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2nd March 2023

Dear Sir,

**Submissions to the West Berkshire Local Plan Review 2022-2039
Proposed Submission of January 2023 on behalf of I. Cheshire
Esq, The Russell Trust, and R. Shaw Esq.**

The following submissions are made on behalf of the above three landowners who own part of the land allocated under Policy HSA 16 in the Adopted West Berkshire Local Plan 2017. The land in question is identified as **Policy HSA16 'Land to the rear of The Hollies Nursing Home, Reading Road and Land opposite 44, Lamden Way, Burghfield Common'**. Phase One of the site has already been implemented for some 28 dwellings. The second phase, owned by the above landowners is proposed for 32 dwellings. The allocation of that site was the result of many years of promotion by the landowners and the examination of that land for housing through a lengthy development plan preparation process. The allocation was followed by the optioning of the land by a reputable local developer and the submission of a detailed planning application in early 2022 under ref: 22/00244/FULEXT.

Between the adoption of the Local Plan in May 2017 and the submission of this planning application in February 2022 there was a material change to the planning policy context to this site by the extension of the Detailed Emergency Planning Zone (DEPZ) at AWE Burghfield to cover all of the settlement of Burghfield Common, including this allocation site. This change occurred in March 2020. In December 2020 the Council consulted

on this Local Plan Review Emerging Draft which commenced in December 2020, nine months after the DEPZ had changed, yet the site was still proposed for allocation in that Draft Plan. It is assumed that the Council's Emergency Planning Officer, AWE personnel and the Office for Nuclear Regulation (ONR) were consulted on this Draft Plan and had no objection to the inclusion of this housing allocation at that time despite the site now clearly inside the revised DEPZ area. There was therefore no necessity to challenge the Draft Plan's provisions at that time as far as this allocation was concerned. It was assumed, reasonably, that the Council had taken the DEPZ changes into account and had determined that the allocation should be maintained because of its statutory status and that the site was capable of accommodating new housing without adversely affecting the ability of the Council to implement the Emergency Offsite Plan.

During consideration of the planning application the Council's Emergency Planning Officer objected to the proposed development and the application was subsequently refused, essentially the principle issue being the site's location within the DEPZ. That decision is awaiting an appeal decision by way of a Public Local Inquiry at the time of writing.

The purpose of these submissions is therefore twofold. **Firstly**, to secure the reinstatement of this Housing Allocation in this Local Plan Review; and **second**, to seek a revision to Proposed Policy SP4 'Atomic Weapons Establishment (AWE) Aldermaston and Atomic Weapons Establishment (AWE) Burghfield'.

The case for reinstatement of Housing Allocation HSA16 in this Local Plan Review.

The only reason for proposing the removal of this housing allocation is because of its recent inclusion into the widened DEPZ at AWE Burghfield. The Council undertook extensive assessment of all potential housing sites in its SHELAA prior to proposing and confirming this housing allocation throughout all stages of the preparation and consultation of its current Local Plan. Additionally, there was very little local objection to the site's allocation for housing. Indeed, it was one of two sites in Burghfield Common recommended by the Burghfield Parish Council for allocation. The other is at Pond House Farm on the other side of the valley to this site, which secured an outline planning consent before the DEPZ was extended, and is currently under construction. During the consideration of planning application ref: 22/00244/FULEXT the site was the subject of full and detailed technical assessments to address its suitability for the housing scheme proposed. The **only** substantial planning objection was

its inclusion within the recently extended DEPZ. The site had been the subject of detailed examination through a whole Local Plan process, including Examination in Public, and also via a detailed planning application.

If the DEPZ objection is to be applied consistently, as it has been to this planning application, then it effectively sterilises Burghfield Common to all new housing development. The Settlement Hierarchy identifies Burghfield Common as one of only six Rural Service Centres across the whole of West Berkshire District which are sustainable in terms of the services and facilities provided within them and which are therefore appropriate to accommodate a reasonable level of new development appropriate to their character and function. This means that any new development in future would have to be met by the remaining three Rural Service Centres in the Eastern Policy Area i.e. Mortimer, Pangbourne and Theale, each of which is arguably already more constrained to new development than Burghfield Common and where appropriate development sites are therefore harder to identify. This is not sensible planning since the Policy's effective sterilization of Burghfield Common to new development cannot reasonably be justified when weighed against the proper planning requirements of the area.

As matters are now proposed either the Council:

- A) Continues to apply the policy of no further housing development at Burghfield Common, contrary to good and sustainable planning; or
- B) This Local Plan Review addresses properly the issue of Proposed Policy SP4 and amends that Policy to allow Burghfield Common to accommodate the levels of sustainable housing development which it is capable of accommodating and can and should support, but in a manner that meets the safeguarding needs of AWE and ONR. I set out below a revision to Proposed Policy SP4 which meets both requirements.

The need for a Revised Policy SP4 'Atomic Weapons Establishment (AWE) Aldermaston and Atomic Weapons Establishment (AWE) Burghfield.

