

West Berkshire Local Plan Review 2022-2039 (LPR) Examination

West Berkshire Council response to

IN14 Action Point AP12

AWE Aldermaston and AWE Burghfield

AP12. Council, in liaison with AWE and ONR, to prepare a main modification to policy SP4 and the reasoned justification to clarify:

- a) What is meant by “non residential population” in the first paragraph in the Table relating to the DEPZ.
- b) That the fourth paragraph in the Table relating to the OCZ includes “new development” as well as “re-use or re-classification of an existing development”.
- c) That the extent of the DEPZs shown on the maps in Appendix 3 of the Plan and the Policies Map could change before the Plan is updated or superseded and policy SP4 will be applied to the latest version of the DEPZ.
- d) The reference to “consideration will be given as to how the proposed development would impact on the AWE Off-Site Emergency Plan and supporting documents”.

Council response

In responding to the Inspector’s points above, the Council has taken a broad overview of the policy, in collaboration with the ONR and AWE, and proposes modifications to policy SP4 as set out below. The Council considers that these proposed modifications make the policy clearer and more effective in its implementation.

Below is a track changed version of the proposed modifications with the conventional form of ~~strike through~~ for deletion of text and underline for additions. A clean version of the proposed policy is also set out below.

As a result of the proposed changes to the policy, the Council considers it necessary to also propose modifications to Appendix 3 and the Policies Map and these are set out under the policy below.

Policy SP4

Atomic Weapons Establishment (AWE) Aldermaston and Atomic Weapons Establishment (AWE) Burghfield

Within the Office for Nuclear Regulation (ONR) land use planning consultation zones surrounding AWE Aldermaston and AWE Burghfield development will be managed in the interests of public safety, and to ensure that any proposed developments do not adversely affect the defence related operation or capability of the AWE sites. ~~pose an external hazard to the AWE sites, any new development of a type more particularly described in the table below¹ located in the Detailed Emergency Planning Zone (DEPZ)² of AWE Aldermaston and AWE Burghfield is likely to be refused planning permission by the Council, especially when the Office for Nuclear Regulation (ONR) and/or Ministry of Defence (MoD) have advised against that development and/or object.~~

Development proposals within the land use planning consultation zones that pose an unacceptable risk to the operation of the AWE Off-Site Emergency Plan (OSEP) and/or adversely affect the defence related operation or capability of the AWE sites will be refused planning permission.

In determining applications, the ONR and AWE/MOD will be consulted on development proposals applications for new development in the Detailed Emergency Planning Zone (DEPZ)³, Outer Consultation Zone (OCZ)⁴ and any other 12km consultation zone as detailed on ONR website which meets the ONR consultation criteria as detailed on the ONR website⁵ described in the table below (as may be amended by the ONR from time to time). Development within the DEPZ is likely to be refused planning permission where the ONR, as regulator of the nuclear licensed sites, advise against the proposed development.

~~For development proposals in the DEPZ and OCZ for each of AWE's, consideration will be given as to how the proposed development would impact on the AWE Off-Site Emergency Plan and supporting documents.~~

~~Development within the Land Use Planning Consultation Zones: Office for Nuclear Regulation~~

¹ This table reflects the ONR's consultation criteria as at 2022 — please note that these may change over time and the Policy SP4 reflects the Council's intention to follow the latest ONR guidance from time to time.

² Detailed Emergency Planning Zone (DEPZ) as defined by REPPiR and as detailed on the Council's website.

³ Current and future Detailed Emergency Planning Zone (DEPZ) as defined by REPPiR and as detailed on the Council's website. The extent of the DEPZs (at January 2023) shown in Appendix 3 and the Policies Map could change before the Local Plan is updated or superseded. Policy SP4 will be applied to the latest version of the DEPZ.

⁴ Outer Consultation Zone (OCZ) and 12km zones as defined on by ONR website along with relevant distances and centre points. The OCZ and 12km zones are depicted in Appendix 3 and on the Policies Map.

