

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**  
**APPEAL BY T A Fisher & Sons Ltd**

Against the refusal of Full Planning Permission  
by  
West Berkshire Council

ON

LAND TO THE REAR OF THE HOLLIES, BURGHEFIELD

For

The erection of 32 dwellings including affordable housing,  
parking and landscaping. Access via Regis Manor Road.

Application Reference no. 22/00244/FULEXT

**SUMMARY STATEMENT OF CASE**

Prepared by Pro Vision

LAND TO THE REAR OF THE HOLLIES

APPEAL STATEMENT OF CASE

PROJECT NO. 50929

PREPARED BY:

KATHERINE MILES MRTPI

DIRECTOR

DATE:

NOVEMBER 2022

PRO VISION

THE LODGE

HIGHCROFT ROAD

WINCHESTER

HAMPSHIRE

SO22 5GU

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- 1.1 This Summary Statement of Case has been prepared on behalf of the Appellant, in support of an appeal against the decision of West Berkshire Council to refuse Full Planning Permission for *“the erection of 32 dwellings including affordable housing, parking and landscaping. Access via Regis Manor Road”* on land to the rear of The Hollies, Reading Road, Burghfield Common.
- 1.2 The appeal application was refused under delegated powers for three reasons which give rise to the following main issues:
- The need for a legal agreement to secure Affordable Housing
  - The sites’ location in the DEPZ and the impact of the development on public safety
  - The impact on protected trees
- 1.3 The Inspector is requested to review the comments of the officer under the headings “Design, Character, Layout”; “Neighbouring Amenity”; “Highway Matters” which confirm the acceptability of the proposal in all other respects.
- 1.4 The Statement of Case addresses the reasons for refusal and sets out the Appellant’s case as to why planning permission should be granted. The Statement of Case must be read in conjunction with the evidence submitted by technical experts including Dr Keith Pearce PhD, MBA, MSc, FEPS who provides independent expert evidence in relation to Refusal Reason 2 (Appendix Q), and Jago Keen of Keen Consultants who provides independent expert evidence in respect of Refusal Reason 3 (Appendix T).
- 1.5 The site forms part of an allocated site for approximately 60 dwellings under Policy HSA16 of the Council’s Housing Site Allocations Development Plan Document (HSADPD) (2017). Part of the allocated site has already received planning permission for 28 residential dwellings. That development has been built out by Crest Nicholson Operations Ltd and is now occupied. The appeal application proposes the development of the balance of the allocation on the site and to the west of the crest development.
- 1.6 Prior to the submission of the application, the Council confirmed that the principle of development was supported and the allocation under HSA16 would be rolled forwards to the new Local Plan in preparation (Appendix 1). Notwithstanding this advice, the Council then refused the application. Prior to submission of the appeal, further pre-application advice was sought from the Council. The Inspector is asked to note the following key points arising from the discussion which are discussed further in this Statement of Case:

- Ms Richardson, the Council's Emergency Planning Officer, advised that there was no statutory process, legislation or guidance for emergency planning purposes on which planning projects should be included within an Emergency Plan.
- Ms Richardson referred to needing to draw a 'line in the sand' somewhere, and that personal interpretation led her to choose to draw that line so as to exclude sites which were allocated for development in the Development Plan but which did not, at the time of the review, have permission.
- Ms Richardson accepted that the site was not in the urgent evacuation zone.
- Ms Richardson accepted that some residents would be able to self-evacuate, if necessary, without relying on blue light services or refuge centres.
- Ms Richardson accepted the current emergency plan was out of date and was in the process of being updated.
- Mr Butler advised that from a planning policy perspective, senior officers at the Council now consider there to be a moratorium on all new development in the DEPZ in West Berkshire, but this was not, or never was the intention of the DEPZ. However, it was agreed that this was a different stance to that being taken by Basingstoke and Deane Borough Council in relation to the DEPZ around AWE Aldermaston<sup>1</sup>.
- Mr Butler advised that the Council had a 7-year housing land supply and agreed that the Council's stance on the DEPZ issue would potentially be different if there was a sub 5 year supply.

