carbon development.</p> <p>The emissions from the development conflict with the 2030 net zero target.</p> <p>The government has made it clear that provision of EfW infrastructure should not result in an over-capacity. Data suggests that there is no capacity gap and therefore no need for the facility.</p>
<b>Reading Friends of the Earth</b>	<p>Objects to the proposed development with regards to:</p> <p>Visual impacts, increased number of HGV movements, congestion, noise and dust from vehicles, greenhouse gas emissions, there is no demonstrated need.</p> <p><u>Additional Comments 06.02.22</u></p>

	<p>The field of plastics recycling is such that there is no need for incinerations. Recycling must be encouraged as a priority.</p> <p>Friends of the Earth promotes a 50 point Climate Action Plan, which includes sending no waste to landfill or incineration.</p>
<p><b>Reading Against the Incinerator (RATI)</b></p>	<p>A reliance on high carbon feedstocks such as plastics cannot be ruled out. The ERC should not burn recyclable waste and will not contribute to the circular economy.</p> <p>Increases in transport will further exacerbate Reading West's air quality issues.</p> <p>There is a lack of information that demonstrates the proposal is an efficient use of natural resources. This information should be provided.</p> <p>There has been no consideration of the significant adverse effects of the proposal upon the operation of the M4 and AWE.</p> <p>The facility would impact on multiple heritage assets in the area.</p> <p>The proposal will erode the open character of the countryside and the significant adverse effects the proposal will have on the landscape haven't been properly assessed.</p> <p>Consideration has not been given to the North Wessex Downs AONB and Thames Basin Heaths SPA or ecology and nature conservation aspects.</p> <p>Reports show there is no need for the facility.</p> <p>Operation of the ERC will contribute to climate change.</p> <p>To approve the application would be premature and pre-empt the local plan process, including current examination.</p> <p>The ERC will result in health and air quality impacts.</p> <p>There is no evidence that the facility will contribute to the achievement of the waste hierarchy.</p>

### ***Public Representations***

- 4.2 117 public representations have been received. Representations have been received from 109 contributors, three of which support, and 106 of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

#### *Planning Process*

- No communication has been received about this planning application and potential impacts. Residents should have been advised directly and there should be a public consultation with locals.

- A full public inquiry should be done on this application before a decision is made.
- The general public have not been out and about due to lockdown and consequently haven't seen the planning notices. We hope Covid is not an excuse for a 'back door' decision.
- Every household in the east of West Berkshire should have been consulted.
- The Council does not care about public opinion.
- It looks like work has already started on the development even though planning permission has not yet been granted.
- There are traditional properties in Kirtons Farm Road that have been refused planning permission as they were not considered in keeping, therefore how can the proposed development possibly be considered in keeping?
- The applicant's claims regarding carbon benefits should be given no weight and the fact that the proposal could have significant adverse environmental impacts should be given significant weight.
- The Environmental Statement is deficient and not legally compliant.
- The proposed development is in conflict with the Development Plan as the site is solely allocated for waste management purposes, and industrial uses directed towards PEAs.
- The Environmental Statement predates the Council's scoping opinion. Where a scoping opinion has been issued, then the ES should be based on the latest scoping opinion.
- EIA as used in planning is self-justifying.
- Using EIA and the NPPF to justify the proposal which has no social, environmental or economic purpose for Reading will result in lopsided negative environmental and social outcomes.
- Further discourse needs to be had with the public prior to any progression of the application.
- Why am I only hearing about the application now?
- Ensure the application is given the time and awareness it deserves to ensure people have their say.
- The proposal would be premature and pre-empt the West Berkshire Local Plan making process and associated EiP.

#### *Amenity & Human Health*

- Significant concerns relating to the health of local residents.
- The proposed development will negatively affect the environment and increase pollution as a result of combustion emissions.
- Incinerators are a major source of fine particulates which cause higher incidence of cancer and respiratory symptoms/asthma.
- The proposed development will result in a large volume of pollutants discharged into the air and we challenge the assessment that these can be adequately mitigated and managed through the design of the unit.
- People living a self-sufficient lifestyle should be strictly protected against contamination from toxins harmful to the environment and people.
- The risk to human health has not been adequately assessed.
- There is not sufficient data on newer incinerators to prove they do not pose a health risk.
- There are many vulnerable elderly people, children and families who will be put at risk because of this development as incinerators can cause health problems. Some children have respiratory problems.
- The environment around St. Mary's school will be affected by smoke pollution and children breathing polluted air.
- Too close to Reading, including residential areas. Pollution for all Green Park residents and school children, care homes and nurseries.
- Nearby sewage works already causes air pollution.

- How is burning trash with toxic fumes going to create 'green energy'?
- The Air Quality Assessment shows that the proposed development would increase the likelihood of developing cancer due to the increase in pollutants.
- There will be an adverse effect on the residential amenity of neighbours, by reason of noise, dust, disturbance, overlooking, privacy, overshadowing and pollution.
- There are many more suitable remote locations than the proposed location.
- We would like to understand the air quality impacts and mitigation measures.
- There is a Tarmac Concrete Plant adjacent to the proposal which is already causing a nuisance with pollution and noise during operation i.e. loud speaker activation systems. This will be nothing in comparison to the proposals.
- Storage of waste may produce problems. Potential for foul odours.
- The already approved facility is causing problems in the local area, and this proposal would further compound those.
- Even within legal limits, there will be an adverse impact from the various emissions within close proximity to schools and residents.
- Increased noise and disturbance from the additional traffic generated, also increased noise from the development that will operate 24/7.
- There are many studies about the serious impacts from waste incineration from the conversion of waste to ash/gas/other particles.
- Pollution levels are already high due to the large volumes of traffic on the M4. HGV and other traffic associated with the development will further contribute to the detriment of air quality, including dust.
- The construction process and traffic will generate a considerable level of dust and pollution.
- Two similar plants were built in the 1970s in Wales and Scotland. Following a large number of birth defects in children and health issues with livestock they were closed and face expensive clean-up operations.
- There is already a problem with litter from lorries on Berrys Lane.
- Putrid smell of burning waste for Reading residents.
- Potential increase in vermin and flies, which have already increased since the WRTF has been built.
- No policy seems to be in place for monitoring air quality should planning be granted.
- In the past year, waste to energy incinerators breached air pollution limits 127 times.
- The incinerator will be too close to Reading.
- Another large development on the outskirts of Burghfield, in addition to AWE.
- As an asthma sufferer within two miles of the proposed incinerator, you will be forcing me to sell my home after 18 years.
- Reading would be burdened with unnecessary pollution and brownfield development.
- There is already too much pollution loading in the area. Introducing more emissions is contrary to local policy for reducing the risk of harm from pollution.
- Reading was not meant to become an industrial town again, now that the pollution is gone.
- The predominant wind direction for Reading is SW, W and S, therefore the emissions will be blown right into Reading's residential areas.
- Night time lorry movements already cause significant nuisance.
- Unless the Council refuses the development, it will be complicit in the significant pollution, health and wellbeing impacts.
- Emissions may be minimal when all is in working order but inevitably there will be failures. Last year waste to energy incinerators breached air pollution limits 127 times [*source not supplied*].
- Incinerator emissions cause snow to become yellow, and people to feel sick.

- Under the UK Environment Act, the Government has proposed a significant reduction in PM2.5 concentrations by 2040, the incinerator will increase levels of PM2.5, and so this is against the target.
- With the imminent policy change increasing local council's responsibility for air pollution, I would like to know how you plan to meet your responsibilities in this regard?
- Health and safety data relating to waste incineration is not reported to Public Health England or the Environment Agency. The lack of response from these agencies does not remove the duty of care from the Council, and the need to take a precautionary approach.
- Two recent studies show that modern, well run incinerators in Europe still release Persistent Organic Pollutants to harmful levels, and may make food unsafe for consumption. A local family lives very close to the application site, and live on homegrown produce and locally sourced game. The Council may wish to do some monitoring as a precaution, against this family accidentally eating harmful produce. This would affect other families in the same situation.

#### *Property Values*

- The application will devalue properties in the area.
- Should the application be approved despite objections, the applicant should provide compensation of purchase affected properties at the market value, plus a 10-20% margin for inconvenience.

#### *Landscape and Visual Impacts*

- The height and prominence of the proposed development will be seen from surrounding properties and alter the skyline in this natural habitat. This will blight the landscape for the future.
- The size of the buildings mean the visual impacts will not be able to be mitigated with planting.
- The loss of existing views from neighbouring properties. Highly visible from all residential properties surrounding the site, including those under development on the fringe of Green Park.
- The incinerator will cause harm to the surrounding landscape.
- There will be a significant visual impact based on the proposed size of the incinerator which will ruin the surrounding countryside.
- The images of the proposed development, particularly at viewpoint 3 are very concerning.
- The proposal is clearly harmful to the setting and the local character of the countryside, contrary to NPPF para 170.
- The proposed development will be in direct line of sight from Kirton Farm Cottages and other cottages to the south and will have a severe detrimental impact on the residents who currently enjoy uninterrupted views across the lake and natural landscape beyond.
- Proposed building height of 28.5m and 2x 50m stacks, will lead to an unwelcome and unacceptable change in the character of the area for residents.
- Why can't the development be situated on the J. Mould quarry site instead of next to the Tarmac site?
- Mitigation measures seem to be concerned with views from the M4 traffic, not views from the East including properties across the lake.
- The area should be treated as an Area of Outstanding Natural Beauty and protected from any more industrial development.
- Light pollution from the plant operating 24/7 after M4 orange light was removed.
- The area is beautiful and this would lower the image.

- Plenty of industrial zones in Reading, why ruin our unique and beautiful landscape?
- The area has seen a lot of damage but the landscape is still salvageable. The incinerator would permanently damage the local area.
- Visual eyesore to all of Green Park Village.
- Proposal will have adverse impacts on heritage assets, the North Wessex Downs AONB and the open countryside.
- Green wall insufficient to fulfil its intended objective to screen the ERC building.

#### *Environment and Biodiversity*

- There is likely to be a negative impact on the environment.
- The proposal will have a huge impact on wildlife in and around the surrounding areas. Loss of natural habitat.
- Since gravel excavation ceased, the area has become a natural and mature habitat to wild life, including rare birds (nightingale and birds of prey). Bats and other protected species inhabit the local area such as Red Kites and deer.
- All local species are likely to be impacted or displaced in some way.
- The long term sustainability of the earth is under pressure from the irresponsible actions of humans.
- The Environment Agency opposes this application.
- The application conflicts with the UK's commitment to address current challenges experienced by planet earth.
- The MP for Reading East has been appointed president of the UN Conference on Climate Change (Cop26) but climate concerns are not acknowledged in the application documents.
- Damage to local wildlife and crops.
- The proposal is in an area marked as a wildlife heritage site/local wildlife site.
- Local habitats have already diminished due to housing.
- Will affect the natural wellbeing of the countryside, Kennet and Avon Canal and local communities.
- The area is a green resource for social recreation for Reading residents – need to think about the connectedness of south Reading countryside and environs, including the canal.
- Will affect my rights to enjoy my garden and outdoors.
- The proposal will have adverse effects on the Thames Basin Heaths SPA, SSSIs, LNRs, Ancient Woodland and Veteran Trees.
- Artificial lighting will affect bat foraging & commuting and other nocturnal wildlife.
- Accidental run-off and discharge via extant culverts connected to the Kennet and Avon Canal would adversely affect fish stock.
- BBOWT will no doubt want to comment on the bio-accumulation of toxins in wildlife, which will be endangered by the incinerator.

#### *Traffic & Highways*

- Berrys Lane is a narrow country lane and unfit for purpose.
- Increased congestion on Burghfield Road.
- The operation will operate 24/7 which will mean a massive increase of heavy duty commercial traffic. This increase will further damage the road in the surrounding area as well as cause congestion with private traffic using the highway. This area is already at capacity with commercial vehicle traffic, which operates from the J Mould site from both sides of the lake.
- This planning application if granted will increase the number of articulated vehicles arriving day and night increasing heavy usage of the Burghfield Road, which is already not suited for this purpose. Also drivers running out of “driving



time” will be parked up were ever they can find a vehicle parking space to take their rest period.

- Whilst the proposal is to expand Berrys Lane to accommodate HGV vehicles, there are serious concerns about additional traffic in Burghfield which does not have suitable infrastructure.
- There are travel restrictions on the roads which are observed by AWE, but not the applicants HGVs.
- The proposed route from the north implies is unsuitable.
- Planned housing development, refurbished Reading Lake Hotel and Green Park station will further exacerbate traffic impacts.
- Narrow and one-way bridges in the area unsuitable for HGVs. This will lead to road accidents.
- There is a significant risk that HGVs will access the site from the South, which will cause major issues on Deans Copse Road and/or James Lane, which implies that operational traffic will be travelling through Burghfield Village itself.
- Existing traffic from the application site is not acceptable, and this is likely to persist with the new operation and should be considered as part of the planning process.
- Insufficient footpaths on surrounding roads. Locals risk their lives when out walking.
- The roads from the M4 J11 to the application site are unsuitable.
- There are existing problems with mud and debris on the road, and potholes. The proposed development will exacerbate this and need additional maintenance and considerable inconvenience to local residents.
- Increased pollution from traffic.
- Safety risks regarding access via Searles Farm Lane
- Damage to older buildings from vibration from lorries.
- Lorries travel fast along unsuitable roads and there is risk of collision.
- Insufficient room for lorries to overtake cyclists according to the highway code when traffic is coming the other way.
- Making the roads better is not a solution as this just enables more development.
- Any further development should come with the requirement to clean the public highways for 500m either side of the site entrance and include improvements to the local road network to ensure that articulated vehicles don't need to cross onto the other side of the highway in order to travel along rural lanes.
- The proposal may reduce traffic, as vehicles won't have to travel further afield for waste management.

#### *Water and Drainage*

- The site currently has no mains drainage with limited surface water drainage. Therefore surface water will be increased by the new application and will feed directly into the existing lakes, causing pollution and affecting natural wild life.
- Adverse impact on drainage and risk of groundwater flooding.
- There are various constraints on the site including flooding.
- The area north of the site (including Burghfield Road) is a low lying plain that floods surrounding roads.
- Detrimental impact on water quality including surrounding lakes (e.g. Hosehill)

#### *Waste*

- The incinerator will discourage recycling which should be more heavily promoted.
- Importation of waste from other parts of the country is against national policy.

- The proposal is to generate electricity, but it is stated that most of the power generated would be used to run the plant, therefore it seems the main purpose of the plan would be waste management which is inappropriate for this area.
- The field of plastics recycling has already advanced beyond the need for new incinerators to manage plastic waste.
- Plastic packaging tax and extended producer responsibility will divert more plastic waste to recycling and therefore incinerators are not likely to meet their expected lifetime of operation.
- Local authorities and government should incentivise more UK plastic reprocessing rather than incineration.
- West Berkshire should re-negotiate their current waste management contract to actually collect and recycle the full range of recyclables rather than sending recycling to landfill in Oxfordshire. Then the need for these facilities would be reduced.
- In 2022, we can do better than set fire to our waste.
- There is no need for the proposal - Reading's waste for incineration is handled already at Colnbrook, and this facility is unnecessary.
- Object because there is already an incinerator nearby.
- Support for the scheme due to need for alternatives for landfill, and environmental impacts of landfill.
- The application will ensure waste is managed better by reducing waste to landfill.
- The application should not impact on the transition to a circular economy-the European Environment Agency has recognised waste incineration is a leakage from the circular economy.
- Recyclable, high carbon feedstock such as plastic waste should not be burnt.
- South East Waste Planning Advisory Group work highlights the dangers of overprovision of EfW infrastructure.
- Proposal doesn't demonstrate it will contribute to movement of waste up the waste hierarchy.
- Government has announced a target to halve waste that ends up in landfill or incineration by 2042. Reduction in feedstock will result in over-provision of capacity.
- The proposal will reduce the amount of waste transported out of the district.
- There is an over capacity of EfW infrastructure nationally, and therefore the application should be declined.

#### *Energy and Climate Change*

- The West Berks and government target of Carbon neutrality is 2030. West Berkshire and Wokingham have declared a climate emergency. The increased traffic and emissions will undermine and go against these aims.
- Incinerators can produce as much carbon as coal fired plants.
- The application will affect climate change by adding carbon to the atmosphere.
- The figure of a 200kg CO<sub>2</sub> equivalent savings figure is unsubstantiated.
- Assessment of potential climate change effects inadequate and should not be afforded any weight.
- The application should provide a comprehensive climate assessment.
- Transport impacts of exporting waste to EU would be more than offset by large-scale district heating schemes, and a significant proportion of RDF is transported by ships which are 'back-hauling' anyway and consequently effectively no emissions from transportation.
- The Committee on Climate Change's view is that RDF export should be reduced by increased recycling and waste minimisation, not energy from waste.
- The generation of energy and export of heat would not be low carbon. Energy from waste is not low carbon

- The proposal does not include any proposals for an extensive heat network or district heating scheme.
- Significant uncertainty over whether there is sufficient heat demand to compensate for the loss of electricity export from CHP mode and no evidence that there are sufficient heat customers who would make use of the heat source without compromising or delaying their development.
- The Committee on Climate Changes report 'Reducing UK emissions: Progress report to parliament and Sixth Carbon Budget are material considerations, including statements on reducing reliance on energy from waste.
- The climate change assessment is deficient.
- If the data centre uses electricity from the ERC, then there would be no net benefit on the national grid.
- As other energy sources decarbonise, the relative benefits of producing energy from waste decreases.
- It has recently been ruled that the adverse impacts of greenhouse gas emissions from a development can be given significant or even decisive weight in the planning balance and are even capable of being treated as a free-standing reason for refusal.
- The Climate Change Committee has recommended that EfW proposals should utilise Carbon Capture and Storage (CCS). The proposal should at the very least implement CCS.
- Increase in traffic will cause increase in carbon dioxide emissions.
- Estimates 150,000 tonnes CO<sub>2</sub> per year will increase West Berkshire's CO<sub>2</sub> emissions be approximately 12%.
- No figure given for carbon intensity, but likely to have higher rating than the grid average for fossil gas, possibly higher.
- CCC has stated that 'EfW plants should only be built in areas confirmed to have CO<sub>2</sub> infrastructure and be CCS ready or have CCS'.
- Application goes against declaration by world leaders at COP26 and will contribute to climate change.
- Transporting waste from other parts of the country will increase associated GHG emissions.
- Application fails to demonstrate that it will contribute to reducing/reversing climate change.
- Fully support the submission made by UKWIN's national coordination team in March, focusing on the Climate Change impacts
- Encourage council officers to make use of an authoritative Good Practice Guide to Assessing the GHG Impacts of Waste Incineration, published in July 2021
- The proposal will generate electricity which is desperately needed.
- The application should be supported given the current climate targets.
- The proposal will help to save greenhouse gas emissions compared with disposal of waste in landfill.

#### *Economic*

- It is a private enterprise with private returns and will not benefit the community.
- Private company seeking to make profit to the detriment of the community and local wildlife.
- The proposal will help generate new jobs.
- The investment will contribute to West Berkshire's infrastructure and create increased revenue.

#### *Cumulative Impacts*

- The developments for Pondhouse Farm and Land behind the Hollies Care Home have been submitted and are under consideration. Furthermore, the Green Park

Village Phase 2 and new Green Park Train Station, plus café in Burghfield Common have been excluded from the scoping opinion. Wokingham Borough Council have confirmed their intentions to bring forward a significant strategic site South West in the revised Local Plan.

- The data submitted by the applicant is insufficient as it fails to adequately consider the impact upon the above sites.

#### *Other*

- The proposal constitutes a change of purpose for the site.
- Health and Safety risks associated with emergency incidents which may arise.
- The proposal is in an area earmarked by the Council for leisure purposes.
- The proposal is in close proximity to Green Park but is not very green.
- Wrong to suggest that RDF is being landfilled abroad.
- The proposal will undermine better alternatives to EfW, i.e. recycling/reuse.
- The scheme is essentially Sui Generis and only one part relates to waste management.
- Heavy impact on the economy. Job creation benefits will be negligible.
- The need for the facility has not been established.
- No detailed explanation as to the source of RDF beyond the existing waste facility.
- Surprised that the Council has not engaged experts to review the technical aspects of the ES.
- Wheelabrator Kemsley North Incinerator in Kent was refused by the Business Secretary.
- The Council will look forward to the income from the site.
- The proposal will impact on many communities.
- A site more than 10km away from houses and schools would be more suitable if it has to be built at all.
- 100% agree with all other objections.
- Object to proximity to farmland, animals and business units at Amner's Farm and surrounding houses.
- Impact upon farming business due to pollutants.
- Potential risk to critical national infrastructure (M4 & AWE).
- There are a lot of communities leaving and this would give those remaining a reason to leave as well.
- If it is to serve West Berkshire, it should be built in the middle of the District, so those causing the need should understand the consequences. The entitled of Newbury and villages gain the benefits but none of the problems.
- The area was never meant to remain a brownfield site, the extraction of minerals was supposed to be a temporary operation.
- All involved should be ashamed to represent our good area.
- A Data Centre can be located anywhere, and preferably where the impact is small.
- Mineral extraction should provide for restoration, not be a catalyst to justify brownfield development.
- Reading is now vibrant, progressive and sustainable. The proposal would spoil Reading's sustainable future.
- If West Berkshire wants this business, then it would be better to put it in the centre of Newbury as Reading shouldn't be the 'dumping site'.
- If the application is passed, I and my wife will never vote for the Councillors and political party again, resulting in several decades of lost votes for local and national elections.
- Residents in the area are already bearing the risks of AWE, and should not also have to bear health risks from the proposal.

- At no time has J Mould contributed anything to locals that have to bear the effects of operations.
- Multiple, redundant data centres have been installed because human error and mechanical breakdown is inevitable.
- The application will cause harm to many, but only benefit a few.
- This plan must be halted
- The development will overlook surrounding properties causing privacy issues.
- The application has failed to demonstrate that the proposed technology enables the efficient use of natural resources.
- Application fails to take into consideration effects on the M4 and AWE.
- The site proposed already handles waste and is suited to the proposed operation.
- The proposed Data Centre is positive and will make Reading attractive to companies with large amounts of data storage/processing requirements.

## 5. Planning Policy

- 5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

*West Berkshire Core Strategy 2006 - 2026*

- 5.2 The West Berkshire Core Strategy 2006 – 2026 (WBCS) was adopted on 16 July 2012. The following policies from the WBCS are relevant to this application:

- Policies ADP1, ADP6, CS5, CS8, CS9, CS13, CS14, CS15, CS16, CS17, CS18 and CS19.

*West Berkshire Local Plan Review*

- 5.3 The Council has commenced a review of the Local Plan to cover the period up to 2037. This Plan is at an early stage of preparation and has not yet been submitted for examination. Therefore little weight can be afforded to its policies.

*West Berkshire District Local Plan*

- 5.4 The saved policies of the West Berkshire District Local Plan (saved policies 2007) carry due weight according to their degree of conformity with the NPPF. The following saved policies from the Local Plan are relevant to this application:

- Policies OVS.5, OVS.6 and TRANS.1

*Waste Local Plan for Berkshire 1998 (saved policies)*

- 5.5 The Waste Local Plan for Berkshire adopted in 1998 (WLP) is a key development plan document relevant to this proposal. It is accepted that the Waste Local Plan is now dated, but it remains the adopted plan relating to waste proposals in Berkshire and provides a key local planning policy context. In accordance with the Planning and Compulsory Purchase Act (2004) the Waste Local Plan was reviewed in 2007 and a number of policies were saved following this review process.

- 5.6 Despite the fact that the Waste Local Plan was adopted in 1998 it is clear from the NPPF that policies in existing adopted plans shall still be afforded due weight, with more weight being given to policies that are consistent with the NPPF. The NPPF does not contain

any specific policies on waste, however it does specify that the Framework should be read in conjunction with the National Planning Policy for Waste (NPPW) although when making decisions on applications for waste management development regard should also be had to the policies in the NPPF, where relevant. Therefore it is considered that where saved policies in the WLP are in conformity with the policies in the NPPF and NPPW, then they should still be afforded due weight in the consideration of planning applications. The relevant saved policies for the determination of this application are:

- Policies WLP1, WLP 16, WLP21, WLP27, WLP28, WLP29, WLP30, WLP31, WLP32 and WLP33.

#### *Emerging West Berkshire Minerals and Waste Local Plan*

- 5.7 According to paragraph 48 of the NPPF, due weight should be given to relevant policies in emerging plans according to their stage of preparation and degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).
- 5.8 The emerging West Berkshire Minerals and Waste Local Plan (MWLP) sets out the Council's proposed planning framework for minerals and waste development in West Berkshire to 2037. The MWLP was submitted for independent examination on 29<sup>th</sup> July 2021 and the examination hearings were held from 1<sup>st</sup> – 3<sup>rd</sup> February 2022. Subsequently, the Inspector has invited the Council to conduct a consultation on the Proposed Main Modifications on the MWLP, which took place between 23<sup>rd</sup> May & 6<sup>th</sup> July 2022. If the Inspector recommends adoption of the MWLP, this will then form part of the Local Plan for the District.
- 5.9 Given the advanced stage of the MWLP, it is considered that its policies can be afforded moderate weight in the decision making process. Relevant policies include:
- MWLP3, MWLP5, MWLP10, MWLP18, MWLP20, MWLP22, MWLP24, MWLP25, MWLP26, MWLP27, MWLP28 & MWLP29.

