

DELEGATED APPLICATION REPORT - Application No: 200358VARIAT

Address: Footpath next to Caversham Weir, Caversham, Reading

Proposal: The installation of two Archimedean Screw Turbines with a hut covering the generators, gearboxes and the control system (hydropower infrastructure) without complying with condition 2 (approved plans) of planning permission ref. 151715 to allow minor changes to the size of the turbines, housing structure and generator hut. Additional details are also submitted in respect of conditions 3 (Public Footpath), 4 (Bat Boxes), 5 (Great Crested Newts Licence), 7 (Tree Protection), 9 (Materials), 10 (Fencing), 11 (Construction Method Statement), 13 (land cleaning procedures) and 15 (Fish and Eel Pass Detailed Design)

Case officer: Matt Burns

Site Description and Surrounding Area:

The application relates to land at Caversham Weir, located to the south of View Island. Much of the application site is located within the River Thames (Flood Zone3) and a Public Right of Way (PROW) crosses the weir structure over the river. The site is located within a habitat and land use area of lowland mixed deciduous woodland and there are a number of trees located between View Island and the Weir structure.

View Island is also a designated area of biodiversity habitat whilst the land either side of the Thames is designated as a major landscape feature. The site is also located on the edge but with the designated Reading Central Area.

Proposal:

This application has been submitted, under s73 of the Town and Country Planning Act 1990 to make minor material variations to planning permission ref. 151715 and to agree details under a number of pre-commencement conditions of the original planning permission. The proposed variations include:

- Minor changes to the size of the turbine housing structure (reduction in screw diameter by 0.1m, reduction in screw tube length by 3.4m, reduction in channel width by 0.95m and reduction of generator hut depth by 0.95m. Increase in channel length by 0.9m, increase in generator hut height by 0.1m and increase in generator hut width by 0.4m)
- Submission of a footpath manager plan in relation to condition no. 3
- Submission of details of bat boxes under condition no. 4
- Submission of a great crested new survey under condition no. 5
- Submission of construction materials under condition no. 9
- Submission of fencing details under condition no. 10
- Submission of a construction method statement under condition no.11
- Submission of a land cleaning and reinstatement programme under condition no. 13
- Submission of detailed design of the proposed fish and eel pass under condition no. 15

Plans and Documents Considered:

- DWG-RG-WA1 Development Boundary Plan - 1:500
- DWG-RG-LP1 Site Location Plan - 1:250

Received by the Local Planning Authority on 10th March 2020

- READH_01A Rev 3 - Site Layout Plan - 1:250
- READH_03 Rev 3 - Work Area and Site Access - 1:250

Received by the Local Planning Authority on 29th April 2020

- READH_06 Rev 5 Turbine Plan & Elevations
- READH_08 Rev 1 - Design Overview 3D - 1:100
- 2020-02-27 - Flood Map Plan - 1:2500
- READH_9 Rev 1 - Turbine House Plan & Elevations - 1:40

Received by the Local Planning Authority on 28th April 2020

- DWG-RG-FP2R1 R1 - Fish Pass - Details
- DWG-RG-FP3 - Fish Pass - 3D View
- DWG-RG-DE1-R1 R1 - Downstream Entrance
- DWG-RG-ET1 - Eel Tiles
- Environment Agency Fish Pass Approval (17th February 2016)

Received by the Local Planning Authority on 10th March 2020

- Ecoconsult Extended Phase 1 Habitat Survey
- SureScreen Scientifics Technical Report - Examination of Environmental DNA in Pond Water for the Detection of Great Crested Newts
- Nature Metrics - Great Crested Newt eDNA Report ref. 17146-RSC01SR-1
- eWaterpower Company Ltd Caversham Weir Habitat Assessment
- Reading Hydro Caversham Weir Hydrogeological Desk Study and Risk Assessment
- Reading Sustainability Centre Hydropower Project Flood Risk Sequential Test

