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# NOTICE OF MEETING

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## **CABINET MEMBER FOR PLANNING, REGENERATION & ECONOMIC DEVELOPMENT**

**TUESDAY, 23 JUNE 2015 AT 5.00 PM**

**CONFERENCE ROOM B - CIVIC OFFICES**

Telephone enquiries to Vicki Plytas 02392 834058  
Email: [vicki.plytas@portsmouthcc.gov.uk](mailto:vicki.plytas@portsmouthcc.gov.uk)

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**CABINET MEMBER FOR PLANNING, REGENERATION & ECONOMIC DEVELOPMENT**  
Councillor Luke Stubbs (Conservative)

### **Group Spokespersons**

Councillor Ben Dowling, Liberal Democrat  
Councillor Aiden Gray, Labour  
Councillor Colin Galloway, UK Independence Party

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(NB This Agenda should be retained for future reference with the minutes of this meeting.)

Please note that the agenda, minutes and non-exempt reports are available to view online on the Portsmouth City Council website: [www.portsmouth.gov.uk](http://www.portsmouth.gov.uk)

**Deputations by members of the public may be made on any item where a decision is going to be taken. The request should be made in writing to the contact officer (above) by 12 noon of the working day before the meeting, and must include the purpose of the deputation (for example, for or against the recommendation/s). Email requests are accepted.**

### **AGENDA**

- 1 Apologies for Absence**
- 2 Declarations of Members' Interests**
- 3 Designation of Milton Neighbourhood Planning Forum (Pages 1 - 16)**

The purpose of the report is to report on the application of the Milton Neighbourhood Planning Forum to be designated a neighbourhood forum for the purposes of neighbourhood planning and recommend that the forum be formally designated be the local authority.

**RECOMMENDED that the proposed Milton Neighbourhood Planning Forum and Area be formally designated.**

**4 Milton Skate Park - use of the CIL Neighbourhood Proportion (Pages 17 - 20)**

To seek the release of £18,900 from the Milton Neighbourhood Proportion of the Community Infrastructure Levy ('the Milton CIL').

**RECOMMENDED that £18,900 be released from the Milton Neighbourhood CIL to fund improvements to Milton Skatepark.**

**5 Food Growing Supplementary Planning Document (Pages 21 - 42)**

The purpose of this report is to seek approval for the draft Food Growing Supplementary Planning Document (SPD) for the purpose of public consultation.

**RECOMMENDED that the Cabinet Member:**

- 1. Approves the draft Food Growing SPD for public consultation.**
- 2. Authorises the City Development Manager to make editorial amendments to the SPD (attached as Appendix A) prior to publication, in consultation with the Cabinet Member for Planning, Regeneration and Economic Development. These amendments shall be restricted to correcting errors and formatting text and shall not alter the meaning of the statement.**

**6 Oil & Gas Development in Hampshire Supplementary Planning Document (Pages 43 - 138)**

The purpose of the report is to set out the need for and the purpose of the draft Oil and Gas SPD and recommend that it be published for consultation.

**RECOMMENDED that the Cabinet Member**

- a) approves the draft Oil and Gas SPD for consultation;**
- b) authorises the City Development Manager to make editorial amendments to the SPD prior to publication, provided that the amendments do not alter the meaning of the SPD or do not affect Portsmouth.**

**7 Minerals & Waste Safeguarding in Hampshire Supplementary Planning**

**Document (Pages 139 - 184)**

The purpose of the report is to set out the need for and the purpose of the draft Minerals & Waste Safeguarding SPD and recommend that it be published for consultation.

**RECOMMENDED that the Cabinet Member**

- a) **approves the draft Minerals & Waste Safeguarding SPD for consultation;**
- b) **authorises the City Development Manager to make editorial amendments to the SPD prior to publication, provided that the amendments do not alter the meaning of the SPD or do not affect Portsmouth.**

**8 Public Realm Strategy - Supplementary Planning Document (Pages 185 - 188)**

The purpose of this report is to seek approval to create a Public Realm Strategy - supplementary planning document (SPD).

**RECOMMENDED that the Cabinet Member authorises the City Development Manager (in conjunction with the Transport, Environment and Business Support service) to create a Public Realm Strategy - supplementary planning document and to report back a draft document for formal public consultation.**

Members of the public are now permitted to use both audio visual recording devices and social media during this meeting, on the understanding that it neither disrupts the meeting or records those stating explicitly that they do not wish to be recorded. Guidance on the use of devices at meetings open to the public is available on the Council's website and posters on the wall of the meeting's venue.



# Agenda Item 3



Portsmouth  
CITY COUNCIL

|                               |  |
|-------------------------------|--|
| <b>Title of meeting:</b>      | Cabinet Member for Planning, Regeneration and Economic Development |
| <b>Date of meeting:</b>       | 23 June 2015   |
| <b>Subject:</b>               | Designation of Milton Neighbourhood Planning Forum                 |
| <b>Report by:</b>             | City Development Manager   |
| <b>Wards affected:</b>        | Milton & Baffins   |
| <b>Key decision:</b>          | No   |
| <b>Full Council decision:</b> | No   |

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## 1. Purpose of report

- 1.1 To report on the application of the Milton Neighbourhood Planning Forum to be designated a neighbourhood forum for the purposes of neighbourhood planning and recommend that the forum be formally designated by the local authority.

## 2. Recommendation

- 2.1 **It is recommended that the proposed Milton Neighbourhood Planning Forum and Area be formally designated.**

## 3. Background

- 3.1 Since April 2012 communities have been able to undertake neighbourhood planning. Neighbourhood planning can take the form of producing a plan for an area or making an order to grant planning permission for development in an area. If successful at a public enquiry and a local referendum, the neighbourhood plan becomes part of the Local Plan and is used in the determination of planning applications.
- 3.2 Before neighbourhood planning can start, a neighbourhood area and a neighbourhood planning forum need to be designated by the Local Planning Authority. The neighbourhood planning forum will then be the group who are legally authorised to carry out neighbourhood planning for the area. There can only be one forum per neighbourhood area.
- 3.3 On 30 March 2015 residents in Milton made an application to the city council to designate a Neighbourhood Planning Forum and Neighbourhood Area in parts of Milton and Baffins. The application is attached as an Appendix to this report. It includes the constitution of the group and the proposed plan area, as well as the other requirements for a neighbourhood forum application as set out in Regulation 8 of the Neighbourhood Planning (General) Regulations 2012.

3.4 In accordance with Regulation 9, representations on the submission were invited via the city council website and displays in Milton Library by 15 May 2015. The residents involved in the Neighbourhood Planning Forum also publicised the consultation on notice boards in Milton and via the Keep Milton Green facebook page. No responses were received.

3.5 If a group is designated and embarks on producing a neighbourhood plan, the Local Planning Authority has to provide support to the forum in carrying out its neighbourhood planning. The type and level of support offered is up to the local planning authority. The authority is also responsible for arranging and paying for an examination into any plan or order put forward by a neighbourhood planning forum as well as arranging and paying for a referendum.

#### **4. Reasons for recommendations**

4.1 As there appears to be no strong feeling against the proposal in the area, and the submission complies with the preconditions for designating a neighbourhood forum as set out in paragraph 61F(5) of the Localism Act 2011, it is recommended that the application of the Milton Neighbourhood Planning Forum be accepted. The group is committed to producing a neighbourhood plan. They have drawn up a project plan for this work and are in the process of considering how best to consult with the local community.

#### **5. Equality impact assessment (EIA)**

5.1 Designating the Neighbourhood Planning Forum or Neighbourhood Plan Area does not require an EIA, because this decision does not result in a tangible outcome. However, the resulting neighbourhood plan will be subject to EIA.

#### **6. Legal Implications**

6.1 The Council is required, in determining whether to designate a neighbourhood forum as such, to have regard to the desirability of designating an organisation or body

- (i) Which has secured, or has taken reasonable steps to secure, that its membership includes at least one person who lives in the neighbourhood concerned, at least one person who works in the neighbourhood concerned, and at least one councillor
- (ii) Whose membership is drawn from different places in the neighbourhood concerned and from different sections of the community in that area
- (iii) Whose purpose reflects (in general terms) the character of that area.

[see Town and Country Planning Act, 1990 (as amended) Section 61F(7)].

6.2 The Portfolio Holder must be satisfied that there is sufficient information given in support of the application to allow him to have regard to the desirability of designation in this case, in considering whether or not the application and supporting documents show that the individuals representing the applicants have taken account of the criteria set out above.

**7. Head of Finance Comments**

- 7.1 There is potential for neighbourhood planning to have significant cost and resource implications depending on the number of groups in the city that wish to undertake neighbourhood planning. Milton residents are the first to apply for a Neighbourhood Planning Forum designation.
- 7.2 The costs of neighbourhood planning are met partly by the community group, the local authority and central government. Central Government has estimated the cost of neighbourhood planning to be between £17,000 - £63,000 per plan depending on the area and issues covered. The local authority has to organise and pay for the examination and referendum and the government has estimated this to cost £10,000 for the examination and £7,000 for the referendum. However, it has been estimated that a referendum using the Milton Neighbourhood Forum boundary would cost approximately £10,000. Therefore as a minimum a neighbourhood plan could cost £20,000 plus the costs of officer time to support the group.
- 7.3 It has been confirmed that Government support is available in 2015/16 to help fund neighbourhood planning. A grant of up to £30,000 per plan can be claimed to help fund the support given to community groups, the cost of any examination and referendum. Stage payments will be received by PCC, £5,000 upon the designation of a neighbourhood area and a further £25,000 upon successful completion of a neighbourhood plan.
- 7.4 It is anticipated that all costs associated with the recommendation contained within this report will be recovered on a full cost recovery basis from central government funding.

.....  
Signed by:

**Appendices: Milton Neighbourhood Planning Forum Application**

The recommendation(s) set out above were approved/ approved as amended/ deferred/  
rejected by ..... on .....

.....  
Signed by:

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## PORTSMOUTH – MILTON NEIGHBOURHOOD PLANNING FORUM

### STATEMENT IN SUPPORT OF APPLICATION

#### **Why we consider the area appropriate for designation as a Neighbourhood Planning area.**

Local residents believe that proposals for developments in the area, especially those relating to unsustainable housing allocations for the St James's Hospital site and the University of Portsmouth Furze Lane campus, present a threat to the character of the area. In particular, these proposals, including recent planning applications, would lead to an imbalanced community lacking in appropriate social and community facilities. Their views have been expressed in a variety of ways including objections to planning applications, representations to elected members of the City Council and one of the area's Members of Parliament, a demonstration in the grounds of the hospital, attendance at Milton Neighbourhood Forum and other public meetings and the creation of a *Keep Milton Green* Facebook Group with over 950 members.

The Urban Characterisation Study (Portsmouth City Council 2011) accurately describes the character of Milton East and the part of Milton West that is included in the Plan area, as follows.

(Extract from) Introduction

3.453 The only substantial buildings within the area at the time (1910) were located at the City Mental Hospital, now known as St. James' Hospital. Originally set in extensive landscaped grounds, development towards the end of the 20th century has significantly reduced its size however large areas of pleasant open space still remain.

3.454 Milton Common located to the north was formally part of Langstone Harbour and known as Milton Lake. Landfill across the area up until the 1970s created additional landmass, which now forms a Local Wildlife Site and an essential recreational area for people living in the Milton and Baffins character areas.

3.455 Today, the range of quality residential properties and the generally quiet suburban character attracts a broad range of social groups to the neighbourhood and is particularly popular with young families and older people.

#### Land use

3.456 The area has a range of land uses throughout. Residential properties dominate to the west with large spaces to the east. St. James' Hospital covers a considerable area at the heart of Milton East, however, its size has been reduced significantly over the past ten years as parts have been released for development. There are a number of community facilities scattered across the area including schools community centres, churches, meeting rooms and a small local centre located along Locksway Road.

3.457 Milton East has a generally quiet character both during the day and the evening with the exception of Milton Road where a number of shops are located. Whilst Fratton Park, home of Portsmouth Football Club, is in the neighbouring character area of Milton West, the influx of supporters into the city on match days has a significant effect on Milton East.

3.458 Incremental development across the area over an extended period of time has created a mix of building types and styles throughout. Initial development to the west created the most consistent townscape in the area, with 2 storey terraces laid out in grid pattern. Narrow roads dominated by parked vehicles and few breaks in the building line create a more enclosed feeling than the series of estates to the north.

3.459 A mix of low density estates constructed after 1960 extend along Moorings Way. While architectural styles vary between each individual development, the general pattern of modest 2 storey dwellings, either semi-detached or set in short terraces, situated within the centre of their plots, with small rear and front gardens / driveways is fairly consistent. Most are set within small leafy and open estates served by curvilinear routes feeding cul-de-sacs and short loops.

3.482 (Milton West) Residential uses are located predominantly to the north-west and south-east of the area, separated by a hospital and commercial uses. (It is the south-eastern residential area that is proposed to form part of the Milton Neighbourhood Plan area.)

#### Landscape and open space

3.460 Predominantly flat the eastern boundary is formed by Langstone Harbour, leaving coastal areas fairly exposed to the elements. Residential neighbourhoods are set back from the coastline and as such, their proximity to the sea does not form an obvious characteristic of these areas.

3.461 The coastline does, however, provide pleasant walking and cycling routes and panoramic views out across Langstone Harbour to Hayling Island and northern parts of the city. Large areas of open space are an obvious characteristic of the area providing a range of recreational facilities for residents and visitors to the area. Bransbury Park to the south contains a range of sports pitches, a community centre, play areas and a model railway, and the city's largest allotment site is located just to the east of it. Milton Common, University Sports pitches, leafy landscaped grounds at the hospital and large cemetery provide the majority of other open spaces and contribute to general open character of the neighbourhood.

3.494 Milton Park provides the only significant area of public open space in the (Milton West) area. This triangular park includes tennis courts, bowling greens, skate ramps, a children's play area, formal

gardens and a grassed recreational space all in a pleasant leafy setting. The park is popular and well used by people from the adjoining residential areas. (Milton East and the eastern part of the Devonshire Avenue ADC of Southsea East.)

#### Areas of distinct character

3.471 Old Milton – the first part of the neighbourhood to be significantly developed at the turn of the 20th century and is formed by neat terraced properties in a rigid grid pattern (53dph). Later infill developments are located throughout with larger buildings restricted to the Milton Road Frontage. The development pattern creates a slightly more enclosed feeling throughout, although large areas of open space are within close proximity. Busy traffic along Eastern Road and Milton Road is a negative characteristic and the use of side roads as ‘rat runs’ has led to the introduction of traffic calming measures on many routes.

3.472 Bransbury – large areas of public open space provided by Bransbury Park and allotments adjoining Langstone Harbour. These facilities provide an important break in the built form and provide essential recreational facilities for residents across the city. A small 1960s housing estate divides the two areas and a coastal footpath affords views across the harbour. The last surviving remnants of the Portsea Canal are located in a small conservation area to the north-west (16dph).

3.473 St. James’ – St. James’ Hospital, including its Grade II listed main building and extensive landscaped grounds, cover the majority of this area. The Langstone Campus of the University of Portsmouth is located to the east of the area and a 13 storey block of student halls represents the tallest building on the eastern side of Portsea Island. The area has a pleasant open character adjoining Langstone Harbour, however, the remote location does mean that the small scale residential development located there are some distance from any significant local amenities.

3.474 Moorings Way Area – a mix of low density (38dph) post war residential estates consisting of modest detached / semidetached properties and short rows of terraced properties. Each is clearly distinguishable in style, reflecting the extended period of time over which this area has grown. Larger 4 storey blocks of flats set in communal grounds are located along the Eastern Road frontage. Located on a series of loops and cul-de-sacs, front gardens / driveways setting properties back from the road, create a pleasant open character throughout.

3.475 Milton Common – this former landfill site now largely comprising rough grassland and ponds, supports important botanical species and provides vital habitat to wildlife. It forms part of a larger chain of green open spaces that extends along the eastern coastline of Portsea

Island. A coastal path provides views across Langstone Harbour to Hayling Island and a cycle path provides an important north-south route for commuters and recreational users.

3.508 Priory Crescent (Milton West) – a mix of 2 storey terraced residential properties dating from between 1895 and 1938 with later infill developments and a large park on the site of Milton Farm. Traffic calming measures have largely confined traffic to the main roads leaving side streets relatively quiet. Pedestrian movement swells when matches are held at the adjoining football stadium (46dph).

### **Why we consider the proposed forum to be a relevant body for the purposes of neighbourhood planning**

The proposed neighbourhood forum meets the conditions contained in Section 61F(5) of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011, Schedule 9) for the following reasons, and is therefore capable of being a relevant body for the purposes of neighbourhood planning (Section 61G of the 1990 Act)

- The Forum has been set up with the purpose of promoting or improving the social, economic and environmental wellbeing of the area designated and to conserve and enhance the green and spacious character of the locality as described in the Portsmouth City Council Planning Document Urban Characterisation Study.
- Membership has been made open to people living or working in the area, and elected members for the area.
- There are in excess of 21 members from above groups.
- The proposed Forum has a Written Constitution.

### **Engagement with the Community to Date**

There exists already in the area an active neighbourhood forum (in addition to this proposed Neighbourhood Planning Forum) which produces a local magazine, *Milton Matters*. This magazine is distributed to all homes within its area. That forum also holds regular open meetings with residents at which views can be gathered. It attempted to create a Neighbourhood Planning Forum in 2012 and considerable progress was made at that time, when their consultations showed that people living in the area readily regard Milton as their locality, sharing its problems and opportunities.

The current proposal began as a question to representatives of the Local Planning Authority at one of those regular open meetings in September 2014. Since then, the intention to form a neighbourhood planning forum and requests for members and assistance with the forum have been made at a further open meeting of the neighbourhood forum, in the January 2015 edition of *Milton Matters* and in posts to the Keep Milton Green Facebook Group.

On 28 February 2015 the Secretary wrote to Fiona Bell, Director of Estates at the University of Portsmouth and to Nicola Booth, Acquisitions & Disposals Manager of NHS Property Services, advising them of the proposed Planning Forum and offering a point of contact for further information. The Chair and Secretary are meeting with Ms Booth on 7 April, but no reply has been received as yet from the University.

The Chair and Secretary have also attended:

- a public meeting with Penny Mordaunt MP on Localism and Neighbourhood Plans reported in the local newspaper (The News);
- 2 meetings with staff of the Local Planning Authority;
- an informal meeting in the St James's Hospital site with Norman Lamb, Minister of State for Care and Support reported in the local newspaper and on local radio;
- an open meeting organised by the Leader of Portsmouth City Council to discuss plans for the St James's Hospital site at which the proposed Neighbourhood Planning Forum was publicly discussed, as reported in the local newspaper.

The following meetings have also taken place and are recorded in notes or minutes:

- 29 January 2015 – scoping meeting with councillors for the two wards in the area (notes);
- 12 February 2015 – management committee meeting, 10 members present;
- 3 March 2015 – management committee meeting, 14 members present.

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# PORTSMOUTH - MILTON NEIGHBOURHOOD PLANNING FORUM

## DRAFT CONSTITUTION

### 1. Name

The name of the group shall be the PORTSMOUTH – MILTON NEIGHBOURHOOD PLANNING FORUM, hereafter referred to as the Forum.

### 2. Extent of Area Covered by the Forum

The area to be covered by the Forum coincides broadly with the area defined as Milton East in the Portsmouth City Council Planning Document Urban Characterisation Study, <https://www.portsmouth.gov.uk/ext/documents-external/pln-local-dev-design-urban-characterisation.pdf> p101 *et seq*, with the addition of that part of Milton West shown in the “areas of distinct character” as Priory Crescent (para 3.508, *ibid*). This area is shown on the map in Appendix A of this Constitution. The area may be amended in conjunction with Portsmouth City Council and must be agreed by a majority vote at a special general meeting.

### 3. Vision

The “vision” of the Forum is to sustain the community of Milton, its green and spacious character and its protected shoreline through appropriate development which benefits the people who live, work or study in the area, now and in the future.

### 4. Objectives

The objectives of the Forum are:

- To prepare, in partnership with the local planning authority, a neighbourhood plan for the area.
- To meet the needs and aspirations of the Milton community by safeguarding the Neighbourhood against unsustainable development in accordance with the National Planning Policy Framework (NPPF). [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf) and in general conformity with the strategic policies of the development plan <https://www.portsmouth.gov.uk/ext/development-and-planning/planning/local-development-framework.aspx>.
- To promote balanced and integrated land-use patterns for the social, economic and environmental wellbeing of the Neighbourhood.
- To conserve and enhance the green and spacious character of the locality as described in the Portsmouth City Council Planning Document Urban Characterisation Study.

- To protect and improve the locally, nationally and internationally designated nature conservation areas and open spaces, in accordance with the Local Plan.
- To ensure new development in the Neighbourhood is adequately supported by the necessary infrastructure in accordance with the Local Plan and the NPPF.
- To foster community engagement in future spatial planning and enhance civic pride.

## **5. Powers**

In furtherance of the objectives, but not otherwise, the Management Committee may exercise the power to:

- Invite and receive contributions and raise funds where appropriate, to finance the work of the Forum, to set a budget for each financial year and to open a bank account to manage such funds.
- Publicise and promote the work of the Forum and organise meetings, training courses, events or seminars etc.
- Work with individuals or groups of a similar nature and exchange information, advice and knowledge with them, including cooperation with other voluntary bodies, charities, statutory and non-statutory organisations.
- Engage consultants, who will not be members of the Management Committee, and take on volunteers necessary to conduct activities to meet the objectives.
- Take any form of action that is lawful, which is necessary to achieve the objectives of the Forum, including taking out any contracts which it may see fit.

## **6. Membership**

- Membership shall be open to:
  - all who live or work in the area;
  - elected Council members for either of the two wards included in the area;
  - elected Members of Parliament or Prospective Parliamentary Candidates for either of the two parliamentary constituencies included in the area.
- Where it is considered membership would be detrimental to the aims and activities of the Forum, the Management Committee shall have the power to refuse membership, or may terminate or suspend the membership of any member by resolution passed at a meeting.
- Any member of the Forum may resign his/her membership by providing the Secretary with written notice.



d. The Forum will have a minimum of 21 members before any decision on neighbourhood planning may be made. The Secretary will maintain a list of members at all times and publish this online.

## **7. Management Committee**

a. The Forum will be administered by a management committee of no fewer than three (3) members who will be elected for a period of up to one year, but may be re-elected at the Forum's AGM.

b. The committee will elect from its members the following officers:  
a Chair;  
a Treasurer;  
a Secretary.

c. The committee may also elect any additional officers it deems necessary to carry out particular activities.

## **8. Meetings**

a. The management committee will meet at least four times a year to discuss actions and monitor progress to date, and to consider future developments.

b. Members will be given at least fourteen (14) days' notice of when a meeting is due to take place, unless it is deemed as an emergency, this will also be publicised in the area to non-members.

c. A meeting of the committee will be quorate if more than half the members are present. (If there are 13 members, the quorum will be 7, if there are 14 members the quorum will be 8.)

d. The Chair will designate a deputy if s/he is unable to attend.

e. The secretary will produce minutes of the committee meetings and general meetings of the Forum. These minutes will be circulated to committee members, published on the Forum's website and made available to interested parties.

f. The AGM will take place no later than three months after the end of the financial year. At least fourteen (14) days' notice must be given before the meeting takes place.

g. All members are entitled to vote at the general meetings. Voting will be made by a show of hands on a majority basis. In the case of a tied vote, the Chairperson or his/her designated deputy will make the final decision.

## **9. Finance**

- a. Any money acquired by the Forum, including donations, contributions and bequests, will be paid into an account operated by the Management Committee in the name of the Forum.
- b. All funds must be applied to the objects of the Forum and for no other purpose.
- c. Bank accounts will be opened in the name of the Forum. Any deeds, cheques etc relating to the Forum's bank accounts must be signed by at least two (2) of the following committee members: Chair; Treasurer; Secretary.
- d. Any income/expenditure will be the responsibility of the Treasurer who will be accountable to ensure funds are utilised effectively and that the Forum stays within budget. Official accounts will be maintained, and will be examined annually by an independent accountant who is not a member of the Forum. An annual financial report will be presented at the AGM. The Forum's accounting year shall run from 1 April to 31 March.

## **10. Neighbourhood Planning**

- a. Any decision to undertake, consult on or submit to the local planning authority for approval any Neighbourhood Plan will be subject to a vote of the full Forum.
- b. Consultation on the Neighbourhood Plan will be open to all residents and businesses whether members of the Forum or not.
- c. The Forum will set up a website to publicise the neighbourhood planning process, record it and seek views of the public.
- d. The management committee will be delegated to work with the local planning authority and any independent experts and advisers on the neighbourhood plan as they see fit.

## **11. Alteration of the Constitution**

- a. This constitution, and any changes to it, must be agreed by a majority vote at a special general meeting.
- b. Proposed amendments to this constitution or proposed dissolution of the Forum must be conveyed formally in writing to the Secretary. The Secretary and other officers will then decide on the date of a special general meeting to discuss such proposals, giving members at least four weeks (28 days) notice.
- c. Changes to this constitution may only be made to the extent that they do not affect the ability of the neighbourhood forum to be designated as a neighbourhood

forum for the purposes of neighbourhood planning, as per Section 61F of the Localism Act 2011.

## 12. Dissolution

a. The Forum will cease to be designated as a neighbourhood forum under the provisions of the Localism Act 2011 (Schedule 9) <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/part/1/enacted> at the end of the period of 5 years beginning with the date on which the designation is made.

b. The Forum may be dissolved if deemed necessary by the members in a majority vote at a special meeting.

c. Any assets or remaining funds after debts have been paid will be returned to their providers or transferred to local charities or similar groups at the discretion of the Management Committee.

This constitution was adopted at an Annual General Meeting held at \_\_\_\_\_ on \_\_\_\_\_ by:

Signed: Chairperson

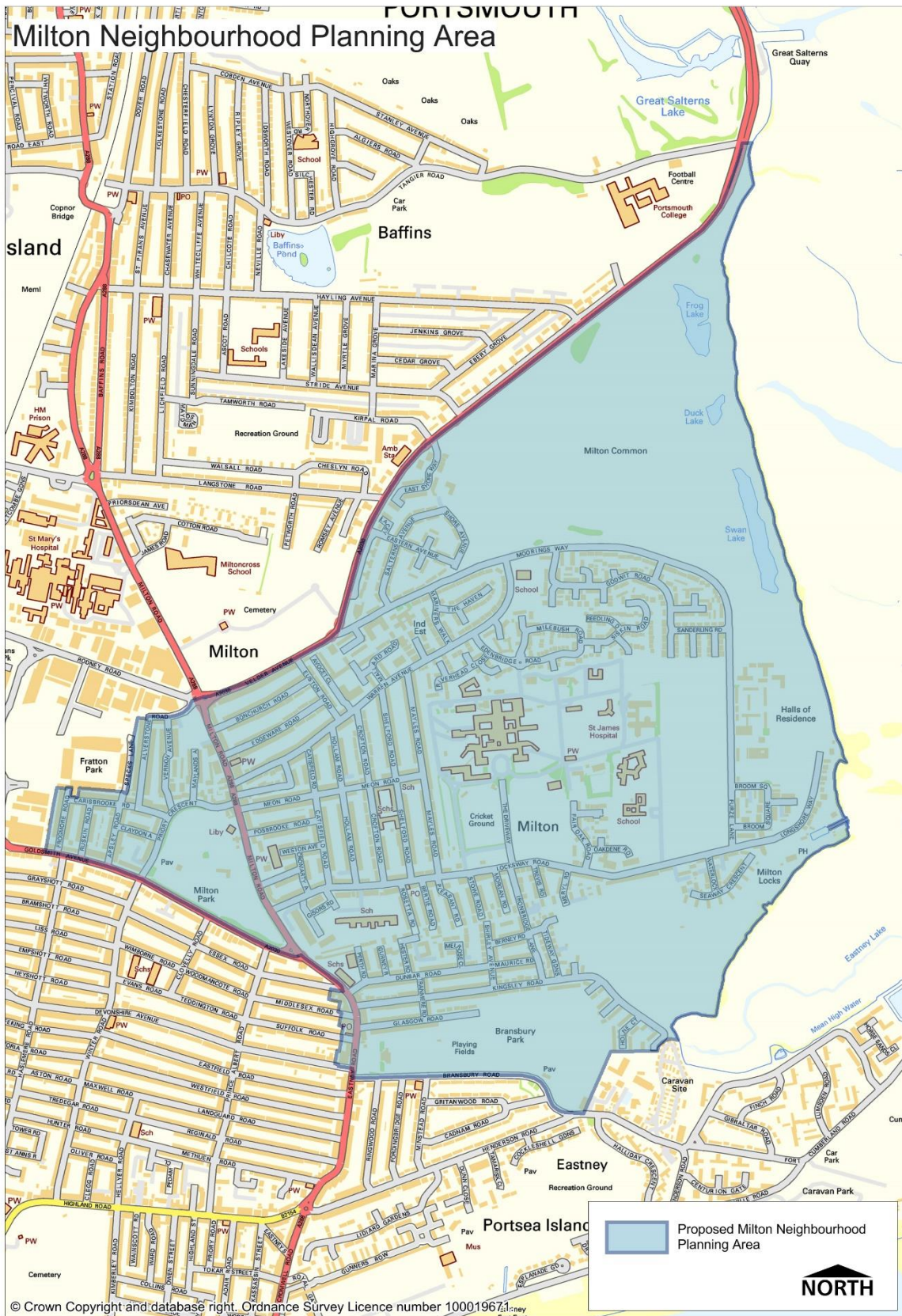
Signed: Treasurer

Signed: Secretary

Signed: Member

Signed: Member

# APPENDIX A – Map of the Proposed Area



# Agenda Item 4



Portsmouth  
CITY COUNCIL

|                               |  |
|-------------------------------|--|
| <b>Title of meeting:</b>      | Cabinet Member for Planning, Regeneration and Economic Development |
| <b>Date of meeting:</b>       | 23 June 2015   |
| <b>Subject:</b>               | Milton Skate Park - use of the CIL Neighbourhood Proportion        |
| <b>Report by:</b>             | City Development Manager   |
| <b>Wards affected:</b>        | Milton   |
| <b>Key decision:</b>          | No   |
| <b>Full Council decision:</b> | No   |

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## 1. Purpose of report

- 1.1 To seek the release of £18,900 from the Milton Neighbourhood Proportion of the Community Infrastructure Levy ('the Milton CIL').

## 2. Recommendations

- 2.1 **That £18,900 be released from the Milton Neighbourhood CIL to fund improvements to Milton Skatepark.**

## 3. Background

- 3.1 The council was initially contacted by the Milton Neighbourhood Forum in July 2013 enquiring as to whether it would consider additional equipment and some minor amendments at Milton Park skatepark if the forum were able to secure a grant to fund this. The Cabinet Member for Leisure at the time was briefed and an agreement in principle to the project given to the neighbourhood forum.
- 3.2 The Forum was not successful in securing the grant they applied for and instead approached the council for a contribution from the Milton CIL. Following discussions with officers in the Spring of 2014 they were asked to consult further with users of the skate park to determine the elements to be included in the scheme, and also with the Library and Community Centre.
- 3.3 In September 2014, the three Ward Members confirmed that they were happy in principle to allocate £10,000 of the Milton CIL to the skate park proposal. Meanwhile the scheme continued to evolve, the Forum working up an amended scheme with the help of a local skate supply shop, users and a skate park equipment provider.
- 3.4 Officers received the revised proposal on 20 March 2015, and following further discussions, the Forum confirmed in May 2015 that this was the scheme they supported and wished to propose for formal consideration. The Milton ward members again confirmed that they wished to use the Milton CIL to part fund this project.
- 3.5 To satisfy the council's prescribed procurement process, quotes were invited between 18 May and 5 June 2015.

3.6 A financial appraisal has of the scheme has now been carried out. This is summarised below.

## **Project Financial Summary**

|  |               |
|--|---------------|
| <b>Cost of Equipment</b>                 | <b>£</b>      |
| Supply                                   | 10,500        |
| Delivery                                 | 1,050         |
| Installation                             | 4,750         |
| <b>Total Equipment Cost</b>              | <b>16,300</b> |
| Life of Equipment - 10 years             | 5,534         |
| Commuted Sum £525 pa                     |               |
| 5% contingency on equipment cost         | 815           |
| Independent post-installation inspection | 251           |
| <b>Total Project Cost</b>                | <b>22,900</b> |
|  |               |
| <b>Funded by</b>                         |               |
| Milton NF (Radian Housing)               | 1,500         |
| Bored of Southsea                        | 2,500         |
| Milton CIL                               | 18,900        |
| <b>Total Funding</b>                     | <b>22,900</b> |

3.7 The CIL Neighbourhood funds currently being held is £56,414.

## **4. Reasons for recommendations**

4.1 The local community have put in significant time and effort to develop a scheme supported by the users of the skatepark, and have also secured contributions to the cost of the scheme.

4.2 In accordance with the approval process agreed by Cabinet in June 2013, Ward Members have the authority to decide how Neighbourhood CIL should be spent within their ward. Formal approval for the release of these funds is required by the Cabinet member for PRED.

4.3 In this case, all three members are supportive of this scheme.

## **5. Equality impact assessment (EIA)**

5.1 This report purely deals with financial matters so an EIA is not required.

**6. Legal Implications**

**6.1** The use of CIL monies is regulated in accordance with Section 216, Planning Act, 2008, which requires CIL to be applied to funding specified infrastructure, including sporting and recreational facilities. CIL receipts may also be used to fund administrative expenditure for providing such facilities. In the National Planning Practice Guidance (NPPG), it is stated that "*The levy is intended to focus on the provision of new infrastructure and should not be used to remedy pre-existing deficiencies in infrastructure provision unless those deficiencies will be made more severe by new development*". However, the NPPG continues "*The levy can be used to increase the capacity of existing infrastructure or to repair failing existing infrastructure, if that is necessary to support development*". The Portfolio Holder should consider the NPPG guidance in determining whether or not the funding available may be applied as proposed.

**7. Head of Finance Comments**

**7.1** The financial detail is contained within the body of this report. A full financial appraisal has been carried for the improvements proposed which will be primarily funded from CIL neighbourhood contributions.

.....  
Signed by:

**Appendices:**

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

| Title of document | Location |
|-------------------|----------|
|                   |          |
|                   |          |

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by ..... on .....

.....  
Signed by:

## Appendix: SKATE EQUIPMENT REQUIREMENTS

### **Rail Quarter**

*Preferred specification:* 400mm high, 5000mm long, minimum 1000mm wide with 60 degree coping edge  
Material: Concrete / galvanised steel edgings

### **Hollow Ledge**

*Preferred specification:* 250mm to 400mm high, 2500-3000mm long, minimum 400mm wide with galvanised steel grind edges  
Material: Concrete / galvanised steel edgings

### **T-Block**

*Preferred specification:* 200mm high, 3000-4000mm long, 1200mm wide pad, with 500mm high, minimum 7500mm long, up to 1000mm wide, 55 degree block  
Material: Concrete / galvanised steel edgings

### **Sloped Ledge**

*Preferred specification:* 250mm to 400mm high, 3000mm long, 600mm wide  
Material: Concrete / galvanised steel edgings

### **Pole Jam**

*Preferred specification:* 500mm high, up to 650mm wide at base, 60mm diameter tube at 55 and 75 degree angles  
Material: Galvanised steel

### **Wedge Gap**

*Preferred specification:* Bank 1: up to 400mm high, 1500mm wide, 2000mm depth  
Bank 2: up to 400mm high, 2700mm wide, 2000mm depth  
Laid at 12 degree angle and 80 degree coping edge  
Material: Concrete / galvanised steel edgings

### **Sloped end rail (Wallie rail)**

*Preferred specification:* 350mm high, minimum 3000mm long with 75 degree ends  
Material: Galvanised steel

Where the above items cannot be supplied, a suitable alternative substitute(s) may be considered.

All items must be supplied with a 10 year warranty for materials and workmanship (excluding vandalism).

The completed installation must conform with all relevant British and European standards.

The completed installation will be inspected by an RPII inspector and any defects will be remedied by the supplier at no additional charge.



Agenda item:

**Decision maker:** Cabinet Member for Planning, Regeneration and Economic Development, 23 June 2015

**Subject:** Food Growing SPD

**Report by:** City Development Manager

**Wards affected:** All

**Key decision (over £250k):** No

---

## 1. Purpose of report

- 1.1 The purpose of this report is to seek approval for the draft Food Growing Supplementary Planning Document (SPD) for the purpose of public consultation.

## 2. Recommendations

**The Cabinet Member is recommended to:**

- 1. Approve the draft Food Growing SPD for public consultation.**
- 2. Authorise the City Development Manager to make editorial amendments to the SPD (attached as Appendix A) prior to publication, in consultation with the Cabinet Member for Planning, Regeneration and Economic Development. These amendments shall be restricted to correcting errors and formatting text and shall not alter the meaning of the statement.**

## 3. Background

- 3.1 There is a resurgence of interest in local food production with increasing concern over food miles, local produce and seasonality. The city's allotment waiting list is also currently oversubscribed, and with projected population increases it is liable to increase further. The Food Growing SPD seeks to address this issue by securing additional food growing space in new developments, as well as encouraging community groups to establish food growing spaces in underused sites across the city.
- 3.2 The Food Growing SPD supplements policies PCS13 (A Greener Portsmouth), PCS14 (A Healthy City) and PCS15 (Sustainable Design and Construction) of the Portsmouth Plan.

3.3 This document has been informed by the National Planning Policy Framework which encourages sustainable development and the securing of multiple benefits from the use of land, including food production. The document is also supported by the PUSH Green Infrastructure Strategy and the city council's Sustainable Design and Construction SPD, which both promote local food production .

#### **4. Equality Impact Assessment (EIA)**

4.1 A preliminary EIA has been carried out on the draft SPD. This concluded that a full assessment was is not necessary.

#### **5. Legal Services' comments**

5.1 The report and recommendations give the opportunity to the Portfolio Holder to consider the documents in detail and signify approval before it is published as a draft document for consultation. The consultation is necessary having regard to regulation of production of supplementary planning documents.

#### **6. Head of Finance's comments**

6.1 The costs associated with the approval of the recommendations in this report will be met from existing budget resources.

.....  
Signed by City Development Manager:

#### **Appendices**

Appendix A – draft Food Growing SPD

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by

..... on .....

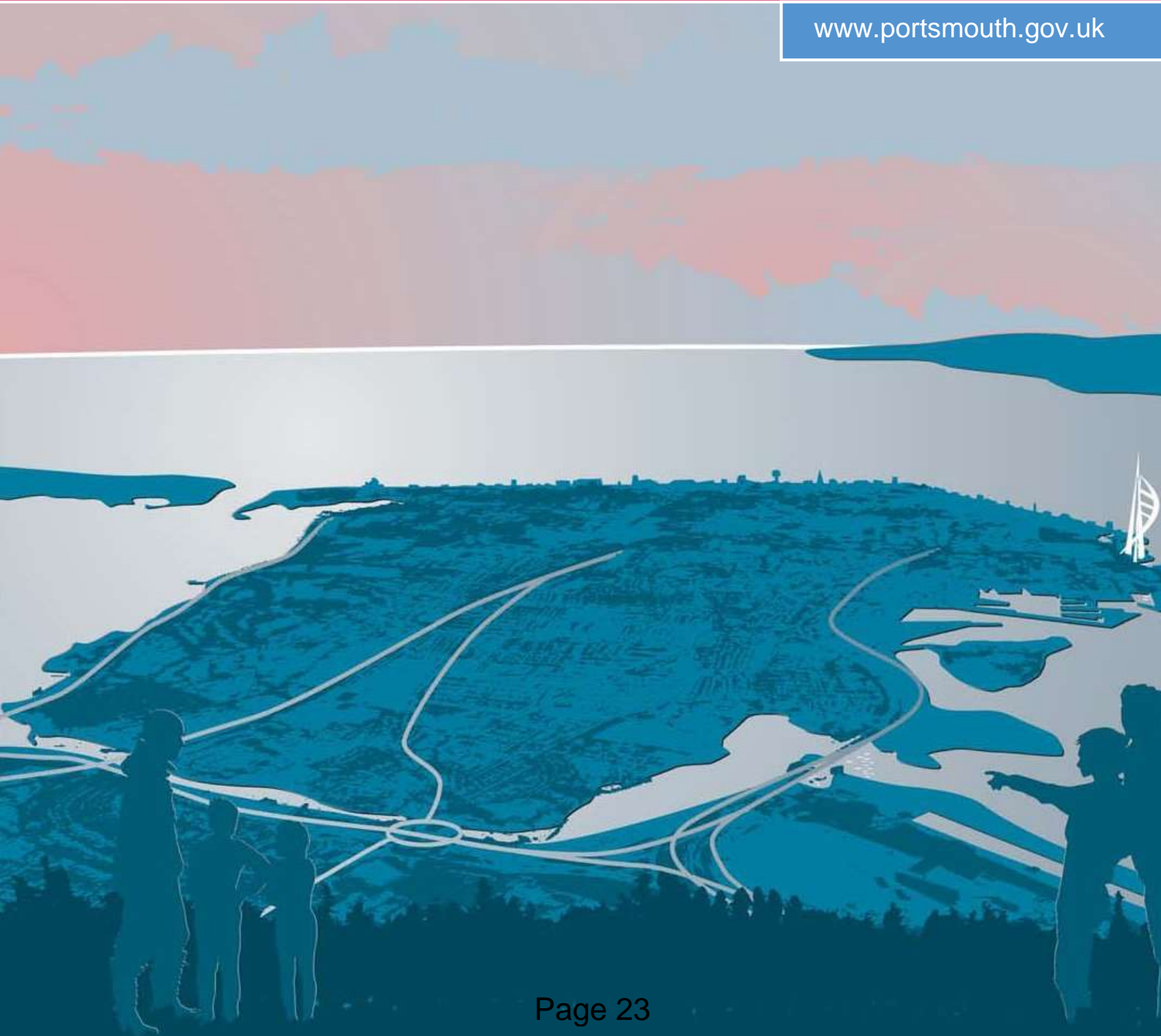
.....  
Signed by

*Shaping*  
the future

# Food growing

Supplementary Planning Document – draft

[www.portsmouth.gov.uk](http://www.portsmouth.gov.uk)



## Foreword

With the recent launch of Southsea Greenhouse and the Portsmouth Food Partnership, and the city's newly-affiliated membership of the Sustainable Food Cities Network, it is clear that there is rising interest in local food production. This movement is being driven by a number of factors including a desire for healthier lifestyles, an appreciation of the wellbeing value of food growing, and a move towards more sustainable communities.

To help meet this demand the city council has recently improved the use of existing allotments, however in dense urban environments such as Portsmouth there appear to be few areas of space which are available for new allotments.

Opportunities do however exist to create innovative food growing spaces such as through rooftop gardens and green balconies. This documents aims to provide guidance to developers about how to add value to their developments through the inclusion of food growing spaces. The document also provides advice to community groups on how they can create new food growing spaces in existing buildings and spaces around the city.

# Contents

## INTRODUCTION

|                |   |
|----------------|---|
| Overview ..... | 1 |
| Benefits ..... | 1 |

## PROCESS

|                          |    |
|--------------------------|----|
| Suitable sites .....     | 4  |
| Developers .....         | 4  |
| Community .....          | 4  |
| Considerations .....     | 6  |
| Types .....              | 8  |
| Example approaches ..... | 12 |

## APPENDIX

|                              |    |
|------------------------------|----|
| Developer case studies ..... | 13 |
| Community case studies ..... | 14 |
| Resources .....              | 15 |

# Introduction

## Overview

- 1.1 Food growing spaces can take many forms such as temporary community gardens, allotment plots on the rooftop of a housing block, or private balconies with growing beds. This Supplementary Planning Document (SPD), which is for developers, planning officers and community groups, sets out the benefits of food growing and how it adds value to development. It also provides guidance to developers on how to incorporate food growing spaces in new developments, as well as providing advice to community groups on how to establish new food growing spaces in underused sites across the city. In addition, the SPD sets out design and technical considerations to take into account when planning food growing spaces.
- 1.2 This document has been informed by the National Planning Policy Framework which encourages sustainable development and the securing of multiple benefits from the use of land, including food production.<sup>1</sup> The document is also supported by the PUSH Green Infrastructure Strategy and the city council's Sustainable Design and Construction SPD, which both promote local food production<sup>2</sup>. In addition, this document is also supported by the following policies from the Portsmouth Plan 2012-2027:
  - PCS13 (A Greener Portsmouth)
  - PCS14 (A Healthy City)
  - PCS15 (Sustainable Design and Construction)

## Benefits

- 1.3 The city council is keen to promote new food growing spaces as they can provide multiple benefits to developments and the wider community. This included improving people's health and wellbeing, providing educational opportunities, supporting local biodiversity, helping to regulate temperature of buildings, and increasing the value of development. Due to these benefits, food growing spaces are considered to contribute towards the three dimensions of sustainable development as shown in figure 1.

---

<sup>1</sup> National Planning Policy Framework (DCLG 2012)

<sup>2</sup> Green Infrastructure Strategy (PUSH 2010)



Figure 1 - the 'three dimensions' of sustainable development

### **Social sustainability**

- 1.4 Gardening can provide multiple health benefits including good exercise, fresh air and sunlight. It can also provide mental health benefits such as decreased levels of stress and increased self-confidence. Furthermore, food growing spaces provide opportunities to meet new people and socialise, increasing community cohesion. If designed appropriately such areas can also be used to host community events such as a picnic or cookery classes.

### **Environmental sustainability**

- 1.5 Food growing spaces provide numerous environmental benefits including supporting local biodiversity, helping to clean the air and water, and providing a location for community composting. Rainwater can also be collected on-site through rainwater harvesting systems, which in combination with permeable surfaces can contribute towards reduced surface water flood risk. The produce created at a food growing spaces would also have low food miles, helping to reduce carbon emissions.

### **Economic sustainability**

- 1.6 Food growing spaces are a good way to increase access to fresh and healthy produce, especially for people on lower incomes. In addition, food growing spaces can provide opportunities for people to enhance their skills and self-confidence, improving their employment opportunities. For developers, food growing spaces can add value to development, and can even be rented out to help support building maintenance costs. For commercial developments, the inclusion of green areas has been shown to improve worker wellbeing and productivity; a key aspect of successful businesses<sup>3</sup>. On a wider level, the creation of food growing spaces can help to uplift an entire area.<sup>4</sup>

<sup>3</sup> Would you be happier living in a greener urban area? (University of Exeter 2013)

<sup>4</sup> Planning sustainable cities for community food growing (Sustain 2014)

- 1.7 The creation of new food growing spaces in Portsmouth will also help to meet a number of the city council's objectives, such as;
- Encouraging and enabling healthy choices and making Portsmouth a sustainable city (Portsmouth Plan: p.13);
  - Promoting the sustainable use of energy, water and land (Sustainability Strategy: p.9,13);
  - Incorporating lifestyle features in housing that cuts emissions and encourages food production (Greener Homes Strategy: p.1);
  - Delivering sustainable communities set in a quality low carbon environment (Regeneration Strategy: p.19);
  - Developing the contribution physical activity makes to the promotion of healthy lifestyles in Portsmouth (Portsmouth Sport and Physical Activity Strategy: p.19);
  - Creating an age-friendly city by encouraging healthy lifestyle choices which promote physical, emotional and mental wellbeing (Portsmouth's Ageing Population Strategy: p.19).
- 1.8 Foods growing is also very popular; despite a recent increase in the number of allotments and grow zones in the city, demand for food growing spaces continue to outpace supply<sup>5</sup>, and with projected population rises, demand is likely to increase further.

