

Item No	Application No. and Parish	16 Week Date	Proposal, Location and Applicant
(1)	08/01166/MINMAJ	24/10/08	Change of use of land and erection of buildings to form new Integrated Waste Management Facility (IWMF) to comprise; Waste Transfer Station (WTS), Material Recovery Facility (MRF), Household Waste Recycling Centre (HWRC), In-Vessel Composting Facility (IVC), municipal depot with workshop, fuelling and washing facilities, administration and visitor centre, weighbridge. Formation of associated parking, roadways and vehicular access. Landscape works, including tree removals and additional planting, formation of earth bunding and surface water drainage swales. Erection of new fencing. Land at Padworth Railway Sidings, Padworth Lane, Lower Padworth, Reading West Berkshire Council

Recommendation Summary:

To **DELEGATE** to the Head of Planning and Trading Standards to **GRANT PERMISSION** subject to :

- (a) Confirmation from Natural England and the Environment Agency that no objections are raised to the proposed development, and
- (b) The completion of a legal agreement to secure the payment of financial contributions identified in this report, and
- (c) The proposed conditions

Ward Member(s):

Councillor Mollie Lock
Councillor Keith Lock

Reason for Committee determination:

Level of Public Interest

Committee Site Visit:

19 November 2008

Contact Officer Details

Name: Mr Matt Meldrum
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Publicity of Application

Site notice expired: 15/08/08

Press notice expired: 07/08/08

Neighbour notification expired: 29/07/08

Consultations and Representations

Parish Council:

(Padworth)

Padworth Parish Council object to the proposal on the following grounds:

- Traffic management issues
 1. Current access is totally inadequate to cope with the foreseen vehicular movements (a) to and from the proposed waste site, (b) increased traffic relating to the proposed further gravel extraction facility in Padworth Lane and (c) the intended increase in use of the Oil and Pipeline depot also in Padworth Lane.
 2. Vehicles waiting to cross the canal bridge will block the site entrance.
 3. A "keep clear" box is required outside the village hall to ensure access is maintained.
 4. The traffic signals proposed for the railway bridge do not allow sufficient time for cyclists.
 5. Access to the Holiday Inn will be obstructed by vehicles waiting to cross the bridge.
 6. Access to the Crescent needs to be guaranteed.
 7. Concern raised over the cost of re-locating communication cables in association with re-aligning the A4/ Padworth Lane Junction.
 8. Congestion in the vicinity of the A4 / Padworth Lane Junction.
 9. Pedestrian crossing across Padworth Lane is required.
 10. All traffic improvements are required prior to the construction of the proposed development.
- Pollution - The public nuisance impact caused by noise and odour and concern that the data on odour emissions are guesswork.
- The proposed lighting for the site and its intrusiveness.
- The proposal does not make adequate provision for de-contamination of the site caused by previous uses.
- Part of the site is susceptible to flooding and the proposed alterations could have consequences in the surrounding area.
- Necessity – the site is considered unsuitable and other sites are available nearby.
- The proposed hours of operation are unacceptable and should be restricted.
- Change of use – the site is not currently designated for industrial use and this change will have a detrimental effect on the locality.
- Proximity to residential properties.
- Removal of trees subject to a TPO should not be permitted.

- Concern over the opening of the doors to the proposed facilities resulting in the release of adverse odours.
- Concern over the public recycling facility being contrary to previous statements by Councillors and the reduced opening hours will result in additional fly tipping.
- Loss of amenity at Padworth Village Hall which will be blighted by the proposed development. The current hall will need to be re-built to mitigate the noise and noxious emissions and landscaping required to mitigate the visual impact. This harm to the amenity of the village hall must be mitigated via a financial contribution.

Adjacent Parish Council: Beenham Parish Council objects to the proposal on the following grounds:

(Beenham)

- Traffic arrangements being inadequate for the forecasted volume of traffic.
- Odour has not been properly addressed.
- Lighting for the site will impact on the locality.

Beenham Parish Council and Padworth Parish Council have engaged an independent consultant (Stuart Michael Associates) who have assessed the proposal and made the following comments:

Traffic impact

- Concern is raised over the adequacy and robustness of the estimated traffic generation figures and its consequential implications for highway capacity, road safety and the consideration of associated environmental impacts.
- The 23 second intergreen period on the proposed traffic signals should be extended beyond 28 seconds to allow time for cyclists.
- No "keep clear" markings are indicated for the Hotel entrance, these should be provided (consequently resulting in a decrease in available queuing space).
- The Traffic Assessment (TA) dismisses earlier traffic estimates undertaken by Entec.
- The applicant proposes an alternative estimation to traffic generation and in respect of the HWRC estimates an average payload per private car of 60kg which is not supported by any evidence. A lower figure would result in higher trip generation.
- There are inconsistencies in the statements given in the TA with the actual methodology used. There are also errors in the figures that have been input to the traffic signal computations.
- No allowance has been made for the use of the oil tanker depot in the junction capacity tests and similarly there is no allowance for the deliveries of the 2,761 tonnes of commercial, Island Road and park waste.

- Potential visitors from beyond WBC have not been assessed.
- It is considered that more up to date traffic turning counts should be undertaken at the key junctions.
- In summary it is considered that there is sufficient reason to question the figures used in the traffic generation estimates such that there is concern over the adequacy of the traffic signals, in particular the availability of queuing space between the A4 and railway bridge.
- It is considered that the junction capacity tests should be re-run to test variations upon the assumed 60kg payload figure and to correct input errors. These tests should allow a greater intergreen period.
- Other parts of the ES rely upon the outputs from the TA and changes to the TA could require changes to other sections of the ES.

Noise and vibration

- The assessments are considered reasonably robust. The findings indicate that the noise levels generated will lie within acceptable limits.

Air Quality

- The particulate matter and NO₂ assessment is considered robust. It is noted that the proposals include odour controls which can be covered by planning conditions.

Lighting

- The site illumination will be visible against the existing background levels and as a result of reflection the overall light spillage appears to be minimal. The level and standard of lighting can be controlled by planning conditions

Adjacent Parish Council: Aldermaston Parish Council object to the proposal on the following grounds:

(Aldermaston)

- Traffic: the estimated volumes are believed to be under-estimated as they take no account of the additional traffic using the A4/A340 as a result of the weight restriction on Crookham Hill, the possible closure of Paices Hill waste transfer station, the possibility of the re-opening of the oil pipeline to Padworth. In addition there is concern regarding the increased traffic on the back roads (e.g. Raghill, Rectory Road) by people using these as short-cuts to Padworth.
- Light pollution.
- Hours of operation.
- Noise.
- Visibility of the chimney from the ASLI in the vicinity of Aldermaston Church.
- Flooding - the site is understood to have flooded three times this year.

West Berkshire

Highways Authority:

Following the consideration of the application Highways officers confirmed that:

- a. Visibility splays for the access need to be included on the drawings for the site access onto Padworth Lane.
- b. The projected traffic flows from Capita Symonds are robust.
- c. Clarification is required on potential vehicle movements regarding the alterations to ground levels, including formation of earth bunds and drainage swales. This has since been provided by the applicant and it is confirmed that the number of movements will be minimal as the material will be moved around within the site
- d. The affect of the proposal on the A4 / A340 roundabout is considered to be minimal. However ultimately the roundabout will need to be upgraded within five to ten years with widening of the A4 west arm and other works to bring the roundabout up to modern standards. It is considered that a financial contribution of £50,000 will be required and secured via a Section 106 Agreement.
- e. A Section 278 Agreement is required to secure off site highway works.

Highways raise no objection subject to the issues raised above being resolved and subject to a Section 278 Agreement to secure the following highway works

- a. New site access onto Padworth Lane.
- b. A footway from the site access to the canal and the A4.
- c. Traffic signals on the Padworth Lane Railway bridge.
- d. Improvements to the A4 / Padworth Lane junction.
- e. Improvements to the A4 / A340 Roundabout.

Conditions relating to the development of the access prior to occupation, parking and turning areas, Travel Plan and visibility splay are requested.

Further information in respect of highway matters was submitted by the applicant following on from the concerns raised by the Oil Pipeline Agency's highways consultant, Stuart Michael Associates and concerns raised by local residents. West Berkshire Council's Highways department have reviewed the submissions and have not raised any further comments in respect of the proposed development.

- Environment Agency:** Object to the initial proposal on the grounds that the submitted flood risk assessment is inadequate as it fails to demonstrate how the drainage strategy has been informed and no conclusions have been drawn from previous flooding events.
- Also concern over the assessments for contamination and loss of wet habitat although it is considered that these two issues could be dealt with by the imposition of conditions.
- The Environment Agency also confirmed that no issues are raised in respect of the irritant emission from the composting operations as there are within accepted human health thresholds.
- Further information relating to flood risk was submitted to the Environment Agency for consideration, however at the date of writing this report the Environment Agency have confirmed that, whilst they do not object to the principle of the proposal, further information needs to be provided to enable the full consideration of the submitted flood risk assessment as at present the submitted document does not demonstrate how flood risk will be safely managed.
- Landscape:** The Landscaping scheme as originally submitted was not considered acceptable. The scheme has been amended by the applicant and all matters have now been agreed and the submitted landscaping details are considered acceptable and the predicted visual impact and landscape character impacts of the proposed development are considered acceptable by the Councils Landscape Consultant.
- Environmental Health:** Lengthy discussions and meetings took place with the applicant and their noise consultant. The submitted noise assessment was updated to take into account the impulsive and tonal noise adjustment as required by BS4142. This revealed that further noise mitigation measures are required to protect the amenity of June Rose Cottage from the impacts of the development. An additional noise barrier has been incorporated in the development proposal.
- If consent is granted it is recommended that conditions relating to contaminated land, odour, lighting, dust, vibration, reversing beepers, air handling plant, operational noise, jet waste, access doors and an informative on construction noise are imposed upon the consent.
- West Berkshire Council's Environmental Health Officers confirmed that, subject to the imposition of conditions securing the above the proposed development is acceptable.
- Oil Pipeline Agency:
(OPA)** Site visit required to verify location of pipelines across the site and to agree necessary measures to ensure the integrity of the underlying pipeline.
- Site visit took place and the OPA confirmed that no objections were raised to the proposal, however subsequent amendments were required to the landscape planting scheme to ensure the integrity of the underlying pipelines.

**Oil Pipeline Agency –
Highways consultant:**

The OPA, owners of the adjacent road to rail distribution site appointed David Tucker Associates to assess the proposed development who considered that the following elements had not been adequately assessed:

- The TA should have taken the forecast movements associated with the OPA site into consideration on the detailed operation of Padworth Lane and in particular the proposed traffic signals.
- It is considered that the traffic generation for the IWMF may be underestimated and it appears that quoted “worst case” movements are lower than average traffic flows.
- The proposed signals do not allow for access to the Holiday Inn and amending the TA to take this into account would have a detrimental impact on the signal appraisal.
- It is considered unlikely that nearly 20% of the waste traffic will arrive from the southeast.
- Visibility splays at the access are not included in the TA and inferred visibility splays indicate that a 17m splay is the maximum that can be achieved to the south, this is insufficient for the speed limit for this road.
- A4 westbound traffic speeds on the approach to Padworth Lane are not considered in the TA.
- The effect on highway safety due to increased levels of vehicles U-turning on the A4/A340 roundabout is a concern.
- The highway design scheme on Padworth Lane makes no allowance for vehicles exiting the existing OPA site which may be blocked by queuing traffic.

The OPA object to the proposal on the grounds that the applicant has not demonstrated a safe means of access/egress to the site. Inadequate visibility splays present a major safety hazard. It is also considered that the applicant has not appraised the correct traffic levels generated by the application site during peak hours; nor has the appropriate background traffic flow been allowed for and the access to the hotel has been omitted, the combined effect is that the applicant has not demonstrated that the proposed traffic signals would provide sufficient storage space for queuing vehicles without affecting the safe operation of the A4/ Padworth Lane Junction. It is also considered that the applicant has not assessed the implications of additional U-turning movements on the A4/A340.

If permission is granted the OPA request that “keep clear” boxes be introduced at the accesses and egresses of the OPA site.

OPA provided further comments on the proposal following on from additional comments made by the applicant in respect of the comments made. David Tucker Associates confirmed that commitments to provide “keep clear” boxes outside the OPA site entrances are welcomed and points relating to OPA future traffic estimates, and a sensitivity appraisal assuming more traffic routing north from the site are accepted.

However there remains concern over whether the future operation of the OPA site should be considered to be part of background growth and it is suggested that the TA be updated to take into account the estimate 100 vehicle movements associated with the OPA site in addition to background traffic growth. Concern also remains in respect of the proposed traffic signal over the railway line, the traffic associated with the mini HWRC and the visibility splays.

This matter has been referred to the applicant who have considered the points raised by David Tucker Associates on behalf of the OPA and they remain of the opinion that the TA remains robust.

Rights of Way:

Padworth Footpath 20 (the Kennet & Avon Canal Towpath) runs on the south side of the proposed development site, and will not be affected by the proposed development. No objections to the proposed development are raised providing that informatives relating to the following matters are given if permission is granted:

- Obstruction of the Public Right of Way (PROW).
- Encroachment onto the PROW.
- Notification in the event of services being provided under the PROW.
- Drainage.
- Alteration to the surface.

Thames Water:	<p>Initial consultation response confirmed that additional information needed to be provided in respect of waste water infrastructure need a Grampian condition was recommended to address this matter.</p> <p>It was also confirmed that a Trade Effluent licence would be required and that the application site is within a Source Protection Zone 2 of a water abstraction source which Thames water has a statutory obligation to protect. Therefore an objection was raised on this basis.</p> <p>Further information on foul sewer connections was also requested.</p> <p>Following the receipt of further information this objection was withdrawn, however further information was requested by Thames Water in respect of proposed foul water discharge rates.</p> <p>Further information submitted and provided to Thames Water for comment and additional information relating to existing foul water flows was subsequently requested to allow the consideration of cumulative flows.</p> <p>At the time of the completion of this report this matter, relating to provision of waste water infrastructure remains outstanding, therefore it is recommended that the Grampian style condition as suggested should be imposed upon the planning consent.</p>
Network Rail:	<p>Conditions requested relating to no operations taking place within 10m of the railway boundary, drainage, plant and machinery, fencing and restoration together with informatives relating to development adjacent to the railway, restoration and liaison.</p>
MOD:	<p>No safeguarding objections to the proposal.</p>
AWE:	<p>No response received.</p>
HSE:	<p>The proposed development is within the detailed emergency planning zone of a licensed nuclear site, however no objection on nuclear safety grounds.</p>
Police:	<p>Further information requested in respect of crime prevention and security.</p> <p>Additional information on these matters has been submitted and provided to Thames Valley Police. However internal resource issues at Thames Valley Police have meant no further response can be provided.</p> <p>If consent is granted it is recommended that a condition could be imposed requiring the submission of details relating to crime prevention and security prior to the operation of the site.</p>

**Royal Berkshire Fire
& Rescue:**

The applicant should provide a suitable fire hydrant or other suitable emergency water supply to fight fires and all access gates must be a minimum of 3.1m.

It is considered that these matters can be adequately addressed via the imposition of conditions.

Trees:

The information provided has identified the trees at the site, identified the trees to be removed and those to be retained including details about the retention and protection of those trees during the construction phase. The trees to be retained are the better quality ones covered by the tree preservation order, The location of the new access road and buildings will not have an impact on any other trees.

Additional information will be required but it is considered that this can be covered by the conditions relating to the following matters if permission is granted:

- Tree protection.
- Arboricultural supervision.
- Arboricultural method statement.

Archaeology:

The application is supported by an assessment of the historic environment resource that clearly shows that whilst the site falls in an area of high archaeological potential it has been subject to gravel extraction, an operation that will have removed any archaeological interest from the bulk of the site. There remain small areas of the site that might retain archaeological features and the mitigation strategy has proposed a scheme for investigating these prior to development commencing. The mitigation strategy is a perfectly sensible response to the issues identified.

It is recommended that a condition securing the proposed archaeological works is attached to the consent if permission is granted.

Ecology:

Requests the imposition of conditions securing additional mitigation measures required in respect of tree planting and provision of bird boxes, further details required in respect of proposed Brown / Green roof on administration building.

Further details clarified that no Brown / Green roof is to be provided. Further mitigation measures relating to invertebrate mitigation was subsequently requested.

Revised landscape scheme submitted providing additional invertebrate mitigation areas. The Council's ecologist has confirmed that he is satisfied with the amount of ballast habitat being retained / re-created and the proposed outline landscape management plan.

Conditions in respect of bird boxes, bat boxes, ecological mitigation enhancement plan and ballast management are requested if permission is granted.

Kennet and Avon Canal

Trust:

Concerns raised regarding:

- Safeguarding, and where possible improving, the quiet rural environments of the canal and towpath for recreational users,
- The conflict between towpath users and the site entrance
- Flytipping

The KACT welcome the proposed boundary treatment to the canal, however they have concerns over the proximity of the site entrance to the towpath and safety of towpath users and the lack of assessment in the TA in respect of this matter. Concern also raised over the potential impacts of the swing bridge resulting in queues blocking the site entrance. Conditions suggested in respect of fly tipping and highways if permission is granted.

British Waterways:

British Waterways have raised an objection to the proposal as they consider the proposed development to be inappropriate canal side development and they consider that the visual and amenity impacts and adverse impact on the canal will impact upon the number of visitors to the area.

British waterways has aspirations to bring forward leisure and residential development in the area and is concerned that the proposed development would prejudice the feasibility of such a scheme due to reduced visitor numbers and reduced amenity.

Whilst objecting to these applications British Waterways would request the imposition of conditions relating to the following matters if permission is granted:

- Survey and improvements to the waterway wall,
- The provision of a risk assessment outlining all works adjacent to the water,
- Provision of a feasibility study into the potential to move freight by water,
- Landscaping scheme,
- Full details of CCTV and lighting proposals,
- Water quality monitoring.

Informatives relating to towpath closures, surface water discharge, encroachment and necessary consents are also requested.

Natural England: Based on the information provided, Natural England objects to the proposed development as there is insufficient information with the application for them to confirm that there would be no adverse effects on features of interest for which Aldermaston Gravel Pits SSSI is notified. In order to assess the potential implications for the SSSI, the following additional information was requested:

- A hydrological report,
- A flood risk assessment,
- The effect of the site on the flow of groundwater out of the SSSI,
- The effect of noise from the site on the breeding birds at the SSSI.

Natural England have been contacted requesting confirmation of what further information is required to enable this assessment and it was confirmed that the effect of noise was no longer a concern.

As a result of the comments of Natural England further information was requested from the applicant in respect of the potential hydrological impacts on the SSSI.

At the time of the completion of this report it is understood that the outstanding matters are still being investigated by the applicant, therefore this objection remains.

Conservation officer: The applicants have provided a comprehensive assessment of the impact of their proposals on all aspects of the built heritage and the archaeological environment for an area of 1km around the site. This concludes that the proposals have no direct affect on any individual (listed) buildings or their settings, and only "possibly" affect views out of the Conservation Area, which are mitigated by their landscaping proposals. The assessment is considered reasonable and as such no objections are raised to the proposals from a conservation point of view. In terms of WBDLP 1991-2006 Saved Policies September 2007, the proposals are therefore considered to comply with Policy ENV33.

English Heritage: Do not wish to offer any comments, the application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.

Travel Plans:	<p>The site is identified in the Minerals Local Plan as a safeguarded rail aggregate depot, if this proposal proceeds would there be any alternative sites for this use?</p> <p>Routing restriction to ensure that the WBC freight route network is utilised.</p> <p>Further information required in respect of lighting along Padworth Lane, speed limits and additional elements need to be incorporated into the travel plan that can be secured by the use of conditions.</p> <p>Further review of the documentation revealed anomalies in respect of proposed car parking spaces, further clarification on this matter was requested and subsequently provided.</p> <p>It is considered that that a condition requiring the submission of further details relating to car parking prior to the commencement of construction operations should be attached to any consent granted.</p>
Disabled Access:	<p>Concerns raised over the size of the proposed kitchen and locker rooms in the administration building and further information required in respect of access to the building. Induction loop required in the visitors room.</p> <p>It has been agreed that such matters are details that would need to be covered when the proposed building has to progress through the building regulation system. This matter will therefore be addressed at that stage.</p>
BBOWT:	No response received
Spokes:	No response received
Ramblers:	No response received
Libraries	Request for a contribution of £13,335 towards provision of stock items and all other service improvements for use in all West Berkshire Libraries
Public Open Space	Request for a contribution of £30,900 for improvements to existing public open space in the parish of Padworth.
Correspondence:	<p>In excess of 200 letters of representation have been received in respect of the proposed development raising the following issues:</p> <p>Amenity Issues including</p> <p>Noise – Impacts of reversing alarms, extensive hours of working, reference was made to other businesses on the site being refused extended operating hours, concern over the proposed noise attenuation reflecting railway noise, and the impacts of the machinery and vehicle noise.</p>

Odour and air quality – concern over the proposed biofilter technology has been raised together with the impacts of fumes and odours, particularly during times when doors are left open . Reference has been made to both DEFRA and Environment Agency Guidance in respect of distances from such facilities to residential dwellings.

Pests – concern has been raised over rats and vermin, together with such pests causing damage and reference has been made to waste sites attracting malarial mosquitoes.

Light – Light impacts have been raised as a concern, given the proposed operating hours of 0300 – 2200.

The impact of litter and dust escaping the site, and in particular litter impacting on the railway has been raised as a concern.

A number of local receptors of these amenity impacts have been identified by objectors including the canal, houses, schools, college, nursery, village hall, local recreation (horse ridding).

Highways

Many of the objectors and persons making representations have cited highways matters as a key area of concern, the proposed vehicle movements associated with the proposed development are considered unacceptable.

Concern has been raised over the impact of the traffic generated by the proposal on the A4 and the A340 and it has been claimed that the predicted vehicle movements are vastly underestimated and the background traffic assessments are flawed.

Concern has been raised that recently permitted developments and the potential re-opening of the adjacent OPA site have not been fully considered in the traffic assessments.

The sightlines proposed are considered inadequate and the predicted impacts on the local road network, particularly to the south are considered unacceptable.

Concern has been raised in respect of the proposed traffic light controlled, one way traffic management system proposed to be provided over the existing railway bridge, in particular reference has been made to cyclists and agricultural vehicles being unable to cross the bridge in time and vehicles awaiting to cross the railway bridge backing up onto A4.

Reference has been made to HWRC's generating large volumes of traffic and queues that can be miles long and the associated impacts.

Impact on canal bridge to the south of the access and the canal towpath has been raised as a concern.

Reference has been made to the A4 already being a “rat run” and this stretch of the A4 being an “accident hotspot” it is envisaged that the proposal will make this situation worse.

Impacts on emergency services, access to the nearby hotel, village hall and dwellings haven been expressed as concerns together with impacts on the canal and local schools, college and nursery.

Ecology – Concern has been raised over the impact of the proposal on bats that are living at the site together with concerns over disturbance to birdlife.

Heritage – Concern has been raised in respect of impacts on pillboxes located at the site and impacts upon Aldermaston lock and the adjacent conservation area.

Remediation operations – Objectors have raised concerns over the presence of dioxins at the site and the cost of the remediation operations, together with the risk of the remediation operations having secondary impacts locally.

Hydrology – Local residents have confirmed that the site is subject to periodic flooding and that the site is considered to be a local soakaway. Concern has been raised over impacts upon on groundwater flows and underlying aquifers.

Landscape – Concerns have been raised in respect of overshadowing, excessive building sizes, the visual impact of the proposed stack, the loss of rural value and impacts on the AONB. The proposed development is considered by objectors to be out of place.

Trees – Objectors have made representations that the tree preservation order at the site must not be ignored and referred to “one rule for the Council and one for everyone else”.

Other Matters - Reference has been made to the application site not being a brownfield site or an industrial area. Objectors consider the application site to be a rural location that is too close to residential areas for the type of development proposed. The site is also considered to be an unsustainable location and amounts to development in the countryside.

Concern has been raised over the impact of the development on trade in Aldermaston Wharf and reference has been made to the proposal amounting the overdevelopment of the area.

Representations have been made suggesting that the use of rail should be considered.

Concern has also been raised over there already being enough “dirty uses” in the locality.

Concern has been raised in respect of the planning process as this application will be a decision by the Council on a Council proposal, Objectors refer to this being a conflict of interest and the application should be subject to an independent decision.

Objectors have queried why if the development of this site has been the long term plan of the Council, why has this not been publicised.

Objectors have also queried the tendering process for the award of the Waste management contract and it has been queried why the nearby Grundon site has not been pursued.

The applicants "track record" as a waste operator has also been queried.

Reference has also been made to the valley location of the proposed development and the safety aspects of low lying fog impacting on the development.

Concern has also been raised over the impact of the development on house prices.

1. BACKGROUND

- 1.1. This application has been submitted by Scot Wilson on behalf of Veolia ES (West Berkshire) Ltd. This Company has been awarded the contract for the management of the municipal waste generated by the residents of West Berkshire. It is proposed by the applicant that the Integrated Waste Management facility (IWMF), which is the subject of this application, will assist in the delivery of this contract.
- 1.2. There is a second application that is currently before the Planning Authority that is an application to carry out enabling works this application (08/01167 MINMAJ) is the subject of a separate planning application.
- 1.3. The application was accompanied by an Environmental Statement and is an EIA Development for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

2. LOCATION OF THE PROPOSED DEVELOPMENT

- 2.1. The application site is located to the east of the main residential area of Aldermaston Wharf. The site is bounded by the Great Western Main line to the northwest, beyond which are a number of residential properties that are accessed via The Crescent and Oakend Way, beyond these properties is the A4. On the northern side of the A4 are a number of industrial and commercial premises. To the south and south east of the site is the Kennet and Avon Canal (with the towpath abutting the boundary of the application site), beyond the canal is an active gravel extraction site. To the immediate northeast of the application site is the Oil Pipeline Depot (or Connoco Site) that is adjacent to Padworth lane, to the east of Padworth Lane is Padworth Village Hall, the residential property known as Lothlorian and open fields. To the west and south west of the application site are residential properties that form the outskirts of the residential area of Aldermaston Wharf.
- 2.2. The vehicular access to the site is via the south east corner of the application site and directly onto Padworth lane, in close proximity to the access is Padworth Bridge, which is a swing bridge that traverses the Kennet and Avon Canal. The former sidings, that branch from the main line to the north, enters the sidings site in the north western corner and follows the northern boundary before sweeping southwards along the eastern boundary.
- 2.3. There are residential properties in close proximity to the application site, the closest of which, Venture Fair (to the west), abuts the application boundary. Other dwellings to the west, Orchard Bungalow and June Rose Bungalow are approximately 65m from the application boundary. To the north east of the application site, and approximately 65m from the site entrance, is the property known as Lothlorian, to the west of the property and also on Padworth Lane is the Padworth Village Hall, which also incorporates a residential dwelling for the resident caretaker for the hall. As discussed in 2.1 more residential properties are located to the northwest of the application site, beyond the railway line(approximately 60m from the application site) , there are 25 properties in this area (made up of the Crescent, 12 properties, Oakend Way, 8 properties, and 5 properties that are accessed via the Bath Road (A4)). Also in this locality, to the north east of Padworth Lane is the Holiday Inn Hotel, which is understood to have 50 rooms.

3. SITE HISTORY AND CURRENT USES

- 3.1. The application site comprises disused railway sidings known as Padworth sidings. Part of the overall sidings site is currently occupied by a road to rail transfer facility which resides beyond the application boundary. This adjacent site is known as the Oil Pipeline Depot (or Connoco site) and is understood to have recently been through a programme of decommissioning and upgrade with a view to the site being re-opened as a distribution depot.
- 3.2. In the main, the application site is vacant, however part of the application site (approximately 0.22ha of the 9.7 ha application site) is currently occupied by a small skip waste transfer facility. This skip waste facility has been located on the site since 2005 and although was originally granted consent for a temporary period (3 years), which subsequently expired, the operator of this site has recently been granted consent by West Berkshire Council's Planning Authority for the retention of this skip waste transfer facility on a permanent basis.
- 3.3. A coal and gas sales business has been located on the site for many years (in the vicinity of the site entrance), however this business is understood to be in the process of being run down and the remaining operations re-located to a new site.
- 3.4. The history of the application site is extensive and dates back to the 1940's. The majority of the application site is a former mineral extraction site that is understood to have been worked in the 1940's with the earliest planning consent for the "continuation of gravel extraction" being granted in September 1941. Planning records indicate that the mineral extractions at the site had been completed by the mid 1960's.
- 3.5. Following the conclusion of the extraction operations the majority of the sidings site was infilled (predominantly with railway ballast) in the 1970's, however the planning consents did not require any form of "restoration" of the site and as such the site has remained in a degraded, unrestored state since the conclusion of infilling with the majority of the vegetation being self seeded.
- 3.6. As the application site was infilled with railway ballast and no formal restoration of the site has ever taken place, the central area of the site is generally level and made up of spent railway ballast with minimal soils, there remain some spoil heaps on the site together with the former railway sidings. The western margin of the site is occupied by an area of wet woodland much of which is covered by a Tree Preservation Order (TPO). Since the conclusion of the infilling operations the site has naturally regenerated and the lack of soils has resulted in the site remaining a predominantly open area of land with minimal vegetation. The business uses at the site are concentrated around the site entrance and along the eastern edge of the application site adjacent to the Connoco site. These areas of the site are more industrial in nature and generally untidy due to the informal expanse of these business uses. There is evidence of fly tipping having taken place in a number of locations within the sidings site resulting in a number of isolated piles of waste and other deleterious material being present at the site.
- 3.7. A number of planning applications relating to the sidings site, for offices, weighbridges, amenity facilities and vehicle maintenance areas were submitted in the early 70's. In 1973 outline permission for a tarmacadam and asphalt plant and rail terminal for the importation of hard rock was granted. In 1976 planning permission was granted for the site to be used as a road to rail aggregates depot and conditions on this consent were subsequently relaxed in 1980. However neither of these permissions were ever implemented. Permission was granted for a re-siting the access to the site in 1977.
- 3.8. In 1990 planning permission was refused for the storage of plant and portacabins at the site, and enforcement action was subsequently taken to ensure the removal of plant and portacabins stored at the site.

- 3.9. In 1992 a further application for a macadam-asphalt plant was submitted and although this was refused by the planning authority, this application was subsequently granted on appeal. However this consent was never implemented.

- 3.10. In 2004 temporary planning consent for a waste transfer station was approved, this permission was subsequently amended in 2005 to relax the time scales for the submission of information to discharge conditions on the consent relating to noise, dust, odour and contaminated land. A further application for the retention of this WTS on a permanent basis was submitted to the Planning Authority in 2008 and this application (08/01687) has recently been granted consent. The existing skip waste transfer facility on the Padworth Sidings site now has permanent consent.

- 3.11. There is a second application currently before the Planning Authority (08/01167) that was submitted along side this proposal and reported elsewhere in this agenda. This second application (08/01167) seeks consent for the remediation and clearance of the application site such that it can be re-developed. This other application is an entirely separate proposal that is to be considered on its own merits. Notwithstanding this separation, this proposal (08/01166) includes the same preparatory and remediation works as this second application (08/01167).

4. DESCRIPTION OF THE PROPOSED DEVELOPMENT

- 4.1. The proposed development comprises of the development of the Padworth Sidings site as an Integrated Waste Management Facility (IWMF). This facility, which will manage the municipal waste that is generated by the residents of West Berkshire, will comprise the following elements: Materials Recycling Facility (MRF), Waste Transfer Station (WTS), Green Waste Composting Facility (GWCF), Household Waste Recycling Centre (HWRC), Depot and administration/welfare/visitor centre.
- 4.2. The built form of the IWMF, and associated roads, parking areas and hardstanding, will occupy an area of approximately 6ha with the remainder of the application site (approximately 3.5ha) being occupied by landscape planting, drainage features and ecological mitigation areas. The proposed development has been designed such that the operational elements of the IWMF are located as far away from the nearby residential properties as possible. Therefore although there are residential properties within close proximity, and even abutting, the application site, the applicant has attempted to maximise the distance of the operational elements of the proposal from these properties. As such the residential property of Venture Fair, which abuts the application site, is over 150m away from the proposed MRF building, (which is the nearest facility to this property).
- 4.3. The proposed IWMF will principally accommodate the municipal waste that is generated by the residents of West Berkshire, therefore the "black bag" waste and recyclables from the kerbside collections will be transported to this facility for management, separation and processing. Waste from household waste recycling facilities and recycling locations across the District will also be managed at the facility. There will be no waste disposal at this site as waste that requires further processing or disposal will be bulked up and exported.
- 4.4. The IWMF will comprise of two main buildings, one will accommodate the WTS and MRF and the second, larger, building will accommodate the IVC. In addition the proposal includes an administration building/ visitor centre, a workshop building and a weighbridge office.
- 4.5. The Materials Recycling Facility (MRF) will separate the mixed recyclable material that is collected as part of the kerbside collection and collected from HWRC's and other recycling points across the district. The proposed MRF facility would use a variety of manual and automatic procedures to process these recyclable materials and separate the collected material into the various recyclable waste streams, the recyclables would be baled and stored on site prior to despatch for processing off site. It is predicted that the MRF will handle a maximum throughput of approximately 19,000 tonnes of waste per annum by 2025.
- 4.6. The proposed Waste Transfer Station (WTS), that is located in the same building as the MRF, will essentially bulk up all other incoming wastes such as glass and non-recyclable residual waste materials that are collected, and discarded items from the MRF, mini HWRC or IVC. These materials will be dispatched for disposal. The MRF/WTS building would be approximately 76m long by 48m wide and 15m in height.
- 4.7. The proposed In vessel Composting Facility (IVC) will accommodate the green waste and kitchen waste composting process. These wastes will be collected within the Authority and this material will be composted at the site, it is predicted that approximately 29,000 tonnes of waste per annum will be composted at this facility when at maximum capacity. The facility is an entirely enclosed process with all operations taking place within a building that is subject to an air handling system. The proposed building covers an area of approximately 1.4 ha and measures 129m long by 92m wide and be 14.4m in height. In addition a 25m stack, associated with the biofilters that form part of the ventilation system will be erected.

- 4.8. The proposed depot will provide a location for the overnight parking and servicing of the fleet of vehicles associated with the collection and management of the waste generated with West Berkshire. Associated with the depot will be a vehicle maintenance building (20m long by 15m wide and 10m high) , weighbridge and weighbridge office. The depot has been located at the centre of the site with the majority of accesses to the IVC, MRF and WTS opening out into the depot.
- 4.9. The proposed "mini" HWRC is designed to be a subsidiary HWRC for the district and is designed to complement the HWRC at Newtown Road in Newbury. As such it is proposed that this facility will have limited operating hours and it is estimated that the throughput of this facility will rise to just over 7,000 tpa by 2025. It is proposed that the mini HWRC will only accept recyclable materials and not residual waste. The facility will comprise of a ramped access with users tipping their recyclables into containers at a lower level. The materials deposited at the HWRC would be transferred directly to the other facilities at the site.
- 4.10. The proposed Administration centre will coordinate the operation of the above facilities and provide the welfare facilities for the operatives and employees.
- 4.11. The layout of the site has been designed to avoid, where possible, the need for vehicles to reverse this is preferable from a health and safety perspective and reduces the likelihood of noise impacts being generated by reversing alarms. The proposed layout also provides for the separation of public and operational traffic at the earliest opportunity.
- 4.12. In addition to the proposed "built form" the application also includes associated earth works, landscape planting, drainage features and mounding.
- 4.13. The proposal also includes remediation operations that comprise the following works:
 - Changes to ground levels as a result of the remediation operations, including the excavation and treatment of contaminated material and the creation of a predominantly level development platform that is essentially at the same level as existing ground levels.
 - Formation of earth mounding in the northern part of the site using the remediated material on the site.
 - Erection of new boundary fences around the perimeter of the site.
 - Some removal, lopping and topping to trees the subject of an area Tree Preservation Order.
- 4.14. The proposed development involves the following "development" operations:
 - Treatment of four areas of hydrocarbon contamination each of around 900m² and extending down to 2m in depth.
 - Confirming the hydrocarbon levels at one of the investigation points to confirm whether this hot spot needs remediation (as initial investigations indicate a marginal failure).
 - Encapsulation of asbestos impacted soils located in an existing mound.
 - Reprofilling of the site and re-use of existing mounds.
 - Eradication of Japanese Knotweed from the site (an invasive plant).
- 4.15. The facility has been designed to accommodate the predicted volumes of municipal waste that will be generated in West Berkshire in 2025. Given that it is predicted that the volume of waste to be generated in West Berkshire is due to increase over time, when the site starts operating there will be some surplus capacity that will diminish over the life of the site. In the early years it is understood that this, diminishing, capacity will be used to manage commercial and industrial waste.

5. WEST BERKSHIRE AS WASTE PLANNING AUTHORITY AND WEST BERKSHIRE COUNCIL WASTE MANAGEMENT AUTHORITY

- 5.1. It is important that a distinction is made between the various statutory functions of West Berkshire Council as Waste Planning Authority and West Berkshire Council as Waste Management Authority.
- 5.2. West Berkshire Council is both the Waste Management Authority (Waste Collection and Waste Disposal Authority) and the Waste Planning Authority for its administrative area. These are very separate functions that are carried out by different departments within the Council. It should also be noted that this application has not been submitted by the Waste Management Authority. It has been submitted by Veolia ES West Berkshire Limited, who have been awarded the waste management contract for West Berkshire.
- 5.3. The role of the Waste Planning Authority is to independently determine any planning application for development proposals submitted within their area.
- 5.4. The role of the Waste Management Authority is to manage the municipal waste generated in West Berkshire and, as part of this function, meet targets for the reduction of landfilling biodegradable municipal waste.
- 5.5. Concern has been raised over West Berkshire Council being both the Waste Planning Authority (the decision maker on this application) and the Waste Management Authority (who have granted Veolia the waste management contract for West Berkshire).
- 5.6. West Berkshire Council is the Local Planning Authority for the district and as a Unitary Authority this planning function extends to the determination of planning applications for waste related development. Clearly there are instances where the Council's Planning Department is charged with determining applications that are submitted by other departments within the Council. These are not uncommon situations and as such the Planning Authority is experienced in the consideration of such applications and very aware of the requirement to remain independent, impartial and open minded to allow the full and proper consideration of the proposal, on its merits. Members of the Planning Committee are also aware of their duty to consider the application in this context and without any bias or predetermination of issues, and also without taking into account issues that are not material planning considerations.