⁵ <https://www.onr.org.uk/our-work/what-we-regulate/other-regulationslegislations/land-use-planning/>

AWE Aldermaston (AWE A)		AWE Burghfield (AWE B)	
Zone	Development Type		
DEPZ	<p>Any new development, re-use or re-classification of an existing development that could lead to an increase in residential or non-residential populations thus impacting on the off-site emergency plan.</p> <p>Any new development, re-use or re-classification of an existing development that could pose an external hazard to the site.</p>		
OCZ	<p>Any new residential development of 200 dwellings or greater.</p> <p>Any re-use or re-classification of an existing development that will lead to a material increase in the size of an existing development (greater than 500 persons).</p> <p>Any new non-residential development that could introduce vulnerable groups to the OCZ.</p> <p>Any new development re-use or re-classification of an existing development that could pose an external hazard to the site.</p>		
12km zone	<p>A circular zone of 12km radius around all nuclear sites, for certain types of significant development due to the potential for such developments to pose an external hazard to sites.</p>		

ONR's website provides non-exhaustive examples of the types of developments that could pose an external hazard to a nuclear licensed site and the examples of the type of developments ONR would expect to be consulted on.

The maps set out in Appendix 3 provide the mapping information, as at March 2020 in relation to the DEPZs, OCZs (5km) and the 12km consultation zones for each AWE site as per the ONR consultation criteria.⁶

Supporting Text

4.36 There are two nuclear licensed sites located in West Berkshire, the Atomic Weapons Establishment in Aldermaston (AWE A) and in Burghfield (AWE B). These are operated by AWE plc on behalf of the Ministry of Defence and regulated by the Office of Nuclear Regulation (ONR) (as well as other regulators).

4.37 Both AWE sites are core critical to sustaining the UK government's nuclear deterrent and support national defence and security.

⁶ It should be noted that the ONR 12km land use planning area should not be confused with the REPPiR Outer Planning Zones (OPZ) for the AWE sites. OPZs are for emergency planning use only. In 2022 they were AWE Aldermaston 15km and AWE Burghfield 12km.

4.38 There are hazards associated with the authorised use of these sites including conventional chemicals, explosives and radiation sources. As a result of the quantities and types of material involved, the sites are also regulated under the following key legislation:

- a. The Radiation (Emergency Preparedness and Public Information) Regulations 2019 (REPPIR)⁷. Both sites fall within the scope of REPPIR legislation. The regulator for these sites is the ONR.
- b. Control of Major Accident Hazards Regulations 2015 (COMAH)⁸. Under these regulations AWE A is a Lower Tier COMAH site. The joint regulators for this site are the ONR and the Environment Agency (EA). AWE B does not fall under the COMAH regulations at the present time (2022).
- c. Explosive Regulations 2014⁹. Both AWE A and AWE B sites have explosives on site and AWE plc holds an explosives licence for both sites. The regulator is the ONR.
- d. Environmental Permitting (England and Wales) Regulations 2016 (EPR). Both sites generate and dispose of radioactive wastes. The regulator is the EA.

4.39 The NPPF ~~outlines that states at paragraph 45:~~ "Local planning authorities should consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them."

4.40 Furthermore, the NPPF ~~at paragraph 95 states:~~ requires planning policy to

~~"Planning policies and decisions should promote public safety and take into account wider security and defence requirements. It requires that operational defence sites are not affected adversely by the impact of other development proposed in the area, and that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. by:~~

~~i. 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~~

~~ii. 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."~~

4.41 Paragraph 97(b) (ensuring that operational defence and security sites are not adversely affected by the impact of other development in the area) is complemented

⁷ Radiation - Radiation (Emergency Preparedness and Public Information) Regulations 2019 (REPPIR)

⁸ COMAH Guidance

⁹ Explosives Regulations 2014 -L150

~~by paragraph 187 of the NPPF which provides, amongst other things, that “*planning policies and decisions should ensure that new development can be integrated effectively with existing businesses...*” and that existing businesses “*should not have unreasonable restrictions placed on them as a result of development permitted after they were established*”.~~

~~4.42 These national policies should be read alongside other relevant policies relating to economic development within the LPR.~~

4.43 The NPPF defines major hazard sites, installations and pipelines as: ‘*Sites and infrastructure, including licensed explosive sites and nuclear installations, around which Health and Safety Executive (HSE) (and Office for Nuclear Regulation) consultation distances to mitigate the consequences to public safety of major accidents may apply.*’

~~4.44 The preface to the guidance accompanying REPPIR 2019 states: “*The provisions in REPPIR have been developed with consideration of provisions in the Control of Major Hazards Regulations 2015 (COMAH) [10] and the Pipelines Safety Regulations 1996 [11] to maximise emergency preparedness consistency between Regulations for major hazards sectors.*”~~

~~4.45 Nuclear installations which are regulated by REPPIR present a potential major hazard as a result of the quantities of radioactive materials on the site.~~

4.46 Under the REPPIR 19 legislation a Detailed Emergency Planning Zone (DEPZ) must be determined by the local authority where the relevant nuclear site is situated. For the AWE sites this is West Berkshire District Council. This process was undertaken in 2019 and reviewed in 2023. Under legislation formal reviews of the DEPZ are required to be undertaken at least every three years or as a result of a material change in work with ionizing radiation. As such, the extent of the DEPZs shown in Appendix 3 and on the Policies Map could change before the Local Plan is updated or superseded. Policy SP4 will be applied to the latest version of the DEPZ.

