



Office for
Nuclear Regulation

ONR Report

Summary Proof of Evidence

Land Use Planning

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Appeal Details	
Application Reference No.	22/00244/FULEXT
Appeal Reference No.	APP/W0340/W/22/3312261
Local Planning Authority	West Berkshire Council
Location	Land to the rear of the Hollies, Burghfield
Proposal	The erection of 32 dwellings including affordable housing, parking and landscaping. Access via Regis Manor Road.

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Report Issue No: 1

Publication Date: Aug-24

List of Abbreviations

AWE(B)	Atomic Weapons Establishment Burghfield
DEPZ	Detailed Emergency Planning Zone
NPPF	National Planning Policy Framework
ONR	Office for Nuclear Regulation
OSEP	Off-Site Emergency Plan
REPPIR01	Radiation (Emergency Preparedness and Public Information) Regulations 2001
REPPIR19	Radiation (Emergency Preparedness and Public Information) Regulations 2019

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1. Summary

1.1. Purpose and Scope of Evidence

1. The evidence I provide will cover the following:
 - a. The considerations that underpin ONR's advice;
 - b. Responses to other parties' points; and
 - c. Decisions from other, relevant planning appeals.
2. The scope of my evidence relates only to the potential impact of the proposed development on the adequacy of the Off-Site Emergency Plan ("**OSEP**"). This is a relevant consideration for the first main issue identified by the Inspector.

1.2. ONR's Position

3. ONR supports the decision of West Berkshire District Council ("**Council**") to refuse planning permission for planning application 22/00244/FULEXT ("**Application**" or "**Proposed Development**") brought by T A Fisher and Sons Ltd ("**Appellant**") on nuclear safety grounds.

1.3. Background

4. The Radiation (Emergency Preparedness and Public Information) Regulations 2019 ("**REPPiR19**") requires host local authorities to determine a Detailed Emergency Planning Zone ("**DEPZ**") around relevant nuclear sites. It further requires local authorities to produce an adequate Off-Site Emergency Plan ("**OSEP**") for the DEPZ, that will mitigate, so far as is reasonably practicable, the consequences of a radiation emergency outside the operator's premises. ONR is the regulator for REPPiR19.
5. Land use planning decisions on planning applications located in the DEPZ of a nuclear site may impact on the adequacy of the OSEP. If a land use planning decision results in the OSEP becoming inadequate, the relevant local authority will be in statutory non-compliance, but more importantly, the public in the DEPZ will not receive the protection that are entitled to under law.

1.4. Case

6. ONR has considered the following:
 - a. The need for a precautionary approach in matters relating to nuclear emergencies;

- b. The intrinsic challenges of responding to a radiation emergency of the type arising at AWE(B), which distinguish it from most other nuclear emergencies;
 - c. The evidence from statutory testing of the OSEP, which represents the best available evidence as to the strengths and weaknesses of the OSEP, that the OSEP is stretched;
 - d. The evidence provided by the JEPUs, who are the owners of, and experts in, the OSEP, and who have judged that the Proposed Development cannot be accommodated in the OSEP; and
 - e. Other challenges in the DEPZ, including the scale of consented but as yet unbuilt development.
7. Based on the current evidence, ONR does not have confidence that the Application can be accommodated in the OSEP.
8. ONR's advice is in conjunction with the following:
- a. Local Policy CS8 establishes that the test for new development is its impact on the off-site emergency plan;
 - b. That the relevant public safety issue is whether the public in the DEPZ are afforded the protection of an adequate OSEP, not the probability or the severity of the radiation emergency;
 - c. That government policy is to implement control of development around nuclear licensed sites; and
 - d. Previous appeals have recognised that incremental development would over time significantly erode the effective management of the land use planning consultation zones surrounding AWE to the disbenefit of the public

1.5. Conclusion

9. ONR continues to advise that the appeal should be dismissed and planning permission refused.