6. PLANNING POLICY FRAMEWORK – KEY POLICIES RELEVANT TO THE PROPOSAL

6.1 The planning authority is required to make a decision in accordance with the statutory development plan unless there are material considerations that indicate otherwise. The provisions of the development plan are set out below, following a discussion of national policy, which is a material consideration of considerable weight.

6.2 National Policy

6.2.1 The most relevant National planning policy statement to this proposal is PPS10: Planning for sustainable waste management. This key document (published in July 2005) sets out the government's current thinking surrounding planning and waste management. National policy itself is influenced by European policy on waste (such as the Landfill Directive) which emphasises the prevention or reduction of negative impacts of waste on the environment. The aim is to drive waste disposal practices up the defined waste handling hierarchy, thereby dealing with waste by way of avoidance, or if this is not practicable then by re-use and recovery, rather than disposal into landfill. PPS10 is further informed by the Waste Strategy for England (2007) published by DEFRA which aims to increase the recovery of materials from waste through the provision of appropriate infrastructure to meet the Government's targets. This is principally to be achieved by increased segregation and sorting of waste at or as close to, its source of production.

6.2.2 PPS10 is a material consideration on individual applications. Where a policy in older Regional or Local policy documents do not reflect the policies in the PPS then the Policy in PPS10 will be a material consideration of considerable weight. The PPS emphasises the need to take into account the principles of the waste hierarchy in planning decisions for current and future waste arisings. The hierarchy is (in order of preference) (a) reduction; (b) re-use; (c) recovery, including recycling, composting and energy recovery and (d) disposal

6.2.3 The key planning objectives, as set out in PPS10 (para. 3) are as follows;

- *Help deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as a last option, but one which must be adequately catered for;*
- *Provide a framework in which communities take more responsibility for their own waste, and enable sufficient and timely provision of waste management facilities to meet the needs of their communities;*
- *Help implement the national waste strategy, and supporting targets, are consistent with obligations required under European legislation and support and complement other guidance and legal controls such as those set out in the Waste Management Licensing Regulations 1994 (now the Environmental Permitting Regulations 2007);*
- *Help secure the recovery or disposal of waste without endangering human health and without harming the environment, and enable waste to be disposed of in one of the nearest appropriate installations;*
- *Reflect concerns and interests of communities, the needs of waste collection authorities, waste disposal authorities and business, and encourage competitiveness.*
- *Protect greenbelts but recognise the particular locational needs of some types of waste management facilities when defining detailed green belt boundaries and, in determining planning applications, that these locational needs, together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight in determining whether proposals should be given planning permission;*
- *Ensure the design and layout of new development supports sustainable waste management.*

6.2.4 Paragraph 17 of PPS10 confirms that:

- *Waste planning authorities should identify in development plan documents sites and areas suitable for new or enhanced waste management facilities for the waste management needs of their areas. Waste planning authorities should in particular:*
 - *allocate sites to support the pattern of waste management facilities set out in the RSS in accordance with the broad locations identified in the RSS; and,*
 - *allocate sites and areas suitable for new or enhanced waste management facilities to support the apportionment set out in the RSS.*

6.2.5 Paragraph 21 of PPS10, when considering the identification of suitable sites and areas for waste management facilities for local development documents, states that waste planning authorities should:

(i) Assess their suitability for development against each of the following criteria:

- *the extent to which they support the policies in this PPS;*
- *the physical and environmental constraints on development, including existing and proposed neighbouring land uses (see Annex E);*
- *the cumulative effect of previous waste disposal facilities on the well-being of the local community, including any significant adverse impacts on environmental quality, social cohesion and inclusion or economic potential;*
- *the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport.*

(ii) give priority to the re-use of previously-developed land, and redundant agricultural and forestry buildings and their curtilages.

6.2.6 The guidance published alongside PPS10 states that *"The WPA should bear in mind they are expected to give preference to suitable sites that are previously-developed land, and redundant agricultural and forestry buildings and their curtilages. This does not mean that greenfield allocations are ruled out or all 'brownfield' sites have to be developed before greenfield development would be acceptable. Not all brownfield sites will be suitable for the range of waste management facilities required to support the core strategy. The concern is to ensure good use of suitable 'brownfield' land and avoid turning unnecessarily to greenfield locations."* (Para. 7.33, Companion Guide to PPS 10).

6.2.7 Paragraph 22 of PPS10 confirms that a plan led approach to the consideration of suitable sites for waste management facilities is the most preferable approach and that when proposals are consistent with an up-to-date development plan, waste planning authorities should not require applicants for new or enhanced waste management facilities to demonstrate a quantitative or market need for their proposal.

6.2.8 Annex E to PPS10 confirms that when testing the suitability of sites and areas for producing development documents, waste planning authorities should consider the factors listed below. They should also bear in mind the envisaged waste management facility in terms of type and scale, taking account of best available technologies (not involving excessive costs). Advice on likely impacts and the particular issues that arise with specific types and scale of waste management facilities is given in accompanying practice guidance.

- a. protection of water resources*
- b. land instability*
- c. visual intrusion*
- d. nature conservation*
- e. historic environment and built heritage*
- f. traffic and access*
- g. air emissions, including dust*
- h. odours*

- i. vermin and birds*
- j. noise and vibration*
- k. litter*
- l. potential land use conflict*

Those these issues listed above which are relevant in this application, are also reviewed in this report.

- 6.2.9 It is also worth noting that the Planning Authority should seek to complement but not duplicate the relevant pollution control regimes (as implemented by the Environment Agency and Environmental Health departments). Indeed PPS10 (para 8.5) confirms that:

"In considering planning applications for waste management facilities, PPS 10 requires WPAs to concern themselves with implementing the planning strategy in the development plan and not with the control of processes which are a matter for the pollution control authorities. This is because the planning and pollution control regimes are separate but complementary. Pollution control is concerned with preventing pollution through the use of measures to prohibit or limit the release of substances to the environment to the lowest practicable level. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment and human health. The planning system controls the development and use of land in the public interest and should focus on whether development is an acceptable use of the land, and the impacts of those uses on the development and use of land. PPS10 expects WPA to work on the assumption that the relevant pollution control regime will be properly applied and enforced."

This approach is also confirmed in PPS23 (paragraph 10).

- 6.2.10. This is not to say that the amenity and pollution impacts of a proposed development on its locality are not a consideration for the Planning Authority but it is reasonable and correct to assume that the Environment Agency and Local Authority Environmental Health teams will impose suitable restrictions in their regulatory processes to protect of the environment and that such restriction will be enforced under their respective regimes.
- 6.2.11. One of the other relevant National Planning Policy documents is PPS1 – Delivering Sustainable Development sets out the Government's Objectives for the Planning System. The key principle of PPS1 is to ensure the delivery of sustainable development and PPS1 confirms that Planning Authorities should promote the use of suitably located previously developed land and buildings. Planning Authorities should seek actively to bring vacant and underused previously developed land back into beneficial use to achieve the targets the Government has set for development on previously developed land.
- 6.2.12. PPS 23 - Planning and Pollution Control is also considered relevant to this proposal, confirms that pollution issues should be taken into account in planning decisions and paragraph 23 confirms that *"In considering individual planning applications, the potential for contamination to be present must be considered in relation to the existing use and circumstances of the land, the proposed new use and the possibility of encountering contamination during development. The LPA should satisfy itself that the potential for contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to deal with unacceptable risks, including those covered by Part IIA of the EPA 1990. Intending developers should be able to assure LPAs they have the expertise, or access to it, to make such assessments."*
- 6.2.13. Paragraph 25 of PPS 23 confirms that: *"The remediation of land affected by contamination through the granting of planning permission (with the attachment of the necessary conditions) should secure the removal of unacceptable risk and make the site suitable for its new use. As a minimum, after carrying out the development and*

commencement of its use, the land should not be capable of being determined as contaminated land under Part IIA of the EPA 1990."

6.2.14. Paragraph 26 goes on to confirm that

"The overall aim of planning and pollution control policy is to ensure the sustainable and beneficial use of land (and in particular encouraging reuse of previously developed land in preference to greenfield sites). Within this aim, polluting activities that are necessary for society and the economy should be so sited and planned, and subject to such planning conditions, that their adverse effects are minimised and contained to within acceptable limits. Opportunities should be taken wherever possible to use the development process to assist and encourage the remediation of land already affected by contamination."

6.3. Local Development Plan Policy

6.3.1 The Local Development Plan Policy Framework comprises of a number of policy documents, some of which have development plan status and other that are either emerging or are supplementary guidance. Before moving on to discuss the Berkshire specific policy documents it is considered prudent to consider the Regional Policy Framework, which is one part of the statutory Local Development Plan.

6.4 **RPG 9 – Regional Planning Guidance for the South East 2001 (updated 2006 for waste and minerals)**

6.4.1 The South East of England Regional Assembly (SEERA) submitted a draft South East Plan in March 2006. When the South East Plan is finally adopted it will be the Regional Spatial Strategy (RSS) for the South East and replace RPG9 in its entirety, but until then RPG9 is part of the statutory development plan. The South East Plan is a material consideration, but given the close link (and indeed conformity of content) it has been considered appropriate to discuss the two documents together.

6.4.2 RPG9, published in March 2001 was amended, with respect to Minerals and Waste Planning matters in June 2006. These amendments supersede the chapters on minerals and waste planning in the 2001 version. Because of the timing of this revision of the minerals and waste policies in RPG9 and the concurrent preparation of the South East Plan the waste policies in the submitted Draft South East Plan are very similar. This report refers to the policies detailed in RPG9 (as amended), where these policies differ from those proposed for adoption in the South East Plan this has been noted.

6.4.3 Policy W4 of RPG9 requires that: *waste management authorities should plan for net self sufficiency through the provision of waste management capacity equivalent to the amount of waste arising and requiring management within their boundaries....*

6.4.4 Policy W5 sets out clear targets for diversion of municipal waste away from Landfill sites with the requirement for the south east region in 2005 being a diversion of 35% rising to 52% by 2010, 74% by 2015, 83% by 2020 and 84% by 2025. It is a function of waste planning authorities to ensure that policies and proposals are in place to ensure these targets and prioritise the use of processes higher up the waste hierarchy.

6.4.5 Policy W6 set clear targets for the percentages of municipal waste to be composted or recycled in the south east region. This Policy states that in 2005 30% of the South East regions municipal waste should have been recycled or composted these targets then rise to 40% of the regions municipal waste being recycled or composted by 2010 and then increase to 50% by 2015, 55% by 2020 and

60% by 2025. The policy goes on to state that Waste Authorities should adopt policies and proposals to assist in delivery of these targets.

6.4.6 Policy W7 of RPG9 (as amended) requires that Planning Authorities should provide an appropriate mix of development opportunities to support the waste management facilities required to achieve the targets set out in the strategy. The Berkshire Unitary Authorities are highlighted as having a forecasted need to be able to deliver around 470,000 tonnes of capacity per year in the period 2015-2019 (of municipal waste). The Draft South-East Plan forecasts these shortfalls to be even greater by 2015, suggesting that the Berkshire Unitary Authorities will need to have enough capacity to deal with 480,000 tonnes of municipal solid waste per year in the period 2016-2020

6.4.7 Policy W17 of RPG9 (as amended), when referring to the location of waste management development states that that:

Waste Development Documents should, in identifying locations for waste management facilities, give priority to safeguarding and expanding suitable sites with an existing waste management use and good transport connections.

The suitability of existing sites and potential new sites should be assessed on the basis of the following characteristics:

- *good accessibility from existing urban areas or major new or planned development;*
- *good transport connections including, where possible, rail or water;*
- *compatible land uses, namely*
 - × *active mineral working sites,*
 - × *previous or existing industrial land use,*
 - × *contaminated or derelict land,*
 - × *land on or adjoining sewage treatment works, or*
 - × *redundant farm buildings and their curtilages; and*
- *be capable of meeting a range of locally-based environmental and amenity criteria.*

Waste management facilities should not be precluded from the Green Belt where this is the nearest appropriate location, where there are no alternative sites, and provided that the development would not cause harm to the objectives of the designation. In exceptional circumstance, Small-scale waste management facilities for local needs should not be precluded from Areas of Outstanding Natural Beauty and National Parks where this is the nearest appropriate location and where the development would not compromise the objectives of the designation.

(the sections underlined highlight the text that is proposed in the draft South East Plan)

6.4.8 The adopted amendment to RPG9 (10.257) also clearly states that:
"Every person in the South East must also play their part in securing the required change in public attitude towards waste and resources. This involves taking personal responsibility for waste, participation in waste reduction and recycling schemes and an appreciation that a large number of new waste facilities need to be developed across the region to meet targets and obligations".

6.4.9 The Draft South East Plan indicates that, within the South East Region of the 4.5 million tonnes municipal solid waste of waste produced per year, 75% of this waste is currently land filled. (paragraph 1.1) and if the current trend of landfilling waste continues then the regions landfill sites will be full within a decade (paragraph 1.3). This clearly illustrates the need for new facilities which can assist in diverting such wastes away from landfill sites.

Berkshire Specific Policy Documents

- 6.4.10 In addition to the Regional Policy Documents, the Local Development Plan Policy Framework comprises of a number of Berkshire Specific policy documents, some of which have development plan status and other that are either emerging or are supplementary guidance. The principal documents with development plan status are: the Berkshire Structure Plan 2001 – 2016 (BSP), which sets out the wider policy context across Berkshire, the Replacement Minerals Local Plan for Berkshire incorporating the Alterations adopted in December 1997 and May 2001(RMLP), which sets out the policy context for mineral development across Berkshire, the Waste Local Plan for Berkshire adopted in 1998 (WLPB) which sets out the policy context for waste development across Berkshire and the West Berkshire District Local Plan 1991-2006 (WBDLP) which sets out the policy context for developments within West Berkshire.
- 6.4.11 The Planning and Compulsory Purchase Act 2004 set out a new nationwide Planning Policy framework system to replace the old Development Plan System. Therefore all of the above local policy documents are in the process of being replaced. Under Paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 Planning Authorities may seek to save policies that remain relevant in adopted policy documents until they are replaced by a new policy in a Development Plan Document in due course.
- 6.4.12 The WLPB and the RMLP are due to be replaced by the Joint Minerals and Waste Development Framework (JMWDF). The draft documents that make up the draft JMWDF, although not being part of the local development plan, may also be given some weight (although this is dependant on the status of these documents).
- 6.4.13 It should also be recognised that, in addition to the local development plan, central government guidance on planning is a material consideration to the decision making process. This is particularly the case at present when we are in a period of flux in between the “old” planning system and the “new” planning system.
- 6.4.14 PPS10 forms the most up to date planning policy position relating to waste management development available at this time. The policies and statements within that document, where they conflict with policies in the saved local plan policies, are of considerable weight as material considerations when viewing the policies of the WLPB and WBLDP.
- 6.4.15 However, the West Berkshire District Local Plan and Waste Local Plan for Berkshire remain highly relevant, as they incorporate detailed land designations and planning policies at a more local scale. Of specific importance are the policies in the WLPB that have been “saved” during this interim period, such that they remain in full force and effect as part of the Development Plan, which have been assessed to determine whether they have been superseded by policies at a regional and national level and have been found to remain relevant and necessary because they have not been superseded.
- 6.4.16 It must also be recognised that, notwithstanding the planning policy position, other material planning considerations also feed into the decision making process. These are discussed later in this report.

Berkshire Structure Plan (BSP) (2001-2016) – Saved Policies

- 6.4.17 One of the policies in the BSP that remains saved and relevant to this proposal is policy W2 which states that:
“Preferred areas for future waste management facilities will be identified in the Waste Local Plan”
- 6.4.18 Other relevant policies in the BSP are: Policy DP6 - land outside settlements, which sets out a policy position relating to the protection of land outside settlements, policy EN1 – Landscape, which sets out a policy position to protect the distinctiveness of the landscape character types and areas and the

conservation of the AONB, Policy EN5 - Air pollution and Nuisance, confirms that development should not give rise to unacceptable levels of noise, smell, dust, light or noxious emissions.

West Berkshire District Local Plan (WBDLP) – Saved Policies (September 2007).

6.4.19 The application site is not designated for development within the WBDLP and therefore in the context of the WBDLP the development would be classed as development in the countryside. This is covered by policy ENV18 which states that;

The nature and scale of development in rural areas should seek to encourage and sustain balanced rural communities. Development outside of settlements, allocated sites and other defined areas (Local Plan policies HSG.1, HSG.5, ECON.1, ECON.6, ECON.7, ECON.9, TRANS.3, and ENV.27 refer) will be permitted only where:-

- *it will benefit the rural economy in accordance with Structure Plan policy C2 and Local Plan policies ENV.16, ENV.19 and ENV.20; or*
- *it will provide beneficial use of a brownfield site in accordance with Structure Plan policy BU3 and Local Plan policies OVS.1 and OVS.2, or*
- *it is within the permissible categories of housing development in the countryside*
- *and provided it will maintain or enhance the environment and is appropriate in scale, form, impact, character and siting to its location in the countryside.*

6.4.20 Policy OVS.1 of the WBDLP states that:

The Council will follow the existing settlement pattern and hierarchy found within the district area in seeking sustainable locations for development which minimise the need to travel and with appropriate access to public transport services and other community facilities. In this context the Council would prefer to see the redevelopment of brownfield sites (land previously developed) than the use of 'greenfield' (undeveloped) land.

6.4.21 OVS2 details criteria for assessment of proposals and states that:

The Council will require, where appropriate, all development proposals which accord with other policies of this Plan, to:

- (a) *show a high standard of design including landscape treatment which respects the character and appearance of the area; and*
- (b) *retain and protect important landscape and nature conservation features and provide for further landscape treatment where relevant to the safeguarding of local amenity; and*
- (c) *retain important open space areas of recreational and /or amenity value within or on the edge of settlements; and*
- (d) *preserve or enhance the character and setting of listed buildings and conservation areas; and*
- (e) *preserve the site and setting of Scheduled Ancient Monuments or sites of especial local archaeological significance; and*
- (f) *use materials of a quality appropriate to the nature of the development, the site and its surroundings; and*
- (g) *comply with highway standards in respect of access, parking, pedestrian movement including where appropriate links to adjoining land; and*
- (h) *safeguard public rights of way and the amenities of adjoining land uses and occupiers, including where relevant the provision of alternative rights of way of equal or enhanced quality; and*
- (i) *provide buildings and spaces with suitable access arrangements and facilities for use by people with disabilities.*

6.4.22 Policy OVS3 details that the Council will seek to ensure that proposed developments provide appropriate infrastructure, services and amenities and that such necessary improvements and benefits are brought forward at the appropriate time. The policy states that:

The Council will require to be satisfied that the infrastructure, services and amenities made necessary by the development are provided or will be provided at the appropriate time so as to ensure the proper planning of the area. In addition, when considering proposals for development, opportunities will also be sought for securing environmental improvements and community benefits. Such provision will relate to those works necessary to the grant of planning permission, and which are relevant, reasonable and directly related and fairly and reasonably related in scale and kind to the proposed development, and may for example include:

- (a) affordable housing; and/or*
- (b) landscaping, including major structural landscaping on sensitive or exposed sites; and/or*
- (c) improved access for pedestrians, cyclist and people with disabilities; and/or*
- (d) public transport facilities and services, public car parking, provision for services vehicles or other highway improvements; and/or*
- (e) green travel plans where major developments are proposed; and/or,*
- (f) the implementation of measures enabling the use of sustainable transport modes, such as walking, cycling and public transport; and/or,*
- (g) space and facilities for recreation, community and medical facilities; and/or*
- (h) provision of re-cycling facilities; and/or*
- (i) the repair of listed buildings and the preservation/enhancement of Conservation Areas and sites of archaeological interest; and/or*
- (j) the management of land and water areas for nature conservation purposes; and/or*
- (k) public art in appropriate places.*

6.4.23 Policy OVS.5 relates to the protection of the environment and states that:

The Council will only permit development proposals where they do not give rise to an unacceptable pollution of the environment. In order to minimise the adverse impact on the environment or loss of amenity proposals should have regard to:

- (a) the need to ensure the adequate storage and disposal of waste materials; and*
- (b) the installation of equipment to minimise the harmful effects of emissions; and*
- (c) the hours, days or seasons of operations; and*
- (d) locating potential nuisance or pollution activities onto the least sensitive parts of the site or where the impacts can be best contained by physical or other appropriate measures.*

6.4.24 Policy OVS 6 relates to noise pollution and states that:

The Council will require appropriate measures to be taken in the location, design, layout and operation of development proposals in order to minimise any adverse impact as a result of noise generated.

Special consideration is required where noisy development is proposed in or near Sites of Special Scientific Interest or which would harm the quiet enjoyment of Areas of Outstanding Natural Beauty.

Proposals for noise sensitive developments should have regard to the following:

- (a) existing sources of noise e.g. from roads, railways and other forms of transport, industrial and commercial developments, sporting, recreation and leisure facilities; and*
- (b) the need for appropriate sound insulation measures; and*
- (c) the noise exposure levels outlined in Annex 1 of PPG24. In the context of this policy noise sensitive uses are housing, schools and hospitals.*

6.4.25 Policy ENV1 states that:

The Council in considering proposals for development will seek to conserve and enhance the special features and diversity of the different "landscape character areas" found within West Berkshire.

6.4.26 Policy ENV 9, relating to impacts on nature conservation states that:

The Council in considering development proposals which could affect nature conservation sites or interests will have regard to:

- (a) expert nature conservation advice from English Nature, or other specialist sources; and*

- (b) the ecological value and objectives for which the site was classified or designated; and*
- (c) the integrity of the site in terms of its nature conservation or ecological relationships ; and*
- (d) the likely impacts of cumulative uses or developments on the nature conservation interest and value of the site; and*
- (e) the need to sustain the ecological diversity of the site; and*
- (f) the presence of protected species and appropriate habitat areas/wildlife corridors including those which abut the West Berkshire boundary; and*
- (g) proposed measures to safeguard and enhance existing nature conservation and habitat areas including wildlife corridors; and*
- (h) the opportunity to create new habitat areas to help improve the conservation status of locally vulnerable species.*

- 6.4.27 Policy ENV14 refers to the management and enhancement of river corridors and states that :
The Council, in consultation and co-operation with the Environment Agency and British Waterways, will seek to protect and enhance all waterway corridors within West Berkshire as important open land by:
- (a) seeking the conservation of existing amenity features and wherever possible the restoration of natural elements within the corridors and associated margins; and*
 - (b) seeking the provision of appropriate public access; and*
 - (c) seeking protection and improved access for operational and maintenance purposes, including maintenance strips where practical; and*
 - (d) resisting development which would have an adverse impact on nature conservation, fisheries, landscape, public access or water related recreation.*

- 6.4.28 Policy Trans 1 states that:
The transportation needs of new development should be met through the provision of a range of facilities associated with different transport modes including public transport, walking, cycling and parking provision. The level of parking provision will depend on the availability of alternative modes, having regard to the maximum standards adopted by West Berkshire Council. Standards below the maximum level may be applied in more accessible locations.

Waste Local Plan for Berkshire (WLPB) (1998) – Saved Policies

- 6.4.29 As stated above this document is of particular relevance to this proposal as it sets out the current local policy context for waste management proposals and as such this document needs to be read in conjunction with the WBDLP. This proposal is a waste management proposal and therefore the saved policies in the WLPB are the suite of policies in the Development Plan that are most specific to the proposed development.
- 6.4.30 The WLPB sets out a preferred area approach for the delivery of waste management facilities across Berkshire. This approach is in line with the current Regional and National Policies on the delivery of Waste management facilities and policy W2 in the BSP. There are 27 areas in the adopted WLPB identified as preferred areas of search for waste management purposes. Of these 27 areas only 10 are within West Berkshire, and Padworth Sidings site is one of these preferred areas.
- 6.4.31 Policy WLP11 of the WLPB confirms the allocation of the application site as a “preferred area” for waste management development. This policy has been saved and is thus relevant to this application. Policy WLP11 of the WLPB sets out a presumption that applications for waste management development on preferred areas will normally be permitted, provided that other policies in the WLPB are satisfied.
- 6.4.32 Policy WLP 11 states that :

On sites identified as Preferred Areas in this Policy, applications for waste management development of the types indicated in this policy will normally be permitted provided that:

The requirements of policies WLP27 and WLP 29 to 33 and all other relevant policies of the Plan are satisfied

For engineered landfill proposals, the requirements of policies WLP12 and WLP15 are also satisfied

The application proposals have full regard to the requirements and address the issues and constraints which are specified for each site in Appendix 7.

- 6.4.33 (The policies specifically cross referred to in policy WLP11 are WLP27, WLP29, WLP30, WLP31, WLP32 and WLP33 and are discussed below)
- 6.4.34 Policy WLP 11 refers to appendix 7 to the WLPB that sets out potential uses for the preferred area and clarifies general issues that would need to be considered as part of a development proposal. This appendix confirms that the Padworth Sidings site is identified as being a site that is suitable for the following potential uses: Waste Treatment, Road to Rail Transfer, Major Recycling, Recycling non inert, Difficult / special waste recycling, treatment or transfer and metal recycling. The appendix then goes on to confirm that the site is large enough to accommodate a number of waste management uses: the site is safeguarded as a rail depot in the RMLP (see section 6.4.38) and the site is suitable for road to rail transfer. The use of the site for other waste management uses should not prejudice a road to rail transfer station or a rail aggregates depot.
- 6.4.35 The appendix confirms that the access to the site must be from the A4 via Padworth Lane and that improvements to the junction of the A4 and Padworth Lane would be required and a contribution towards the improvement of the A4/A340 roundabout would be required. The residential properties in close proximity to the site are acknowledged in the WLPB and the need to protect these properties from adverse impacts is clearly identified. It is confirmed that operations with the potential to generate smells should be fully enclosed (with composting and industrial re-processing operations being highlighted as facilities that would have to be fully enclosed).
- 6.4.36 The potential landscape impacts of a proposal are considered in the appendix and it is confirmed that the site is in a predominantly rural area and the visual impact of any development must be considered in terms of its impact on the Kennet and Avon Canal and the impact on local properties and the rural environment. The WLPB confirms that existing vegetation of amenity and/or ecological value must be retained with the use of the existing tree cover on site being highlighted as being used to minimise the visual impact of any substantial buildings, although off site planting is also identified as being likely to be required.
- 6.4.37 The impact upon the canal, towpath and the rural area to the south is highlighted as a key consideration and it is confirmed that buildings and plant should be carefully sited and designed to minimise impacts. The appendix confirms that it would be desirable for operations to be confined within a tight boundary and the remainder of the site restored to woodland as the large size of the site provides an opportunity to create buffer zones as necessary.
- 6.4.38 Policy WLP27 states that:
Planning applications for waste management development will only be permitted if the Local Planning Authority are satisfied that:
- *Having regard to Policy WLP2, there is a need for the development*
 - *There is a wider environmental benefit resulting from the development which outweighs any adverse environmental and other effects resulting from it;*
 - *The development and its associated traffic would not give rise to an unacceptable environmental impacts*

- *Satisfactory arrangements are made to secure infrastructure, services and amenities made necessary by the development.*

(This policy cross refers to Policy WLP2, which relates to the priorities of the waste management strategy and its hierarchy of priorities, however this policy is no longer saved)

- 6.4.39 Policy WLP29 (referred to in policy WLP11) sets out a presumption against waste management development, either within or adversely affecting certain areas, such as areas of landscape designation (such as AONB), ecological areas (such as SSSI), greenbelt, and other local and nationally designated areas. In the context of this proposal the most relevant considerations are:
- *Areas designated and Sites of Special Scientific Importance, Regionally Important Geological Sites, geological conservation areas*
 - *Conservation areas*
 - *Groundwater protection areas*
 - *AONB*
 - *Areas at risk of flooding*
 - *The immediate settings of any waterbodies or other water features and the aquatic environments in general, where the proposed development would result in material adverse effects*
- 6.4.40 Policy WLP30 sets out the framework for the consideration of all relevant impacts of a development proposal.
- 6.4.41 Policy WLP31 sets out the details expected to be submitted alongside planning applications.
- 6.4.42 Policy WLP32 relates to Environmental Impact Assessment, has not been saved and as such is no longer in force (as the requirement of this policy is covered by the EIA regulations).
- 6.4.43 Policy WLP33 relates to seeking environmental and public benefits relevant to development proposals.
- 6.4.44 Policy WLP21 sets out a policy framework that safeguards those sites in the WLPB identified as preferred areas for appropriate waste management purposes.
- 6.4.45 It is recognised that the Waste Local Plan for Berkshire (WLPB) is becoming a dated policy document, however as part of the transitional arrangements relating to the new Local Development Framework system the WLPB has been reviewed and only policies that remain relevant have been saved. This process involved the consideration of the document and policies by the Government Office for the South East and it was confirmed that the policies relating to the allocation of preferred areas should be saved and remain in full force and effect as part of the statutory development plan.
- 6.4.46 In addition to the allocation of the application site as a preferred area for waste management in the WLPB the application site has also been put forward for inclusion as a preferred area for waste in the emerging Joint Minerals and Waste development framework (JMWDF) that will be the successor to the Waste Local Plan for Berkshire when it is adopted. This JMWDF is still being formulated, by the Joint strategic Planning Unit on behalf of the Berkshire Unitary Authorities. However the list of sites that has been put forward for allocation as preferred areas for waste management development under this new regime have been subject to public consultation as part of the early stages of the JMWDF process.

Replacement Minerals Local Plan for Berkshire, Including the alterations adopted in December 1997 and May 2001

- 6.4.47 Policy 26 of the Replacement Minerals Local Plan for Berkshire (RMLP) states that:

The Planning Authorities will seek to safeguard

- (i) *sites at Padworth, Pingewood, Slough, Poyle and Colnbrook as indicated in the Proposals Map and in Appendix 7, and*
- (ii) *any sites where planning permission is given for the establishment of new rail aggregates depots,*

from development which would prejudice their use as a rail aggregates depots.

The safeguarding of the sites as Padworth, Pingewood, Slough and Poyle will not imply and presumption in favour of their use as rail depots. Any Planning applications for the establishment of depots at these sites will be judged strictly in terms of Policy 25.

Policy 25 of the RMLP has not been saved on the basis that it has been superseded by policy M5 of RPG9 (as amended) which, in relation to rail depots, states that:

Mineral Planning Authorities should assess the need for Wharf and Rail facilities for the handling and distribution of imported minerals and processed materials, and identify strategic sites for the safeguarding in their mineral development frameworks. These strategic facilities should be safeguarded from other inappropriate development in local development frameworks.

Emerging Policy - Joint Minerals and Waste Development Framework

- 6.4.48 The emerging Joint Minerals and Waste Development Framework, (JMWDF) will, in due course replace both the RMLP and the WLPB. The JMWDF is still in the process of preparation and will comprise of a Core Strategy that details the key planning policy principals for Minerals and Waste development, together with a Detailed Minerals and Waste Development Control Policies and Preferred Areas Document that will cover the detailed policies on minerals and waste matters together with allocating preferred areas for minerals and waste development.

- 6.4.49 The Core Strategy has been through the Regulation 25 and Regulation 26 stages of consultation (under the 2004 regulations) and the submission draft of the core strategy (published under the requirements of Regulation 27(2008)) was published in September 2008 and this final stage of "consultation" has now finished. The a Detailed Minerals and Waste Development Control Policies and Preferred Areas Document has been consulted upon under Regulation 25 of the 2004 Regulations and further consultation under the 2008 Regulations will take place in early 2009.

- 6.4.50 Core Strategy draft Policy W1 states that:

Waste management capacity will be provided in Berkshire equivalent to the amount of waste arising and requiring management within the collective area of the six Unitary Authorities, in order to achieve net self-sufficiency. The amount will be as defined in Table 3 of RPG9 (Waste and Minerals, June 2006) or as presented in the Regional Spatial Strategy. An appropriate contribution will be made to meeting the residual waste disposal needs of London in line with the sub-regional apportionment defined in Policy W3 of the Regional Spatial Strategy. This will be through a combination of landfill and Energy from Waste.

The text surrounding this policy cross references to the amount of capacity that the Berkshire Unitary Authorities will need to provide, as detailed in the Draft South East Plan (as referred to above) and indeed the JMWDF Core Strategy suggests that in 2015 Berkshire will need an additional 517,000 tonnes of MSW and C&I recycling capacity and 72,000 tonnes of MSW and C&I composting capacity per year. However it is predicted that there would be a surplus (100,000 tonnes per annum) of MSW and C&I recovery capacity. These figures are then extrapolated to 2025/26 which suggests that by 2025/26 Berkshire will require an additional 727,000 tonnes of MSW and C&I recycling capacity and 195,000 tonnes of MSW and C&I composting capacity per year. (These figures have then been used to inform Draft Policy W2)

6.4.51 Core Strategy draft Policy W2 states that:

Planning permissions for waste management and disposal capacity will be granted in Berkshire in the period to 2026 sufficient to meet or exceed the targets set out in the South East Plan. This will require new capacity as set out below:

Municipal Solid Waste (MSW) and Commercial & Industrial (C&I) recycling 727,000 (tonnes per year)

MSW and C&I composting 195,000 (tonnes per year)

Construction & Demolition (C&D) waste recycling 922,000 (tonnes per year)

The level of provision required will be reviewed annually against the available capacity in Berkshire.

This policy sets out an approach of delivery for waste management facilities in Berkshire

6.4.52 Core Strategy draft Policy W3 states that:

New waste management capacity in Berkshire will be sought within the Waste Primary Areas of Search identified on the Key Diagram, including at the Waste Focal Points identified. Small scale facilities for recycling, recovery and transfer of waste should be located in close proximity to the waste arisings to be managed. Larger scale facilities for recovery and disposal should be located as near as possible to the main sources of arisings, and must be well located for access by rail, water or the primary road network.

The Core strategy key diagram identifies Beenham /Padworth Sidings as a waste focal point together with a further waste focal point in Reading (Smallmead) and Colnbrook/Lakeside EFW facility.

6.4.53 Core Strategy, draft Policy W5 states that:

Waste Preferred Areas will be identified in the Minerals and Waste DPD where planning permission will be granted for development that will deliver the type, scale and location of waste management and disposal capacity required by Policy W2. Waste Preferred Areas will include both existing waste management facilities capable of extension, and new sites. The Waste Preferred Areas will be complemented by a criteria-based policy approach which will make provision for planning permission to be granted for waste management facilities at sites not identified for waste related uses in DPDs, where this is appropriate in the context of other policies of the JMWDF. Other than in the defined exceptional circumstances referred to in Policy W6(d), waste disposal capacity will only be provided at Waste Preferred Areas.

This policy clearly sets a presumption in favour of the allocation of preferred areas to deliver the forecasted demand for waste management facilities. Such an approach provides more certainty to both developers and local residents.

6.4.54 Core Strategy draft Policy W6 states that

(a) Proposals for waste treatment facilities on Waste Preferred Areas will not be required to demonstrate need;

(b) Proposals for waste treatment facilities outside Waste Preferred Areas will be required to show need only where they have the potential to prejudice delivery of

Core Strategy objectives;

(c) Proposals for waste disposal facilities at Waste Preferred Areas where disposal is defined as acceptable will not be required to show need;

(d) In all other instances proposals for new waste disposal capacity must demonstrate

a need for the capacity proposed, and demonstrate that this will not prejudice the

Core Strategy objective of moving waste management up the waste hierarchy;

(e) In relation to the restoration of mineral workings, the disposal of suitable waste

arisings must accord with Core Strategy Objective 1; such disposal will be secondary to the extraction of the mineral, and necessary for the restoration.

This policy approach is clearly in line with the strategy set out at a National Level (paragraph 22 of PPS10) in respect of the requirement to demonstrate need for waste management proposals. This approach has been adopted on the basis that need is not a primary consideration since the over-provision of waste recycling and treatment capacity is unlikely to occur, due to market forces and more, rather than less, capacity is, in principle, to be encouraged.

6.4.55 Core Strategy draft Policy M8 states that:

Proposals for

- *Redevelopment of existing rail depot sites at Theale and Colnbrook*
- *Development of any other safeguarded sites*

Which would prejudice their use as rail depots for the importation and processing of rail borne aggregates will not be permitted.

7. PLANNING POLICY FRAMEWORK – CONSIDERATION OF THE PROPOSAL AGAINST KEY POLICIES

7.1 National Policy

- 7.1.1 The development proposal is considered to support the key planning objectives as set out in PPS10 as the proposed development will provide a facility that is orientated towards the enhancement of the amount of waste either recovered or recycled thereby facilitating improvements to waste management in accordance with the defined waste hierarchy. The proposed facility will also assist in the achievement of targets set down for the reduction in landfilling of waste and increase in recovery and recycling of waste. The objectives of EU policy as enshrined in the guidance contained in PPS10 are also addressed by the scheme.
- 7.1.2 PPS10 also confirms the preference of a plan led approach to the allocation and development of suitable sites for waste management. Although the WLPB is dated it has been refreshed by the consideration of which policies remain worthy of saving. The application site has been allocated for waste management uses for 10 years, and is proposed to be retained as a Preferred Area for waste management in the forthcoming JMWLDF. The policy position surrounding the allocation of Preferred Areas in the WLPB has been reviewed and saved. When considering the location of the proposed development against the criteria in PPS10 (paragraph 21) it is clear that, in principle, the location is in line with the general criteria in PPS10 and the site accords with the principle of giving priority to the re-use of previously-developed land.
- 7.1.3 It is recognised that PPS10 requires the full consideration of a proposal against a range of other planning issues, see 6.2.8 of this report (and such matters are detailed above and later in this report) however it is considered that, in principle, the development proposed at the location proposed is in accordance with the key planning objectives, and the policies and principles set out in PPS10.
- 7.1.4 In respect of PPS1 it is considered that the proposed re-development of a previously developed site is in general accordance with the principles of sustainable development as this proposal would result in the re-development of a site that is predominantly vacant and unused into a beneficial use.
- 7.1.5 With regard to PPS23, it is considered that the proposed remediation operations would, subject to conditions, result in the remediation of land currently affected by contamination and make the site suitable for the proposed new use and equally the proposal will enable the re-development and reuse of a previously developed site.

