

By email to Robert.wordsworth@planninginspectorate.gov.uk

The Planning
Inspectorate
Major Casework
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15 September 2024

Dear Mr Wordsworth,

**Re: Appeal reference: APP/W0340/W/22/3312261 – Re-determination
Land Rear of The Hollies, Reading Road, Burghfield Common, Reading, West
Berkshire RG7 3BH. Proposal: Erection of 32 dwellings including parking and
landscape. West Berkshire Council Planning application no: 22/00244/FULEXT.**

[REDACTED] wish to uphold our objection associated with the above reference Planning Application noting the subsequent appeal result dated 8 August 2023 being subject to a statutory review, as filed by AWE plc supported by the Office of Nuclear Regulation.

Subsequent permission to proceed was granted by the High Court on 2 November 2023, resulting in the quashing of the original appeal decision whereby the Planning Inspectorate concluded on 15 March 2024, the appeal would be redetermined.

Having reviewed and considered the documentation accessible via West Berkshire Council's planning portal and engaged with members of our community and other organisations, [REDACTED] continue to remain extremely concerned about the challenges associated with those communities living within Burghfield AWE's assigned Detailed Emergency Planning Zone (DEPZ). Whilst it is acknowledged this re-determination is associated with Burghfield AWE, we equally wish to place on record our concerns for our neighbouring communities associated with Aldermaston AWE.

We do not apologise for re-iterating that many members of our group, which include a cross section of our community and includes long term citizens, have personally witnessed the changes imposed upon our villages way of life and are yet to be convinced this, and other, less than neighbourly planning proposals are in the best interests of our communities and our natural environments.

We hope the following representation will be made available to all those participating in the redetermination appeal and the newly assigned Planning Inspector will find the time to review the relevant concerns highlighted throughout the report.

Following the submission of our original objection, we have noted additional challenges associated with the need to suppress the justifiable concerns as expressed by our group and other objectors. So, once again, whilst we acknowledge we live in a democracy, we would be

most grateful if you can ensure our personal and contact details, including the name of our group, are removed prior to onward distribution to the main parties.

We look forward to receiving your acknowledgement in due course.

Your sincerely,



The following concerns seek to further demonstrate there continues to exist evidence, being the evidence as referenced in the objection submission lodged in respect of the 1st appeal, as detailed in the attached Appendix 1. Following the submission of the original objection further events, additional evidence and subsequent decisions relative to the AWE sites have been revealed and we request the assigned Planning Inspector to seriously consider the significance of each identified concern.

1. REPPIR 2019

The Radiation (Emergency Preparedness and Public Information) Regulations 2019 (REPPIR) continue to be valid statutory instrument. REPPIR 2019 replaced REPPIR 2001. During 2017 the UK government department known as Business, Energy & Industrial Strategy, the Ministry of Defence (MOD) and the Health & Safety Executive (HSE) issued a public consultation on 5 October 2017 inviting interested parties and the public to submit input to the proposed changes. [Revised requirements for radiological protection: emergency preparedness and response - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/revised-requirements-for-radiological-protection-emergency-preparedness-and-response)

2. Energy Act 2013

Prior to the issuance of the 2017 REPPIR consultation the Energy Act 2013 identified the imperative of protecting people by securing safe nuclear operations. [Energy Act 2013 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2013/22). Whilst the 2013 Energy Act superseded an earlier version there existed an increased emphasis on safety because of the Fukushima nuclear accident being a major nuclear accident occurring at the Fukushima Daiichi nuclear power plant in Okuma, Fukushima, Japan commencing on 11 March 2011. On 1 April 2014 the Office of Nuclear Regulation was established.

3. National Planning Policy Framework (NPPF)

The UK Government is presently consulting on a draft NPPF (National Planning Policy Framework) [Updates - National Planning Policy Framework - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/updates-national-planning-policy-framework-guidance) however the current NPPF and draft NPPF continue to emphasise the significance of public safety, paragraph 101 refers however for the benefit of the public reviewing this submission, the paragraph is defined as follows:

“Planning Policies and decisions should promote public safety and take into account the wider security and defence requirements by: ...

- a) anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate⁴⁵. 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
- b) 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. West Berkshire Council – Housing Site Allocations Development Plan Document(DPD)

Between 30 April and 11 June 2014 West Berkshire District Council held a consultation about the scope and content of the HSADPD (Housing Site Allocations Development Plan Document). The HSADPD is the second DPD within West Berkshire's Local Plan.

5. Allocation of Sites in Burghfield Common – post Energy Act 2013

West Berkshire Council agreed to the allocation of 2 sites comprising of greater than 10 units to be located within the Rural Service Centre of Burghfield Common being located in the open countryside, on greenfield sites, located either side of the same ancient and semi natural woodland and freshwater stream, being located within the defined Detailed Emergency Planning Zone (DEPZ) and Urgent Protection Actions (UPA) area associated with Burghfield AWE. The UPA area, being a radius of 3160m from the defined centre point of Burghfield AWE.

6. The Burghfield Common allocated sites comprised of 2 allocations,

HSA16 being Land to the rear of The Hollies Nursing Home. The first element having been delivered and today, September 2024, is fully occupied. Planning application no: 16/01685/OUTMAJ, being approved by West Berkshire Councillors on 30 October 2018, this section is known as Regis Manor Road, it commenced development post the passing of REPPIR 2019 onto the statute books (May 2019) and the issuance of Burghfield AWE Consequences Report (November 2019). All units are fully occupied comprising of new residents into the area, all living within the defined Burghfield AWE UPA being highly densely populated area of Burghfield Common.

Policy HSA 16

Land to the rear of The Hollies Nursing Home, Reading Road and Land opposite 44 Lamden Way, Burghfield Common (site references BUR002, 002A, 004)

These sites are being considered together as one site and have a developable area of approximately 2.7 hectares. The sites should be masterplanned comprehensively in accordance with the following parameters:

- The provision of approximately 60 dwellings with a mix of dwelling types and sizes.
- The site will be accessed from Reading Road, with a potential secondary access from Stable Cottage.
- The scheme will be supported by an extended phase 1 habitat survey together with further detailed surveys arising from that as necessary. Appropriate avoidance and mitigation measures will need to be implemented, to ensure any protected species are not adversely affected
- The scheme will be informed by a Flood Risk Assessment to take into account surface water flooding and advise on any appropriate mitigation measures.
- The scheme will comprise a development design and layout that will:
 - Limit the developable area to the west of the site to exclude the areas of existing woodland.
 - Be informed by a Landscape and Visual Impact Assessment which will include measures to:
 - Reflect the semi-rural edge of Burghfield Common through appropriate landscaping.
 - Provide a buffer of 15 metres to the areas of ancient woodland to the west of the site and provide appropriate buffers to the rest of the TPO woodland.
 - Provide an appropriate landscape buffer on the part of the site that is adjacent to The Hollies to minimise any impact on the residents.
 - Explore options to provide footpath and cycle links to existing and proposed residential development to increase permeability to other parts of Burghfield Common.

7. The second element of HSA16 is subject to this redetermination.

The second allocation, HSA15 (RSA12), is a large development of 100 residential units,

known as Land North Of Dauntless Road and South Of Pondhouse Farm Clayhill Road Burghfield Common Reading Berkshire, planning application no: 18/02485/OUTMAJ. This allocation is located immediately adjacent to the HSA16 as referenced above; the landowner's Estate Office lodged the planning application during the latter part of 2018.

8. Grazeley Garden Town development – High Court Judgement

The landowner was equally the MP for Newbury (May 2005 to November 2019), whose associated Estate was part of the consortium of landowners and developers who challenged a decision to cease the delivery 15000 residential units next to Burghfield AWE, known as Grazeley Garden Town development. See High Court Judgement by The Hon. Mrs Justice Thornton DBE, case no: CO/2141/2020. [High Court Judgment Template \(westberks.gov.uk\)](#)

Neutral Citation Number: [2021] EWHC 289 (Admin)

Case No: CO/2141/2020

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
PLANNING COURT

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 12 February 2021

Before :

THE HON. MRS JUSTICE THORNTON DBE

Between :

(1) Crest Nicholson Operations Limited
(2) Hallam Land Management Limited
(3) Wilson Enterprises Limited

Claimants

- and -

West Berkshire District Council

Defendant

- and -

(1) AWE Plc
(2) The Secretary of State for Defence
(3) Public Health England
(4) Office for Nuclear Regulation

Interested Parties

This MP has vacated parliament's green benches however the individual concerned was an active member in the recent previous government and today continues as a member of the House of Lords.

9. Planning Application(s) determination when in the knowledge of REPIR 2019.

Planning application no. 18/02485/OUTMAJ was determined by West Berkshire Council in September 2019, when the Council was aware of the passing of REPIR 2019. They would have equally been aware of Burghfield AWE's Consequences Report (Nov 2019). This planning application was approved by West Berkshire Council follow their receipt of the Burghfield AWE Consequences Report (Nov 2019), noting West Berkshire Council staff had been subject to formal training events during the summer of 2019, prior to them determining the planning application. The planning application's outline application was formally 'signed off' by West Berkshire Council on 5 December 2019, when they were knowledgeable and in possession of Burghfield AWE's Consequences Report which identified a minimum UPA area of 3160 metres.

10. Subsequent to the outline permission, a reserved matters application was submitted however District councillors afforded with the power to call-in the application with a view to determining chose to disregard this opportunity. This development commencement

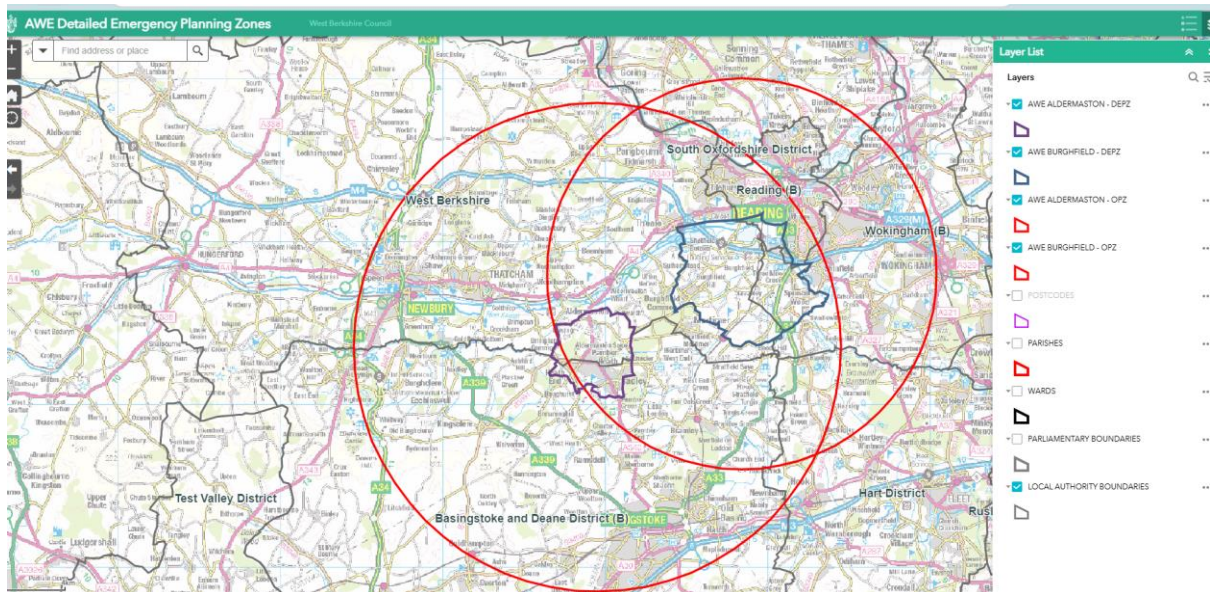
during May 2023 resulting in West Berkshire council benefitting from a financial reward. Reserved conditions as referenced in the Reserved matters planning application are being disregarded and are not being followed up by West Berkshire Council's enforcement team.

11. The above allocations plus the approval of 4 residential units equally being located within the immediate vicinity of the RSA16 equally being located within the UPA area. Planning application no: 19/00179/FULMAJ, Erection of 4 no. detached dwellings, garages and car parking, refers.
12. There equally exist other planning applications whereby West Berkshire Council planning officers recommended refusal citing public safety concerns identifying the relevant national policy, ie NPPF and West Berkshire Council's own policy associated with the AWE, being CS8. A couple of these applications were subsequently called in by local District Councillors representing the wards of Burghfield & Mortimer and Sulhamstead for the period 2019-2023. The May 2023 local elections have resulted in District Councillors choosing to be selective when considering the seriousness of upholding the public safety of existing citizens.
13. Seeking Assistance engaging MPs and National Government

Concerned residents have equally reached out to their representative MP pre 2024 national elections, who at the time was the MP for Wokingham seeking their support in affording the correct level of public safety to citizens living within the defined zones as initially identified, in the relevant AWE Burghfield Consequences report. They equally sought engaged with those MPs associated with West Berkshire Council and Reading West but to no avail.
14. Residents have equally sought the intervention of 2 x Secretary of States, being the SoS responsible for Levelling Up, Housing and Communities and the SoS responsible for Defence. The Secretary of State for Levelling Up, Housing & Communities concluded that he was confident the local authority would make the correct decision.
15. The engagement by residents seeking assistance when in the knowledge there exist statutory acts upholding public safety and when noting their own Local Authority and elected District Councillors choose to disregard their concerns is extremely worrying.
16. As identified in the various submissions associated with the Hollies appeal, West Berkshire Council OSEP (Offsite Emergency Plan), being a specific requirement as expressed in REPPiR 2019, is under significant strain. This strain is based upon the extant population and therefore the incremental addition of new residents yet to occupy yet to be built out developments, including the proposal being redetermined above as the consequence of AWE's intervention, places those existing communities, in this particular the densely populated area of Burghfield Common, at increased risk.
17. We wish to draw the Planning Inspector's attention to correspondence issued to senior representatives of West Berkshire Council for an extended period of time.
18. To remind the determining planning inspector, the expansion of the DEPZ associated with Burghfield AWE has resulted in the significant increase from circa 89 citizens to more than 7000 citizens, needing to take Urgent Protective Action (UPA) in the unlikely

event of incident taking place at Burghfield AWE.