~~4.47 The DEPZ determination process, including the data behind the information provided in the Consequence Report prepared and issued by AWE, in 2019, was subject to an unsuccessful Judicial Review brought against the Council.~~

4.48 The DEPZ for the AWE sites is the geographic area that in respect of which the AWE Off-Site Emergency Plan (OSEP) covers. The AWE OSEP must set out protective actions which would be implemented without delay to mitigate the likely consequences of a radiation emergency, must have detailed plans in place and the Council, along with the other agencies involved in the AWE OSEP Off-Site Emergency Plan, must be able to respond effectively. The regulators therefore require assurances that the AWE Off-Site Emergency Plan OSEP, owned by the Council, is adequate and can be implemented effectively in order to protect the public.

4.49 The OCZ and 12km land use planning consultation zones for the AWE sites are determined by the ONR and extends from a geographical centre point on each AWE sites. During the plan period there may be changes to the REPPIR legislation and/or

in the inputs to the ONR's process which may result in consequential changes to the land use planning consultation zones or consultation criteria, which in turn could result in changes to ONR's advice on particular proposals. These will be kept under review and policy SP4 will be applied to the latest version of the ONR Guidance/Zones.

~~4.50 The DEPZs and OCZs for the AWE sites cross over into the following neighbouring councils: Basingstoke and Deane Borough Council, Reading Borough Council, and Wokingham Borough Council (see further below).~~

~~4.51 In respect of both AWE sites, the ONR and AWE/MOD is will be consulted on any planning applications for new development within the DEPZ, the OCZ and the 12km zone (and any other consultation zone determined by the ONR from time to time) which meet the consultation criteria as set out within the policy on the ONR website¹⁰. These d Developments within these zones may have an adverse impact on pose an unacceptable risk to the viability and operability of the AWE OSEP Off-Site Emergency Plan and/or pose an external hazard to, adversely affect the defence related operation or capability of the nuclear licensed sites, and advice will be provided to the Local Planning Authority accordingly.~~

~~4.52 The ONR provides advice to the local planning authorities on planning applications for developments around the AWE nuclear licensed sites. This advice seeks to limit the radiological public health consequences to members of the public in the event of a radiation emergency and to ensure that the developments do not pose an external hazard to the sites.~~

~~4.53 Given the potential cumulative effects of any population increase surrounding the AWE sites, it will be necessary to monitor committed and future approved but not built development in partnership with neighbouring councils. The councils will monitor planning completions and commitments as part of the Annual Monitoring Report and send this information directly to the Emergency Planning Services in each council and the ONR for them to make informed judgements when assessing future development proposals.~~

~~4.54 The ONR's decision making process is detailed on its website.¹¹ The ONR will normally advise against a particular development should they not receive adequate assurance from the owner of the Off-Site Emergency Plan that the development can be accommodated within the AWE OSEP that Plan. As a result, the ONR will consider feedback provided by West Berkshire District Council Emergency Planning Service, as the Plan AWE OSEP owner under REPPiR. This feedback is often based on wider consultation with the AWE Off-Site Planning Group (a group of responding local, regional and national agencies). Should it be considered by the responding agencies that there would be an unacceptable risk to the AWE OSEP, Off-Site Emergency Plan (the Plan) would be adversely affected with no viable and sustainable mitigation options available, such that the OSEP Plan would not be able to accommodate the development and therefore protect public health, then as the policy makes clear that planning permission will be refused. normally West Berkshire~~

¹⁰ <https://www.onr.org.uk/our-work/what-we-regulate/other-regulationslegislations/land-use-planning/>

¹¹ <https://www.onr.org.uk/land-use-planning.htm>

~~District Council Emergency Planning Service would submit advice against the development to the local planning authority and inform the ONR. Consideration will be given taking into account the Guidance currently under development.~~

Applicants considering development proposals within the land use planning consultation zones are strongly encouraged to enter into discussions with the Council at an early stage to establish if there are likely to be any implications on the OSEP as a result of the proposals.