7.2 Local Development Plan Policy

Regional Policy

- 7.2.1 It is well recognised, at a national and regional level, that there is a substantial need for waste management facilities. The recently adopted changes to RPG9 (relating to minerals and waste) highlight the development of a throwaway society and the need for the approach towards waste to change. European and National policies require that the proportion of value which we recover from waste must increase and that such increases in recovery are achieved on a regular basis over the next 20 year period, and beyond.
- 7.2.2 Policies in RPG9 (2006 amendments) set out the requirements for the South East Region to be self sufficient with regard to waste management capacities (policy W4). RPG9 also sets targets that the South East Region should achieve with regard to diverting waste away from landfill and recycling and composting in the period up to 2025 (policies W5) together with clear targets for percentages of municipal waste to be composted or recycled in the South East region(policy W6).

- 7.2.3 Policy W7 of RPG9 sets out benchmarks for the annual average tonnes to be managed by the Berkshire Unitary Authorities in the coming years (set out until 2025). For example in the period of 2005-2009 the Berkshire Unitary Authorities are charged with managing an annual average tonnage of 1,167,000 Municipal Solid Waste (MSW) and Construction & Industrial waste (C&I), this will rise to 1,629,000 tonnes by 2025 (it is noted that the Draft South East Plan indicates higher tonnages to be managed).
- 7.2.4 It is recognised that there are existing facilities in Berkshire which will aid in achieving these targets, however the Joint Minerals and Waste Annual Monitoring Report (December 2007) indicates that as the population of Berkshire increases so does the amount of waste produced. It is estimated that by 2015 an additional 579,000 tonnes of annual waste management capacity (MSW and C&I) will be required in Berkshire to achieve the targets set out in the Regional and National policies (extrapolated from data in the Draft South East Plan) (table 5). There is some discrepancy between the forecasts of the volume of municipal solid and commercial and industrial waste that the Berkshire Unitary Authorities need to manage, this is due to the accuracy of the data collected. However there is no doubt that there is likely to be a substantial shortfall in capacity that the proposed development would go some way to addressing.
- 7.2.5 The applicant proposes that the new IWMF will manage a significant volume of material that is currently not managed within Berkshire with approximately 95,000 tonnes being managed at this site each year, when operating at full capacity. Therefore the proposed facility is likely to significantly aid in addressing the potential shortfall of waste management facilities in Berkshire that is currently predicted over the coming years. The facility will provide for the composting of approximately 29,000 tonnes of kitchen and garden waste by 2025, of particular note is the addition of kitchen waste to this composting stream as this, at present, is a component of the MSW stream that is not composted, thus this proposal will assist in increasing the diversion of MSW from Landfill in accordance with policy W5 of RPG9 (as amended).
- 7.2.6 The proposed development is considered to aid in achieving the requirements of West Berkshire Council with regard to policies W4 (managing waste within the waste planning authority's boundary), W5 (targets for diversion of waste from landfill), W6 (recycling and composting targets), and W7 (waste management capacity requirements) of RPG9 (as amended).
- 7.2.7 When considered against Policy W17 of RPG9 (as amended) the location of the proposed development is considered, in general, to accord with the locational criteria in this policy. It is noted that this policy refers to the identification of locations for waste management within waste development documents, and this policy will be used to inform the development of the JMWDF in due course, however the application site is considered to broadly accord with the locational criteria in this policy. The site is considered to be a brownfield location and has good transport access being in close proximity to the A road network. In addition the site is well placed to exploit rail or water based transportation methods in the future, if such methods become a viable option.
- 7.2.8 The site is relatively centrally located between the two main population areas in West Berkshire (Theale and Newbury / Thatcham). The site is also currently occupied by a waste management use, albeit on a far smaller scale, however this, together with the current allocation of the site in the WLPB demonstrates that, in principle, the site has been considered previously to be suitable for waste management uses.
- 7.2.9 It is appreciated that the policies in RPG9 (as with PPS10) require the full consideration of any proposal against a range of other planning issues and with that in mind it is considered that, in principle, the development proposed at the location proposed is in accordance with the policies and principles set out in RPG9 (as amended)

Berkshire Structure Plan

- 7.2.10 There remains only one policy in the Berkshire Structure Plan, in respect of waste proposals, that has been saved together with other policies relating to landscape, amenity impacts, and land use that is directly applicable to this proposal. Policy, W2, confirms that within Berkshire preferred areas for waste will be identified for future waste management development. This clearly sets out a policy approach of identifying preferred areas for waste management within which waste management development will be promoted to provide adequate provision for new facilities. This mirrors the stance taken in PPS10, as it provides greatest certainty that the Unitary Authorities' Waste Management Strategies can be delivered in land use terms and allows the selection of the "least unacceptable" sites in planning terms.
- 7.2.11 The policies in the BSP that relate to landscape (EN1), amenity impacts (EN5), and land use DP6 are referred to below.

West Berkshire District Local Plan (WBDLP)

- 7.2.12 The application site is unallocated land but due to its location beyond the settlement boundary the proposal is classed as "development in the countryside" and therefore must be considered against the relevant policies. This policy approach is supported in Policy DP6 of the BSP. Policy ENV18 confirms that this policy only relates to development outside of settlements, allocated sites and other defined areas. The application site is not an allocated site (in the WBDLP) although it is an allocated site in the WLPB. When considered against policy ENV18 it is considered that the proposed development would not generate any significant benefits to the rural economy, although clearly the development will generate a limited number of additional employment opportunities. The proposed development is not a housing development and therefore does not comply with bullet point 3 of ENV18. However it is considered that the proposed development will provide a beneficial use of a brownfield site and is generally in compliance with policies OVS1 and OVS 2 (see below). In addition it is considered that, in the context of its allocation as a preferred area for waste management in the WLPB the proposal will generally accord with the requirements of bullet point 4 of ENV18.
- 7.2.13 The applicant has given due regard to the countryside location and schemes that address landscape impact, ecology, air emissions etc have been submitted with the application and mitigation measures have fed into the design of the site to aid in mitigating the impacts of the proposal. The proposed development would lead to the beneficial use of a brownfield site and indeed the application site is allocated as a preferred area for waste management in the WLPB. It is noted that the WBDLP is a more recent policy document to the WLPB however policy ENV18 is not considered to override the allocation of this site as a preferred area for waste management. In addition up to date guidance, specific to waste management development, exists at the regional and national level. It is considered that these regional and national policies are of considerable weight in the consideration of this proposal in the context of the policies in the WBDLP.
- 7.2.14 Policy OVS.1 of the WBDLP relates to the location of development within sustainable locations and the preference of the use of "brownfield" land as opposed to "greenfield" land. The proposed site location is clearly a brownfield site. The allocation of the site as a preferred area for waste management in the WLPB is considered to be relevant when considering issues of sustainability and in respect of finding sustainable locations for waste sites (and in the context of National and Regional guidance on waste) the site is considered to be broadly acceptable in terms of its location
- 7.2.15 Policy OVS2 confirms the criteria for the assessment of proposals for development and it is considered that the proposed development has been sympathetically designed in the context of its environment with particular emphasis having been given to screening the development and reducing

the visual impacts where possible. The proposal safeguards the important ecological features of the application site and landscape planting, together with mitigations measures that are proposed to assist in minimising the impact on local amenity (section 8.4). The proposed development is considerate of the adjacent Kennet and Avon canal and the adjacent conservation area.

- 7.2.16 Policies OVS.5 and OVS.6 set out a policy presumption against proposals that give rise to unacceptable pollution of the environment, loss of amenity and noise pollution. Policy TRANS1 relates to meeting transport needs and Policy ENV1 relates to the conservation and enhancement of the special features of the different "landscape character areas", the consideration of these issues and the impacts on nature conservation (ENV9) and the river corridor (ENV14) are dealt with later in the report.

Waste Local Plan for Berkshire (WLPB)

- 7.2.17 As stated above the application site is a preferred area for waste management as designated in the WLPB. Therefore, as set out in policy WLP11 there is a presumption that applications for waste management uses will normally be permitted on the application site if the proposal complies with the criteria set out in the relevant appendix and other relevant policies in the WLPB.
- 7.2.18 In respect of the appendix to the WLPB it is considered that the proposed development complies with the issues and matters raised in appendix 7. The proposed development generally accords with the land uses that are identified as being "potential" uses in appendix 7. It is clear that the "potential uses" are not intended to be prescriptive as although "composting" is not identified as a "potential" use to be located on the Padworth Sidings site, it is subsequently referred to in the text in appendix 7 that relates to this preferred area.
- 7.2.19 In addition paragraph 6.43 of the WLPB confirms that: *"the range of potential uses specified is not intended to be definitive. In a rapidly changing field during the lifetime of the Plan, other waste management functions may arise which may not fall neatly within any categories. Such proposals will be judged on their merits."*
- 7.2.20 The proposed development incorporates a number of waste uses and it is understood that the area of land that has remained undeveloped along the eastern boundary of the site is sufficiently large enough to develop as a road to rail waste transfer facility. Clearly such a proposal would need to be the subject of a separate planning application and the impacts of that proposal fully considered and the layout of the proposed IWMF would probably need to be re-visited at that stage. However by leaving this area undeveloped there remains a potential for a road to rail waste facility to be developed in the future.
- 7.2.21 The issue relating to safeguarding the site as a rail aggregates depot is considered below (section 7.2.33 to 7.2.37).
- 7.2.22 The proposed access to the site incorporates most of the requirements highlighted in the appendix of the WLPB. There will not be a specific requirement on all traffic to approach from, or depart to, the north as in consultation with the Council's highway officers it was not felt that the development proposals gave rise to such concerns that a traffic regulation order would be justified. An advisory notice for large vehicles at the site exit requesting them to turn left out of the site, will however be imposed by condition.
- 7.2.23 In respect of the section on environmental protection the proposed development includes measures to protect the amenity of the local area with all waste management operations (with the exception of the mini HWRC) taking place within buildings, meaning that the majority of operations are fully enclosed as recommended in appendix 7 of the WLPB.

- 7.2.24 The landscape impacts of the proposal and the impacts on the setting of the Kennet and Avon Canal is an integral part of the design of the site which has adopted the approach of maintaining a restricted "development envelope" within the centre of the site with the remainder of the site being used as ecological and landscape mitigation areas that also provide buffer zones around the proposed waste facilities. The proposed development includes the retention of the tree buffer along the western boundary of the application site together with off site planting along Padworth Lane.
- 7.2.25 In accordance with policy WLP27 the need for the proposed development must be demonstrated, this is at variance with paragraph 22 of PPS10 which states that in the case of an up to date development plan, proposals within preferred areas do not need to demonstrate need. Although the preferred area policy remains saved there is at present, no up to date development framework (as referred to in PPS10) therefore it is considered that the need for the proposal must be taken into account.
- 7.2.26 One of the key drivers behind the proposal is the necessity to significantly increase the management and handling within West Berkshire of waste generated in the District. At present, with the exception of green waste (which goes to Hampshire), all waste collected in West Berkshire as part of the municipal waste contract presently goes to Chilton, in Oxfordshire for processing and bulking up prior to transfer. The proposed development will allow the majority of municipal waste produced in West Berkshire to be processed and bulked up in West Berkshire. Such an approach is clearly in line with PPS10 and Policy W4 of RPG9 as amended, that stress the requirement for waste generated within an authority to be managed within that authority's area.
- 7.2.27 In addition the development proposal will provide a facility for managing an additional 95,000 tonnes of waste in West Berkshire and therefore assist in addressing West Berkshire's contribution towards the requirements for the Berkshire Unitary Authorities to provide significant levels of waste management capacity, as required by Policy W7 of RPG 9 as amended.
- 7.2.28 The site is identified as a preferred area for waste management and the development of this site (and the additional waste management capacity that it could generate) would have been a consideration at the time of the formulation of the WLPB and the WLPB confirms that the approach adopted was designed to provide a network of waste management sites to treat the waste generated in Berkshire. Thus there is a strong argument that the capacity that the application site could deliver has been "needed" since the adoption of the WLPB. As such it is considered that there is a clear "need" for this facility.
- 7.2.29 The site is a component part of the waste management contract for West Berkshire and has been identified as a location for managing West Berkshire Council's Waste in the adopted Municipal Waste Strategy for West Berkshire, the needs of the waste collection authority and waste disposal authority are identified and one of the key planning objectives in PPS10. It is considered that there is a clear need for this proposed facility, such that, in principle, the proposed development is considered to be in line with policy WLP27. WLP27 refers to environmental impacts and traffic impacts of a proposed development, these matters are dealt with below.
- 7.2.30 Policy WLP29 sets out a presumption against waste management development outside of preferred areas either within or adversely affecting a range of different areas. The application site is a preferred area for waste management and as such the issues referred to in this policy do not strictly apply, however all the relevant issues referred to in this policy (together with the matters raised in WLP30, WLP31 and WLP 33) are addressed below.
- 7.2.31 Policy WLP21 sets out a policy position for safeguarding the preferred areas identified in the WLPB for appropriate waste management purposes. This has the effect of supporting the status of the application site as a preferred area and protects the site from other forms of development.

- 7.2.32 The development site is considered, in principle, to be suitable for waste management purposes, hence its allocation as a preferred area for waste management in the WLPB. Despite the age of the WLPB it is clear that the development site would, generally accord, with the locational criteria set out in National and Regional Waste Policy.

Replacement Minerals Plan for Berkshire.

- 7.2.33 Policy 26 of the Replacement Minerals Local Plan for Berkshire (RMLP) seeks to safeguard the Padworth Sidings site from development which would prejudice the use of the sidings as a road to rail aggregate depot. Although there are no other specific planning policies relating to the safeguarding of the site as a rail depot in the development plan the WLPB cross refers to the safeguarding policy of the RMLP.
- 7.2.34 It is not disputed that regional and national policy recognises the need to ensure that goods are moved in a manner compatible with the principles of sustainable development. However a recent report into Aggregate Wharves and Rail Depots in South East England (prepared for SEERA in March 2007) concluded that, given the current supply of rail aggregates depots in the South East Region there is no present, or future need, for road to rail aggregates depots. This is considered to be a material consideration when considering Policy 26 of the RMLP and in light of this report it is considered that there is no reason that the proposed development should not be granted consent.
- 7.2.35 The freight strategy (annexed to the Local Transport Plan 2007 – 2011), which is a statutory document and thus a material consideration for planning applications confirms that encouragement will be given to the use of rail for the transportation of freight. However the freight strategy only seeks to preserve the strategic rail site in Theale against alternative development, as well as protecting land adjacent to the Theale area for rail related uses. There is no similar objective for the safeguarding of the Padworth sidings site.
- 7.2.36 In addition draft policy M8 of the JMWDF Core Strategy confirms that the application site is no longer specifically highlighted as a site to be safeguarded as a road to rail aggregates depot.
- 7.2.37 The policy safeguarding the larger Padworth Sidings site as a rail aggregates depot is now dated and given that an up to date SEERA report confirms that there is no current, or future, need for further rail aggregate depot in the South East, it is considered that there is no need for further rail head aggregate facilities for the foreseeable future.

Emerging Policy - Joint Minerals and Waste Development Framework (JMWLDF)

- 7.2.38 As stated above the application site has been put forward for consideration for re allocation as a Preferred Area for waste management in the JMWLDF that will, in due course, replace the WLPB (based on the fact that the site is a current Preferred Area that has not been fully developed).
- 7.2.39 As stated above the submission draft of the Core Strategy for the JMWDF has recently been published and as such this draft policy document is a consideration for the proposed development that should be afforded some (albeit limited) weight.
- 7.2.40 As the policies in the Core Strategy mirror those in the RSS, albeit with a Berkshire specific context, it is obvious that the proposed development is generally in accordance with the Core Strategy. As discussed above the proposed development will assist in delivering additional waste managements capacity in Berkshire, and more specifically given the linkages of the proposed development and the municipal waste contract for West Berkshire the proposal is compliant with the draft policy relating to self sufficiency (Draft Policy W1).

- 7.2.41 The proposed facility is considered to be in line with Draft Policy W2 of the JMMDF Core Strategy as it will provide additional waste management capacity that will assist in achieving the targets within this policy.
- 7.2.42 The application site is within the area identified as a Primary area of Search and it is identified as a Waste Focal Point. It is considered that, although the Padworth Sidings site is identified as a Waste Focal Point, is it not appropriate for this to be attributed significant weight when considering the acceptability of this proposal. This is due to the identification of the Padworth Sidings site as a "Waste Focal Point" is, in part, based on the aspirational desires of the Waste Management Service to develop this site as a Waste Facility and the representations made to the JSPU in this regard; and the current status of the emerging Core Strategy.
- 7.2.43 Draft policy W5 confirms the preference for a preferred area approach to be adopted in the site specific and a Detailed Minerals and Waste Development Control Policies and Preferred Areas Document (discussed below). Draft Policy W6 confirms the stance on need adopted at the Regional and National level. However notwithstanding this stance, and as demonstrated above there is considered to be a "need" for the proposed development.
- 7.2.44 The application site has been put forward as a preferred area for waste management in the Detailed Minerals and Waste Development Control Policies and Preferred Areas document that forms part of the JMWDF. However this document, following the amendments to the Regulations in 2008, is at the beginning of the formulation process and although one round of public consultation on the sites and policies documents has taken place it is considered that the proposed retention of this site as a preferred area, in the context of the formulation of the Sites and Details Policies DPD should be afforded minimal weight.

7.3 Summary

- 7.3.1 Having considered the local policies, including those relating to waste management proposals, together with Regional and National policies, it is clear that the need for waste management facilities is significant and the present situation surrounding waste management facilities is such that waste management proposals are required urgently to address the shortfall in capacity at a national, regional and local level.
- 7.3.2 Given the existing use of the land and the policy considerations relating to the location of waste facilities stipulated in national, regional and local policies, the site of the proposed IWMF is, in principle, considered to be in line with the relevant policy considerations.
- 7.3.3 Despite this view that the proposal is in line with the development plan and key material national waste policy considerations, it remains necessary for the proposal to overcome various other material considerations to demonstrate that the proposal is acceptable. There is a need to consider a wide range of other planning issues in determining a planning application and those issues relevant in this case are considered below.

8. CONSIDERATION OF THE PROPOSAL AGAINST MATERIAL CONSIDERATIONS

8.1 EIA AND MITIGATION MEASURES

8.1.1 The application was accompanied by an Environmental Statement (ES). The ES was produced in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended) (EIA Regulations). The ES appropriately complies with the provisions of Schedule 4 of the EIA Regulations. The ES has been taken into account in the consideration of this application.

8.1.2 Sufficient information to enable the planning authority to determine the likely impacts of a proposed development are required in an ES. In addition to considering the likely impacts of a proposal the EIA process also highlights possible mitigation measures that can be employed as part of a development proposal to minimise those impacts. Some mitigation measures are integral and as such form part of the "development", for example designing a site layout such that the elements of a proposal that have the potential to generate noise are located as far from receptors as possible. Other mitigation measures are in essence residual impacts that cannot be mitigated through design and as such take the form of operational mitigation measures. Such mitigation measures have been proposed alongside this development and where appropriate would be secured by condition, if consent is granted.

8.2 Environmental Permitting Regulations 2007

Schedule 20 of the Regulations require waste planning authorities, when carrying out specified functions, to consider Article 4 of the EU Waste Framework Directive 2006. Article 4 of the Directive requires member states to take necessary measures to ensure that the disposal or recovery of waste does not endanger public health and to protect the environment and in particular not harm flora and fauna, water air or soil nor cause nuisance by noise dust and odour or adversely affect the countryside or places of special interest. By including a composting facility, the application does include a recovery facility and regard has therefore to be given to the Article 4 of the Directive when determining the application. These issues are picked up in regard to the commentary on the relevant considerations as set out in the following sections of this report.

8.3 Highways impacts

8.3.1 The traffic generated by the proposed development has the potential to impact upon the local road network and the amenity and environmental impacts generated by the associated traffic movements equally have the potential to have local impacts. As set out above policies OVS1 and TRANS 1 of the WBDLP and policies WLP27 and WLP30 of the WLPB confirm that highways impacts are material to planning decision and these policies provide a framework for refusing applications that have unacceptable impacts.

8.3.2 These potential impacts have been raised by many of those parties making representations on the proposal together with consultees. In addition local Parish Councils appointed an independent consultant (Stuart Michael Associates) to review the traffic related issues of this proposal; a local resident appointed Peter Brett Associates to consider the highways related matters; and the Oil Pipeline Agency (who operate the adjacent site) appointed David Tucker Associates to review the highways submissions.

8.3.3 West Berkshire Council's Highway Officer has assessed this planning application with support from a second assessment also being made by WSP Development and Transportation based in Basingstoke, with their comments being incorporated within this report.

Site access

- 8.3.4 It is proposed that the access to the site would be widened and improved as part of these proposals to accommodate the increased HGV movements associated with the proposed development. It is considered by West Berkshire Council Highways Officers that the proposed access is acceptable, however at the time of writing the extent of the required visibility splays is still to be verified. There are also other improvements to Padworth Lane that are proposed which include the provision of a footpath along the entire length of Padworth Lane and the planting of a hedge along the western edge of Padworth Lane. These improvements and the visibility splays would be secured by proposed condition 37 and 39.

Traffic Generation

- 8.3.5 There has been a considerable amount of comments made in respect of the robustness of the projected traffic flows associated with the proposed development, in particular the likely traffic generation associated with the mini HWRC has been a significant concern. Concern has also been raised over the accuracy of the background traffic figures and concern that traffic figures are an under estimation
- 8.3.6 In respect of the proposed mini HWRC it is proposed that this facility will only be open to the public for limited period (12:30 to 18:30 Monday to Friday and 07:30 to 18:30 on Saturdays, Sundays and bank and public holidays) In addition the mini HWRC is designed to complement the existing public recycling facilities in West Berkshire and the facility will only accept recyclable material.
- 8.3.7 West Berkshire Council's Highways officers have confirmed that they remain satisfied that the projected vehicle movements associated with the proposed development are robust and WSP, who also reviewed the application equally have not queried the level of traffic generation associated with the proposed development.
- 8.3.8 For robustness the figure of 115,000 tonnes per annum of waste was used by the applicant to predict vehicle movements associated with the proposed development (this figure has been derived from the maximum volume of waste that the applicant will manage as part of the contract with the Waste Management Authority, not the proposed throughput at the site of 95,000 tonnes per annum).

Padworth Lane Junction

- 8.3.9 A considerable number of representations have been made in respect of the proposed alterations to the road layout in respect of the railway bridge that exists along Padworth Lane and the access to the A4. The proposed development includes the provision of a traffic light controlled one way system over the railway bridge. This approach has been adopted to provide a footway for pedestrians over the railway bridge, thus improving the pedestrian access along Padworth Lane. However there is considerable concern that vehicles that are heading south, along Padworth Lane, waiting for the signals, could back up onto the A4, causing a significant road safety issue. Concern has also been raised in respect of cyclists and slow moving vehicles being unable to traverse the traffic light controlled bridge in time.
- 8.3.10 The applicant has assessed the detailed junction design together with the proposed traffic light controlled system over the railway bridge and it is the applicant's view that the proposed junction will operate satisfactorily. Clearly this matter has been subject to scrutiny by West Berkshire Council's Highways officers and WSP. It is considered that traffic sensors will be required to ensure traffic from the A4 travelling south along Padworth Lane is given priority over traffic heading north over the railway bridge coupled with carriageway sensors to hold northbound traffic south of the A4. It is considered that the proposed junction design is acceptable.
- 8.3.11 Concern has been raised over the ability of the A4/A340 Roundabout to accommodate the additional vehicle movements associated with the proposed development when coupled with existing flows and

existing and committed developments. West Berkshire Council's Highways officers have confirmed that, with the proposed development, this roundabout is predicted to operate at or over capacity but it is predicted that the development will have limited additional effect on the roundabout. However ultimately the roundabout will need to be upgraded within 5 to 10 years and therefore a financial contribution of £50,000 has been requested to contribute towards these improvements.

- 8.3.12 Within the site the operational traffic associated with the proposal will be completely separated from the public as soon as possible. This will mean that in the proposed mini HWRC this will allow the replacement of full bins or removal and loading of other deposited wastes without conflicting with the public using the site.

- 8.3.13 Concern has been raised regarding the Holiday Inn access. The hotel is understood to currently have 50 bedrooms, and the Council's highways officer has reviewed the Trip Rate Information Computer System (TRICS), a national database of traffic surveys from many different land uses including hotels. From the sample taken from TRICS, it is projected that 8 vehicles will arrive with 13 leaving during the AM peak. Similar numbers will be expected during the PM peak and at weekends. It is therefore considered that the expected traffic flows to and from the hotel will be low.

- 8.3.14 Concern has been raised in respect of traffic from Hampshire and the impacts on local road network to the south the HWRC. However the proposed HWRC is the only facility that will attract private cars. This facility is proposed to have reduced operating hours (as secured by proposed condition 8) and the traffic assessment factored in vehicular traffic from beyond WBC, in particular residents at North Tadley, South Tadley, Baughurst, Pamber and Calleva have been identified as potential users of the mini HWRC by the applicant. Other than private vehicles it is anticipated that only waste collection vehicles gaining access will utilise the road network to the south of the application site (proposed condition 16 is proposed to ensure that advisory signage is erected to influence drivers of large vehicles to turn left out of the application site). The Council's highways officers did not anticipate that traffic regulation orders restricting movements from the site turning south were required as a result of traffic leaving the application site.

- 8.3.15 Objectors have stated that the proposed level of vehicle movements are unacceptable (150,000 per year) and specifically the vehicle movements associated with the mini HWRC are suggested to be significantly underestimated as the figure used as an average payload (60 kg per private car) is considered unrealistic. As stated above the predicted vehicle movements are considered robust and it has been confirmed that the 60kg payload figure has been derived from vehicle counts and waste throughputs at existing HWRC's that have been used to calculate average payload, and therefore this figure is also considered robust.

- 8.3.16 Concern has been raised that the submitted traffic assessments have not adequately assessed the potential vehicle movements generated by the adjacent Oil Pipeline Agency site or fully considered the recently permitted extensions to the nearby Grundons facilities or the impacts of the Aldermaston quarry site located to the south of the site that has recently been granted consent to import gravel for processing prior to exportation. West Berkshire Council's Highways officers, having considered these comments remain of the view that the background traffic assessments that have been extrapolated to incorporate such increases in background traffic levels still provide a robust assessment of predicted traffic levels.

- 8.3.17 Concern has been raised over impact of the associated traffic movements on the canal bridge and towpath. The applicants highways experts have indicated that the only vehicles that are gaining access to the site from the south (over the canal bridge and crossing the tow path) are likely to be private vehicles using the mini HWRC and vehicles gaining access and proposed condition 16 would ensure that advisory signage is erected to influence this. In addition the vegetation in the vicinity of the access to the site (which is in close proximity to this area) is to be managed to open up the views for

highway safety reasons such that users of the towpath would have a clear view when crossing Padworth Lane. The traffic impacts on the canal bridge have been discussed with the highways officers and are considered acceptable by the Highways officer.

- 8.3.18 It is understood that there is also a width restriction to the south of the site, along Padworth Lane, that restricts access to vehicles that are in excess of 6'6" in width, therefore any vehicles greater than this width (which generally equates to vehicles in excess of 7.5 tonnes would not be able to fully utilise the road network to the south of the site.
- 8.3.19 Requests have been made for "Keep Clear" markings to be placed on Padworth Lane in the vicinity of the Crescent, Padworth village hall, the Holiday Inn and the Oil Pipeline Agency site. It has been confirmed that these measures will be put in place as part of the proposed highways works to be agreed with the highway authority.
- 8.3.20 Concern has been raised that the proposed development and its associated traffic would make the A4, and in particular the junction of the A4 and Padworth Lane and the A4.A340 roundabout, considered by objectors to be an accident hotspot, more dangerous and it is considered by objectors that the proposed development would have an adverse impact on emergency services and local businesses (college, nursery, dwellings, village hall). As stated above, West Berkshire Council's Highway's officers have reviewed the proposed development and consider that, subject to the imposition of conditions, and the securing of an agreement from the applicant under S278 of the Highways Act 1980, the highways related impacts of the proposed development are acceptable.

8.4 Amenity Impacts

- 8.4.1 As discussed above policies WLP27 and WLP30 of the WLPB, policy EN5 of the BSP and policies OVS2 and OVS5 of the WBDLP confirm that amenity impacts are a relevant policy consideration, when considering a planning application. In addition policy OVS6 highlights the issue of noise impacts.
- 8.4.2 The proposed facility has the potential to generate adverse amenity issues that could impact upon the surrounding locality and as such have a negative impact upon the amenity of nearby residential properties and educational facilities. This potential impact is material to the consideration of the proposal, as clearly stated in Planning Policy and is also of great concern to many local residents.

The applicant, in completing and submitting an Environmental Statement has submitted details, which consider these issues. The proposed development has been fully considered by West Berkshire Council's Environmental Health Officers. In addition some amenity matters have been reviewed by the independent consultant appointed by Beenham Parish Council and Padworth Parish Council.

Odour

- 8.4.3 Several objectors have referred to DEFRA and EA Guidance on composting stating that composting facilities should not be located within 250m of residential properties.
- 8.4.4 Having considered these representations, and investigated the matter, the Planning Authority is not aware of any planning policy that requires waste management facilities to be located more than 250m from sensitive receptors, including residential development.
- 8.4.5 The Environment Agency has adopted a policy ("Our Position on Composting and the Potential Effects of Bioaerosols, Policy Number 405_07") which specifies that applicants seeking a permit for composting facilities within 250m of workplaces or dwellings must provide a site-specific bioaerosol risk assessment. This Environment Agency policy does not therefore rule out sites within 250m of workplaces or dwellings, but does require an assessment to be carried out. This policy does not relate

to planning applications as it relates to operators seeking an “environmental permit”, this is a separate pollution control regime that operates outside the planning process and is better placed to control pollution emissions. That process is additional to planning controls and both must be addressed by the operator. The Environment Agency, who were consulted on the proposal, did not object to the planning application in respect of bioaerosol emissions.

- 8.4.6 In 2004, the Office of the Deputy Prime Minister published a research report entitled ‘Planning for Waste Management Facilities: A Research Study’, which includes guidance on appropriate distances between different types of waste management facility and sensitive receptors. The report recommends that, where possible, facilities such as anaerobic digestion and mixed waste processing should be located at least 250m from sensitive receptors. However, this report represents an independent view on good practice, and therefore does not preclude sites within 250m from sensitive receptors from being developed for waste uses.
- 8.4.7 The likely impacts of the proposed development have been considered by West Berkshire Council's Environmental Health team and the Environment Agency and appropriate conditions requested. Their own enforcement regimes can also assist in addressing contraventions or difficulties.
- 8.4.8 The stack where all emissions from the composting facility would be discharged (following on from being passed through bio scrubbers) has been located such that it is as far from residential properties as possible. The height of the stack itself will result in the dispersion of any discharge from the In Vessel Composting facility.
- 8.4.9 The proposed development has been designed such that waste within the site will be unloaded, processed and loaded within buildings at all times. Therefore, with the exception of waste deposited by the public at the HWRC (which will not receive residual waste) all waste management operations will take place within the buildings proposed. Doors will have to open to enable access to the proposed buildings but the proposed doors will be required to be sensor controlled and automated (such that it is anticipated by the applicant to take an average of 75 seconds for the doors to open, the vehicle enters, and the doors to close again). These operational measures are detailed in the ES and supporting information and would be secured via the imposition of conditions (proposed condition 31). In addition conditions requiring the submission of schemes relating to odour management would be imposed on any consent granted (proposed conditions 21 and 28).
- 8.4.10 Objectors have queried the efficiency and details of the proposed biofilter technology, and the application does include details on the proposed biofilters and modelling information. In principle the proposed biofilters are considered adequate however it is recommended that the full details of the biofilters and air handling plant be submitted for approval prior to the commencement of construction (proposed condition 28).
- 8.4.11 West Berkshire Council's Environmental Health Officers have considered the proposed development and are satisfied, subject to the imposition of conditions that, in respect of odour, the proposed development is acceptable. In addition Stuart Michael Associates, acting on behalf of Padworth and Beenham Parish Council also confirm that: “the particulate matter and NO2 assessment is considered robust. It is noted that the proposals include odour controls which can be covered by planning conditions”.

Noise

- 8.4.12 The proposed facility has the potential to create adverse noise impacts upon the locality, again the applicant has considered these issues and submitted reports accordingly. The initial reports highlighted that there was a need to re-visit the noise predictions to take into account a standard adjustment to take into account the type of noise generated at the site. With the inclusion of this

correction it was revealed that it would be necessary for further noise mitigation measures to be incorporated into the site design and as such a further acoustic barrier has been proposed to be erected in the vicinity of the proposed mini HWRC and as this is now an integral part of the proposed development. The provision of this acoustic barrier would be secured by condition (proposed condition 56).

- 8.4.13 The proposed operating hours for the IWMF have also been the subject of considerable concern by local residents. Throughout the course of the application the operating hours have been the subject of considerable discussions and revised such that the proposal is being considered on the basis that the operation of the site will take place follows:

Operation of the depot 0500 to 2000 on Monday to Saturdays and 0600 to 2000 on Sundays, Bank and Public holidays. HGV movements are proposed only to take place from 0600 through till 2000 daily. The main waste management facilities (the MRF, WTC and IVC) will commence operating at 0700 and in the case of the WTS and IVC operations will conclude by 1900 (Monday to Sunday) with operations at the WTS continuing until and 2200 on Mondays to Saturdays (although as there would be no lorry movements beyond 2000, the operations after this time would be contained within the buildings). The proposed HWRC will be operational between 1230 and 1830 weekdays and 0730 to 1830 over weekends and public and bank holidays.

There will be no operations on Christmas Day, Boxing Day and New Years Day (except for the receipt of waste from street cleansing and litter collection)

It is proposed that these operating hours would be secured by condition.

- 8.4.14 The operating hours that have been proposed are a function of the use of the site and have been requested to allow the site to function efficiently it is recommended that they are controlled by conditions. Despite the proposed operating hours the majority of the site operations will be carried out between 0600 and 1900 (with 0600 – 0700 involving the dispatch of refuse collection vehicles).
- 8.4.15 Objectors have made representations against the proposed operations at the site taking place on a 24 hours a day seven days a week basis. Notwithstanding the proposed operational hours as set out above, it is not disputed that the composting process will be “ongoing” in that the composting process is a constant biological process that will not stop at the end of the working day and re-start the following day in the way that the other operations at the site will. However outside of the hours of 0700 to 1900 there would be no activities taking place within the IVC building although the air handling plant would operate continuously. The noise impacts of the continuous operation of the air handling plant have been incorporated into the noise assessments submitted alongside the proposal.
- 8.4.16 Representations have been made that previous occupants of the site have applied to extend their operating hours and such applications have been refused, having investigated the planning history for the site there is no record of any applications having been submitted to extend operating hours of existing uses on the application site. It is not disputed that the operating hours imposed upon the existing skip waste facility are more restrictive operating hours than those proposed for the IWMF. The operating hours imposed upon the existing skip waste facility are “standard” operating hours that are commonly used by the Planning Authority on waste sites to assist in controlling the impacts of a development. That operation does not provide the level of mitigation of its impacts that the current proposal would. The proposed operating hours used are based upon previous experience, the proposed development and discussions with operators to ensure that the operating hours are not overly restrictive. Clearly an applicant can request different operating hours to the “standard” and any such proposals are considered on their merits.

- 8.4.17 In the case of this proposal the applicant has requested the operating hours detailed above and also submitted a noise assessment that considers the background noise levels and predicted noise levels that will be generated by the facility during different operating times. A number of noise attenuation measures form an integral part of the proposed development such as the creation of acoustic mounds and acoustic fencing. The design of the site has also been developed such that the operational elements of the proposal all face into the centre of the site, where the depot is also located, so that the proposed buildings will provide a physical barrier that will assist in containing any noise generated within the site. The layout of the site has also been designed to minimise the need for reversing (reducing the likelihood of the generation of reversing alarm noise). A number of acoustic barriers are also proposed at location on the site to again minimise the level of noise emitted from the site.
- 8.4.18 In addition to the restrictions on operating hours and physical measures other steps to minimise noise have been agreed including the restriction on the types of reversing beepers to be used and the use of alternative methods to reversing alarms before 0730. In addition it is recommended that a condition be imposed to limit the operational hours of the proposed jet wash (for cleaning vehicles) and a further condition be imposed to ensure all doors are kept closed, except to allow access, and all loading and unloading will take place within buildings, thus reducing the noise emissions from operations taking place within buildings.
- 8.4.19 Concern has been raised by local residents in respect of the proposed noise attenuation measures reflecting the noise from the railway, thereby enhancing the noise impacts generated by the railway on the dwellings located to the north of the application site. This has been given consideration by the applicant and Environmental Health Officers and it is considered that due to the distance between the railway and the noise attenuation measures there would be no significant reflection of noise from the railway.
- 8.4.20 Amenity impacts of vehicle movements on local receptors has also been raised as a concern with the noise generated by vehicles associated with the development being identified as the dominant concern. The environmental statement confirms that the information relating to vehicle movements submitted in the Transport Assessment was used to inform the assessment of the amenity impacts of the proposed development.
- 8.4.21 It is considered that the proposed conditions are sufficient to ensure the protection of the amenity of local residents in planning terms. Again Stuart Michael Associates acting on behalf of Padworth and Beenham Parish Council confirm that, in respect of noise: "the assessments are considered reasonably robust. The findings indicate that the noise levels generated will lie within acceptable limits."

