

 Representation Form

Please give reasons for your answer

We have reviewed the policies and site allocations in relation to our remit (flood risk, biodiversity and conservation of fisheries and the water environment, groundwater quality and contaminated land, water quality and water resources) and have provided you with comments below. These comments are not soundness issues but will provide some clarity to the plan.

We make no comments or suggest amendments to policies SP4 or DM33 of the draft plan. The Environment Agency is part of an offsite planning group who are consulted by West Berkshire District Council on any development proposals in the Detailed Emergency Planning Zone (DEPZ) of the AWE sites. We have permitted a number of activities and installations within AWE sites under our regulatory requirements and influences and would expect that AWE, or any other organisation undertaking new activities in developments considered under DM33 to consult with us if their activities would require environmental permits.

 Representation Form

1. Do you consider the Local Plan Review is legally compliant?

Yes

2. Do you consider the Local Plan Review is sound?

Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development.

Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.

Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground.

Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF.

No

Please give reasons for your answer

Please find set out below specific representations submitted on behalf of the Secretary of State for Defence on the consultation. Please note that these comments should be read in addition to those to be provided by colleagues in respect of MOD Safeguarding interests. The comments set out below relate to wider MOD estate related interests.

1. Background

1.1 The Defence Infrastructure Organisation (DIO), on behalf of the Ministry of Defence (MOD) welcomes the opportunity to comment on the West Berkshire Local Plan Review Proposed Submission (Regulation 19) Consultation. The DIO is the estate expert for defence, supporting the armed forces to enable military capability by planning, building, maintaining, and servicing infrastructure on behalf of the MOD.

1.2 The MOD has significant land interests within the area covered by West Berkshire, including both of the Atomic Weapons Establishments (AWE) at Aldermaston and Burghfield, Denison Barracks and RAF Welford. These are important operational defence sites with an enduring requirement to support national defence outputs.

2 National Planning Policy Framework

2.1 The Council will be aware of the requirements of paragraphs 97 and 187 of the National Planning Policy (NPPF) as quoted below:

“97. Planning policies and decisions should promote public safety and take into account wider security and defence requirements by:

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.”

“187. Planning policies and decisions should ensure...Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.”

3 Representations

3.1 Whilst not directly referencing paragraph 97 of the NPPF paragraph 12.11 of the West Berkshire Local Plan Review 2022-2039 explains that planning policies and decisions should recognise and support development required for operational defence and security purposes. This paragraph forms the supporting text for proposed policy DM33.

3.2 Policy DM33 supports development where it directly sustains the functioning of each of the AWE sites as Government research and defence establishments. DIO **supports** this Policy.

3.3 Denison Barracks and RAF Welford are operational defence sites and for the same reasons as DM33, these sites should also have a local plan policy that supports development at these sites where it is required for operational defence and security purposes. Please see enclosed plans of these two sites.

3.4 As currently proposed Policy DM33 of the Local Plan is very helpful to the decision maker when dealing with development proposals that sustains the function of each of the AWE sites. Whereas at Denison Barracks and RAF Welford the decision maker would have before them a defence related policy but would be unable to afford it weight as it directly relates to two different establishments, albeit establishments that also fall within the description of paragraph 97 of the NPPF and with the same purpose to provide defence outputs.

3.5 Paragraph 16d) of the NPPF sets out that Plans should ‘contain policies that are

clearly written and unambiguous, so it is evident how a decision maker should react to development proposals'. We contend that whilst the principle of Policy DM33 is correct, the absence of a similar policy does not assist the decision maker when it comes to making decisions for any future planning applications for developments at both Denison Barracks and RAF Welford.

3.6 To ensure that it is clear to the decision maker how to react to development proposals at Denison Barracks and RAF Welford, and for consistency with the approach the Plan takes for the other two defence sites at Aldermaston and Burghfield, DIO requests that an additional policy for these two sites is also included in the Local Plan.

3.7 Paragraph 4.41 of the West Berkshire Local Plan Review 2022-2039 quite rightly quotes parts of paragraphs 97 and 187 of the NPPF in regard to the need to protect the ongoing day-to-day needs of defence sites, and to ensure that they are not affected adversely by the impact of other development proposed in the area, and to ensure that unreasonable restrictions are not placed on them as a result of development permitted after they were established.