The land use planning consultation zones for the AWE sites cross over into the following neighbouring councils: Basingstoke and Deane Borough Council, Reading Borough Council, and Wokingham Borough Council. The Council will monitor committed and future development proposals in partnership with neighbouring councils, those agencies with duties under REPPiR, and the ONR to understand the impact on the OSEP and the operation of AWE.

~~4.55 The ONR will provide advice for developments that potentially pose an external hazard to the AWE sites.~~

~~4.56 Policy SP4 reflects the Council's intention to normally follow the ONR's advice in the ONR's consultation zones.~~

~~4.57 During the plan period there may be changes in the inputs to the ONR's process which may result in consequential changes to the consultation zones or criteria. These will be kept under review.~~

~~4.58 During the plan period there may also be changes to the DEPZ as a result of the requirement under REPPiR legislation to undertake formal reviews of the DEPZ at least on a 3 yearly basis or because of a material change in work with ionizing radiation. This may result in the DEPZ for either AWE site remaining the same, extending or reducing in size and geography over time. These will be kept under review.~~

Clean version of policy (track changes accepted)

Policy SP4

Atomic Weapons Establishment (AWE) Aldermaston and Atomic Weapons Establishment (AWE) Burghfield

Within the Office for Nuclear Regulation (ONR) land use planning consultation zones surrounding AWE Aldermaston and AWE Burghfield development will be managed in the interests of public safety, and to ensure that any proposed developments do not adversely affect the defence related operation or capability of the AWE sites.

Development proposals within the land use planning consultation zones that pose an unacceptable risk to the operation of the AWE Off-Site Emergency Plan (OSEP) and/or adversely affect the defence related operation or capability of the AWE sites will be refused planning permission.

In determining applications, the ONR and AWE/MOD will be consulted on development proposals in the Detailed Emergency Planning Zone (DEPZ)¹², Outer Consultation Zone (OCZ)¹³ and 12km consultation zone which meets the ONR consultation criteria as detailed on the ONR [website](#)¹⁴. Development within the DEPZ is likely to be refused planning permission where the ONR, as regulator of the nuclear licensed sites, advise against the proposed development.

Supporting Text

There are two nuclear licensed sites located in West Berkshire, the Atomic Weapons Establishment in Aldermaston (AWE A) and in Burghfield (AWE B). These are operated by AWE plc on behalf of the Ministry of Defence and regulated by the Office of Nuclear Regulation (ONR) (as well as other regulators).

Both AWE sites are critical to sustaining the UK government's nuclear deterrent and support national defence and security.

There are hazards associated with the authorised use of these sites including conventional chemicals, explosives and radiation sources. As a result of the quantities and types of material involved, the sites are also regulated under the following key legislation:

¹² Current and future Detailed Emergency Planning Zone (DEPZ) as defined by REPIR and as detailed on the Council's website. The extent of the DEPZs (at January 2023) shown in Appendix 3 and the Policies Map could change before the Local Plan is updated or superseded. Policy SP4 will be applied to the latest version of the DEPZ.

¹³ Outer Consultation Zone (OCZ) and 12km zones as defined by ONR along with relevant distances and centre points. The OCZ and 12km zones are depicted in Appendix 3 and on the Policies Map.

¹⁴ <https://www.onr.org.uk/our-work/what-we-regulate/other-regulationslegislations/land-use-planning/>

- a. The Radiation (Emergency Preparedness and Public Information) Regulations 2019 (REPPIR)¹⁵. Both sites fall within the scope of REPPIR legislation. The regulator for these sites is the ONR.
- b. Control of Major Accident Hazards Regulations 2015 (COMAH)¹⁶. Under these regulations AWE A is a Lower Tier COMAH site. The joint regulators for this site are the ONR and the Environment Agency (EA). AWE B does not fall under the COMAH regulations at the present time (2022).
- c. Explosive Regulations 2014¹⁷. Both AWE A and AWE B sites have explosives on site and AWE plc holds an explosives licence for both sites. The regulator is the ONR.
- d. Environmental Permitting (England and Wales) Regulations 2016 (EPR). Both sites generate and dispose of radioactive wastes. The regulator is the EA.

The NPPF outlines that Local planning authorities should consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them.