Received by the Local Planning Authority on 10th March 2020

- eWaterpower Caversham Weir Hydropower Scheme Flood Risk Assessment

Received by the Local Planning Authority on 11th March 2020

- Renewables First Caversham Weir Hydroelectric Scheme Flood Risk Assessment Summary
- Caversham Weir Hydropower Project Construction Method Statement

Received by the Local Planning Authority on 29th April 2020

- Tree Heritage Arboricultural Method Statement ref. THL-R20-44-AMS
- Tree Heritage Arboricultural Impact Assessment Plan ref. THL-0862-5

Received by the Local Planning Authority on 1st May 2020

Relevant Planning History:

151715 - The installation of two Archimedean Screw Turbines with a hut covering the generators, gearboxes and the control system (hydropower infrastructure) - Granted.

Consultation Responses:

RBC Transport - No objection, subject to conditions

RBC Natural Environment (Trees) - No objection, subject to conditions

RBC Natural Environment (Ecology) - No objection, subject to conditions

RBC Environmental Protection - No objection, subject to conditions

Environment Agency - No objection, subject to conditions

Representations

Lock Island Bungalow Thames Side, Caversham Lock Keeper Thames Side and Caversham Lock House Thames Side were notified of the application by letter and a site notice was displayed at the application site on 2nd April 2020.

No letters of representation have been received.

Equality Act 2010:

In determining this application, the Committee is required to have regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender/sex, or sexual orientation. There is no indication or evidence (including from consultation on the application) that the protected groups have or will have different needs, experiences, issues and priorities in relation to the particular planning application. In terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

Relevant Planning Policy and Guidance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy framework (NPPF) - among them the 'presumption in favour of sustainable development'. However the NPPF does not change the statutory status of the development plan as the starting point for decision making.

Accordingly, the National Planning Policy Framework and the following development plan policies and supplementary planning guidance are relevant:

Reading Borough Local Plan 2020

CC1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

CC2: SUSTAINABLE DESIGN AND CONSTRUCTION

CC3: ADAPTATION TO CLIMATE CHANGE

CC4: DECENTRALISED ENERGY

CC7: DESIGN AND THE PUBLIC REALM

CC8: SAFEGUARDING AMENITY

EN7: LOCAL GREEN SPACE AND PUBLIC OPEN SPACE

EN11: WATERSPACES

EN12: BIODIVERSITY AND THE GREEN NETWORK

EN13: MAJOR LANDSCAPE FEATURES AND AREAS OF OUTSTANDING NATURAL BEAUTY

EN14: TREES, HEDGES AND WOODLAND

EN16: POLLUTION AND WATER RESOURCES

EN17: NOISE GENERATING EQUIPMENT

EN18: FLOODING AND DRAINAGE

TR3: ACCESS, TRAFFIC AND HIGHWAY-RELATED MATTERS

CR14m: CAVERSHAM LOCK ISLAND AND CAVERSHAM WEIR, THAMES SIDE

Appraisal

An application submitted under s73 allows the local planning authority to only consider the proposed amendments. All other matters remain as approved under planning permission ref. 151715FUL. If permission to amend the plans is granted, this has the effect of granting a new planning permission for the development.

Since the original application was considered the Local Planning Authority has adopted its new local plan - the Reading Borough Local Plan 2019. Where the new policies introduce different or amended requirements this will be set out in the report below.

The principle of the development was established under the extant planning permission and this has been reinforced further by Policy CR14m of the New Local Plan which now allocates the site for generation of hydropower.

Appearance of the Development

The changes to the external appearance of the development include minor alterations the dimensions of the turbines, turbine housing structure and also the generator hut. The changes are considered minor to not materially impact on the external appearance of the development. Therefore condition 2 (approved plans) will be amended to require the development to be carried out in accordance with the amended plans.

Details of the materials specification for the generator hut and surrounding fencing would still be required to be submitted and agreed with the LPA under conditions prior to construction of the generator hut.

The proposed changes are considered to accord with Policy CC7, EN11, EN7 and EN13 and to maintain and enhance the character of the surrounding area and water space.

