

# Examination of West Berkshire Local Plan 2022 – 2039

## Written statement of

### AWE Aldermaston & AWE Burghfield Residents Group

The following report is in response to the questions posed by the appointed Planning Inspector responsible for examining West Berkshire Local Plan 2022-2039, specifically relating to proposed policies and developments associated with the determined Detailed Emergency Planning Zone (DEPZs) and Outer Consultation Zones (OCZs) associated with the Atomic Weapons Establishments (AWE) known as AWE Aldermaston and AWE Burghfield, being located within West Berkshire District Council's jurisdiction.

The Planning Inspectorate's document reference IN6, Inspector's Matters, Issues and Questions v2 published 30 November 2023 refers.

In response to Q3.5 "Is policy SP4 relating to development within the Detailed Emergency Planning Zones, the 5km Outer Consultation Zones, and 12km Consultation Zones around AWE Aldermaston and AWE Burghfield consistent with national policy and relevant legislation?"

Firstly, the Outer Planning Consultation Zones (OPZs) distances are determined based upon the operation of each individual nuclear site. AWE Aldermaston OPZ is 15km, AWE Burghfield is 12km.

#### Part 2 – Recommendations

**1. Regulation 7(3) Schedule 4, paragraph 2(a) - The proposed minimum geographical extent from the premises to be covered by the local authority's off-site emergency plan:**

- a. The proposed minimum geographical extent to be covered by the Local Authorities Off-Site Emergency Plan is an area extending to a radial distance of 1540m from the Aldermaston Site centre location.  
This is illustrated on Map A in Appendix A.
- b. In addition to the minimum geographical extent recommended above, an Outline Planning Zone, extending to a radial distance of 15km around the Aldermaston Site centre location, has been determined by the Secretary of State for Defence, in accordance with Regulation 9(1)(c).  
This is illustrated on Map B in Appendix B.

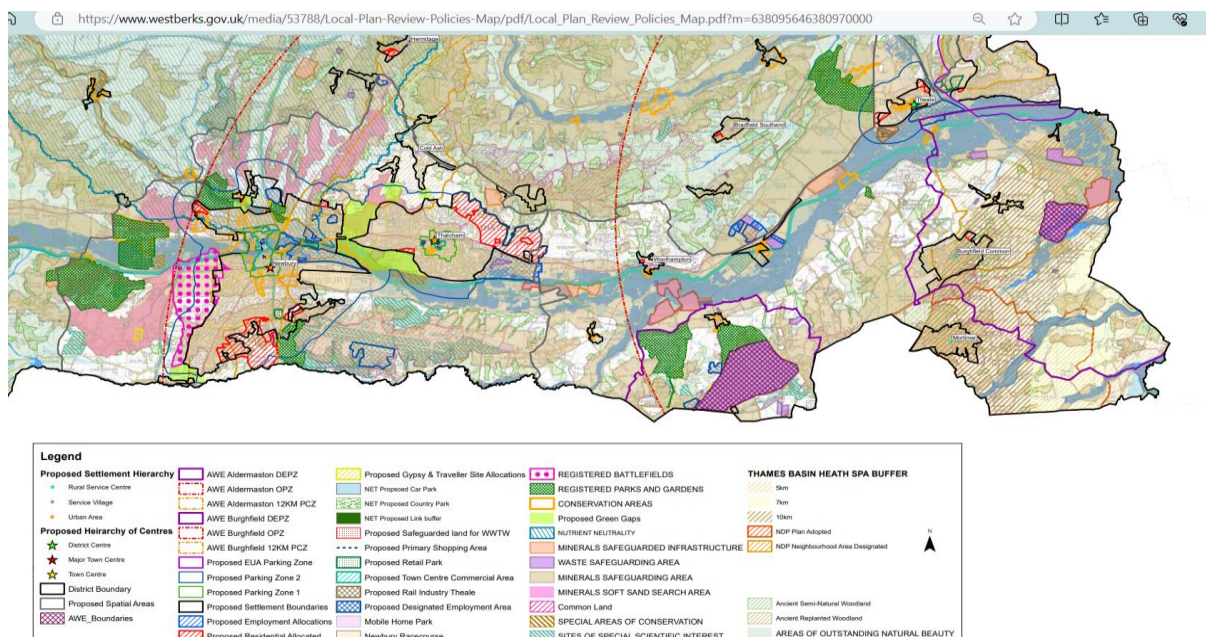
Ref: Above extracted from AWE 2019 Aldermaston Consequences Report, Issue 1, November 2019 (Official)

**Part 2 – Recommendations**

1. **Regulation 7(3) Schedule 4, paragraph 2(a) - The proposed minimum geographical extent from the premises to be covered by the local authority's off-site emergency plan:**
  - a. The proposed minimum geographical extent to be covered by the Local Authorities Off-Site Emergency plan is an area extending to a radial distance of 3160m from the Burghfield Site centre location. This is illustrated on Map A in Appendix A.
  - b. In addition to the minimum geographical extent recommended above, an Outline Planning Zone, extending to a radial distance of **12km** around the Burghfield Site centre location, has been determined by the Secretary of State for Defence, in accordance with Regulation 9(1)(c). This is illustrated on Map B in Appendix B.

Ref: Above extracted from AWE 2019 Burghfield Consequences Report, Issue 1, November 2019 (Official)

The Planning Inspector may wish to note that the Policy map submission including within the suite of documents associated with WBC Emerging Local Plan, ref: CD2 [LPR Policies Map \(05.01.2023\) \(westberks.gov.uk\)](https://www.westberks.gov.uk/media/53788/Local-Plan-Review-Policies-Map/pdf/Local_Plan_Review_Policies_Map.pdf?m=638095646380970000) , legend table, records AWE Aldermaston's OPZ at 12km.



