
Appeal Decision

Site visit made on 3 January 2019

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 February 2019

Appeal Ref: APP/H1705/W/18/3200851
8 Broad Halfpenny Lane, Tadley RG26 3TF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Landmark Estates against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 17/03336/FUL, dated 2 October 2017, was refused by notice dated 8 March 2018.
 - The development proposed is to erect 3 dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on public safety, particularly having regard to the Aldermaston off-site emergency planning arrangements, and whether any harm identified in respect to this would be outweighed by other planning considerations.

Reasons

3. The site comprises a detached house in a large plot fronting Broad Halfpenny Lane. The proposal is to erect 3 dwellings in the back garden using a vehicular access to the side of the house. There are several other detached houses near the site. These and the site are within the Detailed Emergency Planning Zone (DEPZ) for the Aldermaston Atomic Weapons Establishment (AWE).
4. Policy SS7 of the Basingstoke and Deane Local Plan (2011 to 2029) (adopted 2016) (LP) requires development in the land use planning consultation zones surrounding AWE Aldermaston to be managed in the interests of public safety. Development will only be permitted where the Off Site Nuclear Emergency Plan can accommodate the needs of the population in the event of an emergency. The policy requires that consultation replies from the Office for Nuclear Regulation's (ONR) Directorate to be considered in conjunction with the ONR, who will have regard to the following: (a) the proposed use, (b) the scale of development proposed, (c) the location of the development, and (d) the impact of the development on the functioning of the emergency plan through appropriate consultation with the multi agencies who have duties under the Radiation Emergency Preparedness and Public Information Regulations (REPPiR).

5. The proposed residential use required consultation with the ONR. It would be modest in scale with the 3 houses likely to result in some 10 additional persons according to the appellant's estimations. The site is approximately 812m from the site boundary to Aldermaston AWE. It is located within the second most densely populated Sector (Sector G) out of the 16 Sectors within the DEPZ for the AWE Aldermaston. This Sector is adjacent to two other densely populated Sectors, and therefore the site is within one of the more densely populated locations in the DEPZ.
6. 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 advised against the planning application being approved and the ONR and WBC have re-affirmed their stances at the appeal stage.
7. 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.
8. 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.
9. 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".
10. Whilst the probability of an incident occurring at AWE Aldermaston are low, my findings are that the proposal would adversely impact on the functioning of the emergency plan in the event of an incident through adding to existing pressures on resources to respond to an incident. It would thereby be in

conflict with Policy SS7. The additional dwellings would also be conflict with Paragraph 95 of the National Planning Policy Framework (The Framework). This states that "Planning policies and decisions should promote public safety and take into account wider security and defence requirements by (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".

11. The Council has a five year housing land supply of specific deliverable sites in accordance with the Framework. Nonetheless the proposal as a windfall site would make a modest contribution to the general housing need in a relatively accessible location. However, this benefit and the absence of harm in relation to other planning considerations, such as the effect on the character and appearance of the area, would not outweigh the harm arising from the potential impact on human health and the adverse effect on emergency planning arrangements to mitigate the impact of that harm.

Conclusion

12. My conclusion is that the proposal would have an adverse effect on public safety, having regard to the site's proximity to AWE Aldermaston, its location within an already relatively densely populated area, and the impact on off-site emergency planning arrangements. The harm identified in respect to this would not be outweighed by other planning considerations. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

Rory MacLeod

INSPECTOR