### where else to look

- Portsmouth Plan: [www.portsmouth.gov.uk/living/7923.html](http://www.portsmouth.gov.uk/living/7923.html)
- Sustainable Design and Construction SPD: [www.portsmouth.gov.uk/living/23686.html](http://www.portsmouth.gov.uk/living/23686.html)
- National Planning Policy Framework 2012: [www.communities.gov.uk/publications/planningandbuilding/nppf](http://www.communities.gov.uk/publications/planningandbuilding/nppf)
- Sustainability Strategy 2010: [www.portsmouth.gov.uk/ext/documents-external/cmu-sustainability-strategy.pdf](http://www.portsmouth.gov.uk/ext/documents-external/cmu-sustainability-strategy.pdf)
- Portsmouth's Ageing Population Strategy 2010-2020: [www.portsmouth.gov.uk/ext/documents-external/pln-local-dev-housing-ageing-population-strategy.pdf](http://www.portsmouth.gov.uk/ext/documents-external/pln-local-dev-housing-ageing-population-strategy.pdf)
- Greener Homes Strategy (2009): [www.portsmouth.gov.uk/ext/documents-external/cou-policies-greener-homes.pdf](http://www.portsmouth.gov.uk/ext/documents-external/cou-policies-greener-homes.pdf)
- Portsmouth Sport and Physical Activity Strategy 2002-2007: [www.portsmouth.gov.uk/ext/documents-external/cou-policy-sport-physical-activity.doc](http://www.portsmouth.gov.uk/ext/documents-external/cou-policy-sport-physical-activity.doc)
- Portsmouth Regeneration Strategy (2011): [www.portsmouth.gov.uk/ext/documents-external/cou-regeneration-strategy.pdf](http://www.portsmouth.gov.uk/ext/documents-external/cou-regeneration-strategy.pdf)

<sup>5</sup> Parks and Open Space Strategy 2012-2022 (PCC 2012)



## Process

### Suitable sites

- 2.1 Food growing spaces could be appropriate for a range of areas, including:
- Residential rooftops, balconies, gardens and landscaping;
  - Commercial developments - internal areas or landscaping;
  - Common land in housing estates, retirement homes or student halls of residence;
  - Allotment plots;
  - Land owned by a charity for public benefit;
  - Land within existing parks and recreation grounds;
  - Old churchyards and cemeteries;
  - School or hospital grounds;
  - Urban fringe agricultural land;
  - Waste ground and derelict sites.
- 2.2 While allotments are the most popular option for delivering food growing spaces in urban areas, given the lack of available land in Portsmouth, innovative solutions may be required. Paragraph 2.16 provides examples of some of the many types of food growing spaces available.

### Developers

- 2.3 Where appropriate, the city council will encourage the inclusion of food growing spaces in new developments and will discuss the principle at the pre-application stage. The potential for food growing from different types of development is set out in table 1.
- 2.4 For residential developments of 50 or more dwellings, depending on the proposal, a growing site could count towards the provision of on-site open space as required by the Housing Standards SPD.
- 2.5 When seeking planning permission for a proposal which includes food growing, regard should be made towards the design and technical considerations shown in paragraph 2.15. The considerations should be suitably addressed in a submitted Design and Access Statement. Any submitted Landscaping Plan should also set out how food growing opportunities have been considered, and where appropriate, incorporated into the development. If the site has the potential to be contaminated, this should be addressed through a submitted Desktop Study as a minimum. A site-specific investigation may also be required. If contamination is found then suitable mitigation measures would be expected.
- 2.6 If a proposal which includes a food growing space is approved, the city council would seek to secure the ongoing use of the growing space through attached conditions.

### Community

- 2.7 There may be opportunities for community groups to establish growing spaces on underused public and private land. Once a potential food growing site has been identified, the community should consider the following questions:
- Is the site a suitable size for what your group wants to do?

- Are there sufficient volunteers involved to maintain the site?
- Could it be made accessible to everyone in your community?
- Could it be made secure, including having any tools stored safely?
- Are there others interested in the site, e.g. other groups, businesses?
- Is there a current planning application for the site?
- What planning restrictions are in place, e.g. listed buildings, road access, parking requirements?
- Are there rights of way or easements across the site?
- Are there services on or near the site, e.g. water, electricity, gas, sewers, drains, telephone/cable?
- What was the site previously used for?
- Is the land likely to be contaminated by a previous use?
- Are there any plants or habitats present that should be conserved?
- Who are the neighbours and are they likely to be supportive of a food growing space?

2.8 If the answers to the above questions are favourable, the next step will be for the community to discuss the proposal with the landowner and any occupiers. In the case of an underused site, the landowner may have intentions to develop the site, however they may also be happy for the site to be used temporarily for a food growing project. The advantages for a landowner of doing this include:

- The community group may take on the maintenance of the site, reducing ongoing costs for the landowner;
- Use of the site may reduce anti-social behaviour and uplift the value of the site and area;
- A small rent may be offered.

2.9 To provide assurances to the landowner, a clear exit strategy should be agreed prior to food growing commencing. A 'meanwhile use' lease agreement may also be offered. For more information on meanwhile leases, please see the webpage:

[www.gov.uk/government/collections/meanwhile-use-leases-and-guidance-for-landlords](http://www.gov.uk/government/collections/meanwhile-use-leases-and-guidance-for-landlords)

2.10 Once the community have secured written consent from the landowner and any occupiers, they should then discuss their proposal with the city council through the submission of a pre-application enquiry. For more information on pre-applications please visit the city council website and search for 'submitting a pre-application enquiry'.

2.11 While the city council will judge each food growing proposal on its own merits, it would usually seek to support proposals where the community have:

- Identified a clear need for food growing and have sufficient volunteers involved;
- Identified a suitable potential site that is demonstrably underused;
- Have written permission from the landowner and any occupiers;
- The proposal shows good design principles (as described in paragraph 2.15);
- The proposal will enhance public land and not be to the detriment of other users';
- The proposal would not have an adverse impact upon nature conservation;
- An adequate management plan is proposed, including how to return the space to its previous use if demand for food growing significantly declines.

2.12 There may also be opportunities for local residents to establish 'community composting' schemes on small parcels of green space. These schemes would allow people who do not

have access to outside space - such as residents of flats - to create compost. The compost can then be used on allotments or gardens, or given to a community garden scheme. To be successful, community composting schemes would need to be appropriately managed by its members to ensure high standards are maintained. For an example of a successful community composting scheme please see: [www.brighton-hove.gov.uk/content/environment/recycling-rubbish-and-street-cleaning/community-composting](http://www.brighton-hove.gov.uk/content/environment/recycling-rubbish-and-street-cleaning/community-composting)

2.13 In addition to creating new food growing spaces there are opportunities for people to share existing food growing areas, such as the council's 'grow zones'. For more information on grow zones, please visit the council's webpage and search for 'growing food'. The city council also has a number of friends groups established for people who wish to garden. These include:

- Rock Garden Friends;
- Friends of Cumberland House;
- Friends of Milton Park;
- Portsdown Hill and Hilsea Lines Volunteers.

For more information on these and other volunteer groups please visit the 'Portsmouth Together' website.

2.14 There may also be opportunities for people to 'garden share' on another person's allotment or garden, sharing some or all of the gardening responsibilities and produce. For more information on garden sharing please visit the Landshare website: [www.landshare.net](http://www.landshare.net)

## **Considerations**

2.15 Once a potential opportunity for food growing has been identified by either a developer or the community, the following technical and planning issues should be considered:

### **Design**

- The proposed type of food growing space should be appropriate to the site conditions and the needs of the proposed growers.
- Growing spaces should ideally be south-facing and receive direct sunlight. If this would not be possible then it may restrict the type of produce which can be planted on the site. Consideration should also be given at this stage toward the likelihood of future development or building extensions which could impact upon the conditions of the growing space.
- Some types of plants can struggle to grow in exposed locations, particularly those that are near the coast and subject to salty sea wind. Therefore it may be appropriate to consider using the site layout or screening methods such as trees or hedge planting to help shield the growing area.
- Site security is a critical concern and may require the erection of a fence. A storage shed/office may also be required to store tools and organise the running of the growing space.

- If possible, growing spaces should be designed to be flexible, allowing it to adapt to future demands. This could include converting the space to general amenity space should there be a significant decline in demand for food growing.

### **Access**

- The growing space should be laid out in such a way so as to provide adequate access, particularly for person with disabilities. This should include providing appropriate access for the bringing in of earth and gardening tools, both of which have the potential to be very heavy. This could be a particular concern for rooftop or balcony growing.
- To prevent damages, the restriction of access for pets to the food growing spaces should also be considered.

### **Amenity**

- The space should be designed so as to not lead to a significant loss of amenity for the occupiers of surrounding residential properties (such as through increased overlooking or loss of privacy). The impact of increased levels of noise and activity which the growing space could create should also be considered and appropriately minimised.
- Growing spaces should not have a significant adverse impact upon visual amenity. To achieve this, consideration should be made towards the layout of the space in relation to surrounding buildings and the wider streetscape.
- For proposals in new and existing residential developments, a balance should be maintained between the provision of space for food growing and the provision of general-purpose private amenity.

### **Contamination**

- If the site has the potential to contain contaminated soil it should be assessed prior to use. Depending on the circumstances, suitable mitigation measures may be required. This could for example include using raised beds with semi-permeable membranes to prevent the upwards movement of particles. For more information on contaminated land, please visit the city council's website and search for 'developing contaminated land'.
- For community sites, any soil which is brought in by community gardeners also needs to be tested to ensure it is free of contamination.

### **Air quality**

- Food growing sites should avoid being directly exposed to one of the city's Air Quality Management Areas (AQMAs). For information on AQMAs, please visit the Portsmouth City Council website and search for 'Air quality and pollution in Portsmouth'.

### **Water**

- A reliable water supply is essential to support a successful growing space. Ideally this would be provided through a sustainable rainwater harvesting system such as a rooftop collection and water butt however an on-site mains tap could also be appropriate.

## **Soil**

- Different types of soil support certain types of plants, so consideration will need to be given towards the preferred produce. If existing site soil is going to be used, then the quality of the soil may need to be checked, to see whether it would support food growing. Furthermore, some soils are more lightweight, so may be more appropriate for indoor locations. Due to the risk of erosion, light soils may not however be suitable for more exposed locations such as rooftops or sites near to the coast.
- Provision of on-site composting facilities should also be incorporated into a scheme to increase environmental and financial sustainability.

## **Management**

- To avoid growing spaces becoming unsightly and underused, it is crucial to consider management issues at the earliest available point, preferably at the design stage. Management considerations should include:
  - Who the growers will be and what the selection process will be;
  - Who will maintain the space and how will it be funded;
  - Who will own the gardening tools and how will they be stored safely;
  - How pests will be managed;
  - How soil health will be maintained;
  - How the site will be accessed and secured;
  - How visual clutter will be minimised;
  - Proposed hours of use;
  - Who will consume the produce.
- In residential dwellings, private growing spaces would usually be maintained by the residents, while Residents Associations or contractors could manage communal spaces. Additionally, growing spaces can be rented out to residents for a small fee, with the funds collected going towards site maintenance.
- Public buildings such as schools and hospitals have established communities, including staff, students and other users. Such a community could collectively manage the growing spaces, potentially in conjunction with a caretaker. For commercial buildings, growing spaces could be managed by an in-house maintenance team or external contractors (see table 1).
- The management plan should determine what to do with the space if there is a decline in demand and the space is no longer being used for food growing. As this point it may be appropriate for the food growing space to be converted into general amenity space. Adaptability, as well as the future funding and maintenance of unused spaces should therefore be considered at the design stage.

## Types

2.16 While allotments are the most popular approach to providing food growing space in urban areas, growing spaces can be delivered in a variety of ways. Given the dense urban fabric of Portsmouth innovative solutions will be required to deliver new food growing spaces. A number of different approaches to food growing spaces are shown below, however this should not be considered to be an exhaustive list.



### Allotments

Allotments are spaces for individuals to grow produce and even keep chickens. Individual allotments can be space intensive and are regulated by statutory legislation, so they might not be appropriate for every type of development such as those which require a flexible management approach.



### Community garden

A community garden is an area where local residents share gardening responsibilities. Community gardens have the advantage of being able to accommodate more growers in a given space than allotments, as well as allowing more flexibility in the amount of time individuals need to commit to the project.



### Community orchard

Like a community garden, community orchards are communal spaces where different members of the local community can come together and manage the space.

Compared to community gardens, community orchards often require less maintenance so may be more suitable for time-pressed communities. If designed appropriately they can also make excellent leisure spaces.

Image credit: London Permaculture, CC License



Image credit: Vmenkov, CC license

## Edible landscaping

When designing landscaping schemes, edible plants such as fruit and nut trees and vines can also be included. Additionally, alongside ornamental plants, growing bed could include edible shrubs such as artichoke, rhubarb and herbs, as well as fruit and berry bushes. In public spaces, edible species would need to be clearly identified from inedible ones.

Compared to other growing spaces, edible landscaping often requires less or even no maintenance. Permaculture or 'cottage and potager' gardening styles can also be employed to support a mixed approach and reduce maintenance requirements.

Careful thought will need to be given towards the safe layout of edible landscape schemes to avoid people trampling growing beds or straying onto roads whilst collecting produce. Access to edible landscaping may also need to be restricted to prevent trespassing.



Image credit: Bart Everson, CC license

## Raised beds

Raised beds are purpose-built structures, ideally made of untreated wood which provide a suitable growing medium. They are often used in spaces where there is little or no soil, such as on development sites or rooftops, temporary growing spaces, or contaminated areas.

To provide wheelchair access, the beds should only be up to 0.6 metres high. It is also recommended that beds should only be up to 0.9 metres wide where access is from one side only, or 1.2 metres wide where access is from both sides.

Land awaiting development can be utilised for food growing through tonne bags filled with soil. When the site is due to be developed, the bags can be moved to a new site.



Image credit: David Shankbone, CC license



Image credit: Suzette, CC license

## Roof garden

Rooftops can make excellent growing spaces due to their good access to sunlight and water, and their proximity to potential growers. They are especially suited towards high-density areas and communal properties such as housing blocks or offices.

Green roofs are one example of rooftop growing spaces and come in 'extensive' or 'intensive' systems. Extensive systems are lightweight and as such are not usually designed for roof access. They instead provide energy-efficiency, water management and biodiversity benefits. Intensive green roofs have deeper soil levels and are appropriate for food growing and other recreational activities.

Alternatively rooftop growing spaces can be provided through the addition of raised beds or growing containers. In all rooftop growing spaces regard will need to be made at the design stage towards rooftop loading and drainage, safety and access considerations, and whether wind protection would be required.

## Green balconies

Balconies can make excellent growing spaces in high-density areas, particularly in residential flats. Suitable produce could include herbs or salad greens. Balcony growing spaces can be composed of window boxes or containers, raised beds, or even extensive roof systems.

In all green balconies, consideration should be given towards the balcony's aspect, as north facing balconies with substantial overshadowing may struggle to support food growing. The loading and drainage capacity of growing food on a balcony should also be considered at the design stage.





## Wildflowers

There has been a notable reduction in the UK bee population over the last few decades, with the loss of wildflowers being considered a significant factor.

Therefore the inclusion of wildflowers in landscaping schemes will help to support a healthy bee population as well as other species such as butterflies. Furthermore, unlike many hybrid flower species, wildflowers are self-seeding, so often have lower ongoing costs.



## Internal garden

Internal growing spaces can be provided through courtyards or atriums. As well as creating growing opportunities, internal green spaces can provide added benefits to building users including improved wellbeing and productivity.<sup>6</sup> Internal gardens also have the added benefit of providing access all-year round, potentially increasing uptake.

In addition, internal growing spaces can support plant varieties which would usually struggle in the UK, such as tomatoes or citrus fruits. With all internal growing spaces, careful regard will however need to be given towards irrigation, drainage and lighting.

Image credit: Spaceo, CC license

## where else to look

- Developing Contaminated Land SPG (2004): [www.portsmouth.gov.uk/ext/documents-external/dev-dev-contaminated-land-guide.pdf](http://www.portsmouth.gov.uk/ext/documents-external/dev-dev-contaminated-land-guide.pdf)
- Guide for growing on land which may be contaminated (2014): [www.snh.gov.uk/docs/A1486604.pdf](http://www.snh.gov.uk/docs/A1486604.pdf)
- Meanwhile use leases and guidance for landlords (2013): [www.gov.uk/government/collections/meanwhile-use-leases-and-guidance-for-landlords](http://www.gov.uk/government/collections/meanwhile-use-leases-and-guidance-for-landlords)
- Community orchards: how to guide (2011): [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/11466/1973262.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11466/1973262.pdf)

<sup>6</sup> Would you be happier living in a greener urban area? (University of Exeter 2013)

## Example approaches

| Type                          | Design   | Management  | Produce   |
|-------------------------------|--|---|---|
| <b>Residential</b>            |  |   |   |
| Land available                | <ul style="list-style-type: none"> <li>• allotments</li> <li>• community allotment</li> <li>• community orchard</li> <li>• edible landscaping</li> <li>• garden sharing</li> </ul> | <ul style="list-style-type: none"> <li>• private spaces managed by residents</li> <li>• communal spaces managed by a Residents Association</li> </ul> | <ul style="list-style-type: none"> <li>• consumed by the residents</li> </ul>                   |
| Land available (contaminated) | <ul style="list-style-type: none"> <li>• roof garden</li> <li>• raised beds</li> </ul>   |   |   |
| No land available             | <ul style="list-style-type: none"> <li>• roof garden</li> <li>• green balconies</li> </ul>   |   |   |
| <b>Commercial</b>             |  |   |   |
| Limited land available        | <ul style="list-style-type: none"> <li>• edible landscaping</li> <li>• intensive green roof</li> <li>• internal growing spaces</li> </ul>  | <ul style="list-style-type: none"> <li>• managed by external contractor with help from staff</li> </ul>   | <ul style="list-style-type: none"> <li>• consumed in the company canteen or by staff</li> </ul> |
| <b>Community</b>              |  |   |   |
| Land available                | <ul style="list-style-type: none"> <li>• community allotment</li> <li>• community orchard</li> <li>• edible landscaping</li> </ul>   | <ul style="list-style-type: none"> <li>• Managed by staff and users with caretaker oversight</li> </ul>   | <ul style="list-style-type: none"> <li>• consumed by the community</li> </ul>                   |

Table 1 - Example design and management approach

# Appendix

## Developer case studies



Image credit: Radian

### **Stoneham Green, Southampton**

This development by Radian housing association includes eleven 'Code 6' homes with adjacent allotment gardens for each home. The allotments were provided on a small strip of derelict land which adjoined the site.

In order to inspire residents to produce their own vegetables and fruit, Radian also hosted a number of gardening workshops to give advice and teach residents how to get the best from their allotment.



Image credit: Brighton & Hove City Council

### **One Brighton, Brighton**

The One Brighton residential block in central Brighton was jointly developed by Crest Nicholson and BioRegional. The scheme comprises 28 'mini' rooftop allotments which are rented out to tenants who maintain them, with some oversight from the caretaker.

The plots have proven to be very popular, with a higher demand for plots to rent than are available. The plots have also helped to bring residents together and build a sense of community.

## Community case studies



Image credit: Southsea Greenhouse

### **Southsea Greenhouse, Portsmouth**

Southsea Greenhouse is a community project which has established a communal allotment on a derelict strip of land in Canoe Lake. Along with growing beds, the site also contains a shed which acts as an office and tool store.

The garden is supported by an organiser and a core team of local volunteers. To support its income, the project sells vegetable boxes and plants.



### **Stacey Centre Community Orchard, Portsmouth**

As part of the Healthy Pompey project, a community garden was established on a piece of wasteland connected to the Stacey Centre in Baffins.

The garden has been maintained by a team of growers from the Healthy Pompey project in addition to volunteers from the local area.



### **Landport Grow Zone, Portsmouth**

The Landport Grow Zone was also established by Healthy Pompey on a part of a park in Arundel Street.

The space provides opportunities for 15 local residents to grow their own fruit and vegetables. The residents have also set up their own gardening group to support each other, which include workshops for new growers.

## Resources

- **Carrot City**  
A research initiative that explores how design can enable the production of food in cities  
[www.ryerson.ca/carrotcity](http://www.ryerson.ca/carrotcity)
- **Edible Estates**  
(National Housing Federation 2014) A good practices guide for social landlords on supporting food growing initiatives on social housing owned land.  
[www.housing.org.uk/publications/browse/edible-estates-a-good-practice-guide-to-food-growing-for-social-landlords](http://www.housing.org.uk/publications/browse/edible-estates-a-good-practice-guide-to-food-growing-for-social-landlords)
- **Federation of City Farms and Community Gardens**  
A charity which supports, represents and promotes community-managed farms across the UK  
[www.farmgarden.org.uk](http://www.farmgarden.org.uk)
- **Food Matters**  
A national food policy and advocacy organisation working to create a more sustainable and fair food system.  
<http://foodmatters.org>
- **Guide for growing on land which may be contaminated**  
(Grow Your Own Working Group 2014) Advice note on growing food on potentially contaminated land  
[www.snh.gov.uk/docs/A1486604.pdf](http://www.snh.gov.uk/docs/A1486604.pdf)
- **Meanwhile Foundation**  
Offering advice on 'meanwhile uses' of land such as temporary community gardens.  
[www.meanwhile.org.uk](http://www.meanwhile.org.uk)
- **Planning for a Healthy Environment**  
(TCPA 2012) Good practice guidance for green infrastructure and biodiversity.  
[www.tcpa.org.uk/pages/planning-for-a-healthy-environment-good-practice-for-green-infrastructure-and-biodiversity.html](http://www.tcpa.org.uk/pages/planning-for-a-healthy-environment-good-practice-for-green-infrastructure-and-biodiversity.html)
- **Planning Sustainable Cities for Community Food Growing**  
(Sustain 2014) Guidance note on how planning can support community food growing.  
[www.sustainweb.org/news/apr14\\_planning\\_sustainable\\_cities](http://www.sustainweb.org/news/apr14_planning_sustainable_cities)
- **Portsmouth Food Partnership**  
The Partnership includes key public sector organisations as well as a range of business and NGO representatives, working together to promote healthy and sustainable food, improving dietary habits and health outcomes.  
<http://sustainablefoodcities.org/findacity/cityinformation/userid/442>
- **The Permaculture Association**  
Advocacy group for sustainable farming principles, with a particular interest in urban farming.  
[www.permaculture.org.uk](http://www.permaculture.org.uk)

Planning Policy, City Development &  
Culture, Civic Offices, Guildhall Square,  
Portsmouth, PO1 2AU

Telephone: 023 9268 8633

Email: [planningpolicy@portsmouthcc.gov.uk](mailto:planningpolicy@portsmouthcc.gov.uk)

[www.portsmouth.gov.uk](http://www.portsmouth.gov.uk)

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audio or in another  
language by calling  
023 9268 8633.



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Plain English Campaign  
Committed to clearer communication.

264



|                               |  |
|-------------------------------|--|
| <b>Title of meeting:</b>      | Cabinet Member for Planning, Regeneration and Economic Development |
| <b>Date of meeting:</b>       | 23 June 2015   |
| <b>Subject:</b>               | Oil & Gas Development in Hampshire Supplementary Planning Document |
| <b>Report by:</b>             | City Development Manager   |
| <b>Wards affected:</b>        | all  |
| <b>Key decision:</b>          | No   |
| <b>Full Council decision:</b> | No   |

---

## 1. Purpose of report

- 1.1 To set out the need for and the purpose of the draft Oil and Gas SPD and recommend that it be published for consultation.

## 2. Recommendation

- 2.1 **It is recommended that the Cabinet Member for Planning, Regeneration and Economic Development**
- a) **approves the draft Oil and Gas SPD for consultation;**
  - b) **authorises the City Development Manager to make editorial amendments to the SPD prior to publication, provided that the amendments do not alter the meaning of the SPD or do not affect Portsmouth.**

## 3. Background

- 3.1 As Minerals and Waste Planning Authority, the city council was a partner authority in the production of the Hampshire Minerals and Waste Plan (together with Hampshire County Council, Southampton City Council and the New Forest and South Downs National Park Authorities) and adopted it as part of the development plan for Portsmouth in 2013.
- 3.2 The Hampshire Minerals & Waste Plan intends to ensure that we have enough minerals for Hampshire's needs up to 2030 as well as ensuring there are enough facilities to effectively deal with our waste management requirements. It includes robust policies which are designed to balance the needs of the economy, the environment and communities in considering the need for and the location of minerals and waste development.

- 3.3 The plan contains a policy specifically on oil and gas development (Policy 24). However, since the adoption of the Plan, oil and gas development has emerged as an issue of great interest to Hampshire's communities, in particular with regard to the potential for unconventional oil and gas development including hydraulic fracturing ('fracking').
- 3.4 All oil and gas development requires planning permission from the relevant Minerals & Waste Planning Authority as well as the relevant regulating licences and/or environmental permits from other agencies. These permissions and consents protect Hampshire's communities and the environment from many of the potential negative effects of development. However, due to the interest in this subject, officers at the partner authorities consider that an SPD on this issue would provide greater clarity and certainty to Hampshire's communities and interested parties on issues associated with this type of development. It explains the different stages of such development, the planning and licensing processes involved and the key social, economic and environmental considerations that will be taken into account. This approach was one of the outcomes of an Oil and Gas event, which took place in June 2014.
- 3.5 If approved, consultation is due to take place during June - August 2015, with adoption of the SPD planned for December 2015.

#### **4. Reasons for recommendations**

- 4.1 Officers at the partner authorities (Hampshire County Council, Southampton City Council, Portsmouth City Council and the New Forest National Park Authority) consider that it would be helpful to set out further detail for communities, local authorities and potential applicants to explain the planning powers and processes which are used to control oil and gas developments.

#### **5. Equality impact assessment (EIA)**

- 5.1 The SPDs do not contain any additional policies over and above those in the Minerals & Waste Plan. The SPDs provide guidance on the implementation of the policies of the adopted Plan. As a result, it is considered that the documents have a low if not no impact on all groups. An Equalities Impact Assessment will be prepared as part of the preparation of the SPDs prior to adoption.

#### **6. Legal Implications**

- 6.1 The report and recommendations give the opportunity to the Portfolio Holder to consider the documents in detail and signify approval before it is published as a draft document for consultation. The consultation is necessary having regard to regulation of production of supplementary planning documents.

#### **7. Head of Finance Comments**

- 7.1 There are no financial implications that arise as a result of approving the recommendation to consult on the draft Oil and Gas Supplementary Planning Document. Should any costs



arise, they will be met from existing cash limited budgets or an alternative source of funding will be identified.

.....  
Signed by:

**Appendices:** Oil & Gas Development in Hampshire Supplementary Planning Document

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by ..... on .....

.....  
Signed by:

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# HAMPSHIRE MINERALS & WASTE PLAN

## Oil & Gas Development in Hampshire

### Supplementary Planning Document



***Providing guidance on the implementation of the policies of the adopted Hampshire Minerals & Waste Plan***

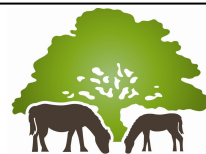
**Draft (June 2015)**



**Hampshire**  
County Council



**Portsmouth**  
CITY COUNCIL



**NEW FOREST**  
NATIONAL PARK



**SOUTHAMPTON**  
CITY COUNCIL®

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## Contents

|   |    |
|---|----|
| Foreword .....  | 0  |
| Have Your Say on this SPD .....   | 0  |
| 1. Introduction .....   | 1  |
| Oil and gas development and the planning system .....   | 2  |
| How this guidance links to the adopted Hampshire Minerals & Waste Plan .....  | 4  |
| Meeting the duty to co-operate .....  | 6  |
| Relevant assessments, appraisals and other useful documents .....   | 6  |
| 2. Oil and gas licencing in Hampshire .....   | 8  |
| 3. Permitted oil and gas development .....  | 10 |
| 4. Phases of oil and gas development .....  | 11 |
| 5. Planning Performance Agreements .....  | 16 |
| 6. Preparing a planning application for oil or gas development .....  | 17 |
| Pre-application discussions .....   | 18 |
| When will a proposal require an Environmental Impact Assessment application?<br>.....   | 21 |
| Ensuring a planning application for oil or gas development is valid .....   | 22 |
| How should notice on landowners be served? .....  | 24 |
| What planning application fees will be applicable to oil or gas development? ..   | 25 |
| What issues will need to be considered as part of any planning application? ..  | 26 |
| Compliance with National Planning Policy .....  | 26 |
| Compliance with Local Planning Policy .....   | 27 |
| What other regulatory regimes or agencies may be involved or have an interest<br>in the planning process for oil or gas developments? ..... | 43 |
| Why is community engagement important to the planning process? .....  | 53 |
| 7. How will decision making take place for oil or gas developments? .....   | 54 |
| 8. What conditions are likely to be attached to planning permissions? .....   | 56 |
| 9. Planning obligations .....   | 64 |
| 10. Monitoring and enforcement of oil and gas developments .....  | 66 |
| 11. Community benefits .....  | 68 |
| Glossary and acronyms .....   | 69 |
| Appendices .....  | 81 |
| Appendix 1: Oil and gas licences in Hampshire .....   | 81 |
| Appendix 2: Current permitted oil and gas developments in Hampshire .....   | 83 |
| Appendix 3: Establishing whether a proposed oil or gas development requires<br>an Environmental Impact Assessment (EIA) .....               | 84 |

## Foreword

In 2013, Hampshire County Council (HCC), Portsmouth City Council (PCC), Southampton City Council (SCC), the New Forest National Park Authority (NFNPA) and the South Downs National Park Authority (SDNPA) adopted the Hampshire Minerals & Waste Plan (the 'Plan' or HMWP) in partnership as Minerals Planning Authorities (MPAs) in Hampshire.

The Plan ensures that we have enough minerals for Hampshire's needs up to 2030 as well as ensuring there are enough facilities to effectively deal with our waste management requirements.



Oil and gas are mineral resources and primary sources of energy. It is evident that the UK is becoming increasingly reliant on these resources to meet its energy needs. However, oil and gas are both finite natural resources which are being depleted through our energy and manufacturing requirements.

Demand for oil and gas in the United Kingdom is currently supplemented by imported oil and gas. This factor, in addition to volatile energy prices, has resulted in energy security becoming a focus for national policy. Oil and gas development is therefore an important issue for Hampshire as its communities and economy both rely on oil and gas.

Hampshire already has a long history of conventional oil and gas development with three existing active oilfields and associated satellite sites and infrastructure. One of the Hampshire oilfields also stores gas underground.

Hampshire's in-situ oil and gas resources may provide further opportunities to extract oil and gas resources to meet growing energy demands, if this represents sustainable development.

All oil and gas development requires planning permission from the relevant MPA as well as the relevant regulating licences and/or environmental permits from other agencies. These permissions and consents manage the impacts on Hampshire's communities and the environment which may be associated with oil and gas development.



When considering oil or gas development, it is important that a careful balance is struck between any potential impact on the environment and our communities while supporting our future prosperity. Our overriding concern is to ensure that any oil or gas proposal is the right development, in the right place, at the right time.

The Hampshire Minerals & Waste Plan includes robust policies relating to all issues associated with proposals for onshore oil and gas development.

This Supplementary Planning Document (SPD) follows the adoption of the Plan. It:

- outlines planning policy guidance for oil and gas development in Hampshire;
- assists the implementation of the policies of the Hampshire Minerals & Waste Plan; and
- provides further, more technical guidance on oil and gas issues in the Plan area.

As the SPD is guidance, it does not include further policies on oil and gas. The adopted Plan already includes the necessary policies against which any proposal for oil and gas would be judged.

This SPD covers the administrative areas of HCC, SCC, PCC and the NFNPA only. This is because the plan-making partnership established for the HMWP has now come to an end and a new partnership has been established between HCC, PCC, SCC and the NFNPA to implement and monitor the Plan. Therefore, this SPD does not cover the administrative area of the SDNPA which falls within Hampshire.

**Councillor Seán Woodward - Executive Member for Economy, Transport and Environment - Hampshire County Council**

*Seán Woodward*

**Councillor Luke Stubbs- Executive Member for Planning, Regeneration and Economic Development - Portsmouth City Council**

*Luke Stubbs*

**Councillor Simon Letts - Leader - Southampton City Council**

add signature

**Oliver Crosthwaite-Eyre - Chairman - New Forest National Park Authority**

add signature

## Have Your Say on this SPD

You are welcome to provide comments on any part of this document. However, you may wish to consider the following questions when preparing your response:

- 1 Does the SPD clearly explain the differences between the oil and gas licencing and planning systems?**
- 2 Does this SPD clearly explain the role of the Hampshire Authorities in relation to oil and gas development?**
- 3 Does this SPD clearly explain the pre-application process in Hampshire for oil and gas development?**
- 4 Does this SPD clearly explain how a planning application for oil and gas development should be prepared in Hampshire?**
- 5 Does this SPD clearly explain how the policies contained within the Hampshire Minerals & Waste Plan would be implemented in relation to oil and gas development?**
- 6 Does this SPD clearly explain who would be consulted and when in relation to oil and gas development proposals?**
- 7 Does this SPD clearly explain the role of the other regulatory bodies in relation to oil and gas development?**
- 8 Does this SPD clearly explain what types of conditions may be placed on any planning permissions related to oil and gas development?**
- 9 Does this SPD clearly explain how section 106 agreements and CIL are relevant to oil and gas development in Hampshire?**
- 10 Does this SPD clearly explain how oil and gas development would be monitored to ensure it remains compliant with the necessary planning and regulatory requirements?**
- 11 Does this SPD clearly explain how community benefit packages are relevant to oil and gas developments in Hampshire?**
- 12 Is there further guidance that should be contained within this SPD?**
- 13 Do you have any comments on the SPD?**

All documents associated with this consultation are available to view on the Hampshire County Council website<sup>1</sup>.



The document is also accompanied by the following documents:

- Oil and Gas in Hampshire: Background Study<sup>2</sup>;
- Integrated Sustainability Appraisal<sup>3</sup>;
- Habitats Regulation Assessment<sup>4</sup>; and
- Equality Impact Assessment<sup>5</sup>.

Comments are also welcomed on the content of these documents.

For more information on this SPD, please contact minerals and waste policy at Hampshire County Council using the following details:

**Address: Strategic Planning (Minerals and Waste Policy), Department for Economy, Transport and Environment, Hampshire County Council, The Castle, Winchester, Hampshire, SO23 8UD**

**Tel: 0300 555 1389 (HantsDirect)**

**Email: [planning.policy@hants.gov.uk](mailto:planning.policy@hants.gov.uk)**

**Website: [www.hants.gov.uk/county-planning](http://www.hants.gov.uk/county-planning)**

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2.Oil and Gas in Hampshire Background Study (Hampshire Authorities, 2015) v1

3.Interim Integrated Sustainability Appraisal - Supplementary Planning Documents (Hampshire Authorities, 2015) v1

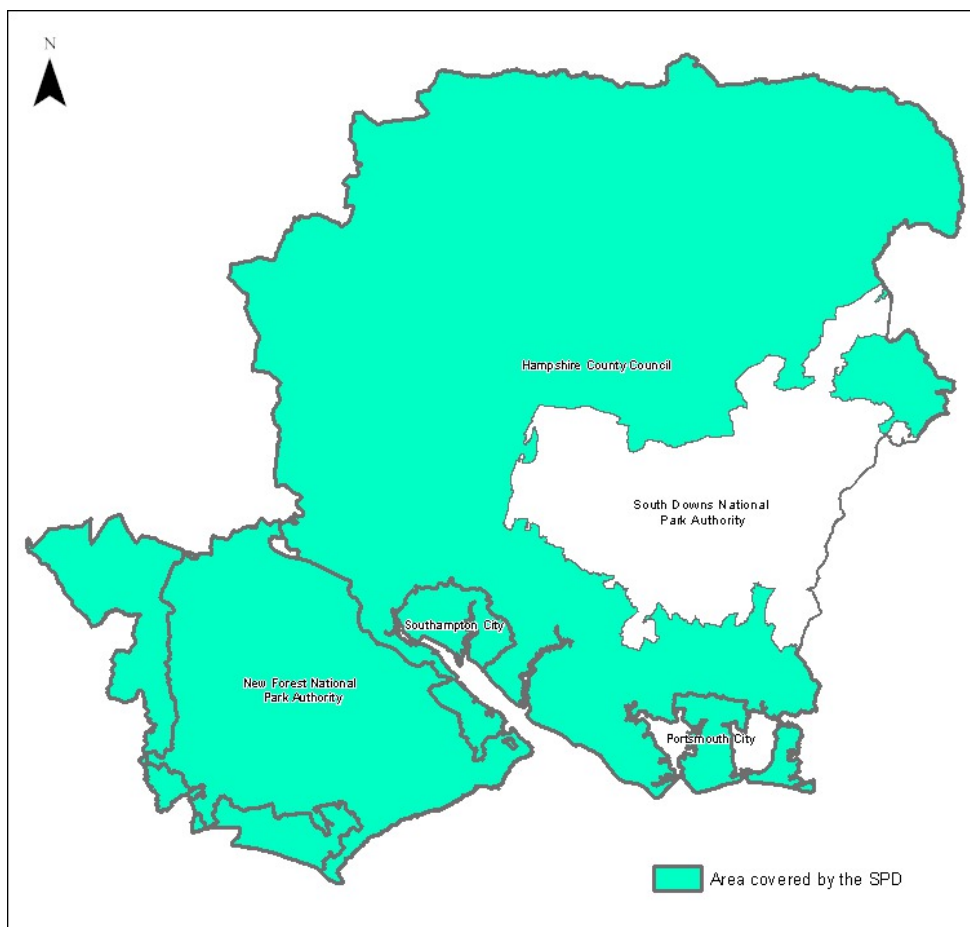
4.Interim Habitats Regulation Assessment Screening (Hampshire Authorities, 2015)

5.Equality Impact Assessment for the Supplementary Planning Documents (Hampshire Authorities, 2015) v1

## 1. Introduction

- 1.1 This document is a supplementary planning document (SPD) on onshore oil and gas development in Hampshire. It should be read in conjunction with the adopted Hampshire Minerals & Waste Plan (2013) ('the Plan') (HMWP). The SPD has been prepared to assist the implementation of the Plan's policies in relation to oil and gas development.
- 1.2 Oil and gas (also known as 'hydrocarbons') play a central role in the United Kingdom's (UK) economy as they are primary sources of energy. Government energy policy makes it clear that energy supplies should come from a variety of sources including oil and gas. The whole of Hampshire's communities and economy require oil or gas in one way or another. However, oil and gas are both finite natural resources which are being increasingly depleted through our domestic, business and industrial requirements. These factors, in addition to volatile energy prices, have resulted in energy security becoming a focus for national policy. Accordingly, there is a national and local need to sustainably secure oil and gas resources.
- 1.3 In Hampshire, conventional oil exploration, appraisal and production has been taking place for a number of years. This has resulted in the location of three active oil fields located at Humbly Grove near Alton, Stockbridge and Horndean where the production of oil is currently taking place. Underground gas storage also takes place at Humbly Grove.
- 1.4 Since the adoption of the Plan, oil and gas development has emerged as an issue of great interest to Hampshire's communities and other interested parties, in particular with regard to the potential for unconventional oil and gas development including hydraulic fracturing ('fracking'). Hampshire's geology means that any potential for unconventional resources lies with shale and no other form of unconventional oil or gas. Therefore, this guidance only refers to shale oil and gas.
- 1.5 This SPD has been jointly prepared by Hampshire County Council (HCC), Southampton City Council (SCC), Portsmouth City Council (PCC) and the New Forest National Park Authority (NFNPA) (here after referred to as the 'Hampshire Authorities') as Mineral Planning Authorities (MPA) in Hampshire. It therefore covers the administrative areas of these authorities. The SPD does not cover the administrative area of the South Downs National Park Authority (SDNPA) which is covered by the provisions of the HMWP. The SDNPA is a Hampshire MPA in its own right. The area covered by this SPD is highlighted in the following map.

Figure 1: The area covered by this SPD



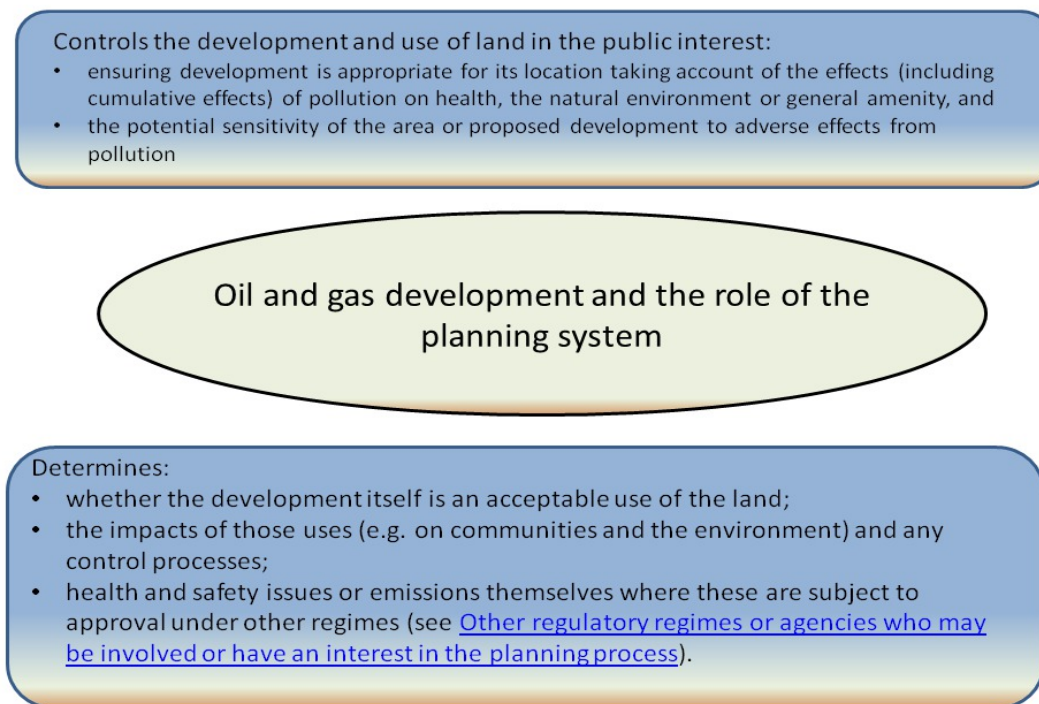
Source: Author - Hampshire Authorities, 2015

- 1.6 The SPD only covers onshore oil and gas development. It does not cover offshore oil and gas as the Hampshire Authorities, as MPAs, do not determine offshore oil and gas planning applications. These would be determined by the Marine Management Organisation (MMO). The Hampshire Authorities would expect to be consulted on any offshore proposals which occur in proximity to their administrative boundaries.

## Oil and gas development and the planning system

- 1.7 Planning permission is one of the main regulatory requirements that oil and gas operators must meet before any oil or gas activity can take place. The planning system controls the development and use of land in the public interest. It also helps to determine whether an oil or gas development is acceptable. This is demonstrated in the following diagram.

Figure 2: Oil and gas development and the planning system



Source: Author - Hampshire Authorities, 2015

- 1.8 Oil and gas development can only take place within an area identified as an oil and gas licence area by the Oil and Gas Authority (OGA) (which is part of the Department of Energy and Climate Change) (see [Onshore oil and gas licencing in Hampshire \[See page 8\]](#)).
- 1.9 In some cases, some minor initial works associated with oil or gas developments may be considered to be permitted development and therefore would not require planning permission (see [Permitted development \[See page 10\]](#)). If activities are not considered to be permitted development, planning permission will be required before any operations can begin.
- 1.10 The Hampshire Authorities are responsible for processing and determining any planning application for onshore oil and gas development within their administrative areas. Hampshire's District and Borough Councils do not determine minerals applications. There are three phases of oil and gas development (see [Planning for oil and gas development \[See page 2\]](#)). An operator must submit a valid planning application to the relevant MPA to seek planning permission for exploration, appraisal or production (see [Preparing a planning application \[See page 17\]](#)).
- 1.11 The Hampshire Authorities encourage pre-application discussions in advance of any submission of an application for oil and gas development (see [Pre-application discussions \[See page 18\]](#)).

- 1.12 When determining planning applications, responses received as part of the public consultation will be taken into account, as appropriate (see [Why is community engagement important to the planning process? \[See page 53\]](#)).
- 1.13 In addition to gaining planning permission, there are a number of other consents which will also be required before oil or gas developments can commence (see [Other regulatory regimes or agencies who may be involved or have an interest in the planning process \[See page 43\]](#)). Twin tracking planning applications for oil and gas development alongside applications for other consenting requirements is encouraged, where appropriate.
- 1.14 The relevant MPA is required to determine planning applications for onshore oil or gas developments within statutory timescales (from validation to decision) (see [How will decision making take place for oil or gas developments? \[See page 54\]](#)).
- 1.15 Following development, it is essential that an oil or gas development site is restored to ensure an effective afteruse (see [What issues will need to be considered as part of any planning application? \[See page 26\]](#))

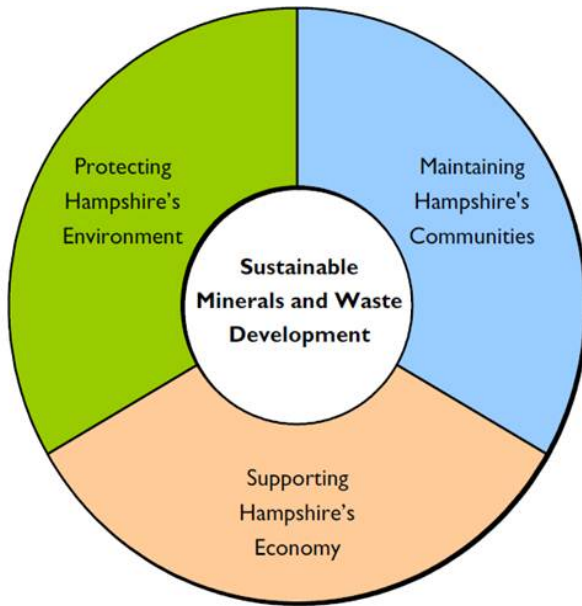
### How this guidance links to the adopted Hampshire Minerals & Waste Plan

- 1.16 This SPD has been prepared following the adoption of the HMWP.
- 1.17 HCC, PCC, SCC, NFNPA and the SDNPA worked in partnership to produce the Hampshire Minerals & Waste Plan ('the Plan'). The Plan was adopted by the partner authorities in October 2013.
- 1.18 The Plan is based upon the principle of delivering sustainable minerals (and waste) development in Hampshire up to 2030. In relation to minerals, this means ensuring Hampshire has the right minerals developments to maintain a reliable supply, at the right time, whilst protecting the environment and our communities. In doing so, it is important that Hampshire's Minerals Planning Authorities (MPAs) strike a careful balance between any potential impact on Hampshire's environment and communities while supporting future prosperity. This approach is endorsed by the national planning policy (National Planning Policy Framework (NPPF))<sup>6</sup> and is demonstrated in the following diagram.