Light Impacts

- 8.4.22 The proposed IWMF would require the erection and utilisation of lighting to facilitate the operation of the facility during the winter months when daylight hours are reduced. The external lighting system will be designed to minimise light pollutions whilst providing safe operating conditions. It is considered by West Berkshire Council's Environmental Health team, and supported by Stuart Michael Associates that the lighting assessment that has been completed is robust and that suitable conditions can be used to satisfactorily control the impacts of light generated from the development site.

Litter and dust

- 8.4.23 Concern has been raised over the possibility of litter from within the site migrating onto the railway and generating a safety hazard. However, as stated above the majority of waste imported to the site will be managed within buildings and no waste will be stored outside. There does remain a risk that litter could be generated by the facility and as such the applicant has confirmed that litter picking operations

and road sweeping will be undertaken on a daily basis It is recommended that this would be secured by condition (proposed condition 23 and 24).

Pests

- 8.4.24 Rats and vermin (causing cable damage) have been raised as a concern and could impact on public health. As discussed above all waste will be unloaded, processed and loaded within the proposed buildings, coupled with this are proposals for a daily litter picking operation and a rolling cleaning regime. It is considered that these measures should prevent any infestation from pests. The proposed facility is a modern waste management facility. Waste materials will be processed in buildings and not be retained on site for any length of time; and further that this is not a "disposal" facility.
- 8.4.25 Malarial mosquitoes that are "associated with waste sites" has also been raised as an objection to the proposal. However it is considered by your officers that the malaria is not a disease that is currently prevalent in the UK and the proposed development is not considered to increase the presence of mosquitoes and officers are unaware of any scientific evidence that mosquitoes are attracted by "waste facilities" and hereby requiring the issue to be considered in planning terms.

Contaminated land

- 8.4.26 Concern has been raised over the issue of contaminated land and in particular who is undertaking the remediation operations and the costs associated with those operations. Who undertakes the remediation operations and the cost of remediating the site is not a planning consideration the implementing of any remediation strategy will be regulated by conditions.
- 8.4.27 The planning application was accompanied by a contaminated land survey and proposed remediation strategy. These matters have been fully considered by both West Berkshire Council's Environmental Health Officers and the Environment Agency. The proposed remediation measures are considered acceptable and would be secured by conditions (see proposed conditions 18, 19 and 20).

Vibration

- 8.4.28 Concern has been raised over the impacts of vibration generated by the proposed construction and operation of the development. This matter has been considered by the applicant and is included in the ES. The matter has been assessed by West Berkshire Council's Environmental Health Officers who have confirmed that subject to the imposition of conditions controlling vibration, the predicted impacts are acceptable. Again Stuart Michael Associates agree that "the assessments are considered reasonably robust".

Environmental Permits and statutory nuisance

- 8.4.29 In addition if consent is granted and the development constructed the facility will be required to obtain an Environmental Permit from the Environment Agency that will also cover the environmental implications of the proposal. As stated above (6.2.9) the environmental permitting regime and planning systems are designed to complement each other and not overlap. It is right and proper that the Planning Authority are aware of the likely impacts of the proposed development to enable the consideration of the acceptability of the proposal on amenity grounds, however the precise detail on the operation of the site and the processes proposed will form part of the Environmental Permitting system that is better placed to consider and address such matters.

8.5 Landscape impact

- 8.5.1 As discussed above policies WLP29 and WLP30 of the WLPB, policy EN1 of the BSP and policies ENV1 and OVS2 of the WBDLP confirm that Landscape impacts are a relevant policy consideration, when considering a planning application. Policy ENV14 of the WBDLP refers specifically to the management and enhancement of river corridors.

- 8.5.2 The application site is not located within an area covered by any formal landscape designations (such as AONB or Greenbelt) and, due to existing vegetation and the landform of the application site, it is partially screened from views into the site. However the site is located within the countryside (outside defined settlement boundaries). Although the sidings site is partially industrialised it is still predominantly a rural area. The policies outlined above confirm that the proposal must be considered in the terms of its visual impacts on the nearby residential properties and the Kennet and Avon Canal. The applicant has given regard to these matters and Landscape Character Assessments have been carried out for the area to form a general understanding of the character of the landscape surrounding the area.
- 8.5.3 The application site is at present, largely disused, derelict and degraded, close views of the existing site are degraded by a combination of activities on the site itself, along with industrial installations on adjacent land. The site does benefit from a degree of enclosure as a result of the existing structures and the existing areas of woodland along the southern and western edges of the site combined with the existing mounding on the site.
- 8.5.4 Views from the site from the areas of higher ground to the north and south are, in the main, limited due to screening provided by existing intervening vegetation. It is considered by the applicant that in time the central area of the site would become less open due to the encroachment of the maturing woodland that exists on the site.
- 8.5.5 The proposed development incorporates an extensive area of woodland planting, trees and grassed areas, together with the retention of large areas of the existing ballast habitat, for ecological purposes. The proposal also includes the management of the existing vegetation on site to ensure that it remains a long-term landscape feature.
- 8.5.6 Representations have been made in respect of the size of the buildings that are proposed at the site and objectors have referred to these buildings being excessive and being out of place in this locality. The proposed buildings are indeed significantly sized and the proposed development will result in the development of a brownfield site that has not been subject to significant development for many years. The site is allocated in the WLPB as a Preferred Area for Waste Management. The WLPB indicates that the site is considered capable of accommodating a range of waste management uses and specifically highlights landscape impacts as a key consideration for any development proposals
- 8.5.7 To some degree the development proposal has been developed in response to ensuring that the amenity impacts of the development are satisfactorily mitigated as retaining the proposed waste management operations within buildings would assist in reducing potential amenity impacts that could be generated by the proposed operations.
- 8.5.8 The visual impact of the proposed buildings has been the subject of consideration by the applicant and the buildings have been designed such that the visual impact of the buildings is minimised. The proposed development involves the retention of as much existing vegetation as possible together with new planting to enhance existing vegetation. The planting scheme has been devised to provide screening for the nearby residential properties and to enhance both the Kennet and Avon Canal corridor and Padworth Lane. The proposed planting has been designed to be compatible with the ecological mitigation measures. The proposed scheme has adopted an approach of providing a limited development envelope within the application site and used existing, and proposed, areas of planting to provide "buffer zones" (as advocated in the WLPB) to assist in minimising the impacts on the locality.
- 8.5.9 The applicant suggests that "by year 15 of operation the majority of the visual receptors would experience neutral effects compared to the baseline view with a limited number of adverse effects

remaining, three of which would be considered significant. However three receptors would experience a beneficial visual effect".

- 8.5.10 The visual impact of the development has been given consideration when designing the proposed facility, with particular attention having been given to the design of the proposed buildings and the proposed use of textures and colours to assist in blending the buildings and the proposed stack into the surrounding landscape.
- 8.5.11 Concern has been raised in respect of the impact of the proposal on the AONB that is located to the north of the site and in deed overlooks the application site. This matter has been considered by the applicant.
- 8.5.12 Particular concern has been raise in respect of the visual impacts that would be generated by the proposed stack associated with the IVC. It is proposed that this stack will be 25m in height and it is likely that this element of the proposal would have the most far reaching visual impacts. However it must be recognised that this stack is a single feature that will protrude from the site and the visual impact assessment that includes modelling (using photomontages) of the views of the site from viewpoints surrounding the site confirm that, at distance the stack will not intersect the skyline and thus be viewed against the backdrop of the other side of the valley. From Aldermaston Wharf the existing woodland planting on the western edge of the site would screen views of the stack.
- 8.5.13 It is considered that the proposed development will impact upon the landscape character of the locality, in that the facility will have the effect of industrialising what is presently a derelict site. However the application site is currently in a degraded state and adjacent to existing industrial uses. It must also be recognised that the application site is identified as a preferred area for waste management purposes, and indeed safeguarded for such uses. Therefore this policy presumption in favour of the development of this site for waste management development must be recognised.
- 8.5.14 In respect of visual impacts it is considered that, during the period that the proposed landscape planting is developing an maturing there will be an adverse visual impact experienced in the locality. However this impact will diminish over time, as the planting matures, and whilst there will remain some adverse impacts in the longer term the proposed landscaping scheme will also bring some visual benefits. In particular the landscape proposals, which include the provision of an open strip adjacent to the towpath will have a positive effect on the Kennet and Avon canal corridor as the proposals include the opening up of this corridor. It is not disputed that there will remain an industrialised site behind this open strip, but intervening planting (set back from the towpath), when mature, will assist in mitigating views into the site from the towpath. Equally the proposed landscape planting along Padworth Lane will assist in screening not only the application site but also the OPA site that is adjacent to Padworth Lane. This proposed hedgerow would enhance this location, from a visual perspective, although the traffic associated with the proposal would effect the tranquillity of this road.
- 8.5.15 Whilst the proposed development will generate adverse visual and landscape character impacts, together with some beneficial effects, and in the context of the policies set out above, together with regional and national planning polices, coupled with the recognition of the allocation of this site as a preferred area for waste management it is considered that on balance the visual and landscape character impacts of the proposed development are acceptable.

8.6 Trees

- 8.6.1 The proposed development would result in the removal of trees within an area covered by a TPO. The TPO is an "area" TPO that was issued in 1971 and relates to "several trees of whatever species". These trees are therefore afforded protection under the Town and Country Planning (Trees) Regulations 1999 (as amended) from the following operations: Cutting down, uprooting, topping,

lopping, wilful damage or wilful destruction without the local planning authorities consent. Unfortunately the area classification has its drawbacks. Firstly it is possible that there are trees within the TPO which do not merit protection. Secondly the TPO protects only those trees standing at the time the TPO was made. Over time as new trees grow within the area it may become difficult to say with certainty which trees are actually protected.

- 8.6.2 Guidance on TPO's " Tree Preservation Orders: A guide to the Law and Good Practice" confirms that :
"In the Secretary of State's view the area classification should only be used in emergencies, and then only as a temporary measure until the trees in the area can be assessed properly and reclassified. LPAs are encouraged to resurvey their existing TPOs which include the area classification with a view to replacing them with individual or group classifications where appropriate"
- 8.6.3 There are some areas of the site that are covered by the current area TPO where there are no trees and equally some of the trees and vegetation within the TPO may not be afforded protection on the basis that they were not in existence at the time the TPO was made in 1971.
- 8.6.4 In respect of this proposal an approach of assessing the current trees on the site, identifying their value and developing the site to protect the higher quality trees, coupled with additional landscape planting has been undertaken. Such an approach was agreed as being acceptable by the Council's Tree Officers.
- 8.6.5 The area of the application site that is covered by the TPO is the south and western boundary of the site and the majority of the trees in these areas will remain as part of the development proposal Only those of poor condition are proposed to be removed as part of the development together with a small number that are considered absolutely necessary to remove to create the "development envelope" the extent of the trees to be removed is controlled by condition 40.
- 8.6.6 Objectors have referred to "one rule for the Council and one rule for everyone else". This is a misconception and the approach adopted by the Planning Authority in the consideration of this application is consistent with an approach that would be adopted in respect of any developer. Who the applicant is has no bearing as it is not a planning matter and Government Guidance confirms that the area TPO approach, as in place on the application site, does have shortcomings and therefore the adopted approach of survey, mitigation and management is considered wholly appropriate.

8.7 Ecology

As discussed above policy WLP30 of the WLPB and policies ENV.1, ENV.8, ENV.9 and OVS.1 confirm that ecological impacts are a relevant policy consideration, it has been confirmed that the main concern, from an ecological viewpoint, is the potential impact of the proposed development upon the existing invertebrate population.

- 8.7.1 The proposed development includes the bio-remediation of 4 known areas of hydrocarbon contamination, with any other areas of contamination discovered during the operations also being remediated. The bio-remediation operations will involve the excavation of the contaminated material and re-use of this material in the proposed groundworks.
- 8.7.2 Two stands of Japanese Knotweed exist on the site, this is an invasive plant that will be removed as part of the remediation operations.
- 8.7.3 Re-grading of the site and encapsulation of an earth bund that has been identified as containing asbestos fibres also forms part of the proposals, together with the formation of a surface water drainage feature in the form of a pond / swale.

- 8.7.4 The site has, as part of the proposed development, been subject to a range of ecological surveys over the past four years. These surveys determined that a total of 209 invertebrate species were recorded at the site in 2005, including one Red Data Book species, 13 Nationally Scarce and 22 Nationally Local species.
- 8.7.5 The majority of the species of nature conservation significance were located on the open ballast habitat or in the scrub located in the open areas that make up a large proportion of the site. No species of special significance were located along the western edge of the site in the area of wet woodland.
- 8.7.6 The application site is of medium-high (regional) importance for invertebrates with this interest being generally confined to the open ballast areas. In addition "open mosaic habitats on previously developed land" have recently been identified as a UK Biodiversity Action Plan Priority Habitat. The application site is, in its present state, considered to generally fall within the description of this habitat and as such the impact of the development upon this habitat is a material planning consideration in respect of this proposal. However much of these ballast areas are the parts of the site that are to be subject to some form of remediation or re-grading.
- 8.7.7 Therefore an invertebrate mitigation strategy has been formulated and submitted as part of this application. This mitigation strategy involves the retention of as much of the ballast habitat as possible outside the "development envelope" together with the creation of new ballast habitat and creation of minor undulations within the ballast habitat areas and the installation of insect boxes in the ballast area. In addition the applicant has committed to an ongoing monitoring and management programme to assist in ensuring that the ballast habitat does not deteriorate to a lower value habitat.
- 8.7.8 This ongoing management of the habitat areas is a key part of the proposal as without management the areas of ballast would naturally re-vegetate which could result in the loss of the ballast habitat. Indeed it is possible that if this proposal had not been forthcoming the ballast habitat that exists at the sidings site would be subject to natural successional habitat change such that in time the regionally important habitat would naturally deteriorate.
- 8.7.9 The site is also recognised as a foraging area for bats, together with being suitable for breeding birds and reptiles, however the woodland and dense scrub areas that exist on the site and provide such suitable habitats are proposed to be retained. The applicant has also agreed to erect 10 bat boxes and 20 bird nest boxes as mitigation measures and enhancements.
- 8.7.10 Post completion of the proposed works the new areas of ballast habitat that has been created will be enclosed via a fence and safeguarded against further development and subject to an ecological management scheme. These will be secured by condition (proposed condition 48).
- 8.7.11 Areas of the site will also be subject to landscape planting, notably along the southern (canal) boundary and the northern (railway) boundary of the site. Again these areas will be protected via the use of fencing and subject to a landscape management scheme
- 8.7.12 Having considered all the above West Berkshire Council's Ecologist is satisfied that, subject to conditions being secured, the proposed development is acceptable.
- 8.7.13 Concern has been raised by Natural England in respect of the potential impacts of the proposed development upon the nearby SSSI (Aldermaston Gravel Pits that are approximately 600m to the south west of the application site. Particular concern has been raised in respect of the potential hydrological impacts of the proposal upon this SSSI. At the time of writing this report the applicant is still investigating this matter.

8.8 Hydrology

- 8.8.1 The proposed development has the potential to have an adverse impact upon the hydrology and hydrogeology of the locality. This is generally due to the location of the proposed development in a valley location. The proposed development, has been assessed in respect of impacts on surface waters, groundwater and flood risk.
- 8.8.2 The proposed development is in close proximity to the Kennet and Avon Canal (adjacent to the application boundary) and the River Kennet (approximately 60m to the south). Policies in the WLPB and WBDLP together with regional and national guidance/policy (such as PPS25) confirm that the impact of a proposed development on the water environment is a relevant consideration for the Planning Authority when determining a planning application.
- 8.8.3 The ES that included assessments in respect of all these matters and these issues have been considered by the Environment Agency who are a statutory consultee in respect of these issues.
- 8.8.4 The application site is located within an outer protection zone of a abstraction boreholes used for potable supply and the site is mainly within Flood Zone 1 (annual probability of flooding is less than 0.1%) with a small area of the south-eastern boundary being within Flood Zone 2 (annual probability of flooding is between 0.1 and 1 %). The site is immediately adjacent to, but outside Flood Zone 3 (annual probability of flooding is more than 1%)
- 8.8.5 The proposed development includes mitigation measures in respect of flood risk as the Flood Risk Assessment completed as part of the ES process indicated that, without mitigation, the development of the site would increase runoff rates above the current conditions, which has the potential to increase flood risk downstream. The application therefore includes mitigation measures to reduce the surface water runoff to the current conditions at the site and to as close to greenfield runoff as possible.
- 8.8.6 To achieve this the proposed development includes a drainage strategy that incorporate Sustainable Drainage Systems to mitigate against increased flood risk to and from the development by providing attenuation storage for surface runoff.
- 8.8.7 The proposed development, and associated assessments and mitigation measures have been considered by the Environment Agency, who have confirmed that conditions relating to surface water drainage and contaminated land are required. However notwithstanding these recommended conditions, at the time of completing this report the Environment Agency still object to the proposal on the basis that the submitted FRA requires amending to clarify whether the proposed development will result in increasing flood risk.
- 8.8.8 Objectors have raised concerns in respect of the proposed development causing Flooding together with generating impacts on groundwater and aquifers. These are matters that the Environment Agency are continuing to consider.

8.9 Alternative sites

- 8.9.1 There have been a considerable number of representations made that an alternative site should be found for the proposed facility. Representations have indicated that the waste should be dealt with at a variety of locations from "anywhere other than Padworth", to specific sites both within and beyond West Berkshire.

- 8.9.2 The consideration of alternative sites is not normally a development control consideration, although it is relevant within the EIA process (and the formulation of the development plan), as it is the duty of the Planning Authority to consider the application, which is before it on its merits. The Environmental Statement submitted alongside the application included an assessment of alternative sites that provides a rationale behind the identification of the application site as the only site in West Berkshire that would be suitable to accommodate the IWMF, this documentation outlines those sites considered and the rationale behind the decision to submit an application to develop the Padworth Sidings Site.
- 8.9.3 Representations have been made suggesting that there is no need to develop the Padworth Sidings site given the presence of Grundon Waste Management's facilities located nearby. It is not disputed that Grundon Waste Management operate a Materials Recycling Facility and composting facility in close proximity to the application site, however as detailed above it is considered that there is a National, Regional and local need for waste management facilities and notwithstanding the fact that the nearby Grundon site has recently gained consent to extend both the existing MRF and Composting facility, even with the additional capacity that these extensions could provide, if implemented, it is considered there would remain a considerable shortfall of waste management capacity across Berkshire.
- 8.9.4 Concern has been raised over whether the proposed location is a sustainable one for the location of a facility that has been proposed to accommodate the MSW generated within West Berkshire given the site is not centrally located within the District and reference has been made to the carbon footprint of the proposal. It is recognised that the location of the facility is not centrally located in the district, however the application site is located between the two main population areas in West Berkshire as it is located in close proximity to the A4 in between the urban area of Newbury/Thatcham and the Eastern Urban area at Theale. It is understood from the submitted information that the identification of the site, notwithstanding its allocation as a preferred area for waste management, was also driven by the consideration of numerous other matters such as availability of land, landscape designations and proximity to the main road network. It should also be noted that, at present, all waste generated in West Berkshire is currently transported to Oxfordshire and Hampshire for processing, this proposed facility would enable such processing operations to be carried out in West Berkshire.

8.10 Sustainable design / BREEAM

- 8.10.1 Design quality is a key component of any development proposal and is of significant importance to central governments planning agenda. PPS1 states:
- 8.10.2 *Planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.*
- 8.10.3 West Berkshires adopted a Supplementary Planning Document (SPD) on "Quality Design – West Berkshire" in June 2006 this SPD requires that a BREEAM rating (or equivalent) of at least "Excellent" should be achieved on all sites (this requirement came into effect for applications received from the 2nd January 2007). However this policy acknowledges that "in some locations an "excellent" rating may not be achievable due to remoteness from services".
- 8.10.4 In the case of this application the developer has undertaken the completion of an initial BREEAM assessment for the proposed administration building, using the "BREEAM offices" system, and a second assessment for the two buildings (housing the IVC and the MRF and WTS) using the

"BREEAM Industrial building" assessment methodology. This methodology of assessment was agreed as being appropriate with BRE.

- 8.10.5 These initial assessments indicate that in respect of the administration building it is anticipated that the building will achieve a rating of 46.6% (good) and has the potential to achieve a rating of 63.4 % (very good). Therefore the proposed administration building falls short of the 70% rating that is required to achieve the "excellent" rating as required by the adopted SPD.
- 8.10.6 The initial assessments indicate that in respect of the industrial buildings it is anticipated that the buildings will achieve a rating of 56.7% (very good) and has the potential to achieve a rating of 64.9% (very good) and again the industrial buildings therefore also fall short of the 70% rating that is required to achieve the "excellent" rating as required by the adopted SPD.
- 8.10.7 The application was accompanied with a review of the initial assessments that have been undertaken providing a rationale for why the proposed buildings were unable to achieve the necessary credits to achieve a higher rating. Having considered this rationale the reasoning behind the failure to achieve a higher BREEAM rating is understood.
- 8.10.8 Generally speaking the shortfalls are, in part due to the BREEAM system not being designed to consider waste related facilities (for example the applicant cannot achieve any credits for reducing CO2 emissions by reducing heat loss from the industrial buildings as the buildings are not insulated, however they are unheated), and in part due to the location of the site and its constraints (for example the location of the proposed development site, being some distance from public transport , and the reliance on staff using private cars to get to work (in part due to operating hours) results in the penalisation of the scheme.
- 8.10.9 Having considered the rationale behind the ratings that the applicant has considered to be achievable, and in the context of the policy and proposed development, it is considered by officers that the applicant has made a genuine effort to achieve the highest BREEAM rating possible. However it is considered reasonable to expect the development to achieve a "very good" rating under the BREEAM system this would be secured by condition.

8.11 Heritage

- 8.11.1 Concern has been raised by objectors and British Waterways over the impact of the proposed development on the historic lock located to the south west of the application site. However both West Berkshire Council's Landscape Consultant and the Kennet and Avon Canal trust have welcomed the proposed improvements to the canal corridor and the sensitive treatment of the environment surrounding the lock. As with those issues highlighted above the impact of a proposal on site of historic interest are identified as a consideration in policies WLP29 and WLP30 of the WLPB and Policies OVS.2, ENV.33 and ENV38 of the WBDLP.
- 8.11.2 Objectors have referred to pillboxes being located on site and the impact of the proposed development on these features. However there are no pillboxes on site as such there would be no impact.
- 8.11.3 Both the Council's Archaeological officer and the Conservation and Design Officer have confirmed that, subject to the imposition of conditions, the proposed development is acceptable.

8.12 Existing uses

- 8.12.1 The application site is currently occupied in part by an existing Waste Transfer Facility that employs approximately 4 staff and it is understood that the site manages a maximum of 25,000 tonnes of waste

per annum. This proposed development would result in the loss of this facility and the waste management capacity and employment opportunities that this business provides. As stated above a gas and coal sales depot has been located on the application site for a number of years and whilst this facility is in the process of re-locating to an alternative site the premises that this operation occupied would be removed as part of this development proposal.

8.12.2 At present these existing uses are providing a limited number of employment opportunities however the proposed development will generate a number of employment opportunities such that the net balance of opportunities will be likely to increase slightly.

8.12.3 The loss of waste management capacity is a concern given the need for waste management facilities, as set out above, however as the proposed development will provide an additional 95,000 tonnes of capacity per annum (albeit a different waste stream).

8.13 British Waterways

8.13.1 British Waterways, who are a statutory consultee on the proposed development have raised an objection to the application on the basis that the development site is considered to be inappropriate canal side development and that this objection cannot be overcome. However it must be noted that the application site is allocated as a preferred area for waste management in the WLPB.

8.13.2 Notwithstanding the view that the proposed development is inappropriate canalside development British Waterways objections are as follows:

Visual impact and noise will clearly have an adverse impact on the attractiveness of the Kennet and Avon Canal to the detriment of the overall amenity of the local area.

"The Urban Task Force report "Towards a Strong Urban Renaissance", published in November 2005, recommends that local authorities review their land use designation for areas in close proximity to sites of special amenity value, including rivers and canals, to explore the potential to accommodate more appropriate and sustainable uses that respond to their urban potential"

8.13.3 It is not disputed that the proposed development has the potential to adversely affect the canal both from a visual and amenity perspective, however the Council's landscape consultant and the Kennet and Avon Canal trust both welcome the proposed treatment of the boundary of the application site that abuts the canal and acknowledge this as a benefit of the proposal. From an amenity perspective the Environmental Health department are satisfied that, subject to appropriate conditions, the impacts of the development on local receptors are acceptable. The comments referred to in respect of the "Urban Task Force Report" are not considered to be particularly relevant in respect of this proposal as this document relates to urban decline and refers to towns, cities and city centres and the creation of urban communities. As such the relevance of this recommendation on the creation of urban communities is doubtful in the context of the development proposal. In addition the proposed treatment of the boundary of the site with the canal is considered to be an improvement to the canal corridor.

8.13.4 British Waterways have requested that a range of conditions be imposed upon the consent if permission is granted. Having reviewed the proposed conditions it is considered that some of the conditions requested are not in line with the Government's planning circular on conditions (circular 11/95).

8.13.5 The request for a condition relating to a survey and scheme of repairs to the waterway wall to be submitted and implemented prior to the commencement of development is considered unreasonable

as requiring the applicant to repair the waterway wall is not related to the proposed development, and no development is proposed immediately adjacent to the canal.

- 8.13.6 Similarly the request for a condition requiring a risk assessment and method statement for all works adjacent to the waterway is not considered necessary given that, although the application boundary abuts the canal towpath there is no significant construction work taking place adjacent to the water.
- 8.13.7 The request for a condition requiring a feasibility study to be carried out to assess the potential to move freight by water during the constructional and operational phases is considered unnecessary. Whilst the transportation of freight/ materials by non road based methods is encouraged, the applicant has confirmed that given the comparatively small volumes of material being processed at the application site and the origins of the waste imported to the site the transportation of materials by water is unrealistic. In addition to enable such an option to be employed additional infrastructure would be required to be incorporated at the application site to enable the loading and unloading of the waste materials. This is not part of the proposed development and it is not reasonable to impose a condition on a consent that could require a proposed development to be significantly amended, such that the development is significantly different to that originally proposed and considered.
- 8.13.8 The request for conditions relating to the submission and implementation of a landscaping scheme and a scheme of lighting and CCTV are acknowledged and mirrors requests made by the Council's Landscape consultant and Thames Valley police. It is recommended that such measure are secured by condition (proposed conditions 12 and 51)

OTHER CONCERNS RAISED

9.1 Brownfield / greenfield

9.1.1 As stated earlier in the report the proposed facility is located on what is considered to be previously developed land. The definition of Previously Developed Land in the context of housing proposals which is a well-recognised definition of previously developed / brownfield land is contained in annex C of Planning Policy Guidance note 3: Housing and states:

9.1.2 *"Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure. The definition covers the curtilage of the development. Previously developed land may occur in both built-up and rural settings. The definition includes defence buildings and land used for mineral extraction and waste disposal where provision for restoration has not been made through development control procedures. The definition excludes land and buildings that are currently in use for agricultural and forestry purposes, and land in built up areas which has not been developed previously (e.g. parks, recreation grounds, and allotments-even though these areas may contain certain urban features such as paths, pavilions and other buildings). Also excluded is land that was previously developed but where the remains of any structure or activity have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings), and where there is a clear reason that could outweigh the re-use of the site -such as its contribution to nature conservation - or it has subsequently been put to an amenity use and cannot be regarded as requiring redevelopment."*

9.1.3 The application site is considered to fall within this description of previously developed land as it relates to land that was used for mineral extraction and waste disposal where provision for restoration had not been made. Part of the site has been used for industrial type uses for many years (coal yard) and waste uses remain at the site. In addition consent has been granted, albeit not implemented, for other industrial uses within the application site. It is clear from the existing and previous uses that the majority of the application site would be considered to be previously developed land.

9.2 Location

9.2.1 Notwithstanding the planning policy position as set out above (in section 7 of this report) a great deal of concern has been raised over the suitability of location of the proposed development. Reference has been made by objectors to the site not being an industrial area, the site being too close to dwellings, the site being an unsustainable location and the application resulting in the overdevelopment of a countryside location and adversely impacting upon trade in the Aldermaston Wharf area.

9.2.2 As the site has been allocated as a preferred area for waste management in the current WLPB, the Padworth sidings site has already been through an extensive consultation and examination, in public, prior to its designation as a preferred area for waste management. In considering whether to allocate the site as a preferred area for waste management in the WLPB the site was subject to a site selection process alongside a range of other sites across Berkshire. In selecting the Padworth Sidings site as a preferred area, consideration was given to the acceptability of this site for the management of waste and, in principle, it was considered that the site was indeed suitable for this use.

9.2.3 As part of the consideration of the retention of this site as a preferred area for waste management in the JMWLDF, further public consultation has taken place. Although this process is at an early stage there is again an initial recognition of the acceptability of this site being used for such a purpose.

9.2.4 Given the timetables surrounding the adoption of the current Waste Local Plan for Berkshire it is estimated that the site has been identified for potential waste management development for

approximately 15 years and has been allocated as a preferred area for waste management for the past 10 years.

9.2.5 There is already a smaller waste transfer station (handling skip waste) located at the site and this facility has recently gained permanent planning permission. This again supports the stance that waste management uses can in principle be considered appropriate at the application site. Comments have been made by objectors that the site is too close to residential properties and is development in the countryside. Clearly such matters were considered when the site was allocated in the WLPB and indeed the WLPB sets out, in appendix 7, the main planning issues that were considered to be relevant to the development of the site for waste uses.

9.2.6 Objectors have referred to there already being enough "dirty" uses in the locality and issues of blighting the area. It is noted that there are existing waste management facilities in the locality and in assessing the development through the EIA process, by undertaking background surveys on the noise, traffic etc impacts of these existing uses would have been considered when assessing the impacts of the proposal.

9.3 Capacity

9.3.1 Concern has been raised over whether the proposed development will provide sufficient waste management capacity to ensure that the proposal is "fit for purpose" in the future. This is not a material planning consideration as the development that is under consideration is being considered on the basis of that proposed, which in your officers' view goes some way to satisfy the need for such facilities in the Council's area. The predicted impacts of the proposed development have been assessed on the basis that the facility will accommodate approximately 95,000 tonnes of waste per annum.

9.4 Fly Tipping

9.4.1 Concern has been raised that the proposed development will result in fly tipping taking place along Padworth Lane. The application site is, at present, clearly subject to limited amounts of fly tipping as the site has numerous small piles of "waste " material located upon it that are believed to have been fly tipped. The proposed remediation and re-development of this site would involve the clearance of any such deleterious material from the site and on site security measures would prevent any re-occurrences on site.

9.4.2 It is considered that there is no evidence or planning justification to refuse permission because of the perceived risk of the development causing additional fly tipping taking place along Padworth Lane and in addition the fly-tipping of waste is an offence under the Environmental Protection Act 1990 and therefore legislation exists to control fly-tipping.

9.5 The applicant

9.5.1 Concern has been raised by persons making representations relating to the applicant and their ability to run the proposed IWMF acceptably if consent is granted. Planning permission runs with the land and the identity of an applicant is not, in most circumstances, a material consideration that has bearing on the consideration of a proposal. Equally the Planning Authority must consider a proposal on the basis that the developer / operator will comply with all proposed planning conditions and all other relevant legislation that is beyond the scope of planning.

9.5.2 People making representations have also queried the process under which Veolia were awarded the Waste Management contract for West Berkshire Council. This is not material to the Planning Authority's decision on this application.

9. Land Ownership

9.6.1 The applicant is not the owner of the development site. Whilst negotiations for the acquisition of the site are continuing between the Waste Management Authority and the current land owners, the Waste Management Authority is also promoting a compulsory purchase order (CPO) to acquire the land and rights required for the development to proceed. Whether a scheme is likely to be implemented in the life of a permission is a material planning consideration but it is open to the planning authority to consider the proposal now before it before the issue of land control is concluded, if it is felt there is a reasonable prospect that the issue of landownership will be resolved within the lifetime of the permission. It is understood that the CPO will be considered at an inquiry in the new year and a decision from the Secretary of State should be available approximately 4-6 months after the date of the inquiry. Land ownership is therefore likely to be resolved well within the life of the permission, if granted.

9.7 House prices

9.7.1 Objections to the proposal have been raised on the basis that the proposed development, and associated impacts will have an adverse effect on housing prices in the locality. This is not a material planning consideration.

9.8 Previous comments made by Councillors

9.8.1 Objectors have referred to comments made in the past by the executive member for Waste who is quoted as confirming that "the proposed IWMF would not include a HWRC". Such comments that were made in the past are not relevant to the consideration of this proposal as it is the role of the Planning Authority to consider the application currently before it on its merits, and this proposal does include a HWRC.

9.9 Outstanding matters

9.9.1 As reported above, at the time of the completion of this report there remain outstanding objections from Natural England and the Environment Agency. Both of these objections are related to Hydrological matters and further information has been requested from the applicant to demonstrate that the proposed development will not increase flood risk, or have an adverse impact on the hydrology of the nearby SSSI. This position is reflected in the officer's recommendation.

9.9.2 The Environment Agency has confirmed that they do not object to the application in principle and anticipate that they will be able to withdraw their objection upon the receipt of the information that they require.

Planning Obligation

- 10.1 All development has the potential to generate additional demands on local services and infrastructure, the Council has adopted supplementary planning guidance on the type and scale of contributions and other obligations which the Council will seek contributions from developers. For the current application the Council has identified the following contributions in accordance with its stated policies:

Open Space - £30,900

Libraries - £13,335

Highways - £50,000

- 10.2 Padworth Parish Council have indicated that they consider that a contribution towards re-building the nearby village hall should be provided as it is the Parish Council's view that the village hall will be blighted by the proposed development and the adverse impacts on amenity and visual impacts must be mitigated via a financial contribution. As detailed above it is considered by your officers that the amenity impacts and visual impacts of the proposed development can be satisfactorily mitigated and as such it is considered that the request for a contribution is not justified in planning terms.
- 10.3 The applicant is not yet the holder of a legal interest in the application site. As a consequence, the applicant is not able at this time to enter into an agreement under S106 of the Town and Country Planning Act 1990 with the planning authority to secure those obligations, nor to offer them to the planning authority by way of a unilateral undertaking.
- 10.4 It is therefore proposed that, prior to the issue of planning permission, the planning authority and the applicant will enter into a contract pursuant to the planning authority's planning powers (provided by the Town and Country Planning Act 1990) and its ancillary powers provided by S111 of the Local Government Act 1972. This will require the payment of the contributions referred to above upon the issue of planning permission, as well as a commitment from the applicant to an agreement being entered into under S106 of the 1990 Act as soon as the applicant does hold a sufficient interest in land for S106 to apply. If the permission is then initiated, whether by the applicant or any other person, then the initial contract will provide that the contributions will be available to the Council for its specified purposes as set out in that agreement. Copies of both draft agreements are attached to this report.
- 10.5 A section 278 agreement will need to be entered in to secure the following highway works
- a. New site access onto Padworth Lane
 - b. A footway from the site access to the canal and the A4
 - c. Traffic signals on the Padworth Lane Railway bridge
 - d. Improvements to the A4 / Padworth Lane junction
 - e. Improvements to the A4 / A340 Roundabout
 - f. Required road markings, as detailed in this report

The details of the agreement resides beyond the remit of planning as it would be an agreement between the developer and the Highways Authority. The requirement that the proposed highways improvements would be in place prior to the first occupation of the facility will be secured by condition (proposed condition 37).

11. CONCLUSION

- 11.1 It is considered that, in principle, the proposed development at the proposed location is generally in accordance with National, Regional and Local Planning Policies which are relevant to the proposal.
- 11.2 It is considered that the proposed facility will provide additional waste management capacity that is required in Berkshire and assist in ensuring that West Berkshire complies with the policy from Central Government to be self sufficient and manage the Municipal Waste generated within Berkshire within the district boundaries. The facility should also assist in increasing recycling rates enhancing the volume and percentage of waste materials that are produced by the residents of West Berkshire that are recovered or recycled in accordance with policies set out at a National and Regional level.
- 11.3 It is appreciated that the proposed development would result in limited landscape and visual impacts together with amenity impacts, however it is considered that, on balance, these impacts which can be satisfactorily mitigated and minimised through the use of conditions, do not outweigh the policy presumptions in favour of the proposed development arising from the allocation of the proposed development as a preferred area for Waste Management in the WLPB and Regional and National policies on waste facilities.

Full Recommendation

To **DELEGATE** to the Head of Planning and Trading Standards to **GRANT PERMISSION** subject to :

- (b) confirmation from Natural England and the Environment Agency that no objections are raised to the proposed development, and
- (b) The completion of a legal agreement to secure the payment of financial contributions identified in this report, and
- (c) the following conditions

1

Full Planning Permission

The development hereby permitted shall be commenced 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(1)(a) of the Town and Country Planning Act 1990 (as amended) and to enable the Local Planning Authority to review the desirability of the development against up to date planning policies at a National, Regional and local level should it not be started within a reasonable time.

2

Approved plans

The development hereby permitted shall be carried out in complete accordance with the following submitted documents and plans:

Site Layout Plan A4623 201 AK dated 20/08/08
 In vessel Composting Facility details A4623 2002 N dated 03/06/08
 WTS/MRF Building detail A4263 2003J dated 03/06/08
 Municipal Depot vehicle maintenance workshop detail A4623 2005 D dated 06/03/08
 HWRC Proposed layout plan A4623 204 G dated 06/03/08
 HWRC Office floor plans and elevations A 4623 1007 D dated 06/03/08
 Administration and Visitor Centre floor plans and elevations A4623 1004 D dated 03/06/08
 Weighbridge office floor plans and elevations A4623 1006 D dated 03/06/08
 Highways works plans PS ENB 08-1B and PS ENB 08-2B
 Traffic management schematic (Drawing A4623 205)
 Revised external Lighting plan A4623 2011 revision B
 Outline landscape management plan 4 dated November 2008
 Flood Risk assessment dated 25th June 2008
 Site Status before remediation plan CS003563_EWS_001 B dated Apr 2008
 Site Status After remediation plan SC003563_EWS_003 C dated Apr 2008
 Site clearance Plan Drawing L02 Revision A dated 11/09/08
 Site Remediation Strategy (appendix 13.4 to the environmental statement)
 Invertebrate Mitigation Strategy (appendix 11.4 to the environmental statement)
 Tree Survey (appendix 14.5 to the environmental statement)
 Landscape masterplan Drawing L04/ES FIG 14.18 Revision E dated 06/11/08
 Planting Proposals Plan Drawing L05/ES FIG.14.19 Revision E dated 06/11/08
 Fencing detail, drawing No PS-ENB-04-1 Rev 1, dated Jun 08

Letters from Scott Wilson dated the 15th September 2008, 14th October 2008 and 7th November 2008

the details of which are approved except as amended by the following conditions

Reason: To enable the Local Planning Authority to adequately control the development, to minimise its impact on the amenities of the local area in accordance with policy WLP31 of Waste Local Plan for Berkshire 1998-2006.

