



Quod

Land to the rear of the Hollies Nursing Home, Burfield Common

(PINS REF: APP/W0340/W/22/3312261)

Addendum Proof of
Evidence of Sean
Bashforth on Planning
Matters *(for AWE plc and
the Ministry of Defence)*

23 AUGUST 2024

Q230344

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1 Introduction

- 1.1 My name is Sean David Bashforth. I am instructed to provide town planning evidence for this redetermined appeal on behalf of AWE plc (AWE) and the Ministry of Defence (MOD).
- 1.2 I prepared a proof of evidence (dated 11 May 2023) and a rebuttal proof of evidence (dated 24 May 2023) for the public inquiry held in June 2023 (the 'First Inquiry') and participated in the Planning Roundtable discussion. Details of my qualifications and experience are set out in my 11 May 2023 proof of evidence.
- 1.3 My evidence was concerned with the appeal proposals' consistency with planning policy and other material considerations. Having considered matters afresh following the 'First Decision' being quashed in the High Court, I largely stand by my original evidence and this evidence has been prepared as an Addendum to my original proofs of evidence in order to update the position since my evidence was prepared over a year ago. It sets out changes in planning policy (section 2), changes in material considerations (Section 3) and then reviews my original conclusions in light of any changes in circumstances (Section 4).

2 Planning Policy Update

National Policy

- 2.1 The previous appeal was considered against the 2021 NPPF (see original inquiry document reference CD6.12). In December 2023, the Government published an updated NPPF. Policy in that document relevant to the redetermination of this appeal did not change and only paragraph numbering was altered.
- 2.2 On 30 July 2024 a draft updated NPPF was issued for consultation. Again, no change was made to the policies which I quoted in my original evidence, with only paragraph numbers of relevant policies being updated. In my main proof of evidence the changes to the references are as follows (no changes are required to my rebuttal evidence):

Main Proof paragraph reference	2021 NPPF paragraph reference	December 2023 NPPF paragraph reference	30 July 2024 draft NPPF reference
3.20, 3.13	45	No change	46
3.16, 3.19	48	No change	49
1.4, 3.13, 3.22, 4.16, 5.1 & 6.4.4	97	101	99
3.24, 3.27 & 6.4.4.	187	193	193

Local Plan Review

- 2.3 The West Berkshire Local Plan Review 2022-2039 (Submission Draft January 2023) (LPR) was submitted for Examination on 31 March 2023 and was referenced in section 3 of my main proof of evidence. Here I explained how draft Policy SP4 (AWE Aldermaston and AWE Burghfield) would replace Core Strategy policy CS8 in relation to the exclusion zones around the AWE sites and how new policy DM33 supports development at both AWE sites.
- 2.4 Since the First Decision, AWE/MOD submitted written representations to the LPR Examination in respect of Matter 3 (M3 Spatial Strategy) and expressed their broad support of policy SP4. In summary, the representations (CD22.3) reiterated the importance of public safety, the need to take a precautionary approach when applying policy SP4, the need to allow for future changes to the Detailed Emergency Planning Zone (DEPZ) which arise as a consequence of the formal DEPZ review process, the importance of the Off-site Emergency Plan (OSEP) and the external hazards to AWE sites.
- 2.5 The LPR Examination commenced on 8 May 2024. Policy SP4 (AWE Aldermaston and Burghfield) was considered at the examination on the morning of Day Two (9 May 2024) under the heading M3 Spatial Strategy (3.2 AWE Aldermaston and AWE Burghfield, policies SP4 and DM33 and APP3). I participated in that session (on behalf of AWE/MOD) with ONR and the Emergency Planning Team at West Berkshire Council also in attendance.

- 2.6 As is evident from their Matter 3 statement (CD22.5) and attendance at that sessions, TA Fisher had an in principle objection, explaining that that the risk of the additional homes at the appeal site would be very small and there was insufficient justification for the removal of the current HSA16 site allocation. In my opinion, this objection is unlikely to be succeed given the discussion and follow up actions from the hearings.
- 2.7 The discussion focussed on the clarity of the policy not the principle of the policy nor the proposed approach to risk. This is evident from note IN14 ('Action Points from week one hearing sessions') dated 14 May 2024 (provided in **Appendix 1**) where the LPR Inspector sought the following clarifications relating to Policy SP4:

“AWE Aldermaston and AWE Burghfield Common

AP12. Council, in liaison with AWE and ONR, to prepare a main modification to policy SP4 and the reasoned justification to clarify:

What is meant by “non residential population” in the first paragraph in the Table relating to the DEPZ.

That the fourth paragraph in the Table relating to the OCZ includes “new development” as well as “re-use or re-classification of an existing development”.

That the extent of the DEPZs shown on the maps in Appendix 3 of the Plan and the Policies Map could change before the Plan is updated or superseded and policy SP4 will be applied to the latest version of the DEPZ.

The reference to “consideration will be given as to how the proposed development would impact on the AWE Off-Site Emergency Plan and supporting documents”.

- 2.8 West Berkshire Council then provided its response to this request which is provided in my **Appendix 2**, which proposes a track changed simplified version of the policy and supporting text¹. The meaning of the policy remains essentially unchanged from the original Regulation 19 Plan version and maintains the effective presumption against development in the DEPZ where it would have an unacceptable affect on the OSEP and particularly where the ONR have advised against. Without the tracked changes the latest version of policy states as follows:

“Policy SP4

Atomic Weapons Establishment (AWE) Aldermaston and Atomic Weapons Establishment (AWE) Burghfield

Within the Office for Nuclear Regulation (ONR) land use planning consultation zones surrounding AWE Aldermaston and AWE Burghfield development will be managed in the interests of public safety, and to ensure that any proposed developments do not adversely affect the defence related operation or capability of the AWE sites.

¹ This is also set out in the Council's Schedule of Main Modifications (1 August 2024)

Development proposals within the land use planning consultation zones that pose an unacceptable risk to the operation of the AWE Off-Site Emergency Plan (OSEP) and/or adversely affect the defence related operation or capability of the AWE sites will be refused planning permission.

In determining applications, the ONR and AWE/MOD will be consulted on development proposals in the Detailed Emergency Planning Zone (DEPZ)³, Outer Consultation (OCZ)⁴ and 12km consultation zone which meets the ONR consultation criteria as detailed on the ONR website⁵. Development within the DEPZ is likely to be refused planning permission where the ONR, as regulator of the nuclear licensed sites, advise against the proposed development.”

2.9 With the footnote relevant to the DEPZ (3) stating as follows: *“Current and future Detailed Emergency Planning Zone (DEPZ) as defined by REPPIR and as detailed on the Council's website. The extent of the DEPZs (at January 2023) shown in Appendix 3 and the Policies Map could change before the Local Plan is updated or superseded. Policy SP4 will be applied to the latest version of the DEPZ”*

2.10 This was subsequently discussed at the hearing session on 12 June 2024, where the focus was again on the clarity of the policy wording.