Furthermore, the NPPF requires planning policy to promote public safety and take into account wider security and defence requirements. It requires that operational defence sites are not affected adversely by the impact of other development proposed in the area, and that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

The NPPF defines major hazard sites, installations and pipelines as: *'Sites and infrastructure, including licensed explosive sites and nuclear installations, around which Health and Safety Executive (and Office for Nuclear Regulation) consultation distances to mitigate the consequences to public safety of major accidents may apply.'*

Under the REPPIR 19 legislation a Detailed Emergency Planning Zone (DEPZ) must be determined by the local authority where the relevant nuclear site is situated. For the AWE sites this is West Berkshire District Council. This process was undertaken in 2019 and reviewed in 2023. Under legislation formal reviews of the DEPZ are required to be undertaken at least every three years or as a result of a material change in work with ionizing radiation. As such, the extent of the DEPZs shown in Appendix 3 and on the Policies Map could change before the Local Plan is updated or superseded. Policy SP4 will be applied to the latest version of the DEPZ.

The DEPZ for the AWE sites is the geographic area that in respect of which the AWE Off-Site Emergency Plan (OSEP) covers. The AWE OSEP must set out protective actions which would be implemented without delay to mitigate the likely consequences of a radiation emergency, and the Council, along with the other agencies involved in the AWE OSEP, must be able to respond effectively. The regulators therefore require assurances that the AWE OSEP, owned by the Council, is adequate and can be implemented effectively in order to protect the public.

¹⁵ Radiation - Radiation (Emergency Preparedness and Public Information) Regulations 2019 (REPPIR)

¹⁶ COMAH Guidance

¹⁷ Explosives Regulations 2014 -L150

The OCZ and 12km land use planning consultation zones for the AWE sites are determined by the ONR and extend from a geographical centre point on each AWE site. During the plan period there may be changes to the REPPiR legislation and/or in the inputs to the ONR's process which may result in consequential changes to the land use planning consultation zones or consultation criteria, which in turn could result in changes to ONR's advice on particular proposals. These will be kept under review and policy SP4 will be applied to the latest version of the ONR Guidance/Zones.

In respect of both AWE sites, the ONR and AWE/MOD will be consulted on any planning applications within the DEPZ, the OCZ and the 12km zone which meet the consultation criteria as set out on the ONR [website](#)¹⁸. Developments within these zones may pose an unacceptable risk to the viability and operability of the AWE OSEP and/or adversely affect the defence related operation or capability of the nuclear licensed sites, and advice will be provided to the Local Planning Authority accordingly.

The ONR's decision making process is detailed on its website.¹⁹ The ONR will normally advise against a particular development should they not receive adequate assurance that the development can be accommodated within the AWE OSEP. As a result, the ONR will consider feedback provided by West Berkshire District Council Emergency Planning Service, as the AWE OSEP owner under REPPiR. Should it be considered that there would be an unacceptable risk to the AWE OSEP, the policy makes clear, planning permission will be refused.

Applicants considering development proposals within the land use planning consultation zones are strongly encouraged to enter into discussions with the Council at an early stage to establish if there are likely to be any implications on the OSEP as a result of the proposals.

The land use planning consultation zones for the AWE sites cross over into the following neighbouring councils: Basingstoke and Deane Borough Council, Reading Borough Council, and Wokingham Borough Council. The Council will monitor committed and future development proposals in partnership with neighbouring councils, those agencies with duties under REPPiR, and the ONR to understand the impact on the OSEP and the operation of AWE.

¹⁸ <https://www.onr.org.uk/our-work/what-we-regulate/other-regulationslegislations/land-use-planning/>

¹⁹ <https://www.onr.org.uk/land-use-planning.htm>

Ref	Page of submitted LPR	Policy/ Paragraph of submitted LPR	Proposed Main Modification	Reason for modification
Appendix 3 AWE land use planning consultation zones				
	251	Appendix 3	<p><i>Amend text in Appendix 3 as follows:</i></p> <p>3.1 The maps set out below provide the mapping information, as at March 2020 <u>January 2023</u>, in relation to the DEPZs, OCZs (5km) and the 12km planning consultation zones for each AWE site as per the ONR consultation criteria.</p> <p><u>3.2 The extent of the DEPZs shown in Appendix 3 and the Policies Map could change before the Plan is updated or superseded and policy SP4 will be applied to the latest version of the DEPZ.</u></p>	In response to AP12 in IN14 .
Policies Map				
		Policies Map	<p><i>Amend Policies Map to ensure the following consultation zones are accurately reflected:</i></p> <ul style="list-style-type: none"> • Detailed Emergency Planning Zone (DEPZ) for AWE A and DEPZ AWE B (January 2023) • Outer Consultation Zone (OCZ) (5km) for AWE A and AWE B • 12km Consultation Zone for AWE A and AWE B 	In response to AP12 in IN14 .