#### *Material Considerations*

- 5.10 The following material considerations are also relevant to the consideration of this application:
- National Planning Policy Framework (NPPF)
  - National Planning Policy for Waste (NPPW)
  - Planning Practice Guidance (PPG)
  - Waste Management Plan for England (2021)
  - Our Waste, Our Resources: A strategy for England (2018)
  - National Policy Statement for Energy (EN-1)
  - National Policy Statement for Renewable Energy (EN-3)
  - North Wessex Downs AONB Management Plan 2014-19
  - West Berkshire Landscape Character Assessment 2019
  - WBDC Quality Design SPD (2006)
  - Sustainable Drainage Systems SPD (2018)
  - Planning Obligations SPD (2015)
  - West Berkshire Environment Strategy 2020-30
  - West Berkshire Council Strategy 2019 - 2023
  - West Berkshire Local Waste Assessment 2020
  - West Berkshire Council Environment Strategy 2020 – 2030
  - West Berkshire Council Economic Development Strategy 2020 - 2023

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- **Principle of Development**
  - WLP16 – Non-Landfill Waste Management Facilities outside of Preferred Areas
  - WLP 27 – Planning Applications for Waste Management Development
  - WLP30 – Assessing the Impacts of Development Proposals
  - WLP21 – Waste Safeguarding
  - WBCS9 - Location and Type of Business Development
  - MWLP3 – Net Self-sufficiency in Waste Management
  - MWLP5 – Location of Development – General Waste management Facilities
  - NPPW Paragraphs 4 & 7
  - NPPF Paragraph 48
  
- **Hydrology**
  - WBCS16 – Flooding
  - WLP29 – Impacts on Designated Areas
  - WLP30 – Assessing the Impacts of Development Proposals
  - Sustainable Drainage Systems SPD (2018)
  - MWLP24 – Flooding
  - NPPF Paragraphs 161, 166, 168 & 174
  
- **Ecology**
  - WBCS17 – Biodiversity and Geodiversity
  - WLP29 – Impacts on Designated Areas
  - WLP30 – Assessing the Impacts of Development Proposals
  - WLP33 – Environmental Improvements
  - MWLP20 – Biodiversity and Geodiversity
  - NPPF paragraphs 174 & 180
  
- **Landscape and Visual Impacts (including Trees)**
  - WBCS14 - Design Principles
  - WBCS18 – Green Infrastructure
  - WBCS19 - Historic Environment and Landscape Character
  - WLP29 – Impacts on Designated Areas
  - WLP30 – Assessing the Impacts of Development Proposals
  - MWLP18 – Landscape
  - MWLP28 – Design
  - NPPF paragraphs 130, 134 & 174
  
- **Heritage Assets and Archaeology**
  - WBCS19 – Historic Environment and Landscape Character
  - WLP29 - Impacts on Designations
  - WLP30 – Assessing the Impacts of Development Proposals
  - MWLP27 – Historic Environment
  
- **Traffic and Highways**
  - WBDLP Saved Policy TRANS.1 – Meeting the Needs of New Development
  - WBCS13 – Transport
  - WLP27 – Planning Applications for Waste Management Development
  - WLP30 – Assessing the Impacts of Development Proposals
  - MWLP22 - Transport
  - NPPF paragraph 111

- **Environmental Health and Amenity**
  - WLP30 – Assessing the Impacts of Development Proposals
  - WBDLP Saved Policy OVS.5 - Environmental Nuisance and Pollution Control
  - WBDLP Saved Policy OVS.6 – Noise Pollution
  - MWLP26 – Public Health, Environment and Amenity
- **Climate Change and Energy**
  - WBCS15
  - MWLP25 – Climate Change
  - NPPF paragraph 157
  - West Berkshire Environment Strategy 2020 - 2030
- **Major Accidents and Hazards**
  - WBCS8 – AWE Aldermaston and Burghfield
  - WLP30 – Assessing the Impacts of Development Proposals
- **Economic and Social Impacts**
  - NPPF paragraph 81
  - West Berkshire Economic Development Strategy 2020 - 2023
- **Utilities**
  - WLP27 - Planning Applications for Waste Management Development
- **Cumulative Impacts**
  - WLP30 – Assessing the Impacts of Development Proposals
  - MWLP5 – Location of Development – General Waste Management Facilities
  - MWLP29 – Cumulative Impacts
- **Environmental Impact Assessment** – Reasoned conclusion on the likely significant effects of the proposed development
- **Planning Balance and Conclusion**
- **Full Recommendation**

### ***Principle of Development***

- 6.2 The proposal is essentially a mixed use scheme, comprising a sui generis use for the ERC and B1/B8 for the Data Centre. The main policies regarding the principle of development for the proposed application are WLP16 in relation to the Energy Recovery Centre (ERC) and WBCS9 in relation to the Data Centre. Emerging Minerals and Waste Local Plan for West Berkshire policies MWLP3 and MWLP5 are also relevant, and NPPW paragraphs 4 and 7, and MWLP associated evidence are also material considerations in determining the principle of development for the ERC.

### ***Energy Recovery Centre (ERC)***

#### ***Location of Development***

- 6.3 As outlined previously, the dated nature of the WLP is acknowledged, but this currently remains the most appropriate plan for waste management development proposals in West Berkshire. The WLP (saved policies) is considered to be broadly consistent with



the NPPF and NPPW and thus can be afforded due weight according to paragraph 219 of the NPPF.

- 6.4 Policy WLP16 sets out the policy position for waste management development proposals other than landfill and outside 'Preferred Areas', which is the situation for the proposed ERC. It states, (inter alia), that outside Preferred Areas, proposals for waste management development other than landfill will normally be permitted on sites within existing permanent waste management facilities (subject to consideration of environmental impacts and other policy considerations). As outlined in the introduction to this report, the Reading Quarry site is an existing permanent waste management facility and so, in principle, the proposed development of the ERC in this location is in line with WLP16. In addition, NPPW paragraph 4 would also be supportive of this 'co-location' of waste management facilities at existing sites. It states that (inter alia) in preparing their plans, *waste planning authorities should... consider a broad range of locations including industrial sites, looking for opportunities to co-locate waste management facilities together and with complementary activities*. NPPW paragraph 4 also requires waste planning authorities to give priority to (inter alia) the use of previously developed land, with which the location of the proposed ERC complies.
- 6.5 In addition to the WLP for Berkshire, the emerging West Berkshire Minerals and Waste Local Plan (MWLP) is also at a stage where it can be taken into account in decision-making. NPPF paragraph 48 states that Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the plan, the extent to which there are unresolved objections, and the degree of consistency with the NPPF.
- 6.6 The MWLP was submitted for independent examination on 29<sup>th</sup> July 2021 and the examination hearings were held from 1<sup>st</sup> – 3<sup>rd</sup> February 2022. Subsequently, the Inspector has invited the Council to conduct a consultation on the Proposed Main Modifications on the MWLP, which took place between 23<sup>rd</sup> May & 6<sup>th</sup> July 2022. Given the advanced stage of the MWLP, it is considered that its policies can be afforded moderate weight in the decision making process. The relevant policies in the MWLP regarding the principle of development for the proposal are policies MWLP3 (Net Self-sufficiency in Waste Management) and MWLP5 (Location of Development – General Waste Management Facilities).
- 6.7 Policy MWLP5 outlines locations where priority will be given to waste management development, including existing permanent waste management facilities. Therefore the current proposal accords with this part of the policy. MWLP5 also supports the co-location of waste management activities within existing permanent waste management sites, providing that it would not result in unacceptable harm to the environment or communities due to cumulative impacts. Therefore, this part of the policy is also supportive of the proposed development in this location subject to an assessment of cumulative impacts (assessment of cumulative impacts is undertaken later in the report and it is not considered that the proposal will result in unacceptable harm from cumulative impacts).
- 6.8 NPPW paragraph 4 states that (inter alia) when considering locations for waste management facilities, where a low carbon energy recovery facility is considered as an appropriate type of development, waste planning authorities should consider the suitable siting of such facilities to enable the utilisation of the heat produced as an energy source in close proximity to suitable potential heat customers. In terms of low-carbon, the NPPF defines low carbon technologies as those that can help reduce emissions compared to the conventional use of fossil fuels. Energy from Waste (EfW) facilities divert waste from landfill and generate useable electricity and heat thereby reducing the need for fossil fuel based energy and can therefore be considered low carbon in line

with the NPPF<sup>3</sup>. Therefore, NPPW paragraph 4 would be supportive of locating the ERC in proximity to a suitable heat customer, in this case, the proposed Data Centre and existing on-site waste management processes. In addition, NPPF paragraph 155 encourages identifying opportunities for development to draw its energy from low carbon heat sources and co-locating potential heat customers and suppliers in order to increase the use and supply of low carbon heat and energy.

### Waste Hierarchy

6.9 The Waste Hierarchy was introduced by the Waste Framework Directive<sup>4</sup>, and transposed into U.K. law through the Waste (England and Wales) Regulations 2011. This states that an establishment or undertaking which imports, produces, collects, transports, recovers or disposes waste must take all reasonable steps to apply the following waste hierarchy in priority order:

- (a) prevention;
- (b) preparing for reuse;
- (c) recycling;
- (d) other recover (for example energy recovery);
- (e) disposal

6.10 This is shown visually in the following figure:

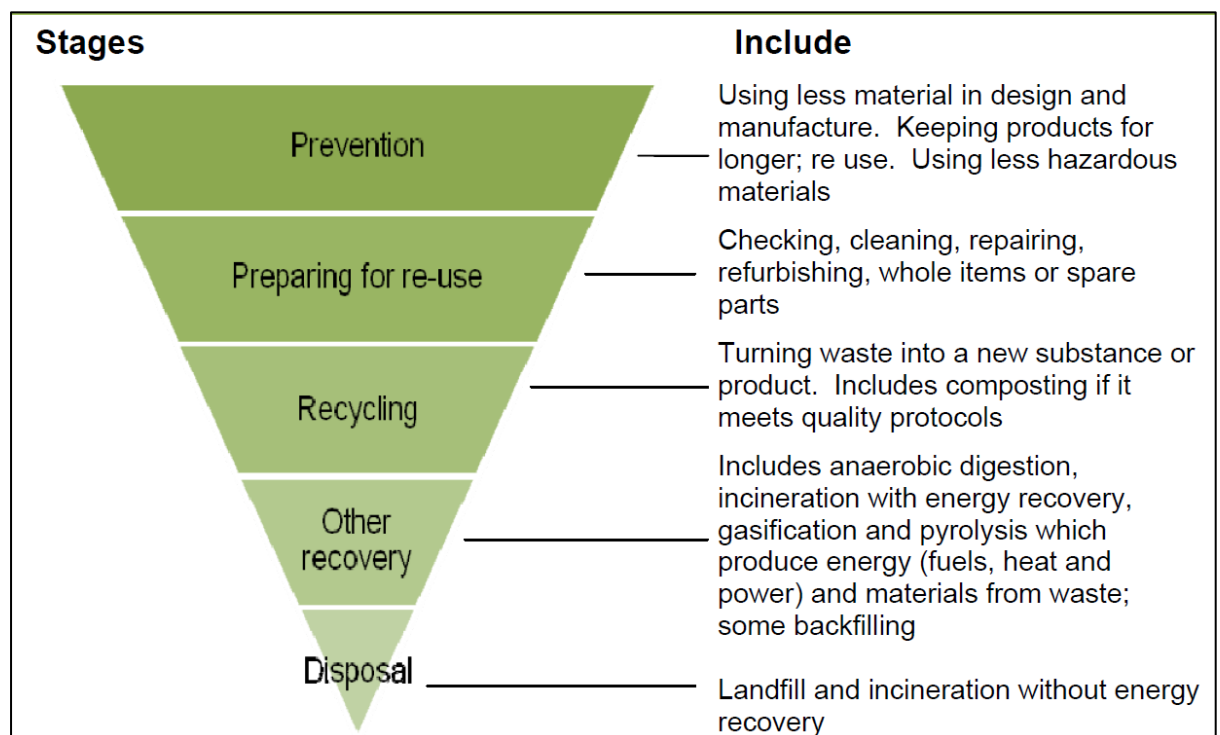


Figure 1: The Waste Hierarchy<sup>5</sup>.

<sup>3</sup> See paragraphs 6.161 – 6.169 for a more detailed assessment of how Energy from Waste is considered to be Low Carbon.

<sup>4</sup> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on Waste and repealing certain Directives. [online] Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32008L0098> (Accessed 27<sup>th</sup> September 2021).

<sup>5</sup> Source: DEFRA, (2011). *Guidance on Applying the Waste Hierarchy*. [online] Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69403/pb13530-waste-hierarchy-guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69403/pb13530-waste-hierarchy-guidance.pdf) (Accessed 27<sup>th</sup> September 2021).

- 6.11 Policy MWLP3 of the emerging Minerals and Waste Local Plan is directly relevant to the implementation of the Waste Hierarchy required by the Waste (England and Wales) Regulations 2011.
- 6.12 The last paragraph of MWLP3 requires proposals to demonstrate that waste cannot be reasonably managed higher up the waste hierarchy than that proposed. In relation to the proposed ERC, energy recovery is above landfill in the waste management hierarchy. However, provision of recovery capacity should not preclude movement of waste to higher tiers of the hierarchy (e.g. recycling).
- 6.13 The Local Waste Assessment (November 2020) which supports the emerging MWLP is a material consideration in that it has shown that there is an excess of waste management capacity at higher levels of the waste hierarchy in West Berkshire (principally recycling capacity). Therefore the presence of energy recovery capacity should not preclude waste from moving up the hierarchy as there is sufficient capacity to recycle materials to gain maximum value before the need to dispose of the residual waste.
- 6.14 The Environmental Statement at Chapter 3 states that up to 20,000 tonnes of throughput of the ERC will be generated from the existing Waste Recycling and Treatment Facility at Reading Quarry. Therefore this waste will have already been processed to remove the recyclable elements. The remaining ERC throughput is expected to be residual waste from surrounding municipal and commercial and industrial sources.
- 6.15 The requirement for the facility to only process residual waste and thus ensure the ERC will not prejudice the movement of waste up the hierarchy can be secured through an appropriately worded condition should permission be granted, and with the application of this condition, the proposal can be considered in line with this part of policy MWLP3.
- 6.16 Representations are concerned that provision of recovery capacity will reduce recycling rates, and that recyclable material will be recovered where it could be recycled. However, this is not a cause inherently arising from the Energy from Waste process, but rather due to the fact that recyclable material may be present in the residual waste stream where opportunities have not been taken to separate and remove this<sup>6</sup>.
- 6.17 With regards to the point that EfW capacity leads to reduced recycling rates, data shows that Local Authority Collected Waste recovered as energy from waste in England increased from 15.1% in 2010/2011 to 47.7% in 2020/2021. Meanwhile recycling rates increased slightly or remained relatively stable from 40.2% to 41.4% and the amount of waste sent to landfill decreased from 43.3% to 7.8% over the same time period<sup>7</sup>. Therefore it is not demonstrated that an increase in the presence of Energy from Waste capacity has resulted in any decrease to recycling rates in England. In Europe, high rates of recycling have also been demonstrated to co-exist alongside incineration capacity. For example, in 2017 Germany achieved 68% recycling (including composting) alongside 31% waste which was incinerated<sup>8</sup>.
- 6.18 Regarding the point that recyclable materials end up in the residual waste stream and are therefore recovered instead of recycled, by definition residual waste is regarded as

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<sup>6</sup> DEFRA, (2014). *Energy from Waste – A Guide to the Debate*. [online] Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/284612/pb14130-energy-waste-201402.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/284612/pb14130-energy-waste-201402.pdf) (Accessed 27th September 2021).

<sup>7</sup> ONS, (2022). *Local Authority Collected Waste Generation from April 2000 to March 2021 (England and Regions) and Local Authority Data April 2020 to March 2021 (Table 2a)*. [online] Available at: <https://www.gov.uk/government/statistical-data-sets/env18-local-authority-collected-waste-annual-results-tables> (Accessed 17th May 2022).

<sup>8</sup> Policy Connect, (2020). *No Time to Waste. Resources, Recovery and the Path to Net Zero*. [online] Available at: <https://www.policyconnect.org.uk/research/no-time-waste-resources-recovery-road-net-zero> (Accessed 25th July 2022).

having such high economic and/or environmental costs from further separation, that these costs would outweigh any of the benefits of further separation<sup>9</sup>. Thus once waste enters the residual waste stream, it is very difficult to divert it back up the waste hierarchy. However, it is acknowledged that technology is ever evolving and there is now focus by the government through the Resources and Waste Strategy and relevant statutory instruments such as the Environment Act to promote separation of waste prior to it entering the residual waste stream (e.g. standardising waste recycling collections, introducing mandatory food waste collection, reducing food waste to landfill, extended producer responsibility for packaging waste). This will act to promote waste being managed at the highest level of the waste hierarchy possible and help ensure that only waste from which no further benefit can be obtained is recovered. The aforementioned condition, requiring the ERC to only process residual waste will also help to preclude the management of recyclable waste in the ERC.

6.19 An important aspect of the proposal in relation to the waste hierarchy, is to ensure that the proposed ERC can be considered a recovery operation and not, in fact, a disposal operation. Recovery is above disposal in the Waste Hierarchy and in England, the benchmark for whether EfW facilities can be considered recovery facilities is by achieving 'R1' status. This is confirmed by the Resources and Waste Strategy (2018)<sup>10</sup> and Waste Management Plan for England (2021)<sup>11</sup>. The Waste Management Plan for England also aims to ensure all future energy from waste plants achieve recovery status (p.12).

6.20 The term 'R1' relates to activities described in Annex II of the Waste Framework Directive<sup>12</sup>, which sets out a non-exhaustive list of recovery operations (R1 – R13). R1 status refers to operations that use waste principally as a fuel to generate energy. However, where the purpose of incineration is to get rid of waste, it may be classified as a disposal activity (e.g. 'D10' – Incineration on land). The Waste Framework Directive includes a formula for determining whether an EfW plant can be regarded as being sufficiently energy-efficient and hence classified as a 'recovery' facility (this is known as the R1 formula). To be classed as an R1 operation the process must meet the following criteria<sup>13</sup>:

- The combustion of waste must generate more energy than the consumption of energy by the process itself;
- The greater part of the waste must be consumed during the operation;
- The greater amount of the energy generated must be recovered and used (either as heat or electricity); and
- The waste must replace the use of a source of primary energy.

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<sup>9</sup> Wikiwaste (2019). *Residual Waste* [online] Available at: [Residual Waste - WikiWaste](#) (Accessed 11<sup>th</sup> May 2022).

<sup>10</sup> DEFRA, (2018). *Our Waste, Our Resources*. [online] Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/765914/resources-waste-strategy-dec-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/765914/resources-waste-strategy-dec-2018.pdf) (Accessed 07<sup>th</sup> September 2021).

<sup>11</sup> DEFRA, (2021). *Waste Management Plan for England*. [online] Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/955897/waste-management-plan-for-england-2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/955897/waste-management-plan-for-england-2021.pdf) (Accessed 07<sup>th</sup> September 2021).

<sup>12</sup> Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on Waste and repealing certain Directives. [online] Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32008L0098> (Accessed 27<sup>th</sup> September 2021).

<sup>13</sup> Chartered Institution of Wastes Management (CIWM), (n.d.a). *The R1 Energy Efficiency Formula*. [online] Available at: <https://www.ciwm.co.uk/ciwm/knowledge/the-r1-energy-efficiency-formula.aspx> (Accessed 27<sup>th</sup> September 2021).

- 6.21 DEFRA's publication, *Energy from Waste, a Guide to the Debate*<sup>14</sup> states that: '*All municipal waste incinerators were and are deemed as disposal activities (D10) unless and until they are shown to meet the requirements of R1.*'
- 6.22 An R1 energy efficiency calculation has been included with the application using the Environment Agency's proforma for determining energy efficiency using the R1 tool (ES Appendix 10.2). This demonstrates that the anticipated performance of the facility meets the requirements to achieve R1 status, and therefore can be considered as a recovery facility.
- 6.23 The Guidelines on the Interpretation of the R1 Energy Efficiency Formula<sup>15</sup> state that '*for new plants, the R1 status shall initially be granted on the basis of the planning or construction specifications, considering the energy supply contracts and by determination of the general efficiency of the facility from an energetic view. This shall be achieved by means of a comprehensive "acceptance test", determining the boiler efficiency made after commissioning, followed by a calculation on operational data made after one year in normal operation conditions on the basis of annual data.*'
- 6.24 Therefore, a condition can be attached to the decision should permission be granted requiring the ERC facility to achieve R1 status and consequently the proposal can be considered to be in line with the waste hierarchy and policy MWLP3.

#### *Need*

- 6.25 Representors have suggested that the need for the proposed ERC should be demonstrated, and reference saved policy WLP27(i) of the Waste Local Plan for Berkshire, which states that: "*Planning applications for waste management development will only be permitted if the Local Planning Authorities are satisfied that ... having regard to Policy WLP2, there is a need for the development...*". However, Policy WLP2 was not saved and therefore reference to this policy cannot be applied. Reference is also made to the West Berkshire Municipal Waste Management Strategy Strategic Waste Management Policy 9 which states that: "*... West Berkshire will promote the development of new and existing facilities for waste transfer, recycling and composting provided that ... These facilities are developed as part of integrated network to deliver West Berkshires needs and contribute to Regional self-sufficiency... The facilities are consistent with the aims and objectives of the waste management strategy for West Berkshire, and ... There is demonstrable need for the facility*". However, this policy relates to waste transfer, recycling and composting and therefore is not relevant to the management of residual waste by recovery.
- 6.26 In addition, NPPW paragraph 7 sets out what waste planning authorities should consider when determining waste planning applications and states that waste planning authorities should only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan. NPPF paragraph 158 also states that when determining planning applications for renewable and low carbon development, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy<sup>16</sup>. The preceding paragraphs have determined that the proposal is broadly consistent with the relevant policies of the Waste Local Plan for Berkshire

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<sup>14</sup> DEFRA, (2014). *Energy from Waste – A Guide to the Debate*. [online] Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/284612/pb14130-energy-waste-201402.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/284612/pb14130-energy-waste-201402.pdf) (Accessed 27th September 2021).

<sup>15</sup> European Commission, (2011). *Guidelines on the Interpretation of the R1 Energy Efficiency Formula for Incineration Facilities Dedicated to the Processing of Municipal Solid Waste According to Annex II of Directive 2008/98/EC on Waste*. [online]. Available at: <https://ec.europa.eu/environment/pdf/waste/framework/guidance.pdf> (Accessed 09th September 2021).

<sup>16</sup> See paragraphs 6.161 – 6.169 for a more detailed assessment of how Energy from Waste is considered to be Low Carbon.

(saved policies) and emerging Minerals and Waste Local Plan regarding the principle of development. Therefore it is considered that a specific demonstration of need for the ERC is not required.

6.27 Notwithstanding the above conclusion, the evidence supporting the emerging MWLP (Local Waste Assessment, November 2020<sup>17</sup>) is also a material consideration and has identified that although West Berkshire is able to be ‘net self-sufficient’<sup>18</sup> in waste management capacity, there is a specific lack of waste management capacity for residual non-hazardous waste. Residual wastes are those which cannot be re-used or recycled leaving the only options for the management of this material as recovery (extracting energy and heat) or disposal (for example, via landfill). Due to the aforementioned lack of capacity for these forms of waste management, most of this waste is sent outside of the district for management via landfill or energy recovery. In 2020, West Berkshire sent 27,634 tonnes of residual waste to EfW facilities outside of the district, as per the following table<sup>19</sup>:

Table 1: West Berkshire Residual Waste Treatment 2020

Location	Operator	Tonnes 2020
<b>Slough</b>		
Lakeside Energy from Waste Facility	Grundon	14,098
Lakeside Clinical Waste Incinerator	Grundon	90
<b>Hampshire</b>		
Integra South West Facility (a.k.a. Marchwood Energy Recovery Facility)	Veolia	8,764
Integra North Energy Recovery Facility (a.k.a. Chineham Energy Recovery Facility)	Veolia	2,527
<b>Oxfordshire</b>		
Ardley EfW Plant	Viridor	1,693
<b>East Sussex</b>		
Newhaven Energy Recovery Facility	Veolia	372
<b>Thurrock</b>		
Tilbury Green Power	Tilbury Green Power Ltd.	71
<b>Hillingdon</b>		
Hillingdon Clinical Waste Incinerator	SRCL Ltd.	11
<b>Birmingham City</b>		
Tyseley Energy from Waste Plant	Veolia	8
<b>TOTAL</b>		<b>27,634</b>

Source: Environment Agency Waste Data Interrogator, 2022 (2021 Data)

6.28 The proposed ERC would create capacity for the management of residual waste by energy recovery within the District, and allow West Berkshire to be self-sufficient for this type of waste management instead of relying on other authorities, which although not a requirement of waste management legislation, is preferable to the movement of waste long distances for management. The LWA identifies that by 2037, there will be a need for up to 85,000 tonnes of capacity to recover non-hazardous residual waste per annum

<sup>17</sup> West Berkshire Council, (2020). *Local Waste Assessment (LWA)*. [online] Available at: <https://info.westberks.gov.uk/CHttpHandler.ashx?id=49699&p=0> (Accessed 20<sup>th</sup> September 2021).

<sup>18</sup> Net self-sufficiency means having a greater capacity for waste management than that which is produced within a Waste Plan area. South East Waste Planning Authority (SEWPAG), (2020). *Statement of Common Ground between Waste Planning Authority Members of the South East Waste Planning Advisory Group Concerning Strategic Policies for Waste Management, pg.4*. [online] Available at: <https://info.westberks.gov.uk/CHttpHandler.ashx?id=49718&p=0> (Accessed 26<sup>th</sup> May 2022).

<sup>19</sup> Environment Agency, (2022). *Waste Data Interrogator*. [online] Available at: <https://data.gov.uk/dataset/bb40d091-a346-4b75-aa54-df7d347bed93/2020-waste-data-interrogator> (Accessed 28<sup>th</sup> February 2022).

from West Berkshire (i.e. through Energy from Waste). Therefore it is considered that there is, in fact, a need for the type of facility proposed. The anticipated 85,000 tpa requirement is below the annual throughput of the proposed ERC (150,000 tpa), however it has to be acknowledged that commercial facilities will require a certain level of throughput in order to be commercially viable. The proposal will help to reduce the exports of residual non-hazardous waste out of West Berkshire, meaning the district can become more self-sufficient in the management of its residual wastes than it currently is.

6.29 In addition to the local level, need can be assessed on a regional or wider scale. Representations have referenced the South East Waste Planning Advisory Group (SEWPAG) Report on Residual Non-hazardous Waste Treatment Capacity in the South East<sup>20</sup>. This report compares the effect of achieving different recycling rates on the need for residual waste management recovery capacity in the South East (base date 2020).

6.30 The report demonstrates that if the circular economy (and Resources and Waste Strategy<sup>21</sup>) target of 65% recycling of municipal waste by 2035 is applied, and assuming a landfill rate of 4%, there may be an excess of recovery capacity in the South East in 2020 (Table 2). It must be acknowledged that this report is based on assumptions and variables that are subject to change. It should also be noted that the report compares current arisings with future recycling targets, without taking into account predicted increases in waste arisings over the same time-period.

6.31 The West Berkshire Local Waste Assessment assesses a range of growth scenarios, and uses a growth rate of 1.9% for C&I waste and 0.5% for Municipal Waste (together, these comprise the non-hazardous waste streams for EfW). Even if a conservative 0.5% pa growth rate is applied, Table 2 shows that there would be a capacity gap (requirement) of 98,343 tonnes per annum in the South East if 65% recycling by 2035 is achieved (assuming 4% to landfill).

Table 2: EfW Capacity Requirement Estimations for the South East based on 0.5% Growth Rate

Recycling Scenario	50%	55%	60%	65%	70%
2020 Baseline Arisings	-1,554,188	-1,026,323	-498,459	+29,406	+557,271
Predicted 2035 Arisings	-1,736,691	-1,190,574	-644,459	-98,343	+447,773

Source: Residual Non-Hazardous Waste Treatment Capacity in the South East. SEWPAG, 2021. N.B. a negative number indicates a capacity requirement

6.32 In addition, the report on Landfill and Residual Treatment Capacity in the Wider South East of England<sup>22</sup> shows that when viewed in the context of the wider South East, including London and the East of England there is currently a shortfall of approximately 860,000 tonnes if a 65% recycling rate is achieved (assuming no waste to landfill). The conclusion of this report is that until new facilities come on-board and recycling rates increase, the wider South East is likely to remain partially dependant on recovery facilities outside its area as well as abroad.

6.33 This data indicates that taking into account the current arisings, growth rate and recycling targets, the proposal can contribute to meeting a need for the management of

<sup>20</sup> SEWPAG, (2021). *Residual Non-hazardous Waste Treatment Capacity in the South East*. [online] Available at: Knowledge Hub <https://khub.net>. (Accessed 18<sup>th</sup> May 2022).

<sup>21</sup> DEFRA, (2018). *Our Waste, Our Resources*. [online] Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/765914/resources-waste-strategy-dec-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/765914/resources-waste-strategy-dec-2018.pdf) (Accessed 04<sup>th</sup> August 2022).

<sup>22</sup> Sacks Consulting, Cool Planet Resources & Vitaka, (2021). *Landfill and Residual Treatment Capacity in the Wider South East of England including the East of England, South East and London*. [online] Available at: Knowledge Hub <https://khub.net> (Accessed 18<sup>th</sup> May 2022).

non-hazardous residual waste arisings in West Berkshire as well as the south-east (including the wider south east).