2.11 On 19 July 2024 the Local Plan Inspector published some interim findings and further action points relating to two matters: North East Thatcham strategic site and housing land supply (IN30)². In summary, the level of development proposed for North East Thatcham was recommended to be increased back to the Regulation 18 Local Plan level of 2,500 homes (an increase of 1,000) with an additional shortfall of around 850 units needing to be addressed³. The Local Plan Inspector does not mention the AWE policy (SP4) directly but does recognise the constraint associated with the AWE Site and makes no suggestion that these are likely to be relaxed, with page 4 of IN30 stating as follows:

“... The AONB, areas of flood risk and the two Atomic Weapon Establishments, along with other constraints, mean that opportunities to identify further sites that are suitable for housing development are limited having regard to national policy and the Plan's spatial strategy. However, the Council has identified a number of sites that, since the Plan was submitted for examination, it has reassessed as now being suitable and available for housing development during the plan period.....”[My Emphasis]

2.12 In light of the above, I have updated my evidence on the weight that I consider can be given to emerging policy in section 4 below.

² CD22.6

³ On 16 August 2024 the Council responded to largely accept the Inspector's findings. It is proposing additional sites to meet the Inspector's concerns and states that it will have a 5 year housing supply from the adoption of the plan (ref. Exam 53)

3 Material considerations update

3.1 As set out in AWE/MOD's Updated Statement of Case, various matters have changed since the First Decision was made. In this section I highlight those which have a direct bearing on the overall planning balance.

ONRs position

3.2 Following the issue of the First Decision, the ONR wrote to WBDC on 29 November 2023 to set out its formal response to test exercises (ALDEX-23) for the OSEP⁴. The correspondence sets out concerns about apparent issues with the current delivery of the OSEP, which would be exacerbated by further increases in population, how improvements are required to address these and how it intends to carry out a series of targeted formal regulatory interventions involving the Joint Emergency Planning Unit.

3.3 The ONR's letter represents a material change in circumstances since the First Decision. As AWE/MOD's Updated Statement of Case explains, the letter underscores the pressure that existing development has already placed on the OSEP and reiterates that further increases in population will exacerbate existing problems such that improvements are required. Importantly, the ONR confirms that it will now be carrying out formal regulatory interventions in order to ensure that necessary improvements to the OSEP are implemented.

National Defence Policy

3.4 The evidence of Tom Bennington, on behalf of AWE/MOD, explains how Government has recently set out the critical importance of AWE to the national endeavour of Nuclear Deterrence with the Command Paper⁵ stating that the UK's nuclear deterrent is *"more relevant now than ever before. We face new and diverse challenges from nuclear-armed states that make deterrence as critical today as it was in the last century"*.

3.5 That evidence also notes how the Strategic Defence review announced on 16 July 2024 restates the commitment to the independent UK nuclear deterrent and the vital importance of ensuring that nothing jeopardises or limits AWE's unique role.

3.6 Taking this into account, in my opinion, the Command Paper is an important material consideration, reaffirming the critical role that AWE has with regard to national security and the government's intention to invest further in its facilities.

Shyshack Lane Decision

3.7 Subsequent to the First Decision, a planning appeal hearing was held on 21 November 2023 in respect of a development at 1-9 Shyshack Lane, Baulhurst (Appeal Ref: APP/H1705/W/23/3326959). This appeal related to the refusal by Basingstoke and Deane

⁴ Copies of the correspondence are provided in AWE/MOD's Updated Statement of Case

⁵ 'Delivering the UK's Nuclear Deterrent as a National Endeavour' 2024

Borough Council of permission for the erection of three new residential dwellings c.500 metres from the boundary of AWE A and within the DEPZ for AWE A. I appeared at that hearing for AWE/MOD along with ONR and the Emergency Planning Team from WBDC.

- 3.8 The Inspector refused the appeal on 8 December 2023 and I come on to explain in the following sections why this decision is an important material consideration.

4 Updated Planning Balance and Conclusions

- 4.1 As the evidence of other witnesses explains, along with WBDC’s Emergency Planning Team and the ONR, AWE/MOD are very concerned that the existing OSEP is already under pressure from development that has been built out within the DEPZs. 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 has revealed shortfalls and there is uncertainty over whether any population generating development can be accommodated by the OSEP as it stands.

Compliance with adopted Planning Policy

- 4.2 I maintain my view that the Appeal Proposals are contrary to Limb 1 of policy CS8 (Nuclear Installations – AWE Aldermaston and Burghfield) of the adopted Core Strategy, which states as follows:

“In the interests of public safety, residential development in the inner land use planning consultation zones of AWE Aldermaston and AWE Burghfield is likely to be refused planning permission by the Council when the Office for Nuclear Regulation (ONR) has advised against that development...”

- 4.3 This limb is engaged because the ONR, as regulator, has advised against the appeal proposals.
- 4.4 I accept that the Appeal Site sits outside of what was the inner consultation zone as described on the face of policy CS8. However, this does not mean that the first limb should be disregarded. CS8 refers specifically to the inner land use planning consultation zone (footnote 60), but the inner zone has been superseded by the (post REPPiR 2019) DEPZ. Given that the DEPZ fulfils the same function in regulatory terms as the inner consultation zone in the adopted plan, the first limb can be applied to the appeal proposals.
- 4.5 The DEPZ (which represented the inner consultation zone when CS8 was adopted) has been enlarged because REPPiR 2019 has taken a more precautionary approach than REPPiR 2001 which informed the extent of the inner zone shown in the 2012 Core Strategy. As others have explained, this is because REPPiR 2019 changes the evaluation and assessment of risks and includes a new requirement to plan for events which have a low likelihood of occurrence, but a high impact if they occur, following lessons learnt after the meltdown of three reactors at the Fukushima Daiichi nuclear power plant in Japan in March 2011. As a result, much more of West Berkshire is now within an AWE DEPZ. The population increase within the DEPZ around AWE B in terms of existing homes already built has been significant: from less than a hundred residential properties under REPPiR 2001 to several thousand residential properties under REPPiR 2019.
- 4.6 The possibility of changes to the consultation zones during the plan period is recognised in paragraph 5.44 of the Core Strategy. I accept that this refers to changes of inputs that may

result in a less restrictive approach. However, I do not interpret this as saying that consultation zones will only get smaller and note that the ‘Delivery and Monitoring Box’ beneath the supporting text states that *“New development within the land use planning consultation zones will be monitored on an annual basis and monitoring results passed on to the ONR. This will enable the ONR to give up to date advice to individual Council’s regarding subsequent development applications.”*