Ref: LPR Policies Map CD2 [LPR Policies Map \(05.01.2023\) \(westberks.gov.uk\)](https://www.westberks.gov.uk/media/53788/Local-Plan-Review-Policies-Map/pdf/Local_Plan_Review_Policies_Map.pdf?m=638095646380970000)

Policy SP4 acknowledges national policy and relevant legislation however the present wording associated with SP4 would benefit from refinement as a consequence of the practices employed by West Berkshire District Council, which provision them with the flexibility to approve development proposals which directly contradict national policy and relevant legislation.

Policy CS8, being the existing Nuclear sites policy, continues to be subject to interpretation by West Berkshire District Council and their decision makers responsible for determining

planning applications. The Emergency Planning department responsible for managing the Offsite Emergency Plan (OSEP) continues to circumvent national and Council policy by claiming planning proposals, resulting in an increase in population within the DEPZs, can be accommodated within the OSEP, this is contrary to the actual facts.

These multiple decisions result in an increased population, representing a factual increase of population based upon the current mathematical formula they apply to determine the existing population. As a consequence, these decisions are compromising the safety of existing citizens living working and studying within DEPZ areas. They are equally compromising the operational continuity of AWE Aldermaston and AWE Burghfield.

The determination process associated with approving planning applications is based upon a flawed and secretive framework.

Prior to REPIR 2019 (May 2019) West Berkshire District Council released a public version of the AWE Off-site Emergency Plan (OSEP) (a copy of this document is accessible via WBDC website: The Hollies Appeal, document no: CD16.16 AWE Off-Site Emergency Response Plan January 2019 v1.8 [The Hollies Appeal core documents library - West Berkshire Council](#)) This document detailed the probable populations located within the defined emergency zones relative to AWE Aldermaston and AWE Burghfield.

Following the passing of REPIR 2019 onto the statute books (May 2019), West Berkshire District Council has continued to resist releasing updated versions of the OSEP as a consequence of noting that the document is flawed owing to errors and decisions made by West Berkshire District Council. There exists a lack of definitive information demonstrating the actual extent populations located within the revised DEPZs. The obfuscation is notable and therefore has resulted in West Berkshire District Council resisting releasing information which the public have right of access.

During a recent appeal, The Hollies, Burghfield Common appeal, West Berkshire District Council were forced to release information following the intervention by a notable lawyer threatening legal action as a consequence. The document being submitted as evidence in the Hollies appeal (WBDC website, The Hollies Appeal, doc no: CD16.17 Off-Site Emergency Plan August 2022 v1.0). Whilst the document is heavily redacted the details relating to existing citizens recorded is accessible and confirms the applied mathematical equation being an average of 2.4 heads per household, it is yet to be determined if this particular OSEP included occupied commercial and industrial premises. It has equally been noted that the redacted evidence contains errors in the recording of existing and vulnerable units.

The 2.4 per unit ratio is based upon an average of the total number of citizens divided by the number of units existing within the boundary jurisdiction area of West Berkshire District Council, ie the total citizen population of West Berkshire Council area. As the Planning Inspector will note this figure continues to increase owing to an increase in both permanent and temporary populations.

Whilst it can be argued that the average, 2.4, will probably remain static, there exists a statement within the REPIR ACoP (Approved Code of Practice) [The Radiation \(Emergency Preparedness and Public Information\) Regulations 2019 Approved Code of Practice and guidance \(onr.org.uk\)](#) whereby the responsible authority is required to development an off-site emergency plan.

Schedule 6, Part 2 of the REPIR ACoP, Information to be included in the off-site emergency plan, paragraph 755 states: "The off-site emergency plan should provide supporting information to assist the response. This included relevant information about population

demographics (eg locations and sizes of schools, hospitals, care homes, vulnerable groups), identification of critical infrastructure (eg transportation links, utilities, communications) and an assessment where regional (eg a neighbouring local authority) or national support would be needed and how that could be request.”

Both AWE Aldermaston and AWE Burghfield emergency zones encapsulate densely populated areas, both within the specified DEPZs and UPAs, and therefore applying an average ratio of 2.4 fails to appropriately reflect the actual existing populations located within the area, both pre and post REPIR 2019. Furthermore, the UPA (Urgent Protective Action) associated with the Burghfield AWE DEPZ, being the minimum UPA as defined by AWE (3160 metres from the centre point of Burghfield AWE), certain sections, which include the delivery of a large development as referenced within the emerging local plan (RSA12 – Pondhouse), is located within the minimum UPA area being part of a densely populated area, however the presently defined UPA, as determined by West Berkshire District Council, cuts through the densely populated area of Burghfield Common, resulting in residents living within the same road, being located both within the UPA area and outside of the UPA area. Essentially immediate neighbours would be treated differently in the unlikely event of an nuclear accident.

The ACoP, Regulation 8(1), Detailed emergency planning zones, states: The local authority must determine the detailed emergency planning zone on the basis of the operator’s recommendation made under (paragraph 2) of Schedule 4 and MAY extend that area in consideration of..... (b) the need to avoid, where practicable, the bisection of local communities;.... “.

ACoP Paragraph 236 furthermore states: “The local authority should accept the operator’s recommendation of the minimum geographical extent of the detailed emergency planning zone. The local authority should only change that area to EXTEND it because of local geographic, demographic and practical implementation issues, the need to avoid BISECTING communities or to include vulnerable groups at the out limit of the area. The local authority is NOT required to have the expertise to verify the technical basis for the minimum extent set by the operator.”