- 6.34 Representors, including UK Without Incineration Network (UKWIN) have suggested that there is overcapacity for energy recovery capacity at a national scale and therefore there is no need for the facility.
- 6.35 The 2017 Tolvik report *UK Residual Waste: 2030 Market Review*<sup>23</sup> estimates that in 2016, there was an estimated 27.1mt (+/- 2.0mt) of residual municipal waste (municipal waste includes household waste and the fractions of commercial and industrial waste similar to household waste).
- 6.36 The 2022 Tolvik Report *UK Energy from Waste Statistics 2021*<sup>24</sup> estimates that by 2026 there will be 19.4mt of operational EfW capacity. Including the additional 2.1mt of other types of recovery capacity in the 2030 Market Review Report, would equate to 21.5mt of residual waste management capacity. The 2030 Market Review Report assumes that no allowance needs to be made for landfilling of residual waste, due to commercial incentives on operators to avoid landfill. This would suggest that at current recycling rates, there is a capacity gap for recovery capacity (27.1mt residual waste vs. 21.5mt residual waste management capacity).
- 6.37 In future, recycling rates are expected to increase due to a range of policy and fiscal measures, in order to attain 65% recycling of municipal waste by 2035 (as stated in the Resources and Waste Strategy)<sup>25</sup>. This would in turn reduce the amount of residual waste requiring treatment. However, the Tolvik *Energy from Waste Statistics 2021* Report shows that additional EfW capacity is also reducing, as projects reach financial close, cease being progressed or have been cancelled or refused consent. In addition fewer new projects are being brought forward, presumably due to challenges in securing suitable waste supply commitments. As existing EfWs age, it is also expected that some decommissioning will take place.
- 6.38 UKWIN cite studies and calculations that in some scenarios show an excess of recovery capacity if 65% recycling is achieved in line with government targets. However, some scenarios also show a capacity gap, and all scenarios depend upon a range of variables and assumptions. It is considered that if recycling rates increase as predicted and the amount of residual waste decreases, this will act to curtail additional recovery capacity as waste supply commitments reduce, as already referred to by Tolvik (*UK Energy from Waste Statistics 2021*).
- 6.39 Although an analysis of need is not required by policy, it is considered that the above analysis does demonstrate a need for the type of waste management capacity the proposal would deliver at both a local and wider level.

#### *Prematurity*

- 6.40 Representations have contested that to determine the proposed application would be premature, by pre-empting the Minerals and Waste Local Plan decision making process, including the current examination.

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<sup>23</sup> Tolvik Consulting, (2017). *UK Residual Waste: 2030 Market Review*. [online] Available at: [https://www.tolvik.com/wp-content/uploads/2017/11/UK\\_Residual\\_Waste\\_Capacity\\_Gap\\_Analysis.pdf](https://www.tolvik.com/wp-content/uploads/2017/11/UK_Residual_Waste_Capacity_Gap_Analysis.pdf) (Accessed 09th August 2022).

<sup>24</sup> Tolvik Consulting, (2022). *UK Energy from Waste Statistics – 2021*. [online] Available at: [https://www.tolvik.com/wp-content/uploads/2022/05/Tolvik-UK-EfW-Statistics-2021\\_Published-May-2022.pdf](https://www.tolvik.com/wp-content/uploads/2022/05/Tolvik-UK-EfW-Statistics-2021_Published-May-2022.pdf) (Accessed 26th July 2022).

<sup>25</sup> DEFRA, (2018). *Our Waste, Our Resources*. [online] Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/765914/resources-waste-strategy-dec-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/765914/resources-waste-strategy-dec-2018.pdf) (Accessed 04th August 2022).



- 6.41 The NPPF, at paragraph 49, states that arguments relating to prematurity are unlikely to justify refusal of planning permission other than in limited circumstances, including:
- a) The development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; **and**
  - b) The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
- 6.42 The emerging Minerals and Waste Local was submitted for independent examination on 29<sup>th</sup> July 2021 and the examination hearings were held from 1<sup>st</sup> – 3<sup>rd</sup> February 2022. Subsequently, the Inspector has invited the Council to conduct a consultation on the Proposed Main Modifications on the MWLP, which took place between 23<sup>rd</sup> May & 6<sup>th</sup> July 2022. Consequently, the MWLP is at an advanced stage. However, policies MWLP3 & MWLP5 neither restrict the amount of waste management capacity, nor specifically allocate sites for waste management development (instead, setting out locational criteria). It is also not considered that the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the emerging MWLP. Therefore, it is not considered that there is a case for prematurity in this instance.

*Conclusion – Principle of Development (ERC)*

- 6.43 The key issue for consideration is that this proposal would constitute new waste management development on a permanent, existing waste management facility, albeit outside one of the identified Preferred Areas in the WLP, and there is an identified need for residual waste management capacity of this type in West Berkshire and the South East. It is therefore considered that the proposal aligns to policies WLP16, WLP27 MWLP3 and MWLP5 and that the principle of development in this location is met.

*Data Centre*

- 6.44 Policy WBCS9 states that proposals for industry, distribution and storage uses will be directed to the District's defined Protected Employment Areas and existing suitably located employment sites and premises. As the location for the proposed Data Centre is an existing employment site (being a permanent waste management facility), and the proposed land use would not be incompatible with this, it is considered that the proposal would conform to this policy.
- 6.45 Regarding the office elements of the proposed development, policy WBCS9 outlines a sequential approach for the location of additional office space outside of town centre locations, which includes existing employment sites and premises and therefore the proposal also conforms to the policy in this regard.
- 6.46 Policy WBCS9 also states that business development will be supported on existing employment sites, and that more efficient use of existing sites and premises should be made in order to attract inward investment, respond to modern business requirements, and meet the demand for employment land over the plan period. The proposal comprises the intensification of use at an existing site, and therefore is also in conformity with this aspect of the policy.
- 6.47 Policies WLP21 and MWLP10 seek to safeguard sites for appropriate waste management purposes, including areas in permanent waste management use. Although the Data Centre will be co-located with the proposed ERC, and located on the same site as other waste management uses, it is not considered that the use of the

building as a Data Centre will prevent or prejudice the operation of the proposed ERC, or the existing waste management uses on site and therefore the proposal is consistent with WLP21.

- 6.48 Therefore, the principle of development in relation to the Data Centre is also considered to be met.

## ***Hydrology***

### *Groundwater Quality*

- 6.49 NPPF paragraph 174 requires that planning decisions should prevent new and existing development from being put at risk from unacceptable levels of (inter alia) water pollution. Policy WLP29 includes a presumption against allowing waste management that adversely affects groundwater protection areas where the proposal would conflict with the Environment Agency's groundwater protection policy and MWLP26 requires that development should not result in unacceptable impacts on the intrinsic quality and quantity of resources (including ground and surface waters) including any adverse impacts on Source Protection Zones (SPZs). Policy WLP30 also requires that in assessing the merits and adverse effects arising from waste management development, regard should be had to the likely effects of the proposed development on the surrounding water environment.
- 6.50 The Flood Risk Assessment submitted with the application identifies that part of the site is within groundwater Source Protection Zone 2 (outer protection zone) and located above a secondary aquifer A. The Environment Agency (EA) has confirmed that the current uses of the site as a waste transfer station, and proximity to inert landfill represents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. The EA have further confirmed that the application has demonstrated that it will be possible to manage the risks to controlled waters but further detailed information will be required prior to development. Therefore, the Environment Agency have requested that conditions should be included on any planning permission granted requiring the submission of a remediation strategy and verification report demonstrating the completion of works set out in the approved remediation strategy to deal with the potential risks associated with contamination of the site.
- 6.51 The Council's Environmental Health and Drainage Teams have concurred with these conditions due to the potential to mobilise contaminants during construction. The Council's drainage officer has also requested that methods for de-silting groundwater as a part of excavations for construction activities be considered within the Construction Method Statement/ Construction Environmental Management Plan, which can be included in the relevant condition should permission be granted. Therefore it is considered that the inclusion of these conditions will sufficiently protect groundwater in line with Policies WLP29, WLP30, MWLP26 and NPPF 174 regarding potential pollution of the water environment from the development.

### *Wastewater and Foul Water Drainage*

- 6.52 The application as originally submitted included a surface and foul water drainage strategy to discharge surface water and treated foul water into a ditch running along the southern boundary of the site and parallel with the M4.
- 6.53 The Environment Agency objected to these proposed drainage arrangements due to the fact that the watercourse did not contain flowing water throughout the year, and thus would not achieve sufficient dilution for foul water drainage.

- 6.54 The surface and foul water drainage strategy was consequently revised to discharge foul water into a septic tank to be emptied and removed from site.
- 6.55 The Environment Agency have confirmed that the scheme revisions are sufficient to remove their objection to the drainage strategy provided that a condition requiring approval of a pollution prevention plan and maintenance schedule for the septic tank prior to the commencement of development, be applied to the permission should the application be approved.
- 6.56 In addition, it has been confirmed in the application that there will be little wastewater (including heated wastewater) from the operation of the ERC, and this will be led to a settling tank and then directed towards the septic tank. Therefore management of this will be covered under the pollution prevention plan and maintenance schedule condition requested by the Environment Agency.
- 6.57 Therefore, it is considered that with the implementation of the revised drainage strategy and pollution prevention plan and maintenance schedule for the septic tank, the proposal complies with WLP29, WLP30, MWLP26 and NPPF 174 regarding potential pollution of the water environment from the proposed surface and foul water drainage strategy.

*Surface Water Drainage and Sustainable Urban Drainage Systems (SuDS)*

- 6.58 As already outlined, the application as originally submitted included a surface and foul water drainage strategy to discharge surface water and treated foul water into a ditch running along the southern boundary of the site and parallel with the M4 (Flood Risk Assessment - Drawing 101).
- 6.59 Highways England originally objected to the proposed drainage arrangements due to the fact that the ditch is a Highways England asset, and discharge to this would not be accepted.
- 6.60 The surface and foul water drainage strategy was consequently revised to discharge surface water to be attenuated and directed towards an existing connection and outfall to Englefield Lagoon.
- 6.61 Highways England have confirmed that these measures are sufficient to withdraw their objection, subject to a condition requiring compliance with the drainage strategy prior to occupation. This condition can be included to the decision should permission be granted, and therefore the Highways England objection has been addressed.
- 6.62 NPPF paragraph 169 states that major developments should incorporate SuDs measures unless there is clear evidence that this would be inappropriate, and that these measures should take into account advice from the Lead Local Flood Authority. WBCS16 and MWLP24 also require that SuDs measures are incorporated into developments. The West Berkshire SuDs SPD specifies that green SuDs should be used wherever possible.
- 6.63 The Environment Agency consider that due to the proximity of made ground and former landfill adjacent to the site infiltration based SuDs should not be used, and requested a condition as such on any planning permission granted.
- 6.64 The Council's Drainage Team, as Lead Local Flood Authority (LLFA) provided comments on the application. These echoed the Environment Agency response that infiltration drainage should not be permitted due to the potential for contaminants to be mobilised during construction and supported the conditions requested with regards to requiring a remediation strategy to deal with the risks associated with mobilising contaminants during construction.

- 6.65 The LLFA also made the following (summarised) comments on the revised surface and foul water drainage strategy:
- Clarification is required over the status of the on-site pond and its use in the surface water drainage proposals.
  - There is a large area proposed for permeable paving which will be utilised by HGVs, this may damage and impede its function.
  - There is seemingly a connection between the proposed septic tank and Englefield Lagoon which must be deleted.
  - The West Berks SuDs SPD requires the use of green SuDs wherever possible, and there should be more consideration of more green SuDs measures to be incorporated into the development.
  - The proposed offsite discharge is 5.0l/s but there is no reason why the Qbar flow of 3.4l/s cannot be used.
  - No use of glyphosate (roundup) should be used in the maintenance of permeable paving due to connectivity with Englefield Lagoon.
  - The internal access road has no SuDs measures proposed even though it is part of the proposals. These details should be supplied.
- 6.66 Consequently the drainage strategy was again revised to remove the proposed permeable paving, incorporate additional green SuDs (swale, green wall on ERC), delete the (erroneous) connection of the septic tank with Englefield Lagoon, and revise the off-site discharge rate to 3.4l/s, as well as introduce oil interceptors for further water quality improvement. An additional drainage plan for the access road has also been produced (Flood Risk Assessment - Drawing 102). The on-site pond has been confirmed *not* to form part of the on-site drainage proposals.
- 6.67 Further clarity was subsequently requested, and provided, regarding the operation of the proposed green wall. In addition, concerns regarding contamination risks to groundwater due to de-watering during the construction phase were raised. However, the Drainage Team has agreed that this can be addressed with a suitably worded condition as part of a Construction Method Statement. In addition they have requested that prior to commencement of development a surface water management strategy should be agreed with the Local Authority. This condition can be attached to the decision should permission be granted.
- 6.68 The revised Flood Risk Assessment and Drainage Strategy was recommended for approval by the LLFA, provided that the requested conditions be included should permission be granted. The revised Drainage Strategy was also updated to reflect changes to the landscape strategy, which was amended to address ecology concerns. The drainage team have confirmed that there are no significant changes to the drainage that would cause concern.
- 6.69 The revised surface water drainage strategy has included additional SuDs measures, including green SuDs and has taken into account the advice of the Lead Local Flood Authority. Therefore it is considered that, in conjunction with the requested conditions for a Remediation Strategy and Verification Report, Construction Method Statement and Surface Water Management Strategy, the scheme complies with WBCS16, MWLP 24, the West Berkshire SuDs SPD, and NPPF 169.
- 6.70 Representations have included concerns about surface water drainage on the site, and potential effects of run-off on nearby water bodies, which are material considerations.
- 6.71 In addition, new developments that have the potential to impact on current or predicted Water Framework Directive status are required to assess their compliance against the WfD objectives of the potentially affected water bodies.

- 6.72 A Water Framework Directive screening note has been prepared confirming that the proposed surface water drainage and outfall to Englefield Lagoon will not present a significant risk to its WfD Status. In addition, the LLFA and WBC Ecology Officer have not raised objections to this proposed outfall, providing the relevant conditions are in place.
- 6.73 It is considered that with the identified conditions and mitigation measures in place, the proposal will conform to policy requirements.

#### *Flooding*

- 6.74 Policy WBCS16 (Flooding) and MWLP24 apply the sequential test outlined in NPPF paragraphs 161 and 162, and also the requirements of NPPF paragraph 167 regarding flood risk, as well as setting out requirements for when a Flood Risk Assessment is required. Policy WLP30 requires that in assessing the merits and adverse effects arising from waste management development, regard should be had to the likely effects of the proposed development on drainage and flooding impacts.

#### *Fluvial Flood Risk*

- 6.75 The Flood Risk Assessment (FRA) submitted with the application has identified that there is a negligible risk of flooding from fluvial sources on the majority of the site, which is echoed in the comments of the Environment Agency that 'fluvial flood risk is not considered a problem on this site'.
- 6.76 The FRA did identify that the risk of fluvial flooding was high in the North-east corner of the site. The following mitigation measures are specified:
- Sequentially develop the site, limiting the built development (including surface water attenuation) outside of the mapped extent of fluvial flooding for the 1 in 100 year +70%cc event.
  - Set finished floor levels a minimum of +150mm above external levels for the proposed buildings.
  - Provide a 4m easement free from development along the bounding water courses to allow access for inspection and maintenance, including by vehicles.
  - Undertake maintenance activities to keep the channels and structures clear from debris and overgrown vegetation to maintain the conveyance of channels.
- 6.77 The Flood Risk Assessment can be included as one of the approved documents to any permission granted, and therefore the above mitigation measures would be required of the development. Therefore it is considered that the effects of fluvial flooding are able to be adequately mitigated.

#### *Groundwater Flood Risk*

- 6.78 The EA highlighted that groundwater flooding could be an issue that had not been fully considered in the application and indicated the possible presence of a power station adjacent to the site that is vulnerable to groundwater flooding. The Environment Agency did not object but recommended that the Lead Local Flood Authority was consulted regarding the application.
- 6.79 The Lead Local Flood Authority initially queried the conclusions on groundwater flooding. However, additional information has been submitted to support the conclusions in the FRA and this has been accepted by the LLFA in the absence of clear-cut evidence to the contrary.
- 6.80 The LLFA and representations have also raised queries regarding the below ground structures (attenuation tanks/fuel reception bay) and impact on groundwater flooding.

6.81 The Flood Risk Assessment submitted with the application identifies the risk from ground water flooding as medium below ground and low above ground and recommended the following mitigation measures:

- Adoption of a surface water management strategy
- Lined/sealed attenuation and fuel reception hall/reception pits to prevent groundwater ingress
- Install below ground attenuation in line with the manufacturer's recommendations and guidance, considering the influence of groundwater forces (flotation/buoyancy).
- Set finished floor levels a minimum of +150mm above external levels for the proposed buildings.

6.82 A surface water management strategy has already been requested as a condition by the Lead Local Flood Authority. In addition, the Flood Risk Assessment can be included as one of the approved documents to any permission granted, and therefore the above mitigation measures would be required of the development. Therefore it is considered that the effects of groundwater flooding are able to be adequately mitigated.

6.83 The presence of a power station adjacent to the site is unknown to the applicant, and potentially refers to the SSE Burghfield site which in fact is located approximately 1.5km to the North-east of the site and therefore it is not considered to be affected by the proposed development. This has been accepted by the LLFA.

#### *Surface Water Flood Risk*

6.84 The Flood Risk Assessment identified the risk from surface water flooding to be negligible for most of the site, with areas of low to medium risk associated with surface water flow pathways and a medium to high risk of ponding. The following mitigation measures were recommended:

- Adoption of a surface water management strategy
- Set finished floor levels a minimum of +150mm above external levels for the proposed buildings.

6.85 A surface water management strategy has already been requested as a condition by the Lead Local Flood Authority. In addition, the Flood Risk Assessment can be included as one of the approved documents to any permission granted, and therefore the above mitigation measures would be required of the development. Therefore it is considered that the effects of surface water flooding are able to be adequately mitigated.

6.86 The risk of flooding from tidal sources, sewers and infrastructure failure were assessed as negligible.

6.87 Regarding the sequential test in the NPPF and echoed in WBCS16 and MWLP24, the building footprints for the proposed ERC and Data Centre lie in Flood Zone 1. In addition, the specified mitigation measures would reduce the risk of flooding from all sources to low or negligible. Therefore the sequential test would be passed, and the exception test would not be required as all development types are acceptable in Flood Zone 1.

6.88 Representations have included concerns about flooding on the site and surrounding area which are material considerations. However, it is considered that with the identified conditions and mitigation measures in place, which have been confirmed by the LLFA, the proposal will conform to the requirements of the NPPF and also WBCS16, MWLP24 & WLP30 and not cause an unacceptable impact on flooding.

## **Ecology**

- 6.89 The proposed application is classified as being part of the Local Wildlife Site 'Burghfield Gravel Pits', which covers the assemblage of lakes of ornithological importance associated with historic mineral working in the area to the south west of Reading. The site also lies within the Kennet Valley East Biodiversity Opportunity Area.
- 6.90 Notwithstanding the classification as a Local Wildlife Site, the proposed application site has been in waste management use since approximately 2003 when planning permission was granted for an inert waste recycling facility. The application site is adjacent to a former restored mineral working and inert landfill (Knights Farm), and parts of the Reading Quarry site have also been restored with inert fill.
- 6.91 Policy WBCS17 requires that all new developments should maximise opportunities to achieve net gains in biodiversity and that development which may harm Local Wildlife Sites (inter alia) will only be permitted if there are no reasonable alternatives or the benefits of the development outweigh the need to protect the site. Policy MWLP20 requires development proposals to deliver at least 10% net gains for biodiversity and specifies that development should normally avoid harm to Local Wildlife Sites unless the need for and benefits of the development in that location clearly outweigh the harm. It also specifies that proposals should seek to actively pursue the conservation, restoration and enhancement of Biodiversity Opportunity Areas (inter alia).
- 6.92 Policy WLP29 also states that there will be a strong presumption against allowing waste management development that adversely affects (inter alia) conservation areas, and WLP30 requires consideration be given to the need to safeguard and enhance (inter alia) sites of ecological importance and protected species and their habitats. Policy WLP33 also states that the local planning authority will take the opportunity to seek environmental improvements and other public benefits on sites and in the surrounding area.
- 6.93 The NPPF at paragraph 174 states that planning decisions should minimise impacts on and provide net gains for biodiversity. Paragraph 180 states that if significant harm to biodiversity resulting from development cannot be avoided, mitigated or compensated for, then planning permission should be refused.
- 6.94 An Ecological Impact Assessment was submitted to support the application. This has suggested a range of mitigation/compensation and enhancement measures. Additional information relevant to ecology includes the landscape mitigation plans (ES Appendix 8.4, Figures 8.20 and 8.21), Biodiversity Net Gain Calculation and associated habitats maps (UK Habitat Map, UK Retained/Lost Habitat Map and UK Created Habitats Map), and Arboricultural Impact Assessment and Method Statement.
- 6.95 The Council's ecologist reviewed the originally submitted information, and subsequently required evidence of a net gain in biodiversity be submitted, based on the requirements of WBCS Policy CS17. They also requested consideration of the construction and post construction phases for three specific locations relating to the application site. A response to this was received by the Council (Ref. CRM.1144.010.EC.R.003, dated 08<sup>th</sup> December 2020), and a Biodiversity Net Gain calculation was also submitted on 08<sup>th</sup> December 2020. The additional information confirmed that a +77% net gain in habitat units, and 110% net gain in hedgerow units would be achieved by the development, and that there would be no significant impacts from construction or operation of the proposed development on the areas queried by the WBC ecologist.
- 6.96 A further response from the WBC ecologist was received and this confirmed that the concerns raised in the original response have been dealt with. Three pre-commencement conditions were requested to be placed on the permission should it be

granted, including submission of a Landscape Ecological Management Plan (LEMP), Construction Ecological Management Plan (CEMP) and a lighting strategy for biodiversity.

6.97 The Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT) originally objected to the application, on three main grounds:

1. Air Quality – Insufficient information regarding the potential effects on the Burghfield Gravel Pits Local Wildlife Site.
2. Hydrology – Lack of assessment of potential effects on biodiversity from outfall to Englefied Lagoon.
3. Ecology – Insufficient detail of habitats within and adjacent to the site and lack of detailed assessment of the effects of habitat loss and creation on biodiversity, including the Local Wildlife Site.

6.98 Following clarifications and additional information being submitted, BBOWT removed the objections in relation to Air Quality and Hydrology. However, their objection on Ecology grounds remained with four outstanding points:

- Habitat loss not fully considered or assessed.
- No significant areas of new habitat creation to reflect the location within a Local Wildlife Site.
- Insufficient buffer to wetland habitats within the Local Wildlife Site.
- Reduction in habitat connectivity along the southern boundary.

6.99 Further information was again submitted to address these points, including a revised site plan and landscape mitigation plans to divert the pedestrian and cycle path to the south of the pond and thus creating more cohesive vegetation to complement the existing vegetation in the Local Wildlife Site. Further clarifications were also submitted regarding the amount/nature of habitats to be lost/created/retained and enhanced. Consequently the Biodiversity Net Gain Metric has also been updated to reflect this, showing a revised outcome of +64% net gain in habitats units and +46% net gain in hedgerow units.

6.100 Following receipt of the additional information, BBOWT have subsequently removed their objection on ecology grounds, subject to the following conditions:

- Construction Ecology Management Plan (CEMP) – to include details of how the LWS and its associated species would be protected during the construction phase;
- Landscape and Ecology Management Plan (LEMP) – to include; a detailed design of the pond and surrounding habitats to demonstrate how the pond has been designed to enhance biodiversity; and, details of how the LWS would be protected from any adverse impacts resulting from the operation of the site; and
- Lighting strategy – to ensure boundary habitats are not subject to increased levels of artificial light.

6.101 The WBC Ecologist also concluded on receipt of the additional information that there was no reason the application could not be considered for approval on ecology grounds, and requested two further conditions:

- The submission of an acceptable SuDS design and maintenance plan as a pre-commencement condition; and
- A condition stating that each ecological report (with regard to the aspect that it covers) is only valid for 3 years (for bat aspects of the report these will need updating after 12 months) from when it is written.



6.102 Therefore it is considered that because the development will achieve a net gain in biodiversity, and suitable mitigation measures can be secured through appropriately worded conditions, there will be no significant adverse effects on biodiversity, including on the Local Wildlife Site, and that the requirements on Policy CS17, MWLP20, WLP29, WLP30 & WLP33, and NPPF 174 and 180 are met.

6.103 Representations have contested that the proposal will adversely affect biodiversity and ecology in the surrounding area, which is a material consideration. However, it is considered that with the appropriate conditions requiring mitigation measures to be implemented, the proposal will conform to the relevant policy requirements.

### ***Landscape and Visual Impacts (including Trees)***

6.104 Policy WBCS19 considers the conservation and enhancement of the landscape character of the District and requires particular regard be had to (inter alia) ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. MWLP18 requires minerals and waste development to protect and enhance the character of the site and its surrounding landscape. WBCS14 and MWLP28 also require new development to demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. In addition, WBCS18 also states that development resulting in the loss of green infrastructure harm to its use or enjoyment will not be permitted. Policy ADPP4 of the West Berkshire Core Strategy states that a strategic approach will be taken towards the Kennet Valley Meadows to ensure that the habitat continues to be able to support a diverse range of species and that the area's recreational function is maximised.

6.105 Policy WLP29 includes a presumption against allowing waste management that adversely affects the function of land important to the character, setting or amenities of individual settlements and WLP30 requires that in assessing the merits and adverse effects arising from waste management development, regard should be had to the visual impact of the proposed development and its effect on the landscape and the need to safeguard and enhance areas of attractive landscape and local landscape character.

6.106 NPPF paragraph 130(b) requires that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and paragraph 130(c) requires that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. NPPF paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. NPPF paragraph 174 states how planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

6.107 A Landscape and Visual Impact Assessment has been submitted as part of the Environmental Statement supporting the application. This was reviewed by the Council's landscape consultant who did not consider that the proposal complied with NPPF or WBCS policy regarding design and landscape/visual impacts, and made several recommendations to make the proposal more acceptable in landscape terms:

1. *Improve the architecture and shape of the building, producing a more organic shape as shown below with the four recently constructed ERC within the UK. A more organic shape could be more sympathetic with the surrounding landscape character and in particular from views to the north from the lake and longer views from the AONB.*

2. *Rationalise the areas of hardstanding around the site to provide more space for tree and shrub planting. Also follow the additional guidance under mitigation measures as set out above in section H5 above.*

6.108 A meeting with the applicant, the applicant's agent, WBC council officer and WBC landscape consultant was held on 8<sup>th</sup> December 2020. At the meeting the recommendations and mitigation measures contained in the WBC landscape consultant response were discussed. Additional planting on land within the applicant's control adjacent to the proposed application site was also discussed. As a consequence the ERC plans/elevations and mitigation/site plans were amended. The applicant also updated the photomontages for the LVIA and prepared a revised Landscape ES chapter.

6.109 Further revisions to the landscape mitigations plans (Figure 8.20 Rev 04 & Figure 8.21 Rev 04) were also submitted to address ecology concerns. This included additional planting to the north eastern boundary of the pond, joining up with the existing boundary vegetation.

