



Appeal Decisions

Site visit made on 9 January 2024

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2024

Appeal A Ref: APP/H1705/W/23/3316238

Land rear of 16 to 18 Franklin Avenue, Tadley RG26 4ET

- 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 Matt Taylor of St Edwards Design and Planning against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 21/03099/FUL, dated 29 September 2021, was refused by notice dated 30 January 2023.
 - The development proposed is the erection of 1 x detached dwelling with associated amenity space, parking and turning.
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Appeal B Ref: APP/H1705/W/23/3316223

Land rear of 16 to 18 Franklin Avenue, Tadley, RG26 4ET

- 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 Matt Taylor of St Edwards Design and Planning against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 21/03102/FUL, dated 29 September 2021, was refused by notice dated 30 January 2023.
 - The development proposed is the erection of 1 x detached dwelling with associated amenity space, parking and turning.
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Appeal C Ref: APP/H1705/W/23/3316240

Land rear of 16 to 18 Franklin Avenue, Tadley, RG26 4ET

- 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 Matt Taylor of St Edwards Design and Planning against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 21/03100/FUL, dated 29 September 2021, was refused by notice dated 30 January 2023.
 - The development proposed is the erection of 1 x detached dwelling with associated amenity space, parking and turning.
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Appeal D Ref: APP/H1705/W/23/3316246

Land rear of 16 to 18 Franklin Avenue, Tadley RG26 4ET

- 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 Matt Taylor of St Edwards Design and Planning against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 21/03101/FUL, dated 29 September 2021, was refused by notice dated 30 January 2023.
 - The development proposed is the erection of 1 x detached dwelling with associated amenity space, parking and turning.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.
3. Appeal C is dismissed.
4. Appeal D is dismissed.

Preliminary Matters

5. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect. Additionally, the Council commenced its Regulation 18 consultation¹ on the Local Plan Update. The main parties have been invited to provide further comments on these updates and, where received, I have taken them into account in my decision. I am satisfied no party would be prejudiced by determining the appeal accordingly.
6. The four cases in this decision relate to different parts of an area of land located to the rear of 16-18 Franklin Avenue. However, they comprise the same description of development. Therefore, whilst I have referred to the different cases in this decision as Appeal A, B, C and D in the banner heading above, I have considered them together, referring to the proposed development in singular terms.

Main Issue

7. The main issue is the effect of the proposed development on the off-site emergency planning arrangements for Aldermaston Atomic Weapons Establishment (the AWE), with particular regard to public safety.

Reasons

8. The appeal sites are located within the Detailed Emergency Planning Zone (DEPZ) of the AWE where Policy SS7 of the Local Plan² only permits development provided the needs of the population can be accommodated in the event of an emergency. As the proposed development would increase the population living within the DEPZ, the number of people that would need to be accommodated in such an event would also rise. The REPPIR³ requires the relevant local authority, or in this case, the lead authority, to minimise the public's exposure to radiation. To do this, an Off-Site Emergency Plan (OSEP) is required to set out the arrangements for providing prompt protection to the public within the DEPZ.
9. The REPPIR also places a legal duty on the local planning authority to consult with the Office for Nuclear Regulation's Directorate (ONR) and relevant emergency planners regarding any development proposals within the DEPZ. This duty seeks to ensure that the appropriate measures, resources and training are in place to implement the OSEP promptly and effectively. Policy SS7 reiterates the need for consultation responses from the ONR and emergency planners to form part of the decision-making process. Due to the location of the AWE and the extent of the DEPZ, in this case, a multi-agency

¹ 22 January 2-24

² Basingstoke and Deane Local Plan 2011-2029 (the Local Plan)

³ Radiation Emergency Preparedness and Public Information Regulations (REPPIR)

partnership has been established comprising Basingstoke and Deane Borough Council (the Council), Hampshire County Council (HCC) and led by West Berkshire District Council (WBDC).