### Regulation 8 Detailed emergency planning zones

**Regulation 8(1)**

(1) *The local authority must determine the detailed emergency planning zone on the basis of the operator’s recommendation made under (paragraph 2) of Schedule 4 and may extend that area in consideration of—*

- (a) *local geographic, demographic and practical implementation issues;*
- (b) *the need to avoid, where practicable, the bisection of local communities; and*
- (c) *the inclusion of vulnerable groups immediately adjacent to the area proposed by the operator.*

**ACoP 8(1)**

**231 The detailed emergency planning zone must be based on the minimum geographical extent proposed by the operator in the consequences report and should:**

- (a) **be of sufficient extent to enable an adequate response to a range of emergencies; and**
- (b) **reflect the benefits and detriments of protective action by considering an appropriate balance between:**
  - (i) **dose averted; and**
  - (ii) **the impact of implementing protective actions in a radiation emergency across too wide an area.**



233 The definition of a detailed emergency planning zone is a defined zone around premises where it is proportionate to pre-define protective actions which would be implemented without delay (eg within a few hours) to mitigate the most likely consequences of a radiation emergency. The protective action taken should provide prompt protection to those who may be affected, maximising effectiveness which would be reduced if time was taken to consider and implement appropriate action.

234 Protective actions do not need to be applied equally across the detailed emergency planning zone. It may be appropriate for some protective actions to be applied closer to the premises that are not necessary at greater distances. It should be considered that for maximum effectiveness protective actions may need to be implemented before a radiation emergency has occurred or when the details of the emergency are not fully understood.

235 The zone should be set as the minimum area the operator considers should be covered by the local authority's off-site plan in accordance with paragraph 2 of Schedule 4, as well as by the local authority applying local geographic, demographic and practical implementation factors and considering relevant protective action in the area. The emergency arrangements for the zone should be identified in the off-site plan as per Schedule 6, Part 2, Chapter 1.

236 The local authority should accept the operator's recommendation of the minimum geographical extent of the detailed emergency planning zone. The local authority should only change that area to extend it because of local geographic, demographic and practical implementation issues, the need to avoid bisecting communities or to include vulnerable groups at the outer limit of the area. The local authority is not required to have the expertise to verify the technical basis for the minimum extent set by the operator.

237 The zone will be determined by the local authority based on their knowledge of the local area

Ref:

It is therefore extremely concerning West Berkshire District Council have chosen to disregard the implications of their failure to interpret the requirements of REPPiR 2019 adequately and appropriately and its associated documents, including the ACoP.

The above seeks to demonstrate the current wording of SP4 would benefit from refinement to mitigate against the current abuse and circumventions probably to appease the political allegiances, or otherwise, desires of the West Berkshire District Council.

West Berkshire District Council have been associated with Emergency planning relative to the two major hazard sites, AWE Aldermaston and AWE Burghfield, since 2001 and therefore have benefitted from gaining a comprehensive insight into the risk factors associated with nuclear facilities and that accidents, as a consequence of natural or other occurrences, can and do sometimes occur.

Legal status of HSE Guidance and ACOPs

The Planning inspector's question 3.5 seeks to establish if "...policy SP4 relating to development within the DEPZs..... are consistent with national policy and relevant legislation?"

Policy SP4 whilst referencing the relevant national policy and relevant legislation when applied in practice with the existing policy CS8, is subject to interpretation and therefore exposes West Berkshire District Council to be legally challenged. An example in point is clearly expressed by the Health and Safety Executive and the Office of Nuclear Regulation.

The legal status of HSE guidance and ACOPs. It states "Each ACOP is approved by the Health and Safety Executive, with the consent of the Secretary of State. It gives practical advice on how to comply with the law. If you follow the advice you will be doing enough to comply with the law in respect of those specific matters on which the Code gives advice. You may use alternative methods to those set out in the Code in order to comply with the law."

“However, the Code has a special legal status. If you are prosecuted for breach of health and safety law, and it is provide that you did not follow the relevant provisions of the Code, you will need to show that you have complied with the law in some other way or a Court will find you at fault.”

The screenshot shows a web browser window displaying the HSE website. The address bar shows the URL: /www.hse.gov.uk/legislation/legal-status.htm#:~:text=Each%20ACOP%20is%20approved%20by,which%20the%20Code%20gives%20advice. The page has a dark red navigation menu on the left with the following items: Legislation, Health and Safety at Work etc Act, Enforced legislation (with a right arrow), Post Implementation Reviews, Tracing legislation, Legal status of HSE guidance and ACOPs (highlighted), Consolidation of health and safety regulations, Forthcoming legislation, Useful links, and HSE services. The main content area has a title 'Legal status of HSE guidance and ACOPs' in large red font. Below the title, there are three sections: 1. 'HSE publishes guidance (in the form of leaflets, books and on its webpages) and Approved Codes of Practice (ACOPs). HSE guidance provides advice to help you understand how to comply with the law, explanations of specific requirements in law, specific technical information or references to further sources of information to help you comply with your legal duties.' 2. 'ACOPs describe preferred or recommended methods that can be used (or standards to be met) to comply with regulations and the duties imposed by the Health and Safety at Work etc Act. The legal status of guidance and ACOPs is given below and will appear in the relevant publications.' 3. 'HSE guidance legal status' followed by 'Approved Codes of Practice (ACOPs) legal status'. The ACOPs section states: 'Each ACOP is approved by the Health and Safety Executive, with the consent of the Secretary of State. It gives practical advice on how to comply with the law. If you follow the advice you will be doing enough to comply with the law in respect of those specific matters on which the Code gives advice. You may use alternative methods to those set out in the Code in order to comply with the law. However, the Code has a special legal status. If you are prosecuted for breach of health and safety law, and it is proved that you did not follow the relevant provisions of the Code, you will need to show that you have complied with the law in some other way or a Court will find you at fault.' Below this is a 'Resources' section with three links: 'Health and safety law poster', 'Health and safety law poster pocket card (PDF)', and 'How UK legislation works - legislation.gov.uk'. The browser's taskbar at the bottom shows several icons and the language 'ENG'.

