

DEVELOPMENT CONTROL PANEL

7 March 2024

Item: 5.

Application No.:	23/03081/FULL
Location:	Fowles Crushed Concrete Hythe End Farm Hythe End Road Wraysbury Staines TW19 5AW
Proposal:	Replacement of hardstanding with concrete surfacing, maintenance access and drainage infrastructure associated with the lawful storage and processing of waste material in the north western area of the existing waste recycling facility.
Applicant:	Mr Fowles
Agent:	Guy Titman
Parish/Ward:	Wraysbury Parish/Datchet Horton And Wraysbury
If you have a question about this report, please contact: Nick Westlake on or at nick.westlake@rbwm.gov.uk	

1. SUMMARY

- 1.1 This application seeks planning permission to construct concrete surfacing over an area of approximately 5,175 square metres (0.5ha) and to install the associated surface water drainage infrastructure for this feature. The proposed concrete surfacing is required to fulfil the requirement of the Environmental Permit, which requires certain waste including dredging waste taken from lakes and rivers and mixed waste derived from construction and demolition which is not hazardous, to be stored and treated on an impermeable surface with a sealed drainage system.
- 1.2 The application is similar to previous application 22/02756/FULL, which was refused for one reason, that being the design of the surface water storage area. The previous design allowed for the stockpiling of waste materials in the area available for surface water to be stored. This design/layout would have reduced the surface water storage area, and as such the development failed to demonstrate that it would not increase the risk of surface water flooding elsewhere. The majority of the resubmission application is identical to the original planning application reference 22/02756/FULL with the exception of an adjusted surface water drainage scheme, an updated flood risk assessment and associated drainage technical note.
- 1.3 This resubmission application seeks to address the single reason for refusal and to aims to cover the three matters specified by the Assistant Director of Planning at the previous committee planning meeting. Namely; to provide more detail about the level of capacity of the concrete slab to accommodate a 100 year plus 40 year climate change event; to provide further details regarding the extent that capacity may be taken up with the storage of materials and the operational machinery; and finally, to hold further discussion with the LLFA to overcome their concerns.
- 1.4 These requests have been undertaken by the applicant and it is considered that the single reason for refusal on the previous application has been overcome in this submission.
- 1.5 Contained within the concreted area, the proposed surface water storage volume has been adjusted to account for a 100-year, 7-day duration rainfall event. The LLFA have confirmed storage for the 7 day event is the longest duration for a particular storm event that the industry considers, and represents the worst case scenario. The design also has an allowance of 40% additional capacity for climate change to provide

resilience to the effects of current and future climate change. The plans indicate no materials are stored within the designated areas for surface water storage. The proposal would continue to support the wider waste recycling operation on site.

1.6 On this basis, it is therefore recommended that planning permission be approved.

It is recommended the Committee authorises the Head of Planning:

To grant planning permission with the conditions listed in Section 13 of this report.

2. REASON FOR COMMITTEE DETERMINATION

2.1 The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended as it is a major development; such decisions can only be made by the Committee.

3. THE SITE AND ITS SURROUNDINGS

3.1 Hythe End Farm lawfully operates as a waste transfer station and there are a variety of structures and stockpiles that are used in conjunction with the lawful use.

3.2 The application site comprises an area of land of approximately 0.52 hectare of the wider Hythe End Farm. The site entrance is located on Hythe End Road which is accessed from the B376 and Feathers Lane to the north of the site. The application site is within the Metropolitan Green Belt and Environment Agency Flood Zone 3B. The wider site has an area of approximately 7.6ha. Therefore, the application site is only some 15% of the total site area.

3.3 The site is not within any designated protected sites. However, it is in close proximity to a number of designated protected areas, including South-West London Waterbodies Special Protection Area (SPA), the Wraysbury & Hythe End Gravel Pits Site of Special Scientific Interest (SSSI), Windsor Forest and Great Park SSSI and Special Area of Conservation (SAC), Langham Pond SSSI, Staines Moore SSSI, Wraysbury Reservoir SSSI and Wraysbury No.1 Gravel Pit SSSI. The site is also in close proximity to other non-statutory designated sites, including Wraysbury II Gravel Pits Local Wildlife Site (LWS), Wraysbury I Gravel Pit LWS and Colne Brook LWS.

4. KEY CONSTRAINTS

- Metropolitan Green Belt
- Environment Agency Flood Zone 3B – Functional Floodplain

5. THE PROPOSAL

5.1 The application site is subject to an Environmental Permit, which requires certain waste including dredging waste taken from lakes and rivers and mixed waste derived from construction and demolition which is not hazardous, as set out in the Permit, to be stored and treated on an impermeable surface with sealed drainage system.

5.2 The application site currently has a permeable surfacing and therefore it does not comply with the permit requirement. In order to allow the storage and treatment of

certain wastes at the application site to fulfil the requirement of the Environmental Permit, this application therefore is seeking to construct an impermeable concrete surfacing and to install the associated surface water drainage infrastructure at the application site.