3

Details of buildings

No construction operations shall take place until the full details of the proposed household waste recycling facility, vehicle wash, fuelling area, sprinkler tank and any other structures on the site that are hereby approved have been submitted to and approved in writing by the Local Planning Authority. The buildings and other structures shall be constructed in accordance with the approved details unless otherwise agreed in writing.

Reason: To ensure that the proposed structures are agreed in accordance with policy WLP30 and WLP31 of the Waste Local Plan for Berkshire 1998-2006 and policy OVS.2 of the West Berkshire District Local Plan 1991-2006.

4

Hours of operations (depot)

No operations or activities authorised by this permission associated with the operation of the depot shall be carried out except between the following hours:

0500 – 2000 Monday to Saturdays

0600 – 2000 Sundays, bank and public holidays

No operations shall take place on Christmas Day, Boxing Day or New Years Day (with the exception of the waste from street cleansing and litter collection)

Reason: In the interests of the local amenity in accordance with policy WLP30 in the Waste Local Plan for Berkshire 1998-2006 and policy OVS.5 in the West Berkshire District Local Plan.

5

Hours of operations (operational vehicle movements)

No HGV or RCV movements associated with the activities authorised by this permission shall be carried out except between the following hours:

0600 – 2000 Monday to Saturdays

0600 – 2000 Sundays, bank and public holidays

No Street Cleansing Vehicle movements associated with the activities authorised by this permission shall be carried out except between the following hours:

0500 – 2000 Monday to Saturdays

0600 – 2000 Sundays, bank and public holidays

No operations shall take place on Christmas Day, Boxing Day or New Years Day (with the exception of waste from street cleansing and litter collection)

Reason: In the interests of the local amenity in accordance with policy WLP30 in the Waste Local Plan for Berkshire 1998-2006 and policy OVS.5 in the West Berkshire District Local Plan.

6

Hours of operations (WTS and IVC)

No operations or activities authorised by this permission and associated with the operation of the waste transfer station and in vessel composting facility shall be carried out except between the following hours:

0700 – 1900 Monday to Sunday

No operations shall take place on Christmas Day, Boxing Day or New Years Day (with the exception of waste from street cleansing and litter collection)

Reason: In the interests of the local amenity in accordance with policy WLP30 in the Waste Local Plan for Berkshire 1998-2006 and policy OVS.5 in the West Berkshire District Local Plan.

7

Hours of operations (MRF)

No operations or activities authorised by this permission and associated with the operation of the materials recycling facility shall be carried out except between the following hours:

0700 – 2200 Monday to Saturdays

0700 – 1900 Sundays, bank and public holidays

No operations shall take place on Christmas Day, Boxing Day or New Years Day

Reason: In the interests of the local amenity in accordance with policy WLP30 in the Waste Local Plan for Berkshire 1998-2006 and policy OVS.5 in the West Berkshire District Local Plan.

8

Hours of operations (HWRC)

The Household Waste Recycling Centre shall not be open for the receipt of waste except between the following hours:

1230 – 1830 Monday to Friday

0730 – 1830 Saturdays, Sundays and bank and public holidays

No operations shall take place on Christmas Day, Boxing Day or New Years Day

Reason: In the interests of the local amenity in accordance with policy WLP30 in the Waste Local Plan for Berkshire 1998-2006 and policy OVS.5 in the West Berkshire District Local Plan.

9

Schedule of materials

No construction operations, other than groundworks, shall take place until samples of the external finishing materials to be used in the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of samples

of glass, plastic and mortar materials. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity in accordance with Policy DP5 of the Berkshire Structure Plan 2001 - 2016 and Policy OVS2 of the West Berkshire District Local Plan 1991 - 2006.

10

Deposit Limits

The throughput of waste at the site shall not exceed 95,000 tonnes per annum without prior agreement in writing from the Local Planning Authority.

Reason: In the interests of local amenity and in accordance with policies WLP30 and WLP31 in the Waste Local Plan for Berkshire 1998-2006 and policies OVS.2 and OVS.5 of the West Berkshire District Local Plan 1991-2006.

11

Records of waste

From the date the site opens to the public the operators shall maintain records of the monthly receipt of waste and shall make them 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: In order that the Local Planning Authority can monitor the receipt of waste to the site in accordance with policies WLP5 and WLP31 of the Waste Local Plan for Berkshire 1998-2006 and policies OVS.2 and OVS.5 of the West Berkshire District Local Plan 1991-2006.

12

Security details

No occupation of the buildings hereby approved shall take place until the full details of the access control, security for site buildings, effectively monitored intruder alarm coverage, lighting, CCTV coverage of the facility (including the entrance and exit roads both to allow management supervision and monitoring of queue build up and to record any incidents for evidential purposes) and proposals for fire suppression have been submitted to and approved in writing by the Local Planning Authority. The approved schemes shall each be implemented in full prior to the occupation of any buildings.

Reason: To ensure the prevention of crime and disorder in accordance with policy OVS.11 of the West Berkshire District Local Plan 1991-2006.

13

Archaeological investigation

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the Planning Authority. The programme of investigation shall fully accord the principles of the Archaeological mitigation strategy included in the Environmental Statement submitted alongside the planning application.

Reason: To ensure that any archaeological features or finds identified are adequately investigated and recorded in accordance with policy WLP30 of the Waste Local Plan for Berkshire 1998-2006 and policy ENV.38 of the West Berkshire District Local Plan 1991-2006.

14

Foul water drainage

No construction operations shall take place until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the development into the public system shall occur until the drainage works referred to in the strategy have been completed and are acceptable to the sewerage undertaker.

Reason - The development may lead to flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community in accordance with policy WLP30 of the Waste Local Plan for Berkshire 1998-2006 and PPS25.

15

Surface water drainage

No construction operations shall take place until the full details of drainage, incorporating sustainable drainage principles, location of soakaways, measures to ensure water features in within and proximate to the development are not contaminated by run off from the development; the provision of a tank for the storage of leachate and the provision of a tank for the storage of harvested rainwater together with an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. Thereafter development shall be carried out in accordance with the approved details and such drainage shall be completed and available for use prior to first occupation of the development hereby approved.

Reason: To prevent the increased risk of flooding and water pollution In the interests of the water environment and to ensure the integrity of the adjacent railway in accordance with policy WLP30 of the Waste Local Plan for Berkshire 1998-2006 and PPS25.

16

Traffic management scheme

No occupation of the buildings for the uses hereby approved shall take place until a scheme of signage for vehicles on site has been submitted to and approved in writing by the Local Planning Authority, to indicate that all Heavy Goods vehicles leaving the site are advised to turn left out of the site egress. The approved scheme shall be implemented in full prior to the occupation of any buildings hereby approved and thereafter maintained at all times to the satisfaction of the local planning authority.

Reason: In the interests of highway safety and to accord with the WBC freight strategy in accordance with Policy OVS 3 of the West Berkshire District Local Plan 1991-2006.

17

Travel Plan

Within 6 months of the date of occupation of the first of the buildings hereby approved, a travel plan for the site shall be submitted to and approved in writing by the local planning authority. The travel plan shall follow the principles set out in the outline travel plan submitted alongside the planning application including (without limitation) timescales for achieving milestones and for regular reviews of the travel plan and be implemented in

accordance with the agreed timescales, including regular reviews of its measure in the context of reducing the need to travel by means of the private car.

Reason: To ensure the development reduces reliance on private motor vehicles in accordance with Policy OVS 3 of the West Berkshire District Local Plan 1991-2006.

18

Contaminated Land

No development shall take place (other than investigative work approved by this permission), until two copies of a contaminated land assessment and associated remedial strategy, together with a timetable of works, have been submitted to and approved in writing by the local planning authority. The contaminated land assessment shall include; a desk study, details of investigative works and sampling, risk assessment and remediation strategy and be prepared in accordance with the relevant requirements indicated in the environmental statement (section 13) submitted by the applicant. The development shall thereafter be carried out in accordance with the specifications of the remediation strategy. Further:

(a) The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study.

(b) A suitably qualified Consultant shall be appointed to investigate the nature and extent of any contamination, if any, in, on or under all parts of the land to which this permission refers. All investigative works and sampling on site, together with the results of analysis must be submitted to the Local Planning Authority (and the Environment Agency as appropriate).

(c) If a hazard or hazards are identified from such investigations, a site specific risk assessment shall be undertaken to consider risks to the following: wildlife, livestock and ecosystems, building materials, water resources, the future users of the site, surrounding land and any other persons.

Reason: In order to protect the amenities of existing or proposed occupant/users of the application site or adjacent land in accordance with policy WLP30 of the Waste Local Plan for Berkshire and policies OVS2 and OVS5 of the West Berkshire District Local Plan 1991-2006.

19

Remediation scheme

The approved remediation works shall be carried out in full on site prior to the construction of and buildings hereby approved. If, during any works, any significant underground structures or contamination is discovered which has not previously been identified then the additional contamination shall also be fully assessed. No further remediation works shall take place, unless otherwise agreed in writing, until a report detailing the nature and extent of the previously unidentified structures and contamination and the proposed remedial action plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter, all further remediation works shall be undertaken in accordance with the most recent approved remediation action plan prior to the construction of and buildings hereby approved.

Reason: In order to protect the amenities of existing or proposed occupant/users of the application site or adjacent land in accordance with policy WLP30 of the Waste Local Plan for Berkshire and policies OVS2 and OVS5 of the West Berkshire District Local Plan 1991-2006.

20

Contaminated land closure report

On completion of all remediation works a closure report shall be submitted to and approved in writing by the Local Planning Authority. The report shall make reference to all published information associated with the development and shall demonstrate compliance with the remediation strategy. It shall include the following: details of quality assurance certificates to show that all works have been carried out in full and according to best practice; consignment notes demonstrating the removal of contaminated materials; certification to show that new material brought to the site is uncontaminated; and details of any on-going post remediation monitoring and sampling, including a reporting procedure to the Local Planning Authority and Environment Agency.

Reason: In order to protect the amenities of existing or proposed occupant/users of the application site or adjacent land in accordance with policy WLP30 of the Waste Local Plan for Berkshire and policies OVS2 and OVS5 of the West Berkshire District Local Plan 1991-2006..

21
Odour

No construction operations shall take place until a scheme to minimise the effects of odour from the operation of the development, including full details of the maintenance and cleaning regime referred to in section 7.5.36 of the ES, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter operated in accordance with the approved scheme of works.

Reason: In the interests of the amenities of neighbouring occupiers in accordance with policy WLP30 of the Waste Local Plan for Berkshire and policies OVS2 and OVS5 of the West Berkshire District Local Plan 1991-2006..

22
Artificial Lighting

No occupation of the buildings for the uses hereby approved shall take place until a scheme of works or such other steps as may be necessary to minimise the effects of artificial lighting emanating from the development has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out and thereafter operated in accordance with the approved scheme of works and thereafter maintained at all times.

Reason: In the interests of the amenities of neighbouring occupiers in accordance with policy WLP30 of the Waste Local Plan for Berkshire and policies OVS2 and OVS5 of the West Berkshire District Local Plan 1991-2006..

23
Operational Dust

No occupation of the buildings for the use hereby approved shall take place until a scheme of works or such other steps as may be necessary to minimise the effects of dust from the operation of the site has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out and thereafter operated in accordance with the approved scheme of works.

Reason: In the interests of the amenities of neighbouring occupiers in accordance with policy WLP30 of the Waste Local Plan for Berkshire and policies OVS2 and OVS5 of the West Berkshire District Local Plan 1991-2006..

24

Litter

No occupation of the buildings for the use hereby approved shall take place until a scheme to minimise the generation of litter from the site has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out and operated in accordance with the approved scheme.

Reason: In the interests of the amenities of neighbouring occupiers in accordance with policy WLP30 of the Waste Local Plan for Berkshire and policies OVS2 and OVS5 of the West Berkshire District Local Plan 1991-2006..

25

Site preparation Management Plan

No development shall take place until a Construction Environmental Management Plan covering the preparatory works has been submitted to and approved in writing by the Local Planning Authority. The plan should detail items such as phasing of operations to protect fauna, contractors parking area lorry routing and potential numbers, types of earth moving machinery to be implemented and measures proposed to mitigate the impact of the proposed operations, including the monitoring and appropriate measures to deal with asbestos on site, the monitoring and mitigation of groundwater impacts, processes to protect the aquifer during construction, control of run off during construction, the protection of identified habitats and the decommissioning of storage tanks on site prepared in accordance with the relevant requirements indicated in the environmental statement submitted by the applicant. In addition the plan should detail any temporary lighting and dust mitigation measures that will be used during the preparatory phase of the development. The plan shall be implemented in full and retained until the conclusion of the site preparation works. Any deviation from the plan shall be first agreed in writing with the Local Planning Authority.

Reason: In the interests of the amenities of neighbouring occupiers in accordance with policy WLP30 of the Waste Local Plan for Berkshire.

26

Construction Management Plan

No construction operations shall take place until a Construction Management Plan covering the construction works has been submitted to and approved in writing by the Local Planning Authority. The plans should detail items such as phasing of operations, contractors parking area, lorry routing restrictions on times of vehicular movements and potential numbers, types of piling rig, pneumatic breakers and earth moving machinery to be implemented and measures proposed to mitigate the impact of the proposed operations and be prepared in accordance with the relevant requirements indicated in the environmental statement submitted by the applicant. In addition the plan should make note of any temporary lighting and dust mitigation measures that will be used during the construction phase of the development. The plan shall be implemented in full and retained until the development has been constructed. Any deviation from the plan shall be first agreed in writing with the Local Planning Authority.

Reason: In the interests of the amenities of neighbouring occupiers in accordance with policy WLP30 of the Waste Local Plan for Berkshire.

27

Vibration

No construction operations shall take place until a scheme of works or such other steps as may be necessary to protect nearby residential properties from ground-borne vibration from the construction of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include vibration control techniques and other amelioration measures including appropriate piling methods. The

assessment of vibration exposure shall be carried out with reference to British Standard BS6472: 1992 Evaluation of human exposure to vibration in buildings (1Hz to 80 Hz). The development shall be carried out and operated in accordance with the approved scheme of works

Reason: In the interests of the amenities of neighbouring occupiers in accordance with policy WLP30 of the Waste Local Plan for Berkshire.

28

Air Handling Plant (IVC and Administration Building)

No construction operations shall take place prior to the approval by the local planning authority of:

(a) Written details concerning any proposed air handling plant associated with the development including

(i) the proposed number and location of such plant as well as the manufacturer's information and specifications

(ii) the acoustic specification of the plant including general sound levels and frequency analysis under conditions likely to be experienced in practice.

(iii) the intended operating times.

(b) Calculations showing the likely impact of noise from the development;

(c) A scheme of works or such other steps as may be necessary to minimize the effects of noise from the development;

The construction operations shall not commence until written approval of a scheme under (c) above has been given by the Local Planning Authority. All such approved works forming part of the scheme shall be completed before any of the development is first operational and thereafter maintained.

Reason: To protect the amenities of local residents in accordance with policy OVS.6 of the West Berkshire District Local Plan 1991-2006 and policy WLP 30 of the Waste Local Plan for Berkshire 1998-2006.

29

Reversing Beepers

Prior to the operation of the site the details of the reversing alarms to be used on all operational vehicles, mobile plant or machinery used within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter no plant, machinery and operational vehicles shall be used within the site unless fitted with the approved reversing alarms and only those approved alarms shall be used.

Reason: To protect the amenities of local residents in accordance with policy OVS.6 of the West Berkshire District Local Plan 1991-2006 and policy WLP 30 of the Waste Local Plan for Berkshire 1998-2006.

30

Reversing alarms

Between 0500 and 0730 hours on any day, reversing beepers on any vehicles shall be switched off and alternative safety methods be used.

Reason: To protect the amenities of local residents in accordance with policy OVS.6 of the West Berkshire District Local Plan 1991-2006 and policy WLP 30 of the Waste Local Plan for Berkshire 1998-2006.

31

Doors

Following completion of the development hereby approved, all vehicular access doors to building on site shall be kept closed at all times except to allow for ingress and exit from buildings. All vehicular access doors will close automatically either on sensors or induction loop systems in accordance with a scheme previously approved in writing by the local planning authority. No vehicles (save for private cars at the HWRC) may load and unload unless within the enclosed space of the buildings hereby permitted.

Reason: To protect the amenities of local residents in accordance with policy OVS.6 of the West Berkshire District Local Plan 1991-2006 and policy WLP 30 of the Waste Local Plan for Berkshire 1998-2006.

32

Jet Wash

Any external jet wash facility associated with the depot and identified on the site layout plan (Site Layout Plan A4623 201 AJ) shall only be used between 0800 and 1800 hours Monday to Friday and 0830 to 1600 hours on Saturday with no jet washing on Sunday or Bank Holidays.

Reason: To protect the amenities of local residents in accordance with policy OVS.6 of the West Berkshire District Local Plan 1991-2006 and policy WLP 30 of the Waste Local Plan for Berkshire 1998-2006.

33

Waste Transfer

With the exception of the HWRC, no waste transfer, recycling, processing operations shall take place on the site outside of the proposed waste transfer, materials recycling or in vessel composting buildings. No waste materials or recovered materials shall be deposited or stored outside the buildings (other than within the HWRC) and no part- or fully loaded trailers shall be parked or stationed in the open air.

Reason: In the interests of local amenity in accordance with policy WLP30 of the Waste Local Plan for Berkshire 1998-2006 and policy ENV.11B of the West Berkshire District Local Plan 1991-2006.

34

Operational Noise

No development shall take place until the following details have been submitted and approved in writing by the Local Planning Authority:

- a. Confirmation of off site noise sensitive properties / locations
- b. Confirmation of noise monitoring locations.
- c. The findings of a noise survey (undertaken in accordance with BS4142 or such other standard acceptable to the Local Planning Authority) to confirm noise levels in the vicinity of the proposed development.
- d. Written details and sample calculations showing the likely impact of noise from the development
- e. A proposal, detailing the frequency, timing and presentation of further noise monitoring surveys to determine the noise levels at the development once it becomes operational

- f. A scheme of works or such other steps as may be necessary to minimise the effects of noise from the development
- g. The existing background noise levels (LA90) measured one metre from the façade and 1.5 metres above ground level, at the noise sensitive locations identified in (a) and carried out in (e) or as requested by the Local Planning Authority, shall not be exceeded, as a consequence of operational noise levels (LAeq) generated at the site.

The development shall not commence until written approval of a scheme under (f) above has been given by the Local Planning Authority. All works forming part of the scheme shall be completed before any of the development becomes operational and shall thereafter be maintained as effective during all times that the site is operational.

Reason: To protect the amenities of local residents in accordance with policy OVS.6 of the West Berkshire District Local Plan 1991-2006 and policy WLP 30 of the Waste Local Plan for Berkshire 1998-2006.

35

Oil tanks/fuel/chemical storage

Any chemical, oil, fuel, lubricant and other potential pollutants on site shall at all times be stored in containers which shall be sited on an impervious surface and surrounded by a suitable liquid tight bunded area. The bunded areas shall be capable of containing 110% of the container's total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. The vent pipe should be directed downwards into the bund. There must be no drain through the bund floor or walls.

Reason: To minimise the risk of pollution of the water environment and soils in accordance with policy WLP30 of the Waste Local Plan for Berkshire 1998-2006 and policy OVS.5 of the West Berkshire District Local Plan 1991-2006.

36

Plant

No occupation of the buildings hereby approved shall take place until the full details of the plant and machinery to be used on site, including details of noise attenuation measures, have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location and design of the plant, the fitting of acoustic attenuation measures the provision of acoustic screening or barriers. The plant and machinery shall be operated and maintained in accordance with the approved details and the approved acoustic attenuation measures retained.

Reason: In the interest of local amenity of the area as the full details of the plant and machinery were not provided with the application and to ensure that the proposed plant and machinery is in accordance with policies WLP30 and WLP31 of the Waste Local Plan for Berkshire 1998-2006 and Policy OVS.2, OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006.

37

Site access and highway improvements.

No occupation of the buildings hereby approved shall take place until the full details of the proposed highway works, including the associated engineering operations and landscape planting, following the principles as set out on plans PS ENB 08-1B and PS ENB 08-2B have been submitted and approved in writing by the local planning authority. All works forming part of the approved details shall be completed before any of the development becomes operational and shall thereafter be maintained as effective during all times that the site is operational.

Reason: In the interest of highway safety and to accord with Policies DP5 and T4 of the Berkshire Structure Plan 2001-2016 and Policy OVS 2 of the West Berkshire District Local Plan 1991-2006 and in the interest of highway safety

38

Parking/turning in accord with plans

Prior to the commencement of construction operations the full details of vehicle parking and turning spaces together with a car parking management plan shall be submitted to and approved in writing by the Local Planning Authority. The parking and turning space shall thereafter be provided in accordance approved plans and shall be kept available for parking (of private motor cars and/or light goods vehicles) at all times and not used for any other purposes.

Reason: The full details of the parking facilities were not provided with the application and are required in accordance with Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006.

Reason: To ensure the development is provided for adequate parking facilities in order to reduce the likelihood of roadside parking which would be a danger to other road users in accordance with Policies DP5 and T4 of the Berkshire Structure Plan 2001-2016 and Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006.

39

Visibility Splays

No occupation of the buildings hereby approved shall take place until plans detailing the proposed visibility splays for the access to Padworth Lane have been submitted to and approved in writing by the Local Planning Authority. These visibility splays shall be provided prior to the occupation of the buildings and shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level.

Reason: In the interests of road safety in accordance with policies TRANS.2, OVS.2 and OVS.3 of the West Berkshire District Local Plan.

40

Tree Protection Scheme (Implementation)

No development shall take place until protective fencing has been installed in accordance with the tree and landscape protection scheme identified on approved drawing numbered L 02 and dated 11/06/08. The approved fencing shall be retained intact for the duration of the development. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires and any existing trees, shrubs and hedgerows scheduled to be retained on plan L02 dated 11/06/08 shall not be damaged, destroyed, uprooted, felled, lopped, topped or removed without the prior written approval of the Local Planning Authority. Any such vegetation removed without approval, dying, being severely damaged or becoming seriously diseased within the area of operations permitted by the permission shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority in the planting season immediately following any such occurrences.

Reason; To ensure the protection of trees identified for retention at the site in accordance with the objectives of policies DP5 and EN1 of the Berkshire Structure Plan 2001 - 2016 and policy OVS2 (b) of the West Berkshire District Local Plan 1991 - 2006.

41

Arboricultural supervision.

No development shall take place (including site preparation works or demolition operations) within the application area until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted by the applicant and approved by the Planning Authority.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of West Berkshire District Local Plan 1991 - 2006 Policy OVS 2.

42

Arboricultural method statement

No development shall take place (including site preparation works or demolition operations) until an Arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason; To ensure the protection of trees identified for retention at the site in accordance with the objectives of policies DP5 and EN1 of the Berkshire Structure Plan 2001 – 2016 and policy OVS2 (b) of the West Berkshire District Local Plan 1991 - 2006.

43

Tree Protection – Construction Precautions

No development associated with the provision of the proposed access, hard surfacing, drainage and services shall take place until details of the proposed access, hard surfacing, drainage and services providing for the protection of the root zones of trees to be retained have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason; To ensure the protection of trees identified for retention at the site in accordance with the objectives of policies DP5 and EN1 of the Berkshire Structure Plan 2001 – 2016 and policy OVS2 (b) of the West Berkshire District Local Plan 1991 - 2006.

44

Ecology

No occupation of the buildings hereby approved shall take place until 5 House Martin/Swallow nest boxes have been erected and 13 bat boxes and a further 20 bird boxes have been erected on the site at locations to be prior agreed in writing with the Local Planning Authority.

Reason: In the interests of wildlife in accordance with policy WLP30 of the Waste Local Plan for Berkshire 1998-2006 and policy OVS.2 of the West Berkshire District Local Plan and PPS9.

45

Ballast

Prior to the commencement of associated construction operations the details of the ballast to be used in the car parking bays, as identified on Drawing L04/ES FIG 14.18 Revision E shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of wildlife in accordance with policy WLP30 of the Waste Local Plan for Berkshire 1998-2006 and policy OVS.2 of the West Berkshire District Local Plan and PPS9.

46

Ballast storage

The temporary ballast stockpiles created during the site preparatory works shall be stored for a maximum of twelve months prior to being re-spread in their final position.

Reason: In the interests of wildlife in accordance with policy WLP30 of the Waste Local Plan for Berkshire 1998-2006 and policy OVS.2 of the West Berkshire District Local Plan and PPS9.

47

Ecological Fencing

Prior to the commencement of the construction operations the fencing to protect the ecological mitigation areas, as detailed on plan L03/ES fig 14.17 shall be erected and maintained in perpetuity.

Reason: In the interests of wildlife in accordance with policy WLP30 of the Waste Local Plan for Berkshire 1998-2006 and policy OVS.2 of the West Berkshire District Local Plan and PPS9.

48

Ecological management

Prior to the commencement of construction operations a detailed ecological / landscape mitigation and enhancement scheme (including drawings and monitoring provisions) based on the principles set out in the Environmental Statement submitted alongside the planning application and outline management plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme will be implemented in full (with bi-annual reports to the Local Planning Authority for a period of eight years from the date of the occupation of the first building hereby approved) and the mitigation and enhancement measures will be maintained thereafter.

Reason: In the interests of wildlife in accordance with policy WLP30 of the Waste Local Plan for Berkshire 1998-2006 and policy OVS.2 of the West Berkshire District Local Plan and PPS9.

49

BREEAM Condition

Prior to the commencement of development a full BREEAM or equivalent assessment demonstrating that the development will attain BREEAM VERY GOOD shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved assessment. Prior to the first occupation of the building(s) hereby approved, a post construction review, carried out by a licensed assessor, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In accordance with Policy OVS10 of the West Berkshire District Local Plan 1991-2006 and the guidance contained within the Council's adopted Supplementary Planning Document: Quality Design - West Berkshire, Part 4 "Sustainable Design Techniques".

50

Site Waste Management plan

Prior to the commencement of development a site waste management plan shall be submitted to and approved in writing by the Local Planning Authority. The Site Waste Management Plan shall follow the principles set out in appendix 10 of the Environmental Statement submitted alongside the application.

Reason: To ensure that waste generated during the construction of the proposed development is managed in a sustainable manner in accordance with policy WLP6 of the Waste Local Plan for Berkshire.

51

New scheme of planting

Prior to the commencement of construction operations a scheme of landscape planting shall be submitted to and approved by the Local Planning Authority; such details shall incorporate the general principles indicated in the application and the Environmental Statement and shall include provision for:

- i) The positions, species and sizes of all existing trees, shrubs and hedgerows to be retained, and the proposals for their protection throughout the operations
- ii) The positions, species, density and initial sizes of all new trees and shrubs;
- iii) Any hard landscaping proposed;
- iv) The Programme of implementation of the scheme;
- v) The arrangements for subsequent maintenance.
- vi) Full Landscape Management scheme

The development shall be carried out in accordance with the approved scheme within the timetable agreed in (iv)

Reason: To comply with Section 197 of the Town and Country Planning Act 1990, to improve the appearance of the site in the interests of visual amenity and to minimise the impact of the proposed development in accordance with policies WLP29 and WLP30 of the Waste Local Plan for Berkshire and Policies ENV1 and OVS 2 of the West Berkshire District Local Plan

52

Maintenance of planting

Trees, shrubs and hedges planted in accordance with the approved scheme shall be maintained for a period of 5 years following their planting and any plants which within 5 years of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To improve the appearance of the site in the interests of visual amenity and to minimise the impact of the proposed development in accordance with policies WLP29 and WLP30 of the Waste Local Plan for Berkshire and Policies ENV1 and OVS 2 of the West Berkshire District Local Plan

53

Railway

No operations associated with the development hereby approved shall take place within a lateral distance of 10 metres from the railway boundary. Cranes and jibbed machines used in connection with the development hereby approved must be positioned so that the jib or any suspended load does not swing over railway infrastructure or within 3 metres of the nearest rail if the boundary is closer than 3 metres. All cranes, machinery and constructional plant shall be so positioned and used to prevent the accidental entry onto

railway property of such plant, or loads attached thereto, in the event of failure. Trees planted close to the railway should be located at a distance in excess of their mature height from railway property.

Reason: To ensure the stability of the railway and to ensure that the development does not cause a hazard to the railway in accordance with policy WLP30 of the Waste Local Plan for Berkshire.

54

Drainage (Railway)

Soakaways or lagoons constructed as a means of storm/surface water disposal or storage must not be constructed within 10 m of the railway boundary or at any point which could adversely affect the stability of Network Rail infrastructure

Reason: To ensure the stability of the railway and to ensure that the development does not cause a hazard to the railway in accordance with policy WLP30 of the Waste Local Plan for Berkshire.

55

Fencing (Railway)

Prior to the commencement of development a suitable trespass-proof fence shall be provided adjacent to the railway boundary as shown on plan A4623 2016B dated 02.07.08. This fence shall be maintained and retained in perpetuity.

Reason: To ensure the development does not cause a hazard to the railway in accordance with policy WLP30 of the Waste Local Plan for Berkshire.

56

Acoustic barriers

Prior to the commencement of construction operations the full details of the proposed acoustic barriers to be provided at the site including location, height, design and appearance, together with details of the timing of the erection of such barriers shall be submitted to and approved in writing by the Local Planning Authority. The acoustic barriers shall be erected in accordance with the approved details prior to first occupation of the development hereby approved and thereafter retained and maintained at the site.

Reason: This information is required to ensure the protection of the amenities of local residents in accordance with policy OVS.6 of the West Berkshire District Local Plan 1991-2006 and policy WLP 30 of the Waste Local Plan for Berkshire 1998-2006.

PLANNING INFORMATIVES

1. Reason for recommendation

It is considered that, in principle, the proposed development at the proposed location is in accordance with the National, Regional and Local Planning Policies which are relevant to the proposal.

The application was accompanied by an Environmental Statement (ES). The ES was produced in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended) (EIA Regulations). The ES appropriately complies with the provisions of Schedule 4 of the EIA Regulations. The ES has been taken into account in the consideration of this application.

It has been confirmed that the traffic associated by the proposal will not have a significant impact upon the road network within the locality and that the proposal, in the context of the proposed access and road improvements, together with a financial contribution is considered acceptable in highway safety terms and traffic impacts terms.

The proposed facility has the potential to generate amenity impacts that would have an adverse effect upon nearby residential and educational areas. However it is considered that through the imposition of conditions and controls under other legislation, these impacts can be maintained at a satisfactory level.

It is considered that the proposed IWMC will significant increase volume of waste that is managed in West Berkshire that is produced by the residents of West Berkshire that are recovered or recycled in accordance with policies set out at a National and Regional level.

It is appreciated that the proposed development would result in limited landscape and visual impacts upon the immediate locality of the site, however these impacts are, in the context of the site allocation, and receiving environment considered acceptable

It is concluded that the proposed development at the proposed location accords with the policies in the Development Plan, together with Regional and National Policies that relate to the development proposal. The likely impacts of the proposal are considered to be sufficiently controlled through the imposition of conditions and the material considerations, which are relevant in this instance, are not considered to outweigh the policy position, which is relevant to the proposed development in the proposed location.

This Information is only intended as a summary of the reasons for grant of planning permission. For further details on the decision please see the application report.

2. Planning Policies

The decision to grant planning permission has been taken having regard to the policies and proposals in the West Berkshire District Local Plan 1991-2006 (WBDLP), the Berkshire Structure Plan 2001-2016 (BSP), the Waste Local Plan for Berkshire 1998-2006, the Replacement Minerals Local Plan for Berkshire 1991-2006 (incorporating the alterations adopted in December 1997 and May 2001) and to all other relevant material considerations, including Government guidance, supplementary planning guidance notes; and in particular guidance notes and policies:

PPS1 – Delivering Sustainable Development

PPS10 – Planning for Sustainable Waste Management

PPS23 – Planning and Pollution Control

RPG9 – Regional Planning Guidance for the South East (as amended) Policies:

- W4 – Sub –regional Self-sufficiency
- W5 – Targets for Diversion from Landfill
- W6 – Recycling and Composting Targets
- W7 – Waste Management Capacity Requirements
- W8 – Waste Separation
- W17 – Location of Waste Management Facilities

Berkshire Structure Plan Policies

- DP1 – Spatial Strategy
- DP2 – Major development
- DP5 – Quality of Urban and Suburban Areas
- DP6 – Land outside Settlements
- DP8 – Rural Communities
- EN1 – Landscape
- EN5 – Air pollution and nuisance
- T1 – Transport Strategy
- T2 – Strategic Transport Network
- T4 – Travel Impacts
- W2 – Locations for new facilities

West Berkshire District Local Plan Policies

- OVS.1 – The Overall Strategy
- OVS.2 – Core Policy
- OVS.3 – Planning and Community Benefits
- OVS.5 – Environmental Nuisance and Pollution Control
- OVS.6 – Noise Pollution
- OVS.11 – Planning to Reduce the Opportunity for Crime
- ENV.1 – The Wider Countryside
- ENV.8 – Active Nature Conservation Measures
- ENV.9 – Impact of Development affecting Nature Conservation Sites
- ENV.14 – River Corridors and Nature Conservation
- ENV.18 – Control of Development in the Countryside
- ENV.19 – The Re-use and Adaptation of Rural Buildings
- ENV.33 – Development in Conservation Areas
- ENV.38 – The management of Scheduled Ancient Monuments and Areas of Archaeological Significance
- ECON.2A – Employment Schemes on Non protected Sites
- TRANS.1 – Meeting the Transport Needs of New Development

Waste Local Plan for Berkshire Policies

- WLP1 – Sustainable in Form and Location
- WLP2 – Contribution to waste management strategy and hierarchy
- WLP11 – Preferred areas
- WLP21 – Safeguarding waste sites
- WLP16 – Waste Facilities on industrial sites
- WLP27 – Need for development
- WLP28 – Sites for Waste Management development
- WLP29 – Protection of specific areas
- WLP30 – Impacts of a proposal
- WLP31 – Requisite details
- WLP33 – Environmental Improvements

3. Highways works

A section 278 Agreement under the Highways Act 1980 will be required to provide the following:

- New site access onto Padworth Lane
- A footway from the site access to the canal and the A4
- Traffic signals on the Padworth Lane Railway bridge
- Improvements to the A4 / Padworth Lane junction
- Improvements to the A4 / A340 Roundabout

4. Construction noise informative

The Applicant is advised to seek prior consent (section 61, Control of Pollution Act 1974) to ascertain the extent of additional construction noise conditions that may be imposed. For further information contact the Head of Environmental Health.

5. British Waterways

The applicant/developer is advised to contact British Waterway's third party works engineer in order to ensure that any necessary consents are obtained and the works are compliant with the current British Waterways' "Code of Practice for Works affecting British Waterways".

In the event of any encroachments into British Waterway's airspace, land or water, the applicant must enter into an appropriate commercial agreement with British Waterways before development commences. Please contact British Waterways London's Estates Team for further information.

Any closures of the towpath during the construction must be agreed in writing with British Waterways London before development commences.

The applicant is advised that any discharge of surface water into the waterways requires British Waterway's written permission before development commences.

6. Public Rights of Way

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

Nothing connected with either the development or the construction must adversely affect or encroach upon the footpath, which must remain available for public use at all times

The applicant is advised that the Rights of Way Officer must be informed prior to the laying of any services beneath the path.

Where the ground levels adjacent to the path are to be raised above the existing ground levels, a suitable drainage system must be installed adjacent to the path, to a specification agreed with the Local Authority, prior to development commencing.

No alteration of the surface of the Right of Way must take place without the prior written consent of the Rights of Way Officer.

7. Railway

Without prior approval of Network Rail, the works shall not generate an increase in the existing flow rates into any culvert that passes beneath the railway.

There must be no reduction in the effectiveness of any drain or watercourse belonging to Network Rail. Furthermore, there must be no interference to any existing drainage rights that Network Rail enjoys.

Without the prior approval of Network Rail, the works shall not generate an increase in the existing flow rates into any culvert that passes beneath the railway.

Storm or surface water must not be discharged onto or towards Network Rail property. Suitable drainage or other works must be provided and maintained by the developer to prevent surface flows or run-off affecting the railway.

Soakaways or lagoons constructed as a means of storm/surface water disposal or storage must not be constructed within 10 metres of the railway boundary or at any point which could adversely affect the stability of Network Rail infrastructure.

Cranes and jibbed machines, used in connection with the works, must be so positioned that the jib or any suspended load does not swing over railway infrastructure or within 3 metres of the nearest rail if the boundary is closer than 3 metres.

It would be preferable for deciduous trees and pines not to be planted close to the operational railway.

Network Rail shall be notified of any significant alteration to the characteristics of the site works in terms of limits of excavation or deposition, water management, etc.

8. Trade Effluent Consent

A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 8507 4321.

9. Environment Agency

Information on SUDS can be found in PPS25 page 33 Annex F, in CIRIA C697 The Suds Manual, and the Interim Code of Practice for Sustainable Drainage Systems. They provide advice on selection, design, construction, adoption and maintenance issues and reference other technical guidance on SUDS, and are

available on both the Environment Agency's web site at: www.environment-agency.gov.uk and CIRIA's web site at www.ciria.org.uk

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the brink of the Kennet and Avon Canal main river.