3.8 These paragraphs support the provision of policy SP4 (Atomic Weapons Establishment Aldermaston and Atomic Weapons Establishment Burghfield) whose purpose is, amongst other considerations, to prevent developments that pose an external hazard to the AWE sites. While Denison Barracks and RAF Welford do not have a defined Detailed Emergency Planning Zone (DEPZ) like they do at the AWE sites, they are however, also at risk from third party developments that could affect adversely the operations of these sites and place unreasonable restrictions on them contrary to paragraphs 97 and 187 of the NPPF. For the same reasons as paragraph 4.41 and the purpose of policy SP4 the Plan should also include a policy that protects the day-to-day needs of Denison Barracks and RAF Welford.

3.9 As explained above, for consistency in decision making, all defence related sites must be treated in the same way. While we recognise policy SP4 is specific to the DEPZ and therefore including Denison Barracks and RAF Welford within this Policy would be ambiguous, a sentence could be included within a specific new Policy for these two sites within the Plan. This should include provision that non-defence related development in the areas around a defence site will not be supported where it would adversely affect defence related operation or capability.

4 Conclusion

4.1 DIO is supportive of the principle of policy DM33 which recognises the important land use role of defence establishments but has significant concerns that the Plan is not covering wider MOD interests and therefore is ambiguous by focusing on only two of the four defence sites within Plan area. Whilst we appreciate the particular consideration of AWE given the operations carried out at Aldermaston and Burghfield the Plan as currently written is inconsistent by providing support for future operational developments at the two AWE sites but is unclear to the decision maker on how to consider defence related activity and capability development proposals at Denison Barracks and RAF Welford in a fair and consistent way. Neither does the Plan make provision to protect Denison Barracks and RAF Welford from third party development proposals in the same way as it does for the two AWE sites.

4.2 Accordingly, as currently written the West Berkshire Local Plan Review would fail to meet the criteria of paragraph 16 of the NPPF.

3. Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

4. Proposed Changes

3.10 With the above in mind and for the avoidance of doubt DIO considers that the following Policy should be included within the submission version of the Plan:

Development within and effecting Denison Barracks and RAF Welford

a) Development within Denison Barracks and RAF Welford will be supported where it directly sustains the functioning of these defence establishments.

b) Non-defence related development in the areas around a defence site will not be supported where it would adversely affect defence related operation or capability.

3.11 DIO also considers that the following text would be suitable to support the above recommended Policy:

Denison Barracks and RAF Welford provide important outputs that support national defence activities. The NPPF outlines that planning policies and decisions should recognise and support development required for operational defence and security purposes, ensuring that operational sites are not affected adversely by the impact of other development proposed in the area and existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

4.3 The inclusion of DIO's recommended policy in addition to Policies SP4 and DM33 would enable the decision maker to consistently and fairly apply the following principles across all defence sites within the Plan area in accordance with paragraphs 97 and 187 of the NPPF by:

- recognising and supporting development required for operational defence and security purposes,

- ensuring that operational sites are not affected adversely by the impact of other development proposed in the area, and

- ensuring unreasonable restrictions are not placed on them as a result of development permitted after they were established.

4.4 Incorporation of this Policy, in addition to Policies SP4 and DM33 for AWE would ensure that for defence requirements the Plan would contain policies that are clearly written and unambiguous and which are evident to the decision maker how to react to development proposals for all defence establishments within the Plan area in accordance with Paragraph 16d) of the NPPF.

We would be grateful to receive further consultations as the Local Plan progresses and the opportunity to make further comments as necessary.

COMMENT ID: PS611

Lynn Hannawin (Stratfield Mortimer Parish Council)

03 Mar 2023

via Agent: Lynn Hannawin

 Representation Form

2. Do you consider the Local Plan Review is sound?

Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development.

Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.

Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground.

No

Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF.

Please give reasons for your answer

West Berkshire Council is already informed about major development plans at AWE which will impact local roads, businesses, accommodation and services but this is not referred to or taken account of in the LP

COMMENT ID: PS1197

Mr John Steele (AWE)
via Agent: Mrs Camilla Fisher (RPS)

02 Mar 2023

 Representation Form

1. Do you consider the Local Plan Review is legally compliant?

Yes

2. Do you consider the Local Plan Review is sound?

Positively Prepared: The plan provides a strategy which, as a minimum, seeks to meet the area's objectively assessed need and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where practical to do so and is consistent with achieving sustainable development.