- 4.7 In its closings to the First Inquiry⁶ the Appellants argued that the very strong presumption against housing in the DEPZ could not be engaged because (a) the Appeal Site did not fall within the Inner consultation Zone shown on the proposals map, (b) the supporting text cannot alter the policy and (c) it is for the next local plan to consider whether such a strong presumption can be justified in respect of the enlarged area. I do not agree with this narrow interpretation of limb 1 of the policy which is not consistent with the intention of the policy. Read as a whole, the policy was clearly intended to put in place a presumption against development in the area where the offsite emergency plan applied. The Inner Zone is equivalent in public safety risk/regulatory terms to the much enlarged DEPZ. The fact that what was the Inner Zone has been replaced and expanded cannot in my opinion be set to one side.
- 4.8 Nevertheless, even if the Appeal proposals are considered against Limb 2 of Policy CS8, they would also be contrary to this part of the policy which states as follows: *“All other development proposals in the consultation zones will be considered in consultation with the ONR, having regard to the scale of development proposed, its location, population distribution of the area and the impact on public safety, to include how the development would impact on “Blue Light Services” and the emergency off site plan in the event of an emergency as well as other planning criteria...”*
- 4.9 In my view Limb 2 has to be considered alongside Limb 1 and the Site Allocation because they all form part of the development plan. In considering the Appeal Proposal’s impact on safety and blue light services etc, analysis against Limb 2 needs to take into account very strong factors that count against the principle of housing, including:
- 4.9.1 If the Appellant’s approach to the policy is correct (which I do not accept for the reasons above), and even if Limb 1 does not strictly apply, the Appeal Site falls within the enlarged DEPZ. The fact that there is a strong presumption against development in the Inner Zone, which the DEPZ is now equivalent to, is a relevant consideration weighing against new residential development within the DEPZ. In my view it is not relevant to argue, as the Appellant did in the First Inquiry, that the risk is low and unchanged. Safety Regulations (REPPIR 2019) have changed to take a more precautionary approach to risk and decisions need to be considered against this new more risk averse background.
- 4.9.2 The clear ‘advise against’ advice from the ONR, the regulator, which is actively participating in this inquiry and has objected to other housing proposals because of its significant concerns that the accumulation of development in the DEPZ may have the potential to impact upon the adequate implementation of the OSEP. I note the central role of ONR is referenced in both Limb 2 and 1 of policy CS8.

⁶ CD20.22, Paragraph 41

4.9.3 Evidenced concerns about the ability of the OSEP to cope with additional population arising from housing development within the DEPZ. Recent tests of the OSEP have revealed shortfalls with the current OSEP based on existing development within the DEPZ and there is uncertainty over whether a population increase can be accommodated by the OSEP as it stands. ONR wrote to WBDC in November 2023 informing them that the ONR will carry out a series of “targeted formal regulatory interventions” to ensure the necessary improvements to the OSEP are made to address the identified shortfalls. Enforcement action against WBDC is possible if improvements are not effectively achieved and sustained. If improvements are not able to be achieved by WBDC and the OSEP is deemed inadequate, ONR will look to AWE to restrict operations until such time that WBDC can address their concerns or, in an absolute worst case scenario, stop AWE from working with ionising radiation. The Shyshack Lane Appeal decision confirms how significant weight should be given to such matters and particularly the potential impact on the OSEP, where that Inspector reasoned that ‘...*The demands on emergency resources would be substantial creating short term and possibly long-term efforts to effectively manage an emergency.*’ In that case the Inspector considered that concerns of this nature outweighed the required ‘tilted’ planning balance’ due to poor housing delivery.

4.9.4 How the proposals would be refused permission when considered against the emerging local plan, which I come on to consider below.

4.10 However Policy CS8 is interpreted, if the ONR advises against granting permission, there is either a presumption against housing and permission should be refused (Limb 1) or, the view of the ONR needs to be taken into account as part of an assessment of the risks to public safety and the emergency plan (Limb 2). Given the nature of ONR’s objection this should be given significant weight even if only considered against Limb 2 of Policy CS8.

4.11 At the First Inquiry the Appellants argued that even if policy CS8 is engaged, the site allocation policy HSA16 takes precedence over CS8 because it post dates it⁷. However, in my opinion this disregards the need to significantly diminish the weight that can be given to the HSA16 site allocation given that:

4.11.1 The May 2017 Site allocation pre-dates changes to the protective zone around AWE B following REPPiR 2019. Those changes mean that the Appeal Site now falls in an area equivalent in public safety risk terms to the inner zone, where housing and other development was severely restricted in the adopted Core Strategy for the reasons set out in policy CS8.

4.11.2 The emerging local plan has removed allocation HSA16 because of its location within the DEPZ and, as I come on to explain below, given ONR’s objections, permission would be refused for the appeal proposals if they are considered against the replacement policy.

⁷ CD20.22 Appellants Closing, footnote 3, page 27

Conflict with the Local Plan Review

- 4.12 The regulator (ONR) and others with a direct interest in the implementation of the OSEP (i.e. the WBDC Emergency Planning Team and AWE/MOD) have objected to the Appeal Proposal on the basis of the unacceptable risk to the OSEP and the proposals would therefore be clearly contrary to the latest wording of policy SP4 which states as follows:

“...Development proposals within the land use planning consultation zones that pose an unacceptable risk to the operation of the AWE Off-Site Emergency Plan (OSEP) and/or adversely affect the defence related operation or capability of the AWE sites will be refused planning permission.

In determining applications, the ONR and AWE/MOD will be consulted on development proposals in the Detailed Emergency Planning Zone (DEPZ)³, Outer Consultation (OCZ)⁴ and 12km consultation zone which meets the ONR consultation criteria as detailed on the ONR website⁵. Development within the DEPZ is likely to be refused planning permission where the ONR, as regulator of the nuclear licensed sites, advise against the proposed development.”.

[My Emphasis]

- 4.13 I am not aware that such conflict is disputed by the Appellants, and instead they have sought to argue the emerging policy has no weight. In their representations to the LPR they sought to challenge the overall approach and the removal of allocation HSA16⁸.
- 4.14 As explained in Section 2 of this Addendum TA Fisher had an in principle objection, but in my opinion this is unlikely to be successful given the discussion and follow up actions at the hearings.
- 4.15 Although the LPR has not yet been adopted, it is at an advanced stage of preparation with the Examination hearings on this matter having concluded. The December 2023 NPPF states that where plans are at a more advanced stage of preparation, greater weight may be given to relevant policies in the emerging plan (paragraph 48). The LPR has advanced further since the First Decision and I note:
- 4.15.1 Discussion at the LPR Examination has focused on simplifying and clarifying the policy. Both the submission draft and revised versions (ref. IN14) of the policy make it clear that permission is likely to be refused where the ONR advise against. The later version takes into account the scrutiny during the local plan examination, where the Appellant’s concerns about the principle of the presumption against development did not get traction with the Local Plan Inspector.

⁸ Paragraph 2.15 of the Appellant’s LPR Hearing Statement (CD22.5) states ‘...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...’

- 4.15.2 There was no suggestion that the balance of Core Strategy Site allocation HSA16 should be re-instated during the LPR Examination. In my opinion, this is not surprising given the revised precautionary approach required by REPPiR 2019. As I have explained above, the focus of the discussion at the Examination was on the detail of the policy and not the principle. This has since been reflected in the Examining Inspector's interim findings (see section 2 above).
- 4.15.3 ONR, AWE/MOD and the WBDC Emergency Planning team actively participated in the LPR Examination sessions given their concerns about the pressure on the OSEP.
- 4.15.4 The approach taken in the draft LPR is consistent with the NPPF (December 2023), where paragraph 101a requires appropriate and proportionate steps to be taken to reduce vulnerability and increase resilience and ensure public safety and security.
- 4.16 I conclude that emerging policy SP4 should be given moderate weight in the planning balance. Whilst it does not yet form part of the development plan, it has stood up to scrutiny during the LPR Examination, has been simplified and takes a similar 'presumption against' policy to CS8, but updates this taking into account the latest DEPZ etc.