Ref:

The significance therefore West Berkshire District Council existing policy CS8 and, proposed policy SP4, is subject to interpretation when applied in practice, ie during the determination of planning applications etc. Their decision-making processes are based upon a notable risk factor, when in the knowledge the relevant laws acknowledge there exists a requirement to protect existing citizens located within the defined Emergency Zones, as a consequence of relatively recent nuclear incidents which resulted in the loss of life and the disruption of tens of thousands of citizens for many decades.

The residents group associated with report, who incidentally fund West Berkshire District Council, are acutely aware of the irresponsible decisions being made by West Berkshire District Council elected representatives and senior management. Recent correspondence with West Berkshire District Council reveal that concerned residents need to ‘remain’ silent about the concerns as the full reveal of the implications could severely impact upon the physical and mental health and wellbeing of the thousands of citizens.

Such a ‘threat’ is a contradiction to those national organisations, in the form of the ONR and AWE who recognise there exists a public interest in ensuring the affected public are fully aware

of the current safety risks associated with these major hazard sites, AWE Aldermaston and AWE Burghfield.

Q3.5. Is policy SP4 relating to development within the Detailed Emergency Planning Zones, the 5km Outer Consultation Zones, and 12km Consultation Zones around AWE Aldermaston and AWE Burghfield consistent with national policy and relevant legislation?

Policy SP4 is a continuation of a comparable policy included in West Berkshire District Council's Development Plan, 2006-2026 (ref: West Berkshire Core Strategy (2006-2026) Development Plan (Adopted July 2012), Core Policy no: CS8 – Nuclear Installations – AWE Aldermaston and Burghfield. Page 56, specifies:

**“In the interests of public safety**, residential development in the inner land use planning consultation zones of AWE Aldermaston and AWE Burghfield is likely to be refused planning permission by the Council where the Office of Nuclear Regulation (ONR) has advised against this development. All other development proposals in the consultation zones will be considered in consultation with the ONR, having regard to the scale of development proposed, its location, population distribution of the area and the impact on public safety, to include how the development would impact on “Blue Light Services” and the emergency off site plan in the event of an emergency as well as other planning criteria.”

The supporting text to policy CS8 explains that the Council would normally follow the ONR's advice and that the ONR would advise against nearly ALL residential development within the inner land use planning zones defined on associated Proposals Map, based on its model testing the acceptability of residential development around the AWE sites.

The explanation associated with CS8, paragraphs 5.43 and 5.44 state:

Paragraph 5.43: “The ONR has no objection to the overall scale of development proposed in the East Kennet Valley in policy ADPP6. The ONR's decision whether to advise against a particular development is based on complex modelling. The ONR has indicated that based on its current model for testing the acceptability of residential developments around the AWE sites, it would advise against nearly all new residential development within the inner land use planning zones defined on the Proposals Map. Policy CS8 reflects the Council's intention to normally follow the ONR's advice in the inner zones. The inner zones largely encompass countryside, but the service village of Aldermaston is within the inner zone around AWE (A). Whether or not the ONR would advise against a particular proposal beyond the inner zones depends on a variety of factors, including the scale of the development, distance from the relevant AWE site, and the relationship to existing and planned developments. It is not therefore practical to express the ONR's likely advice, or the Council's response, in any further policy in this Plan.”

Paragraph 5.44: “During the plan period there is likely to be changes of inputs to the ONR's model which may result in a less restrictive approach being taken by the ONR. Such changes would include information on population and household size from the 2011 Census. The successful completion and full operation of the PEGASUS Project at AWE (A) (currently scheduled for completion in 2021), and the MENSA Project at AWE (B) (currently scheduled for completion in 2016), would enable the ONR to take into account the revised safety case for those projects in the modelling process and may enable a less constraining population density criteria to be applied. As a result, the consultation zones may change as well as ONR's advice on particular proposals.”

During West Berkshire District Council's 2006-2026 Development Plan period the UK government introduced a statutory instrument title name: The Radiation (Emergency Preparedness and Public Information) Regulations 2019:

The Radiation (Emergency Preparedness and Public Information) Regulations 2019 (REPPIR)

The relevant statutory instrument, 2019 No. 703 Health and Safety, The Radiation (Emergency Preparedness and Public Information) Regulations 2019, commonly referred to as REPPIR 2019, was made on 26<sup>th</sup> March 2019, Laid before Parliament on 27<sup>th</sup> March 2019, and came into force on 22<sup>nd</sup> May 2019.

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STATUTORY INSTRUMENTS

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**2019 No. 703**

**HEALTH AND SAFETY**

**The Radiation (Emergency Preparedness and Public Information) Regulations 2019**

<i>Made</i> - - - -	<i>26th March 2019</i>
<i>Laid before Parliament</i>	<i>27th March 2019</i>
<i>Coming into force</i> - -	<i>22nd May 2019</i>

REPPIR 19 was a consequence of the 2011 Fukushima nuclear incident being a major nuclear accident which took place at the Fukushima Daiichi nuclear power plant in Okuma, Fukushima, Japan which began on 11 March 2011, almost 14 years to the day of the date of this document.

A response to this event resulted in the International Atomic Energy Agency (IAEA) identifying the need to reassess the safety procedures associated with nuclear sites with a view to establishing an adjustment to existing emergency zones relative to each nuclear site, which included nuclear facilities located within the United Kingdom.

