

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**  
**APPEAL BY T A Fisher & Sons Ltd**

Appeal Against the refusal of Full Planning Permission  
by West Berkshire Council

ON

Land to the rear of The Hollies, Reading Road, Burghfield  
Common

For

The erection of 32 dwellings including affordable housing,  
parking and landscaping. Access via Regis Manor Road.

Application Reference no. 22/00244/FULEXT  
APPEAL REFERENCE: APP/W0340/W/22/3312261

**PLANNING PROOF OF EVIDENCE**

Prepared by  
Katherine Miles MRTPI  
Director - Pro Vision

MAY 2023

LAND TO THE REAR OF THE HOLLIES, READING ROAD, BURGFIELD COMMON

Planning Proof of Evidence

PRO VISION PROJECT NO. 50929

**PREPARED BY:**

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DIRECTOR

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**APPELLANT:**

T A FISHER & SONS LTD

**DATE:**

MAY 2023

**PRO VISION**

THE LODGE

HIGHCROFT ROAD

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KM10 The Economic Footprint of Housing Building in England and Wales report 2018

## 1.0 Qualifications and Experience

- 1.1 My name is Katherine Miles. I hold a BA (Honours) Degree in Town Planning from the University of Westminster. I also hold an MSc in Town and County Planning from the University of Reading.
- 1.2 I am a Chartered Town Planner and Member of the Royal Town Planning Institute. I have 20 years' experience in the planning profession, which includes 8 years in the Development Management team at Basingstoke and Deane Borough Council where I handled a variety of applications and appeals.
- 1.3 Since 2014, I have been employed by PV Projects Ltd, trading as Pro Vision and based in Winchester (Hampshire) and Newbury (West Berkshire). Pro Vision provides Town Planning, Architecture and Urban Design, and Ecological Services to a wide and varied client base across England. I act mainly for house builders, landowners and land promoters / strategic development companies.
- 1.4 I was promoted to Board Director in January 2020. Although my role now includes business management, I am first and foremost a Town Planner and still maintain a portfolio of town planning projects. My experience is wide ranging and includes site and land promotion, local plan work including attending Examinations in Public, and preparing, submitting and managing development applications including for complex major sites on both allocated and unallocated land. I have also appeared at planning appeals, both at Hearing and at Inquiry including giving evidence.

### My Role in this Appeal

- 1.5 I appear at this Public Inquiry on behalf of the Appellant, T A Fisher & Sons Ltd, to present evidence with regard to the planning policy context within which this appeal falls to be determined, and in relation to the benefits of the appeal proposal and planning balance. My evidence is given in accordance with my professional obligations as a member of the Royal Town Planning Institute.
- 1.6 I am the lead consultant, coordinating the evidence on behalf of the Appellant and liaising with Counsel and the other appointed professionals in respect of evidence relating to the reasons for refusal. The Appellant's Team includes other professionals who have provided topic specific Proofs of Evidence relating to the following matters:

- Emergency Planning – Dr Keith Pearce of Katmal Ltd
- Trees – Jago Keen of Keen Consultants

1.7 I have visited the appeal site and its surroundings and have examined the relevant plans and documents for this appeal.

Statement of Truth

1.8 The evidence which I have prepared and provide for this appeal in this proof of evidence is true and has been prepared and is given in accordance with the guidance of the Royal Town Planning Institute as my professional institution. The opinions expressed are my true and professional opinions.

## 2.0 Introduction

- 2.1 This Planning Proof of Evidence has been prepared in support of the appeal by T A Fisher & Sons Ltd against the decision of West Berkshire Council ('the Council') to refuse Full Planning Permission for *"the erection of 32 dwellings including affordable housing, parking and landscaping. Access via Regis Manor Road"* ('the Appeal Proposal') on land to the rear of The Hollies, Reading Road, Burghfield Common, Reading, RG7 3BH ('the Appeal Site').
- 2.2 This Planning proof describes the characteristics of the Appeal Site and surrounding area of Burghfield Common, provides the planning history for the site, including the sites allocation in the development plan, and considers the planning policy context, including the weight to be attached to the relevant policies of the Development Plan. This Proof also sets out an analysis of the main issues, and discusses the benefits of the development, which demonstrate that the appeal should be allowed.

### Factual Background of the Appeal

- 2.3 The Appeal Proposal was received and validated by the Council on 3 February 2022 and was given the reference number 22/00244/FULEXT. The Council refused planning permission under Officer delegated powers (CD4.1) by way of its Decision Notice issued on 1 June 2022 (CD4.2) with the following reasons:

*"1. The applicant has failed to complete and enter into a S106 obligation under the 1990 Act, which would secure and ensure the delivery of the required 40% affordable housing (13 affordable dwellings of which 70% i.e. 9 units should be for social rent) on the application site as required under policy HSAPD of 2017 and under policy CS6 in the West Berkshire Core Strategy of 2006 to 2026. Given the existing high need for affordable housing across the District, the application is accordingly unacceptable, and is contrary to and non-compliant with the above mentioned policies in respect of the necessary affordable housing requirements.*

*2. The application is part of an allocated housing site in the Council Local Plan [HSADPD of 2017]. In addition, it lies in the inner protection zone of the DEPZ for AWE site[B] at Burghfield. This public protection zone was formally altered in 2019, after the site was allocated and accepted in the HSADPD. Policy CS8 in the WBCS of 2006-2026 notes that [inter alia] within the inner zone, in order to be consistent with ONR advice, nearly all new*

*housing will be rejected [para 5.43 of the supporting text], as the additional residential population would compromise the safety of the public in the case of an incident at AWE. This accords with the advice to the application provided by the Council Emergency Planning Service, and the ONR.*

*In addition, para 97 of the NPPF 2021 notes that [inter alia] “planning policies and decisions should promote public safety, and take into account wider security and defence requirements by – b] ensuring that operational sites are not affected adversely by the impact of other development in the area. Given the clear objection from both the AEWE and the ONR to the application on this basis it is apparent that the application is unacceptable in the context of this advice.*

*The Council accordingly considers that future public safety would be compromised if the development were to proceed, and potential harm would occur to the future capability and capacity of AWE Burghfield to operate effectively, in the light of the above. These are clear material planning considerations which, despite the site being allocated for housing in the Local Plan, are factors which a responsible LPA cannot set aside.*

*The proposal is accordingly unacceptable.*

*3. The proposed development by virtue of its size and siting, would result in the direct loss of trees subject of TPO 201/21/0989. The loss of the trees is unacceptable especially as the proposal has not sought to minimise the impact on the existing TPO trees and also does not allow sufficient space on site to replace the trees that would be lost and this would have an adverse impact on the amenity and character of the area in which it is located.*

*The proposal is therefore contrary to policies ADPP1, CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006 – 2026 (adopted 2012) and advice contained within the NPPF.”*

#### Case for the Appellant

- 2.4 In respect of the first reason for refusal, the Appellant will submit a Unilateral Undertaking ('UU') to secure the provision of Affordable Housing. An initial draft UU is included within the

Core Documents at CD15.5. It is hoped that through a further Statement of Common Ground, the Council will agree that the UU, once signed, overcomes the first reason for refusal.

- 2.5 In respect of the second reason for refusal, Dr Pearce's evidence demonstrates that the proposal can be accommodated safely having regard to the Off-Site Emergency Plan and would not harm the future capability or capacity of AWE Burghfield. As such it is considered that the development would not compromise the safety of existing or future occupants in the event of an incident at AWE.
- 2.6 In respect of the third reason for refusal, Mr Keen's evidence demonstrates that the proposal has sought to minimise the impact on existing TPO trees, and that sufficient space exists for new planting. As such, it is considered that the amenity and character of the area is preserved.
- 2.7 This Planning Proof of Evidence will show that the site is allocated within the Development Plan, and that having regard to the evidence of Dr Pearce and Mr Keen, the proposal complies with the Development Plan such that permission should be granted without delay.



### 3.0 The Appeal Site and The Appeal Proposal

#### The Appeal Site

- 3.1 The Appeal Site is located on the north-east edge of the village of Burghfield Common and is surrounded by existing residential development. The Appeal Site is accessed from Regis Manor Road, via Reading Road.
- 3.2 The Appeal Site is part of an allocated site for housing. Regis Manor Road comprises the first half of the allocation and has recently been developed by Crest Nicholson for 28 new homes. The Appeal Site is 2.01ha, but has a remaining developable area of approximately 1.83ha.
- 3.3 The Appeal site slopes south-east to north-west, quite significantly in places. The Appeal Site comprises grassland and paddocks with scattered trees throughout, some subject to Tree Preservation Orders (TPOs). To the north / north-west of the Appeal Site is an area of Ancient Woodland.
- 3.4 There are no heritage or ecological designations within or close to the site. The site is not subject to any landscape designations and is not a designated valued landscape. The site is not within the Green Belt or Area of Outstanding Natural Beauty and there are no local landscape designations applicable to the site. The Appeal site is wholly within Flood Zone 1.
- 3.5 The Appeal site is within the revised Detailed Emergency Planning Zone ('DEPZ') associated with the Atomic Weapons Establishment at Burghfield. The Appeal Site is approximately two kilometres from AWE Burghfield, which lies to the north-east.

#### The Appeal Site Surroundings

- 3.6 The Appeal Site is within the Settlement Policy Boundary of Burghfield Common. Burghfield Common is identified as a Rural Service Centre in the adopted Development Plan (CD6.1). I will return to this later in my evidence, but it is notable to point out that this designation is retained in the emerging Local Plan via in draft Policy SP3 (CD7.12) which states that the rural service settlements offer development potential through non-strategic sites allocated for housing development.
- 3.7 Burghfield Common has a population of 6,241 at the 2021 Census<sup>1</sup>. The Council's Settlement Hierarchy Topic Paper (CD7.69 – CD7.74) included within the Submission Local Plan Review

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<sup>1</sup> Office of National Statistics

evidence base, identifies Burghfield Common as having a significant range of services and facilities including:

- Mrs Williams Pre-School
- Rainbow Montessori nursery
- Mrs Blands Infant School
- Garland Junior School
- The Willink Secondary School
- Burghfield Health centre
- Pharmacy
- Burghfield Dental Centre
- Burghfield Village Hall
- Burghfield Common Library
- Co-op Food
- Tesco Express
- Post Office
- Nisa Local
- Willink Leisure Centre
- Burghfield Common Recreation Ground

#### The Appeal Proposal

3.8 The Appeal Proposal is fully described in Section 4 of the Planning Statement (CD2.29) and in the Design and Access Statement (CD2.30) which accompanies the Appeal Application. However, in brief, the Appeal Proposal seeks Full Planning Permission for a development of 32 dwellings including access from Regis Manor Road, associated parking, landscaping and public open space.

3.9 The development will comprise a mixture of dwelling types and sizes to meet local needs and is designed to respond positively to the existing scale and character of the site and surrounding residential development. Dwelling types include apartments, terraced housing, semi-detached and detached housing, containing a mixture of 1 to 4-bedroom units, with affordable homes integrated into the development.

- 3.10 Primary vehicular access to the dwellings will be taken from Regis Manor Road through the construction of a new link road and pavements to the existing and adjoining development to the east.
- 3.11 The Appeal Proposal is part of the Policy HSA16 allocation from the adopted Development Plan, and seeks full planning permission for the erection of 32 dwellings. The allocation was for “approximately 60 dwellings”, 28 have already been provided, and therefore the balance of 32 dwellings is sought through this appeal. A total of 77 car parking spaces are provided throughout the site and visitor spaces, along with cycle parking facilities.
- 3.12 The proposals include a large area of open green space and a 15-metre buffer to ancient woodland along the site’s north-eastern boundary. Attractive hard and soft landscaping will be employed across the site. Native tree, hedge and shrub planting will be undertaken to create an attractive landscape and existing vegetation will be retained and enhanced where possible.
- 3.13 An attenuation pond is proposed adjacent to the open space and storage crates are to be installed under the POS area. A private pumping station will be installed to facilitate the foul drainage from the site.

## 4.0 Analysis of the Policy Context

4.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

4.2 The Development Plan, for the purposes of this Appeal, comprises the following documents:

- The West Berkshire Core Strategy 2006 – 2026 (adopted July 2012); and
- The Housing Site Allocations Development Plan Document (adopted May 2017).

4.3 A list of policies relevant to the appeal has been agreed within the initial Statement of Common Ground (CD15.2). Also, the full text of policies has been provided by the Council in the Appeal Questionnaire (CD5.55) and therefore I summarise the thrust of the policies in my commentary below. However, this list also includes policies which were not cited in the Reasons for Refusal. I discuss below the policies referenced in the Reasons for Refusal and the additional policies that the Council has included within the initial SoCG. I discuss the relevance and weight of these policies to the Appeal Decision.

### Core Strategy Policies (CD6.1)<sup>2</sup>

4.4 Policy ADPP1: Area Delivery Plan Policy1: Identifies the Council's target of providing at least 10,500 net additional dwellings over the plan period, with most development taking place within or adjacent to existing settlements. Burghfield Common is identified as a Rural Service Centre with a range of services and reasonable public transport provision.

4.5 The Appeal Site, as described above, is located within the Settlement Policy Boundary of Burghfield Common and is conveniently located with good access to a great many services and facilities. As such, I consider that the appeal proposal accords with Policy ADPP1 as the provision of housing on an allocated site within the Settlement Boundary of a Rural Service Centre would contribute towards a sustainable pattern of development in line with the adopted spatial strategy. As such, I attach full weight to Policy ADPP1.