Other Material Considerations

Public Safety

- 4.17 Whilst there are examples of housing being allowed within the DEPZ they are of limited relevance to this appeal given they are in different local planning authority areas with different policy tests. The 'Kingfisher Grove' (Three Mile Cross) case was determined in the context of proposing 100% affordable housing, against Wokingham Borough Council's policies whilst neither AWE/MOD nor ONR directly participated in that appeal.
- 4.18 Whilst I acknowledge that every proposal must be assessed on its own merits, I consider that the Shyshack Lane appeal decision is relevant to this Appeal Proposal. AWE/ MOD and the ONR participated in the Shyshack Lane appeal as joint Rule 6(6) parties (as did Dr Keith Pearce who also served as witness in respect of the current Appeal). I note the ONR also advised against the grant of planning permission for the Shyshack Lane proposal. Both WBDC (Policy CS 8) and BDBC (Policy SS7) have development plan policies which provide that development is likely to be refused where the ONR has advised against development, having regard to the impact on the OSEP.
- 4.19 In my opinion, the reasoning of that Inspector correctly sets out the importance and vulnerability of the OSEP. Whilst REPPiR 2019 and national and local planning policies do not impose an absolute moratorium on additional housing within a DEPZ, it is clear that there is a precautionary approach which is intended to deter development and for any additional housing to be acceptable there would need to be very convincing justification. In this case AWE/MOD and ONR, along with the WBDC Emergency Planning Team, are all objecting to the Appeal Proposals because of concerns about the risk to the community, public health and wellbeing and the impact that 32 homes would have on the operation of the OSEP.
- 4.20 Paragraph 101 of the December 2023 NPPF requires appropriate and proportionate steps to be taken to reduce vulnerability and ensure public safety. In this case, whilst the likelihood of

a radiation emergency at AWE B is low, the potential impact on the local population would be high and an appropriate and proportionate step is to, where possible, avoid new development being located within the DEPZ.

- 4.21 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 and workers would come under more pressure if new housing increased populations and complexity.

Defence operations

- 4.22 Policy DM33 (Development within AWE) of the emerging LPR supports the development of AWE B where it directly sustains the functioning of the site as a Government defence establishment. This policy was not challenged during the LPR examination and in my view can now be given significant weight.

- 4.23 The December 2023 NPPF states that planning policies and decisions should ensure that operational defence sites are not adversely affected by the impact of other development (paragraph 101) nor have unreasonable restrictions placed upon existing facilities due to development permitted afterwards (paragraph 193).

- 4.24 AWE/MOD consider that additional residential development within the DEPZ has implications for the nation's security by presenting a potential constraint to the current and future operation of AWE B. The evidence of Person MD (now adopted by Tom Bennington in his addendum proof) explains the increased risk to site operations if additional housing was allowed to proceed with the consequential impact on the UK's national security if intolerable constraints were placed on operations and the securing of its activities now and in the future. In the case of this appeal and AWE B, AWE and MOD are concerned that cumulatively with other housing the Appeal Proposals could:

- Lead to restrictions on operations in certain facilities due to potential conflicts with current and future radioactive and nuclear legal requirements;
- Give rise to regulatory requirements to implement additional engineered safeguards to facilities and/or possible relocation of facilities with consequential disruption, delay and additional cost to the Ministry of Defence;
- Constrain the ability to manage any future changes in health and safety legislation; and
- Set a precedent for future housing applications and approvals in hazardous areas adjacent to AWE A and AWE B, leading to further erosion of utility and increasing potential adverse impacts upon the UK's nuclear deterrent.

- 4.25 Introducing additional residential occupiers within the DEPZ compromises public safety (in terms of presenting a challenge to the adequacy of the OSEP and putting more people in harm's way in the event of an incident), may affect permissioning by the ONR of activities on site, or require changes to activities on site and may directly impact the ability to undertake the required development activity that needs to occur at AWE installations.

- 4.26 The evidence of Person AW explains that if the population around AWE installations is allowed to increase, then so does the risk that operational permissions, licenses, or restrictions are impacted. An increased population is explained to present a critical risk that AWE may in turn be compelled to limit or constrain its activities to remain in compliance with relevant regulatory

obligations. Developments such as the Appeal scheme therefore risk current and future operations at AWE, particularly if they set a precedent which enables further population increases within the DEPZ.

- 4.27 Person MDs evidence explains how increasing the population in the DEPZ could affect the ability to deliver the UK's continuous at sea nuclear deterrent or 'CASD' by restricting licensable activities, limiting the ability to secure future planning permission or other operating consents (thereby inhibiting future operations) and the potential to increase objections to proposals or complaints against AWE proposals and /or operations.
- 4.28 Additional weight should be given to such matters given the publication of the Command Paper since the First Decision was made. This re-affirms the critical role that AWE has with regard to national security and the government's intention to invest further in its facilities.
- 4.29 Given the importance of the precautionary approach, these risks which could undermine national security and defence commitments weigh significantly against the grant of permission for any housing within the DEPZ, including for the 32 homes in the Appeal Proposals. Even where risks are small to the future operation of AWE, given the unique and vitally important strategic defence function, there must be a presumption against new housing development within the DEPZ.

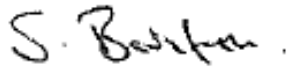
Conclusion

- 4.30 In my original proof of evidence I concluded that planning permission should be refused. I explained that the proposals were contrary to the development plan when read as a whole and there are a series of significant material considerations which weight further against the grant of planning permission. I have not changed my view and consider that updates to planning policy and material considerations only seek to weight further against the proposals including:
- 4.30.1 Further evidence that the OSEP Plan is under pressure, with the ONR expressing concern about its ability to cope with additional pressure from an accumulation of housing development, including the appeal proposals. Both the ONR's views and the role of the OSEP are key considerations in adopted and emerging local plan policy and should be given significant weight against the grant of planning permission.
- 4.30.2 Progress on the LPR, where Policy SP4 has been scrutinised at the Examination where the focus was on the clarity of the policy not the approach to the presumption against development within the DEPZ. In my view moderate weight can now be given to that emerging policy in the Local Plan, which also no longer allocates the Appeal Site for housing.
- 4.30.3 Other material considerations including the Shyshack Lane Appeal decision and the recent Command Paper.

5 Declaration

The evidence which I have prepared and provide for this planning appeal in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

Dated: 23 August 2024



Sean David Bashforth
Senior Director

APPENDIX 1

Examination of West Berkshire Local Plan 2022-2039

Inspector: William Fieldhouse BA (Hons) MA MRTPI

Programme Officer: Ian Kemp

Tel: 07723009166

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Examination webpage: <https://www.localplanservices.co.uk/westberkshirelpr>

IN14: Action Points from week one hearing sessions

Introduction

Further to the discussions at the week one hearing sessions, the following actions are required by the Council. I consider these to be necessary at this stage of the examination to inform my consideration of whether the Plan is sound and/or how it could be made sound by main modifications. I may decide in due course that other or different main modifications are required, including to the parts of the Plan that I refer to below.