- 5.3 The concrete surfacing would cover an area of approximately 5,175 square metres (0.5ha). The concrete surface is proposed to be constructed at a level which is at or below the existing ground level of the hardstanding. The applicant intends on storing and processing concrete, bricks, tiles, ceramics, stones, glass and ballast and mixtures thereof within this area. These materials are part of those listed in the 2020 Environmental Permit, which are suitable for processing into secondary aggregates subject to there being a sealed drainage system, so the surface water does not get into the drinking supply.
- 5.4 The concrete surface of the entire developable area will be graded to fall to the southwest with the northern and eastern boundaries of the concrete surface constructed to tie in with surrounding ground levels. The main difference with this application and the previous refusal (ref: 22/02756/FULL) is that the previously proposed containment kerb on the southern and western boundaries is replaced with a vertical double skin concrete blockwork wall to a minimum elevation of 15.8m AOD and the ground level of the deepest part of the concrete surface is lowered slightly to 14.150m AOD.
- 5.5 Similar to the previous application, the surface water will drain to a subsurface pre-cast underground concrete chamber which will be constructed in the south west corner and the lowest level of the area of the concrete surface. The base of the concrete chamber will be at a level of approximately 12.613m AOD and the chamber will be 1.5m wide x 1.5m deep and 3.0m long. The chamber will be covered with a steel grill.
- 5.6 This water shall not be drained on site to the local river network. The stored water will be used for dust suppression on the site. In the event that the storage chamber is full the water will be removed from the site and safely disposed of. This is a requirement of the Environmental Permit.
- 5.7 Identical to the previous refusal the area to store surface water has been designed for a 1 in 100 year plus 40% climate change, 7 days duration, rainfall event. The difference with this application is due to the depths achieved in the south eastern sections of the concrete overground storage area, the size of the area generated for surface water storage during(extreme events would be smaller, but deeper. Therefore, more space is available to the north of the site for stockpiling.
- 5.8 Within this application the plans also make it clear no waste processing operations or stockpiling would be carried out in the area designated to capture the extreme rainfall events. This area is indicated in light and dark blue within the 'Surface Water Containment Scheme, General Arrangement' drawing, Ref: 2016s4837-501, found within Appendix C of the Flood Risk Assessment (December 2023) by JBA, submitted with this application. The exception to this would be when transporting the discharge from the conveyor out of the area. The submitted details stipulate that the discharge from the conveyor would be cleared continually throughout the day and at the end of each working day. (The applicant has confirmed there is an existing conveyor which discharges into the blue hatched area on the Flood Risk Plan. This contains waste from processing facilities further south. The applicant advises that it is not practicable to relocate this discharge point. Therefore, the waste discharged from this conveyor will continually be removed (from the blue hatched area) by mobile plant (a vehicle with

a rear loading shovel) during the working day rather than being allowed to stockpile and left overnight.)

- 5.9 The concrete surface and the surface water drainage infrastructure has been designed to be resilient to the large quantity of silt that may be generated by the waste types managed. This shall be subject to maintenance and management plan for ongoing quality assurance checks.

6. RELEVANT PLANNING HISTORY

- 6.1 Hythe End Farm has a long planning history of sand and gravel extraction and waste operations through a series of planning permissions and certificate of lawfulness granted since 1998.
- 6.2 A certificate of lawfulness (97/75746) was granted in September 1998 for an existing use for the storage and processing of excavated/dredged/builders materials, timber and associated plant and machinery.
- 6.3 In 2005, planning permission (02/82412) was granted for the erection of 2.4m high compound fencing and retention of existing earth bund. Planning application (02/82413) for the erection of new gates and fence, wheel wash and weighbridge with widening of existing gateway and alterations to concrete hard surfacing (retrospective) was refused but was allowed on appeal.
- 6.4 In 2013, certificate of lawfulness (13/00828) to determine whether the existing use of parking and overnight parking of no more than ten 32 Tonne Heavy Goods Vehicles which are road going and taxed vehicles. Used only in connection with the site as set out under Certificate of Lawfulness 97/75746 [Certificate of Lawfulness 97/75746 is for storage before and after processing and processing of excavated/dredged/builders materials, timber with associated plant and machinery on land east of Hythe End Road] was refused.
- 6.5 In 2019, planning permission (16/01725/FULL) was granted for the replacement concrete surfacing associated with the lawful storage and processing of waste material, with associated drainage infrastructure and access ramps (part retrospective)
- 6.6 In 2021, planning permission (16/02366/FULL) was granted for the detached building for the maintenance of plant and machinery associated with the storage before and after processing and processing of waste materials which is subject of a certificate of lawfulness dated 09 September 1998 (retrospective). The permission was subject to an appeal against the condition requiring the facility to be completely removed from the application site when it is no longer required for such purposes. The appeal was allowed, and the condition was varied to allow the use of the building in conjunction with the lawful use of the site as a waste processing facility or any other lawful use of the site. The Inspector reasoned that enforcement action requiring the removal of the building, as operational development, could not be taken due to the passage of more than 4 years since the building's construction. Therefore, the inclusion of a clause in condition 1 requiring the building to "be completely removed from the application site" when no longer required for specified purposes would fail the test of being enforceable.
- 6.7 In March 2023, a Section 96A non-material amendment application to planning permission 16/01725/FULL to amend the current Surface Water Drainage Scheme submitted under 19/03545/CONDIT was approved.

6.8 In July 2023 an application similar to the current application (Ref: 22/02756/FULL) was submitted, this was refused for the following reason:

‘The designated surface water storage area will be used for materials stockpiling which reduces the area available for surface water to be stored. In the absence of an acceptable surface water storage strategy, the proposed development fails to demonstrate that it will not increase the risk of surface water flooding and is contrary to Policy DM10 of the Central and Eastern Berkshire Joint Minerals & Waste Plan.’

6.9 The applicant has appealed this reason for refusal and that case is awaiting its hearing date in April 2024.

7. DEVELOPMENT PLAN

7.1 The main relevant policies are:

Adopted Borough Local Plan 2013-2033

Issue	Policy
Spatial Strategy for the Borough	SP1
Climate Change	SP2
Sustainability and Placemaking	QP1
Character and Design of New Development	QP3
Development in Rural Areas and the Green Belt	QP5
Managing Flood Risk and Waterways	NR1
Nature Conservation and Biodiversity	NR2
Trees, Woodlands and Hedgerows	NR3
Environmental Protection	EP1
Air Pollution	EP2
Artificial Light Pollution	EP3
Noise	EP4
Sustainable Transport	IF2
Rights of Way and Access to the Countryside	IF5

Adopted Central and Eastern Berkshire Joint Minerals and Waste Plan 2021-2036

Issue	Policy
Sustainable Development	DM1
Climate Change – Mitigation and Adaptation	DM2
Protection of Habitats and Species	DM3
Protection of the Countryside	DM5

Green Belt	DM6
Protecting Health, Safety and Amenity	DM9
Flood Risk	DM10
Water Resources	DM11
Sustainable Transport Movements	DM12
High-Quality Design of Minerals and Waste Development	DM13
Ancillary Development	DM14
Site History	DM15
Sustainable waste development strategy	W1
Safeguarding waste management facilities	W2
Locations and sites for waste management	W4

Adopted Horton and Wraysbury Neighbourhood Plan 2018-2033

Issue	Policy
The presumption in favour of sustainable development	NP/SUSTDEV01
Management of the Water Environment	NP/SUSTDEV02
Landscape	NP/OE1
Ecology	NP/OE2
Public Rights of Way	NP/OE3

8. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2023)

Section 2 – Achieving sustainable development
 Section 4- Decision-making
 Section 6 – Building a strong, competitive economy
 Section 9- Promoting Sustainable Transport
 Section 11 – Making effective use of land
 Section 12- Achieving well-designed places
 Section 13 – Protecting Green Belt land
 Section 14- Meeting the challenge of climate change, flooding and coastal change
 Section 15 – Conserving and enhancing the natural environment

National Planning Policy for Waste (October 2014)

- 8.1 The document can be found at: <https://www.gov.uk/government/publications/national-planning-policy-for-waste>.