---

6. National Planning Policy Framework: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

Figure 3: Balancing the environment, community and the economy in Hampshire



Source: Hampshire Authorities, 2013

- 1.19 The adopted plan includes the policies necessary to determine whether an oil or gas proposal should be granted planning permission.
- 1.20 This document provides further guidance on the implementation of the Plan's policies in the HCC, SCC, PCC and NFNPA administrative areas. The guidance does not contain any further policies. As a guidance document, it will not be given the same weight in decision-making as the adopted Plan although it will be given appropriate weight as supporting guidance.

**This SPD includes a description of the:**

- relevant planning policy guidance for oil and gas development in Hampshire;
- issues related to planning applications for oil and gas development; and
- other technical guidance on oil and gas issues in the Plan area.

1.21 The SPD considers the following areas:

- [Planning for oil and gas development \[See page 2\];](#)
- [Oil and gas licencing in Hampshire \[See page 8\];](#)
- [Phases of oil and gas development \[See page 11\];](#)
- [Permitted development \[See page 10\];](#)
- [Planning Performance Agreements \[See page 16\];](#)
- [Pre-application discussions \[See page 18\];](#)
- [Preparing a planning application \[See page 17\];](#)
- [What issues will need to be considered as part of any planning application? \[See page 26\];](#)
- [What planning application fees will be applicable? \[See page 25\];](#)

- [What other regulatory regimes or agencies may be involved or have an interest in the planning process? \[See page 43\];](#)
- [How will decision making take place for oil or gas developments? \[See page 54\];](#)
- [What conditions are likely to be attached to planning permissions? \[See page 56\];](#) and
- [Monitoring and enforcement of permitted oil and gas developments \[See page 66\].](#)

1.22 The remaining part of this document, considers many of the issues in more detail.

1.23 The SPD, once adopted by the Hampshire Authorities, will sit alongside the adopted HMWP, providing guidance on the implementation of the plans policies in relation to oil and gas development in Hampshire.

## Meeting the duty to co-operate

1.24 The NPPF sets out a 'duty to co-operate' on planning issues between public bodies<sup>7</sup>.

**In preparing this guidance, the Hampshire Authorities have liaised with the following organisations and parties who are considered to have an interest in oil and gas issues in Hampshire:**

- Hampshire's District and Borough Councils as well as interested surrounding authorities;
- regulators (Environment Agency (EA), the Oil and Gas Authority (OGA) and the Health and Safety Executive (HSE));
- other minerals and waste planning authorities with an interest in oil and gas development in Hampshire including adjoining authorities; and
- other interested parties (including other statutory consultees such as Natural England (NE) and Historic England (HE)).

1.25 This engagement will continue once this guidance has been adopted by the Hampshire Authorities, and indeed if any proposals for oil and gas development come forward in the future. In addition, liaison will continue with statutory consultees (such as the EA, NE and HE), other environmental organisations and the minerals industry, on oil and gas issues in Hampshire.

1.26 The Hampshire Authorities have committed to work collaboratively with other bodies to ensure that the strategic priorities, set out in the HMWP will continue to be properly coordinated and clearly reflected in any subsequent review of the Plan, supplementary guidance and other individual Local Plans.

## Relevant assessments, appraisals and other useful documents

1.27 The preparation of this SPD has been subject to an Integrated Sustainability Appraisal (ISA)<sup>8</sup> as well as Habitats Regulation Assessment (HRA)<sup>9</sup>. An Equality Impact Assessment (EqIA)<sup>10</sup> has also been prepared.

7.National Planning Policy Framework, paragraph 178-181: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

8.Interim Integrated Sustainability Appraisal - Supplementary Planning Documents (Hampshire Authorities, 2015) v1

9.Interim Habitats Regulation Assessment Screening (Hampshire Authorities, 2015)

- 1.28 A Strategic Flood Risk Assessment (SFRA) has not been prepared as the SPD does not include any policies or site allocations for oil or gas development, This means that the SFRA for the adopted Hampshire Minerals and Waste Plan can still be applied and is taken into account as part of the Integrated Sustainability Appraisal.

The following documents are also relevant to the emerging SPD:

- Adopted Hampshire Minerals & Waste Plan<sup>11</sup>;
- Hampshire Statement of Community Involvement<sup>12</sup>;
- Portsmouth Statement of Community Involvement<sup>13</sup>;
- Southampton Statement of Community Involvement<sup>14</sup>;
- New Forest National Park Statement of Community Involvement<sup>15</sup>
- National Planning Policy Framework (2012)<sup>16</sup>;
- National Planning Practice Guidance<sup>17</sup>;
- Onshore oil and gas development in Hampshire FAQ (2015)<sup>18</sup>;
- Oil and Gas in Hampshire - Background Study (2015)<sup>19</sup>.
- Oil and Gas in Hampshire: Background Study<sup>20</sup>;
- Integrated Sustainability Appraisal<sup>21</sup>;
- Habitats Regulation Assessment<sup>22</sup>; and
- Equality Impact Assessment<sup>23</sup>.

10. Equality Impact Assessment for the Supplementary Planning Documents (Hampshire Authorities, 2015) v1

11. Hampshire Minerals and Waste Plan (2013): [www3.hants.gov.uk/mineralsandwaste/planning-policy-home.htm](http://www3.hants.gov.uk/mineralsandwaste/planning-policy-home.htm)

12. Hampshire Statement of Community Involvement: <http://documents.hants.gov.uk/HampshireSCIAAdoptedFinalMay2014.pdf>

13. Portsmouth City Council Statement of Community Involvement: [www.portsmouth.gov.uk/ext/development-and-planning/planning/statement-of-community-involvement.aspx](http://www.portsmouth.gov.uk/ext/development-and-planning/planning/statement-of-community-involvement.aspx)

14. Southampton City Council Statement of Community Involvement: [www.southampton.gov.uk/policies/Statement%20of%20Community%20Involvement.pdf](http://www.southampton.gov.uk/policies/Statement%20of%20Community%20Involvement.pdf)

15. New Forest National Park Statement of Community Involvement: [www.newforestnpa.gov.uk/info/20040/planning\\_policy/106/community\\_involvement](http://www.newforestnpa.gov.uk/info/20040/planning_policy/106/community_involvement)];

16. National Planning Policy Framework: [www.gov.uk/government/publications/national-planning-policy-framework--2](http://www.gov.uk/government/publications/national-planning-policy-framework--2)

17. National Planning Practice Guidance: <http://planningguidance.planningportal.gov.uk/>

18. Onshore oil and gas FAQ: <http://documents.hants.gov.uk/mineralsandwaste/onshoreoilandgas-faq.pdf>

19. Oil and gas in Hampshire Background Study (2015): [www3.hants.gov.uk/mineralsandwaste/planning-policy-home/oil-gas-development.htm](http://www3.hants.gov.uk/mineralsandwaste/planning-policy-home/oil-gas-development.htm)

20. Oil and Gas in Hampshire Background Study (Hampshire Authorities, 2015) v1

21. Interim Integrated Sustainability Appraisal - Supplementary Planning Documents (Hampshire Authorities, 2015) v1

22. Interim Habitats Regulation Assessment Screening (Hampshire Authorities, 2015)

23. Equality Impact Assessment for the Supplementary Planning Documents (Hampshire Authorities, 2015) v1



## 2. Oil and gas licencing in Hampshire

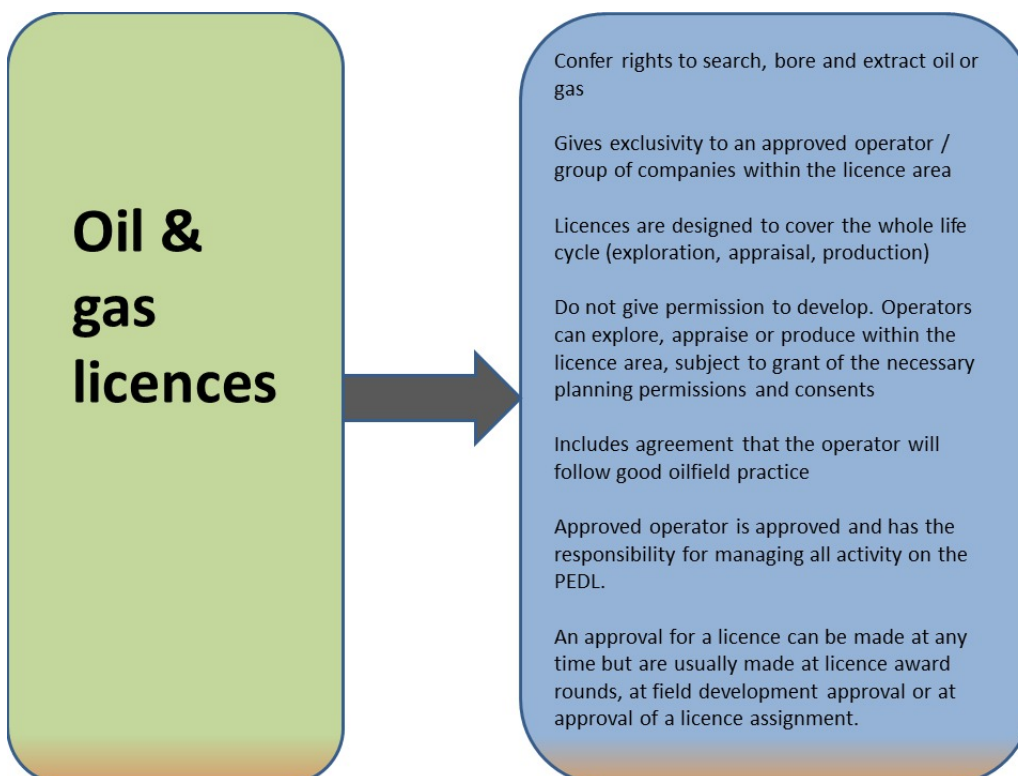
PLEASE NOTE - THIS SECTION WILL BE UPDATED FOLLOWING THE 14TH LICENCING ROUND ANNOUNCEMENT IN 2015.

2.1 Oil and gas development can only take place where there is an oil and gas licence in place. On 1st April 2015 certain functions passed from the DECC to the newly created Oil and Gas Authority (OGA), an Executive Agency of the DECC. The OGA now issue the licences for onshore and offshore exploitation of UK oil and gas resources, acting on behalf of the Secretary of State for Energy and Climate Change. The OGA regulate specific activities relating to oil and gas development, including:

- drilling;
- field development and production;
- licence transfers and operatorship; and
- storage and confidentiality of data.

2.2 Petroleum Exploration and Development Licences (PEDL) can be issued by OGA for onshore drilling and exploration activities. DECC has previously issued Production Licences (PL) and Development Licences (DL) which are still in use in some areas. The Hampshire Authorities, as MPAs, do not issue licences for oil and gas development and have no involvement in the licencing process. The following diagram outlines what a PEDL means in practice to the licence holder.

Figure 4: What a PEDL means in practice



Source: Author - Hampshire Authorities, 2015

- 2.3 The current licencing round (the 13th Onshore Licensing Round) took place in 2008<sup>24</sup>.
- 2.4 Oil and gas development within a licence area cannot take place until planning permission has been granted and the other associated consents are issued.
- 2.5 Licences for oil and gas in Hampshire have previously been issued by the DECC through the 13th round<sup>25</sup>. Licenced areas are an indication of Hampshire's potential oil and gas resources (see [Appendix 1: Oil and gas licences in Hampshire \[See page 81\]](#)).
- 2.6 The 13th round included licences which were issued for shale gas in five locations in the United Kingdom, none of which were in Hampshire.
- 2.7 The issue of oil and gas licencing is being reassessed by the OGA through the 14th round of onshore oil and gas licencing<sup>26</sup>. More information on the area under consideration in Hampshire in the 14th round can be found in [Appendix 1: Oil and gas licences in Hampshire \[See page 81\]](#). The opening of the 14th round was announced on 28 July 2014<sup>27</sup>. Oil and gas operators had an opportunity to apply for further oil and gas licences or the renewal of licences already in place through the 13th round. Operators were given until 28 October 2014 to submit their nominations and associated paperwork. The nomination stage has now been completed and the OGA will consider the nominations before new licences are issued. The Secretary of State has full discretion to make decisions on applications for PL and will always make them in line with published policies and objectives. It was also proposed that the 14th round would re-introduce the term 'Production Licences' (PL), replacing PEDLs. PLs will cover all phases of oil and gas development (exploration, appraisal and production) (see [Phases of oil and gas development \[See page 11\]](#)).
- 2.8 The 14th round will supersede the 13th round on publication.

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24. Oil and gas licencing: [www.gov.uk/oil-and-gas-licensing-rounds](http://www.gov.uk/oil-and-gas-licensing-rounds)

25. Oil and gas licencing: [www.gov.uk/oil-and-gas-licensing-rounds](http://www.gov.uk/oil-and-gas-licensing-rounds)

26. Oil and gas licencing (14th round): [www.gov.uk/oil-and-gas-licensing-rounds#th-landward-licensing-round](http://www.gov.uk/oil-and-gas-licensing-rounds#th-landward-licensing-round)

27. Announcement of the 14th round of oil and gas licencing: [www.gov.uk/government/news/new-onshore-licensing-round-opens](http://www.gov.uk/government/news/new-onshore-licensing-round-opens)

### 3. Permitted oil and gas development

- 3.1 Planning permission is required for each phase of oil and gas development from the relevant MPA. However, some minor works may be considered permitted development (and so does not require planning permission).
- 3.2 Permitted development for oil and gas is set out in the Town and Country Planning (General Permitted development) Order 2015<sup>28</sup>. Part 17 of Schedule 2 of the order sets out the types of activities which are considered to be permitted development in relation to oil and gas. The order includes some restrictions on permitted development rights within areas such as National Parks, Area's of Outstanding Natural Beauty, Sites of Archaeological Interest, and Site's of Special scientific Interest.

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28. Town and Country Planning (General Permitted Development) Order 2015: [www.legislation.gov.uk/ukSI/2015/596/contents/made](http://www.legislation.gov.uk/ukSI/2015/596/contents/made)

## 4. Phases of oil and gas development

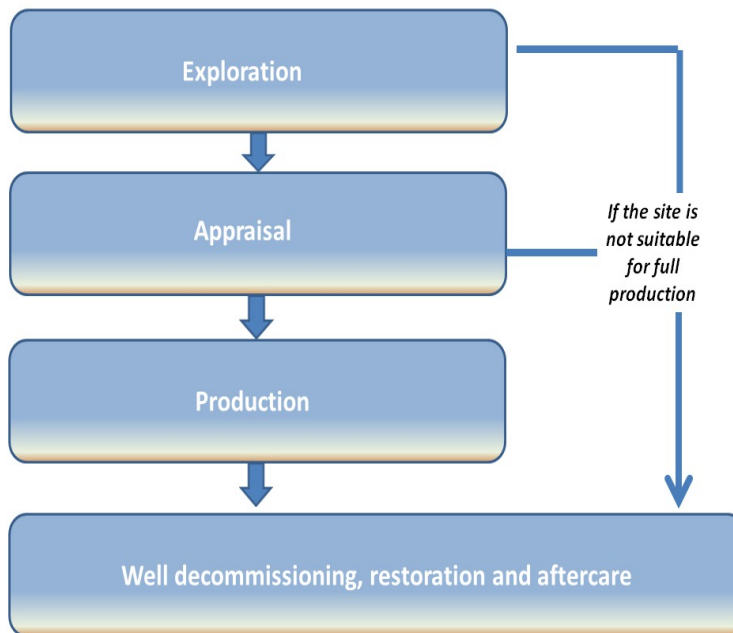
- 4.1 Oil and gas developments are very different from other mineral workings (such as sand and gravel extraction) and are more limited land-take. They are also more flexible in their locational requirements compared to other minerals developments. As such, planning for the supply of oil and gas, has a number of characteristics which may not be present in other forms of development. This includes the following considerations:

### Oil and Gas Planning Characteristics:

- the location of oil and gas extraction will depend on the presence of economically viable oil or gas resources (see [Oil and gas origins](#));
- oil and gas activity is a temporary land use although it can often take place over a long period of time;
- sites will often be located on previously undeveloped land;
- most adverse effects caused by working oil or gas resources can be mitigated through conditions attached to planning permissions granted as well as other consents required;
- as the extraction of oil or gas is a continuous process of development, there is a requirement for routine monitoring, and if necessary, enforcement to secure compliance with conditions (see [Monitoring and enforcement of permitted oil and gas developments \[See page 66\]](#)); and
- following working, surface land will be restored to make it suitable for beneficial after-use (see [Restoration and aftercare of oil and gas sites](#)).
- Oil and gas development can only take place in areas where the OGA have issued a licence under the Petroleum Act 1998<sup>29</sup> (Petroleum Licence) (see [Oil and gas licencing in Hampshire \[See page 8\]](#)).

- 4.2 Some activities associated with oil and gas development may be considered to be permitted development and would therefore not require planning permission (see [Permitted development \[See page 10\]](#)). If development is not considered to be permitted development, planning permission would be required from the relevant MPA.
- 4.3 There are three phases of oil and gas development (conventional and unconventional) which all require planning permission. Each phase is likely to include several distinct stages, with activity and vehicle movements varying according to the stage. Production is likely to see a more intensive level of activity as the site is established and as plant and machinery is delivered or removed from the site. Not all exploration will lead to appraisal and not all appraisal will lead to production. This means that decommissioning and restoration could follow each phase, as required and is therefore an important consideration.
- 4.4 The different phases of oil and gas development are illustrated in the following diagram.

Figure 5: Phases of oil or gas development



Source: Author - Hampshire Authorities, 2015

### **Exploration**

- 4.5 Exploration will take place if there is a high probability that there are viable oil and gas reserves in that locality. This will be defined by assessments of the geology as well as other surveying and research.
- 4.6 Exploration is the process of ascertaining the presence, extent or quality of the oil or gas deposit, with a view to commence commercial exploitation of the mineral.

#### **Key characteristics of the exploration phase:**

- usually small-scale and will only be granted planning permission for a temporary, often short term period;
- drilling of a number of small vertical wells which will be drilled and fractured to determine if resources are present and suitable for extraction;
- hydraulic fracturing, particularly for unconventional oil or gas proposals, to stimulate flow;
- restoration of the site will be an important consideration.

### ***Appraisal***

- 4.7 The appraisal phase takes place following exploration, if the existence of oil or gas has been proven. Appraisal is required to establish the extent of the deposit or its production characteristics, such as the flow, and to determine whether it is economical to exploit it. Before appraisal information is acquired, it is difficult to evaluate the various options available or to assess the viability and potential environmental effects of commercial exploration.
- 4.8 It is important that the suitability of the site's location is taken into account at this stage as wells could subsequently be used for production.

#### **Key characteristics of the appraisal phase:**

- may include further exploration work around existing exploratory wells;
- phase may include hydraulic fracturing, particularly for unconventional oil or gas proposals, to stimulate flow;
- length of time to complete this stage will depend on the size and complexity of the oil or gas reservoir involved; and
- restoration of the site will be an important consideration.

### ***Production***

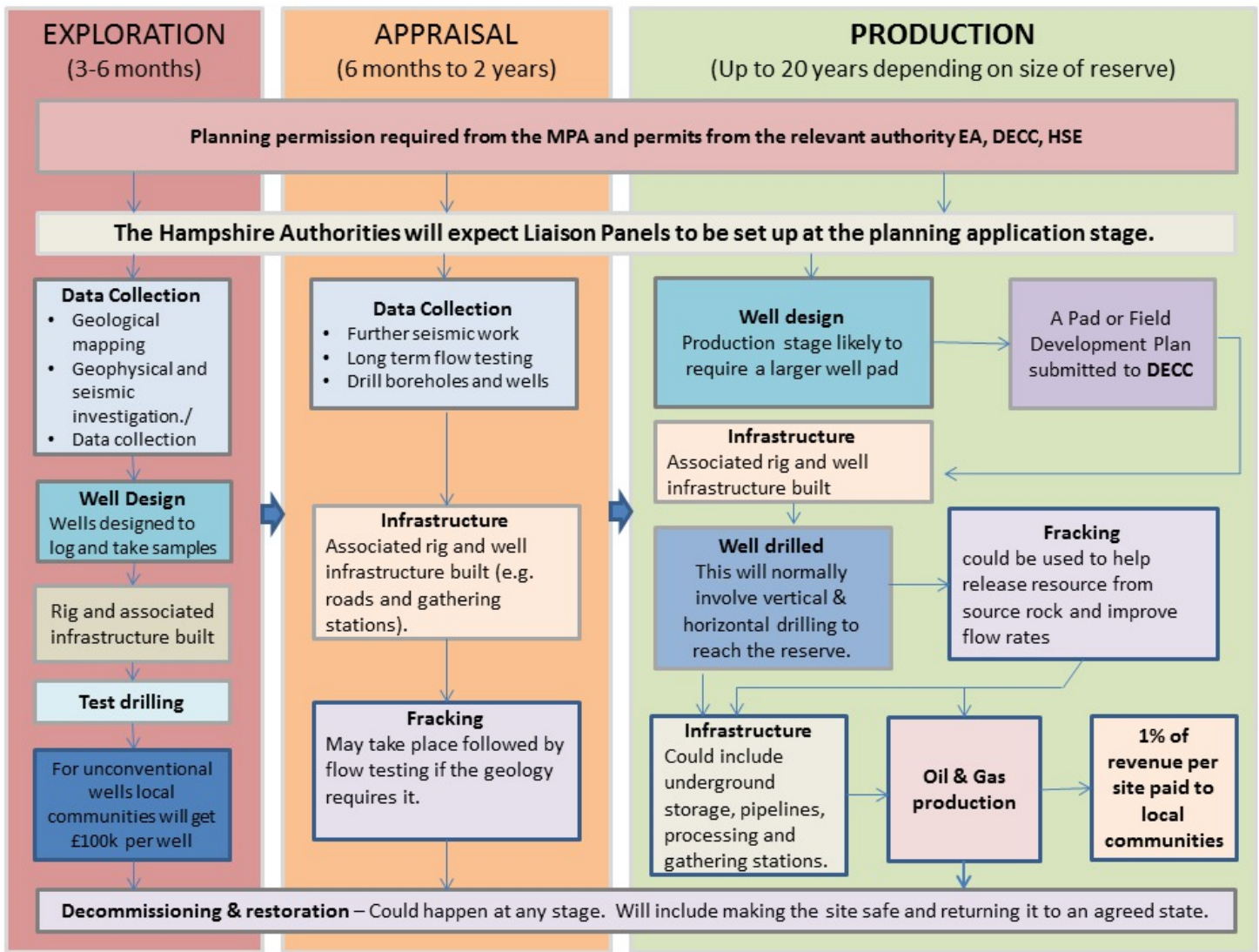
- 4.9 Once a resource has been identified as being viable and of commercial interest, planning permission may be sought for full production. Production is when full extraction of the resource is undertaken.
- 4.10 It is important that any proposal for production, justifies the number of wells required and their locations, using the knowledge gained at previous stages. The location of wells will need to be justified given above and below ground constraints. The need for the development and location of other associated infrastructure will also have to be demonstrated.

#### **Key characteristics for the production phase:**

- production will only be acceptable where any adverse impacts can be sufficiently mitigated. Mitigation could involve screening the apparatus or locating it underground;
- the treatment and disposal of any water or waste materials associated with the development is an important consideration; and
- when the production phase ceases, the facilities should be dismantled and the site restored to its former use or, in some circumstances, an appropriate new use. The decommissioning and restoration of the site at the end of the development is therefore important. (See [Restoration and aftercare of oil and gas sites](#)).

4.11 The following diagram summarises what each phase involves for conventional and unconventional development.

Figure 6: Exploration, appraisal and production phases of oil and gas development





## 5. Planning Performance Agreements

- 5.1 The Localism Act 2011<sup>30</sup> provides for the opportunity to enter into a Planning Performance Agreement (PPA). PPAs are a project management tool the local planning authorities (LPAs) and applicants can use to agree timescales, actions and resources for handling particular applications. They can help to provide increased certainty and transparency in the development of major schemes and in the assessment of planning applications and the decision-making process.
- 5.2 A PPA is agreed voluntarily between the applicant and the LPA prior to the application being submitted, and can be a useful focus of pre-application discussions about the issues that will need to be addressed. An agreement should cover the pre-application and application stages but may also extend through to the post-application stage.
- 5.3 PPAs can be particularly useful in setting out an efficient and transparent process for determining large and/or complex planning applications. They also encourage joint working between the applicant and LPA and can also help to bring together other parties such as statutory consultees (NE, HE & EA).
- 5.4 There are costs associated with PPAs. Applicants should consult the relevant Hampshire Authority to discuss potential costs of PPAs.

## 6. Preparing a planning application for oil or gas development

- 6.1 Oil and gas development can only take place in areas where the OGA have issued a licence under the Petroleum Act 1998<sup>31</sup> (Petroleum Licence) (see [Oil and gas licencing in Hampshire \[See page 8\]](#)).
- 6.2 The Hampshire Authorities are responsible for processing and determining any planning application for onshore oil and gas development within their administrative areas. Hampshire's District and Borough Councils do not determine minerals applications. This will include any proposals for underground gas storage proposals which have an expected working capacity below 43 million standard cubic metres or maximum flow rate below 4.5 million standard cubic metres per day<sup>32</sup>. Applications for storage projects above this size, are dealt with under the Planning Act 2008<sup>33</sup> and must be made to the Secretary of State for Energy and Climate Change<sup>34</sup>. The precise nature of what is included in a planning application for oil or gas development will depend in part on the applicant. The applicant and the OGA will already have agreed a work programme as part of the exploration licence application.
- 6.3 The following diagram provides a summary of the planning process.

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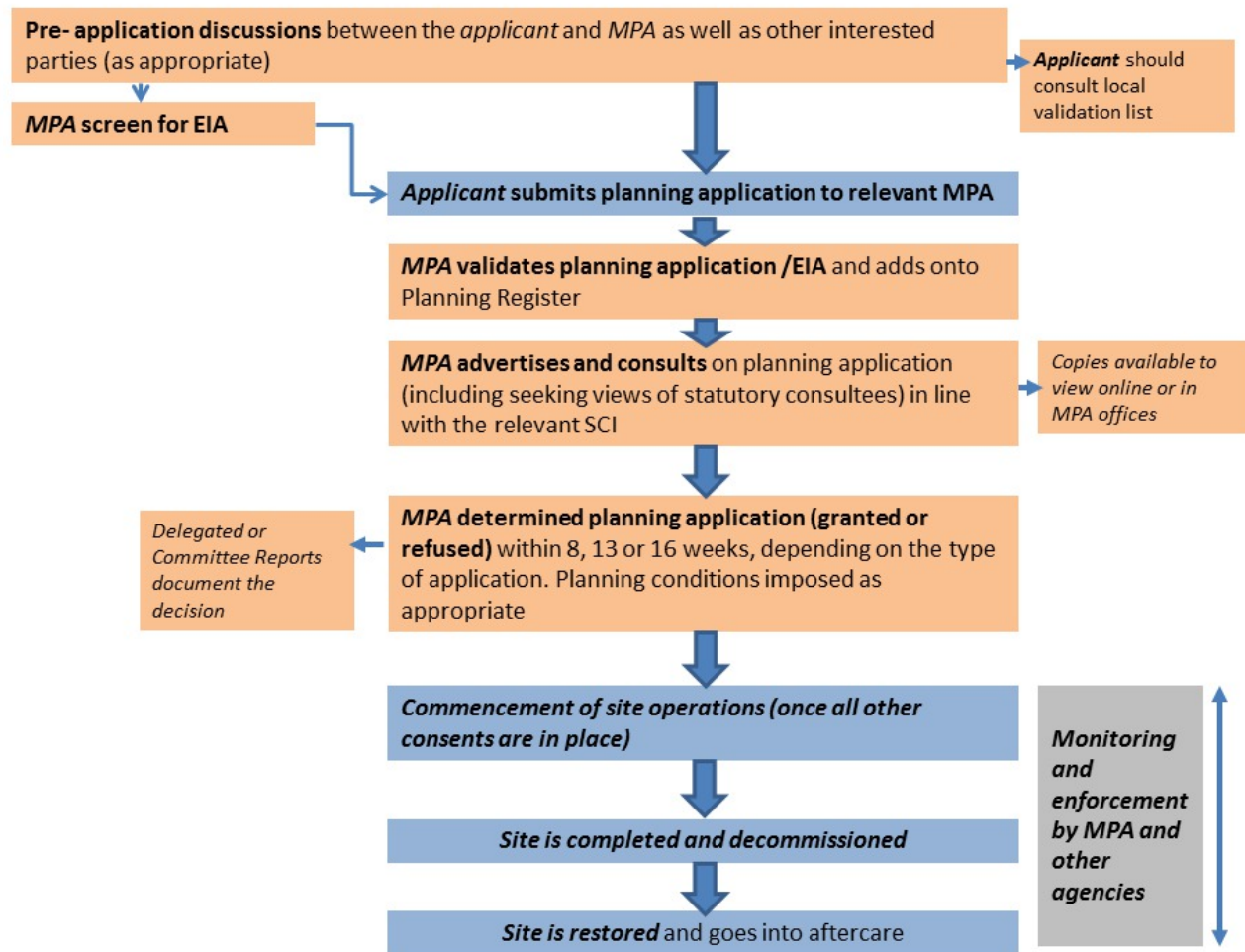
31. Petroleum Act 1998: [www.legislation.gov.uk/ukpga/1998/17/contents](http://www.legislation.gov.uk/ukpga/1998/17/contents)

32. National Planning Practice Guidance, minerals section (2014): <http://planningguidance.planningportal.gov.uk/blog/guidance/minerals/>

33. Planning Act 2008, section 1.8 of the Gas Supply Infrastructure and Gas and Oil Pipelines National Policy Statement, (EN-4): [www.legislation.gov.uk/ukpga/2008/29/contents](http://www.legislation.gov.uk/ukpga/2008/29/contents)

34. National Planning Practice Guidance, Minerals section, paragraph 230: <http://planningguidance.planningportal.gov.uk/revisions/27/230/>

Figure 7: The planning process



Source: Author - Hampshire Authorities, 2015

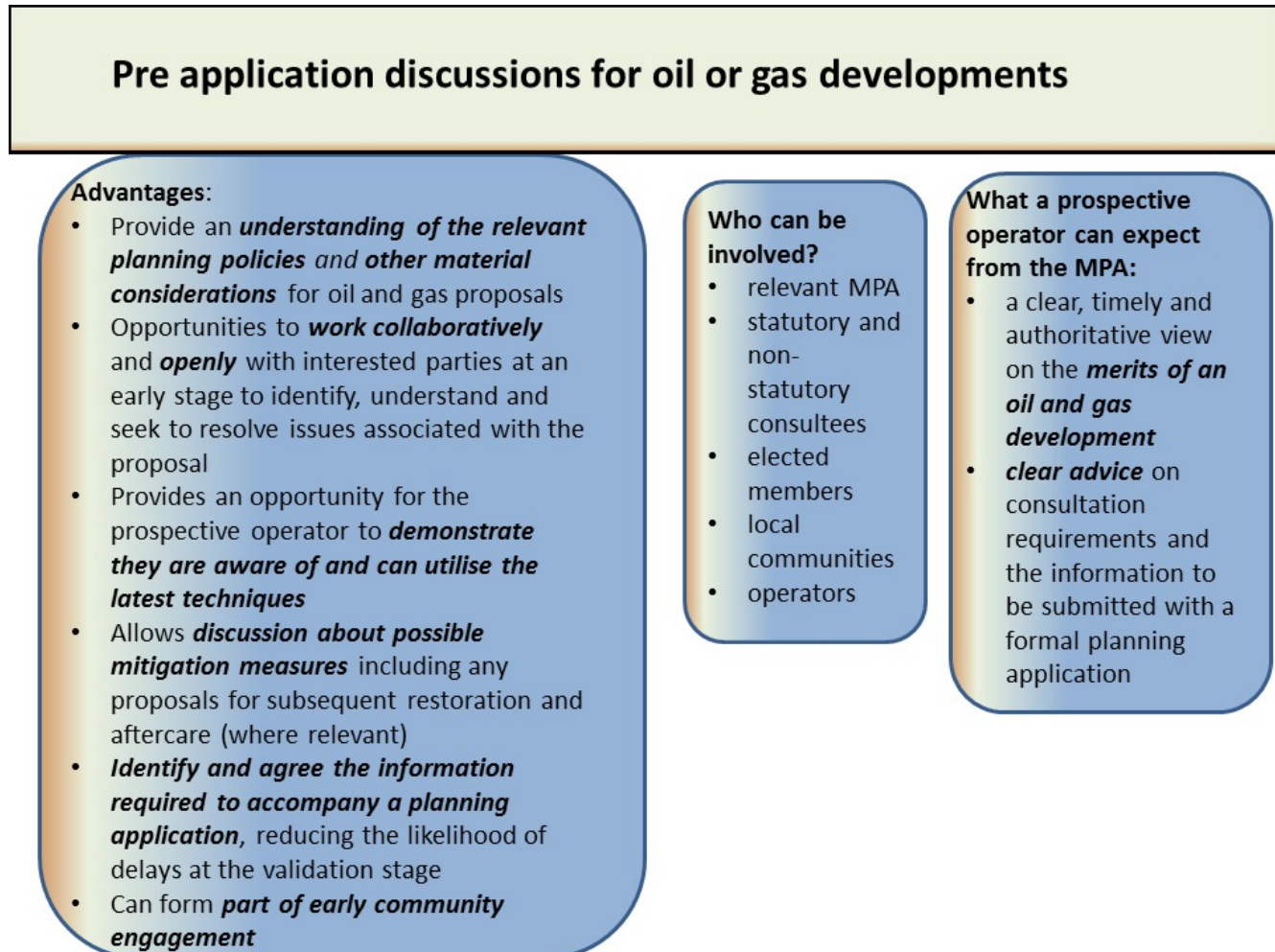
- 6.4 The remaining parts of this section consider the main issues associated with the planning process for oil or gas developments.

### Pre-application discussions

- 6.5 Pre-application discussions between the prospective applicant and other interested parties are encouraged by the Hampshire Authorities for all oil and gas developments. Discussions occur in advance of the formal submission of a planning application.
- 6.6 Discussions offer significant potential to improve both the efficiency and effectiveness of the planning application process. They are a valuable part of the overarching planning application process and help to ensure that the planning process for oil or gas development is front loaded if discussions are undertaken appropriately. They allow for the anticipation and identification of issues that may cause difficulties or delays in the planning process and time for these issues to be resolved in advance of the submission of a planning application. Good quality pre-application discussion enable better co-ordination between public and private resources and improved outcomes for the community<sup>35</sup>.

6.7 The following diagram sets out what can be achieved by pre-application discussions, who can be involved and what an operator can expect from these discussions.

Figure 8: Advantages, involvement and expectations of pre-application discussions on oil or gas developments



Source: Author - Hampshire Authorities, 2015

6.8 The Hampshire Authorities encourage discussions at the earliest opportunity. The pre-application stage is a two-way process and should be a collaborative process between a prospective operator and other interested parties. Parties involved in pre-application discussions will vary according to the type of development and the nature of the issues. Each party involved has an important role to play in ensuring the efficiency and effectiveness of pre-application engagement. The approach to pre-application discussions for any oil and gas development in Hampshire will be tailored to the phase of development and the issues to be addressed.

6.9 Advice will be provided in accordance with the relevant MPAs pre-application advice procedure. Applicants are encouraged to consult the local validation checklist in advance of the pre-application stage. Each MPA (HCC<sup>36</sup>, SCC<sup>37</sup>, PCC<sup>38</sup> and NFNPA<sup>39</sup>) have a separate list which is available to view on their website.

35. National Planning Policy Framework, paragraph 188-195: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

- 6.10 The level of information necessary for effective pre-application engagement will vary. However, in all cases, the level of information requested by the MPA will be proportionate to the phase of development and the relevant stage of the operations in considering a site for extraction. A prospective operator would not necessarily be expected to provide all of the information that would accompany a formal planning application. However, the information provided needs to be sufficient to allow the MPA to take an informed view.
- 6.11 It is useful if applicants submit information on land ownership at the pre-application stage.
- 6.12 Impacts, wherever possible, should be designed out of a proposal at an early stage and pre-application discussions help to facilitate this process. Mitigation measures should only be applied to any residual impacts which cannot be addressed through the design of the development.
- 6.13 Statutory consultees<sup>40</sup> for planning applications can play an important role in the pre-application discussions since they may be involved in providing advice to the MPA on a formal planning application. Relevant non-statutory consultees such as the HSE and water companies may also make an important contribution. Pre-application discussions with other non-statutory consultees can also provide prospective operators with an opportunity to share information that may be relevant to the planning applications being prepared, as well as applications for other permits, consents or licences.
- 6.14 Applicants and local planning authorities should consider the potential of entering into planning performance agreements, where this might achieve a faster and more effective application process (see [Planning Performance Agreements \[See page 16\]](#)).

### Costs

- 6.15 HCC charges for pre-planning application advice will be applicable for any oil or gas proposal within the County Council's administrative area<sup>41</sup>.
- 6.16 PCC<sup>42</sup> and SCC both charge<sup>43</sup> for pre-application advice for oil or gas proposals which fall within the relevant City Council administrative area.
- 6.17 The NFNPA currently offer free pre-application advice for oil and gas proposals which fall within the National Park Authority's administrative area<sup>44</sup>.

36. Hampshire County Council validation requirements: [www3.hants.gov.uk/planning-application-validation-requirements-2.pdf](http://www3.hants.gov.uk/planning-application-validation-requirements-2.pdf)

37. Southampton City Council validation list: [www.southampton.gov.uk/Images/National-and-Local-Validation-checklists-Sept2014\\_tcm63-368279.pdf](http://www.southampton.gov.uk/Images/National-and-Local-Validation-checklists-Sept2014_tcm63-368279.pdf)

38. Portsmouth City Council planning application information: -[planning.asp](#)

39. New Forest National Park planning application pages: [www.newforestnpa.gov.uk/info/20132/planning\\_processes/12/planning\\_application\\_process](http://www.newforestnpa.gov.uk/info/20132/planning_processes/12/planning_application_process)

40. Statutory consultees may include the Environment Agency who also encourage pre-application discussions for pre-planning and pre-permitting as well as Natural England and Historic England (formerly English Heritage)

41. Hampshire County Council Pre Application Advice: [www3.hants.gov.uk/mineralsandwaste/pre-application-2.htm](http://www3.hants.gov.uk/mineralsandwaste/pre-application-2.htm)

42. Portsmouth City Council Pre Application Advice: [www.portsmouth.gov.uk/ext/development-and-planning/planning/pre-application-planning-advice.aspx](http://www.portsmouth.gov.uk/ext/development-and-planning/planning/pre-application-planning-advice.aspx)

43. Southampton City Council Pre Application Advice: [www.southampton.gov.uk/planning/planning-permission/pre-application-advice.aspx](http://www.southampton.gov.uk/planning/planning-permission/pre-application-advice.aspx)

44. New Forest National Park Pre-application advice: [www.newforestnpa.gov.uk/info/20129/how\\_do\\_i\\_apply/201/pre-application\\_advice](http://www.newforestnpa.gov.uk/info/20129/how_do_i_apply/201/pre-application_advice).

## When will a proposal require an Environmental Impact Assessment application?

- 6.18 Some oil or gas proposals will require an Environmental Impact Assessment (EIA). The aim of EIA is to protect the environment by ensuring that a local planning authority, when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process. The requirements for EIA are set out in Town and Country Planning (EIA) Regulations 2011<sup>45</sup> and National Planning Practice Guidance<sup>46</sup>.

### The regulations set out:

- a procedure for identifying those projects which should be subject to an Environmental Impact Assessment;
- the list of aspects which may be significantly affected which should be considered; and
- for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental effects.

- 6.19 A particular oil or gas proposal will not necessarily give rise to all of the effects noted in the regulations. A full and detailed assessment will be required for those impacts which are likely to be significant associated with an oil or gas development.
- 6.20 The relevant MPA will carry out a screening exercise to determine whether any proposal for onshore oil and gas extraction requires an EIA upon request<sup>47</sup>. Screening is a procedure used to determine whether a proposed project is likely to have significant effects on the environment. It should normally take place at an early stage in the design of the project. However, it can also occur after a planning application has been made or even after an appeal has been made. The screening process is summarised in [Appendix 5: Establishing whether a proposed oil or gas development requires an Environmental Impact Assessment \(EIA\) \[See page 84\]](#).
- 6.21 If the proposed oil or gas development is considered to require an EIA, the applicant is encouraged to request a Scoping Opinion<sup>48</sup> from the relevant MPA. This would help determine the scope of the information to be provided in the Environmental Statement (ES). The Scoping stage allows the MPA to clarify what it considers the main effects of development to be and, therefore, the aspects on which the applicant's ES should focus.

45. Town and Country Planning (Environmental Impact Assessment) Regulations 2011, part 2: [www.legislation.gov.uk/uksi/2011/1824/regulation/32/made](http://www.legislation.gov.uk/uksi/2011/1824/regulation/32/made)

46. National Planning Practice Guidance (Live): <http://planningguidance.planningportal.gov.uk/blog/guidance/environmental-impact-assessment/>

47. Town and Country Planning (Environmental Impact Assessment) Regulations 2011, part 2: [www.legislation.gov.uk/uksi/2011/1824/regulation/32/made](http://www.legislation.gov.uk/uksi/2011/1824/regulation/32/made)

48. Town and Country Planning (Environmental Impact Assessment) Regulations 2011, part 2: [www.legislation.gov.uk/uksi/2011/1824/regulation/32/made](http://www.legislation.gov.uk/uksi/2011/1824/regulation/32/made)

- 6.22 Any information prepared as part of the high level [Environmental Risk Assessment \[See page 44\]](#) or the preparation of the [Environmental Permit \[See page 44\]](#) (where required) can be used to inform, or be included as part of the ES which sets out the findings of the EIA.
- 6.23 Planning applications that include hydraulic fracturing are likely to require an EIA. In such instances, the applicant should work under the assumption that an EIA will be necessary to support a planning application.
- 6.24 EIA consideration at the different phases of oil or gas development are summarised in the following table.

Table1:Oil and gas development and EIA

| Phase              | What part of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 it falls within | When EIA is likely to be relevant for oil and gas development  |
|--------------------|---|--|
| <b>Exploratory</b> | Schedule 2  | <ul style="list-style-type: none"> <li>• If proposal exceed the applicable threshold or any part of the development is to be carried out in a sensitive area.</li> <li>• It is unlikely that an EIA will be required for exploratory drilling operations in the majority of proposals which do not involve hydraulic fracturing, unless the well pad is located at a site which is unusually sensitive to limited disturbance occurring over the short period involved. For example, exploratory operations within the New Forest National Park is likely to require EIA due to the characteristics of the designated area.</li> </ul> |
| <b>Appraisal</b>   | Schedule 2  | <ul style="list-style-type: none"> <li>• If proposal exceed the applicable threshold or any part of the development is to be carried out in a sensitive area.</li> </ul>   |
| <b>Production</b>  | Paragraph 2 of Schedule 2<br>Schedule 1   | <ul style="list-style-type: none"> <li>• Proposals relevant to schedule 2 should be screened for likely significant effects.</li> <li>• Applications where more than 500 tonnes of oil or 500,000 cubic metres of gas will be extracted per day may fall under Schedule 1. In these cases, an EIA is mandatory.</li> </ul>   |

## Ensuring a planning application for oil or gas development is valid

- 6.25 Each of the Hampshire Authorities have information on their individual websites about the submission of planning applications<sup>49 50 51 52</sup>.

49.Hampshire County Council information on the submission of planning applications: [www3.hants.gov.uk/mineralsandwaste/planning-application-information/make-an-application.htm](http://www3.hants.gov.uk/mineralsandwaste/planning-application-information/make-an-application.htm)

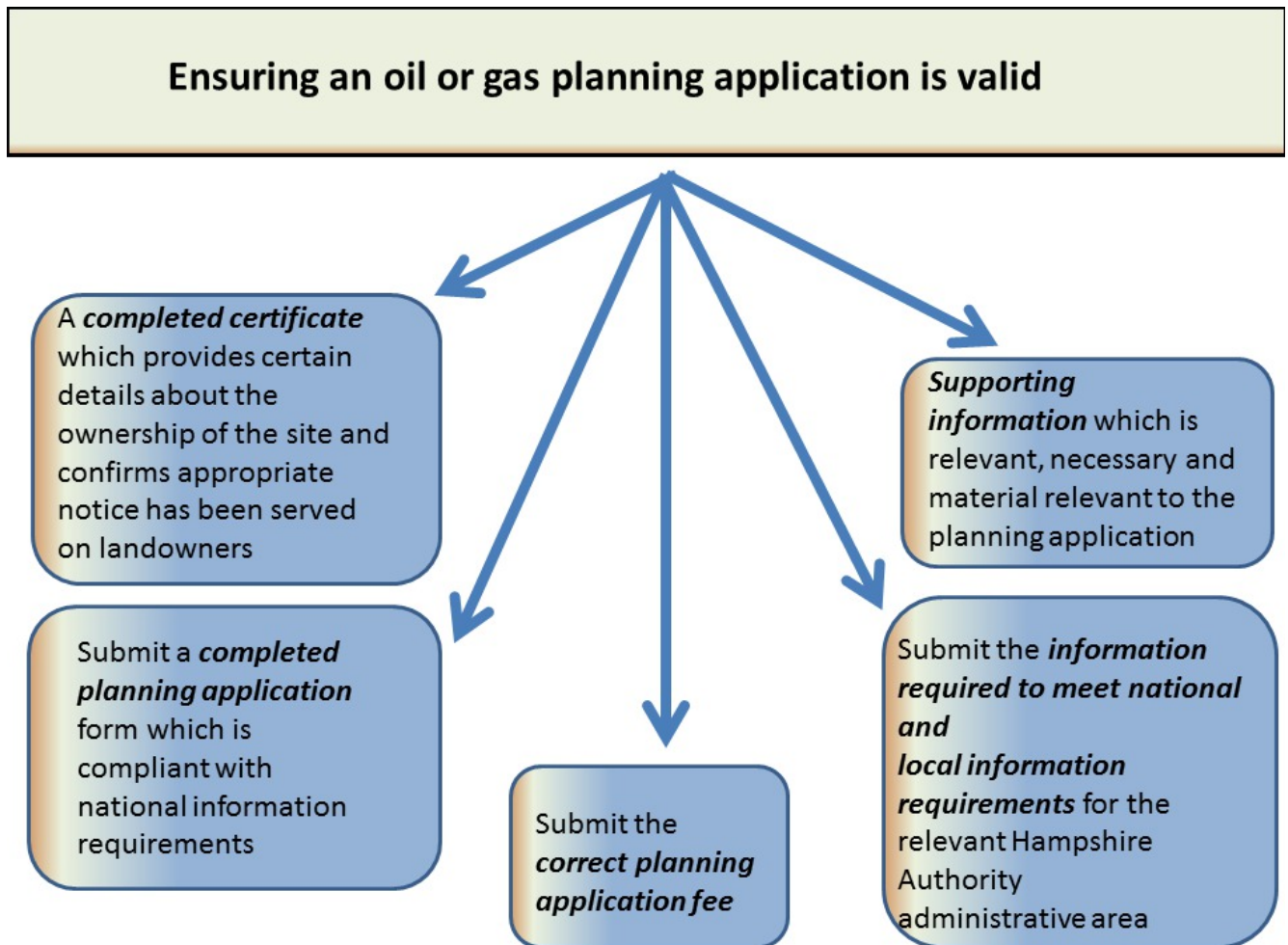
50.Southampton City Council information on the submission of planning applications: [www.southampton.gov.uk/planning/](http://www.southampton.gov.uk/planning/)

51.Portsmouth City Council information on the submission of planning applications: [www.portsmouth.gov.uk/ext/development-and-planning/development-and-planning.aspx](http://www.portsmouth.gov.uk/ext/development-and-planning/development-and-planning.aspx)

52.New Forest National Park Authority information on the submission of planning applications: [www.newforestnpa.gov.uk/planning](http://www.newforestnpa.gov.uk/planning)

- 6.26 Applicants are encouraged to consult the local validation checklist in advance of the pre-application stage. Each MPA (HCC<sup>53</sup>, SCC<sup>54</sup>, PCC<sup>55</sup> and NFNPA<sup>56</sup>) have a separate list which is available to view on their website.
- 6.27 The following diagram sets out the key areas which must be addressed to make a planning application for oil and gas development valid.