Responses should be submitted to the Programme Officer by **midday on Friday 17 May 2024** unless otherwise specified.

Sustainability Appraisal

AP1. Council to set out the requirements in the Environmental Assessment of Plans and Programmes Regulations 2004 (“SEA Regulations”) relating to consultation bodies and public consultees being invited to express their opinion on the relevant documents (ie the sustainability appraisal report); explain whether / how this was complied with when the report was published alongside the Plan for consultation in January 2023; and what specific actions will be required when consulting on further versions of the sustainability appraisal report before the end of the examination in order to ensure legal compliance. The Council may wish to liaise with Simon Pike in preparing its response to this action point.

AP2. Council to carry out further sustainability appraisal of each of the allocations included in the Plan that are retained from previously adopted plans using the same methodology as that used to assess the new residential site allocation options and prepare a report setting out the findings in a comparable form to that in Appendix 8b of the sustainability appraisal report [CD3j November 2022].

The responses to AP1 and AP2 should be provided by **midday on Monday 20 May 2024**.

Strategic Road Network

AP3. Council to submit the additional transport assessment evidence referred to in the Statement of Common Ground with National Highways published on 3 May 2024 [EXAM25] along with any further update about the conclusions of National Highways following their review of that work.

Housing requirement

AP4. Council to provide written evidence that Reading Borough Council does not currently have any up to date quantified assessment of unmet need and therefore does not expect the Plan to make any provision towards meeting such need. Alternatively, amend the main modification to policy SP12 (in EXAM23) to include a minimum housing requirement figure of 528 homes per year (515 local housing need plus 13 per year to address Reading's unmet need of 230 per year referred to in paragraph 6.5 of the Plan).

Office and industrial / warehouse floorspace requirements

AP5. Council to amend the main modification to policy SP20 (in EXAM23) to include reference in the first sentence to the minimum floorspace requirements for office and industrial / warehouse uses for a plan period of 2023 to 2041.

Eastern Urban Area

AP6. Council to prepare a main modification to policy SP1 to refer to the Eastern Urban Area as a focus for additional housing in the Eastern Area (or similar, having regard to the approach in SP1 to other urban areas).

North Wessex Downs AONB

AP7. Council to prepare a main modification to policy SP2 to clarify how proposals affecting the setting of the AONB will be assessed, consistent with national policy and guidance (in particular NPPF 176 and PPG ID:8-042-20190721). This should include reference to development being sensitively located and designed to avoid or minimise adverse impacts on the AONB; identifying views from and to the AONB; and identifying where the landscape character of land within and adjoining the AONB is complementary.

Neighbourhood plans

AP8. Council to prepare a main modification to policy SP3 to clarify:

- a) That neighbourhood plans cannot allocate strategic sites.
- b) That neighbourhood plans can allocate non-strategic sites both within and adjoining the settlement boundaries of urban areas, rural service centres and service villages¹.

¹ The proposed main modification (in EXAM23) to the reasoned justification could be amended to state that "Whilst neighbourhood plans can allocate non-strategic sites within defined settlement boundaries, these would not count towards meeting the target figures in policy SP12 because to do

AP9. Council to amend the proposed modification to SP12 (in EXAM23) to clarify or delete the reference to sites allocated in neighbourhood plans being additional to the allocations in the Plan.

Settlement boundaries

AP10. Council to prepare a change to the Policies Map to amend the settlement boundary at Morphetts Lane, Chieveley.

AP11. Council to clarify, with reference to the relevant criteria used in the settlement boundary review, why the Designated Employment Area east of Thatcham and the retail park north of M4j12 Calcot are not included within any settlement boundary.

AWE Aldermaston and AWE Burghfield Common

AP12. Council, in liaison with AWE and ONR, to prepare a main modification to policy SP4 and the reasoned justification to clarify:

- a) What is meant by “non residential population” in the first paragraph in the Table relating to the DEPZ.
- b) That the fourth paragraph in the Table relating to the OCZ includes “new development” as well as “re-use or re-classification of an existing development”.
- c) That the extent of the DEPZs shown on the maps in Appendix 3 of the Plan and the Policies Map could change before the Plan is updated or superseded and policy SP4 will be applied to the latest version of the DEPZ.
- d) The reference to “consideration will be given as to how the proposed development would impact on the AWE Off-Site Emergency Plan and supporting documents”.

Denison Barracks and RAF Welford

The Council’s response to PQ47 said it was not necessary to modify the Plan to include a specific policy relating to the operational sites at Denison Barracks and RAF Welford because policies SP1, SP2, DM1 and DM35 would apply.

However, Defence Infrastructure Organisation’s written statement for matter 2 [WS3/10] suggests that this would not be effective or consistent with NPPF as those policies would allow development close to the operational sites in certain circumstances without any consideration of the potential impact on operations. Furthermore, the sites are in the countryside and those policies are not directly relevant to defence-related development which may be needed at those sites (whereas DM33 specifically supports development that sustains the functions of the AWEs). They suggest an additional policy in the Plan (along with additional reasoned justification):

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

so would not be consistent with the assumptions made in the LPR about the District’s overall housing land supply” (or similar).

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.

AP13. Council to prepare a main modification to the Plan to include a policy relating to Denison Barracks and RAF Welford (along with appropriate reasoned justification), having regard to the suggestion from the Defence Infrastructure Organisation.

Site selection

AP14. Council to clarify whether the information currently available to the examination, including the HELAA, sustainability appraisal and any evidence submitted with regulation 19 representations that the Council considers relevant, adequate and proportionate, indicates that there are any sites (including, if appropriate, smaller parts of areas assessed in the HELAA) suitable and available for residential development that are not allocated in the Plan. If there are any such sites they should be listed and identified on a map, and an explanation provided for why each was not allocated in the Plan (for example because the Council decided they were not needed or because more recent evidence has become available that changes the assessment made when the Plan was prepared).

The response to AP13 should be provided by **midday on Friday 31 May 2024.**

William Fieldhouse

14 May 2024

APPENDIX 2

West Berkshire Local Plan Review 2022-2039 (LPR) Examination

West Berkshire Council response to

IN14 Action Point AP12

AWE Aldermaston and AWE Burghfield

AP12. Council, in liaison with AWE and ONR, to prepare a main modification to policy SP4 and the reasoned justification to clarify:

- a) What is meant by “non residential population” in the first paragraph in the Table relating to the DEPZ.
- b) That the fourth paragraph in the Table relating to the OCZ includes “new development” as well as “re-use or re-classification of an existing development”.
- c) That the extent of the DEPZs shown on the maps in Appendix 3 of the Plan and the Policies Map could change before the Plan is updated or superseded and policy SP4 will be applied to the latest version of the DEPZ.
- d) The reference to “consideration will be given as to how the proposed development would impact on the AWE Off-Site Emergency Plan and supporting documents”.