The travel of direction in respect of affording public citizens living in and around nuclear facilities with the necessary level of protection has been within the public consciousness both prior and post the 2011 Fukushima nuclear incident.

Existing West Berkshire District Council Policy CS8 and the proposed SP4 are designed to mitigate against increased populations within the defined Detailed Emergency Planning Zones and therefore it is disappointing West Berkshire District Council continues to sacrifice public safety and potentially compromise the operational integrity of two of the UK's key nuclear establishments with proposals to deliver development within the DEPZs and OCZs.

The National Planning Policy Framework (NPPF) states: Planning policies and decisions should promote public safety and consider wider security and defence requirements by:



- a) anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and
- b) recognising and supporting development required for operational defence and security purposes and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.

Furthermore, West Berkshire Council's Development Management Guidance for Proposed Development near AWE Sites, Version AWE 001, Date: 31 March 2019, Paragraph 10.4 states: "In addition to the limitations relating to the distance from the site then any application submitted in relation to the following points within the DEPZ is likely to receive an against recommendation:

- a) vulnerable communities – that is where people will require additional support eg children's nurseries, care homes, schools, hospitals etc,
- b) caravans/mobile homes/temporary structures for accommodation,
- c) sites within the more densely populated areas in the DEPZ.

Paragraph 10.8 of the same document states "In summary the AWE Off-Site Emergency Planning Group, a multi-agency with representatives from the responders detailed in the AWE Off-Site Emergency Plan, response will have had regard to the distance of the proposed development from the AWE site(s) boundaries, the population of the sector, in particular in relation to evacuation and recovery implications, the type of structure of the proposed building by way of suitability for shelter and whether the proposal involves use or occupation by vulnerable people. These are all factors which are likely to result in a greater impact on responders and long-term risks to public health or the environment. Developments which are either in close proximity to the site boundary, within densely populated sectors, within temporary structures, involving vulnerable occupants are less likely to receive support from the Group."

### **3.2 AWE Aldermaston and AWE Burghfield (policies SP4 and DM33 and Appendix 3)**

National policy expects planning policies to recognise and support development required for operational defence and security purposes and ensure that operational sites are not affected adversely by the impact of other development proposed in the area. Local planning authorities should consult the appropriate bodies for development around major hazard sites<sup>25</sup>.

Paragraph 4.37 in the Plan advises that the two Atomic Weapons Establishments at Aldermaston and Burghfield in the Eastern Area of West Berkshire are core to supporting national defence and security. Paragraph 4.38 sets out the key legislation that applies as a result of the quantities and types of hazardous material involved. Paragraphs 4.44 to 4.58 summarise the provisions in that legislation relating to Detailed Emergency Planning Zones, Outer Consultation Zones and 12km Consultation Zones.

Policy SP4 states that planning permission is likely to be refused for development in the Detailed Emergency Planning Zones of AWE Aldermaston and AWE Burghfield and sets out consultation arrangements for different types of development in the 5km Outer Consultation Zones and 12km Consultation Zones for those establishments. The zones are defined on the Policies Map and indicated on maps in Appendix 3.

Q3.5. Is policy SP4 relating to development within the Detailed Emergency Planning Zones, the 5km Outer Consultation Zones, and 12km Consultation Zones around AWE Aldermaston and AWE Burghfield consistent with national policy and relevant legislation?

Paragraph 1 of sub-section 3.2 AWE Aldermaston & AWE Burghfield (policies SP4 and DM33 and Appendix 3) states: “National policy expects planning policies to recognise and support development required for operational defence and security purposes and ensure that operational sites are not affected adversely by the impact of other development proposed in the area. Local planning authorities should consult the appropriate bodies for development around major hazard sites.”

There exists notable evidence whereby West Berkshire District Council (WBDC) continue to disregard their responsibility to ‘consult the appropriate bodies for development around major hazard sites.’ Evidence of planning applications whereby development is proposed to be located within the associated DEPZ, OCZ and other zones relative to AWE Aldermaston & AWE Burghfield demonstrates a lack of formal consultation by West Berkshire District Council.

It is yet to be determined if West Berkshire District Council regard AWE Aldermaston and AWE Burghfield as non-hazard sites and therefore can demonstrate the requirement to consult appropriate bodies for development is unfounded and irrelevant.

Concerns associated with this failure to formally consult with appropriate bodies have been raised. Furthermore, policy improvements have been proposed however they continue to be disregarded.

Paragraph 4.14 in the Plan advises that the two Atomic Weapons Establishments have significant implications for the future level of development in the Eastern Area.

The Council's response to PQ22 advises that there are two allocations within the Detailed Emergency Planning Zones, both of which have planning permission:

- RSA24 New Stocks Farm, Paices Hill, Aldermaston – 8 traveller pitches
- RSA12 Pondhouse Farm, Burghfield – 100 dwellings

The Council's response to PQ22 advises that, in addition to the above, there are two housing allocations and three employment allocations within the 5km Outer Consultation Zones:

- RSA8 Bath Road / Dorking Way, Calcot – 35 dwellings
- RSA13 North of A4 Bath Road, Woolhampton – 16 dwellings
- ESA4 Beenham Landfill, Pips Way, Beenham – 14,000 sqm floorspace
- ESA5 Northway Porsche, Grange Lane, Beenham – 6,400 sqm floorspace

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<sup>25</sup> NPPF 97 and 45.

- ESA6 Padworth Lane, Padworth – 12,400 sqm

Q3.6. Have the Atomic Weapons Establishments been appropriately taken into account in the determination of the spatial strategy, including the choice of housing and employment allocations?

