

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	23/02536/FULMAJ Cold Ash Parish Council	9 February 2024 ¹	<p>Section 73 - Vary condition 2 (Approved plans) of approved application 21/03154/COMIND: Construction of a detention basin with an area of 0.20 hectares and a 0.7m high earth bund to the south of the scheme. Realignment of an existing ditch for 12m into the proposed basin and installation of a bypass structure to facilitate flows in the existing watercourse downstream. A 300mm diameter pipe will convey flows from the basin during flood events to the existing ditch to the south of the scheme before out falling to the existing Thames Water sewer to the southwest. The existing ditch will be regraded from the outlet from the basin to the inlet to Thames Water sewer. The provision of a 3.0m wide access track from Bowling Green Road to serve the Scheme. Removal and deposition and levelling of soil on adjoining land and land north of Tull Way.</p> <p>Land West Of Heath Lane and North Of Bowling Green Road, Thatcham</p> <p>West Berkshire Council</p>

¹ Extension of time agreed with applicant until 27TH November 2024

The application can be viewed on the Council's website at the following link:

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S3RA14RD0MN00>

Recommendation Summary: To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to conditions.

Ward Member(s): Councillor Heather Codling and Councillor Paul Dick

Reason for Committee Determination: West Berkshire Council major application.

Committee Site Visit: 14th November 2024

Contact Officer Details

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1. Introduction

- 1.1 This application seeks planning permission under Section 73A of the Town and Country Planning Act for the removal or variation of conditions following grant of Planning Permission 21/03154/COMIND - Construction of a detention basin with an area of 0.20 hectares and a 0.7m high earth bund to the south of the scheme. Realignment of an existing ditch for 12m into the proposed basin and installation of a bypass structure to facilitate flows in the existing watercourse downstream. A 300mm diameter pipe will convey flows from the basin during flood events to the existing ditch to the south of the scheme before out falling to the existing Thames Water sewer to the southwest. The existing ditch will be regraded from the outlet from the basin to the inlet to Thames Water sewer. The provision of a 3.0m wide access track from Bowling Green Road to serve the Scheme. Removal and deposition and levelling of soil on adjoining land and land north of Tull Way.
- 1.2 The previous permission granted was for a new detention basin on agricultural land to the north of Bowling Green Road which will provide approximately 2750m³ of flood water storage. That scheme also involved the realignment of an existing ditch for 12m into the proposed basin which will convey more extreme flows into the detention basin. The works also involve embankments with a maximum height of 0.7m and a small section of the existing watercourse was to be infilled to accommodate the bypass flow control structure.
- 1.3 The previous application granted also sought permission for the removal of spoil from this site which was to be deposited on the identified adjoining land and land north of another Flood Alleviation Scheme at Tull Way. Those areas were identified on the location plan accompanying that application. The overall objective was to reuse most of the excavated material within the site, however, this was dependent on its suitability. If excavated material was to be taken off site, the material would be spread at Tull Way Flood Alleviation Scheme (FAS) to a depth of 0.3m. The preference was for as much of the spoil to be reused on site or deposited on the adjoining land to reduce vehicle movements. Suitable puddle clay material excavated from this site was also proposed to be stockpiled separately and later utilised on another separate nearby flood alleviation scheme (Memorial Fields FAS) as an impermeable liner for that proposed detention basin. The original strategy involved a surplus volume material of 11,744m³. It was proposed that 5,580 m³ would be retained and spread over an area of approximately 18,600m² on the adjoining land to this Bowling Green Road FAS to a depth of 0.15m-0.3m with the remaining stockpiled temporarily for use at Memorial Field FAS.
- 1.4 Following further soil tests and volume calculations it was concluded that there was not a sufficient volume or quality of material to accommodate the requirements for Memorial Field (FAS). Additional spoil from the Heath Lane FAS also needed to be deposited. As a result, a total of 10,600m³ of surplus material was identified to be stored permanently on this site at Bowling Green Road FAS.
- 1.5 Therefore, this s73A application seeks to vary condition 2 of permission 21/03154/COMIND to alter the previously approved arrangements for spoil to be deposited within the land adjacent to the Bowling Green Road FAS. Whereas the previously approved spoil scheme would have resulted in approximately 5,580 m³ of spoil to be spread over an area of 18,600m² increasing the ground level to a depth of 0.15-0.3m, permission is now sought for the deposition of approximately 10,600m³ of spoil on the adjacent land over a reduced area of 13,900m² but to an increased depth of 0.75m (comprising 0.6m of clay and 0.15m of top soil). The area over which spoil has been spread has been reduced from the approved design to allow for a new proposed cut off ditch around the soil spreading site for which permission is also sought.

