

**WEST BERKSHIRE COUNCIL LOCAL PLAN REVIEW  
2022-2039 EXAMINATION**

**WRITTEN MATTER STATEMENT – MATTER 3**

REPRESENTOR: 464187

Prepared by Pro Vision on behalf of T A Fisher & Sons

February 2024

**LAND TO THE REAR OF THE HOLLIES**  
WEST BERKSHIRE COUNCIL LOCAL PLAN REVIEW  
PROJECT NO. 50929

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## 1.0 Introduction

- 1.1 This Matter Statement has been prepared by Pro Vision on behalf of our clients, T A Fisher & Sons Ltd, in response to the Inspector's Matters, Issues and Questions (IN6) relating to the Examination of the West Berkshire Local Plan 2022-2039<sup>1</sup>.
- 1.2 In short summary, our client's site is currently allocated for residential development under Policy HSA16 in the adopted Housing Site Allocations Development Plan Document (HSADPD) (May 2017). This allocation is not proposed to be carried forward due to the site's location within the Detailed Emergency Planning Zone (DEPZ) surrounding AWE Burghfield (AWE). The Council say that this is because the additional population generated by the development of the site would place undue pressure on its Off-Site Emergency Plan. This is contradictory, as the Council are carrying forward other allocations in the DEPZ including directly adjacent to our client's site at Poundhouse Farm. The Council also continue to identify Burghfield Common as a Service Village where residential development is, in principle, to be supported.
- 1.3 The population of the whole of the DEPZ would be around 24,300<sup>2</sup>, when other housing developments with planning permission are constructed and occupied. The Council has provided no evidence to demonstrate why the remainder of this allocation should not be carried forward and built out.
- 1.4 Whilst our client has raised other concerns relating to the soundness of the plan within their March 2023 Regulation 19 Representations, this Matter Statement focuses only on Issue 1.9 and Issue 3.2 relating to the allocation of this site and AWE.
- 1.5 We conclude that the Council's proposed deallocation of our client's site is unjustified and is inconsistent with its own spatial strategy. We conclude that the de facto moratorium on development in the AWE DEPZ is also unjustified and unsupported by evidence. We consider that such an approach is also inconsistent with the Framework. We consider that carrying forward the allocation of this site into the new Local Plan would not be unsound.
- 1.6 In accordance with the guidance, this Written Statement answers only those questions which relate to the original representations on behalf of T A Fisher & Sons Ltd. Where a question is unanswered, this is simply because the question is not relevant to the representations of our

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<sup>1</sup> It is noted that a proposed main modification is to extend the plan period to 2041.

<sup>2</sup> As confirmed by the Council in May 2023 – see Paragraph 7 of the Appeal Decision EXAM6

client. This should not be regarded as our client expressing support or otherwise for the issue / question identified.

- 1.7 Our Written Statement concludes that the Plan is not sound. Where relevant, we have set out the changes / modifications necessary to ensure that the Plan is sound.

## 2.0 Matter 3 - Spatial strategy

### 3.2 AWE Aldermaston and AWE Burghfield (policies SP4 and DM33 and 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?**

- 2.1 No.
- 2.2 Policy SP4 explains that *“in the interests of public safety, and to ensure that any proposed developments do not pose an external hazard to the AWE sites, any new development... located in the Detailed Emergency Planning Zone (DEPZ) of... 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 objection”*.
- 2.3 ONR’s role is to ensure that the Council has in place an adequate Off-Site Emergency Plan (OSEP). Where the Council is unable to assure ONR that the proposed development can be accommodated within the OSEP, then the ONR will advise against the development. It is our understanding that the Ministry of Defense (MOD) will object on behalf of AWE to any development within the DEPZ citing Paragraph 97b of the Framework.
- 2.4 We understand the Council has now decided to adopt an approach whereby its emergency planners will advise ONR that the OSEP cannot accommodate any additional development. Therefore, ONR will advise against any application for new development. Policy SP4 has therefore been drafted to enable this approach, and in effect places a moratorium on new development regardless of whether that development meets local housing needs and is otherwise sustainable development. This approach also presupposes that the OSEP cannot be amended to account for changes in the DEPZ, which cannot be the case as an OSEP is not a static document and should be amended over time to respond to changes in the area.
- 2.5 We consider Policy SP4 to be contrary to Paragraph 60 of the Framework. As referred to in our Matter 1 Statement, there is an existing high level of need for affordable housing in West Berkshire including more than 200 applicants on the Council’s housing register who have expressed a desire to live in Burghfield Common. Adopting a policy which aims to refuse any

new development within Burghfield Common would prevent any affordable housing coming forward in a location where it is identified as being needed.

2.6 Further, we consider Policy SP4 to be contrary to Paragraphs 78 and 79 of the Framework as it fails to support the role of Burghfield Common as a rural service village.

