

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	24/00247/MINMAJ Burghfield	11 June 2024 ¹	<p>Proposed Development of an Advanced Conversion and Recovery Facility comprising of two main buildings including processing hall and office, access route, vehicle parking, cycle spaces, storage and landscaping.</p> <p>Fenton House, Deans Copse Road, Theale RG7 4GZ</p> <p>Environmental Power International and Claude Fenton Holdings</p>
¹ Extension of time agreed with applicant until 14 March 2025			

The application can be viewed on the Council's website at the following link:
<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=S8QU42RD0PL00>

Recommendation Summary:	Delegate to the Development Manager to GRANT PLANNING PERMISSION subject to conditions.
Ward Members:	Councillor Nick Carter Councillor Vicky Poole Councillor Geoffrey Mayes
Reason for Committee Determination:	Call in by Cllr Nick Carter (subject to recommendation for approval)
Committee Site Visit:	26 th February 2025

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1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for an Advanced Conversion and Recovery Facility comprising of two main buildings including process hall and offices, access route, vehicle parking, cycle spaces, storage and landscaping.

Application Site

- 1.3 The application area sits within the wider Sheffield Bottom (Theale Quarry) site which has an extensive site history characterised by historic mineral workings going back to the 1960s. The site and surrounding area form part of the former Theale Quarry and plant site. The site is currently vacant, comprising bare ground, although the development platform for a consented waste processing facility (17/02241/MINMAJ) was constructed 2021 and remains onsite.
- 1.4 On the wider site there are a number of permitted mineral and waste uses, including a waste recycling transfer station (granted in 2014 - 13/01928/MINMAJ) and concrete batching plant (granted permanent permission in 2021 - 20/02161/FUL), as well as an area of open storage currently in use for the storage of skips, trailers and other equipment. To the east of the site is the former Heron's Nest Landfill site.

Proposal

- 1.5 The proposal is for an advanced Conversion and Recovery facility, which will use patented pyrolysis technology to produce a high-quality fuel gas and carbon char. The fuel gas will then be refined into hydrogen and bio-naphtha (used to make Sustainable Aviation Fuel) along with carbon black. Pyrolysis is the chemical decomposition of organic material by heat in the absence of oxygen.
- 1.6 The development will include resurfacing of the site and the construction of two buildings, weighbridge, plant and machinery. Soft landscaping and ecological enhancements are also proposed within the site.
- 1.7 The proposed development consists of 2 large single story industrial buildings, with 2 two storey buildings for staff welfare. Building 1 measures 54.9m long by 65.2m wide, with a maximum roof height of 14.2m. Building 2 measures 54.9m long by 61.0m wide, again with a maximum roof height of 14.2m. The gross internal area of the buildings is 2,539sqm and 2,417sqm (total 4,056sqm). The maximum height of the buildings will be 14.2m. The two buildings are sited approximately 23m from each other with a shared service yard between them. The proposed buildings are shown on the following plans:

Drawing	Reference	Date
Revised Site Plan	No. 01051 Rev P06	Sept 2023
Site Sections	No. 00070 Rev P1	Nov 2023
Elevations and Sections (Building 1)	No. 00200 Rev P1	Nov 2023
Roof Plan (Building 1)	No. 00102 Rev P1	Jan 2024
Elevations and Sections (Building 2)	No. 00225 Rev P1	Nov 2023
Roof Plan (Building 2)	No. 00127 Rev P1	Jan 2024

- 1.8 Pyrolysis is the chemical decomposition of organic material with heat in the absence of oxygen. There is no burning or combustion and therefore, there are no emissions associated with pyrolysis. The process proposed for this site is unique and protected by patent. It results in a highly controllable process and produces a high-quality fuel gas and a solid carbon char¹.
- 1.9 The proposed facility will be the first full scale commercial operation of its type in the Country.
- 1.10 The fuel gas can be further refined into hydrogen and bio-naphtha alongside carbon black². Bio-naphtha³ will be transported off site to be refined further to produce Sustainable Aviation Fuel or other liquid fuels.
- 1.11 The development will have 12 modules each handling approximately 1 tonne per hour of feedstock. The development will require an input of up to 104,000 tonnes of feedstock per annum.
- 1.12 The feedstock for the process will come from non-recyclable, non-hazardous residual waste that would otherwise be landfilled or incinerated, and/or from sustainable biomass. The feedstock would arrive at the site as waste derived fuel, in the form of shredded flock from local commercial and industrial sources. The material will be either delivered in bales or enclosed sided vehicles. Where biomass is used this will come from a dedicated biomass crop (eg. miscanthus, short rotation willow, agricultural wastes) or from forestry residues from FSC or PEFC certified forests.
- 1.13 Approximately 14,000tpa of this feedstock is expected to come from the residual waste generated from the existing Waste Recycling Transfer Facility on the wider site.
- 1.14 Outputs from the proposed development would be:
- Bio-naphtha – approx. 290,000 litres per week
 - Carbon Char – approx. 500 tonnes per week
 - Carbon Black – approx. 960 tonnes per week
 - Hydrogen – capacity for approx. 295 tonnes per week

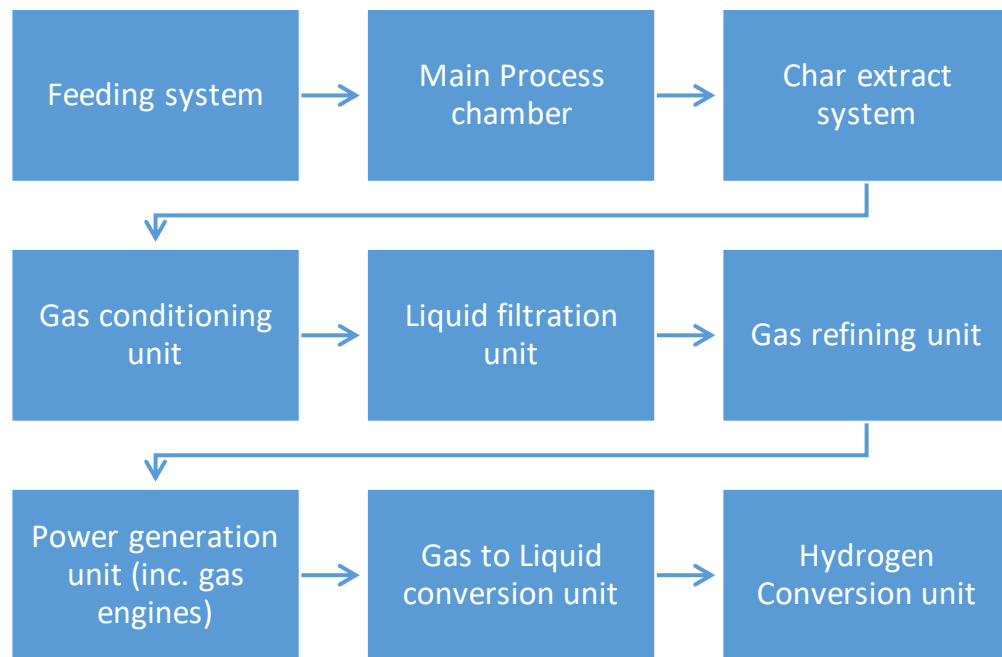
The Process

- 1.15 Pyrolysis is the heating of organic matter in the absence of oxygen to create a high-quality fuel gas and solid carbon. The heat for the process is proposed to come from electrical heating, meaning there is no combustion of the feed material or to create the process heat for the pyrolysis phase.
- 1.16 The process can be split into 10 different phases:

¹ Carbon Char is the solid output from a pyrolysis process. The char is a highly porous material with a very large surface area. It does not degrade and therefore, stores carbon in a stable, solid form. Carbon char produced from 100% biogenic materials is commonly known as biochar. Source: the applicant.