- 1.6 The new cut off ditch runs along the bottom edge of the land upon which spoil is deposited and is required to ensure that additional sediment and surface water is collected in the intervening period while the grass on the spoil site grows.
- 1.7 Amended plans and additional information was received during the consideration of the application to provide clarification regarding highway movements, archaeological watching brief, supervision of works affecting trees, the design of the cutoff ditch and additional section plans of the spoil deposition areas.
- 1.8 In addition, during the consideration of the application the applicant confirmed that the proposed access track through the application site, and associated gated access onto the neighbouring land, is also to be amended such that the track would terminate at the fence line further south than was approved with a turning area and the gate moved accordingly. Plans detailing this change were submitted during the consideration of the application and reconsulted on. However, permission for the change to the proposed access track through the application site and associated gated access onto the neighbouring land was also sought under a separate non-material amendment application, 24/01876/NONMAT, which was approved on 10th October 2024.

2. Planning History

- 2.1 The table below outlines the relevant planning history of this application site.

Application	Proposal	Decision / Date
21/03154/COMIND	Construction of a detention basin with an area of 0.20 hectares and a 0.7m high earth bund to the south of the scheme. Realignment of an existing ditch for 12m into the proposed basin and installation of a bypass structure to facilitate flows in the existing watercourse downstream. A 300mm diameter pipe will convey flows from the basin during flood events to the existing ditch to the south of the scheme before out falling to the existing Thames Water sewer to the southwest. The existing ditch will be regraded from the outlet from the basin to the inlet to Thames Water sewer. The provision of a 3.0m wide access track from Bowling Green Road to serve the Scheme. Removal and deposition and levelling of soil on adjoining land and land north of Tull Way.	Approved 08/06/2022 by Western Area Planning Committee on 01/06/2022
22/02679/COND	Approval of details reserved by Condition No. 7 First Part (Archaeological Supervision), 11 (CEMP) and 12 (LEMP) of Approved Application 21/03154/COMIND: Construction of a detention basin with an area of 0.20 hectares and a 0.7m high earth bund to the south of the scheme. Realignment of an existing ditch for 12m into the proposed basin and installation of a bypass structure to facilitate flows in the	Approved 13/01/2023

	<p>existing watercourse downstream. A 300mm diameter pipe will convey flows from the basin during flood events to the existing ditch to the south of the scheme before out falling to the existing Thames Water sewer to the southwest. The existing ditch will be regraded from the outlet from the basin to the inlet to Thames Water sewer. The provision of a 3.0m wide access track from Bowling Green Road to serve the Scheme. Removal and deposition and levelling of soil on adjoining land and land north of Tull Way.</p>	
22/02744/COND	<p>Approval of details reserved by Conditions 5 (Tree protection for spoil disposal) and 8 (Construction method statement) of Approved Application 21/03154/COMIND: Construction of a detention basin with an area of 0.20 hectares and a 0.7m high earth bund to the south of the scheme. Realignment of an existing ditch for 12m into the proposed basin and installation of a bypass structure to facilitate flows in the existing watercourse downstream. A 300mm diameter pipe will convey flows from the basin during flood events to the existing ditch to the south of the scheme before out falling to the existing Thames Water sewer to the southwest. The existing ditch will be regraded from the outlet from the basin to the inlet to Thames Water sewer. The provision of a 3.0m wide access track from Bowling Green Road to serve the Scheme. Removal and deposition and levelling of soil on adjoining land and land north of Tull Way.</p>	<p>Approved 17/01/2023</p>
24/01876/NONMAT	<p>Non Material amendment application to planning application 21/03154/COMIND: Construction of a detention basin with an area of 0.20 hectares and a 0.7m high earth bund to the south of the scheme. Realignment of an existing ditch for 12m into the proposed basin and installation of a bypass structure to facilitate flows in the existing watercourse downstream. A 300mm diameter pipe will convey flows from the basin during flood events to the existing ditch to the south of the scheme before out falling to the existing Thames Water sewer to the southwest. The existing ditch will be regraded from the outlet from the basin to the inlet to Thames Water sewer. The provision of a 3.0m wide access track from Bowling Green Road to serve the Scheme. Removal and deposition and levelling of soil</p>	<p>Approved 10/10/24</p>