2.7 Paragraph 97b of the Framework requires planning policies to promote public safety and take account of security and defense requirements by ensuring operational sites are not affected adversely by development proposed in the area. We consider that there is no evidence that additional development within the DEPZ would adversely affect the operation of AWEB such as to support the adoption of Policy SP4 which precludes a balanced view being taken on the merits of an individual application.

2.8 It is also relevant to consider what could happen at AWEB as this goes to whether Policy SP4 is appropriate and necessary. The Council assist here in the leaflet it distributes to all households and businesses within the DEPZ<sup>3</sup>. The Council tell us that:

- AWEB is a large industrial complex.
- In addition to standard industrial materials, high explosives and radioactive substances are also used under carefully controlled conditions.
- There is no risk of a Chernobyl or Fukushima nuclear reactor type incident, since there are no reactors on either site.
- Should a significant accident result in an uncontrolled fire or explosion in a building where radioactive materials are being handled, there is a possibility that it could lead to the release of radioactive particles into the environment.
- If such an event were to take place, a radiation emergency may be declared.
- In the event of a radiation emergency being declared, people in the area around the affected AWE site could be exposed to radioactive particles which have been carried downwind in a 'plume'.
- The exact direction and extent of any plume will depend on the weather conditions at the time which means that the amount of ionising radiation someone may be exposed to after an accident will vary considerably i.e. it depends on how much radioactive material is released and the weather conditions at the time of the incident, including the

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<sup>3</sup> <https://www.westberks.gov.uk/awe>

time of day or night, whether they are downwind of the affected location and the strength of the wind.

- For emergency planning purposes, a statistical analysis is made regarding average wind strength and direction but, in the event of a real incident, experts would use sophisticated computer modelling to track and forecast the plume's direction of travel and volume, as well as the extent and direction of any radioactive particles, to ensure an accurate forecast.

2.9 A recent appeal in respect of our client's site was allowed in August 2023 (Exam 6), but the decision was subsequently quashed (Exam 5). The appeal is now with the Planning Inspectorate for redetermination and at the time of writing we are awaiting news of next steps. As Exam 5 confirms, the decision was quashed on the basis that the SoS for Levelling Up, Housing and Communities accepted that the Inspector failed to give legally adequate reasons for disagreeing with the ONR's advice as an expert.

2.10 The Examination Inspector is encouraged to read the appeal decision at Exam 6 in full, and whilst it is accepted that a new Inspector will need to be appointed and will consider and test the evidence of the respective parties afresh, the position of our client remains that:

- The possibility of exposure to radiation from a passing plutonium plume in the event an incident occurs at AWEB to the new residents cannot be ruled out; **however**
- AWEB is subject to rigorous 'defense in depth' approach to nuclear safety and the likelihood of a radiation emergency at AWEB is **extremely low**; and
- If a radiation emergency did occur, the likelihood of a plume of inhalable plutonium particles passing over the site would be lessened by a combination of factors including:
  - Burghfield Common is to the south-west of AWEB and over 2km away; and
  - Is not in the prevailing wind direction; therefore
  - Potential contamination is more likely to be blown away from Burghfield Common than towards it<sup>4</sup>; and
  - A nuclear physicist and a emergency planner both gave expert evidence that the risk of harm to people living at the site from an incident at AWEB is 1 in 1,000 million years<sup>5</sup>; therefore

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<sup>4</sup> The Inspector should note that the population in the prevailing wind direction (i.e. Reading) is far greater and denser than Burghfield Common.

<sup>5</sup> Please also refer to the Three Mile Cross appeal decision included within our Regulation 19 Representations.



- It is very unlikely that a plutonium plume would pass over the proposed development site and impact on the residents of Burghfield Common; and
- The potential for an incident at AWEB has not changed; and
- The DEPZ has been expanded following analysis of a wider range of weather conditions. This has meant that Burghfield Common has now been included because the wind could blow from AWEB over the village in category F weather conditions which typically occur only on a cold winters nights when residents would more likely be indoors with windows shut; and
- Even if a resident were to inhale plutonium particles, the dose levels that would result from the incident are within the range commonly experienced by members of the public in their everyday lives; and
- Burghfield Common is a popular place to live with a thriving local community well informed by the Council of the low level of risk associated with living in close proximity to AWEB.

2.11 In summary, there are currently around 1,500 people living within the same DEPZ sector of Burghfield Common as my client's site. An additional 32 homes (77 people) are envisaged on my client's site representing an increase of around 5% of the population within the sector. This would be an increase of around 0.3% within the entire DEPZ (which has a population of around 24,300). The Council's evidence in the recent appeal stated that there were 89 properties in the DEPZ pre 2019 i.e. around 213 people. The population in the DEPZ increased significantly as a result of the changes introduced by REPP19, yet the Council has been able to amend its OSEP to cater for that significant change such that AWEB has been able to continue to operate without constraint.