19. West Berkshire Council's commitment to release the revised OSEP before July 2024 has yet to be realised, this document continues to be absent from the public domain.
20. The Planning inspector will be minded noting the relative zones associated with both AWEs, Burghfield and Aldermaston, as a consequence of their close vicinity to each other, results in their respective zones merging. The following map provides a visual overview of the DEPZs and OPZs relative to AWE Aldermaston and AWE Burghfield.



21. We wish to draw the Planning Inspector's attention to the most recent determined planning appeals associated with the area of Burghfield Common. See West Berkshire Council planning application nos: 23/02105/FULMAJ & 23/01692/FUL.
22. The Planning Inspector's attention is drawn to the recently released Agreed Suggested Conditions [CD28.03 Agreed Suggested Conditions 20.08.2024.docx.pdf](#) (westberks.gov.uk) – should the Planning Inspector be minded to support the proposal then the Agreed Suggested conditions would benefit from inclusion of a clearly defined condition to mitigate against the ongoing illegal sewage overflows taking place in the Parish of Burghfield. Burghfield Sewage Treatment works are classed as a high spiller as stated by the Environment Agency and there exists a requirement, in the form of an estimated £17M investment (prices at 2021), to upgrade Burghfield's Sewage Treatment works in order to minimise the persistent sewage spillage events taking place at the STW and throughout other areas of Burghfield, including illegal discharges into national protected woodland, fresh water streams, ponds connected to the River Thames

Thames Water, the responsible water authority, have yet to issue an update on their proposed delivery of improved treatment works, therefore an appropriately worded condition categorically stating the mandatory full implementation and confirmed completion of the Burghfield's STW improvement plans, being approved and signed-off by West Berkshire Council's Senior Director responsible for Enforcement, are necessary.

Equally, the condition needs to emphasis this condition equally applies to a different water/sewage supplier, should the developer be minded to commission the services of a

different water/sewage supplier as opposed to Thames Water.

This condition is extremely important and needs to be afforded the necessary weight when noting these reserved conditions have been ignored resulting in the occupancy of those few properties built within the same vicinity of The Hollies, being Pondhouse Farm as referenced above.

Equally, a further condition needs to express that the developer needs to ensure a fixed telephone line and associated telephone needs to be visible to potential purchasers when viewing the publicly accessible show home.

23. As emphasised in the covering letter and as expressed in the original objection submission made in respect of the first appeal, we would ask the Planning Inspector to note the significance of the representations made by those parties in respect of upholding the public safety of existing citizens captured by the zones.

Thank you in advance for considering the above representation.

The Radiation (Emergency Preparedness and Public Information) Regulations 2019 (REPPIR)

West Berkshire District Council's Development Plan – 2006-2026 (ref: West Berkshire Core Strategy (2006-2026) Development Plan Document (Adopted July 2012), Core Policy no: CS8 – Nuclear Installations – AWE Aldermaston and Burghfield, page 56, specifies:

"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 where the Office of Nuclear Regulation (ONR) has advised against this development. 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."

The supporting text to policy CS8 explains that the Council would normally follow the ONR's advice and that the ONR would advise against nearly ALL residential development within the inner land use planning zones defined on associated Proposals Map, based on its model testing the acceptability of residential development around the AWE sites.

The explanation associated with CS8, paragraphs 5.43 and 5.44 state:

Paragraph 5.43: "The ONR has no objection to the overall scale of development proposed in the East Kennet Valley in policy ADPP6. The ONR's decision whether to advise against a particular development is based on complex modelling. The ONR has indicated that based on its current model for testing the acceptability of residential developments around the AWE sites, it would advise against nearly all new residential development within the inner land use planning zones defined on the Proposals Map. Policy CS8 reflects the Council's intention to normally follow the ONR's advice in the inner zones. The inner zones largely encompass countryside, but the service village of Aldermaston is within the inner zone around AWE (A). Whether or not the ONR would advise against a particular proposal beyond the inner zones depends on a variety of factors, including the scale of the development, distance from the relevant AWE site, and the relationship to existing and planned developments. It is not therefore practical to express the ONR's likely advice, or the Council's response, in any further policy in this Plan."

Paragraph 5.44: "During the plan period there is likely to be changes of inputs to the ONR's model which may result in a less restrictive approach being taken by the ONR. Such changes would include information on population and household size from the 2011 Census. The successful completion and full operation of the PEGASUS Project at AWE (A) (currently scheduled for completion in 2021), and the MENSA Project at AWE (B) (currently scheduled for completion in 2016), would enable the ONR to take into account the revised safety case for those projects in the modelling process and may enable a less constraining population density criteria to be applied. As a result, the consultation zones may change as well as ONR's advice on particular proposals."

During West Berkshire District Council's 2006-2026 Development Plan period the government announced an amendment to Burghfield AWE's Detailed Emergency Planning Zone (DEPZ).

The changes being the exact opposite as to those referenced in West Berkshire District Council's Policy CS8 whereby the DEPZ associated with Burghfield AWE was expanded.

The relevant statutory instrument, 2019 No. 703 Health and Safety, The Radiation (Emergency Preparedness and Public Information) Regulations 2019, commonly referred to as the 2019 REPPiR, was made, laid before parliament March 2019, and came into force May 2019.

STATUTORY INSTRUMENTS

2019 No. 703

HEALTH AND SAFETY

The Radiation (Emergency Preparedness and Public Information) Regulations 2019

<i>Made</i> - - - -	<i>26th March 2019</i>
<i>Laid before Parliament</i>	<i>27th March 2019</i>
<i>Coming into force</i> - -	<i>22nd May 2019</i>

The consequences of the revised Burghfield DEPZ resulted in private landowners, land developers and the lowest tier of local government, in the form of a parish council, seeking to challenge the safety afforded to those citizens living, working and studying within the now extended Detailed Emergency Planning Zone.

West Berkshire District Council has recently completed a consultation of the next Local Plan submission, period 2022-2039, the plan being submitted to the Secretary of State on 31 March 2023.

This plan incorporates the relevant policy relating to the AWE sites located within District of West Berkshire.

Policy SP4: Atomic Weapons Establishment (AWE) Aldermaston and Atomic Weapons Establishment (AWE) Burghfield states:

"In the interests of public safety, residential development in the Detailed Emergency Planning Zone (DEPZ) of AWE Aldermaston and AWE Burghfield is likely to be refused planning permission by the Council, especially when the Office of Nuclear Regulation (ONR) has advised against that development. All other development proposals in the Outer Consultation Zone (OCZ) will be considered in consultation with the ONR having regard to the scale of development proposal, 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. Consultation arrangements for planning applications will be undertaken with the ONR using guidance "Development within the Land Use Planning Consultation Zones: ONR".

Paragraph 45 of the NPPF states: '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.'

Paragraph 97 of the NPPF: Planning policies and decisions should promote public safety and take into account wider security and defence requirements by:

- a) anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate(43). 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
- b) 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.

Furthermore, West Berkshire Council's Development Management Guidance for Proposed Development near AWE Sites, Version AWE 001, Date: 31 March 2019, Paragraph 10.4 states: "In addition to the limitations relating to the distance from the site then any application submitted in relation to the following points within the DEPZ is likely to receive an against recommendation:

- a) vulnerable communities – that is where people will require additional support eg children's nurseries, care homes, schools, hospitals etc,
- b) caravans/mobile homes/temporary structures for accommodation,
- c) sites within the more densely populated areas in the DEPZ. The sectors within the DEPZ where there is more likely to receive and advise against are sectors F, G, H, J, K & L around the AWE Aldermaston site.

Paragraph 10.8 of the same document states "In summary the AWE Off-Site Emergency Planning Group, a multi-agency with representatives from the responders detailed in the AWE Off-Site Emergency Plan, response will have had regard to the distance of the proposed development from the AWE site(s) boundaries, the population of the sector, in particular in relation to evacuation and recovery implications, the type of structure of the proposed building by way of suitability for shelter and whether the proposal involves use or occupation by vulnerable people. These are all factors which are likely to result in a greater impact on responders and long-term risks to public health or the environment. Developments which are either in close proximity to the site boundary, within densely populated sectors, within temporary structures, involving vulnerable occupants are less likely to receive support from the Group."

The villages located within a reasonable walking distance to Burghfield AWE are located within the Thames Valley, comprising of hills, lower valleys and extensive flood plains. The upper soil structure comprises in the main of London Clay, as a consequence the landscape is susceptible to flooding, the effects of minimal precipitation is immediately notable in the surrounding landscape and roads. Village roads leading out of Burghfield Common, Mortimer, Sulhamstead, Wokefield and Grazeley are prone to flooding and continue to create challenges to residents, pedestrians and vehicles when moving throughout the area.

During the summer of 2007 these villages experienced an unpredicted major flooding incident resulting in all exit and entrance routes into the villages within close vicinity to Burghfield AWE becoming impassable. The consequences of this flood severely impacted Burghfield AWE, this was not communicated to the villagers at the time, however subsequent evidence confirms that a major rectification project, costing the public purse several million pounds, was

necessary as a consequence of this unpredicted flooding incident infiltrating Burghfield AWE's infrastructure.

Many thousands of citizens lives were subject to increased risk as a result of this incident, 1) main exit / entrance routes were flooded and impassable, 2) should there have been an emergency incident then blue light services would have experienced challenges accessing the villages – the base site of these services are locate remote from the area 3) the unknown risk to Burghfield AWE as a consequence of the flood waters impacting Burghfield AWE's infrastructure. The increased unpredictability of the consequences of climate change probably resulting in extreme weather incidents, such as flooding, will continue to impact upon the villages located within the vicinity of Burghfield AWE. The citizens of these village communities need to be confident their safety interests are prioritised.

The 2011 Fukushima incident further highlighted the risks associated with nuclear facilities however West Berkshire Council, Reading Borough Council and Wokingham Borough Council, landowners, land developers and other interested parties continue to prioritise short term financial projects to the detriment of the safety of citizens living, working, and studying with the DEPZ. Furthermore, citizens are acutely aware of constraints in the provision of adequate emergency services in the case of the unlikelihood of a nuclear incident, it is not unreasonable that citizens are becoming increasingly concerned about safety.

Trust and confidence in those accountable and responsible in the interests of public safety continue to be questioned. Citizens have tested the system; they have asked probing questions of the relevant government bodies and they have evidence of the less than satisfactory responses. The Radiation (Emergency Preparedness and Public Information) Regulations 2019 Legislation exists for a reason.

There exist multiple examples of planning appeals, where West Berkshire District Council has demonstrated their responsibility in **'the interests of public safety'**. A pre-2019 example being:

Planning Appeal ref: APP/H1705/W/18/3200851

8 Broad Halfpenny Lane, Tadley RG26 3TF

Appeal made by Landmark Estate against the decision of Basingstoke and Deane Borough Council. Application ref: 17/03336/FUL, dated 2 October 2017, refused 8 March 2018.

Total number of residential units: Erection of 3 x 4 bedroom dwellings with garages.

Paragraph 6 of this dismissed appeal states: "West Berkshire Council (WBC), the responsible body for preparation of the Aldermaston off-site emergency plan, **was not able** to provide the ONR or Hampshire County Council (HCC) with adequate assurance that the proposed development could be accommodated within the existing off-site emergency planning arrangements. The ONR and HCC as statutory consultees advise against the planning application being approved and the ONR and WBC have re-affirmed their stances at the appeal stage."

Paragraph 7 states: "The appellant has contested the methodology used to justify these conclusions and contends that the limited numbers of additional persons likely to occupy the development could reasonably be accommodated within the emergency plan and that therefore that the proposal would comply with Policy SS7. It is contended that fluctuations in the local population over time could easily be greater than the 10 persons estimated for the development and that the proposal would not require additional responders or resources in the event of having to implement the emergency plan. The appellant also points out that the Council does not restrict domestic extensions in the locality and that these could result in greater growth in local population totals than the proposal."

Paragraph 8 records: “However, Policy SS7 requires weight to be given to the opinions of consultees and it is clear that the number of dwellings, not just population totals, is a relevant consideration. Extensions to existing dwellings would not increase the number of dwellings. **WBC indicates that there would be an impact on resources in relation to evacuation and sheltering in the event of an incident** at Aldermaston. Whilst **the proposed 3 additional homes** would be a low proportion of the total requiring a response, there would nonetheless **be an incremental increase in the number of dwellings affected by an incident.**

Paragraph 9 states: **The ONR have concerns regarding the potential cumulative impact of multiple small-scale developments (or single large scale developments) in such close proximity to AWE Aldermaston. There do not appear to be circumstances why the appeal site should be regarded as an exceptional case. If the appeal were to be allowed, this could be an encouragement to other proposals for infill residential proposals in the locality that cumulatively would undermine the general thrust and purposes of Policy SS7 and have significant ramifications for the implementation of the emergency plan.** Moreover, the ONR comment that **“the current population distribution within 2km of the centre of the AWE Aldermaston nuclear licensed site presents the most significant demographic challenge to the effective implementation of emergency planning arrangements around any nuclear installation in continual operation in Great Britain”.**

The above demonstrates that as early as 2018 West Berkshire Council and the ONR were clearly aware of their responsibilities in upholding ‘the interests of public safety’. After this period West Berkshire Council and the ONR continue to be conflicted in their decision-making process when seeking to demonstrate their commitment to the **‘interests of public safety’**.