As emphasised within this report there exists a notable departure from existing policy CS8 when determining planning proposals located within a certain radius of the nuclear establishments, AWE Aldermaston and AWE Burghfield.

RSA24 New Stocks Farm, Paices Hill, Aldermaston (8 traveller pitches) and RSA12 Pondhouse Farm, Burghfield (Common) – 100 dwellings are both located with the respect DEPZs and UPAs.

Both proposals, which have been approved by West Berkshire District Council, will result in an increase in the existing population.

RSA 24 New Stocks Farm states this is 8 traveller pitches, this site represents the setting down, in a permanent capacity, of a group of defined vulnerable citizens who no longer have the capacity to partake in their defined cultural way of life.

RSA12 Pondhouse Farm represents a large development of 100 units, of traditional build. The approval process associated with this approval is flawed, details as follows. Equally, it acknowledges there exist issues as a consequence of the site being located with the UPA and DEPZ of Burghfield AWE. There exists a requirement to ensure a fixed phone unit is

installed and operable within each unit as a consequence of the close vicinity of the proposal to Burghfield AWE. However, the proposals fails to insist of the need to introduce a site perspective emergency plan during the build out of the site and the subsequent permanent occupancy of the 100 units.

The planning inspector needs to be aware there exists reasons why West Berkshire District Council continue to resist releasing the required OSEP (Off-site Emergency Plan) to the public, this is a consequence of the flaws contained within the plan. Equally, the relevant responsible national bodies are yet to approve the plan, because of the issues associated with it.

West Berkshire District Council is hopeful the Planning Inspector will choose to disregard these concerns stating that these issues are external to the requirements of his brief in reviewing the Emerging Local Plan.

In conclusion, the AWE establishments have not been considered in the determination of the spatial strategy, including the choice of housing and employment allocations.



### **RSA12 Pondhouse Farm, Burghfield Common (100 dwellings)**

This is a retained allocation with full planning permission. It is controlled by Croudace Homes and 100 dwellings are expected to be built between 2022/23 and 2024/25.

The Atomic Weapons Establishment objects to the allocation as it is located within the Detailed Emergency Planning Zone (DEPZ) of AWE Burghfield. The Council's response to PQ14 advises that when the DEPZ was reconsidered in 2020, the dwellings that had been granted permission in 2019 were included in the detailed calculations undertaken by Emergency Planning.

Q6.24. Is there clear evidence to indicate that 100 dwellings will not be built on allocation RSA12 by 2024/25?

Q6.25. Are the development parameters in policy RSA12 justified, and will they be effective in achieving sustainable development on the site (if the current planning permission is not implemented)? In particular, if the extant planning permission were not to be implemented, should the site remain undeveloped due to it being within the Detailed Emergency Planning Zone (DEPZ) of AWE Burghfield?

RSA12 Pondhouse Farm, Burghfield Common (100 dwellings) is a large development located within AWE Burghfield assigned Detailed Emergency Planning Zone. Furthermore, the allocation is located within UPA (Urgent Protective Action) area associated with Burghfield AWE.

The allocation of this landscape was included with West Berkshire Council's DPD (Development Plan Document), this document was reviewed / approved by the Planning Inspector during 2017.

Preceding 2017 and during this timeframe the IAEA (International Atomic Energy Agency) had identified the need to further strengthen the safety afforded to citizens living within the vicinity of nuclear establishments as a consequence of the 2011 Great East Japan (Tohoku) earthquake. This major earthquake caused a substantial tsunami which disabled the power supply and cooling of the three Fukushima Daiichi reactors, resulting in a major nuclear accident commencing on 11 March 2011 the results of which impacted upon the lives of multiple thousands of citizens living in and around Daiichi reactors. The subsequent evacuation resulted in the necessary evacuation of 150,000 citizens. This major event continues to impact upon the lives of Japanese citizens today, in the year 2024. Many residents continue to be displaced from their homes whilst Japanese authorities believe it may take up to 40 years to complete the decontamination work, which has already cost Japan trillions of yen.

A consequence of the Japanese earthwork and the subsequent IAEA decision to take the action to mitigate against further loss of life and disruption to citizens living in and around nuclear sites in the event of a nuclear emergency, resulted in the creation of REPPIR 2019 (May 2019) and other earlier legal documents. West Berkshire District Council would have been acutely aware of the travel of direction and the need to take relevant action to further enhance the safety of citizens living in and around the 2 nuclear sites located within their jurisdiction however the previous and present administration have concluded to disregard the need to protect citizens and continue to permit the allocation and progression of developments resulting in an increase in population.

RSA12 is located within the UPA, it is a large development of 100 units, and therefore applying West Berkshire Council's average mathematical formula of 2.4 heads per units will result in a population increase of 240 citizens. The actual numbers of citizens occupying this development will be greater than 240 as a consequence of accommodation type.

The landowner of the RSA12 is closely associated with the previous administration who championed this proposal. He was the MP for Newbury and today is closely associated with the present Government administration, being an influential member of Defra, whilst being a member of the House of Lords.

The planning application for this allocated development was validated by West Berkshire Council on 17 September 2018. Planning Council resolved to approve the application when West Berkshire Council were aware of the new requirements associated with REPPiR 2019. Members of WBC's Emergency planning department team had already participated in training sessions in preparation for the REPPiR 2019.

West Berkshire Council have acknowledged they were expecting formal notification from the AWE (Atomic Weapons Establishment) during September 2019 however they determined to continue with reviewing the Planning Application at Committee in the knowledge of the forthcoming changes associated with Burghfield AWE.

During November 2019 received formal notification confirming the expansion of Burghfield AWE's DEPZ and UPA which expanded to include the allocated sites, one being RSA12.