6.110 The Council's landscape consultant has considered these revisions and has concluded that although the proposed design of the two buildings has been developed to minimise their visual effect on the area, and the proposal is visually attractive as far as possible as an Energy from Waste facility can be, the application due to its overall visibility within the wider landscape fails to achieve the requirements of the NPPF, and is contrary to WBCS policies WBCS14, WBCS18, WBCS19 and ADPP4. Consequently the application is also considered to be inconsistent with WLP29, WLP30 and MWLP18 with regards to landscape. The landscape comments do acknowledge that a facility of this size and scale may never be strictly in accordance with Local Plan Policy in this location, however the proposal, including the building design and additional planting will mitigate the effects on the wider landscape as far as is possible.

6.111 With regards to NPPF paragraph 134 which states that: '*development that is not well designed should be refused*', the Council's landscape consultant has conceded that the proposal is as visually attractive as far as possible as an Energy from Waste facility can be. Therefore it is not considered that the proposal is contrary to NPPF paragraph 134 in this respect.

6.112 Representations have included concerns about the landscape and visual impacts of the development, particularly with regards to the size and prominence of the buildings and effects on views from surrounding properties and these are also material considerations of the application, although the landscape advice is that the proposal is not in accordance with the relevant policies in any case.

6.113 One representor has raised concerns specifically in relation to the Landscape and Visual Impact Assessment, as summarised below, along with officer comment.

- ES does not include a representative viewpoint locations from the AONB. No info provided in the supplementary LVIA on proposed building heights, updated ZTV hasn't been provided.

*Officer comment: the Council's Landscape Consultant has responded as follows: As set out within the LVIA Chapter 8 within the ES section 8.7.15 – 8.7.18, due to the wooded and undulating landform character of the AONB, only three potential locations/viewpoints as shown within the ZTV were identified north west of the site within the AONB(Figure 8.2 of ES). From these three locations due to the distance and mature tree cover the ES identified there would be no views. However, I further identified a viewpoint 7km NWW from the site within the AONB on a PRoW (ENGL 6/2) along the western edge of Upton Wood.... This is one viewpoint down a cleared section for overhead cables, where potentially the proposals would be seen in the*

context of Reading. As originally recommended (landscape comments 27<sup>th</sup> October 2020) a photomontage could have been provided from this viewpoint. This ES had been originally assessed with landscape comments dated 27<sup>th</sup> October 2020, 5<sup>th</sup> November 2020 and 24<sup>th</sup> February 2021. Although additional landscape information was requested within these landscape comments from WBC, this was largely unprovided. However, based on the information originally provided within the ES and the additional information which was provided at a later date, it was sufficient to recommend on landscape grounds a refusal.

- The ES identifies a number of significant effects in relation to landscape and visual effects which are material to decision making.  
*Officer comment: the Council's Landscape Consultant has responded as follows: this has been acknowledged and will be referenced in decision.*
- ES does not adequately assess cumulative impacts (in relation to landscape)  
*Officer comment: the Council's Landscape Consultant has responded as follows: The request for a cumulative assessment was recommended within the landscape comments on scoping (date 27<sup>th</sup> of October 2021). Cumulative effects as set out within the GLVIA page 36 state ... are additional effects caused by the proposed development when considered in conjunction with other proposed development of the same or different types (cumulative effects). As WB landscape comments concluded that the proposals would be harmful on their own, a cumulative assessment wouldn't have provided any additional information to recommend refusal.*
- The ES provides a limited assessment of the visual effects of the development on these areas of "open space".  
*Officer comment: the Council's Landscape Consultant has responded as follows: As stated for viewpoint 3, the proposals will result in a Substantial/Moderate adverse visual effect which will be significant. It was important for the visual impact assessment to include receptors which would result in the worst-case scenarios, although there might be others, the fact that this is probably one of the most sensitive viewpoints, it was enough to show that the proposals will result in a significant adverse visual effect.*
- Supplementary Landscape ES chapter should have assessed material changes to the proposed development, including updated assessment of effects on landscape character. Additional wireline views and photomontages should have been provided.  
*Officer comment: the Council's Landscape Consultant has responded as follows: Revised photomontages were provided (received date 01/02/2021 on the WBC planning portal). These illustrate the revised building design from the original identified viewpoints. The ES did not include a revised assessment on the effect on the landscape character, although the change in the building style/massing would have not resulted in a significant change in the overall effect on landscape character.*
- ES does not assess potential for night time visual effects as a result of external lighting including on the stacks.  
*Officer comment: the Council's Landscape Consultant has responded as follows: This was raised within the landscape comments (date 27<sup>th</sup> of October 2021), again no additional information was provided by the applicant. The daytime visibility of the chimney stacks was sufficient to result in a significant adverse visual effect, which was deemed sufficient to recommend refusal.*
- Solar Glare – needs evaluating in the context of the ES regarding traffic and transport (esp. M4).

*Officer comment: Highways England have responded to confirm that they do not consider a 'Glint and Glare' Assessment necessary due to the fact that the solar panels cannot be easily seen from the M4, therefore they are unlikely to impact the safe and efficient operation of the M4.*

6.114 It is acknowledged that the Landscape Consultant has identified policy conflicts with regards to landscape. However, for reasons outlined later in the report, it is not considered that these conflicts give rise to a reason for refusal on landscape grounds when balanced alongside other policy considerations.

#### *Trees*

6.115 NPPF paragraph 131 states that appropriate measures should be in place to secure the long-term maintenance of newly-planted trees, and that existing trees should be retained wherever possible. Applicants and local planning authorities should work with highways and tree officers to ensure that the right trees are planted in the right places. Policy WLP30 also requires that in assessing the merits and adverse effects arising from waste management development, regard should be had to the visual impact of the proposed development and its effect on the landscape including the need for additional on-site and off-site planting, screening or other landscaping measures. In addition, policies WBCS14, 18 & 19 all include considerations relevant to landscaping.

6.116 The Council's Tree officer has responded to the consultation on the application, requesting clarification of the group of trees (G8) coincident with the proposed attenuation pond and whether they are proposed for removal. In addition, clarification was also requested as to how the operation of the ERC coolers will affect or be affected by proposed planting in close proximity. More detailed landscaping proposals are also considered necessary.

6.117 Ultimately, the concerns of the tree officer can be overcome with the application of three conditions to the decision notice, should planning permission be granted (regarding submission of landscaping details, tree protection scheme, and arboricultural supervision). Therefore if these conditions are applied to the decision should permission be granted, it is considered that the proposed development will be consistent with the development plan and the NPPF.

6.118 One representation has highlighted the fact that although an arboricultural survey accompanies the application, it does not outline any implications such as tree loss. This is stated to be a validation requirement for West Berkshire Council. However, this is not a validation requirement for this application, although an Arboricultural Impact Assessment has subsequently been submitted.

#### ***Heritage Assets and Archaeology***

6.119 Policy WBCS19 requires particular regard be had to (inter alia) the conservation of, and where appropriate, enhancement of heritage assets and their settings and policy MWLP27 echoes this sentiment. Policy WLP29 also sets out a presumption against allowing waste management development within or adversely affecting (inter alia) Scheduled Ancient Monuments, Conservation Areas, and the sites and settings of buildings and features of architectural and/or historic interest. In addition, policy WLP30 requires that in assessing the merits and adverse effects arising from waste management development, regard should be had to (inter alia) sites of archaeological and historic importance.

6.120 The Council's archaeologist and conservation officer were consulted in relation to the proposed application. Both did not consider that the proposed development would have

adverse implications on below ground archaeology or heritage assets or their settings (respectively).

6.121 A Historic Environment Assessment has been provided with the application and following a review of this document, both the Council's archaeologist and conservation officer have confirmed that their original comments stand in the light of the findings of this.

6.122 Therefore, it is considered that the requirements of WBCS19, MWLP27, WLP29 and WLP30 are met regarding heritage assets and archaeology in relation to the proposed development.

### ***Traffic and Highways***

6.123 WBCS13 sets out the requirements for development that generates a transport impact. Policy MWLP22 requires minerals and waste development to demonstrate that the transport activities of the proposal will not result in unacceptable impact to the efficient and effective operation of the relevant transport network and road safety. WLP27 also states that planning applications for waste management development will only be permitted if the Local Planning Authorities are satisfied that (inter alia) the development and its associated traffic would not give rise to any unacceptable environmental impacts. In addition, WLP30 requires that in assessing the merits and adverse effects arising from waste management development, regard should be had to (inter alia), the likely effects of the traffic and traffic-related impacts which the development would generate.

6.124 Highways England responded to the initial consultation on the application with a significant concern regarding the proposed drainage outfall to a ditch adjacent to the M4 running along the southerly boundary of the site which is a Highways England asset. This matter is addressed in the Hydrology section of this report and the drainage strategy has been redesigned to direct the outfall elsewhere. Highways England have also requested that as the proposal is in close proximity to the M4, that any floodlighting installed should point downwards and remain so in perpetuity. This matter is addressed in the Environmental Health and Amenity section of this report, although it is also acknowledged that this is also a matter related to the function of the Strategic Road Network (SRN) in this instance.

6.125 WBC highways responded to the initial consultation requesting further information regarding how the proposed footway and cycleway parallel with the access road links with the site layout, and details on sight lines for the vehicular and pedestrian / cycle accesses onto Berrys Lane based on a speed survey. A higher level of parking spaces was also required in line with the car parking standards from Appendix 5 of the WBC saved policies 2007. The further information has been submitted and agreed by WBC highways officers.

6.126 An updated Transport Assessment has been included as part of the Environmental Statement submitted with the application. This has been reviewed by WBC highways, who have concluded that the proposal remains acceptable in highways terms.

6.127 Concerns regarding traffic impacts on the surrounding road network, including from particular developments, have been raised by many contributors objecting to the application, which is a material consideration. However, the highways officer has confirmed that they do not consider the proposal will have a severe impact on the highway and travel network and therefore, the proposal is considered to be consistent with MWLP22, WLP27 and WLP30 with regard to traffic and highways considerations.

6.128 In addition, paragraph 111 of the NPPF states that: *'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on*

*highway safety or the residual cumulative impacts on the road network would be severe*'. Based on the conclusions of the WBC highways officer, there is not considered to be sufficient impacts to refuse the application on these grounds.

6.129 Specific comments have been raised by representors regarding the Traffic Impact Assessment and associated information, as summarised below, along with officer comment.

- The WBC Highways response for the Scoping Opinion highlight that they “consider that the proposal would have a severe impact on the highway and travel network”. The ES (para. 6.3.3) indicates that the scope of the TA was not agreed with WBC Highways.

*Officer Comment: The Highways Officer has confirmed that ‘I believe this statement to be incorrect. I do not consider that the proposal would have a severe impact on the highway and travel network’.*

- The transport assessment is based on traffic surveys undertaken on only a single day on Thursday 18<sup>th</sup> July 2019. No evidence is provided of the operating conditions of the adjacent waste and Tarmac uses at the time of survey.

*Officer Comment: Highways officers have confirmed that any traffic from the existing uses would have been included in the survey and that additional surveys would not be appropriate at this time.*

- The committed developments identified within the transport assessment include operations already permitted at Reading Quarry along with two housing site allocations with planning consent (HAS) 15 Pondhouse Farm and HAS 16 Hollies Care Home. No information is therefore provided on the other cumulative schemes mentioned in the scoping opinion or how the worst case operating conditions and traffic baseline has been applied to the existing waste and concrete batching plant operating. This is potentially significant as predicted traffic flows may therefore not represent a worst case approach as required by the EIA scoping opinion.

*Officer comment: The Highways officer has commented that (regarding the schemes referenced in the representation) 17/02241/MINMAJ was projected to generate 90 one way trips (or 45 two way) ‘operational’ daily vehicle trips. Over eleven hours, this is some four to five vehicle movements each way per hour along the Burghfield Road. This in my view is a negligible total. I understood that the Heron’s Nest landfill site has been completed. 16/01240/OUTMAJ has been dismissed at appeal. HSA15 Pondhouse Farm and HSA 16 Hollies Care Home (aka Primrose Croft) have been considered within the TA.*

*‘I am satisfied that all significant committed developments have been considered, especially any proposed residential developments that have a higher traffic flow during usual peak hours. Pages 9 to 13 of the TA sets out the expected number of vehicle movements of the proposal. HGV movements are projected to be 16 or 17 in and 16 or 17 out per day equating to circa one to two in and one to two out per hour. It is expected that all HGVs would travel along Burghfield Road to and from the north. Given the proposed shift patterns, no staff movements are forecast in the normal morning and evening peak hours for peak flows on the local road network, of 08:00 to 09:00 and 17:00 to 18:00 hours. The daily staff traffic generation of the ERC and the DC is assumed to be 33 vehicles inbound and outbound, a two way flow of 66 vehicles. This is based on three shifts per day, each generating 22 vehicles (11 vehicles inbound and outbound). Some 75% of staff are expected to travel along Burghfield Road to and from the north.*

*Paragraph 109 of the National Planning Policy Framework states that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”. I am not convinced that the level of*

*traffic above that could be generated by this proposal would have a severe impact on the highway network.*

- While there will be a degree of control on construction traffic through the use of a Construction Traffic Management Plan, it is not apparent that peak construction traffic effects have been considered against a worst-case baseline position as outlined above.  
*Officer Comment: The Highways officer has confirmed that 'I have no further comments from a highways point of view regarding construction traffic.'*
- The traffic/modelling/Transport Assessment has not adequately considered planned development, particularly Green Park housing development, railway station, Reading Lake Hotel and Burghfield Common Café.  
*Officer Comment: Highways officer has commented that: 'To my knowledge there is no direct regularly used vehicular access from any of the Green Park area eastwards to Kirtons Farm Road that would cause any traffic impact relevant to this proposal. I am also not aware of any development for refurbishment at the Reading Lake Hotel that would have any impact. Finally, I also do not consider that a café in Burghfield Common will have any impact either.'*
- The traffic modelling presented has not considered the changes from the neighbouring development of Green Park railway station and the likelihood that pedestrian and cycling will increase due to the opening of the station.  
*Officer comment: The highways officer has commented that: To my knowledge there is no direct regularly used vehicular access from any of the Green Park area eastwards to Kirtons Farm Road that would cause any traffic impact relevant to this proposal.*
- Planned housing development, refurbished Reading Lake Hotel and Green Park station, and Café at Burghfield Common will further exacerbate traffic impacts.  
*Officer comment: The highways officer has commented as follows: I am not aware of any development for refurbishment at the Reading Lake Hotel that would have any impact. I also do not consider that a café in Burghfield Common will have any impact either.*

## **Environmental Health and Amenity**

### *Air Quality, Dust and Odour*

6.130 Saved policy OVS.5 of the West Berkshire District Local Plan (Environmental Nuisance and Pollution Control) seeks to only permit development proposals where they do not give rise to unacceptable pollution of the environment. Policy MWLP26 also requires minerals and waste development to demonstrate that the development would not result in unacceptable impacts on air quality, dust and odour (inter alia). In addition, policy WLP30 requires that in assessing the merits and adverse effects arising from waste management development, regard should be had to the need to safeguard health and living conditions, and the likely effects of the proposed development regarding the air and wider environmental implications of any emissions.

6.131 Air quality issues and effects on human health have been raised as a concern by the majority of contributors objecting to the application, which is a material consideration.

6.132 The Environmental Statement submitted with the application includes an assessment of the impacts on air quality by the proposed development. This has been reviewed by the Council's Environmental Health Team, who have concluded that air quality issues have

been adequately addressed within the application. In addition, an environmental permit will be required for the proposed development, which will consider<sup>26</sup>:

- Whether the impact on the environment from the proposed installation will be acceptable, or whether it could cause significant pollution.
- Whether the installation will meet relevant environmental legislation (in particular the requirements of the European Industrial Emissions Directive which includes the need to use Best Available Techniques and meet strict emissions limits).
- Whether emissions from the installation could cause harm to human health.

6.133 Any environmental permit will not be approved if these criteria are not met. The National Planning Policy for Waste at paragraph 7 confirms that Waste Planning Authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced.

6.134 In addition, Public Health England have issued a guidance note on modern waste municipal incinerators which states that 'PHE's risk assessment remains that modern, well run and regulated municipal waste incinerators are not a significant risk to public health'<sup>27</sup>.

6.135 Therefore it is considered that the development will not give rise to unacceptable pollution relating to air quality, and the proposed development is in line with saved policy OVS.5, MWLP26 and WLP30.

6.136 Due to the significant concerns regarding impacts on air quality and pollution, and notwithstanding the measures already outlined, it is considered that the formation of a local liaison group to disseminate relevant information will provide some reprieve to concerned representors/residents. Such a condition could be included on any decision should permission be granted.

6.137 One representation has raised specific concerns in relation to the Air Quality Assessment, as summarised below, along with officer comment.

- A reasonable worst case scenario may not have been applied to the assessment of air quality due to the assumptions applied in the Transport Assessment, specifically: 'The transport assessment is based on traffic surveys undertaken on only a single day on Thursday 18<sup>th</sup> July 2019. No evidence is provided of the operating conditions of the adjacent waste and Tarmac uses at the time of survey.'

*Officer comment: Highways officers have confirmed that any traffic from the existing uses would have been included in the survey and that additional surveys would not be appropriate at this time.*

- No baseline data has been included for dust and odour, therefore there is a risk that reported effects may not represent a worst case scenario.

*Officer comment: Environmental Health officers have confirmed that 'odour and dust assessments have been undertaken using IAQM guidance. The impact of*

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<sup>26</sup> Environment Agency, (2020). *Emma Howard Boyd Discusses Scrutiny of Incinerator Projects* [online]. Available at: <https://environmentagency.blog.gov.uk/2020/06/24/emma-howard-boyd-discusses-scrutiny-of-incinerator-projects/> (Accessed 04<sup>th</sup> February 2021).

<sup>27</sup> Public Health England, (2019). *PHE Statement on Modern Municipal Waste Incinerators (MWIs) Study* [online]. Available at: <https://www.gov.uk/government/publications/municipal-waste-incinerators-emissions-impact-on-health/phe-statement-on-modern-municipal-waste-incinerators-mwi-study> (Accessed 04<sup>th</sup> February 2021).



*these are predicted to be negligible provided that mitigation is provided although the report does state that an Odour Management Plan will be required.' In addition, EHO officers have confirmed that dust and odour requirements will be covered by the environmental permitting regime.*

- Significant omission of A4 Bath Road/Burghfield Road within Reading AQMA.  
*Officer comment: the Transport Assessment predicts that at the A4 Bath Road junction with Burghfield Road 50% of HGVs will use A4 Bath Road to the East to access the M4 @ junction 11 (passing through Reading AQMA). This equates to approx. 20 HGVs which is below the IAQM screening thresholds for AQMA's. For staff travel, movements are predicted to be 45 movements using the A4 Bath Road to the East (although not all can be assumed to then go onto the Reading AQMA). In any case, the 45 movements are also below the screening threshold for LDVs in areas within/adjacent to an AQMA. This is confirmed in the Air Quality Assessment at paragraph 2.3 and the Traffic Pollution Air Quality Assessment also concludes that all predicted impacts on pollutant concentrations as a result of emissions associated with the development will be negligible and therefore not significant according to IAQM criteria.*
- No evidence in the Transport Assessment to support scoping out construction effects from Air Quality assessment. Screening threshold has been exceeded for Reading AQMA.  
*Officer comment: The Transport Assessment states that it is assumed that there will be a Construction Traffic Management Plan for the whole development which, unless agreed otherwise with WBC, will limit the traffic generation of the construction period to that identified above for the operational phase of the development proposals. An appropriate condition will be applied and therefore the screening thresholds outlined above apply and therefore can be screened out from further consideration.*
- The TA states that the cumulative effects of the development have been considered but this is not clear from the discussion on environmental effects (in relation to air quality).  
*Officer comment: Highways officers are content that all significant committed developments have been considered, especially any proposed residential developments that have a higher traffic flow during usual peak hours.*

#### Noise

- 6.138 Saved policy OVS.6 of the WBDLP (Noise Pollution) requires appropriate measures to be taken to minimise the adverse impacts of noise generated by development. Policy MWLP26 requires waste development to demonstrate that the development would not result in unacceptable impacts from noise (inter alia). In addition, policy WLP30 requires that in assessing the merits and adverse effects arising from waste management development, regard should be had to the need to safeguard health and living conditions.
- 6.139 A Noise Impact Assessment was undertaken as part of the Environmental Statement submitted with the application. This was reviewed by the Council's Environmental Health Officer, and additional information was requested regarding additional baseline monitoring information between the hours of 2am-5am and at weekends.
- 6.140 This additional information was carried out and submitted to the Council. This was reviewed by the Council's Environmental Health Team, who subsequently considered that noise impacts would be adequately mitigated and reassurance of this could be provided by suitably worded conditions attached to the decision should permission be granted. In addition, an operating hours condition relating to the construction period and

for deliveries, and the submission of a post construction noise validation report was also requested to be included in the interests of the amenities of the area.

6.141 Concerns regarding noise impacts on the surrounding area from the proposed development have been raised by many contributors objecting to the application, which is a material consideration. However, it is considered that with the application of the requested conditions, noise impacts can be mitigated.

6.142 Therefore it is considered that, subject to the inclusion of the suggested conditions regarding noise and construction operating hours/hours restricting fuel deliveries, the development will not give rise to unacceptable noise impacts, and the proposed development conforms to saved policy OVS.6, MWLP26 and WLP30.

6.143 Specific comments have been raised regarding Noise Impact Assessment, as summarised below, along with officer comment.

- The baseline noise monitoring was undertaken on a single day in August (holiday period) and therefore would not be representative of the background noise levels, that effects on other adjacent amenity uses were not assessed.
- That information on noise and vibration effects from HGV traffic should have been provided in combination with worst a worst case scenario of HGV flows from the proposed development and adjacent concrete batching plant; and
- That no information has been provided on how design feature mitigation measures would be provided with the development.

*Officer comment: the Council's Environmental Health Team has confirmed that these points can be addressed as part of the requested conditions. In addition, if the background noise levels are considered to be too low, then the assessment would have considered a potentially greater impact of the proposed development on the surrounding area (i.e. worst case scenario). Also, there is no requirement to consider recreational areas such as open water for noise impacts, only noise at sensitive residential properties.*

### *Lighting*

6.144 Policy MWLP26 requires waste development to demonstrate that the development would not result in unacceptable impacts from lighting (inter alia). Policy WLP30 requires that in assessing the merits and adverse effects arising from waste management development, regard should be had to the need to safeguard health and living conditions. There is limited information included within the application regarding the details of external lighting (notwithstanding that it is specified the lighting will be motion-sensored and downward facing to reduce light pollution).

6.145 In relation to residential amenity, the Council's Environmental Health Team has requested that a condition requiring details of floodlighting be attached to the permission, should development be granted.

6.146 Highways England have also commented that due to the proximity of the development to the M4, floodlighting should point downwards at all times. The Council's Environmental Health Officer has confirmed that this can be accommodated in the requested condition relating to floodlighting, and so it is considered that there will be no adverse impacts relating to lighting on residential amenity or the safe and efficient operation of the M4.

6.147 The Council's ecologist and BBOWT have also requested that a lighting strategy for biodiversity be submitted and approved should permission be granted.

6.148 It is considered that the inclusion of a condition requiring the details of external lighting to be approved by the Local Planning Authority in consultation with Highways England prior to the installation of any lighting will be sufficient to address any impacts of lighting on amenity, highway safety and that the inclusion of a condition requiring a lighting strategy for biodiversity to be approved prior to the commencement of development will be sufficient to address any impact of lighting on sensitive ecological receptors. Therefore the proposal can be considered to conform to MWLP26 and WLP30.

6.149 One representor has stated that a lighting assessment is a validation requirement for full applications in West Berkshire, and that a lighting assessment should have been provided with the application. However, a lighting assessment is not a validation requirement for this application, and it is considered that lighting concerns can be addressed through the suggested conditions therefore a separate lighting assessment is not necessary.

#### *Contaminated Land*

6.150 Saved policy OVS.5 of the West Berkshire District Local Plan (Environmental Nuisance and Pollution Control) seeks to only permit development proposals where they do not give rise to unacceptable pollution of the environment. Policy MWLP26 also requires waste development to demonstrate that development would not result in unacceptable impacts from pollution.

6.151 A Phase 1 Contaminated Land Report has been undertaken as part of the Environmental Statement submitted with the application. This has shown that there is a need for a gas risk assessment to be undertaken and the Council's Environmental Health Officer has confirmed that this should be included as a condition on any decision should planning permission be granted.

6.152 There is also likely to be made ground present at the application site, and the proposed development site is located adjacent to a former (inert) landfill. These factors mean there is a risk that contaminants could be mobilised and cause pollution during the construction phase. The Council's Environmental Health Officer, drainage team and the Environment Agency have responded on this point and both consider that in order to mitigate this risk conditions should be included on any planning permission granted requiring the submission of a remediation strategy and verification report demonstrating the completion of works set out in the approved remediation strategy. Subject to suitably worded conditions being attached to any permission granted, the EA have confirmed that they would not object to the development on contaminated land grounds. Therefore it is considered that subject to these conditions being imposed there will be no adverse effects caused by the mobilisation of contaminants during construction, and the proposed development is in line with policy OVS.5 and MWLP26 in this respect.

6.153 One representation has stated that a Phase 2 Contaminated Land Report has not been included with the application which is not in line with the Environment Agency's scoping requirements. However, both the Environment Agency and the Council's Environmental Health Officer have confirmed that the need for a Phase 2 investigations can be addressed with suitably worded conditions if permission is granted. Therefore it is not considered that a Phase 2 report is required at this stage.

#### *Environmental Amenity*

6.154 Policy WLP30 requires that in assessing the merits and adverse effects arising from waste management development, regard should be had to the likely effects of the proposed development on the surrounding population and the environment, including the effect on living and working conditions; the effect on the air and water environment; the amenity and wider environmental implications of any emissions, or any changes in the nature, quality and quantity of watercourses and groundwater, and drainage and

flooding impacts should be considered. Policy MWLP26 requires waste development to demonstrate that development would not result in unacceptable impacts from lighting, noise, dust, odour, emissions, pollution, vibration, litter, and that consideration should be given to public health and safety, amenity and quality of life (inter alia).

- 6.155 Representations consider there to be a problem and risk of vermin associated with the storage of non-hazardous waste. Therefore, a condition should be applied if permission is granted, requiring a pest management plan to be agreed and implemented prior to the ERC being brought into use.
- 6.156 The WBC Environmental Health Team has confirmed that dust and odour requirements will be covered by the environmental permitting regime. In addition, The Health Impact Assessment submitted with the proposal has not identified any significant risks relating to the identified indicators. Regarding considerations in relation to air quality, noise, lighting, contaminated land, and pests, it is considered that there will not be any adverse impacts on environmental health and amenity in line with MWLP26 and WLP30, subject to the inclusion of suitably worded conditions in any planning permission granted.