Supplementary Planning Documents

- i. Borough Wide Design Guide
- ii. Planning Obligation and Developer Contributions SPD

iii. Sustainable Design and Construction SPD

Other Strategies or Publications

Other Strategies or publications material for the proposal are:

- iv. DEFRA Waste Management Plan for England 2021
- v. RBWM Townscape Assessment
- vi. RBWM Landscape Assessment
- vii. RBWM Parking Strategy
- viii. Interim Sustainability Position Statement
- ix. Corporate Strategy
- x. Environment and Climate Strategy

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

- 9.1 The planning officer posted a notice advertising the application at the site on 31.01.2024 and the application was advertised in the Local Press on 26.01.2024.
- 9.2 5 occupiers were notified directly of the application and 37 letters were received all objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	Concerns over the flood risk of the proposed development as it is within a flood plain classified as Flood Zone 3	10.21 – 10.34
2.	Concerns over highway safety, the area become an industrialised zone, with 40 ton articulated lorries and skip lorries impacting residential safety and amenity	10.41 – 10.45
3.	Concerns over the proposed development which is an inappropriate development within the Green Belt as the development would have an impact to the character of the surrounding countryside.	10.6 – 10.12
4.	Concerns over the existing bunds with no planning permission.	This application is for the replacement of surfacing and the lawfulness of the existing bunds is not considered to be relevant in this application.
5.	Concerns include noise, pollution, and potential damage from flooding and increased industrial activity	10.35 – 10.40
6.	The FRA strategy does not consider prolonged flooding.	10.21 – 10.34
7.	Visual and Noise Impact, the existing site modifications have already affected the local area negatively	10.6 – 10.12 and 10.35 – 10.40
8.	The Certificate of Lawful Use was obtained	Comments noted.

	on the site under very suspicious circumstances and was granted despite objections from local residents	
9.	There has been a systematic increase to the amount of impervious concrete that has been allowed on this site this application which can only worsen the situation for the 75 households directly impacted.	10.21 – 10.34
10.	A few centimetres of additional flood water is the difference between a property flooding or not. The RBWM's withdrawal from the Thames flood relief channel and with no alternative proposed, further development affecting the flood plain should not be permitted.	10.21 – 10.34
11.	Large amounts of impermeable concrete will affect ground water storage and compensation for this should be proposed	10.21 – 10.34
12.	The FRA fails to provide the capacity of the chamber intended for surface water collection.	10.21 – 10.34
13.	There is a severe risk of damage to the containment walls proposed around the concrete hardstanding with the movement of heavy waste site machinery. The plan does not detail the operation, number, and capacity of the wheeler tanker/s responsible for transporting collected rainfall offsite, including its operational feasibility 365 days including on weekends and holidays.	10.21 – 10.34 and 10.41 – 10.45 The other elements can be covered via Planning Condition or the Environmental Permit
14.	Previous applications that were approved have impacted the area and as a result we are facing flooding. RBWM have no solution to the flooding issues, either short or long term.	Noted.
15.	Surface water collection volume calcs need defining: - Chamber capacity currently not defined as a system or volume - Inclusion of existing chambers underground in the rain water calculations - Specifics regarding environmental impact and offsite tank capacity - Operations concerning capacity, numbers and timing of required wheeler tankers to remove rainfall offsite - Dust suppression water needs when suppression executed as directed.	10.21 – 10.34 and 10.41 – 10.45 and 10.55 – 10.56
16.	The application does not contain sufficient drainage to accommodate water created from rainfall and flood water. With the intended raising of the land level there will be a negative impact on flood conveyancing raising flood levels upstream, and residential properties.	10.21 – 10.34
17.	Comprehensive environmental impact assessment should be conducted	10.46 – 10.52
18.	Previous concerns over the existence of Japanese Knotweed at the site.	The existence of Japanese Knotweed is not a material consideration of a planning application and is addressed by

		other legislation. The suggestion is strongly denied by the applicant.
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Statutory Consultees

Consultees	Comments	Where in the report this is considered
Environment Agency	No objection to the proposed development subject to conditions.	10.35 – 10.40 and 10.46 – 10.52
Natural England	No response – Previously via 22/02756/FULL. Natural England had no objection subject to appropriate mitigation being secured.	10.46 – 10.52
RBWM Lead Local Flood Authority	No objection to the proposed development subject to conditions	10.21 – 10.34

Consultees

Consultees	Comments	Where in the report this is considered
RBWM Ecology	No objection subject to conditions requiring the submission of a construction environmental management plan (CEMP) and if required, an external lighting scheme.	10.46 – 10.52
RBWM Highways	No highways objection but the CMP stated within the planning statement has not been provided to support this application.	10.41 – 10.45
RBWM Environmental Protection	No objection subject to a condition related to construction working hours. Also, a full land contamination condition.	10.35 – 10.40

Others (e.g. Parish and Amenity Groups)

Groups	Comments	Where in the report this is considered
Wraysbury Parish Council	Objecting on the grounds of over development in flood plain	10.21 – 10.34

10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- i) Principle of Development
- ii) Green Belt
- iii) Climate Change and Sustainability

