

**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
THE TOWN & COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015**

**APPLICATION TO VARY/REMOVE CONDITION UNDER SECTION 73 OF THE TOWN
AND COUNTRY PLANNING ACT 1990**

To: Renewables First Ltd
The Mill
Brimscomb Hill
Brimscomb
Stroud
GL5 2QG

Application No: 200358
Application type: Variation of Condition

Applicant: Reading Hydro CBS

READING BOROUGH COUNCIL as Local Planning Authority hereby **GRANT** planning permission for the development as described below:-

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)

At: Caversham Lock Thames Side Reading RG1 8BP

Subject to such conditions and for such reasons as may be attached

**OTHER STATUTORY CONSENTS MAY BE REQUIRED
PLEASE READ THE NOTES ISSUED WITH THIS DECISION NOTICE**

Date: 15 May 2020



SDV

Head of Planning, Development
& Regulatory Services

Application At: Caversham Lock Thames Side Reading RG1 8BP

Application No: 200358

Application type: Variation of Condition

CONDITIONS & REASONS

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

Date: 15 May 2020



SDV

Head of Planning, Development
& Regulatory Services



- 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

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

3. Pedestrian access shall be maintained along the public footpath (known as Footpath 25) at all times unless otherwise agreed in writing by the Local Planning 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

Date: 15 May 2020

SDV

Head of Planning, Development
& Regulatory Services

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,Tr} (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 permitted 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.

Date: 15 May 2020



SDV

Head of Planning, Development
& Regulatory Services

10. The generator hut hereby permitted 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 a programme of reinstatement of the application site and adjacent land has been submitted to and approved by the Local Planning Authority. The reinstatement shall thereafter be carried out in accordance with the approved programme.

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 dated April 2020 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.

Date: 15 May 2020



SDV

Head of Planning, Development
& Regulatory Services

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy EN18.

15. The fish pass shall be fully constructed in accordance with the following approved details prior to first operation of the turbines hereby permitted and shall be retained and maintained in accordance with the approved details at all times thereafter.

- 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

Reason: 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 and in accordance with Policy EN12.

INFORMATIVES

1. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption 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 culverted main river (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 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk

Date: 15 May 2020



SDV

Head of Planning, Development
& Regulatory Services

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.

2. Flood Risk Activity Permit

This applicant has already been granted a Flood Risk Activity Permit for the proposed works (as per the details provided in early 2019). Note that the existing FRAP reference is for two Archimedes screws. At that time, the permit was conditioned with Condition 2.3.1 (requiring an Approved Method of Work) and Condition 2.3.4 (regarding the planning conditions requirements for surveys for great crested newts). When the applicant sends in the Approved Method of Works which is required as part of the Flood Risk Activity Permit EPR\DB3258UB, we recommend that they provide the updated plans, construction method statement and flood risk assessment summary as per the latest planning permission application. Additional supporting evidence may be required as part of that process.

3. 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.
4. 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.
5. There shall be no burning of waste on the site.
6. 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/>
7. 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.
8. 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.
9. Notwithstanding Condition 3, any closure of Public Footpath 25 will also require the separate approval of the Highways Authority under a Temporary Footpath Order.

Date: 15 May 2020



SDV

Head of Planning, Development
& Regulatory Services

NOTES

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Council to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against the Council's decision on the application you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against the Council's decision on your application, you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (or 12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

If the above circumstances do not apply, any appeal must be made within the following time limits. If this is a householder application and you want to appeal against the Council's decision then you must do so within 12 weeks of the date of this notice. If this is an advertisement application and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of this notice. If you want to appeal against your local planning authority's decision for any other type of application (which is not a householder or advertisement application, or an application for a Certificate of Lawfulness) then you must do so within 6 months of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.