Council response

In responding to the Inspector’s points above, the Council has taken a broad overview of the policy, in collaboration with the ONR and AWE, and proposes modifications to policy SP4 as set out below. The Council considers that these proposed modifications make the policy clearer and more effective in its implementation.

Below is a track changed version of the proposed modifications with the conventional form of ~~strike through~~ for deletion of text and underline for additions. A clean version of the proposed policy is also set out below.

As a result of the proposed changes to the policy, the Council considers it necessary to also propose modifications to Appendix 3 and the Policies Map and these are set out under the policy below.

Policy SP4

Atomic Weapons Establishment (AWE) Aldermaston and Atomic Weapons Establishment (AWE) Burghfield

Within the Office for Nuclear Regulation (ONR) land use planning consultation zones surrounding AWE Aldermaston and AWE Burghfield development will be managed in the interests of public safety, and to ensure that any proposed developments do not adversely affect the defence related operation or capability of the AWE sites. pose an external hazard to the AWE sites, any new development of a type more particularly described in the table below¹ located in the Detailed Emergency Planning Zone (DEPZ)² of AWE Aldermaston and 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 object.

Development proposals within the land use planning consultation zones that pose an unacceptable risk to the operation of the AWE Off-Site Emergency Plan (OSEP) and/or adversely affect the defence related operation or capability of the AWE sites will be refused planning permission.

In determining applications, the ONR and AWE/MOD will be consulted on development proposals applications for new development in the Detailed Emergency Planning Zone (DEPZ)³, Outer Consultation Zone (OCZ)⁴ and any other 12km consultation zone as detailed on ONR website which meets the ONR consultation criteria as detailed on the ONR website⁵ described in the table below (as may be amended by the ONR from time to time). Development within the DEPZ is likely to be refused planning permission where the ONR, as regulator of the nuclear licensed sites, advise against the proposed development.

For development proposals in the DEPZ and OCZ for each of AWE's, consideration will be given as to how the proposed development would impact on the AWE Off-Site Emergency Plan and supporting documents.

Development within the Land Use Planning Consultation Zones: Office for Nuclear Regulation

¹ This table reflects the ONR's consultation criteria as at 2022 — please note that these may change over time and the Policy SP4 reflects the Council's intention to follow the latest ONR guidance from time to time.

² Detailed Emergency Planning Zone (DEPZ) as defined by REPPiR and as detailed on the Council's website.

³ Current and future Detailed Emergency Planning Zone (DEPZ) as defined by REPPiR and as detailed on the Council's website. The extent of the DEPZs (at January 2023) shown in Appendix 3 and the Policies Map could change before the Local Plan is updated or superseded. Policy SP4 will be applied to the latest version of the DEPZ.

⁴ Outer Consultation Zone (OCZ) and 12km zones as defined on by ONR website along with relevant distances and centre points. The OCZ and 12km zones are depicted in Appendix 3 and on the Policies Map.

⁵ <https://www.onr.org.uk/our-work/what-we-regulate/other-regulationslegislations/land-use-planning/>

AWE Aldermaston (AWE A)		AWE Burghfield (AWE B)	
Zone	Development Type		
DEPZ	<p>Any new development, re-use or re-classification of an existing development that could lead to an increase in residential or non-residential populations thus impacting on the off-site emergency plan.</p> <p>Any new development, re-use or re-classification of an existing development that could pose an external hazard to the site.</p>		
OCZ	<p>Any new residential development of 200 dwellings or greater.</p> <p>Any re-use or re-classification of an existing development that will lead to a material increase in the size of an existing development (greater than 500 persons).</p> <p>Any new non-residential development that could introduce vulnerable groups to the OCZ.</p> <p>Any new development re-use or re-classification of an existing development that could pose an external hazard to the site.</p>		
12km zone	<p>A circular zone of 12km radius around all nuclear sites, for certain types of significant development due to the potential for such developments to pose an external hazard to sites.</p>		

ONR's website provides non-exhaustive examples of the types of developments that could pose an external hazard to a nuclear licensed site and the examples of the type of developments ONR would expect to be consulted on.

The maps set out in Appendix 3 provide the mapping information, as at March 2020 in relation to the DEPZs, OCZs (5km) and the 12km consultation zones for each AWE site as per the ONR consultation criteria.⁶

Supporting Text

4.36 There are two nuclear licensed sites located in West Berkshire, the Atomic Weapons Establishment in Aldermaston (AWE A) and in Burghfield (AWE B). These are operated by AWE plc on behalf of the Ministry of Defence and regulated by the Office of Nuclear Regulation (ONR) (as well as other regulators).

4.37 Both AWE sites are core critical to sustaining the UK government's nuclear deterrent and support national defence and security.

⁶ It should be noted that the ONR 12km land use planning area should not be confused with the REPPiR Outer Planning Zones (OPZ) for the AWE sites. OPZs are for emergency planning use only. In 2022 they were AWE Aldermaston 15km and AWE Burghfield 12km.

4.38 There are hazards associated with the authorised use of these sites including conventional chemicals, explosives and radiation sources. As a result of the quantities and types of material involved, the sites are also regulated under the following key legislation:

- a. The Radiation (Emergency Preparedness and Public Information) Regulations 2019 (REPPIR)⁷. Both sites fall within the scope of REPPIR legislation. The regulator for these sites is the ONR.
- b. Control of Major Accident Hazards Regulations 2015 (COMAH)⁸. Under these regulations AWE A is a Lower Tier COMAH site. The joint regulators for this site are the ONR and the Environment Agency (EA). AWE B does not fall under the COMAH regulations at the present time (2022).
- c. Explosive Regulations 2014⁹. Both AWE A and AWE B sites have explosives on site and AWE plc holds an explosives licence for both sites. The regulator is the ONR.
- d. Environmental Permitting (England and Wales) Regulations 2016 (EPR). Both sites generate and dispose of radioactive wastes. The regulator is the EA.

4.39 The NPPF ~~outlines that states at paragraph 45:~~ "Local planning authorities should consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them."

4.40 Furthermore, the NPPF ~~at paragraph 95 states:~~ requires planning policy to

~~"Planning policies and decisions should promote public safety and take into account wider security and defence requirements. It requires that operational defence sites are not affected adversely by the impact of other development proposed in the area, and that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. by:~~

~~i. anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and~~

~~ii. 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."~~

4.41 Paragraph 97(b) (ensuring that operational defence and security sites are not adversely affected by the impact of other development in the area) is complemented

⁷ Radiation - Radiation (Emergency Preparedness and Public Information) Regulations 2019 (REPPIR)

⁸ COMAH Guidance

⁹ Explosives Regulations 2014 -L150

~~by paragraph 187 of the NPPF which provides, amongst other things, that “*planning policies and decisions should ensure that new development can be integrated effectively with existing businesses...*” and that existing businesses “*should not have unreasonable restrictions placed on them as a result of development permitted after they were established*”.~~

~~4.42 These national policies should be read alongside other relevant policies relating to economic development within the LPR.~~

