

Harry Williamson

From: Mark Croucher
Sent: 10 October 2022 21:15
To: Harry Williamson
Subject: FW: Appeal - Land west of Kingfisher Grove, Three Mile Cross

Hi Harry – see email from John Steele below.

Mark Croucher BA (Hons) MSc
Principal Planning Officer Team Manager - Development Management

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From: Steele John AWE <John.Steele@awe.co.uk>
Sent: 10 October 2022 20:13
To: Ian Bellinger <Ian.Bellinger@wokingham.gov.uk>; Mark Croucher <Mark.Croucher@wokingham.gov.uk>
Subject: Appeal - Land west of Kingfisher Grove, Three Mile Cross

External Email

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Hi Ian

I have set out below my initial response to the proposed residential development at Kingfisher Grove, Three Mile Cross. I will convert this into a letter which will be formally issued by DNO but this may take a few days. If required I am happy for this email to be placed into your evidence ahead for formal issue of the letter.

I would also like the opportunity for AWE/DNO to provide a further response (if necessary) once we have seen the detailed evidence.

The purpose of this email is to **object** to the proposals put forward by JPP Land Limited for 49 affordable dwellings at Kingfisher Grove, Three Mile Cross, Reading.

Background to AWE's operation at AWE Burghfield

1. On 1 July 2021, the MoD took back full ownership of AWE plc, the contractor and operator of the licenced nuclear sites at Aldermaston and Burghfield. AWE plc is now an arm's length non-departmental public body and is still responsible for the safe and secure running of AWE sites as well as delivery of the warhead contribution to the nationally and internationally significant UK nuclear deterrent. The sites and assets continue to be owned by the Secretary of State for Defence and are Crown Land.

2. AWE Burghfield has a unique national strategic importance which is linked to Government policy in respect of continuing to maintain a nuclear deterrent. This policy has not changed.
3. As made clear in AWE's Regulation 18 response to West Berkshire Council's Draft Local Plan representations, AWE's Burghfield and Aldermaston sites require identification within West Berkshire's Local Plan and safeguarding for their unique purposes, as well as to sustain and deliver an associated investment programme. Current proposed investment includes, but is not limited to, new builds along with refurbishment of existing key facilities to maintain the site's national defence contribution and readiness and to ensure no impediments to that sustained use.

Radiation (Emergency Preparedness and Public Information) Regulations

4. As you are aware, AWE must meet the requirements of the Radiation (Emergency Preparedness and Public Information) Regulations 2019 ("REPPIR 2019"). This includes a duty to identify the hazards arising from working with ionising radiation which have the potential to cause a radiation emergency and to advise the West Berkshire Council of the consequences of such an emergency. REPPIR 2019 also placed a legal duty on the West Berkshire Council to determine the Detailed Emergency Planning Zone ("DEPZ"), as well as to prepare and implement plans to deal with an off-site emergency. The MoD, in turn, has the responsibility for determining the Outline Planning Zone ("OPZ"), for both AWE Burghfield and Aldermaston.
5. The purpose of the DEPZ is to set a zone around a site where it is proportionate to pre-define and implement arrangements for protective actions which can then be implemented without delay in the event of a radiation emergency. The purpose of the OPZ is to identify protective actions at a more strategic level and to enable emergency responders to provide for arrangements in the OPZ for extremely unlikely but more severe events (rather than have them in place ready to mobilise without delay). The West Berkshire Council's offsite emergency plan covers both the DEPZ and OPZ.
6. REPPIR 2019 required AWE to prepare a consequences report for AWE Burghfield and Aldermaston in 2019, which recommended to the Council the minimum distance to which 'urgent protective actions' [UPA] may need to be taken, and the minimum geographical extent from AWE Burghfield that requires detailed off-site emergency planning. The consequences report recommended a 3160m radial distance from the AWE Burghfield site centre location for urgent protective actions and an OPZ of 12 km, as set by the MoD.
7. West Berkshire Council determined the current DEPZ for AWE Burghfield and Aldermaston in May 2020.
8. This is a greater distance for detailed off-site emergency planning than that which was calculated under the previous REPPIR regime. The increase in distance is due to changes in the evaluation and assessment required under REPPIR 2019, not because of changes to the inventory of materials or operations at AWE Burghfield. These changes were introduced to improve public protection standards^[1]. The change in legislation reflects important lessons learned from the Fukushima Daiichi incident, as well as updates to relevant standards agreed at the International Atomic Energy Agency (IAEA) and International Commission on Radiological Protection (ICRP).
9. Hazard evaluation and consequence assessment is required to be kept under continual review by AWE and the assessment criteria will also be kept under review by the regulators. It is worth noting that when these criteria are updated they are likely to get more, not less, stringent, going forward. This, in itself, supports a precautionary approach to new development in the DEPZ.