In possession of AWE's Consequences Report (Nov 2019) WBC's Head of Development & Planning, on behalf of WBC, signed the decision report associated with the planning application on 5 December 2019. Outline application for residential development of up to 100 dwellings with new cycle pedestrian access onto Coltsfoot Way and two vehicular accesses onto Clayhill Road. Matters to be considered: Access. Land North Of Dauntless Road and South Of Pondhouse Farm, Clayhill Road, Burghfield Common, Reading Berkshire

The determination report failed to reference the significance of the location of the site relative to Burghfield AWE. After this correspondence, the ONR issued further correspondence to West Berkshire District Council reminding them of their responsibilities associated with the AWE sites, in particular, Burghfield AWE as a consequence of the significant expansion of the protection zone necessary for the safety of all citizens located within the certain radius of Burghfield AWE, in the unlikely event of a nuclear emergency.

During 2022, the applicant, the Englefield Estate, submitted their reserved matters planning application for approval. West Berkshire District Council were fully aware of the risks associated with increasing populations within the defined DEPZs and the Reserved Planning application provided them with the opportunity to determine to refuse the planning application citing other material considerations, in this instance the passing on REPPiR 2019 onto the statute books, combined with being in receipt of correspondence from the Office of Nuclear Regulation reminding them of their responsibilities whilst being in the knowledge that the associated OSEP (Off-site Emergency Plan) was at risk of failing following the results of OSEP exercises.

On the 10 February 2022 WBC's Joint Emergency Planning Department issued the following consultation response to the submitted Reserved Matters Planning Application no: 22/00325/RESMAJ.

Paragraph 1 of the response states: "We're aware this application the approval of reserved matters following outline permission of 18/02485/OUTMAJ granted in 2018. We were previously consulted on this application prior to the REPPiR regulation changes in 2019, at that time we had no adverse comments as the application was outside the Detailed Emergency Planning Zone (DEPZ) for AWE Burghfield."

The statement is inaccurate as the consultee response, on behalf of West Berkshire Council, state outline permission of 18/02485/OUTMAJ 'was' granted in 2018. This is a mistruth as the Outline permission of 18/02485/OUTMAJ was granted on 5 December 2019.

Furthermore, the members of this department would have been fully aware of the changes to the DEPZ associated with Burghfield AWE. Noting they partook in training exercises during the summer of 2019 prior to receiving formal notification of AWE's Consequences Report.

A copy of the full correspondence is as follows.

INTERNAL CONSULTATION

To: Joint Emergency Planning      Date: 10th February 2022  
From: Service Director - Development and Regulation (Case Officer: Michael Butler)

Planning Application No: 22/00325/RESMAJ

Proposal: Approval of reserved matters following Outline Permission 18/02485/OUTMAJ [Outline application for residential development of up to 100 dwellings with new cycle pedestrian access onto Coltsfoot Way and two vehicular accesses onto Clayhill Road. Matters to be considered: Access.] Matters seeking consent: Appearance, Landscaping, Layout and Scale.

Address: Land North Of Dauntless Road and South Of Pondhouse Farm, Clayhill Road, Burghfield Common, Reading

Grid Reference: 465716 167615

Please provide your comments on the above planning application either in hard copy or by email to [planapps@wesberks.gov.uk](mailto:planapps@wesberks.gov.uk). The plans and relevant documents are available to view on line or via Marvin (EDRMS). If you require any further information relating to the application, please do not hesitate to contact the Customer Call Centre on 01635 519111, quoting the planning application number.

**Michael Butler**  
Case Officer

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Comments to be received by: 3 March 2022, failing the receipt of which I shall assume that you do not wish to comment.

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Comments:

We're aware this application the approval of reserved matters following outline permission of 18/02485/OUTMAJ granted in 2018. We were previously consulted on this application prior to the REPPiR regulation changes in 2019, at that time we had no adverse comments as the application was outside the Detailed Emergency Planning Zone (DEPZ) for AWE Burghfield.

If this application was provide without prior approval we'd be recommending refusal due to the number of properties within the dense populated area and proximity to the AWE Burghfield site.

On the basis of the above information: already granted planning permission and changes of the DEPZ, Emergency Planning request this application is subject to the 'condition' set out below.

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**Condition:** A landline phone is fitted within each individual property to ensure the AWE Telephone Alerting System can operate successfully, to inform the property residents in the event of a radiation emergency at AWE.

**Reason:** To protect residents in the event of a radiation emergency at AWE. As well as ensure the AWE Off-Site Emergency Plan can operate effectively and the ability of responders to accommodate all those within the DEPZ.

Signature: ...Amy Gower..... Date: ...17/03/2022...(Joint Emergency Planning)

The District Councillors representing the community located with Burghfield, being part of the Burghfield & Mortimer Ward, comprises of 3 members. During the determination of the above subject planning applications, one district councillor was a member of West Berkshire Council's Executive Committee, District Councillor Bridgman, Burghfield & Mortimer Ward, a senior member of West Berkshire Council Executive, Executive Portfolio: Executive Member for Health and Wellbeing. The other two members, District Councillors Mayes and Longton, sat on the Eastern Area Planning Committee, the committee responsible for determining planning applications.

These three gentlemen were in possession of correspondence (referenced below) which categorically states that allocated development would NOT occur within Burghfield owing to REPPIR 2019 and the relevant risk factors to existing citizens.

These above gentlemen including those District Councillors representing the wards located immediately adjacent to the Burghfield & Mortimer Ward, Cllr Mackinnon (Bradfield), Cllr Macro (Theale).