4.6 Policy ADPP6: The East Kennet Valley: Although not cited in the reasons for refusal, this policy identifies that some housing growth is planned for the East Kennet Valley area to help meet

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<sup>2</sup> Individual policy extracts are also included at CD5.60 - CD5.69

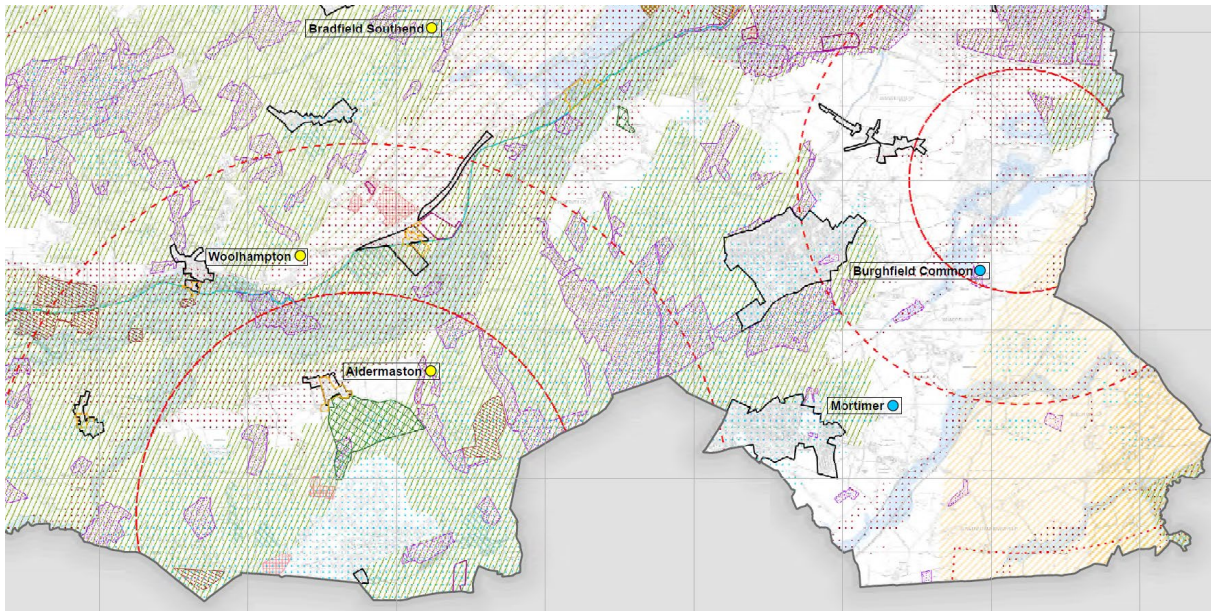
the needs of the village communities and to assist with the viability of village shops and services. This amounts to approximately 800 homes over the plan period, an average of 40 new homes a year. Burghfield Common as a rural service centre is the focus for development in the East Kennet Valley, along with Mortimer. I attach full weight to Policy ADPP6, and I consider that allowing this appeal and granting planning permission to deliver the balance of the housing as allocated by Policy HSA16 of the HSADPD is in accordance with Policy ADPP6.

- 4.7 Policy CS1: Delivering New Homes and Retaining the Housing Stock: Although not cited in the reasons for refusal, this policy provides for the delivery of at least 10,500 net additional dwellings and associated infrastructure over the period 2006 to 2026. It states that the Site Allocations and Delivery Development Plan Document (Site Allocations DPD) will identify specific sites to accommodate the broad distribution of housing set out in the Area Delivery Plan policies and notes that Greenfield sites will need to be allocated adjoining settlements in all four of the spatial areas to accommodate the required housing. It states that all settlement boundaries will be reviewed in the Site Allocations and Delivery DPD. I attach full weight to this policy, and for the same reasons as set out in Paragraph 4.6 of my Proof above, I consider the proposal accords with this policy.
- 4.8 Policy CS6: Provision of Affordable Housing: Identifies the Council's approach toward the achievement of affordable housing and the provisions sought from residential development. Sites of 15 dwellings or more should provide 40% affordable units which are to be integrated into the development.
- 4.9 Since the Adoption of the Core strategy, First Homes have been introduced<sup>3</sup>. Nevertheless, I consider Policy CS6 is consistent with the Framework and attach full weight to it.
- 4.10 The Appellant has prepared a draft Unilateral Undertaking which commits to and will secure the provision of 40% Affordable Housing in line with Policy CS6. As such, I consider that the Appeal Proposal is in accordance with this policy.
- 4.11 Policy CS8: Nuclear Installations – AWE Aldermaston and Burghfield: This policy relates to development within the DEPZ surrounding AWE Burghfield. The first sentence of the policy states: *"In the interests of public safety, residential [59] development in the inner land use planning consultation zones [60] of AWE Aldermaston and AWE Burghfield is likely to be*

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<sup>3</sup> Written Ministerial Statement May 2021 and this is now included within the Planning Practice Guidance.

*refused planning permission by the Council when the Office for Nuclear Regulation (ONR) has advised against that development". Footnote 60 states: "Consultation Zones as defined by the ONR and shown on the West Berkshire Proposals Map". Policy CS8 does not contain a mechanism for the inner zones to be amended in the context of that policy. The relevant inner zones shown on the adopted Proposals Map are shown in the extract thereof at Figure 1 below:*



**Figure 1: Extract from Adopted Core Strategy Proposals Map (CD6.2)**

4.12 I note that the coloured dots to identify settlement locations appear to be incorrectly placed on the Council's Adopted Proposals Map i.e. the blue dots for both Mortimer and Burghfield Common, and the yellow dots for the villages of Woolhampton and Aldermaston are off-centred and to the right of where these settlements are located. I have therefore included a screenshot from the West Berkshire Online map<sup>4</sup> at Figures 2 and 3 below.

4.13 The online map<sup>5</sup> shows the same Inner Zone as per the Adopted Core Strategy Proposals Map. I also note that the "Planning Zones for Restricted Development" tab on the online proposals map (which one needs to select in order to view the Consultation Zones for Policy CS8) continues to show the Inner, Middle and Outer Zones as per the Adopted Core Strategy Policy, thereby further supporting the case that Policy CS8 has no mechanism itself to enable these zones to be updated.

<sup>4</sup> This screenshot was obtained on 10 May 2023 at 11:00

<sup>5</sup> This is viewable at the following link: <https://www.westberks.gov.uk/corestrategy>

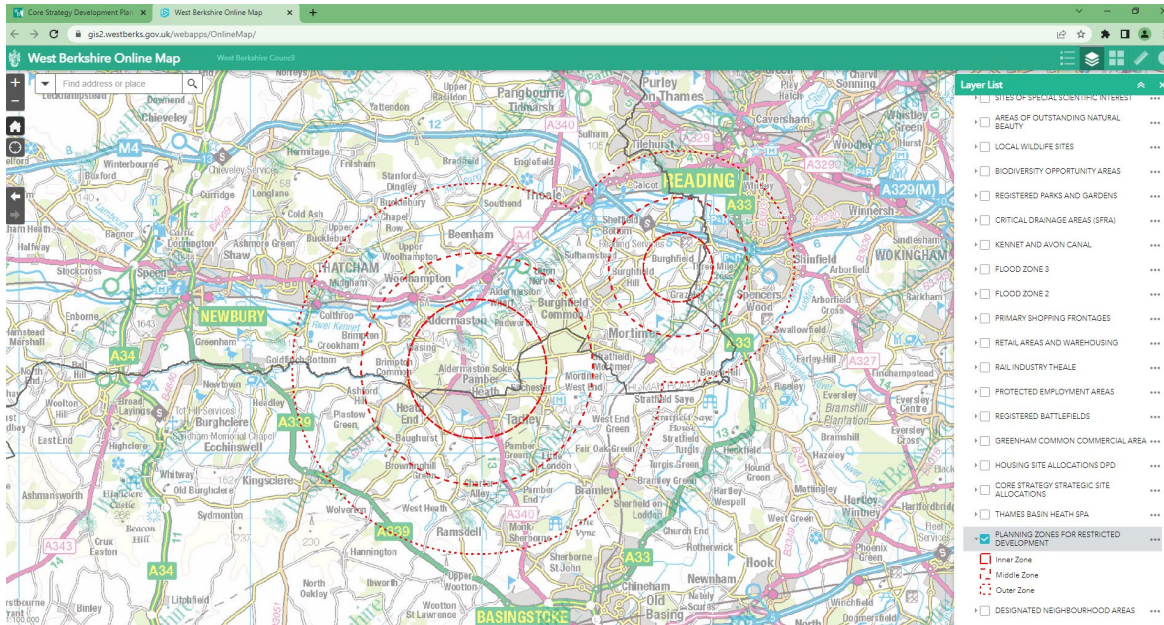


Figure 2: Screenshot from West Berkshire Council online proposals map with “Planning Zones for Restricted Development” layer selected.

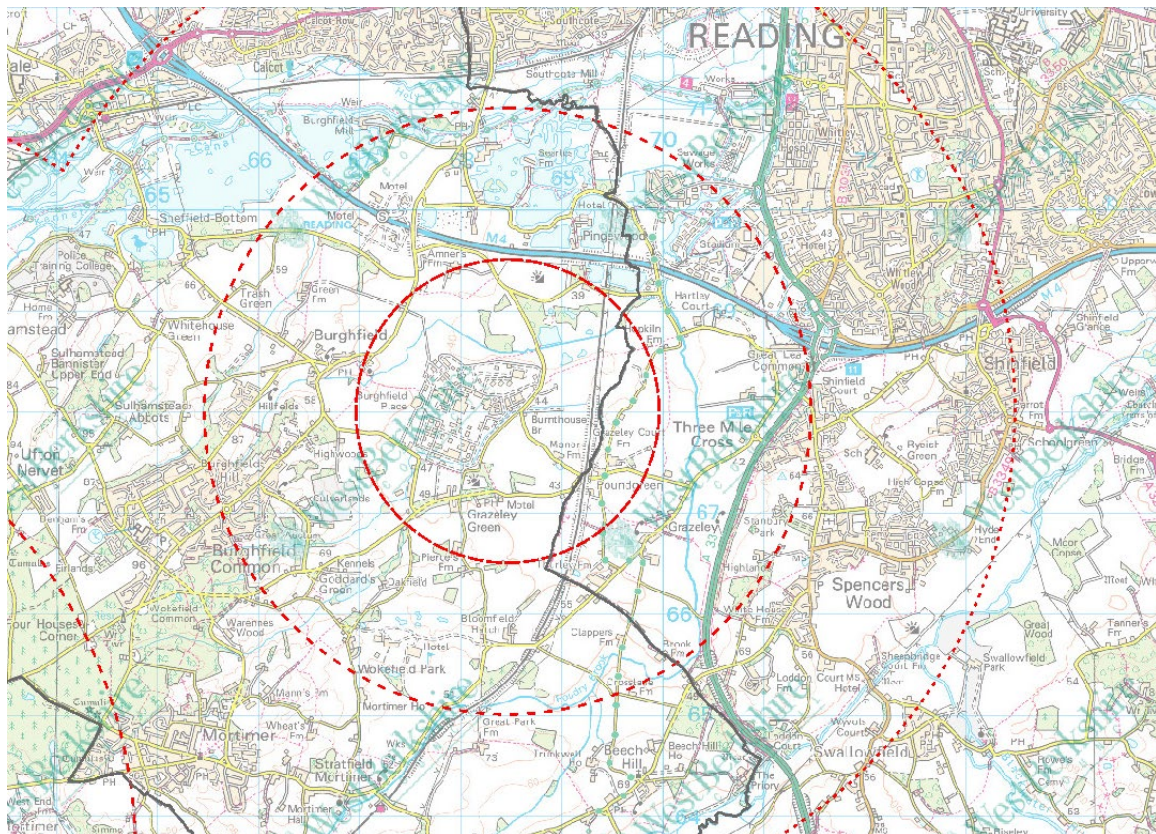


Figure 3: Screenshot from West Berkshire Council online proposals map with “Planning Zones for Restricted Development” layer selected and zoomed in to identify that Burghfield Common is not located within the Inner Zone.

- 4.14 Policy CS8 then notes that *“all other development proposals in the consultation zones will be considered in consultation with the ONR”*, taking account of various considerations. This exercise was carried out when the appeal site was part of HSA16, allocated in the HSADPD adopted in May 2017.
- 4.15 Paragraph 5.42 of the Core Strategy states that *“The land use planning consultation zones for the installations cross over into neighbouring councils. Given the potential cumulative effects of any population increase surrounding the installations, it will be necessary to monitor committed and future development proposals in partnership with neighbouring Councils and the ONR. The Councils will monitor housing completions and commitments as part of the Annual Monitoring Report and send this information directly to the ONR for them to make informed judgements when assessing future development proposals.”*
- 4.16 Paragraph 5.43 identifies that *“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 on the basis of 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. 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.” (Our emphasis)*
- 4.17 Paragraph 5.44 continues by stating that *“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 MENSA Project at AWE (B) (currently scheduled for completion in 2016), would enable the ONR to take into account the revised safety case for [that] project 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.”*

