



The Planning Inspectorate

30
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 0303 444 5397
Customer Services:
0303 444 5000

Email: east1@planninginspectorate.gov.uk
www.gov.uk/planning-inspectorate

Your Ref: 21/02710/FUL
Our Ref: APP/W0340/W/23/3329567

Zoe Cullen
West Berkshire District Council
Planning And Transport Strategy
Council Offices
Market Street
Newbury
Berks
RG14 5LD

15 March 2024

Dear Zoe Cullen,

Town and Country Planning Act 1990
Appeal by Pitchkettle Investments Ltd
Site Address: Pitchkettle Farm Goodboys Lane, Grazeley Green, READING, RG7
1ND

I enclose for your information a copy of the third party correspondence on the above appeal(s).

If you have any comments on the points raised, please send 2 copies to me no later than 28 March 2024. You should comment solely on the representations enclosed with this letter.

You cannot introduce new material or put forward arguments that should have been included in your earlier statement. If you do, your comments will not be accepted and will be returned to you.

Comments submitted after the deadline will not be seen by the Inspector unless there are extraordinary circumstances for the late submission.

Yours sincerely,

Alison Kendall
Alison Kendall

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Office for
Nuclear Regulation

ONR Statement

**Pitchkettle Farm, Goodboys Lane, Grazeley
Green, Reading, RG7 1ND**

APP/W0340/W/23/3329567

ONR Statement

Project Name: Pitchkettle Farm, Goodboys Lane, Grazeley Green, Reading, RG7 1ND

Report Title: APP/W0340/W/23/3329567

Appeal Details	
Application Reference No.	21/02710/FUL
Appeal Reference No.	APP/W0340/W/23/3329567
Local Planning Authority	West Berkshire District Council
Location	Pitchkettle Farm, Goodboys Lane, Grazeley Green, Reading, RG7 1ND
Proposal	Part retrospective erection of two modular buildings following demolition and removal of existing structures, and change of use of site to flexible Class B2/B8/E(g) use

Authored by: Eamonn Guilfoyle, Land Use Planning (Workstream Lead), ONR

Report Issue No: 1

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List of Abbreviations

AWE(B)	Atomic Weapons Establishment Burghfield
DEPZ	Detailed Emergency Planning Zone
NPPF	National Planning Policy Framework
ONR	Office for Nuclear Regulation
OSEP	Off-Site Emergency Plan
REPPiR01	Radiation (Emergency Preparedness and Public Information) Regulations 2001
REPPiR19	Radiation (Emergency Preparedness and Public Information) Regulations 2019
UKHSA	United Kingdom Health Security Agency
WBDC	West Berkshire District Council

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1. Introduction

1. This section provides the following:

- An explanation of the purpose of this submission; and
- An explanation of ONR's role.

1.1. Purpose

2. This Statement has been produced by the ONR in support of the decision of West Berkshire District Council (WBDC) to refuse planning permission for planning application 21/02710/FUL ("the Application") on nuclear safety grounds. Our advice against the Application is only withdrawn if suitable nuclear safety-linked planning conditions can be devised and agreed with the WBDC emergency planning function.

1.2. ONR

3. ONR was established as a statutory Public Corporation on 1 April 2014 under the Energy Act 2013. We are the UK's independent nuclear regulator for safety, security, and safeguards. Our mission is to protect society by securing safe nuclear operations.

1.3. ONR's Land Use Planning Role

4. ONR has a role which is set out in the National Planning Policy Framework (NPPF) Paragraph 45 [2], which states 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".

5. The NPPF Glossary [3] 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".

6. Furthermore, ONR is given a role in Policy CS8 of WBDC's Adopted Local Plan. Policy CS8 further states that,

"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.”

7. Lastly, planning practice guidance set out the role of both ONR and local authority emergency planners on advising on proposed developments in the vicinity of licensed nuclear installations. The guidance (Paragraph: 075 Reference ID: 39-075-20140306) states that,

“Consultation requirements can vary between sites for proposed developments in the vicinity of licensed nuclear installations. The Office for Nuclear Regulation specifies consultation distances and the type of developments on which it should be consulted. Where the local planning authority is in any doubt about whether the Office for Nuclear Regulation should be consulted in a particular case, it should contact them at the earliest opportunity.