Bond Pearce

2008

Agreement relating to the Proposed Development of Land at Padworth Sidings

West Berkshire District Council ⁽¹⁾ and
Veolia ES West Berkshire Limited ⁽²⁾

PARTIES

- (1) The Council – West Berkshire District Council of Council Offices, Market Street, Newbury, Berkshire, RG14 5LD
- (2) Veolia – Veolia ES West Berkshire Limited (Company Registration number 06256562) of Veolia House 154A Pentonville Road London N1 9PE

RECITALS

- (A) The Council is the Waste Planning Authority for the purposes of the Act and the Highway Authority for the purposes of the Highways Act 1980 for the area in which the Site is situated.
- (B) Veolia has applied for planning permission for the development of the Site pursuant to the Application.
- (C) On [] the Council resolved to grant planning permission for the Application subject to securing the appropriate legal obligations as are contained herein.
- (D) The parties have agreed upon Veolia having sufficient interest in land pursuant to the provisions of Section 106 of the Act that Veolia will enter in to a Deed of Planning Obligation pursuant to the Act to secure the obligations contained herein as planning obligations and a draft of the proposed Agreement is attached hereto as Appendix 1.

Now this deed witnesses:

1

1.1 Definitions and Interpretations

- 1.1.1 "Act" - Town and Country Planning Act 1990
- 1.1.2 "Application" - The Application for planning permission submitted to the Council for the Development and allocated the reference 08/01166
- 1.1.3 "Development" – Change of use of land and erection of buildings to form new Integrated Waste Management Facility (IWMF) to comprise: Waste Transfer Station (WTS), Material Recovery Facility (MRF), Household Waste Recycling Centre (IWMF), In-Vessel Composting Facility (IVC), municipal depot with workshop, fuelling and washing facilities, administration and visitor centre, weighbridge. Formation of associated parking, roadways and vehicular access. Landscape works, including tree removals and additional planting, formation of earth bunding and surface water drainage swales; Erection of new fencing. All pursuant to the Planning Permission
- 1.1.4 "Index" – The general index of retail prices (all items) published by the Office of National Statistics or during any period when no such index exists the Index which replaces the same or its nearest equivalent thereto as may reasonably be specified by the Council;
- 1.1.5 "Head of Planning and Trading Standards" - The person from time to time holding the post of Head of Planning and Trading Standards with the Council or the person who is designated as such by the Council for the purposes of this Agreement;
- 1.1.6 "Head of Legal and Electoral Services" - The person from time to time holding the post of Head of Legal and Electoral services with the Council or the person who is designated as such by the Council for the purpose of this Agreement'

- 1.1.7 "Plan" - The Plan attached to this Deed as Appendix 1 and marked 'Plan 1';
- 1.1.8 "Planning Permission" the Planning Permission to be issued by the Council upon the execution of this Deed substantially in the form attached hereto at Appendix 2;
- 1.1.9 "Planning Obligation" - The Deed of Planning Obligation to be executed by the parties hereto together with any proposed mortgagee of Veolia or any other person with an interest in the Site that derives from the interest of Veolia and substantially in the form attached hereto at Appendix 3;
- 1.1.10 "Site" - The land shown edged red on the Plan and known as the land at Padworth Railway Sidings Padworth Lane Lower Padworth Berkshire;
- 1.1.11 "Sums" - The sums to be secured pursuant to this Agreement as are further defined in Schedule 1 hereto;

1.2 Interpretation

- 1.2.1 Save where this Deed specifies otherwise or where the context so requires the singular includes the plural and vice versa.
- 1.2.2 Words of a masculine gender include the feminine and neuter genders and words noting actual persons include companies, corporations and firms and all such words shall be construed interchangeably in that manner.
- 1.2.3 Whenever there is more than one person named as a party and where more than one party undertakes an obligation then their obligations can be enforced against all of them jointly and against each individually unless there is express provision otherwise.
- 1.2.4 Where in this Deed reference is made to any clause, paragraph, schedule or plan or recital such reference (and as the context otherwise requires) is reference to a clause, paragraph, schedule, plan or a recital in this Deed or (in the case of a plan attached to this Deed.
- 1.2.5 The titles and headings appearing in this Deed are ease of reference only and shall not affect the construction of this Deed.
- 1.2.6 Where in this Deed any party covenants not to do any act such covenant shall include an obligation not to permit or suffer such an act by another person.
- 1.2.7 All references in this Deed to Statutory Instruments Regulations and other legislation shall include their successor amended or replacement provision.
- 1.2.8 For the purposes of clauses 5 , 8 and the Schedule to this Agreement the Development shall be deemed to be commenced on the earliest date on which the carrying out of any material or operation (as defined in Section 56 (4) of the Act) comprised in the Development is begun to be carried out on the word "commenced" and "commencement" of development shall be construed accordingly.
- 1.2.9 All references in this Deed to a particular title of office or post at the Council shall include a successor or replacement offices or post.

2 Legal Basis

- 2.1 This Deed is made pursuant to the Council's powers provided by Part III of the Act and Section 111 of the Local Government Act 1972 and all other powers hereby applying.

3 Conditionality

- 3.1 The obligation on Veolia to pay the Sums to the Council shall arise on the date of this Agreement.

4 Veolia's Covenants

- 4.1 Veolia covenants with the Council as set out in the Schedule.
- 4.2 Veolia further covenants that forthwith upon the granting to it of an interest in the Site it shall enter into the Planning Obligation.

5 Miscellaneous

- 5.1 Veolia shall pay the Council on completion of this Deed the reasonable costs of the Council incurred in the review and negotiation preparation and execution of this Deed together with an administration fee of Seven Hundred and Fifty Pounds (£750.00)
- 5.2 No provisions in this Deed shall be enforceable under the Contract (Rights of Third Parties) Act 1999.
- 5.3 In so far as any clauses of this Deed affirm (for whatever reason) being valid, illegal or unenforceable then such invalidity, illegality or unenforceability shall not affect the validity, legality or enforceability of the remaining provisions of this Deed.
- 5.4 The Sums shall be held by the Council in a separate interest bearing account until commencement of the Development **provided always** that the Sums shall forthwith be available to the Council to use pursuant to the provisions of this Deed immediately upon commencement of the Development regardless of by whom the Development is commenced.

6 Waiver

- 6.1 No waiver (whether expressed or implied) by the Council of any breach or default in performing or observing any of the covenants, terms or conditions of this Deed shall constitute a continuing waiver no such waiver shall prevent the Council from enforcing any of the relevant terms or conditions or acting upon any subsequent breach or default.

7 Fetter of Discretion

- 7.1 Noting in this Deed shall prejudice the exercise of any statutory power due to your discretion by the Council.

8 Application of Contributions

- 8.1 The Council may either spend a contribution or Sum it has received under this Deed itself for the purpose for which it was paid or passed on to a third party to spend on the Council's behalf provided that such contribution or Sum may only be applied by such third party for the purpose for which it was paid to the Council and the Council shall procure that such third party complies with the relevant terms of this Deed in relation to that sum.
- 8.2 The Council may not draw on any of the Sums prior to commencement of Development and shall return all sums held by it to the party that paid the Sums to the Council together with interest accrued thereon (but less any reasonable handling or administrative fees and costs) within one calendar month of the Planning Permission expiring unimplemented.

9 Notices

9.1 Unless otherwise agreed in writing:

9.1.1 Notices shall be in writing and delivered by hand or first class post to the relevant party at such address as is first before written or is otherwise designated by the party due to receive Notice prior to that Notice being dispatched and marked (in the case of Veolia) for the attention of the Company Secretary and (in the case of the Council) for the attention of the Head of Planning and Trading Standards.

9.1.2 Notices served by the Council are deemed to be valid as signed by the Head of Planning and Trading Standards or his authorised officer or by the Head of Legal and Electoral Services.

10 Interest

10.1 If any payment due under this Deed is paid late then interest shall be payable from the time payment is due to the date of payment at the rate of 4% above the Bank of England's base rate from time to time.

11 VAT

11.1 All payments and sums due in accordance with the terms of this Agreement shall be exclusive of any value added tax properly payable thereon.

12 No Jurisdiction

12.1 This Deed shall be interpreted in accordance with and governed by the Law of England and Wales.

13 Delivery

13.1 The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.

In witness whereof the parties have executed this Agreement as a Deed on the day and year first before written:

Executed as a Deed by:
affixed in the Common Seal of
West Berkshire District Council
and authenticated by:

.....

Authorised Secretary

Signed as a Deed by:
VEOLIA ES WEST BERKSHIRE LIMITED
acting by:

.....

Director

.....

Director/Secretary

SCHEDULE 1

Veolia's covenants with the Council

- 1 Veolia shall on the date hereof pay the following contributions:
 - 1.1 Library facilities

£13,335.00 towards the costs of providing expanding or improving library facilities in West Berkshire.
 - 1.2 Public open space

The sum of £30,900 towards the cost of improvements to existing public open space in the parish of Padworth.
 - 1.3 Transport Facilities

The sum of £50,000.00 towards the cost of improving the A4 and A340 roundabout

APPENDIX 1

SITE PLAN

APPENDIX 2
DRAFT PLANNING PERMISSION

APPENDIX 3

DRAFT S106 OBLIGATION

Bond Pearce

2008

Agreement pursuant to Section 106 of the
Town & Country Planning Act 1990 relating
to land at Padworth Sidings

West Berkshire District Council ⁽¹⁾

Veolia ES West Berkshire Limited ⁽²⁾ and

[Chargee] ⁽³⁾

DATED

- (1) The Council – West Berkshire District Council of Council Offices Market Street Newbury Berkshire RG1 5LD
 - (2) The Lessee – Veolia ES West Berkshire Limited (Company Registration number 06256562) of Veolia House 154A Pentonville Road London N1 9PE
 - (3) [The Mortgagee]
-
- (A) The Council is the local Waste Planning Authority for the purposes of the Act and the Highway Authority for the purposes of the Highways Act 1980 for the area in which the Site is situated
 - (B) The Lessee is registered as owner with leasehold title of the Site under Title Number []
 - (C) The Mortgagee holds a registered charge over the site dated []
 - (D) The Lessee submitted the Application to the Council and the parties have agreed to enter into this Deed to secure the planning obligations contained in this Deed.
 - (E) The Council on [] granted planning permission for the Development
 - (F) Upon it having sufficient interest in land for it so to do the Lessee now enters into this Deed under Section 106 of the Act to secure the Obligations against the Site as are set out below.

NOW THIS DEED WITNESSES

1 DEFINITION

1.1 OPERATIVE PART

“Act”	Town & Country Planning Act 1990 as amended
“Application”	The application for planning permission submitted to the Council for the Development and allocated the reference 08/01166
“Commencement”	The carrying out of a material operation to initiate the Development as defined in section 56(4) of the Act ‘commence’ shall be interpreted accordingly
“Development”	Development pursuant to the Planning Permission for the Change of use of land and erection of buildings to form new Integrated Waste Management Facility (IWMF) to comprise; Waste Transfer Station (WTS), Material Recovery Facility (MRF), Household Waste Recycling Centre (IWMF), In-Vessel Composting Facility (IVC), municipal depot with workshop, fuelling and washing facilities, administration and visitor centre, weighbridge. Formation of associated parking, roadways and vehicular access. Landscape works, including tree removals and additional planting, formation of earth bunding and surface water drainage swales. Erection of new fencing.
“Head of Legal and Electoral Services”	The person from time to time holding the post of Head of Legal or Electoral Services with the Council

	or the person who is designated as such by the Council for the purposes of this Agreement
"Head of Planning and Trading Standards"	The person from time to time holding the post of Head of Planning and Trading Standards with the Council or the person who is designated as such by the Council for the purposes of this Agreement
"Index"	The general index of retail prices (all items) published by the Office of National Statistics or (during any period when no such index exists) the index which replaces the same or is the nearest equivalent thereto as may reasonably be specified by the Council
"Plan"	The plan attached to this Deed and marked 'Plan 1'
"Planning Permission"	Planning permission 08/01166 issued by the Council on [] pursuant to the Application
"Site"	The land shown edged red on the Plan and known as the land at Padworth Railway Sidings Padworth Lane Lower Padworth Berkshire
"Sums"	The sums required to be paid pursuant to this Deed as are further defined in the Schedule hereto

1.2 INTERPRETATION

- 1.2.1 Save where this Deed specifies otherwise or where the context so requires the singular includes the plural and vice versa
- 1.2.2 All references in this Deed to any party shall include their successors in title to that party's interest in the Site or part thereof.
- 1.2.3 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies corporations and firms and all such words such shall be construed interchanged in that manner.
- 1.2.4 Where there is more than one person named as a party and where more than one party undertakes an obligation or their obligations can be enforced against all of them jointly and against each individually unless there is an express provision otherwise.
- 1.2.5 Where this Deed contains reference to any clause paragraph schedule plan or recital such reference (unless the context otherwise so requires) is a reference to a clause paragraph schedule plan or recital in this Deed or (in the case of the plan) attached to this Deed
- 1.2.6 The titles and headings appearing in this Deed are for ease of reference only should not affect the construction of this Deed.
- 1.2.7 Where in this Deed any party covenants not to act such covenant shall include an obligation not to permit nor suffer such an act by another person
- 1.2.8 All references in this Deed to statutory instruments regulations or other legislation shall include their successor amended or replacement provision.
- 1.2.9 For the purposes of this Deed the Development shall be deemed to be occupied ("Occupied" or "Occupation") upon the first beneficial use of the Development pursuant to the Permission.
- 1.2.10 All references in this Deed to a particular title of officer or post with the Council shall include the successor or replacement officer or post thereto.

2 Legal Basis

- 2.1 This Deed is made pursuant to Section 106 of the Act.
- 2.2 The provisions of this Deed are intended to bind the Lessee's interest in the Site and be enforceable pursuant to Section 106 of the Act.
- 2.3 Clauses 3 [and] 4.1 [and 5] and each and every covenant set out in the Schedule are planning obligations for the purposes of Section 106 of the Act and shall be enforceable by the Council as such against the Site and the Lessee and any successor and/or assign of the Lessee.

3 The Lessee's Covenants

- 3.1 The Lessee covenants with the Council as set out in the Schedule

4 Miscellaneous

- 4.1 The Lessee shall pay to the Council upon completion of this Deed the reasonable costs of the Council incurred in the review negotiation preparation and execution of this Deed together with an administration fee of a total of Seven Hundred and Fifty Pounds (£750.00)
- 4.2 No provisions of this Deed shall be enforceable under the Contracts (Right of Third Parties) Act 1999.
- 4.3 This Deed shall be registerable as a local land charge by the Council and shall be registered as such
- 4.4 Insofar as any clauses of this Deed are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect validity legality or enforceability of the remaining provisions of this Deed
- 4.5 No person shall be liable for any breach of any of the planning obligations or other provisions of this Deed after they shall have parted with their entire interest in the Site but without prejudice to liability for an subsisting breach arising prior to a party parting with such interest

5 [Mortgagee Consent]

- 5.1 The Mortgagee acknowledges and declares that this Deed has been entered into by their Lessee with the consent of the Mortgagee and that the Site shall be bound by the obligations contained this Deed and that the security of the mortgage over the site shall take effect subject to the provisions of this Deed **PROVIDED THAT** the Mortgagee shall otherwise have no liability under this Deed unless it takes possession of the Site in which case it shall be bound by the obligations as a person deriving title from the Lessee].

6 Waiver

- 6.1 No waiver whether express or implied by the Council of any breach or default in performing or observing any of the covenants or terms or conditions of this Deed shall constitute a continuing waiver or no such waiver shall prevent the Council from enforcing any of the relevant terms or conditions or acting upon any subsequent breach or default by the Lessee and/or the Mortgagee.

7 Fetter of Discretion

- 7.1 Nothing in this Deed shall prejudice the exercise of any statutory power duty or discretion by the Council

8 Indexation

- 8.1 In addition to any sum stated as being payable in this Deed a further sum ("Additional Sum") shall be paid together with the Sums on the Date the Sums become due and any obligation in this Deed to pay a Sum shall be construed as an obligation to pay the Additional Sum PROVIDED THAT NO further Additional Sum shall be payable by the Lessee after the date on which the Sums are paid in full by the Lessee to the Council
- 8.2 The Additional Sum shall be calculated by either (a) the multiplying the relevant Sum by the percentage by which the Index is increased from the date of the issue of Planning Permission to the date that payment of the relevant Sum is made under the terms of this Deed in each case or (b) by applying such other rate of interest as may be agreed by the parties (each acting reasonably).

9 Application of Contributions

- 9.1 Council may either spend a Sum received under this Deed itself for the purpose of which it was paid or pass it to a third party to spend on behalf of the Council provided that such Sum may only be applied by such party for the purpose of which it was paid to the Council and the Council shall procure that the relevant party complies with the relevant terms of this Deed in relation to such sum or contribution
- 9.2 If any remaining part of any Sum paid pursuant to this Deed remains unspent the date five years after the date of this Deed then the Council shall return such remaining unspent part of such Sum (subject to the deduction of any reasonable handling and administrative charges by the Council) to the party that paid the Sum to it.

10 Ownership

- 10.1 The Lessee hereby warrants that it holds the title referred to in the recitals hereto [subject only to the interest of the Mortgagee] free of charge or subsidiary interest and warrants that no other party (with the exception of the freehold owner) holds an interest in the Site at the date of this agreement.
- 10.2 The Lessee agrees with the Council to give the Council immediate written notice of any change in ownership occurring in the Site before all of the obligations under this Deed have been fully discharged. Such notice will give the details of the full name of the assignee together with their registered office (if a company or usual address for service if not) together with a plan illustrating the area of the Site purchased and it is hereby agreed by the Lessee that notwithstanding any other provision of this Deed the liability of the Lessee pursuant to this Deed will not be discharged until such notice has been provided by the Lessee to the Council.

11 Notices

- 11.1 Unless otherwise agreed in writing:
- 11.1.1 Notices shall be in writing and delivered by hand or first class post to the receiving party at the address first above written and marked for the attention of such person as maybe specified by time to time or in the interest of such person being specified then marked (for the Lessee) for the attention of the Secretary or (in the case of the Council addressed to West Berkshire District Council, Council Offices, Market Street, Newbury, Berkshire RG14 5LD and addressed to the Head of Planning and Trading Standards).
- 11.1.2 Notices served by the Council will be valid if signed by the Head of Planning and Trading Standards or his authorised officer or by the Head of Legal and Electoral Services

12 Interest

- 12.1 If any payment due under this Deed is paid late then interest shall be payable from the date payment is due to the date payment is actually made at the rate of 4% above the Bank of England's base rate from time to time applying.

13 VAT

- 13.1 All sums specified in this Deed shall be exclusive of any Value Added Tax properly payable thereon which shall be due in addition to such Sum.

14 Jurisdiction

- 14.1 This Deed is governed by and interpreted in accordance with the law of England and Wales

15 Delivery

- 15.1 The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated

IN WITNESS THEREOF the parties have executed this agreement as a Deed the day and year first before written

Executed as a deed by fixing the Common Seal of the
West Berkshire District Council and authenticated by:

.....

Authorised Signatory

Executed as a deed on behalf of

Veolia ES West Berkshire Limited

acting by:

Director

Director/Company Secretary

SCHEDULE

The Lessee covenants with the Council

- 1 Notification of Commencement
 - 1.1 To serve written notice of Commencement of the Development being intended to take place not less than 14 days prior to the date Commencement is intended to occur
 - 1.2 Not to Occupy the Development until all Sums due (as well as any other monies due to the Council pursuant to this agreement) have been paid in full by the Lessee
- 2 The Lessee covenants to pay the following Sums to the Council in respect of impact mitigation (subject always to any sums having already been received by the Council for that purpose) relating to the Development
 - 2.1 Library facilities
 - 2.1.1 Not to Commence the Development without first paying to the Council the sum of £13,335.00 together with the Additional Sum towards the cost of providing expanding or improving library facilities in the administrative area of West Berkshire
 - 2.2 Public open space
 - 2.2.1 Not to Commence the Development without first paying to the Council the sum of £30,900.00 together with the Additional Sum thereon towards the cost of improving existing public open space in the parish of Padworth
 - 2.3 Transport facilities
 - 2.3.1 Not to Commence the Development without first paying to the Council the sum of £50,000.00 together with the Additional Sum towards the cost of improving the A4 and A340 roundabout

PLAN 1

Item No	Application and Parish	No. 13 Week Date	Proposal, Location and Applicant
(2)	08/01167/MINMAJ	03/10/08	Alterations to ground levels, including formation of earth bunds and drainage swales. Erection of boundary fencing. Removal, lopping and topping of trees within an Area Tree Preservation Order. Land At Padworth Railway Sidings Padworth Lane Lower Padworth West Berkshire Council

Recommendation Summary:

To DELEGATE to the Head of Planning and Trading Standards to GRANT PERMISSION subject to :

- (a) Confirmation from Natural England and the Environment Agency that no objections are raised to the proposed development, and
- (b) The proposed conditions

Ward Member(s):

Councillor Mollie Lock
Councillor Keith Lock

Reason for determination:

Committee Level of Public Interest

Committee Site Visit:

19 November 2008

Contact Officer Details

Name: Mr Matt Meldrum
Job Title: Principal Minerals and Waste Planning Officer
Tel No: (01635) 519111
E-mail Address: mmeldrum@westberks.gov.uk

Publicity of Application

Site notice expired:	15/08/08
Press notice expired:	07/08/08
Neighbour notification expired:	29/07/08

Consultations and Representations

Given the linkages between this application and application 08/01166 many of the consultees and persons making representations have submitted one set of comments for both proposals. Where it is clear that comments have been made that do not relate to the proposed development that is the subject of this application these comments have been reported in the summary below for completeness, however these issues and representations have not been considered in the report.

Parish Council:
(Padworth)

Padworth Parish Council object to the proposal on the following grounds:

- Change of use – the site is not currently designated for industrial use and this change will have a detrimental effect on the locality.
- Proximity to residential properties.
- Removal of trees subject to a TPO should not be permitted.
- Loss of amenity at Padworth Village Hall which will be blighted by the proposed development. The current hall will need to be re-built to mitigate the noise and noxious emissions and landscaping required to mitigate the visual impact. This harm to the amenity of the village hall must be mitigated via a financial contribution.
- Part of the site is susceptible to flooding and the proposed alterations could have consequences in the surrounding area.
- The proposed lighting for the site and its intrusiveness.
- The proposal does not make adequate provision for de-contamination of the site cause by previous uses.

In addition the following issues were raised that are not considered to be relevant to this proposal.

- Current access is totally inadequate to cope with the foreseen vehicular movements (a) to and from the proposed waste site, (b) increased traffic relating to the proposed further gravel extraction facility in Padworth Lane and (c) the intended increase in use of the Oil and Pipeline depot also in Padworth Lane.
- Vehicles waiting to cross the canal bridge will block the site entrance.
- A “keep clear” box is required outside the village hall to ensure access is maintained.
- The traffic signals proposed for the railway bridge do not allow sufficient time for cyclists.
- Access to the Holiday Inn will be obstructed by vehicles waiting to cross the bridge.
- Access to the Crescent needs to be guaranteed.
- Concern raised over the cost of re-locating communication cables in association with re-aligning the A4/ Padworth Lane Junction.
- Congestion in the vicinity of the A4 / Padworth Lane Junction.
- Pedestrian crossing across Padworth Lane is required.
- All traffic improvements are required prior to the construction of the proposed development.
- Pollution - The public nuisance impact caused by noise and odour and concern that the data on odour emissions are guesswork.
-

- Necessity – the site is considered unsuitable and other sites are available nearby.
- The proposed hours of operation are unacceptable and should be restricted.
- Concern over the opening of the doors to the proposed facilities resulting in the release of adverse odours.
- Concern over the public recycling facility being contrary to previous statements by Councillors and the reduced opening hours will result in additional fly tipping.

Adjacent Parish Council: Beenham Parish Council objects to the proposal on the following grounds:

(Beenham)

1. Traffic arrangements being inadequate for the forecasted volume of traffic.
2. Odour has not been properly addressed.
3. Lighting for the site will impact on the locality.

Beenham Parish Council and Padworth Parish Council have engaged an independent consultant (Stuart Michael Associates) who have assessed the proposal and made the following comments:

Noise and vibration

- The assessments are considered reasonably robust. The findings indicate that the noise levels generated will lie within acceptable limits.

Air Quality

- The particulate matter and NO₂ assessment is considered robust. It is noted that the proposals include odour controls which can be covered by planning conditions.

Lighting

- The site illumination will be visible against the existing background levels and as a result of reflection the overall light spillage appears to be minimal. The level and standard of lighting can be controlled by planning conditions.

In addition the following issues were raised that are not considered to be relevant to this proposal

Traffic impact

- Concern is raised over the adequacy and robustness of the estimated traffic generation figures and its consequential implications for highway capacity, road safety and the consideration of associated environmental impacts.
- The 23 second intergreen period on the proposed traffic signals should be extended beyond 28 seconds to allow time for cyclists.

- No “keep clear” markings are indicated for the Hotel entrance, these should be provided (consequently resulting in a decrease in available queuing space).
- The TA dismisses earlier traffic estimates undertaken by Entec.
- The applicant proposes an alternative estimation to traffic generation and in respect of the HWRC estimates an average payload per private car of 60kg which is not supported by any evidence. A lower figure would result in higher trip generation.
- There are inconsistencies in the statements given in the TA with the actual methodology used. There are also errors in the figures that have been input to the traffic signal computations.
- No allowance has been made for the use of the oil tanker depot in the junction capacity tests and similarly there is no allowance for the deliveries of the 2,761 tonnes of commercial, Island Road and park waste.
- Potential visitors from beyond WBC have not been assessed.
- It is considered that more up to date traffic turning counts should be undertaken at the key junctions.
- In summary it is considered that there is sufficient reason to question the figures used in the traffic generation estimates such that there is concern over the adequacy of the traffic signals, in particular the availability of queuing space between the A4 and railway bridge.
- It is considered that the junction capacity tests should be re-run to test variations upon the assumed 60kg payload figure and to correct input errors. These tests should allow a greater intergreen period.
- Other parts of the ES rely upon the outputs from the TA and changes to the TA could require changes to other sections of the ES.

Adjacent Parish Council: Aldermaston Parish Council raised no objections to the proposed development.
(Aldermaston)

**West Berkshire
Highways Authority:**

Following the consideration of the application Highways Officers confirmed that clarification was required on potential vehicle movements regarding the alterations to ground levels, including formation of earth bunds and drainage swales.

Following the receipt and consideration of this information West Berkshire Council Highways department have raised no objections to the proposal on the basis that the proposed development will generate minimal vehicle movements.

Environment Agency:	<p>Initial objection to the proposal on the grounds that the submitted flood risk assessment is inadequate as it fails to demonstrate how the drainage strategy has been informed and no conclusions have been drawn from previous flooding events.</p> <p>Also concern over the assessments for contamination and loss of wet habitat although it is considered that these two issues could be dealt with by the imposition of conditions.</p> <p>Further information relating to flood risk was submitted to the Environment Agency for consideration, however at the date of writing this report the Environment Agency have confirmed that, whilst they do not object to the principle of the proposal, further information needs to be provided to enable the full consideration of the submitted flood risk assessment as at present the submitted document does not demonstrate how flood risk will be safely managed.</p>
Landscape:	<p>It was considered that the landscaping scheme as originally submitted could be improved.</p> <p>The scheme has been amended by the applicant and all matters have now been agreed. The submitted landscaping details are considered acceptable and the predicted visual impact and landscape character impacts of the proposed development are considered acceptable by the Council's Landscape Consultant.</p>
Environmental Health:	<p>No objections subject to the imposition of conditions relating to contaminated land, construction site noise, dust, artificial lighting, and site preparation operations.</p>
Oil Pipeline Agency: (OPA)	<p>Site visit required to verify location of pipelines across the site and to agree necessary measures to ensure the integrity of the underlying pipeline. No objections to the proposal raised following the completion of the site visit.</p> <p>Subsequent amendments were required to the landscape planting scheme to ensure the integrity of the underlying pipelines.</p>
Rights of Way:	<p>No objections to the proposed development are raised providing that informatives relating to the following matters are imposed if permission is granted:</p> <ul style="list-style-type: none"> • Obstruction of the Public Right of Way (PROW), • Encroachment onto the PROW, • Notification in the event of services being provided under the PROW, • Drainage, • Alteration to the surface, • Planting adjacent to the towpath.

Thames Water:	No objections from a sewerage or water infrastructure perspective.
Network Rail:	Conditions requested relating to operations adjacent to the railway, drainage, fencing, restoration, and plant.
MOD:	No response received.
AWE:	No response received.
HSE:	No response received.
Police:	No response received.
Royal Berkshire Fire & Rescue:	No response received.
Trees:	<p>The information provided has identified the trees at the site, identified the trees to be removed and those to be retained including details about the retention and protection of those trees during the operations. The trees to be retained are those better quality ones covered by the tree preservation order.</p> <p>Additional information will be required but this can be covered by the conditions relating to the following matters if consent is granted:</p> <ul style="list-style-type: none"> • Tree protection, • Arboricultural supervision, • Arboricultural method statement.
Archaeology:	It is recommended that a condition securing the proposed archaeological works is attached to the consent if planning permission is granted.
Ecology:	<p>Requests the imposition of conditions securing additional mitigation measures required in respect of tree planting and provision of bird and bat boxes, further details required in respect of proposed invertebrate mitigation strategy.</p> <p>Revised landscape scheme submitted providing additional invertebrate mitigation areas. The Council's ecologist has confirmed that he is satisfied with the amount of ballast habitat being retained / re-created and the proposed development</p> <p>Conditions in respect of bird boxes, bat boxes, ecological mitigation enhancement plan and ballast management are requested if permission is granted.</p>

Kennet and Avon Canal Trust: Concerns raised regarding safeguarding, and where possible improving, the quiet rural environments of the canal and towpath for recreational users and concern over fly tipping was raised.

The KACT welcome the proposed boundary treatment to the canal.

In addition the following issues were raised that are not considered to be relevant to this proposal.

Concerns over conflict between towpath users and the site entrance

Concerns over the proximity of the site entrance to the towpath and safety of towpath users and the lack of assessment in the TA in respect of this matter. Concern also raised over the potential impacts of the swing bridge resulting in queues blocking the site entrance. Conditions suggested in respect of fly tipping and highways if consent is granted.

British Waterways: British Waterways have raised an objection to the proposal as they consider the proposed development to be inappropriate canal side development and they consider that the visual and amenity impacts and adverse impact on the canal will impact upon the number of visitors to the area.

British waterways has aspirations to bring forward leisure and residential development in the area and is concerned that the proposed development would prejudice the feasibility of such a scheme due to reduced visitor numbers and reduced amenity.

Whilst objecting to these applications British Waterways would request the imposition of conditions relating to the following matters if permission is granted:

- Survey and improvements to the waterway wall,
- The provision of a risk assessment outlining all works adjacent to the water,
- Landscaping scheme,
- Water quality monitoring.

Informative's relating to towpath closures, surface water discharge, encroachment and necessary consents are also requested.

In addition the following conditions were requested to cover the following issues that are not considered to be relevant to this proposal:

- Provision of a feasibility study into the potential to move freight by water,
- Full details of CCTV and lighting proposals.

Natural England:	<p>Based on the information provided, Natural England objects to the proposed development as there is insufficient information with the application for them to advise that there would be no adverse effects on features of interest for which Aldermaston Gravel Pits SSSI is notified. In order to assess the potential implications for the SSSI, the following additional information was requested:</p> <ul style="list-style-type: none"> • A hydrological report, • A flood risk assessment, • The effect of the site on the flow of groundwater out of the SSSI, • The effect of noise from the site on the breeding birds at the SSSI. <p>Natural England have been contacted requesting confirmation of what further information is required to enable this assessment and it was confirmed that the effect of noise was no longer a concern.</p> <p>As a result of the comments from Natural England further information was therefore requested from the applicant. At the time of writing information in respect of the potential hydrological impacts on the SSSI has not been addressed.</p> <p>At the time of the completion of this report it is understood that this matter is still being investigated by the applicant, therefore this objection remains.</p>
Conservation officer:	<p>No objections are raised to the proposals from a conservation point of view. In terms of WBDLP 1961-2006 Saved Policies September 2007, the proposals are considered to comply with Policy ENV33.</p>
English Heritage:	<p>Do not wish to offer any comments, the application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.</p>
Travel Plans:	<p>No response received.</p>
Disabled Access:	<p>No response received.</p>
BBOWT:	<p>No response received.</p>
Spokes:	<p>No response received.</p>
Ramblers:	<p>No response received.</p>
Correspondence:	<p>In excess of 150 letters of representation have been received in respect of the proposed development raising the following issues:</p> <p>Amenity Issues including</p> <p>Noise – Impacts of reversing alarms, extensive hours of working, reference was made to other businesses on the site being refused extended operating hours, concern over the proposed noise attenuation reflecting railway noise, and the impacts of the machinery and vehicle noise.</p> <p>Odour and air quality – concern over impacts of fumes and odours.</p>

Pests – concern has been raised over rats and vermin, together with such pests causing damage and reference has been made to waste sites attracting malarial mosquitoes.

Light – Light impacts have been raised as a concern.

The impact of dust escaping the site.

A number of local receptors of these amenity impacts have been identified by objectors including the canal, houses, schools, college, nursery, village hall, local recreation (horse ridding).

Highways

Many of the objectors and persons making representations have cited highways matters as a key area of concern, the proposed vehicle movements associated with the proposed development are considered unacceptable.

Concern has been raised over the impact of the traffic generated by the proposal on the A4 and the A340.

Concern has been raised that recently permitted developments and the potential re-opening of the adjacent OPA site have not been fully considered in the traffic assessments.

The sightlines proposed are considered inadequate and the predicted impacts on the local road network, particularly to the south are considered unacceptable.

Impact on canal bridge to the south of the access and the canal towpath has been raised as a concern.

Reference has been made to the A4 already being a “rat run” and this stretch of the A4 being an “accident hotspot” it is envisaged that the proposal will make this situation worse.

Impacts on emergency services, access to the nearby hotel, village hall and dwellings haven been expressed as concerns together with impacts on the canal and local schools, college and nursery.

Ecology – Concern has been raised over the impact of the proposal on bats that are living at the site together with concerns over disturbance to birdlife.

Heritage – Concern has been raised in respect of impacts on pillboxes located at the site and impacts upon Aldermaston lock and the adjacent conservation area.

Remediation operations – Objectors have raised concerns over the presence of dioxins at the site and the cost of the remediation operations, together with the risk of the remediation operations having secondary impacts locally.

Hydrology – Local residents have confirmed that the site is subject to periodic flooding and that the site is considered to be a local soakaway. Concern has been raised over impacts upon groundwater flows and underlying aquifers.

Landscape – The proposed development is considered by objectors to be out of place.

Trees – Objectors have made representations that the tree preservation order at the site must not be ignored and referred to “one rule for the Council and one for everyone else”.

Other Matters - Reference has been made to the application site not being a brownfield site or an industrial area. Objectors consider the application site to be a rural location that is too close to residential areas for the type of development proposed. The site is also considered to be an unsustainable location and amounts to development in the countryside.

Concern has been raised over the impact of the development on trade in Aldermaston Wharf and reference has been made to the proposal amounting to overdevelopment of the area.

Concern has been raised in respect of the planning process as this application will be a decision by the Council on a Council proposal, Objectors refer to this being a conflict of interest and the application should be subject to an independent decision.

Reference has also been made to the valley location of the proposed development and the safety aspects of low lying fog impacting on the development.

Concern has also been raised over the impact of the development on house prices.

In addition the following issues were raised that are not considered to be relevant to this proposal:

Odour and air quality – concern over the proposed biofilter technology has been raised together with the impacts of fumes and odours, particularly during times when doors are left open. Reference has been made to both DEFRA and Environment Agency Guidance in respect of distances from such facilities to residential dwellings.

Impact of light due to the proposed operating hours of 0300 – 2200.

The impact of litter impacting on the railway has been raised as a concern.

In respect of highways and it has been claimed that the predicted vehicle movements are vastly underestimated and the background traffic assessments are flawed.

In respect of landscape matters concerns have been raised in respect of overshadowing, excessive building sizes, the visual impact of the proposed stack, the loss of rural value and impacts on the AONB.

Concern has been raised in respect of the proposed traffic light controlled, one way traffic management system proposed to be provided over the existing railway bridge, in particular reference has been made to cyclists and agricultural vehicles being unable to cross the bridge in time and vehicles awaiting to cross the railway bridge backing up onto A4.

Reference has been made to HWRC's generating large volumes of traffic and queues that can be miles long and the associated impacts.

Other Matters -

Representations have been made suggesting that the use of rail should be considered.

Concern has also been raised over there already being enough "dirty uses" in the locality.

Objectors have queried why if the development of this site has been the long term plan of the Council, why has this not been publicised.

Objectors have also queried the tendering process for the award of the Waste management contract and it has been queried why the nearby Grundon site has not been pursued.

The applicants "track record" as a waste operator has also been queried.

1. BACKGROUND

- 1.1 This application has been submitted by Scott Wilson on behalf of West Berkshire Council's Highways and Transport Section. This proposal is an enabling proposal that has been put forward to prepare the site known as Padworth Sidings as an Integrated Waste Management Facility (IWMF). The development of the site as an IWMF is the subject of a separate planning application, reference number 08/01166/MINMAJ.
- 1.2 As stated above whilst there are linkages and similarities between this application (08/01167) and the proposal for the IWMF (08/01166), many of the consultees and persons making representations have submitted one set of comments for both proposals. However these are two separate proposals that could be implemented independently of each other and therefore must be considered as separate applications on their merits.
- 1.3 The proposed development is not considered to constitute EIA development in the terms of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. A screening opinion was requested from the Planning Authority, and issued, in May 2008, prior to the application being submitted. A subsequent Screening Opinion was issued by the Planning Authority upon the receipt of this application following the consideration of the proposed development in the context of the EIA Regulations. Both Screening Opinions confirmed that the proposed development was not considered EIA development. This application was not accompanied by an Environmental Statement and has been considered on the basis of the documentation and information submitted in association with this application.