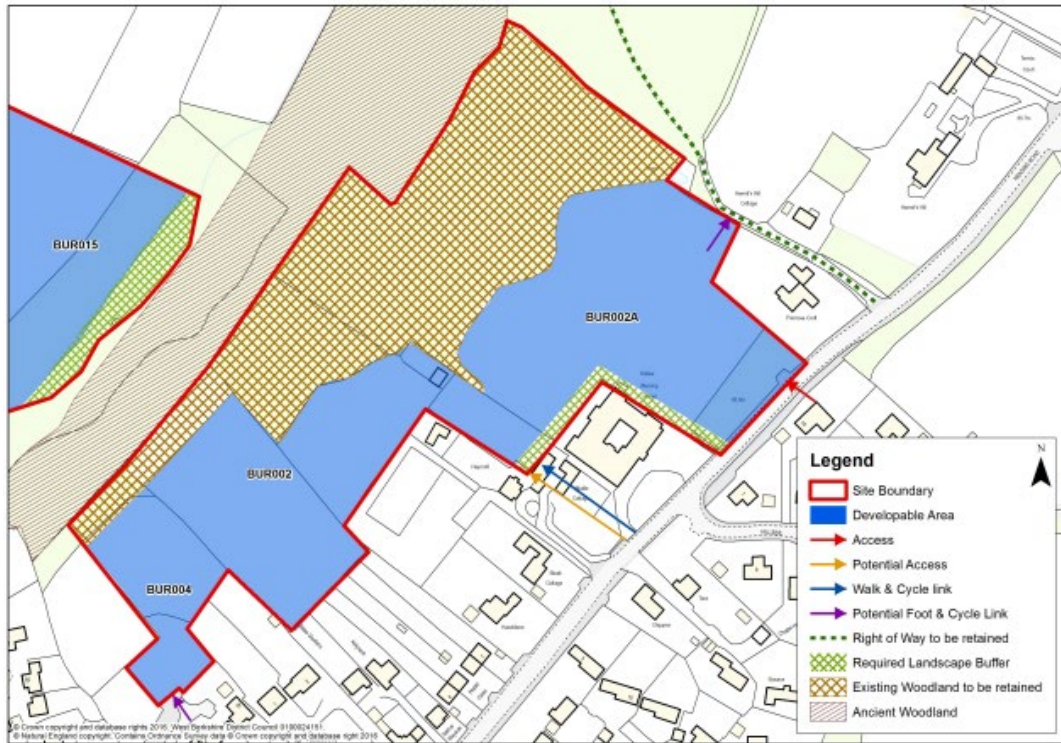


- 4.18 Whilst the extent of the DEPZ has changed as a result of the REPPiR 2019, it will be for a new Local Plan to consider, assess and test the effect of those changes on development management and future development proposals within this area.
- 4.19 As I have stated above, the housing requirement for the East Kennet Valley has been established and tested through the Adopted Core Strategy, and ONR raised no objection to the planned scale or distribution of development (800 new homes) in this area. This quantum of development has therefore been tested and is now committed through the Development Plan. Specific sites to meet that need were tested through the Housing Site Allocations DPD, and the Appeal Site allocated within the Development Plan. I therefore regard this Appeal Proposal as committed development.
- 4.20 Dr Pearce's Proof discusses the impact of the proposal on public safety, the impact on "Blue Light Services", the Off-Site Emergency Plan and the potential for impact on AWE Burghfield. Having regard to the Adopted Development Plan read as a whole, Policy CS8 should be taken with Policy HSA16, and the question should be whether there are any material considerations which override the allocation of this site in the Adopted Development Plan. For the reasons discussed in Dr Pearce's Proof, I consider the proposal does not conflict with Policy CS8.
- 4.21 Policy CS13: Transport: Although not cited in the reasons for refusal, this policy sets out a number of criteria which new development will be required to achieve, including: reducing the need to travel, improving travel choice and facilitating sustainable travel; demonstrating good access to key services and facilities; minimising the impact of all forms of travel on the environment and helping tackle climate change; and mitigating the impact of development on the highway network.
- 4.22 This policy was not cited in the reasons for refusal because no highways objection was raised. The Officer's report (CD4.1) concluded that the new housing would have *"good access to key services and facilities, will not be harmful to the local road network, and will have sufficient parking on site and an acceptable internal layout"*. This policy is considered up to date and full weight can be attached to it in my opinion. Having regard to the submitted Transport Statement, and to the comments of the Highway Officer which confirm no objection to the development, I consider this proposal accords with Policy CS13.
- 4.23 Policy CS14: Design Principles: New development is required to demonstrate a high quality and sustainable design which respects and enhances the character and appearance of the area and

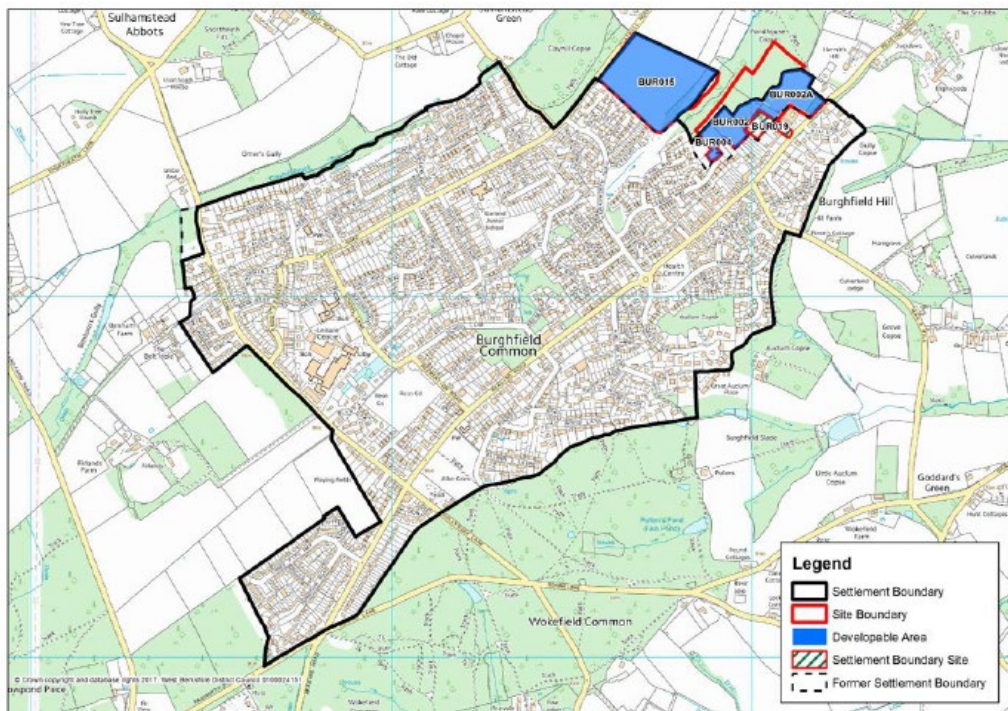
which makes a positive contribution to the quality of life in West Berkshire. The Officers Report (CD4.1) describes the impact of the design, character and layout of the development as follows:

*“The overall density is 17.4dwp ha is not high, and corresponds to surrounding densities generally. In addition, given the location of the immutable access point for vehicles, the position of the internal access road is fairly set, around which the necessary suds features and public open space are located along with the necessary parking spaces and so forth. In addition the design of the housing is traditional and well conceived with a pleasant variety of traditional architecture, promoted by a well known and respected "mid range" house builder. The choice of external facing materials is also accepted and would have been conditioned if the application had been progressing to an approval. The details in any event are all set out in the application submissions. So no reason for refusal will correspond to this factor.”*

- 4.24 The Officers report also confirmed that *“no reason for refusal will correspond to any unacceptable impact on local residential amenity”*.
- 4.25 The conflict with Policy CS14 is alleged through the Council’s Statement of Case to be against the requirement for a development to *“respects and enhances the character and appearance of the area”* and *“conserve and enhance biodiversity and create linkages between green spaces and wildlife corridors”*.
- 4.26 I include at Figure 4 below a copy of the adopted site allocation map from the Housing Site Allocations DPD which clearly defines the extent of the developable area of the HSA16 allocation. At Figure 5 below I also include a copy of the Burghfield Common Settlement Boundary Map from the Housing Site Allocations DPD.



**Figure 4: Land to the rear of The Hollies Nursing Home and Land opposite 44 Lambden Way, Burghfield Common - Policy HSA16 allocation map<sup>6</sup>**



**Figure 5: Extract from Appendix 6 of the Housing Site Allocations DPD showing the extent of the amended Settlement Policy Boundary for Burghfield Common<sup>7</sup>**

<sup>6</sup> CD6.3 pages 46 and 47

<sup>7</sup> CD6.3 page 142 – this shows the settlement boundary redrawn to include the Appeal Site

- 4.27 Careful and thorough consideration has been given by the Appellant and their design team to proposing a layout which minimises as far as possible the need to remove trees and which respects and enhances the character and appearance of the area, conserves and enhances biodiversity and create linkages between green spaces and wildlife corridors. For these reasons, and in respect of the impact on trees for the reasons discussed in Mr Keen's Proof of Evidence, the proposal is considered to accord with this policy.
- 4.28 Policy CS17: Biodiversity and Geodiversity: This policy states that biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced. The Officers report concluded that the proposal was contrary to this Policy because "*protected trees will be felled...and the Council tree officer has objected*". Though this Policy was then cited to be in conflict, it was not cited in the reasons for refusal.
- 4.29 As discussed elsewhere, there will be a small loss of TPO'd trees, and a section of hedgerow from the site (which is of low value and not protected), however, significant new and additional planting is proposed to mitigate these losses. For the reasons discussed in Mr Keen's Proof of Evidence, the proposal is considered to accord with this policy and full weight should be attached to it.
- 4.30 Policy CS18: Green Infrastructure: This policy requires that new developments should make provision for high quality and multifunctional open spaces of an appropriate size.
- 4.31 The Council's Statement of Case alleges that the removal of "*important green infrastructure is counter to the requirement*" of Policy CS18. I consider that development on the appeal site will change its character, but this is an inevitable consequence of the allocation of the site in the Housing Site Allocations DPD. I note by reference to the allocation map accompanying Policy HSA16 (CD6.3), that the trees and hedgerow to be removed are within the extent of the developable area as defined by Policy HSA16.
- 4.32 The site is not within countryside, it is within the Settlement Policy Boundary of Burghfield Common, a large settlement and designated Rural Service Centre. The existing paddocks will be replaced by built development as envisaged by the allocation of the site under Policy HSA16 (discussed below). Whilst there will be a small loss of TPO'd trees, and a section of hedgerow from the site (which is of low value and not protected), significant new and additional planting is proposed to mitigate these losses. For the reasons discussed in Mr Keen's Proof of Evidence, the proposal is considered to accord with this policy.

- 4.33 Policy CS19: Historic Environment and Landscape Character: This Policy states that the diversity and local distinctiveness of the landscape character of the district must be conserved and enhanced and that a holistic approach be taken in considering new development, where natural, cultural and functional components of character will be considered as a whole.
- 4.34 The Council suggests in its Statement of Case that the test of CS19 to ensure the landscape character of the area is *“conserved and enhanced”* is not met because *“small fields bound by trees and hedges is largely removed from the proposed layout”*.
- 4.35 The Council’s concerns as set out in its Statement of Case appear to expand upon the issue as set out in the officer’s report, which really was limited to the impact of the protected trees and only alleged conflict with Policy CS17 (although that did not flow through into the Reasons for Refusal). Nevertheless, Policy CS19 has been included in the Council’s Reason for Refusal and so is relevant to be considered in this appeal.
- 4.36 As above, the site is allocated within the Development Plan through Policy HSA16. It is reasonable to expect that in allocating the site, the Council would have given consideration to the sensitivity of the area to change, and to existing features on site. I attach full weight to this policy, and consider that the proposal has sought to conserve and enhance through the proposed layout and the landscape strategy for the site. For the reasons discussed in Mr Keen’s Proof I consider the proposal accords with this policy.

Housing Site Allocations DPD (CD6.3)<sup>8</sup>

- 4.37 The Council adopted the Housing Site Allocations Development Plan Document in May 2017. This identified and allocated non-strategic housing sites in addition to those strategic housing sites allocated through the Core Strategy. The DPD was prepared under Policy CS1 (Delivering New Homes and Retaining the Housing Stock) of the Core Strategy which set out a requirement for *“the delivery of at least 10,500 net additional dwellings and associated infrastructure over the plan period 2006 to 2026”*. Policy CS1 also states:

*“New homes will be located in accordance with the settlement hierarchy outlined in the Spatial Strategy and Area Delivery Plan Policies. New homes will be primarily developed on:*

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<sup>8</sup> Individual policy extracts also at CD5.70 – CD5.74

- *Suitable previously developed land within settlement boundaries.*
- *Other suitable land within settlement boundaries.*
- *Strategic sites and broad locations identified on the Core Strategy Key Diagram.*
- *Land allocated for residential development in subsequent Development Plan Documents.”*

4.38 It is this latter bullet point that led to the preparation of Housing Site Allocations DPD, the review of the Settlement Policy Boundary of Burghfield Common to include the Appeal Site, and the subsequent allocation of “The Hollies” under Policy HSA16. Paragraph 1.7 states that *“The Housing Site Allocations DPD implements the remainder of the housing requirement identified in the Core Strategy. The sites allocated by this DPD will help boost the supply of housing land significantly in the short to medium term.”*

4.39 Paragraph 4.1 of the HSADPD evidences some of the constraints that affect development within the Council’s District. This records that 90% of the District is rural in nature and 74% is within the North Wessex Downs AONB. Given the very strict planning regime applicable to AONBs (NPPF 176 and 177), the constraints on this District meeting its longer-term housing needs are real, emphasising that already allocated sites previously found suitable through the plan-making process must not be discarded lightly.

4.40 Paragraph 2.29 of the HSADPD refers to the East Kennet Valley Spatial Area and Paragraph 2.30 states:

*“Some growth is planned for this area to help meet the needs of the village communities and to assist with the viability of village shops and services. The overall amount of growth is relatively low for two main reasons:*

- *The East Kennet Valley has fairly limited services and facilities as well as more limited transport connections.*
- *The Atomic Weapons Establishment (AWE) has two bases in this area, at Aldermaston and Burghfield. There is a restriction on development as set out in full in Core Strategy policy CS8.”*

4.41 As confirmed at Paragraph 2.31, the Core Strategy set a housing requirement for the East Kennet Valley of *“approximately 800 new homes”*.

4.42 It is clear from the above that at the time the site was allocated, the proximity to AWE was known.

4.43 Further, as part of the preparation of the Housing Site Allocations DPD, the Council carried out public consultation on the proposed site allocations. The extensive, multi-round, consultation exercises carried out in the run-up to the HSADPD are set out at page 5 of the document. At **Appendix KM1**, I include an extract from the Housing Site Allocations DPD Preferred Options Consultation, which summarises the key issues and the Council's responses in respect of consultation comments to the proposed allocation of the Appeal Site. I draw attention to 'Section 7 Emergency Planning' where the Council noted that ONR had been consulted and *"have not raised any concerns regarding the level of development proposed in the DPD. Development in the AWE consultation zones will require specific consultation with ONR in line with Policy CS8 of the Core Strategy"*. Other noteworthy comments from the Council within this extract (highlighted for ease) are:

- *"The Core Strategy also sets out the spatial distribution for development across West Berkshire, including within the East Kennet Valley. Each spatial area has its own housing requirement to be delivered. The core strategy was rigorously tested at an Examination in Public by an Independent Inspector who agreed that based on the evidence provided the East Kennet Valley would be able to take the amount of development proposed"*
- *"The Parish Council have stated as part of the preferred options consultation that they would prefer development on this site"*
- *"The SA/SEA has not raised any concerns regarding the impact on the character of the area as a result of development on these sites. Sensitive design will be important to respect and enhance the character and appearance of the area"*
- *"if the site was to be allocated for development the principle of development on the site would be established as acceptable"*

4.44 Policy HSA16 sets out that site references BUR002, 002A and 004 are *"considered together as one site and have a developable area of 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.”*

4.45 Paragraph 2.35 identifies that the settlement boundary of Burghfield Common has been redrawn to include the developable areas of allocated site BUR002/002A/004 and BUR015 and to exclude the area of woodland in the north west corner of Burghfield Common (Hollybrush Lane). For the avoidance of doubt, the Appeal site sits on land allocated under BUR002 and BUR004.