² Carbon black – is a fine pellet or powder of virtually pure carbon that has been produced by thermal decomposition of gaseous or liquid hydrocarbons under controlled conditions. It is most commonly used in rubber applications but can also be used as a pigment and for a number of other diverse applications including in plastic products. Source: <https://www.carbon-black.org/new-page-2> (visited 30/1/25)

³ Naphtha is a flammable liquid hydrocarbon mixture, generally, produced from crude oil, whilst Bio-naphtha comes from renewable/waste sources and consequently has a much lower greenhouse gas impact. It is a precursor for a liquid fuel, including Sustainable Aviation Fuel (SAF). Source: the applicant



- 1.17 The feed material is brought into one of the two fully enclosed Waste Reception Areas, where it is loaded into bulk storage containers. The feedstock is then transferred via enclosed conveyors into the two Pyrolysis Halls. The feedstock is transferred into each individual module using a dual stage hopper assembly. The material is then compressed to exclude oxygen.
- 1.18 The feedstock moves through the chamber at a controlled rate, depending on the physical characteristic of the material being processed. The material is heated to a very high level which enables the full conversion of the organic matter to high-quality fuel gas and a carbon rich char.
- 1.19 The gas output passes into a gas conditioning system, one for each pyrolyser, which has five process phases to clean and condition the fuel gas ready for the next phase. Light oil is used to wash out any fine particles of solid carbon, enabling the facility to recover these. An aqueous media (a weak sodium hydroxide) wash cools the gas and acts to balance the final pH. The liquid media is then transferred to a liquid filtration unit when particulate matter and residues of light tars are separated and removed. The liquid media is then returned to the live gas conditioning phase.
- 1.20 The by-product from these separators is a fine carbon contaminated with a light oil residue. This is returned to the input phases of the feed system to be pyrolyzed to recover the energy and recapture the solid carbon. The liquid media will be replaced twice a year, with the oil returned to the oil supplier to be reconditioned and the aqueous media sent to authorised disposal facilities.
- 1.21 The gas output then passes through a gas buffer tank, which stores a small quantity of gas (13 – 39 minutes gas reserve). This enables smooth management of the system at all times, ensuring a steady gas supply should gas from the process be temporarily reduced or interrupted. The gas is stored at very low pressure of 50 millibar or less.
- 1.22 Two emergency gas flares will be present on the site, but they are not expected to be used other than during the commissioning phase or in the event of an initial start-up. The system has many built in safeguards to prevent over-pressurisation, however, should over-pressurisation occur the flare will operate to balance the pressure of the plant. Should the gas be flared, it would be for a duration of between 20 and 60 seconds.

Products

- 1.23 Carbon Char is produced at approx. 15% by weight of the incoming material, meaning that once at full operation each module will produce approximately 150kg char per hour. The char is collected on an enclosed conveyor belt, which discharges into fully enclosed storage vessels. The system includes dust control, temperature monitoring and an inert gas quench. Collection of the char is expected to be undertaken every two days via a bulk tanker using a fully enclosed vacuum transfer system.
- 1.24 Electricity production could occur using a proportion of the cleaned gas being directed through a gas engine. This is likely to occur during the early stage operations to produce electricity to provide power for the site until the grid connection is established. It is envisaged that the gas engine will be used to supplement the parasitic power as and when required, with the main source of energy coming from grid electricity and PV panels. Use of the gas engine would result in the only emissions from the site.
- 1.25 The hydrogen phase has capacity to create 164kg hydrogen, whilst drawing down 0.75 tonnes of CO₂, for every tonne of feedstock. The process results in green hydrogen made from waste material, in a way that is substantially carbon negative. The process uses the cleaned gas from the pyrolysis which then passes to a gas refining phase. The plant removes and recovers the CO₂, which is then combined with other components of the gas stream as part of the preparation and conditioning phases. A proportion of this gas is refined into methane-rich gas which passes through plasma torches which splits the methane into hydrogen and carbon black. The hydrogen can then be further processed to make bio-naphtha, used as hydrogen for end users who need hydrogen or used for electricity production to meet the parasitic load, using fuel cells, specialist hydrogen turbines or a standard gas engine in combination with refined gas.
- 1.26 Carbon Black is produced from the plasma torch process, which splits the methane into hydrogen and solid carbon. The carbon black will be made into pellets as part of the on-site production process and stored ready for transportation from the site to customers by tanker.
- 1.27 Liquid Fuels (bio-naphtha) can be produced by the facility. This is created by mixing hydrogen with carbon monoxide, which is produced from the gas refining phase, and is known as naphtha wax. This naphtha wax will be stored in stainless-steel vessels and will be collected on a weekly basis and taken to third party refineries, where it can be used in the production of sustainable aviation fuel and other liquid fuels.
- 1.28 The facility can also make use of biomass as an alternative source of feedstock material, should access to residual waste be interrupted or limited. However, it is not anticipated that the facility will need to rely on biomass feed.

2. Planning History

- 2.1 Theale Quarry has an extensive planning history, however the application with the most relevance to this part of Theale Quarry, and this application, is 17/02241/MINMAJ, for development of three industrial buildings for the processing of non-hazardous materials, together within a small office, parking, storage areas and internal roads, which establishes this area of Theale Quarry as a permanent waste management facility.
- 2.2 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
04/01902/RELAX	Development of land without complying with condition 2 of planning permission 145420 and the variation of that condition to retain the main office, laboratory and workshop for a temporary period of 3 years.	Approved Sept 2004
06/02002/FUL	Section 73: Variation of condition 1 of 04/01902/RELAX to retain the main office, laboratory and workshop for a temporary period	Approved Nov 2006
13/01928/MINMAJ	Waste Recycling Transfer Facility	Approved Feb 2014
16/01031/FUL	Temporary planning permission (for 10 years) to erect and operate a mortar and concrete batching plant, aggregate storage bays and ancillary plant and machinery and portable office/welfare facility	Approved Jul 2016
16/01200/MINMAJ	Section 73: Variation of Conditions 2 – Approved Plans, 3 – Hours of Working, 17 – Burning and 27 – Waste Storage, of planning permission references 13/01928/MINMAJ Construction and operation of a waste recycling and transfer facility, inert waste aggregate facility, recyclable storage and treatment building, workshop and ancillary infrastructure on land at the former Theale Quarry Plant Site.	Approved Oct 2016
16/01230/NONMAT	Non-material amendment to planning permission 13/01928/MINMJA. Amendments: permeable concrete paving will be laid within the approved skip storage and parking area instead of the approved compacted gravel/hardcore running surface.	Approved May 2016
17/01184/NONMAT	Non-material amendment to approved application 16/01031/FUL: Temporary planning permission (for 10 years) to erect and operate a mortar and concrete batching plant, aggregates storage bays and ancillary plant and machinery and a portable office/welfare facility. AMENDMENT: Amend plans under condition 2 to increase storage capacity, extend product range and reflect 'as built' layout on the site.	Approved Jun 2017
17/02241/MINMAJ	The development of three industrial buildings for the processing of non-hazardous materials, together with a small office, parking, storage areas and internal roads.	Approved 19 Jan 2018
18/01382/NONMAT	Non-material amendment to approved application 16/01031/FUL: Temporary planning permission (for 10 years) to erect and operate a mortar and concrete batching plant, aggregates storage bays and ancillary plant and machinery and a portable	Approved July 2018

	office/welfare facility. Amendment changes of 3 approved plans.	
18/02894/COND1	Application for approval of detailed reserved by conditions: 6 – Reptile hibernacula, 8 – Wheel cleaner/washer, 15 – samples of Materials, 21 – Visibility splays before occupation, 23 – HGV, car and light van parking provision, 24 – Motorcycle and Cycle storage, 25 – Delivery management plan, 26 – Land Contamination, 32 – Landscaping, 33 – Landscape management plan, 35 – Drainage, 36 – Haulage and Access Scheme, 39 – Fire Hydrant, of planning permission reference 17/02241/MINMAJ	Approved Jan 2019
20/02161/FUL	Section 73A: Variation of conditions 2 – Approved plans, 3 – Temporary planning permission, and removal of conditions 7 – Haulage and access scheme and 8 – Tree protection scheme of approved application 16/01031/FUL: Temporary planning permission (for 10 years) to erect and operate a mortar and concrete batching plant, aggregates storage bays and ancillary plant and machinery and a portable office/welfare facility.	Approved Feb 2021