### ***Climate Change and Energy***

#### *Sustainable Construction and Energy Efficiency*

- 6.157 Policy WBCS15 in the West Berkshire Core Strategy relates to sustainable construction and energy efficiency. Under this policy, all new non-residential development from 2013 is required to meet the BREEAM 'Excellent' standard of construction.
- 6.158 A BREEAM pre-assessment of the proposed development has been submitted as part of the Environmental Statement accompanying the application. The overall score for the ERC is expected to be 60.5%, and the Data Centre is expected to achieve 60.81% which both equate to an overall BREEAM rating of 'Very Good.'
- 6.159 It is recognised that for some types of developments, including those with an industrial function it will be difficult to meet the standards of the BREEAM 'Excellent' rating. This is due to the fact that if a building is not going to be occupied by human inhabitants and therefore heated, lit, ventilated, serviced etc. large parts of the criteria would not be applicable or appropriate. Consequently, the BREEAM report that accompanies the application sets out certain credits which are unachievable for each BREEAM category, and without these credits it is considered unlikely that the proposed development could achieve the required BREEAM 'Excellent' rating (overall score of 70%). The energy statement confirms that both buildings, with the exception of office areas, will be unheated. In addition, the Data Centre will utilise high specification building fabric to prevent heat loss, energy efficient building services such as high efficacy lighting, mechanical ventilation with heat recovery and Variable Refrigerant Flow (VRF) system comprising Air Source heat pumps, as well as installation of Solar Photovoltaics to provide a source of renewable energy.
- 6.160 While it is acknowledged that the development is only predicted to achieve a BREEAM rating of 'Very Good', considering the constraints of meeting BREEAM excellent for this type of development, and considering the other sustainability measures offered, it is considered that the proposal meets the policy requirement as far as is possible and this alone is not considered to be a reason for refusal.

#### *Renewable & Low Carbon Energy*

- 6.161 Policy WBCS15 of the Core Strategy requires major non-residential development to achieve Zero Carbon for regulated and unregulated energy use from renewable energy or low/zero carbon energy (onsite or in the locality), unless it can be demonstrated that

such provision is not technically or economically viable. This essentially means that the development should provide for its total energy requirements from renewable or low/zero carbon energy.

6.162 DEFRA's report 'Energy from Waste: A Guide to the Debate'<sup>28</sup> states that '*Energy from residual waste is only partially renewable due to the presence of fossil based carbon in the waste and only the energy contribution from the biogenic portion is counted towards renewable energy targets*' and that '*only the energy generated from the recently grown materials in the mixture is considered renewable. Energy from residual waste is therefore a **partially renewable** energy source, sometimes referred to as a **low carbon** energy source*' [emphasis added].

6.163 The NPPF defines Low Carbon Energy as follows: '*Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).*'

6.164 A report by Eunomia in 2020 – *Greenhouse Gas and Air Quality Impacts of Incineration and Landfill*<sup>29</sup> estimates that currently, net emissions from EfW plants per tonne of waste are 0.10t CO<sub>2</sub>eq<sup>30</sup> for Combined Heat and Power (CHP) Plants, and 0.17t CO<sub>2</sub>eq for electric only plants. When compared to the estimated impact of landfilling residual waste – calculated as 0.32t CO<sub>2</sub>eq per tonne of waste, this equates to a saving of between 0.15 and 0.22 tonnes (150kg – 220kg) CO<sub>2</sub>eq for every tonne of waste that is sent to EfW rather than landfill. Another report by Zero Waste Scotland – *The Climate Change Impacts of Burning Municipal Waste in Scotland*<sup>31</sup> estimates that the carbon impact per tonne of EfW is 0.25t CO<sub>2</sub>eq compared to 0.34t CO<sub>2</sub>eq for landfill. This would equate to a savings of 0.09 tonnes (90kg) CO<sub>2</sub>eq for every tonne of waste diverted from landfill. Therefore the ERC would help to reduce emissions in line with the NPPF definition of low carbon.

6.165 The Greenhouse Gas Assessment provided with the application (ES Appendix 10.1) demonstrates a range of GHG emission scenarios, based on differing waste inputs and energy off-takes. This shows that the ERC has the potential to deliver carbon savings, particularly as the future calorific value of waste is predicted to decrease through recycling incentives and targets. For example, at a Net Calorific Value (NCV) of 8 MJ/kg, the ERC is anticipated to produce 29,497t CO<sub>2</sub>eq per annum. Based on a 150,000 tpa throughput this would equate to 0.19t CO<sub>2</sub>eq per tonne of waste, already lower than the 0.32t CO<sub>2</sub> per tonne for landfill estimated by Eunomia before taking into account any electricity offsets or heat offtake. This estimate is not entirely unreasonable, as the mean NCV of residual waste managed at EfW facilities in 2021 was approximately 9.5 MJ/kg.<sup>32</sup>

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<sup>28</sup> DEFRA, (2014). *Energy from Waste – A Guide to the Debate*. [online] Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/284612/pb14130-energy-waste-201402.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/284612/pb14130-energy-waste-201402.pdf) (Accessed 27th September 2021).

<sup>29</sup> Eunomia, (2020). *Greenhouse Gas and Air Quality Impacts of Incineration and Landfill, Table 2-3*. [online] Available at: <https://www.eunomia.co.uk/reports-tools/greenhouse-gas-and-air-quality-impacts-of-incineration-and-landfill/> (Accessed 06<sup>th</sup> December 2021).

<sup>30</sup> A carbon dioxide equivalent or CO<sub>2</sub> equivalent, abbreviated as CO<sub>2</sub>eq is a metric measure used to compare the emissions from various greenhouse gases on the basis of their global-warming potential (GWP), by converting amounts of other gases to the equivalent amount of carbon dioxide with the same global warming potential. Source: Eurostat, (n.d.a.). *Glossary: Carbon Dioxide Equivalent*. [online] Available at: [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary:Carbon\\_dioxide\\_equivalent](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary:Carbon_dioxide_equivalent) (Accessed 28<sup>th</sup> September 2021).

<sup>31</sup> Zero Waste Scotland, (2021). *The Climate Change Impacts of Burning Municipal Waste in Scotland*. [online] Available at: <https://www.zerowastescotland.org.uk/sites/default/files/The%20climate%20change%20impact%20of%20burning%20municipal%20waste%20in%20Scotland%20Technical%20Report%20July%202021.pdf> (Accessed 10<sup>th</sup> August 2022).

<sup>32</sup> Tolvik Consulting, (2022). *UK Energy from Waste Statistics – 2021*. [online] Available at: [https://www.tolvik.com/wp-content/uploads/2022/05/Tolvik-UK-EfW-Statistics-2021\\_Published-May-2022.pdf](https://www.tolvik.com/wp-content/uploads/2022/05/Tolvik-UK-EfW-Statistics-2021_Published-May-2022.pdf) (Accessed 26<sup>th</sup> July 2022).

- 6.166 The application states that overall, there will be a net saving of 200kg of CO<sub>2</sub> equivalent per tonne of residual waste diverted from landfill to the ERC (Planning Statement para 3.2.1). This figure appears to trace back to a 2014 report by what was the Green Investment Bank – *The UK Residual Waste Market*<sup>33</sup> and is based on a lifecycle basis compared to landfill by both avoiding landfill methane leakage (a more harmful greenhouse gas) and displacing fossil fuels by producing exportable electricity and heat. The paper by Policy Connect *No Time to Waste*<sup>34</sup> cites the 200kg net saving figure, and also states that: *‘EfW is the lowest carbon solution for managing residual waste, by diverting landfill and generating useable electricity and heat’* and *‘Our investigations consider the three options for managing residual waste: sending it to EfW, burying it in landfill or shipping it abroad, and firmly conclude that EfW is the best available option.’*
- 6.167 Representations have challenged the figure of the 200kg of CO<sub>2</sub> per tonne of waste diverted from landfill, due to the fact that emissions from landfill are being reduced through measures such as bio-stabilisation and landfill gas capture. It is accepted that the actual CO<sub>2</sub> savings depends on a range of factors including the efficiency of the plant and the nature of the waste composition.
- 6.168 Representations, including those from UKWIN have also contested that Energy from Waste is not, in fact, low carbon, in relation to other forms of energy. However, the Report *UK Energy from Waste Statistics – 2021* by Tolvik Consulting<sup>35</sup> states that *‘It continues to be the case that, in the absence of a standard methodology, there is a significant element of subjectivity in estimating carbon intensity of EfW’* and that *‘There is a general consensus that EfWs are not simply power stations and that it is incorrect to benchmark them solely against other sources of power generation. The general view is that any estimate of carbon intensity needs to also recognise their role in diverting Residual Waste from landfill and, depending on their operational configuration, generating heat and power and contributing to recycling.’* Therefore it is not correct to directly compare EfW facilities against other forms of energy generation, without also taking into account the benefits of diverting waste from landfill. A simple comparison to other fossil forms of energy (e.g. CCGT) also ignores the fact that Energy from Waste Plants are developed primarily for the management of waste rather than the provision of energy.
- 6.169 Nevertheless, Table 19 of the Greenhouse Gas Assessment (ES Appendix 10.1) shows that when offsets relating to electricity export (renewable fraction) are taken into account, the GHG emissions of the ERC facility are expected to be 13,952t CO<sub>2</sub>eq per annum (at 8MJ/kg). The facility is expected to produce 76,000MWh per annum, and therefore the carbon intensity would be 183g CO<sub>2</sub>eq/kWh, already lower than the CCGT figure of 340g CO<sub>2</sub>eq/kWh stated by UKWIN before taking any heat export into account.
- 6.170 It is considered that that the above analysis demonstrates that EfW can deliver carbon benefits and help to reduce emissions, and therefore the energy generated from the ERC can be considered to be low carbon in line with the NPPF definition.

<sup>33</sup> Greet Investment Bank, (2014). *The UK Residual Waste Market*. [online] Available at: [https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjK0PLM\\_b7uAhV3QkEAHQwdBnAQFjAAegQIARAC&url=https%3A%2F%2Fwww.infrapppworld.com%2Fdownload-file%2F2682&usq=AOvVaw21zNRQ9Q8m4pXAMUDjmHRI](https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjK0PLM_b7uAhV3QkEAHQwdBnAQFjAAegQIARAC&url=https%3A%2F%2Fwww.infrapppworld.com%2Fdownload-file%2F2682&usq=AOvVaw21zNRQ9Q8m4pXAMUDjmHRI) (Accessed 28th January 2021).

<sup>34</sup> Policy Connect, (2020). *No Time to Waste. Resources, Recovery and the Road to Net Zero*. [online] Available at: <https://www.policyconnect.org.uk/research/no-time-waste-resources-recovery-road-net-zero> (Accessed 26th July 2022).

<sup>35</sup> Tolvik Consulting, (2022). *UK Energy from Waste Statistics – 2021*. [online] Available at: [https://www.tolvik.com/wp-content/uploads/2022/05/Tolvik-UK-EfW-Statistics-2021\\_Published-May-2022.pdf](https://www.tolvik.com/wp-content/uploads/2022/05/Tolvik-UK-EfW-Statistics-2021_Published-May-2022.pdf) (Accessed 26th July 2022).

- 6.171 At least part of the energy supplied from the proposed ERC can be considered to be renewable, the proportion of which will be determined by the amount of biogenic material that is contained in the waste that would be processed<sup>36</sup>.
- 6.172 The Data Centre will also contain a roof mounted photovoltaic solar array, thus also providing a source of renewable energy (3,342MWh).
- 6.173 The Greenhouse Gas Assessment has shown that the Energy Recovery Centre will utilise approximately 1.5MW of electrical energy in its operation, leaving approximately 9.5MW<sub>e</sub> available for export to the national grid or for use by the data centre. This can be considered to be low carbon energy in line with the NPPF definition (see above).
- 6.174 The Data Centre will utilise approximately 40MW of electrical energy. Therefore, approximately one quarter (9.5MW<sub>e</sub>) will be available from the ERC after the ERC's parasitic load is taken into account.
- 6.175 The response to Policy CS15 document submitted with the application outlines that a savings of 30% in CO<sub>2</sub> emissions is expected from utilising on-site energy from the ERC and solar panels and using energy efficiency measures. While this is above the previous 20% reduction target, it is still short of the zero carbon target from 2019.
- 6.176 However, due to the fact that Data Centres, by their nature are high energy users it is acknowledged that in practical terms it would be very difficult to achieve low/zero carbon from on-site generated renewable and low-carbon energy sources. Co-location of the Data Centre with the Energy Recovery Centre has enabled a certain offset in energy use for the Data Centre. Along with the use of Solar Panels for energy generation and the stated energy efficiency measures, it is considered that, while not strictly in accordance with Policy CS15, the proposed development has utilised on-site zero/low carbon measures as far as is practicable.

### *Climate Change*

- 6.177 In 2019, the UK Government amended the Climate Change Act (2008) to introduce a target of at least 100% reduction in greenhouse gas emissions compared to 1990 levels by 2050. This is commonly referred to as 'net zero'.
- 6.178 Policy MWLP25 requires waste development to demonstrate how they will minimise their impact on the causes of climate change and to reduce vulnerability and provide resilience to the impacts of climate change.
- 6.179 In addition, West Berkshire Council declared a Climate Emergency on 02<sup>nd</sup> July 2019. Following this, the Council has adopted an Environment Strategy<sup>37</sup> and Delivery Plan<sup>38</sup> that outlines the steps the Council intends to take to reach the target of becoming net-carbon zero for emissions within the scope of Local Authority Influence by 2030. This is to be through a range of reduction and offsetting measures.

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<sup>36</sup> DEFRA, (2014). *Energy from Waste – A Guide to the Debate*. [online] Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/284612/pb14130-energy-waste-201402.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/284612/pb14130-energy-waste-201402.pdf) (Accessed 27<sup>th</sup> September 2021).

<sup>37</sup> West Berkshire Council, (2020). *Environment Strategy 2020 – 2030*. [online] Available at: [https://citizen.westberks.gov.uk/media/48361/Draft-Environment-Strategy-2020-2030-January-2020-/pdf/WBC\\_Environmental\\_Strategy\\_A4\\_20.pdf?m=637141847751130000](https://citizen.westberks.gov.uk/media/48361/Draft-Environment-Strategy-2020-2030-January-2020-/pdf/WBC_Environmental_Strategy_A4_20.pdf?m=637141847751130000) (Accessed 07<sup>th</sup> December 2021).

<sup>38</sup> West Berkshire Council, (2022). *West Berkshire's Environment Strategy Delivery Plan*. [online] Available at: [https://www.westberks.gov.uk/media/51233/Environment-Strategy-Delivery-Plan-PDF/pdf/ESDP\\_PDF\\_January\\_2022.pdf?m=637788745574800000](https://www.westberks.gov.uk/media/51233/Environment-Strategy-Delivery-Plan-PDF/pdf/ESDP_PDF_January_2022.pdf?m=637788745574800000) (Accessed 08<sup>th</sup> February 2022).

6.180 Representations are concerned that the application would be in conflict with the Climate Emergency Declaration of West Berkshire Council and subsequent Environment Strategy.

6.181 The Climate Emergency Declaration and Environment Strategy are material considerations. However, in reporting, emissions from the energy sector are allocated on an 'end user basis' so as not penalise local areas for emissions from the production of energy which is then 'exported' to and used in other areas<sup>39</sup>. Therefore, it is not considered that the emissions from the ERC constitute 'emissions within the scope of Local Authority Influence' and therefore do not fall within the scope of the Environment Strategy. This is because emissions from the ERC will be reallocated to the final end users of the energy, which is where they will be accounted in reporting.

6.182 Nevertheless, consideration of the effects of the proposal on greenhouse gas emissions and therefore climate change are required in line with the EIA Regulations, and MWLP25.

### *Greenhouse Gas Emissions*

6.183 The Environment Agency estimates that between 0.7 and 1.7 tonnes of CO<sub>2</sub> is generated per tonne of MSW combusted<sup>40</sup>. The Intergovernmental Panel on Climate Change (IPCC) also estimates a range of between 0.7 – 1.2 tonnes of CO<sub>2</sub> released by the incineration of one tonne of MSW<sup>41</sup>. Based on a 150,000 tpa throughput this would equate to approximately 105,000 – 180,000 tonnes CO<sub>2</sub> generated by the ERC per annum.

6.184 The *UK Energy from Waste Statistics 2022 Report* by Tolvik Consulting<sup>42</sup> calculates that the average CO<sub>2</sub> emissions from energy from waste facilities in the UK per tonne of waste was 0.992 tCO<sub>2</sub> in 2021, down from 1.037 tCO<sub>2</sub> per tonne of waste in 2018<sup>43</sup>. Consequently, if a figure of roughly 1.0 tonne of CO<sub>2</sub> generated for every tonne of waste processed by EfW is taken, for the current proposal this would equate to approximately 150,000 tonnes of CO<sub>2</sub> emissions per annum.

6.185 The ERC will produce CO<sub>2</sub> from the combustion of materials containing carbon, including from fossil sources such as plastics, as well as biogenic sources such as wood, paper and food. Typically, carbon from biogenic sources is discounted from carbon accounting<sup>44</sup> as it is considered 'short cycle', i.e. it was only relatively recently absorbed

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<sup>39</sup> Department for Business, Energy & Industrial Strategy, (2021). *UK Local and Regional Carbon Dioxide Emissions for 2005– 2019 Technical Report*. [online] Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/996059/local-authority-co2-emissions-technical-report-2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/996059/local-authority-co2-emissions-technical-report-2019.pdf) (Accessed 02nd March 2022).

<sup>40</sup> Environment Agency, (2020). *Pollution Inventory Reporting Incineration Activities Guidance Note*. [online] Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/923125/Pollution-inventory-reporting-incineration-activities-guidance-note.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/923125/Pollution-inventory-reporting-incineration-activities-guidance-note.pdf) (Accessed 21 December 2020).

<sup>41</sup> Intergovernmental Panel on Climate Change, (2001). *Good Practice Guidance and Uncertainty Management in National Greenhouse Gas Inventories, Background Paper on Emissions from Waste Incineration*, pg.459. [online] Available at: [https://www.ipcc-nggip.iges.or.jp/public/gp/bgp/5\\_3\\_Waste\\_Incineration.pdf](https://www.ipcc-nggip.iges.or.jp/public/gp/bgp/5_3_Waste_Incineration.pdf) (Accessed 21<sup>st</sup> June 2022).

<sup>42</sup> Tolvik Consulting, (2022). *UK Energy from Waste Statistics – 2021*. [online] Available at: [https://www.tolvik.com/wp-content/uploads/2022/05/Tolvik-UK-EfW-Statistics-2021\\_Published-May-2022.pdf](https://www.tolvik.com/wp-content/uploads/2022/05/Tolvik-UK-EfW-Statistics-2021_Published-May-2022.pdf) (Accessed 26th July 2022).

<sup>43</sup> Tolvik Consulting, (2020). *UK Energy from Waste Statistics – 2019*. [online] Available at: [https://www.tolvik.com/wp-content/uploads/2022/05/Tolvik-UK-EfW-Statistics-2021\\_Published-May-2022.pdf](https://www.tolvik.com/wp-content/uploads/2022/05/Tolvik-UK-EfW-Statistics-2021_Published-May-2022.pdf) (Accessed 25th July 2022).

<sup>44</sup> Eunomia, (2021). *Greenhouse Gas and Air Quality Impacts of Incineration and Landfill*. [online] Available at: <https://www.eunomia.co.uk/reports-tools/greenhouse-gas-and-air-quality-impacts-of-incineration-and-landfill/> (Accessed 06<sup>th</sup> December 2021).



by growing matter, compared to fossil carbon, which will newly release carbon that was absorbed millions of years ago<sup>45</sup>.

- 6.186 The IPCC estimates that the proportion of biogenic carbon is usually in the range of 33 – 50 percent<sup>46</sup>, and another study calculated the biogenic fraction of Municipal waste over one year was approximately 52%<sup>47</sup>. When a worst case scenario of 33% biogenic material is taken (resulting in an assumed 67% fossil carbon content), then expected CO<sub>2</sub> emissions would be 100,500 tonnes per annum (based on 150,000 tonnes CO<sub>2</sub> emissions total). A 50:50 ratio between fossil and biogenic carbon would result in expected fossil emissions of 75,000 tonnes CO<sub>2</sub> per annum.
- 6.187 It should also be noted that actual throughput and emissions are influenced by the Net Calorific Value (NCV) of the waste processed. The higher the NCV, the higher the predicted emissions. The application states that the ERC has been designed to process fuel with a range of NCV from 8 MJ/kg to 14 MJ/kg. At 8 MJ/kg emissions of 29,497 tonnes CO<sub>2</sub>eq per annum are anticipated, and with 14 MJ/kg emissions of 73,703 tonnes CO<sub>2</sub>eq per annum are anticipated. The latter figure roughly equates to the estimation in paragraph 6.185.
- 6.188 The Greenhouse Gas Assessment for the proposal has also assessed the total greenhouse gas emissions predicted from the development (Data Centre and ERC) including that produced in construction and operation, expressed in tonnes of CO<sub>2</sub> equivalent<sup>48</sup>. This has calculated that a total of 2,545,865 tonnes of CO<sub>2</sub>eq will be emitted over the lifetime of the development. The assessment assumes an operational life of 25 years, and so consequently, this equates to 101,835 tonnes of CO<sub>2</sub>eq per annum although it is anticipated that CO<sub>2</sub> emissions will decline over time, and so opening year emissions are predicted to be 149,204 tonnes CO<sub>2</sub>. When offsets relating to electricity offtake are factored in, it is anticipated that the proposed development will result in 133,659 tonnes CO<sub>2</sub> per annum..
- 6.189 The preceding calculations show that actual CO<sub>2</sub> emissions from the operational development are difficult to predict exactly and depend on a range of variables.
- 6.190 As previously described in paragraphs 6.161 – 6.169, the ERC is expected to deliver carbon savings by diverting waste from landfill and generating useable electricity and heat, thereby displacing conventional fossil fuels.
- 6.191 One of the conclusions from the Eunomia report *Greenhouse Gas and Air Quality Impacts of Incineration and Landfill*<sup>49</sup> is that ‘currently, EfW provides significant benefits over landfill, which sits at the bottom of the waste hierarchy’. This is largely due to the fact that residual waste is partly biogenic and these emissions are generally disregarded

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<sup>45</sup> DEFRA, (2014). *Energy from Waste – A Guide to the Debate*. [online] Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/284612/pb14130-energy-waste-201402.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/284612/pb14130-energy-waste-201402.pdf) (Accessed 27th September 2021).

<sup>46</sup> Intergovernmental Panel on Climate Change, (2001). *Good Practice Guidance and Uncertainty Management in National Greenhouse Gas Inventories, Background Paper on Emissions from Waste Incineration*, pg.455. [online] Available at: [https://www.ipcc-nggip.iges.or.jp/public/gp/bgp/5\\_3\\_Waste\\_Incineration.pdf](https://www.ipcc-nggip.iges.or.jp/public/gp/bgp/5_3_Waste_Incineration.pdf) (Accessed 21<sup>st</sup> June 2022).

<sup>47</sup> Moora, H. et al., (2017). Determination of Biomass Content in Combusted Municipal Waste and Associated CO<sub>2</sub> Emissions in Estonia, *Energy Procedia*, 128, pp. 222-229. doi: <https://doi.org/10.1016/j.egypro.2017.09.059>

<sup>48</sup> A carbon dioxide equivalent or CO<sub>2</sub> equivalent, abbreviated as CO<sub>2</sub>-eq is a metric measure used to compare the emissions from various greenhouse gases on the basis of their global-warming potential (GWP), by converting amounts of other gases to the equivalent amount of carbon dioxide with the same global warming potential. Source: Eurostat, (n.d.a.). *Glossary: Carbon Dioxide Equivalent*. [online] Available at: [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary:Carbon\\_dioxide\\_equivalent](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary:Carbon_dioxide_equivalent) (Accessed 28<sup>th</sup> September 2021).

<sup>49</sup> Eunomia, (2020). *Greenhouse Gas and Air Quality Impacts of Incineration and Landfill, Table 2-3*. [online] Available at: <https://www.eunomia.co.uk/reports-tools/greenhouse-gas-and-air-quality-impacts-of-incineration-and-landfill/> (Accessed 06<sup>th</sup> December 2021).

from carbon analysis and *'because the electricity generated from treating residual waste avoids the need for electricity to be produced elsewhere on the grid – some of which will be from fossil fuel sources, such as natural gas'*.

6.192 It has to be noted that as energy and heat markets decarbonise in future, the relative benefits of EfW will reduce. However, the Policy Connect report *No Time to Waste*<sup>50</sup> report sees a role for energy from waste, acknowledging that it is not a perfect long-term solution for the management of residual waste, but accompanied by a drive to increase heat use and action to decarbonise further, they conclude that it is the best available technology and should form an essential part to the transition to net zero.

6.193 DEFRA's publication, *Energy from Waste: A Guide to the Debate*<sup>51</sup> also states that:

*However, even when these factors are taken into consideration, in carbon terms, currently energy from waste is generally a better management route than landfill for residual waste. While it is important to remember this will always be case specific and may change over time, two rules apply:*

- *the more efficient the energy from waste plant is at turning waste into energy, the greater the carbon offset from conventional power generation and the lower the net emissions from energy from waste;*
- *the proportion and type of biogenic content of the waste is key – high biogenic content makes energy from waste inherently better and landfill inherently worse.*

6.194 The conclusion that currently EfW is generally a better management route than landfill is echoed in the recent reports previously mentioned. However there is uncertainty as to quantifying the magnitude of the impact, as this depends on various factors including pre-treatment of waste, efficiency of the plant, feedstock type, and how quickly energy markets decarbonise.

6.195 Nevertheless, the more efficient an EfW plant is at generating useable energy and heat, the more beneficial this route of waste management will be in relation to landfill.

6.196 The Resources and Waste Strategy for England<sup>52</sup> aims to drive greater efficiency of energy from waste plants by encouraging use of the heat EfW plants produce. The Waste Management Plan for England<sup>53</sup> also states that Energy from Waste has a role to play in supplying heat, but that currently only around a quarter of Energy from Waste plants operate as CHP (combined Heat and Power) and that *'we want to see this number increase... We are targeting energy from waste incinerators to produce heat for heat networks as this substantially reduces their emissions by making use of the otherwise wasted heat to displace gas boiler heating.'*

6.197 DEFRA's publication *Energy from Waste: A Guide to the Debate*<sup>54</sup> states that:

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<sup>50</sup> Policy Connect, (2020). *No Time to Waste. Resources, Recovery and the Road to Net Zero*. [online] Available at: <https://www.policyconnect.org.uk/research/no-time-waste-resources-recovery-road-net-zero> (Accessed 26th July 2022).

<sup>51</sup> DEFRA, (2014). *Energy from Waste – A Guide to the Debate*. [online] Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/284612/pb14130-energy-waste-201402.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/284612/pb14130-energy-waste-201402.pdf) (Accessed 27th September 2021).

<sup>52</sup> DEFRA, (2018). *Our Waste, Our Resources: A Strategy for England*. [online] Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/765914/resources-waste-strategy-dec-2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/765914/resources-waste-strategy-dec-2018.pdf) (Accessed 07th December 2021).

<sup>53</sup> DEFRA, (2021). *Waste Management Plan for England*. [online] Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/955897/waste-management-plan-for-england-2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/955897/waste-management-plan-for-england-2021.pdf) (Accessed 07th December 2021).

<sup>54</sup> DEFRA, (2014). *Energy from Waste – A Guide to the Debate*. [online] Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/284612/pb14130-energy-waste-201402.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/284612/pb14130-energy-waste-201402.pdf) (Accessed 27th September 2021).

