



WEST BERKSHIRE LOCAL PLAN EXAMINATION: M3 SPATIAL STRATEGY

POLICY SP4 - AWE ALDERMASTON AND BURGHFIELD

1 Introduction

- 1.1 This statement has been prepared on behalf of AWE plc (AWE) in respect of the Atomic Weapons Establishments at Aldermaston (AWE A) and Burghfield (AWE B).
- 1.2 It is critical for policy SP4, and the plan more generally, to effectively control development in the protective zones around AWE A and AWE B for the reasons set out in this statement. This can be achieved by the minor changes to the policy recommended below.

2 Background

- 2.1 AWE is an arm's length non-departmental public body wholly owned by the MOD and is the operator of AWE A and AWE B both of which are located within West Berkshire. AWE is responsible for the safe and secure running of these sites which are essential to the delivery of the UK's Continuous-at-Sea Deterrent (CASD).
- 2.2 AWE A is where most elements of the nuclear warhead capability for the UK's CASD programme are brought together. AWE B is the only site in the UK which has all the established use and required permissions to undertake the authorised activities, research and development associated with the assembly, handling and storage of nuclear warheads. As explained in its regulation 18 representations, in addition to current operations, AWE is undergoing a programme of investment and change, including new-build facilities and refurbishment which seeks to consolidate, rationalise and modernise existing facilities. Now and in the future, AWE requires flexibility to be able to meet the needs of the MOD.
- 2.3 As a result of working with ionising radiation, AWE must meet the requirements of the Radiation (Emergency Preparedness and Public Information) Regulations 2019 (REPPiR 2019). REPPiR 2019 is part of an international, EU and national response to risk following the meltdown of three reactors at the Fukushima Daiichi nuclear power plant in Japan in March 2011. One of the key changes as between REPPiR 2001 (which the Core Strategy was prepared against) and REPPiR 2019 is the requirement to risk assess and plan for events which have a low likelihood of occurrence, but a high impact if they occur. As explained further below, this has resulted in the expansion of the detailed emergency planning zone (DEPZ) and a significant increase in the population living inside the DEPZs. Overall REPPiR 2019 takes a more precautionary approach to public safety matters. Consistent with the position to date, AWE expect the regulatory environment to get more, not less, stringent over time.
- 2.4 It is the duty of the local authority (WBDC) under REPPiR 2019 to have in place an offsite emergency plan (OSEP). An OSEP is fundamental. If no OSEP is in place where one is required, or if the OSEP is inadequate, regulation 10(4) of REPPiR 2019 prohibits the operator (in this case AWE) from working with ionising radiation.



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- 2.5 AWE's role in the establishment of the DEPZ is described in detail in a recent High Court decision¹ which dismissed a challenge to the expansion of the DEPZ at AWE B in 2020. As explained in that judgement, AWE prepared the November 2019 AWE A and AWE B Consequences Reports, which were then translated into the DEPZ for both sites by WBDC and, since 2020, have formed the basis for the REPIR protective area around AWE A and AWE B². The High Court judgment attests to the robustness of the process involved in informing and setting the DEPZs and underlines why AWE as the author of the Consequences Reports which underpin the establishment of the DEPZ's are, along with the Office for Nuclear Regulation (ONR) as the safety regulator of that work and WBDC as the local authority responsible for the OSEP, best placed to comment on public safety.
- 2.6 As a result of REPIR 2019 there was a significant extension to the DEPZ for AWE B to a radius of 3160m. The DEPZ for AWE A now extends to 1540m. As a result, much more of West Berkshire is now within an AWE DEPZ protective area and the local plan must respond and have full regard to this accordingly³. For example, the population increase within the DEPZ around AWE B in terms of existing homes already built has been significant: from 89 residential properties under REPIR 2001 to 7,738 residential properties under REPIR 2019.
- 2.7 REPIR 2019 places a legal duty on local authorities, in this case WBDC, to produce plans to deal with an off-site emergency which '*so far as possible*' avoid the occurrence of serious physical injury. The primary aim of the plan is to protect members of the public in the event of a release of radioactive material. The current OSEP was published in 2023 and takes into account the nature of relevant events as well as the characteristics of the currently designated DEPZ, including amongst other things, the local demographics. The Objectives of the 2023 OSEP are described as follows:
- (a) Information about the sites and their hazards*
 - (b) The roles and responsibilities of each responding agency*
 - (c) The activation, command & control and coordination procedures*
 - (d) Protective actions to implement*
 - (e) Warning and Informing, including communication procedures*
 - (f) Information about recovery*
 - (g) Where to find more information."*
- 2.8 The expanded DEPZs have in, and of themselves, set a far more challenging environment for the creation of an adequate OSEP, and the existing OSEP is already under pressure from development that has been built out within the DEPZs. The relevant regulator, ONR has advised that further development may have the potential to impact upon the adequate implementation of the OSEP. A recent live exercise test of the OSEP revealed shortfalls that were identified through previous exercises and there is uncertainty over whether a population