4.46 This DPD remains part of the Development Plan. Prior to the submission of the Appeal Application, correspondence with the Council’s Principal Planning Officer on 14 January 2021 (CD5.15) identified that: *“Our position is that the HSA DPD allocation remains in the Local Plan, so the principle of development is established. You will probably have seen our current consultation on the emerging Local Plan Review which proposes rolling forwards this [Policy HSA16] allocation.”*



4.47 This response provided confidence to the Appellant to proceed with the application at the Appeal Site. Technical work was commissioned through 2021 to support the application made in February 2022. The Council had also recently completed a consultation on the Regulation 18 Local Plan (CD7.6) and the allocation of this site was proposed to be rolled forward<sup>9</sup>. It was only after the refusal of this application in June 2022, that the Council consulted on the Regulation 19 Local Plan (CD7.7) in January to March 2023, and in which it proposed to remove the allocation of this site.

4.48 Policy HSA16 delivers part of the housing requirement as allocated through the Core Strategy and therefore the delivery of the remaining 32 houses on the Appeal Site is necessary to assist the Council in meeting and maintaining its housing requirement. I attach full weight to Policy HSA16 of the DPD and I consider that the Appeal Proposal is in accordance with the Policy because:

- The Appeal Proposal delivers a mix of dwelling types and sizes. The Council has raised no objection to the proposed mix of dwellings or to the proposed size, scale, design or tenure of the development.
- The site will be accessed from Reading Road via the recently completed Regis Manor Road serving the 28 units delivered as part of the first Phase of the allocation. The Council raises no objection to the proposed access.
- The Appeal Application was supported by an extended phase 1 habitat survey and further detailed surveys and appropriate avoidance and mitigation measures are recommended and will be secured via condition to ensure any protected species are not adversely affected. The Council has raised no objection to the proposal on ecological grounds.
- The Appeal Application was informed by a Flood Risk Assessment and the proposal incorporates appropriate mitigation measures which can be secured via condition. The Council raised no objection on the grounds of flood risk.
- The Appeal proposal comprises a development design and layout that:
  - Limits the developable area to the west of the site to exclude the areas of existing woodland.
  - Was informed by a Landscape and Visual Impact Assessment and which includes measures to:

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<sup>9</sup> See Pages 58 (Draft Policy SP14), and 112-113 (Draft Policy RSA19)

- Reflect the semi-rural edge of Burghfield Common through appropriate landscaping.
- Provides 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.
- Provides an appropriate landscape buffer on the part of the site that is adjacent to The Hollies to minimise any impact on those residents.
- Explored options to provide footpath and cycle links to existing and proposed residential development to increase permeability to other parts of Burghfield Common and a link is provided adjacent to Plot 15.

4.49 Policy GS1: General Site Policy: This Policy was not cited in the reasons for refusal. The policy states that all sites are to be developed in accordance with the West Berkshire Development Plan and adopted Supplementary Planning Documents (SPDs) and Guidance. It also requires each allocated site to be master-planned and delivered as a whole to achieve a comprehensive development that ensures the timely and coordinated provision of infrastructure, services, open space and facilities. It requires a single planning application to be submitted for each allocated site to ensure that a comprehensive approach to development is achieved.

4.50 In 2018, the Council approved under application ref (16/01685/OUTMAJ), the development of 28 dwellings on part of this allocated site. The Officers report stated<sup>10</sup>: *“The absence of a single application to cover the whole housing allocated has resulted on prolonged negotiations with planning officers seeking to ensure that the approach taken by the applicants does not prejudice the Phase 2 development or the allocation as a whole”*. Paragraph 1.7 also noted that *“The applicant has submitted a Parameter Plan which identifies the access point from Reading Road, the access point into Phase 2 land”*. In concluding on the acceptability of the development, the Council stated at Paragraph 6.1.6 that *“The most pertinent matter is that the application site does not cover the whole allocation, rather it proposed approximately half the allocated development, with the remainder to come forward separately. This application has been known as “Phase 1”, and the remainder of the allocation has been known as “Phase 2”.*”

4.51 It is therefore clear that any conflict with Policy GS1 was addressed through the Council’s approval of the Outline application for 28 dwellings on part of the allocation, and this established the principle of delivering the balance of the allocation (this Appeal Proposal) on the adjoining site, which the Council referred to in 2018 as Phase 2.

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<sup>10</sup> Paragraph 1.3 at CD5.8

- 4.52 Phase 1 has been built and is now occupied. This appeal proposal seeks permission for the development of Phase 2 to complete the delivery of the allocation in line with Policy HSA16. I therefore consider the appeal proposal is in accordance with Policy GS1 of the HSADP, but for the reasons I discuss below, in any event I attach limited weight to this policy given the intention of the Council to delete the requirement for a single application on allocated sites as part of the Local Plan Review.
- 4.53 Finally, Policy P1 of the HSADPD is cited by the Council in the initial SoCG, but not referred to in the reasons for refusal. This policy sets out the parking requirements for residential development. The site is within parking zone 3. As discussed within the Transport Statement, 77 parking spaces are provided. This is in accordance with the requirements of Policy P1 of the HSADPD, and the highway officer raised no objection to the proposal.

Submission Local Plan for 2022-2039 (CD7.12)

- 4.54 In March 2023, the Council submitted its Local Plan Review to the Secretary of State for Examination. At the time of writing, no timetable for the Examination has been published.
- 4.55 Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (a) the stage of preparation of the emerging plan; (b) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (c) the degree of consistency of relevant policies to the policies in the Framework.
- 4.56 It is my opinion, for the reasons discussed below, that the emerging Local Plan Review carries at the most very limited weight in this appeal given the extent of unresolved objections to the plan (The Consultation Statement<sup>11</sup> (CD7.27) identifies there were 1,710 individual representations from 690 consultees on the LPR proposed submission) including significant objections to the Council's housing target, proposed distribution of development, Development Management policies and to site specific policies.
- 4.57 Policy SP12 of the Submission Local Plan makes provision for 8,721 to 9,146 net additional homes for the period 1 April 2022 to 31 March 2039. This equates to 513-538 dwellings per annum (dpa), although the policy confirms that *"The target figure of 538 dwellings per annum does not constitute a ceiling or cap to development."* The Submission Local Plan proposes to

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<sup>11</sup> Page 2 section 4

meet this housing need though a combination of carrying forward allocations from the current Development Plan, existing committed development, as well as allocating a single new additional site known as “Land north-east of Thatcham” to deliver 1,500 new homes. Small allocations for around 300 units are made in other villages within the District and finally the Council propose that the remainder of its supply will come from small<sup>12</sup> non allocated windfall sites which it estimates will deliver 140.9 dwellings per annum – though I note that according to Table 3.1 of the Housing Background Paper (CD7.57), the average windfall rate in the past 3 years has been just 97dpa. (It can be noted that the difference of 44dpa would equate to 748 new homes over the 17 year plan period, so it will be a serious matter if the Council lacks the compelling evidence at examination to justify the windfall rate it now relies on). It will be for the Local Plan examination to test the soundness of the Council’s spatial strategy, but unsurprisingly, given the low level of allocations, the reliance on a single housing site to deliver the bulk of the uncommitted need, and the proposed high windfall allowance, there are significant objections to the Submission Local Plan.

- 4.58 Within the initial SoCG, the Council has stated that policies SP1, SP3 and SP4 are relevant. These draft policies are discussed below.
- 4.59 Policy SP1 sets out the Council’s spatial strategy and seeks to focus development within settlement boundaries to make the best use of land whilst conserving and enhancing the distinctive character and identity of the built, historic and natural environment. In principle, I agree with this strategy.
- 4.60 Policy SP3 identifies Burghfield Common as a ‘Rural Service Centre’, which offers *“development potential appropriate to the character and function of the settlement through: Infill or changes of use within the settlement boundary; non-strategic sites allocated for housing and economic development through other policies in the LPR or neighbourhood plans; and rural exceptions affordable housing schemes”*.
- 4.61 In principle, I support this policy and it is instructive to note that the Submission Local Plan continues to recognise the role that Burghfield Common has in the East Kennet Valley to support further development to maintain the vitality and viability of this community.
- 4.62 Burghfield Common is recognised by Table 1 of the Submission Local Plan as a Rural Service Settlement meaning that it has a good range of services and opportunities. This is supported

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<sup>12</sup> A small site is 9 dwellings or less

by the Settlement Hierarchy Topic Paper (CD7.69). Paragraph 4.32 of the draft plan states *“the six rural service centres across the District provide a focal point for the surrounding villages and rural areas in terms of the provision of services and facilities. Although they do not have as wide a range of services as the urban areas, they are still sustainable locations”*.

- 4.63 However, the Council’s approach elsewhere in the emerging Local Plan is entirely inconsistent and at odds with the spatial strategy and identification of Burghfield Common as a suitable location for development in both draft Policies SP1 and SP3. The Submission Local Plan has removed the Appeal Site as an allocation, and therefore I consider that the Council’s emerging Local Plan does not support the vitality of the community of Burghfield Common since it fails to retain opportunities for the village to grow and thrive as envisaged by the Core Strategy and Housing Site Allocations DPD. I consider that the Submission Local plan is contrary to Paragraph 79 of the Framework in this regard in that the Plan does not promote sustainable development in the Rural Service Centre of Burghfield Common and therefore fails to identify opportunities for the community to grow and thrive.
- 4.64 Policy SP4 – AWE Aldermaston and AWE Burghfield: explains that *“in the interests of public safety, and to ensure that any proposed developments do not pose an external hazard to the AWE sites, any new development... located in the Detailed Emergency Planning Zone (DEPZ) of... AWE Burghfield is likely to be refused planning permission by the Council, especially when the Office for Nuclear Regulation (ONR) and/or Ministry of Defence (MoD) have advised against that development and/or objection”*.
- 4.65 Within the DEPZ, the ONR is to be consulted on applications for *“any new development, re-use or re-classification of an existing development that could lead to an increase in residential... populations thus impacting on the off-site emergency plan”*.
- 4.66 Paragraph 6.33 identifies that *“if in the future the DEPZ is reviewed and the emergency planning arrangements are amended, then future reviews of the Local Plan will consider whether strategic allocations in this area would be suitable”*. Under the REPIR 2019 Regulations, there is clearly an expectation that there will be changes within the DEPZ over the life of an Emergency Plan<sup>13</sup>, such that the Off-Site Emergency Plan will need to be updated at least every three years.

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<sup>13</sup> See Paragraphs 49 and 189 of Dr Pearce’s Proof of Evidence

- 4.67 Therefore, there should be no moratorium on development simply because it is within the DEPZ, but consideration as to whether the development proposed can be safely accommodated within the DEPZ. Given the Appeal Site forms part of an allocated site within the 2017 HSADPD, and given the assurances provided by the Emergency Planning Officers to ONR in 2018 that the development could be accommodated within the Emergency Plan<sup>14</sup>, I see no justification for the Council to have excluded the Phase 2 development (if indeed it did) from the Emergency Plan.
- 4.68 Rather than repeat them, I include a copy of the Appellants objections to Policy SP4 submitted in March 2023 in response to the consultation on the Submission Local Plan at **Appendix KM2**. Without prejudice to these objections and to the fact that draft Policy SP4 should be accorded no material weight at this time, I am however able to agree that seeking to promote a new policy to operate over an area at least 6 times larger than the AWE (B) inner land zone shown on the adopted Proposals Map, is the correct process to pursue. The examination Inspector will be able to form a view as to whether such a radical change is sound and has been properly justified. Until then, such an emerging policy carries no material weight, and it is not realistic to suggest that it is capable of outweighing a relatively recent allocation, almost half of which has already been consented and constructed.
- 4.69 The Council has agreed in the initial SoCG that *“Section 8 – non-strategic site allocations: our place based approach”* and Policy RSA12 is relevant. Policy RSA12 relates to the allocation of 100 dwellings on land adjacent to Pondhouse Farm, which is located to the north of this appeal site. The Reserved Matters for this site were approved by the Council on 29 July 2022, despite the Officer’s report confirming the development *“would bring perhaps an additional 240 plus residents into the AWE inner protection zone as defined under policy CS8 in the WBCS of 2006 to 2026”*. However in that case the Officer considered that *“since planning permission was granted prior to the new DEPZ being agreed, the Council cannot object to the development”*<sup>15</sup>. The Council has not sought (with or without AWE’s financial support) to revoke the Pondhouse Farm consent.
- 4.70 Policy RSA12 proposes to carry forward the allocation of the Pondhouse Farm site under Policy HSA15 of the HSADPD<sup>16</sup>, despite that site also being within the extended DEPZ. However, the Council does not propose to carry forward the allocation of the Appeal Site because it is within

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<sup>14</sup> **Appendix KM3**

<sup>15</sup> CD5.16

<sup>16</sup> CD6.3 pages 44-45 and page 142

the DEPZ. This only serves to further highlight the inconsistency in the Council's approach to delivery of the allocated sites in Burghfield Common.