There exist multiple examples where both West Berkshire Council and the ONR have ‘approved’ both major and minor residential developments located within the DEPZs associated with both Burghfield and Aldermaston AWE. In approving these applications, they are signifying that the **‘interests of public safety’** is not compromised however they continue to fail to reference the cumulative impact of previously approved development.

The decision-making process associated with proposed developments within the DEPZ, be they permanent or temporary, residential, or other, are made with an element of detachment, those accountable for making the decision in the main do not live within the affected area, they are remote from the potential impact.

The people affected by these decisions are existing citizens living, working and studying with the assigned Detailed Emergency Planning Zone. However we equally need to take into account hundreds of new citizens who have recently moved into newly built residential units. Furthermore, there exist other residential developments which have been approved awaiting to be built out and occupied by hundreds of new residents.

The following provides evidence of newly built / approved residential units within just one area of Burghfield AWE’s DEPZ area since the REPPiR 2019 passed onto the statute books.

Development Name	Total no. of residential units	Est. no. of new occupants (applying a ratio of 2.4 citizens per residential unit)	Build Status	Occupancy
Burghfield Place, Burghfield Common	90	216	Complete.	2020/1 onwards
Regis Manor Road	28	67.2	Complete.	2021/22 onwards.
The Oaks, Burghfield Common	4	9.6	Complete.	2021/22
Complete Totals	122	292.8		
Land South of Dauntless Road	100	240	Approved. Pending approval of Condition.	TBC
Individual residential units	Approx 4	9.6	Approved.	TBC
Approved Totals	104 est.	249.6		
Grand Total	224	542.4		

Table 1: New residential builds, occupancy and predicted occupancy in Burghfield Common since May 2019

Table 1 above is specific to Burghfield Common's landscape only (being located in the parishes of both Burghfield and Sulhamstead). Other villages, primarily those villages located on the east side of A33, within Burghfield AWE's DEPZ have equally built out/approved new development since 2019. Burghfield Common's population is estimated to increase by approximately 18% since the passing of REPPiR 2019 onto the statute books.

An anticipated claim probably being presented by the agents and developers on behalf of the landowners seeking to overturn West Berkshire Council's decision to refuse the Erection of 32 dwellings on the land behind The Hollies Nursing Home. The land being Heimit's Hill Woodland is a consequence of Planning Inspector G Rollings decision to allow the development of:

Land west of Kingfisher Grove,
Three Mile Cross, Reading, Berkshire, RG7 1LZ.
Appeal ref: APP/Z0360/W/22/3304042.

It is anticipated that their strategy will seek to demonstrate that the Three Mile Cross development is equidistant in comparison to the proposed development of 32 dwellings on Heimit's Hill Wood landscape, Burghfield Common.

The following 2 diagrams indicate the location of the Three Mile Cross development, as referenced above, and the Appeal site being located on Burghfield Hill.

AWE Detailed Emergency Planning Zone

Existing DEPZ for AWE Burghfield site (Mar 2020 – Jan 2023)

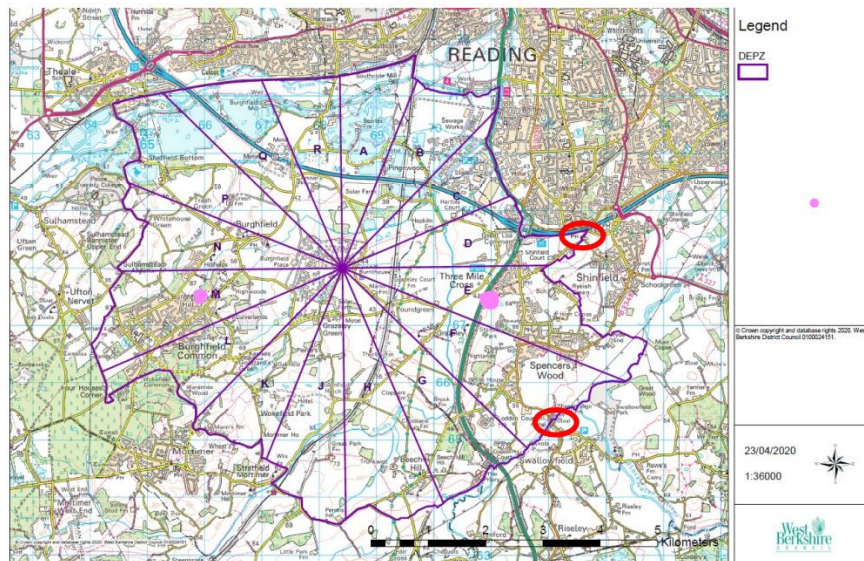


Table 2: The full extent of the DEPZ relative to Burghfield AWE. Extract from West Berkshire Council’s document name: AWE Emergency Planning Zone, Decision Paper dated 19 January 2023. Authors: Jonah Maddocks and Carolyn Richardson



Table 3: Extracted from West Berkshire Council’s DEPZ online map facility. [AWE Detailed Emergency Planning Zones \(arcgis.com\)](#)

Table 2 provides an overview of the extent of Burghfield AWE’s DEPZ. The pink dots indicate the location of the Three Mile Cross development, being located on the east side of the A33

and the location of Heimit's Hill Wood, Burghfield Common, being the development of 32 residential units being part of this planning appeal.

Table 3 suggests these developments are not equidistant from the central point of Burghfield AWE. Furthermore, the measurement commencing from the edge of the boundary area of Burghfield AWE closest to either development the distances do not correlate.

Whilst there may exist an argument that the comparative distances are marginal, possibly to a point of being of limited relevance, there exists a further test associated with the landscape settings associated with each development, flooding. The following map (table no:) provides an overview of the flood zones relevant to both areas. Whilst the appeal site is located on Burghfield Hill, being within a woodland gulley setting located above the lower valley being ancient netherland landscape of Burghfield, is extremely prone to flooding resulting in roads leading out of and into Burghfield becoming impassable to pedestrian, cyclists including family cars.

In recent months, November 2022, January, February and March 2023 Burghfield and Mortimer residents have taken to social media to alert their neighbours to take extra care when driving towards Reading or Theale. During a major storm during the summer of 2007 Burghfield and Mortimer residents experienced challenges when trying to leave the area owing to the depth of the flood waters on the roads leading out of Burghfield to Reading and Theale.

Burghfield has evolved from a small group of hamlets being located within a rural setting comprising of country roads undulating through a hilly landscape and lower valley flood plain. The local road infrastructure continues to present challenges to cyclists and motorists as a consequence of the ongoing ingress of run-off waters comprising the integrity of road surfaces. The subject of potholes being a continual discussion point throughout the villages

The additional complexities associated with Burghfield AWE combined with the known risk factors associated with nuclear facilities, ie Chernobyl, Fukushima, the recent challenges experienced by Ukraine's nuclear infrastructure Zaporizhzhia, the ingress of flood waters experienced by Burghfield AWE during 2007, clearly demonstrate that citizens living within Burghfield and Aldermaston's DEPZ, should be afforded the relevant level of safety protection **'in the interests of public safety'**.

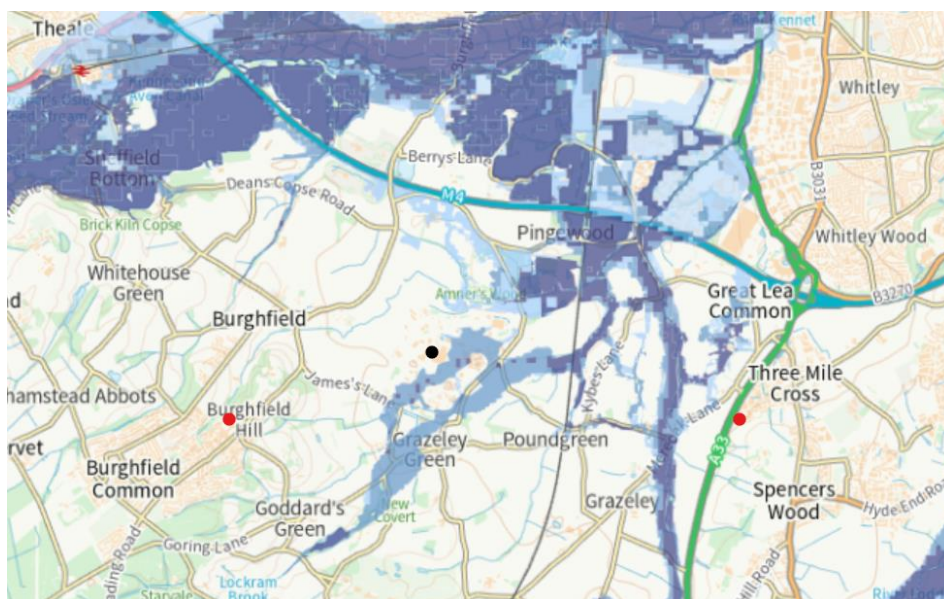


Table 4

The citizens most at risk in the unlikely event of a nuclear emergency are those who do not have the strength or capacity to escape such circumstances. Do you really expect those strong

citizens who are aware of the inadequacies and contradictions associated with Burghfield and Aldermaston's AWE DEPZs will adhere to the issued guidance. Confidence and trust in those accountable and responsible in the decision making process associated with the DEPZ is at an all time low.

Recent examples whereby Councillors have chosen to deprioritise the 'interests of public safety' within the immediate vicinity of this appeal to deliver 32 houses within walking distance of Burghfield AWE are as follows:

During September 2018 the Englefield Estate, the chairman being the MP for Newbury during this period, now a Defra senior minister, submitted an Outline application for residential development of up to 100 dwellings with new cycle pedestrian access onto Coltsfoot Way and two vehicular accesses onto Clayhill Road. Matters to be considered: Access. Planning application no: 18/02485/OUTMAJ refers.

This being a major development being located within a few metres of the appeal site – 32 houses behind the Hollies, being located on the opposite side of a valley area comprising of an Ancient and Semi Natural Woodland with a freshwater stream sustaining a healthy ecosystem including protected species.

West Berkshire Council, the ONR, AWE Burghfield & Aldermaston, would have been acutely aware of the direction of UK's government policy as a consequence of the 2007 extreme local flooding incident, the Fukushima incident, that Burghfield AWE was 'in special measures' and of West Berkshire Council and the ONR's statements made during the 2018 appeal and other appeals associated with Burghfield DEPZ.

The approval of this major development, being located within walking distance of Burghfield AWE, will result in approximately 240 additional citizens living and studying within the revised Detailed Emergency Planning Zone. When debating the application, the planning officer and councillors failed to reference the 'safety' consequences associated with approving this application.

Following the outline approval of this development, which took place within just a few weeks of West Berkshire Council releasing into the public domain specifics associated with Burghfield and Aldermaston DEPZs, West Berkshire Council has been presented with multiple opportunities to determine to withdraw this application citing '**in the interests of public safety**' however they continue to remain silent. The lead party councillors on West Berkshire Council during the recent term, May 2019-May 2023, are extremely familiar with the procedures associated with determining the direction of Planning applications and have exercised their powers with great aplomb.

The recent excuses relating to the financial repercussions of overturning the decision are unfounded, do they truly believe their political ally the ex-MP of Newbury and now a Senior Minister of Defra would seek to file a financial loss claim against the very council he represented as MP when successfully securing an allocation to build houses within less than 1 mile of Burghfield AWE.

The following provides an overview of the recent challenges presently being experienced by the citizens of Burghfield as a consequence of changes to Burghfield's DEPZ:

During March 2022 Burghfield Parish Council submitted a planning application for the Erection of a temporary café (prefabricated unit) on a protected village green being Burghfield Common's Recreation Ground, Recreation Road, Burghfield Common, Reading, West Berkshire. As clearly specified by the planning officer this was a new Planning Application no: 22/00535/FUL refers. This application was submitted in the knowledge that Burghfield Parish

Councillors chose to disregard the opportunity of utilising West Berkshire Council's pre-application advice service.

Furthermore, these same councillors resolved there existed little value in consulting with the very community they represent in advance of submitting the application whilst being aware of the implications associated with the Burghfield AWE and the extended DEPZ.

Consultation with independent planning specialists confirm this type of tactic is employed by applicants who are keen to accelerate the approval process associated with a Planning Application when there exists a high probability that the results of a pre-application consultation with the responsible Local Planning authority would result in the probability of the application being refused.

The resultant planning officer's report recommended refusal citing the issues relating to public safety, states:

"The site is located within the AWE Burghfield Detailed Emergency Planning Zone (DEPZ). The temporary prefabricated structure would not afford sufficient protection to the public in the case of an emergency event. Additionally, there is also concerned with regard to the building ability to provide sufficient level of welfare for customers and staff for a period of 48 hours. **Thus, it has been identified that the proposal would compromise local public health in the event of an emergency evacuation in the locality.** Furthermore, the submission fails to provide adequate assurance that the proposed development can be accommodated within off-site emergency planning arrangements. This is contrary policy CS8 of West Berkshire Core Strategy (2006-2026)."

"In the event that the officer's recommendation is overturned, this would mean Members would be granting permission against the Office for Nuclear Regulation advice. Thus, the Local Planning Authority would need to give advance notice of that intention to grant permission and allow 21 days from that notice for the Office for Nuclear Regulation to give further consideration to the matter. This will enable the Office for Nuclear Regulation to consider whether to request the Secretary of State for Housing, Communities and Local Government to call-in the application.

This planning application would have therefore been laid to rest however District Councillor Bridgman, Burghfield & Mortimer Ward, a senior member of West Berkshire Council Executive, Executive Portfolio: Executive Member for Health and Wellbeing, used the opportunity to 'call-in' the application. The consequences resulted in West Berkshire Council's Eastern Area Planning Committee overturning the planning officer's recommendation. A further Executive Member of West Berkshire Council associated with Burghfield & Mortimer, District Councillor Mackinnon, Executive member for Finance and Economic Development, equally chose to disregard the planning officer's recommendation.