4.43 The NPPF defines major hazard sites, installations and pipelines as: ‘*Sites and infrastructure, including licensed explosive sites and nuclear installations, around which Health and Safety Executive (HSE) (and Office for Nuclear Regulation) consultation distances to mitigate the consequences to public safety of major accidents may apply.*’

~~4.44 The preface to the guidance accompanying REPPIR 2019 states: “*The provisions in REPPIR have been developed with consideration of provisions in the Control of Major Hazards Regulations 2015 (COMAH) [10] and the Pipelines Safety Regulations 1996 [11] to maximise emergency preparedness consistency between Regulations for major hazards sectors.*”~~

~~4.45 Nuclear installations which are regulated by REPPIR present a potential major hazard as a result of the quantities of radioactive materials on the site.~~

4.46 Under the REPPIR 19 legislation a Detailed Emergency Planning Zone (DEPZ) must be determined by the local authority where the relevant nuclear site is situated. For the AWE sites this is West Berkshire District Council. This process was undertaken in 2019 and reviewed in 2023. Under legislation formal reviews of the DEPZ are required to be undertaken at least every three years or as a result of a material change in work with ionizing radiation. As such, the extent of the DEPZs shown in Appendix 3 and on the Policies Map could change before the Local Plan is updated or superseded. Policy SP4 will be applied to the latest version of the DEPZ.

~~4.47 The DEPZ determination process, including the data behind the information provided in the Consequence Report prepared and issued by AWE, in 2019, was subject to an unsuccessful Judicial Review brought against the Council.~~

4.48 The DEPZ for the AWE sites is the geographic area that in respect of which the AWE Off-Site Emergency Plan (OSEP) covers. The AWE OSEP must set out protective actions which would be implemented without delay to mitigate the likely consequences of a radiation emergency, must have detailed plans in place and the Council, along with the other agencies involved in the AWE OSEP Off-Site Emergency Plan, must be able to respond effectively. The regulators therefore require assurances that the AWE Off-Site Emergency Plan OSEP, owned by the Council, is adequate and can be implemented effectively in order to protect the public.

4.49 The OCZ and 12km land use planning consultation zones for the AWE sites are determined by the ONR and extends from a geographical centre point on each AWE sites. During the plan period there may be changes to the REPPIR legislation and/or

in the inputs to the ONR's process which may result in consequential changes to the land use planning consultation zones or consultation criteria, which in turn could result in changes to ONR's advice on particular proposals. These will be kept under review and policy SP4 will be applied to the latest version of the ONR Guidance/Zones.

~~4.50 The DEPZs and OCZs for the AWE sites cross over into the following neighbouring councils: Basingstoke and Deane Borough Council, Reading Borough Council, and Wokingham Borough Council (see further below).~~

~~4.51 In respect of both AWE sites, the ONR and AWE/MOD is will be consulted on any planning applications for new development within the DEPZ, the OCZ and the 12km zone (and any other consultation zone determined by the ONR from time to time) which meet the consultation criteria as set out within the policy on the ONR website¹⁰. These d Developments within these zones may have an adverse impact on pose an unacceptable risk to the viability and operability of the AWE OSEP Off-Site Emergency Plan and/or pose an external hazard to, adversely affect the defence related operation or capability of the nuclear licensed sites, and advice will be provided to the Local Planning Authority accordingly.~~

~~4.52 The ONR provides advice to the local planning authorities on planning applications for developments around the AWE nuclear licensed sites. This advice seeks to limit the radiological public health consequences to members of the public in the event of a radiation emergency and to ensure that the developments do not pose an external hazard to the sites.~~

~~4.53 Given the potential cumulative effects of any population increase surrounding the AWE sites, it will be necessary to monitor committed and future approved but not built development in partnership with neighbouring councils. The councils will monitor planning completions and commitments as part of the Annual Monitoring Report and send this information directly to the Emergency Planning Services in each council and the ONR for them to make informed judgements when assessing future development proposals.~~

~~4.54 The ONR's decision making process is detailed on its website.¹¹ The ONR will normally advise against a particular development should they not receive adequate assurance from the owner of the Off-Site Emergency Plan that the development can be accommodated within the AWE OSEP that Plan. As a result, the ONR will consider feedback provided by West Berkshire District Council Emergency Planning Service, as the Plan AWE OSEP owner under REPPiR. This feedback is often based on wider consultation with the AWE Off-Site Planning Group (a group of responding local, regional and national agencies). Should it be considered by the responding agencies that there would be an unacceptable risk to the AWE OSEP, Off-Site Emergency Plan (the Plan) would be adversely affected with no viable and sustainable mitigation options available, such that the OSEP Plan would not be able to accommodate the development and therefore protect public health, then as the policy makes clear that planning permission will be refused. normally West Berkshire~~

¹⁰ <https://www.onr.org.uk/our-work/what-we-regulate/other-regulationslegislations/land-use-planning/>

¹¹ <https://www.onr.org.uk/land-use-planning.htm>

~~District Council Emergency Planning Service would submit advice against the development to the local planning authority and inform the ONR. Consideration will be given taking into account the Guidance currently under development.~~

Applicants considering development proposals within the land use planning consultation zones are strongly encouraged to enter into discussions with the Council at an early stage to establish if there are likely to be any implications on the OSEP as a result of the proposals.

The land use planning consultation zones for the AWE sites cross over into the following neighbouring councils: Basingstoke and Deane Borough Council, Reading Borough Council, and Wokingham Borough Council. The Council will monitor committed and future development proposals in partnership with neighbouring councils, those agencies with duties under REPPiR, and the ONR to understand the impact on the OSEP and the operation of AWE.

~~4.55 The ONR will provide advice for developments that potentially pose an external hazard to the AWE sites.~~

~~4.56 Policy SP4 reflects the Council's intention to normally follow the ONR's advice in the ONR's consultation zones.~~

~~4.57 During the plan period there may be changes in the inputs to the ONR's process which may result in consequential changes to the consultation zones or criteria. These will be kept under review.~~

~~4.58 During the plan period there may also be changes to the DEPZ as a result of the requirement under REPPiR legislation to undertake formal reviews of the DEPZ at least on a 3 yearly basis or because of a material change in work with ionizing radiation. This may result in the DEPZ for either AWE site remaining the same, extending or reducing in size and geography over time. These will be kept under review.~~

Clean version of policy (track changes accepted)

Policy SP4

Atomic Weapons Establishment (AWE) Aldermaston and Atomic Weapons Establishment (AWE) Burghfield

Within the Office for Nuclear Regulation (ONR) land use planning consultation zones surrounding AWE Aldermaston and AWE Burghfield development will be managed in the interests of public safety, and to ensure that any proposed developments do not adversely affect the defence related operation or capability of the AWE sites.

Development proposals within the land use planning consultation zones that pose an unacceptable risk to the operation of the AWE Off-Site Emergency Plan (OSEP) and/or adversely affect the defence related operation or capability of the AWE sites will be refused planning permission.