- iv) Flood Risk
- v) Environmental Protection
- vi) Highway and Parking
- vii) Ecology and Biodiversity
- viii) Other Matters

i. Principle of Development

- 10.2 As was previously accepted in the recently refused application 22/02756/FULL, there is no objection to the principle of the development/proposed use, subject to the wider adherence to the relevant development management criteria set out in this report.
- 10.3 Policy DM14 of the Central and Eastern Berkshire Joint Minerals & Waste Plan sets out that proposals for buildings and/or structures ancillary to minerals processing or manufacturing, or for structures ancillary to the existing minerals or waste operation, will be supported where they are appropriate and located within the development footprint of the existing site. Proposals will need to demonstrate how the ancillary development will benefit the site and ensure a sustainable operation. Development permitted in accordance with this policy will be subject to a requirement that:
- a) it is used only as ancillary to the primary permission of the site; and
 - b) it will only be permitted for the life of the primary permission.
- 10.4 The types of wastes to be handled are regulated by the Environment Agency under the Environmental Permitting regime. The site is within the remit of an extant certificate of lawfulness (97/75746), which allows the processing of certain waste set out in the certificate, including excavated/dredged/builders materials and timber. The certificate was granted prior to the issue of an Environmental Permit (formerly known as Waste Manage Licence WML) before 2008. The definition of wastes set out in the certificate is not consistent with the definition of wastes set out under the current EWC (European Waste Code). Nevertheless, it is considered that the site can process the waste type EWC – 17 09 04 (mixed waste derived from construction and demolition which is not hazardous). Subject to compliance with the Environmental Permit that requires this waste to be stored and treated on an impermeable surface with a sealed drainage system.
- 10.5 This application is seeking to construct that impermeable concrete surfacing and to install the associated surface water drainage infrastructure, as the current surface is a permeable surfacing. It is considered that the proposed surfacing will allow certain waste to be processed at the application site, which is currently restricted by the Environmental Permit, to ensure a sustainable waste operation of the wider site. There is no in principle objection to the development proposal.

ii. Green Belt

- 10.6 As was previously accepted in application 22/02756/FULL, there is no objection to the development in terms of impact on the Green Belt.
- 10.7 The application site lies within the designated Green Belt. The Government attaches great importance to Green Belts. The fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

- 10.8 Paragraph 154 of the National Planning Policy Framework (NPPF) sets out that the construction of new buildings is inappropriate in the Green Belt unless it falls into one of the specified exceptions. Paragraph 155 also sets out that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, including (b) engineering operations.
- 10.9 The proposed development is seeking to construct an impermeable concrete surfacing and to install the associated surface water drainage infrastructure. The formation of surfacing and its associated drainage facility is considered to be an engineering operation in this regard.
- 10.10 Regarding whether the proposed development would preserve the openness of the Green Belt. The proposed development entails the formation of a new hard surface at ground level with only level changes being those required to facilitate the drainage of surface water as part of the required sealed drainage infrastructure. The construction of the new hard surfacing and the associated drainage infrastructure will have some impacts on the openness of the Green Belt, but those works will only be temporary. As the application site already comprises an area of surfacing, it is not considered that the proposed new hard surfacing will have any further impact to the openness of the Green Belt. The proposed double skinned retaining wall will be at or below ground level, therefore not noticeable from wider views. The features would therefore have no discernible impact on the openness of the Green Belt.
- 10.11 Regarding whether the proposed development would conflict with the purposes of including of land within it, the proposed concrete surfacing and the associated drainage infrastructure is within the existing operational waste site. The proposed development does not involve the construction of any new buildings/structures outside of the existing waste site and it is not considered that the proposed development would result in the sprawl of built-up areas.
- 10.12 In summary, the proposed concrete surfacing and the associated drainage infrastructure is considered to be an engineering operation which preserves the openness of the Green Belt and does not conflict with the purposes of including land within it, and is therefore appropriate development within the Green Belt.

iii. Climate Change and Sustainability

- 10.13 As was previously accepted in application 22/02756/FULL, there is no objection to the development on matters relating to climate change or sustainability.
- 10.14 Paragraph 157 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate by contributing to a radical reduction in greenhouse gas emissions, minimising vulnerability and improving resistance, and supporting renewable and low carbon energy and associated infrastructure.
- 10.15 The Council has adopted an Interim Sustainability Position Statement (ISPS) to clarify the Council's approach to these matters. According to the ISPS, it sets out that all development except householder residential extensions and non-residential development with a floor space of below 100 square metres should be net-zero carbon.
- 10.17 Policy SP2 requires all development to demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change. Policy DM2 of the

Central and Eastern Berkshire Joint Minerals & Waste Plan sets out that waste development proposals will be supported by a Climate Change Assessment. The Assessment should include how the development proposal encourages the wider sustainable use of resources and how the development itself makes efficient use of resources.

- 10.18 In this case, the proposed development is seeking to construct an impermeable concrete surfacing and to install the associated surface water drainage infrastructure. The proposal is not seeking to introduce any buildings containing floorspace; therefore, it is not considered that the proposed development would fall within the parameters of the ISPS.
- 10.19 No climate change assessment has been provided as set out in Policy DM2 of the Central and Eastern Berkshire Joint Minerals & Waste Plan to support this application. Notwithstanding, the wider existing site is for waste recycling, which is a preferable form of waste management as it is higher up the waste hierarchy than recovery or landfill. The proposed development would help support the wider waste site the sustainable use of resources and has a positive contribution towards the aims of Policy DM2.
- 10.20 Therefore, the proposed development complies with aims and objectives of Policy SP2 of the Borough Local Plan 2013-2033 and Policy DM2 of the Central and Eastern Berkshire Joint Minerals & Waste Plan.

iv. Flood Risk

- 10.21 Paragraph 165 of the NPPF sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 10.22 Policy NR1 of the Borough Local Plan sets out that development will only be supported within designated Flood Zones 2 and 3, where an appropriate flood risk assessment has been carried out and it has been demonstrated that development is located and designed to ensure that flood risk from all sources of flooding is acceptable in planning terms. Development proposals should include an assessment of the impact of climate change using appropriate climate change allowances over the lifetime of the development so that future flood risk is needed to be considered.
- 10.23 Policy DM10 of the Central and Eastern Berkshire Joint Minerals & Waste Plan sets out that waste developments should not result in an increased flood risk overall and the development is safe from flooding for its lifetime including an assessment of climate change impacts. This includes a drainage system that is designed to manage storm events up to and including the 1% Annual Exceedance Probability (1:100 year) storm event with an appropriate allowance for climate change.
- 10.24 Policy NP/SUSTDEV02 of the Horton and Wraysbury Neighbourhood Plan 2018-2033 sets out that development proposals for residential or non-residential development within the areas shown within Flood Zones 2 and 3 as shown on the Environment Agency's Flood Maps will not be supported apart from for replacement of houses and extensions to existing houses up to the limit allowable under the permitted development rights granted by Parts A and E of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 or such secondary legislation that replaces it. The design and construction of new buildings should have regard to

national flood resilience guidance and other relevant policies in the development plan. Additionally, action should be taken where appropriate to improve and reduce the overall flood risk.