2.12 The Council has chosen not to revoke other planning permissions for developments in the DEPZ, and evidence presented to the appeal confirmed there were around 2,000 additional homes with permission to be built out. The OSEP will need to be amended to accommodate this additional development, yet no substantial evidence was presented as to why it cannot be amended to accommodate a further 32 on my client's site. Notably, the Select Car Leasing Stadium in Reading is also within the DEPZ of AWEB and is in fact within the prevailing wind direction, yet it can continue to accommodate up to 24,000 people at events without impacting the OSEP.

- 2.13 AWEB is a major employer in the area, yet the moratorium would also prevent for example new housing to accommodate AWE employees, potentially leading to an increase in commuting distances for staff which goes against other objectives. This could also be restrictive to AWE in terms of recruitment i.e. staff may prefer to live close to where they work so recruiting might become more of a challenge if additional housing is not being allowed to keep up with demand.
- 2.14 The Council has not explored any other alternatives to the blanket ban on new development. A Council can use s106 and/or CIL contributions to mitigate specific impacts of development i.e. the Council could seek funding to update the OSEP to accommodate the development for example by providing funding for additional emergency planning support, evacuation centres, emergency services etc. if the development is considered to have an impact.
- 2.15 In conclusion, the Council has produced no evidence to support the need for Policy SP4 to take such a restrictive approach to preventing any new development in the DEPZ simply by virtue of the proximity to AWEB. The evidence we have referred to above simply does not support the need for Policy SP4 to preclude new development or the deallocation of our clients site. For all these reasons, Policy SP4 is inconsistent with the Framework and should be significantly amended to enable new development to come forward where it is needed and for individual applications to be assessed on a case by case basis.

**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?**

- 2.16 Our client's site is the only allocation not carried forward. Allocation RSA12 is currently under construction and will deliver 100 new homes in Burghfield Common. This allocation is carried forward from the HSADPD – that site allocated under Policy HSA15. It is directly to the north of our client's site, which was also allocated in the HSADPD under HSA16, yet is not proposed to be carried forward. Both sites are located within the DEPZ.
- 2.17 It is entirely unclear why the development of 100 homes can be carried out, and would not have an impact on AWEB and the OSEP, but development of 32 homes on our client's site would<sup>6</sup>. The only difference we can find is that in 2019 when the REPP19 Regulations were

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<sup>6</sup> In the Council's view

introduced, HSA15 had received outline planning permission for 100 dwellings, whereas the 32 dwellings on HSA16 had an allocation. This has nothing to do with whether either development would impact on the operation of AWEB and highlights the inconsistency of the Council's approach.

- 2.18 Further evidence of the Council's approach arose during a meeting with the Council's Emergency Planner in October 2022 where Ms Richardson confirmed that she had drawn a "line-in-the-sand" as to which housing sites to include (in addition to the existing housing stock) for the purposes of evaluating population counts\densities to inform the new off-site emergency plan. Ms Richardson confirmed that it was a personal interpretation of the requirements rather than any statutory legislative rationale or guidance from ONR and she drew her line to accommodate sites with Outline planning consent in the OSEP but not those with a Local Plan allocation. This was despite the fact that both permissions and allocations are relied upon by WBC in their Core Strategy housing requirement and in assessing their 5 year housing land supply. It therefore appears that it was Ms Richardson's personal approach that led to the proposed de-allocation of our client's site and not any evidence that development of our site could not be accommodated in the OSEP. It seems that had Ms Richardson included allocations as well as permissions when updating the OSEP, our clients site would have received permission and the houses envisaged to be delivered through the HSADPD would now be under construction.
- 2.19 We would further point out that in July 2021, AWEB was granted planning permission by the Council<sup>7</sup> for a significant additional development known as a Multi-Material Facility ('MMF'). In respect of impacts on "population and health", Paragraph 2.62 of the Design and Access Statement submitted with the application stated: *"Once operational, the MMF would not change the broad scope, scale or nature of the AWE Burghfield site and does not seek to extend it. This is the primary reason that no significant health effects are anticipated."* The Council also concluded that the development would not be EIA Development, and health impacts was one of the assessment criteria of EIA Screening.
- 2.20 However, the significant takeaway from this permission is that it was an application for significant additional development at AWEB approved in 2021 after the DEPZ changed as a result of REPP19, and after the population of the DEPZ rose from around 213 in 2018 to over 24,000 in 2020 as a result of the change.

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<sup>7</sup> Application reference 20/02966/COMIND

- 2.21 If it were truly the case that additional developments could pose “an external hazard to the AWE sites”, there would surely have been opposition to the approval of that application for a major expansion of the AWEB site in 2021. The fact that application was approved, and the MMF is now being developed confirms that there is no reason to presuppose that any new development would pose a constraint to AWEB.
- 2.22 In conclusion, there is no justification for Policy SP4 to impose a moratorium on new development in the DEPZ. This is contrary to the Framework and unjustified by the evidence base.