The consequences of this application and subsequent decision have impacted upon the health and well-being of Burghfield citizens who are acutely aware of Burghfield's relationship with Burghfield AWE and have first-hand experience of the flooding challenges throughout the area.

Many Burghfield citizens have a long-term association with the Burghfield area, their own children, grandchildren, other family members and neighbours who are now long term friends. They choose to live in Burghfield for many reasons, ancestral links, the great schools, the surrounding countryside, the community spirit, they regard Burghfield as their home whilst being acutely aware of their responsibilities to each other as a consequence of Burghfield AWE.

The consequences of the above decisions continue to have serious repercussions which is placing the community under significant pressure. Burghfield residents who have a sense of

duty and responsibility to their community have become unsettled as a consequence of the lack of respect afforded to their community.

Burghfield citizens are acutely aware these decisions pose an increased risk to the local communities living, studying, and working within Burghfield DEPZ. The result NR consequences associated with the delivery of just 2 examples of approved planning applications will be borne by the very citizens who need to be protected **'in the interests of public safety'**.

As referenced West Berkshire Council and the ONR started to voice their concerns associated with **'in the interests of public safety'** during 2018 however subsequent to this multiple residential units have been built within the now revised Burghfield AWE DEPZ resulting in a significant increase in citizens living, working, and studying throughout the area.

The above examples demonstrate there exists an inconsistency, and in some cases tangible rebellion, associated with the DEPZ decision-making process.

In a recent statement made by Planning Inspector G Rollings, Appeal ref: APP/Z0360/W/22/3304042, Land west of Kingfisher Grove, Three Mile Cross, Reading, Berkshire RG7 1LZ, paragraph 21:

"I have been made aware of other appeal decisions in which siting within the DEPZ have been factors in their dismissal (11). In each of these cases the evidence was considered by way of written representations. The Inspector in the Diana Close appeal adopted a precautionary approach in the absence of detailed evidence. In comparison the evidence presented to me in this appeal has been examined and tested. Given its bespoke circumstances, I do not consider that it would **result in the creation of a precedent** for allowing other development in the DEPZ that in any case must be assessed on its own merit."

There exist multiple examples demonstrating that a precedent has already been established and that many hundreds of additional citizens now inhabit a determined 'no build/limited build' zone based which is determined by statute.

As indicated during the statement made in the 2018 Appeal referenced above "there would be an impact on resources in relation to evacuation and sheltering in the event of an incident...", "an incremental increase in the number of dwellings affected by an incident... The ONR have concerns regarding the potential cumulative impact of multiple small-scale development (or single large scale developments) ..". "There do not appear to be circumstances why the appeal site should be regarded as an exceptional case." "If the appeal were to be allowed this could be an encouragement to other proposals.... and have significant ramifications..."

The DEPZs of both Aldermaston and Burghfield AWE include many thousands of citizens who live, work and study throughout the areas. They are neighbours, friends, families, students, and work colleagues – they form relationships and care about those who inhabit these areas, some of them have strong ancestral links with the area. They are aware of their responsibilities to each other and their communities whilst living, studying and working within these restricted zones. These citizens are the evidence, the majority will not seek to prioritise individual selfish needs in the case unlikely scenario of a nuclear emergency, they will seek to protect those less able than them, the weak and vulnerable, the young and elderly, their neighbours, their friends, their families.

We are now in 2023, five years following the formal recognition that we as a country have a duty **'in the interests of public safety'** to those citizens living within Detailed Emergency Planning Zones however there clearly exists an obsessional determination to demonstrate that **'the interests of public safety'** has little relevance in 21st century Britain.

Ecology and Nature Conservation

The applicant has failed to give full consideration of the significant adverse impacts to the wildlife and natural habitats. The development proposal is located next to a proposed Local Wildlife Site (pLWS), pLWS's being afforded equal status as Local Wildlife Sites (LWSs) being Pondhouse Copse.

Pondhouse Copse is a nationally significant ancient and semi natural woodland comprising of a rare wet woodland habitat incorporating evidence of old coppice and other heritage features, being part of a connected woodland feature linking other ancient and semi natural woodlands, multiple interconnected waterways flowing into the Kennet & Avon Canal.

Furthermore, the proposed site is located between the North Wessex Downs AONB and the Thames Basin Heaths SPA, the SPA forms part of a European network of sites of international importance for nature conservation and is one of the most important wildlife sites throughout Europe.

West Berkshire Council's Local Plan, CS17, states: "In order to conserve and enhance the environmental capacity of the District, all new development should maximise opportunities to achieve net gains in biodiversity and geodiversity in accordance with the Berkshire Biodiversity Action Plan. Opportunities need to be taken to create links between natural habitats and in particular strategic opportunities for biodiversity improvement will be actively pursued within the Biodiversity Opportunity Areas identified on the Proposals Map in accordance with the Berkshire Biodiversity Action Plan."

West Berkshire District Council emerging Local Plan, period 2022-2039, Policy SP11 states:

Development proposal will be required to demonstrate how they conserve and enhance biodiversity and/or geodiversity including their long-term future management and deliver a minimum 10% Biodiversity Net Gain.

Development will be permitted where it:

- a) Protects biodiversity and/or geodiversity value and implements appropriate conservation management. The degree of protection will be proportionate to the status of the site or species in terms of its international, national and/or local importance;
- b) Avoids fragmentation and maximises opportunities for restoration, enhancements and connection of linear features which enables strong connectivity of biodiversity as part of an integrated habitat network (including links to habitats outside the district);
- c) Incorporates beneficial biodiversity and/or geodiversity conservation features and enhances existing features, including those that will help wildlife to adapt to climate change where appropriate;
- d) Provides or retains appropriate buffer zones between development proposals and designated sites, habitats for protected or priority species or main rivers, which are informed by detailed site-based assessment;
- e) Provides coherent ecological connectivity and permeability that is integrated and linked to the wider green infrastructure and any nature recovery network identified as relevant to the location;
- f) Seeks to eradicate or control any invasive non-native species present on site; and
- g) Is compatible with any Biodiversity Action Plan, Local Nature Recovery Strategy and /or other strategic conservation management plans for species or habitats that have been formally adopted by the Council.

In addition to the above, where specific identified sites are to be affected the following will be taken into account:

Internationally Designated Sites

Development likely to result in a significant effect on an internationally designated site will be subject to assessment under the Habitats Regulations and will not be permitted unless it can be demonstrated that there are no alternatives following/through appropriate derogation tests for the proposal and that any adverse effects on the integrity of the site can be fully avoided, mitigated and/or compensated and proposals are in the public interest.

Nationally Designated Sites

Development which is likely to have any adverse impact on the notified features of a nationally designated site will not normally be permitted. In exceptional circumstances, a proposal may be found acceptable where it can be demonstrated that:

- j. A suitable alternative site with a lesser impact than that proposed is not available.
- k. The on-site benefits of the proposal clearly outweigh the impacts on the notified features of the site and where applicable, the overall site or habitat network;
- l. All appropriate mitigation measures have been proposed and secured through the development management process; and
- m. Does not prevent future attainment of nationally protected sites from meeting Favourable Condition, or to provide enhancements to enable the nationally designated sites to meet Favourable Condition as per their Conservation Objectives.

Irreplaceable Habitats

Proposals which are likely to result in the loss or deterioration of an irreplaceable habitat **(such as ancient woodland, ancient or veteran trees, ancient hedgerows, traditional unimproved meadows/ancient grasslands and lowland fens)** will only be permitted for wholly exceptional reasons where:

- o. The need and benefits of the development in that location clearly and unambiguously outweigh the loss;
- p. It has been adequately demonstrated that the irreplaceable habitat cannot be retained with the proposed scheme; and
- q. Appropriate compensation measures are provided on site wherever possible and off site where this not is feasible. The scale and quality of the compensation measures required will be commensurate to the loss or deterioration of the irreplaceable habitat and will be considered on a site by site basis, including long term management and maintenance.

Sites of Local Importance

Development proposals affecting sites of local importance should always seek to contribute to their favourable management in the long term.

Where a proposal is likely to result in harm to sites of local importance (including habitats or species of principal importance for biodiversity, and sites that meet the criteria for designation as a Local Wildlife Site or designation as a Local Geological Site), developers will be required to accord with the following sequential approach:

- r. Firstly, seek an alternative site in the District with a lesser impact than that proposed;

- s. Secondly, if the first is not possible, demonstrate mitigation measures can be taken on site; and
- t. Thirdly, and as a last resort, seek appropriate compensation measures, on site wherever possible and off site where this is not feasible including long term management and maintenance.

Biodiversity Net Gain

All proposals should demonstrate a minimum biodiversity net gain of 10% via a Biodiversity Net Gain Plan using the most up to date biodiversity accounting metric developed by Natural England and provide details of the long-term maintenance and management of the net gain. This should be delivered on site in the first instance, or through biodiversity off setting where appropriate.

Major developments in particular must include measures to deliver biodiversity gains through opportunities to:

- u. Restore and enhance existing features on site;
- v. Create additional habitats and ecological networks on site which help support the District's wider ecological network; and
- w. The linking of existing habitats within West Berkshire to create links between ecological networks and where possible, with adjoining features.

The Ancient and Semi Natural Woodland (ASNW) today known as Pondhouse Copse has been extant within the landscape since before 1600, its presence being recorded in 15th century primary historical sources and continues to be acknowledged in subsequent centuries through to the 21st century. An early map in the ownership of the Duke of Norfolk confirms the presence of this substantial woodland within the same landscape clearly present in the same area allocated to deliver the 32 houses associated with this appeal.

During the latter part of the 20th century (1970/80s) this protected woodland landscape was identified as a woodland benefitting SSSI status (see NCC's Ancient Woodland Inventory – 1980, copy available via West Berkshire Council and other groups). It is therefore disappointing to note the multiple owners of this much threatened natural capital landscape continue to ignore recommendations to provide qualified Ecologists access to this precious landscape to conduct necessary comprehensive ecological surveys.

In recent years landowners of the same landscape have used less than appropriate strategies to deter many residents wishing to voice their concerns when seeking to protect and enhance one of England's last remaining ancient woodland landscapes.

To quote one landowner "there's nothing down there". Another landowner associated with the 32 houses, used the opportunity to highlight to his local land agent during a site visit those residents who care about Burghfield's ancient and semi natural woodlands.

Recent evidence obtained from Defra has confirmed that the data used by BBOWT to form the Berkshire Biodiversity Action plan contains errors. Omissions of rivers have been excluded.

During late 2022 the Secretary of State for the Environment, Food and Rural Affairs finally approved the 2022 River Basin Management Plans, the approval of such documents signifies that the appropriate level of scrutiny and overview being conducted prior to the UK Government committing to endorse such significant proposals.

The proposal, as endorsed by the Secretary of State of Defra contains errors. The significance of this omission applies to Pondhouse Copse, one of England's last remaining Ancient and Semi Natural Woodlands.

We are aware that BBOWT (Berkshire, Buckinghamshire and Oxfordshire Wildlife Trusts) continue to resist submitting a representation highlighting the negative impact upon the natural environment known as Pondhouse Copse. Following extensive research, it has been noted there exists a conflict of interest owing to BBOWT's relationship with West Berkshire Council and other interested parties. There exists public knowledge that BBOWT has submitted, without hesitation, representations for other planning applications associated with the Burghfield area however these planning applications do not present a conflict of interest.

On the 16 March 2022 the UK Government announced a target to "halt the decline in our wildlife populations through a legally binding target for species abundance by 2030 with a requirement to increase species populations by 10% by 2042¹. The Environment Act provides for a nearer-term target to halt the decline in species abundance by 2030.

The Government makes clear in their 'Consultation on Environmental Targets' document to:

- Increase species abundance by at least 10% by 2042, compared to 2030 levels.
- improve the England-level GB Red List Index for species extinction risk by 2042, compared to 2022 levels.
- create or restore in excess of 500,000 hectares of a range of wildlife-rich habitats outside protected sites by 2042, compared to 2022 levels. Nature has been in decline for decades and halting the decline of species in the timeframe of the 2030 species abundance target will be a substantial challenge. Through this target we are committing ourselves to an ambitious objective and leading the way internationally. For the long-term targets, we have proposed end dates of 2042 in order to align with our 25 Year Environment Plan goals.

Furthermore, the same document "propose that 'wildlife-rich' habitats, as defined in the evidence report, count towards the wider habitats target. 'Wildlife-rich' habitats are habitats that have value for biodiversity. Those may include the following:

- open habitats (eg peatland, grassland, coastal and heathland), native woodland habitats, other habitats with trees (e.g. hedgerows, scrub and traditional orchards).
- freshwater habitats including wetlands, rivers/streams, lakes and ponds.
- arable field margins.
- estuaries and coastal water habitats.

General Water and Wastewater Infrastructure

Thames Water is the statutory water supply and sewerage undertaker for Burghfield and is a "specific consultation body" in accordance with the Town & Country Planning (Local Planning) Regulations 2012.

A key sustainability objective for the preparation of Local Plans, and Neighbourhood Plans, should be for new development to be co-ordinated with the infrastructure it demands and to take into account the capacity of existing infrastructure. Paragraph 20 of the revised National Planning Policy Framework (NPPF), 2021, states: "Strategic policies should set out an overall

¹ [Delivering on the Environment Act: new targets announced and ambitious plans for nature recovery - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/delivering-on-the-environment-act-new-targets-announced-and-ambitious-plans-for-nature-recovery)

strategy for the pattern, scale and quality of development, **and make sufficient provision for... infrastructure for waste management, water supply, wastewater...**”

Paragraph 11 states: “Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that: a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects”

Paragraph 28 relates to non-strategic policies and states: “Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure...”

Paragraph 26 of the revised NPPF goes on to state: “Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary....”

The web based National Planning Practice Guidance (NPPG) includes a section on ‘water supply, wastewater and water quality’ and sets out that Local Plans should be the focus for ensuring that investment plans of water and sewerage/wastewater companies align with development needs. The introduction to this section also sets out that “Adequate water and wastewater infrastructure is needed to support sustainable development” (Paragraph: 001, Reference ID: 34-001-20140306).