¹ *Crest Nicholson & Ors v WBDC [2021] EWDC 289 (admin)*.

² In January 2023 minor changes were made to the DEPZ around AWE B.

³ Policy CS8 of the Core Strategy set out Inner, Middle and Outer Zones extend by up to 8km from Aldermaston and up to 5km from Burghfield.



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increase can be accommodated by the OSEP as it stands.⁴ In order to protect public safety and to ensure the continued flexible operation of the AWE sites as required by the MOD, and in line with the requirements of REPPiR 2019 as they apply to both AWE and WBDC, increases in population density, and therefore new development, should where possible be located outside of the DEPZ and be limited within the Outer Consultation Zone⁵.

3 Question 3.5 response

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

Public Safety and the Pre-cautionary approach

- 3.1 The first part of draft policy SP4 states that development of a type shown in the table is likely to be refused planning permission, especially if the ONR and/or the MOD has objected/advised against⁶. In doing so, it makes it clear that there is a presumption against development in the DEPZ where the regulator and/or operator are concerned about public safety.
- 3.2 In principle, the approach is consistent with Paragraph 101 of the National Planning Policy Framework (NPPF) which requires appropriate and proportionate steps to be taken to reduce vulnerability and ensure public safety and for planning policies to ensure that operational sites are not affected adversely by the impact of other development proposed in the area. In this case, whilst the likelihood of a radiation emergency at an AWE site is very low, the potential impact on the local population would be high and an appropriate and proportionate step is, where possible, to avoid new development that increases the population being put at risk within the DEPZ. As set out above, an adequate OSEP is also critical to the ability of AWE to operate with ionising radiation.
- 3.3 AWE/MOD, the Emergency Planning Team at WBDC and the ONR work closely on safety planning for the DEPZs. Informed by recent test exercises, the ONR are very concerned about the pressure the OSEPs are under with the level of development and activity already in the area. They consider that there is a significant risk that they cannot accommodate additional housing and other development within the DEPZs. AWE/MOD, the ONR and the WBDC Emergency Planning Team have therefore objected to recent development proposals on the basis that there is a substantial risk that the OSEPs cannot accommodate consented and future housing and other development. It is notable that the risks not only apply to any new population but also to existing populations, where the burden of managing existing residents, visitors and workers would come under more pressure if new housing and development

⁴ Shyshack Lane Appeal paragraph 8 (Local Plan Examination Document reference Exam 4)

⁵ The criteria are set out in the table of Policy SP4 and align with ONR's Land Use Planning Guidance: <https://www.onr.org.uk/land-use-planning.htm>

⁶ For completeness the policy should refer to AWE/MOD rather than just MOD given their interrelated roles described in paragraph 2.1 of this Statement



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increased populations, activity and complexity. Such uncertainty requires a precautionary approach and a corresponding substantial margin of safety.

