

APPLICATION BY: Cala Homes

RE: Land at Boundary Hall, Aldermaston Road, Tadley

INSPECTORATE REFERENCE: APP/H1705/V/10/2124548

LOCAL AUTHORITY REF: BDB/67609

**Proof of Evidence of Nicola Linihan on behalf of Basingstoke and Deane
Borough Council**

Nicola Linihan

BA (Hons) in Town and Country Planning

Postgraduate Diploma in Management Studies

Member of the Royal Town Planning Institute

My name is Nicola Linihan and I currently work for Basingstoke and Deane Borough Council as the Head of Planning and Transport. My role encompasses the management of both the planning policy and development control functions of the council. I have been employed in planning related activities for over 25 years and have extensive experience in both planning policy and development control matters and of giving evidence as an expert witness in public inquiries and informal hearings. Prior to working for Basingstoke and Deane Borough Council I worked for West Berkshire Council, Bracknell Forest Borough Council, Wokingham District Council, Hart District Council and as a planning advisor for a firm of architects.

I hold a Bachelor of Arts degree in Town and Country Planning from Bristol Polytechnic (now the University of the West of England) and am a Member of the Royal Town Planning Institute.

The evidence which I have prepared and provide for this 'called in' application under reference APP/H1705V/102124548 in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institute. I confirm that the opinions expressed are my true and professional opinions.

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6. Letter dated 12 December 2008 from Health and Safety Executive to Basingstoke and Deane Borough Council (Ref 2008/651477) – Residential Development in the Nuclear Safeguarding Zone of AWE Aldermaston
7. Letter dated 12 May 2009 from Ministry of Defence (Defence Estates) to Mr r. Millar, Group Development Director, Cala Group Ltd. – AWE Aldermaston-Allocated Development Site at Aldermaston Road, Tadley
8. Discussion document 'The siting of Nuclear Installations in the United Kingdom' presented to the Nuclear Safety Advisory Committee. July 2008

1.0 Introduction

- 1.1 This proof will provide detailed evidence in respect of the issues identified in paragraph 7 subsections a, b, c and d of the Secretary of State's Call In letter dated 4 March 2010 which stands as the Secretary of State's statement under rule 6 (12) of the 2000 Rules. However, I have also considered all of the evidence provided by the council in relation to paragraph 7 subsections a,b,c,d,e and f, together with the statements of common ground, in forming my conclusions in relation to this 'called-in' planning application.

Reason for call-in a:

The extent to which the proposed development is in accordance with the development plan for the area, having regard in particular with the development plan for the area, having regard in particular to Regional Spatial Strategy for the South East – South East Plan published 6 May 2009 and the Basingstoke and Deane Local Plan 1996-2011 (saved policies).

Reason for call-in b:

The extent to which the proposed development is consistent with any emerging Development Plan Documents, including the weight to be attached to them.

Reason for call-in c:

The extent to which the proposed development is consistent with policies to ensure that any unacceptable risks to human health are identified and properly dealt with;

Reason for call-in d:

Whether there are any other material planning considerations relevant to the Secretary of State's consideration.

1.2 All other evidence in respect of reasons for Call-In c, e, and f of the Secretary of State's Call-In letter will be provided by other expert witnesses. Matters in relation to call-in reason c, with respect to population growth, will be addressed within the Proof of Evidence of my colleague Mr Geoff Gosling and with respect to the emergency plan, in my colleague, Patricia Hughes's, Proof of Evidence.

2.0 Policy and Guidance

2.1 The statutory development plan for the area in which the appeal site is located comprises the Basingstoke and Deane Borough Local Plan 1996-2011(BDBLP).

2.2 Section 38 of the Planning and Compulsory Purchase Act 2004 requires determinations under the Town and Country Planning Act 1990 to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan is therefore the starting point and it is necessary to assess whether the proposal is in accordance with the relevant policies of the Development Plan and other regulations.

3.0 Response to Reasons for Call-In

Reason for call-in a:

The extent to which the proposed development is in accordance with the development plan for the area, having regard in particular with the development plan for the area, having regard in particular to Regional Spatial Strategy for the South East – South East Plan published 6 May 2009 and the Basingstoke and Deane Local Plan 1996-2011 (saved policies).