1.7 The Appellants evidence shows that the AWE Burghfield site does not represent a great risk to health or life for those living in or near the proposed development site. The risk of harm to people living at the proposed development site from AWE(B) has been estimated as  $2 \times 10^{-10}$  per year, about 1 in 5,000 million years. The potential impact of inhalation of radioactive material is therefore minimal. The risk occurs only whilst the plume passes and only to those unable to shelter in time. Residential dwellings avert 40% of the inhalation dose.

1.8 Weather conditions and wind direction can also affect the direction of the plum and dispersal of radioactive material. The wind blows towards the appeal site from AWE Burghfield less than 3% of the time and in the relevant low windspeed range for less than 1% of the time. At the worst case, with the wind blowing towards the appeal site in an F2 weather condition (which

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<sup>1</sup> AWE Aldermaston is approximately 7 miles from AWE Burghfield

typically only occurs on a cold winters night i.e. when residents would most likely be indoors with windows shut) the projected does at the site would be 11.3mSv.

- 1.9 To provide context to this level of exposure, a whole-body CT scan typically delivers 10mSv whilst the average annual radon dose to a resident of Cornwall is 7.8mSv. A resident living in Cornwall who also needed a whole body CT Scan would receive a higher level of radiation than a resident living at the development site would experience in the extremely unlikely event of an accident occurring.
- 1.10 The 11.3 mSv does estimate is at the very low end and therefore the radiation dose that could occur in the event of a major accident at AWE Burghfield is within the range commonly experienced by members of the public in their everyday life.
- 1.11 The increased number of inhabitants within the DEPZ will not put an overwhelming strain on the resources of the off-site plan, either for warning and informing or for providing medical and quality of life support to those in an area subject to shelter advice. The off-site emergency plan alerts residents of the DEPZ of an incident by landline phone in the first instance with radio, tv and social media posts providing updates. The current system, and advice to shelter, applies to around 7,000 households. 32 additional households is a relatively small increment and is not considered to burden the alerting system which is via a pre-recorded single message issued to all registered landlines in the DEPZ.
- 1.12 Shelter is deemed a simple protective action and is reasonably effective if achieved in a timely manner. Residents would have around 10 minutes to shelter from receiving notification – it is estimated that there will be an average of 25 minutes from the initiation of the event until the leading edge of the plume travels to the minimum distance recommended for urgent action.
- 1.13 It is extremely unlikely that evacuation would be required for the appeal site which is 2.4km from AWE Burghfield. The plume would be overhead for 30 minutes at most.
- 1.14 The increased number of people living in the area are unlikely to interfere with the emergency services' ability to provide support to the site in an emergency and the potential for impact on blue light / emergency services would not be overwhelming.
- 1.15 The development itself would not have an adverse impact upon the nation's security by constraining operations on the AWE site.

- 1.16 The Council / AWE has provided no evidence that development has reached the point at which the emergency plan is inadequate.
- 1.17 ONR has not advised that it has notified the Council of its dissatisfaction with the emergency plan or requirement the Council to address any inadequacies with the plan.
- 1.18 Even if it were the case that the Council could not prepare an adequate emergency plan to cover the additional population arising from this development, the Secretary of State has the power to exempt AWE from any requirement or prohibition imposed by the regulations.
- 1.19 In respect of the impact on and loss of protected trees within the site, it is important to remember that the appeal site is allocated in the Development Plan despite the presence of protected trees on the site. The Appeal proposal has been carefully designed to minimise tree loss and would not harm the amenity and character of the area. The appropriate buffer to the Ancient Woodland of 15m is achieved, and an adequate root protection area to retained is also provided. 30 new specimen trees are proposed to replace the 5 protected trees to be lost from group 80. These 30 new trees would have ample space to develop and more than compensate for the loss. As such, the proposal is clearly consistent with Policies ADPP1, CS14, CS18 and CS19 of the Core Strategy.
- 1.20 In relation to the lack of a S106 agreement to secure affordable housing, the Appellant's were always willing to enter into an agreement with the Council however the Council did not proceed with the agreement in light of its recommendation for refusal on other grounds. A s106 agreement will of course be submitted to the Inspector to address this reason and will secure the provision of 40% affordable housing to address the Council's first reason for refusal.
- 1.21 The Appellant concludes on the evidence that the appeal should be allowed and the remaining 32 dwellings on this allocated site should be permitted to complete the comprehensive development of the site as envisaged by the allocation in 2017. The Inspector is therefore respectfully requested to allow this appeal and to grant planning permission.