Policy on public safety from major accidents – including those at nuclear installations – is set out at paragraph 95 and paragraph 45 of the National Planning Policy Framework. Given their statutory role in public safety, local authority emergency planners will have a key role to play in advising local planning authorities on developments around nuclear installations. Early engagement can help to address issues which may otherwise affect development proposals at a later stage.”

8. ONR’s land use planning policy is available on our website¹.

¹ <https://www.onr.org.uk/land-use-planning.htm>

2. Background and Definitions

9. This section provides the following:

- An overview of the radiation emergency planning regulatory framework, REPPIR19, to which later parts of this Statement will refer;
- Definitions for REPPIR19 terminology;
- An explanation as to why REPPIR19 is relevant to this planning application.

2.1. REPPIR19

10. In May 2019, the *Radiation (Emergency Preparedness and Public Information) Regulations 2019* (REPPIR19) came into force, replacing the *Radiation (Emergency Preparedness and Public Information) Regulations 2001* (REPPIR01). REPPIR19 imposes duties on operators who work with ionising radiation and local authorities to plan for radiation emergencies.

11. REPPIR19 is part of an international, EU and national response to lessons learned from the Fukushima Daiichi nuclear power plant accident in Japan in March 2011. Amongst the significant changes to emergency planning reflected in REPPIR19, is to require planning for events which have a low likelihood of occurrence but high impact in the event they do occur. The new regulations strengthen the requirements for operators to assess all hazards arising from work undertaken that has the potential to cause a radiation emergency.

2.1.1. Radiation Emergency

12. Regulation 2(1) of REPPIR19 defines a Radiation Emergency as,

“... a non-routine situation or event arising from work with ionising radiation that necessitates prompt action to mitigate the serious consequences of –

(a) of a hazard resulting from that situation or event;

(b) of a perceived risk arising from such a hazard; or

(c) to any one or more of –

(i) human life,

(ii) health and safety,

(iii) quality of life,

(iv) property, and

(v) the environment.”

2.1.2. Detailed Emergency Planning Zone

13. The Detailed Emergency Planning Zone (DEPZ) is the geographical zone in which it is proportionate to make detailed plans for protective action in the event of a radiation emergency. There are two stages to the process of determining a DEPZ.
14. The first stage puts duties on the operators of premises which hold quantities of radioactive materials above specified thresholds. Regulation 4 requires the operator to undertake a written evaluation identifying all hazards arising from the operator’s work which have the potential to cause a radiation emergency. The evaluation is referred to as a ‘Hazard Evaluation’ in REPP19.
15. Where the evaluation reveals the potential for a radiation emergency to occur, Regulation 5 requires the operator to assess a full range of possible consequences of the identified emergencies. The assessment is referred to in REPP19 as a “Consequence Assessment”.
16. The requirements for an assessment include consideration of the range of potential ‘source terms’ (defined as the radioactivity which could be released which includes the amount of each radionuclide released; the time distribution of the release; and energy of the release); the different persons that may be exposed; the effective and equivalent doses they are likely to receive; the pathways for exposure and the distances to which urgent protective reaction may be warranted for the different source terms when assessed against the United Kingdom’s Emergency Reference Levels published by the United Kingdom Health Security Agency (UKHSA).
17. Regulation 7(1) & 7(2) of REPP19 require the operator to produce a report setting out the consequences identified by the assessment, called a Consequences Report, which must be sent to the local authority. The Consequences Report must include a proposed minimum geographical area from the premises to be covered by the local authority’s off-site emergency plan.
18. The second stage of the DEPZ determination process is the responsibility of the local authority. Regulation 8(1) of REPP19 provides that the local authority must determine the DEPZ based on the operator’s recommendation and may extend that area in consideration of local geographic, demographic and practical implementation issues; the need to avoid, where practicable, the bisection of local communities; and the inclusion of vulnerable groups immediately adjacent to the area proposed by the operator.

