



Appeal Decision

Site visit made on 30 July 2024

by R Cahalane BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2024

Appeal Ref: APP/W0340/W/24/3344580

132 Recreation Road, Burghfield Common, Reading RG7 3EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr N Beales against the decision of West Berkshire District Council.
 - The application Ref 23/01692/FUL, dated 17 July 2023, was refused by notice dated 12 February 2024.
 - The development proposed was described as "Proposed new detached two-storey dwelling."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has provided an email chain with the appellant that advised that the description of development was added to with the following: "Proposed rear dormer window to existing dwelling." The appellant did not object to this addition and it is also included in the statement accompanying the appeal. I have therefore determined the appeal on this basis.
3. The Council's appeal statement refers to their Local Plan Review (LPR) at examination with hearing sessions scheduled to conclude on 26 June 2024. It quotes its Policy SP4 (AWE Aldermaston and Burghfield) as relevant to the appeal proposal. I therefore sought their comments regarding the current status of the above. The Council has advised that the LPR Inspector raised action points on this policy and has provided copy that includes the proposed main modifications in response to these points. The Council considers the Local Plan Review to be at an advanced stage, with minor unresolved objections to Policy SP4, and that it is consistent with the NPPF. As such the Council considers the status of these policies to have "minor weight (i.e. more than limited weight)."
4. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. The proposed reforms are draft and therefore may be subject to change before the final document is published. The consultation closes on 24 September 2024. I have sought comments from the parties as to whether these proposed reforms have any relevance to the appeal. The Council considers that the proposed draft reforms do not affect the case at hand and the appellant has not provided any comments on this.

Main Issue

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

Reasons

6. The appeal site comprises an area of garden land adjacent the semi-detached dwelling of No. 132 Recreation Road. It is within the settlement boundary of Burghfield Common, and also within the AWE Detailed Emergency Planning Zone (DEPZ). The DEPZ is an area defined in legislation¹ for which the Council is required to have detailed emergency plans in place on how it will respond should a radiation emergency arise from one of the two AWE sites within the Council's administrative boundary (AWE Aldermaston and AWE Burghfield).
7. Policy CS8 of the West Berkshire District Core Strategy Development Plan Document 2012 (CSDPD) states that development in the inner land use planning consultation zones of the AWE sites is likely to be refused planning permission when the Office for Nuclear Regulation (ONR) has advised against that 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.
8. The Council advises that planning applications are evaluated by emergency planning professionals on their own merits, having regard to the impact the development would have on the adequacy of the AWE Off-Site Emergency Plan (OSEP). A radiation emergency at AWE Burghfield would result in the triggering of the OSEP, which the Council say has been developed to mitigate, so far as is reasonably practicable, the consequences of a radiation emergency.
9. The Council's Emergency Planning Officer (EPO) concludes that the incremental impact of even just one additional dwelling would adversely impact the OSEP, therefore placing public health and wellbeing at risk. The EPO also states that the decision to advise refusal of the proposal was made following consultation with the AWE Off-Site Planning Group and was an on-balance decision, especially in relation to the addition of more people within the existing high population of the Detailed Emergency Planning Zone (DEPZ), and the impact on reassurance monitoring and other response capabilities.
10. The ONR 'advised against' the development, as they were not provided with adequate assurance that the proposed development can be accommodated within their off-site emergency planning arrangements. The ONR raise further concerns during the appeal. Evidence has been provided that the OSEP is under significant pressure and the ONR advises that decision-makers should be doing everything they can to reduce pressure on the OSEP, rather than testing the boundaries of where the OSEP will fail.
11. The above specialist comments have been made having regard to the legal requirements set out in the Radiation (Emergency Preparedness and Public Information) Regulations 2019 (REPPiR 19). The CSDPD predates the 2019

¹ The Radiation (Emergency Preparedness and Public Information) Regulations 2001

REPPIR Regulations and its Policy CS8 refers to inner, middle and outer zones. The appellant contends that the appeal proposal would not increase the risk to public safety and would not affect the AWE sites. This is due to the appeal site being located in the outer zone as defined in the table within Policy CS8, along with the modest size of development and the distance to the AWE sites. However, following the revision of the REPPIR legislation and the 2019 Regulations, the consultation process changed in 2020 to incorporate an extended geographical extent of the DEPZ around AWE Burghfield, and encompassing the appeal site.

12. The proposed LPR policy SP4 details these current zones, as now determined by the regulators. This policy is not yet adopted, which somewhat limits the weight I attach to it. It nonetheless reflects the current DEPZ that the emergency planning services, and other agencies involved in an AWE radiation emergency response, now use to assess the impact of new development on the OSEP. It also indicates the direction of travel of the future planning policies that would continue to govern this issue.
13. The appellant's suggestion that the appeal proposal can be justified due to its small scale, and subsequent negligible effect on the OSEP, is one that could be easily repeated throughout all areas of the DEPZs. This would result in cumulative development that would significantly erode the effective management of the consultation zones surrounding the AWEs, contrary to the interests of public safety. The appeal proposal would place an additional burden on the OSEP, which is already under significant pressure as evidenced in the ONR's texting exercise of the Burghfield DEPZ in April 2023. Furthermore, the appeal site is within Sector M, which is the most densely populated sector within the DEPZ as a whole.
14. The appellant has referred to an allowed appeal decision² and argues that this decision, and other applications, challenged the reason for refusal of the current. However, this cited appeal decision has been quashed in the High Court by a Consent Order³ and the appeal is still being redetermined. As this cited appeal example has not been determined, it cannot have a bearing on the main issue of this appeal. No other specific application details have been provided by the appellant.
15. The submitted evidence, including the ONR's representations, has persuaded me that the appeal proposal would adversely impact the functioning of the OSEP. It would therefore conflict with the purposes of Policy CS8 of the CSDPD. This policy is consistent with paragraph 101 of the Framework which, among other things, states that planning decisions should promote public safety and take into account wider security and defence requirements.

Other Matter

16. The Council has queried in their appeal statement whether the requirement for 10% Biodiversity Net Gain (BNG) now applies to the proposal. Had I been minded to allow the appeal, I would have applied the Planning Practice Guidance which states⁴ that BNG has only been commenced for planning permissions granted for applications made on or after 12 February 2024.

² APP/W0340/W/22/3312261

³ Claim Number: AC-2023-LON-002758, approved on 12 January 2024

⁴ Paragraph: 003 Reference ID: 74-003-20240214

Conclusion

17. As public safety is one of the fundamental principles of the planning system, I conclude that the appeal proposal is contrary to the development plan as a whole. As due weight should be given to existing planning policies according to their degree of consistency with the Framework, I attach significant weight to this conflict.
18. The Government's proposed reforms to the Framework and other changes to the planning system includes the written ministerial statement entitled "Building the homes we need". However, these proposed reforms are still out to consultation and as such, they are only afforded limited weight and do not justify the grant of planning permission. The proposed dwelling would provide a small but positive contribution to the Council's housing supply. This however does not outweigh the conflict with the development plan.
19. For the above reasons, the material considerations before me do not indicate that a decision should be made otherwise than in accordance with the development plan. Therefore, the appeal is dismissed.

R Cahalane

INSPECTOR