In determining applications, the ONR and AWE/MOD will be consulted on development proposals in the Detailed Emergency Planning Zone (DEPZ)¹², Outer Consultation Zone (OCZ)¹³ and 12km consultation zone which meets the ONR consultation criteria as detailed on the ONR [website](#)¹⁴. Development within the DEPZ is likely to be refused planning permission where the ONR, as regulator of the nuclear licensed sites, advise against the proposed development.

Supporting Text

There are two nuclear licensed sites located in West Berkshire, the Atomic Weapons Establishment in Aldermaston (AWE A) and in Burghfield (AWE B). These are operated by AWE plc on behalf of the Ministry of Defence and regulated by the Office of Nuclear Regulation (ONR) (as well as other regulators).

Both AWE sites are critical to sustaining the UK government's nuclear deterrent and support national defence and security.

There are hazards associated with the authorised use of these sites including conventional chemicals, explosives and radiation sources. As a result of the quantities and types of material involved, the sites are also regulated under the following key legislation:

¹² Current and future Detailed Emergency Planning Zone (DEPZ) as defined by REPIR and as detailed on the Council's website. The extent of the DEPZs (at January 2023) shown in Appendix 3 and the Policies Map could change before the Local Plan is updated or superseded. Policy SP4 will be applied to the latest version of the DEPZ.

¹³ Outer Consultation Zone (OCZ) and 12km zones as defined by ONR along with relevant distances and centre points. The OCZ and 12km zones are depicted in Appendix 3 and on the Policies Map.

¹⁴ <https://www.onr.org.uk/our-work/what-we-regulate/other-regulationslegislations/land-use-planning/>

- a. The Radiation (Emergency Preparedness and Public Information) Regulations 2019 (REPPIR)¹⁵. Both sites fall within the scope of REPPIR legislation. The regulator for these sites is the ONR.
- b. Control of Major Accident Hazards Regulations 2015 (COMAH)¹⁶. Under these regulations AWE A is a Lower Tier COMAH site. The joint regulators for this site are the ONR and the Environment Agency (EA). AWE B does not fall under the COMAH regulations at the present time (2022).
- c. Explosive Regulations 2014¹⁷. Both AWE A and AWE B sites have explosives on site and AWE plc holds an explosives licence for both sites. The regulator is the ONR.
- d. Environmental Permitting (England and Wales) Regulations 2016 (EPR). Both sites generate and dispose of radioactive wastes. The regulator is the EA.

The NPPF outlines that Local planning authorities should consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them.

Furthermore, the NPPF requires planning policy to promote public safety and take into account wider security and defence requirements. It requires that operational defence sites are not affected adversely by the impact of other development proposed in the area, and that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.

The NPPF defines major hazard sites, installations and pipelines as: *'Sites and infrastructure, including licensed explosive sites and nuclear installations, around which Health and Safety Executive (and Office for Nuclear Regulation) consultation distances to mitigate the consequences to public safety of major accidents may apply.'*

Under the REPPIR 19 legislation a Detailed Emergency Planning Zone (DEPZ) must be determined by the local authority where the relevant nuclear site is situated. For the AWE sites this is West Berkshire District Council. This process was undertaken in 2019 and reviewed in 2023. Under legislation formal reviews of the DEPZ are required to be undertaken at least every three years or as a result of a material change in work with ionizing radiation. As such, the extent of the DEPZs shown in Appendix 3 and on the Policies Map could change before the Local Plan is updated or superseded. Policy SP4 will be applied to the latest version of the DEPZ.

The DEPZ for the AWE sites is the geographic area that in respect of which the AWE Off-Site Emergency Plan (OSEP) covers. The AWE OSEP must set out protective actions which would be implemented without delay to mitigate the likely consequences of a radiation emergency, and the Council, along with the other agencies involved in the AWE OSEP, must be able to respond effectively. The regulators therefore require assurances that the AWE OSEP, owned by the Council, is adequate and can be implemented effectively in order to protect the public.

¹⁵ Radiation - Radiation (Emergency Preparedness and Public Information) Regulations 2019 (REPPIR)

¹⁶ COMAH Guidance

¹⁷ Explosives Regulations 2014 -L150

The OCZ and 12km land use planning consultation zones for the AWE sites are determined by the ONR and extend from a geographical centre point on each AWE site. During the plan period there may be changes to the REPPIR legislation and/or in the inputs to the ONR's process which may result in consequential changes to the land use planning consultation zones or consultation criteria, which in turn could result in changes to ONR's advice on particular proposals. These will be kept under review and policy SP4 will be applied to the latest version of the ONR Guidance/Zones.

In respect of both AWE sites, the ONR and AWE/MOD will be consulted on any planning applications within the DEPZ, the OCZ and the 12km zone which meet the consultation criteria as set out on the ONR [website](#)¹⁸. Developments within these zones may pose an unacceptable risk to the viability and operability of the AWE OSEP and/or adversely affect the defence related operation or capability of the nuclear licensed sites, and advice will be provided to the Local Planning Authority accordingly.

The ONR's decision making process is detailed on its website.¹⁹ The ONR will normally advise against a particular development should they not receive adequate assurance that the development can be accommodated within the AWE OSEP. As a result, the ONR will consider feedback provided by West Berkshire District Council Emergency Planning Service, as the AWE OSEP owner under REPPIR. Should it be considered that there would be an unacceptable risk to the AWE OSEP, the policy makes clear, planning permission will be refused.

Applicants considering development proposals within the land use planning consultation zones are strongly encouraged to enter into discussions with the Council at an early stage to establish if there are likely to be any implications on the OSEP as a result of the proposals.

The land use planning consultation zones for the AWE sites cross over into the following neighbouring councils: Basingstoke and Deane Borough Council, Reading Borough Council, and Wokingham Borough Council. The Council will monitor committed and future development proposals in partnership with neighbouring councils, those agencies with duties under REPPIR, and the ONR to understand the impact on the OSEP and the operation of AWE.

¹⁸ <https://www.onr.org.uk/our-work/what-we-regulate/other-regulationslegislations/land-use-planning/>

¹⁹ <https://www.onr.org.uk/land-use-planning.htm>

Ref	Page of submitted LPR	Policy/ Paragraph of submitted LPR	Proposed Main Modification	Reason for modification
Appendix 3 AWE land use planning consultation zones				
	251	Appendix 3	<p><i>Amend text in Appendix 3 as follows:</i></p> <p>3.1 The maps set out below provide the mapping information, as at March 2020 <u>January 2023</u>, in relation to the DEPZs, OCZs (5km) and the 12km planning consultation zones for each AWE site as per the ONR consultation criteria.</p> <p><u>3.2 The extent of the DEPZs shown in Appendix 3 and the Policies Map could change before the Plan is updated or superseded and policy SP4 will be applied to the latest version of the DEPZ.</u></p>	In response to AP12 in IN14 .
Policies Map				
		Policies Map	<p><i>Amend Policies Map to ensure the following consultation zones are accurately reflected:</i></p> <ul style="list-style-type: none"> • Detailed Emergency Planning Zone (DEPZ) for AWE A and DEPZ AWE B (January 2023) • Outer Consultation Zone (OCZ) (5km) for AWE A and AWE B • 12km Consultation Zone for AWE A and AWE B 	In response to AP12 in IN14 .