- 4.71 In Bristol in April 2023, Inspector Woodward allowed an appeal for "up to 260 new residential dwellings"<sup>17</sup> on a site which was allocated in the Development Plan but proposed to be removed in a draft development plan due to greater priority for biodiversity. A main issue therefore was whether the appeal site was in an appropriate location for development.
- 4.72 At Paragraph 9 of the decision, the Inspector attached very limited weight to the emerging Local Plan. At Paragraph 14, Inspector Woodward referred to Paragraph 15 of the Framework and that the planning system should be "*genuinely plan-led*"; he stated, "*For this to mean something, an applicant must be able to rely on specific site allocations in adopted Development Plans. It should not be necessary to trawl through the evidence base to attempt to decipher the meaning or a policy or to consider the wider special strategy implications. Approximately 300 homes is therefore the starting point for assessing the character and appearance of the proposal and the development considerations set out in Policy BSA1201. It is not carte blanche, though, and due weight must be given to the development considerations and any implications they have for site capacity. However, they must not be used to undermine the allocation*".
- 4.73 I consider that appeal of relevance because the Council seek to use its evidence base and spatial strategy of the emerging Local Plan to undermine the allocation of this Appeal Site in the Adopted Development Plan. In my opinion, that is contrary to Paragraph 15 of the Framework in that the Council is attempting to undermine the plan led system. Until such time as the allocation of this site is revoked, or the HSADPD is withdrawn, the Appeal Site remains an allocated site in the Development Plan. It will be for the Local Plan Examination Inspector to consider whether the Council's Submission Local Plan is Positively Prepared, Justified, Effective and Consistent with National Planning Policy.
- 4.74 Before leaving the Submission Local Plan, I also wish to observe that the requirement for a single application to be submitted on allocated sites as required by Policy GS1 of the HSADPD is proposed to be removed from the Submission Local Plan. Paragraph 6.32 states:
- "The Housing Site Allocations DPD (HSADPD) was adopted in 2017 and contains a generic policy, Policy GS1, which includes a criterion applying to all allocated sites where by they will*

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<sup>17</sup> APP/Z0116/W/22/3308537 – Land at Broomhill/Brislington Meadows **Appendix KM4**

*be masterplanned and delivered as a whole and that a single planning application will be submitted for each to ensure a comprehensive approach to development is achieved. That policy has been reviewed, and deleted, as part of the LPR”.*

#### National Planning Policy Framework

4.75 The National Planning Policy Framework (‘The Framework’) (July 2021)<sup>18</sup> is a material consideration but does not replace the Development Plan. Paragraph 11c) of the Framework requires that, for decision-taking, *“approving development proposals that accord with an up-to-date Development Plan without delay”*. It is my opinion that the development Plan is up-to-date, and the appeal proposal accords with it. As such, it is my professional view that the Appeal Proposal should be granted so that the balance of this allocation can be delivered without further delay.

4.76 The relevant policies of the Framework were discussed in the Planning Statement (CD2.29) and are therefore not repeated. However, Paragraph 97 of the Framework is cited in the second Reason for Refusal. This states that:

*“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. 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.”*

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<sup>18</sup> CD6.12



- 4.77 I note that at Paragraph 7.45 of the Council’s Statement of Case<sup>19</sup>, it is stated that *“The Council will provide evidence on these matters exploring how the development conflicts with the aims of CS8 and National planning policy paragraph 95”*. Paragraph 95 of the current Framework is not cited in the reasons for refusal. This paragraph sets out the Governments policy to ensuring a sufficient choice of school places, an issue that has not been raised by the Council in respect of this appeal. The Council has perhaps referred to Paragraph 95 of the 2019 Framework<sup>20</sup>, which did relate to public safety, security, and defence. However, that version of the Framework has been archived and is no longer considered relevant nor was it applicable national policy at the time of submission of the appeal application. The Appellant therefore reserves the right to comment on this matter further as necessary.
- 4.78 Nevertheless, in respect of the 2021 (current) Framework, the evidence of Dr Pearce discusses how the proposal has taken into account of the requirements of Paragraph 97. It is my opinion having read Dr Pearce’s evidence, that the Appeal Proposal is not in conflict with Paragraph 97 of the Framework.
- 4.79 It is evident on a review of the proposals that the development will contribute to many of the planning objectives of the Framework in achieving sustainable development. The development will deliver social, economic and environmental benefits as I discuss below, and this proposal is sustainably located to provide a range of houses to meet the needs of the present and future generations within a well-designed development which supports the vitality of this community. On the basis that I consider the proposal accords with the Development Plan, planning permission should be granted without delay in accordance with Paragraph 11 of the Framework.

#### Other material Considerations

- 4.80 Other material considerations include the Planning Practice Guidance, which although not cited within the Reasons for Refusal does consider development proposals around hazardous installations. I will not repeat these policies but refer the reader to Paragraph 5.20 of the Appellants Statement of Case (CD5.1).

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<sup>19</sup> CD11.1

<sup>20</sup> CD16.1

4.81 The Council has also published the Quality Design Guide Supplementary Planning Document<sup>21</sup>. A copy of this is included with the Council's Appeal Questionnaire at CD5.75 and the relevant section of it were set out in the Planning Statement between paragraph 5.36 and 5.38 (CD2.29). This SPD was not cited within the Reasons for Refusal. As far as it is relevant, it is considered that the appeal proposal accords with this SPD.

4.82 There are other documents which comprise the Development Plan including:

- West Berkshire District Local Plan 1991 - 2006 (Saved Policies)
- Minerals and Waste Local Plan 2037

4.83 However, the Council does not quarrel that the Appeal Proposal is in conflict with any of these other documents or their policies. As such, it is considered unnecessary to discuss these documents further.

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<sup>21</sup> CD6.6

## 5.0 Housing Land Supply

- 5.1 The Council can demonstrate a 5 year Housing Land Supply. According to the January 2023 Annual Monitoring Report (AMR) (CD7.77), the Council has a supply of 6.4 year based on the Local Housing Need figure derived from the standard method or a supply of 5.9 years against the Core Strategy housing requirement<sup>22</sup>. Given that the Appeal Site is allocated in the Development Plan, and also having regard to the scale of the appeal proposal, it is not considered necessary to interrogate the accuracy or robustness of the Council's stated position.
- 5.2 It is my opinion that the fact that the Council can demonstrate a 5 year housing land supply does not reduce the weight to be given to the proposed 32 dwellings to be delivered on the appeal site because:
- a) The 5 year housing land supply requirement is a minimum. The Core Strategy requirement set out in Policy CS1 of delivering 10,500 new homes within the plan period is expressed as an "at least" requirement. There is no upper limit or cap on housing numbers contained within either the Development Plan or the Framework i.e. the existence of a 5 year supply is not a ceiling or limit on further development and in fact Paragraph 74 of the Framework is clear that Local Planning Authorities are required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement.
  - b) Providing additional new homes in the context of a national housing shortage and where 4 out of 5 adjoining neighbouring authorities are struggling to meet their own needs<sup>23</sup>, is a good, not a bad thing.
  - c) The delivery of housing on the appeal site would contribute to meeting the housing requirement of the Core Strategy, of which the 32 units, as a balance of the allocation of 60 units under Policy HSA16, is a part.

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<sup>22</sup> Table 3.11

<sup>23</sup> Basingstoke to the South has a supply of 4.1years determined on appeal in March 2023, Wiltshire to the West has a supply of 4.7years determined on appeal in March 2023, South Oxfordshire to the north has a supply of 4.7years determined on appeal in April 2023, Wokingham to the east has a supply of 3.95 years determined on appeal in March 2023, and Reading to the north east has a supply of 6.95 years based on the 2021 published AMR.

- d) The delivery of housing would boost the supply of housing, even in a case where the Council is able to demonstrate a 5 year supply. This has been widely accepted elsewhere on appeal, for example:
- a. In 2018, Inspector Ware approved a development of 70 dwellings on a site in Eastleigh Borough where it was agreed the Council could demonstrate a 5 year supply (the Council's evidence suggested the supply was 7.8 years). Nevertheless at Paragraph 47 Inspector Ware concluded *"despite the presence of significantly more than a five year supply, the provision of market and affordable housing weighs significantly in favour of the proposal, in the light of the national policy to significantly boost the supply of homes"*<sup>24</sup>.
  - b. More recently, in February 2023, Inspector Wilson allowed an appeal for 79 dwellings on a site in Barrowford where it was noted that the Council had a five year supply. Nevertheless the Inspector concluded at Paragraph 18 that *"The development would result in social benefits from the provision of housing in an accessible location. It would contribute to the housing needs of the borough, and its five year housing supply, and would contribute positively towards the overarching Government's agenda of boosting housing supply"*. Paragraph 19 continued: *"having regard to paragraph 74 of the Framework and local planning policy, the required five year supply represents a minimum not a maximum number"*<sup>25</sup>.

5.3 In summary, the Framework seeks to significantly boost the supply of homes regardless of the fact that the Council are able to demonstrate a 5-year housing land supply because the requirement is expressed as a minimum. The appeal proposal would deliver the balance of housing on an allocated site and would contribute to boosting the supply over and above the basic requirement.

5.4 Whilst the Council has submitted a new Local Plan for Examination, and whilst that plan proposes to allocate additional sites to meet future needs, there are extensive objections to that plan. At the present time, with the Examination Hearings yet to comment, there is total and complete uncertainty as to whether the draft Local Plan provides a sound and coherent basis to meet housing needs. That Plan is to be tested through Examination and in my view

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<sup>24</sup> APP/W1715/W/18/3194846 Land at Satchell Lane, Hamble-le-Rice CD8.5

<sup>25</sup> APP/E2340/W/22/3306363 Land to the North East of St Thomas' Church, Barrowford CD8.6

does not diminish the benefits of boosting supply now by delivering development on an allocated site in the Adopted Development Plan.

- 5.5 The Council's Statement of Case at Paragraph 3.23 refers to Paragraph 49 of the Framework, which deals with the issue of prematurity. The application was not stated to be premature in the Council's decision or officers report, and the Council's statement of Case does not build upon the relevance of this paragraph to the appeal. The Appellant therefore reserves the opportunity to comment on this matter further if indeed the Council is now seeking to allege that the appeal proposal is premature and/or would prejudice the delivery of the emerging Local Plan. I would however consider that prematurity would be an unreasonable argument to make in the context of a site which is allocated in the adopted Development Plan.

## 6.0 The Main Issues

6.1 In this section, I consider the Main Issues in this appeal as set out in the Inspectors Case Management Summary Note (CD9.3). These are:

- 1) The effect of the proposal on the safety and wellbeing of future residents of the proposed development, and the wider public, with regard to the proximity of the Atomic Weapons Establishment (AWE) site at Burghfield;
- 2) The effect of the proposal on the future capability and capacity of AWE Burghfield to operate effectively;
- 3) The effect of the proposed development on the character and appearance of the area, with particular reference to local tree cover; and
- 4) Whether the proposal would make adequate provision for affordable housing.

Issue 1 - The effect of the proposal on the safety and wellbeing of future residents of the proposed development, and the wider public, with regard to the proximity of the Atomic Weapons Establishment (AWE) site at Burghfield

6.2 Dr Pearce's evidence discusses the impact on public safety and deals with the scientific likelihood of an incident occurring at AWE Burghfield and the likely impact to human health if an incident were to occur. Dr Pearce also deals with the impact of additional population on the appeal site on the emergency 'blue light' services, and ability of the off-site emergency plan to safely accommodate the proposed development.

6.3 Section 6 of Dr Pearce's evidence concludes that *"contrary to the fears of the local authority and AWE:*

- *The AWE Burghfield site does not represent a significant risk to health or wellbeing for those living in or near the proposed development site;*
  - *The frequency of faults is very low, the probability of the wind blowing in the direction of the development (and otherwise exhibiting category F conditions) reduces the frequency of exposure further and the potential dose uptake does not represent a material threat to health and well-being.*

- *An accident at AWE(B) leading to the triggering of the OSEP and urgent protective actions could inconvenience the population without being a material threat to their health and wellbeing.*
- *Provision of accurate information to the local population will contribute to their well-being.*
- *The increased number of inhabitants of the DEPZ will not put a material additional strain on the resources of the off-site plan, either for warning and informing or for providing medical and quality of life support to those in an area subject to shelter advice;*
  - *The activities that constitute the emergency plan do not scale with population;*
  - *The elevated dose rates at the proposed development site are within the ranges that emergency services can operate with Radiation Protection Advisor support;*
  - *The elevated dose rates would be of a short duration (during the passing of the initial plume), with resuspension doses around 1% thereof and thus immaterial;*
- *The increased number of people living in the area are unlikely to interfere with the emergency services' ability to provide support to the site in an emergency".*

6.4 Having regard to the evidence of Dr Pearce, it is my opinion that the very limited – miniscule - risk of an incident and the very low impact on public safety if an incident were to occur, does not outweigh the substantial planning benefits of allowing this appeal, and respects our planned system. These benefits are discussed in Section 8 below.

Issue 2 - The effect of the proposal on the future capability and capacity of AWE Burghfield to operate effectively

6.5 AWE and the Council allege that the proposed 32 dwellings on this allocated site, adding approximately 77 additional persons to the existing population in Burghfield Common, would threaten the operation of AWE Burghfield because the operation of AWE Burghfield poses a risk to the life of persons.

6.6 In July 2021, AWE Burghfield was granted planning permission<sup>26</sup> for a significant additional development known as a Multi-Material Facility ('MMF'). In respect of impacts on "population and health" Paragraph 2.62 of the Design and Access Statement (**Appendix KM5**) submitted with the application stated: "*Once operational, the MMF would not change the broad scope,*

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<sup>26</sup> Application reference 20/02966/COMIND CD16.38

*scale or nature of the AWE Burghfield site and does not seek to extend it. This is the primary reason that no significant health effects are anticipated."*

6.7 The approved MMF is now under construction, and it is important in my opinion to note that this application for significant additional development at AWE was approved in 2021 i.e. after the DEPZ changed in 2020 as a result of REPPIR 2020.

6.8 There are also nearer receptors to AWE Burghfield than the residents of the appeal site. It is notable that despite the change to the DEPZ, there were no public objections to the expansion of AWE from existing residents<sup>27</sup>. The Council approved the development as it deemed it to "be in accordance with the statutory development plan", and because "The application before the Council comprises a very significant investment in the national defence infrastructure for the country. The local economic benefit of supporting development at AWE is substantial, and in accordance with the aforementioned policies of the Local Plan. This weighs heavily in the planning balance, in economic terms, but also in terms of wider national defence/security issues having regard to the NPPF". A copy of the Officers Report in respect of this application is at **Appendix KM6**.