3. Legal and Procedural Matters

Environmental Impact Assessment (EIA)

- 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 Housing, Communities and Local Government. The NPCU were sent details of the application on 7 March 2024.
- 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 23rd May 2024 and 3rd July 2024.
- 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 be published 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 the 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 in accordance with Article 15 of the Town and Country Planning (Development Management Procedure)(England) Order 2015, and the Council's Statement of Community Involvement, and on receipt of the further information an advertisement was placed in the Reading Chronicle on 14 March 2024 and 31 October 2024, with the period for representations to expire 13 April and 29 November 2024 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 31 October 2024, with the period for representations to expire on 28 November 2024.

Other matters

- 3.6 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. Site notices were displayed on 14 March 2024 at the main entrance to the site with a deadline for representations of 13 April 2024. A public notice was displayed in the Reading Chronicle on 14 March 2024; with a deadline for representations of 13 April 2024.
- 3.7 Following submission of further information requested under Reg 25 of the EIA regulations (23rd May and 3rd July 2024) further consultation took place. Site notices were displayed on 31 October 2024 at the main entrance of the site with a deadline for representation of 28th November 2024. A public notice was displayed in the Reading chronicle on 31st October 2024, with a deadline for representations of 28 November 2024.
- 3.8 **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. The table below identified the relevant local financial considerations for this proposal.

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	No	No	
New Homes Bonus	No	No	
Affordable Housing	No	No	
Public Open Space or Play Areas	No	No	
Developer Contributions (S106)	No	No	

Job Creation	Yes	Yes	6.60 – 6.63
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- 3.9 **Community Infrastructure Levy (CIL):** CIL is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. This can include roads and transport facilities, schools and education facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. 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).
- 3.10 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 Charing Schedule⁴.
- 3.11 **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.
- 3.12 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.
- 3.13 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.
- 3.14 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

⁴West Berkshire Council (viewed 15/1/2025) Community Infrastructure Levy. Available at <https://www.westberks.gov.uk/community-infrastructure-levy>

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.

- 3.15 **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.
- 3.16 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.
- 3.17 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. The nearest listed building is 900m from the site and it is not expected that the proposed development will have an impact on this building.
- 3.18 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The site is not within, or close to, a conservation area.

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.

Burghfield Parish Council:	Support application, subject to no environmental impacts. Request a lorry cleaning facility is included.
WBC Highways:	Additional information required, Swept path analysis, PICADY outputs provided. Site plan needs to include location of disabled spaces. <u>Additional Comments:</u> Additional information provided relating to traffic impact, parking and access to the site (swept path analysis) is acceptable.
WBC Environmental Health:	Noise: further details required.

	<p>Air Quality: Agree with Air Quality assessment that emission from the facilities would be insignificant</p> <p>Contaminated land: Further monitoring is required to determine the gas regime on site.</p> <p>Lighting: Lighting strategy is satisfactory and if implemented should not cause light spillage to surrounding areas.</p> <p>CMS: is required to control noise and dust during the construction phase.</p> <p>Conditions proposed relating to noise, CMS, hours of work, lighting and contaminated land</p> <p><u>Additional Comments:</u></p> <p>Noise letter reviewed. Previous conditions proposed all still apply.</p>
WBC Drainage:	<p>Additional information required relating to:</p> <ul style="list-style-type: none"> - Finished floor levels in relation to existing ground - Evidence of hydraulic connectivity and outfall to River Kennet. - Information relating to surface water drainage - Pump rate need to be consistent. - Land ownership of land for proposed rising main required. <p><u>Additional Comments:</u></p> <p>Clarification is required on the following:</p> <ul style="list-style-type: none"> - Clarification of outfall from lake to river Kennet is required. - Drainage strategy and water levels within the lake can be managed through appropriately worded conditions. - Surface water outfall discharges into an earth mound please clarify. <p><u>Further Comments:</u></p> <p>Clarifications are adequate. Conditions proposed relating to SuDS and drainage.</p>
WBC Economic Development:	<p>The proposals have the potential to facilitate economic development, job creation and environmental sustainability in the district.</p>
WBC Archaeology:	<p>There are no below ground archaeological implications as the site has been extensively quarried.</p>
WBC Emergency Planning:	<p>Would not advise against the application subject to conditions relating to production of an emergency plan.</p> <p><u>Additional Comments:</u></p> <p>Previous comments still stand.</p>
WBC Trees:	<p>No objection, subject to conditions relating to arboricultural method statement and landscaping</p>

	<p><u>Additional Comments:</u> Same as previously</p>
WBC Ecology:	<p>Further information required:</p> <ul style="list-style-type: none"> - EIA doesn't consider presence of priority habitat - BNG metric – review classification of scrub and update as necessary. Former surface water attenuation feature is not included in baseline or metric. Tree condition assessment is required. Excel metric and condition assessment spreadsheets should be submitted. <p>HRA is not required.</p> <p><u>Additional Comments:</u></p> <p>Sufficient information has been provided. Conditions recommended relating to Construction Environmental Management Plan (CEMP), Ecological engagement, compliance with EcIA, Landscape and Ecological Management Plan</p>
WBC Environment Delivery Team:	<p>Further information required:</p> <ul style="list-style-type: none"> - BREEAM Excellent could be achieved. - Energy Statement needs clarification. <p><u>Additional Comments:</u></p> <p>BREEAM Excellent can be achieved. Energy Statement needs clarification.</p> <p>Condition proposed to allow confirmation of BREEAM and Energy Statement.</p> <p><u>Additional Comments:</u></p> <p>All comments have been taken into account BREEAM Excellent can be achieved and the Energy Statement has been updated satisfactory.</p>
WBC Public Health:	No comments
Canal and River Trust:	No comment to make on the proposals
Defence Infrastructure Organisation:	<p>No objection.</p> <p><u>Additional Comments:</u></p> <p>No objection.</p>
ONR:	Do not advise against the development. Proposed development does not present a significant external hazard to the safety of the nuclear site.

	<p><u>Additional Comments:</u></p> <p>The proposed development does not present a significant external hazard to the safety of the nuclear site. Therefore, ONR does not advise against this development.</p>
Natural England:	No objection
Active Travel England:	No need to consult
Nature Space:	No objection
Environment Agency:	<p>Object - Further information required relating to:</p> <ul style="list-style-type: none"> - Groundwater risks as site is former landfill site have not been adequately addressed. - Information relating to how the site will be managed with the landfill operator. - Geoenvironmental report fails to provide adequate information re. groundwater management. - Foul drainage to septic tanks is acceptable subject to condition regarding implementation. - Request informative re. EA permit. <p><u>Additional Comments:</u></p> <p>The proposed development will be acceptable as long as conditions relating to contamination, boreholes, groundwater and drainage and imposed.</p>
Thames Valley Police	<p>Unable to find details on site security measures. The following should be submitted (some of which could be conditioned):</p> <ul style="list-style-type: none"> - Security fencing – recommend weld mesh fencing to height of 2.4m and security rating of at least LPS1175 Issue 7 Sr2 - Security gates – electronically controlled gates, rather than a barrier, same height and security rating as fencing. Should include video and audio access control so visitors etc. can be verified before entering as no direct natural surveillance of the entrance point. - Access Control – details of access control and management should be provided. Inc. access to beach building/area within the site. - CCTV and Lighting – CCTV requirements study should be undertaken to establish number, location, type and management of CCTV system and how this is integrated with proposed lighting of the site - Alarm System – at least grade 3 monitored alarm

Public representations

- 4.2 Representations have been received from one contributor (2 reps) 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:

- Proximity to the permitted incinerator at Reading Quarry, cumulative impact needs to be considered in relation to the impact on safety and wellbeing of those living within the AWE emergency planning zone.
- Burning waste has an impact on communities and the natural environment.
- Pyrolysis is an inherently hazardous, high risk process.