As witnessed by numerous Burghfield residents Burghfield common and the hamlet located on the lower levels, Burghfield Village, known locally as Burghfield Bottom, continues to suffer from illegal sewage overflows throughout the area associated with this planning application. Pondhouse Copse, residents living in the same valley area have for many years endured illegal sewage overflows both within own their homes, gardens and across the area of Burghfield Common etc, including allotments and natural landscapes.

The Environment Agency has evidence of recorded sewage overflows, the most recent occurrence taking place during November 2022 within Pondhouse Copse, on land in the custodianship of West Berkshire council. The illegal sewage overflows took place upstream (southern end) of the freshwater stream resulting in contamination of the freshwater stream along the full length of Pondhouse Copse ancient and semi natural woodland, being a tributary to the Kennet and River Thames.

The following maps extracted from Thames Water document: Burghfield Drainage Strategy (undated) released into the public domain circa 2017 provides an overview of the distribution of streams and rivers extant in the area. You will note the freshwater stream, whilst partially hidden, being present in the woodland gully landscape of Pondhouse Copse. This natural stream has been extant in the landscape for many centuries, early historic maps depict the same stream and large ponds within the same vicinity.

Figure B2 Surface water flood risk for Burghfield based on Environment Agency plans

This flood risk map information has been sourced from the Environment Agency website. For more detailed flood map information for this catchment, please access the Environment Agency website.

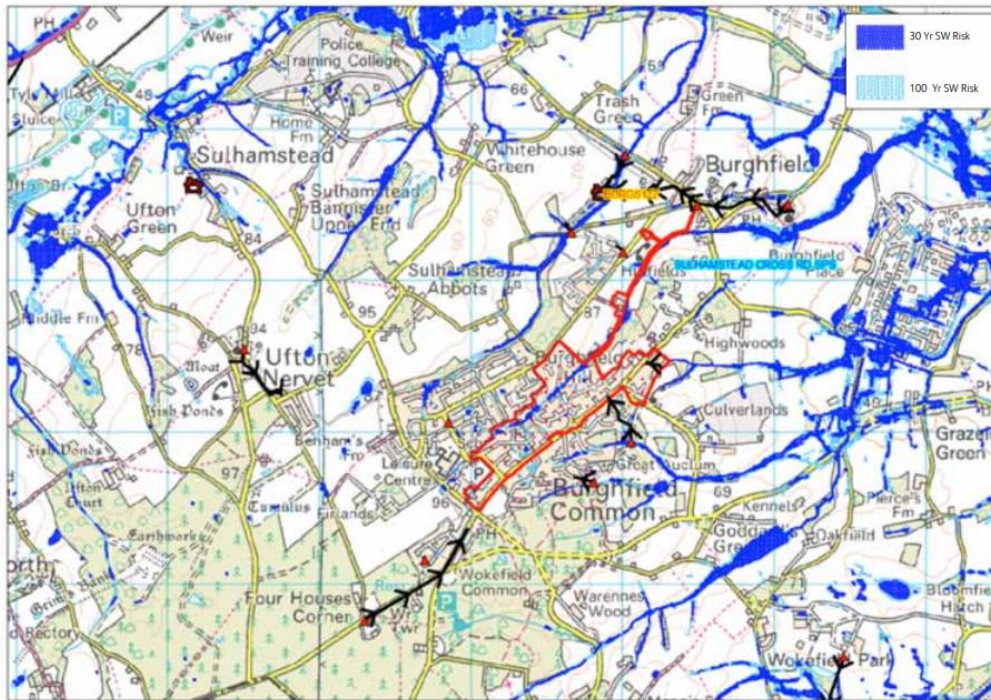


Table 5

Thames Water has confirmed that Burghfield water and sewage infrastructure will need significant investment to address the ongoing illegal sewage discharges and Scheduled Sewage discharges into Burghfield's freshwater courses.

Subsequent to the creation of the above referenced document, additional new development, in excess of 120 residential units have been connected to the same inadequate wastewater/water infrastructure system. The consequences resulting in continual illegal sewage overflows into natural landscapes and resident's homes.

Pondhouse Copse sustains a good ecosystem. The freshwaters running throughout the woodland support a healthy wildlife community which include protected species. These freshwaters continue to suffer from illegal contamination. National and regional policy specifically states the imperative of protecting and enhancing our country's natural capital therefore it is disappointing the continual illegal pressures placed upon Pondhouse Copse and its freshwater environs.

Thames Water published a further document, Groundwater Impacted System Management Plan (July 2021) [PowerPoint Presentation \(thameswater.co.uk\)](https://www.thameswater.co.uk). It is very clear this document was updated following intervention by the Environment Agency. This document clearly identifies systemic water infrastructure issues throughout the Burghfield area. On page 4 Thames Water states a reluctance in implementing the 'best approach' solution to mitigate against the continual erosion of Burghfield's freshwaters and natural environs, they state:

"To line all sewers and manholes within most catchments would be prohibitively expensive to do so. Our approach to date has been centered on a 'find and fix' basis which has involved monitoring and investigating the networks in periods of high groundwater to identify sources of ingress and fix as we find them."

Thames Water proposal is reactive and fails to address the fundamental issues endured by paying customers on a daily basis. They agree that they will be reliant on the goodwill of their customers to report illegal overflows to those responsible for enforcing good standards of services.

Today, the sewage overflows taking place throughout the gulley woodland of Pondhouse Copse are not recorded by Thames Water. There continues an absence of the monitoring equipment providing Thames Water with the ability to adequately record all illegal overflows.

Furthermore, having analysed the same document there exists errors associated with the total number of residential units connected to this system. The consequences are far reaching as all planning consultee responses issued by Thames Water are deemed to be less than accurate and any statements are based upon inaccurate baseline data.

Water Efficiency/Sustainable Design

The Environment Agency has designated the Thames Water region to be “seriously water stressed” which reflects the extent to which available water resources are used. Future pressures on water resources will continue to increase and key factors are population growth and climate change.

Water conservation and climate change is a vitally important issue to the water industry. Not only is it expected to have an impact on the availability of raw water for treatment but also the demand from customers for potable (drinking) water.

Flood Risk and Sustainable Drainage Systems

The National Planning Practice Guidance (NPPG) states that a sequential approach should be used by local planning authorities in areas known to be at risk from forms of flooding other than from river and sea, which includes "Flooding from Sewers". Flood risk sustainability objectives and policies should also make reference to ‘sewer flooding’ and an acceptance that flooding can occur away from the flood plain as a result of development where off site sewerage infrastructure and capacity is not in place ahead of development. With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, watercourses or surface water sewer. It is important to reduce the quantity of surface water entering the sewerage system in order to maximise the capacity for foul sewage to reduce the risk of sewer flooding.

Limiting the opportunity for surface water entering the foul and combined sewer networks is of critical importance to Thames Water. Thames Water have advocated an approach to SuDS that limits as far as possible the volume of and rate at which surface water enters the public sewer system. By doing this, SuDS have the potential to play an important role in helping to ensure the sewerage network has the capacity to cater for population growth and the effects of climate change. SuDS not only help to mitigate flooding, they can also help to: improve water quality; provide opportunities for water efficiency; provide enhanced landscape and visual features; support wildlife; and provide amenity and recreational benefits. In relation to surface water drainage, Thames Water request that the following paragraph should be included in the Neighbourhood Plan.

With regard to surface water drainage, Thames Water request that the following paragraph should be included in the Neighbourhood Plan “It is the responsibility of a developer to make proper provision for surface water drainage to ground, water courses or surface water sewer. It must not be allowed to drain to the foul sewer, as this is the major contributor to sewer flooding.”

DEFRA – River Basin Management Plans – River flowing through Pondhouse Copse

Under the Water Framework Directive Regulations, the Environment Agency (EA) must review and update River Basin Management Plans (RBMPs) every six years for approval by the Secretary of State for Environment, Food and Rural Affairs. (Defra).

“The Government’s 25 Year Environment Plan goal for water is that at least 75% of our waters are close to their natural condition - “good ecological status”. The Water Framework Directive Regulations set various legal targets including for each body of surface water (other than an artificial or heavily modified water body) to achieve good ecological status by 22 December 2027. However, information from the EA indicates that only 16% of surface water bodies in England currently achieve good ecological status or potential.”

River basin management plans (RBMPs) describe the pressures on the water environment, set legally binding objectives for water bodies and summarise programmes of measures to achieve those objectives. There are 10 River Basin Districts (RBDs) in England, each of which has an RBMP.

The RBMP relevant to the area of Burghfield is the Thames RBMP. Pondhouse Copse includes a freshwater stream which is integral to the ecological integrity of Pondhouse Copse woodland and it’s outlying areas including Heimit’s Hill Wood.

Fauna noted within the stream confirms that the freshwater are in relatively good ecological status, this is further acknowledged by the Ecological report following TVERC’s assessment of the woodland, whilst limited, during 2016.

Recent correspondence from Defra (27 March 2023) confirms there presently exist errors on the recently released River Basin Management Plan for the Thames area specific to the area of Pondhouse Copse.

This is hugely significant as until recently any reference to the existence of a water body located within Pondhouse Copse relating to the proposed development of 100 residential units, located immediately adjacent being the opposite side of the gully woodland, of the proposed 32 houses has been less than transparent as to the implications being imposed upon Pondhouse Copse woodland and its freshwater system.

In previous decades landowners and developers were permitted to run wastewater (sewage) and potable water infrastructure through natural landscapes comprising of priority woodland habitats containing freshwater streams. Recent evidence in the form of several illegal sewage overflows, the latest taking place during November 2022, confirms the existence of a wastewater infrastructure extant with the woodland landscape.

To deliver both the 32 (appeal site) and 100 residential units will necessitate the significant excavation of the Pondhouse Copse wood and the freshwater stream. A response from West Berkshire Council during the consultation period associated with the planning application to deliver 100 residential units next to Pondhouse Copse (planning application no: 18/02485/OUTMAJ) advises ...” that the current proposal is to discharge surface water to a watercourse to the south west of the site. There is a lack of any known watercourse to the south west of the site- the reference is misleading and inaccurate.

From: Charlie Cooper
Sent: 16/10/2018 15:18:05
To: Simon Till
Cc: Jon Bowden
Subject: 18/02485/OUTMAJ Land North of Dauntless Road and South of Pondhouse Farm

Dear Simon,

Thank you for consulting us on the above application.

Whilst we recognise that this is an outline planning application and the details of the management of surface water runoff would be confirmed at a later stage, we would expect some principles to be confirmed to ensure that the site can be drained and therefore delivered.

We note that the current proposals are to discharge surface water to a watercourse to the south west of the site. However, the Site Location Plan shows the watercourse to be located outside of the site boundary. We request that the applicant provides evidence that they have the rights to construct the required connections to the watercourse. This was highlighted in our pre-application response. Without this information we could not be assured that the proposed surface water drainage strategy, or the development, could be delivered.

Kind regards

Charlie

Charlie Cooper
Senior Engineer (Land Drainage)
Transport and Countryside Services, West Berkshire Council

Quite recently (latter part of 2022) has the development on Englefield Estate land, the land being located near the 32 houses appeal site, planning application number 18/02485/OUTMAJ refers, produced documentation confirming that Pondhouse Copse and its freshwater stream will need to be excavated to connect underground sewage pipe infrastructure to an inadequate system which continues to illegally release sewage into Pondhouse Copse and its freshwater stream. Evidence of these continual environmental incidents can be obtained by the Environment Agency and Thames Water.

There is an expectation that the appeal site comprising of 32 houses will need to connect to the same inadequate sewage infrastructure, which will necessitate the excavation of ancient and semi natural woodland, the seeking of permission of the landowner, as a consequence of part of the landscape is in the ownership of a senior minister of Defra, consultation with West Berkshire Council being the responsible LLFA and possibly approval by certain senior ministers associated with the House of Commons as a consequences associated with the freshwater stream.

The proposal to deliver these 32 houses within what is a known woodland landscape presents multiple significant issues. As previously indicated Defra has confirmed there exists an error on the Thames RBMP and the freshwater stream running through Pondhouse Copse Ancient and Semi Natural Woodland is yet to be accurately featured existing within this landscape.

Whilst the Planning inspector will be considering this application possibly within the confines of red line boundary associated with the development, there exists opportunities to establish if the above evidence warrants consideration within their final report.

The Water Framework Directive (England and Wales)

The following provides an overview of the Water Framework Directive. Our natural environs are interdependent and as earlier reference there exists challenges associated with illegal sewage spillages into one of Burghfield's freshwater streams however at the present time this particular freshwater stream has been excluded from the relevant national database, the RBMP, which exists to protect and enhance our natural environments.

Regulation 3 of The Water Environment (Water Framework Directive)(England and Wales) Regulations 2017, Duties on ministers and regulators requires the Secretary of State to exercise his/her relevant functions so as to secure compliance with the requirements of the Water Framework Directive etc. This includes dealing with failure to achieve good ecological status caused by sewage pollution of rivers.

Section 94(1)(b) Water Industry Act 1991 – General duty to provide sewerage system provides that:

1. It shall be the duty of every sewerage undertaker:
 - a) to provide, improve and extend such a system of public sewers (whether inside its area of elsewhere) and so to cleanse and maintain those sewers (and any lateral drains which belong to or vest in the undertaker) as to ensure that the area is and continues to be effectually drained; and
 - b) to make provision for the emptying of those sewers and such further provision (whether inside its area of elsewhere) as is necessary from time to time for effectually dealing, by means of sewage disposal works or otherwise, with the contents of those sewers.

Section 94(3) of the 1991 Act provides that “the duty of a sewerage undertaker under subsection (1) above shall be enforceable under section 18 above (a) by the Secretary of State; or (b) with the consent of or in accordance with the general authorisation given by the Secretary of State, by the Authority” (note that “the Authority”, in effect, means OFWAT).