- 10.25 This application is accompanied by an updated Flood Risk Assessment (FRA) December 2023, which is prepared by JBA Consulting, on behalf of the applicant in order to address the previous reason for refusal of application, (Ref: 22/02756/FULL). This related to the previous scheme having an unacceptable surface water storage strategy, contrary to Policy DM10 of the Central and Eastern Berkshire Joint Minerals & Waste Plan. The previous scheme was said to fail to demonstrate that it will not increase the risk of surface water flooding from the site.

Fluvial flooding

- 10.26 According to paragraph 078 of the Planning Practice Guidance (PPG)¹, functional floodplain comprises land where water from rivers or the sea has to flow or be stored in times of flood. The identification of functional floodplain should take account of local circumstances and not be defined solely on rigid probability parameters. Functional floodplain will normally comprise:
- land having a 3.3% or greater annual probability of flooding, with any existing flood risk management infrastructure operating effectively; or
 - land that is designed to flood (such as a flood attenuation scheme), even if it would only flood in more extreme events (such as 0.1% annual probability of flooding).
- 10.27 The proposed development is for waste treatment, which is considered to be less vulnerable under the flood risk vulnerability classification. Less vulnerable development should normally not be permitted under Zone 3b. However, the application site is subject to a certificate of lawfulness for various waste storage and processing activities. Furthermore, the existing lawful waste operation would not fundamentally alter the functional floodplain designation of the application site. Therefore, no objection in principle is raised.
- 10.28 The Environment Agency has been formally consulted on this application and has raised no objection to the proposed development in terms of fluvial flood risk. The Environment Agency considers that there will be no loss in fluvial floodplain capacity and the proposed scheme will not impede flood flows. This conclusion is agreed with by Officers. The Environment Agency have asked for a planning condition ensuring that the development shall be carried out in accordance with the details of the drainage strategy within the submitted flood risk assessment. This is to ensure there will be no impact on flood storage and flood flow routes.. The EA also ask that all the planning conditions listed in their letter of 31 May 2023 are attached to any planning permission granted for the proposed development. In total there were two conditions raised in that letter, one related to the now updated FRA, the other in relation to ground contamination. The ground contamination planning condition has been adapted and is discussed in the Environmental Protection section below.
- 10.29 The EA also requested all the advice provided in their letter of 31 May 2023 (via the previous application 22/02756/FULL) relating to 'Land use planning and Regulation/Permitting' is included as an informative. An informative has been with included within the recommendations a series of informatives.

¹ Paragraph: 078 Reference ID: 7-078-20220825

Sequential Test

- 10.30 A sequential test is required for development in Flood Zone 2 or 3 and no sequential test is provided to support this application. The application site is subject to an extant certificate of lawfulness which allows the site to be operated as a waste processing and storage site. The proposed surfacing with sealed drainage infrastructure is required in conjunction with the lawful use of the wider site to fulfil the requirement of the Environmental Permit. Therefore, it is not reasonable to consider that the proposed surfacing can be located elsewhere, as it is not feasible to seek an alternative location as it is linked to the planning unit in this regard.

Sustainable Drainage

- 10.31 The Council's Lead Local Flood Authority (LLFA) has concluded that the proposed storage volume will be sufficiently sized for the 1 in 100 years plus 40% climate change event. The hydraulic modelling demonstrates the worst case scenario of surface water drainage would require 910m³ of water storage. Table 4-10 in the FRA states 1010m³ is provided. However, this does not include 20m³ in the underground storage tank, circa 1m³ for the pipework and circa 1 m³ for the inspection chamber. Therefore, the maximum area for Flood Risk storage in the blue hatched area is circa 1,0342m³. The capacity of surface water drainage allows for a 1 in 100 year plus 40% climate change, 7 days duration, rainfall event. This is greater than the 1 in 100 year plus climate change rainfall event as detailed in the Central and Eastern Berkshire Joint Minerals & Waste Plan, Policy DM10 (or the 1 in 10-year, plus 40% Climate change, 24hr rainfall event, as suggested in the CIRIA736 guidance). The area for the storage of this surface water has been designated to be free from the storage of materials during the day to day operations. Given there is a noticeable gradient to this area (from the predicted plans) it is considered realistic that this area shall be kept free of stockpiling. This shall be further reinforced via the surface water drainage condition recommended via the LLFA.
- 10.32 The LLFA caution that although the surface water drainage strategy is acceptable in theory, there are concerns around the effectiveness of the strategy over time, especially in relation to the ongoing maintenance of the site and the frequency with which tankering occurs. The LLFA therefore recommend a surface water drainage condition detailing the working of the system (including the demarcation of the drainage area) and a second condition overseeing the management and maintenance of these features. With such conditions in place, the LLFA have no objections. The traffic movements aspect is covered via the Highways section below.
- 10.33 Policy DM10 of the Central and Eastern Berkshire Joint Minerals & Waste Plan requires waste development in areas at risk of flooding should include site drainage systems designed to manage storm events up to and including the 1% Annual Exceedance Probability (1:100 year) storm with an appropriate allowance for climate change. The development is designed to accommodate these requirements.
- 10.34 The Environment Agency sets out that a reasonable timeframe for installation of the associated surface water drainage infrastructure that forms part of this application should be set out and this should be secured by a planning condition. A pre-operation condition shall be used to ensure that the associated sealed surface water drainage infrastructure is installed prior to the operation of the proposed concrete surfacing.

v. Environmental Protection

- 10.35 Policy EP1 of the Borough Local Plan sets out that new development will only be supported where it would not have an unacceptable effect on environmental quality both during the construction phase and when completed. The policy requires details of remedial or preventative measures and any supporting environmental assessments required, will be secured by planning conditions to ensure that the development will be acceptable. Policy DM9 of the Central and Eastern Berkshire Joint Minerals & Waste Plan sets out that waste development should not cause unacceptable noise, dust, lighting, vibration, or odour.

