

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL BY T A Fisher & Sons Ltd

Against the refusal of Full Planning Permission

by

West Berkshire Council

ON

LAND TO THE REAR OF THE HOLLIES, READING ROAD,
BURGHFIELD COMMON

For

The erection of 32 dwellings including affordable housing,
parking and landscaping. Access via Regis Manor Road.

Application Reference no. 22/00244/FULEXT
Appeal Reference no. APP/W0340/W/22/3312261

Summary Proof

of Dr Keith Pearce BSc PhD MBA MSc FEPS of Katmal Limited

in respect of reason for refusal 2

Summary Proof

1. This Proof of Evidence looks at the Local Authority's reason for refusal of the proposed development of the land behind the Hollies based on concerns regarding the site's proximity to the Atomic Weapons Establishment (AWE) at Burghfield.
2. The appeal scheme comprises the erection of 32 dwellings including affordable housing, parking and landscaping on land to the rear of the Hollies, Reading Road, Burghfield Common.
3. Until 2019, the Proposed Development was outside the boundary of the DEPZ for AWE Burghfield. Part of the allocated site, 28 residential dwellings, was approved, built out and is now occupied. However, a new basis for defining the extent of the DEPZ under REPPiR [2019] (CD 5.39), has since been adopted and the site now lies inside the expanded boundary of the revised DEPZ. Therefore, because it lies within the expanded DEPZ, its implications for the off-site emergency plan must be addressed.
4. The local authority planning officer, the local authority emergency planner, the Office for Nuclear Regulation (ONR) and the AWE have all raised concerns about this matter.
5. The concerns are associated with fears that either the presence of a limited number of new homes within the DEPZ will overwhelm the ability of the responders to care for the community in the event of an accident at the site or will prevent the on-site responders from responding to the accident effectively or will, in themselves, represent a threat to the operation of AWE. In this regard, it is noted that the same OSEP covers AWE Aldermaston, and that the settlement of Tadley is located to the immediate south of AWE (A).
6. A recent appeal decision made on 31st January 2023 (Kingfisher Grove, Appeal Ref. APP/X0360/W/22/3304042) found these similar arguments when applied to another development in the area to be exaggerated (CD 11.2). While accepting (as did the Inspector in that appeal) that each case turns on its own facts, the concerns raised in this case have not to date raised any fundamentally new matters.
7. This Proof of Evidence briefly outlines the local authority's duties under the REPPiR regulations, analyses the stated objections based on the presence of AWE Burghfield, reviews

the risks posed to the local community, and those living on the proposed development, and shows that they are minimal.

8. It then reviews the Concept of Operations of the off-site plan and shows that a small increase in local population is unlikely adversely to affect it materially, that shelter would be an appropriate protective action at the development location and would be required only if the accident occurred while the wind was blowing in the general direction of the development site and during infrequent weather conditions that generally only occur during the night (it being understood that the AWE Burghfield site usually only operates during the daytime).
9. Evacuation would not be required at the development site for any foreseeable fault at AWE Burghfield. The off-site emergency plan (OSEP) (CD 5.42) considers the possibility of prompt evacuation to 150 m and phased evacuation to 600 m around chemical and transport incidents¹. The development site is over 2 km away.
10. Because of the nature of the release (plutonium dioxide powder)² members of the public are only at risk while the plume is passing, once it has passed the dose uptake rate would be very much lower (around 1% of the plume passage dose over the next year). There will be no need for sheltering for more than a few hours in terms of dose avoidance (though residents may be asked to shelter for up to 2 days to allow full flexibility of operations in the local area for responders) and no need for eventual evacuation³ or relocation⁴.
11. The risk of an accident at AWE Burghfield with off-site consequences is extremely low. It can reasonably be assumed that the relevant Consequences Report has been prepared on the basis that a reference accident is no more likely than 1 in 10,000 years. Further, for the people at the development to be exposed, the wind from the AWE Burghfield site must be blowing in their direction. Even so, the doses likely to be received are comparable to those met in everyday life and these would pose no material threat to the health and wellbeing of the occupants of the development.

¹ Section 11AA, Page 235

² The consequence report makes no mention of enriched uranium but it is mentioned on the OSEP. The properties outlined here for plutonium also apply to enriched uranium.

³ Evacuation is the rapid, temporary removal of people from an area to avoid or reduce short term radiation exposure in a nuclear or radiological emergency (a day to a few weeks). (IAEA glossary)

⁴ Relocation is the non-urgent removal or extended exclusion of people from an area to avoid long term exposure from deposited radioactive material. (IAEA glossary)

12. The Proposed Development is so distant from AWE Burghfield that urgent evacuation would not be required even for extreme accidents (as is confirmed in the off-site emergency plan), and longer-term relocation will not be necessary for those living on the site.
13. The possibility that the additional homes will reduce the effectiveness of the response on-site is discussed and it is shown that the additional traffic on the roads resulting from a development of 32 homes (we can assume that any self-evacuees will head in the opposite direction) will not materially affect the ability of emergency services travelling under blue lights and sirens to travel to or from the AWE Burghfield site.
14. The possibility that a limited number of additional homes could pose a direct threat to the operation of the AWE Burghfield site is not realistic.
15. Finally, this Proof of Evidence explains the potential consequences should the OSEP be found to be not fit for purpose. Rather than closure of the AWE Burghfield site it seems likely that the local authority would be compelled to improve the OSEP or the Secretary of State for Defence would invoke the MOD exemption and suspend REPPiR compliance while remedial action was taken rather than allow vital defence programmes to be delayed.
16. Overall, although the location of the proposed development within the DEPZ of AWE Burghfield is a material planning consideration, the arguments presented in this proof show that it is a matter that can be satisfactorily addressed without prejudice to the efficacy of the OSEP.
17. This is in accordance with the position of the Secretary of State in relation to the Boundary Hall, Tadley development (CD 5.22) where it was concluded that *“while he does not seek to minimise the potential impact of any individual dose [assumed in the decision letter to be around 20 mSv], the Secretary of State considers that this should be placed in the context of the probability of such a dose arising which, while unquantified, has been described as ‘extremely remote’... Added to this, he has taken account of the fact that there is no evidence that the Off Site Plan for dealing with such emergencies would fail; and he is satisfied that the intensification of population density is not, in itself, a reason to refuse planning permission. The Secretary of State considers that these factors temper the weight to be attached to the risk of a materially harmful radiation dose relative to the benefits of the proposed scheme. No*

activity can ever be regarded as being risk free, each case has to be considered on its own merits, and the Secretary of State concludes that the potential benefits of this scheme, coupled with the fact that is generally in accordance with the development plan, outweigh the real, but very small, risks attached.”⁵

18. It is shown that contrary to the fears of the local authority and AWE:

- The AWE Burghfield site does not represent a significant risk to health or wellbeing for those living in or near the proposed development site;
- The increased number of inhabitants of the DEPZ will not put a material additional strain on the resources of the off-site plan, either for warning and informing or for providing medical and quality of life support to those in an area subject to shelter advice;
- The increased number of people living in the area should not interfere with the emergency services’ ability to provide support to the site in an emergency; and
- The development itself does not represent a threat to the future operations of AWE Burghfield.

19. These conclusions echo the conclusions of the Kingfisher Grove appeal decision

APP/X0360/W/22/3304042 (CD 8.3) “I therefore conclude that the proposal 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”.

While each case must be determined on its own facts, the other main parties’ statements of case have not set out matters which in my view lead to different conclusions on these aspects for present purposes.

⁵ Paragraphs 22 and 23.