Flooding

The proposed minor structural changes would not materially alter the development in terms of flooding impacts. Condition 14 of the planning permission would be retained which requires the development to be undertaken in accordance with the flood risk assessment approved as part of the original application as well as an update to the flood risk assessment provided as part of this application which has been agreed by the EA.

The proposals would accord with Policy EN18.

Amenity

The proposed minor structural changes would not materially alter the development in terms of its impact on the amenity of existing surrounding occupiers. Condition no. 6 of the planning permission would be retained which requires that a noise assessment is

submitted to and approved by the LPA prior to the installation of any mechanical plant. Condition no. 8 would also be retained which requires construction works associated with the proposed development to be undertaken only within the Council's standard working hours.

The proposals would accord with Policies CC8, EN16 and EN17.

Transport

Condition 11 of the extant permission requires submission and approval by the LPA of a construction method statement (CMS) prior to the commencement of the development. A detailed CMS has been submitted for approval as part of the proposed variation of conditions application.

The submitted CMS includes details of the precise location of the site compound areas and access routes, storage of equipment and materials, parking and the temporary bridge. The document has been reviewed by Transport Officers and is considered to be acceptable. Therefore condition 11 of the planning permission will be amended to require the development to be carried out in accordance with the approved document.

Condition 3 of the planning permission would remain in place which requires details of a footpath diversion order to be submitted and approved prior to any changes to access along the footpath.

The proposals are considered to accord with Policy TR3.

Natural Environment

Condition 7 of the extant permission requires submission and approval by the LPA of an arboricultural method statement (AMS) prior to the commencement of the development. A detailed AMS has been submitted for approval as part of the proposed variation of conditions application.

The submitted AMS includes details of the proposed protection measures for existing trees and landscaping to be retained. The document has been reviewed by the Natural Environment Tree Officer and the proposed methodologies are considered to be acceptable. Therefore condition 7 of the planning permission will be amended to require the development to be carried out in accordance with the approved document.

Condition 5 of the extant permission requires submission and approval by the LPA of a Natural England license for works affecting Great Crested Newts (GCN) or other report demonstrating that a license is not required prior to the commencement of works. An updated GCN survey has been submitted as part of the application. This has been reviewed by the Council's Ecologist who is satisfied that this demonstrates the GCN are likely absent from the application site and that a license is not required. Therefore condition 5 of the planning permission will be amended to require the development to be carried out in accordance with the recommendations of the updated GCN survey.

Condition 4 of the extant permission would remain in place which requires details of bat boxes or integral bat roosting sites on and around the generator building to be submitted and approved prior to construction of the proposed generator hut.

The proposals are considered to accord with Policies EN12 and EN14.

Other

Condition no. 15 of the extant permission requires submission and approval by the LPA of the detailed design of the fish and eel pass prior to the commencement of the development. Details of the fish and eel pass have been submitted as part of the application and the EA have confirmed that these are acceptable. Therefore condition 15 will be amended to require the development to be undertaken in accordance with these details.

RECOMMENDATION:

GRANT minor material amendments to planning permission 151715 subject to the following varied conditions:

Conditions:

1. The development hereby permitted shall begin no later than *three years* from the date of planning permission ref. 151715 issued on 17th May 2017.

Reason: For the avoidance of doubt and to ensure that any conditions imposed on the original permission remain in force other than as expressly hereby varied and development must be started in accordance with Section 73(5) of the Town & Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- DWG-RG-WA1 Development Boundary Plan - 1:500

- DWG-RG-LP1 Site Location Plan - 1:250

Received by the Local Planning Authority on 10th March 2020

- READH_01A Rev 3 - Site Layout Plan - 1:250

- READH_03 Rev 3 - Work Area and Site Access - 1:250

Received by the Local Planning Authority on 29th April 2020

- READH_06 Rev 5 Turbine Plan & Elevations

- READH-08 Rev 1 - Design Overview 3D - 1:100

- 2020-02-27 - Flood Map Plan - 1:2500

- READH_9 Rev 1 - Turbine House Plan & Elevations - 1:40

Received by the Local Planning Authority on 28th April 2020

- DWG-RG-FP2R1 R1 - Fish Pass - Details

- DWG-RG-FP3 - Fish Pass - 3D View

- DWG-RG-ET1 - Eel Tiles
- Environment Agency Fish Pass Approval (17th February 2016)
Received by the Local Planning Authority on 10th March 2020