Unexpected Contamination

- 10.36 The Environment Agency welcomes the proposed development to extend the impermeable surfacing within the north-western section of the site to allow the storage and processing of imported mixed construction and demolition wastes in an area that benefits from impermeable surfacing and dedicated drainage. The previous use of the site as a landfill and for secondary aggregate processing means that soils and groundwater may be contaminated and contamination could be mobilised during construction, potentially polluting controlled waters. Officers consider the full standard contaminated land planning condition should be used in this instance to mitigate against that eventuality.

Landfill Gas

- 10.37 The Environment Agency sets out that the proposed development is on top of a historic landfill and the proposed changes could result in the nearby community being exposed to odour and landfill gas, where the gas can be toxic and can give rise to long- and short-term health risks. The Agency considers that the changes to the site surfacing will block surface emissions and any landfill gas will migrate towards the perimeter of the new concrete area.
- 10.38 The Environmental Protection Team are also concerned about this possibility. The standard land contamination condition shall ensure that landfill gas assessments will be carried out to identify any potential risks. Furthermore, the relevant mitigation measures will be fully implemented to address the identified risks. The final part of the standard land contamination condition ensures appropriate long term monitoring of such risks.

Noise

- 10.39 This application is accompanied by a Technical Note, which is prepared by Walker Beak Mason Limited, on behalf of the applicant. The Note identifies that there will be a short-term noise impact during the resurfacing works, but the level of noise generated would be at an acceptable level.
- 10.40 The Council's Environmental Protection Officer has been consulted in this application and raised no objection to the proposed development. They have recommended an hours use planning condition for the construction process and the full contaminated land condition mentioned above. Both have been included with the recommendation.

vi. Highways and Parking

- 10.41 Policy DM12 of the Central and Eastern Berkshire Joint Minerals & Waste Plan sets out that waste development will be permitted where good connectivity for the

movement of waste can be demonstrated. A transport assessment will be required to support the application. The application should be consider the following matters:

- The acceptability of routing to the site and the impacts on the surrounding road network in relation to capacity and demand, with consideration of committed developments and cumulative impact
- Road safety
- Sustainability accessibility
- Appropriate hours of working
- Mitigation as appropriate

10.42 When the applicant was asked about the predicted increase in vehicle movements to tank away the contaminated water when the storage chamber is full, the applicant said this shall vary due to the actual rainfall conditions as might apply. The applicant has said, as the storage capacity available is substantial (very much exceeding minimum requirements) and the need to remove water from site would only arise during a very severe rainfall event it is probable that in most years there will be no vehicle movements required for tankering surface water.

10.43 The LLFA have said that the surface water modelling does not allow for any runoff losses, ie through evaporation, these can typically be between 16% and 25%. This is likely especially via the dust suppression uses proposed. Therefore, is it not unrealistic that very few additional vehicle movements will be required per year. Officers would not agree that zero movements per year are likely, however, given the volume of traffic the site currently receives, it is considered that any additional vehicle movements as a result of the surface water drainage strategy would be quite negligible in current context. There is a dedicated 5m wide access to access the drainage chamber if the site needs to be drained. Otherwise during normal operations vehicles shall cross from the eastern site into the application site with no obstructions.

10.45 The Council's Highways Authority has been formally consulted in this application. The Highways Authority has raised no objection to the proposed development subject to a Construction Management Plan being provided to support the construction process. Whilst construction management plans are not always considered to be reasonably necessary, given the specific nature of the proposal officers agree that such a condition is required in this instance.

vii. Ecology and Biodiversity

10.46 As was previously accepted in application 22/02756/FULL, there is no objection to the proposal on grounds relating to the impact of the development on ecology or biodiversity.

10.47 Policy NR2 of the Borough Local Plan sets out that development proposals shall be accompanied by ecological reports in accordance with BS42020 to aid the assessment of the proposal. Neighbourhood Plan Policy NP/OE2 of the Horton and Wraysbury Neighbourhood Plan 2018-2033 sets out that development proposals that conserve and enhance biodiversity and comply with other relevant policies will be supported.

10.48 The application site is in close proximity to a number of designated protected areas, including South-West London Waterbodies Special Protection Area (SPA), the Wraysbury & Hythe End Gravel Pits Site of Special Scientific Interest (SSSI), Windsor Forest and Great Park SSSI and Special Area of Conservation (SAC), Langham Pond SSSI, Staines Moore SSSI, Wraysbury Reservoir SSSI and Wraysbury No.1 Gravel

Pit SSSI. The site is also in close proximity to other non-statutory designated sites, including Wraysbury II Gravel Pits Local Wildlife Site (LWS), Wraysbury I Gravel Pit LWS and Colne Brook LWS.

- 10.49 The application site consists of a plot of surfacing with piles of crushed concrete set within a wider waste management site which, according to the ecology report (ESL Ecological Services, October 2022), contains a variety of habitats including woodland (a priority habitat), including standing and fallen deadwood (partly on the lower slopes of screening bunds), scrub (wholly on screening bunds), ruderal (wasteland-type) vegetation, a wet ditch, a small area of rough grassland and strips of bare earth/surfacing (within the active works area). It is surrounded by woodland (including wet woodland), the River Thames (on the western boundary), grassland, and residential properties.
- 10.50 Otter, bats, birds, and stag beetle have all been previously recorded within close proximity to the site. The wider waste management site contains habitats considered to be suitable for use by stag beetle (and other invertebrates), nesting birds, roosting, foraging, and commuting bats, and European eel. There were also signs of use by rabbit, brown rat, fox and muntjac deer (though these are not of conservation concern). The application site itself (within the red line boundary) has negligible ecological value and, as such, it is considered highly unlikely that the proposals would result in any direct impacts to protected or priority species, priority and/or sensitive habitats, or designated areas.
- 10.51 Both Natural England and the Council's Ecology Officer have been consulted on this application. The Council's Ecology Officer has raised no objection to the proposed development subject to conditions securing the submission of a construction environmental management plan (CEMP: Ecology) and an external lighting scheme in the event the latter is proposed. Natural England at the time of writing has not responded to the consultation. However, they have previously via application 22/02756/FULL where no objection to the proposed development was raised. This was subject to mitigation measures as detailed by RBWM Ecologist in the Ecology Memorandum dated 28 November 2022. The LPA's Ecologist has raised similar comments within this application's response so no objections are raised on these grounds.
- 10.52 The LPA are in agreement with the Natural England's initial comments that due to the distance from the SPA/RAMSAR areas, the nature of the proposed works, and the limited impact on traffic movements once constructed. A likely significant effect on the SPA/RAMSAR areas can be ruled out. As the development is in existence as waste processing plant and the red line area does not create 'new' space for such features, but changes the layout and ground conditions for the continuation of an existing use. The development does not require assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

viii. Other Matters

- 10.53 The Environment Agency originally raised concerns about the viability of operating the proposed concrete surfacing. The Agency considers that there is no information provided in this application to clarify why the proposed surfacing is limited to the red-line boundary instead of the whole north-western area of the site, which is consistent with the Environmental Permit. The Environment Agency sets out that further restrictions may be required to account for the design, the practicality and maintenance that will need to be in place before it can operate within the currently proposed area.