- 3.4 A number of consultation responses to SP4 have raised potential concerns about an inconsistent approach with some citing appeal decisions. However, it is clear from recent appeal decisions (see **Appendix**) that Planning Inspectors have taken a precautionary approach and dismissed appeals for housing where there is a likelihood of increased pressure on the OSEP. The only recent outlier is the Kingfisher Grove appeal where 49 homes were allowed on appeal. AWE/MOD and the ONR were not active participants in that appeal. Since Kingfisher Grove, and in the context of significant concerns about the ability of the OSEPs to cope with additional populations, AWE/MOD and the ONR have been closely involved with subsequent appeals which have been dismissed (Shyshack Lane) or quashed (the Hollies)⁷.
- 3.5 The importance of taking a constraint type approach proposed in policy SP4, was also recognised by the Local Plan Inspector for the current Core Strategy. That Inspector explained how the Council recognised that the ONR was 'highly likely' to advise against all applications for additional dwellings within the inner land use zone around the AWE sites and, in this context wanted to make it clear in the development plan that it would follow that advice, and therefore refuse permission (paragraph 84, 3rd bullet). The Core Strategy Inspector specifically considered the soundness of what became policy CS8 after the 16 June 2011 Secretary of State's (SoS) Boundary Hall decision (see Appendix) and it was clear that Core Strategy Policy CS8 was specifically formulated to avoid the case by case examination of risk as per the SoS's reasoning in Boundary Hall. As the Core Strategy Inspector noted:
- 'The Secretary of State's decision (16 June 2011) to allow 115 dwellings and other development at Boundary Hall, Tadley was a balanced decision on the particular circumstances of that case and does not undermine the ONR's policy approach or the need for the Council to make clear its intention to follow that advice in the inner zone. This decision does not justify the implications of the AWE sites and the ONR's views having to be considered solely on a case-by-case basis. The development plan should provide reasonable certainty for all interested parties as to the type and scale of development likely to be acceptable in different locations, avoiding the potentially wasted effort of proposals being pursued which had little prospect of success.'* [Emphasis Added]
- 3.6 Paragraph 85 went on to explain that 'A clear policy should be set out reflecting the high degree of constraint likely to be applied in the inner consultation zone, with a clear explanation of the implications over the wider area;' and goes on to endorse modifications which led to the final form of CS8.
- 3.7 The proposed approach taken in the first part of SP4 (for there to be a presumption against where the ONR and MOD have advised against) follows the same sound principles and takes into account the changes required by REPPiR 2019 described above. For the reasons explained it is consistent with paragraph 101 of the NPPF and also consistent with paragraph

⁷ Local Plan Examination document reference Exam 4 and 5 respectively



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16(d) of the Framework which requires policies that are ‘clearly written and unambiguous, so it is evident how a decision maker should react to development proposals’.

Allowing for changes to the DEPZ

- 3.8 Paragraph 4.57-4.58 of the Regulation 19 Local Plan correctly recognises that during the plan period there may be changes to the DEPZ because of the requirement for formal reviews every 3 years in accordance with REPPiR legislation³. However, beyond this there can be more significant changes, as demonstrated by the significant enlargement of the AWE B DEPZ in 2020 following changes to the legislation itself (REPPiR 2019), which can cause significant alterations to a protective zone during the lifetime of a local plan. To ensure the policy remains fit for purpose and consistent with paragraph 101 of the NPPF (to provide appropriate and proportionate steps to be taken to reduce vulnerability and ensure public safety and to ensure existing operational defence sites are not adversely affected by the impact of other development proposed in the area), the policy itself should make it clear that it will be applied to the current and any future modified DEPZ during the local plan period. This will ensure that the Local Plan remains up to date and provides a robust basis for considering future application proposals. Reference to the DEPZ on the Proposals Map should make it clear that the zone can change and reference to the zone in the policy should ideally link to West Berkshire District Council’s website where the latest version of the DEPZ will be accessible. A revised footnote 11 would clarify the position as follows:

“Current or Future Detailed Emergency Planning Zone (DEPZ) as defined by REPPiR and as detailed on the Council’s website”

Off Site Emergency Plan

- 3.9 The final (fourth) paragraph of policy SP4 states that ‘consideration will be given’ to how proposed development would impact on the AWE Off-Site Emergency Plan and supporting documents.
- 3.10 Consistent with REPPiR 2019, this should be the key test for any development proposals, rather than an assessment of the likelihood of any emergency taking place. Given the precautionary approach taken in the first part of the policy (likely to refuse permission where ONR/ MOD have objected/advised against), this part of the policy should be strengthened and revised as follows to be consistent with REPPiR 2019 and the NPPF:

‘Where development proposals in the DEPZ and OCZ for each of AWE’s site’s pose an unacceptable risk to the operation of the Offsite Emergency Plan, planning permission will be refused. Consideration will be given as to how the proposed development would impact the AWE Offsite Emergency Plan and supporting documents.’