6.9 The evidence of Dr Pearce concludes at Section 6 that contrary to the fears of the local authority and AWE, this proposal is not contrary to Paragraph 97 of the Framework because:

- *"The development itself does not represent a threat to the future operations of AWE Burghfield.*
  - *There are closer receptors o AWE (B) than the proposed development site, and AWE (B) must already take these into account.*
  - *Despite the fears expressed by AWE no good reason has been given why the OSEP cannot cope, or be amended to cope, with the limited number of additional residential properties.*
  - *The ONR has a number of options to consider, including improvement notices, before it would consider any prohibition on the site's functions.*
  - *Furthermore, even if it were to reach this point the MOD has powers to disapply REPPIR while it undertakes remedial actions."*

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<sup>27</sup> See Officers report at **Appendix KM6**



Issue 3 - The effect of the proposed development on the character and appearance of the area, with particular reference to local tree cover

- 6.10 The evidence of Mr Keen confirms that the trees proposed for removal are barely perceptible from public view as they are masked by other trees to be retained. Further, the trees to be removed are not of exceptional quality and are commonplace in the area. As such, and whilst Mr Keen acknowledges that allowing the appeal will result in the loss of 4 trees covered by a Tree Preservation Order, he concludes that *“the loss of a small group of protected saplings and four protected oak trees represents minor harm, especially when considered in relation to the extensive and high quality proposed planting that this scheme delivers”*.
- 6.11 As such, it is considered that the proposal would not have an adverse impact on the amenity and character of the area and any minor harm would be more than off-set by the proposed new native planting.

Issue 4 - Whether the proposal would make adequate provision for affordable housing

- 6.12 Policy CS6 identifies a requirement to provide 40% affordable housing on greenfield sites. The policy states that the Council will seek a tenure split on each development site of 70% Social Rented and 30% Intermediate Housing.
- 6.13 The Core Strategy defines affordable housing in accordance with the original 2012 Framework<sup>28</sup>. It therefore does not reflect the current Framework definition, which includes a much broader range of affordable housing tenures including:
- Affordable housing for rent, which can include social rented and affordable rented housing; and
  - Starter homes
  - Discounted market sales housing
  - Other affordable routes to home ownership
- 6.14 Further, it does not reflect the relatively recent introduction of a requirement for First Homes<sup>29</sup> to be provided as part of the Affordable Housing element.

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<sup>28</sup> Core Strategy Glossary Page 120 CD6.1

<sup>29</sup> Written Ministerial Statement May 2021 and this is now included within the Planning Practice Guidance

- 6.15 Of the 32 dwellings proposed, 13 are proposed as Affordable Housing which equates to 40% of the development and is therefore in accordance with Policy CS6 of the Core Strategy. The Officers Report (CD4.1) confirms in the section entitled “Consultation Responses” that the housing officer *“Support the application. If approved a s106 is required to deliver the 40% affordable units [13 number] identified under policy HSA16 and CS6”*.
- 6.16 In terms of tenure, the proposal offers 3 First Homes, 1 Shared Ownership Unit and 9 Social Rented Units. This is in full accordance with the Housing Officer’s comments<sup>30</sup> and in accordance with Policy CS6 and material considerations<sup>31</sup>.
- 6.17 The Planning Statement set out the draft Heads of Terms anticipated by the Appellant at the time of submission of the application. As a matter of principle therefore, the Appellant clearly intended that the Appeal Scheme would provide a policy compliant level of affordable housing for which there is a significant identified need within the District. The Council did not commence the process of discussing or drafting a s106 during the application stage, as is its standard procedure until a positive decision on an application can be made, but this does not mean that the Appellant was not prepared to enter into one.
- 6.18 In respect of this appeal, the Council was approached regarding a Unilateral Undertaking on 20 February 2023, but still at the time of the Case Management Conference on 25 April 2023, the Council’s legal officer was awaiting instructions from the Planning Officer and so unable to progress. This tardiness on the Council’s part has delayed what should be a very straightforward process of completing a legal agreement to secure affordable housing. Nevertheless, the Council is in receipt of the draft Unilateral Undertaking (CD15.5) and comments are awaited.
- 6.19 It is anticipated that with cooperation from the Council, as we should reasonably expect to receive, that a final draft Unilateral Undertaking will be available in advance of the Inquiry and will be completed in accordance with the Inquiry timescale<sup>32</sup>.

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<sup>30</sup> CD4.12

<sup>31</sup> Being the First Homes requirement within the Planning Practice Guidance

<sup>32</sup> Though the Inspector is respectfully reminded that there are a number of landowners who will need to sign the Undertaking and so some extra time for signing may be necessary. This can be discussed at the Inquiry, if necessary.

6.20 With the Undertaking complete, the delivery of the proposed affordable housing will be secured and I am of the opinion that this will enable the delivery of a policy compliant level of affordable housing in accordance with Policy CS6 and other material considerations.

## 7.0 Other Matters

7.1 In this section, I respond to other matters raised by Third Party Representations submitted in respect of the Appeal. There have been four responses by local residents, including Burghfield Common Residents Group (BCRG), comprising three letters of objection and one letter of support.

7.2 The representations of objection refer to a number of concerns. These are summarised as the potential risk to residents associated with a radioactive release at AWE Burghfield; the provision of public rights of way; West Berkshire Council's five year housing land supply position; access to the proposed development via the un-adopted Regis Manor Road; flooding and sewerage infrastructure concerns; and impact on the landscape, ancient woodland, protection of trees and ecological impacts. It is considered that matters relating to public safety and development within the DEPZ of AWE Burghfield are dealt with the evidence of Dr Pearce whilst matters relating to trees are dealt with in the evidence of Mr Keen. This section therefore deals with the other matters raised.

### Impact on Local Amenity, Overlooking, Loss of Outlook and View, increased Noise and Light Pollution

7.3 Core Strategy Policy CS14 requires new development to be of high quality that respects and enhances the character and appearance of the area and which makes a positive contribution to the quality of life in West Berkshire.

7.4 In relation to noise arising from refuse storage facilities, Part one of the Quality Design SPD sets out that purpose built accommodation shall be provided with wheeled refuse bins and recycling points to ensure the visual quality of a development is not undermined. The location of bin storage for new residential development is noted as being layout specific to a building but should be well designed and easily accessible for disposal.

7.5 There is one bin store within the development serving plots 1-4, and a bin collection point adjacent to Plot 20. Other properties will store bins in the gardens and move bins to the kerbside on collection day as is the norm. The location of the bin store for Plots 1-4 has been carefully considered to ensure it is suitably located in terms of design,. Its enclosed design will also ensure that it does not have an unacceptable impact on the amenity of development residents and those surrounding neighbours in terms of odour, noise and visual pollution.

- 7.6 Regarding the potential for light pollution, this is a matter which will be dealt by way of a suitably worded condition. Suggested Condition 13 – Lighting Strategy requires details of the lighting strategy to be provided to the Local Planning Authority for approval prior to occupation. Lighting was not brought up as matter of consideration in the Officer Report, however, the development would seek to minimise unnecessary light spill which could be harmful to local wildlife and disruptive to existing and future residents.
- 7.7 With regard to overlooking and privacy, Part two of the Quality Design SPD requires that this should be a ‘fundamental feature of creating attractive, sustainable communities’, whereby ‘care must be given to minimising any adverse impact of overlooking and loss of privacy to neighbouring properties and amenity areas.’ The layout and spacing between plots has been developed to ensure suitable privacy is introduced and maintained not only across the development, but with surrounding neighbouring properties. The proposal makes efficient use of the layout and protects the privacy of both current and future occupiers, minimising opportunities for overlooking. The Officer Report acknowledges that given the difficult physical site constraints, the applicant has successfully managed to incorporate a layout which succeeds in providing the full 32 dwellings without compromising to an unacceptable degree [most] of the constraints identified.
- 7.8 It is noted that some local residents may experience a loss of a view, but there is no right to a view in planning and in any event the development site is (and currently remains) an allocated site, which has been brought forwards with a respectful and landscape-led scheme that reflects the semi-rural edge of Burghfield Common, in accordance with Policy HSA16 of the HSADPD.
- 7.9 The development incorporates opportunities for landscape enhancement and the accompanying Landscape, Townscape and Visual Impact Assessment identifies that the proposed residential development would be accommodated within the character area, which has the capacity to absorb the scale of residential development proposed. The parcel of land is noted as exhibiting few special qualities and that overall, the quality and character of the landscape and townscape would be maintained in the long term. In terms of visual impacts, the development is localised and well-defined by surrounding vegetation. Inevitably, there will be a change to the character and composition of local private views, but mitigation measures are to be incorporated into the scheme to provide new hedgerow, scrub and tree planting. These measures would reduce the visual impact of the development over the long

term. Overall, concerns over the loss of outlook and view as a result of the development would not result in significant harm to visual amenity.

7.10 The Officer Report notes the close relationship of the development to existing dwellings and considers the relationships not to be materially harmful to amenity. The Officer Report acknowledges there will be loss of a view for some existing residents, but that this will not be harmful, concluding that there are no unacceptable impacts on local residential amenity which would correspond to a reason for refusal.

7.11 Therefore, in relation to these matters, I consider the development is acceptable and is in accordance with Policy CS14 of the Core Strategy, Policy HSA16 of the HSADPD and the Quality Design SPD.

Highway Matters (safety (footpath access onto Reading Road; Impact on Roadway)

7.12 HSADPD Policy HSA16 identifies that options should be explored to provide footpath and cycle links to existing and proposed residential development to increase permeability to other parts of Burghfield Common, whilst Core Strategy Policy CS13 requires development to improve and promote opportunities for healthy and safe travel and to demonstrate good access to key services and facilities.

7.13 The appellant has included a proposed footpath adjacent to Plot 15 which would emerge onto Reading Road. An additional proposed footpath adjacent to Plot 24 is also proposed. Concerns by Third Parties have been raised about the safety of the footpath leading from the development onto Reading Road and the lack of a pavement. However, the Officer Report notes that the amended plans received improve connectivity on the site for future occupants and contribute to site permeability. These provisions are therefore in accordance with adopted policies. It is also notable that the site was allocated, and part of the allocation has been built out without a requirement for a pavement on the north side of Reading Road – on emerging from the site, residents need to cross Reading Road (which is straight and subject to a 30mph speed restriction) to access the pavement on its southern side.

7.14 In relation to general highways matters, the Officer Report acknowledges that the new housing has good access to key services and facilities; will not be harmful to the local road network; and will have sufficient parking on site with the provision of 77 spaces, equating to an average of 2.4 spaces per dwelling in accordance with HSADPD Policy P1.

7.15 Regarding Third Party comments received in relation to the un-adopted Regis Manor Road, the Officer Report acknowledges that planning legislation cannot be used to enforce adoption [or otherwise] of roads which have been built to adoptable standards and are capable of physically accommodating the expected traffic generation of the appeal site. This is regarded as a civil matter and a highways authority issue in the Officer Report; as such, I consider this to be beyond the scope of matters to be discussed as part of this appeal. Notwithstanding this, the internal road within the development is also designed to adoptable standards and I consider for the reasons set out in the Transport Statement that the development is acceptable in terms of highways and transport matters and is in accordance with Policy CS13 of the Core Strategy, policy P1 of the HSADPD and the Framework in this regard.

Strain on local health facilities (Doctors/dentists)

7.16 Concern from Third Parties has been expressed in relation to the proposed 32 dwellings exerting a strain on local services in the village and wider area. Firstly, the site is part of an allocated site, for which the evidence base would have identified whether the village had capacity to accommodate the development prior to it being allocated in the adopted HSADPD. This was considered at the time of the allocation of the Appeal Site and through the Infrastructure Delivery Plan which supports the HSADPD (CD6.10). No specific capacity issues were raised at the time in relation to Burghfield Health Centre or other services in the East Kennet Valley. The Care Commissioning group were consulted on the application by the Council and no comments were received.

7.17 Secondly, Burghfield Common is identified in the Core Strategy under Policy ADPP1 as a 'Rural Service Centre', which has a 'range of services and reasonable public transport provision', whereby there are opportunities to strengthen the role in meeting requirements of surrounding communities. This sentiment is echoed in emerging Policy SP3 of the Submission Local Plan Review, which continues to identify Burghfield Common as a Rural Service Centre and therefore of a suitable size to offer 'development appropriate to the character and function of the settlement' (despite the village now coming within the extended DEPZ). Table 1 of the Supporting Text notes that Rural Service Centres have a good range of key services and opportunities for employment, community and education, serving a wide catchment area and containing reasonable accessibility and regular public transport provided to a number of destinations.

- 7.18 Thirdly, the Community Infrastructure Levy is collected from new housing developments and in West Berkshire is used to fund improvements to medical facilities<sup>33</sup>. There was no site specific request made for a contribution to mitigate the impact of this development and the neither the NHS Clinical Commissioning Group or the local doctors / dentist surgery have raised any objections to this proposal.
- 7.19 Fourthly, according to the NHS website<sup>34</sup> the Burghfield Medical Centre is “currently accepting new patients”. Whilst there is no information on the Burghfield Dental website<sup>35</sup> or the NHS website to confirm if this practice is accepting new patients, I note that this surgery offers both NHS and private treatment. Nevertheless, the Harrison Dental Practice in Tadley (4.1miles away) is accepting new patients<sup>36</sup>.
- 7.20 As such, I consider that the provision of 32 new dwellings on this site, with approximately 75 additional residents will not exert any significant strain on existing local services and facilities in the village. Certainly, this matter was not raised as a concern in the Officer Report. Any impact that does arise can be mitigated through the Community Infrastructure levy payment.

#### Ecology and Nature Conservation (Wildlife) and Ancient Woodland

- 7.21 The Third-Party Representations received express concern over the impact of the development on ecology, local wildlife and the nearby ancient woodland. Ancient Woodland is noted as immediately adjoining the site’s north and north-west border. There is a Tree Preservation Order relating to a group of trees within the site. Matters relating to trees is dealt with in the evidence of Mr Keen in relation to reason for refusal 3.
- 7.22 Core Strategy Policy CS17 and Emerging Policy SP11 require that development should seek to conserve and enhance biodiversity and geodiversity assets, whilst HSADPD Policy HSA16 identifies that any scheme should be supported by a habitat and detailed survey work, providing appropriate avoidance and mitigation measures and that development should also provide a buffer of 15 metres to the areas of ancient woodland. These policy requirements have been fulfilled by the appeal proposals, which include a number of ecological mitigation and enhancement measures to help conserve and enhance the biodiversity of the site and

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<sup>33</sup> As stated within the Regulation 123 List (CD6.13)

<sup>34</sup> **Appendix KM7**

<sup>35</sup> **Appendix KM8**

<sup>36</sup> **Appendix KM8**



improve linkages between local natural habitats, the development site and beyond. Further, the development respects the 15 metre buffer to ancient woodland.