*Energy outputs such as heat and transport fuels are expected to decarbonise much more slowly than electricity. In addition delivery of heat from energy from waste can be done at much higher efficiencies than electricity only. Plants that operate in combined heat and power (CHP) mode will therefore be able to continue to be superior to landfill, with longer plant lifetimes and using waste streams with a much wider range of biogenic content into the foreseeable future. A key consideration therefore needs to be focussing on development of energy outputs beyond electricity, both for new plants and ensuring existing plants that are 'CHP ready' become 'CHP in use'.*

- 6.198 The current proposal does allow for the use of a 'small amount' of waste heat from the ERC to be utilised by the data centre and potentially other waste management activities on site, and the applicant has agreed to a condition requiring the use of at least 2MW heat offtake onsite. Table 19 of the Greenhouse Gas Assessment outlines different CO<sub>2</sub> emission scenarios for differing heat offtakes. At the minimum heat offtake of 2MW, this is predicted to reduce emissions to between 10,679 - 54,885 tonnes CO<sub>2</sub>eq (at NCV 8MJ/kg and 14MJ/kg respectively). These estimates also take into account carbon offsets from electricity exports (identified in Table 20 of the GHG Assessment). Utilisation of heat from the ERC would therefore reduce the carbon intensity of the facility further.
- 6.199 The application also states that the applicant is actively exploring potential users of the excess heat, and Appendix 1.9 of the updated ES includes an example letter to potential heat customers. Therefore, to ensure that the maximum amount of waste heat is able to be utilised, and maximum carbon benefits realised, a condition can be placed on the permission should it be granted requiring regular Feasibility Reviews to assess potential commercial opportunities for the use of heat from the plant. This would help to maximise the potential carbon benefits of the ERC and bring the proposal in line with the aspirations of the Resources and Waste Strategy and Waste Management Plan for England. This condition also recognises that contracts regarding the use of waste heat are likely to be dependent upon planning permission being in place.
- 6.200 The Sixth Carbon budget by the Climate Change Committee in its sector summary on waste<sup>55</sup> includes in its recommendations regarding options for reducing emissions that the amount of waste sent to energy recovery facilities could be reduced, but that this would have to be achieved via an increase in recycling rates and waste prevention, and a reduction in waste arisings overall.
- 6.201 The report also recommends the installation of Carbon Capture and Storage (CCS) technology at EfW plants. However, CCS technology is currently emerging and not yet widely available. It is only currently required for all commercial scale (at or over 300 MW) combustion power stations to be constructed Carbon Capture Ready (CCR) in order to utilise CCS once it becomes available<sup>56</sup>. The current proposal is significantly smaller than this and therefore does not need to comply with this requirement, although the application has confirmed that the ERC would be built 'carbon capture ready' to enable it to utilise this technology as it becomes more widely available in future.
- 6.202 The government has confirmed in its Waste Management Plan for England (2021), that it supports efficient energy recovery from residual waste:

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<sup>55</sup> Climate Change Committee, (2020). *The Sixth Carbon Budget – Waste*. [online] Available at: <https://www.theccc.org.uk/wp-content/uploads/2020/12/Sector-summary-Waste.pdf> (Accessed 07th December 2021).

<sup>56</sup> Department of Energy & Climate Change, (2011). *Overarching National Policy Statement for Energy*. [online] Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/47854/1938-overarching-nps-for-energy-en1.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/47854/1938-overarching-nps-for-energy-en1.pdf) (Accessed 28th September 2021).

*'...energy from waste is generally the best management option for waste that cannot be reused or recycled in terms of environmental impact and getting value from the waste as a resource. It plays an important role in diverting waste from landfill.'*

6.203 Representations have expressed concerns that the proposed ERC will cause adverse impacts on climate change by contributing significant greenhouse gas emissions.

6.204 It is accepted that the proposal will generate greenhouse gas emissions. However, it also has to be acknowledged that the proposal will be able to contribute to carbon savings by diverting waste from landfill, and will also contribute to reductions in emissions by displacing fossil fuels used in electricity and heat generation. Therefore, the development *overall* will contribute to the reduction of greenhouse gas emissions in line with the government and West Berkshire's aim to be net carbon zero in future and MWLP25.

6.205 There are no planning policies that seek to specifically limit greenhouse gases from individual development proposals of this nature in relation to climate change. The key focus of overarching policy is to provide opportunities for holistic change by promoting a move away from landfill, promoting the decentralisation of energy production, and by reducing the reliance on primary won fossil fuels such as oil, coal and gas. The proposal is in line with these ambitions.

6.206 MWLP25 also requires waste development proposals to reduce vulnerability and provide resilience to the impacts in a variety of ways as listed below along with officer comment:

- Minimising greenhouse gas emissions and encouraging more sustainable use of resources, through the location and design of the site. *Officer comment: The proposal includes the use of solar photovoltaics on the southern facing data centre roof.*
- Provision of on-site renewable and low carbon energy technologies. *Officer comment: The proposal includes renewable energy through the use of solar photovoltaics on the data centre roof. Also, the use of energy recovery can be considered low carbon in line with the NPPF definition.*
- Avoiding areas vulnerable to climate change and flood risk through application of the Sequential Test, Exception Test and Sequential Approach. *Officer comment: The majority of the application site is located in Flood Zone 1 and is therefore not a location vulnerable to climate change.*
- Provision of adaptation and mitigation measures as required. *Officer comment: see above.*
- Provision of potential benefits through site restoration and afteruse. *Officer comment: This is only applicable to temporary proposals.*

6.207 Based on the above analysis, it is considered that the proposal also conforms to the requirements of MWLP25 regarding adaptability to climate change.

#### *Transport Impact on Climate Change*

6.208 It is acknowledged that due to a lack of residual waste management capacity in West Berkshire, there are currently volumes of this waste travelling by road to other authorities for management. The Environment Agency's Waste Data Interrogator<sup>57</sup> identifies that in 2020, 27,634 tonnes of waste from West Berkshire was sent to energy recovery facilities outside of the district, mainly to Slough and Hampshire.

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<sup>57</sup> Environment Agency, (2022). *Waste Data Interrogator*. [online] Available at: <https://data.gov.uk/dataset/bb40d091-a346-4b75-aa54-df7d347bed93/2020-waste-data-interrogator> (Accessed 28th February 2022).

6.209 By having a facility to manage residual waste within West Berkshire, this would reduce the movement of residual waste to other areas and thereby reduce the carbon impacts of transport. The applicant has confirmed that if it were to become available, the applicant would be prepared to discuss availability of the ERC to accommodate residual waste arising from West Berkshire's ongoing waste management facilities. In addition, the co-location of the ERC next to the existing Waste Recycling and Transfer Facility (WRTF) and use of approximately 20,000 tonnes of waste from this facility will reduce current road movements of residual waste from the WRTF for management elsewhere. Therefore the development should contribute to a reduction in greenhouse gas emissions from a transport point of view in line with MWLP25.

6.210 Representations have stated that transporting waste from further afield, including other areas of England to the proposed ERC will increase transportation and further exacerbate climate and air quality impacts. However, as already explained, some of these movements will be offset as the facility can process waste from West Berkshire that equally would have been transported to other areas in the absence of residual waste management capacity in West Berkshire.

### ***Major Accidents and Hazards***

#### *Emergency Planning*

6.211 The proposed application site is within the Detailed Emergency Planning Zone of AWE Burghfield Nuclear Licensed Site. Policy WBCS8 requires consideration of the scale of the development and its potential impact on public safety and emergency services. In line with the consultation requirements in Policy WBCS8, the Office for Nuclear Regulation (ONR) were consulted regarding the proposed development. The ONR have responded that they have consulted with the emergency planners within West Berkshire Council who have provided adequate assurance that the proposed development can be accommodated within the off-site planning arrangements, and that the proposed development does not present a significant external hazard to the safety of the nuclear sites. Therefore the ONR does not advise against this development. The ONR have advised the applicant to liaise with AWE Burghfield in relation to potential external hazards the proposed development presents to AWE Burghfield and vice versa. AWE have been consulted as part of the application, although they have not made any comments.

6.212 The WBC Emergency Planning Team has confirmed that subject to the site having in place a robust emergency plan, there would be no objections to the proposed development. Several conditions have been requested requiring the production of an emergency plan in relation to the construction phase, and an outline emergency plan prior to the commencement of development, and the production of a comprehensive emergency plan prior to occupation of the buildings. Therefore, subject to these conditions being placed on the permission should it be granted, it is considered that there would be no adverse effects on emergency planning in relation to AWE Burghfield and therefore is consistent with Policy WBCS8.

6.213 The Ministry of Defence were consulted and responded that they had no safeguarding concerns.

#### *Hazard Pipeline*

6.214 The HSE have also been consulted through their online app, as the application site is adjacent to a major accident hazard pipeline. The outcome of the consultation exercise has resulted in the HSE advice: Do Not Advise Against. The pipeline operator, Southern Gas Networks have also been consulted regarding the application, and due to the proximity of a high pressure pipeline in the vicinity of the proposed development, they

have asked to be contacted prior to the commencement of works, which can be included as an informative. They have not raised any objections in principle to the development and therefore there are not considered to be any concerns regarding effects of the proposed development on this pipeline subject to the required easements which are already in place.

#### *Fire*

6.215 The Royal Berkshire Fire & Rescue Service responded to the consultation stating that the Fire Authority may object to the proposed application as insufficient information has been provided relating to the provision of suitable water supplies for fire-fighting purposes. The representation states that this objection can be overcome by a suitably worded condition requiring details for provision of a water supply for fire-fighting purposes to be provided prior to the commencement of development and the applicant has agreed that this condition is acceptable. Therefore, subject to this condition being placed on the permission should it be granted, it is considered that there would be no adverse effects on the fire service or unacceptable risk to fire safety.

#### *Aviation Safety*

6.216 Policy WLP30 requires that in assessing the merits and adverse effects arising from waste management development, regard should be had to aviation interests including guarding against bird strike risks and safeguarding airfield protection zones. Details within the application confirm that an aircraft warning light will be located on the top of the 50m stacks to increase visibility to climbing and descending aircraft. The application site is not within a Safeguarded Aerodrome area and in addition the Civil Aviation Authority have not raised any concerns regarding the proposed development. Therefore, it is not considered that there will be an unacceptable risk to aviation safety from the proposed development in terms of WLP30.

### ***Economic and Social Impacts***

6.217 NPPF paragraph 81 requires that planning decisions should help create the conditions in which businesses can invest, expand and adapt. The West Berkshire Economic Development Strategy includes the aim to ensure existing businesses are able to grow.

6.218 The proposed ERC and Data centre represent intensification of the existing employment area at Reading Quarry. The proposed development will create an additional 33 employment opportunities for the area (ES Chapter 3, paragraph 3.8.2). The predicted lifetime of the proposal is approximately 25 years, and therefore these opportunities would be long-term. The construction phase would also support the local construction industry with approximately an additional 50 jobs over 22 months (ES Chapter 3, paragraph 3.12.2). The proposed ERC and Data Centre would also add value to the energy and waste industries by providing more energy to the national grid and additional waste management capacity. This would clearly be in line with the NPPF requirement to allow for businesses to expand and adapt and West Berkshire Economic Development Strategy aim to ensure existing businesses are able to grow.

6.219 Social impacts can range from health and amenity impacts, to standards of living, education opportunities and crime rates. The application is accompanied by a Health Impact Assessment, and Economic and Social Statement. Health and Amenity issues are covered in the section on Environmental Health and Amenity earlier in this report. It is considered that with the proposed conditions applied should permission be granted, the proposal conforms to policy requirements in this regard.

## **Utilities**

- 6.220 WLP27 states that planning applications for waste management development will only be permitted if the Local Planning Authority is satisfied that satisfactory arrangements are made to secure infrastructure, services and amenities made necessary by the development.
- 6.221 Thames Water have identified an inability of the existing water network infrastructure to accommodate the total needs of the proposed development. Thames Water have also indicated that they will not undertake any modelling regarding capacity requirements until full or outline planning permission is granted. Therefore Thames Water have subsequently supplied a capacity report, together with confirmation that if modelling shows that upgrades to the network are required, then a solution will be designed and the necessary improvements built.
- 6.222 A condition has been requested by Thames Water, requiring that all necessary upgrades to water infrastructure have been completed prior to occupation, or a development and infrastructure phasing plan approved to allow the development to be occupied.
- 6.223 Therefore it is considered that these arrangements are satisfactory in order to secure water supply in line with WLP27.
- 6.224 Scottish and Southern Electricity (SSE) as the District Network Operator (DNO) and National Grid have also been consulted regarding the proposed electricity connection from the ERC. National Grid have responded to say that '*there are no national grid assets affected in this area*' and no response has been received from SSE. Therefore, it is considered that there will be no adverse impacts on these services as a result of the proposed development and the proposal is considered to be consistent with this aspect of WLP27.

## **Cumulative Impacts**

- 6.225 Policy WLP30 requires that in assessing the merits and adverse effects arising from waste management development, regard should be had to the likely cumulative effects of the proposed development in combination with other developments taking place, or permitted to take place in the locality.
- 6.226 MWLP Policy 29 also states that minerals and waste development proposals will be permitted where the proposed development would not result in an unacceptable cumulative adverse impact.
- 6.227 The EIA Regulations and NPPF also require cumulative impacts to be taken into account.
- 6.228 Cumulative impacts have been considered within the relevant issues for consideration and summarised here:
- 6.229 *Hydrology*: Provided that the requested conditions are implemented, no unacceptable cumulative impacts relating to hydrology, including flooding, are anticipated.
- 6.230 *Ecology*: Provided that the requested conditions are implemented, no unacceptable cumulative impacts relating ecology are anticipated.
- 6.231 *Landscape*: The proposal is expected to give rise to adverse impacts on the landscape on its own, however adverse cumulative landscape impacts have not been identified (ES Chapter 12).

- 6.232 *Heritage Assets and Archaeology*: No adverse impacts or cumulative impacts have been identified.
- 6.233 *Traffic & Highways*: Council officers have considered the proposal and relevant permitted/committed developments in relation to traffic and highways impacts. It is not expected to give rise to any unacceptable cumulative impacts.
- 6.234 *Environmental Health and Amenity*: It is considered that with the requested conditions regarding noise, contaminated land and lighting, there will be no unacceptable cumulative impacts as a result of the proposal.
- 6.235 *Air Quality*: Council officers consider that the application has adequately addressed air quality impacts, and the Environmental Permitting regime will adequately ensure no unacceptable cumulative impacts from air quality.
- 6.236 *Climate Change and Energy*: There will be greenhouse emissions as a result of the operation of the proposed ERC and Data Centre. However, these are considered to be less than if the same amount of waste was disposed of in landfill, also taking into account the benefits of recovering energy and displacing fossil fuels.<sup>58</sup> Therefore no cumulative impacts are considered to arise.
- 6.237 *Major Accidents and Hazards*: No adverse impacts or cumulative impacts have been identified.
- 6.238 *Economic Impacts*: No adverse impacts or cumulative impacts have been identified.
- 6.239 *Utilities*: No adverse impacts or cumulative impacts have been identified.

### ***Environmental Impact Assessment - Reasoned Conclusion***

- 6.240 Regulation 26(1) of the EIA Regulations requires the relevant planning authority to reach a reasoned conclusion as to the significant effects of the proposed development on the environment 26(1)(b), and any appropriate monitoring measures 26(1)(d).
- 6.241 The submitted ES and further information covers the following topics: Landscape, Hydrology, Air Quality, Ecology, Traffic & Transport, Climate Change, Noise & Vibration, Major Accidents and Hazards (including Aviation Safety) and Cumulative Impacts.
- 6.242 This section sets out the Council's reasoned conclusion as to the significant effects of the proposed development on these aspects of the environment.
- 6.243 *Traffic & Transport*: The Council's Highways Officer, after examination of the information in the Environmental Statement, does not consider that the proposal would have a severe impact on the highway and travel network. Therefore it is concluded that there will be **no significant effect** on traffic and transport as a result of the proposed development.
- 6.244 *Air Quality, Dust & Odour/Human Health*: The Council's Environmental Health Team have reviewed the relevant information in the Environmental Statement. They conclude that air quality issues have been adequately addressed within the application and noise and contaminated land issues can be adequately mitigated through appropriately

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<sup>58</sup> Eunomia, (2020). *Greenhouse Gas and Air Quality Impacts of Incineration and Landfill* [online] Available at: <https://www.eunomia.co.uk/reports-tools/greenhouse-gas-and-air-quality-impacts-of-incineration-and-landfill/> (Accessed 06<sup>th</sup> December 2021); and Tolvik Consulting, (2021). *UK Energy from Waste Statistics – 2020*. [online] Available at: [https://www.tolvik.com/wp-content/uploads/2021/05/Tolvik-UK-EfW-Statistics-2020-Report\\_Published-May-2021.pdf](https://www.tolvik.com/wp-content/uploads/2021/05/Tolvik-UK-EfW-Statistics-2020-Report_Published-May-2021.pdf) (Accessed 06<sup>th</sup> December 2021).



worded conditions. In addition, Public Health England have issued a guidance note on modern waste municipal incinerators which states that 'PHE's risk assessment remains that modern, well run and regulated municipal waste incinerators are not a significant risk to public health'. The ERC will also be subject to strict emissions limits as required by an Environmental Permit. Therefore, it is considered there will be **no significant effect** on air quality, dust, odour or other influencers of human health due to the proposed development.

6.245 *Landscape and Visual*: The Council's Landscape consultant has examined the relevant information included within the Environmental Statement, including the LVIA. They have concluded that the application due to its overall visibility within the wider landscape will result in an adverse visual effect which should be regarded as significant within the context of Environmental Impact Assessment. Therefore it is concluded that there will be a **significant effect** on landscape as a result of the proposed development.

6.246 *Hydrology*: The Lead Local Flood Authority has recommended approval of the Flood Risk Assessment and Drainage Strategy in conjunction with several recommended conditions. In addition the Environment Agency, Environmental Health and Drainage Team concerns regarding contaminated land can be overcome through the use of suitably worded conditions. Therefore, it is considered there will be **no significant effect** on hydrology as a result of the proposed development.

6.247 *Ecology*: The Council's ecologist has reviewed the relevant information from the Environmental Statement. The ecologist and BBOWT initially had concerns regarding the lack of biodiversity gain demonstrated by the proposal and lack of proper assessment of habitats. Further information was submitted and the Ecologist and BBOWT have confirmed that their concerns have been addressed, subject to conditions. Therefore there is considered to be **no significant effect** on ecology as a result of the proposed development.

6.248 *Climate Change*: There will be CO<sub>2</sub> emissions as a result of the operation of the proposed ERC and Data Centre. In line with Institute of Environmental Management and Assessment (IEMA) guidelines any greenhouse gas emissions are to be considered as significant. However, emissions are currently considered to be less than if the same amount of waste was disposed of in landfill, also taking into account the benefits of recovering energy and displacing fossil fuels<sup>59</sup>. Therefore, it is considered that the development *overall* will have **no significant effect** on climate change.

6.249 *Noise*: The Council's Environmental Health Officer has considered the information in the Environmental statement regarding noise. The EHO initially had concerns regarding the lack of overnight baseline data. Further information was submitted and the EHO has confirmed that impact from noise can be overcome with suitably worded conditions, should permission be granted. Therefore there are considered to be **no significant effects** from noise as a result of the proposed development.

6.250 *Major Accidents & Hazards (including Aviation Safety and Emergency Planning)*: The Emergency Planning Team have reviewed the application and requested several conditions be applied should planning permission be granted. Therefore, it is considered that with these in place there will be **no significant effects** arising from Major Accidents and Hazards as a result of the proposed development.

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<sup>59</sup> Eunomia, (2020). *Greenhouse Gas and Air Quality Impacts of Incineration and Landfill* [online] Available at: <https://www.eunomia.co.uk/reports-tools/greenhouse-gas-and-air-quality-impacts-of-incineration-and-landfill/> (Accessed 06<sup>th</sup> December 2021); and Tolvik Consulting, (2021). *UK Energy from Waste Statistics – 2020*. [online] Available at: [https://www.tolvik.com/wp-content/uploads/2021/05/Tolvik-UK-EfW-Statistics-2020-Report\\_Published-May-2021.pdf](https://www.tolvik.com/wp-content/uploads/2021/05/Tolvik-UK-EfW-Statistics-2020-Report_Published-May-2021.pdf) (Accessed 06<sup>th</sup> December 2021).

6.251 *Cumulative Impacts*: The preceding sections consider cumulative impacts and identify that there will be cumulative impacts with regards to greenhouse gas emissions, although the conclusion is that overall there will be no significant adverse cumulative impacts. Therefore there are considered to be **no significant effects** from cumulative landscape impacts as a result of the proposed development.

## 7. Planning Balance and Conclusion

- 7.1 The Planning and Compulsory Purchase Act (2004) specifies that where regard is had to the Local Development Plan, planning decisions should be made in accordance with that plan unless material considerations indicate otherwise.
- 7.2 Regarding the principle of development, the proposed ERC and Data Centre are considered to be in line with the relevant development plan policies, and the ERC is also considered to conform to the relevant policies in the emerging Minerals and Waste Local Plan.
- 7.3 The material considerations regarding the principle of development include the evidence base for the emerging MWLP which identifies a specific need for the proposed type of waste management in West Berkshire. Additionally it has been identified that there is a need in the wider South East (including London and the East of England) for energy recovery capacity. This is given significant weight, as the proposal will contribute to the identified waste management needs of West Berkshire and reduce the movement of waste to other areas for management.
- 7.4 Also of relevance is conformity of the proposal with the relevant aspects of NPPW paragraphs 4 and 7.
- 7.5 Therefore, it is considered that the principal of development for the proposal is met due to compliance with relevant plan policies and taking into account relevant material considerations.
- 7.6 Subsequent to relevant conditions being in place (where specified), the proposal is also expected to conform with relevant plan policies regarding hydrology, ecology, heritage and archaeology, traffic and highways, environmental health and amenity, major accidents and hazards, economic and social impacts and utilities.
- 7.7 Regarding Climate Change and Energy, there are some conflicts with Policy WBCS15 regarding BREEAM, and use of renewable/low carbon energy. However, it is acknowledged that the proposal has met these policies as far as is practicable for buildings of their nature. Overall it is also considered that the proposal is supported by relevant material considerations relating to climate change.
- 7.8 The proposal is considered to be inconsistent with relevant development plan policies with regards to landscape impact. However, it is also acknowledged that the proposal by way of building design and planting measures has mitigated the effect on the wider landscape as far as is possible, and mitigation planting will provide benefits to the site and immediate area.
- 7.9 Policy WLP27 states that waste management development will only be permitted if the LPA is satisfied that:
- (i) having regard to policy WLP2, there is a need for the development;
  - (ii) there is a wider environmental benefit that outweighs any adverse environmental and other effects;

- (iii) the development and its associated traffic would not give rise to any unacceptable environmental effects; and
- (iv) satisfactory arrangements are made to secure infrastructure, services and amenities made necessary by the development.

- 7.10 As noted above, clause (i) of the policy does not apply as it refers to WLP2 (regarding need) that was not saved following the Secretary of State's review of the policies in the WLP in 2007. In any event, for the reasons given above, the Council accepts that there is a need for the development.
- 7.11 With regards to clauses (iii) & (iv) of WLP27 and impacts on traffic and infrastructure arrangements (respectively), these have been deemed to be acceptable, subject to the imposition of conditions.
- 7.12 In terms of clause (ii) and whether there is a wider environmental benefit that outweighs any adverse environmental and other effects, Policy WLP30 specifies that the merits of waste management development proposals will be assessed having regard to all relevant considerations, and specifies eleven considerations in particular.
- 7.13 In the case of the current proposal, the relevant balance between environmental impacts and benefits is comprised of the adverse impacts identified for landscape, and the positive impacts anticipated from meeting a need for residual waste management in the district, and diverting waste from landfill, while recovering energy and heat from waste.
- 7.14 The negative impacts identified for landscape have been assessed as significant in terms of Environmental Impact Assessment, therefore this is given significant weight. However, it is also considered that meeting a need for residual waste management in West Berkshire, coupled with the benefits of diverting waste from landfill and recovering energy and heat from waste is also significant. Overall, it is considered that the proposal would comply with Policy WLP27.

#### *Overall Conclusion*

- 7.15 Although there are identified conflicts of the proposal with the development plan in terms of landscape/visual impacts and to a lesser degree sustainable construction, it is not considered that the proposal is inconsistent with the development plan when taken as a whole (with particular reference to WLP27 but also to all other policies with which the scheme complies). It is considered that the benefits of the development will outweigh the harm in applying the planning balance.
- 7.16 Overall, it is considered that the need for the development and overall compliance with the policies in the development plan, plus benefits of providing for an identified need for residual waste management, diverting waste from landfill, and recovering energy from waste, along with the associated carbon benefits weights the balance in favour of granting planning permission.
- 7.17 Regulation 26(1)(d) of the EIA Regulations requires that where planning permission is to be granted, consideration should be given to whether it is appropriate to impose monitoring measures. In this instance, significant effects associated with the proposal are predicted only for landscape. It is not considered that monitoring is appropriate for landscape impacts, given their discrete nature. In addition, monitoring for environmental health effects will be undertaken through the environmental permitting regime and therefore it is not considered necessary to impose monitoring measures in this instance.

## 8. Full Recommendation

- 8.1 To delegate to the Service Director of Development & Regulation to GRANT PLANNING PERMISSION subject to the conditions listed below.

### **Conditions**

#### 1. Commencement

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. List of Approved Documents

The development hereby permitted shall be carried out in accordance with the approved drawings and other documents listed below, except as they may be amended by another condition in this decision notice, or updated by another document in this list.