	on adjoining land and land north of Tull Way. Amendment: Extension of the netpave in the northeast portion of the site and relocation of the field gate.	
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3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Town and Country Planning (Environmental Impact Assessment) Regulations 2017: The development falls within the description of development in Schedule 2, Column 1, paragraph 10 (i) Dams and other installations designed to hold water or store it on a long-term basis. The development is not located within an environmentally sensitive area however it exceeds the relevant thresholds in Column 2 as the site area is greater than 1 ha. A screening opinion was carried out on the 11th May 2022 for the development previously approved. This confirmed that, taking into account the selection criteria in Schedule 3, the proposal is not considered to be EIA development. The proposed variation of condition 2 of permission 21/03154/COMIND to amend the approved scheme has also been screened and is not considered to be EIA development.
- 3.2 **Publicity:** Site notices displayed on 17 November 2023 attached to the fence at the front of the site and a lamppost opposite the site; the deadline for representations expired on 24 December 2023. A public notice was displayed in the Newbury Weekly News on 23 November 2023; the deadline for representations expired on 7 December 2023.
- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. No local financial considerations are material to this application.
- 3.4 **Community Infrastructure Levy (CIL):** Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the development. All new dwellings are CIL liable and as such CIL will be charged on this scheme. The relevant forms have been completed by the applicant and 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.
- 3.5 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 3.6 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.7 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.8 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.
- 3.9 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.10 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

4. Consultation

Statutory and non-statutory consultation

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

Cold Ash Parish Council:	No response received.
Thatcham Town Council:	Not considered.
WBC Highways:	It would seem that soil is being moved around within the site to provide different contours to that originally envisaged. However can confirmation be provided that there will not be any change in

	the number of vehicles especially larger ones entering or leaving the site during construction?
WBC Archaeologist:	Earth-moving, recontouring and the creation of haul roads all have the potential to have an impact on archaeological features. There was an archaeological condition attached to 21/03154/COMIND for monitoring of groundworks, and though I visited the site a few months ago I haven't yet received a report. I would be grateful if the applicants could follow this up with the contractors, and also provide some additional assessment on whether there are surviving archaeological earthworks within the application area.
WBC Tree Officer:	The additional spoil spreading seems to be proposed for the middle and northern parts of the site. These are away from existing trees. Therefore, my comments are as per 21/03154/COMIND. I would be grateful if it could be confirmed that Arb supervision has been taking place, given works have been underway for some time.
Lead Local Flood Authority (LLFA):	No response received.
WBC Ecologist:	No response received.

AMENDMENTS RESPONSES

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

Cold Ash Parish Council:	No objections, request that reports submitted are verified as independent and accurate.
Thatcham Town Council:	No response received.
WBC Highways:	No objections.
WBC Archaeologist:	No objections.
WBC Tree Officer:	No objections.
Lead Local Flood Authority (LLFA):	No objections.
WBC Ecologist:	No response received.

FURTHER AMENDMENTS RESPONSES

- 4.3 The table below summarises the consultation responses received during the consideration of the application following the second set of amendments submitted comprising the change to the internal track termination point and gated access onto neighbouring land. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Cold Ash Parish Council:	No objections – unanimous.
Thatcham Town Council:	No response received.
WBC Archaeologist:	No further comment.
WBC Ecologist:	No response received.