Figure 9: Ensuring that a planning application for oil or gas development is valid



Source: Author - Hampshire Authorities, 2015

53. Hampshire County Council validation requirements: [www3.hants.gov.uk/planning-application-validation-requirements-2.pdf](http://www3.hants.gov.uk/planning-application-validation-requirements-2.pdf)

54. Southampton City Council validation list: [www.southampton.gov.uk/Images/National-and-Local-Validation-checklists-Sept2014\\_tcm63-368279.pdf](http://www.southampton.gov.uk/Images/National-and-Local-Validation-checklists-Sept2014_tcm63-368279.pdf)

55. Portsmouth City Council planning application information: [-planning.asp](http://-planning.asp)

56. New Forest National Park planning application pages: [www.newforestnpa.gov.uk/info/20132/planning\\_processes/12/planning\\_application\\_process](http://www.newforestnpa.gov.uk/info/20132/planning_processes/12/planning_application_process)



- 6.28 Pre-application discussions help to guide applicants on the types of information which should be submitted with a planning application to ensure that it is valid (see [Pre-application discussions \[See page 18\]](#)). Applicants will determine how much preliminary data is necessary before seeking planning permission to undertake any exploratory drilling. Data which the operator might obtain at the exploratory stage will be used to determine the most appropriate locations for drilling. MPAs will only request supporting information that is relevant, necessary and material to the planning application in question. Requests for information will be made giving regard to the nature and scale of the proposed development and will directly relate to a matter which it is reasonable to think will be a material consideration in the determination of any planning application.
- 6.29 In some instances, an Environmental Impact Assessment (EIA) will be required (see ['Environmental Impact Assessment \(EIA\) applications' \[See page 21\]](#)).
- 6.30 Twin tracking planning applications for oil and gas development alongside applications for other consenting requirements is encouraged, where appropriate. Twin tracking may provide an opportunity for information required at the consenting or permitting stage to be used to inform the decision-making process for planning applications. This may include environmental permitting from the Environment Agency (see [Other regulatory regimes or agencies who may be involved or have an interest in the planning process \[See page 43\]](#)).
- 6.31 Impacts, wherever possible, should be designed out of a proposal at an early stage and pre-application discussions help to facilitate this process. Mitigation measures should only be applied to any residual impacts which cannot be addressed through the design of the development.
- 6.32 The Planning Portal include a standard application form for oil and gas developments in England<sup>57</sup>.

### How should notice on landowners be served?

- 6.33 The Petroleum Act 1998<sup>58</sup> vested all the rights and ownership of oil and gas resources to the Crown. This means that oil and gas resources are not owned by the surface landowner.
- 6.34 Where someone other than the sole owner of land applies for planning permission to develop land, they are legally required to give notice of the planning application to owners or tenants of any part of the land to which the application relates. This is set out in the Town and Country Planning Act 1990<sup>59</sup> and the Town and Country Planning (Development Management Procedure) Order 2015<sup>60</sup>.

57. Standard planning application form for oil and gas developments: [www.planningportal.gov.uk/uploads/1app/forms/Form035\\_england\\_en.pdf](http://www.planningportal.gov.uk/uploads/1app/forms/Form035_england_en.pdf)

58. Petroleum Act 1998: [www.legislation.gov.uk/ukpga/1998/17/contents](http://www.legislation.gov.uk/ukpga/1998/17/contents)

59. Town and Country Planning Act 1990: [www.legislation.gov.uk/ukpga/1990/8/contents](http://www.legislation.gov.uk/ukpga/1990/8/contents)

60. The Town and Country Planning (Development Management Procedure) (England) Order 2015:

[www.legislation.gov.uk/uksi/2015/595/contents/made](http://www.legislation.gov.uk/uksi/2015/595/contents/made)

- 6.35 Part 4 (26) of the Order applies in the case of an application for planning permission for development consisting of the winning and working of minerals by underground operations. The rationale for these provisions is that any owner or tenant of land should be made aware that a planning application is going to be submitted in relation to the land in which they have an interest to ensure they have the opportunity to make representations.
- 6.36 The Infrastructure Act 2015<sup>61</sup> has amended the provisions for access to underground resources in England and Wales. This impacts land which may be subject to proposals for conventional or unconventional oil or gas proposals.
- 6.37 Information on landownership is welcomed by the Hampshire Authorities at the pre-application stage (see [Pre-application discussions \[See page 18\]](#)).

## What planning application fees will be applicable to oil or gas development?

- 6.38 Planning fees were introduced in 1981<sup>62</sup> with the intention that users and potential beneficiaries of the planning system, rather than taxpayers, meet the costs incurred by Local Planning Authorities (LPAs) in processing and determining planning applications.
- 6.39 The Secretary of State has the power to make and amend regulations setting the fees that applicants for planning permission must pay to the LPA considering the planning application. The Scale of Fees for different categories of development are set out in the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended)<sup>63</sup>. National Planning guidance has more information on planning fees<sup>64</sup>.
- 6.40 The Government has recently amended the 2012 regulations with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2014<sup>65</sup>. This clarifies that, for the purposes of onshore oil and gas development, fees should be calculated on the basis of the area of the above ground works only. As part of the changes, it is also intended to increase fees for planning applications for onshore oil and gas development by 10% on the basis of surface area works. Any changes will be reflected in revised fees guidance in due course.

61. Infrastructure Act 2015: [www.legislation.gov.uk/ukpga/2015/7/contents/enacted](http://www.legislation.gov.uk/ukpga/2015/7/contents/enacted)

62. Planning Fees 1981: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7685/10.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7685/10.pdf).

63. Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England)

Regulations 2012: [www.legislation.gov.uk/ukdsi/2012/9780111527290](http://www.legislation.gov.uk/ukdsi/2012/9780111527290)

64. National Planning Practice Guidance: <http://planningguidance.planningportal.gov.uk/blog/guidance/fees-for-planning-applications/>

65. Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England)

Regulations 2014: [www.legislation.gov.uk/ukdsi/2014/9780111700485](http://www.legislation.gov.uk/ukdsi/2014/9780111700485)

## What issues will need to be considered as part of any planning application?

- 6.41 From time to time oil and gas exploration, appraisal or production proposals come forward in Hampshire. The Hampshire Authorities will use the relevant adopted minerals policies to determine any oil and gas development within its administrative boundaries. This section sets out the key issues which need to be addressed in any planning application for oil and gas development.

### Compliance with National Planning Policy

#### ***National Planning Policy Framework (NPPF)***

- 6.42 The NPPF<sup>66</sup> sets out national minerals planning policy for onshore oil and gas.
- 6.43 The Government is clear that responsibility for determining planning applications for onshore oil and gas activities, including for the exploration of shale gas, will be with MPAs. Decisions will therefore continue to be taken in accordance with Local Plans such as the adopted Hampshire Minerals & Waste Plan (HMWP)<sup>67</sup> (see [Compliance with Local Planning Policy \[See page 27\]](#)) and the NPPF.

#### ***National Planning Practice Guidance (NPPG)***

- 6.44 The NPPG was issued in 2014<sup>68</sup>. The guidance sets out a number of planning issues that should be addressed in relation to oil and gas development. The NPPG is a live document and is updated as required. It is important that applicants view the live version when preparing planning applications for oil or gas developments. It should be read alongside other planning guidance and the NPPF.
- 6.45 The planning practice guidance was published following the public examination of the adopted HMWP (see [Compliance with Local Planning Policy \[See page 27\]](#)). However, the adopted Plan is compliant with its provisions.
- 6.46 The guidance also makes it clear where issues (such as emissions, health and safety and water resources) should be addressed by other regulatory agencies (i.e. not the MPA). These may be relevant to the planning process and therefore may be put before an MPA as part of a planning application.

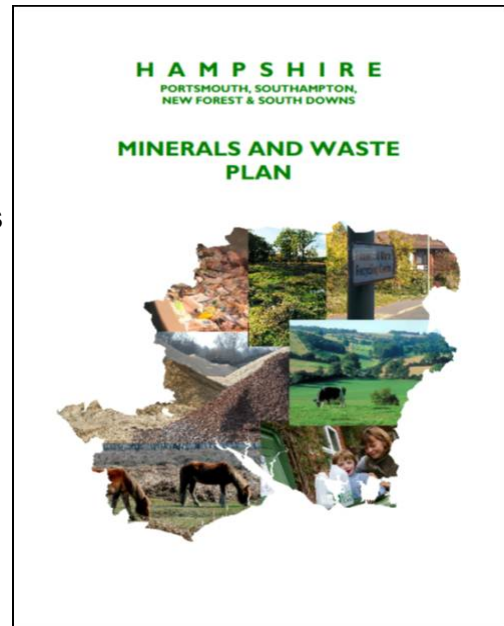
66.National Planning Policy Framework: [www.gov.uk/government/publications/national-planning-policy-framework--2](http://www.gov.uk/government/publications/national-planning-policy-framework--2)

67.Hampshire Minerals & Waste Plan (2103): [www3.hants.gov.uk/mineralsandwaste/planning-policy-home.htm](http://www3.hants.gov.uk/mineralsandwaste/planning-policy-home.htm)

68.National Planning Practice Guidance <http://planningguidance.planningportal.gov.uk/>

## Compliance with Local Planning Policy

6.47 Currently, adopted minerals policy is set out in the HMWP (2013)<sup>69</sup>. The plan contains the policies in which any oil or gas proposal (conventional or unconventional) submitted in Hampshire would be judged against. The Plan provides a robust planning framework including adequate safeguards for potential environmental, community or amenity impacts from the development. The Hampshire Authorities will use all relevant policies to consider any proposal for oil or gas development and to determine whether it should be granted planning permission.



6.48 The importance of onshore oil and gas supplies is acknowledged in the adopted HMWP. It includes a policy relating to oil and gas development (*Policy 24: Oil and gas development*). Policy 24 sets out criteria for when oil and gas development will be supported (subject to environmental and amenity considerations) for the exploration and appraisal as well as the commercial production of oil and gas. Any proposal for conventional or unconventional oil and gas development would be judged against *Policy 24*, its associated supporting text as well as all other relevant policies in the Plan in relation to protecting the environment, maintaining communities and supporting the economy. The HMWP does not include any sites (site allocations) for onshore conventional or unconventional oil and gas development.

6.49 *Policy 1 (Sustainable minerals and waste development)* of the adopted Plan sets out a presumption in favour of sustainable development and indicates that minerals development that accords with policies in the HMWP will be approved without delay, unless material considerations indicate otherwise. Material considerations in this context relate to proposals meeting the other policies in the Plan. Other policies in the Plan are also of direct relevance to any proposal for oil and gas including the following:

- Protecting public health, safety and amenity (*Policy 10*);
- Managing traffic (*Policy 12*);
- High quality design of minerals and waste development (*Policy 13*); and
- Restoration of minerals and waste developments (*Policy 9*).

6.50 The Plan also includes other policies relating to the environment and communities which may also be relevant to a proposal for oil and gas development, dependant on where a proposal is located and what the proposal entails:

- Climate change mitigation and adaptation (*Policy 2*); Protection of habitats and species (*Policy 3*);

69. Hampshire Minerals & Waste Plan (2013): [www3.hants.gov.uk/planning/mineralsandwaste.htm](http://www3.hants.gov.uk/planning/mineralsandwaste.htm)

- Landscape designations and the countryside (*Policies 4 and 5*);
- South West Hampshire Green Belt (*Policy 6*)
- Protection of the historic environment (*Policy 7*);
- Protection of soils (*Policy 8*); and
- Flood risk and prevention (*Policy 11*).

6.51 Safeguarding is the method by which mineral resources and the minerals and waste facilities are protected from inappropriate development. Oil and gas deposits are found at much deeper levels under the ground than the other minerals worked in Hampshire and are less threatened by surface development. As a result, safeguarding of oil and gas resources is not required due to the depth of the resource, the ability to utilise directional drilling and the small surface area requirements of well pads. The extent of oil and gas resources is also commercially sensitive information which is unavailable to the MPA. However it is still important that existing oil and gas infrastructure is safeguarded. Hampshire's existing oil and gas sites are safeguarded through the policies of the HMWP relating to safeguarding minerals infrastructure (*Policy 16: Safeguarding - minerals infrastructure*). Any subsequent update to the list following the adoption of this SPD will be reflected in the most recent Monitoring Report which sets out information on the performance of the HMWP<sup>70</sup>.

6.52 In some instances, oil or gas development may have legal agreements attached to them (see [Planning obligations \[See page 64\]](#)). The HMWP also includes a policy which encourages community benefits (*Policy 14*) which may be associated with oil or gas developments (see [Community benefits \[See page 68\]](#)).

6.53 The remaining part of this section highlights the key policy areas and issues which are relevant to oil and gas proposals in Hampshire. The issues are presented in the order they appear in the HMWP i.e. by policy.

## Ensuring oil and gas development mitigates and adapts to climate change

6.54 The way in which national energy needs are met is subject to national policy and how this need is met is not a direct issue for the HMWP. The main driver for the HMWP in relation to oil and gas developments, in this context, and the issue of climate change relates to ensuring that site based greenhouse gas emissions are adequately controlled and mitigated. Any proposal for oil and gas development will need to consider the provisions of *Policy 2 (Climate change - mitigation and adaptation)* of the HMWP which relates to minimising impacts, reducing vulnerability and providing resilience to the impacts of climate change through minerals and waste development.



**Ultimately, emissions from conventional or unconventional oil and gas development will be determined by the design and conditions of a particular development. This will include:**

- **consideration of design, use of resources (such as construction materials or water);**
- **the potential to develop other energy recovery or low carbon technologies alongside the proposed development; and**
- **avoiding areas which are considered to be vulnerable to climate changes.**

**6.55** It will be important for an oil and gas proposal to demonstrate how the development's implementation can mitigate and adapt to any potential impacts. Any planning application would be required to minimise the release of methane to the atmosphere.

### **Oil and gas sites in areas of nature conservation designation**

**6.56** Hampshire has extensive nature conservation designations. These include international, national and locally designated sites.

**6.57** Any proposal for oil and gas development will need to take into account the provisions of *Policy 3 (Habitats and species)* of the Plan which relates to the protection of habitats and species.

**The policy protects the following habitats and species protected in accordance with the level of their relative importance:**

- a. internationally designated sites including Special Protection Areas, Special Areas of Conservation, Ramsar sites, any sites identified to counteract adverse effects on internationally designated sites, and European Protected Species;**
- b. nationally designated sites including Sites of Special Scientific Interest and National Nature Reserves, nationally protected species and Ancient Woodland;**
- c. local interest sites including Sites of Importance for Nature Conservation, and Local Nature Reserves;**
- d. habitats and species of principal importance in England;**
- e. habitats and species identified in the UK Biodiversity Action Plan or Hampshire Authorities' Biodiversity Action Plans.**

**6.58** It is important that nature conservation designations are not adversely impacted by oil or gas developments. In relation to nature conservation designations, a judgement will be made by the MPA on whether the merits of the proposal outweighs any likely environmental damage to the designated area.

- 6.59 It will be important that any oil or gas proposal which impacts the noted designations include details of appropriate mitigation or compensation measures which will be required to protect biodiversity impacts. In doing this, consideration on how proposals may impact the principles and purposes of the designations will be required.
- 6.60 Guidance on the law affecting European sites and SSSI has been prepared by Defra<sup>71</sup>, replacing the advice previously set out in Circular 06/05: Biodiversity and Geological Conservation<sup>72</sup>.
- 6.61 Proposals should include details of the nature and duration of the proposed impacts as well as habitats surveys in their supporting information.
- 6.62 All oil or gas proposals which impact the designations will need to consider why there is a need for the development, options and opportunities to locate the proposal outside of the designated areas and mitigation measures which can be employed to offset any impacts.
- 6.63 The design of the development will also be important to ensure the development fits into the surrounding area (see design). Restoration of the site will also be an important consideration for any proposal, at any phase (see restoration and aftercare).

### **Oil and gas sites in areas of landscape designation and countryside**

- 6.64 The geographical area of Hampshire has two national parks. The New Forest National Park is covered by this SPD. In addition, Hampshire has 3 Areas of Outstanding Natural Beauty located at North Wessex Downs, Cranborne Chase and West Wiltshire Downs, and Chichester Harbour. Hampshire also benefits from extensive countryside outside of the designated areas and sites which are also important and highly valued.
- 6.65 Oil and gas development, although temporary, can have an impact on the landscape. Landscape impacts are likely to be greater at the production stage compared to other stages due to the length of time infrastructure is likely to be in place.
- 6.66 Any proposal for oil and gas development will need to take into account the provisions of Policies 4 (*Protection of landscape designations*) and 5 (*Protection of the countryside*) of the Plan which relate to the protection of designated landscapes and the countryside. Proposals will need to consider how the development will impact any of the designations noted in the policy.
- 6.67 Oil and gas developments should not have an unacceptable visual impact. Proposals should maintain and enhance the character of the local landscape or townscape, where appropriate.

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71.ADD

72.Biodiversity and geological conservation: circular 06/2005: [www.gov.uk/government/publications/biodiversity-and-geological-conservation-circular-06-2005](http://www.gov.uk/government/publications/biodiversity-and-geological-conservation-circular-06-2005)

6.68 Proposals should include details of the nature and duration of the proposed impacts.

6.69 Oil or gas developments could affect access to public rights of way, open spaces or outdoor recreation, whilst the development is in progress. Development could also affect routes favoured by cyclists, equestrians and walkers. Oil and gas development should not negatively affect these features to an unacceptable degree. It is standard practice for such routes to be diverted if they are impacted by a development. In such instances, it is expected that rights of way will be replaced, diverted or equivalent routes be provided.



6.70 The design and operation of the development will also be important in ensuring the development fits into the surrounding area (see [design](#)). Developments should effectively mitigate any landscape or visual impacts, appropriate to the character and nature of its location. Details of mitigation measures to protect the landscape in proximity to a proposal will need to be included within a planning application. This may include screening and buffer zones. Consideration should be given to opportunities for advanced screening. In such instances, it will be important to ensure that enough time is planned to allow natural screening to grow to provide a sufficient height and density to be effective.

6.71 Restoration of the site will also be an important consideration any oil or gas proposal, at any phase (see [restoration](#)).

### ***Designated areas***

6.72 National planning policy clearly states that oil and gas developments within designated areas will only be permitted in exceptional circumstances, where there are no suitable locations (outside of designated areas) which can offer an alternative to extraction within the designated area.

6.73 Policy 4 of the Plan states that developments will not be permitted in Hampshire's National Parks or Areas of Outstanding Natural Beauty except in exceptional circumstances. The policy sets out areas which will need to be considered when considering such applications.. As a general rule, oil and gas developments within designated areas will only be permitted in exceptional circumstances, where there are no other suitable locations (outside of designated areas) which can offer an alternative to extraction within the designated areas. This is in line with the provisions of Policy 4 of the HMWP.

6.74 All proposals which impact the designations will need to consider why there is a need for the development, options and opportunities to locate the proposal outside of the designated areas and the mitigation measures which can be employed to offset any impacts.



- 6.75 Applicants should look to agree a programme of work with the MPA as part of the planning application which takes account, as far as is practicable, the potential impacts on local landscape designations and operational considerations over the expected duration of operations.
- 6.76 How a proposal may impact the tranquillity is an important consideration, especially within designated areas. Tranquillity is one of the special qualities of the New Forest National Park. The National Park Authority has recently conducted a mapping exercise which maps tranquil areas. This will need to be taken into account when considering planning applications in the national park area. Where development may be proposed outside of the boundaries of the New Forest National Park but the development may have the potential to impact the national park area, the park's neighbours and other statutory bodies are required by Section 62 of the Environment Act 1995<sup>73</sup> to have regard to the National Park purposes.

### **Countryside**

- 6.77 Where proposals are located in the countryside outside of designated areas, it is therefore important to respect its special qualities of the countryside. Proposals will need to consider how the development will impact its location if it is located within the countryside.
- 6.78 How a proposal may impact the tranquillity is also an important consideration.

### **Oil and gas sites in Hampshire's Green Belt**

- 6.79 Oil and gas development, as a mineral development, is only considered to be a temporary use. It is therefore not considered to be inappropriate in the Green Belt provided that it preserves the openness of the designation and does not conflict with the purpose of including the land within the Green Belt.
- 6.80 Hampshire has one Green Belt designated in the south west of the county. Any proposal for oil and gas development located in the South West Hampshire Green Belt will need to consider the provisions of *Policy 6 (South West Hampshire Green Belt)* of the HMWP.
- 6.81 If a proposal is located within the South West Hampshire Green Belt, the proposal will need to consider whether it is an appropriate location for this type of facility. The proposal will need to demonstrate, as far as possible, that it can enhance the beneficial use of the Green Belt. The design, operation and restoration of the site will therefore be important considerations.

### **Oil and gas sites in areas of importance for the historic environment**

- 6.82 Hampshire has many areas and sites which are designated for their historic importance.

### The historic environment includes:

1. **scheduled ancient monuments;**
2. **listed buildings;**
3. **conservation areas;**
4. **registered parks and gardens;**
5. **registered battlefields;**
6. **sites of archaeological importance.**

6.83 Any proposal for oil and gas development which may have an impact on the historic environment or assets will need to consider the provisions of *Policy 7 (Conserving the historic environment and heritage assets)* of the HMWP. Proposals which may impact the sites and areas identified in the policy will need to carefully consider their protection. The setting of an asset will also be a key consideration.



6.84 Development should protect and wherever possible enhance the historic environment and heritage assets of both designated and non designated sites including their setting. It is important that the historic environment is not adversely impacted by oil and gas development.

6.85 The Hampshire Archaeology and Historic Buildings Record (HAHBR) may be of assistance to applicants when preparing planning applications in areas of historic environment<sup>74</sup>.

### Oil and gas development and the protection of soils

6.86 Hampshire has rich and diverse soils which are largely associated with agriculture. It is important that any soils impacted by an oil or gas development are protected as part of the development. Any proposal for oil and gas development will need to consider the provisions of *Policy 8 (Protection of soils)* of the HMWP. Development should protect, and wherever possible, enhance soils. Soils should also be protected throughout the life of the development.

6.87 Any proposed development which may impact soils or best and most versatile agricultural land must consider their protection during the construction, operation and restoration of sites. It will also be important for proposals to consider the potential impact on working surrounding agricultural land, where this is relevant.



74. Archaeology and Historic Buildings Record: [www3.hants.gov.uk/landscape-and-heritage/historic-environment/historic-buildings-register.htm](http://www3.hants.gov.uk/landscape-and-heritage/historic-environment/historic-buildings-register.htm)

- 6.88 The UK Onshore Operators Group have produced guidelines for the consideration of soils during well construction<sup>75</sup>.
- 6.89 Details of the mud systems in use should be declared during the planning application stage and, where required, should be in accordance with the environmental permitting process (see [What other regulatory regimes or agencies may be involved or have an interest in the planning process? \[See page 43\]](#)).

### Restoration and aftercare of oil and gas sites

- 6.90 Restoration of all oil and gas sites is a key consideration at the planning application stage. Any site will need to be restored following the completion of development. Restoration involves returning the land to an acceptable condition. Sites should either be restored to the former land use or to a new agreed beneficial use.
- 6.91 Any proposal for oil and gas development in Hampshire will need to consider the provisions of *Policy 9 (Restoration of quarries and waste sites) of the HMWP*.
- 6.92 Restoration should be in keeping with the character and setting of the local area. Proposals should show how restoration will contribute to local objectives for habitats, biodiversity and community uses. The restoration of sites could occur at any phase of development and this issue will need to be considered in any proposal submitted.
- 6.93 Once oil and gas development has been completed and restoration and aftercare of land is been achieved. the land can take many uses.

#### Restoration may include:

- **creation of new habitats and biodiversity;**
- **use for agriculture;**
- **forestry; and**
- **recreational activities.**

- 6.94 The most appropriate form of afteruse will be determined on a site-by-site basis following discussions between the operator and the relevant MPA.
- 6.95 As oil and gas development takes place over three stages, may be appropriate to restore the site at the end of each stage, rather than allowing the operator to keep the site on hold before moving on to the next stage. This issue will be addressed on a case-by-case basis.
- 6.96 The MPA will ensure the proper restoration and aftercare of a site through imposition of suitable planning conditions and, where necessary, through Section 106 Agreements (see [Planning obligations \[See page 64\]](#)). Any conditions attached to planning permissions related to restoration will be drafted in such a way that, even if the interest of the applicant applying for permission is subsequently disposed of, the requirements for restoration and aftercare should still be fulfilled (whether by a new operator or in the case of default, by the land-owner).

75. UK Onshore Operators Group information on soils: [www.ukoog.co.uk/environment/water-and-soil](http://www.ukoog.co.uk/environment/water-and-soil)

**The exact planning conditions which relate to restoration will be framed with the intended after-use in mind, and will vary according to factors including the:**

- **characteristics of the individual site;**
- **intended after-use;**
- **type of resource to be worked;**
- **method of working;**
- **timescale of the working; and**
- **general character of the area; and**
- **planning policies for the area.**

6.97 A financial guarantee to cover restoration and aftercare costs will normally only be implemented in exceptional cases. Such cases include:

- very long-term new projects where progressive reclamation is not practicable and where incremental payments into a secure fund may be made at appropriate stages in the development of site operations; and
- where there is reliable evidence of the likelihood of either financial or technical failure, but these concerns are not such as to justify refusal of planning permission.

6.98 The successful completion of the restoration of the site will be subject to monitoring and enforcement if this is required to ensure compliance with any planning permissions granted. More information on monitoring can be found in the [Monitoring and enforcement of permitted onshore oil and gas developments \[See page 66\]](#).

6.99 Where a minerals operator is contributing to an established mutual funding scheme (outside of any planning permissions granted), it is not necessary for a MPA to seek a guarantee against possible financial failure, even in exceptional circumstances. The MPA will seek to meet any justified and reasonable concerns about financial liabilities relating to the restoration of the site through agreeing a planning obligation or voluntary agreement before planning permission is granted.

## **Protecting local communities and reducing amenity impacts from oil or gas developments**

6.100 Oil and gas development activities should not result in or give rise to unacceptable amenity impacts. All proposals will need to consider the provisions of *Policy 10 (Protection of public health, safety and amenity)* of the HMWP. Many of the criteria under *Policy 10* will be fulfilled by oil and gas operators adopting appropriate management systems such as International Standards Organisation controls and other operational controls at their sites.

6.101 The National Planning Policy Framework<sup>76</sup> and the National Planning Practice Guidance<sup>77</sup> detail what constitutes a material planning consideration. This includes ensuring that new development is appropriate for its location 'taking account of the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution'.

- 6.102 It is important that oil and gas operators should look to agree a programme of work as part of the planning application process, with the relevant MPA which:
- reduces the potential impacts on the local community; and
  - maintains an appropriate separation from occupied properties and sensitive receptors.
- 6.103 High operating standards, sensitive working practices and site management are essential for all oil or gas developments, to minimise the harm to local communities and the environment.
- 6.104 Proposals will need to set out the investigation work carried out as part of preparing the proposals, as well as any proposed mitigation and monitoring measures.
- 6.105 There *'is no standard minimum separation distance for proposals for hydrocarbon extraction. Any proposed separation distance should be effective, properly justified but reasonable'* and sets out issues to be taken into account when coming to this approach. *Above ground separation distances between oil and gas developments and nearby sensitive receptors are acceptable in specific circumstances where it is clear that, based on site specific assessments and other forms of mitigation measures (such as working scheme design and landscaping) a certain distance is required between the boundary of the minerals site and the adjacent development*<sup>76</sup>. The adopted HMWP states that it is standard practice for operational mineral extraction sites to have a minimum buffer of 100 metres, where appropriate, from the nearest sensitive receptors, though this distance will be reviewed on a case-by-case basis.
- 6.106 In some instances, appropriate standards of the control (e.g. for emissions and protecting water resources) are set by other agencies. Often these standards are based on national legislation, policy and guidance, and minerals and waste development should meet these standards. Agencies include:
- the Environment Agency as part of their responsibility for protecting and improving the environment and as the regulatory body for issuing Environmental Permits; as well as
  - local Environmental Health Officers at District and Borough Councils.
- 6.107 The MPA will use appropriate planning conditions, having regard to issues for which they have responsibility, to mitigate any adverse impacts on the local community's health, safety and amenity.

### ***Dust and emissions***

- 6.108 Oil and gas development should not cause unacceptable dust or release emissions to the atmosphere, land or water (subject to application controls). It is therefore important that the issue of emissions is taken into account in any oil or gas proposal. Developments should not release emissions to the atmosphere, onto land or into water (above appropriate standards).

76. National Planning Policy Framework: [www.gov.uk/government/publications/national-planning-policy-framework--2](http://www.gov.uk/government/publications/national-planning-policy-framework--2)

77. National Planning Practice Guidance: <http://planningguidance.planningportal.gov.uk/>

78. National planning practice guidance: <http://planningguidance.planningportal.gov.uk/>

6.109 The issue of flaring is also an important consideration. Proposals should include details of how the sequential approach has been applied in determining the management of gas during the development. Utilisation of gas is the preferred option and this may necessitate connection to the grid. In such instances, proposals should include information on the connection route. Where utilisation is not a viable option, flaring may be required. Proposals in these instances should therefore include information on the method and flaring infrastructure required. In the event that gas sites are located in proximity to each other, operators are encouraged to work together to ensure efficient provision of gas collection.

### **Health**

6.110 Oil and gas development should not have an unacceptable impact on human health. The HMWP clearly states that oil and gas development should not have an unacceptable impact on human health.

6.111 Applicants should expect to submit a Health Impact Assessment as part of any planning application for unconventional oil or gas development.

6.112 Public Health England has produced a review of the potential public health impacts of shale extraction and concludes the risks to public health are low if operations are properly run and regulated<sup>79</sup>.

6.113 The location of public strategic infrastructure such as water, electricity and gas networks may also restrict oil or gas developments in some instances. Where proposals are likely to impact such infrastructure, the planning application should consider how impacts can be mitigated.

### **Noise**

6.114 Oil and gas development should not cause unacceptable noise. It is important that any noise generated from oil or gas developments is appropriately managed to ensure there is not an unacceptable impact on habitats, landscapes and local communities. Noise mitigation may include noise management, screening of sites and other mitigation measures.

### **Lighting**

6.115 There may be the potential for lighting issues during each phase of oil or gas development, from facilities and flaring, subject to the design of the development. These are likely to be similar to lighting issues caused by other industrial developments and without appropriate mitigation may have an amenity impact on nearby properties, habitats and the natural environment. Proposals should include measures to mitigate any lighting impacts including minimising light sources. In line with government guidance 'details of proposed lighting, including siting, height, design and position of floodlights should be submitted to the Local Planning Authority as part of the planning process.

### **Visual impact**

6.116 Oil and gas development should not have an unacceptable impact (see protection of designated areas and the landscape).

***Aerodrome safeguarding***

6.117 Oil and gas development should not endanger aircraft from bird strikes and structures.

6.118 Bird-strike zones around aerodromes cover significant parts of Hampshire, protecting aircraft.

**Locating sites within these zones may impact oil and gas development in a number of ways, including:**

- operation;
- types of infrastructure;
- working,
- restoration and after use of sites.

6.119 Other hazard zones, such as those around military installations, chemical plants and storage areas for dangerous substances, cover some areas of Hampshire and can also restrict certain types of development in those locations.

6.120 Applicants will need to take into account the height of rigs and other associated infrastructure, as well as levels of illumination if development is located within a safeguarding zone.

***Subsidence and the migration of contaminants (including the use of chemicals and waste disposal)***

6.121 Oil and gas development should not cause an unacceptable impact subsidence and on the migration of contaminants.

6.122 Safeguards are in place to mitigate the risks of seismic activity<sup>80</sup>. This includes a Traffic Light system to address concerns and monitor seismicity during fracking operations.

6.123 If a planning application is submitted for consideration, the MPA will consult the HSE and the OGA on the issue of potential seismic impacts. The MPA will take into account the advice of the HSE and the OGA on this issue in coming to a decision on the potential impacts associated with any proposal.

6.124 The use of chemicals during oil and gas development is tightly controlled in the UK. All chemicals need to be authorised by the Environment Agency and should be disclosed.

6.125 Well design and barrier planning is subject to detailed guidance as set out in Oil and Gas UK's Well Integrity guidelines<sup>81</sup>, particularly in regard to the installation and testing of barriers to prevent leaching of chemicals into nearby soil.

80.Written Ministerial Statement by Edward Davey: Exploration for Shale Gas  
81.add]

- 6.126 It is likely that each stage of oil and gas development will generate some form of waste which will require management or disposal. Waste generated may include:
- drill cuttings from drilling activities; and
  - flowback water.
- 6.127 It is important that any waste is managed in an appropriate way. Any proposal for oil and gas development will need to ensure it has adequately considered this issue, as required.
- 6.128 Waste disposal issues will be considered by the EA through Environmental Permitting.
- 6.129 Some of the wastes generated during oil and gas development will require disposal (e.g. to landfill). This may include drill cuttings.
- 6.130 Oil and gas extraction can produce mining wastes which need to be effectively managed. This is set out in the European Mining Waste Directive<sup>82</sup> which aims to reduce as far as possible any adverse effects on the environment, as well as any resultant risk to human health from the management of waste from the extractive industries. Almost all of the Directive is transposed in the UK through the Environmental Permitting (England and Wales) Regulations 2010<sup>83</sup> which are regulated by the Environment Agency.
- 6.131 Muds associated with drilling operations will be made up of various chemicals. The EA provides more information on drilling muds<sup>84</sup>.
- 6.132 Flowback water will be collected and contained on-site in closed tanks. This water will then need to be discharged to the sewer system or transported to a waste water treatment works. Flowback water may contain Naturally Occurring Radioactive Materials (NORM) at low levels. Procedures for the management of NORM are well established in the United Kingdom. These will include pretreatment prior to conventional water treatments.

### **Water resources**

- 6.133 Oil and gas development should not have an unacceptable impact on coastal, surface or groundwaters. It should not result in increased flood risk to the area in which it is located. Any proposal which impacts a flood risk area will need to take into account the provisions of *policies 11 (Flood risk) and 10 (Protection of public health, safety and amenity) of the HMWP* in relation to impact on water resources.
- 6.134 The Environment Agency (EA) protects water resources and therefore it has a key role to play in the regulation of oil and gas development in relation to the water environment. It is advisable that applicants discuss proposals for the protection of ground and surface waters with the EA in advance of any planning application being submitted.

82. European Mining Waste Directive <http://ec.europa.eu/environment/waste/mining/>

83. Environmental Permitting (England and Wales) Regulations 2010

84. Environment Agency guidance: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/384623/LIT\\_10064.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384623/LIT_10064.pdf) / [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/384624/LIT\\_10065.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384624/LIT_10065.pdf)



- 6.135 Proposals should include information on the likely amount of water required and the potential impacts on<sup>85</sup> local available water resources. This will be particularly important when proposals include hydraulic fracturing. When proposing a site for unconventional oil or gas development, applicants must ensure that there is sufficient water and infrastructure for their operations and, where necessary, would need to apply for an abstraction license from the EA.
- 6.136 All proposals should include detailed investigations into the potential impact associated with the proposed development on ground water and surface water courses.
- 6.137 In the event that a planning application is submitted to the MPA for consideration, the MPA will consult the EA and will take into account the advice provided in coming to a conclusion on the potential impact on water resources. Where risks to the environment are significant (for example where development is proposed contrary to the EA Groundwater Protection Policy and Guidance<sup>86</sup>, the EA are likely to object to any planning application for the construction and operation of individual wells.
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- 6.138 EA guidance<sup>87</sup> is very clear that as an organisation they will object to:
- hydrocarbon exploration, extraction infrastructure or activity / shale gas extraction infrastructure or activity within a Source Protection Zone 1 (SPZ1);
  - hydrocarbon exploration, extraction infrastructure or shale gas activity outside SPZ1 that would have an unacceptable effect on groundwater. It also makes the following statement about conventional gas and oil exploration:
- 6.139 The EA is also clear that where development does proceed, that they will expect Best Available Techniques to protect groundwater to be applied where any associated drilling or operation of the boreholes passes through a groundwater resource.
- 6.140 Waste water following the extraction process (for both conventional and unconventional) returns to the surface following its use. This requires management, treatment and disposal. Proposals will need to include information on the measures which will need to be put in place for the appropriate management of waste water as well as fuels and oils.
- 6.141 In the event that oil or gas sites are located in proximity to each other, operators are encouraged to work together to ensure the efficient provision of water treatment infrastructure, as appropriate, in order to reduce cumulative impacts.

### ***Public strategic infrastructure***

85.EA guidance: <https://consult.environment-agency.gov.uk/file/2582905>

86.EA Groundwater Protection Guidance: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/297347/LIT\\_7660\\_9a3742.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297347/LIT_7660_9a3742.pdf)ADD

87.EA guidance: <https://consult.environment-agency.gov.uk/file/2582905>

- 6.142 Oil and gas development should not have an unacceptable impact on public infrastructure. Public infrastructure may include water, electricity and gas networks. The location of such infrastructure may restrict development in some instances.

***Cumulative impacts associated with oil or gas development***

- 6.143 Oil and gas development should not cause an unacceptable cumulative impact arising from the interactions between minerals and waste developments, and between mineral, waste and other forms of development. The potential cumulative impacts of oil and gas developments and the way they relate to existing developments must be addressed to an acceptable standard as part of a planning application.

**Cumulative impacts may relate to a number of the issues, some of which have been highlighted within this section such as:**

- **dust;**
- **health and safety;**
- **lighting;**
- **water resources;**
- **public safety;**
- **visual impact;**
- **land stability; and**
- **seismicity etc.**

- 6.144 Proposed developments should consider whether their location will cause an unacceptable cumulative impact with other minerals and waste developments as well as other non minerals or waste developments in the locality.

**Oil and gas proposals should consider their:**

- **interaction with other existing developments in the area such as housing;**
- **impacts on existing surrounding uses and planned development.**

- 6.145 It is unlikely that cumulative impact will be a significant issue at the exploration phase of development, regardless of how close individual well pads are to each other, due to the nature of the activity and the short time it takes to complete this phase.

- 6.146 There could also be circumstances where two or more planning applications could be considered together.

**Oil and gas development and flood risk**

- 6.147 In relation to flood risk, oil and gas proposals should incorporate flood protection, resilience and resistance measures if these are required on site. Development should also not result in an increase in surface water run-off. In some instances, it may be appropriate for oil and gas developments to be accompanied by sustainable drainage systems. All built infrastructure should also have site drainage systems as part of their design.

- 6.148 Applicants should expect to submit a Flood Risk Assessment where a site is located in a flood risk zone.
- 6.149 Water companies will be a consultee for oil and gas proposals within their catchment within the HCC administrative area<sup>88</sup>.

### **Oil and gas development and managing associated transport**

- 6.150 It is essential that all oil and gas developments have a safe and suitable access onto the highway network and where possible minimise the impacts of its generated traffic through the use of alternative methods of transport. Alternative methods of transport may include rail and the use of pipelines which are already used to move oil resources in Hampshire.
- 6.151 Any proposal will need to consider the provision of *Policy 12 (Managing traffic)* of the HMWP. Oil and gas development and will be required to minimise the impact of traffic wherever possible, and demonstrate how any impacts on highway safety, pedestrian safety, and highway capacity will be mitigated. Highway improvements will be required to mitigate any significant adverse effects on these areas.
- 6.152 Proposals will need to show how they will minimise the impact of traffic, if this is possible.
- 6.153 Highway improvements will be required to mitigate any significant impacts. Where an oil or gas site is served by roads that would otherwise be unsuitable for access, improvements will need to be made as part of the development. It may be necessary to agree the route that vehicles will use as part of the planning permission.

### **Design of oil or gas developments**

- 6.154 Oil and gas development should not cause an unacceptable adverse visual impact and should maintain, enhance and contribute to achieving the distinctive character of the local landscape and townscape and contribute to sustainable development.
- 6.155 It is essential that all oil and gas proposals should be of the highest quality design. Any proposal will need to consider the provisions of *Policy 13 (High quality design and operation of minerals and waste development)* of the HMWP.
- 6.156 The sustainable design and operation of oil and gas development is critical in ensuring potential impacts are reduced or avoided.
- 6.157 Many of the aspects highlighted in relation to protecting health, safety and amenity will relate to the design of the overall development in one way or another.

### **Economic impact of oil or gas developments**

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<sup>88</sup> Hampshire County Council will consult all water companies where an oil or gas proposal will impact their catchment area. This is in line with the provisions of the adopted Hampshire Statement Community Involvement (2014)

- 6.158 An Environmental Statement (see [Preparing a planning application \[See page 17\]](#)) of an oil or gas proposal will consider the issue of economic need for a proposal both on a national, regional and local scale.
- 6.159 The HMWP does not include any policies which directly relate to the potential economic impact or benefits associated with development, with the exception of community benefits. Where this issue is of importance to an oil or gas proposal, the MPA will therefore rely on the policies and direction of the NPPF<sup>89</sup>, as appropriate. The NPPF specifically states that when determining planning applications, local planning authorities should give great weight to the benefits of the mineral extraction, including to the economy<sup>90</sup>.

### **What other regulatory regimes or agencies may be involved or have an interest in the planning process for oil or gas developments?**

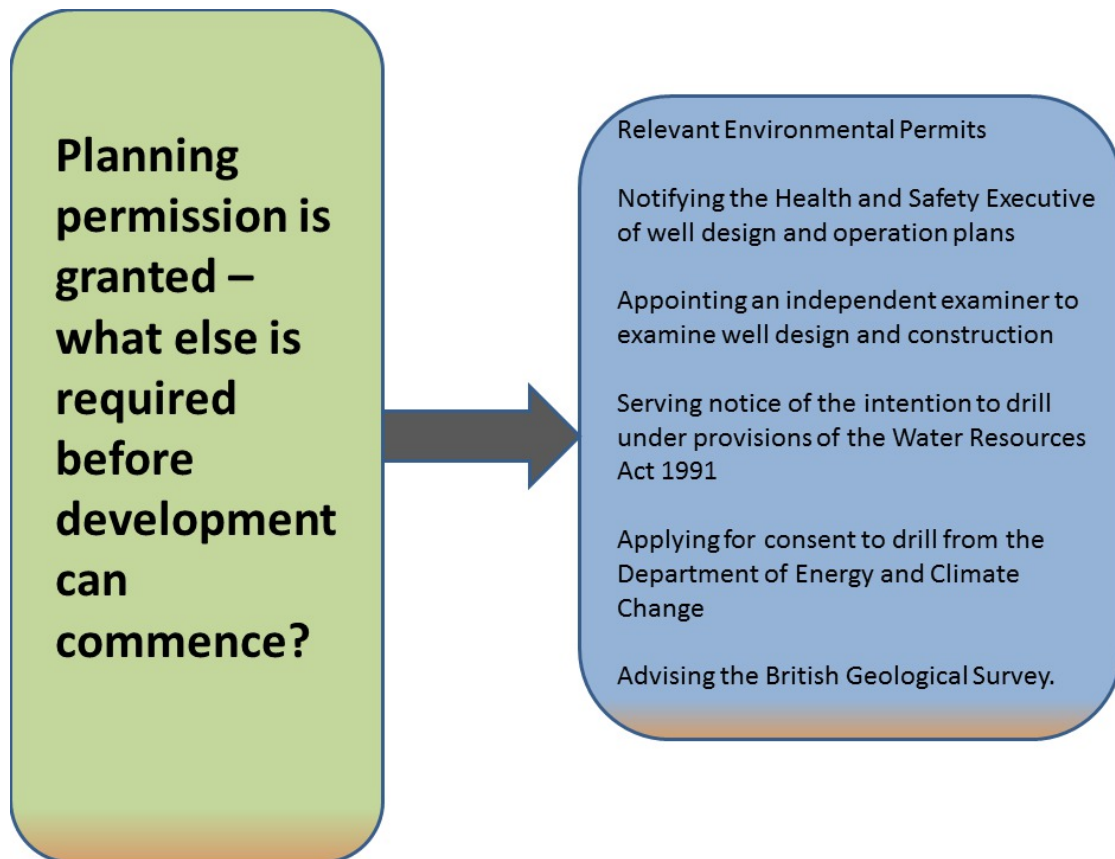
- 6.160 An applicant will also need to undertake a number of other measures before development can commence, aside from gaining planning permission. The following diagram highlights these measures.