DEPZ as a Material Planning Consideration

10. Since May 2020 when the current DEPZ was determined, the proposed development site is within the DEPZ, the inner ONR consultation zone and the urgent protective action area, as defined above. The DEPZ is therefore a significant material planning consideration in considering and providing advice in relation to this proposal. For the reasons set out in this below, the Inspector to the appeal is urged to attribute great weight to the DEPZ as a material planning consideration when assessing and drawing his / her conclusion as to whether the proposed development is acceptable.

National Planning Policy Framework

11. The development proposals come into conflict with policies in the National Planning Policy Framework (NPPF) which seek to protect the ongoing needs of operational defence sites.

Safeguarding security and defence capability

12. Paragraph 97 of the NPPF imposes a requirement to safeguard “wider security and defence requirements”, to ensure that AWE Burghfield (and Aldermaston) are “not affected adversely by the impact of other development proposed in the area.” Importantly, Paragraph 130 confirms that this safeguarding obligation bites “not just for the short term but over the lifetime of the development”. The temporal range (long term nature) of the obligations in Paragraphs 97 and 130 is therefore highly material to the Inspector’s consideration of this development proposal and highlights that the emergency planning consequences of development in the DEPZ – whilst critically important - are not the only material planning consideration informing the inspector’s decision.

Agent of change

13. Pursuant to the “agent of change” principle in Paragraph 187 of the NPPF, all new development should be “integrated effectively with existing business and community facilities”, which “should not have unreasonable restrictions placed on them as a result of development permitted after they were planned.”
14. It is our view that any additional residential development in the UPA / DEPZ creates significant challenges in terms of effective integration and is likely to result in unreasonable restrictions being placed on AWE’s operations, in conflict with Paragraph 187. Our reasoning is set out below.

Reasons the development proposal is inappropriate

Unacceptable constraints on current and future operations

15. The MoD has consistently sought to ensure that any constraints on delivery of the sustained capabilities at AWE Burghfield (and Aldermaston) now and in the future are minimised, in the interests of national security and international defence capability.
16. The proposed residential development represents a potential constraint to both current and future operations at AWE Burghfield, in direct conflict with the MoD’s objectives and the agent of change principle in Paragraph 187 of the NPPF.
17. AWE will be unable under REPIR 2019 to work with ionising radiation if, amongst other matters, West Berkshire Council is unable to comply with its duties in connection with the off-site emergency plan^[2]. This means that if in the future the Council is judged to have an inadequate off-site emergency plan, for instance due to unacceptable levels of residential development within the UPA, then this could potentially close the operations involving ionising radiation at the AWE Aldermaston and Burghfield sites.
18. It is therefore imperative that the West Berkshire Council and Wokingham Borough Council Emergency Planning Team is supported to ensure the ongoing adequacy of its off-site emergency plan. Allowing inappropriate increases in the residential population within the DEPZ, alongside any consequential impacts for example traffic management and emergency services response, adds to the Council’s burden in this regard.
19. Schedule 7 Part 1 of REPIR 2019 sets out the principles to which emergency plans must have regard. This includes but is not limited to:
 - a. *“the necessity to optimise protection strategies to ensure that the proposed response, as a whole, is predicted to do more to mitigate the radiation emergency and facilitate transition from that emergency to an existing exposure situation than to increase its duration or consequences, taking into account—*
 - i. *the health risks arising from exposure to ionising radiation as a result of the radiation emergency, in both the long and the short term;*
 - ii. *the economic consequences of the radiation emergency;*


iii. *the effects of the disruption, both on the premises and the area immediately surrounding it, and on the public perception of the effects of the radiation emergency;*^[3] and


b. *“the necessity of avoiding, so far as possible, the occurrence of serious physical injury to any person”*^[4]


20. The necessity to avoid the occurrence of serious physical injury so far as possible supports MoD’s in principle objection to this development as it is increasing the population density of an area within the DEPZ. This is increasing the risk of exposure to personal injury to more people in the event there is a radiation emergency and this should be avoided so far as possible.


21. In addition, it is relevant to consider economic consequences of a radiation emergency. Increasing the population density within the DEPZ increases the potential for personal injury claims, property damage and other losses to be incurred. AWE as operator is responsible for such matters under the Nuclear Installations Act 1965 and is also responsible for West Berkshire Council’s costs under REPIR 2019^[5]. MoD is responsible for AWE’s costs so these losses would fall entirely on the public purse.