Public representations

- 4.4 Representations have been received from 1 contributor objecting to the proposal.
- 4.5 The full response 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:
- Impact on neighbouring amenity.
 - Updated hydrogeological and ecological reports required.
 - Proposal is contrary to all previous assurances made by West Berks Council regarding spoil deposition.
 - Impacts the skyline and hydrology of the area.
 - Expect 2022 Amended Soil Deposition Plan to be adhered to and all excess soil is removed off site and disposed of appropriately.
 - Current levels of deposition are well in excess of the 0.75m being proposed.
 - Run-off is increased from the development.
 - The use of NetPave introduces plastic paving to the environment in an area which was natural meadow habitat.
 - Work continued in breach of the previous permission and additional spoil created.
 - No reason for the relocation of the track and gate and track should only be used by the Council and Thames Water with access for the landowner restricted to agricultural vehicles and no use for future housing.

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, ADPP3, CS13, CS14, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).

- Policies OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
- Policies CAP1, CAP2, CAP3, CAP5, CAP6, CAP7, CAP8 of the Cold Ash Neighbourhood Development Plan

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)
- WBC Sustainable Drainage Systems SPD (2018)
- Cold Ash and Ashmore Green Village Design Statement.

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of Development
- Character and Appearance
- Neighbouring Amenity
- Highway Matters
- Biodiversity
- Archaeology
- Trees
- Flooding and Drainage

Principle of Development

6.2 The principle of the development proposed is acceptable, as established under the previous permission granted, 21/03154/COMIND.

Character and Appearance

6.3 The parts of the site where the changes in ground levels have been made are visible but limited, comprising views between vegetation for a short section along Bowling Green Road, at the access point onto Bowling Green Road, and for short sections from the public right of way (COLD/15/1) located to the northwest of the application site.

6.4 The ground upon which the spoil is to be deposited would still to be planted with grass. Whilst limited parts of the site are seen, it is not considered that the proposed change in ground levels upon that previously approved is readily discernible from the public realm.

6.5 In respect of the proposed new cut off ditch, that ditch is 1.5 metres wide and 0.5 metres deep and runs along the bottom edges of the areas upon which spoil is spread. One section of the proposed cut off ditch starts at the western boundary and run southwards, the outfall of which drains into the basin via a land drain. The other section of the proposed cut off ditch runs from the north-eastern corner of the site southwards and then westward to the basin via a land drain.

6.6 No part of the proposed cut off ditch is visible from the public realm. Therefore, that additional engineering work is not considered have any significant impact on the landscape or character of the area.

- 6.7 In respect of the additional change to the positioning of the gate and track through the site with a turning area, that amendment has already been approved under the non-material amendment application 24/01876/NONMAT as it was considered that the changes were minor when considering the landscaping scheme as a whole and there is no net loss of new planting.
- 6.8 In conclusion, the proposal complies with Policy CS14 and CS19 of the Core Strategy and the guidance within the NPPF.

Neighbouring Amenity

- 6.9 Whilst the proposed change in ground levels and introduction of cut off ditches are visible from neighbouring properties, in particular Henwick Old Farm, those are not considered to have introduced any significant impact upon that previously approved.
- 6.10 A representation received raises concern regarding the impact on the skyline. The change to the ground levels previously approved tie into the existing ground level at the top edges of the fields such that there is no significant impact in terms of the skyline.
- 6.11 The representation also raises concern regarding the hydrological and ecological impacts from the changes proposed upon that previously approved. Those matters are considered below.
- 6.12 To the east of the site is the Regency Hotel. No significant impact on the amenity of that neighbouring property is introduced from the change in the spreading of spoil.
- 6.13 In conclusion, it is not considered that the amended change to the spreading of spoil or relocation of the track and gate has an adverse impact on the amenity of neighbouring occupiers or land users and as such the proposal is considered to accord with policy CS14 of the Core Strategy and the guidance within the NPPF.