- 7.23 It is noteworthy that the Officer Report accepted that the required minimum 15 metre buffer strip to the ancient woodland has been respected. Further, suggested planning conditions are agreed which address ecology matters and ensure that the mitigation measures recommended in the submitted reports are delivered. Accordingly, the Council has raised no objection in relation to ecological impacts and I consider the appeal proposals are acceptable in relation to these matters as they do not harm ecology and will seek to enhance local wildlife and biodiversity in accordance with adopted policies.

#### Flood Risk and Contamination (Sewage)

- 7.24 Despite being addressed within the original application documents (Flood Risk Assessment and Drainage Strategy), as required by Core Strategy Policy CS16 and HSADPD Policy HSA16, concerns have been raised by Third Party Representations in relation to flood risk and drainage issues and the capacity of existing drainage infrastructure to deal with the additional 32 dwelling proposed.
- 7.25 The submitted FRA and drainage strategy notes that there are no records of flooding on the site or in its immediate vicinity and that the Appeal Site is located within Flood Zone 1, in an area of Low Probability of flooding. Measures will be employed during the construction phase that minimise the risk of surface water flooding, uncontrolled run-off and pollution incidents. The inclusion of the Sustainable Urban Drainage measures will ensure that surface water drainage is appropriately managed across the site, with water quality and biodiversity benefits. The FRA noted that there are sewers in the vicinity of the site which relate to foul only, which pose a low risk of property flooding.
- 7.26 The Officer Report identifies that the site lies in Flood Zone 1 and that Thames Water recommended conditional permission be granted. No other matters in relation to flood risk and drainage were identified or discussed. Accordingly, I consider the development acceptable in terms of flood risk and drainage.

### Overdevelopment of the site and Site Masterplanning

- 7.27 Concern has been raised by Third Parties regarding the over-development of the site. The appeal site is an allocated site for 60 dwellings and this appeal proposal seeks to deliver the remaining balance of 32 dwellings on the western part of the site, following the construction and occupation of 28 dwellings on the eastern part of the site. The number of dwellings proposed is in accordance with the figure set out within Policy 16 of the HSADPD. The Officer Report recognises that the overall density of the site equates to 17.4 dwellings per hectare which is considered ‘not high’ and corresponds to the surrounding densities generally. Therefore, I consider that the density of development on this part of the site is acceptable and delivers the remaining balance of this allocated site. The appeal proposal should not therefore be considered ‘overdevelopment.’
- 7.28 It is acknowledged that the development of the allocated site under HSADPD Policy HSA16 has not come forwards under one application as originally intended by the Policy, and the requirement as set out in HSADPD Policy GS1 for each site to be masterplanned and delivered as a single entity has not been fulfilled. However, the Officer Report notes that whilst a single planning application should have been submitted for the site, the eastern half was submitted and approved earlier than the remainder of the site and it is clear from the Officer report from the 28 dwelling application (**Appendix KM3**), and as discussed above, that this established the principle of a phased delivery of development on this site.
- 7.29 Based on this, I conclude that the development is considered acceptable and is fully capable of delivering the remaining allocation of 32 dwellings, thereby completing the site’s allocation as envisaged by the Adoption of the Housing Site Allocations DPD in 2017.

### Five Year Housing Land Supply

- 7.30 Third Party Representations state there is no need for the development, given the Council’s current Housing Land Supply position of 6.4 years. As discussed above, this is an allocated site. The status of the sites allocation has not changed, and the HSADPD is still a part of the Development Plan. Whilst the Council’s Submission Local Plan does not propose to carry forward the allocation of the appeal site, that does not undermine the allocation and for the plan-led system to mean something, planning decisions should be genuinely plan led. the appeal site would still make an important contribution to meeting housing need within the District – a need which is expressed as an “at least” requirement rather than limited or capped.

- 7.31 On this matter specifically, the Officer Report notes that if the application were to be approved it would assist the Council's 5 year housing delivery [albeit at a low percentage] and would deliver 13 affordable units, in accordance with Core Strategy Policy CS6. The Council's Housing Officer lent support to the proposal on this basis. As such, I consider the development makes a valuable contribution to overall housing delivery and the delivery of affordable housing in the District.

Construction Stage Site Safety/Management and Disruption during construction

- 7.32 A draft condition has been prepared (condition 11 – Construction Method Statement) which requires details to ensure construction proceeds safely and is safely managed to be submitted and approved by the Local Planning Authority prior to the commencement of the development. Other draft conditions (condition 14 – Hours of Work and condition 18 – Construction Environmental Management Plan) require works to take place during certain hours only to ensure that the development is capable of proceeding without damaging the surrounding environment, or the amenities of existing residents. Such conditions are typical on residential developments, and address the concerns raised in the third-party representations.

## 8.0 Planning Balance

- 8.1 In this section of my evidence, I set out the benefits of the development and the weight I believe should be attached to these in the planning balance. I use the terms **substantial**, **moderate**, and **limited** to describe the weight I afford to the benefits or disbenefits, and I use the term **neutral** where I consider there is no impact.
- 8.2 The Appeal Site is allocated by Policy HSA16 of the adopted Housing Site Allocations DPD. The allocation is underpinned by the housing requirement set within Policy ADPP1 and spatial strategy Policy CS1 within the adopted Core Strategy and is required to meet the housing allocation to the East Kennet Valley, set through Policy ADPP6 of the Core Strategy. I attach full weight to the adopted Development Plan and to these policies which direct growth to Burghfield Common and establish the principle of development on this site.
- 8.3 I note that in approving the application for 28 homes on a part of the HSA16 allocation, the Council acknowledged that this established the principle of development and a two phased application process. I also note that in the Council's Submission Local Plan, draft Policy SP3 continues to identify Burghfield Common as a Rural Service Centre where development appropriate to the character and function of the settlement will be supported. Whilst I attach no material weight to the emerging Local Plan given the extent of unresolved objections, I support the retention of Burghfield Common as a Rural Service Centre and consider this is consistent with Paragraph 79 of the Framework.
- 8.4 Planning decisions should be made in accordance with the Development Plan, and the Development Plan should be read as a whole. Having regard to the plan-led system, and the primacy of the Development Plan, I attach **substantial positive weight** to the principle of housing development on this allocated site which I consider is consistent with the spatial strategy and housing allocations of the adopted Development Plan.
- 8.5 Irrespective of the adequacy of the Council's housing land supply position, the housing requirement in the Core strategy is expressed as an "at least" requirement and is not therefore capped. Further, the appeal site is allocated in the development plan and therefore is necessary to assist the Council in meeting its overall housing requirement and in maintaining its deliverable supply. I therefore attach **substantial positive weight** to the contribution the appeal scheme makes to the supply of housing within the District.

- 8.6 The development will provide a mix of dwelling types and sizes to meet local housing needs, having regard to the character of the area, as required through Core Strategy Policy CS4. Additionally, of the 32 homes proposed, 13 (40%) would be affordable homes which is in accordance with Policy CS6 of the Core Strategy.
- 8.7 The net need for affordable housing in West Berkshire is “significant” at some 330 dwellings per annum.<sup>37</sup> This figure is relied upon in the emerging Local Plan Review (CD7.12). Paragraph 6.77 of the submission draft states *“The affordable housing need was assessed in the Berkshire Strategic Housing Market Assessment(35) and reviewed in the Updated Housing Needs Evidence(36). in May 2020 and July 2022”*.
- 8.8 The Submission Local Plan states: *“West Berkshire is an area of high property prices and many local people have difficulty gaining access to suitable housing on the open market. Provision of affordable housing is seen as a priority as housing has wide implications on health, education and employment opportunities.”*<sup>38</sup>
- 8.9 Berkshire Strategic Housing Market Assessment July 2022 prepared by Icenii (CD7.62) states *“The table below shows the estimated incomes required to both buy and rent (privately) in each subarea. This shows a notable ‘gap’ in all areas across the study area, particularly locations with higher house prices. The information in the table below is taken forward into further analysis in this section to look at affordable needs in different locations”*.

**Table 4.6 Estimated Household Gross Income to Buy and Privately Rent**

|                         | To buy  | To rent (privately) | Income gap |
|-------------------------|---------|---------------------|------------|
| Newbury and Thatcham    | £54,200 | £29,200             | £25,000    |
| Eastern Area            | £61,400 | £34,400             | £27,000    |
| North Wessex Downs AONB | £64,200 | £34,200             | £30,000    |
| District wide           | £59,000 | £32,000             | £27,000    |

Source: Based on Housing Market Cost Analysis

- 8.10 Section 4.29 onwards deals with ‘Need for Social/ Affordable Rented Housing and Paragraph 4.32 states *“The table below shows the initial estimate of the number of households within each sub-area with a current housing need. These figures are before any ‘affordability test’ has been applied to assess the ability of households to meet their own housing needs; and has been termed ‘the number of households in unsuitable housing’. Overall, the analysis estimates that there are currently some 3,900 households living in unsuitable housing (or without housing)”*.

<sup>37</sup> Paragraph 6.78 of Submission Local Plan

<sup>38</sup> Paragraph 6.74 of Submission Local Plan

**Table 4.8 Estimated Number of Households Living in Unsuitable Housing**

|                            | Homeless/<br>concealed<br>households | Households in<br>overcrowded<br>housing | Existing<br>affordable<br>housing<br>tenants in need | Households<br>from other<br>tenures in need | Total |
|----------------------------|--------------------------------------|---|--|---|-------|
| Newbury and<br>Thatcham    | 268                                  | 687                                     | 86   | 512   | 1,553 |
| Eastern Area               | 169                                  | 309                                     | 37   | 264   | 778   |
| North Wessex<br>Downs AONB | 288                                  | 596                                     | 73   | 659   | 1,616 |
| District                   | 725                                  | 1,591                                   | 196  | 1,435                                       | 3,947 |

Source: MHCLG Live Tables, Census 2011 and Data Modelling

- 8.11 With regard to the net need for Social/Affordable rented Housing Paragraph 4.55 states “The table below shows the overall calculation of affordable housing need. The analysis shows that there is a need for 330 dwellings per annum across the area – an affordable need is seen in all subareas. The net need is calculated as follows”:

$$\text{Net Need} = \text{Current Need (allowance for)} + \text{Need from Newly-Forming Households} + \text{Existing Households falling into Need} - \text{Supply of Affordable Housing}$$

**Table 4.15 Estimated Need for Social/Affordable Rented Housing by Sub-Brea (p.a.)**

|                            | Current<br>need | Newly<br>forming<br>house-<br>holds | Existing<br>house-<br>holds<br>falling<br>into need | Total<br>Gross<br>Need | Relet<br>Supply | Net Need |
|----------------------------|-----------------|-------------------------------------|---|------------------------|-----------------|----------|
| Newbury and Thatcham       | 21              | 145                                 | 32  | 199                    | 91              | 108      |
| Eastern Area               | 12              | 84                                  | 15  | 110                    | 39              | 71       |
| North Wessex Downs<br>AONB | 27              | 173                                 | 29  | 228                    | 77              | 152      |
| District TOTAL             | 60              | 401                                 | 76  | 537                    | 207             | 330      |

Source: Range of sources as discussed

- 8.12 The above highlights that there is a net need in the Eastern Area for 71 affordable homes per year. The Housing Officer commented on the application in March 2022 and referred to the Council’s Housing Register as of December 2021 (CD4.13). The comments confirmed there was a need from persons who had expressed an interest in accommodation in and around Burghfield Common, for each of the 13 affordable homes proposed on this appeal site.
- 8.13 Table 3.21 of the Annual Monitoring Report 2022 (CD7.77) shows the Affordable Housing completions since 2004/5:

## Housing Mix

### Gross and Net Affordable Housing Completions

Target: The Core Strategy includes a target to facilitate the provision of 35% of net completions as affordable housing.

Table 3.21 Affordable Housing Completions

| Year    | Gross Affordable Housing Completions | Net Affordable Housing Completions |
|---------|--------------------------------------|------------------------------------|
| 2004/05 | 248                                  | 248                                |
| 2005/06 | 142                                  | 142                                |
| 2006/07 | 289                                  | 259                                |
| 2007/08 | 135                                  | 135                                |
| 2008/09 | 231                                  | 209                                |
| 2009/10 | 75                                   | 66                                 |
| 2010/11 | 31                                   | -8                                 |
| 2011/12 | 7                                    | -26                                |
| 2012/13 | 182                                  | 182                                |
| 2013/14 | 146                                  | 146                                |
| 2014/15 | 70                                   | -15                                |
| 2015/16 | 158                                  | 158                                |
| 2016/17 | 96                                   | 78                                 |
| 2017/18 | 125                                  | 125                                |
| 2018/19 | 85                                   | 75                                 |
| 2019/20 | 103                                  | 54                                 |
| 2020/21 | 69                                   | 69                                 |
| 2021/22 | 169                                  | 169                                |

8.14 Although no totals are given, I calculate that the Council averages a gross affordable housing completion rate of 131 dwellings per annum which is significantly below its stated need of 330 units per annum. Against the annual housing target based on the standard method of 538 dwellings, the affordable housing need equates to around 61% of the overall housing need. Clearly however, that with only a 40% affordable housing requirement on market housing sites, the annual need for affordable homes is unlikely to be met. Therefore, in my opinion, very significant positive weight should be given to any proposal which delivers affordable housing in the District.