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 Minerals and Waste Local Plan (2022)
 - Policy 3: Net self-sufficiency in Waste Management,
 - Policy 5: Location of Development – General Waste Management Facilities,
 - Policy 10: Waste Safeguarding,
 - Policy 20: Biodiversity and Geodiversity,
 - Policy 22: Transport,
 - Policy 24: Flooding,
 - Policy 25: Climate change,
 - Policy 26: Public Health, Environment and Amenity,
 - Policy 28: Design,
 - Policy 29: Cumulative Impacts
- West Berkshire Core Strategy (2006 – 2026)
 - ADPP1: Spatial Strategy,
 - ADPP6: East Kennet Valley,
 - CS9: Location and Type of Business Development,
 - CS13: Transport,
 - CS14: Design Principles,
 - CS15: Sustainable Construction and Energy Efficiency,
 - CS16: Flooding,
 - CS17: Biodiversity and Geodiversity,
 - CS18: Green Infrastructure,
 - CS19: Historic Environmental and Landscape Character
- West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
 - TRANS.1: meeting the Transport Needs of New Development,
 - OVS.5: Environmental Nuisance and Pollution Control,
 - OVS.6: Noise Pollution of the

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

- National Planning Policy Framework (NPPF)
- National Planning Policy for Waste (NPPW)
- Planning Practice Guidance (PPG)
- WBC Quality Design SPD (2006)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of Development

- Highways
- Drainage and Flood Risk
- Noise and Air Quality
- Climate change and Energy Efficiency
- Contaminated land
- Biodiversity
- Trees and Landscape
- Cumulative Impact

Principle of development

- 6.2 Policies 5 and 10 of the West Berkshire Minerals and Waste Local Plan (MWLP) set out the policy framework for establishing the principle of development for waste proposals.
- 6.3 The site is located within an area safeguarded for waste management facilities (MWLP Policy 10), on a site which already has permanent permission for waste uses. The site itself sits within a vacant plot within the wider Theale Quarry site. The proposed development site has an implemented planning permission for a waste management facility (application 17/02241/MINMAJ, granted 2018) and sits alongside an existing Waste Recycling Transfer Facility (WRTF) and storage area and a concrete batching plant (20/02161/FUL). Policy 5 of the MWLP states that priority will be given to proposals on existing sites with permanent planning permission for waste management development and will support 'the co-location of waste management activities within existing permanent waste management sites will be supported'.
- 6.4 The National Planning Policy for Waste (NPPW) at paragraph 4 states that opportunities should be sought to co-locate waste management facilities together and with complementary activities. The proposed development intends to take a proportion of its waste (Approx. 14,000tpa) from the residual waste generated by the WRTF also located at Theale Quarry.

Waste Hierarchy

- 6.5 The Waste Hierarchy was introduced by the Waste Framework Directive, and transposed into UK 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 recovery (for example energy recovery);
 - e) Disposal
- 6.6 This is shown visually in the following figure:

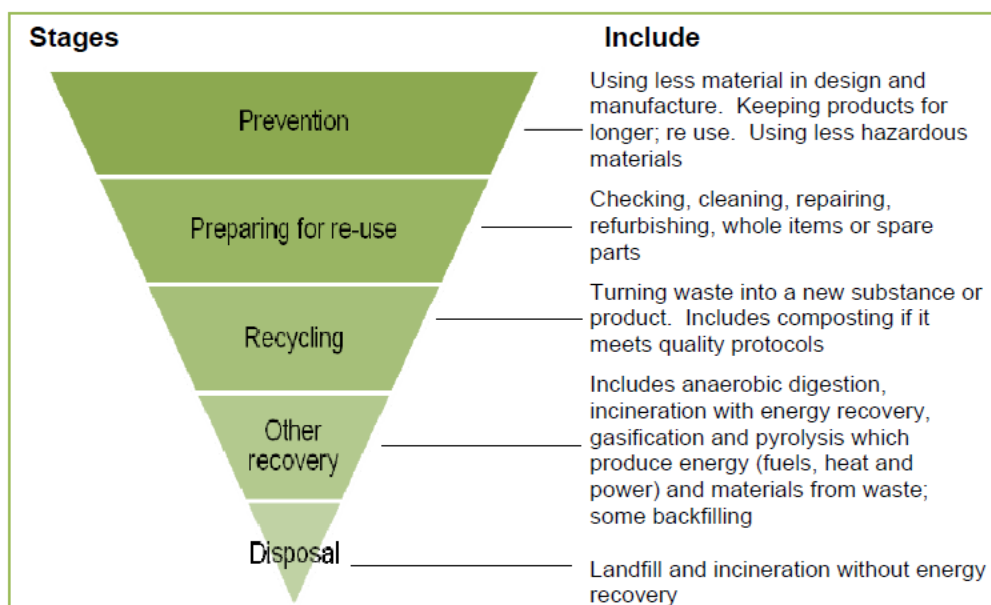


Figure 1 The Waste Hierarchy⁵

- 6.7 Policy 3 of the MWLP is directly relevant to the implementation of the Waste Hierarchy required by the Waste (England and Wales) Regulations 2011.
- 6.8 The final paragraph of policy 3 requires proposals to demonstrate that waste cannot be reasonably managed higher up the waste hierarchy than that proposed. In relation to the proposed Pyrolysis plant, Pyrolysis which produces energy 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).
- 6.9 The Local Waste Assessment (November 2020) shows 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 pyrolysis 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.
- 6.10 The Planning Statement, at chapter 4.4 states that up to 14,000 tonnes of throughput of the Pyrolysis plant will be generated from the WRTF also located at Theale Quarry. Therefore, this waste will already have been processed to remove the recyclable elements. The remaining throughput is expected to be residual waste from local commercial and industrial sites and non-waste biomass feedstock.
- 6.11 The requirement for the facility to only process residual waste and thus ensure the facility will not prejudice the movement of waste up the hierarchy can be secured through an appropriately worded condition should permission be generated, and with the application of this condition, the proposal can be considered in line with this part of policy 3 of the MWLP.
- 6.12 An important aspect of the proposals in relation to the waste hierarchy, is to ensure that the proposed pyrolysis plant 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 facilities can be considered recovery facilities is

⁵ Guidance on applying the Waste hierarchy, DEFRA (June 2011)
<https://assets.publishing.service.gov.uk/media/5a795abde5274a2acd18c223/pb13530-waste-hierarchy-guidance.pdf>

by achieving 'R1' status. This is confirmed by the Resources and Waste Strategy (2018)⁶ and Waste Management Plan for England (2021)⁷.

- 6.13 The term 'R1' relates to activities described in Annex II of the Waste Framework Directive, 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. Details relating to R1 status of the proposed development can be conditioned to ensure compliance.