Highway Matters

- 6.14 Policy CS13 of the Core Strategy seeks to ensure that new development does not have a negative impact on the local transport network. The change to the deposition of spoil has resulted in more of the spoil generated from the Bowling Green FAS being retained within the site rather than being transported to one of the other FAS sites, thereby reducing the number of vehicle movements.
- 6.15 The development is completed aside from completing the installation of the track and gate at the time of writing this report, and no objections have been raised by the Highway Authority.
- 6.16 Therefore, the proposed amendments to the previously approved scheme are considered to accord with Policy CS13 of the Core Strategy and the guidance within the NPPF.

Biodiversity

- 6.17 As part of the submissions for the previously approved scheme ecological assessments including an assessment of the ground upon which spoil was to be deposited were provided. The proposed amendments are not considered to alter the conclusions of those assessments. The soil that is spread would still be planted with grass as per the previous permission to achieve the net gain in biodiversity established under the previous application. The relocated gate and track would result in no reduction of the planting of the track, as confirmed in the recent non-material amendment application

approved. The previously approved LEMP and CEMP required to successfully mitigate the impact on any species which may be present would remain in place.

- 6.18 In conclusion, the proposals accord with Policy CS17 of the Core Strategy and the guidance within the NPPF.

Archaeology

- 6.19 The previous application was supported by a heritage desk-based assessment and geophysical survey and was granted subject to a condition requiring the commissioning of a programme of archaeological supervision (watching brief) during the groundworks.
- 6.20 Details of that archaeological supervision were approved under application 22/02679/COND and a condition attached to this permission would maintain that supervision.
- 6.21 Following further information from the applicant, the Archaeologist has raised no objections.

Trees

- 6.22 The proposed amendments are located outside of the established tree protection zones. Arboricultural works and supervision were secured by condition for the previous permission and the proposed amendments do not alter those.
- 6.23 Subject to conditions, no objections are raised by the Tree Officer.

Flooding and Drainage

- 6.24 The proposed amendments are not considered to introduce any significant impacts in respect of flooding and drainage. The proposed changes to ground levels are not considered to alter the topography of the ground significantly from that previously approved, as shown on the plans submitted. The introduction of cut off ditches would improve upon the scheme previously granted which did not have such features to specifically address the surface water and sediment run-off from the spoil areas during the time that it would take for the grass to grow, when runoff may be increased. Those cut off ditches will also provide additional retention and divert surface water runoff from the parts of the site where soil is located to the basin, thereby protecting the amenity of Henwick Old Farm further.
- 6.25 As advised for the previously approved scheme, the basin and associated culverts and ditches will be maintained and managed accordingly as they are within the control of West Berkshire Council as the Lead Local Flood Authority (LLFA).
- 6.26 The LLFA have raised no objections to the application. Therefore, the application is considered to accord with Policy CS16 of the Core Strategy.

7. Planning Balance and Conclusion

- 7.1 In conclusion, the proposed amendments to the previously approved scheme are not considered to introduce any significant impact on the character and appearance of the area, neighbouring amenity, highways, ecology, trees or flooding. The proposals will deliver a significant social benefit in terms of providing essential flood protection measures to properties within Thatcham which are currently vulnerable to flooding. This subsequently has significant economic benefits to residents and businesses.

7.2 Therefore, the proposals comply with the policies in the Core Strategy and the guidance within the NPPF and as such the application is recommended for approval subject to conditions.

7.3 The conditions attached to the original planning permission that are relevant to the remaining works to be undertaken at the site are proposed to be imposed in this new amended planning permission, should Members resolve to approve the application