- 8.15 Given the scale of this appeal proposal, the allocated nature of the site, and the matters in dispute, I consider it would be disproportionate to seek to test this figure in this Inquiry and in any event I am aware that the Local Plan Examination will in due course test the evidence base of the Council in respect of affordable housing need. Therefore, for the purposes of this appeal, and given the Council's first reason for refusal refers to "*the existing high need for affordable housing across the District*", I am content to accept the Council's published figure which in any event I note the Council accepts as giving rise to a "significant need" for affordable housing.
- 8.16 As such, I attach **substantial positive weight** to the policy compliant provision of affordable housing on the appeal site.
- 8.17 In addition, the site is one such site where Paragraph 69 of the Framework recognises can make an important contribution to meeting the housing requirement of an area and, being in the control of a local housebuilder, can be built out quickly. I attach moderate positive weight to this.
- 8.18 Burghfield Common is a Rural Service centre with a range of shops, services and facilities within a short walking distance of the Appeal Site. These provide all the facilities necessary to meet the day to day needs of residents.
- 8.19 Whilst there are some employment opportunities in Burghfield Common, i.e. in care, education, retail and community services, it would be necessary for residents to travel beyond the village for other forms of employment. AWE Aldermaston and AWE Burghfield are the major employer in the area, and their sites accommodate approximately 10,000 people<sup>39</sup>. In addition, Reading is approximately 6 miles from the site and provides a number of other major employers and employment opportunities. There are bus stops within a short walk of the Appeal Site and which provide services between Burghfield Common, AWE Burghfield and Reading Town Centre. Indeed, the irony of this case is that a number of residents of the appeal site are likely to work at the two AWE sites.
- 8.20 The nearest train station is at Mortimer, approximately 2.6miles from the site. The station is reachable via bus, and with a short walk, or is cyclable in approximately 21 minutes<sup>40</sup>.

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<sup>39</sup> According to RPS Group <https://www.rpsgroup.com/projects/atomic-weapons-establishment-travel-plan-implementation/> Appendix KM9

<sup>40</sup> According to the Transport Statement (CD2.42)



- 8.21 This accessibility and range of services lead the Planning Officer to conclude in his report that the development would make “*efficient use of a greenfield site in a sustainable location*”. I agree that the appeal site is sustainably located, and I therefore attach **substantial positive weight** to the sustainability of the site in the planning balance.
- 8.22 The appeal scheme would provide employment opportunities during the construction phase, generating between 76.8 and 99.2 direct, indirect and induced jobs<sup>41</sup>. The Construction period is likely to be 18 months, and during this time there will be an increase in expenditure in the local economy by construction workers. These benefits accrue as a result of the sites allocation in the Development Plan, and therefore I attach **moderate positive weight** to these benefits.
- 8.23 The CIL Contribution is likely to be £449,660 which will assist in mitigating the impact of the development on social infrastructure in the vicinity of the site.
- 8.24 Increased housebuilding in the area will also serve as a driver for economic growth and in this regard would contribute to the objective in the Framework to build a strong, responsive and competitive economy. It would also support the continued vitality of Burghfield Common where new residents would not only support existing local services, but would also contribute socially to the community. As I have noted above, supporting the viability and vitality of local businesses and community facilities was one of the justifications for allocating HSA16 in the HSADPD.
- 8.25 In terms of social benefits to the economy, I have considered likely household expenditure by reviewing data from the ONS Family Expenditure Survey 2020-21<sup>42</sup>. This shows that the average UK household spend nationally is £553.80 per week (Table A33) (or £28,877 per year). However, in the South East of England, the average spend is 20.2% higher than the UK average (Table A33). Therefore, the average weekly spend per household from residents on the Appeal Site will be £665.40 (or £36,695 per annum). This equates to an estimated gross expenditure from the residents of the Appeal Site of £1,174,240 per year to the economy.
- 8.26 A proportion of this household expenditure is anticipated to be spent in local shops and services and will help sustain the existing services in Burghfield Common and the wider District

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<sup>41</sup> This calculation was undertaken using the formula on page 13 of The Economic Footprint of Housing Building in England and Wales report 2018 Appendix KM10

<sup>42</sup> Published in July 2022

<https://www.ons.gov.uk/peoplepopulationandcommunity/personalandhouseholdfinances/expenditure/datasets/familyspendingworkbook3expenditurebyregion>

of West Berkshire. Given the current economic challenges facing the UK, but in any event, I consider that **substantial positive weight** should be given to this economic benefit.

8.27 With regard to environmental considerations, the impact of the removal of TPO'd trees on the Appeal site is addressed by the Proof of Mr Keen. In my opinion, the removal of trees is necessary and a consequence of the implementation of the allocation of this site as envisaged by Policy HSA16. The tree removal is necessary to deliver the access into the site. Other alternative options have been considered but ruled out as discussed in the evidence of Mr Keen. Given the significant additional planting proposed, which Mr Keen considers to more than compensate for the loss of the trees, I attach only **limited negative weight** to the impact of the loss of 4 protected trees. I attach **substantial positive weight** to the environmental benefits of the biodiversity enhancements, new landscaping and protection of the Ancient Woodland.

8.28 The appeal proposal also provides open space on site including an attractive landscape area around the SUDs feature. The open space will provide a place for residents to exercise, play and for social interaction and is therefore consistent with the social objective of the Framework. I attach **moderate positive weight** to this benefit.

8.29 The detailed evidence of Dr Pearce also demonstrates that the appeal proposal can be delivered without harm to public safety or to the capabilities of AWE Burghfield. Therefore the impact of the development is **neutral** in the planning balance this respect.

8.30 Having regard to the above, I consider that the benefits of this appeal proposal demonstrably and significantly outweigh the limited harms identified, and given that I consider the appeal proposal is in accordance with the Development Plan, I conclude that the appeal should succeed.

8.31 Notwithstanding the above, I note that in the Diana Close appeal in Wokingham District CD8.7, Inspector Holden concluded in Paragraph 57 that *"...although the risk would be small, I cannot be certain that future residents would be safe in the event of an incident at the AWE at Burghfield"*. The Inspector gave this matter *"limited weight"*. This conclusion was drawn after finding at Paragraph 50 of the decision that *"The principles set out in the policy remain robust following the extension of the DEPZ. However, given the minimal nature of the risk, I give the conflict with this policy limited weight in my assessment of the scheme"*. (For completeness, it should be noted that the Diana Close decision was the first Wokingham decision post-dating

the revised DEPZ, and the Inspector was not made aware of relevant factors, including that consented but unbuilt permissions were included in the OSEP. Further, the decision followed a written representations appeal process – a matter remarked upon by the Kingfisher Grove Inspector<sup>43</sup> following the 6 day inquiry before him.)

8.32 Nonetheless, if the same approach were taken here, i.e. limited weight was given to an assumed small risk to public safety in the very unlikely event of an off-site radiation emergency, it would nevertheless be my opinion that the substantial benefits of delivering housing on this allocated site (which can come forward quickly), together with:

- the substantial benefit of the contribution to meeting the need for affordable homes in the District; and
- where there will be positive social, economic and environmental benefits; and
- the appeal will enable the delivery of development on an allocated site within the Settlement Policy Boundary of the Rural Service Centre of Burghfield Common;

are benefits which individually and cumulatively outweigh the limited weight given to that limited risk.

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<sup>43</sup> CD8.3

## 9.0 Summary and Conclusions

- 9.1 In my experience, it is rare that there will be a proposal which seeks to provide new development where there would be no harm at all. However, because there could be some limited harm does not mean this appeal should be refused. A balancing exercise is required as set out at Paragraph 11 of the Framework.
- 9.2 There has been much debate in recent months about the Government's proposed changes to the planning system, and whilst it remains to be seen (and so is not in my view relevant to this appeal) what form the changes will take, it is relevant that the consistent message from the Department for Levelling Up, Communities and Regeneration, is the primacy of the Development Plan. Significant public money is spent preparing Development Plans and they should provide a sound and reliable basis for the delivery of development. This is supported by Paragraph 15 of the Framework which states that the planning system should be "genuinely plan-led". This is an application for development on an allocated site in the Development Plan. The allocation of this site in the Development Plan should be afforded in my opinion **substantial positive weight** in the planning balance.
- 9.3 The question of principle should not be in dispute when it comes to an allocated site, and certainly an applicant should not be informed by a Council that there is a moratorium on development after submitting an application for development on an allocated site and after engagement with the Council prior to submission of an application when that site remains within the Development Plan. Such comments undermine the Development Plan, and the entire planning system in this country. The Council refused the Development as it concluded the development was not in accordance with the Development Plan. The Council seeks to support its suggestion of a moratorium with reference to its submission Local Plan, but those policies are emerging and not part of the Development Plan. The Council's approach for its revised Local Plan is not for consideration as part of this appeal. Therefore, unless and until the current Development Plan is replaced, the Appeal Site remains allocated. In any event, the Council's actions in respect of allowing other development on other allocated sites in the DEPZ to proceed, including the approval of Reserved Matters for 100 homes on a site to the immediate north of this appeal site just a few weeks after refusing permission on this Appeal Site, does not support the Council's suggestion of any moratorium.
- 9.4 Nevertheless, in this appeal the first two main issues, which deal with the Council's second reason for refusal, relate to matters of principle. The Council say that the principle of

developing on this site has changed because of the inclusion of Burghfield Common within the Detailed Emergency Planning Zone, a change brought about by The Radiation (Emergency preparedness and Public Information) Regulations 2019 (REPPiR) and the Council argue that allowing the appeal proposal will impact public safety and threaten the future operations at AWE Burghfield.

- 9.5 Dr Pearce's evidence discusses these regulations and the change to the DEPZ and concludes that the AWE Burghfield site does not represent a significant risk to health or wellbeing for those living in or near the proposed development site. Dr Pearce's evidence shows that the increased number of residents living on the appeal site and within the DEPZ will not put a material additional strain on the resources of the off-site emergency plan, either for warning and informing or for providing medical and quality of life support to those in an area subject to shelter advice. Dr Pearce's evidence also shows that the increased number of people living in the area are unlikely to interfere with the emergency services' ability to provide support to the site in an emergency.
- 9.6 As confirmed by Dr Pearce<sup>44</sup>, on available evidence, *"while the DEPZ around AWE (B) has recently been expanded, this is as a consequence of re-drawing the emergency planning area to reflect certain weather conditions (category F) not previously reflected in the DEPZ's dimensions. The level of risk and actual impact has not changed – these are as they were at the time of the appeal site's allocation"*.
- 9.7 Having regard to the proximity of the site to AWE Burghfield, Dr Pearce considers that the development itself does not represent a threat to the future operations of AWE Burghfield and it is shown that contrary to the fears of AWE it is extremely unlikely that the current off-site emergency plan cannot be amended to cope with additional residential properties in the DEPZ if it has reached, or is in danger of reaching, some kind of breaking point.
- 9.8 Overall, therefore, and in respect of the first two main issues, Dr Pearce concludes that the development would not compromise the safety of the public and would not adversely affect the ability of AWE Burghfield to operate.
- 9.9 In respect of the impact on trees, the evidence of Mr Keen confirms that the TPO'd trees proposed for removal are barely perceptible from public view as they are masked by other trees to be retained. Mr Keen confirms that the proposed level of trees to be lost, and

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<sup>44</sup> Section 6 of Dr Pearce's Proof

hedgerow to be removed is necessary to deliver the development on the appeal site in accordance with the site's allocation in the Development Plan. As Inspector Woodward accepted in the Bristol appeal (Appendix KM4), the loss of trees and the impact this has on the area "must be seen in the context of the site allocation"<sup>45</sup>. Further, the trees to be removed are not of exceptional quality and are commonplace in the area. As such, and whilst I acknowledge that allowing the appeal will result in the loss of 4 trees covered by a Tree Preservation Order, I consider that this loss would not have an adverse impact on the amenity and character of the area and would be more than off-set by the proposed new native planting.

9.10 In respect of affordable housing provision, the appeal proposal provides a policy compliant level of provision at 40% in accordance with Policy CS6 of the Core Strategy. I attach **substantial positive weight** to the provision of affordable housing on this allocated site in the context of the significant need for affordable housing within the District. A Unilateral Undertaking has been provided in draft and is with the Council for comment. Once signed, the Unilateral Undertaking will secure the delivery of the affordable housing units and overcome the first reason for refusal.

9.11 There is at the heart of the Framework a presumption in favour of sustainable development. I believe that this proposal will deliver economic, social and environmental benefits which should be afforded **substantial positive weight** in the planning balance. It is my view that these benefits mean that the proposal is sustainable development. As discussed above, there is also a presumption in favour of the Development Plan, and proposals should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

9.12 Having regard to the evidence of Dr Pearce and Mr Keen, and my own evidence in this appeal, I consider the Appeal Proposal:

- Is in accordance with the Development Plan;
- Is a sustainable development on an allocated site;
- Provides much needed housing in a residential location contributing to the Council's identified need for market and affordable homes;
- Is within the Settlement Policy Boundary of Burghfield Common and would contribute to supporting and sustaining the vitality of this community in line with the framework;
- Would provide a range of social benefits to future residents, as well as existing residents;

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<sup>45</sup> Paragraphs 140 and 141

- Would create employment opportunities through construction and result in economic benefits to the local economy;
- Provides safe access to the main highway network and given the nature of the use the residual cumulative impact of the proposal will not be severe;
- Presents a considered and tailored design solution that has evolved through a thorough consideration of the site and its surroundings and which results in high quality development which would not adversely affect the character of the area or its setting;
- Is a “good neighbour” having regard to the surrounding residential land use and would not harm the amenity of existing residents;
- Would not result in harm or result in a loss of Ancient Woodland;
- Would provide new tree and landscape planting and biodiversity enhancements;
- Would not impact public safety or strain the resources of the off-site emergency plan; and
- Would not impact on the capability or capacity of AWE Burghfield and therefore does not conflict with Paragraph 97 of the Framework.

9.13 Paragraph 11c) of the Framework states that development proposals that accord with an up-to-date Development Plan should be approved without delay. I consider that the appeal proposal complies with the Development Plan as a whole, whilst there are material considerations, in my opinion for the reasons discussed above, these do not justify a decision other than in accordance with the Development Plan.

9.14 The appeal proposal provides a considerable number of substantial positive benefits which are material considerations and which support the grant of planning permission. Whilst there are limited negative effects in terms of the removal of trees including 4 covered by a Tree Preservation Order, this disbenefit is a consequence of the allocation of the site and the presence of trees on the site would have been known at the time of allocation.

9.15 As such, and in the context of Section 38(6) of the Planning and Compulsory Purchase Act 2004, and in the absence of any material considerations which indicate otherwise, it is my professional opinion that the appeal should be allowed enabling this allocated housing site to go ahead. I respectfully request that this Appeal is allowed.

**Katherine Miles BA (Hons) MSc MRTPI**