Need

- 6.14 The MWLP does not require need to be demonstrated for waste proposals, and the NPPW only requires need to be demonstrated (para 5.7) where proposals are not in conformity with an up to date local plan. The MWLP is considered to be up to date, and the proposals are in conformity with the requirements set out within the MWLP. Therefore, there is no requirement to demonstrate that there is a need for the facility.
- 6.15 In line with national net zero targets, there is a need to develop new technologies for providing green hydrogen and sustainable aviation fuel (SAF). The government introduced a Hydrogen BECCS Innovation Programme⁸ as part of DESNZ's £1 billion Net Zero Innovation portfolio with the aim of accelerating the commercialisation of innovative clean energy technologies. The Hydrogen BECCS, relates to the generation of hydrogen from biogenic feedstocks via gasification or other bioenergy conversion routes, combined with carbon capture and storage.
- 6.16 The applicant was awarded funding under the Hydrogen BECCS Innovation Programme to deliver a demonstrator plant under the programme and the proposed facility will support the UK Government's ambitions to deliver Hydrogen BECCS at scale to achieve negative emission and hydrogen production.
- 6.17 Decarbonisation of the transport and aviation sector is widely acknowledged, with the JetZero Strategy; Delivering Net Zero Aviation by 2050⁹ published in 2022. The strategy recognises that SAF is one of the key technologies available to achieve Jet Zero, and includes the ambition to build a thriving UK SAF production industry. The facility will help to meet this ambition.

Summary

- 6.18 The proposal is for a new waste management facility on a permanent, existing waste management facility within a safeguarded waste area. It is therefore considered that the proposal is in accordance with policy 5 and policy 10 of the Minerals and Waste Local Plan and the principle of development in this location is met.

⁶ DEFRA, (2018). *Our Waste, Our Resources*. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/765914/resources-waste-strategy-dec-2018.pdf (visited 16/1/25)

⁷ DEFRA, (2021). *Waste Management Plan for England* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/955897/waste-management-plan-for-england-2021.pdf (visited 16/1/25)

⁸ Hydrogen BECCS Innovation Programme <https://www.gov.uk/government/publications/hydrogen-beccs-innovation-programme> (visited 7/2/25)

⁹ JetZero strategy: delivering net zero aviation by 2050 <https://www.gov.uk/government/publications/jet-zero-strategy-delivering-net-zero-aviation-by-2050> (visited 7/2/25)

Traffic and Transport

- 6.19 Core Strategy policy CS13 sets out the requirements for development that generates a transport impact. Policy 22 of the MWLP 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.
- 6.20 The application is supported by a Transport Assessment which considers the impact of the proposed development on the surrounding road network. The proposed development would generate a total of 180 vehicle trips a day made up of 54 large vehicles trips and 126 staff vehicle trips per day. This is an increase of 36 vehicle trips per day when compared to the consented scheme. WBC highways have reviewed all the highways information and considered the scheme to be acceptable.
- 6.21 Access to the site has been demonstrated to be acceptable. Should the application be approved, a condition will be used to ensure that the viability splays remain clear of vegetation.
- 6.22 Adequate parking is provided on site. An amended site plan (drawing no: 01051 rev P06) has been provided to show where the disabled parking spaces will be located. Adequate cycle parking is also provided.
- 6.23 Access to the site by more sustainable modes of travel is likely to be limited due to the rural nature of the site. The site is 1.7km from the nearest train station, and there is no provision for walking/cycling along Deans Copse Road. The proposals include facilities for promoting car sharing, and electric charging points, as well as cycle parking and provision of charging/shower facilities on the site which is welcomed. On-site facilities such as a canteen and external seating area will reduce the need for staff to travel off-site during the working day.
- 6.24 The Proposal includes consideration of measures to reduce the need for staff to travel off site during their working day. Access arrangement and likely traffic movements generated by the site are considered acceptable. It is therefore, considered that the proposal is in accordance with policy 22 of the Minerals and Waste Local Plan and policy CS13 of the Core Strategy.

Hydrology

- 6.25 The NPPF (para 170) requires development to avoid area of highest risk of flooding, and that proposals should not increase flood risk elsewhere (Para 181). Para 182 of the NPPF requires consideration of Sustainable drainage systems (SuDS) to control flow rates and reduce volumes of runoff. Policy 24 of the Minerals and Waste Local Plan also requires that the development does not increase the risk of flooding and that SuDS are incorporated into the scheme.

Flooding

- 6.26 The Flood Risk Assessment submitted with the application identifies that the risk of flooding on the site, from any source, is low to medium, although there is no evidence of flooding on the site.

Fluvial Flooding

- 6.27 The site is not at risk from fluvial flooding.

Groundwater

- 6.28 Groundwater flooding risk on the site is medium, except along the southern boundary of the site which has been assessed as negligible.

Surface water

- 6.29 Surface water risk across the site negligible for the majority of the site, with areas of low risk associated with ponding and medium risk associated with surface water flow path.

Other Sources of Flooding

- 6.30 The risk of flooding from sewers and reservoirs is assessed as negligible, as is the risk of flooding from the lake to the north of the site.

Groundwater Quality

- 6.31 Para 187e of the NPPF requires that planning decisions should prevent new and existing development from being put at risk from unacceptable levels of water pollution. Policy 26 of the MWLP 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).
- 6.32 The site is located within source protection zone 2, on a secondary A aquifer, underlain by the Chalk Principal aquifer, and located adjacent to former landfill site.
- 6.33 The Environment Agency originally objected to the proposals because not enough information had been submitted in relation to groundwater contamination risks. Additional information relating to groundwater and potential contamination risks was requested in July 2024. The information was submitted, and following a period of re-consultation the Environment Agency confirmed that the information was satisfactory subject to a number of conditions being attached should permission granted to ensure no negative impacts on the environment.
- 6.34 Details relating to site investigations are required to assess the potential for contamination on the site, which could be mobilised through the development of the site and reach the groundwater. Detailed investigation works will be required and secured by condition.
- 6.35 The use of penetrative piling methods can result in risks to groundwater for potential contamination in the soil. As a result, a condition restricting piling methods is required, to ensure that contamination of the groundwater does not occur.

Wastewater and Foul Water Drainage

- 6.36 The proposal is to connect foul drainage discharges to a septic tank, and a detailed drainage strategy is supplied and demonstrates that the risk of pollution entering the water environment and Theale Lake can be satisfactorily managed and controlled via an appropriately worded condition.

Surface Water Drainage and Sustainable Urban Drainage Systems (SuDS)

- 6.37 The Environment Agency originally objected to the application due to a lack of information relating to drainage on the site. Additional information was provided and the EA have withdrawn their objection subject to a number of conditions being attached to the permission should the application be approved.

- 6.38 The approved drainage strategy will need to be adhered to ensure that there is no contamination of Theale Lake from surface and subsurface water pathways. The implementation of the approved drainage strategy, managed by condition, will prevent contamination reaching Theale Lake.
- 6.39 The Council as LLFA have reviewed the information submitted, including the additional information provided, and are content that the development is acceptable, subject to conditions relating to the details of the SuDS to be providing being conditioned.
- 6.40 The Proposal includes mitigation measures to manage surface water and pollution control measures to ensure that there will be no impacts on water quality in the local area. It is therefore, considered that the proposal is in accordance with policy 24 and policy 26 of the Minerals and Waste Local Plan and the policies of the NPPF.

Noise and Air Quality

- 6.41 The site is relatively isolated in the sense that the nearest residential properties are some 50m away, however, it is acknowledged that facilities such as these have the potential to result in negative impacts on amenity in terms of noise and air quality.

Noise

- 6.42 Saved policy OVS.6 of the West Berkshire District Local Plan (WBDLP) (Noise Pollution) requires appropriate measures to be taken to minimise the adverse impacts of noise generated by development. Policy 26 of the MWLP requires waste development to demonstrate that the development would not result in unacceptable impacts from noise.
- 6.43 A Noise Impact Assessment was undertaken as part of the Environmental Statement submitted with the application. This has been reviewed by the Council's Environmental Health Team, further information was requested regarding acoustic fences. Additional information on the acoustic fences was provided and considered to adequately mitigate the noise impact. Reassurance of this could be provided by suitably worded conditions attached to the decision should permission be granted.

