

TOWN AND COUNTRY PLANNING ACT 1990: SECTIONS 191 and 192 (as amended by section 10 of the Planning and Compensation Act 1991)

THE TOWN & COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015: ARTICLE 39

CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT

To: Environment Agency
Red Kite House
Howbery Park
Crowmarsh Gifford
Wallingford
OX10 8BD

Application No: 230608
Application type: Certificate of Lawfulness -
Proposed Use or Development

Applicant: Environment Agency

The Reading Borough Council hereby certify that on **05/05/2023** the use/operations/matter described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate, and edged black on the attached plan would have been lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

First Schedule: Plastics and Litter Collection Boom

Second Schedule: River Kennet Between Bel & The Dragon Restaurant and Blakes Lock Island Gas Works Road Reading RG1 3EQ

Date: 1st September 2023



Assistant Director of Planning, Transport and
Public Protection Services

AA

CONDITIONS & REASONS

The proposal has been assessed against the Town and Country Planning Act 1990 (as amended) and Schedule 2, Part 13, Class D (development by the Environment Agency) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It can be confirmed that the proposed operations would be lawful for planning purposes on the basis of the following received 9th May 2023:

- Location plan
- Detailed Alignment Plan Blake's Weir Plastics Boom
- Environmental Permit Environment Agency

Therefore the Local Planning Authority can issue the applicant with a Certificate of Lawfulness for the proposed development.

INFORMATIVES

1. The Local Planning Authority has worked positively and proactively with the applicant to resolve relevant matters to allow the certificate to be granted within the agreed extended timescale for the decision to be issued.

Date: 1st September 2023



AA
Assistant Director of Planning, Transport and
Public Protection Services

Notes

1. This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use/operations/matter specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful, on the specified date and, thus, would not have been liable to enforcement action under section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the use/operations/matter described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use/operations/matter which is/are materially different from that/those described or which relate/s to other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.
5. If you are aggrieved by the decision of the Council, you may appeal to the Secretary of State under Section 195 of the Town and Country planning Act 1990.

Further information can be viewed at: <https://acp.planninginspectorate.gov.uk/>

6. Impact on trees: Any works to trees subject to a Tree Preservation Order or protected due to their location within a Conservation Area will require submission of a tree works application or Section 211 Notice respectively. This certificate does not override this requirement and unauthorised tree works undertaken to implement permitted development may be subject to formal legal action. Enquiries can be sent to the Natural Environment Team: planning.naturalenvironment@reading.gov.uk