3.1 The Planning and Compulsory Purchase Act 2004 provides for policies of the adopted Local Plan to be saved automatically for a period of three years from the date of commencement of the Act (September 2004) or for three years from the date of their adoption (July 2006). Policies of the adopted Local Plan were therefore automatically saved until July 2009. On 30 June 2009, the

Secretary of State issued a Direction relating to certain policies of the adopted Local Plan to be saved beyond July 2009, pending the preparation of the various Local Development Framework (LDF) documents for Basingstoke and Deane Borough. Those Local Plan policies not saved by the Direction ceased to have Development Plan status after 17 July 2009. One of the policies 'saved' was Policy D3.17 in relation to the site the subject of this planning application. Policy D3.17 sets out that '*...the site would be suitable for a mixed residential development of a minimum of 100 dwellings.*'

- 3.2 The full suite of saved policies and associated guidance that relate to this planning application are set out in the Planning Statement of Common Ground submitted on 14 September 2010.
- 3.3 The assessment of the application in relation to both the principle of development and more detailed development control matters are set out in the Planning Statement of Common Ground dated submitted on 14 September 2010. In all respects the planning application is in accordance with both the saved policies of the BDBLP and associated guidance and I do not therefore propose to expand on these matters in relation to this proof of evidence.
- 3.4 In relation to the Regional Spatial Strategy for the South East – South East Plan published 6 May 2009. The Regional Spatial Strategy was revoked by the Secretary of State on 6 July 2010 (by virtue of a written statement laid before parliament on that day) and therefore no longer forms part of the development plan for the area within which the planning application site relates. Notwithstanding the revocation of the Regional Spatial Strategy for the South East it is worth noting that the application site, prior to the revocation fell within an area known as the 'Western Corridor and Blackwater Valley' sub-region. The policies relevant to this sub-regional area set out, that in spatial distribution terms, the focus for the majority of housing to be provided within Basingstoke and Deane should be located within this sub-regional area. Whilst it was indicated that Basingstoke town would be the primary focus for development it did not preclude the provision of some development in other towns within the sub-region. I am not aware of the

HSE/NII raising any in-principle objection during the development of the South East Plan in relation to these sub-regional policies.

- 3.5 In relation to this proof of evidence there are, however, matters of relevance in relation to the process undertaken leading up to the adoption of the BDBLP which are pertinent to this case. The BDBLP was adopted in July 2006 in accordance with the procedures set out in the Town and Country Planning Act 1990. In doing so, at various stages in the development of the BDBLP, the council consulted with both statutory consultees and other relevant stakeholders, in accordance with the regulations in place at the time. This included consultation with the Health and Safety Executive. At no stage during the development of the BDBLP were objections received from the Health and Safety Executive in relation to the principle of allocating the Boundary Hall site as a site appropriate for the provision of a mix of uses, including residential development. The council therefore proceeded to adopt the BDBLP, including the allocation of the Boundary Hall site as a site for a mix of uses including housing under Policy D3.17 of the BDBLP.

Reason for call-in b:

The extent to which the proposed development is consistent with any emerging Development Plan Documents, including the weight to be attached to them.

- 3.6 The borough council is currently developing its LDF Core Strategy. It has undertaken several stages of consultation and engagement and will be undertaking a further stage of community engagement in autumn 2010 to provide input and evidence in relation to developing the Core Strategy. The focus for this further stage of consultation and engagement is to assist in establishing what the right level of housing is for Basingstoke and Deane borough and the approach to distribution of that development in response to the revocation of the Regional Spatial Strategy for the South East. There is nothing contained in the documents that have been consulted on thus far, or the evidence that has been collated to date, in relation to the development of the LDF Core Strategy or any other DPD that would suggest that this planning application would be contrary to any emerging approach that the council may

ultimately pursue. Whilst the LDF Core Strategy has yet to reach the publication of a Pre-Submission draft, and therefore there is no policy and spatial distribution framework beyond that contained in the BDBLP which would, in my view, have any material weight in relation to the consideration of this application. The evidence that has been published thus far by the council is a material consideration. That evidence does not identify any material issues against which this application, and the resolution of the council, should be reassessed.

Reason for call-in c:

The extent to which the proposed development is consistent with policies to ensure that any unacceptable risks to human health are identified and properly dealt with;

- 3.7 When considering the planning application and making my recommendation to Basingstoke and Deane Borough Council's Development Control Committee was presented having taken into account the views of the Health and Safety Executive- Nuclear Installations Inspectorate (HSE/NII) and the best information in relation to population growth that was available at that time. This applied to both my report and recommendation to councillors in July 2009 and again in January 2010. At that time I was of the view that the views of the HSE/NII were a material consideration that outweighed the Local Plan designation for the site. At that time councillors, having taken into account all available information, and being fully aware of the HSE/NII consultation response of 'advise against' and the national policy context, took a contrary view. The council's reasons for approval are set out in full in the Planning Statement of Case submitted on 14 September 2010. Of particular relevance is Reason for Approval 7 which sets out that:

'The additional population created by the development would not materially add to the risks associated with an on site emergency and the off-site emergency plan would not be materially prejudiced by the proposal. As such the development would accord with the requirements of Policies E1 and D5 of the Basingstoke and Deane Borough Local Plan 1996-2011, advise contained

in Planning Policy Statement 23: Planning and Pollution Control and within Circular 04/00 – ‘Planning Controls for Hazardous Substances’.