- READH-14 rev 1 - Fish Pass Entry Details
Received by the Local Planning Authority on 13th May 2020

- Ecoconsult Extended Phase 1 Habitat Survey
- SureScreen Scientifics Technical Report - Examination of Environmental DNA in Pond Water for the Detection of Great Crested Newts
- Nature Metrics - Great Crested Newt eDNA Report ref. 17146-RSC01SR-1
- eWaterpower Company Ltd Caversham Weir Habitat Assessment
- Reading Hydro Caversham Weir Hydrogeological Desk Study and Risk Assessment
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- eWaterpower Caversham Weir Hydropower Scheme Flood Risk Assessment
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- Renewables First Caversham Weir Hydroelectric Scheme Flood Risk Assessment Summary
- Caversham Weir Hydropower Project Construction Method Statement
Received by the Local Planning Authority on 29th April 2020

- Tree Heritage Arboricultural Method Statement ref. THL-R20-44-AMS
- Tree Heritage Arboricultural Impact Assessment Plan ref. THL-0862-5
Received by the Local Planning Authority on 1st May 2020

Reason: because permission is granted in respect of the development as detailed in the approved plans only

3. Pedestrian access must be maintained along the public footpath (known as Footpath 25) at all times unless a Temporary Footpath Order is sealed in accordance with details to be submitted to and approved by the Local Highway Authority.

Reason: To protect the public right of way in accordance with Policy TR3

4. Construction of the generator building hereby permitted shall not commence until details of bat boxes and or integral bat roosting sites on and around the building have been submitted and approved in writing by the council. The bat boxes and or integral bat roosting sites shall thereafter be installed in accordance with the approved details

Reason: To provide on-site biodiversity enhancements in accordance with Policy EN12

5. The development hereby permitted shall not be carried out other than in accordance with the Nature Metrics - Great Crested Newt eDNA Report ref. 17146-RSC01SR-1 received by the Local Planning Authority on 10th March 2020.

Reason: To ensure that the Council fulfils its duties under the Conservation (Natural Habitats &c.) Regulations 1994 (as amended) and to ensure that great crested newts, which are a protected species and a material consideration, are not adversely impacted upon by the proposed development in accordance with Policy EN12.

6. No mechanical plant shall be installed until a noise assessment of the proposed mechanical plant has been submitted and approved by this Council. The assessment shall be carried out for in accordance with BS4141:2014 methodology. The predicted rating level, $L_{Ar,T}$ (specific sound level plus any adjustment for the characteristic features of the sound) as measured at a point 1 metre external to sensitive facades shall be at least 10dB below the existing background sound level, $L_{A90,T}$ when all plant/equipment (or any part of it) is in operation. The plant shall thereafter only be installed in accordance with the assessment.

Reason: To safeguard the amenities of the adjoining premises and the area generally, in accordance with Policies CC8, EN16 and EN17.

7. The development hereby approved shall not be carried out other than in accordance with the Tree Heritage Arboricultural Method Statement ref. THL-R20-44-AMS and Tree Heritage Arboricultural Impact Assessment Plan ref. THL-0862-5 received by the Local Planning Authority on 1st May 2020. Any deviation from the works prescribed or methods agreed in the report will require prior written approval from the Local Planning Authority.

Reason: In order to ensure that reasonable measures are taken to safeguard trees in the interests of local amenity and the enhancement of the development itself in accordance with Policy EN14.

8. The hours of noisy construction, demolition and associated deliveries shall be restricted to the hours of 08:00hrs to 18:00hrs Mondays to Fridays, and 09:00hrs to 13:00hrs on Saturdays, and not at any time on Sundays and Bank or Statutory Holidays without prior approval from the Local Planning Authority.

