

SUPPLEMENTARY PLANNING STATEMENT
THE PADDOCKS, KYBES LANE, GRAZELEY, READING

RESUME OF RELEVANT APPEAL DECISIONS

Appeal Reference: APP/H1705/C/17/3166670

Land to the north of Pelican Road, Pamber Heath

In an appeal, decided in January 2018, for change of use of the land from agricultural use to residential use including the stationing of mobile homes and erection of dayroom, the Inspector made the following findings with regard to the effect on public safety, having regard to the Atomic Weapons Establishment site at Aldermaston:

“15. The aim of the AWE Off-Site Emergency Plan is to provide a detailed framework for all responding agencies to work to in order to facilitate the protection of the public and/or environment following an event involving an on-site accident at either of the Atomic Weapons Establishments which has an impact offsite with the strategic intentions being to protect life and health; stabilise the incident; and prevent further harm to the public and the environment.

16. In developing the plan the focus is based on the area immediately surrounding the site known as the Detailed Emergency Planning Zone (DEPZ) the extent of which is based on an evaluation undertaken every 3 years or sooner. The regulators, the Office for Nuclear Regulation ONR, determine the final shape of the DEPZ.

17. There are 2 measures which could be undertaken to protect the community should an event occur; shelter and/or evacuation. The Council suggested that although the default countermeasure is shelter “go in, stay in and tune in”, the closer that properties are to the site the greater the risk of subsequent evacuation.

18. Additionally, a caravan or similar structure, would offer a lower level of protection against the ingress of alpha radiation due to air leakage rates from

the external environment being greater for mobile homes; the shielding provided by mobile homes being less; and the average distance between sheltering individuals and radioactive material deposited on the ground and on the roof of the structure. ONR advise against the grant of planning permission for the siting of mobile homes within DEPZs and that, further from the site but within an Outer Consultation Zone, potential sites that are further away should be preferred to those that are closer.

19. Notwithstanding the emergency planning considerations, the Secretary of State granted planning permission on appeal for a development of 115 dwellings on a site close to one of the entrance gates to AWE Aldermaston (Appeal Ref APP/H1705/V/10/2124548) and the Council granted planning permission for one gypsy pitch at land adjoining Forest Farm, Sandy Lane, Pamber Heath, subject to conditions requiring the completion of a brick built day room and the provision of a land line telephone. The Case Officer Report included the following:- "The AWE Off-site Group initially expressed concerns about the level of protection from caravans/mobile homes in the event of a radiation emergency. This is attributed to the type (Alpha) of particle released from radiation clouds which have the ability to infiltrate through the walls of caravans. Following discussions with Public Health for England, the AWE Off-Site Planning Group have confirmed that the principle of using the proposed day room, as emergency cover for up to 72 hours, is however acceptable. This would satisfy the AWE Off-site Group about the need for a more solid building on site. The applicant's agent has therefore suggested a condition that requires the day room to be constructed within a certain time period, to ensure that adequate protection is provided on site. In addition, the AWE Off-site Group confirmed that all mobile phones would be blocked in an emergency, but land lines would be available as a means of communicating information. The applicant's agent has sought to address the concerns of the Emergency Planning Team suggesting that a condition could reasonably be imposed that requires the installation of a landline in the mobile home."

20. More recently the Council again granted planning permission for an additional mobile home and utility room at a site at Tadley where the Off-site

Planning Group were satisfied provided a brick or block construction utility room were provided and that telephone land lines were installed.

21. At the Hearing, following consideration of the above, the representative of the ONR confirmed that he would have no objection to the appeal proposal provided that a suitable day room, adequate and appropriate for shelter in the event of an emergency be provided in accordance with approved details and that a telephone land line be installed.

22. The Council had also raised concerns as to additional strain on responders in the event of an emergency, due to additional population. However, particularly given the grant of permission for other substantial development the significance of the additional population on the appeal site would not be crucial.

23. Therefore, subject to the imposition of appropriate conditions, the development would not unacceptably impact on the off-site emergency plan.

Appeal reference: APP/W0340/W/24/3346878

Land west off Blacknest Lane, Brimpton Common RG7 4RS

In an appeal decided on 5 March 2025, planning permission was refused for the change of use of the land to a residential site for occupation by Gypsies and Travellers, including the siting of 1 mobile home and 1 touring caravan plus 1 dayroom, on land at Brimpton Common RG7 4RS ().

The site is around 1.8km from AWE Aldermaston and, the Inspector identified “whether the proposal would ensure public safety, having regard to the Atomic Weapons Establishment site at Aldermaston (AWE A)” as being a main issue for the appeal.

“54. The consequences report for AWE A3 confirms the actions that people are instructed to take in the event of an incident. There is a short period of 13 minutes for anyone in the DEPZ to be warned and to go into adequate shelter.

55. In emergency planning terms, the appeal site is relatively isolated. A dayroom is proposed. This would need to be adequate to accommodate the

intended occupants for 48 hours while radiation monitoring takes place. The submitted plan shows that this would be brick built and contain toilet and washing facilities. The submitted layout does not, however, show any sleeping or cooking facilities or provision of a landline. A planning condition is suggested to secure these details, but I am not satisfied that the size and layout of the proposed dayroom could accommodate sleeping and cooking facilities for each of the intended occupants as the available space is modest and affected by opening doors. Unlike in the Pelican Road decision, the suggested planning condition would not therefore secure an adequate shelter on the appeal site.