3.8 Following the decision of the council’s development control committee further work was undertaken to more fully understand the long term population projections for those parts of Basingstoke and Deane Borough which lay within the Inner DEPZ surrounding the Aldermaston Atomic Weapons Establishment. Some initial work was undertaken as the information presented to councillors at the 1 July 2009 Development Control Committee appeared to be counterintuitive in relation to the significant population increases that were referred to by the HSE/NII that had occurred within the Inner DEPZ since the licensing of Aldermaston AWE in 1997. This resulted in further information being presented by the HSE/NII to the council’s Development Control Committee on 10 February 2010. However, as a result of a formal request for revocation of planning permission ref BDB/ 66717 in relation to land to the rear of 12,14,16, and 20 Shyshack Lane, Baughurst the council itself undertook a further, more fine-grained assessment of population forecasts (with a particular focus on household size) within the Inner DEPZ. This more detailed work, which will be explored in more detail by my colleague, Geoff Gosling, in his Proof of Evidence, identified that over the medium term, the overall population within the Inner DEPZ, when taking into account all potential development opportunities (in terms of extant permissions, allocated sites, and windfalls) would result in only a marginal increase in the overall population within the Inner DEPZ. In addition, in considering Emergency Planning issues and the Implementation of the AWE Off-Site Emergency Plan, advice was received from a range of partners involved in emergency planning functions in relation to the formal request for revocation of BDB/66717. Those partners confirmed that this marginal increase in population could be accommodated in relation to Emergency Planning functions. This more recent information, which was presented to members of the council’s Development Control Committee on 12 May 2010, is, in my view, a material consideration in relation to this planning application. This is particularly relevant when considering the HSE/NII letter to the borough council dated 12 December 2008 providing clarification regarding HSE’s

policy in relation to planning applications for residential developments where such developments were likely to give rise to a long term net positive increase in population density within the safeguarding zone (DEPZ). Annex A to that letter sets out:

'Notwithstanding the above, the demographic margins within the DEPZs for the AWE Aldermaston and Burghfield nuclear licensed sites, are, even without the proposed Boundary Hall development, approaching unacceptable limits when judged against semi-urban density criteria.'

This advice was provided when the HSE was still using population information that we now know to be inaccurate.

- 3.9 It is as a result of the more recent information which has emerged since my original recommendations to the council's Development Control Committee that I have revised my professional view in relation to this planning application. I am of the view that the wider benefits that would be provided to the local community by granting approval of this planning application outweigh the concerns raised in relation to this planning application by the HSE-NII. This is in accordance with advice set out in relation to the HSE's role in the land use planning system as set out in Circular 04/00: Planning controls for hazardous substances Annex A -Inter-relationship of Hazardous Substances Consent with Planning Permission and Other Controls. This states that:

'A1. The HSE's role in the land use planning system is to provide local authorities with advice on the nature and severity of the risks presented by major hazards to people in the surrounding area so that those risks can be given due weight, when balanced against other relevant planning considerations, in making planning decisions.'

- 3.10 In considering the risks I am mindful not only of the most up to date population information but also of a letter from the Ministry of Defence to Cala Group Limited dated 12 May 2009 which sets out that:

'..there has been no increase in activity, nor are any additional activities being undertaken, at the Atomic Weapons Establishment, Aldermaston. A number of facilities are in the process of being modernised and updated in order to

meet modern safety standards and modern building requirements and practices. This additional investment at AWE was announced by the then Secretary of State for Defence on 19 July 2005 and re-iterated in the December 2006 White Paper-The Future of the United Kingdom's Nuclear Deterrent (Cm 6994). The associated works do not represent any additional activity or any increase in the Trident programme.'