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External Hazards to AWE sites

- 3.11 As well as being justified on the grounds of public safety, the first paragraph of Policy SP4 correctly justifies the approach due to the risk to AWE sites.
- 3.12 AWE/MOD consider that additional residential and other population generating development within the DEPZ poses a significant potential threat to the nation's security by constraining both the current and future operation of AWE A and B.
- 3.13 The importance and weight to be applied to national security is reinforced following the introduction of NPPF 2018 paragraph 95 (b) which has been carried forward into the current NPPF 2023 at paragraph 101 (b). Further, paragraph 193 of the NPPF relating to the 'Agent of Change' principle states that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.
- 3.14 In this context, AWE is concerned that cumulatively housing and other forms of development could:
- Restrict operations in certain facilities due to potential conflicts with radioactive and nuclear legal and regulatory requirements;
 - Require the implementation of additional engineered safeguards to facilities and/or possible relocation of facilities with consequential disruption, delay and additional cost to the defence of the UK and public finances;
 - Constrain the ability to manage any future changes in health and safety and environmental legislation; and
 - Set a precedent for future planning and development applications and approvals in the emergency planning and risk areas near to AWE B, leading to further erosion of its utility and increasing potential adverse impacts upon the UK's nuclear deterrent.
- 3.15 Given the importance of the precautionary approach, these risks could undermine national security and international defence commitments. Given the unique and vitally important strategic defence function of the AWE sites, there must be a presumption against new housing or other population generating development within the DEPZs.
- 3.16 The approach taken is also consistent with draft policy DM33 of the Regulation 19 Local Plan which supports development at the AWE sites where it sustains their research and defence functions⁸.

⁸ No significant objections were received to the principle of policy DM33.



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4 Question 3.6 response

Have the Atomic Weapons Establishments been appropriately taken into account in the determination of the spatial strategy, including the choice of housing and employment allocation

- 4.1 For the reasons explained in response to question 3.5, there should be no further allocations for housing or other forms of development which would increase the population in the DEPZ and development should be limited within the OCZ.
- 4.2 In page 48 onwards of EXAM2, WBDC explains that the allocation for the Gypsy and Travellers Site near Aldermaston (RSA24) and the 100 dwelling Pondhouse Farm allocation near Burghfield (formerly RSA12, now HSA15) have been carried forward.
- 4.3 AWE maintains its objection to the Pondhouse Farm allocation. For the reasons expressed above, there is a presumption against development in the DEPZ and since the Regulation 19 Plan was prepared, following test events, concerns have increased from the Regulator (ONR), Operator (AWE), owner (MOD) and WBDC Emergency Planning Team about the ability of the OSEP to manage with increases in population within the DEPZ. Given such concerns and the enlargement of the DEPZ since the original allocation in the Core Strategy, it would be unsound simply to roll forward an allocation which was made over a decade ago. That allocation is not consistent with up to date national policy in the NPPF (e.g. para 101) and is therefore unsound.
- 4.4 Any housing that does not already benefit from full planning permission, would be subject to policy SP4, which as recommended to be modified, deleting this allocation would make it clear that there is a presumption against development where the ONR and or AWE object and/or where there are concerns about the ability of the OSEP to manage the additional population.
- 4.5 AWE also consider that Burghfield Common should be removed from being a Rural Service Centre in the settlement hierarchy where draft policy SP3 and DM1 would allow infill and rural exceptions housing. This matter is discussed only in general terms by the Council in pages 44 and 45 of EXAM2. For similar reasons to those expressed above, the Local Plan must be clear and unambiguous so that in accordance with policy SP4, it is clear that planning permission is likely to be refused where the ONR or MOD object (consistent with the precautionary approach required by REPPiR 2019 and the NPPF).