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89.National Planning Policy Framework: [www.gov.uk/government/publications/national-planning-policy-framework--2](http://www.gov.uk/government/publications/national-planning-policy-framework--2)

90.National Planning Policy Framework, paragraph 144: [www.gov.uk/government/publications/national-planning-policy-framework--2](http://www.gov.uk/government/publications/national-planning-policy-framework--2)

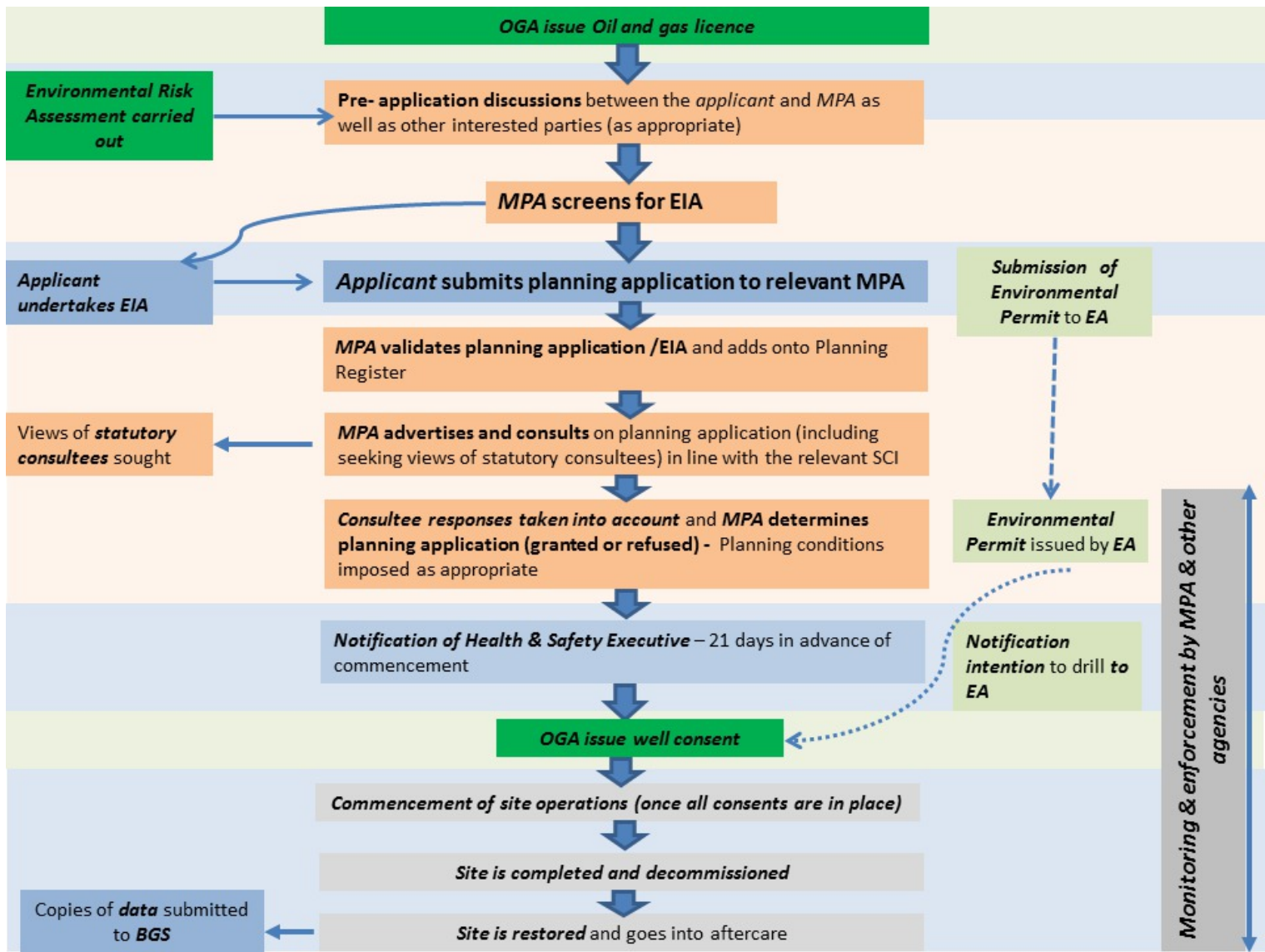
Figure 10: What other measures need to be addressed before oil or gas development can commence?



Source: Author - Hampshire Authorities, 2015

6.161 The following diagram highlights how the planning and regulatory system are separate but complementary.

Figure 11: How the planning system links to the regulation system



- 6.162 Oil and gas operations, as with other industrial activities, are regulated under a number of different regimes and are one of the most tightly regulated business sectors. These regimes are separate but complementary to the planning system. Therefore, some issues of importance to the planning process may be covered by other regulatory regimes. This is highlighted in the diagram on the outline process located in [Planning for oil and gas development \[See page 2\]](#). All such agencies have a responsibility to ensure that the extraction of oil and gas (both conventional and unconventional) does not have an adverse impact on the environment or local communities, including water resources. MPAs will assume that these regimes will operate effectively when determining planning applications.
- 6.163 Whilst these issues may be put before MPAs as part of the planning process, the MPAs will not carry out their own assessment as they will rely on the assessment of the other relevant regulatory bodies. However, before granting planning permission the MPAs will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body. The MPA will use this information to make a judgement on potential impacts and to make a decision on whether planning permission should be granted and what conditions should be applied.

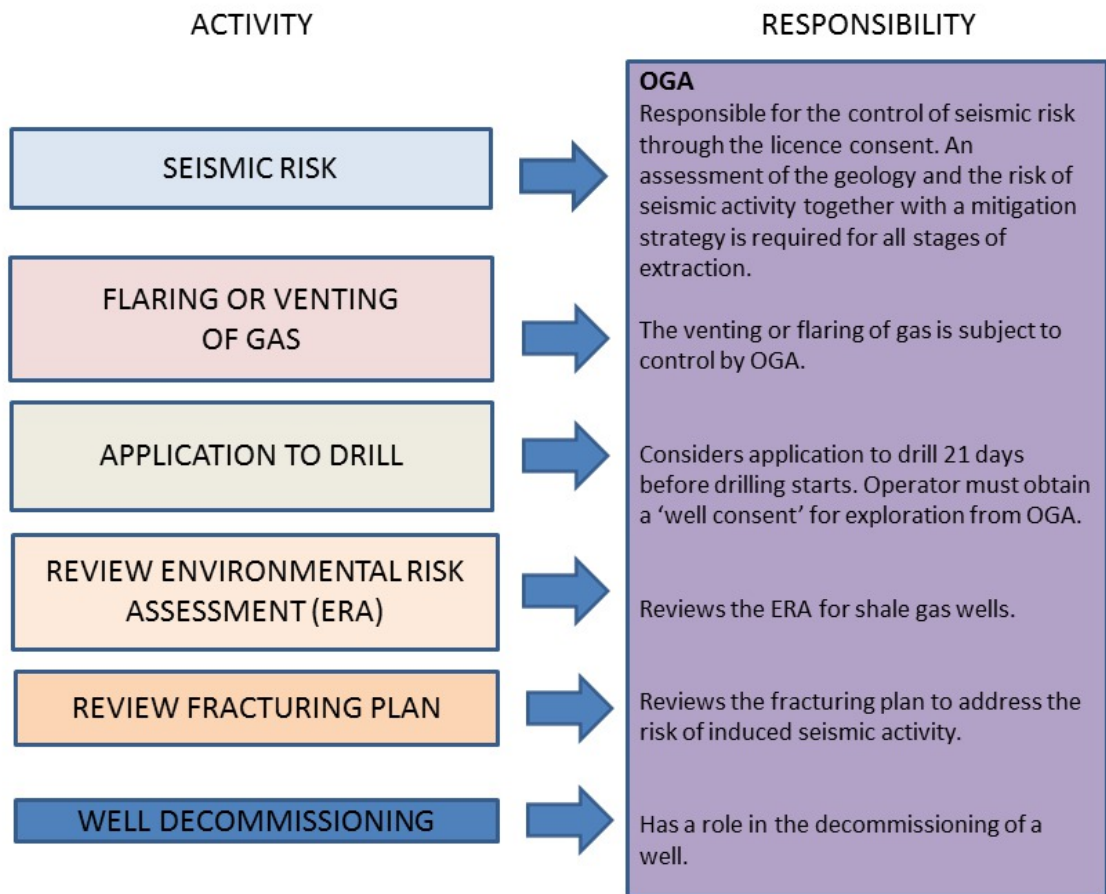
### **Oil and Gas Authority (OGA)**

- 6.164 The Petroleum Act 1998<sup>91</sup> vested all the rights and ownership of oil and gas resources to the Crown (see [Mineral right ownership for oil or gas](#)) and these are administered by the OGA (formerly DECC)<sup>92</sup>. The OGA works with government and industry to make sure that the UK gets the maximum economic benefit from its oil and gas reserves. The OGA issue PEDL (see [Onshore oil and gas licencing in Hampshire \[See page 8\]](#)) and guidance on oil and gas development. The MPA will consult the OGA on all planning applications for oil and gas. The following diagram highlights the roles and responsibilities of the OGA.

91. Petroleum Act 1998: [www.legislation.gov.uk/ukpga/1998/17/contents](http://www.legislation.gov.uk/ukpga/1998/17/contents)

92. Oil and Gas Authority: [www.gov.uk/government/organisations/oil-and-gas-authority](http://www.gov.uk/government/organisations/oil-and-gas-authority)

Figure 12: OGA roles and responsibilities



Source: Author - Hampshire Authorities, 2015

6.165 An Environmental Risk Assessment (ERA) is intended to provide a systematic and prioritised review of the environmental risks attending on the operations proposed, and a demonstration of the safe and environmentally responsible management of these operations<sup>93</sup>.

6.166 If a proposal includes the intention to 'frack', the OGA would impose the controls<sup>94</sup> which include:

- a geological assessment identifying faults;
- a 'Frack Plan'; and
- monitoring of seismic activity before, during and after 'fracking'.

6.167 Finally, the OGA will check that the environmental regulator, e.g. the Environment Agency, and Health and Safety Executive have no objections to the proposed operations, before consent is given.

93. Guidance on preparing Environmental Risk Assessments: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/305884/](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/305884/)

[Guidance on the preparation of an environmental risk assessment of shale gas operations in Great Britain involving the use of hydraulic fracturing](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/305884/Guidance_on_the_preparation_of_an_environmental_risk_assessment_of_shale_gas_operations_in_Great_Britain_involving_the_use_of_hydraulic_fracturing.pdf)

94. Oil and Gas Authority: [www.gov.uk/government/organisations/oil-and-gas-authority](http://www.gov.uk/government/organisations/oil-and-gas-authority)



## Environment Agency (EA)

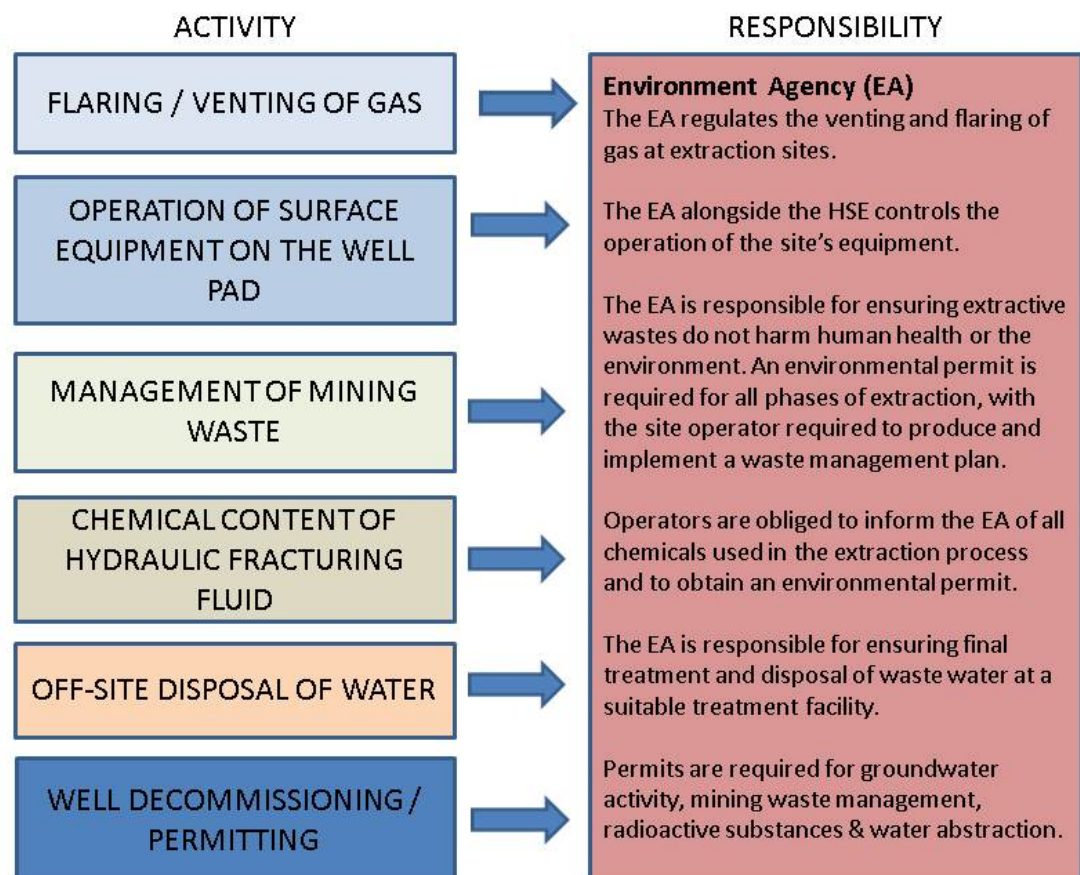
6.168 In England and Wales, onshore oil and gas exploratory activities require environmental permits issued under the Environmental Permitting Regulations<sup>95</sup> and other permissions from the Environmental regulator, depending on the methods used and the geology of the site.

### The EA:

- protects water resources (including groundwater aquifers);
- ensures appropriate treatment; and
- manages any naturally occurring radioactive materials.

6.169 The EA are a statutory consultee in the land use planning process for planning applications for exploratory onshore oil and gas operations and any production in Hampshire. The following diagram highlights the roles and responsibilities of the EA.

Figure 13: Environment Agency roles and responsibilities



Source: Author - Hampshire Authorities, 2015

95.Environment Agency webpage's on Unconventional Oil & Gas - [www.environment-agency.gov.uk/business/topics/126689.Asp.x](http://www.environment-agency.gov.uk/business/topics/126689.Asp.x)

- 6.170 Environmental permits will be required for oil and gas developments<sup>96,97</sup>.
- 6.171 Environmental Regulation requires a notice to be served on the regulator under section 199 of the Water Resources Act 1991<sup>98</sup> to 'construct a boring for the purposes of searching for or extracting minerals'.
- 6.172 The EA has issued a number of guidance documents relating to onshore oil and gas operations and more specifically shale gas extraction and fracking<sup>99 100 101 102,103</sup>.

### Health and Safety Executive (HSE)

#### The HSE:

- regulates the safety aspects of all phases of oil and gas development;
- has a particular responsibility for ensuring the appropriate design and construction of a well casing for any borehole; and
- monitors oil and gas operations from a well integrity and site safety perspective.

- 6.173 The HSE ensures that safe working practices are adopted by onshore operators as required under the Health and Safety at Work Act 1974<sup>104</sup>, and regulations made under the Act such as the Borehole Site & Borehole Regulations 1995<sup>105</sup> and Offshore Installation & Wells Regulations 1996<sup>106</sup>. These are set out in the following diagram.

96.Environmental Permitting: [www.gov.uk/environmental-management/environmental-permits](http://www.gov.uk/environmental-management/environmental-permits)]

97.Permitting for oil and gas developments: [www.gov.uk/government/publications/environmental-permitting-of-onshore-oil-and-gas-facilities](http://www.gov.uk/government/publications/environmental-permitting-of-onshore-oil-and-gas-facilities)

98.Water Resources Act 1991: [www.legislation.gov.uk/ukpga/1991/57/contents](http://www.legislation.gov.uk/ukpga/1991/57/contents)]

99.Environment Agency webpage's on Regulating Unconventional Gas - [www.environment-agency.gov.uk/business/topics/133885.aspx](http://www.environment-agency.gov.uk/business/topics/133885.aspx)

100.Environment Agency Guidance Note: Regulation of exploratory shale gas operations - [http://a0768b4a8a31e106d8b0-50dc802554eb38a24458b98ff72d550b.r19.cf3.rackcdn.com/LIT\\_7284\\_231c35.Pdf](http://a0768b4a8a31e106d8b0-50dc802554eb38a24458b98ff72d550b.r19.cf3.rackcdn.com/LIT_7284_231c35.Pdf)

101.EA Technical Guidance for onshore oil and gas operations - <https://consult.environment-agency.gov.uk/portal/ho/climate/oil/gas>

102.The Environment Agency and the Health and Safety Executive:Working together to regulate unconventional oil and gas developments- [http://a0768b4a8a31e106d8b0-50dc802554eb38a24458b98ff72d550b.r19.cf3.rackcdn.com/LIT\\_7317\\_e1b401.pdf](http://a0768b4a8a31e106d8b0-50dc802554eb38a24458b98ff72d550b.r19.cf3.rackcdn.com/LIT_7317_e1b401.pdf)

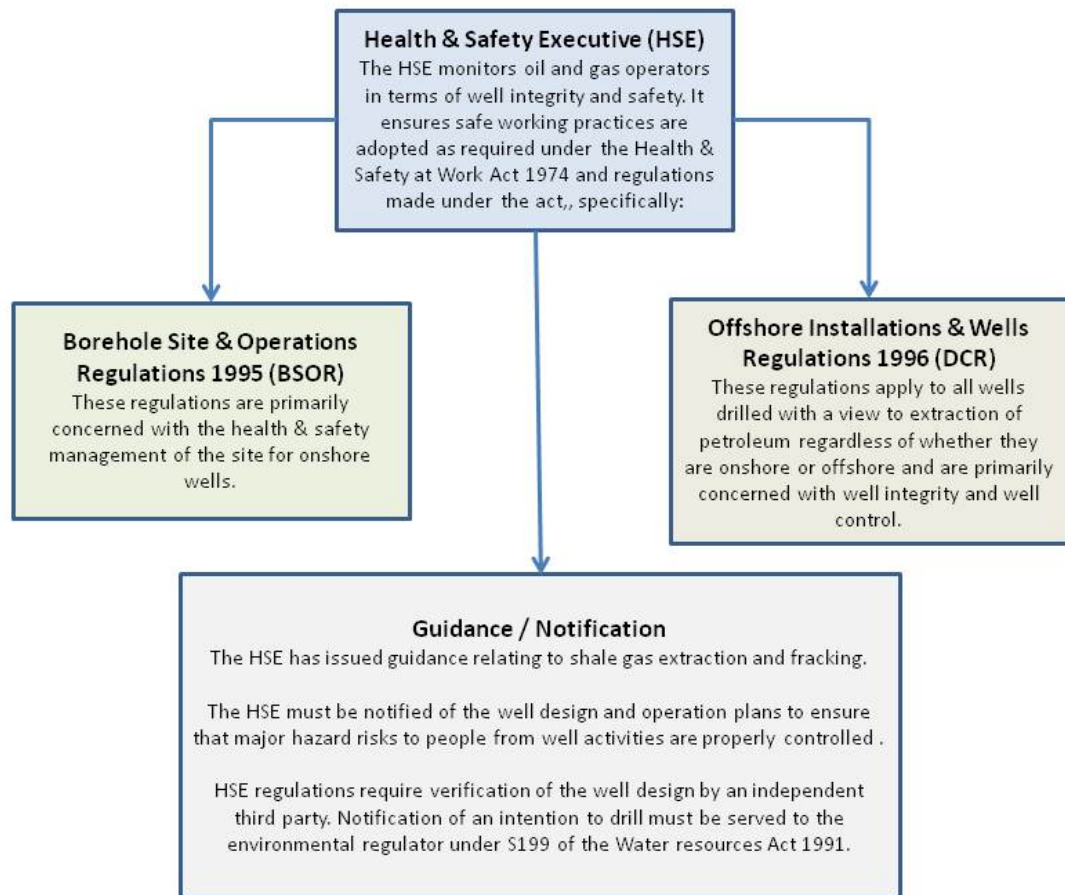
103.Environmental Permitting Regulations EPR (2010)

104.Health and Safety at Work Act 1974: [www.legislation.gov.uk/ukpga/1974/37](http://www.legislation.gov.uk/ukpga/1974/37)

105.Borehold Site and Borehole Regulations 1995: [www.legislation.gov.uk/uksi/1995/2038/contents/made](http://www.legislation.gov.uk/uksi/1995/2038/contents/made)]

106.Offshore Installations & Wells Regulations 1996: [www.hse.gov.uk/foi/internalops/hid\\_circs/enforcement/spcenf170.htm](http://www.hse.gov.uk/foi/internalops/hid_circs/enforcement/spcenf170.htm)

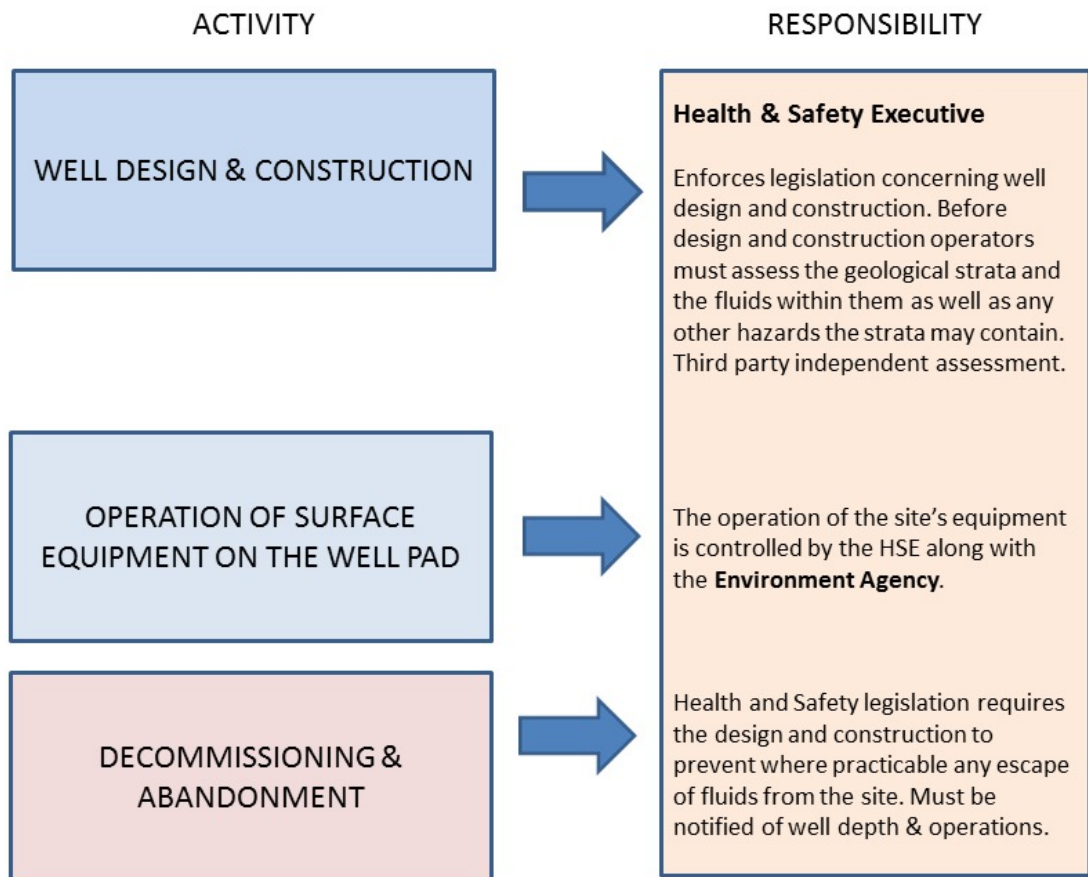
Figure 14: Legislative role of the HSE



Source: Author - Hampshire Authorities, 2015

6.174 The HSE has a role in the following areas which are of relevance to the planning process as highlighted in the following diagram.

Figure 15: Role of the Health and Safety Executive



Source: Author - Hampshire Authorities, 2015

- 6.175 The HSE must be notified of the well design and operation plans to ensure that major accident hazard risks to people from well and well related activities are properly controlled, subject to the same stringent regulation as any other industrial activity. HSE regulations also require verification of the well design by an independent third party. Notification of an intention to drill has to be served to the environmental regulator under section 199 of the Water Resources Act<sup>107</sup>.
- 6.176 The HSE has issued guidance relating to shale gas extraction and fracking<sup>108</sup>.

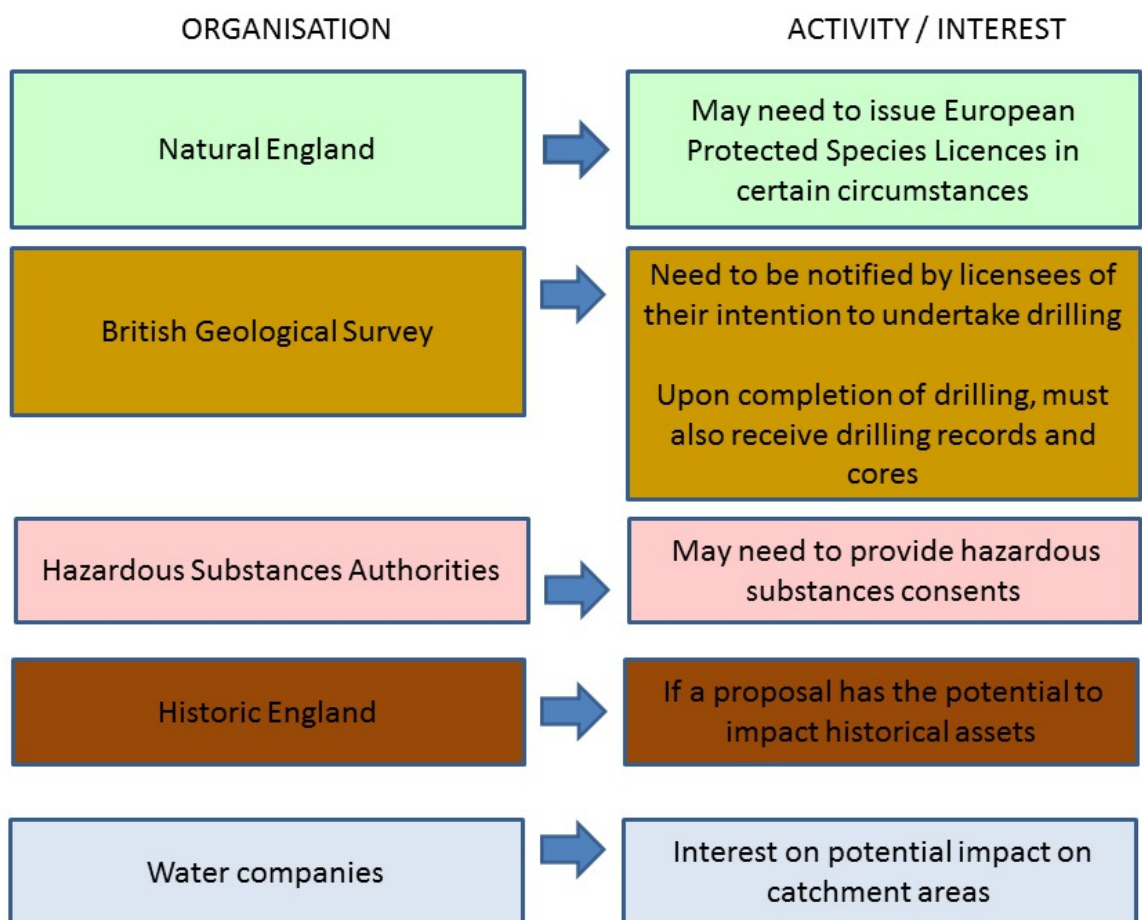
107. S199 of Water Resources Act 1991: [www.legislation.gov.uk/ukpga/1991/57/contents](http://www.legislation.gov.uk/ukpga/1991/57/contents)

108. The Environment Agency and the Health and Safety Executive: Working together to regulate unconventional oil and gas developments - [http://a0768b4a8a31e106d8b0-50dc802554eb38a24458b98ff72d550b.r19.cf3.rackcdn.com/LIT\\_7317\\_e1b401.pdf](http://a0768b4a8a31e106d8b0-50dc802554eb38a24458b98ff72d550b.r19.cf3.rackcdn.com/LIT_7317_e1b401.pdf)

## Other organisations or agencies who may have a role or interest in oil and gas development

6.177 A number of other organisations may also be consulted on planning application for conventional or unconventional oil and gas development in Hampshire. These may include the organisations highlighted in the following diagram as well as other minerals planning authorities, local planning authorities, parish and town councils, local interest groups and local residents.

Figure 16: Other organisations who may be consulted or have an interest in planning applications for oil or gas development



Source: Author - Hampshire Authorities, 2015

6.178 There may be additional consents and orders which must be obtained, such as diverting or altering rights of way or temporary road orders.

## Why is community engagement important to the planning process?

- 6.179 Public consultation will form an important part of every oil or gas planning application in Hampshire. Following submission of a planning application, the local community and other interested parties in the location of the proposal will be consulted. The views of interested parties and the local communities will be taken into account when coming to a decision.
- 6.180 Hampshire County Council's Statement of Community Involvement (SCI)<sup>109</sup> sets out the parameters for consultation on any minerals or waste planning application submitted for consideration within the HCC administrative area. The SCI sets out the minimum requirements for publicising planning applications received by the County Council. It includes a commitment for the authority to consult water companies on all oil or gas proposals within their catchment areas.
- 6.181 Portsmouth City Council<sup>110</sup>, Southampton City Council<sup>111</sup> and the New Forest National Park Authority<sup>112</sup> have their own SCIs which would be followed if a proposal were to be received for oil and gas development within their administrative areas.
- 6.182 In the event that a proposal impacts an area outside of the determining Hampshire Authority's administrative area, adjacent areas will be consulted in line with the provisions of the relevant SCI. In terms of the New Forest National Park, the park's neighbours and other statutory bodies are required by Section 62 of the Environment Act 1995<sup>113</sup> to have regard to the National Park purposes.
- 6.183 For shale gas development, the industry's own Charter sets out that communities must be engaged from the very start of any planning application process.
- 6.184 The Office for Unconventional Gas and Oil<sup>114</sup> has also made it a priority to help people understand the facts about shale gas development, including supporting local authorities' engagement with their communities to help resolve any issues.
- 6.185 When determining planning applications, responses received as part of the public consultation, will be taken into account, as appropriate. The responses received will be documents in any decision report produced by the MPA.

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109. Hampshire Statement of Community Involvement: [www.hants.gov.uk/mineralsandwaste/sci-2.htm](http://www.hants.gov.uk/mineralsandwaste/sci-2.htm)

110. Portsmouth Statement of Community Involvement: [www.portsmouth.gov.uk/ext/development-and-planning/planning/statement-of-community-involvement.aspx](http://www.portsmouth.gov.uk/ext/development-and-planning/planning/statement-of-community-involvement.aspx)

111. Southampton Statement of Community Involvement: [www.southampton.gov.uk/modernGov/mglssueHistoryHome.aspx?lId=10117](http://www.southampton.gov.uk/modernGov/mglssueHistoryHome.aspx?lId=10117)

112. New Forest National Park Statement of Community Involvement: [www.newforestnpa.gov.uk/info/20040/planning\\_policy/106/community\\_involvement](http://www.newforestnpa.gov.uk/info/20040/planning_policy/106/community_involvement)

113. Environment Act 1995, section 62 [www.legislation.gov.uk/ukpga/1995/25/section/62](http://www.legislation.gov.uk/ukpga/1995/25/section/62)

114. Office for Unconventional Gas and Oil: [www.gov.uk/government/policy-teams/office-of-unconventional-gas-and-oil-ougo](http://www.gov.uk/government/policy-teams/office-of-unconventional-gas-and-oil-ougo)

## 7. How will decision making take place for oil or gas developments?

- 7.1 Planning applications for any phase of oil or gas development will be considered on a proposal's individual merits. The Hampshire Authorities will use the relevant adopted policies set out in the Hampshire Minerals & Waste Plan to determine any proposal for development (see [Compliance with Hampshire's planning policy \[See page 27\]](#)). The Hampshire Authorities will also refer to the national planning policies, as appropriate, in particular with regards to the demand for hydrocarbons and national energy policy<sup>115</sup>.
- 7.2 *Policy 1 (Sustainable minerals and waste development)* of the adopted Hampshire Minerals & Waste Plan sets out the presumption in favour of sustainable minerals or waste development. Applied to oil and gas development, it indicates that there will be a presumption in favour of sustainable oil or gas developments unless material considerations (such as compliance with the other policies contained within the HWMP) indicate otherwise. All other relevant policies in the Plan will be taken into account (see [What issues which will need to be considered as part of any planning application? \[See page 26\]](#)) when coming to a decision.
- 7.3 To ensure that timescales are met, it is important that planning applications, when submitted, are accompanied by sufficient information to allow for the full consideration of any environmental impacts and proposed mitigation measures.
- 7.4 No hypothetical future activities for which consent has not yet been sought will be taken into account during the determination of a planning application, as further appraisal and production phases will be the subject of separate planning applications and assessments.
- 7.5 Pollution control and health and safety requirements, some of which will be regulated by other consents and permits (see [What other regulatory regimes or agencies may be involved or have an interest in the planning process? \[See page 43\]](#)) for an oil or gas proposal will be the same, regardless of the phase of the development. Many issues put before the MPA as part of the planning process may be covered by other regimes. In such instances, the MPA will rely on the assessment of the regulatory bodies. However, before granting planning permission, the MPA will need to be satisfied that the issues can or will be adequately addressed. The MPA will use the information provided by the regulator to make a judgement on potential impacts and come to a decision on whether planning permission should be granted.
- 7.6 Proposals for any phase or type of oil or gas development will only be permitted if:
- there is a clear need for the development; and
  - suitable safeguards are put in place to protect the environment and local communities, in line with the policies of the HMWP. These may include mitigation measures.

**When determining planning applications the MPA will have regards to:**

- **the fact that previous phases of development have taken place on a particular site is likely to be material in determining the suitability of continuing to use that site only insofar as it establishes the presence of hydrocarbon resources. Production will only be acceptable where any adverse impacts can be sufficiently mitigated.**
- **responses received as part of the public consultation will be taken into account, as appropriate. The responses received will be documented in any decision report produced by the MPA;**
- **possible cumulative effects arising from any existing or approved phases of hydrocarbon extraction.**

**7.7** An MPA is required to determine planning applications for onshore oil or gas developments within the statutory timescales (from validation to decision) which are as follows:

- 8 weeks - planning applications;
- 13 weeks - Major planning applications;
- 16 weeks - Applications accompanied by an Environmental Statement; or
- such a period as may be agreed with the applicant in accordance with a Planning Performance Agreement (see [Planning Performance Agreements \[See page 16\]](#)).

**7.8** Any planning permission granted for oil or gas development will be accompanied by planning conditions (see [What conditions are likely to be attached to planning permissions? \[See page 56\]](#)).



## 8. What conditions are likely to be attached to planning permissions?

- 8.1 MPA's have powers to impose a planning condition when granting permission for development. The Hampshire Authorities will consider whether otherwise unacceptable development could be made acceptable through the use of planning conditions or planning obligations (see [Planning obligations \[See page 64\]](#)) if conditions cannot be applied.
- 8.2 There are strict measures in place which highlight in what instances planning conditions can be imposed<sup>116</sup>. These are where a condition is considered to be:

- **necessary;**
- **relevant to planning and;**
- **to the development to be permitted;**
- **enforceable;**
- **precise and;**
- **reasonable in all other respects.**

- 8.3 Conditions can enhance the quality of development and enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. The following basic principles apply:

- **The MPA will expect all information to be submitted up front so that it can be considered as part of the planning application process;**
- **No significant issue can be addressed once planning permission has been granted through condition. There is an expectation that issues that require ongoing assessment (e.g. the submission of noise monitoring information) will be subject to a planning condition;**
- **It is unlikely that issues which relate to associated consents or permits granted by the regulators will be considered within a planning condition unless there is a specific request from that regulatory authority to do so. This includes areas such as seismicity and protection of water resources below ground level, the use of chemicals and waste management.**

- 8.4 Conditions applied to planning permissions will be specific to each individual oil or gas proposal and can cover a variety of issues.
- 8.5 Examples of the types of subjects conditions may cover for oil and gas development are included in the following table. It is important to note that this table does not include an exhaustive list. There may be instances where conditions which are not highlighted in the following table may be applied. The Hampshire Authorities can only apply conditions if they meet the test highlighted above. The suitability of conditions will be specific to the development proposed and on a case by case basis.

<sup>116</sup> Paragraph 206 of the National Planning Policy Framework (DCLG, 2012): [www.gov.uk/government/publications/national-planning-policy-framework--2](http://www.gov.uk/government/publications/national-planning-policy-framework--2)

Figure 17: Issues which may be addressed by conditions attached to oil and gas proposals in Hampshire

| How the issues may relate to other key issues / areas (Policies of the adopted HMWP) | Habitats and species   |   |  | Landscape and countryside  |   |                         |  |
|--|--|---|--|--|---|-------------------------|--|
|  | <i>Method statement for the protection of designated areas (nature conservation) during construction</i> | <i>Method statement for the protection of designated areas (nature conservation) during operation of the facility</i> | <i>Ecological surveys to establish the presence, or otherwise, of any protected species on the site within the site boundary and immediately outside</i> | <i>Landscape management schemes for the protection of designated areas (landscape) during construction</i> | <i>Landscape management schemes for the protection of designated areas (landscape) during operation of the facility</i> | <i>Planting schemes</i> | <i>Footpath management plans (including mitigation measures)</i> |
| Climate change   |  |   |  |  |   |                         |  |
| Habitats and species   | ✓  | ✓   | ✓  |  |   | ✓                       |  |
| Designated landscapes  |  |   |  | ✓  | ✓   | ✓                       | ✓  |
| Countryside  |  |   |  | ✓  | ✓   | ✓                       | ✓  |
| Green Belt   |  |   |  |  |   |                         |  |
| Historical heritage  |  |   |  |  |   |                         |  |
| Soils  | ✓  | ✓   |  |  |   |                         |  |
| Restoration  | ✓  | ✓   | ✓  | ✓  |   | ✓                       | ✓  |
| Health, safety and amenity   |  |   |  | ✓  |   | ✓                       | ✓  |
| Flooding   |  |   |  |  |   |                         |  |
| Transport  |  |   |  |  |   |                         |  |
| Cumulative impacts   |  |   |  |  |   |                         | ✓  |
| Design   | ✓  | ✓   | ✓  | ✓  |   | ✓                       | ✓  |

| How the issues may relate to other key issues / areas<br>(Policies of the adopted HMWP) | <i>Historic environment</i>                     | <i>Soils</i>                        |   |                               |
|---|---|-------------------------------------|---|-------------------------------|
|   | <i>Historic environment<br/>management plan</i> | <i>Soil<br/>management<br/>plan</i> | <i>Stripping of topsoil during the<br/>construction</i> | <i>Storage of<br/>topsoil</i> |
| Climate change  |   |                                     |   |                               |
| Habitats and species  |   | ✓                                   | ✓   | ✓                             |
| Designated landscapes   |   | ✓                                   |   |                               |
| Countryside   |   | ✓                                   | ✓   | ✓                             |
| Green Belt  |   |                                     |   |                               |
| Historical heritage   | ✓   |                                     |   |                               |
| Soils   |   | ✓                                   | ✓   | ✓                             |
| Restoration   |   | ✓                                   | ✓   | ✓                             |
| Health, safety and amenity  |   |                                     |   |                               |
| Flooding  |   |                                     |   |                               |
| Transport   |   |                                     |   |                               |
| Cumulative impacts  | ✓   | ✓                                   |   |                               |
| Design  | ✓   | ✓                                   | ✓   | ✓                             |

| How the issues may relate to other key issues / areas (Policies of the adopted HMWP) | <i>Emissions and dust</i> |                             |                          |                                 |                             |                        |  |                             |
|--|---------------------------|-----------------------------|--------------------------|---------------------------------|-----------------------------|------------------------|--|-----------------------------|
|  | <i>Timing of flaring</i>  | <i>Pollution prevention</i> | <i>Method of flaring</i> | <i>Disposal of unwanted gas</i> | <i>Emissions management</i> | <i>AQMA monitoring</i> | <i>Cessation of operations if the development causes dust to be emitted so as to adversely affect adjacent residential properties and/ or other sensitive uses and/ or local environment</i> | <i>Dust management plan</i> |
| Climate change   | ✓                         | ✓                           | ✓                        | ✓                               |                             |                        | ✓  |                             |
| Habitats and species   |                           | ✓                           |                          | ✓                               |                             |                        | ✓  | ✓                           |
| Designated landscapes  |                           | ✓                           |                          |                                 |                             |                        | ✓  | ✓                           |
| Countryside  |                           | ✓                           |                          | ✓                               |                             |                        | ✓  | ✓                           |
| Green Belt   |                           |                             |                          |                                 |                             |                        |  |                             |
| Historical heritage  |                           |                             |                          |                                 |                             |                        |  |                             |
| Soils  |                           | ✓                           |                          |                                 |                             |                        |  |                             |
| Restoration  |                           |                             |                          |                                 |                             |                        |  |                             |
| Health, safety and amenity   | ✓                         | ✓                           | ✓                        | ✓                               | ✓                           | ✓                      | ✓  | ✓                           |
| Flooding   |                           |                             |                          |                                 |                             |                        |  |                             |
| Transport  |                           |                             |                          |                                 |                             |                        |  |                             |
| Cumulative impacts   | ✓                         | ✓                           | ✓                        | ✓                               | ✓                           | ✓                      | ✓  | ✓                           |
| Design   | ✓                         | ✓                           | ✓                        | ✓                               | ✓                           | ✓                      | ✓  | ✓                           |

| How the issues may relate to other key issues / areas (Policies of the adopted HMWP) | <b>Noise and vibrations</b>     |   |  |   |
|--|---------------------------------|---|--|---|
|  | <i>Noise mitigation schemes</i> | <i>Submission of noise monitoring records</i> | <i>Plant and machinery being adequately maintained and silenced in accordance with the manufacturer's recommendations at all times</i> | <i>Cessation of operations if permitted noise levels are exceeded</i> |
| Climate change   |                                 |   |  |   |
| Habitats and species   | ✓                               | ✓   |  | ✓   |
| Designated landscapes  | ✓                               | ✓   |  | ✓   |
| Countryside  | ✓                               | ✓   |  | ✓   |
| Green Belt   |                                 |   |  |   |
| Historical heritage  |                                 |   |  |   |
| Soils  |                                 |   |  |   |
| Restoration  |                                 |   |  |   |
| Health, safety and amenity   | ✓                               | ✓   | ✓  | ✓   |
| Flooding   |                                 |   |  |   |
| Transport  | ✓                               | ✓   |  |   |
| Cumulative impacts   | ✓                               | ✓   | ✓  | ✓   |
| Design   | ✓                               | ✓   | ✓  | ✓   |

| How the issues may relate to other key issues / areas (Policies of the adopted HMWP) | <i>Lighting</i>  | <i>Water resources</i>  |                                |                                |                      |   |  |   |                                       |
|--|--|-------------------------|--------------------------------|--------------------------------|----------------------|---|--|---|---------------------------------------|
|  | <i>Details of proposed lighting, including siting, height, design and position of floodlights (including implementation)</i> | <i>Water management</i> | <i>Hydrogeology monitoring</i> | <i>Hydrological monitoring</i> | <i>Water storage</i> | <i>Construction of the boreholes to prevent uncontrolled discharge of chemicals into groundwater or surface water</i> | <i>Prevention of uncontrolled discharge of water</i> | <i>Storage of oils, fuels, lubricants or other liquid materials</i> | <i>Location and use of spill kits</i> |
| <b>Climate change</b>  |  | ✓                       | ✓                              | ✓                              | ✓                    |   |  |   |                                       |
| <b>Habitats and species</b>  | ✓  | ✓                       | ✓                              | ✓                              | ✓                    | ✓   | ✓  | ✓   | ✓                                     |
| <b>Designated landscapes</b>   | ✓  | ✓                       | ✓                              | ✓                              | ✓                    | ✓   | ✓  | ✓   | ✓                                     |
| <b>Countryside</b>   | ✓  | ✓                       | ✓                              | ✓                              | ✓                    | ✓   | ✓  | ✓   | ✓                                     |
| <b>Green Belt</b>  | ✓  | ✓                       | ✓                              | ✓                              |                      |   | ✓  | ✓   | ✓                                     |
| <b>Historical heritage</b>   | ✓  |                         |                                |                                |                      |   |  |   |                                       |
| <b>Soils</b>   |  | ✓                       | ✓                              | ✓                              | ✓                    |   | ✓  | ✓   | ✓                                     |
| <b>Restoration</b>   |  | ✓                       | ✓                              | ✓                              | ✓                    | ✓   | ✓  | ✓   | ✓                                     |
| <b>Health, safety and amenity</b>  | ✓  | ✓                       | ✓                              | ✓                              | ✓                    | ✓   | ✓  | ✓   | ✓                                     |
| <b>Flooding</b>  |  | ✓                       |                                |                                | ✓                    | ✓   | ✓  | ✓   | ✓                                     |
| <b>Transport</b>   |  |                         |                                |                                |                      |   |  |   |                                       |
| <b>Cumulative impacts</b>  | ✓  | ✓                       | ✓                              | ✓                              | ✓                    | ✓   | ✓  | ✓   | ✓                                     |
| <b>Design</b>  | ✓  | ✓                       | ✓                              | ✓                              | ✓                    | ✓   | ✓  | ✓   | ✓                                     |

| How the issues may relate to other key issues / areas (Policies of the adopted HMWP) | Transportation   |                             |                            |  |                      | Flooding                       |                           | Health, safety and amenity        |                   |                  |
|--|------------------|-----------------------------|----------------------------|--|----------------------|--------------------------------|---------------------------|-----------------------------------|-------------------|------------------|
|  | Vehicular access | Lorry movements and routing | Lorry numbers restrictions | Vehicle management (including silencing) | Highway improvements | Flood risk management strategy | Flood mitigation measures | Phasing and timing of development | Scheme of working | Hours of working |
| Climate change   |                  |                             |                            |  |                      |                                |                           |                                   |                   |                  |
| Habitats and species   | ✓                | ✓                           |                            | ✓  |                      | ✓                              | ✓                         | ✓                                 | ✓                 | ✓                |
| Designated landscapes  | ✓                | ✓                           | ✓                          | ✓  | ✓                    | ✓                              | ✓                         | ✓                                 | ✓                 | ✓                |
| Countryside  | ✓                | ✓                           | ✓                          | ✓  | ✓                    | ✓                              | ✓                         | ✓                                 | ✓                 | ✓                |
| Green Belt   | ✓                | ✓                           | ✓                          | ✓  | ✓                    |                                |                           | ✓                                 | ✓                 | ✓                |
| Historical heritage  | ✓                | ✓                           |                            | ✓  | ✓                    |                                |                           |                                   |                   |                  |
| Soils  | ✓                | ✓                           |                            |  |                      |                                |                           | ✓                                 | ✓                 | ✓                |
| Restoration  | ✓                | ✓                           | ✓                          |  |                      | ✓                              | ✓                         | ✓                                 | ✓                 | ✓                |
| Health, safety and amenity   | ✓                | ✓                           | ✓                          | ✓  | ✓                    | ✓                              | ✓                         | ✓                                 | ✓                 | ✓                |
| Flooding   |                  |                             |                            |  |                      | ✓                              | ✓                         |                                   |                   |                  |
| Transport  |                  |                             |                            |  |                      |                                |                           |                                   |                   |                  |
| Cumulative impacts   | ✓                | ✓                           | ✓                          | ✓  | ✓                    | ✓                              | ✓                         | ✓                                 | ✓                 | ✓                |
| Design   | ✓                | ✓                           | ✓                          | ✓  | ✓                    | ✓                              | ✓                         | ✓                                 | ✓                 | ✓                |

| How the issues may relate to other key issues / areas (Policies of the adopted HMWP) | Design                                      |                   |  |                          |                            | Aerodrome safeguarding                | Restoration and aftercare |  |                    |  |           |
|--|---|-------------------|--|--------------------------|----------------------------|---------------------------------------|---------------------------|--|--------------------|--|-----------|
|  | Aspects of design (materials, cladding etc) | Rig specification | Protection of footpaths (including mitigation) | Height of infrastructure | Location of infrastructure | Location and height of infrastructure | Type of restoration       | Scheme and programme for the restoration of the site | Phased restoration | Scheme and programme for the aftercare of the site | Aftercare |
| Climate change   |   |                   |  |                          |                            |                                       |                           |  |                    |  |           |
| Habitats and species   |   |                   |  |                          |                            | ✓                                     | ✓                         | ✓  | ✓                  | ✓  | ✓         |
| Designated landscapes  | ✓   | ✓                 | ✓  | ✓                        | ✓                          |                                       | ✓                         | ✓  | ✓                  | ✓  | ✓         |
| Countryside  | ✓   | ✓                 | ✓  | ✓                        | ✓                          |                                       | ✓                         | ✓  | ✓                  | ✓  | ✓         |
| Green Belt   | ✓   | ✓                 | ✓  | ✓                        | ✓                          |                                       |                           |  |                    |  |           |
| Historical heritage  | ✓   | ✓                 |  | ✓                        | ✓                          |                                       |                           |  |                    |  |           |
| Soils  | ✓   | ✓                 |  |                          |                            |                                       | ✓                         | ✓  | ✓                  | ✓  | ✓         |
| Restoration  | ✓   | ✓                 | ✓  |                          |                            | ✓                                     | ✓                         | ✓  | ✓                  | ✓  | ✓         |
| Health, safety and amenity   | ✓   | ✓                 | ✓  | ✓                        | ✓                          |                                       | ✓                         | ✓  | ✓                  | ✓  | ✓         |
| Flooding   |   |                   |  |                          |                            |                                       |                           |  |                    |  |           |
| Transport  |   |                   |  |                          |                            |                                       |                           |  |                    |  |           |
| Cumulative impacts   | ✓   | ✓                 | ✓  | ✓                        | ✓                          |                                       |                           |  |                    |  | ✓         |
| Design   | ✓   | ✓                 | ✓  | ✓                        | ✓                          | ✓                                     | ✓                         | ✓  | ✓                  | ✓  | ✓         |



## 9. Planning obligations

- 9.1 Planning authorities are permitted to grant permission subject to planning obligations, as well as conditions, in order to bring development in line with the objectives of the development plan. Planning obligations can only be sought for improvements that are necessary to make the development acceptable in planning terms which cannot be secured by planning condition (see [What conditions are likely to be attached to planning permissions? \[See page 56\]](#)).