- (i) Application Boundary Plan, Drawing No. CRM.1144.010.PL.D.002.A, dated September 2020
- (ii) Ownership Boundary Plan, Drawing No. CRM.1144.010.PL.D.002.B, dated September 2020
- (iii) Proposed Site Plan, Drawing No. 2000, Rev K, dated 31.05.2022
- (iv) HGV Access Route Plan, Drawing No. CRM.1144.010.PL.D.004.D, dated September 2021
- (v) Site Access Visibility Splays, Drawing No. 1059-010, Rev A, dated September 2021
- (vi) Existing Access Visibility Splays and Visibility from Proposed Footway/Cycleway, Drawing No. 1059-010, Rev A, dated September 2021.
- (vii) ERC Floor Plan, Drawing No. 2010, Rev E, dated 31.05.2022
- (viii) Roof Plan, Drawing No. 2020, Rev J, dated 31.05.2022
- (ix) ERC Elevations – North and South, Drawing No. 2030, Rev G, dated 31.05.2022
- (x) ERC Elevations – East and West, Drawing No. 2040, Rev F, dated 31.05.2022
- (xi) Data Centre Ground Floor Plan, Drawing No. 2050, Rev E, dated 31.05.2022
- (xii) Data Centre First Floor Plan, Drawing No. 2060, Rev E, dated 31.05.2022
- (xiii) Data Centre Second Floor Plan, Drawing No. 2070, Rev E, dated 31.05.2022
- (xiv) Data Centre Elevations, Drawing No. 2080, Rev E, dated 31.05.2022
- (xv) ERC and Data Centre Views, Drawing No. 2090, Rev F, dated 31.05.2022
- (xvi) Ancillary Buildings/Plant Elevations, Drawing No. 2110, Rev B, dated 31.05.2022
- (xvii) Site Sections Showing Existing Ground Levels, Drawing No. 2120, Rev C dated 31.05.2022
- (xviii) Views, Drawing No. 1040, Rev E, dated 03.12.2020
- (xix) Planning Statement, ref CRM.1144.010.PL.R.001, dated August 2020
- (xx) Design and Access Statement, ref CRM.1144.010.PL.R.005, dated August 2020
- (xxi) Updated Environmental Statement, reference CRM.1144.010.PL.R.100, dated December 2021
- (xxii) Air Quality Assessment, ref 01.0009.024 (v2), dated August 2020

- (xxiii) Air Quality Assessment - Stack Height Determination, ref 01.0009.024\_SHD (v2), dated August 2020
- (xxiv) Traffic Pollution: Air Quality Impact Assessment, ref 01.0009.024/AQ v3. Dated December 2021
- (xxv) BS 5837:2012 Arboricultural Survey, ref CRM.1144.010.AR.R.001, dated August 2020
- (xxvi) BS 5837:2012 Arboricultural Impact Assessment and Method Statement, ref 1144.010.ENZ.XX.00.RP.AR.45.002, dated June 2022
- (xxvii) Ecological Impact Assessment, ref CRM.1144.010.EC.R.004, dated 14<sup>th</sup> October 2021
- (xxviii) Biodiversity Metric 3.0 Calculation Tool, dated 15<sup>th</sup> June 2022
- (xxix) UK Habitat Map, Drawing No. CRM.1144.010.EC.D.001.B, dated June 2022
- (xxx) UK Retained/Lost Habitat Map, Drawing No. CRM.1144.010.EC.D.002, dated June 2022
- (xxxi) UK Created Habitats Map, Drawing No. CRM.1144.010.EC.D.003, dated June 2022
- (xxxii) Stage 1 HRA Screening Report, ref CRM.1144.010.R.005, dated 14<sup>th</sup> October 2021
- (xxxiii) Water Framework Directive Screening Technical Note, ref CRM.1144.010.PL.R.003
- (xxxiv) Energy Statement, by Stroma Built Environment, dated 05.05.2022
- (xxxv) BREEAM Pre-Assessment Report, by Stroma Built Environment, dated 05.05.2022
- (xxxvi) Response to West Berkshire Core Strategy Policy CS15, by Air Quality Consultants, dated May 2022
- (xxxvii) Greenhouse Gas Assessment, by Air Quality Consultants, dated December 2021
- (xxxviii) Updated Flood Risk Assessment, ref CRM.1144.010.HY.R.001.B, dated March 2022
- (xxxix) Historic Environment Assessment, by Heritage Archaeology, dated December 2020
- (xl) Human Health Risk Assessment: Reading Quarry Energy Recovery Centre, by Air Quality Consultants, dated August 2020
- (xli) Surface and Foul Water Drainage Strategy, Drawing No. 101 P06, dated 09/06/22
- (xlii) Indicative Highway Drainage, Drawing No. 102 P01 (P03), dated 27/09/21
- (xliii) Mitigation Plan, ref ENZ-01-xx-DR-L-00-021 (Figure 8.21), rev P04, dated June 2022
- (xliv) Mitigation Plan – Access Road, ref CRM.1144.010.LA.D.020 (Figure 8.20), rev P04, dated June 2022
- (xlv) Phase 1 Preliminary Risk Assessment, ref CRM.1144.010.GE.R.002, dated August 2020
- (xlvi) Socio-Economic Statement, ref CRM.1144.010.PL.R.002, dated August 2020
- (xlvii) Health Impact Assessment, ref CRM.1144.010.PL.R.010, dated October 2021
- (xlviii) Transport Assessment and Travel Plan Statement Addendum, by Key Transport Consultants Ltd., dated December 2021
- (xlix) Alternative Site Assessment, ref CRM.1144.010.PL.R.003, dated August 2020
- (l) Letter to the Environment Agency, ref CRM.1144.010.HY.L.001, dated 27<sup>th</sup> October 2020
- (li) Letter to West Berkshire Council Planning Officer, ref CRM.1144.010.PL.L.007, dated 09<sup>th</sup> June 2022
- (lii) Letter and Report to Highways England, ref CRM.1144.010.HY.L.002, dated 06<sup>th</sup> January 2021

- (liii) Letter from Air Quality Consultants Ltd. and Isopleth Regarding Air Quality and Human Health, dated 29<sup>th</sup> January 2021.
- (liv) Letter to Lead Local Flood Authority, ref CRM.1144.010.HY.L, dated 15<sup>th</sup> February 2021.
- (lv) Letter to Lead Local Flood Authority, ref CRM.1144.010.HY.L.003.B, dated 17<sup>th</sup> February 2021.
- (lvi) Response to Lead Local Flood Authority, ref. CRM.1144.010.HY.L.004, dated 04<sup>th</sup> March 2022

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. Operating Hours (Construction)**

No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 07:30 and 18:00 Monday to Friday and 08:30 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 imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026, Policies WLP27 and WLP30 of the Waste Local Plan for Berkshire 1998-2006, 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.

### **5. Operating hours (Deliveries)**

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

Mondays to Saturdays: 06:00 to 19:00

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, Policies WLP27 and WLP30 of the Waste Local Plan for Berkshire 1998-2006, 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. Construction Method Statement**

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) details of excavation and dewatering methods to prevent silt pollution
- (iv) 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: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies WLP27 and WLP30 of the Waste Local Plan for Berkshire 1998-2006, Policies OVS.5 and 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. A pre-commencement condition is necessary because insufficient detailed information regarding mitigation measures during the construction phase accompanies the application so it is necessary to approve these details before any development takes place.

#### **7. Annual Throughput**

The throughput associated with the Energy Recovery Centre shall not exceed 150,000 tonnes per annum.

Reason: In the interests of local amenity. This condition is imposed in accordance Policy WLP30 of the Waste Local Plan for Berkshire 1998-2006, Policy CS14 of the West Berkshire Core Strategy (2006 - 2026), Policies WLP27 and WLP30 of the Waste Local Plan for Berkshire 1998-2006, Policies OVS.5 and 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.

#### **8. Waste Permitted**

- (i) No waste shall be treated at the ERC 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 ERC 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 ERC 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.

9. No wastes other than those defined in the application (being residual non-hazardous municipal, commercial and industrial wastes) shall be imported to the Energy Recovery Centre.

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 WLP27 of the Waste Local Plan for Berkshire 1998-2006 and Policy 3 of the West Berkshire Minerals and Waste Local Plan.

#### 10. **Receipt of Waste**

No more than 130,000 tonnes of the annual throughput for the Energy Recovery Centre shall be sourced from locations other than the existing Waste Transfer Facility (WTF) at Reading Quarry.

Reason: To ensure the likely significant environmental effects regarding traffic, as assessed by the Environmental Statement, are accurately taken into account. This condition is imposed in accordance with Policies WLP27 and WLP30 of the Waste Local Plan for Berkshire and Policy 26 of the West Berkshire Minerals and Waste Local Plan.

11. 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 Policies WLP27 and WLP30 of the Waste Local Plan for Berkshire 1998-2006, Policy CS14 of the West Berkshire Core Strategy (2006 - 2026), Policies OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Policies 3 and 26 of the West Berkshire Minerals and Waste Local Plan.

#### 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 WLP27 of the Waste Local Plan for Berkshire and 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, Policies TRANS.1 and OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), Policies WLP27 and WLP30 of the Waste Local Plan for Berkshire 1998-2006, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006 - 2026), and Policy 26 of the West Berkshire Minerals and Waste Local Plan.

**14. R1 Efficiency Status**

Prior to operation of the Energy Recovery Centre, details verifying that the ERC 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 ERC, 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 WLP27 of the Waste Local Plan for Berkshire 1998-2006 and Policy 3 of the West Berkshire Minerals and Waste Local Plan.

**15. Electricity Grid Connection**

The Energy Recovery Centre shall not be brought into use until the electric links from the ERC to the National Electricity Grid and/or the Data Centre have been constructed and are capable of transmitting the electrical power produced by the ERC. Thereafter, except during periods of maintenance and repair and unless required to do so by the National Grid, no waste shall be processed by the plant unless power is being generated.

Reason: To ensure that the Energy Recovery Centre is able to recover available energy and be classified as a recovery operation in order to comply with the Waste Hierarchy, as set out in the Waste (England and Wales) Regulations 2011 (as amended), and in accordance with the renewable/low carbon energy requirements of West Berkshire Core Strategy Policy CS15.

**16. Heat Export**

The ERC shall not be brought into use until a scheme detailing arrangements for the on-site use of a minimum of 2MW of heat from the ERC has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To maximise the recovery of energy from the ERC, and thus increase the relative carbon benefits of the facility in accordance with the Resources and Waste Strategy for England (2018), Waste Management Plan for England (2020) and National Planning Policy for Waste paragraph 4.

17. The ERC shall not be brought into use until a Combined Heat and Power (CHP) Feasibility Review, assessing potential commercial opportunities for the use of heat from the plant, shall be submitted to and approved in writing by the Waste Planning Authority. The Review shall provide for the ongoing monitoring and full exploration of

potential commercial opportunities to use heat from the plant, at not more than 3 yearly intervals. Once a viable heat customer is identified, a plan for the construction of heat offtake to the customer(s), and a signed agreement that they will accept the heat available for export from the ERC shall be included within the Feasibility Review. Reviews shall be conducted until all of the reasonably available heat for export is utilised.

Reason: To maximise the recovery of energy from the ERC, and thus increase the relative carbon benefits of the facility in accordance with the Resources and Waste Strategy for England (2018), Waste Management Plan for England (2020) and National Planning Policy for Waste paragraph 4.

**18. Solar Panels**

The Data Centre shall not be brought into use until the solar panels are constructed and the electric link has been constructed and is capable of transmitting the electrical power produced by them to the Data Centre.

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.

**19. Data Centre**

The Data Centre shall utilise the building methods for energy efficiency as prescribed in sections 6.1 and 6.2 of the Energy Statement by Stroma Built Environment, dated 05.05.2022.

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.

20. The Data centre shall not be brought into use until the electric and heat links from the ERC to the Data Centre have been constructed and are capable of transmitting the electrical power and heat produced by the ERC.

Reason: In accordance with the renewable/low carbon energy requirements of West Berkshire Core Strategy Policy CS15.

21. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise therefrom does not exceed at any time a level of 5dB[A] below the existing background noise level or 10dB[A] if there is a particular tonal quality [or is intermittent in nature] when measured in accordance with BS4142:2014 at a point one metre external to the nearest residential or noise sensitive property.

Reason: To protect the occupants of nearby residential properties from noise. This condition is imposed in accordance with Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), Policies WLP27 and WLP30 of the Waste Local Plan for Berkshire 1998-2006 and Policy 26 of the West Berkshire Minerals and Waste Local Plan.

22. The ERC shall not be brought into use until a Noise Validation Report has been submitted to the Local Authority, confirming that outdoor noise levels are as predicted, when the facility is running at maximum capacity.

Reason: To protect the occupants of nearby residential properties from noise. This condition is imposed in accordance with Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), Policy WLP30 of the Waste Local Plan for Berkshire 1998-2006 and Policy 26 of the West Berkshire Minerals and Waste Local Plan.

23. Notwithstanding any submitted details, the building envelope of the Energy Recovery Centre shall be constructed with “acoustic wall panels/sheets”, in addition to acoustic louvres for openings.

Reason: To protect the occupants of nearby residential properties from noise. This condition is imposed in accordance with Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), Policies WLP27 and WLP30 of the Waste Local Plan for Berkshire and Policy 26 of the West Berkshire Minerals and Waste Local Plan.

24. **Pest Management Plan**

Prior to the ERC 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 Policies WLP27 and WLP30 of the Waste Local Plan for Berkshire 1998-2006, Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Policy 26 of the West Berkshire Minerals and Waste Local Plan.

25. **External Lighting**

Prior to the installation of any external lighting full details of lighting and its location shall be submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways). The development shall thereafter be undertaken in strict accordance with the approved details prior to the first occupation of the development hereby permitted and retained in accordance with the agreed specification.

Reason: To mitigate any adverse impact from the development on the M4. To ensure that the M4 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies WLP27 and WLP30 of the Waste Local Plan for Berkshire 1998-2006, Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Policy 26 of the West Berkshire Minerals and Waste Local Plan.

26. **Boundary Treatments**

No fencing or other means of enclosure of the Energy Recovery Centre shall take place except in accordance with a scheme that shall have been agreed with the Waste Planning Authority.

Reason: Limited details have been provided with the application, so to ensure any enclosure of the ERC is in keeping with the surrounding landscape details will need to be agreed before boundary treatments are applied. This condition is imposed in accordance with Policy WLP30 of the Waste Local Plan for Berkshire 1998–2006,

Policy CS19 of the West Berkshire Core Strategy 2006–2026 and Policy 18 of the Minerals and Waste Local Plan for Berkshire.

**27. Landfill Gas Risk Assessment**

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.

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 imposed in accordance with Policies WLP27 and WLP30 of the Waste Local Plan for Berkshire 1998–2006, Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Policy 26 of the West Berkshire Minerals and Waste Local Plan. A pre-commencement condition is necessary because a Landfill Gas Risk Assessment is identified as being necessary in the Phase 1 Contaminated Land Report, but none has been supplied with the application. Therefore it is necessary to approve these details before any development takes place.

**28. Highways**

The development shall be carried out in accordance with the Offsite Highway Works General Arrangement shown on drawing 101 Revision P06 or such other scheme of works or variation substantially to the same effect, as may be approved in writing by the Local Planning Authority (in consultation with National Highways) and the approved scheme of highway works shall be completed fully prior to first occupation of the development hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the M4 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. This policy is imposed in accordance with Policies WLP27 and WLP30 of the Waste Local Plan for Berkshire 1998–2006, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy 22 of the West Berkshire Minerals and Waste Local Plan.

**29. Construction Traffic Management Plan**

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, Policies WLP27 and WLP30 of the Waste Local Plan for Berkshire 1998-2006, Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Policy 26 of the West Berkshire Minerals and Waste Local Plan. 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.

**30. Wheel Cleaner / Washer**

Prior to operation of the Energy Recovery Centre, wheel cleaning facilities shall be installed in accordance with details of design, specification and position which shall have been submitted to and approved in writing by the Local Planning Authority. All (heavy) goods vehicles/commercial vehicles leaving the site shall pass through and use the wheel cleaning/washing equipment immediately prior to exiting the site.

Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies WLP27 and WLP31 of Waste Local Plan for Berkshire 1998-2006, policy TRANS.1 of the West Berkshire District Local Plan, Policy CS13 of the West Berkshire Core Strategy 2006-2026 and Policy 26 of the West Berkshire Minerals and Waste Local Plan.

**31. Oil tanks/fuel/chemical storage**

Any chemical, oil, fuel, lubricant and other potential pollutants shall be stored in containers which shall be sited on an impervious surface and surrounded by a suitable liquid tight bunded compound. The bunded areas shall be capable of containing 110% of the container's total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. The vent pipe should be directed downwards into the bund. There must be no drain through the bund floor or walls.

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, Policies WLP27 and WLP30 of the Waste Local Plan for Berkshire 1998-2006, Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Policy 26 of the West Berkshire Minerals and Waste Local Plan.

**32. 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, Policies WLP27 and WLP30 of the Waste Local Plan for Berkshire 1998-2006, Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Policy 26 of the West Berkshire Minerals and Waste Local Plan.

**33. Contaminated Land**

Prior to each phase of development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - All previous uses
  - Potential contaminants associated with those uses
  - A conceptual model of the site indicating sources, pathways and receptors
  - Potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: 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. This condition is imposed in accordance with the National Planning Policy Framework, Policies WLP27 and WLP30 of the Waste Local Plan for Berkshire 1998-2006, Policy OVS.5 of the West Berkshire District Local Plan (Saved Policies 2007) and Policy 26 of the West Berkshire Minerals and Waste Local Plan. A pre-commencement condition is necessary, as contamination could be identified during the construction phase.

34. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: 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. This condition is imposed in accordance with the National Planning Policy Framework, Policies WLP27 and WLP30 of the Waste Local Plan for Berkshire 1998-2006, Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Policy 26 of the West Berkshire Minerals and Waste Local Plan.

### 35. **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 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, Policies WLP27 and WLP30 of the Waste Local Plan for Berkshire 1998-2006, Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Policy 26 of the West Berkshire Minerals and Waste Local Plan.

### 36. Surface Water Management Strategy

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:

- m) 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 West Berkshire Council local standards, particularly the WBC SuDS Supplementary Planning Document December 2018;
- n) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site as per the agreed surface water drainage strategy on Drawing No. 101 P06, dated 09/06/22 at no greater than Greenfield run-off rates;
- o) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- p) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- q) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- r) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime;
- s) Include a Contamination Risk Assessment for the soil and water environment (assessing the risk of contamination to groundwater, develop any control requirements and a remediation strategy);
- t) Include measures with reference to Environmental issues which protect or enhance the ground water quality and provide new habitats where possible;
- u) Apply for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse (i.e stream, ditch etc);
- v) Include with any design calculations an allowance for an additional 10% increase of paved areas over the lifetime of the development;
- w) Provide details of how surface water will be managed and contained within the site during any construction works to prevent silt migration and pollution of watercourses, highway drainage and land either on or adjacent to the site;
- x) Provide a post-construction verification report carried out by a qualified drainage engineer demonstrating that the drainage system has been constructed as per the approved scheme (or detail any minor variations thereof), to be submitted to and approved by the Local Planning Authority on completion of construction. This shall include: plans and details of any key drainage elements (surface water drainage network, attenuation devices/areas, flow restriction devices and outfalls) and details of any management company managing the SuDS measures 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, Policy 24 of the West Berkshire

Minerals and Waste Local Plan, Part 4 of Supplementary Planning Document Quality Design (June 2006) and SuDS Supplementary Planning Document (Dec 2018). A pre-commencement condition is necessary because insufficient detailed information accompanies the application. Surface water management 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.

**37. Water Discharge**

No discharge of water from the development shall be permitted except treated surface water from the outfall to Englefield Lagoon.

Reason: 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. This condition is imposed in accordance with the National Planning Policy Framework, Policies WLP27 and WLP30 of the Waste Local Plan for Berkshire 1998-2006, Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Policy 26 of the West Berkshire Minerals and Waste Local Plan.

**38. 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, Policies WLP27 and WLP30 of the Waste Local Plan for Berkshire 1998-2006, Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) and Policy 26 of the West Berkshire Minerals and Waste Local Plan. A pre-commencement condition is necessary as insufficient detailed information detailed information accompanies the application.

**39. Landscaping (including hard surfaces)**

No development shall take place (including site clearance and any other preparatory works) until full details of both hard and soft landscape works (including those works in the field adjacent to the western boundary of the site as identified on Mitigation Plan, ref ENZ-01-xx-DR-L-00-021 (Figure 8.21), rev P04, dated June 2022) have been submitted to and approved in writing by the Local Planning Authority. The details shall include the treatment of hard surfacing and materials to be used, a schedule of plants (noting species, plant sizes and proposed numbers/densities), an implementation programme, and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:

- a) Completion of the approved landscaping within the first planting season following the completion of the development; and



- b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the development shall be replaced in the following year by plants of the same size and species.

Thereafter the approved scheme shall be implemented in full.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of the NPPF, Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 and Policy 18 of the West Berkshire Minerals and Waste Local Plan. 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 these details before any development takes place.

#### **40. Tree Protection (Scheme Submitted)**

All Tree Protective Fencing shall be erected in accordance with the submitted plans, reference drawing number 1144-010-ENZ-XX-01-DR-AR-45-001 Rev PL02, dated 07/06/22 by Enzygo Environmental Consultants.

The protective fencing shall be implemented and retained intact for the duration of the development.

Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

Reason: Required to safeguard and to enhance the setting within the immediate locality to ensure the protection and retention of existing trees and natural features during the construction phase in accordance with the NPPF, Policies ADPP1, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 and Policy 18 of the West Berkshire Minerals and Waste Local Plan.

#### **41. Arboricultural Supervision**

No development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF, Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026 and Policy 18 of the West Berkshire Minerals and Waste Local Plan. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures and site supervision works may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

#### **42. 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 location of all ecological enhancements (including a minimum of 20 bird nesting opportunities, 3 reptile hibernacula and 5 bat roosting

- opportunities to cover habitat loss and disturbance during the construction phase).
- b) Habitat and enhancement installation/planting (including species list)
  - c) Ongoing management prescriptions to cover the biodiversity net gain period
  - d) Detailed design of the pond and surrounding habitats to demonstrate how the pond has been designed to enhance biodiversity; and
  - e) Details of how the Local Wildlife Site will be protected from any adverse impacts resulting from the operation of the site.

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 biodiversity protection and enhancement measures are incorporated into the development. This condition is applied in accordance with the National Planning Policy Framework, Policy CS17 of the West Berkshire Core Strategy 2006-2026 and Policies 18 and 20 of the West Berkshire Minerals and Waste Local Plan. A pre-commencement condition is required because insufficient detail has been included within the application and the LEMP may need to be implemented during the construction phase.

#### 43. **Construction Environmental Management Plan (CEMP)**

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; and
- i) Details of how the Local Wildlife Site and its associated species will be protected during the construction phase.

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 biodiversity is protected during the construction phase of development. This condition is applied in accordance with the National Planning

Policy Framework, Policy CS17 of the West Berkshire Core Strategy 2006-2026, Policies WLP27 and WLP30 of the Waste Local Plan for Berkshire 1998-2006 and Policy 20 of the West Berkshire Minerals and Waste Local Plan. A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction.

#### 44. **Lighting Strategy for Biodiversity**

Prior to occupation of any buildings, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for wildlife and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and
- c) ensure boundary habitats are not subject to increased levels of artificial light.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: Certain wildlife is sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. This condition is applied in accordance with the National Planning Policy Framework, Policy CS17 of the West Berkshire Core Strategy 2006-2026, Policies WLP27 and WLP30 of the Waste Local Plan for Berkshire 1998–2006 and Policy 20 of the West Berkshire Minerals and Waste Local Plan.

#### 45. **Relevancy of Ecological Reports**

Each Ecological Report (with regard to the aspect that it covers) shall only be valid for a period up to 3 years from the date it is written, with the exception of any aspects relating to bats, which shall be valid only for 12 months.

Reason: To ensure the ecological information presented is a representative basis for decision making and to determine compliance with relevant NPPF, and Local Plan policies.

#### 46. **BREEAM**

The assessable elements of the ERC and Data Centre shall achieve Very Good 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 Very Good 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,

**47. 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, Policy WLP30 of the Waste Local Plan for Berkshire 1998-2006 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 be determined prior to construction.

**48. Emergency Planning**

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 development.

Reason: The application site is within the Middle Consultation Zone of AWE Burghfield. To this end a robust emergency plan should be in place in order to ensure protect the health and safety of those working and visiting the site. This condition is imposed in accordance with Policy CS8 of the West Berkshire Core Strategy 2006 – 2026. A pre-commencement condition is necessary because no Emergency Plan has been submitted regarding the construction phase of the development and so it is necessary to approve these details before any development takes place.

49. No development shall take place until an outline Emergency Plan has been submitted to and approved in writing by the Local Planning Authority. This outline emergency plan should be in sufficient detail 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.

Reason: The application site is within the Middle Consultation Zone of AWE Burghfield. To this end a robust emergency plan should be in place in order to ensure protect the health and safety of those working and visiting the site. This condition is imposed in accordance with Policy CS8 of the West Berkshire Core Strategy (2006 – 2026). A pre-commencement condition is necessary because no Emergency Plan has been submitted regarding the development and so it is necessary to approve these details before any development takes place.

50. No occupation of the buildings, shall take place until a comprehensive Emergency Plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: The application site is within the Middle Consultation Zone of AWE Burghfield. To this end a robust emergency plan should be in place in order to ensure protect the health and safety of those working and visiting the site. This condition is imposed in accordance with Policy CS8 of the West Berkshire Core Strategy 2006 – 2026.

51. The Emergency Plan must be implemented in full and shall be kept up-to-date by the site operator, thereafter, being reviewed and amended as necessary and at least annually. The Local Planning Authority may at any time require the amendment of either/both plan(s) 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: The application site is within the Middle Consultation Zone of AWE Burghfield. To this end a robust emergency plan should be in place in order to ensure protect the health and safety of those working and visiting the site. This condition is imposed in accordance with Policy CS8 of the West Berkshire Core Strategy 2006 – 2026.

**52. Water Provision**

Development shall not commence until details for the provision of a water supply including fire hydrants to meet firefighting needs throughout the development (including the installation arrangements and the timing of such an installation) have been submitted to, and approved in writing, by the Local Planning Authority. The approved measures shall be implemented in full accordance with the agreed details.

Reason: To ensure that adequate measures for firefighting can be incorporated into the development, including the construction phase. This condition is imposed in accordance with Policy WLP27 of the Waste Local Plan for Berkshire 1998-2006. A pre-commencement condition is necessary because insufficient information has been included within the application, and arrangements for fire-fighting may be necessary during the construction phase.

53. No development shall be occupied until confirmation has been provided that either:
- All water network upgrades required to accommodate the additional flows to serve the development have been completed; or
  - A development and infrastructure phasing plan has been agreed with the Local Planning Authority in consultation with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. This condition is imposed in accordance with Policy WLP27 of the Waste Local Plan for Berkshire 1998-2006.

**54. Local Liaison Group**

The ERC shall not be brought into use until a local liaison panel for the Energy Recovery Centre has been established in accordance with details to be submitted to and approved in writing by the waste planning authority. The details shall include terms of reference and frequency of meetings of the panel. The panel shall meet in accordance with the approved details.

Reason: In the interests of the local amenity of the area. This condition is imposed in accordance Policies WLP27 and WLP30 of the Waste Local Plan for Berkshire 1998-2006, Policy OVS.5 of the West Berkshire District Local Plan 1991-2006

(Saved Policies 2007) and Policy 26 of the West Berkshire Minerals and Waste Local Plan.

## 55. **Decommissioning**

If for any reason other than for extended maintenance or repair, the ERC and/or Data Centre 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 and Policy WLP31 of the Waste Local Plan for Berkshire 1998.

56. Prior to the decommissioning of the Energy Recovery Centre, a scheme and timetable for the decommissioning of the building and plant and decontamination and restoration of the land shall be submitted to and approved in writing by the Local Planning Authority. The decommissioning of the plant shall be carried out in complete accordance with the details approved in accordance with the timetable set out in 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 and Policy WLP31 of the Waste Local Plan for Berkshire 1998.

## ***Informatives***

### 1. **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.

### 2. **Pre-Conditions**

Conditions nos. 6, 27, 29, 36, 38, 39, 41, 42, 43, 47 & 52 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.

### 3. **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. 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.

### 4. **Water Utilities**

The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. The necessary processes will need to be followed if work is to be carried out above or near Thames Water pipes or other structures. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk)

### 5. **Building Regulations**

In the event that planning permission is granted for the proposed development, the development will need to be designed and built in accordance with the functional requirements of current Building Regulation requirements. The Fire Authority seeks to raise the profile of these requirements and requests that the relevant documentation is made available to the applicant and/or planning agent by means of web link: <https://www.gov.uk/government/publications/fire-safety-approved-document-b>

Full assessment of the proposed development in respect of 'Building Control' matters will be undertaken during the formal statutory Building Regulations consultation.

### 6. **Gas Utilities**

Your attention is drawn to the response by Southern Gas Networks, that there is a high pressure pipeline in the vicinity of your works. Your proposals would require the exact location of this pipeline and other SGN assets to be located before any work commences, either by electronic detection or by hand excavated trial holes as specified in the attached SW/2 document. These works must be supervised by an SGN representative, please contact Daniel Midwinter on 07411348949 / [daniel.midwinter@sgn.co.uk](mailto:daniel.midwinter@sgn.co.uk) to arrange a pre-works site visit and any future supervision.