2. LOCATION OF THE PROPOSED DEVELOPMENT

- 2.1 The application site is located to the east of the main residential area of Aldermaston Wharf. The site is bounded by the Great Western Main line to the northwest, beyond which are a number of residential properties that are accessed via The Crescent and Oakend Way, beyond these properties is the A4. On the northern side of the A4 are a number of industrial and commercial premises. To the south and south east of the site is the Kennet and Avon Canal (with the towpath abutting the boundary of the application site), beyond the canal is an active gravel extraction site. To the immediate northeast of the application site is the Oil Pipeline Depot (or Connoco Site) that is adjacent to Padworth lane, to the east of Padworth Lane is Padworth Village Hall, the residential property known as Lothlorian and open fields. To the west and south west of the application site are residential properties that form the outskirts of the residential area of Aldermaston Wharf.
- 2.2 The vehicular access to the site is via the south east corner of the application site and directly onto Padworth lane, in close proximity to the access is Padworth Bridge, which is a swing bridge that traverses the Kennet and Avon Canal. The former sidings, that branch from the main line to the north, enter the sidings site in the north western corner and follow the northern boundary before sweeping southwards along the eastern boundary.
- 2.3 There are residential properties in close proximity to the application site, the closest of which, Venture Fair (to the west), abuts the application boundary. Other dwellings to the west, Orchard Bungalow and June Rose Bungalow are approximately 65m from the application boundary. To the north east of the application site, and approximately 65m from the site entrance, is the property known as Lothlorian, to the west of the property and also on Padworth Lane is the Padworth Village Hall, which also incorporates a residential dwelling for the resident caretaker for the hall. As discussed in 2.1 more residential properties are located to the northwest of the application site, beyond the railway line(approximately 60m from the application site) , there are 25 properties in this area (made up of the Crescent, 12 properties, Oakend Way, 8 properties, and 5 properties that are accessed via the Bath Road (A4)). Also in this locality, to the north east of Padworth Lane is the Holiday Inn Hotel, which is understood to have 50 rooms.

3. SITE HISTORY AND CURRENT USES

- 3.1 The application site comprises disused railway sidings known as Padworth sidings. Part of the overall sidings site is currently occupied by a road to rail transfer facility which resides beyond the application boundary. This adjacent site is known as the Oil Pipeline Agency Depot (or Connoco site) and is understood to have recently been through a programme of decommissioning and upgrade with a view to the site being re-opened as a distribution depot.
- 3.2 In the main, the application site is vacant, however part of the application site (approximately 0.22ha of the 9.7 ha application site) is currently occupied by a small skip waste transfer facility. This skip waste facility has been located on the site since 2005 and although was originally granted consent for a temporary period (3 years), which subsequently expired, the operator of this site has recently been granted consent by West Berkshire Council's Planning Authority for the retention of this skip waste transfer facility on a permanent basis.
- 3.3 A coal and gas sales business has been located on the site for many years (in the vicinity of the site entrance), however this business is understood to be in the process of being run down and the remaining operations re-located to a new site.
- 3.4 The history of the application site is extensive and dates back to the 1940's. The majority of the application site is a former mineral extraction site that is understood to have been worked in the 1940's with the earliest planning consent for the "continuation of gravel extraction" being granted in September 1941. Planning records indicate that the mineral extractions at the site had been completed by the mid 1960's.
- 3.5 Following the conclusion of the extraction operations the majority of the sidings site was infilled (predominantly with railway ballast) in the 1970's , however the planning consents did not require any form of "restoration" of the site and as such the site has remained in a degraded, unrestored state since the conclusion of infilling with the majority of the vegetation being self seeded.
- 3.6 As the application site was infilled with railway ballast and no formal restoration of the site has ever taken place, the central area of the site is generally level and made up of spent railway ballast with minimal soils, there remain some spoil heaps on the site together with the former railway sidings. The western margin of the site is occupied by an area of wet woodland much of which is covered by a Tree Preservation Order (TPO). Since the conclusion of the infilling operations the site has naturally regenerated and the lack of soils has resulted in the site remaining a predominantly open area of land with minimal vegetation. The western margin of the site (where extraction and infilling did not take place) remains an area of woodland. The business uses at the site are concentrated around the site entrance and along the eastern edge of the application site adjacent to the Connoco site. These areas of the site are more industrial in nature and generally untidy due to the informal expanse of these business uses. There is evidence of flytipping having taken place in a number of locations within the sidings site resulting in a number of isolated piles of waste and other deleterious material.
- 3.7 A number of planning applications relating to the sidings site, for offices, weighbridges, amenity facilities and vehicle maintenance areas were submitted in the early 70's. In 1973 outline permission for tarmacadam and asphalt plant and rail terminal for the importation of hard rock was granted. In 1976 planning permission was granted for the site to be used as a road to rail aggregates depot and conditions on this consent were subsequently relaxed in 1980. However neither of these permissions were ever implemented. Permission was granted for a re-siting of the access to the site in 1977.
- 3.8 In 1990 planning permission was refused for the storage of plant and portacabins at the site, and enforcement action was subsequently taken to ensure the removal of plant and portacabins stored at the site.

- 3.9 In 1992 a further application for a macadam-asphalt plant was submitted and although this was refused by the planning authority, this application was subsequently granted on appeal. However this consent was never implemented.
- 3.10 In 2004 temporary planning consent for a waste transfer station was approved, this permission was subsequently amended in 2005 to relax the time scales for the submission of information to discharge conditions on the permission relating to noise, dust, odour and contaminated land. A further application for the retention of this WTS on a permanent basis was submitted to the Planning Authority in 2008 and this application (08/01687) has recently been granted consent. The existing skip waste transfer facility on the Padworth Sidings site now has permanent consent.
- 3.11 As stated above there is a second application currently before the Planning Authority (08/01166) that was submitted along side this proposal and reported elsewhere in this agenda. This second application (08/01166) seeks permission for the development of the site as an IMWF. This other application is an entirely separate proposal that is to be considered on its own merits. Notwithstanding this separation this other proposal (08/01166) includes a proposal for the development as an IWMF **as well as** the preparation and remediation works that are the subject of this application (08/01167).

4. DESCRIPTION OF THE PROPOSED DEVELOPMENT

- 4.1 The proposed development involves the remediation of the former sidings site and other enabling works to prepare the application site for development.
- 4.2 It is proposed that the Padworth Sidings site will be developed as an integrated Waste Management Facility (IWMF) that is the subject of a separate application currently before the planning authority (08/01166). This application is a proposal to carry out the necessary preparatory works for re-development of the application site.
- 4.3 The site preparation works are the same for both proposals. It is understood the two application approach has been adopted due to contractual arrangements between the applicant for this application and the promoter of the IWMF and to enable the preparatory works to be implemented as a discrete element separate from the IWMF proposals.
- 4.4 In addition, if the IWMF does not gain planning consent, or if consent for the IWMF is granted and not implemented, this proposal would permit the site to be remediated.
- 4.5 The proposed development involves the following "development" operations:
- Changes to ground levels as a result of the remediation operations, including the excavation and treatment of contaminated material and the creation of a predominantly level development platform that is essentially at the same level as existing ground levels.
 - Formation of earth mounding in the northern part of the site using the remediated material on the site.
 - Erection of new boundary fences around the perimeter of the site.
 - Some removal, lopping and topping to trees the subject of an area Tree Preservation Order.
- 4.6 A remediation strategy for the site has been compiled and submitted, and the proposed remediation operations will comprise:
- Treatment of four areas of hydrocarbon contamination each of around 900m² and extending down to 2m in depth.
 - Confirming the hydrocarbon levels at one of the investigation points to confirm whether this hot spot needs remediation (as initial investigations indicate a marginal failure).
 - Encapsulation of asbestos impacted soils located in an existing mound.
 - Reprofilling of the site and re-use of existing mounds.
 - Eradication of Japanese Knotweed from the site (an invasive plant).
- 4.7 This "site preparation" proposal also comprises a number of other operations that either do not comprise "development" or are classed as "permitted development" under the Town and Country Planning (General Permitted Development) Order 1995 (as amended). These operations include the demolition of existing structures on the site, the erection of a temporary site office and storage compound associated with the works, the installation of services to the site (electrical, water, foul water connections) and the erection of fencing.

5. **PLANNING AUTHORITY AND WEST BERKSHIRE COUNCIL**

- 5.1 It is important that a distinction is made between the various statutory functions of West Berkshire Council as Local Planning Authority (LPA), Highways and Transport Service and Waste Management Authority.
- 5.2 This application has been submitted by Scott Wilson on behalf of West Berkshire Council's Highways and Transport Service. The proposal is linked to the proposed IWMF that has been submitted by Veolia ES (West Berkshire) Ltd who have been awarded the waste management contract for West Berkshire by West Berkshire Council in its capacity as Waste Management Authority.
- 5.3 The role of the Planning Authority is to determine any planning application for development proposals submitted within their area.
- 5.4 Concern has been raised over West Berkshire Council being both the Planning Authority, the Highways and Transport Service (the applicant) and the Waste Management Authority.
- 5.5 West Berkshire Council is the Local Planning Authority for the district and this planning function includes the determination of planning applications. Clearly there are instances where the Council's Planning Department is charged with determining applications that are submitted by other departments within the Council. These are not uncommon situations and as such the Planning Authority is experienced in the consideration of such applications and very aware of the requirement to remain independent to allow the full and proper consideration of the proposal, on its merits. Members of the Planning Committee are also aware of their duty to consider the application in this context and without any bias or predetermination of issues, and also without taking into account issues that are not material planning considerations, including the identify of the applicant.

6. PLANNING POLICY FRAMEWORK – KEY POLICIES RELEVANT TO THE PROPOSAL

6.1. The planning authority is required to make a decision in accordance with the statutory development plan unless there are material considerations that indicate otherwise. The provisions of the development plan are set out below following a discussion of national policy.

6.2. National Policy

6.2.1. One of the most relevant National Planning Policy documents is PPS1 – Delivering Sustainable Development, which sets out the Government's Objectives for the Planning System. The key principle of PPS1 is to ensure the delivery of sustainable development and PPS1 confirms that Planning Authorities should promote the use of suitably located previously developed land and buildings. Planning Authorities are also required to actively seek to bring vacant and underused previously developed land back into beneficial use to achieve the targets the Government has set for development on previously developed land.

6.2.2. PPS 23 Planning and Pollution Control, is also considered relevant to this proposal, confirms that pollution issues should be taken into account in planning decisions and paragraph 23 confirms that *"In considering individual planning applications, the potential for contamination to be present must be considered in relation to the existing use and circumstances of the land, the proposed new use and the possibility of encountering contamination during development. The LPA should satisfy itself that the potential for contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to deal with unacceptable risks, including those covered by Part IIA of the EPA 1990. Intending developers should be able to assure LPAs they have the expertise, or access to it, to make such assessments."*

6.2.3. Paragraph 25 of PPS 23 confirms that:

"The remediation of land affected by contamination through the granting of planning permission (with the attachment of the necessary conditions) should secure the removal of unacceptable risk and make the site suitable for its new use. As a minimum, after carrying out the development and commencement of its use, the land should not be capable of being determined as contaminated land under Part IIA of the EPA 1990."

6.2.4. Paragraph 26 goes on to confirm that

"The overall aim of planning and pollution control policy is to ensure the sustainable and beneficial use of land (and in particular encouraging reuse of previously developed land in preference to greenfield sites). Within this aim, polluting activities that are necessary for society and the economy should be so sited and planned, and subject to such planning conditions, that their adverse effects are minimised and contained to within acceptable limits. Opportunities should be taken wherever possible to use the development process to assist and encourage the remediation of land already affected by contamination."

6.3. Local Development Plan Policy

6.3.1. The Local Development Plan Policy Framework comprises of a number of policy documents, some of which have development plan status and other that are either emerging or are supplementary guidance. Before moving on to discuss the Berkshire specific policy documents it is considered prudent to consider the Regional Policy Framework, which is one part of the statutory Local Development Plan.

6.4. Regional Policy

- 6.4.1. The current regional planning guidance for the region is RPG9 – Regional Planning Guidance for the South East 2001. Although dated this re-affirms that one of the key development principles in the region is that greenfield development should normally take place only after other alternatives have been considered.

6.5. Berkshire Specific Policy Documents

- 6.5.1. The Local Development Plan comprises of a number of policy documents, some of which have development plan status and other that are either emerging or are supplementary guidance. The principal documents with development plan status are: the Berkshire Structure Plan 2001 – 2016 (BSP), which sets out the wider policy context across Berkshire, the Replacement Minerals Local Plan for Berkshire incorporating the Alterations adopted in December 1997 and May 2001(RMLP), which sets out the policy context for mineral development across Berkshire, the Waste Local Plan for Berkshire adopted in 1998 (WLPB) which sets out the policy context for waste development across Berkshire and the West Berkshire District Local Plan 1991-2006 (WBDLP) which sets out the policy context for developments within West Berkshire.
- 6.5.2. The Planning and Compulsory Purchase Act 2004 set out a new nationwide Planning Policy framework system to replace the old Development Plan System. Therefore all of the above local policy documents are in the process of being replaced. Under Paragraph 1(3) of schedule 8 to the Planning and Compulsory Purchase Act 2004 Planning Authorities may seek to save policies that remain relevant in adopted policy documents until they are replaced by a new policy in a Development Plan Document in due course.
- 6.5.3. The WLPB and the RMLP are due to be replaced by the Joint Minerals and Waste Development Framework (JMWDF). The draft documents that make up the draft JMWDF, although not being part of the local development plan, are a material consideration that may also be given some weight (although this is dependant on the status of these documents).
- 6.5.4. It should also be recognised that in addition to the local development plan, central government guidance on planning (such as PPSs) is of significant weight to the decision making process. This is particularly the case at present when we are in a period of flux in between the “old” planning system and the “new” planning system.
- 6.5.5. Planning Policy Statements often form the most up to date planning policy position available at this time. The policies and statements within those documents, where they conflict with policies in the saved local plan policies, are of considerable weight as material considerations when viewing the policies of the Development Plan.
- 6.5.6. However although such strategic planning documents can provide the most up to date guidance and as such are a relevant consideration for this proposal, the Local Development Plan (in particular the West Berkshire District Local Plan) remains relevant, and incorporate detailed land designations and planning policies at a more local scale. Of specific importance are the policies in the Development Plan that have been “saved” during this interim period, such that they remain in full force and effect as part of the Development Plan, these policies have been assessed to determine whether they have been superseded by policies at a regional and national level and have been found to remain relevant and necessary because they have not been superseded.
- 6.5.7. It must also be recognised that, notwithstanding the planning policy position, other material planning considerations also feed into the decision making process, these are discussed later in this report.

6.6. Berkshire Structure Plan (BSP) (2001-2016) – Saved Policies

6.6.1. One of the policies in the BSP that remains saved and relevant to this proposal is policy W2 which states that:

“Preferred areas” for future waste management facilities will be identified in the Waste Local Plan.

6.6.2. Other relevant policies in the BSP are: Policy DP6 - land outside settlements, which sets out a policy position relating to the protection of land outside settlements, policy EN1 – Landscape, which sets out a policy position to protect the distinctiveness of the landscape character types and areas and the conservation of the AONB, Policy EN5 - Air pollution and Nuisance, confirms that development should not give rise to unacceptable levels of noise, smell, dust, light or noxious emissions.

6.7. West Berkshire District Local Plan (WBDLP) – Saved Policies (September 2007).

6.7.1. The application site is not designated for development within the West Berkshire District Local Plan and therefore in the context of the WBDLP the development would be classed as Development in the countryside. This is covered by policy ENV18 which states that;

The nature and scale of development in rural areas should seek to encourage and sustain balanced rural communities. Development outside of settlements, allocated sites and other defined areas (Local Plan policies HSG.1, HSG.5, ECON.1, ECON.6, ECON.7, ECON.9, TRANS.3, and ENV.27 refer) will be permitted only where:-

- *it will benefit the rural economy in accordance with Structure Plan policy C2 and Local Plan policies ENV.16, ENV.19 and ENV.20; or*
- *it will provide beneficial use of a brownfield site in accordance with Structure Plan policy BU3 and Local Plan policies OVS.1 and OVS.2, or*
- *it is within the permissible categories of housing development in the countryside;*
- *and provided it will maintain or enhance the environment and is appropriate in scale, form, impact, character and siting to its location in the countryside.*

6.7.2. Policy OVS.1 of the WBDLP states that:

The Council will follow the existing settlement pattern and hierarchy found within the district area in seeking sustainable locations for development which minimise the need to travel and with appropriate access to public transport services and other community facilities. In this context the Council would prefer to see the redevelopment of brownfield sites (land previously developed) than the use of 'greenfield' (undeveloped) land.

6.7.3. OVS2 details criteria for assessment of proposals and states that:

The Council will require, where appropriate, all development proposals which accord with other policies of this Plan, to:

- (a) show a high standard of design including landscape treatment which respects the character and appearance of the area; and*
- (b) retain and protect important landscape and nature conservation features and provide for further landscape treatment where relevant to the safeguarding of local amenity; and*
- (c) retain important open space areas of recreational and /or amenity value within or on the edge of settlements; and*
- (d) preserve or enhance the character and setting of listed buildings and conservation areas; and*
- (e) preserve the site and setting of Scheduled Ancient Monuments or sites of special local archaeological significance; and*
- (f) use materials of a quality appropriate to the nature of the development, the site and its surroundings; and*

- (g) *comply with highway standards in respect of access, parking, pedestrian movement including where appropriate links to adjoining land; and*
- (h) *safeguard public rights of way and the amenities of adjoining land uses and occupiers, including where relevant the provision of alternative rights of way of equal or enhanced quality; and*
- (i) *provide buildings and spaces with suitable access arrangements and facilities for use by people with disabilities.*

6.7.4. Policy OVS.5 relates to the protection of the environment and states that:
The Council will only permit development proposals where they do not give rise to an unacceptable pollution of the environment. In order to minimise the adverse impact on the environment or loss of amenity proposals should have regard to:

- (a) the need to ensure the adequate storage and disposal of waste materials; and*
- (b) the installation of equipment to minimise the harmful effects of emissions; and*
- (c) the hours, days or seasons of operations; and*
- (d) locating potential nuisance or pollution activities onto the least sensitive parts of the site or where the impacts can be best contained by physical or other appropriate measures.*

6.7.5. Policy OVS 6 relates to noise pollution and states that:
The Council will require appropriate measures to be taken in the location, design, layout and operation of development proposals in order to minimise any adverse impact as a result of noise generated. Special consideration is required where noisy development is proposed in or near Sites of Special Scientific Interest or which would harm the quiet enjoyment of Areas of Outstanding Natural Beauty. Proposals for noise sensitive developments should have regard to the following:

- (a) existing sources of noise e.g. from roads, railways and other forms of transport, industrial and commercial developments, sporting, recreation and leisure facilities; and*
- (b) the need for appropriate sound insulation measures; and*
- (c) the noise exposure levels outlined in Annex 1 of PPG24. In the context of this policy noise sensitive uses are housing, schools and hospitals.*

6.7.6. Policy ENV1 states that:
The Council in considering proposals for development will seek to conserve and enhance the special features and diversity of the different "landscape character areas" found within West Berkshire

6.7.7. Policy ENV 9, relating to impacts on nature conservation states that:
The Council in considering development proposals which could affect nature conservation sites or interests will have regard to:

- (a) expert nature conservation advice from English Nature, or other specialist sources; and*
- (b) the ecological value and objectives for which the site was classified or designated; and*
- (c) the integrity of the site in terms of its nature conservation or ecological relationships ; and*
- (d) the likely impacts of cumulative uses or developments on the nature conservation interest and value of the site; and*
- (e) the need to sustain the ecological diversity of the site; and*
- (f) the presence of protected species and appropriate habitat areas/wildlife corridors including those which abut the West Berkshire boundary; and*
- (g) proposed measures to safeguard and enhance existing nature conservation and habitat areas including wildlife corridors; and*
- (h) the opportunity to create new habitat areas to help improve the conservation status of locally vulnerable species.*

6.7.8. Policy ENV14 refers to the management and enhancement of river corridors and states that :

The Council, in consultation and co-operation with the Environment Agency and British Waterways, will seek to protect and enhance all waterway corridors within West Berkshire as important open land by:

- (a) seeking the conservation of existing amenity features and wherever possible the restoration of natural elements within the corridors and associated margins; and*
- (b) seeking the provision of appropriate public access; and*
- (c) seeking protection and improved access for operational and maintenance purposes, including maintenance strips where practical; and*
- (d) resisting development which would have an adverse impact on nature conservation, fisheries, landscape, public access or water related recreation.*

6.8. Waste Local Plan for Berkshire (WLPB) (1998) – Saved Policies

6.8.1. The WLPB sets out a preferred area approach for the delivery of waste management facilities across Berkshire, this approach is in line with the current Regional and National Policies on the delivery of Waste management facilities. There are 27 areas in the adopted WLPB identified as preferred areas of search for waste management purposes. Of these 27 areas only 10 are within West Berkshire, the Padworth Sidings site is one of these preferred areas.

Policy WLP11 of the WLPB confirms the allocation of the application site as a “preferred area” for waste management development. This policy has been saved and is thus relevant to this proposal. Policy WLP11 of the WLPB sets out a presumption that applications for waste management development on preferred areas will normally be permitted, provided that other policies in the WLPB are satisfied.

6.8.2. Policy WLP 11 refers to appendix 7 to the WLPB that sets out potential uses for the preferred area and clarifies general issues that would need to be considered as part of a development proposal. This appendix confirms that the Padworth Sidings site is identified as being a site that is suitable for the following potential uses: Waste Treatment, Road to Rail Transfer, Major Recycling, Recycling non inert, Difficult / special waste recycling, treatment or transfer and metal recycling. The appendix then goes on to confirm that the site is large enough to accommodate a number of waste management uses however as the site is safeguarded as a rail depot in the RMLP (see section 6.7) and the site is suitable for road to rail transfer the use of the site for other waste management uses should not prejudice a road to rail transfer station or a rail aggregates depot.

6.8.3. The potential landscape impacts of a proposal are considered in the appendix and it is confirmed that the site is in a predominantly rural area and the visual impact of any development must be considered in terms of its impact on the Kennet and Avon Canal and the impact on local properties and the rural environment. The WLPB confirms that existing vegetation of amenity and/or ecological value must be retained with the use of the existing tree cover on site being highlighted as being used to minimise the visual impact of any substantial buildings, although off site planting is also identified as being likely to be required.

6.8.4. The impact upon the canal, towpath and the rural area to the south is highlighted as a key consideration. The appendix confirms that it would be desirable for operations to be confined within a tight boundary and the remainder of the site restored to woodland as the large size of the site provides an opportunity to create buffer zones as necessary.

6.8.5. WLP21 sets out a policy framework that safeguards the preferred areas identified in the WLPB for appropriate waste management purposes. Clearly as the application site is identified as a preferred area this policy sets a presumption against non waste forms of development at this site.

6.8.6. It is recognised that the Waste Local Plan for Berkshire (WLPB) is becoming a dated policy document, however as with the WBDLP and as part of the transitional arrangements relating to the new Local Development Framework System the WLPB has been reviewed and only policies that remain relevant have been saved. This process involved the consideration of the document and policies by the Government Office for the South East and it was confirmed that the policies relating to the allocation of preferred areas should be saved and remain in full force and effect as part of the statutory development plan.

6.8.7. In addition to the allocation of the application site as a preferred area for waste management in the WLPB the application site has also been put forward for inclusion as a preferred area for waste in the emerging Joint Minerals and Waste development framework (JMWDF) that will be the successor to the Waste Local Plan for Berkshire when it is adopted. This JMWDF is still being formulated, by the Joint strategic Planning Unit on behalf of the Berkshire Unitary Authorities. However the list of sites that has been put forward for allocation as preferred areas for waste management development under this new regime have been subject to public consultation as part of the early stages of the JMWDF process.

6.9. Replacement Minerals Local Plan for Berkshire Including the alterations adopted in December 1997 and May 2001

6.9.1. Policy 26 of the Replacement Minerals Local Plan for Berkshire (RMLP) states that:

The Planning Authorities will seek to safeguard

- *sites at Padworth, Pingewood, Slough, Poyle and Colnbrook as indicated in the Proposals Map and in Appendix 7, and*
- *any sites where planning permission is given for the establishment of new rail aggregates depots,*

from development which would prejudice their use as a rail aggregates depots.

The safeguarding of the sites as Padworth, Pingewood, Slough and Poyle will not imply and presumption in favour of their use as rail depots. Any Planning applications for the establishment of depots at these sites will be judged strictly in terms of Policy 25.

Policy 25 of the RMLP has not been saved on the basis that it has been superseded by policy M5 of RPG9 (as amended) which, in relation to rail depots, states that:

Mineral Planning Authorities should assess the need for Wharf and Rail facilities for the handling and distribution of imported minerals and processed materials, and identify strategic sites for the safeguarding in their mineral development frameworks. These strategic facilities should be safeguarded from other inappropriate development in local development frameworks.

6.10. Emerging Policy - Joint Minerals and Waste Development Framework (JMWDF)

6.10.1. The emerging Joint Minerals and Waste Development Framework, (JMWDF) will, in due course replace both the RMLP and the WLPB. The JMWDF is still in the process of preparation and will comprise of a cores strategy that details the key planning policy principals for Minerals and Waste development, together with a development plan document covering the detailed policies on minerals and waste matters together with allocating preferred areas for minerals and waste development.

6.10.2. The Core Strategy has been through the Regulation 25 and Regulation 26 stages of consultation (under the 2004 regulations) and the submission draft of the core strategy (published under the requirements of Regulation 27(2008)) was published in September 2008 and this final stage of "consultation" has now finished. The Detailed Minerals and Waste Development Control Policies and Preferred Areas Document has been consulted upon under Regulation 25 of the 2004 Regulations and further consultation under the 2008 regulations will take place in early 2009.

6.10.3. Core Strategy, draft Policy W5 states that

Waste Preferred Areas will be identified in the Minerals and Waste DPD where planning permission will be granted for development that will deliver the type, scale and location of waste management and disposal capacity required by Policy W2. Waste Preferred Areas will include both existing waste management facilities capable of extension, and new sites. The Waste Preferred Areas will be complemented by a criteria-based policy approach which will make provision for planning permission to be granted for waste management facilities at sites not identified for waste related uses in DPDs, where this is appropriate in the context of other policies of the JMWDF. Other than in the defined exceptional circumstances referred to in Policy W6(d), waste disposal capacity will only be provided at Waste Preferred Areas.

This policy clearly sets a presumption in favour of the allocation of preferred areas to deliver the forecasted demand for waste management facilities. Such an approach provides more certainty to both developers and local residents

6.10.4. Core Strategy draft Policy M8 states that:

Proposals for

- *Redevelopment of existing rail depot sites at Theale and Colnbrook*
- *Development of any other safeguarded sites*
- *Which would prejudice their use as rail depots for the importation and processing of rail borne aggregates will not be permitted.*

7. PLANNING POLICY FRAMEWORK – CONSIDERATION OF THE PROPOSAL AGAINST KEY POLICIES

7.1 National Policy

7.1.1 In respect of PPS1 it is considered that this proposal, to remediate and prepare a previously developed site for future development, is in general accordance with the principles of sustainable development as this proposal would result in the re-development of a site that is, at present, predominantly vacant and unused and provide for the site to be used for a beneficial use.

7.1.2 With regard to PPS23, it is considered that the proposed remediation operations would, subject to conditions, result in the remediation of land currently affected by contamination and make the site suitable for new uses. The proposal will also facilitate the re-development and reuse of a previously developed site.

7.2 Local Development Plan Policy

7.3 Regional Policy

7.3.1 As stated above the proposed development would facilitate the preparation of a previously developed and degraded site for re-development for a beneficial use, as such it is considered that the proposed development generally accords with the principles of RPG9, in respect of the re-use of previously developed land.

7.4 Berkshire Structure Plan

7.4.1 There remains only one policy in the Berkshire Structure Plan, which relates to waste management proposals, that has been saved. Whilst this application is not for waste management development this policy is relevant to the consideration of this proposal. Policy, W2, confirms that within Berkshire Preferred areas for Waste will be identified for future waste management development. This clearly sets out a policy approach of identifying preferred areas for waste management within which waste management development will be promoted to provide adequate provision for new facilities. This mirrors the stance taken in PPS10 as it provides greatest certainty that the Unitary Authorities Waste Management Strategies can be delivered in land use terms and allows the selection of the "least unacceptable" sites in planning terms. Those policies in the BSP that relate to landscape (EN1), amenity impacts (EN5), and land use DP6 are referred to below.

7.4.2 The proposed enabling works would allow the remediation of the application site, which is identified as a preferred area for waste management in the WLPB and the creation of a "development area" that could be utilised for waste management purposes. There is a second application which details the aspirations for the development of this site, however they do not form part of the consideration of this proposal.

7.4.3 This application, however, would assist in facilitating the future development of a preferred area for waste management. The proposal is therefore considered to not be contrary to the principle of this policy.

7.5 West Berkshire District Local Plan (WBDLP)

- 7.5.1 The application site is unallocated land but due to its location beyond the settlement boundary the proposal is classed as “development in the countryside” and therefore must be considered against the relevant policies. With regard to the relevant considerations in policy ENV18 (development in the countryside). Policy ENV18 confirms that this policy only relates to development outside of settlements, allocated sites and other defined areas. The application site is not an allocated site (in the WBDLP) although it is an allocated site in the WLPB. When considered against policy ENV18 it is considered that the proposed development would not generate any significant direct benefits to the rural economy, although the proposal has the potential to lead to a scheme that could generate additional employment opportunities. The proposed development is not a housing development and therefore does not comply with bullet point 3 of ENV18. However it is considered that the proposed development will facilitate the remediation of a brownfield site and assist in providing a brownfield location for a beneficial use and it is considered that the proposal is generally in compliance with policies OVS1 and OVS 2 (see below).
- 7.5.2 Policy OVS.1 of the WBDLP relates to the location of development within sustainable locations and the preference of the use of “brownfield” land as opposed to “greenfield” land. The proposed site location is clearly a brownfield site that this proposal seeks to remediate.
- 7.5.3 Policy OVS2 confirms the criteria for the assessment of proposals for development and it is considered that the proposed development has been sympathetically designed in the context of its environment with particular emphasis having been given to maintaining the existing vegetation at the site where possible.
- 7.5.4 Policies OVS.5 and OVS.6 set out a policy presumption against proposals that give rise to unacceptable pollution of the environment, loss of amenity and noise pollution. Policy TRANS1 relates to meeting transport needs and Policy ENV1 relates to the conservation and enhancement of the special features of the different “landscape character areas”, the consideration of these issues and the impacts on nature conservation (ENV9) and the river corridor (ENV14) are dealt with later in the report.
- 7.5 Waste Local Plan for Berkshire (WLPB)**
- 7.5.1 As stated above the application site is a preferred area for waste management as designated in the WLPB.
- 7.5.2 This proposal does not comprise a proposal for waste management development but is development that would enable the site to be developed for waste management (or, indeed, other) uses. The proposal is therefore considered to generally accord with the provisions of policy WLP11 but as the proposal does not relate to a waste management development it is not considered necessary to consider the proposal against the other policies referred to in policy WLP11 as they relate to “waste management development”.
- 7.5.3 The site is a preferred area for waste management and the proposed development would not prejudice the use of the site for waste management purposes in accordance with the policies in the WLPB. The site is also safeguarded against other forms of development through policy WLP21 that states that the preferred areas identified in the WLPB will be safeguarded for appropriate waste management uses. This proposal, which would facilitate such a use, is considered to comply with this policy. The issue relating to safeguarding the site as a rail aggregates (as identified in appendix 7 of the WLPB) depot is considered below (section 7.6).

7.6 Replacement Minerals Plan for Berkshire

- 7.6.1 Policy 26 of the Replacement Minerals Local Plan for Berkshire (RMLP) seeks to safeguard the application site from development which would prejudice the use of the sidings as a road to rail aggregate depot. Although there are no other specific planning policies relating to the safeguarding of the site as a rail depot in the development plan the WLPB cross refers to the safeguarding policy of the RMLP.
- 7.6.2 Regional and national policy recognises the need to ensure that goods are moved in a manner compatible with the principles of sustainable development. However a recent report into Aggregate Wharves and Rail Depots in South East England (prepared for SEERA in March 2007) concluded that, given the current supply of rail aggregates depots in the South East Region there is no present, or future need, for road to rail aggregates depots this is considered to be a material consideration when looking at policy 26 of the RMLP and in light of this report it is considered that there is no reason that the proposed development should not be granted consent.
- 7.6.3 The freight strategy (annexed to the Local Transport Plan 2007 – 2011) confirms that encouragement will be given to the use of rail for the transportation of freight. However the freight strategy only seeks to preserve the strategic rail site in Theale against alternative development, as well as protecting land adjacent to the Theale area for rail related uses. There is no similar objective for the safeguarding of the Padworth sidings site.
- 7.6.4 In addition draft policy M8 of the JMWDF Core Strategy confirms that the application site is no longer specifically highlighted as a site to be safeguarded as a road to rail aggregates depot.
- 7.6.5 The policy safeguarding the larger Padworth Sidings site as a rail aggregates depot is now dated and given that an up to date SEERA report confirms that there is no current, or future, need for further rail aggregate depot in the South East it is considered that there is no need for further rail head aggregate facilities for the foreseeable future.
- 7.6.6 Notwithstanding the above, the proposed remediation of the application site would not prevent the development of the site as a rail aggregates depot and therefore the proposal is considered to comply with this policy (albeit it is your officers view that such a policy is no longer of significant weight).
- ## **7.7 Emerging Policy - Joint Minerals and Waste Development Framework (JMWLDF)**
- 7.7.1 As stated above the application site has been put forward for consideration for re allocation as a Preferred Area for waste management in the JMWLDF that will, in due course, replace the WLPB (based on the fact that the site is a current Preferred Area that has not been fully developed). This process remains at an early stage with the Core Strategy having been through both the Regulation 25 and Regulation 26 consultation process (under the old, 2004, system) and the Detailed Minerals and Waste Development Control Policies and Preferred Areas Development Plan Document Issues and Options Consultation September 2007 Regulation 25 (2004).
- 7.7.2 As stated above the submission draft of the Core Strategy for the JMWDF has recently been published and as such this draft policy document is a consideration for the proposed development that should be afforded some weight.
- 7.7.3 Draft Policy W5 confirms the preference for a preferred area approach to be adopted in the site specific and detailed policies development plan document (discussed below). This proposal will remediate a currently allocated preferred area for waste management and the provision of a “development envelope” within the preferred area.
- 7.7.4 The application site has been put forward as a preferred area for waste management in the Detailed Minerals and Waste Development Control Policies and Preferred Areas Development Plan Document

that forms part of the JMWDF. However this document, following the amendments to the Regulations in 2008, is at the beginning of the formulation process and although one round of public consultation on the sites and policies documents has taken place it is considered that the proposed retention of this site as a preferred area, in the context of the formulation of the Sites and Details Policies DPD should be afforded minimal weight. However as stated above the current allocation of the site in the WLPB is considered a significant material planning policy consideration.

7.8 Summary

- 7.8.1 Having considered the local policies, together with Regional and National policies, and given the existing condition of the land the proposal to remediate the site to enable future development (anticipated to be for waste uses) the proposed development is, in principle, considered to be in line with the relevant policy considerations.
- 7.8.2 Despite this view that the proposal is in line with the development plan and key material national waste policy considerations, it remains necessary for the proposal to overcome various other material considerations to demonstrate that the proposal is acceptable. There is a need to consider a wide range of other planning issues in determining a planning application and those issues relevant in this case are considered below.

8. CONSIDERATION OF THE PROPOSAL AGAINST MATERIAL CONSIDERATIONS

8.1 Highways impacts

- 8.1.1 A great number of persons making representations have made objections on the basis of the highways impacts of the proposal. As stated above, it is considered that many of these comments are not relevant to this proposal and indeed they relate to application 08/01166.
- 8.1.2 The proposed development will not generate a significant level of vehicular movements, as the remediation operations involve the treatment of the contaminated materials on site using bioremediation operations. The proposal also includes the re-location of material within the site with minimal volumes of material being exported or imported. The proposed clearance of waste from the site is estimated by the applicant to take approximately one week.
- 8.1.3 The proposed operations are "temporary" and will only last for a limited period, upon the completion of the proposed development the site will not, in its own right, generate traffic.
- 8.1.4 West Berkshire Council's Highways Officers have confirmed that they raise no objections to the proposed development.

8.2 Amenity Impacts

- 8.2.1 As discussed above policies OVS2 and OVS5 of the WBDLP confirm that amenity impacts are a relevant policy consideration, when considering a planning application. In particular policy OVS6 highlights the issue of noise impacts.
- 8.2.2 Adverse amenity issues that could impact upon the surrounding locality and as such have a negative impact upon the amenity of nearby residential properties and educational facilities, this potential impact is material to the consideration of the proposal, as clearly stated in Planning Policy and is also of great concern to many local residents.
- 8.2.3 As stated above due the way that representations have been made on both this application and the application to develop the site as an IWMF a number of issues have been, technically raised, as they have been made in respect of both proposals, however it is considered by your officers that some of the issues that have been raised are not relevant to this proposal. Such comments have not therefore been considered. For example the impact of odours from a composting facility have been raised as an objection to both proposals, however the proposal that is the subject of this application does not include the erection of a composting facility.

Odour

- 8.2.4 Several objectors have referred to the proposed development generating adverse odours, however it is considered that such comments are not relevant to the consideration of this proposal as the proposed development does not involve any operations that are envisaged to generate "odour".

Noise

- 8.2.5 The proposed development, in particular proposed groundworks have the potential to create adverse noise impacts upon the locality. The temporary nature of the proposals mean that any noise generated by the development will be limited to the period of operations and once the proposed groundworks and remediation operations have been concluded the "development" will not generate any noise.
- 8.2.6 It is considered by your officers that the proposed conditions are sufficient to ensure the protection of the amenity of local residents in planning terms.