Bradfield ward, comprises of a large section of Burghfield Common, being located within the Parish of Sulhamstead, which sits with the DEPZ associated with Burghfield AWE, the Burghfield Common section of Parish of Sulhamstead comprises of between 800-1000 citizens. The other ward being Theale, represented by Councillor Macro, is located with the OPZ associated with Burghfield AWE.

These five gentlemen were provided with the opportunity to 'call-in' the reserved matters planning application associated with the 100 houses with a view to re-determining the planning application noting the significance of REPPIR 2019 and, in particular, with the District Councillors representing Burghfield & Mortimer Ward being in the possession of correspondence which categorically highlights the reason why new development will NOT be located within the Detailed Emergency Planning Zones associated with Burghfield AWE.

It has been noted that West Berkshire Council resolved to hold a closed meeting when considering the AWE Consequences Reports (2019) created following the passing of REPPIR 2019 onto the statute books in the same year (May 2019). Once again, the recorded minutes associated with this meeting including subsequent meetings relating to the same subject continue to remain hidden. This subject is NOT confidential and as demonstrated by both the ONR (Office of Nuclear Regulation) and the AWE (Atomic Weapons Establishment) there exists a public interest in releasing relevant information.



**From:** [PlanningPolicy](#)  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Update for neighbourhood planning groups - Burghfield  
**Date:** 02 October 2020 16:44:00

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Dear all,

We hope that you are keeping well.

Work has been progressing at pace recently on the West Berkshire Local Plan Review to 2036, and we are contacting you to provide an update on this work.

Forthcoming consultation:

We will be consulting on the first draft of the plan at the end of November / early December. This consultation is formally known as a 'Regulation 18' consultation.

The draft plan that we publish will include both strategic and development management policies (we will indicate which are which), a housing requirement for both the district and the designated Neighbourhood Areas, and allocations for residential and economic development (except in designated Neighbourhood Areas).

Indicative housing requirements for the designated Neighbourhood Areas:

As aforementioned, the draft plan will include an indicative housing requirement for each designated Neighbourhood Area. Using the requirement, the neighbourhood planning groups in the district can commence site selection work to determine which site(s) they want to include as allocations in their neighbourhood plans.

The requirement is indicative at this stage because it is subject to change as work on the Local Plan Review progresses, for example during the independent examination. It may also change as a result of any changes that the Government make to the standard methodology which is used for calculating the overall housing need for a district.

The Government are currently consulting on proposals to amend the standard methodology for calculating housing need. The proposals result in an increased housing need in West Berkshire.

In advance of the consultation on the first draft of the Local Plan Review, we are providing you with the indicative housing requirement for the Burghfield Neighbourhood Area in confidence:

*Indicative housing requirement for Burghfield Neighbourhood Area:*

0 dwellings

*Justification:*

Burghfield Parish falls within the recently revised AWE Burghfield Detailed Emergency Planning Zone. Residential development is unsuitable in this zone, however an Offsite Plan is being produced and this may allow a limited amount of development. The housing requirement for Burghfield will be reviewed following the publication of the Offsite Plan.

Evidence documents:

Like Neighbourhood Plans, the Local Plan Review must be underpinned by evidence.

We have already published several evidence documents, and we will be publishing further documents when we commence the consultation. These will include an Affordable Housing Viability Assessment, Employment Land Review, Level 2 Strategic Flood Risk Assessment, and an update to the Housing and Economic Land Availability Assessment (HELAA).

The update to the HELAA will be relatively minor and will take account of the most recent residential and employment completions, any factual inaccuracies, and will include the assessment of several newly promoted sites.

No new sites were promoted in Burghfield Parish.

Neighbourhood planning resources page:

Officers have recently created a neighbourhood planning resources section on the Council's website: <https://info.westberks.gov.uk/npresources>. It is aimed at the

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neighbourhood planning groups and includes links to resources as well as a series of advice notes prepared by officers.

We hope that this page will be of assistance to you, however do let us know if there is any further guidance that you would find useful.

If you have any queries about this email please do not hesitate to get in touch.

Kind regards,

**Planning Policy Team**

Development and Planning | West Berkshire Council | Market Street | Newbury | Berkshire | RG14

5LD

01635 519 111 | [planningpolicy@westberks.gov.uk](mailto:planningpolicy@westberks.gov.uk)

[www.westberks.gov.uk/planningpolicy](http://www.westberks.gov.uk/planningpolicy)

Ref:

The RSA12 development being located within Burghfield AWE's UPA will result in an increase in population which increases the risk of those existing citizens living, studying and working within the UPA and the DEPZ. The area is located within a densely populated section of Burghfield Common, which includes a significant number of citizens located within Sulhamstead Parish (Bradfield Ward) including other parishes: Mortimer Stratfield(which include Upton Nervet), Wokefield, Beech Hill. The DEPZ equally extends into the Local authority areas of Reading and Wokingham.

As previously expressed, the current UPA is inadequate as it bisects the Burghfield Common population. There continue to exist notable concerns relative to the West Berkshire District Council's interpretation of the REPPiR and ACoP in relation to the DEPZs and UPAs.

Furthermore, formal correspondence was sent to the Secretary of State for Levelling Up, Housing and Communities of the United Kingdom requesting the SoS uses his powers to 'call-in' this application and the planning application associated with The Hollies development, being 32 houses, being located within the same area as RSA12. Regrettably, the SoS concluded not to use his powers to 'call-in' the planning application stating that he was confident the responsible Local Authority would make the right decision.

Equally, correspondence was sent to the CEO of West Berkshire District Council asking him to use his powers to revoke the planning application, highlighting the increased safety risks posed to existing citizens, however he resolved not to do the right thing by the many thousands of existing citizens living in and around Burghfield AWE.

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