### Section 106 agreements

- 9.2 Agreements under section 106 of the Town and Country Planning Act 1990<sup>117</sup> can be used to secure planning obligations and it is the land itself that is bound by the agreement, rather than the landowner or applicant.

#### Section 106 agreements can be used to:

- **prescribe the nature of development;**
- **compensate for loss or damage created by a development; or**
- **mitigate a development's impact.**

- 9.3 It may be necessary for section 106 agreement to be entered into in respect of an oil or gas development in order to secure improvements necessary to make the development acceptable in planning terms. Typically such mitigation will be required off-site and therefore cannot be conditioned, such as ensuring HGVs do not use inappropriate roads to travel to the site or providing land off-site to mitigate the ecological impact of the development.
- 9.4 There should be no circumstances where a developer is paying CIL and S106 for the same infrastructure.

### Community Infrastructure Levy (CIL)

- 9.5 Financial contributions towards infrastructure provision are now governed by the Community Infrastructure Levy Regulations (CIL) 2010 (as amended)<sup>118</sup>. This allows the district, borough and unitary authorities to levy a charge on development in order to fund the infrastructure needed to support the local development plan.
- 9.6 CIL is not administered by County Councils. However the County Council has a responsibility to collect CIL on behalf of the local authority where appropriate.
- 9.7 CIL is not levied on buildings which people don't normally enter, or only enter to perform maintenance, and therefore the majority of oil and gas development would only be liable if ancillary buildings, such as offices, in excess of 100sqm gross internal floor space are proposed.

117. Section 106 of the Town and Country Planning Act 1990: [www.legislation.gov.uk/ukpga/1990/8/contents](http://www.legislation.gov.uk/ukpga/1990/8/contents)

118. Community Infrastructure Levy Regulations 2014: [www.legislation.gov.uk/ukdsi/2014/9780111106761/contents](http://www.legislation.gov.uk/ukdsi/2014/9780111106761/contents)

- 9.8 The introduction of CIL has resulted in the use of section 106 agreements to secure infrastructure funding is restricted and consequently contributions cannot be secured for infrastructure that is intended to be funded by CIL and is included on a list published by the local authority, known as a Regulation 123 list.

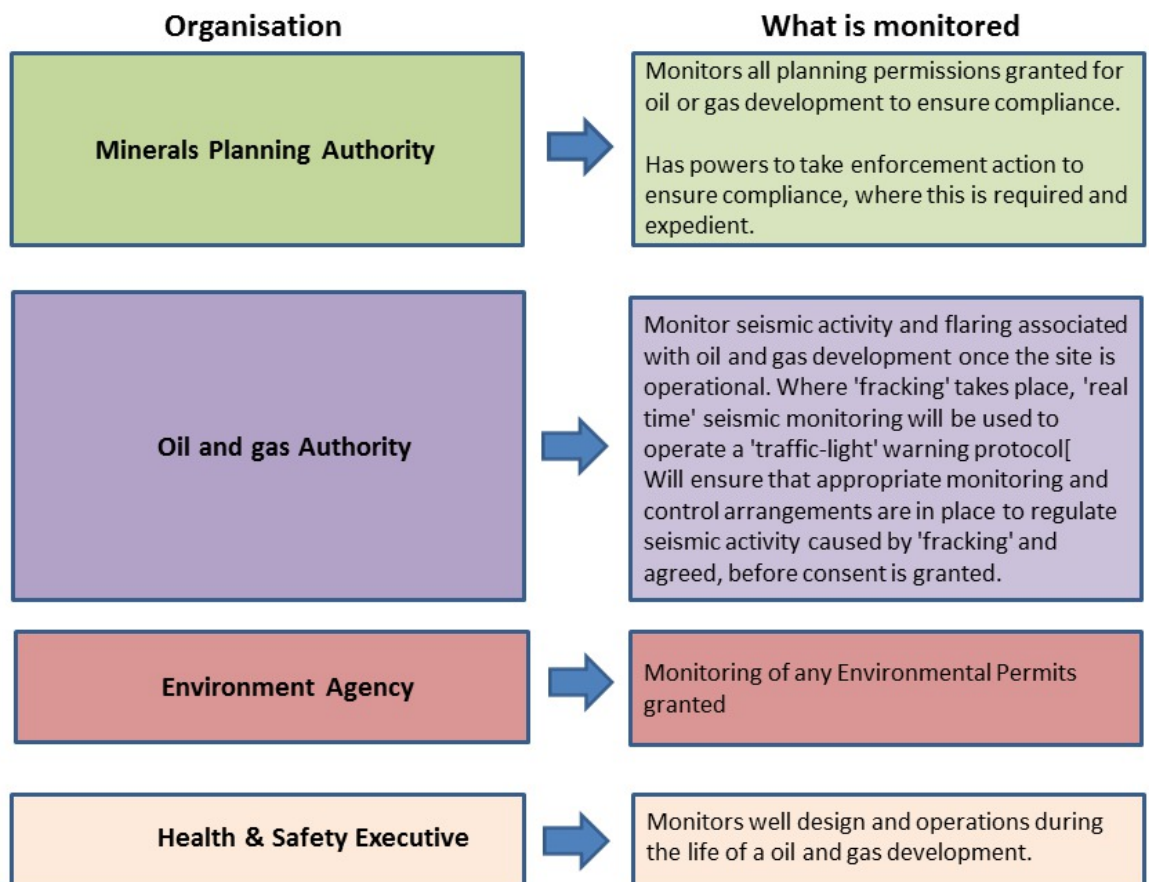
### **Section 278 agreements**

- 9.9 It is essential that all oil and gas developments have a safe and suitable access onto the highway network and where possible minimise the impacts of its generated traffic through the use of alternative methods of transport in line with the provisions of *Policy 12 (Managing traffic)* of the HMWP (see [What issues will need to be considered as part of any planning application? \[See page 26\]](#)).
- 9.10 Improvements to the highway network may be required in order to facilitate safe access and egress into a site where oil or gas extraction is proposed, or to mitigate any formerly mentioned impacts that are identified. Such works would need to be agreed with the local highway authority and secured by planning condition. In order for the works to be implemented, an agreement is needed under section 278 of the Highways Act 1980<sup>119</sup> which gives permission for the applicant to carry out approved works on the highway on behalf of the local highway authority.

## 10. Monitoring and enforcement of oil and gas developments

- 10.1 There are a number of different organisations which will monitor oil or gas development once it has commenced. This helps to ensure that the developments are operating in a manner which is compliant with the associated planning permissions and consents. The following diagram highlights the monitoring of oil or gas developments undertaken by various different agencies.

Figure 18: Monitoring of oil or gas developments



Source: Author - Hampshire Authorities, 2015

### Monitoring by the Hampshire Authorities

- 10.2 If planning permission is granted for oil or gas development, the development will be required to operate within the conditions imposed through the grant of planning permission. Monitoring of planning permissions helps to ensure that all development is compliant with any planning permissions (and associated conditions or legal agreements) granted. The frequency with which sites are visited will depend on the nature and scale of the development. If breaches are found to be taking place at existing sites, more visits will need to be undertaken.

- 10.3 HCC and the NFNPA actively monitor all oil and gas development granted by the relevant organisation in terms of compliance with the planning permission granted. This involves unannounced and regular site visits. The relevant Hampshire Authority will investigate any breaches of planning control discovered or reported.
- 10.4 All of the Hampshire Authorities, as Minerals Planning Authorities can charge for a maximum of eight site visits for monitoring mineral site operations within any 12 month period. This is in line with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2014<sup>120</sup>. Additional site visits may be undertaken but these will not be subject to a charge.
- 10.5 If required, all of the Hampshire Authorities have powers to take enforcement action to ensure compliance with planning permissions granted by that authority. Where a breach of planning control is identified, the relevant Hampshire Authority will take appropriate and proportionate action to address any breaches, where it is expedient to do so.
- 10.6 More information on enforcement is available on the relevant Hampshire Authority's website<sup>121 122123 124</sup>.

### **Monitoring by other regulators**

- 10.7 Monitoring will also be carried out by the other regulators which include the EA, HSE and the OGA in line with their own monitoring procedures.

120. The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2014: [www.legislation.gov.uk/ukdsi/2014/9780111107485?view=plain](http://www.legislation.gov.uk/ukdsi/2014/9780111107485?view=plain)

121. HCC enforcement: [www3.hants.gov.uk/mineralsandwaste/monitoring-and-enforcement-homepage-3.htm](http://www3.hants.gov.uk/mineralsandwaste/monitoring-and-enforcement-homepage-3.htm)

122. Portsmouth City Council enforcement policy: [www.portsmouth.gov.uk/ext/community-and-environment/community/enforcement-policy.aspx](http://www.portsmouth.gov.uk/ext/community-and-environment/community/enforcement-policy.aspx)

123. Southampton City Council enforcement: [www.southampton.gov.uk/planning/planning-enforcement/](http://www.southampton.gov.uk/planning/planning-enforcement/)

124. New Forest National Park Authority enforcement: [www.newforestnpa.gov.uk/info/20041/enforcement](http://www.newforestnpa.gov.uk/info/20041/enforcement)

## 11. Community benefits

- 11.1 Minerals developments such as oil and gas can provide community benefits in their local 'host' areas. The Hampshire Authorities encourage the use of community benefits associated with oil and gas development, outside of the planning process. Community benefits:
- may result from the actual development, or through the restoration of the site; and
  - can be used to address local issues.
- 11.2 In Hampshire, community benefit funds associated with many mineral extraction and waste sites in Hampshire have already been used to fund local infrastructure improvements such as play areas and replacement village hall roofs.
- 11.3 Community benefits are not part of the planning process although *Policy 14 (Community benefits)* of the HMWP encourage such benefits as source of funding for local benefits. It is important to note that community benefit schemes or packages will not be taken into account during the decision making process for oil or gas developments or for any other minerals or waste development in Hampshire.
- 11.4 All members of the UK Oil Operators Group (UKOOG) have signed up to a community benefits scheme<sup>125</sup>. This commitment has been set out in the UKOOG Community Engagement Charter<sup>126</sup>.

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125.UKOOG information on community benefits: [www.ukoog.org.uk/community/benefits](http://www.ukoog.org.uk/community/benefits)

126.Oil and Gas industry community charter: [www.ukoog.org.uk/community/charter](http://www.ukoog.org.uk/community/charter)

## Glossary and acronyms

**Aftercare:** Action necessary to bring restored land up to the required standard for an agreed after-use such as agriculture, forestry or amenity.

**After-use:** The use that land, used for minerals working or waste management, is put to after restoration.

**Amenity:** Something considered necessary to live comfortably.

**Appraisal:** An assessment of a proposal for the purposes of determining both its value, viability and deliverability taking into account the positive and negative impacts the development would have.

**Archaeology and Historic Buildings Record (AHBR):** This is the Historic Environment Record (HER) for Hampshire County Council. It is an index to the known archaeological sites and finds, historic buildings, designed and historic landscapes, parks and gardens and industrial monuments in the county. The unitary authorities of Southampton and Portsmouth maintain their own Historic Environment Records.

**Areas of Outstanding Natural Beauty (AONB):** Areas of countryside considered to have significant landscape value, and protected to preserve that value. Originally identified and designated by the Countryside Commission under Sections 87 and 88 of the National Parks and Access to the Countryside Act 1949. Natural England is now responsible for designating AONBs and advising Government and other organisations on their management and upkeep.

**Beneficial after-use:** In relation to *Policy 9 (Restoration of minerals and waste developments) of the HMWP*, beneficial after-uses are when following minerals or waste development, the land is returned back to a beneficial condition through restoration. Restoration involves effective planning to ensure that a sites end use (after-use) is in keeping with the character and local area and therefore is of benefit once it is restored. In relation to *Policy 20 (Local land-won aggregate) of the HMWP*, beneficial after-uses will include mineral extraction which takes place to facilitate another end use development.

**Best and most versatile agricultural land (BMV):** The Agricultural Land Classification (ALC) provides a method for assessing the quality of farmland to enable informed choices to be made about its future use in the planning system. It helps underpin the principles of sustainable development. The ALC system classifies land into five grades, with Grade 3 subdivided into 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a by Government policy guidance. This is the land which is most flexible, productive and efficient in response to inputs and which can best deliver future crops for food and non-food uses such as biomass.

**Bird strike:** Risk of aircraft collision with birds, which are often attracted to landfill sites containing organic waste.

**Bird Strike Zone:** An area identified where minerals and waste development may be impacted by its location. Landfill and mineral operations, including site working and restoration options, in these areas can be affected due to the need to keep birds away from aircraft flight paths.

**British Geological Survey (BGS):** The BGS is the world's oldest national geological survey and provides expert services and impartial advice in all areas of geoscience.

**Carbon dioxide (CO<sub>2</sub>):** The most important greenhouse gas produced by human activities.

**Climate change:** The significant and lasting change in the distribution of weather patterns over periods ranging from decades to millions of years and the implications on the environment and community.

**Community Infrastructure Levy (CIL):** A charge which local authorities in England and Wales will be empowered, but not required, to charge on most types of new development in their area. CIL charges will be based on simple formulae which relate the size of the charge to the size and character of the development paying it. The proceeds of the levy will be spent on local and sub-regional infrastructure to support the development of the area.

**Conservation Areas:** Designated areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.

**Conventional hydrocarbons (oil and gas):** Oil and gas where the reservoir is formed in sandstone or limestone.

**Countryside:** Areas that are not urbanised.

**Cumulative impact:** Impacts that accumulate over time, from one or more sources.

**Department of Communities and Local Government (DCLG):** The UK Government department for communities and local government in England.

**Department of Energy and Climate Change (DECC):** The UK Government department which works to make sure the UK has secure, clean, affordable energy supplies and promotes international adaptation and mitigation to climate change. The DECC issues licences for oil and gas development in the UK. DECC's responsibilities in relation to oil and gas are now within the jurisdiction of the Oil and Gas Authority (see Oil and Gas Authority).

**Department of Food and Rural Affairs (Defra):** The UK Government department responsible for environmental protection, food production and standards, agriculture, fisheries and rural communities.

**Emissions:** In the context of the HMWP, emissions are gases released into the atmosphere as a result of human activity. A prominent greenhouse gas is carbon dioxide which arises from the combustion of fossil fuel and consequently contributes to climate change.

**Environment Agency (EA):** A public organisation with the responsibility for protecting and improving the environment in England and Wales. Its functions include the regulation of industrial processes, the maintenance of flood defences and water resources, water quality and the improvement of wildlife habitats.

**Environmental Impact Assessment (EIA):** Systematic investigation and assessment of the likely effects of a proposed development, to be taken into account in the decision-making process. The process is undertaken for a proposed development that would significantly affect the environment because of its siting, design, size or scale.

**Environmental Permit:** Anyone who proposes to deposit, recover or dispose of waste is required to have a permit. The permitting system is administered by the Environment Agency and is separate from, but complementary to, the land-use planning system. The purpose of a permit and the conditions attached to it are to ensure that the waste operation which it authorises is carried out in a way that protects the environment and human health.

**Exploration:** The stage at which developers search potential areas for hydrocarbon (oil and gas) resources. This may involve exploratory drilling to locate oil for instance. Should resources be found, further permissions will be required in order to progress to the next stages of development – such as appraisal or production.

**Flood protection:** Protection of land / infrastructure etc from the impacts of flooding through mitigation measures such as coastal and flood water defences.

**Flood resilience:** Flood resilience can be defined in a number of ways; it may include the management of land and the development of flood defences to ensure that the risk of flooding is managed in a sustainable way.

**Flood risk:** Areas which have a flood risk have the potential to flood under certain weather conditions. Flood risk zones are determined by the Environment Agency. Areas at risk of flooding are categorised as follows:

- Flood Risk Zone 1: Low Probability;
- Flood Risk Zone 2: Medium Probability;
- Flood Risk Zone 3a: High Probability; and
- Flood Risk Zone 3b: Functional Floodplain.

**Flood Risk Zones (FRZ):** Defined geographical areas with different levels of flood risk. Flood risk zones are defined by the Environment Agency.

**Fracking:** See '*Hydraulic fracturing*'

**Gas:** Is a hydrocarbon (see '*Hydrocarbons*'). Gas is a non renewable resource.

**Green Belt:** An area designated in planning documents, providing an area of permanent separation between urban areas. The main aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The most important quality of Green Belts is their openness. There is one Green Belt located in Hampshire, in the south west of the county.

**Greenhouse gas (GHG):** Gases resulting from various processes which, when emitted into the atmosphere, trap heat from the sun causing rises in global temperatures – a process often referred to as the greenhouse effect.

**Groundwater Source Protection Zones (GPZ):** Geographical areas, defined by the Environment Agency, used to protect sources of groundwater abstraction.



**Habitats Regulation Assessment (HRA):** Statutory requirement for Planning Authorities to assess the potential effects of land-use plans on designated European Sites in Great Britain. The Habitats Regulations Assessment is intended to assess the potential effects of a development plan on one or more European Sites (collectively termed 'Natura 2000' sites). The Natura 2000 sites comprise Special Protection Areas (SPAs) and Special Areas of Conservation (SACs). SPAs are classified under the European Council Directive on the conservation of wild birds (79/409/EEC; Birds Directive) for the protection of wild birds and their habitats (including particularly rare and vulnerable species listed in Annex 1 of the Birds Directive, and migratory species).

**Hampshire Authorities:** The Hampshire Authorities comprises Hampshire County Council, Southampton City Council, Portsmouth City Council and the New Forest National Park Authority who have worked in partnership to produce this SPD.

**Hampshire County Council (HCC):** The County Council that governs the county of Hampshire in England. The authority is one of the partners in the Hampshire Minerals & Waste Plan and the preparation of this SPD.

**Hampshire Minerals & Waste Plan (HMWP):** The Hampshire Authorities and the SDNPA adopted the Hampshire Minerals & Waste Plan (HMWP) on 15 October 2013. This Plan contains planning policy for minerals and waste development in Hampshire. It replaces the Hampshire Minerals and Waste Core Strategy and the saved policies of the Hampshire Minerals and Waste Local Plan 1998.

**Hazardous waste:** Waste that contains hazardous properties that may render it harmful to human health or the environment. Hazardous wastes are listed in the European Waste Catalogue (EWC).

**Health and Safety Executive (HSE):** The national independent watchdog for work-related health, safety and illness.

**Health Impact Assessments:** An assessment of the impacts of policies, plans and projects on health in diverse economic sectors using quantitative, qualitative and participatory techniques.

**Highways Authority:** The organisation responsible for the administration of public roads in a particular local area.

**Highway capacity:** In relation to *Policy 12 (Managing traffic) of the HMWP*, highway capacity is the capacity level set for the highway.

**Highway improvements:** In relation to *Policy 12 (Managing traffic) of the HMWP*, highway improvements are improvements to the highway, as a result of any minerals and waste development which is permitted and will potentially impact a particular section of the road. This issue is addressed at the planning application stage.

**Historic England:** A public body that looks after England's historic environment. Historic England were previously part of English Heritage.

**Historic Environment Record (HER):** A public record of all aspects of the historic environment of the local authority. Historic Environment Records (sometimes referred to as Sites and Monuments Records) may be held by County Councils, District Councils or Unitary Authorities. In each case, the record will cover the whole of the local authority area.

**Horizontal drilling:** Horizontal drilling is used to maximise the amount of oil or gas resources available for hydraulic fracturing. It is used for both conventional and unconventional extraction. Recent technological advancements have resulted in horizontal drilling which has made tapping into shale deposits financially viable. Horizontal drilling means it is possible to drill several laterals from one point on the surface (surface drilling pad).

**Hydraulic fracturing:** Hydraulic fracturing (or 'fracking'), is a technique used in the extraction of oil or gas by injecting fluid at high pressure. The technique uses fluid, predominately water, which is pumped at high pressure into the rock to create narrow fractures. It opens and or extends existing narrow fractures or creates new ones in gas bearing rocks. This allows gas to flow into wellbores to be captured.

**Hydrocarbons:** Hydrocarbons comprise petroleum (oil and gas natural liquids) and gas which are fossil fuels that occur concentrated in nature as economic accumulations trapped in structures and reservoir rocks beneath the earth surface. They are principally valued as a source of energy.

**Hydrogenation:** Hydrogeneration is used to facilitate the extraction of shale oil.

**Impermeable rock:** A rock which prevents the through flow of fluids such as oil or water.

**Integrated Sustainability Appraisal (ISA):** An appraisal process, which fulfils the statutory requirements of Sustainability Appraisal and Strategic Environmental Assessment (See *Sustainability Appraisal*).

**Interested party:** Any party expected to have a concern or interest in the proceedings of a particular minerals and waste development.

**Landfill:** The deposit of waste into voids in the ground.

**Listed Buildings and Sites:** Buildings and sites protected under the Planning (Listed Buildings and Conservation Areas) Act 1990.

**Local Validation List:** The additional information may be national requirements defined by Statutory Instruments or local requirements that the relevant Council need to validate and determine a planning application.

**Low carbon technologies:** These are a range of technologies developed to specifically reduce the amount of carbon dioxide (CO<sub>2</sub>) released into the atmosphere.

**Local Planning Authority (LPA)**

**Low-Level Radioactive Waste (LLW):** Low-Level Radioactive Waste (LLW) is the lowest activity category of radioactive waste. It is classified as waste containing radioactive materials other than those acceptable for disposal with ordinary refuse, but not exceeding 4GBq per tonne of alpha or 12 GBq per tonne of beta/gamma activity. Low-level wastes includes metals, soil, building rubble and organic materials, which arise principally as lightly contaminated miscellaneous scrap. Metals are mostly in the form of redundant equipment. Organic materials are mainly in the form of paper towels, clothing and laboratory equipment that have been used in areas where radioactive materials are used – such as hospitals, research establishments and industry. LLW contains radioactive materials other than those acceptable for disposal with municipal and general commercial or industrial waste. A sub-category of LLW is Very Low Level Waste (VLLW).

**Major development (except for Policy 4 – Protection of the designated landscape):** All mineral extractions, landfill and hazardous/low level radioactive facilities, as well as developments occupying at least one hectare of land and/or have a through put of 50,000 tpa.

**Material considerations:** A material consideration is a matter that should be taken into account in deciding a planning application or on an appeal against a planning decision. Material considerations can include (but are not limited to); overlooking/loss of privacy, loss of light or overshadowing, parking, highway safety. Issues such as loss of view, or negative effect on the value of properties are not material considerations.

**Methane:** The main constituent of natural gas (a fossil fuel). It is found in naturally occurring gas field deposits within the ground, but can also be harvested as a by-product of anaerobic decomposition of organic materials by bacteria. Methane is used as fuel to generate heat and power, and when released into the atmosphere acts as a powerful greenhouse gas, and is much more potent than carbon dioxide.

**Million tonnes (mt)**

**Minerals Planning Authority (MPA):** See '*Minerals and Waste Planning Authorities*'.

**Minerals and Waste Planning Authorities (MWPA):** The local planning authorities (County and Unitary Councils) responsible for minerals and waste planning. In Hampshire, Hampshire County Council, Portsmouth and Southampton City Councils, the New Forest National Park Authority and South Downs National Park Authority are minerals and waste planning authorities.

**Mitigation:** This is the process by which negative or harmful effects caused by a development are prevented or lessened by incorporating countermeasures into the design or operation.

**Monitoring:** Minerals and waste developments are monitored to ensure that they comply with the policies of the plan and planning conditions attached to their permissions. The Plan will also be subject to monitoring.

**National Park:** These are large areas of countryside which have been designated, and therefore protected by law in order to conserve their natural scenic beauty, wildlife and cultural heritage for future generations. There are two national parks in Hampshire. These are the New Forest National Park and the South Downs National Park. Each National Park is managed by its own National Park Authority.

**National Planning Policy Framework (NPPF):** Published in March 2012, the NPPF sets out the Government's planning policies for England and how these are expected to be applied.

**Natura 2000 sites:** Designated land including Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) and Ramsar sites.

**Natural England:** Public body tasked with the conservation and improvement of the natural environment. Natural England designates Areas of Outstanding Natural Beauty and National Parks, manages National Nature Reserves and notifies Sites of Special Scientific Interest.

**Negotiated agreements:** In relation to *Policy 14 (Community benefits) of the HMWP*, negotiated agreements are agreements between minerals and waste developers and local communities as a source of funding for local benefits.

**New Forest National Park:** The New Forest National Park was created in March 2005. The National Park lies mainly in south-west Hampshire – from east of the Avon Valley to Southampton Water and from the Solent coast to the edge of the Wiltshire chalk downs.

**New Forest National Park Authority (NFNPA):** The New Forest National Park Authority took up its full powers in April 2006. Its purposes are to conserve and enhance the natural beauty, wildlife and cultural heritage of the park, to promote opportunity for understanding and enjoyment of its special qualities and to seek to foster the social and economic well-being of local communities within the park. The authority is one of the partners in the Hampshire Minerals & Waste Plan and the preparation of this SPD.

**Offshore oil or gas:** Refers to drilling for oil and gas lying beneath the sea bed on the continental shelf.

**Onshore oil and gas:** Refers to an oil or gas extraction site located on dry land. Can be extracted through either conventional or unconventional methods.

**Oil:** Is a hydrocarbon (see '*Hydrocarbons*'). Oil is a non renewable resource.

**Oil and Gas Authority (OGA):** An Executive Agency of the DECC. The OGA now issue the licences for onshore and offshore exploitation of UK oil and gas resources, acting on behalf of the Secretary of State for Energy and Climate Change.

**Permitted development rights:** Permitted development rights grant automatic planning permission to proposals for particular development that includes a physical operation, or a material change of use, or both.

**Planning application:** Operators proposing a new minerals or waste development need to apply for permission from the relevant planning authority in order to be allowed to carry out their operations.

**Planning permission:** Once planning applications have been reviewed by the relevant planning authority, permission may be granted - i.e. consent for the proposed development is given. Permissions may have certain conditions or legal agreements attached which allow development as long as the operator adheres to these.

**Phased restoration:** This is the restoration of land which has already been worked whilst the development progresses at a new location within the same site. This reduces the overall time taken for restoration to be completed once the development is completed and helps to mitigate any detrimental impacts on the environment. Phased restoration is expected to take place at all mineral and waste sites unless it can be demonstrated that this is not appropriate, otherwise restoration will commence immediately following the completion of mineral extraction or landfilling.

**Portsmouth City Council (PCC):** The city of Portsmouth is administered by Portsmouth City Council, a unitary authority. The authority is one of the partners in the Hampshire Minerals & Waste Plan and the preparation of this SPD.

**Pre-application discussions:** Engagement / discussions between applicants (and their agents) with the relevant minerals and waste planning authority prior to any application being submitted.

**Production:** Obtaining useful end products from minerals or waste material - which may include the extraction of sand and gravel, producing recycled and secondary aggregate, extraction of oil and gas and the generation of energy from waste.

**Ramsar Sites (Wetlands of International Importance):** Sites of international importance for waterfowl protected under the Ramsar Convention of the Conservation of Wetlands of International Importance, ratified by the UK Government in 1976.

**Recycling:** The series of activities by which discarded materials are collected, sorted, processed and converted into raw materials and used in the production of new products. Any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. It includes the reprocessing of organic material but does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations.

**Registered parks and gardens:** Registered parks and gardens are identified by English Heritage. They are listed and classified in a similar system to that used for listed buildings. There are over 1,600 sites listed in England, ranging from the grounds of large stately homes to small domestic gardens, as well as other designed landscapes such as town squares, public parks and cemeteries.

**Renewable energy:** Energy which comes from natural resources such as sunlight, wind, rain, tides and geothermal heat, which are naturally replenished.

**Reservoir:** A subsurface accumulation of oil or gas, contained in porous or fractured rock formations trapped by impermeable overlying rock.

**Restoration:** The process of returning a site to its former use, or restoring it to a condition that will support an agreed after-use, such as agriculture or forestry.

**Rights of Way (RoW):** Paths which the public have a legally protected right to use.

**Rock porosity:** This indicates a rock's ability to hold a fluid such as oil or water. Porous rocks contain spaces between the individual rock grains which can hold a fluid. Such rocks include sandstone, chalk and limestone. (See *Rock permeability*)

**Rock permeability:** A measure of the resistance of a rock to the through flow of liquid. The more pressure needed to push a liquid through a rock the lower its permeability. (See *Rock porosity*)

**Safeguarding:** The method of protecting needed facilities or mineral resources and of preventing inappropriate development from affecting them. Usually, where sites are threatened, the course of action would be to object to the proposal or negotiate an acceptable resolution.

**Safeguarded site:** Safeguarding protects minerals and waste sites from development pressures and inappropriate encroachment from nearby developments, preventing the unnecessary sterilisation of their associated resources and infrastructure.

**Scheduled Ancient Monument (SAM):** Nationally important archaeological sites included in the Schedule of Ancient Monuments maintained by the Secretary of State under the Ancient Monuments and Archaeological Areas Act 1979.

**Section 106 Agreement (S106):** The Town and Country Planning Act 1990 allows a person interested in any land to enter into a legally-binding agreement or planning obligation with a local planning authority (LPA) when applying for planning permission. The obligation is termed a Section 106 Agreement. These agreements are a way of dealing with matters that are necessary to make a development acceptable in planning terms. They are increasingly used to support the provision of services and site specific infrastructure.

**Section 278 agreement (S278):** A legal agreement between developers or other interested parties and the Local Authority for changes and improvements to highways.

**Sedimentary rock:** A type of rock formed from sediments and particles of rock usually carried in a body of water, which settle out to form layers of sediment. Over millions of years these layers are compressed and compacted forming rocks such as shale, limestone, chalk and sandstone.

**Sensitive Receptors:** The aspects of the environment likely to be significantly affected by the development, including in particular population, fauna, flora, soil, water, air, climatic factors, material assets, as well as including the architectural and archaeological heritage, landscape and the inter-relationship between these factors.

**Sensitive Human Receptors:** Locations where people live, sleep, work or visit that may be sensitive to the impact of minerals and waste activity on health, well-being and quality of life. Examples include houses, hospitals and schools.

**Shale gas:** A natural gas (predominantly methane) which is found in shale rock. Natural gas produced from shale is often referred to as unconventional.

**Shale oil:** Shale oil is an unconventional oil produced from oil shale rock by pyrolysis, hydrogenation, or thermal dissolution. These processes convert the organic matter within the rock into synthetic oil or gas. The resulting oil can be used immediately as a fuel or upgraded to meet refinery feedstock specifications and can be used for the same purposes as those derived from crude oil.

**Significant adverse effects:** In relation to *Policy 3 (Protection of habitats and species)* of the HMWP, significant adverse effects relate to the potential for minerals or waste development to have a significant adverse effect(s) on sites designated for nature conservation.

**Site of Special Scientific Interest (SSSI):** A national designation for an area of special interest because of its flora, fauna, or geological or physiographical features, selected by Natural England and notified under Section 28 of the Wildlife and Countryside Act 1981.

**Source Protection Zone (SPZ):** Geographical areas defined by the Environment Agency and used to protect sources of groundwater abstraction.

**Source rock:** Rocks from which hydrocarbons have been generated or are capable of being generated.

**Southampton City Council (SCC):** The city of Southampton is administered by Southampton City Council, a unitary authority. The authority is one of the partners in the Hampshire Minerals & Waste Plan and the preparation of this SPG.

**South Downs National Park:** The National Park was formally established on 1 April 2011 and includes areas in the Hampshire County Council boundary.

**South Downs National Park Authority (SDNPA):** The South Downs National Park Authority took up its full powers in April 2011 and is responsible for all planning in the South Downs National Park. The authority was one of the partners in the Hampshire Minerals & Waste Plan.

**Special Area of Conservation (SAC):** Areas which have been given special protection under the European Union's Habitats Directive. They provide increased protection to a variety of wild animals, plants and habitats and are a vital part of global efforts to conserve the world's biodiversity.

**Special Protection Area (SPA):** An area of importance for the habitats of certain rare or vulnerable categories of birds or for regularly occurring migratory bird species, required to be designated for protection by member states under the European Community Directive on the Conservation of Wild Birds (79/409/EC).

**Statement of Community Involvement (SCI):** A Local Development Document which sets out the standards the Planning Authority intends to achieve when involving the community in preparing Local Development Documents, or when making a significant development control decision. It also sets out how the Authority intends to achieve these standards. A consultation statement must be produced showing how the Authority has complied with its SCI.

**Statutory consultee:** These are organisations and public bodies who are required to be consulted concerning specific issues relating to planning applications, they also help to inform any decision made by the planning authority.

**Sterilisation:** When a change of use, or the development, of land prevents possible mineral exploitation in the foreseeable future.

**Strategic Environmental Assessment (SEA):** A system of incorporating environmental considerations into policies, plans, programmes and part of European Union Policy. It is sometimes referred to as strategic environmental impact assessment and is intended to highlight environmental issues during decision-making about strategic documents such as plans, programmes and strategies. The SEA identifies the significant environmental effects that are likely to result from implementing the Plan or alternative approaches to the Plan. The Integrated Sustainability Appraisal (ISA) includes the SEA of the Plan alongside Sustainability Appraisal.

**Strategic Flood Risk Assessment (SFRA):** An assessment of the potential flood risk such as from groundwater and fluvial floods, undertaken at the appropriate level (county or district).

**Subsidence:** Subsidence is the motion of a surface as it shifts downward (in relation to *Policy 10* of the HMWP). This may cause uneven settlement leading to subsidence at the surface.

**Sustainability Appraisal:** In United Kingdom planning law, an appraisal of the economic, environmental, and social effects of a plan from the outset of the preparation process, to allow decisions that are compatible with sustainable development. Since 2001, sustainability appraisals have had to conform to the EU directive on Strategic Environmental Assessment (SEA).

**Sustainable Development:** Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

**Sustainable Drainage Systems (SuDS):** These are urban design concepts which are adopted to deal with increased surface water in urban areas by mimicking the normal water cycle in natural landscapes. This is opposed to more traditional methods which just involved re-routing surface water to watercourses. Techniques utilised in SuDS include facilitating increased water infiltration into the earth as well as increased evaporation of surface water and transpiration from vegetation (collectively called evapotranspiration) to decrease the amount of surface water run-off.

**Thermal dissolution:** A refining process which is used for the extraction of shale oil.

**Thermal treatment:** Incineration and other high-temperature waste-treatment systems.

**Townscape:** The appearance of a town or city; an urban scene.

**Unconventional hydrocarbons (oil and gas):** Oil or gas resources where the reservoir has formed in tiny pockets within impermeable rocks such as shale (see '*shale gas*').

**United Kingdom (UK)**

**Urban areas:** An area characterised by higher population density and vast human features in comparison to areas surrounding it. Urban areas may be cities, towns or conurbations.



**Vertical drilling:** Vertical drilling is used to reach the required depth below the surface. It is used for both conventional and unconventional extraction. Conventional extraction methods generally involve drilling a borehole down to porous rock where oil or gas has formed in a reservoir. For conventional production, if the site is going to be vertically drilled, a hole will be drilled straight into the ground.

**Visual impact:** Generally the perceived negative effect that the appearance of minerals and waste developments can have on nearby communities.

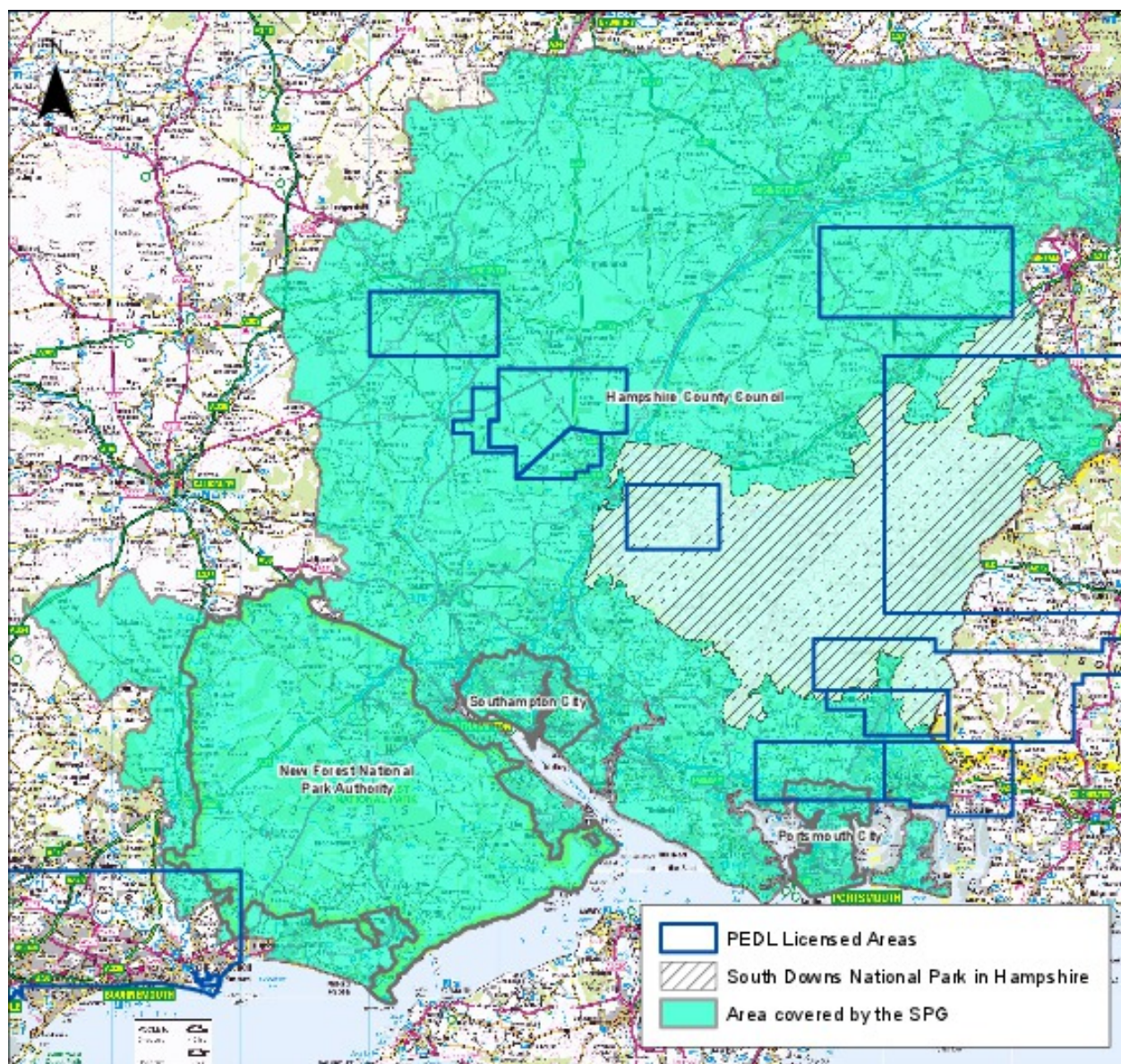
**Waste Water Treatment Works (WWTW):** A facility where sewage volumes are reduced by de-watering and aerobic and anaerobic biological treatment.

## Appendices

### Appendix 1: Oil and gas licences in Hampshire

This appendix sets out the onshore oil and gas licences in Hampshire. This is based on the licence information available from the DECC, for Hampshire, at the time of the publication of this guidance<sup>127</sup> The existing licences are located across Hampshire and across areas covered by this guidance and within the administrative areas covered by HCC, SCC, PCC and the NFNPA.

#### Onshore licences in Hampshire (2013) as issued by DECC

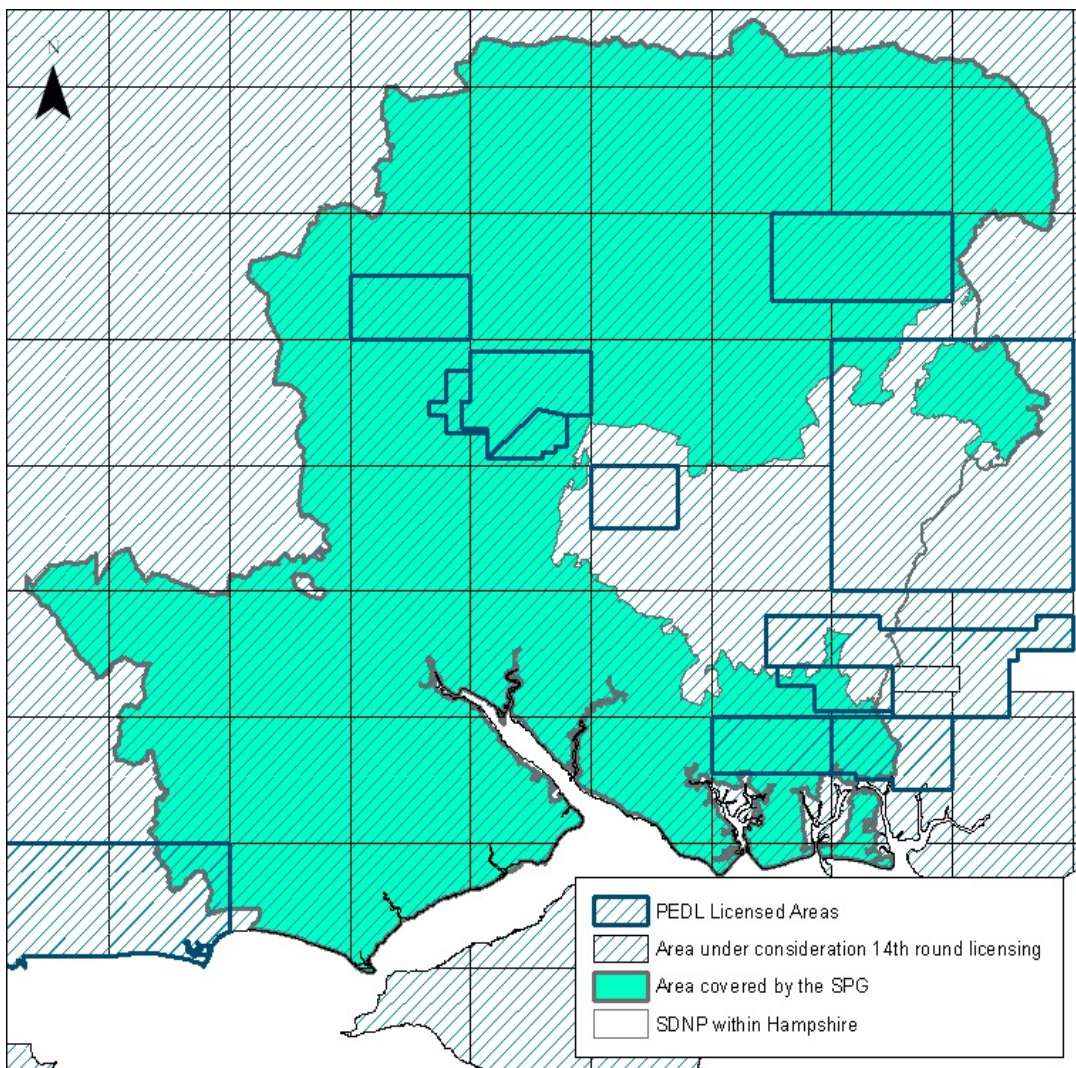


Source: Author - Hampshire Authorities, 2015, based on data from DECC

There are no other oil or gas licences in Hampshire other than those highlighted in the map.

The necessary Strategic Environmental Assessment (SEA) report for the 14th licencing round was issued by the DECC in December 2013 for consultation<sup>128</sup>. The report identified, described and evaluated the likely significant effects on the environment of DECC's proposals to invite applications for new licences, the reasonable alternatives to that plan, and how these effects can be reduced or offset. This identified the whole of the SPG area as for consideration for licencing, as demonstrated in the following map.