A similar Policy to that now proposed, has been in place in both West Berkshire, Wokingham Borough, Reading Borough and Basingstoke and Deane District for some 15 years. It has led to serious inconsistencies in

decision making depending on the LPA area involved; and to tensions, with Members often overriding Emergency Planning and ONR objections to allow the development concerned. Some applications have been required to submit a Radiological Impact Assessment (RAI) and have still been refused even when that RIA clearly demonstrated no adverse impact on the implementation of the Emergency Plan; while other applications have been allowed without being required to submit an RIA and with no objection from Emergency Planning or ONR. The result is that these DEPZ development restraint policies are being applied inconsistently and unreasonably and the credibility of the policies is being seriously undermined.

A major problem is that none of the refused applications has been taken to appeal by way of a public local inquiry where detailed evidence could be examined. That situation has recently been resolved in relation to a site at Three Mile Cross, in Wokingham Borough, for 49 dwellings (Appeal Ref: APP/X0360/W/22/3304042 refers). The relevant Development Plan Policy states that development will only be permitted when the applicant demonstrates that the increase in the number of people living, working, shopping, and/or visiting the proposal can be safely accommodated having regard to the needs of 'blue light' services and the Emergency Plan for the AWE site. The Inspector notes, at para 11, that the risk of an incident is very small, with a risk assessment concluding that such an event could occur on a 1 in 10,000 year basis. Additional factors reduced that even further to a single event in many more thousand or millions of years. This was on a greenfield site which was:

- outside of an adopted Settlement Policy Boundary, and not allocated in an Adopted or Emerging Local Plan;
- larger than this H16 site;
- and which was located north-east of AWE Burghfield and therefore downwind of the facility (prevailing wind being from the south-west) whereas H16 is upwind of that facility.

All of these are further mitigating factors in favour of the reinstatement of the H16 allocation.

The Inspector notes, at para 21, that other appeal decisions that have been refused have been the subject of appeals by way of 'written representations' where the Inspectors have rightly assumed a precautionary approach in the absence of detailed evidence. In comparison the evidence presented at the Three Mile Cross Inquiry was thoroughly examined and tested.

The Inspector concludes that the proposal (para 22 refers)

'...would not present a barrier to the ability of blue light services to safely carry out their duties, and nor would it affect the Council's ability to execute and manage its obligations under the REPPIR Plan. Furthermore people living in or using the appeal site could be safely accommodated'

The facts of the matter and the reasoning undertaken by the Inspector on the basis of the evidence before him, make it clear that there must be some flexibility in the application of these AWE policies; that they can not reasonably be used to apply a blanket refusal to accept any further development within the DEPZ. Development proposals must rather be determined on the basis of the weighing of the factors in each individual case. These policies do not allow for this as proposed, and are therefore unreasonable, and are leading to inconsistent decision-making to the detriment of the proper comprehensive planning of the area.

As noted above similar policy inconsistencies are also occurring in the other three local planning authority areas impacted by the DEPZ designations at AWEs Aldermaston and Burghfield. Particularly, in respect of Basingstoke and Deane Borough whose Local Plan Review is also moving forward at the present time I made representations to that Review and proposed a revision to the relevant Policy (SS7 in that case) in November 2020. The intention was to revise the wording of the policy to facilitate the above-mentioned requirements. A similar policy wording is now set out here for consideration:

**'Policy SP4 Atomic Weapons Establishment (AWE)
Aldermaston and Atomic Weapons Establishment (AWE)
Burghfield**

The Council requires development in the land use planning consultation zones surrounding (1) Aldermaston and (2) Burghfield to be managed in the interests of public safety.

Development proposals will be required to be accompanied by a Radiological Impact Assessment (RIA) prepared by a recognised specialist. The RIA will evaluate the potential impact of the proposed development on the Offsite Emergency Plan, including the use and scale of development proposed, and the location of the development, against the following criteria:

a) Warning and informing of the affected population;

- b) Short-term and long term sheltering;**
- c) Evacuation and relocation/resettlement needs;**
- d) Access and egress for emergency vehicles;**
- e) Requirements for resettlement, decontamination and long-term recovery;**
- f) Any other notified appropriate issues.**

If the RIA demonstrates to the satisfaction of the Council that the Offsite Emergency Plan can accommodate the needs of the population in the event of an emergency then the proposed development will be considered acceptable under the terms of this policy’.

This revised policy wording is intended to enable policy SP4 to be clearer, criteria-specific and robust, whilst allowing for appropriate development which meets the policy tests. The above policy wording was prepared in close consultation with Dr. Mike Thorne, and acknowledged radiological impact expert, and who gave expert evidence at the recent Three Mile Cross Inquiry referred to above.

In conclusion, Proposed Policy SP4 and its predecessors are unreasonable and open to inconsistent application, to the detriment of the policy itself and good planning in general. The policy wording is too constraining, preventing new development in locations which are entirely appropriate; and unreasonably constraining fully sustainable settlements such as Burghfield Common from accommodating their share of new housing growth. Housing Allocation HSA16 is an example of such an appropriate location. Half of it has already been developed, it is allocated in a statutory Local Plan and its development will not adversely impact on the ability of the Council to implement the Emergency Offsite Plan. The allocation should properly be reinstated as a Housing Allocation in this Local Plan Review. Proposed Policy SP4 should be re-worded as set out above.

I would be grateful if you would take these comments into account in your further Local Plan Update preparations. If any additional information of clarification is required please do not hesitate to contact the writer.

Yours faithfully,

JOHN W CORNWELL FRTPI
Chartered Town Planner