In interpreting section 94(1)(b), note the option of Ramsey J in *Hanifa Dobson and other vs Thames Water Utilities Ltd* and another (2007) EWHC 2021 (TCC), concluding that ‘effectually dealing with’ meaning the treating of sewage by way of sewage treatment systems:

“73. It is common ground that what is needed to deal effectually with the content of sewers is a matter of degree. However, where the contents of a sewer when emptied at a sewage treatment works causes odours and mosquitoes then I consider, on the natural meaning of that phrase, the contents of the sewers have not been effectually dealt with.

74. I reach this conclusion for the following reasons:

- (1) The provision in s94(1)(b) has two obligations: to empty the contents and to deal with the contents. Whilst in some circumstances merely emptying the contents might “effectually deal” with that contents, **there will generally be something further that has to be done.**
- (2) If the obligation to deal effectually were limited to “getting rid” of the contents then it is difficult to see what more would have to be done that was not covered by the obligation to “empty” the contents.
- (3) What has to be done is a matter of degree. The obligation under s 94(1)(b) expressly refers to “effectually dealing” as being “by means of sewage disposal works or otherwise”.

The fact that a sewage disposal works is one of the means indicates that such a process may be necessary. Under the WIA “disposal@ is defined under s 219(1)(b) which states “disposal... in relation to sewage, includes treatment”. In those circumstances what has to be done to deal effectually with the contents of sewers includes treatment.

(4) There is no need to imply any duty to “maintain or cleanse”, as suggested by the Claimants. The obligation to deal effectually with the contents of sewers imposes a sufficient relevant obligation.

(5) There is a requirement to have regard to environmental pollution as part of the duty under s 94(1)(b). This, in my judgment, is consistent with s 3(2)(c) of WIA and the amendment to s 94(1)(b) introduced by reg 4(4) of the Urban Waste Water Treatment (England and Wales) Regulations 1994 which is premised on the basis that treatment may be included as part of the process of effectually dealing with the contents of sewers under s 94(1)(b).

Pondhouse Copse and Heitmit’s Hill – Ancient and Semi Natural Woodland – evidence base

Oliver Rackham has referred to the English countryside as a palimpsest; with each generation adding something and, in the process overwriting other bits. Our ancient trees and the sites in which they occur have developed and survived through, in some cases centuries, of such rewriting.

Ancient woodland is defined as woodland that has been in continuous existence since at least 1600 AD. This definition relates to England’s Ancient Woodlands, the natural heritage, in the form of our natural environment are required to demonstrate their existence ‘since at least 1600AD’ whereas the ancient woodlands of Scotland, Wales and Northern Ireland ‘in existence’ timelines follow a different timeline.

Ancient woodland anomalies, be they inaccurate or an omission, can cause significant issues for a planning authority. The original Ancient Woodland Inventory (AWI) only recorded ancient woods greater than two hectares in size. Furthermore, the interpretation of an ‘ancient woodland’ was determined at a local (regional) level and could result in an area of ancient woodland being excluded by influencing factors, ie local planning policy etc.

This is the testament to the theory conveyed in Natural England’s Research Report NERR042 (A Review of the revision of the Ancient Woodland Inventory in the South East) that there are extant woodlands that would benefit from greater scrutiny in order secure their future for the long term benefit of England’s heritage and natural environment. There exist compelling evidence that the landscape associated with the appeal site are the remains of Heimit’s Hill Wood.

The following evidence provide the full extent of what today is known as Pondhouse Copse.

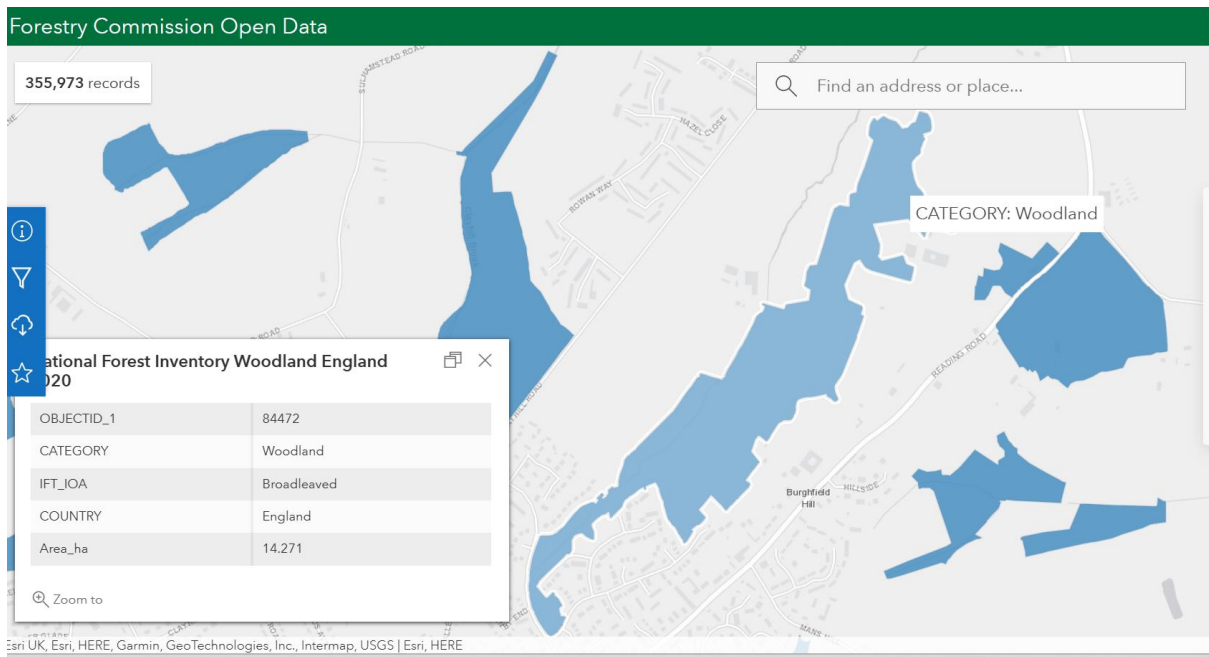


Table 6: National Forest Inventory Woodland : 2020. Depicting the full extent of Pondhouse Copse. An ancient and semi natural woodland, set within the gully landscape, consisting of a wet woodland, evidence of coppice stools, ancient and veteran trees and a freshwater stream.



Table 7: An aerial photograph of the same landscape.

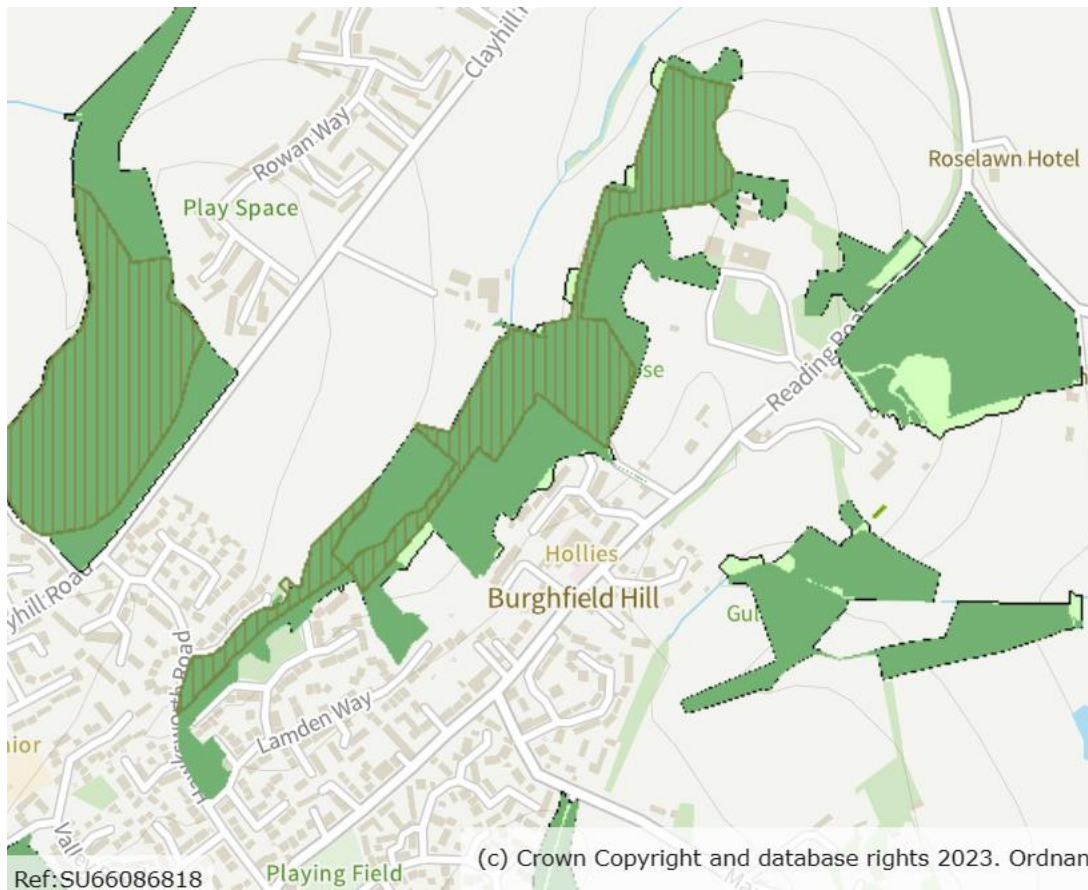


Table 8: The above reflects the current footprint of Pondhouse Copse as depicted on Natural England’s Magic Map. The activated woodland layers being priority habitat inventory & Ancient and Semi Natural woodland. The difference between the Forestry Inventory Woodland area (Table x) is a consequence of the Forestry Commission using modern real-time technology to determine the presence of existing woodland extant in landscapes.



Table 9: Reproduced “With the Kind Permission of his Grace the Duke of Norfolk, Arundel Castle”. A beautifully preserved coloured map circa 1839. Clearly depicting the full extent of a significant ancient and semi natural woodland still extant in the landscape during the 21st C. Previously known as the Great Coppice of Burghfield (17th C and earlier) prior to acquiring a variety of multiple names: Randalls/Aubry’s Coppice, Heimet’s Hill Wood, Scratchface Copse, Pondhouse Wood, Pondhouse Copse, Heimit’s Hill Wood purportedly having passed down through the centuries via Queen Aelfthryth (945-1000AD), Queen Emma (984-1052AD), the Duchess of Suffolk (Alyce Chaucer) (15th C), Margaret Sambourne (Lady Wydnesore)(16th C), Bess of Hardwick (Countess of Shrewsbury) (16th C), Aletheia Talbot (Countess of Arundel) (16th/17th C) to name but a few.

TVERC evidence

During 2016 Thames Valley Environmental Records Centre (TVERC) established contact with landowners of Pondhouse Copse and Heimit’s Hill Wood to seek their permission to conduct a comprehensive ecological survey of the woodland habitat landscape variously named as Pondhouse Copse/Scratchface Copse and Heimit’s Hill Wood. The main objective of the survey was to establish if the subsequent ecological survey results would contribute to elevating the entire woodland area to full Local Wildlife Site status (LWS) and contribute to

affording the woodland with SSSI status as indicated in the Berkshire's Ancient Woodland survey 1977-1987 as conducted by the Nature Conservancy Council (NCC) (formerly the Nature Conservancy).

NCC was established by the National Parks and Access to the Countryside Act 1949 Act to cover nature conservation issues throughout the whole of Great Britain. The NCC was split into four by the Environmental Protection Act 1990, its English duties being given to English Nature. Following the enactment of the Natural Environment and Rural Communities (NERC) Act 2006, English Nature was integrated with parts of both the Rural Development Service and the Countryside Agency from 1 October 2006, to form Natural England.

The present status of Pondhouse Copse/Scratchface Copse comprised of Ancient and Semi Natural Woodland, Priority habitats together with being a (proposed Local Wildlife Site).

During 2016 partial access to the woodland area was granted by one of the landowners on the condition the survey was conducted within a specified grid area of the woodland and from the limitations of the Pondhouse Copse Public Right of Way (PRoW) which denied the surveyors of right of access to those section of Pondhouse Copse under threat of erosion as a consequence of the proposal to urbanise a woodland and pastureland landscape.

The survey was conducted during the summer of 2016. A subsequent meeting of the Local Wildlife Site Selection Panel (early 2017) concluded the gathered survey evidence was botanically rich and of value to wildlife. It was concluded Pondhouse Copse woodland LWS status would remain unchanged until full access rights were gained in order to survey the whole of the woodland area. (A copy of the 2016 survey is available upon request). Access to Heimet's Hill Wood during 2016, being the site being reviewed in this appeal, was not permitted.

2016 Pondhouse Copse Survey Results:

The results of Thames Valley Environmental Records Centre (TVERC) Ecological Survey conducted during 2016 re-affirms the existence of a woodland "predominantly composed of a mosaic of relatively species-rich Lowland Mixed Deciduous Woodland and Wet Woodland being habitats of principal importance. The canopy being primarily Ash, Oak and Sweet Chestnut with Willow and Alder in the wetter areas, and an old Hazel coppice, Guelder Rose and Holly understory. The ground flora incorporates Red Currant, Moschatel, Barren Strawberry, Wood Anemone, English Bluebells and Three-nerved Sandwort, and several species of sedge in the wetter areas, along with Yellow Pimpernel and Opposite-leaved Golden Saxifrage. The western half of the site is on the Ancient Woodland inventory.

The site supports a wide range of birds, and during the 2016 survey a number were recorded, including Marsh Tit and Song Thrust (both priority species on Section 41 of the NERC Act 2006 and on the Birds of Conservation Concern – BOCC- Red list), Bullfinch and Dunnock (Section 41 priority species and on the BOCC Amber list) and Red Kite (near Threatened on the Global Red List).