10. The evidence before me indicates that the ONR provided two responses⁴ to the statutory consultation request. In both responses, the ONR concluded that as adequate assurance that the proposed development can be accommodated within the off-site planning arrangements had not been forthcoming from WBDC, it advised against permitting the development. Irrespective of whether the emergency planners at WBDC had responded directly to the ONR on this matter, similar advice against the proposed development was submitted to the Council from both WBDC⁵ and HCC⁶. Whilst concise and from different officers, the responses confirm the consultees are unable to support the proposed development. This is not a neutral view, nor does it imply a 'no objection' position to the appeal schemes.
11. Notwithstanding the modest scale of the proposed development, it would increase the number of people living in an already densely populated area. Whilst acknowledging this increase would not be significant in comparison to the size of the DEPZ nevertheless, additional pressure would be placed on the resources available to implement the OSEP. This pressure remains, irrespective of the limited likelihood of an emergency event and the lack of recorded incidents requiring the complete evacuation of the DEPZ. Additionally, whilst the appellant considers that, on the balance of probability, capacity exists in the existing OSEP, this has not been substantiated. Therefore, in the absence of a clear demonstration that the needs of future occupiers could be accommodated within the OSEP, the proposed development would harm public safety.
12. A site-specific Emergency Action Plan⁷ (EAP) submitted with the appeal sets out similar procedures to those included in the OSEP although its implementation would be the responsibility of a Residents Management Company (RMC) and any other organisations commissioned by the RMC. This is comparable with a site-specific emergency plan, secured via a Section 106 agreement, that relates to an approved planning application⁸ at a site nearby (Boundary Hall). Whilst a similarly worded Section 106 agreement has been submitted with the appeal regarding the proposed development, it is in draft form, having not been signed by either the appellant or the Council. Therefore, as the document has not been fully executed, it does not bind the parties to the obligations therein.
13. Moreover, in contrast to the proposed development, the ONR received assurance from HCC that the needs of the new residents at Boundary Hall could be accommodated through the OSEP. This was also the case for the Barrow-in-Furness development⁹, where the Cumbria County Council's Emergency Planning team assured the ONR that the development would be accommodated within their off-site emergency planning arrangements.

⁴ Emails dated 22 November 2021 and 14 November 2022

⁵ Email dated 28 February 2022

⁶ Emails dated 3 May 2022, 30 August 2022 and 15 November 2022

⁷ Version 4, September 2022

⁸ Council ref: 19/00579/FUL

⁹ Case Study based on application ref: B20/2017/0578, dated June 2019

14. Regardless, as both the Boundary Hall and Barrow-in-Furness schemes comprised the change of use of offices to 17 or 18 apartments respectively, any resultant benefits would be different from those in the case before me. On this basis, despite increasing population, the circumstances of the Boundary Hall and Barrow-in-Furness developments are materially different to this case.
15. The default countermeasure following an incident at AWE is for people to shelter in place. However, whether other countermeasures would be necessary depends on the nature of the incident. This could include, amongst others, immediate, priority or subsequent evacuation which would require varying levels of support or resources. In some instances, these may need to be implemented rapidly.
16. In circumstances where alternative accommodation would be required, the EAP would rely on funding for this to be provided by the home insurance held by future owners of the proposed development. However, I have no substantive evidence before me to confirm this would be possible therefore I am unable to conclude with certainty that, if necessary, such funding would be available or in place swiftly to provide immediate support. This would be detrimental to public safety.
17. I conclude that the proposed development would harm the off-site emergency planning arrangements for the AWE, with particular regard to public safety, contrary to Policy SS7 of the Local Plan in this respect. It would also conflict with the Framework which states that planning decisions should promote public safety and take into account wider security and defence requirements, amongst other matters. Such conflict carries significant weight.

Other Matters

18. As the Framework affirms the Government's objective of significantly boosting the supply of homes, the provision of additional housing would be a public benefit in a location within walking distance of a range of shops, services and facilities. However, given the scale of the proposed development, any social and economic benefits would be modest.
19. The appeal site's location beyond any other specific restrictive designations does not weigh in favour of or against the grant of planning permission. Similarly, even if I were to conclude that the proposed development would not cause harm to other relevant planning aspects, this would be a neutral factor in my decision.

Planning Balance and Conclusion

20. The Framework states that planning decisions should promote public safety and take into account wider security and defence requirements, including taking appropriate and proportionate steps to reduce vulnerability and increase resilience in public safety. Policy SS7 of the Local Plan is consistent with this aim. Therefore, I attach significant weight to the development's conflict with this policy.
21. The main parties agree that the Council is unable to demonstrate a five-year supply of deliverable housing sites, in line with the Framework. The evidence

before me indicates that the latest position is 4.6 years¹⁰. However, as the Local Plan Update has reached the Regulation 18 stage, for decision-taking purposes, the Framework requires the Council to identify and update a supply of housing for a minimum of four years (footnote 8). Consequently, the presumption in favour of sustainable development as set out in paragraph 11dii of the Framework does not apply in this case.

22. I conclude that the proposed development conflicts with the development plan as a whole and there are no material considerations, either individually or in combination, including the Framework, that indicate that the proposed development should be determined other than in accordance with the development plan.
23. For the reasons identified above, having regard to all relevant matters raised, I conclude that appeals A, B, C and D should be dismissed.

Juliet Rogers

INSPECTOR

¹⁰ January 2024