56. The mobile home on the appeal site would not provide adequate shelter for the occupants either. That would not be in the children's best interests, and the proposal would add to the 231 caravans/mobile homes already within the AWE A DEPZ that do not have adequate shelter. These are not in the same geographic location, but of these, there are currently 28 caravans/mobile homes very close to the appeal site. These homes are within the context of a population in the whole of the DEPZ between 22,000 and 24,000. As radiation monitoring can take many hours, those vulnerable residents would be actively encouraged to move to an alternative location after they are alerted to the radiation emergency. This would likely require support from responding agencies by way of notification(s), transport, and PPE to reduce the risk of re-suspension of contaminants. To provide the best protection to those residents, responders would need to act as soon as they could after the on-site incident is under control."

The Inspector drew a distinction between this appeal and the Hollies Nursing Home appeal: *"58. While planning permission was granted for 32 dwellings in the Hollies Nursing Home decision, the appeal site is not an allocated site within the DEPZ, and it does not provide adequate shelter. The two are not therefore directly comparable."*

Appeal Reference: APP/W0340/W/22/3312261

Land to the rear of the Hollies Nursing Home, Reading Road, Burghfield Common RG7 3LZ

An Inquiry into this appeal was held in June 2023 and a decision issued shortly thereafter. However, that decision was subsequently quashed by the High Court on the grounds that the reasons for disagreeing with the Office for

Nuclear Regulation (ONR) (as statutory consultee) in relation to the off-site emergency plan were not legally adequate. Accordingly, the matter was referred back to the Planning Inspectorate to be redetermined. The appeal was allowed in November 2024 and planning permission granted for the erection of 32 dwellings including affordable housing, parking and landscaping,

The Inspector made the following findings with regard to the risk to public safety resulting from the effects on Burghfield AWE:

24. It is not disputed that the risk of a nuclear emergency is low. This is a given in the context of nuclear radiation and emergency planning. Furthermore, even if one did occur, the likely radiation doses that individuals at the appeal site or elsewhere in the DEPZ would experience would also be low. The REPP19 regime, and the requirements it imposes, is precautionary and seeks to mitigate the remote risk of a nuclear incident and its potential to result in harm to the surrounding population.

25. Likewise, I accept that considerations of individual risk at the appeal site are unlikely to be determinative factors in this appeal. Individual risk will be low across the whole of the DEPZ in view of the very low risk of an event occurring. While I acknowledge that the possibility of exposure of the proposed development's future residents to inhalation and external radiation from a plutonium plume from AWE B cannot be ruled out, the individual risks posed to future residents would be tolerable. In many respects, it would be similar to that of many others living within Burghfield Common - with the risk being considerably below the threshold identified by the HSE for refusing planning permission on safety grounds.

26. Furthermore, the changes brought about by REPP19 have not altered the risk to those future residents or anyone else within the DEPZ. It is essentially the same as it was during the time the site was allocated. It is the appetite for risk that has changed and how the Council should go about planning and preparing for a response to a nuclear emergency. As such, I am satisfied that future residents of the proposed development would not be placed at an unacceptable level of risk or subjected to any materially different risk to other residents in Burghfield Common or the wider DEPZ.

27. Turning then to its impact on the OSEP, the appellant has suggested that the OSEP is not sensitive to population density. I do not agree. While there may

be elements that are not, the NPPG makes clear that when considering public safety in planning decisions, account should be taken of the total number of people that are present in the consultation zones and the implications of any increase as a result of a planning decision or policy. Furthermore, it recognises that cumulative development, by whatever means, leads to a rise in population within the consultation zone and a proportionate increase in the consequences should a major accident occur.

28. As such, I agree with the Council and the Rule 6 parties that the addition of up to a further 77 residents to the DEPZ will place an increased burden on emergency responders. Those residents are likely to include vulnerable individuals and others who may require access to a rest or reception centre and will require the deployment of further resources. It would also increase the burden during the recovery period, including in terms of the potential number of properties to be decontaminated as well as the need for radiation monitoring and alternative accommodation. However, I accept that the quantifiable effect on those resources would be limited and, in itself, is unlikely to materially impact on the effectiveness of the OSEP.

29. Nevertheless, I accept the ONR is best placed to understand the pressures faced by the OSEP and the likely impact of population growth within the DEPZ. Furthermore, I acknowledge its concerns that the additional impact of permitted, but as yet unbuilt, development has placed further strain on an OSEP already under significant pressure. Indeed, it is clear from the results of the ALDEX-23 statutory test that many of the pressures faced by the OSEP following the expansion of the DEPZ have not gone away and improvements may be required to meet the needs of the existing population and those resulting from consented, but as yet unbuilt, development. As the UK's independent nuclear regulator, the ONR's advice is an important matter to be weighed in the planning balance.