A small number of butterflies were also recorded in 2016, ... the site is likely to support of range of other woodland invertebrates and mammals."

A dry area of the Ancient Woodland being located on the northeast of the Public Right of Way, being located on one of the alleviated sections of this gully woodland, partly composed of Sweet Chestnut coppice has recently been felled, and features wild foxgloves, ferns, Wild Cherry and Yew.

The site is entirely composed of woodland, approximately half of it is currently part of the Ancient Woodland Inventory, supporting a large number of species considered 'typical' for

established woodland. Occurrences of species between the years 1980 to 2016 confirm the woodland continues to retain a good ecological condition.

A number of species recorded within the site are included within the Berkshire Rare Plants Register including English Elm, Wild Service-Tree, Broad-leaved Helleborine, Early-purple Orchid, Solomon's seal, Bluebell, Thin-spiked Wood-sedge, Common Twayblade and Common Spotted Orchid.

Recommendations identified the need for a boundary change. The current woodland boundary does not coincide very well with the mastermap layers or the habitats on the ground. Surveyor recommends using the stream running throughout the woodland to better fit mastermap layers and the ground."

Recent official environmental data records (2019) record 7 different bat species present within the woodland area. Bats and other protected species are equally recorded within this woodland landscape. Other legally protected and notable species are equally noted as being inhabitants of this landscape. Please contact TVERC for the latest update of confirmed environmental data records relating to Pondhouse Copse.

Water Is the Driving Force of All Nature: Water Pollution

As announced by the UK Government and Natural England during the summer of 2022 there exist new plans to help safeguard England's precious protected sites by driving down nutrient pollution whilst allow for sustainable construction.

Nutrient pollution continues to present significant issues for freshwater habitats, nutrient pollution presents in many forms and can severely disrupt the equilibrium of ecosystems. As referenced within this document there exist multiple pressures upon our ever decreasing ancient and semi natural woodlands. Pondhouse Copse and Heimit's Hill Wood landscapes are presently under significant pressure as a consequence of various factors as highlighted in this document.

The significant pressure being placed upon this woodland will severely erode it's good ecological status, the erosion has continued as a consequence of illegal discharging of sewage waste into the freshwater stream. This natural environment and its inhabitants have little choice but to digest and absorb the consequences of illegal sewage contamination.

Whilst the recent announcement associated with Water Neutrality, the landowners / their agents and developers representing the appeal site are yet to confirm if this development will require connectivity to the main waste water services within Burghfield, there is the additional issue that there exists an natural aquifer within the woodland area. The following statement made by the Environment Agency in response to West Berkshire Council's Local Plan Review 2022-2039 [Proposed Submission \(Reg 19\) West Berkshire Local Plan Review 2022-2039 - Keystone](#)

COMMENT ID: PS1839

Judith Montford (Environment Agency)

03 Mar 2023

 **Representation Form**

Please give reasons for your answer

The site allocations presented in this chapter have not considered/listed environmental constraints and highlighted requirements and opportunities to ensure the sustainable delivery of each site to accommodate development. Including this information in the policy page will provide perspective which then highlights the need for the necessary requirements to allow development on these sites. We have concerns and have provided this information in a separate document <see comments below>

The site is on SPZ3, secondary A superficial and bedrock aquifer

The policy requires an ecological impact assessment and the avoidance of the adverse impacts on protected habitats/species. It will be useful to require a protected species survey as well.

This is a large development compared to the size of the receiving Burghfield STW. Burghfield is a high spiller, mostly due to Ground Water infiltration. We would not support a large development within this catchment as it will lead to higher frequency of spills. Burghfield STW does not have a permitted phosphorus discharge value now.

There are options to tighten permit limits at Burghfield to mitigate the impact of the development. We are happy to discuss these options with West Berkshire Council.

Trees Under Threat of Removal

Following a relatively recent decision made by West Berkshire Council (mid 2010s) the lands located either side of the ancient and semi natural woodland, Pondhouse Copse, were classified as open countryside. The reason for the change being a consequence of the impact of a proposed development in the neighbouring parish of Sulhamstead being in the ward of Bradfield however please note that this particular landscape identified for development was part of the historic landscape of Burghfield Common.

The consequences of the threat of development within the parish of Sulhamstead gained the support of the retired District Councillor for Bradfield ward, being the president of the area's Conservative Party. The consequence of this threat of development resulted in the lead political party of West Berkshire Council voting to extend Burghfield Common's northern boundary resulting in the enclosure of open countryside.

The enclosed landscape comprised of valuable pastureland, being managed using the eco-friendly farming methods. This pastureland being nestled within the hill landscape of ancient Burghfield, until recently known as Burghfield Hill, being bordered by 3 ancient and semi natural woodlands. The other enclosed landscape being assessed during this appeal, was until quite recently is known as Heimets Hill Wood. The extension of Burghfield Common's northern boundary into the open countryside was the consequence of the desire of West Berkshire Councillors to protect the neighbouring parish of Sulhamstead.

The enclosure of northern section of Burghfield Common’s open countryside landscape included a proposal to allocate land to deliver 2 x major developments comprising of upto 160 residential units: 60 units being located within the footprint of Heimets Hill Wood (a portion being the appeal site) and 100 residential units to be built on valuable agricultural pastureland. The location of these 160 residential units being built on extant woodland and/or immediately adjacent to and in between of 2 of Burghfield’s last remaining ancient and semi natural woodlands.

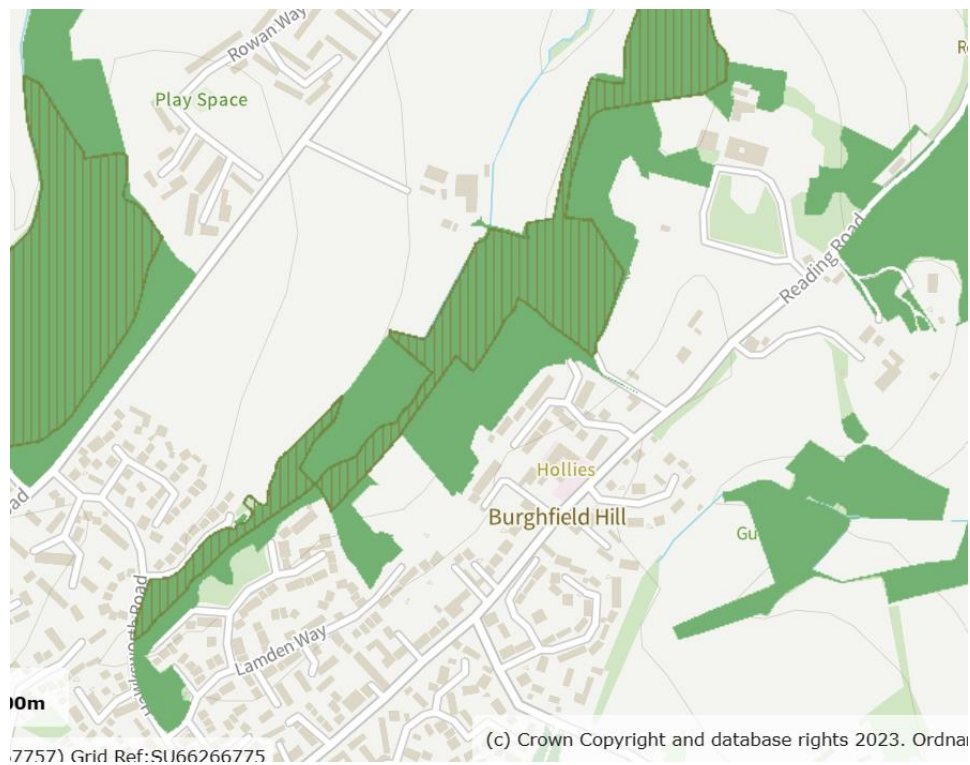


Table 10

The proposal to deliver 60 residential units on the eastern side of the gulley woodland area known as Burghfield Hill comprised of 2 distinct areas being: 28 residential units being located next to a right of way path (PRoW) of Burghfield Hill, and the 32 residential units, being considered by the planning inspectorate during this appeal, being the woodland landscape of Heimets Hill Wood.

The above image when compared with the Duke of Norfolk’s Burghfield Map of 1839 and the real-time satellite images courtesy of Natural England and Ordnance Survey, clearly demonstrate the continuity of a woodland landscape.

The distribution of the remaining trees in this rare English wooded landscape signifies their relationship with the woodland located in the lower section of this gulley woodland landscape. The trees are connected on many complex levels however there exists a common theme, woodland, they are integral to what is today is known as Pondhouse Copse, an extensive woodland landscape historically known as the Great Coppice. As expressed by the leading historian and ecologist Oliver Rackham OBE “the English countryside as a palimpsest; with each generation adding something and, in the process overwriting other bits. Our ancient trees

and sites in which they occur have developed and survived through, in some cases centuries, of such rewriting.”

Whilst nature’s fixed objects in the form of trees hint at previous condition of a landscape, there equally exist those stories passed down through the generations of the local community. They have absorbed and retain the life experiences of their Burghfield ancestors whilst having personally witnessed the significant changes imposed on Burghfield Common during recent decades. Memories of the felling of ancient woodlands during the late 1980s, the loss of an extensive network of woods, heathlands, ponds and freshwater streams. In most recent years the local community has witnessed the enclosure and commercialisation of Burghfield parish owned lands.

During 2015 local residents living in the vicinity of Heimet’s Hill Wood received notification from West Berkshire Council (see table no:) advising their local trees were under threat of removal. During this timeframe it was noted that some of Heimet’s Hill Wood trees had recently been felled. Evidence of the presence of these felled trees laying in the landscape continued to be noted over a number of years via accessible satellite enabled public services platforms.

Group members submitting this report have requested that their sincere gratitude and thanks to West Berkshire Council be placed on record in their support for taking immediate action to protect the remains of Burghfield’s precious natural landscapes.

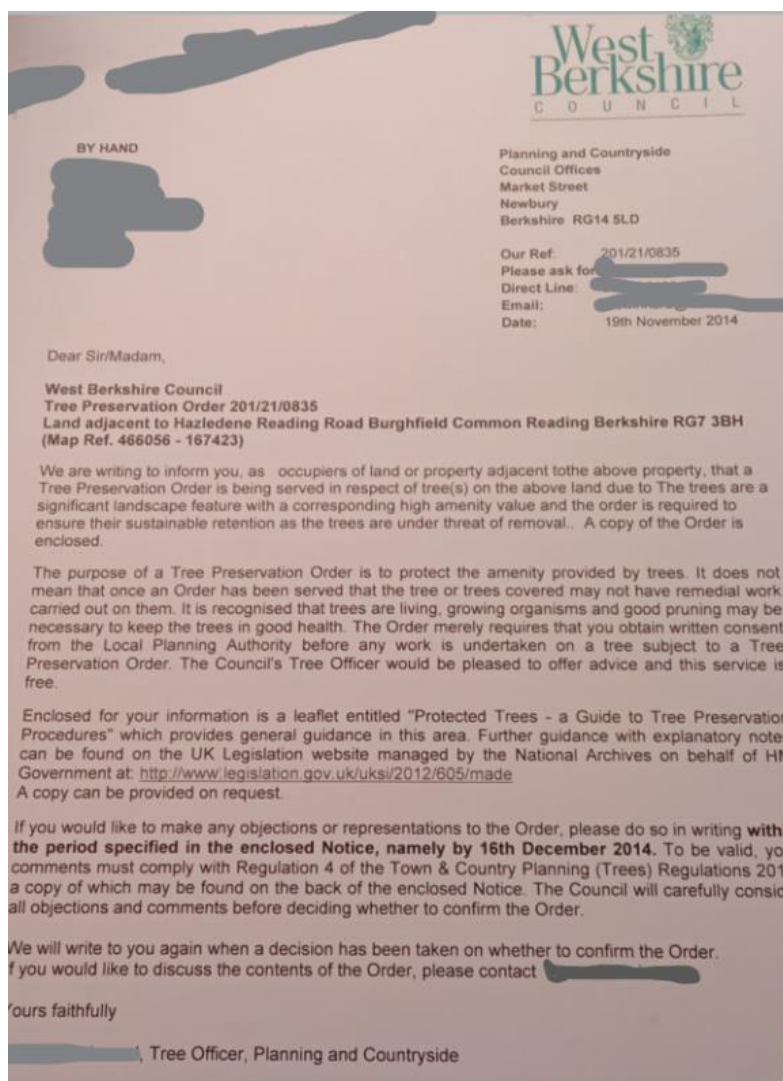


Table 11: Correspondence issued by West Berkshire Council highlighting the risk to trees present on Heimit's Hill Wood landscape.



Table 12: Satellite image of the woodland landscape depicting healthy trees in situ (Grid ref: SU65976752) courtesy of www.ordnancesurvey.co.uk. The grey rectangular hardscaped located in the bottom right of corner was a menage replacing part of the natural woodland landscape, quite recently replaced with a housing development (West Berkshire Council planning application no: 19/00179/FULMAJ refers).



Table 13: Satellite image of the same woodland landscape (Grid ref: SU65976752) as referenced in Table 12 following the felling of the trees, courtesy of [West Berkshire Online Map](#). The location of the natural woodland landscape replaced by a menage area, subsequently replaced with a housing development (West Berkshire Council planning application no: 19/00179/FULMAJ refers).

UK Government Policy update 2022: Ancient and Native Woodlands

During 2022 the UK Government updated its ancient and native woodland policy setting out its commitment to recognise and protect the natural capital and cultural value of ancient and native woodlands and ancient and veteran trees in England. But it is not only ancient woodland which is protected in the UK; there are various restrictions and obligations of which landowners should be aware.