- 3.11 I am of the view that there are other relevant planning considerations that need to be balanced against the risks presented. The benefits that the development of this site would achieve are as follows:
- Contribute to a supply of new homes (both market and affordable) in the locality
 - Provide for an element of small scale employment opportunity within the locality
 - Provide for new community facilities
 - Enable the current redundant site to be brought back into use providing for an improvement in the visual and environmental amenities for the locality.
- 3.12 In addition this planning application would make a contribution towards the council's Five Year Housing Land Supply, which, when including this site in the calculations, was as of 1 April 2009, some 5.01 years. Further information will be circulated prior to the start of the Public Inquiry setting out the council's Five Year Housing Land Supply position as at 1 April 2010 if this is available.
- 3.13 It is clear from the detailed examination of population projections within the Inner DEPZ that, without this, or any other development within the DEPZ, that the overall population would reduce. This is predominantly linked to the overall reduction in household size that will occur over time, if there were to be no further provision of housing. This is, in my view, a significant factor that needs to be taken into account in relation to the health and wellbeing of the local community. The impacts of effectively placing an embargo on further housing in the locality would significantly limit the opportunity of those currently living in the locality from being able to access either market or affordable housing opportunities. Furthermore, the implications for following

such an approach effectively signals to the existing population that there is an intention to effect, over time, the gradual reduction of the population of this part of Basingstoke and Deane borough. This effectively places blight over the area and sends a negative message to residents and businesses within the Inner DEPZ in relation to the safety and security of the population as a result of the Aldermaston AWE. This goes against both the concepts of 'nil detriment' in relation to population levels within the Inner DEPZ and the concept of 'natural growth' as set out in the discussion document 'The siting of Nuclear Installations in the United Kingdom' presented to the Nuclear Safety Advisory Committee in July 2008 (Page 4)

- 3.14 In considering the Draft National Policy Statement for Nuclear Power Generation (Department of Energy and Climate Change, November 2009, in relation to development in close proximity to nuclear establishments it is my view that this policy focuses on decisions in relation to site selection for new establishments (with a focus on new nuclear power stations) rather than managing sites already located adjacent to high levels of existing population. The national policy framework was developed as a generic statement and does not take into account the 'human' implications for existing establishments that are located in close proximity to centres of population, in relation to, for example, housing needs. The housing needs in relation to this part of Basingstoke and Deane borough are set out in the Planning Statement of Common Ground submitted on 14 September 2010. It is relevant, in the context of this planning application, to bear in mind that at the time of licensing the Aldermaston AWE the population levels within the parishes of Tadley, Baughurst and Pamber were some 16,650 persons. In the same area in 2009 the population had only grown by 57 persons to 16,707. Whilst the three parishes in combination do not correlate exactly with the boundary of the Inner DEPZ within Basingstoke and Deane borough, they do cover some 90% of that area. In my view these areas provide the closest approximation to the Inner DEPZ whereby there can be an accurate assessment of population change over time. The population information shows an almost static level of population over the last 12 years which, when combined with the projected population decrease within the same area as a result of

demographic change, suggests to me that the development the subject of this application could be accommodated without any material change in overall population levels since the licensing of the site in 1997. This accords with both the 'nil detriment' and 'natural growth' concepts. Furthermore, I do not consider that the character of the Inner DEPZ within Basingstoke and Deane borough is 'semi-urban' as has been described by the HSE/NII (as set out in paragraph 3.8 above). The population densities in my view suggest that this is an urban area, and as such development proposals should be considered within an 'urban character' context. This accords with the approach set out in paragraph 4.13.4 of the Draft National Policy Statement for Nuclear Power Generation which states that:

'When carrying out an assessment of a nuclear site licence application (at or around the time of a site specific development consent application), the NII will consider the population characteristics of the proposed site....'

- 3.15 Notably, the scale of population and level of housing that exists within the Inner DEPZ, has developed over time in part due to the proximity of Aldermaston AWE as a major employer. In fact, the site itself was, up until the mid-1990's, occupied by a hostel for some 150 Aldermaston AWE workers.

Reason for call-in c:

Whether there are any other material planning considerations relevant to the Secretary of State's consideration.

- 3.16 In considering the matters addressed in my proof and the other proofs submitted by the Council and including the information set out in the Statement of Common Ground, there are, in my view, no other further material planning considerations relevant to the Secretary of State's consideration.

4. Conclusions

- 4.1 I have assessed all of the evidence presented by Basingstoke and Deane Borough Council together with the information in the Planning Statement of Common Ground submitted on 14 September 2010. The planning application the subject of this appeal is in accordance with the development plan for the area in all respects. In addition the planning application would deliver a range of benefits to the local community as set out above. I have considered other material considerations in relation to projected population increases within the Inner DEPZ and in relation to the ability of Emergency Planning partners to be able to affect the Aldermaston AWE Off-site emergency plan. I am of the view that the benefits of developing this site outweigh those issues and planning permission should be granted subject to the completion of a Section 106 Planning agreement and appropriate conditions.