30. However, even taking a precautionary approach, the evidence before me indicates that sufficient resources are available to provide a suitable response to the permanent population of around 22,000, the transient population as well as a potential crowd of 24,000 at the nearby stadium - a figure that I heard could increase substantially in the future. Even though I give significant weight to the expert advice of the ONR, I do not consider that the addition of up to a further 77 permanent residents to the DEPZ would, in itself, have a material impact on the overall emergency response. Similarly, while I accept that the

OSEP is under significant pressure, I have seen no robust evidence that the addition of a further 77 residents to the DEPZ would materially affect its adequacy.

49. I have found above that there is a risk that the proposed development would result in very limited harm to the operational capability and capacity of AWE B. As I have made clear, even this very limited harm would result in conflict with paragraphs 97 and 193 of the Framework which seeks, among other things, to ensure that the operation of defence and security sites are not adversely affected by other development in the area. However, taking into account the remoteness of this risk, I afford it moderate negative weight.

AWE CONSULTATION RESPONSE

AWE Nuclear Security Technologies (AWENST) refer, in their letter dated 21 February 2025, acknowledges that WBDC currently has an adequate OSEP in place, the Office for Nuclear Regulation (ONR), as the statutory regulator responsible for the enforcement of REPIR as it applies to UK nuclear sites, is concerned the OSEP is under strain. ONR wrote to WBDC in November 2023 informing them that the ONR will carry out a series of “targeted formal regulatory interventions” to ensure the necessary improvements to the OSEP are made. The decision at the Hollies post-dates the ONR letter and, although AWENST seek to distinguish the Hollies because it was an allocated site, the same factors apply in this case. The site residents have lived on The Paddocks since 2012 and, as evidenced by the aerial photograph attached below, dated April 2020, the site was already occupied much as it is today. The site residents were already taken into account when the OSEP was prepared, just as planned growth on allocated housing sites would have been.



The Inspector for the Brimpton Common appeal, whilst distinguishing that appeal from the Hollies, did so primarily, not because the Hollies was an allocated site but, because the scheme did not provide adequate means of protection in the event of a nuclear incident and, consequently, would necessitate evacuation of the site residents: placing additional strain on the OSEP.

The above-mentioned appeal decisions demonstrate the distinction to be drawn between new residential developments that provide safe refuge in the event of a nuclear accident and, those that do not.

In cases where safe refuge cannot be provided, residents would be reliant on evacuation to escape the dangers, however small, of exposure to radiation. This would put additional strain on emergency services and facilities, and on the adequacy of the off-site emergency plan (OSEP). On the other hand, planning permissions have been granted where safe refuge, within a brick-built building, would be provided: whether it be a conventional dwelling house or dayroom. This has particularly been the case where the proposed population

growth has already been factored into the OSEP. This was not the case in the Hayes Lane appeal (APP/X0360/W/24/3354607) where 149, un-planned for, dwellings were being proposed.

NEED AND SUPPLY

The Topic Paper: Housing – Gypsy and Traveller Accommodation (February 2025) summarises the need position in the table below.

Table 7 - Summary five year supply position at February 2025	
a) Need from GTAA base date to monitoring year (April 2022 to March 2024)	14 ⁸
b) Completions April 2022 to March 2024	0
c) Surplus(+) / shortfall(-) April 2022 to March 2024	-14
d) 5 year need from GTAA April 2024 to March 2029	27 ⁹
e) 5 year monitoring requirement April 2024 to March 2029	41 ¹⁰

A search of the Council's planning records shows that 17 pitches have been approved or delivered within the GTAA assessment period to date, compared with a need to March 2029 for 41 permanent pitches. There is clearly a significant unmet need for traveller pitches and, the Council is currently unable to demonstrate that it has a five-year supply of deliverable land for traveller sites.

PLANNING BALANCE

Paragraph 11 of the Framework states that plans and decisions should apply a presumption in favour of sustainable development. Paragraph 11d suggests that where the policies which are the most important for determining an

application are out-of-date, permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. There is no five-year land supply in Wokingham and therefore paragraph 11d is applicable to this application, and the policies that are the most important for determining this application are deemed to be out of date.

The Framework's tilted balance is applicable by which **planning permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits.**

This is a high hurdle. It has been established in case law that: *"Whatever entered the "tilted balance" needed to do so to the extent that it "significantly and demonstrably" outweighed the benefits of the proposed development. Merely to find "harm" or "material harm" or, for that matter, that the development would be out of keeping with the established character would be to apply the wrong test, or at least is not demonstrably consistent with the application of the correct test"* [Green Lane Chertsey(Developments) Limited v SSHCLG [2019] EWHC 990(Admin)].

In this case, the issue where there is a possible conflict with policy is AWE Burghfield which, because of the extremely low risk, either to the site residents or the public in general, should attract only moderate weight. On the other side of the balance there is the unmet need, lack of alternative sites, absence of a five-year supply and, the personal accommodation and welfare needs of the site residents. In my opinion the risks associated with living within the DEPZ for AWE Burghfield do not come close to outweighing the benefits of the scheme and, therefore, planning permission should be granted in accordance with the presumption in favour of sustainable development.