#### Areas of Hampshire under consideration in the 14th round of oil and gas licencing

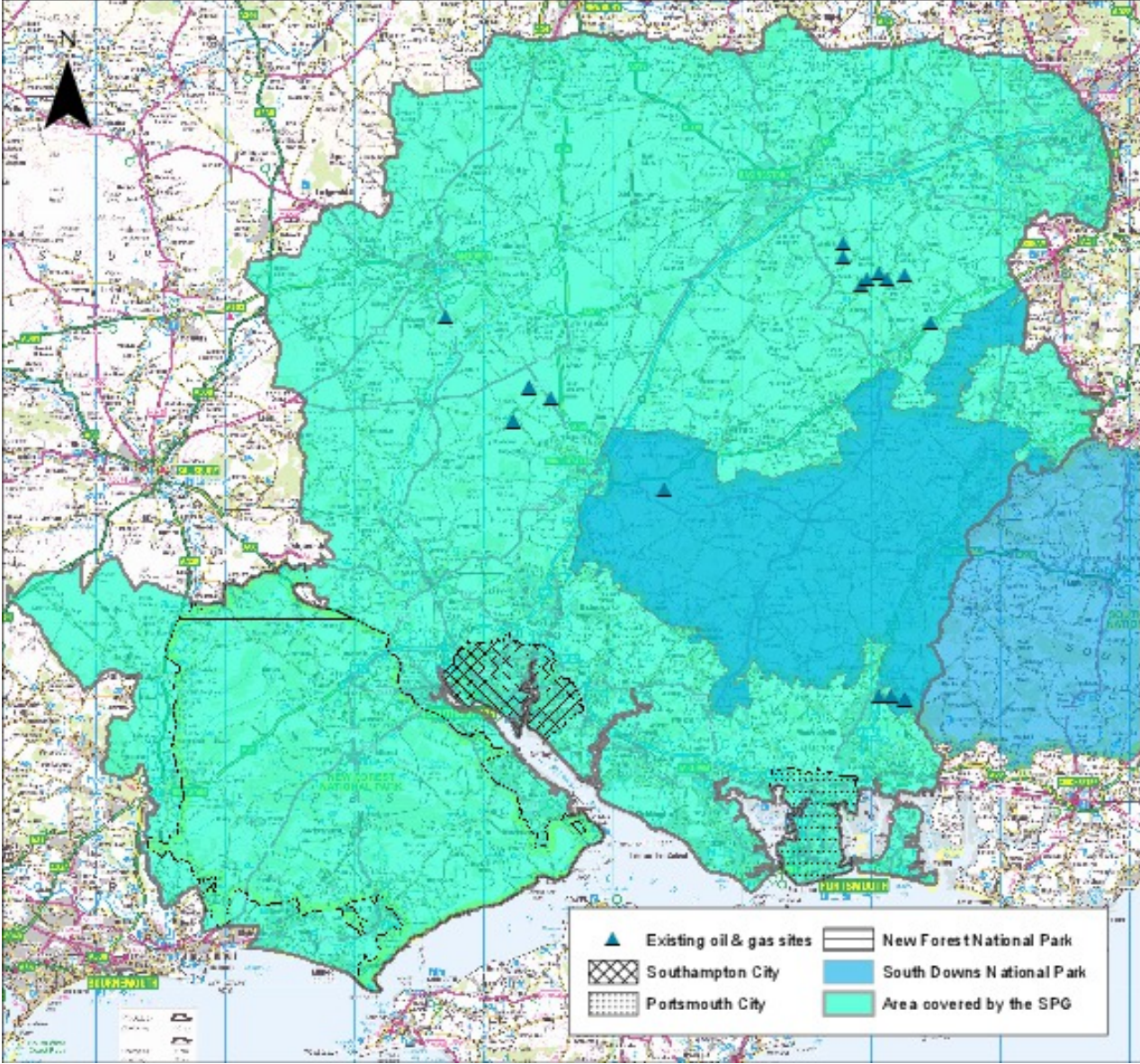


Source: Author - Hampshire Authorities, 2015

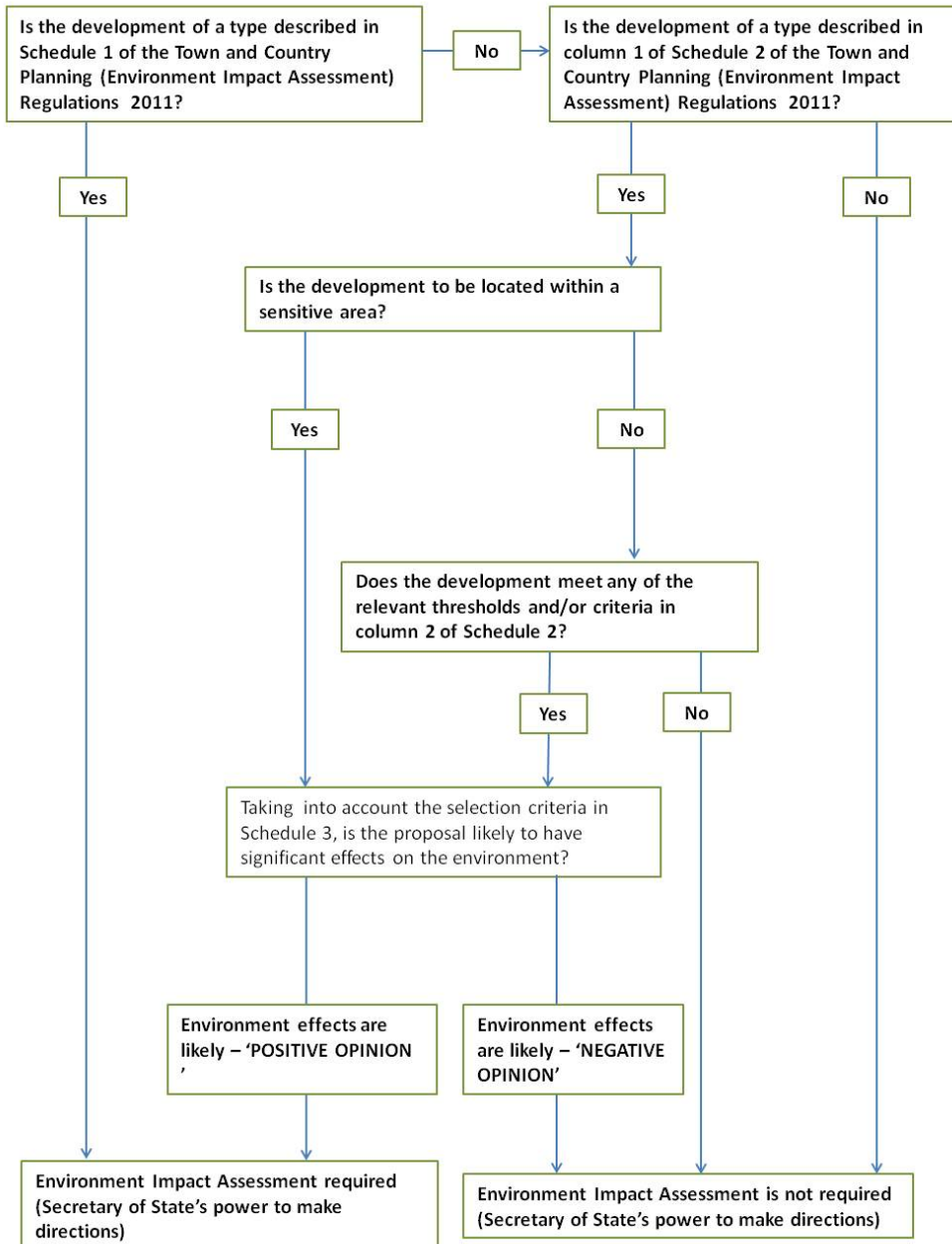
128. SEA consultation on 14th round of onshore oil and gas licencing: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/273997/DECC\\_SEA\\_Environment%20Report%2014](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/273997/DECC_SEA_Environment%20Report%2014)

### Appendix 2: Current permitted oil and gas developments in Hampshire

The following map highlights the location of existing oil and gas developments in Hampshire, at the time of the publication of this guidance document.



## Appendix 3: Establishing whether a proposed oil or gas development requires an Environmental Impact Assessment (EIA)



Source: Author - Hampshire Authorities, 2015, amended from DCLG, 2013

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**This document can be made available in large print, on audio media, in Braille or in some other languages.**

**For further information, please contact Minerals and Waste Planning Policy in the Strategic Planning group:**

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Winchester SO23 8UD

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|-------------------------------|--|
| <b>Title of meeting:</b>      | Cabinet Member for Planning, Regeneration and Economic Development         |
| <b>Date of meeting:</b>       | 23 June 2015   |
| <b>Subject:</b>               | Minerals & Waste Safeguarding in Hampshire Supplementary Planning Document |
| <b>Report by:</b>             | City Development Manager   |
| <b>Wards affected:</b>        | all  |
| <b>Key decision:</b>          | No   |
| <b>Full Council decision:</b> | No   |

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## 1. Purpose of report

- 1.1 To set out the need for and the purpose of the draft Minerals & Waste Safeguarding SPD and recommend that it be published for consultation.

## 2. Recommendation

### 2.1 It is recommended that the Cabinet Member for Planning, Regeneration and Economic Development

- a) approves the draft Minerals & Waste Safeguarding SPD for consultation;
- b) authorises the City Development Manager to make editorial amendments to the SPD prior to publication, provided that the amendments do not alter the meaning of the SPD or do not affect Portsmouth.

## 3. Background

- 3.1 As Minerals and Waste Planning Authority, the city council was a partner authority in the production of the Hampshire Minerals and Waste Plan (together with Hampshire County Council, Southampton City Council and the New Forest and South Downs National Park Authorities) and adopted it as part of the development plan for Portsmouth in 2013. The Minerals & Waste Plan seeks to ensure that we have enough minerals for Hampshire's needs up to 2030 as well as ensuring there are enough facilities to effectively deal with our waste management requirements. It includes robust policies which are designed to balance the needs of the economy, the environment and communities in considering the need for and the location of minerals and waste development.
- 3.2 The Minerals and Waste Plan includes a number of policies relating to minerals and waste safeguarding. Particularly relevant in Portsmouth are:
- safeguarded minerals and waste infrastructure (Policies 16 and 26) and
  - safeguarded potential minerals and waste wharves and rail depots (Policy 34).

These relate to important minerals and waste sites such as the Incinerator, Kendalls Wharf on the Eastern Road, land in the Port / Dockyard and on a number of industrial estates across the city.

In addition, there is safeguarding for areas of known minerals resources (Policy 15), which mainly affects the non-urban areas in Hampshire.

- 3.3 The safeguarding policies seek to protect important viable mineral resources and sites by helping to avoid the sterilisation of mineral resources and the prejudicing of the operation of existing or proposed minerals and waste sites. This entails, for example, extracting minerals from the ground on greenfield sites before development occurs; avoiding introducing new 'sensitive receptors' such as housing or schools in proximity to potentially noisy waste or minerals sites; or considering safeguarded land for minerals and waste use before other uses are allowed.
- 3.4 The draft Supplementary Planning Document (SPD) has been produced to provide guidance for local planning authorities, developers and other interested parties on the implementation of the safeguarding policies set out in the Plan. As an SPD the document does not introduce any new policies with regard to the matters above, but is a process document which sets out guidance to ensure that:
- District and Borough Councils consult effectively with the County (or in the case of the Unitary Authorities, when minerals and waste issues should be particularly considered)
  - Developers for non-minerals and non-waste developments consider safeguarding issues at the earliest stages of preparation of planning applications
- 3.5 If approved, consultation is due to take place during June - August 2015, with adoption of the SPD planned for December 2015.

#### **4. Reasons for recommendations**

- 4.1 The SPD supports the effective implementation of the Minerals and Waste Plan. Officers at the partner authorities (Hampshire County Council, Southampton City Council, Portsmouth City Council and the New Forest National Park Authority) consider that it is helpful to set out further detail for communities, local authorities and potential applicants to explain the planning process with regard to safeguarding.

#### **5. Equality impact assessment (EIA)**

- 5.1 The SPDs do not contain any additional policies over and above those in the Minerals & Waste Plan. The SPDs provide guidance on the implementation of the policies of the adopted Plan. As a result, it is considered that the documents have a low if not no impact on all groups. An Equalities Impact Assessment will be prepared as part of the preparation of the SPDs prior to adoption.



**6. Legal Implications**

6.1 The report and recommendations give the opportunity to the Portfolio Holder to consider the documents in detail and signify approval before it is published as a draft document for consultation. The consultation is necessary having regard to regulation of production of supplementary planning documents.

**7. Head of Finance Comments**

7.1 There are no financial implications that arise as a result of approving the recommendation to consult on the draft Minerals and Waste Safeguarding Supplementary Planning Document. Should any costs arise, they will be met from existing cash limited budgets or an alternative source of funding will be identified.

.....  
Signed by:

**Appendices:** Minerals & Waste Safeguarding in Hampshire Supplementary Planning Document

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by ..... on .....

.....  
Signed by:

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# Minerals & Waste Safeguarding in Hampshire

## Supplementary Planning Document



***Making the most of mineral resources and protecting strategic minerals and waste infrastructure***

**A guide for local planning authorities, developers and other interested parties**

Draft (June 2015)



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## Table of Contents

|  |    |
|--|----|
| Foreword .....   | 4  |
| Have Your Say on this draft Supplementary Planning Document .....                              | 5  |
| 1. Introduction and purpose .....  | 1  |
| Why is this Supplementary Planning Document required? .....                                    | 1  |
| Purpose of the Supplementary Planning Document .....   | 2  |
| How was this Supplementary Planning Document prepared? .....                                   | 2  |
| How does this guidance link to the adopted Hampshire Minerals and Waste Plan (HMWP)? .....     | 3  |
| Relevant assessment and appraisal .....  | 3  |
| Which area does the Supplementary Planning Document cover? .....                               | 4  |
| Meeting the duty to co-operate .....   | 5  |
| 2. Minerals and waste safeguarding in Hampshire .....  | 6  |
| Mineral Safeguarding Area (MSA) .....  | 6  |
| Mineral Consultation Area (MCA) .....  | 7  |
| Mineral resources .....  | 8  |
| Minerals and waste infrastructure .....  | 9  |
| Mineral Infrastructure .....   | 10 |
| Waste Infrastructure .....   | 10 |
| Potential minerals and waste wharf and rail depot infrastructure .....                         | 11 |
| Safeguarding considerations for minerals and waste infrastructure .....                        | 11 |
| 3. Preparation of planning applications for non-mineral or waste uses .....                    | 14 |
| Developer considerations .....   | 14 |
| Avoiding sterilisation of mineral resources .....  | 14 |
| Recycled aggregates .....  | 15 |
| Consideration of existing or future minerals and waste infrastructure ..                       | 15 |
| Pre-application .....  | 16 |
| Information developers may need to provide .....   | 17 |
| Mineral exploratory data .....   | 17 |
| Redevelopment proposals .....  | 19 |
| 4. Minerals and waste safeguarding procedures .....  | 20 |
| Existing consultation procedures .....   | 20 |
| General consultation arrangements .....  | 20 |
| Local Plan preparation .....   | 22 |
| Development Proposals .....  | 23 |
| Policies Maps .....  | 25 |
| Consideration of comments received from the Minerals and Waste Planning Authority (MWPA) ..... | 26 |
| Glossary and abbreviations .....   | 27 |
| Appendices .....   | 33 |
| Appendix 1: Consultation with the MWPA on Local Plan work .....                                | 33 |
| Appendix 2: Consultation with the MWPA on non minerals or waste planning applications .....    | 34 |

## Foreword

Safeguarding is vital as it helps to protect important viable mineral resources and sites which are essential to the sustainable supply of minerals and waste management requirements within Hampshire, both now and in the future. It helps to ensure that non-minerals-or-waste developments are not inappropriately located. It also helps to avoid the sterilisation of mineral resources and the prejudicing of the operation of existing or proposed minerals or waste management sites by non-minerals-or-waste development.

The adopted Hampshire Minerals & Waste Plan (HMWP) (2013) contains policies on the safeguarding of mineral resources, mineral infrastructure and waste infrastructure. However, it is only by working together that the Minerals and Waste Planning Authorities, other Local Authorities and developers can ensure that sustainable use is made of the minerals in Hampshire.

This Supplementary Planning Document (SPD) provides guidance on the implementation of policies in the HMWP in relation to minerals and waste safeguarding.

The guidance has been prepared in partnership by Hampshire County Council, Southampton City Council, Portsmouth City Council and the New Forest National Park Authority (here after referred to as the 'Hampshire Authorities'). The SPD therefore covers the administrative areas of the Hampshire Authorities, but does not cover the part of the South Downs National Park which is in Hampshire.

This document is subject to a public consultation from **Monday 29th June 2015 to Friday 7th August 2015**.

Following the consultation and any consequent modifications to the SPD, the guidance will then be adopted, subject to agreement, by the Hampshire Authorities. It will then sit alongside the adopted HMWP and will need to be taken into consideration during any decision-making in relation to safeguarding minerals and waste in Hampshire.

**Councillor Seán Woodward - Executive Member for Economy, Transport and Environment (Hampshire County Council)**

*Seán Woodward*

**Councillor Luke Stubbs - Executive Member for Planning, Regeneration and Economic Development (Portsmouth City Council)**

*Luke Stubbs*

**Councillor Simon Letts - Leader (Southampton City Council)**

**Oliver Crosthwaite-Eyre - Chairman (New Forest National Park Authority)**

## Have Your Say on this draft Supplementary Planning Document

This draft Supplementary Planning Document (SPD) has been produced to provide guidance for local planning authorities, developers and other interested parties on the implementation of the safeguarding policies set out in the adopted Hampshire Minerals & Waste Plan (2013). These policies help to ensure that an adequate and steady supply of minerals and sustainable management of waste is available in Hampshire and protect existing minerals and waste infrastructure.

In order to ensure that this SPD is effective, the Hampshire Authorities welcome comments on the guidance contained. The consultation on this SPD starts on **Monday 22nd June 2015** and closes on **Friday 31st July 2015**.

Comments are welcomed from all interested parties and on any part of this guidance, however the following questions can be used as a guide:

- 1. Does this SPD provide clear guidance to Local Planning Authorities on how and when to engage the relevant Minerals & Waste Planning Authority?**
- 2. Does this SPD provide clear guidance to developers on when to engage the relevant Minerals & Waste Planning Authority?**
- 3. Does this SPD provide clear guidance on what minerals assessment information is needed and when?**
- 4. Does this SPD provide clear guidance on how safeguarding issues can be addressed as part of a non-minerals-or-waste development proposal?**
- 5. Can you suggest any improvements for how the guidance outlined in this SPD can be applied by Local Planning Authorities?**
- 6. Do you agree with the assumptions made in this SPD in relation to size of development and buffer distances?**
- 7. Do you have any suggestions on how the Hampshire Authorities could liaise more effectively with Local Planning Authorities and developers on safeguarding issues?**

Comments are also welcomed on the following assessment reports which accompany this SPD:

- Interim Integrated Sustainability Appraisal Report (June 2015) [CHECK DATE]
- Habitats Regulation Assessment Screening Report (June 2015) [CHECK DATE]
- Interim Equalities Impact Assessment Report (June 2015) [CHECK DATE]

Comments should be sent to Minerals and Waste Planning Policy at Hampshire County Council using the following details:

**Address: Strategic Planning (Minerals and Waste Planning Policy), Department for Economy, Transport and Environment, Hampshire County Council, The Castle, Winchester, Hampshire, SO23 8UD**

**Tel: 0300 555 1389 (Hantsdirect)**

**Email: [planning.policy@hants.gov.uk](mailto:planning.policy@hants.gov.uk)**

**Website: [www.hants.gov.uk/county-planning](http://www.hants.gov.uk/county-planning)**



## 1. Introduction and purpose

- 1.1 Non-minerals-or-waste development can 'sterilise' mineral resources (make them inaccessible for extraction) or prejudice the operation of existing or proposed minerals or waste management sites. This can be either:

- **directly, for example by building over land that contains minerals; or**
- **indirectly, through the introduction of sensitive land uses in close proximity to these resources or sites.**

- 1.2 Minerals and waste safeguarding is the process through which these various potential issues are avoided.
- 1.3 In Hampshire, minerals and waste safeguarding is a very important issue. Minerals are a non-renewable resource and can only be worked where they are found. A large part of Hampshire is underlain by mineral deposits, such as sand and gravel, which may be required to meet the future needs of the local community for construction materials. Allowing new building and other development to take place on top of these mineral deposits could mean that they are lost, which would limit their supply. In addition, the introduction of other new activities (such as housing) may be incompatible in an area where existing minerals and waste sites are located. Safeguarding helps to protect Hampshire's viable mineral resources.
- 1.4 Safeguarding also helps to protect important infrastructure which is essential to Hampshire's supply of minerals and waste management requirements both now and in the future. Safeguarding is not intended to prevent development. It allows for the effective consideration of potential impacts and helps to ensure that non-minerals or waste developments are appropriately located and designed.
- 1.5 The adopted Hampshire Minerals & Waste Plan (HMWP) (2013)<sup>1</sup> contains policies on the safeguarding of mineral resources, mineral infrastructure, waste infrastructure and potential minerals and waste wharf or rail depot infrastructure. The HMWP was prepared by Hampshire County Council (HCC) in partnership with Portsmouth City Council (PCC), Southampton City Council (SCC), the New Forest National Park Authority (NFNPA) and the South Downs National Park Authority (SDNPA) as the Minerals and Waste Planning Authorities (MWPA) which cover Hampshire and the full area of the New Forest National Park. This plan-making partnership came to an end upon the adoption of the HMWP and a new partnership has been formed between HCC, PCC, SCC and the NFNPA (hereafter referred to as the 'Hampshire Authorities') to implement and monitor the HMWP.

### Why is this Supplementary Planning Document required?

- 1.6 Since the adoption of the HMWP, the Hampshire Authorities have received a large number of requests for information or views on minerals and waste safeguarding issues. Some of these requests have arrived in advanced stages of planning for future development, making any solutions to safeguarding issues more difficult.

1.Hampshire Minerals & Waste Plan (2013): [www3.hants.gov.uk/mineralsandwaste/planning-policy-home.htm](http://www3.hants.gov.uk/mineralsandwaste/planning-policy-home.htm)

- 1.7 This has shown that there is a need to provide more guidance to those that work with non-minerals or waste developments, such as District and Borough Councils, Unitary Councils and National Park Authorities (hereafter referred to as 'Local Planning Authorities (LPAs)') as well as individuals and organisations (hereafter referred to as 'developers'), to ensure the issue of minerals and waste safeguarding is appropriately addressed, particularly during the early planning application stages.

## Purpose of the Supplementary Planning Document

- 1.8 This guidance has been produced to identify where particular care is needed to prevent the unnecessary sterilisation of sand and gravel resources or encroachment of existing minerals or waste sites by non-minerals-or-waste development.
- 1.9 It is the responsibility of the MWPA to determine minerals and waste planning applications, as well as write minerals and waste policy (including minerals and waste safeguarding). Developers can submit non-minerals-or-waste planning applications and it is LPAs that make decisions on these developments. This guidance suggests ways in which the MWPA, developers and LPAs can work together to protect the resources and sites in safeguarded areas.

**The purpose of this SPD is to provide guidance on the implementation of the safeguarding policies in the HMWP. It sets out the following:**

- **how the Hampshire Authorities and Hampshire's LPAs can work constructively to ensure minerals and waste issues are taken into account as appropriate during the preparation of Local Plans and in the determination of planning applications for non-minerals-or-waste developments;**
- **guidance on what issues LPAs should consult the MWPA in relation to mineral resources and minerals and waste infrastructure safeguarding;**
- **the information used to determine Hampshire's Mineral Safeguarding Area (MSA) and allocated mineral development and waste management sites, as set out in the HMWP (see also [Minerals and waste safeguarding in Hampshire \[See page 6\]](#) and [What is the Mineral Consultation Area? \[See page 7\]](#));**
- **the agreed process for consultation with the MWPA by LPAs with regard to minerals and waste issues (see [Consultation with the Minerals Planning Authority by Hampshire's LPAs \[See page 20\]](#)); and**
- **guidance to developers of non-minerals-or-waste developments on how the issues of safeguarding can best be addressed.**

## How was this Supplementary Planning Document prepared?

- 1.10 Hampshire's LPAs were asked to comment on a draft Safeguarding Protocol produced by the Hampshire Authorities in December 2013. This Protocol only considered matters relating to the MWPA and LPAs interaction on the issue of minerals and waste safeguarding. At that time, responses were received from the following authorities as part of this process:
- Eastleigh Borough Council;

- East Hampshire District Council;
- Southampton City Council; and
- Test Valley Borough Council.

- 1.11 These responses were taken into account in the drafting of this SPD and a number of changes have been introduced as a result, such as clarifying the existing consultation procedures and simplifying the consultation criteria.
- 1.12 Further reflection on safeguarding issues since the development of the draft Safeguarding Protocol highlighted that there was also a need to produce guidance for developers of non-minerals-or-waste developments that are located within the Mineral Consultation Area (MCA).
- 1.13 As a result, this consultation is seeking comments both from the authorities (MWPAs and LPAs) that may have already considered the draft Safeguarding Protocol and more broadly from developers or other interested parties.

### How does this guidance link to the adopted Hampshire Minerals and Waste Plan (HMWP)?

- 1.14 This guidance has been prepared following the adoption of the HMWP.
- 1.15 Once adopted, this guidance will sit alongside the adopted HMWP. The HMWP contains the relevant policies on minerals and waste safeguarding:

- **Policy 15 (Safeguarding - mineral resources);**
- **Policy 16 (Safeguarding - minerals infrastructure);**
- **Policy 26 (Safeguarding - waste infrastructure); and**
- **Policy 34 (Safeguarding potential minerals and waste wharf and rail depot infrastructure).**

- 1.16 This document provides further guidance on the implementation of the HMWP policies. It does not contain any further policy. As a guidance document, it will not be given the same weight in decision-making as the adopted HMWP.

### Relevant assessment and appraisal

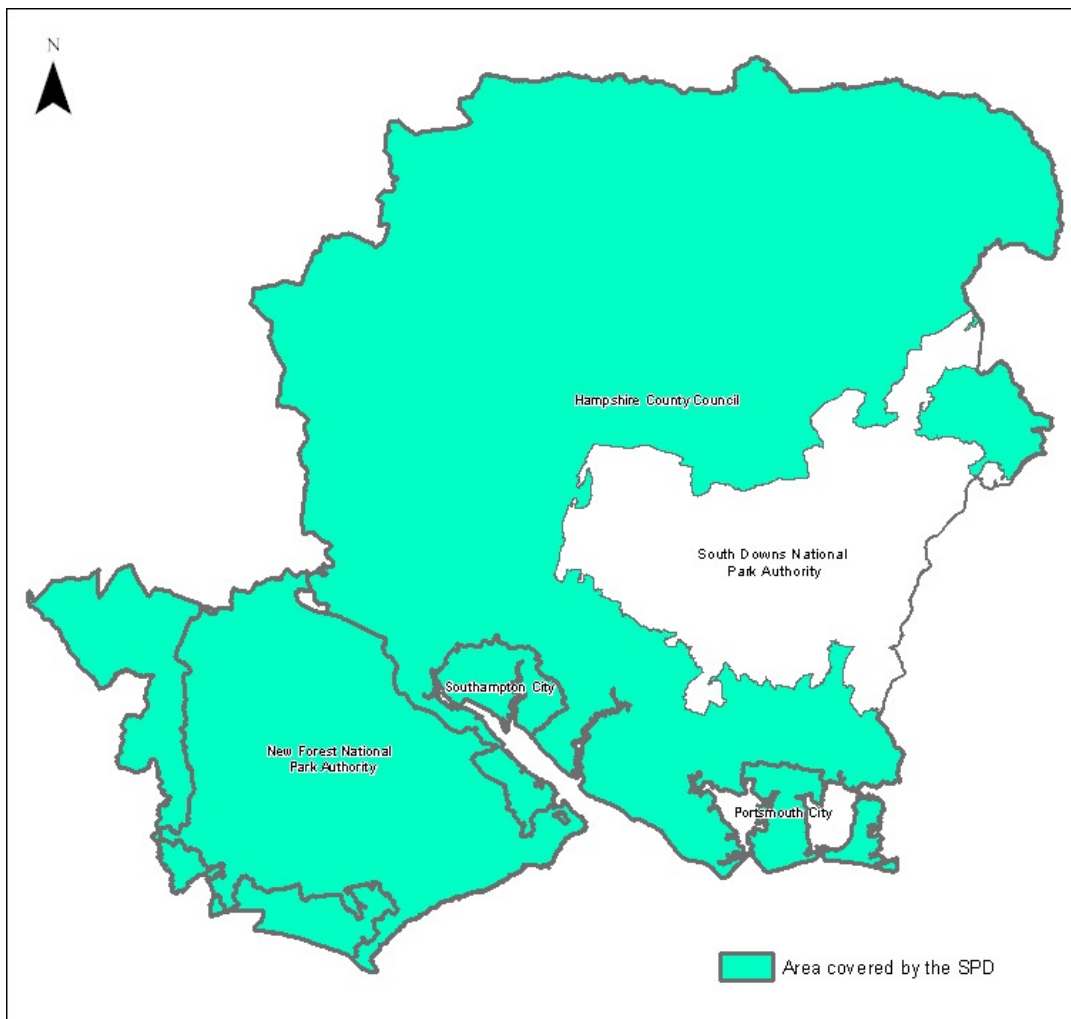
- 1.17 This guidance document has been the subject of:
- Integrated Sustainability Appraisal (ISA);
  - Habitats Regulations Assessment (HRA); and
  - Equalities Impact Assessment (EqIA).
- 1.18 ISA, HRA and EqIA reports have been compiled which outline the findings of these assessments and accompany this guidance document.
- 1.19 [Add summary of findings]

- 1.20 As the SPD does not introduce any new policy but provides guidance on how the policies contained within the HMWP will be implemented, the assessments outlined above have included a review of the assessments undertaken for the HMWP.
- 1.21 A Strategic Flood Risk Assessment (SFRA) has not been prepared as the SPD does not include any policies or site allocations. This means the SFRA prepared for the adopted HMWP can still be applied.

### Which area does the Supplementary Planning Document cover?

- 1.22 This SPD covers the administrative areas of the Hampshire Authorities only. This means this SPD does not cover the administrative areas of the SDNPA which falls within Hampshire. The area covered by this SPD is highlighted in the map below.

Figure 1: The area covered by this SPD



## Meeting the duty to co-operate

- 1.23 The National Planning Policy Framework (NPPF)<sup>2</sup> sets out a 'duty to co-operate' on planning issues between public bodies. In response to this, as part of the preparation of this guidance, the Hampshire Authorities have liaised with the following organisations and parties who are considered to have an interest in minerals and waste safeguarding issues in Hampshire:
- Hampshire's LPAs;
  - regulators and statutory consultees (including the Environment Agency, Natural England, Historic England and the Department for Local Government and Communities)
  - other Minerals and Waste Planning Authorities with an interest in minerals and waste safeguarding in Hampshire, including adjoining authorities; and
  - other interested parties (including the minerals and waste industry and other non-minerals and waste developers).
- 1.24 This engagement will continue once this guidance has been adopted by the Hampshire Authorities.
- 1.25 The Hampshire Authorities have committed to work collaboratively with other bodies to ensure that the strategic priorities, set out in the HMWP will continue to be properly coordinated and clearly reflected in any subsequent review of the Plan, supplementary guidance and other individual Local Plans.

---

2.National Planning Policy Framework (DCLG, 2012): [www.gov.uk/government/publications/national-planning-policy-framework--2](http://www.gov.uk/government/publications/national-planning-policy-framework--2)

## 2. Minerals and waste safeguarding in Hampshire

2.1 Minerals and waste safeguarding is the process for protecting the following:

- the future availability of known mineral resources of local and national importance (see [Mineral resources \[See page 8\]](#)); and
- the effective operation of important minerals and waste land uses (see [Minerals infrastructure](#) and [Waste infrastructure](#)).

2.2 The tools that the Hampshire Authorities use in minerals and waste safeguarding are:

- the Mineral Safeguarding Area (MSA), which defines the safeguarded mineral resources (see [Mineral Safeguarding Area \(MSA\) \[See page 6\]](#)); and
- the Mineral Consultation Area (MCA), which is based on the MSA, but also includes minerals and waste sites and infrastructure (see [Mineral Consultation Area \(MCA\) \[See page 7\]](#)).

### Mineral Safeguarding Area (MSA)

2.3 National planning policy requires MWPA's to 'define Mineral Safeguarding Areas and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-mineral development, whilst not creating a presumption that resources defined will be worked'<sup>3</sup>.

2.4 In Hampshire, the MSA is defined by the Hampshire Authorities on the adopted Policies Map. It includes those deposits of minerals that are safeguarded from unnecessary sterilisation by non-mineral development. The MSA covers the mineral resources discussed in [Mineral resources \[See page 8\]](#) and is based on information published by the British Geological Survey (BGS) as well as other local knowledge, data and information available to the Hampshire Authorities at the time of the HMWP preparation.

2.5 While the MSA is based on the best available knowledge, the extent or availability of mineral resources cannot be known for certain in advance. For example, the BGS data is provided with certain limitations<sup>4</sup>. Therefore the MSA is a guide as to where the MWPA expects that issues of sterilisation of mineral resources are likely to arise. However, it does not guarantee either that the extent it covers will contain mineral resources or that the other areas will not contain mineral resources. This is one of the reasons why a mineral assessment may be necessary in order for sufficient information on the specific circumstances to be gathered. This is also why the Hampshire Authorities will decide each case on its own merits.

3. National Planning Policy Framework, paragraph 143 (DCLG, 2012): [www.gov.uk/government/publications/national-planning-policy-framework-2](http://www.gov.uk/government/publications/national-planning-policy-framework-2)

4. DiGMapGB-50 Additional Information Note (BGS): [www.bgs.gov.uk/mineralsuk/maps/digmap.html](http://www.bgs.gov.uk/mineralsuk/maps/digmap.html)

- 2.6 The MSA excludes areas which are already developed e.g. for housing, other major developments or for highway uses, as it is likely that the mineral resource in these areas is already sterilised. However, if areas subject to redevelopment are located within the MCA, depending on the scale of the redevelopment, the MWPA may request an assessment of the potential mineral resource as part of the proposed redevelopment (as further discussed in [Redevelopment proposals \[See page 19\]](#)).
- 2.7 The MSA is applied to the Mineral Consultation Area (MCA). More information can be found in [Mineral Consultation Area \(MCA\) \[See page 7\]](#).

## Mineral Consultation Area (MCA)

- 2.8 National planning policy requires MWPA's to set out a MCA based on the defined MSA<sup>5</sup>.
- 2.9 The MCA is defined and published (separately to the HMWP) by HCC (on behalf of the Hampshire Authorities). In addition to the MSA, the MCA contains all the currently safeguarded minerals and waste sites, a list that is regularly updated on the HCC website<sup>6</sup>. It is used as a basis for LPAs to consult the relevant MWPA.
- 2.10 The MCA covers the HCC and the NFNPA administrative areas as well as small adjacent parts of the cities of Southampton and Portsmouth.
- 2.11 In Hampshire, the MCA covers the:

- mineral resources in the MSA that are considered to be economically viable (and thereafter any updates based on newly available information);
- minerals and waste sites allocated in the HMWP;
- minerals infrastructure identified for safeguarding through *Policy 16 (Safeguarding - mineral infrastructure)* and as set out in *Appendix B - List of safeguarded minerals and waste sites* of the HMWP (and thereafter any updates to this list);
- waste infrastructure identified for safeguarding through *Policy 26 (Safeguarding - waste infrastructure)* and as set out in *Appendix B - List of safeguarded minerals and waste sites* of the HMWP (and thereafter any updates to this list); and
- potential sites and areas identified for safeguarding for wharf and rail depots safeguarding through *Policy 34 (Safeguarding potential minerals and waste wharf and rail depot infrastructure)*.

- 2.12 The Town and Country Planning Act 1990<sup>7</sup> places a requirement on a LPA to consult with the MWPA (the relevant Hampshire Authority) on development in an area (such as an MCA) that could affect, or be affected by mineral working, or prejudice the proposed use of land for waste disposal. The application of this guidance is considered in [Consultation with the Minerals Planning Authority by Hampshire's LPAs \[See page 20\]](#).

5. National Planning Policy Framework, paragraph 143 (DCLG, 2012): [www.gov.uk/government/publications/national-planning-policy-framework-2](http://www.gov.uk/government/publications/national-planning-policy-framework-2)

6. Minerals and Waste Site List: [www3.hants.gov.uk/mineralsandwaste/pd-facts-and-figures.htm](http://www3.hants.gov.uk/mineralsandwaste/pd-facts-and-figures.htm)

7. Town and County Planning Act 1990, Schedule 1, Paragraph 7: [www.legislation.gov.uk/ukpga/1990/8/schedule/1](http://www.legislation.gov.uk/ukpga/1990/8/schedule/1)

- 2.13 The MWPA notifies the LPAs of the MCA in writing and provides electronic mapping information.
- 2.14 The MCA includes the following buffers:
- 250m around safeguarded mineral resources; [tbc]
  - 250m around minerals and waste infrastructure in rural areas; and [tbc]
  - 50m around minerals and waste infrastructure in urban areas (and including address points directly opposite sites where the site is adjacent to a water body). [tbc]
- 2.15 The Hampshire Authorities currently have the following administrative arrangements:
- The MCA will be **sent to Hampshire's LPAs** by HCC. It requires LPAs to consult the relevant MWPA when any development proposal comes forward within the MCA. The MCA should also be reflected in all LPA's Local Plans in accordance with the provisions of this SPD.
  - The MCA will be **updated annually** (anticipated publication will be December of each year) or as required. LPAs will be informed of any updates and data will be distributed accordingly by HCC.
  - The MCA will be **produced in an electronic format**, as Geographic Information System (GIS) layers that can be used by the LPAs. The MCA will consist of two GIS layers, one for minerals resources and one for mineral and waste infrastructure, in order to assist the application of consultation criteria regarding these elements (see [Development Proposals \[See page 23\]](#)).
  - The MCA will be **made available to view** on the HCC website as part of the live Policies Map (see [Policies Map \[See page 25\]](#)).

## Mineral resources

- 2.16 As minerals can only be worked where they are found, it is important that viable mineral resources are 'safeguarded' (protected) from needless sterilisation by other development to help to secure a long term future supply of minerals.
- 2.17 *Policy 15 (Safeguarding - mineral resources)* of the HMWP provides the policy framework for mineral resource safeguarding in Hampshire.

### In Hampshire, safeguarding of mineral resources only applies to the following types of mineral resource:

- sharp sand and gravel;
- soft sand;
- silica sand; and
- brick-making clay.

- 2.18 The HMWP has a shortfall in site allocations to meet the apportionment for sharp sand and gravel. Therefore, unplanned opportunities are an important element of meeting this apportionment. Safeguarding can help ensure such opportunities are spotted and maximised.



- 2.19 Soft sand and silica sand resources are more scarce in Hampshire compared to sharp sand and gravel and this may be reflected in the approach the Hampshire Authorities take to proposals that may sterilise these resources.
- 2.20 The HMWP also identifies the known economically viable resources of soft sand and potentially silica sand at Whitehill & Bordon in East Hampshire for specific safeguarding. These resources have been specifically safeguarded as they are subject to a known development pressure.
- 2.21 Brick-making clay is important to maintain the productivity of Hampshire's brickworks. Consideration should be given to the proximity to the brickworks if a site contains suitable and viable deposits of brick-making clay. The HMWP contains criteria to determine the suitability of viable brick-making clay deposits for extraction. Where other non-minerals-or-waste development is proposed, the suitability and viability of extraction of known mineral resources in that location needs to be considered in any planning applications.
- 2.22 Hampshire also has mineral deposits of chalk, other non brick-making clay, oil, gas, Malmstone and Clunch. These mineral resources are not safeguarded in Hampshire for the reasons outlined in paragraphs 6.16 and 6.17 of the HMWP.
- 2.23 Any proposal for other forms of development (non-minerals) affecting safeguarded mineral resources should be subject to consultation with the relevant MWPA in accordance with the defined MCA. While this guidance outlines consultation procedures between the LPAs and the MWPA for when planning applications are submitted (as set out in [Development Proposals \[See page 23\]](#)), the Hampshire Authorities encourage developers to approach the relevant MWPA as early as possible regarding any potential minerals and waste safeguarding issues.
- 2.24 The safeguarding of land for minerals resources and the inclusion of this land within the MSA and thereafter the MCA does not give any presumption that mineral working will be permitted. However, there will be an expectation that LPAs will not normally permit other types of development (non-minerals) within the MCA in order to avoid needless sterilisation of the mineral resources, unless the safeguarding issue has been appropriately addressed. The Hampshire Authorities acknowledge that safeguarding is not a bar on non-mineral developments. Whether planning permission should be granted or not for non-minerals-or-waste development will depend on the circumstances of each individual proposal and the decision lies with the LPA.
- 2.25 *Policy 15 (Safeguarding - mineral resources)* sets out criteria where development without the prior extraction of the mineral resources in the MCA may be permitted. In situations where a LPA is minded to approve a non-minerals development in the Hampshire MCA that would lead to the sterilisation of a resource, the Hampshire Authorities will encourage and support the prior extraction of the resource, either before or as part of the development, wherever this is practicable. The consideration of prior extraction in a sequential approach that maximises the quantities of minerals recovered is set out in [Avoiding sterilisation of mineral resources. \[See page 14\]](#)

## Minerals and waste infrastructure

## Mineral Infrastructure

- 2.26 Safeguarding the infrastructure that supports the supply of minerals for Hampshire is just as important as safeguarding mineral resources. Existing and planned minerals sites are essential as they contribute to meeting Hampshire's demand for aggregates and for some types of waste management. Safeguarding allows the MWPA to recommend refusal and resist other types of future non-minerals development which could be incompatible with existing or planned mineral infrastructure and uses.
- 2.27 *Policy 16 (Safeguarding - mineral infrastructure)* of the HMWP provides the policy framework for the safeguarding of mineral infrastructure in Hampshire.

### **Safeguarding of mineral infrastructure applies to the following types of sites in Hampshire:**

- **aggregate wharves, including ancillary plant;**
- **aggregate rail depots, including ancillary plant;**
- **aggregate recycling sites;**
- **sand and gravel quarries (sharp sand and gravel, soft sand, silica sand);**
- **clay quarries;**
- **chalk quarries;**
- **oil and gas development sites;**
- **concrete batching; and**
- **sites allocated in the HMWP for the above functions.**

## Waste Infrastructure

- 2.28 Safeguarding waste infrastructure that supports waste management provisions in Hampshire is important to allow Hampshire to sustainably manage its waste arisings. Non-waste developments can impact the operation of existing sites or viability of planned sites.
- 2.29 *Policy 26 (Safeguarding - waste infrastructure)* of the HMWP provides the policy framework for waste infrastructure safeguarding in Hampshire.

**Safeguarding of waste infrastructure applies to the following types of waste sites in Hampshire:**

- **Household Waste Recycling Centres (HWRC);**
- **composting sites;**
- **material recovery facilities (MRF);**
- **waste transfer stations (WTS);**
- **metal recycling sites;**
- **energy recovery facilities (ERF);**
- **waste water treatment sites;**
- **other specialist waste management uses (such as hazardous waste and waste water treatment);**
- **landfill sites; and**
- **sites allocated in the HMWP for the above functions.**

### Potential minerals and waste wharf and rail depot infrastructure

- 2.30 Safeguarding potential minerals and waste wharf and rail depot infrastructure allows consideration of potential minerals and waste interests on these sites when any future planning decisions are made.
- 2.31 *Policy 34 (Safeguarding potential minerals and waste wharf and rail depot infrastructure)* of the HMWP identifies sites and areas which, if they become available or are released from present uses, are safeguarded so they can be considered for their suitability for minerals and waste wharf or rail depot uses.

### Safeguarding considerations for minerals and waste infrastructure

- 2.32 The minerals and waste infrastructure safeguarded at the time of the adoption of the HMWP is set out in *Appendix B - List of safeguarded minerals and waste sites* of the Plan. All minerals and waste infrastructure required to meet current and future demands for minerals and waste management is safeguarded. This includes sites allocated in the HMWP.
- 2.33 All further minerals infrastructure granted planning permission following the adoption of the HMWP which meet the criteria for safeguarding outlined in paragraphs 6.23 and 6.156 of the HMWP will also be safeguarded. The safeguarding status of minerals and waste infrastructure sites will be reviewed by the relevant MWPA and will be considered through the monitoring of the HMWP. The updated list of safeguarded minerals and waste sites will be made available online<sup>8</sup> and reflected in updates to the MCA ([Mineral Consultation Area \(MCA\) \[See page 7\]](#)).
- 2.34 The supporting text for policies 16 (*Safeguarding - mineral infrastructure*), 26 (*Safeguarding - waste infrastructure*) and 34 (*Safeguarding potential minerals and waste wharf and rail depot infrastructure*) of the HMWP provides more information and guidance on issues associated with the safeguarding of minerals and waste infrastructure. In particular the HMWP details:

- potential issues of encroachment which may impact the operation of mineral infrastructure (see paragraph 6.26 of the HMWP);
- reasons why minerals or waste infrastructure may have been safeguarded (see paragraphs 6.23 and 6.151 - 6.53);
- what happens if alternative uses of wharf and rail depots are proposed (see paragraph 6.26);
- potential for regeneration and how this may impact minerals sites e.g. wharves and rail depots (see paragraph 6.29);
- circumstances where it may be undesirable to continue safeguarding a minerals or waste site (see paragraphs 6.30 and 6.158); and
- safeguarding of further waste sites that are permitted following the adoption of the HMWP (see paragraph 6.156).

2.35 Minerals processing, waste management or waste disposal can bring potential impacts on sensitive receptors (such as housing or schools) in the proximity of sites. New, non-minerals-or-waste development in the vicinity of such sites could prejudice the continued operation, or potential future operation, of minerals or waste activity. Hence, the key concern is the possible location of new sensitive land uses near the sites.

2.36 The identification of land as a safeguarded minerals or waste site is not an absolute bar on alternative development that might impact that site, in line with provisions that have been set out in the HMWP. The circumstances of each individual case will need to be considered, however the general presumption will be that minerals and waste uses will be protected, unless outweighed by the merits of the development, in accordance with the HMWP.

2.37 Where development is close to a safeguarded site, careful assessment and consideration will be required to establish whether or not the development can proceed without inappropriately constraining the safeguarded site. This will ensure that non-minerals-or-waste development sites can be developed whilst maintaining the ability of the minerals or waste safeguarded site to operate. These developments should consider issues such as:

- the **distance** of the development from the safeguarded site;
- the presence of any buildings to **screen** the development;
- the ability of the development to introduce layout, design and other **mitigation** measures to mitigate its potential effect on the safeguarded site;
- **existing** planning conditions on the minerals and waste infrastructure;
- pre-existing **conditions**, such as background noise and lighting; and
- whether the **merits** of the development (for example its ability to deliver strong regeneration benefits) clearly outweigh any remaining impact on the site.

2.38 Considering the relevant issues at the design stage is likely to offer the greatest opportunities to eliminate or reduce potential impacts. Adaptations could be made to:

- the **design** of the non-minerals-or-waste development itself e.g. the orientation or building materials; or
- its **surroundings** e.g. through the use of a specifically landscaped buffer zone; or
- the way the development is **used** e.g. by changing the proposed traffic movements.

**The Hampshire Authorities encourage discussions regarding minerals and waste safeguarding issues with the relevant MWPA as soon as possible and particularly prior to the submission of a planning application.**

### 3. Preparation of planning applications for non-mineral or waste uses

- 3.1 The Hampshire Authorities support the full utilisation of mineral resources, subject to environmental and other constraints, wherever they are found, within or outside the MSA. The Hampshire Authorities welcome engagement with developers at any stage of the planning process to further discuss opportunities for mineral extraction, and particularly encourage **early discussions, before planning applications are submitted**.

#### Developer considerations

##### Avoiding sterilisation of mineral resources

- 3.2 Avoiding the sterilisation of mineral resources is an important sustainability issue in Hampshire, both in terms of self-sufficiency regarding its mineral needs and in terms of preserving these resources for future generations. Additionally, it also represents an opportunity to increase the sustainability of development proposals by considering the minerals as a resource through on-site use of local minerals, including any material that is extracted through incidental activities (such as excavating for footings or landscaping).

In line with the safeguarding policies set out in the HMWP, the Hampshire Authorities promote the consideration of prior extraction in a sequential approach.

- ***Larger scale extraction:*** There may be an opportunity to extract the full mineral resource or a significant proportion. This will be the option most favoured by the MWPA as it will maximise the extraction of the resource and avoid its sterilisation. However, there will be no presumption that the mineral will be worked in full. Extraction would likely be a separate activity to the non-minerals-or-waste development and may include restoration of the land to make it suitable for future non-minerals-or-waste development.
- ***Medium to smaller scale extraction:*** Where there is no opportunity for a more comprehensive extraction of the mineral resources present, it may be possible to conduct prior extraction as an integral part of the development (such as during the preparation of the land for the development). The material could then either be processed and used on site or exported to a suitable site.
- ***Incidental extraction:*** Any preparation of the site for the development may result in the extraction of suitable mineral that could be processed and used on site. This is the minimum level of prior extraction that the MWPA would seek as part of any non-minerals-or-waste development in the MCA, as these activities are likely to occur with any relevant proposed development.