Ancient woodlands

Ancient woodlands have taken hundreds of years to establish and are defined as areas of land where there has been a continuous cover of trees since 1600. Not only do they boast beauty and character, but they are also valuable natural assets, being important for wildlife and biodiversity, having developed complex and irreplaceable ecosystems. As detailed in the policy, ancient trees provide numerous benefits and improve our environment by providing shade, cleaning our air and water, nurturing our soil and wildlife and sequestering carbon.

Comprising only a small percentage of British woodland, the decline of ancient woodlands has been largely down to factors such as pollution, inappropriate management, invasive species, urban development, and fragmentation.

Ancient woodlands are subject to varying degrees of protection to manage and conserve their special features. Some sites have a statutory designation as National Nature Reserves, Special Areas of Conservation or Sites of Special Scientific Interest (SSSI). The SSSI designation, for example, requires ancient woodland owners to manage them effectively and appropriately. Consent is likely to be required from Natural England/Forestry Commission before carrying out works of management or changing an existing management regime.

Conservation Area

Trees within a conservation area also benefit from protection by the local planning authority (LPA), whose prior consent must be obtained before carrying out work or cutting down a tree. There is a six-week period for the LPA to decide whether the tree or trees in question should be made subject to a Tree Preservation Order (TPO). It is a criminal offence carry out works on trees, within a conservation area, without giving the proper notice to the LPA, unless the work falls within a limited number of exemptions.

Tree Preservation Order

Where a tree is protected by a TPO, works involving cutting down, uprooting, topping, lopping, wilful damage and/or destruction are prohibited without the LPA's consent. Any works carried out contrary to a TPO would also be a criminal offence.

All areas

The Forestry Act 1967 provides that a felling licence is required for the felling of any growing trees, unless they fall within a number of exceptions. These include:

- Trees with a diameter of 8cm or less (15cm for coppice or underwood)
- Fruit trees or trees standing or growing in an orchard, garden, churchyard or public open space
- The topping or lopping of trees or trimming/laying of hedges
- Trees with a diameter of 10cm or less where felling required to improve growth of other trees
- Felling for the prevention of danger or abatement of a nuisance
- Felling carried out by an electricity operator due to proximity to electricity lines
- Felling required for development authorised by planning permission
- There are also concessions which allow landowners or occupiers to fell small numbers (five cubic metres or less) of trees each quarter without obtaining a felling licence, provided the sale of those trees meets certain limits (two cubic metres or less).

- If these rules are breached, Forestry England or Natural Resources Wales can serve a notice, requiring restocking or the remedying of any breach of a felling licence. If this is not followed, they can carry out the restocking or other works themselves and impose fines on the person who fails to comply with the notice. If there is a change of ownership or occupation of the land after the felling and if the previous owner has not complied with the notice served on them, Forestry England or Natural Resources Wales can serve a new notice on the new owner or occupier requiring them to fulfil the terms of the notice instead.

Impact on landowners and occupiers

The updated policy from the Government highlights the ongoing importance of trees and woodlands to our health, wellbeing and environment. Before carrying out any works involving/affecting trees and/or woodland, landowners and occupiers should seek advice to ensure they are complying with their obligations, as there are strict consequences for failing to do so.

Furthermore, any purchasers or new tenants of farms and estates (or landlords taking back holdings from a tenant) should make enquiries regarding the recent felling of any trees and the service of any notices to ensure that they do not find themselves saddled with enforcement action in place of the former owner or tenant.

Heimit's Hill Wood Landscape

There exists tangible evidence demonstrating that the landscape being discussed during this appeal is in fact a woodland landscape. Empirical evidence, both historical through to present date, confirms the extent of what most probably are the remains of the Great Coppice woodland of Burghfield, being an ancient woodland pre-dating 1600.

During the mid-1700s John Rocque, being one of the first cartographers in Britain to use techniques to indicate land use on other than estate maps, records the presence of this gully woodland assigning it the name Pondhouse. Historical primary evidence, both pre and post 1750, some as early as the 1400s, in the form of primary historical scripts and maps further confirm the presence of Burghfield's Great Coppice Woodland. A woodland previously in sole or joint ownership of English Saxon Queens, Duchesses, Barons, senior members of the Clergy, Reading's famous 16th century Tanners and members of Oliver Cromwell's army. Today this woodland comprises of multiple owners however its ownership boundaries fail to disguise the extent of a continual wooded landscape comprising of significant natural capital and cultural value to the people of Burghfield and England.

Heimit's Hill wood being part of what it today known as Pondhouse Copse, be it Ancient or other, is a woodland as referenced on the Forestry Commission latest maps. This woodland continues to survive within Burghfield's 21st century landscape, whilst currently absent from Natural England's Ancient Woodland Inventory database there exist opportunities to rectify this anomaly. As expressed in Natural England's Research Report NERR042 (A Review of the revision of the Ancient Woodland Inventory in the South East) "...there are extant woodlands that would benefit from greater scrutiny in order secure their future for the long term benefit of England's heritage and natural environment."

The scrutiny of Heimit's Hill Wood has taken place, the evidence confirms there exist opportunities to reinstate this beautiful woodland to its former glory.

Proposed Submission (Reg 19) West Berkshire Local Plan Review 2022-2039

West Berkshire Council has recently submitted their Local Plan Review 2022-2039 to the Secretary of State. The proposal to deliver 32 houses on Heimit's Hill Wood was excluded from plan however the consultee feedback associated with the proposed development to deliver 100 residential units being located within the same landscape setting being the gulley woodland area of Burghfield Hill warrant note. It would be expected that the conditions referenced by the following consultees would be applied to the appeal site. Access to the following comments being available via the following URL: [Proposed Submission \(Reg 19\) West Berkshire Local Plan Review 2022-2039 - Keystone](#)

COMMENT ID: PS1205

Mr John Steele (AWE)

02 Mar 2023

via Agent: Mrs Camilla Fisher (RPS)

 **Representation Form**

Please give reasons for your answer

As per comments made in relation to SP14, AWE object to the re-allocation of land adjoining Pondhouse Farm, Clayhill Road. Despite this allocation being within the current local plan, due to the redefining of the DEPZ during the plan period, this allocation for 100 residential units would now be in direct contravention of SP4 as the site is located within the Burghfield DEPZ; in applying policy SP4 the allocation is "likely to be refused planning permission..... especially when the ONR and/or MOD have advised against the development and/or object".

COMMENT ID: PS1199

Mr John Steele (AWE)

02 Mar 2023

via Agent: Mrs Camilla Fisher (RPS)

 **Representation Form**

Please give reasons for your answer

AWE welcomes reference in the Policy to the Detailed Emergency Planning Zone (DEPZ) by way of an update to Policy CS 8 of the West Berkshire Core Strategy (2006 - 2026) to the regime of consultation

AWE supports the policy and footnote 10 which recognises that the DEPZ criteria may change over time and it is the Council's intention to follow the latest ONR guidance which may change from time to time.

Policy SP4 recognises the land use implications of the two licenced nuclear installations at AWE A and AWE B, for future development in the area. Policy SP4 also recognises the need to consult ONR, as a body with sufficient technical experience, to advise on future land use compatibility issues and risks.

Para 4.67

AWE welcomes the flexibility afforded by this paragraph to any changes in the inputs to the ONR's process.

Para 5.68

AWE welcomes the flexibility to the application of Policy SP4 in the event the DEPZ is amended under the REPPIR legislation.

4. Proposed Changes

We note that the interactive mapping available via the Council's website does not currently show the OCZ or wider 12km consultation zone. It is assumed that this will be rectified in line with the policy once adopted.

Para 4.37

In accordance with the representation made against Para 12.12, whilst not going to the root of compliance or soundness AWE is seeking some alignment across the plan as to how the function of the sites is explained.

Para should read

"Both AWE sites as Government research and defence establishments are core to sustaining the UK ~~g~~Government's ~~nuclear deterrent and support~~ national defence and security and in particular the delivery of the warhead contribution to the national and international nuclear deterrent"

Para 4.40

Paragraph incorrectly refs para 95 of the NPPF, not 97, correction required.

Para 4.56

The word 'normally' should be removed, and the supporting text should set out very clearly the circumstances in which the Council will not follow the ONR's advice.

COMMENT ID: PS857

Ms Bridget Fox (The Woodland Trust)

03 Mar 2023

 Representation Form

1. Do you consider the Local Plan Review is legally compliant?

Please give reasons for your answer

The NPPF requires protection for ancient woodland.

We support the policy wording

k. Retain existing woodland on the site and provide an appropriate buffer of at least 15 metres between the development and the areas of ancient woodland. The precise buffer will be determined through detailed assessment and design when proposals are submitted for development;

However, we note that the map on p110 suggests that the ancient woodland is further from the red line site boundary than is recorded on the Ancient Woodland Inventory (Defra Magic Maps) where the ancient woodland is directly adjacent. This should be corrected in the final version of the Local Plan.

COMMENT ID: PS1839

Judith Montford (Environment Agency)

03 Mar 2023

 **Representation Form**

Please give reasons for your answer

The site allocations presented in this chapter have not considered/listed environmental constraints and highlighted requirements and opportunities to ensure the sustainable delivery of each site to accommodate development. Including this information in the policy page will provide perspective which then highlights the need for the necessary requirements to allow development on these sites. We have concerns and have provided this information in a separate document <see comments below>

The site is on SPZ3, secondary A superficial and bedrock aquifer

The policy requires an ecological impact assessment and the avoidance of the adverse impacts on protected habitats/species. It will be useful to require a protected species survey as well.

This is a large development compared to the size of the receiving Burghfield STW. Burghfield is a high spiller, mostly due to Ground Water infiltration. We would not support a large development within this catchment as it will lead to higher frequency of spills. Burghfield STW does not have a permitted phosphorus discharge value now.

There are options to tighten permit limits at Burghfield to mitigate the impact of the development. We are happy to discuss these options with West Berkshire Council.

The following response from Thames Water is disappointing as they have omitted to advise of the continual illegal sewage overflows within the landscape. They have equally excluded any reference to the excessive storm discharges taking place in Burghfield.

COMMENT ID: PS996

Thames Water (Thames Water Utilities Ltd)

28 Feb 2023

 Representation Form

Waste Response

On the information available to date we do not envisage infrastructure concerns regarding wastewater network or wastewater treatment infrastructure capability in relation to this site/s. It is recommended that the Developer and the Local Planning Authority liaise with Thames Water at the earliest opportunity to advise of the developments phasing. Please contact Thames Water Development Planning, either by email Devcon.team@thameswater.co.uk tel: 02035779998 or in writing Thames Water Utilities Ltd, Maple Lodge STW, Denham Way, Rickmansworth, Hertfordshire, WD3 9SQ

Water Response

The scale of development/s in this catchment is likely to require upgrades of the water supply network infrastructure. It is recommended that the Developer and the Local Planning Authority liaise with Thames Water at the earliest opportunity to agree a housing phasing plan. Failure to liaise with Thames Water will increase the risk of planning conditions being sought at the application stage to control the phasing of development in order to ensure that any necessary infrastructure upgrades are delivered ahead of the occupation of development. The housing phasing plan should determine what phasing may be required to ensure development does not outpace delivery of essential network upgrades to accommodate future development/s in this catchment. The developer can request information on network infrastructure by visiting the Thames Water website <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development>.

Current Storm Discharge status for Burghfield. As confirmed Thames Water Strategic Water plan for Burghfield is inconsistent with the total number of properties currently connected to Burghfield’s sewage system. Furthermore, there exists an absence of monitors located in hot spots such as Pondhouse Copse, Burghfield Hill – therefore any illegal overspills into the ancient and semi natural woodland and freshwater stream are not captured in Thames Water data.

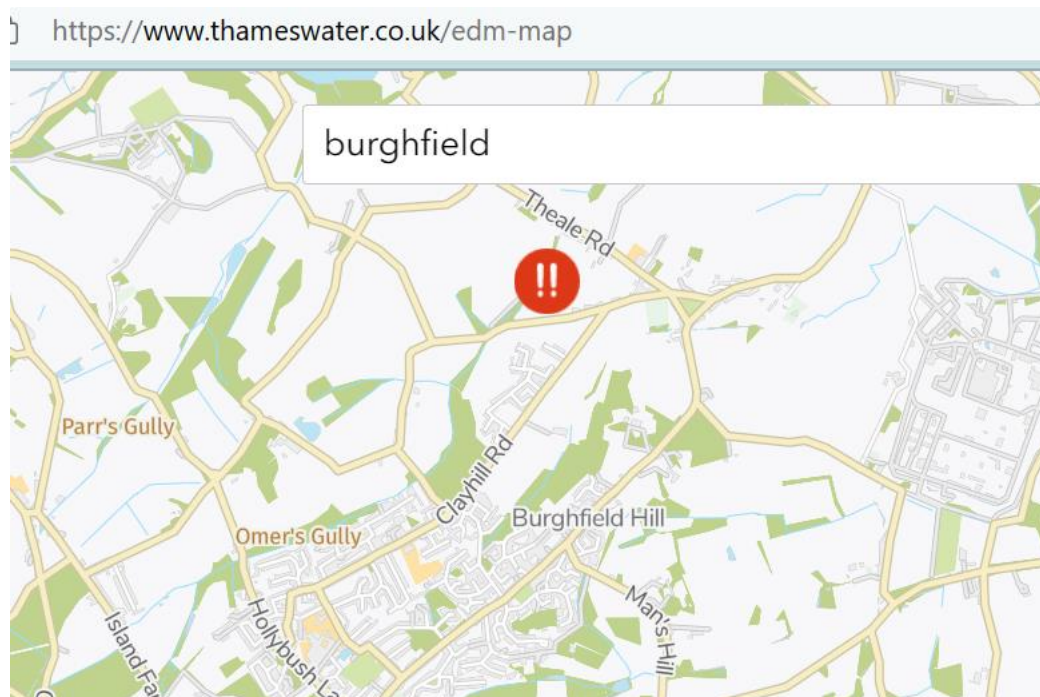


Table 14

END