Air Quality

- 6.44 Saved policy OVS.5 of the WBDLP (Environmental Nuisance and Pollution Control) seeks to only permit development proposals where they do not give rise to unacceptable pollution of the environment. Policy 26 of the MWLP also requires minerals and waste development to demonstrate that the development would not result in unacceptable impacts on air quality, dust and odour.
- 6.45 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 agree with the assessment that the impact on air quality will be insignificant.

Lighting

- 6.46 Policy 26 of the MWLP requires waste development to demonstrate that the development would not result in unacceptable impacts from lighting.
- 6.47 A lighting strategy was submitted with the application and has been reviewed by the Environmental Health team and is considered to be acceptable subject to implementation. Reassurance of this could be provided through an appropriately worded condition should the application be approved.

Potential contaminated land

- 6.48 Saved policy OVS.5 of the WBDLP (Environmental Nuisance and Pollution Control) seeks to only permit development proposals where they do not give rise to unacceptable pollution of the environment. Policy 26 of the MWLP also requires waste development to demonstrate that development would not result in unacceptable impacts from pollution.
- 6.49 The site is adjacent to a former infilled mineral working, with this site making up part of the quarry plant site. A geoenvironmental assessment has been submitted with the application and has been reviewed by the Environmental Health Team. Further information was requested in relation to monitoring of the gas regime on site and remediation proposals for the landscape areas due to asbestos being present in soil samples. The additional information has been reviewed, and conditions are proposed, should the application be approved, to manage the potential for contaminated land.
- 6.50 The Environment Agency originally objected to the application due to a lack of information relating to potential contaminated land. Following the submission of further information the EA have withdrawn their objection, subject to a number of conditions being attached to ensure that there are no negative environmental impacts.
- 6.51 The application states that boreholes will need to be installed for site investigation to take place, careful decommissioning is required to ensure that any potential pathways for contaminant movement do not arise. The management of the boreholes and their decommissioning can be managed satisfactorily by condition.

Biodiversity & BNG

- 6.52 Although the site was submitted prior to the requirement for mandatory Biodiversity Net Gain (BNG), policy 20 of the Minerals and Waste Local Plan includes a requirement for 10% net gain in biodiversity. The BNG Metric and information submitted with the application demonstrates a 27.66% biodiversity improvement as a result of the project.
- 6.53 All the ecological information has been reviewed and is considered to be acceptable, subject to conditions which will secure ecological avoidance and ensure mitigation measures are provided as proposed.
- 6.54 The Proposal includes measures that will mitigate and enhance the biodiversity of the site, in accordance with policy 20 of the Minerals and Waste Local Plan.

Trees and Landscape

- 6.55 Policy 18 of the MWLP requires minerals and waste development to protect and enhance the character of the site and its surrounding landscape.
- 6.56 The NPPF (paragraph 135b) 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 135c) requires that development are sympathetic to local character and history, including the surrounding built environment and landscape setting. The NPPF (paragraph 139) 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.
- 6.57 The proposals are accompanied by an Arboricultural Impact Assessment and Arboricultural Method Statement. The majority of trees around the site can be retained,

with some losses to the east of the site. The details proposed regarding the protection of the retained trees is considered acceptable.

- 6.58 A separate landscaping plan has been submitted, however this is limited in what is proposed and should be bolstered to provide better screening. The details relating to landscaping can be managed through an appropriately worded condition, should the application be approved.

Climate Change and Energy Efficiency

- 6.59 The UK government's Net Zero Strategy 'Build Back Greener'¹⁰ sets out the pathway of achieving a net zero economy by 2050. For waste, the key drivers are to increase recycling rates and eliminate all biodegradable material from landfill by 2028. The strategy also sets out that non-recyclable residual waste should be treated to enable the process of waste into valuable outputs. For the transport sector the strategy sets out commitments to the development of a strategy for local carbon fuels.
- 6.60 The Government also have a Jet Zero Strategy¹¹ which sets out plans for net zero aviation by 2050. The strategy acknowledges the challenge of decarbonising aviation, and states that Sustainable Available Fuel will play a role in the both the short and long term decarbonisation of the sector.
- 6.61 West Berkshire Council declared a Climate Emergency in 2019, and through the Environment Strategy¹² have set targets to reduce total annual carbon emissions to less than 350 ktonnes by 2030.
- 6.62 The proposed facility will take residual waste, as shredded waste flock, from local waste sources, to produce a source of fuel and solid carbon. This will help to reduce the environmental impacts associated with landfilling and incineration, as well as reducing reliance on fossil fuels. The process also has the capacity to achieve highly significant levels of carbon capture with the whole process calculated to be overall carbon negative.
- 6.63 The proposed development reduces reliance on fossil fuels as well as providing significant levels of carbon capture, therefore, can plan an important part in meeting the Council's climate change targets, as well as supporting the UK's aims of being carbon net zero by 2050. The creation of bio-naphtha as a product of the process also helps to support the decarbonisation of the aviation sector as it can be used to produce sustainable aviation fuel.
- 6.64 The proposed development has the potential to be carbon negative, depending on main output of the facility, and will offer significantly lower carbon compared to the treatment of residual waste in an Energy from Waste (EfW) plant.
- 6.65 Assessment of the process has calculated that emissions will be produced by the construction process, and the operational development, depending on the output mode of the facility being used. However, there is the potential for the facility to off set almost all of the construction phase emissions within the first year of operation.

¹⁰ Net Zero Strategy: Build Back Greener (2021) <https://www.gov.uk/government/publications/net-zero-strategy> (visited 22/1/25)

¹¹ Jet Net Zero Strategy: delivering net zero aviation by 2050 (2022) <https://www.gov.uk/government/publications/jet-zero-strategy-delivering-net-zero-aviation-by-2050> (visited 22/1/25)

¹² Environment Strategy 2020 to 2030 (2020) <https://www.westberks.gov.uk/environmentstrategy> (visited 22/1/25)

- 6.66 The whole process has the potential to be net negative in terms of carbon due to the creation of biogenic carbon in the form of carbon char and carbon black. The creation of green fuels (bio-naphtha and hydrogen) reduces reliance on virgin carbon sources which further contributes to overall carbon savings as a result of the facility.

BREEAM

- 6.67 Policy CS15 of 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.
- 6.68 A BREEAM pre-assessment of the proposed development has been submitted as part of the application. The overall score for the facility is expected to be 74.09% which both equate to an overall BREEAM rating of 'Excellent'. The Council's Environmental Delivery Team have reviewed the BREEAM Pre-Assessment and the Energy Statement and confirm that they both meet the policy requirements of CS15 of the Core Strategy.

Economic considerations

Employment

- 6.69 Construction of the proposed development will be approximately 12 – 18 months. It is expected that construction will take place Monday – Saturday, with fit-out and light works to be carried out 24 hours per day, 7 days a week.
- 6.70 It is expected that much of the construction employment could come from the local area, however, where specialist skills are required, workers could be brought into the area. This would result in a need for overnight accommodation contributing further to wider economic benefits.
- 6.71 The proposed development is expected to provide jobs for approximately 36 people, working a three-shift system. Employment opportunities will be comprised of plant operatives, health and safety managers, site supervisors, trained operators (inc. maintenance, technicians and engineers) and administrative team.
- 6.72 Jobs in relation to the facility will be advertised locally, with the aim of employing a relatively local workforce.

Character and appearance

- 6.73 Policy CS14 of the Core Strategy and policy 18 and policy 28 of the Minerals and Waste Local Plan requires new development to demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. NPPF (paragraph 135b) 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 135(c) requires that developments are sympathetic to local character and history, including the surrounding build environment and landscape setting. NPPF paragraph 139 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.
- 6.74 The development proposes construction of two buildings, a weighbridge, plant and machinery along with soft landscaping and ecological enhancements.