Light Impacts

- 8.2.7 Concern has been raised over light impacts, any light emissions associated with the development would be temporary in nature and once the proposed groundworks and remediation operations have been concluded the development will not generate any light impacts. As such it is considered by your officers that the proposed conditions are sufficient to ensure the protection of the amenity of local residents in planning terms.

Dust

- 8.2.8 Concern has been raised over the possibility of dust generated by the operations taking place on site impacting on the locality. It is considered that there remains a limited risk that dust could be generated by the proposed remediation operations.
- 8.2.9 However again temporary nature of the proposals means that any dust impacts generated by the development will be limited to the period of operations and once the proposed groundworks and remediation operations have been concluded the development will not generate any further impacts. As such It is considered by your officers that the proposed conditions are sufficient to ensure the protection of the amenity of local residents in planning terms.

Contaminated land

- 8.2.10 Concern has been raised over the issue of contaminated land and in particular who is undertaking the remediation operations and the costs associated with those operations. Who undertakes the remediation operations and the cost of remediating the site is not a planning consideration although the implementing of any remediation strategy will be regulated by conditions.
- 8.2.11 The planning application was accompanied by a contaminated land survey and proposed remediation strategy. These matters have been fully considered by both West Berkshire Council's Environmental Health Officers and the Environment Agency. The proposed remediation measures are considered acceptable and would be secured by condition (proposed conditions 6, 7 and 8).

Vibration

- 8.2.12 Concern has been raised over the impacts of vibration generated by the proposed remediation operations. The matter has been assessed by West Berkshire Council's Environmental Health Officers who have confirmed that the likely vibration impacts generated by the proposal would be acceptable.

8.3 Landscape impact

- 8.3.1 As discussed above policies ENV1 and OVS2 of the WBDLP confirm that Landscape impacts are a relevant policy consideration, when considering a planning application. Policy ENV14 of the WBDLP refers specifically to the management and enhancement of river corridors.
- 8.3.2 The application site is not located within an area covered by any formal landscape designations (such as AONB or Greenbelt) and, due to existing vegetation and the landform of the application site, it is partially screened from views into the site. However the site it is located within the countryside (outside defined settlement boundaries). Although the sidings site is partially industrialised it is still predominantly a rural area. The policies outlined above confirm that the proposal must be considered in the terms of its visual impacts on the nearby residential properties and the Kennet and Avon Canal.
- 8.3.3 The application site is at present, largely disused, derelict and degraded, close views of the existing site are degrade by a combination of activities on the site itself along with industrial installations on adjacent land. The site does benefit from a degree of enclosure as a result of the existing structures and the existing areas of woodland along the southern and western edges of the site combined with the existing mounding on the site.

- 8.3.4 Views from the site from the areas of higher ground to the north and south are, in the main limited due to screening provided by existing intervening vegetation. It is considered that in time the central area of the site would become less open due to the encroachment of the maturing woodland that exists on the site.
- 8.3.5 The proposed development incorporates the retention of the extensive area of woodland planting that is present at the site and includes additional tree planting and grassed areas, together with the retention of large areas of the existing ballast habitat, for ecological purposes. The proposal also includes the management of the existing vegetation on site to ensure that it remains a long-term landscape feature.
- 8.3.6 The proposed development would result in the clearance and levelling of the central area of the site such that the external appearance of the site would remain predominantly unaltered. The proposed fencing of the site would be visible from the towpath, but this fencing is set back 5m from the edge of the towpath and this 5m wide strip of land will be planted to improve the overall appearance of this section of the towpath.
- 8.3.7 The proposed development includes the erection of an earth bund together with a drainage feature that will be visible from beyond the site from limited locations. However this bund, and the associated planting is not considered to be out of scale and the proposed woodland and scrub planting around this bund will soften the visual impact of the bund that will stand around 5m above existing ground level.
- 8.3.8 It is considered that the proposed landscape planting scheme will enhance the existing woodland vegetation at the site and improve the views into the site from the south and south east (along the canal). The proposed bund to the northern end of the site will screen properties to the north and, in time this bund will be screened by the proposed planting. The proposed scheme will provide a "development envelope" within the centre of the site and the proposed planting will, in time screen this "development envelope" and indeed provide some visual enhancements.
- 8.3.9 In the context of the policies set out above, together with national planning policies, coupled with the recognition of the allocation of this site as a preferred area for waste management it is considered that, on balance, the visual and landscape character impacts of the proposed development are acceptable.
- 8.4 Trees**
- 8.4.1 The proposed development would result in the removal of trees within an area covered by a TPO. The TPO is an "area" TPO that was issued in 1971 and relates to "several trees of whatever species". These trees are therefore afforded protection under the Town and Country Planning (Trees) Regulations 1999 (as amended) from the following operations: Cutting down, uprooting, topping, lopping, wilful damage or wilful destruction without the local planning authorities consent. Unfortunately the area classification has its drawbacks. Firstly it is possible that there are trees within the TPO which do not merit protection. Secondly the TPO protects only those trees standing at the time the TPO was made. Over time as new trees grow within the area it may become difficult to say with certainty which trees are actually protected.
- 8.4.2 Guidance on TPO's "Tree Preservation Orders: A guide to the Law and Good Practice" confirms that : "In the Secretary of State's view the area classification should only be used in emergencies, and then only as a temporary measure until the trees in the area can be assessed properly and reclassified. LPAs are encouraged to resurvey their existing TPOs which include the area classification with a view to replacing them with individual or group classifications where appropriate".

- 8.4.3 There are some areas of the site that are covered by the current area TPO where there are no trees and equally some of the trees and vegetation within the TPO may not be afforded protection on the basis that they were not in existence at the time the TPO was made in 1971.
- 8.4.4 In respect of this proposal an approach of assessing the current trees on the site, identifying their value and developing the site to protect the higher quality trees, coupled with additional landscape planting has been undertaken. Such an approach was agreed as being acceptable by the Council's Tree Officers.
- 8.4.5 The area of the application site that is covered by the TPO is the south and western boundary of the site and the majority of the trees in these areas will remain as part of the proposed remediation operations. Only those of poor condition are proposed to be removed as part of the development together with a small number that are considered absolutely necessary to remove to create the "development envelope" the extent of the trees to be removed would be is controlled by proposed condition 11.
- 8.4.6 Objectors have referred to "one rule for the Council and one rule for everyone else". This is not the case and the approach adopted by the Planning Authority in the consideration of this application is consistent with an approach that would be adopted in respect of any application no matter who the applicant is. Who an applicant is has no bearing as it is not a planning matter and Government Guidance confirms that the area TPO approach, as in place on the application site, does have shortcomings and therefore the adopted approach of survey, mitigation and management is considered wholly appropriate.

8.5 Ecology

- 8.5.1 As discussed above policies ENV.1, ENV.8, ENV.9 and OVS.1 confirm that ecological impacts are a relevant policy consideration, it has been confirmed that the main concern, from an ecological viewpoint, is the potential impact of the proposed development upon the existing invertebrate population.
- 8.5.2 The proposed development includes the bio-remediation of 4 known areas of hydrocarbon contamination, with any other areas of contamination discovered during the operations also being remediated. The bio-remediation operations will involve the excavation of the contaminated material and re-use of this material as part of the proposed groundworks.
- 8.5.3 Two stands of Japanese Knotweed exist on the site, this is an invasive plant that will be removed as part of the remediation operations.
- 8.5.4 Re-grading of the site and encapsulation of an earth bund that has been identified as containing asbestos fibres also forms part of the proposals, together with the formation of a surface water drainage feature in the form of a pond / swale.
- 8.5.5 The site has, as part of the proposed redevelopment of the site, been subject to a range of ecological surveys over the past four years. These surveys determined that a total of 209 invertebrate species were recorded at the site in 2005, including one Red Data Book species, 13 Nationally Scarce and 22 Nationally Local species.
- 8.5.6 The majority of the species of nature conservation significance were located on the open ballast habitat or in the scrub located in the open areas that make up a large proportion of the site. No species of special significance were located along the western edge of the site in the area of wet woodland.

- 8.5.7 The application site is of medium-high (regional) importance for invertebrates with this interest being generally confined to the open ballast areas. In addition "open mosaic habitats on previously developed land" have recently been identified as a UK Biodiversity Action Plan Priority Habitat. The application site is, in its present state, considered to generally fall within the description of this habitat and as such the impact of the development upon this habitat is a material planning consideration in respect of this proposal. However much of these ballast areas are the parts of the site that are to be subject to some form of remediation or re-grading.
- 8.5.8 Therefore an invertebrate mitigation strategy has been formulated and submitted as part of this application. This mitigation strategy involves the retention of as much of the ballast habitat as possible outside the "development envelope" together with the creation of new ballast habitat and creation of minor undulations within the ballast habitat areas and the installation of insect boxes in the ballast area. In addition the applicant has committed to an ongoing monitoring and management programme to assist in ensuring that the ballast habitat does not deteriorate to a lower value habitat.
- 8.5.9 This ongoing management of the habitat areas is a key part of the proposal as without management the areas of ballast would naturally re-vegetate which could result in the loss of the ballast habitat. Indeed it is possible that if this proposal had not been forthcoming the ballast habitat that exists at the sidings site would be subject to natural successional habitat change such that in time the regionally important habitat would naturally deteriorate.
- 8.5.10 The site is also recognised as a foraging area for bats, together with being suitable for breeding birds and reptiles, however the woodland and dense scrub areas that exist on the site and provide such suitable habitats are proposed to be retained. The applicant has also agreed to erect 10 bat boxes and 20 bird nest boxes as mitigation measures and enhancements.
- 8.5.11 Post completion of the proposed works the new areas of ballast habitat that has been created will be enclosed via a fence and subject to an ecological management scheme.
- 8.5.12 Areas of the site will also be subject to landscape planting, notably along the southern (canal) boundary and the northern (railway) boundary of the site. Again these areas will be protected via the use of fencing and subject to a landscape management scheme.
- 8.5.13 Having considered all the above West Berkshire Council's Ecologist is satisfied that, subject to conditions, the proposed development is acceptable.
- 8.5.14 Concern has been raised by Natural England in respect of the potential impacts of the proposed development upon the nearby SSSI (Aldermaston Gravel Pits that are approximately 600m to the south west of the application site. Particular concern has been raised in respect of the potential hydrological impacts of the proposal upon this SSSI. At the time of writing this report the applicant is still investigating this matter.

8.6 Hydrology

- 8.6.1 The proposed development has the potential to have an adverse impact upon the hydrology and hydrogeology of the locality. This is generally due to the location of the proposed development in a valley location. The proposed development, has been assessed in respect of impacts on surface waters, groundwater and flood risk.
- 8.6.2 The proposed development is in close proximity to the Kennet and Avon Canal (adjacent to the application boundary) and the River Kennet (approximately 60m to the south). Policies in the WLPB and WBDLP together with regional and national guidance/policy confirm that the impact of a proposed

development on the water environment is a relevant consideration for the Planning Authority when determining a planning application.

- 8.6.3 The application was accompanied by a Flood Risk Assessment that has been considered by the Environment Agency who are a statutory consultee (and indeed experts) in respect of these issues.
- 8.6.4 The application site is located within an outer protection zone of a abstraction boreholes used for potable supply and the site is mainly within Flood Zone 1 (annual probability of flooding is less than 0.1%) with a small area of the south-eastern boundary being within Flood Zone 2 (annual probability of flooding is between 0.1 and 1 %). The site is immediately adjacent to, but outside Flood Zone 3 (annual probability of flooding is more than 1%).
- 8.6.5 The proposed development includes mitigation measures in respect of flood risk and the applicant considers that the Flood Risk Assessment for this proposal complies with the current Development and Flood Risk Guidance contained in PPS25.
- 8.6.6 The proposed development, and associated assessments and mitigation measures have been considered by the Environment Agency, who have confirmed that, subject to the imposition of conditions relating to surface water drainage and contaminated land are required. However notwithstanding these recommended conditions, at the time of completing this report the Environment Agency still object to the proposal on the basis that the submitted FRA requires amending to clarify whether the proposed development will result in increasing flood risk.
- 8.6.7 Objectors have raised concerns in respect of the proposed development causing Flooding together with generating impacts on groundwaters and aquifers these are clearly matters that the Environment agency are continuing to consider.

8.7 Heritage

- 8.7.1 Concern has been raised by objectors and British Waterways over the impact of the proposed development on the historic lock located to the south west of the application site. However both West Berkshire Council's Landscape Consultant and the Kennet and Avon Canal trust have welcomed the proposed improvements to the canal corridor and the sensitive treatment of the environment surrounding the lock. As with those issues highlighted above the impact of a proposal on site of historic interest are identified as a consideration in policies OVS.2, ENV33 and ENV.38 of the WBDLP.
- 8.7.2 Objectors have referred to pillboxes being located on site and the impact of the proposed development on these features. However there are no pillboxes on site as such there would be no impact.
- 8.7.3 Both the Council's Archaeological officer and the Conservation and Design Officer have confirmed that, subject to the imposition of conditions, the proposed development is acceptable.

8.8 BRITISH WATERWAYS

- 8.8.1 British Waterways, who are a statutory consultee on the proposed development have raised an objection to the application on the basis that the development site is considered to be inappropriate canal side development and that this objection cannot be overcome. However it must be noted that the application site is allocated as a preferred area for waste management in the WLPB.
- 8.8.2 Notwithstanding the view that the proposed development is inappropriate canalside development British Waterways objections are as follows:

Visual impact and noise will clearly have an adverse impact on the attractiveness of the Kennet and Avon Canal to the detriment of the overall amenity of the local area.

"The Urban Task Force report "Towards a Strong Urban Renaissance", published in November 2005, recommends that local authorities review their land use designation for areas in close proximity to sites of special amenity value, including rivers and canals, to explore the potential to accommodate more appropriate and sustainable uses that respond to their urban potential"

- 8.8.3 It is not disputed that the proposed development has the potential to adversely affect the canal both from a visual and amenity perspective, however the proposed development would be temporary in nature and once complete the remediation proposal would not generate any "noise" or significant visual impacts. The Council's landscape consultant and the Kennet and Avon Canal trust both welcome the proposed treatment of the boundary of the application site that abuts the canal and acknowledge this as a benefit of the proposal. From an amenity perspective the Environmental Health department are satisfied that, subject to appropriate conditions, the impacts of the development on local receptors are acceptable. The comments referred to in respect of the "Urban Task Force Report" are not considered to be particularly relevant in respect of this proposal as this document relates to urban decline and refers to towns, cities and city centres and the creation of urban communities. As such the relevance of this recommendation on the creation of urban communities is doubtful in the context of the development proposal. In addition the proposed treatment of the boundary of the site with the canal is considered to be an improvement to the canal corridor.
- 8.8.4 British Waterways have requested that a range of conditions be imposed upon the consent if permission is granted, however having reviewed the proposed conditions it is considered that some of the conditions requested are not in line with the planning circular on conditions which provides guidance on the use of planning conditions (Planning Circular 11/95).
- 8.8.5 The request for a condition relating to a survey and scheme of repairs to the waterway Wall to be submitted and implemented prior to the commencement of development is considered unreasonable as requiring the applicant to repair the waterway wall is not related to the proposed development, and no development is proposed immediately adjacent to the canal.
- 8.8.6 Similarly the request for a condition requiring a risk assessment and method statement for all works adjacent to the water is not considered necessary given that, although the application boundary abuts the canal towpath there is no significant development taking place adjacent to the water.
- 8.8.7 The request for conditions relating to the submission and implementation of a landscaping scheme is acknowledged and mirrors requests made by the Council's Landscape consultant. It is recommended that such measure are secured by proposed conditions 20 and 21.

9. OTHER CONCERNS RAISED

Brownfield / greenfield

- 9.1 As stated earlier in the report the proposed facility is located on what is considered to be previously developed land. The definition of Previously Developed Land in the context of housing proposals which is a well-recognised definition of previously developed / brownfield land is contained in annex C of Planning Policy Guidance note 3: Housing and states:
- 9.2 *"Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure. The definition covers the curtilage of the development. Previously developed land may occur in both built-up and rural settings. The definition includes defence buildings and land used for mineral extraction and waste disposal where provision for restoration has not been made through development control procedures. The definition excludes land and buildings that are currently in use for agricultural and forestry purposes, and land in built up areas which has not been developed previously (e.g. parks, recreation grounds, and allotments-even though these areas may contain certain urban features such as paths, pavilions and other buildings). Also excluded is land that was previously developed but where the remains of any structure or activity have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings), and where there is a clear reason that could outweigh the re-use of the site -such as its contribution to nature conservation - or it has subsequently been put to an amenity use and cannot be regarded as requiring redevelopment."*
- 9.3 The application site is considered to fall within this description of previously developed land as it relates to land that was used for mineral extraction and waste disposal where provision for restoration had not been made. Part of the site has been used for industrial type uses for many years (coal yard) and waste uses remain at the site. In addition consent has been granted, albeit not implemented, for other industrial uses within the application site. It is clear from the existing and previous uses that the majority of the application site would be considered to be previously developed land.

Fly Tipping

- 9.4 Concern has been raised that the proposed development will result in fly tipping taking place along Padworth Lane. The application site is, at present, clearly subject to limited amounts of fly tipping as the site has numerous small piles of "waste " material located upon it that are believed to have been fly tipped. The proposed remediation works would involve the clearance of any such deleterious material from the site and perimeter fencing would assist in securing the site preventing any re-occurrences on site.
- 9.5 It is considered that there is no risk of the development causing additional fly tipping taking place along Padworth Lane and in addition the fly-tipping of waste is an offence under the Environmental Protection Act (1990) and therefore legislation exists to control fly-tipping.

Land Ownership

- 9.7 The applicant is not the owner of the development site. Whilst negotiations for the acquisition of the site are continuing between the Waste Management Authority and the current land owner, the Waste Management Authority is also promoting a compulsory purchase order (CPO) to acquire the land and rights required for the development to proceed. Whether a scheme is likely to be implemented is a material planning consideration but it is open to the planning authority to consider the proposal now before it before the issue of land control is concluded, if it is felt there is a reasonable prospect that the issue of landownership will be resolved within the lifetime of the permission. It is understood that the CPO will be considered at an inquiry in the new year and a decision from the Secretary of State should be available approximately 4-6 months after the date of the inquiry. Land ownership is therefore likely to be resolved well within the life of the permission, if granted.

Existing uses

- 9.8 The application site is currently occupied by an existing Waste Transfer Facility that employs approximately 4 staff and it is understood that the site manages in the region of 25,000 tonnes of waste per annum. This proposed development would result in the creation of a "development envelope" at the site that this facility would be located within. This existing facility would still have permanent planning consent and could, therefore, remain at the site. As stated above a gas and coal sales depot has been located on the application site for a number of years and whilst this facility is in the process of re-locating to an alternative site the premises that this operation occupied would be removed as part of this development proposal.

Outstanding matters

- 9.9 As reported above, at the time of the completion of this report there remain outstanding objections from Natural England and the Environment Agency. Both of these objections are related to Hydrological matters and further information has been requested from the applicant to demonstrate that the proposed development will not increase flood risk, or have an adverse impact on the hydrology of the nearby SSSI. This position is reflected in the officer's recommendation.
- 9.10 The Environment Agency has confirmed that they do not object to the application in principle and anticipate that they will be able to withdraw their objection upon the receipt of the information that they require.

10. CONCLUSION

- 10.1 It is considered that, in principle, the proposed development at the proposed location is generally in accordance with the National, Regional and Local Planning Policies which are relevant to the proposal.
- 10.2 It is considered that the proposed development will remediate and enhance an existing degraded and derelict site that is allocated, and safeguarded for waste management uses. The proposed development should assist in delivering additional waste management capacity in the future. The provision of additional waste management capacity in Berkshire is a key policy consideration and this proposal should assist in ensuring that West Berkshire achieves the targets set down in planning policies relating to self sufficiency and management of ever increasing volumes of waste.
- 10.3 The proposed development would result in limited landscape and visual impacts together with amenity impacts, during the temporary period of operations, however it is considered that, on balance, these impacts which can be satisfactorily mitigated and minimised through the use of conditions, do not outweigh the arguments in favour of the proposed development.

Full Recommendation

To **DELEGATE** to the Head of Planning and Trading Standards to **GRANT PERMISSION** subject to :

- (b) Confirmation from Natural England and the Environment Agency that no objections are raised to the proposed development, and
- (b) The following conditions

1

Full Planning Permission

The development hereby permitted shall be commenced 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(1)(a) of the Town and Country Planning Act 1990 (as amended) and to enable the Local Planning Authority to review the desirability of the development against up to date planning policies at a National, Regional and local level should it not be started within a reasonable time.

2

Approved plans

The development hereby permitted shall be carried out in complete accordance with the following submitted documents and plans:

- Planning supporting statement dated June 2008
- Site Status before remediation plan CS003563_EWS_001 B dated Apr 2008
- Site Status After remediation plan SC003563_EWS_003 C dated Apr 2008
- Site clearance Plan Drawing L02 Revision A dated 11/09/08
- Site Remediation Strategy (appendix 2 to the planning supporting statement)
- Invertebrate Mitigation Strategy (appendix 3 to the planning supporting statement)
- Tree Survey (appendix 5 to the planning supporting statement)
- Landscape proposals plan Drawing L03 Revision B dated 23/10/08
- Planting Proposals Plan Drawing L05 Revision B dated 04/11/08
- Fencing detail, drawing No PS-ENB-04-1 Rev 1, dated Jun 08
- Site Sections Drawing D115273.S01 dated 020708
- Site Sections Drawing D115273.S02 dated 020708
- Letters from Scott Wilson dated the 6th August 2008 and the 15th September 2008
- Flood Risk assessment dated 25th June 2008

the details of which are approved except as amended by the following conditions.

Reason: To enable the Local Planning Authority to adequately control the development, to minimise its impact on the amenities of the local area in accordance with policy OVS1 and OVS2 11 of the West Berkshire District Local Plan 1991-2006.

3

Fencing details

No operations shall take place until the full details of the secure perimeter fencing has been submitted to and approved in writing by the Local Planning Authority, The fencing shall be erected in complete accordance with the approved details and thereafter maintained.

Reason: To ensure the prevention of crime and disorder in accordance with policy OVS.11 of the West Berkshire District Local Plan 1991-2006.

4

Archaeological investigation

No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme of investigation.

Reason: To ensure that any archaeological features or finds identified are adequately investigated and recorded in accordance with policy ENV.38 of the West Berkshire District Local Plan 1991-2006.

5

Surface water drainage

No development shall take place until the full details of drainage, incorporating sustainable drainage principles location of soakaways, measures to ensure water features in within and proximate to the development are not contaminated by run off from the development; the provision of a tank for the storage of leachate together with an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. Thereafter development shall be carried out fully in accordance with the approved details.

Reason: To prevent the increased risk of flooding and water pollution In the interests of the water environment in accordance with PPS25

6

Contaminated Land

No development shall take place (other than investigative work approved by this permission), until two copies of a contaminated land assessment and associated remedial strategy, together with a timetable of works, have been submitted to and approved in writing by the Local Planning authority. The contaminated land assessment shall include; a desk study, details of investigative works and sampling, risk assessment and remediation strategy. The development shall thereafter be carried out in accordance with the specifications of the remediation strategy. Further:

(a) The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study.

(b) A suitably qualified Consultant shall be appointed to investigate the nature and extent of any contamination, if any, in, on or under all parts of the land to which this permission refers. All investigative works and sampling on site, together with the results of analysis must be submitted to the Local Planning Authority (and the Environment Agency as appropriate).

(c) If a hazard or hazards are identified from such investigations, a site specific risk assessment shall be undertaken to consider risks to the following: wildlife, livestock and ecosystems, building materials, water resources, the future users of the site, surrounding land and any other persons.

Reason: In order to protect the amenities of existing or proposed occupant/users of the application site or adjacent land in accordance with policy WLP30 of the Waste Local Plan for Berkshire.

7

Remediation scheme

The approved remediation works shall be carried out in full on site. If during any works any significant underground structures or contamination is discovered which has not previously been identified then the additional contamination shall be fully assessed. No further remediation works shall take place, unless otherwise agreed in writing, until a report detailing the nature and extent of the previously unidentified structures and contamination and the proposed remedial action plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter, all further remediation works shall be undertaken in accordance with the most recent approved remediation action plan.

Reason: In order to protect the amenities of existing or proposed occupant/users of the application site or adjacent land in accordance with policies OVS2 and OVS5 of the West Berkshire District Local Plan 1991-2006.

8

Contaminated land closure report

On completion of all remediation works a closure report shall be submitted to and approved in writing by the Local Planning Authority. The report shall make reference to all published information associated with the development and shall demonstrate compliance with the remediation strategy. It shall include the following: details of quality assurance certificates to show that all works have been carried out in full and according to best practice; consignment notes demonstrating the removal of contaminated materials; certification to show that new material brought to the site is uncontaminated; and details of any on-going post remediation monitoring and sampling, including a reporting procedure to the Local Planning Authority and Environment Agency.

Reason: In order to protect the amenities of existing or proposed occupant/users of the application site or adjacent land in accordance with policies OVS2 and OVS5 of the West Berkshire District Local Plan 1991-2006.

9

Site preparation Management Plan

No development shall take place until a Construction Environmental Management Plan covering the preparatory works has been submitted to and approved in writing by the Local Planning Authority. The plans should detail items such as phasing of operations to protect fauna,, contractors parking area lorry routing and potential numbers, types of earth moving machinery to be implemented and measures proposed to mitigate the impact of the proposed operations including the monitoring and appropriate measures to deal with asbestos on site, the monitoring and mitigation of groundwater impacts, processes to protect the aquifer during construction, control of run off during construction, the protection of identified habitats and the decommissioning of storage tanks on site. In addition the plan should detail any temporary lighting and dust mitigation measures that will be used during the preparatory phase of the development. The plan shall be

implemented in full and retained until the conclusion of the site preparation works. Any deviation from these statements shall be first agreed in writing with the Local Planning Authority.

Reason: In the interests of the amenities of neighbouring occupiers in accordance with policies OVS2 and OVS5 of the West Berkshire District Local Plan 1991-2006.

10

Oil tanks/fuel/chemical storage

Any chemical, oil, fuel, lubricant and other potential pollutants shall at all times be stored in containers which shall be sited on an impervious surface and surrounded by a suitable liquid tight bunded area. The bunded areas shall be capable of containing 110% of the container's total volume and shall enclose within their curtilage all fill and draw pipes, vents, gauges and sight glasses. The vent pipe should be directed downwards into the bund. There must be no drain through the bund floor or walls.

Reason: To minimise the risk of pollution of the water environment and soils in accordance with policy OVS.5 of the West Berkshire District Local Plan 1991-2006.

11

Tree Protection Scheme (Implementation)

No development shall take place until protective fencing has been installed in accordance with the tree and landscape protection scheme identified on approved drawing numbered L 02 Rev 2 and dated 11/09/08. The approved fencing shall be retained intact for the duration of the development. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires and any existing trees, shrubs and hedgerows scheduled to be retained on plan L02 dated 11/06/08 shall not be damaged, destroyed, uprooted, felled, lopped, topped or removed without the prior written approval of the Local Planning Authority. Any such vegetation removed without approval, dying, being severely damaged or becoming seriously diseased within the area of operations permitted by the permission shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority in the planting season immediately following any such occurrences.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of policies DP5 and EN1 of the Berkshire Structure Plan 2001 - 2016 and policy OVS2 (b) of the West Berkshire District Local Plan 1991 - 2006.

12

Arboricultural supervision.

No development shall take place (including site preparation works or demolition operations) within the application area until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted by the applicant and approved by the Planning Authority.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the objectives of West Berkshire District Local Plan 1991 - 2006 Policy OVS 2.

13

Arboricultural method statement

No development shall take place (including site preparation works or demolition operations) until an Arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

Reason; To ensure the protection of trees identified for retention at the site in accordance with the objectives of policies DP5 and EN1 of the Berkshire Structure Plan 2001 – 2016 and policy OVS2 (b) of the West Berkshire District Local Plan 1991 - 2006.

14

Tree Protection

No development associated with the provision of the any areas of hard surfacing, drainage and services shall take place until details of the proposed hard surfacing, drainage and services providing for the protection of the root zones of trees to be retained have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason; To ensure the protection of trees identified for retention at the site in accordance with the objectives of policies DP5 and EN1 of the Berkshire Structure Plan 2001 – 2016 and policy OVS2 (b) of the West Berkshire District Local Plan 1991 - 2006.

15

Ecology

No development hereby approved shall take place until 10 bat boxes and 20 bird boxes have been erected on the site at locations to be prior agreed in writing with the Local Planning Authority.

Reason: In the interests of wildlife in accordance with policy OVS.2 of the West Berkshire District Local Plan and PPS9.

16

Ballast storage

The temporary ballast stockpiles created during the site preparatory works shall be stored for a maximum of twelve months prior to being re-spread in its final position.

Reason: In the interests of wildlife in accordance with policy OVS.2 of the West Berkshire District Local Plan and PPS9.

17

Ecological Fencing

Upon the completion of the proposed development the fencing to protect the ecological mitigation areas, as detailed on Landscape Proposals Plan L03, shall be erected and maintained in perpetuity.

Reason: In the interests of wildlife in accordance with policy OVS.2 of the West Berkshire District Local Plan and PPS9.

18

Site Waste Management plan

Prior to the commencement of development a site waste management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved site waste management plan shall thereafter be implemented and adhered to.

Reason: To ensure that waste generated during the construction of the proposed development is managed in a sustainable manner in accordance with policy 6 of the Waste Local Plan for Berkshire.

19

Ecological management

Prior to the commencement of development a detailed ecological mitigation and enhancement scheme (including drawings and monitoring provisions) based on the principles set out in appendix 3 of the application statement, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme will be implemented in full (with bi-annual reports to the Local Planning Authority for a period of eight years) and the mitigation and enhancement measures will be maintained thereafter.

Reason: In the interests of wildlife in accordance with policy OVS.2 of the West Berkshire District Local Plan and PPS9.

20

New scheme of planting

Prior to the commencement of operations a scheme of landscape planting shall be submitted to and approved by the Local Planning Authority; such details shall incorporate the general principles indicated in the application and shall include provision for:

- i) The positions, species and sizes of all existing trees, shrubs and hedgerows to be retained, and the proposals for their protection throughout the operations
- ii) The positions, species, density and initial sizes of all new trees and shrubs;
- iii) Any hard landscaping proposed;
- iv) The Programme of implementation of the scheme;
- v) The arrangements for subsequent maintenance.
- vi) Full landscape Management scheme

The development shall be carried out in accordance with the approved scheme within the timetable agreed in (iv).

Reason: To comply with Section 197 of the Town and Country Planning Act 1990, to improve the appearance of the site in the interests of visual amenity and to minimise the impact of the proposed development in accordance with policies WLP29 and WLP30 of the Waste Local Plan for Berkshire and Policies ENV1 and OVS 2 of the West Berkshire District Local Plan

21

Maintenance of planting

Trees, shrubs and hedges planted in accordance with the approved scheme shall be maintained for a period of 5 years following their planting and any plants which within 5 years of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To improve the appearance of the site in the interests of visual amenity and to minimise the impact of the proposed development in accordance with policies ENV1 and OVS 2 of the West Berkshire District Local Plan

22

Railway

No operations associated with the development hereby approved shall take place within a lateral distance of 10 metres from the railway boundary. Cranes and jibbed machines used in connection with the development hereby approved must be positioned so that the jib or any suspended load does not swing over railway infrastructure or within 3 metres of the nearest rail if the boundary is closer than 3 metres. All cranes, machinery and constructional plant shall be so positioned and used to prevent the accidental entry onto railway property of such plant, or loads attached thereto, in the event of failure. Trees planted close to the railway should be located at a distance in excess of their mature height from railway property.

Reason: To ensure the stability of the railway and to ensure that the development does not cause a hazard to the railway in accordance with policy OVS2 of the West Berkshire District Local Plan and PPS9.

23

Fencing (Railway)

Prior to the commencement of development a suitable trespass-proof fence shall be provided adjacent to the railway boundary as shown on plan A4623 2016B dated 02.07.08. This fence shall be maintained and retained in perpetuity.

Reason: To ensure the development does not cause a hazard to the railway in accordance with policy OVS2 of the West Berkshire District Local Plan and PPS9.

PLANNING INFORMATIVES

1. Reason for recommendation

It is considered that, in principle, the proposed development at the proposed location is in accordance with the National, Regional and Local Planning Policies which are relevant to the proposal.

The proposed development has the potential to generate amenity impacts that would have an adverse effect upon nearby residential and educational areas. However it is considered that given the temporary nature of the operations and the proposed conditions and controls under other legislation, these impacts can be maintained at a satisfactory level.

It is appreciated that the proposed development would result in limited landscape and visual impacts upon the immediate locality of the site, however these impacts are, in the context of the site allocation, and receiving environment considered acceptable

It is concluded that the proposed development at the proposed location accords with the policies in the Development Plan, together with Regional and National Policies that relate to the development proposal. The likely impacts of the proposal are considered to be sufficiently controlled through the imposition of conditions and the material considerations, which are relevant in this instance, are not considered to outweigh the policy position, which is relevant to the proposed development in the proposed location.

This Information is only intended as a summary of the reasons for grant of planning permission. For further details on the decision please see the application report.

2. Planning Policies

The decision to grant planning permission has been taken having regard to the policies and proposals in the West Berkshire District Local Plan 1991-2006 (WBDLP), the Berkshire Structure Plan 2001-2016 (BSP), the Waste Local Plan for Berkshire 1998-2006, the Replacement Minerals Local Plan for Berkshire 1991-2006 (incorporating the alterations adopted in December 1997 and May 2001) and to all other relevant material considerations, including Government guidance, supplementary planning guidance notes; and in particular guidance notes and policies:

PPS 1 – Delivering Sustainable Development
PPS23 – Planning and Pollution Control

RPG9 – Regional Planning Guidance for the South East (as amended)

Berkshire Structure Plan Policies

- DP1 – Spatial Strategy
- DP2 – Major development
- DP5 – Quality of Urban and Suburban Areas
- DP6 – Land outside Settlements
- DP8 – Rural Communities
- EN1 - Landscape
- T4 – Travel Impacts
- W2 – Locations for new facilities

West Berkshire District Local Plan Policies

- OVS.1 – The Overall Strategy
- OVS.2 – Core Policy

OVS.3 – Planning and Community Benefits
OVS.5 – Environmental Nuisance and Pollution Control
OVS.6 – Noise Pollution
OVS.11 – Planning to Reduce the Opportunity for Crime
ENV.1 – The Wider Countryside
ENV.8 – Active Nature Conservation Measures
ENV.9 – Impact of Development affecting Nature Conservation Sites
ENV.14 – River Corridors and Nature Conservation
ENV.18 – Control of Development in the Countryside
ENV.19 – The Re-use and Adaptation of Rural Buildings
ENV.33 – Development in Conservation Areas
ENV.38 – The management of Scheduled Ancient Monuments and Areas of Archaeological Significance
ECON.2A – Employment Schemes on Non protected Sites
TRANS.1 – Meeting the Transport Needs of New Development

Waste Local Plan for Berkshire Policies
WLP11 - Preferred areas
WLP21 –Safeguarding waste sites

3. Construction noise informative

The Applicant is advised to seek prior consent (section 61, Control of Pollution Act 1974) to ascertain the extent of additional construction noise conditions that may be imposed. For further information contact the Head of Environmental Health.

4. British Waterways

The applicant/developer is advised to contact British Waterway's third party works engineer in order to ensure that any necessary consents are obtained and the works are compliant with the current British Waterways' "Code of Practice for Works affecting British Waterways.

In the event of any encroachments into British Waterway's airspace, land or water, the applicant must enter into an appropriate commercial agreement with British Waterways before development commences. Please contact British Waterways London's Estates Team for further information.

Any closures of the towpath during the construction must be agreed in writing with British Waterways London before development commences.

The applicant is advised that any discharge of surface water into the waterways requires British Waterway's written permission before development commences.

5. Public Rights of Way

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

Nothing connected with either the development or the construction must adversely affect or encroach upon the footpath, which must remain available for public use at all times

The applicant is advised that the Rights of Way Officer must be informed prior to the laying of any services beneath the path.

Where the ground levels adjacent to the path are to be raised above the existing ground levels, a suitable drainage system must be installed adjacent to the path, to a specification agreed with the Local Authority, prior to development commencing.

No alteration of the surface of the Right of Way must take place without the prior written consent of the Rights of Way Officer.

6. Railway

Without prior approval of Network Rail, the works shall not generate an increase in the existing flow rates into any culvert that passes beneath the railway.

There must be no reduction in the effectiveness of any drain or watercourse belonging to Network Rail. Furthermore, there must be no interference to any existing drainage rights that Network Rail enjoys.

Without the prior approval of Network Rail, the works shall not generate an increase in the existing flow rates into any culvert that passes beneath the railway.

Storm or surface water must not be discharged onto or towards Network Rail property. Suitable drainage or other works must be provided and maintained by the developer to prevent surface flows or run-off affecting the railway.

Soakaways or lagoons constructed as a means of storm/surface water disposal or storage must not be constructed within 10 metres of the railway boundary or at any point which could adversely affect the stability of Network Rail infrastructure.

Cranes and jibbed machines, used in connection with the works, must be so positioned that the jib or any suspended load does not swing over railway infrastructure or within 3 metres of the nearest rail if the boundary is closer than 3 metres.

It would be preferable for deciduous trees and pines not to be planted close to the operational railway.

Network Rail shall be notified of any significant alteration to the characteristics of the site works in terms of limits of excavation or deposition, water management, etc.

7. Trade Effluent Consent

A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 8507 4321.

10. Environment Agency

Information on SUDS can be found in PPS25 page 33 Annex F, in CIRIA C697 The Suds Manual, and the Interim Code of Practice for Sustainable Drainage Systems. They provide advice on selection, design,

construction, adoption and maintenance issues and reference other technical guidance on SUDS, and are available on both the Environment Agency's web site at: www.environment-agency.gov.uk and CIRIA's web site at www.ciria.org.uk

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the brink of the Kennet and Avon Canal main river.