

**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD  
PANEL UPDATE**

<b>Application No.:</b>	23/03081/FULL
<b>Location:</b>	Fowles Crushed Concrete Hythe End Farm Hythe End Road Wraysbury Staines TW19 5AW
<b>Proposal:</b>	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.
<b>Applicant:</b>	Mr Fowles
<b>Agent:</b>	Guy Titman
<b>Parish/Ward:</b>	Wraysbury Parish/Datchet Horton And Wraysbury
<b>If you have a question about this report, please contact:</b> Nick Westlake on or at <a href="mailto:nick.westlake@rbwm.gov.uk">nick.westlake@rbwm.gov.uk</a>	

## 1. SUMMARY

This update includes some minor amendments and additional clarification to the main report. Also separately, some minor revisions to 4 of the conditions as listed in section 13 of the report are recommended. The changes to the conditions have been accepted by the relevant consultees.

**It is recommended the Committee approves planning permission with the recommended planning conditions in section 13 of the main report, and the updated planning conditions listed in section 2.4 below.**

## 2. ADDITIONAL INFORMATION

### 2.1 Update 1

#### Consultee Update

- Natural England have now responded and not objected. They request the RBWM Ecology Condition is included, this condition 6.
- An additional letter has been received from a resident addressed to the Councillors of the Planning Committee outlining a series of questions associated with the Flood Risk Assessment (FRA) submitted with the application. The letter is titled '22/02756/FULL' which is the previously refused case. Therefore, it is not clear if the comments relate to that case, which is not up for discussion at part of the current case. The case Officer has responded to the email via two emails dated 07 March 2024, both of which are on the

public file. The other questions detailed in the residents letter are either covered via Planning conditions or are answered within the Committee Report.

## 2.2 Update 2

### **History Clarification**

Paragraph 6.6 of the Committee report it is stated that planning permission 16/02366/FULL was granted in 2021. To be clear, planning permission was granted in September 2019. It was the appeal against a condition on that planning permission which was decided and allowed in 2021.

## 2.3 Update 3

### **Report Corrections / Clarifications**

Paragraph 3.2. of the committee report should say the total area of the site development (0.52ha) is 7% when including the full extent of the blue line ownership, not 15% as stated.

Paragraph 5.5 of the committee report. The agent has confirmed the under chamber will be 8.9m long not 3.0m long.

Paragraph 10.31 of the committee report, fourth line, should be to Table 4-1 in the FRA. This shown below:

Scenario	Required Volume (m <sup>3</sup> )	Water Level (mAOD)	Maximum Depth (mm)	(Volume m <sup>3</sup> )
2 year	190.6	14.800	650	n/a
100 year + 40%	909.50	15.704	1554	n/a
Max capacity without freeboard	n/a	15.800	1650	1010.0

Paragraph 10.31 of the committee report, seventh line, to be clear, the volume should be stated as circa 1,032m<sup>3</sup>.

## 2.4 Update 4

### **Condition Updates**

Some minor revisions have been requested by the applicant to 4 for the pre commencement conditions. Both the Lead Local Flood Authority and the Environmental Protection Team have accepted these amendments. The recommended Conditions now read as follows:

#### **Condition 1 Surface Water Drainage**

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 application site).
- Supporting calculations confirming compliance with Policy DM10 of the Central & Eastern Berkshire Joint Minerals & Waste Plan, the relevant parts of 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 stockpiling of waste material in that area 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 relevant parts of 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.

## **Condition 2 Maintenance and Management of Surface Water Drainage**

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 be implemented before the first use of the development approved, and 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 relevant parts of 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.

## **Condition 7 Flood Risk Assessment**

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 drawings) and following the mitigation measures it details. These mitigation measures shall be fully implemented prior to the first operation of the proposed concrete surfacing 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 relevant parts of 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.

## **Condition 9 Land Contamination**

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 sub-conditions 1 to 3 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 sub-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.**

Based upon the findings of the site investigation and risk assessment in the approved report a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks identified by the site investigation and risk assessment 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 the development other than that required to carry out remediation as part of the construction works, 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 sub-condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of sub-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 sub-condition 3.

#### 5. Long Term Monitoring and Maintenance

Based upon the findings of the site investigation and risk assessment together with the remediation scheme and the implementation of the remediation scheme, 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 to the extent that it is necessary, 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. Relevant Policy Local Plan EP5.