- 6.75 The buildings have been designed to relate to their intended function, with maximum operational efficiency. The buildings are understated industrial buildings. Solar panels will be mounted on the roof to provide electricity for use on site.
- 6.76 The buildings will be clad in white aluminium, with large windows to provide good levels of natural light and a feature a green wall to aid with biodiversity, aesthetics and carbon capture.
- 6.77 The design of the proposed development is considered to be in keeping with the requirements of policy 28 of the Minerals and Waste Local Plan, CS14 of the Core Strategy and the meet the requirements of the NPPF.

Major Accidents and Hazards

Emergency Planning

- 6.78 The proposed application site is within the Detailed Emergency Planning Zone of AWE Burghfield Nuclear Licensed Site. Policy CS8 of the West Berkshire Core Strategy requires consideration of the scale of development and its potential impact on public safety and emergency services. In line with the consultation requirements of policy CS8, the Office for Nuclear Regulation (ONR) were consulted regarding the proposed development. The ONR have responded that the proposed development does not present a significant external hazard to the safety of the nuclear site, and therefore they do not advise against the development.
- 6.79 The Defence Infrastructure Organisation who represent the MOD as a consultee have confirmed that the development falls outside of MOD safeguarded areas and does not affect other defence interests and therefore, the DIO have no objection to the proposed development.
- 6.80 The WBC Emergency Planning Team have 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 that require the production of an outline and detailed emergency plan are submitted and approved prior to development taking place on the site. 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, the proposals are consistent with Policy CS8 of the Core Strategy.
- 6.81 While an emergency plan was produced for the consented scheme on this site, a new emergency plan will be required for this proposal.

Site Security

- 6.82 Thames Valley Police have reviewed the submitted documents and have asked for site security details to be provided. It is considered that the details of these can be managed through an appropriately worded condition should permission be granted.

Cumulative Impacts

- 6.83 Policy 29 of the MWLP states that minerals and waste development proposals will be permitted where the proposed development would not result in an unacceptable cumulative adverse impact.
- 6.84 The EIA Regulations and NPPF also requires cumulative impacts to be taken into account.

- 6.85 Cumulative impacts have been considered within the relevant issues for consideration and summarised here:
- 6.86 *Water Environment*: Provided that the requested conditions are implemented, no unacceptable cumulative impacts relating to the water environment are anticipated.
- 6.87 *Ecology*: Provided that the requested conditions are implemented, no unacceptable cumulative impacts relating to ecology are anticipated.
- 6.88 *Traffic and 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.
- 6.89 *Environmental Health and Amenity*: Provided that the requested conditions relating to noise, contaminated land and lighting are adhered to, no unacceptable cumulative impacts relating to environmental health and amenity are anticipated.
- 6.90 *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.
- 6.91 *Climate Change and Energy*: The proposed facility will generate emissions, however, depending on the mode configuration used, the facility will result in a net saving in GHG emissions compared to treatment of residual waste in an EfW. There is potential for net negative emissions in operation due to the creation of solid carbon in the form of carbon char and carbon black. Therefore, no cumulative impacts are considered to arise.
- 6.92 *Major Accidents and Hazards*: although the site is in relatively close proximity to the site at AWE Burghfield, no adverse impacts or cumulative impacts have been identified.
- 6.93 *Economic Impacts*: No adverse impacts or cumulative impacts have been identified.
- 6.94 One objection to the application has been received relating to the proximity of the facility to an already consented facility at Reading Quarry for an Energy from Waste Plant. The objector highlights that the information submitted for this application does not make reference to the EfW facility, and suggests that this site is proposing a similar facility which will burn waste.
- 6.95 While the two sites are in relatively close proximity, this site does not propose to burn waste. The process proposed here uses pyrolysis to heat waste in the absence of oxygen to create beneficial final products of hydrogen, bio-naphtha and solid carbon in the form of carbon char or carbon black.

Environmental Impact Assessment

- 6.96 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).
- 6.97 The submitted ES and further information cover the following topics:
- 6.98 This section sets out the Council's reasoned conclusion as to the significant effects of the proposed development on these aspects of the environment.

- 6.99 *Noise*: The Council's Environmental Health Team have reviewed the relevant information in the Environmental Statement. They have concluded that noise can be adequately mitigated through appropriately worded conditions. Therefore, it is considered there will be **no significant effect** on noise due to the proposed development.
- 6.100 *Air Quality*: The Council's Environmental Health Team have reviewed the relevant information in the Environmental Statement. They have concluded that air quality impacts associated with the facility would be insignificant. Therefore, it is considered there will be **no significant effect** on air quality due to the proposed development.
- 6.101 *Water Environment*: The Lead Local Flood Authority has accepted the outcomes of the Flood Risk Assessment and Drainage Strategy in conjunction with several recommended conditions. The Environment Agency have concerns regarding contaminated land, but these can be overcome through the use of suitably worded conditions. Therefore, it is considered there will be **no significant effect** on the water environment as a result of the proposed development.
- 6.102 *Climate change*: The proposed facility is predicted to be carbon negative, through the capture of carbon in solid form as Carbon Char and Carbon Black. The proposed facility will present a net saving in Greenhouse Gas emissions when compared to the treatment of residual waste in a traditional Energy from Waste facility. Therefore, it is considered that the development will have **no significant effect** on climate change.
- 6.103 *Major Accidents and Hazards*: The Council's 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.
- 6.104 *Cumulative Impacts*: The preceding sections consider cumulative impacts and have not identified any significant adverse cumulative impacts as a result of the proposals. Therefore, there are considered to be **no cumulative significant effects** as a result of the proposed development.

Town/Parish Council representations

- 6.105 The Parish Council are supportive of the principle of development, with recommendation that there are no adverse environmental impacts.
- 6.106 All environmental impacts have been reviewed through the Environmental Statement and other technical documents, and no adverse environmental impacts are considered likely to result from 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 facility is considered to be in line with the relevant development plan policies of the Minerals and Waste Local Plan and the Core Strategy.
- 7.3 The material considerations regarding the principle of development include the national aspiration for zero carbon and the development of sustainable fuel

technologies. This site will take residential waste as fuel stock and convert this, via pyrolysis, to a potentially carbon negative fuel source, which can be further refined into Sustainable Aviation Fuel.

- 7.4 The solid carbon outputs from the facility, capture the carbon from within the residential waste feedstock, locking it up into a stable solid form of carbon which has a number of potential uses¹³, all without releasing the stored carbon into the atmosphere.
- 7.5 Also of relevance is conformity of the proposal with the relevant aspects of NPPW paragraph 4 and 7.
- 7.6 Therefore, it is considered that the principle of development for the proposal is met due to compliance with relevant plan policies and taking into account relevant material considerations.
- 7.7 The proposal is also expected to conform with relevant plan policies regarding hydrology, ecology, heritage, traffic and highways, environmental health and amenity, major accidents and hazards, economic and social impacts and utilities.
- 7.8 In terms of climate change and energy, the facility proposes to turn residual waste into usable products, including Bio-naphtha for use in sustainable available fuel, hydrogen and solid carbon. Overall, the facility has the potential to be carbon negative and represents a net saving in Greenhouse Gas emissions over alternative methods of managing residual waste, such as incineration. The proposal has the potential to support and aid both the Council and national government in achieving net zero carbon targets over the life-time of the facility. Therefore, the proposal is supported by relevant material considerations relating to climate change, Policy CS15 of the Core Strategy and Policy 25 of the Minerals and Waste Local Plan.

Overall Conclusion

- 7.9 The proposed development is located within in a safeguarded waste management area, and no adverse environmental impacts have been identified. The development is in compliance with the policies in the development plan, while resulting in benefits for, diverting waste from landfill and Energy from Waste/Incineration. The facility will provide carbon benefits, as well as providing beneficial output for sustainable aviation fuel and solid carbon products.
- 7.10 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 there are no significant environmental impacts identified and therefore, it is not considered that monitoring is necessary. 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 Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

¹³ Carbon Char can be used in building products, particularly concrete and asphalt. It can also be converted to graphene with additional processing.
Carbon Black is currently most commonly used in tyre manufacturing and other rubber products.