22. Further, the nature of the surrounding environment to AWE Burghfield is relevant to how AWE Burghfield itself is operated from a health and safety point of view. Changes to the wider environment (such as additional members of the public being resident in the immediate surroundings), can have the potential, without limitation, to:

☐  limit AWE’s ability to make and sustain, without additional external limitation or impediment, the best use of the AWE Burghfield site and to fully implement the current consolidation, development and modernisation programme;

☐  restrict operations in certain facilities due to potential conflicts with current and future nuclear licensing arrangements;

☐  require the implementation of additional engineering safeguards to facilities and/or possible relocation of facilities - with consequential disruption, delay and additional cost to defence and the public purse, along with significant uncertainty; and

☐  hamper the ability to manage any future changes in health and safety legislation.

Public safety

23. Paragraph 97 of the NPPF provides that planning decisions should promote public safety, as well as taking into account wider security and defence requirements.

24. Given the geographic proximity of the proposed development to AWE Burghfield, a substantial radiological dose is possible for anyone within the proposed development site in the event of a radiation emergency. Whilst such an emergency is remote, this risk weighs against locating this development in the DEPZ and at such close proximity to AWE Burghfield.

Conclusion

25. The AWE Burghfield site is of national strategic importance for the UK’s defence and delivery of the UK’s international defence commitments. If the site activities were to stop or be impeded, or the site had to reduce its operations or was not able to evolve and develop alongside the required technological advance – in the manner set out in this email – this would threaten the support to the UK’s CASD programme and national nuclear security. The potential operational impacts of the proposal and potential uncertainty this brings are unacceptable.

26. It is our view that proportionate, effective and deliverable steps which reduce vulnerability, increase resilience and preserve public safety and security would be difficult to secure in connection with a new residential development in the DEPZ. The benefits of the development do not outweigh the disadvantages of permitting it.

27. For the reasons outlined in this letter we have no option but to raise an **objection** to the **residential development** proposal”

John Steele

AWE Head of Estate Development and Planning
07956 070756

I am now working reduced hours. The best means of contacting me is via my mobile – please leave a message if I do not answer.

From: Ian Bellinger <ian.Bellinger@wokingham.gov.uk>
Sent: 03 October 2022 16:20
To: Steele John AWE <John.Steele@awe.co.uk>
Subject: EXTERNAL: Appeal - Land west of Kingfisher Grove, Three Mile Cross

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Hello John,

I've just left you a message but thought I would email you some details.

The council refused a planning application proposing 49 dwellings on land west of Kingfisher Grove, Three Mile Cross (201002). The application is both within the Urgent Protective Action (UPA) distance and the Detailed Emergency Planning Zone (DEPZ) surrounding AWE Burghfield. The refusal has now been appealed, with a public inquiry programmed to start 15 November 2022.

My colleague Mark Croucher, copied into this email, is leading on the defence of the council's decision. He has asked me to provide contact details for AWE/MOD to ask whether they would wish to engage in this appeal, noting it would run contrary to the views expressed into our local plan process.

Mark would welcome a conversation with you, which I am happy to join in with if necessary. I have not read the appellant's statement of case in any detail but from a quick review it is clear that the appellant will be seeking to query the science behind consequences report and the level of risk, drawing out conclusions for the proposed development which will clearly support it being allowed in their view. I have attached the council's and the appellant's statement of case. Further details of proposed development can be accessed via our online planning application portal, a link to which can be accessed from the webpage linked below.
<https://www.wokingham.gov.uk/planning/>

It would be helpful if you could prioritise a conversation. Proof of Evidence are required in two weeks time (four weeks before the start of the inquiry).

Mark Croucher can be reached on:

- Tel: 07919397028
- Email: mark.croucher@wokingham.gov.uk

Kind regards, Ian.

Ian Bellinger, BSc(Hons), Dip(TP), MRTPI, Service Manager for Growth and Delivery
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^{[1][1]} [The Radiation \(Emergency Preparedness and Public Information\) Regulations 2019 - Explanatory Memorandum \(legislation.gov.uk\)](#)

^[2] Regulation 10(4)(b) of REPIR 2019

^[3] Paragraph 1(b) of Schedule 7 Part 1 REPIR 2019

^[4] Paragraph 1(c) of Schedule 7 Part 1 REPIR 2019

^[5] Regulation 16 of REPIR 2019