### 7. **Consultation**

Reading Borough request being formally consulted on any future approval of details applications or legal agreement obligations (as appropriate) in respect of the following matters:

- Proposed haulage routes / traffic generation related matters

- Bus route measures / improvements
- Control of pollution measures
- Air Quality assessments

#### 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.



Viewpoint 2: Kirton Farm Road

Existing View



Built structures glimpsed between trees

Overhead lines appear on the skyline

Approx. Extent of Site

View including proposed development - year 1



Approx. Extent of Site

View including proposed development - year 15

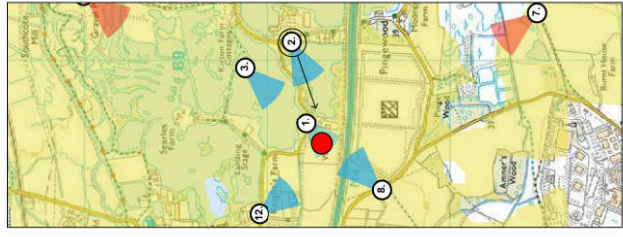


Approx. Extent of Site

Viewpoint Details

Viewpoint ID: 2  
 Map Co-Ordinates: SU 69096 69849  
 Height at Ground Level (AOD): 41.3m  
 Approx. Distance to Site: 465m  
 Direction from Site: East  
 Date of Photo: 20.03.2020  
 Weather Conditions: Sunny  
 Surveyor: SH  
 Receptors: Residents and visitors to Reading Lake Hotel

Viewpoint Location Plan

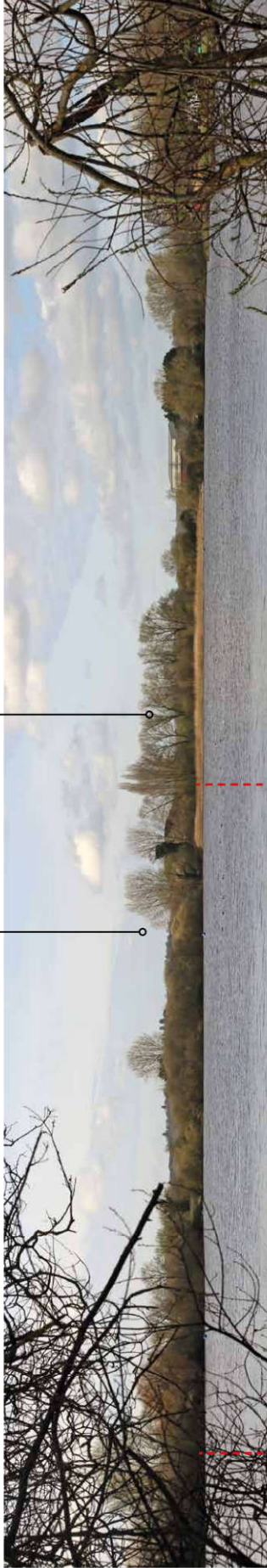


		PROJECT REFERENCE: Ref: ENZ020 A 21.01.21 NP OS Photomontage added B 07.10.21 SH OS Unseen elements added	PROJECT SIZE: A1	PROJECT NO: CRM:1144-010	PROJECT: Reading Quarry EPW, Reading Viewpoint 2
		DATE: May 2020	DRAWN: SH	CHECKED: CG	CLIENT: J Mould Ltd.
		DRAWN: ENZ.XX.XX.SU.L.00.007	CHECKED: CG	DATE: 8.7	

Viewpoint 3: PRoW across Farnham Flint Lakes

Top of existing material storage mounds on site visible between trees

Buildings at existing recycling facility visible between/above trees



Existing View

Approx. Extent of Site

View including proposed development - year 1



Approx. Extent of Site

View including proposed development - year 15



Approx. Extent of Site

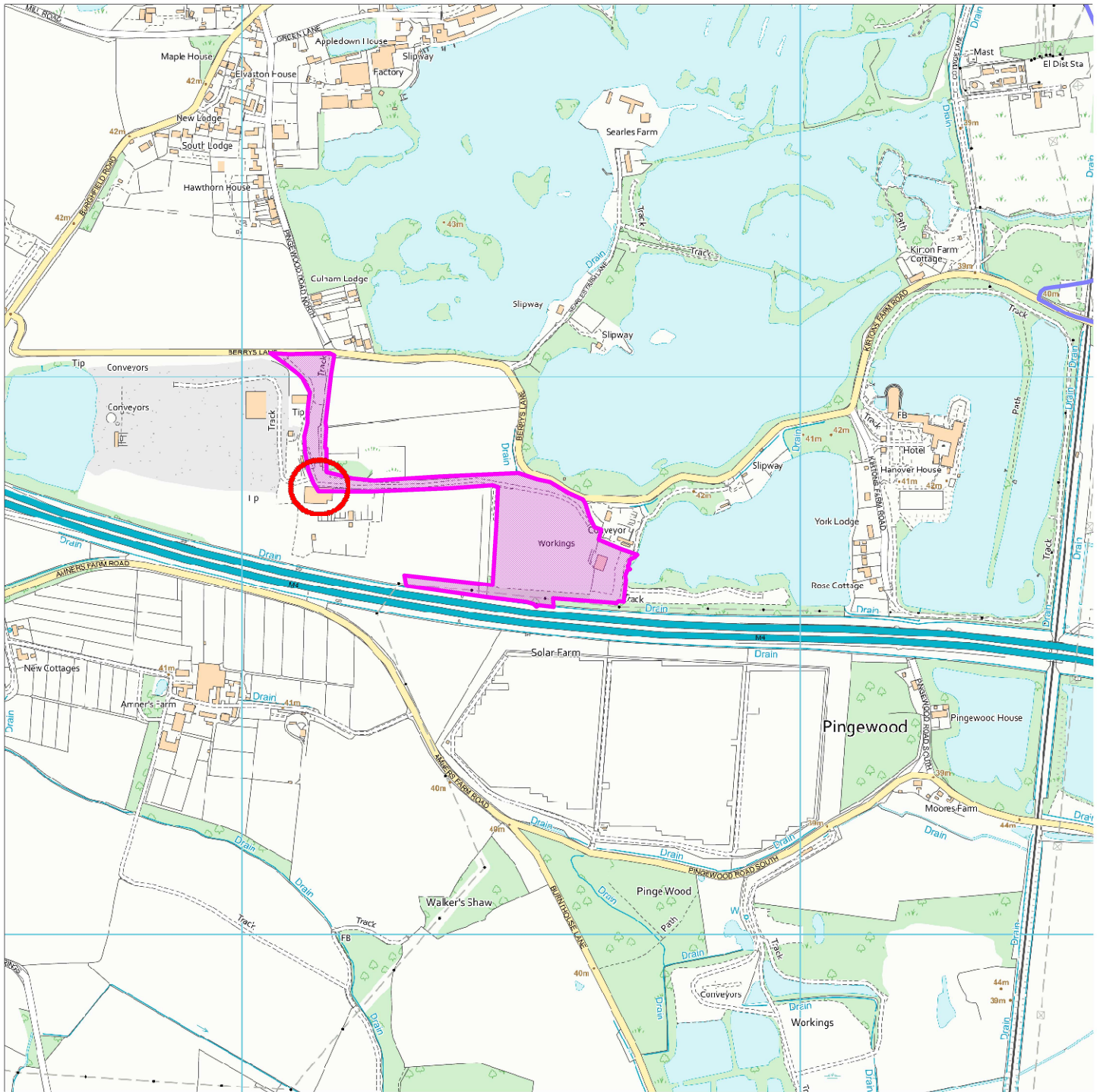
Viewpoint Details

Viewpoint ID: 3  
 Map Co-Ordinates: SU 689568 700988  
 Height at Ground Level (AGD): 42.2m  
 Approx. Distance to Site: 485m  
 Direction from Site: North East  
 Date of Photo: 20.03.2020  
 Weather Conditions: Sunny  
 Surveyor: SH  
 Angle of View: 90°  
 Distance from Viewer: 500mm  
 Receptors:  
 Leisure users of PRoW and Anglers

Viewpoint Location Plan



		PROJECT REFERENCE: Ref: ENZ020 A 21.03.21 NP OS Photomontage added B 07.10.21 SH OS Unisex amenity added	PROJECT SIZE: A1	PROJECT NO: CRM:1144-010	PROJECT: Reaching Quarry EPW, Reading
		DATE: May 2020	DRAWING NO: ENZ-XX-SU.L.00.008	DRAWING TITLE: Viewpoint 3	DRAWING CLIENT: J Mould Ltd
		DRAWN: SH	CHECKED: CG	SCALE: 8.8	



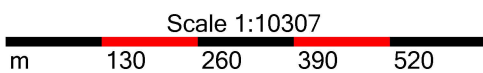
Map Centre Coordinates :

Scale : 1:10307

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	11 August 2022
<b>SLA Number</b>	0100024151



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# Agenda Item 4.(3)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	22/01541/TELE56 Purley-on-Thames	18 <sup>th</sup> August 2022 <sup>1</sup>	Application to determine if prior approval is required for a proposed 15m monopole tower to support antenna, associated radio-equipment housing and ancillary development thereto.  Oxford/Reading Road (opposite junction with New Hill), Purley-on-Thames, Reading  Dalcour Maclaren on behalf of Hutchison 3G (UK) Ltd

<sup>1</sup> Extension of time agreed with applicant until 31<sup>st</sup> August 2022

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=22/01541/TELE56>

<b>Recommendation Summary:</b>	Grant prior approval subject to conditions
<b>Ward Member(s):</b>	Councillors Rick Jones, Thomas Marino and Andrew Williamson
<b>Reason for Committee Determination:</b>	The land in question is owned by the Council and there are more than 5 objections
<b>Committee Site Visit:</b>	17 <sup>th</sup> August 2022

## Contact Officer Details

<b>Name:</b>	Gemma Kirk
<b>Job Title:</b>	Senior Planning Officer
<b>Tel No:</b>	01635 519111
<b>Email:</b>	Gemma.Kirk@westberks.gov.uk

## 1. Introduction

### *Application site and proposal*

- 1.1 This application seeks to determine whether prior approval is required and given for the proposed installation of a 15.0 metre monopole tower to support antenna with associated radio-equipment housing and ancillary development thereto.
- 1.2 The application site is located on a grass verge on the west-side of the A329 (Oxford/Reading Road). The verge is located between the junction with New Hill and the junction with Long Lane in Purley-on-Thames. The grass verge currently accommodates a highway sign and vegetation which screens the residential properties at Clairmore Gardens and Cecil Aldin Drive from the A329. The application site is within the settlement boundary of the Eastern Urban Area (Purley-on-Thames, Tilehurst and Calcot).
- 1.3 The proposed telecommunications development includes one monopole with antennae that will be 15 metres high and painted Grey (RAL 7001). To the north of the monopole is 3 radio-equipment housing that are also proposed to be painted in 'Fir Green' (RAL 6009). Ancillary works including cables and paving slabs are included.

### *What the Local Planning Authority must determine*

- 1.4 Development does not in all instances require a planning application to be made for permission to carry out the development. In some cases development will be permitted under national permitted development rights. Prior approval is required for some permitted development rights, including the installation of telecommunications equipment. The matters which must be considered by the local planning authority in each type of development are set out in the relevant Parts of Schedule 2 of the General Permitted Development Order.
- 1.5 The statutory requirements relating to prior approval are much less prescriptive than those relating to planning applications. This is deliberate, as prior approval is a light-touch process which applies where the principle of the development has already been established. It is important that a local planning authority does not impose unnecessarily onerous requirements on developers, and does not seek to replicate the planning application system.
- 1.6 For some permitted development rights, including prior approval for telecommunication equipment, if the local planning authority does not notify the developer of their decision within the specified time period, or an agree extension of time, the development can proceed.
- 1.7 Schedule 2, Part 16 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended) (now referred to as GPDO for the rest of the report) provides permitted development rights for development by telecommunications code system operators. Condition A.2(3)(c)(i) requires the prior approval notification process to be carried out for the installation of a new mast on unprotected land. Therefore, the developer is required to apply to the local planning authority for a determination as to **whether the prior approval of the local planning authority is required for siting and appearance of the development.**
- 1.8 As such, in considering this application the Committee should not consider the principle of the proposed development, but limit their considerations to the siting and appearance of the proposed development.

## 2. Planning History

2.1 No relevant planning history for the application site.

## 3. Procedural Matters

3.1 **EIA:** Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environment Impact Assessment) Regulations 2017. As such, EIA screening is not required.

3.2 **Publicity:** The GPDO requires that the local planning authority to give notice of the proposed development by- (i) By site notice display in at least one place on or near the land the application related for not less than 21 days, or (ii) by serving notice on any adjoining owner or occupier. Site notices were displayed on 13 July 2022 at the New Hill and Long Lane junctions; the deadline for representations expired on 03 August 2022. This duty was discharged.

## 4. Consultation

### ***Statutory and non-statutory consultation***

4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

<b>Purley-on-Thames Parish Council:</b>	<ul style="list-style-type: none"><li>• Requests for decision to be taken publicly if the proposal is on land owned by WBC.</li><li>• Concerns with pre-application consultation and public consultation.</li><li>• Concerns raised with the potential health risks.</li><li>• Impact to the value of nearby properties.</li><li>• Impact to views, overbearing and overshadowing to neighbouring properties.</li><li>• Loss of trees thereby losing screening.</li><li>• Impact to Green Corridor (creates precedent for development).</li></ul>
<b>WBC Highways:</b>	<ul style="list-style-type: none"><li>• Council's Streetworks team consider location is acceptable, but there are some concerns with traffic management during the works which will need to be carefully considered- this would be dealt with under the submission of relevant permits to Streetworks when installing the equipment.</li><li>• Clarification required on who will maintain the slabs once installed.</li></ul>

<b>WBC Environmental Health:</b>	<ul style="list-style-type: none"> <li>• No objections</li> </ul>
<b>Ward Members:</b>	<ul style="list-style-type: none"> <li>• No comments received at time of writing of report.</li> </ul>

### ***Public representations***

- 4.2 Representations have been received from 17 contributors, all of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

<b>Siting:</b>	<ul style="list-style-type: none"> <li>• Within Green Corridor unacceptable impact to character and wildlife</li> <li>• Residential location (near private gardens, nursery)</li> <li>• Loss of trees (impact to character of the area, provide a noise barrier)</li> <li>• Impact to natural beauty of location</li> <li>• Suitability of the site (why the site was chosen, more suitable locations, more information on site selection should be provided, a cost effective decision)</li> <li>• Local planning authorities can set distance of masts from residential properties</li> </ul>
<b>Appearance:</b>	<ul style="list-style-type: none"> <li>• Visually intrusive (unsightly and an eyesore)</li> <li>• Incongruous to area (existing lighting)</li> <li>• Height</li> <li>• Overbearing impact</li> </ul>
<b>Other Matters:</b>	<ul style="list-style-type: none"> <li>• De-valuing house prices</li> <li>• Health and safety during construction</li> <li>• Health impacts and fear of these impacts</li> <li>• Lack of consultation by developer (sufficient for policy? No evidence this was undertaken and residents do not want mast)</li> <li>• Stability of mast (drainage problems and high winds)</li> </ul>



	<ul style="list-style-type: none"> <li>• Concerns with the submissions (who produced the information, references to public consultation)</li> <li>• Need for mast (already masts in area, no issues with connectivity in area, sufficient coverage)</li> <li>• Loss of views</li> <li>• Appeal cases (proposal should be assessed on own merits)</li> </ul>
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## 5. Planning Policy

5.1 The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1 (Spatial Strategy), ADPP4 (Eastern Area), CS5 (Infrastructure Requirements and Delivery), CS13 (Transport), CS14 (Design Principles), CS18 (Green Infrastructure), CS19 (Historic Environment and Landscape Character) of the West Berkshire Core Strategy 2006-2026 (WBCS).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC Quality Design SPD (2006)

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- National Planning Policy Framework
- Compliance with the GPDO
- Siting & Appearance
- Other Matters

### ***National Planning Policy Framework***

6.2 Chapter 10 of the NPPF acknowledges that advanced, high quality communications infrastructure is essential for sustainable economic growth (an issue also given great weight by the NPPF). The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities.

6.3 The proposed development seeks to provide 5G coverage to the area. Paragraph 114 states that planning decisions should support the expansion of electronic communications including next generation technology such as 5G.

6.4 Paragraph 117 of the NPPF advises that applications for electronic communications development (including prior approval under the GPDO) should be supported by necessary evidence to justify the proposed development:

- The outcome of consultations with organisations with an interest in the proposed development has been provided, in particular with the relevant body where a mast is to be installed near a school or college or within a statutory safeguarding zone surrounding an aerodrome technical site or military explosives storage area;
  - A statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission on non-ionising radiation protection guideline has been provided;
  - Evidence is also provided that other locations for erecting the apparatus was considered.
- 6.5 It is noted that letters of representation raise concerns with the submissions including the lack of consultation pre-submission, the need for the mast, the site selection for the mast and health matters.
- 6.6 The applicants have submitted evidence in accordance with paragraph 117 of the NPPF to justify the proposed development.
- 6.7 Paragraph 118 of the NPPF advises that local planning authorities must determine applications on planning grounds only, and should not seek to prevent competition between different operators or question the need for an electronic communications system. They should not seek to determine health safeguards if the proposal meets International Commission guidelines for public exposure.
- 6.8 Therefore, whilst the concerns in letters of representation are noted justification has been provided in accordance with the NPPF and therefore cannot be refused on these grounds. It is demonstrated that national policy provides support for telecommunications development.

### ***Compliance with Part 16 of the GPDO***

- 6.9 Firstly, the proposed development is assessed against the GPDO to confirm that the proposal would comply with the permitted development rights for telecommunications (Schedule 2, Part 16, Class A). Permitted development rights are subject to national limitations and conditions provided in the GPDO legislation.
- 6.10 The proposed development is *“development by or on behalf of an electronic communications code operator for the purpose of the operator’s electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of (a) the installation, alteration or replacement of any electronic communications apparatus and (c) development ancillary to radio equipment housing”*
- 6.11 Section A.1 sets out the limitations of telecommunications permitted development. The relevant paragraphs are:
- A.1(1)(c): *“in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of (i) 30 metres above ground on unprotected land or (ii) 25 metres above the ground level on article 2(3) land or land which is on a highway.”* PASSES: the monopole is 15 metres in height.
  - A.1(9)(a): *“development consisting of the installation, alteration or replacement of radio equipment housing is not permitted by Class A(a) if— the development is not ancillary to the use of any other electronic communications apparatus.”* PASSES: cabinets for ancillary purposes to mast.
  - A.1(9)(b) *“development consisting of the installation, alteration or replacement of radio equipment housing is not permitted by Class A(a) if— the cumulative volume of such development would exceed 90 cubic metres or, if located on the roof of a*

*building, the cumulative volume of such development would exceed 30 cubic metres". PASSES: cumulative volume does not exceed 90 cubic metres.*

6.12 Section A.2 sets out the conditions of telecommunications permitted development. The relevant conditions are:

- A.2(1)(d) Class A(a) and A(c) development is permitted subject to the condition that— the siting of any development is such that it (i) does not prevent pedestrians from passing along a footway, (ii) does not prevent access to premises adjoining a footway; and (iii) is determined having regard to (aa) the needs of disabled people; and (bb) the guidance document “Inclusive Mobility” issued by the Department for Transport in December 2021. *PASSES: the development is located on a grass verge. No objections raised by the Highways Officer.*
- Any development granted prior approval would be subject to A.2(2) condition which requires the apparatus to be removed when it is no longer required for electronic communication purposes.

6.13 The proposed telecommunications mast and ancillary works comply with the national limitations in Schedule 2, Part 16, Class A of the GPDO.

### ***Siting & Appearance***

6.14 It was determined that under Paragraph A.2(3)(c)(i) that the proposed development would require prior approval and therefore the local planning authority are able to assess siting and appearance of the telecommunications development.

6.15 Policy CS14 of the Core Strategy seeks development that must demonstrate high quality design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. Policy CS19 of the Core Strategy seeks that proposals will have a particular regard to the location, scale, design of the development in the context of the existing settlement form, pattern and character.

6.16 Accompanying the application is a Supplementary Information Form which seeks to demonstrate that siting and appearance of the development would neither harm the visual amenity of the area nor the living conditions of neighbouring development.

6.17 The application site is a suburban grass verge which contributes to the green character of the area. It is also acknowledged that the Oxford Road does form part of a green corridor in which the grass verge and trees would contribute to. However, the verge contains a highway sign and a cover for inspection chamber. On the opposite side of the road is street lighting for the A329. The monopole has a slim design (width 0.4 metres – 0.8 metres approximately) and the equipment housing has a low volume and ground coverage. As a result of the existing street furniture and the design of the telecommunications equipment it is considered that the monopole and cabinets would not appear incongruous within the street scene nor be significantly harmful to the green corridor.

6.18 Concerns were raised that the trees would be removed or cut to accommodate the development. However, Dalcour Maclaren on 14.07.2022 advises:

*“There is no suggestion within these drawings, within the application on the whole, or within the planning statement, that any of the adjacent trees will be felled as a consequence of this development. As outlined above, this site has been specifically selected to utilise the natural environment to the best effect, with the main focus being on the mature trees which offer excellent screening to the proposed development.”*

- 6.19 It is also noted in the planning history for the erection of the dwellings at Clairmore Gardens it is identified that the existing leylandi that forms part of this boundary is protected by condition 7 of planning permission 155775 which states that these shall not be lopped, topped, felled, lifted, removed or disturbed in any way without prior permission in writing of the local planning authority. Therefore the developer would need to seek approval for any works to this vegetation, and any such request would be assessed on its own merits. With the retention of the trees it is considered that the green corridor character in this location would not be harmfully impacted.
- 6.20 It is acknowledged that there are residential properties to the west of the proposed development. It is considered that the equipment is positioned away from the boundary of the residential properties (minimum of 7.6 metres approximately). The retained trees and hedges provide screening. On balance, this would reduce impact in terms of overbearing impact and overshadowing impact on the neighbouring properties. The slim design also assists in reducing the impact on the living conditions of neighbouring properties.
- 6.21 It is noted objections to the height of the structure are made including that it is visually intrusive. However, whilst, it is a tall structure and would have a visual impact it would be well within the permitted development limits and the design reduces the bulk to ensure it would not be harmful to visual amenity. It is considered that the original choice of colour RAL 8016 (Brown) would create a more prominent feature. It was suggested that the monopole is painted Grey (to match existing street furniture) and 'Fir Green' equipment cabinets to blend into the existing grass verge. This was confirmed by the Dalcour Maclaren on 11.08.2022.
- 6.22 No objections were received from the Highway Authority for siting the telecommunications apparatus on the grass verge.
- 6.23 With the amendments to the colour of the telecommunications apparatus it is considered that the siting and appearance of the proposed development is acceptable.

### **Other Matters**

- 6.24 **Site Selection:** The application is accompanied with evidence that other sites were considered. The applicant advises that they have put forward the best site. The applicant states on 14.07.2022: *"The alternative options we identified within the planning statement fall into the localised area and it is considered that the best, and most effective, town planning solution has been brought forward as part of this application. Furthermore, clear precedent has been set by the Planning Inspectorate that, as part of the GPDO Prior Approval process, there is no requirement to select the best possible site, with the following being included in two recent Inspectors Reports"* (these can be viewed online) As a result of the advice contained within the NPPF and the assessment of the siting it is considered that no further evidence was required for the site chosen.
- 6.25 **Other matters raised in representations:**
- Local planning authorities can provide parameters for the siting of telecommunications development: The NPPF advises in Paragraph 116 *"Local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development."*
  - Wildlife: Due to the nature and scale of the development is not considered that wildlife would be materially impacted.

- Devaluing properties and the loss of a view: are not material planning considerations and therefore cannot be assessed as part of this prior approval.
- Matters of stability and health and safety matters during construction: These do not fall within the two issues the local planning authority can assess. However, the Council's Streetworks Team have advised that as part of a permit matters of construction would be agreed.

## 7. Planning Balance and Conclusion

- 7.1 Prior approval was required for the siting and appearance of the proposed development (15 metre monopole supporting antenna, ancillary radio-equipment housing and ancillary development thereto). A high level of objection to the proposed development has been received. However, weight is given to the NPPF which is in support of telecommunications development due to the sustainable economic benefits. Furthermore, the local planning authority can only assess the prior approval on siting and appearance which for this development which for the reasons provided in the report are considered to be acceptable.
- 7.2 It is recommended that prior approval is given.

## 8. Full Recommendation

- 8.1 To delegate to the Service Director of Development & Regulation to GRANT PRIOR APPROVAL subject to the conditions listed below.

### **Conditions**

1. **Commencement of development**

The development hereby permitted must begin no later than the expiration of 5 years beginning with the date on which the approval was given.

Reason: To accord with Paragraph A.3 (11(a)) of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2. **Approved plans**

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

- WBE21856\_WBE169\_86384\_RG6928\_GA\_REV\_A 002 A (Site Location Plan) received on 24.06.2022;
- WBE21856\_WBE169\_86384\_RG6928\_GA\_REV\_A 215 A (Proposed Site Plan) received on 24.06.2022;
- WBE21856\_WBE169\_86384\_RG6928\_GA\_REV\_A 265 A (Proposed Site Elevation) received on 24.06.2022;
- Notwithstanding, the details contained in the plans the monopole will be Grey (RAL 7001) and the radio equipment housing shall be Fir Green (RAL 6009) as per the email from Dalcour Maclaren received on 11.08.2022.

Reason: To accord with Paragraph A.3 (9(a)) of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

### 3. **Siting**

Class A(a) and A(c) development is permitted subject to the condition that—  
The siting of any development is such that it—

- (i) Does not prevent pedestrians from passing along a footway;
- (ii) Does not prevent access to premises adjoining a footway; and
- (iii) Is determined having regard to- (aa) the needs of disabled people; and (bb) the guidance document “Inclusive Mobility” issued by the Department for Transport in December 2021.

Reason: To accord with Paragraph A.2 (1(d)) of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

### 4. **Removal (when no longer required)**

Class A development is permitted subject to the condition that—

- (a) Any electronic communications apparatus provided in accordance with that permission is removed from the land or building on which it is situated—
  - (i) If such development was carried out in an emergency, at the expiry of the relevant period; or
  - (ii) In any other case, as soon as reasonably practicable after it is no longer required for electronic communications purposes; and
- (b) Such land or building is restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer.

Reason: To accord with Paragraph A.2 (2) of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

## ***Informatives***

### 1. **Proactive**

In attempting to determine the prior approval application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Schedule 2 of the General Permitted Development Order, the National Planning Policy Framework and Development Plan policies. In this application there has been a need to balance conflicting considerations, and 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.

### 2. **Applicant’s attention drawn to permission 155775**

Condition 7 of permission 155775 requires written permission to be obtained from the local planning authority for works to the existing trees (leylandi) including lopping, topping, felling, lifting, removing or disturbing in any way.

### 3. **Streetworks**

Please contact the Streetworks Team at [Streetworks@westberks.gov.uk](mailto:Streetworks@westberks.gov.uk) to obtain relevant permits before carrying out the proposed development.

22/01541/TELE56



Telecommunications Mast Adjacent Junction With New Hill, Reading Road, PO  
RG31 6YD



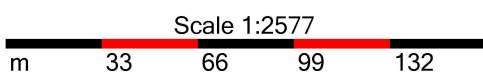
Map Centre Coordinates :

Scale : 1:2576

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	11 August 2022
<b>SLA Number</b>	0100024151



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