2.1.3. Off-Site Emergency Plan

19. Regulation 11(1) & (2) of REPP19 provides that, where premises require a DEPZ, the local authority must make an adequate Off-Site Emergency Plan (OSEP) covering the zone. The plan must be designed to mitigate, so far as is reasonably practicable, the consequences of a radiation emergency outside the operator's premises.
20. When preparing or reviewing the OSEP, Regulation 11(5) of REPP19 requires the LA to consult the operator, Category 1 & 2 responders (as per the Civil Contingencies Act 2014), relevant health authorities, the Environment Agency, UKHSA, and such other bodies it considers appropriate.

2.1.4. Testing and Review

21. Regulation 12(1) of REPP19 requires the LA to do the following at suitable intervals not exceeding three years:
 - Review and where necessary revise the OSEP; and
 - test the OSEP to the extent necessary to ensure that the plan is effective.
22. Regulation 12(8) of REPP19 requires the LA to produce a report on the outcome of the test, highlighting strengths and weaknesses of the OSEP. Regulation 12(4) of REPP19 requires any review of the OSEP to take into account the report of the outcome of the test.

2.1.5. Site Operations

23. Regulation 10(4) of REPP19 prevents the operator from carrying out work with ionising radiation unless the LA has complied with its duty to produce an adequate OSEP.

2.2. REPP19 and Land Use Planning

24. Land-use planning decisions can have an impact on the safety of nuclear sites through their potential effects on the following:
 - Emergency planning, which concerns mitigation of radiation emergencies on proposed development and existing developments from hazards arising at the nuclear site and is conducted by the local authority in accordance with its duties under the REPP19; and/or

- External hazards, which are risks to the nuclear site from hazards arising at or affected by the proposed development (e.g. a proposed development introduces a flooding risk for the nuclear site)².
25. ONR is the regulator for GB Nuclear sites and is required to enforce REPP19. Since planning applications may be made for land within DEPZs established in accordance with REPP19, ONR has a direct regulatory interest in such land-use planning applications and the local authority decision-making process for these applications.

2.3. AWE Burghfield – DEPZ and OSEP

26. WBDC hosts the Atomic Weapons Establishment Burghfield (“AWE(B)”) site in its jurisdiction. WBDC has determined a DEPZ for AWE(B), in accordance with the statutory process, and has produced an OSEP for this DEPZ. The Application is located in the DEPZ of AWE(B) and so must be accommodated in the OSEP.

² Planning Application 21/02710/FUL does not constitute an external hazard and so this is not further discussed.

3. Advice

3.1. Summary of Case

27. ONR is a regulator for nuclear sites such as AWE(B). One of ONR's regulatory purposes is to ensure the nuclear safety of such sites.
28. A particular set of health and safety regulations apply to AWE(B) and the local authority that hosts the site, WBDC. These regulations (REPP19) create a statutory obligation on WBDC to produce an adequate OSEP for an area surrounding the site that the regulations term a DEPZ.
29. The Application is located in the AWE(B) DEPZ. Consequently, if permitted, WBDC must accommodate the development in the OSEP.
30. The evidence available to us from our regulatory engagements and statutory testing of the OSEP suggests that there is uncertainty over whether population increases can be accommodated in the OSEP as it stands.
31. Furthermore, the WBDC emergency planning function has advised us that, in their judgement, the Application cannot be accommodated in the OSEP unless suitable planning conditions can be devised and agreed. If the Application was, regardless, permitted and built, then this could challenge the adequacy of the OSEP.
32. If the OSEP became inadequate, WBDC would be in statutory non-compliance and the public living in the DEPZ would not be afforded the level of protection that the law requires.
33. We have satisfied ourselves through our regulatory engagements that the WBDC emergency planning function has suitable arrangements for judging whether a proposed development can be accommodated in the OSEP.

3.2. Planning Conditions

34. The WBDC emergency planning function advised us that they do not have sufficient information on the Application to determine whether it is feasible to accommodate it through planning conditions. Consequently, we are unable to advise on the specific planning conditions required. However, the type of planning conditions that reduce the impact of a proposed development on the OSEP typically achieve the following:
 - Prevent a population increase within the DEPZ;
 - Establish an employer emergency plan that links to the OSEP; and/or
 - Ensure the viability of urgent protective actions (e.g. sheltering).