Conditions

1. Commencement of development

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

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

2. Approved plans

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

- Location Plan (drawing no: 01001 rev P04 dated Sept 23)
- Site Plan (drawing no: 01051 rev P06)
- Elevations and Section (Building 1) (drawing no: 00200 rev. P1, dated Nov 23)
- Elevations and Section (Building 2) (drawing no: 00225 rev P1, dated Nov 23)
- Site Sections (drawing no: 00070 rev P1, dated 18/01/24)
- Rood Plan (Building 1) (Drawing no: 00102 rev. P1 dated 18/01/24)
- Roof Plan (Building 2) (drawing no: 00127 rev P1, dated 18/01/24)
- Office Floor Plans (Building 1) (drawing no: 00101 rev P1, dated 17/01/24)
- Proposed Office Floor Plans (Building 2) (drawing no: 00126 rev P1, dated 19/01/24)
- Process Floor Plan (Building 1) (drawing no: 00100 P1, dated 17/01/24)
- Process Floor Plan (Building 2) (drawing no: 00125 rev P1, dated 19/1/24)
- Design and Access Statement (doc ref: CRM.0165.001.PL.R.002)
- Environmental Statement (document re: CRM.0165.001)
 - Non-Technical Summary
 - Chapter 1 – Background, introduction and
 - Chapter 2 – Site Description
 - Chapter 3 – Proposed Development
 - Chapter 4 – History and Policy
 - Chapter 5 – Need and Alternatives
 - Chapter 7 – Air Quality
 - Chapter 8 – Water Environment
 - Chapter 9 – Climate Change
 - Chapter 10 – Major Accidents and Hazards
 - Chapter 11 – Cumulative Impacts
 - Chapter 12 – Summary and Conclusion
 - Appendices
 - ES Addendum (and appendices)
- Geo-environmental report (Document ref: CRM.0165.001.GE.R.001.D)
- Energy Statement (dated 3rd February 2025)
- BREEAM Letter (dated 18/10/24)
- BREEAM Pre Assessment v6 (dated 17.10.24)
- Greenhouse Gas Assessment (Dated Feb 2024)
- Transport Assessment Volume 1 (Document ref: 240202/SK22287/TA02(-01) and Volume 2 (Document ref: 240202/SK22287/TA01(-01)
- Swept Path Analysis (drawing no. SK22339-005 dated 6/12/24)
- Arboricultural Impact Assessment (Dated January 2024)
- Arboricultural Method Statement (Doc ref: 230982-PD-15a, dated Jan 2024)
- Flood Risk Assessment (Doc ref: CRM.0165.001.HY.R.001.A)

- Drainage Strategy Report Rev 2 (doc re: R100 dated April 2024)
- Drainage Plan (drawing no: 13571/101 rev. P03)
- Noise Impact Assessment (Doc ref: CRM.0165.001.NO.R.001)
- Noise letter (Dated 26 April 2024)
- Lighting Strategy (dated 23-01-2024)
- Light Spill Diagram (dated 19 Jan 2024)
- Landscape and Visual Impact Assessment (Doc ref: CRM.0165.001.LA.R.002.01)
- Landscape Character Plan (Doc ref: CRM.0165.001.ENZ.XX.00.DR.L.00.004)
- Landscape Mitigation Plan (CRM.0165.001.ENZ.xx.00.DRL.00.014 dated 14/02/24)
- Ecological Impact Assessment rev B (doc ref: CRM.0165.001.EC.R.001 dated May 2024)
- BNG Condition Assessment rev B and Matric rev B
- Ecology letter (18th October 2024)
- Habitat Regulation Assessment (Doc ref: CRM.0165.001.EC.R.006)
- Socio-Economic Assessment (doc ref: CRM.0165.001.PL.R.001)

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

3. Display of Conditions

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

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

4. Hours of Work (Construction)

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

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

5. **Hours of Work (Deliveries)**

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

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

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

6. **Visibility Splays**

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

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

7. **Surfacing of Access and haul road**

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

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

8. **Construction Method Statement (CMS)**

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

The scheme shall include:-

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

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

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

9. Annual Throughput

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

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

10. Waste Permitted

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

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

11. Receipt of Waste

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

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

12. Records of Waste

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

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

imposed in accordance with Policy 3 of the West Berkshire Minerals and Waste Local Plan.

13. Sheeting of waste

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

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

14. R1 Efficiency Status

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

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

15. Solar Panels

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

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

16. Pest Management Plan

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

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

17. Lighting

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

Reason: to protect residential amenity in accordance with the National Planning Policy Framework, Policy 26 of the West Berkshire Minerals and Waste Local Plan,

and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

18. Construction Traffic Management Plan (CTMP)

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

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

19. Repair/Maintenance of Vehicles

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

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

20. Noise

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

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

21. Contaminated Land

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

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

22. Contaminated Land

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

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

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

23. Emergency Plan

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

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

24. Outline Emergency Plan

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

The Emergency Plan must cover the processes for:

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

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

25. Comprehensive Emergency Plan

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

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

26. Arboricultural Method Statement (submitted)

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

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

27. Landscaping

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

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

The scheme shall ensure:

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

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the

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

28. Sustainable Urban Drainage Systems

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

These details shall:

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

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

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system

can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006) and SuDS Supplementary Planning Document (Dec 2018). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

29. Sustainable Urban Drainage Systems (SuDS)

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

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

30. Drainage Strategy

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

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

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

31. Pollution Prevention Plan and Maintenance Schedule

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

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

32. Ecological Enhancements

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

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

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

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

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

34. Landscape and Ecological Management Plan (LEMP)

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

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

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

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

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

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

35. Construction Environmental Management Plan

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

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

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

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

36. **BREEAM**

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

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

37. **Schedule of Materials**

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

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

38. **Decommissioning**

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

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

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

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

39. **Delivery Management Plan**

No development shall take place until details of a Delivery Management Plan have been submitted to and approved in writing by the Local Planning Authority. The Plan

shall ensure delivery and collection vehicles access the site at staggered intervals, to mitigate the risk of more than one vehicle waiting at the security gate that could lead to queuing on Deans Copse Road. Thereafter the Delivery Management Plan shall be adhered to and retained for the purposes of deliveries to the site and collections from the site at all times.

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

40. Fire hydrant

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

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

41. Site Security

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

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

Informatives

1. Compliance with approved drawings

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

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**

Conditions nos. 18 (Construction traffic management plan), 22 (Contaminated Land) 27 (Landscaping), 29 (SuDS), 31 (Pollution Prevention Plan and Maintenance Schedule), 34 (Landscape and Ecological Management Plan), 37 (Schedule of Materials) impose requirements which must be met prior to commencement of the development. Failure to observe these requirements could result in the Council taking enforcement action or may invalidate the planning permission and render the whole of the development unlawful.

4. **Building Regulations**

Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given. You are advised to consult with Building Control Solutions (the Local Authority Building Control service for West Berkshire provided in partnership by Wokingham Borough Council) before works commence. Call: 0118 974 6239, email: building.control@wokingham.gov.uk, or visit: www.wokingham.gov.uk/building-control

5. **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.

6. **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.

7. **EA Permit**

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

8. **Biodiversity Net Gain**

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

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

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

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

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

EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS

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

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

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

4.5 Self and Custom Build Development, meaning development which:

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

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

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

APPLICABLE EXEMPTION

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

IRREPLACEABLE HABITAT

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

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

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

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

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

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

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

PHASED DEVELOPMENT

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

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

9. **Access construction**

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

10. **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.

11. **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.

12. **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.

13. **Approval - Need for Revision**

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