8. Full Recommendation

8.1 To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

Conditions

1.	<p>Approved Plans</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Received 3 December 2021:</p> <p>Bowling Green Road Basin Red Line Boundary 2005290-002F Proposed Earthworks Cut and Fill Volumes 2005290-007 Flood Alleviation Access Road Construction Details 2005290-017 Bund and Swale Construction Details Sheet 1 of 2 2005290-018 Bund and Swale Construction Details Sheet 2 of 2 2005290-019 Thatcham Flood Defence by Cotswold Archaeology August 2021 Arboricultural Implications Report by SJA Trees Nov 2021 Flood Risk Assessment by Ardent December 2021 Geotechnical Interpretative report by Geo-Environmental November 2021 Landscape Appraisal, proposed Landscape Scheme, Planting Details and Landscape management and Maintenance Plan by Liz Allen, Nov 2021 Ecology Assessment by Derek Finnie Associates, November 2021</p> <p>Received 20 December 2021:</p> <p>Flow Control Structure Details 2005290-012A Tree Removal Plan 2005290-14A Arboricultural Implications Report Addendum by SJA Trees Dec 2021</p> <p>Received 8 March 2022:</p> <p>Trial Pit Location Plan 2005290-004B</p> <p>Received 31 October 2022:</p> <p>Written Scheme of Investigation for an Archaeological Watching Brief by Cotswold Archaeology CA Project: AN0579 dated September 2022. Construction and Environmental Management Plan (CEMP) North and East Thatcham FAS reference: CE-MF-2169-RP02 FINAL Rev2 dated 10th January 2023 by Crestwood Environmental Ltd. E-mail from G Hardwick from Ardent dated 06/01/2023 15:57 detailing some amendments to the CEMP</p> <p>Received 4 November 2022:</p> <p>SJA Tree Protection Plan ref TPP 22280-01 dated Oct 2022</p>
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	<p>West Berkshire Council Construction Method Statement North and East Thatcham FAS Site Compound Layout plan number 2005301-028</p> <p>Received 12 January 2023: Landscape Ecology Management Plan by Derek Finnie Associates ref: DFA21089V4, dated October 2022</p> <p>Received 10 May 2024:</p> <p>Bowling Green Road Soil Spreading Strategy Contours Plan, drawing number 2005291-603 Rev P4 (excluding the track and gate). Bowling Green Road Revised Soil Spreading Strategy Plan, drawing number 2005291-604 Rev P2 (excluding the track and gate). Bowling Green Road Revised Soil Spreading Strategy, drawing number 2005291-605 (excluding the track and gate). Flood Risk Assessment Addendum, ref: LE/2005291/LPA dated 12 April 2024.</p> <p>Received 6 September 2024: General Arrangement Plan, drawing number 2005290-001 Rev C6.</p> <p>Received 14 October 2024: Landscape Proposals, drawing number 01-09A/2021-22/WB/LAEPLA – Rev C</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
2.	<p>Landscaping</p> <p>All landscape works shall be completed in accordance with the submitted plans, reference drawing numbers 01-09A/2021-22/WB/LAEPLA – Rev C received 14 October 2024.</p> <p>The approved landscaping plan shall be implemented within the first planting season following completion of development.</p> <p>Any trees, shrubs or hedges planted in accordance with the approved scheme which are removed, die, or become diseased within five years from completion of this development shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.</p> <p>Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality. This is to ensure the implementation of a satisfactory scheme of landscaping in accordance with the NPPF and Policies ADPP1, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
3.	<p>Access Visibility</p> <p>The visibility splays at the access shall be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level at all times</p> <p>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).</p>

4.	<p>Landscape and Ecological Management Plan</p> <p>The development and site shall be managed and maintained at all times in accordance with the Landscape and Ecological Management Plan (LEMP) by Derek Finnie Associates (ref: DFA21089V4, dated October 2022) received on 12 January 2023.</p> <p>Reason: The condition is needed to ensure the biodiversity enhancements are maintained and managed to deliver long term benefits. This condition is applied in accordance with the National Planning Policy Framework and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
6.	<p>Construction Hours of Work</p> <p>No construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:</p> <p>7:30am to 6:00pm Mondays to Fridays; No work shall be carried out at any time on Saturdays, Sundays or Bank Holidays.</p> <p>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.</p>

Informatives

1.	<p>Proactive</p> <p>This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. The local planning authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area.</p>
2.	<p>CIL</p> <p>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</p>
3.	<p>Biodiversity Net Gain</p> <p>The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:</p> <p>(a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan.</p>

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

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

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

EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS

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

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
 - 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

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

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

APPLICABLE EXEMPTION

The exemption that is considered to apply to this application is: The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

IRREPLACEABLE HABITAT

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

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

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

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

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

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

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

PHASED DEVELOPMENT

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

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