Yes

Justified: the plan is an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence.

Yes

Effective: the plan is deliverable over the plan period and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground.

Yes

Consistent with national policy: the plan should enable the delivery of sustainable development in accordance with the policies of the NPPF.

Yes

Please give reasons for your answer

AWE supports the inclusion of this policy which continues the express policy support for development at Aldermaston (AWE A) and in Burghfield (AWE B). This will enable AWE efficiently to develop, modernise, rationalise and consolidate its estate footprints in accordance with the Government's investment programme, which responds to the Government's policy commitment to UK's defence and security needs. AWE's land use requirements and aspirations for AWE A and AWE B are dynamic, reflecting the mix of buildings and uses on the sites and the Government's investment programme which is focussed, inter alia, on enhancing the sites' science, research and development capabilities together with related production facilities.

The Policy is in accordance with Paragraphs 20 (b), 97 (b) and 187 of the NPPF in terms of a strategic policy which sustains, protects and promotes the established strategic uses at the two sites and their important national security and local employment functions.

Para 12.13

AWE is broadly supportive of this paragraph but this should also refer to other enabling works in connection with the development and uses covered under Policy DM33.

3. Do you consider the Local Plan Review complies with the Duty to Co-operate?

Yes

4. Proposed Changes

Para 12.12

In accordance with the representation made against Para 4.37, AWE requests an amendment to the paragraph in order to align with the NPPF reference and also provide consistency through the Local Plan as to how the function of the sites is explained

“Both AWE sites as Government research and defence establishments are core to sustaining the UK Government’s national defence and security and in particular the delivery of the warhead contribution to the national and international nuclear deterrent.”

Para 12.13

Suggested text

“Planning permissions should also positively consider any enabling works and/or the temporary use of land needed in connection with site optimisation and phased delivery of the development”

5. Independent Examination

If your representation is seeking a change, do you consider it necessary to participate at the examination hearing session(s)?

Yes

6. Notification of Progress of the Local Plan Review

The submission of the Local Plan Review for Independent Examination

Yes

The publication of the report of the Inspector appointed to carry out the examination

Yes

The adoption of the Local Plan Review

Yes

 Representation Form

Please give reasons for your answer

Nuleaf (the Nuclear Legacy Advisory Forum) is the Local Government Association (LGA) representative body on nuclear legacy wastes and decommissioning. We are directly supported by over 100 local authorities and national park authorities across England and Wales and speak for the wider LGA. West Berkshire Council is a member of Nuleaf, though this submission has been prepared without any engagement with representatives of the local authority.

Nuleaf's remit encompasses all aspects of the management of the UK's nuclear waste legacy. Our primary objectives are:

- to provide a mechanism to identify, where possible, a common local government viewpoint on nuclear legacy management issues;
- to represent that viewpoint, or the range of views of its member authorities, in discussion with national bodies, including the Welsh and UK Government, the Nuclear Decommissioning Authority (NDA) and the regulators;
- to seek to influence policy and strategy for nuclear legacy management in the interests of affected communities; and
- to develop the capacity of its member authorities to engage with nuclear legacy management at a local level.

Our Radioactive Waste Planning Group is an expert forum for senior land-use and waste planning officers, which aims to support the development of Local Plans and Minerals and Waste Plans. Nuleaf advocates that all Local Plans and Minerals and Waste Plans, particularly those covering areas which include parts of the UK's nuclear infrastructure, should have policies on decommissioning and radioactive waste management. More information on our suggested approach is set out in our Briefing Paper 11: Approaches to Radioactive Waste Management in Local Plans.¹

The absence of clear policies leaves local authorities and communities less able to influence proposals for the disposal, storage, management or transportation of radioactive materials within their area. We therefore welcome the inclusion of Policy DM33 on Development within AWE, covering the Aldermaston and Burghfield sites. This policy is primarily aimed at facilitating appropriate development within the two sites.

We also note that the West Berkshire Minerals and Waste Local Plan 2022-37 (M&WP) includes Policy 13 that covers the management of all relevant categories of radioactive waste and requires that a need is proven before the development of any new waste facilities is permitted.

4. Proposed Changes

We would propose that DM33 is amended to reference Policy 13 of the M&WP i.e. that any new development at the AWE sites which has implications for radioactive waste management should have to demonstrate need and be based primarily in managing waste that has arisen locally.