Reason: In the interests of the amenities of nearby residents in accordance with Policies CC8 and EN16.

9. The generator hut building hereby approved shall not be constructed until details and samples of the materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved details.

Reason: In the interests of the visual appearance of the building, surrounding area and water space, in accordance with Policies CC7, EN11 and EN13.

10. The generator hut hereby approved shall not be constructed until details of fencing (type, materials and finish) surrounding the building have been submitted

to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved details.

Reason: In the interests of the visual appearance of the building, surrounding area and water space, in accordance with Policies CC7, EN11 and EN13.

11. The development hereby permitted shall not be carried out other than in accordance with the Caversham Weir Hydropower Project Construction Method Statement received by the Local Planning Authority on 29th April 2020. Any deviation from the works prescribed or methods agreed in the report will require prior written approval from the Local Planning Authority.

Reason: In the interests of safety, protecting the amenity of local land uses, neighbouring residents and highway safety in accordance with Policies TR3, CC8 and EN16.

12. No interpretation/information boards relating to the development hereby permitted shall be displayed or erected at the site until details of such interpretation/information boards, including (location and materials) have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual appearance of the buildings, in accordance with Policy CC7.

13. Construction of the generator building hereby permitted shall not commence until detailed cleaning procedures for the application site and adjacent land for the duration of the construction works together with a programme of reinstatement of the application site and adjacent land has been submitted to and approved by the Local Planning Authority.

Reason: In the interests of the visual appearance of the surrounding area, in accordance with Policies CC7, EN11 and EN13.

14. The development hereby permitted shall be not be carried out other than in accordance with the approved Flood Risk Assessment (FRA) dated 17 September 2015, by Ewaterpower received by the Local Planning Authority on 11th March 2020 and the Renewables First Caversham Weir Hydroelectric Scheme Flood Risk Assessment Summary received by the Local Planning Authority on 29th April 2020.

The mitigation measures set out within the documents referred to in this condition shall be fully implemented prior to operation of the development 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 reduce the risk of flooding to the proposed development and future occupants in accordance with Policy EN18.

15. The fish pass hereby permitted shall not be constructed other than in accordance with the following drawings:

- DWG-RG-FP2R1 R1 - Fish Pass - Details
- DWG-RG-FP3 - Fish Pass - 3D View
- DWG-RG-ET1 - Eel Tiles

Received by the Local Planning Authority on 10th March 2020

- READH-14 rev 1 - Fish Pass Entry Details

Received by the Local Planning Authority on 13th May 2020

Reasons: The natural movement of fish within river systems is critical to the health and maintenance of populations. Artificial obstructions can result in a significant loss of biological connectivity. Paragraph 118 of the NPPF states that planning decisions should conserve and enhance biodiversity, including by mitigating harmful impacts and incorporating biodiversity into development where possible.

Informatives:

1. This development may require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated 'main rivers'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.
2. Your attention is drawn to the terms and conditions of this permission. Any development which is carried out but differs materially from the approved plans and details, or does not comply with any condition (s) or planning obligation (s) attached to the permission may result in the Council taking action to remedy the breach of planning control. If you are in any doubt please contact the council.
3. This permission provides planning approval for the scheme, but the applicant needs to satisfy themselves that all other relevant permissions and licences have been sought and secured as appropriate.
4. There shall be no burning of waste on the site.
5. For further information about construction and demolition nuisance law the applicant is referred to:
<http://www.reading.gov.uk/residents/environmental-health-and-protection/construction-demolition/>
6. The attention of the applicant is drawn to Section 59 of the Highways Act 1980, which enables the Highway Authority to recover expenses due to damage caused by extraordinary traffic.

7. The Local Planning Authority has worked positively and proactively with the applicant to resolve relevant matters to allow permission to be granted within the prescribed target or agreed extended timescale for the decision to be issued.