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APPENDIX

Decision Date/ PINS Reference	Site Name	Summary of Proposed Development	Local Planning Authority	Decision
8 December 2023 APP/H1705/W/23/3326959	Land at 1-9 Shyshack Lane, Baughurst, Tadley, RG26 5NH	Erection of 3no. detached dwellings and associated access and parking	Basingstoke and Deane Borough Council	Dismissed
8 August 2023 APP/W0340/W/22/3312261	Rear of Hollies nursing home, Burghfield Common	The development proposed is the erection of 32 dwellings including affordable housing, parking and landscaping, with access via Regis Manor Road.	West Berkshire District Council	Decision to Allow appeal quashed in the High Court
31 January 2023 APP/X0360/W/22/3304042	Kingfisher Grove, Three Mile Cross	Outline application for erection of 49 affordable dwellings , new publicly accessible open space and access	Wokingham Borough Council	Allowed
26 October 2022 APP/W0340/W/22/3296484	Land at James Lane, Grazeley Green	Erection of 1no dwelling	West Berkshire District Council	Dismissed
18 February 2022 APP/X0360/W/21/3275086	Willow Tree House, Brookers Hill, Shinfield	Mixed use development comprising the proposed erection of 23 dwellings and community hall with vehicular access off Brookers Hill and pedestrian and cycle access from Hollow Lane together with open space and landscaping.	Wokingham Borough Council	Dismissed
3 September 2022 APP/X0360/W/21/3271017	Hearn and Bailey Garage, Basingstoke Road, Three Mile Cross	Erection of 4no. dwellings consisting of 4no. 3 bedroom dwellings with associated landscaping, bin enclosure, bicycle store, garaging and car parking, following demolition of the existing car garage and change of use to residential (C3).	Wokingham Borough Council	Dismissed
31 August 2021 APP/X0360/W/21/3269974	30 Grazeley Road, Three Mile Cross	Subdivision of the site and the erection of a 3 no. bedroom dwelling with detached garage	Wokingham Borough Council	Dismissed
25 June 2021 APP/X0360/W/21/3269790	Land at Croft Road, Spencers Wood, Shinfield	Erection of 3 detached dwellings	Wokingham Borough Council	Dismissed
1 February 2021 APP/X0360/W/19/324023	Land to rear of Diana Close, Spencers Wood	Erection of 24 dwellings with associated access, landscaping and parking	Wokingham Borough Council	Dismissed
5 February 2019 APP/H1705/W/18/3200851	8 Broad Halfpenny Lane, Tadley RG26 3TF	Erect 3 dwellings	Basingstoke and Deane Borough Council	Dismissed
APP/H1705/W/19/3221311	27 Millers Road, Tadley, RG26 4LW	Erection of 1 no 2 bedroom two storey dwelling and new access. Erection of garden shed	Basingstoke and Deane Borough Council	Dismissed
26 August 2020 PP/H1705/W/19/3229058	4 The Parade, Mulfords Hill, Tadley, Hampshire RG26 3LG	Erection of first floor extension to create a 2 bed flat on first floor and in attic, to include 4 no. roof lights, 2 no. dormer windows and external staircase	Basingstoke and Deane Borough Council	Dismissed
APP/H1705/W/19/3225175	Hillcrest Tadley Hampshire RG26 3JB	Demolition of existing conservatory and erection of 1 bed semi-detached dwelling to include extended dropped kerb to form new access and parking	Basingstoke and Deane Borough Council	Dismissed
16 June 2011 APP/H1705/V/10/2124548	Boundary Hall Site, Aldermaston Road, Tadley	The demolition of the existing hall, the relocation of the existing substation and redevelopment of the land to provide approximately 945 square metres of B1 commercial space, 115 dwellings , new public open space, car parking, new footpaths, landscaping and 2 new access roads off Almswood Road and improvements to the existing access point off Aldermaston Road'	West Berkshire District Council	Dismissed by the Planning Inspector but allowed by SoS