However, it is considered that the viability of operating the proposed surfacing is not a material consideration in the Council's determination of this planning application.

- 10.54 The Environment Agency originally stated it will also be challenging to demonstrate compliance with the requirement for certain waste types to be stored and treated on specified site surfacing. However, again, it is considered that the proposed development is regulated under the Environmental Permitting regime. The efficiency of the engineering solutions and the compliance to the Environmental Permit are not material considerations of this planning application. Ultimately the Environment Agency has offered no objections to the proposals as submitted.
- 10.55 With regards to some of the points raised by members of the public. The agent has confirmed the underground chamber will be a proprietary product so precise capacity and size will depend on the manufacturer. As drawn, the chamber has internal dimensions of 1.5m x 1.5m x 8.9m which would yield 20m³ capacity. In terms of the capacity of the vehicle taking water away from the site. The agent has confirmed there are a range of different tanker sizes available for use but typically the capacity of these is in the range of 13-27m³. Although given the explanation in section 10.43 above, such removals are expected very infrequently. This was also not a reason of refusal of the previously refused application for a similar scheme.
- 10.56 With regards to the dust suppression. The operations at the site, are the subject of a detailed Dust Management Plan which is referred to as an operating technique in the Environmental Permit for the site (reference EPR/PB3038RM). In addition, within the Environmental Permit it is specified in Condition 3.1.1 for the site that '*Emissions of substances not controlled by emission limits (excluding odour) shall not cause pollution.*' The planning application is concerned with the construction of the concrete surfacing, maintenance access and drainage infrastructure. The specifics of the Dust Management Plan that include fixed and mobile water sprays, mobile water bowsers, site surfacing and good housekeeping are not for assessment within this planning application.

11. PLANNING BALANCE AND CONCLUSION

- 11.1 The application site is within Flood Zone 3b the functional floodplain, which is designed to store water from rivers or the sea in times of flood. This shall not be affected by the proposals as the development shall take place at or below the existing ground level. With regards to surface water drainage, the proposed development accounts for sufficient water storage for the 1 in 100 years plus 40% climate change event.
- 11.2 The previous reason for refusal stated the designated surface water storage area would be used for materials stockpiling which reduces the area available for surface water to be stored. This resulted in the proposed development failing to demonstrate that it would not increase the risk of surface water flooding and was considered contrary to Policy DM10 of the Central and Eastern Berkshire Joint Minerals & Waste Plan. The updated design demonstrates that the surface water drainage area can operate with no waste processing operations or stockpiling carried out in the area designated to capture the extreme rainfall events. Furthermore, due to the improved surface water drainage design, using a deeper concrete apron for such storage, the storage area is reduced in size from the previous refusal, creating a wider area for stockpiling to the north of the site. There are no statutory objections from the internal or external consultees subject to the use of planning conditions. As such, it is considered the development would not increase the risk of surface water flooding

either on site or off site and is in accordance with Policy DM10 of the Central and Eastern Berkshire Joint Minerals & Waste Plan.

- 11.3 To conclude, the proposed development is seeking to introduce an impermeable concrete surfacing with sealed drainage infrastructure to comply with the requirement of the Environmental Permit to handle and store certain waste. The proposed development will continue to support the wider site, which is for waste recycling and is a preferable form of waste management as it is higher up the waste hierarchy than recovery or landfill. The weight attributed to these benefits collectively are sufficient to more than outweigh the limited impacts associated with the additional vehicle movements and general disturbance during the construction process. There is not considered to be any harm with regard to surface water or fluvial flood risk.

12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout

13. RECOMMENDED CONDITIONS

- 1 Prior to commencement (excluding demolition) a surface water drainage scheme for the development, based on the submitted sustainable drainage strategy, shall be submitted to, and approved in writing by, the Local Planning Authority. Details shall include:
- Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details (both for the surface water storage area and the wider site).
 - Supporting calculations confirming compliance with the Non-statutory Technical Standards for Sustainable Drainage Systems, and the attenuation volumes to be provided.
 - Details on how the proposed surface water drainage storage area will be demarked to ensure no encroachment of waste material during the development's lifetime. The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.
- Reason: To ensure compliance with DM10 (Flood Risk) of the Adopted Central and Eastern Berkshire Joint Minerals and Waste Plan 2021-2036. Also, the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems, and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere.
- 2 Prior to the first use of the hereby agreed surface water drainage system. Full details of the proposed arrangements for future management and maintenance of the drainage features shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:
- Timetable and description of daily, weekly, monthly and yearly maintenance undertakings (or any other time frame that the operators deem appropriate)
 - Procedure to deal with failing infrastructure
 - Confirmation that a log book shall be kept of the maintenance schedule and this shall be made available to the Local Planning Authority on request. The development shall thereafter be maintained in accordance with the approved details for the lifetime of the development.
- Reason: To ensure compliance with DM10 (Flood Risk) of the Adopted Central and Eastern Berkshire Joint Minerals and Waste Plan 2021-2036. Also, the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems, and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere.
- 3 No plant machinery associated with the construction of the concrete surfacing,

maintenance access and drainage infrastructure shall be operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties.

- 4 No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:
- a. 24 hour emergency contact number;
 - b. Hours of operation;
 - c. Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - d. Routes for construction traffic;
 - e. Locations for loading/unloading and storage of plant, waste and construction materials;
 - f. Method of preventing mud being carried onto the highway;
 - g. Measures to protect vulnerable road users (cyclists and pedestrians)
 - h. Any necessary temporary traffic management measures;
 - i. Arrangements for turning vehicles;
 - j. Arrangements to receive abnormal loads or unusually large vehicles;
 - k. Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

- 5 No external lighting associated with the construction of the concrete surfacing, maintenance access and drainage infrastructure is to be installed without the prior written permission of the local planning authority.

Reason: To limit the impact of light pollution from artificial light on nature conservation in accordance with paragraph 191 of the NPPF and local policy EP3. To protect the amenity of the neighbouring residential dwellings.

- 6 Prior to the commencement of the development (including any groundworks or vegetation clearance), a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

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

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

Reason: To minimise impacts on priority habitat, ecological corridors, protected

species, and biodiversity in accordance with paragraphs 180 and 185 of the NPPF.

- 7 The development shall be carried out in accordance with the submitted flood risk assessment (ref Hythe End Road Flood Risk Assessment by JBA Consulting dated December 2023 with associated drawing) and the following mitigation measures it details. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To ensure compliance with DM10 (Flood Risk) of the Adopted Central and Eastern Berkshire Joint Minerals and Waste Plan 2021-2036. Also, the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems, and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere.

- 8 The sealed surface water drainage infrastructure is to be installed prior to the first operations of the proposed concrete surfacing.

Reason: To ensure compliance with DM10 (Flood Risk) of the Adopted Central and Eastern Berkshire Joint Minerals and Waste Plan 2021-2036. Also, the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems, and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere.

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

1. Site Characterisation

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

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

an appraisal of remedial options, and proposal of preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's Land Contamination Risk Management (LCRM). How to assess and manage the risks from land contamination

2. Submission of Remediation Scheme.

A detailed remediation scheme to bring the site to a condition suitable for intended use by removing unacceptable risks to human health, buildings and other property

and the natural and historical environment must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification/ validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting Unexpected Contamination

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

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.5. Long Term Monitoring and Maintenance

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Informatives

1. Waste Management Permit Variation
 1. It is the responsibility of the applicant/site operator to ensure that if the replacement of hardstanding with impermeable surfacing and an independent sealed drainage system in the north-western section of the site requires a variation to the existing Environmental Permit held by the operator under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12,

that it is applied for. If the applicant/site operator is unsure they are advised to use the Environment Agency's permit pre-application advice service available at: <https://www.gov.uk/guidance/get-advice-before-you-apply-for-an-environmental-permit>. Extant Permit- EPR/PB3038RM/V004

2. The Environment Agency are conscious that the extant permit which has improvement conditions from the 2020 Environmental Permit variation are outstanding. This has a direct link to the northwestern area (where the installation of the impermeable site surface will be) of the entire site as there is currently no containment of the stored wastes. The proposals submitted include a high containment kerb only along the western and southern boundaries of the area to be sealed. This would be a missed opportunity to enable the proposed engineering to have a dual purpose of containment of materials during times of flood as well as the day-to-day surface water management. If the whole northern section were included in this development, it could help the operator to satisfy the requirements of the flood plan as well as the site surface issues that were both considered in previous appeal proceedings. Excavated wastes
3. The proposed construction of the impermeable sealed drainage system will require the excavation of the current site surface, especially to provide a storage tank with sufficient capacity to operate this site. As this site is located on landfill, the excavated material will be controlled waste from a landfill therefore must be handled, treated and disposed accordingly. This material cannot be reused on site. Additionally, it cannot be treated on site as the site is not authorised to accept the relevant waste code (EWC191211 or EWC191212). This waste would need to be sent off site for treatment, recovery, or disposal. Surface Water Infrastructure
4. Table S2.1 of the 2020 Environmental Permit - EPR/PB3038RM/V004 specifies waste types that need to be stored on an impermeable surface with sealed drainage system. Having examined the cross sections submitted with this planning application, some of the engineering solutions identified are insufficiently robust or durable for the anticipated design life, to provide an impermeable sealed drainage system and may need to be altered. The Environment Agency are concerned that over time the impermeable sealed drainage will become continuous with surrounding areas of hardstanding and this will need to be addressed through the design and operating techniques. If only a section of the northwestern area is installed with an impermeable surface and sealed drainage system, it will be challenging to demonstrate compliance with the requirement for certain waste types to be stored and treated on specified site surfacing. The drainage system may need to be altered to avoid overloading its storage capacity and this may require further permit variation applications and changes to the agreed drainage system to be agreed with the Environment Agency. As part of the regulation of the Environmental Permit, we will require an updated Surface Water Management Plan to confirm what maintenance checks will be undertaken and on what frequency this will occur to ensure the infrastructure performs as intended. This will need to confirm the trigger for water to be tankered out of the system. At this time, we look to the lead local flood authority - LLFA to advise on whether the capacity within the tanks are adequate for the surface area identified. We would welcome joined up design of how the proposals link to the flood response plan and invite the operator to discuss with us at this stage and consider any amendments to these proposals that could have dual benefit. Noise
5. Technical Note: Works in North-Western Crushing Area of Site, dated 4 October 2022 states; 'The operations to take place in this area will not change significantly from those already assessed and permitted. The operational noise has therefore not been re-assessed as part of this application'. This assessment and associated control and mitigation will continue to be regulated under the Environmental Permit.

6. Landfill Gas risks Environmental Permitting Regulations require operators to demonstrate that they have taken all reasonable precautions to mitigate impacts (potential risk to the development from landfill gas) of their operations. Where this is unlikely to eliminate all emissions there may be residual impacts. In some cases, these residual impacts may cause residents' concern. There are limits to the measures that the operator can take to prevent impacts to residents. As stated previously, where impacts arise from historic landfills this must be controlled by the Local Authority through planning permission as these falls outside the scope Environment Agency regulation through environmental permits. Flood Risk Activity Permit - Informative
7. Please note the Environmental Permitting (England and Wales) Regulations 2016 require a Flood Risk Activity Permit (FRAP) to be obtained for any activities which will take place: - on or within 8 metres of a main river (16 metres if tidal) - on or within 8 metres of a flood defence structure or culvert (16 metres if tidal) - on or within 16 metres of a sea defence - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission. For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.