The Hampshire Authorities also promote this approach for sites outside the MCA whenever suitable mineral resources are found.

- 3.3 The aim of *Policy 15 (Safeguarding - mineral resources)* is to avoid the needless sterilisation of proven mineral resources. Therefore, in order to minimise the sterilisation of resources, the Hampshire Authorities encourage the maximum possible level of prior extraction, depending on the viability of mineral extraction.
- 3.4 Any non-minerals proposal falling within the MCA and likely to impact mineral resources will require exploratory work, such as boreholes, prior to its development in order to investigate the mineral resource that may be present and the potential for its extraction.
- 3.5 The viability of proposals for the extraction of mineral resources will be impacted by any constraints affecting the proposed development. It is likely that many of the same constraints that apply to the non-minerals or waste aspect of the development will also apply to proposals for mineral extraction. Therefore similar avoidance or mitigation measures could be applied.
- 3.6 If necessary, early discussions with the LPA and the MWPA will help explore potential planning conditions and whether separate planning permission is required from the MWPA. It is expected that prior extraction would form part of the planning application and this would be determined by the LPA. However, if larger scale extraction is considered viable, it is expected that this would be subject to a separate planning application which would be determined by the relevant MWPA.

### Recycled aggregates

- 3.7 In addition to prior extraction considerations, the Hampshire Authorities encourage developers to maximise the use of recycled aggregates. This will improve the sustainability of both the development and mineral provision in Hampshire.
- 3.8 This is discussed in policies *18 (Recycled and secondary aggregates development)* and *30 (Construction, demolition and excavation development)* of the HMWP, where the Plan highlights the need to reduce reliance on primary aggregates (those that have been directly extracted from the ground or sea) and to reuse and recycle as much waste as possible.
- 3.9 Discussions with the MWPA and minerals operators relating to minerals and waste safeguarding are a good opportunity to explore the potential for use of recycled aggregate in the proposed development and the Hampshire Authorities welcome such approaches.

### Consideration of existing or future minerals and waste infrastructure

- 3.10 It is important to consider current and potential mineral and waste uses in proximity to a proposed development site. This is in order to avoid prejudicing the operation of these sites. New uses in the proximity of a minerals and waste site may affect the viability of operations at that site due to the new impacts that may arise. The MWPA is likely to recommend refusal for development that is incompatible with existing or proposed minerals and waste sites, unless the relevant criteria in the safeguarding policies of the HMWP are met.

- 3.11 Further information on the safeguarded sites, safeguarding minerals and waste infrastructure policies and the relevant safeguarding considerations to be considered can be found in [Minerals and waste infrastructure \[See page 9\]](#).

### Pre-application

- 3.12 Developers should identify whether their proposed development site is located within the MCA at the earliest stage possible, as this is an indication that there may be minerals and waste issues. The Hampshire Authorities encourage discussions with the relevant MWPA at the earliest opportunity.
- 3.13 Pre-application discussions allow the developer and the MWPA to discuss:
- any **safeguarding issues** (e.g. will the proposal result in the sterilisation of viable mineral resources or have an impact on the operation of an existing minerals or waste site);
  - whether further information may be required and the **level of detail needed**;
  - potential **opportunities to eliminate, reduce or mitigate any safeguarding issues**; and
  - potential **opportunities for the prior extraction of minerals**, including sustainable use of the mineral in the development scheme.
- 3.14 Early consideration of the location of mineral resources will allow design schemes to take prior extraction into account and plan for a change in ground levels or use of landscaping. Where mineral resources are extracted, they could be used on-site, reducing the need to import or export the material.
- 3.15 Pre-application discussions present the best opportunity to plan the timing of any workings and incorporate sustainable mineral use in the design of a development.
- 3.16 Consideration at the pre-application stage also means that safeguarding issues are taken into account in advance of any planning application, thereby reducing any impacts on the duration and decision making of the planning application itself and reducing the likelihood of the MWPA recommending the planning application is refused.

#### Early engagement with the MWPA will help to avoid:

- **delays at the planning application stage, as the developer will have already gathered the necessary information and the MWPA will have already considered the proposal;**
- **recommendations of refusal to the planning application, as opportunities for mineral extraction and protecting safeguarded sites will have been appropriately considered and maximised where possible; and**
- **delays during development, as any prior extraction or mitigation measures will have been integrated into the general phasing of the development.**



## Information developers may need to provide

- 3.17 Where a development proposal is located within a MCA the MWPA will need certain information in order to assess:
- whether and **to what extent mineral resources are likely to be sterilised**;
  - the **level of prior extraction** that could take place;
  - whether any existing or proposed minerals or waste **infrastructure is likely to be affected**; and/or
  - whether any of the **relevant criteria** in the safeguarding policies of the HMWP apply to a particular non-minerals-or-waste development.
- 3.18 The relevant information should be provided to the MWPA and the LPA by the developer. If this information is not provided, the MWPA will request it in order that an evidence-based judgement can be made.

### This should include information on:

- **site setting (such as nature conservation designations, landscape character, proximity to local communities, highways infrastructure, utilities etc);**
- **the planning status of the site;**
- **the mineral potential e.g. quality and quantity (see mineral exploratory data);**
- **any likely opportunities for the prior extraction of mineral resources;**
- **any constraints to the prior extraction of mineral resources;**
- **any opportunities for incidental extraction as part of the development of the site (e.g. foundations and footings);**
- **mineral resources outside of the MCA / MSA in proximity to the site;**
- **evidence of discussions with local operators to confirm the viability of prior extraction, where relevant; and**
- **information on current throughput and like for like capacity availability within the county, where it is proposed to remove the safeguarding status from an existing operational site.**

## Mineral exploratory data

- 3.19 In order to assess the quality and quantity of the mineral resource that is potentially impacted by a development proposal, it is likely that a developer will need to undertake mineral exploratory work. This should include boreholes and/or trial pits.
- 3.20 The MSA and MCA layers are based on BGS data, most of which can be found on their website, including scans of borehole information that the BGS holds<sup>9</sup>. This data is meant to be used at a 1:50,000 scale. This means it can only give an indication that mineral is likely to be present. Therefore, the developer will need to undertake exploratory work to locally test the extent of the mineral.
- 3.21 To ensure that a comprehensive assessment is undertaken on a site, the Hampshire Authorities recommend that:

9. BGS Geology for Britain Viewer: [mapapps.bgs.ac.uk/GeologyofBritain/home.html](http://mapapps.bgs.ac.uk/GeologyofBritain/home.html)

- a combination of borehole and trial pits are undertaken;
- the borehole depths are to at least 5 metres;
- limitations on depth should be noted in any assessment e.g. water strike; and
- a non-stratified sampling technique is applied (see figure below).

Figure 2: Preferred borehole sampling technique (red line represents proposed development boundary, light green area represents MCA)

Non-stratified systematic



Non-stratified random



Stratified systematic



Stratified random



Source: Hampshire Authorities, 2015

## Redevelopment proposals

- 3.22 In some instances, previously developed land may come forward for redevelopment. This may include areas of Hampshire which are released from Ministry of Defence uses. All such areas are likely to be outside of the MSA and MCA as they have previously been considered as urban (see [Mineral Safeguarding Area \(MSA\) \[See page 6\]](#)). However, these sites may also lie in areas where the MWPA has knowledge of the geology in the area or there are known mineral resources in proximity to the proposed development site. If they lie outside the MSA, these sites are not safeguarded. However, the Hampshire Authorities encourage the sustainable use of minerals wherever they are found as part of the re-development of the site.
- 3.23 Their release for redevelopment may provide an opportunity to examine whether prior extraction of the mineral resources can take place in these locations, before the site is redeveloped (i.e. to avoid needless sterilisation). The Hampshire Authorities promote the sequential approach to the consideration of prior extraction, as outlined in the section on [Avoiding sterilisation of mineral resources \[See page 14\]](#), but also recognise that previously developed land may have additional constraints on development and the potential for prior extraction.

## 4. Minerals and waste safeguarding procedures

### Existing consultation procedures

4.1 Hampshire's LPAs are already consulted by the Hampshire Authorities on:

- **minerals and waste plan-making;**
- **all minerals and waste applications within their administrative area (or if their administrative area is impacted by a proposed development).**

4.2 In addition, Hampshire's LPAs consult the Hampshire Authorities on:

- local plan-making; and
- certain planning applications within their administrative area.

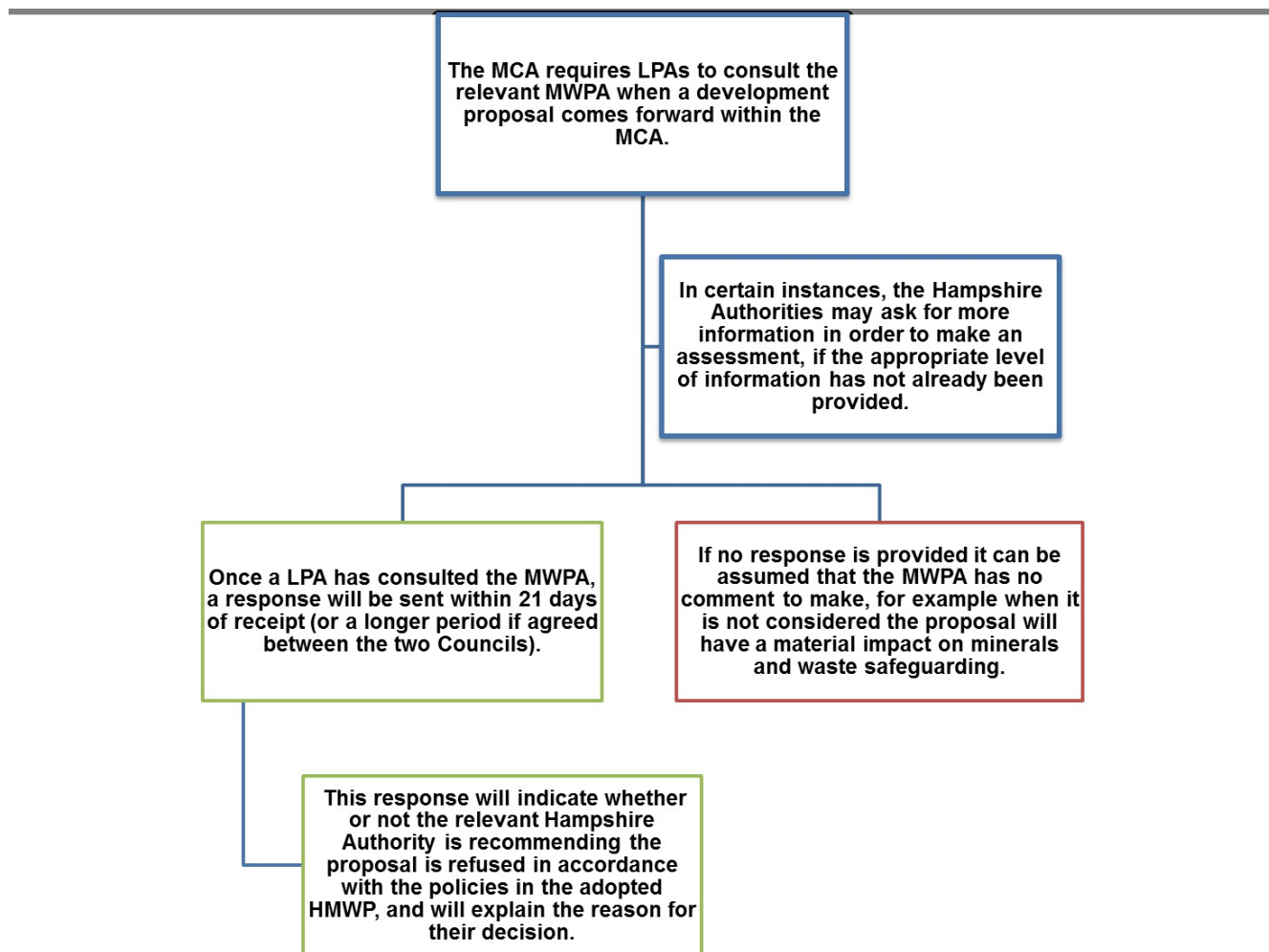
4.3 This guidance does not involve any changes to these current arrangements.

### General consultation arrangements

4.4 As set out in [Mineral Consultation Area \(MCA\) \[See page 7\]](#), Hampshire has a MCA which is defined and published by HCC (on behalf of the Hampshire Authorities). This is published separately to the HMWP and is distributed to all of Hampshire's LPAs.

4.5 The following figure illustrates the proposed consultation arrangements regarding minerals and waste safeguarding.

Figure 3: Proposed general consultation arrangements



Source: Hampshire Authorities, 2015

4.6 Hampshire's LPAs will be expected to consult the relevant MWPA when considering Local Plan site allocations or determining non-mineral or waste planning applications, in line with the following principles:

- the development proposed has the potential to prejudice the effective operation of minerals or waste sites that are currently in use or permitted for such use;
- the development proposed would by virtue of its nature or scale, have the potential to sterilise mineral resources within the MCA (including site allocations);
- there is a potential impact on the future operations of a safeguarded minerals site, either allocated or existing as listed in *Appendix B* of the HMWP (and any updates to that list);
- there is a potential impact on the future operations of a safeguarded waste site, either allocated or existing (including waste water and sewage treatment works) as listed in *Appendix B* of the HMWP (and any updates to that list); or
- there is a potential impact on the sites or areas identified for safeguarding so that they can be considered for their suitability for a minerals or waste wharf or rail depot.

- 4.7 The relevant LPA will need to come to a view regarding the need for consultation based on the above broad criteria and depending on the type, scale and location of development. To assist in this, specific criteria have been developed and are discussed in the sections on:
- Local Plan work ([Local Plan preparation \[See page 22\]](#)); and
  - proposals for non-minerals-or-waste development ([Development Proposals \[See page 23\]](#)).
- 4.8 **If the LPA is any doubt on whether to consult the MWPA, consultation should take place.**
- 4.9 As the MCA already incorporates appropriate buffers, Hampshire's LPAs **do not need to apply additional buffering** when deciding when to consult the MWPA unless they are aware of particular circumstances that may warrant this (e.g. elements of a planning application, such as a haul road, that may extend the impact of the development beyond its site boundaries).

## Local Plan preparation

- 4.10 Consultation as part of Local Plan preparation is important for a number of reasons. Most notably, to ensure that the MCA is part of the Local Plan and that any allocated sites that might have an impact on mineral resources or minerals and waste infrastructure have considered these potential impacts.

**The LPA should consult on all relevant allocated sites within the MCA and policy proposals that may impact minerals or waste safeguarding. This includes where the proposal:**

- **fully or partially overlies potential mineral resources, as indicated by the MCA;**
- **is within or adjacent to an existing mineral or waste site, as indicated by the MCA;**
- **is within or adjacent to a safeguarded mineral or waste site, as indicated by the MCA; or**
- **is a new designation of land fully or partially within the MCA (e.g. Conservation Area, Green Belt, Air Quality Management Area or Site of Importance for Nature Conservation).**

- 4.11 The reasons for consultation are set out in more detail in [Appendix 1: Consultation with the MWPA on LPA Local Plan work \[See page 33\]](#).
- 4.12 Any site allocations that meet one or more of the above criteria will need to show how the LPA has considered the specific impact that allocation could have on the relevant minerals or waste safeguarding and may need to include appropriate development considerations.

- 4.13 While Neighbourhood Plans can differ from Local Plans in their scale and preparation procedures, they may still need to consider minerals and waste safeguarding. Therefore the Hampshire Authorities recommend that LPAs and others involved in the preparation of Neighbourhood Plans follow the same consultation procedures as for Local Plans.

## Development Proposals

- 4.14 When a planning application is received by a LPA for a non-minerals-or-waste development and the site is located within the MCA, the Council should apply the following tests to highlight whether consultation with the MWPA is required.

**The LPA should consult on all relevant development proposals within the MCA with the exception of developments that have no implications for mineral or waste safeguarding. A simple definition of what development requires consultation is where the proposal:**

- involves an area which is over 3 hectares (ha); or
- is within or adjacent to an existing mineral or waste site; or
- is within or adjacent to a safeguarded or allocated mineral or waste site.

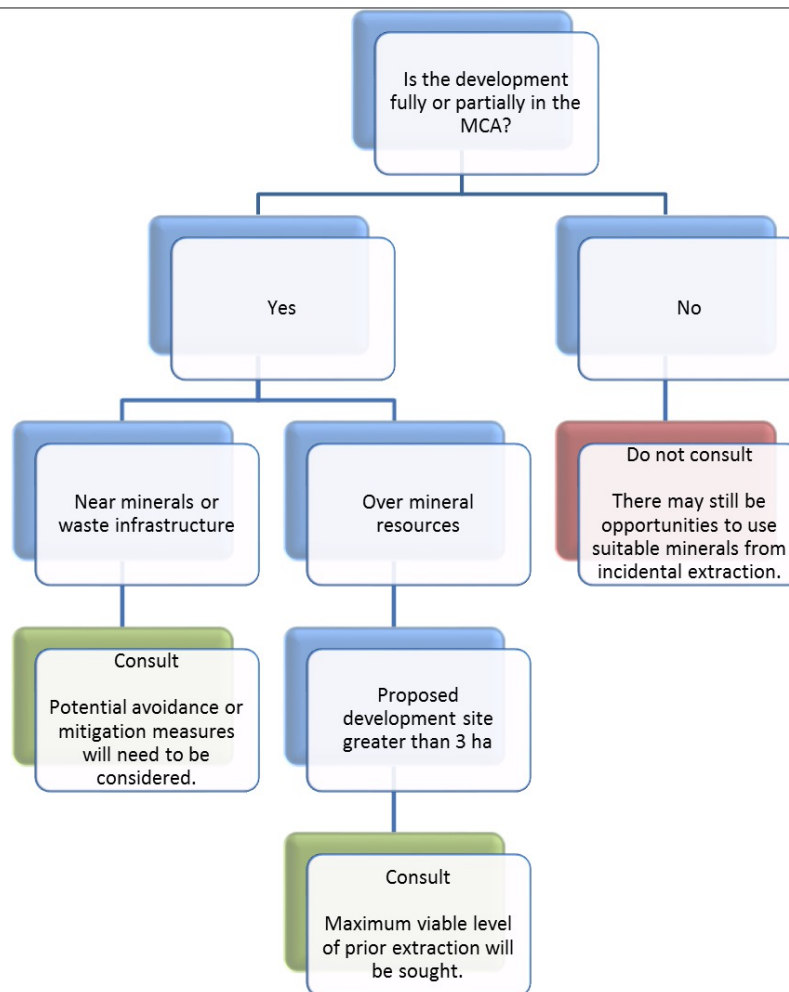
- 4.15 Consultation with the MWPA is important for a number of reasons which are set out in more detail in [Appendix 2: Consultation with the MWPA on non minerals or waste planning applications \[See page 34\]](#). In order to clarify the above guidance, this Appendix also includes examples of different proposals that are and are not of relevance to the MWPA.
- 4.16 A threshold of 3 ha has been set by the Hampshire Authorities. This is based on consultation with interested parties, analysis of past planning applications and estimates of viable mineral resources. The threshold will be kept under review and updated as necessary, in consultation with the LPAs. It has the following implications:

- The 3 ha threshold relates to the impact a non-mineral development may have on potential mineral resources, as indicated by the MCA. Smaller developments may still impact the viability of safeguarded minerals or waste sites, which is why there is no threshold set for consulting if the impact relates to a safeguarded minerals or waste site.
- Proposals with a site area of less than 3 ha are unlikely to be recommended for refusal. However, consideration should be made if a proposal sits alongside other piecemeal development (i.e. other small proposal clusters within the MCA) or there are known future plans for development (i.e. site is located within a wider development area). The LPAs should advise the relevant MWPA where they are aware of this kind of situation.
- Proposals with a site area of less than 3 ha, or even outside the MCA, may still provide suitable mineral material (e.g. from digging footings, excavations or landscaping work) that could be processed and, ideally, used on site. The Hampshire Authorities strongly support every effort to make use of such material (see [Mineral resources \[See page 8\]](#) and [Avoiding sterilisation of mineral resources \[See page 14\]](#)).
- Proposals with a site area of more than 3 ha will require further information on mineral potential and whether the proposal can accommodate prior extraction. However, this issue should be considered on balance with the type of proposal and the importance of the mineral resource.

4.17 The above guidance is also summarised in the following figure.



Figure 4: Decision chart for consulting the MWPA on development proposals



4.18 *Source: Hampshire Authorities, 2015*

4.19 There is no need to consult the MWPA on developments that have no implications for mineral or waste safeguarding and examples of these are given in [Appendix 2: Consultation with the MWPA on non minerals or waste planning applications \[See page 34\]](#). However if in doubt, or to simplify the consultation procedure, the LPA should apply the broad criteria described above and the MWPA will decide on the relevance of individual proposals.

## Policies Maps

- 4.20 The Hampshire Authorities have published a live and interactive Online Policy Map [INSERT LINK]. This map includes the most up-to-date information on safeguarded mineral resources and minerals and waste infrastructure. It also includes the sites allocated in the HMWP.
- 4.21 The Hampshire Authorities will seek to keep the Online Policy Map up-to-date and available on the HCC website<sup>10</sup> for LPAs to refer to and cross-reference with their own information. The Hampshire Authorities will aim to update it at least once a year as part of the monitoring of the HMWP.

10. Hampshire County Council website (planning section): [www.hants.gov.uk/county-planning](http://www.hants.gov.uk/county-planning)

- 4.22 LPAs should keep their electronic policy information up-to-date and revise printed copies when cost effective to do so.
- 4.23 The LPAs Policies Map should include the following information:
- the Mineral Safeguarding Area (MSA);
  - the mineral site allocations (in the HMWP or any reviews of the HMWP);
  - the waste site allocations (in the HMWP or any reviews of the HMWP); and
  - cross reference to the most up-to-date list of safeguarded minerals and waste sites.
- 4.24 The Hampshire Authorities are monitoring the implementation of the HMWP following its adoption. A MR is produced annually, is a useful reference for up-to-date information on minerals and waste and is accompanied by an updated list of safeguarded minerals and waste sites. Both can be found on the HCC website<sup>11</sup> .

### **Consideration of comments received from the Minerals and Waste Planning Authority (MWPA)**

- 4.25 Any comments received from the MWPA will be considered by the LPA in determining the application, alongside all other material considerations.
- 4.26 Where the LPA is minded to approve a planning application which has been recommended for refusal by the MWPA on mineral sterilisation grounds, they will inform the MWPA of this intention and will not determine the application until either the MWPA has confirmed that it does not wish to refer the application to the Secretary of State, or a period of 21 days has passed, whichever is the shorter. This period will allow the MWPA to request the Secretary of State to call in the application where this is considered necessary. It is expected that such requests will only be made in exceptional cases. Wherever possible, in order to avoid delays in the process, the MWPA's initial response to the LPA will include a statement indicating whether or not a request to the Secretary of State will be made in the event that the LPA is minded to approve the application.

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11. Hampshire County Council website (policy information): [www3.hants.gov.uk/mineralsandwaste/pd-facts-and-figures.htm](http://www3.hants.gov.uk/mineralsandwaste/pd-facts-and-figures.htm)

## Glossary and abbreviations

**Aggregate recycling site:** Facilities where hard, inert materials are crushed and screened (filtered) to produce recycled/secondary aggregate of various grades. Aggregates may be produced from construction, demolition and excavation (CDE) waste, or incinerator bottom ash (IBA) from energy recovery facilities.

**Brick-making clay:** Clay which is specifically used for brick or tile making. Brick-making clay is associated with Hampshire's brickworks.

**British Geological Survey (BGS):** The BGS provides earth science information, expertise, services and impartial advice in all areas of geoscience.

**Chalk:** A soft white rock primarily formed from the mineral calcite. One of the uses of this mineral is in agriculture.

**Clay:** A fine-grained, firm earthy material that is plastic when wet and hardens when heated, consisting primarily of hydrated silicates of aluminium and widely used in making bricks, tiles, and pottery.

**Certificate of Lawfulness for an Existing Use or Development (CLEUD):** A method to establish formally that an existing use or development is lawful at the time the application is made.

**Certificate of Lawfulness for a Proposed Use or Development (CLOPUD):** A method to establish whether a use or development (which has not yet occurred) needs planning permission.

**Composting:** Aerobic decomposition of organic matter to produce compost for use as a fertiliser or soil conditioner.

**Construction, Demolition & Excavation Waste (CDE):** Waste generated by the construction, repair, maintenance and demolition of buildings and structures. It mostly comprises brick, concrete, hardcore, subsoil and topsoil but can also include timber, metals and plastics.

**Curtilage:** The curtilage is the enclosed plot of land on which a building sits, including any of its associated outbuildings, and is demarcated by the boundaries of the land, though what may be the curtilage of a particular building is variable depending on a number of relevant matters of fact and degree.

**Department of Communities and Local Government (DCLG):** The UK Government department for communities and local government in England.

**Energy Recovery Facility (ERF):** A facility at which waste material is burned to generate heat and/or electricity.

**Environment Agency (EA):** A public organisation with the responsibility for protecting and improving the environment in England and Wales. Its functions include the regulation of industrial processes, the maintenance of flood defences and water resources, water quality and the improvement of wildlife habitats.

**Existing mineral site:** A site which has planning permission for minerals uses. The majority of existing mineral sites are also safeguarded through 'Appendix B - List of safeguarded minerals and waste sites of the Hampshire Minerals & Waste Plan'. This list will be updated through the annual monitoring of the Plan.

**Existing waste management site:** A site which has planning permission for waste uses. The majority of existing waste sites are also safeguarded through 'Appendix B - List of safeguarded minerals and waste sites' of the Hampshire Minerals & Waste Plan'. This list will be updated through the annual monitoring of the Plan.

**Gas:** A hydrocarbon and a non renewable resource.

**Hampshire Authorities:** The Hampshire Authorities comprises Hampshire County Council, Southampton City Council, Portsmouth City Council and the New Forest National Park Authority who have worked in partnership to produce this supplementary document.

**Hampshire County Council (HCC):** The county council that governs the county of Hampshire in England. The authority is one of the partners in the Hampshire Minerals & Waste Plan and the preparation of this SPD.

**Hampshire Minerals & Waste Plan (HMWP):** A policy document which facilitates the delivery of the right minerals and waste development in the right place at the right time up to 2030. The HMWP was produced in partnership by Hampshire County Council, Southampton City Council, Portsmouth City Council, New Forest National Park Authority and the South Downs National Park Authority.

**Historic England (HE):** This is a non-departmental public body which acts to preserve and protect England's historic environment. This body was formerly a constituent part of English Heritage, which is now a charitable organisation that cares for historic buildings, monuments and sites.

**Household waste:** Waste arising from domestic property which has been produced solely from the purposes of living, plus waste collected as litter from roads and other public places.

**Household Waste Recycling Centre (HWRC):** A facility provided by the Local Authority which is accessible to the general public to deposit waste which cannot be collected with the normal household waste, such as bulky items, garden waste and engine oil (formerly known as civic amenity sites).

**Incidental extraction:** Extraction or digging up of soils and mineral material as part of other work relating to the proposed development, e.g. when digging for footings or during landscaping work.

**Landfill:** The deposit of waste into voids in the ground.

**Local Planning Authority (LPA):** The local authority or council that is empowered by law to exercise statutory development planning functions for a particular area of the UK.

**Major development (except for Policy 4 of the HMWP - Protection of the designated landscape):** All mineral extractions, landfill and hazardous/low level radioactive facilities, as well as developments that occupy at least a hectare of land and/or have a throughput of 50,000 tonnes per annum.

**Metal recycling site:** A facility where metals removed from the waste stream are sorted. Different types of metals will then be re-used, recovered or recycled into secondary materials.

**Material considerations:** A material consideration is a matter that should be taken into account in deciding a planning application or on appeal against a planning decision. Material considerations can include (but are not limited to); overlooking/loss of privacy, loss of light or overshadowing, parking and highway safety. Issues such as loss of view, or negative effect on the value of properties are not material considerations.

**Ministry of Defence (MoD):** The Government department responsible for implementation of the government defence policy.

**Mineral:** Limited and finite natural resources which can only be extracted where they are found geologically.

**Mineral Consultation Area (MCA):** An area identified to ensure consultation between the relevant Local Planning Authority, the minerals industry and the Minerals and Waste Planning Authorities before certain non-mineral planning applications made within the area are determined. The Hampshire Mineral Consultation Area incorporates the Mineral Safeguarding Area.

**Mineral resources:** Mineral aggregates and hydrocarbons, which naturally occur in geological deposits in the earth.

**Mineral Safeguarding Area (MSA):** The MSA is defined by Minerals and Waste Planning Authorities. It includes viable resources of aggregates and are defined to prevent proven resources of aggregates from being sterilised by non-mineral development. The MSA does not provide a presumption for these resources to be worked.

**Minerals and Waste Planning Authorities (MWPA):** The local planning authorities (County and Unitary Councils) responsible for minerals and waste planning. In Hampshire, Hampshire County Council, Portsmouth and Southampton City Councils, the New Forest National Park Authority and South Downs National Park Authority are Minerals and Waste Planning Authorities.

**Monitoring:** Minerals and waste developments are monitored to ensure that they comply with the policies of the plan and planning conditions attached to their permissions. The HMWP will also be subject to monitoring.

**Monitoring Report (MR):** The HMWP is monitored by HCC on behalf of the Hampshire Authorities and the SDNPA to assess the effectiveness of the policies and site allocations. The results are published in a Monitoring Report which is intended to be published annually.

**National Planning Policy Framework (NPPF):** Originally published in March 2012, the NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF is subject to revisions occasionally and the most recent version should be referred to<sup>12</sup>.

**Natural England:** Public body tasked with the conservation and improvement of the natural environment. Natural England designates Areas of Outstanding Natural Beauty and National Parks, manages National Nature Reserves and notifies Sites of Special Scientific Interest.

**New Forest National Park:** The New Forest National Park was created in March 2005. The National Park lies mainly in south-west Hampshire - from east of the Avon Valley to Southampton Water and from the Solent coast to the edge of the Wiltshire chalk downs.

**New Forest National Park Authority (NFNPA):** The New Forest National Park Authority took up its full powers in April 2006. Its purposes are to conserve and enhance the natural beauty, wildlife and cultural heritage of the park, to promote opportunity for understanding and enjoyment of its special qualities and to seek to foster the social and economic well-being of local communities within the park. The authority is one of the partners in the Hampshire Minerals & Waste Plan and the preparation of this SPD.

**Non-minerals or waste proposal/development:** Development which is not minerals or waste related e.g. housing, retail, education etc.

**Oil:** A hydrocarbon and a non renewable resource.

**Planning application:** Operators proposing a new minerals or waste development need to apply for permission from the relevant planning authority in order to be allowed to carry out their operations.

**Planning permission:** Once planning applications have been reviewed by the relevant planning authority, permission may be granted - i.e. consent for the proposed development is given. Permissions may have certain conditions or legal agreements attached which allow development as long as the operator adheres to these.

**Portsmouth City Council (PCC):** The city of Portsmouth is administered by Portsmouth City Council, a unitary authority. The authority is one of the partners in the Hampshire Minerals & Waste Plan and the preparation of this SPD.

**Pre-application discussions:** Engagement / discussions between applicants (and their agents) with the relevant minerals and waste planning authority prior to any application being submitted.

**Rail depot:** A railway facility where trains regularly stop to load or unload passengers or freight (goods). It generally consists of a platform and building next to the tracks providing related services.

**Recovery:** Any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfill a particular function, or waste being prepared to fulfill that function, in a facility or in the wider economy.

**Regeneration:** Investment in an urban area by improving what is there or clearing it away and restoring.

**Recycling:** The series of activities by which discarded materials are collected, sorted, processed and converted into raw materials and used in the production of new products. Any recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. It includes the reprocessing of organic material but does not include energy recovery or reprocessing into materials that are to be used as fuels or for backfilling operations.

**Safeguarding:** The method of protecting needed facilities or mineral resources and of preventing inappropriate development from affecting these. Usually, where sites are threatened, the course of action would be to object to the proposal or negotiate an acceptable resolution.

**Safeguarded site:** Safeguarding protects minerals and waste sites from development pressures and inappropriate encroachment from nearby developments, preventing the unnecessary sterilisation of their associated resources and infrastructure.

**Sensitive Receptors:** The aspects of the environment likely to be significantly affected by the development, particularly population, fauna, flora, soil, water, air, climatic factors, material assets (including the architectural and archaeological heritage), landscape and the inter-relationship between these factors. These include Sensitive Human Receptors (locations where people live, sleep, work or visit that may be sensitive to the impact of minerals and waste activity on health, well-being and quality of life, such as houses, hospitals and schools).

**Silica sand:** Also known as industrial sand, contains a high proportion of silica in the form of quartz. It is produced from unconsolidated sands and crushed sandstones and is used for applications other than as construction aggregates (e.g. the production of glass).

**Site allocations:** Specific sites are identified for minerals and waste activities in the development plan that are viable opportunities, have the support of landowners and are likely to be acceptable in planning terms.

**Southampton City Council (SCC):** The city of Southampton is administered by Southampton City Council, a unitary authority. The authority is one of the partners in the Hampshire Minerals & Waste Plan and the preparation of this SPD.

**South Downs National Park:** The National Park was formally established on 1 April 2011 and includes areas in the Hampshire County Council boundary.

**South Downs National Park Authority (SDNPA):** The South Downs National Park Authority took up its full powers in April 2011 and is responsible for all planning in the South Downs National Park. The authority was one of the partners in the Hampshire Minerals & Waste Plan.

**Statutory consultee:** These are organisations and public bodies who are required to be consulted concerning specific issues relating to planning applications. They also help inform any decision made by the planning authority.

**Urban areas:** An area characterised by higher population density and significant built development in comparison to areas surrounding it. Urban areas may be cities, towns or conurbations.

**Waste:** The Waste Framework Directive 75/442 (as amended) defines waste as 'any substance that the holder discards or intends or is required to discard'.

**Waste arisings:** Waste generated within a specified area.

**Waste Transfer Station (WTS):** A location where waste can be temporarily stored, separated and bulked after being dropped off by domestic waste collection lorries before being carried off by larger vehicles for subsequent treatment or ultimate disposal.



## Appendices

### Appendix 1: Consultation with the MWPA on Local Plan work

A LPA **should consult** the MPA where a Local Plan includes a proposed or adopted site allocation which meets the following criteria:

| Criteria for consulting the MWPA  | Reason   |
|---|--|
| A site allocation which includes an existing mineral working  | <p>Existing and allocated mineral and waste sites are essential for meeting Hampshire's demands for minerals and sustainable waste management. Non-minerals-or-waste development can impact the operation of existing sites and/or compromise the development of allocated sites.</p> <p><b>**Please note that if the safeguarded site includes a wharf, the LPA should also consult Hampshire County Council if the proposal is not within its administrative area.**</b></p> |
| A site allocation which includes an existing waste management site  |  |
| The site allocation lies within 250 metres of a site safeguarded for minerals and waste within a RURAL area |  |
| The site allocation lies within 50 metres of a site safeguarded for minerals or waste within an URBAN area  |  |
| A site allocation is within a safeguarded minerals or waste site  |  |
| A site allocation lies within or partially within the MCA   |  |

A LPA **should consult** the MWPA where a Local Plan includes a proposed designation which meets the following criteria:

| Criteria for consulting the MWPA   | Reason   |
|--|--|
| A proposal for a Conservation Area designation                                 | A proposed designation may be a consideration for existing minerals and waste development or for allocated minerals and waste sites as the designation would need to be taken into account as part of any future planning decision-making. |
| A proposal for a Green Belt designation  |  |
| A proposal for an Air Quality Management Area (AQMA) designation               | Minerals and waste developments may lead to an increase in HGV movements. The location of an AQMA is therefore an important consideration for any future planning decision-making.   |
| A proposal for a Site of Importance for Nature Conservation (SINC) designation | Minerals can only be worked where they are found. In many instances, viable mineral resources are located in the rural landscape. This may mean there are mineral resources located within or close to areas of designation.               |

## Appendix 2: Consultation with the MWPA on non minerals or waste planning applications

A LPA **should consult** the MWPA where a non-minerals and waste proposal meets the following criteria:

| Criteria for consulting the MWPA   | Reason   |
|--|--|
| The proposal includes an existing mineral working  | Existing and allocated minerals and waste sites are essential for meeting Hampshire's demands for minerals and waste management. Non-minerals-or-waste development can impact the operation of existing sites and/or compromise the development of allocated sites.<br><br><b>**Please note that if the safeguarded site includes a wharf, the LPA should also consult Hampshire County Council if the proposal is not within its administrative area.**</b> |
| The proposal includes an existing waste site   |  |
| The proposal lies within 250 metres of a site safeguarded for minerals and waste in a RURAL area   |  |
| The proposal lies within 50 metres (or directly opposite where the site is adjacent to a water body) of a site safeguarded for minerals and waste in an URBAN area |  |
| The proposal is within a safeguarded minerals or waste site  |  |
| The proposal lies within or partially within the MCA and has a development boundary greater than 3 hectares  |  |

In order to clarify specific scenarios that may arise, the following table gives some specific examples of proposals that the MWPA **does** want to be consulted on:

| Type of non-minerals & waste proposal   | Should the MWPA be consulted? |
|---|-------------------------------|
| A proposal with a development boundary greater than 3 hectares and involving the redevelopment of previously developed land | YES                           |
| Reserved matters for any proposal which has been granted permission (related to minerals and waste issues)                  | YES                           |
| Installation of a wind turbine on land with a development boundary greater than 3 hectares                                  | YES                           |
| Installation of solar panels on land with a development boundary greater than 3 hectares                                    | YES                           |

The following table outlines the types of non-minerals and waste proposals that the MWPA **does not** want to be consulted on (these are based on consultations previously received by the MWPAs):

| Type of non-minerals & waste proposal   | Should the MWPA be consulted? |
|---|-------------------------------|
| One-for-one replacement of dwellings  | NO                            |
| Loft conversion with an existing dwelling   | NO                            |
| Internal waterproof roof membrane for dwelling  | NO                            |
| Single-storey house extension   | NO                            |
| First floor side house extension  | NO                            |
| Cladding for a dwelling   | NO                            |
| Changes to a porch of a dwelling  | NO                            |
| Changes to a roof of a dwelling   | NO                            |
| Amendment, replacement or addition of a conservatory to a dwelling  | NO                            |
| Amendment, replacement or addition of a chimney stack   | NO                            |
| Installation of a wind turbine on a dwelling  | NO                            |
| Installation of a wind turbine on land (with a development boundary less than 3 ha)   | NO                            |
| Installation of solar panels on a dwelling  | NO                            |
| Installation of solar panels on land (with a development boundary less than 3 ha)   | NO                            |
| Amendment, replacement or addition of a driveway to a dwelling  | NO                            |
| Amendment, replacement or addition of fencing or a wall to a dwelling   | NO                            |
| New or relocation of an out-building for home/office/hobby use within the curtilage of an existing use                        | NO                            |
| Development of a porch as an addition to a dwelling   | NO                            |
| Placement of a mobile home within an existing caravan park  | NO                            |
| Use of a garage as ancillary living accommodation   | NO                            |
| Installation of a garage at or close to an existing dwelling  | NO                            |
| Use of land as garden curtilage   | NO                            |
| Development of a tennis court   | NO                            |
| Provision of open or recreational space as part of a development (not located in proximity to existing minerals or waste use) | NO                            |
| Demolition of dwellings or buildings where there are no plans for development of the land                                     | NO                            |
| Siting of portable cabins or containers   | NO                            |
| Erection of security lighting   | NO                            |
| Advertisement consent   | NO                            |
| Prior notifications   | NO                            |
| Installation of illuminated wall signs  | NO                            |
| Installation of a kickwall (for sports)   | NO                            |
| Applications for Listed Building Consent  | NO                            |
| Details submitted as reserve matters for residential or commercial developments (if not within the MCA)                       | NO                            |
| Development of an enclosure   | NO                            |
| Development of a ménage / school  | NO                            |
| Demolition of cartsheds   | NO                            |
| Permission for establishing a business from home  | NO                            |
| Tree Preservation Orders  | NO                            |
| Change of use   | NO                            |
| Reserved matters for any proposal which has been granted planning permission (non-minerals and waste issues)                  | NO                            |

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**This document can be made available in large print, on audio media, in Braille or in some other languages.**

**For further information, please contact Minerals and Waste Planning Policy in the Strategic Planning group:**

**Telephone: 0300 555 1389 or 01962 846591**

**Email: [planning.policy@hants.gov.uk](mailto:planning.policy@hants.gov.uk)**

Write to:

Minerals and Waste Planning Policy  
Strategic Planning  
Economy, Transport & Environment Department  
Hampshire County Council  
Floor 1 Elizabeth II Court West  
Winchester SO23 8UD

Internet: [www.hants.gov.uk/county-planning](http://www.hants.gov.uk/county-planning)

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# Agenda Item 8



Agenda item:

**Decision maker:** Cabinet Member for Planning, Regeneration and Economic Development - 23<sup>rd</sup> June 2015 and for information purposes only the Cabinet Member for Traffic and Transportation - 18<sup>th</sup> June 2015

**Subject:** Public Realm Strategy - Supplementary Planning Document

**Report by:** City Development Manager

**Wards affected:** All

**Key decision (over £250k):** No

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## 1. Purpose of report

- 1.1 The purpose of this report is to seek approval to create a Public Realm Strategy - supplementary planning document (SPD).

## 2. Recommendations

**It is recommended that the Cabinet Member for Planning, Regeneration and Economic Development authorises the City Development Manager (in conjunction with the Transport, Environment and Business Support service) to create a Public Realm Strategy - supplementary planning document and to report back a draft document for formal public consultation.**

## 3. Background

- 3.1 The definition of 'Public Realm' can include roads, streets, pedestrian routes, cycleways, publicly accessible open spaces such as parks and squares, and spaces between and around buildings.
- 3.2 The quality of the public realm is widely acknowledged as being essential to the creation of environments that people wish to live and work in.
- 3.3 The National Planning Policy Framework<sup>1</sup> (NPPF) stresses the importance of good design and that is '*important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes*' and that local planning policies and decisions should '*establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit*'.

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<sup>1</sup> <http://planningguidance.planningportal.gov.uk/blog/policy/>

- 3.4 The Planning Practice Guidance<sup>2</sup> also states that street design is important as *'successful streets are those where traffic and other activities have been integrated successfully, and where buildings and spaces, and the needs of people, not just of their vehicles, shape the area'*.
- 3.5 In addition, it states *'in many cases shortcomings in street design reflect the rigid application of highway engineering standards in terms of road hierarchies, junction separation distances, sight lines and turning radii for service vehicles. The result is often a sense of sprawl and formlessness and development which contradicts some of the key principles of urban design.'*
- Each street should be considered as unique – understand its location, character and eccentricities.*
- Every element of the street scene contributes to the identity of the place, including for example lighting, railings, litter bins, paving, fountains and street furniture. These should be well designed and sensitively placed. Unnecessary clutter and physical constraints such as parking bollards and road humps should be avoided. Street clutter is a blight, as the excessive or insensitive use of traffic signs and other street furniture has a negative impact on the success of the street as a place'*.
- 3.6 This is also supported by guidelines<sup>3,4,5,6</sup> produced by the Department for Transport (DfT) and Chartered Institution of Highways & Transportation (CIHT) which recognise the importance of 'placemaking' in the design of highways.
- 3.7 Creating a 'strong sense of place' and high quality design in the public realm not only contributes to economic growth (such as encouraging greater economic activity and increase in property values), there is growing evidence that an improved public realm offers an array of other social, environmental and health related benefits<sup>7,8,9,10</sup>. Whilst these other benefits are difficult to quantify they are important considerations in the way the council seeks to shape the public realm within the city.

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<sup>2</sup> <http://planningguidance.planningportal.gov.uk/blog/guidance/>

<sup>3</sup> Manual for Streets, DCLG and DFT, 2007 - <https://www.gov.uk/government/publications/manual-for-streets>.

<sup>4</sup> Manual for Streets 2: Wider Application of the Principles, CIHT, 2010 - <https://www.gov.uk/government/publications/manual-for-streets-2>.

<sup>5</sup> Designing for Walking, CIHT, March 2015 - <http://www.ciht.org.uk/en/knowledge/streets-and-transport-in-the-urban-environment.cfm>.

<sup>6</sup> Designing for Cycling, CIHT, October 2014 - <http://www.ciht.org.uk/en/knowledge/streets-and-transport-in-the-urban-environment.cfm>.

<sup>7</sup> [www.publicrealm.info](http://www.publicrealm.info)

<sup>8</sup> The Social and Emotional Benefits of Good Street Design, Brighton & Hove City Council and CIVITAS, August 2011.

<sup>9</sup> The Social Value of Public Spaces (Ref: 2050), Joseph Rowntree Foundation. [www.jrf.org.uk](http://www.jrf.org.uk)

<sup>10</sup> [www.livingstreets.org.uk](http://www.livingstreets.org.uk)

- 3.8 Existing council masterplans and other planning documents, such as the Hard and Seafront supplementary planning documents and Conservation Area guidelines, already provide guidance on the 'public realm' in some of the key and historical areas of the city. The purpose of this new strategy will be to consolidate the existing guidance and identify other opportunities to contribute to the delivery of the city's public realm vision.
- 3.9 The document will set out best practice principles and guidance for developments to ensure high quality design of the public realm. The guidelines will also be designed to help anyone who works in the city's public realm.
- 3.10 The document will be created as a supplementary planning document and once adopted it will be used as material consideration in the assessment of any planning application. As well being used in the development management process, the document will also be used internally by the council to ensure a consistently high standard of development, to provide joint design and maintenance guidance for all works within the public realm and help to prioritise council spending and investment.
- 3.11 The document will be developed in conjunction with various services within the council (such as the Local Highway Authority and PFI contractor), other key stakeholders and interested parties (such as public transport providers, local cycle forum and local disability forum).

#### **4. Reasons for recommendations**

- 4.1 The purpose of the draft Public Realm Strategy will be to establish a coordinated, consistent and high quality approach to all work in the public realm and in particular to:
- articulate a vision for the city to encourage investment;
  - set out the background and context for public realm proposals;
  - provide a framework of guidance within which to assess proposals for development (including being a material consideration in the determination of planning applications) and other improvements, and
  - prioritise council spending and investment.

#### **5. Equality impact assessment (EIA)**

- 5.1 Not applicable. Although, please note the draft document, which will be reported back at a later date, will be subject to a preliminary EIA.

#### **6. Legal Implications**

- 6.1 At this initial stage of reference to the portfolio holder, the item explaining the background to a proposal to draft a supplementary planning document is not subject to regulation. It is a sensible measure for explaining why the item is being introduced to the programme of work.

**7. Finance comments**

- 7.1 The work associated with the development of a Public Realm Strategy will be carried out within existing service budgets.
- 7.2 Any additional costs associated with the implementation of this strategy will be detailed in the Public Realm Strategy - Supplementary Planning Document which will be brought to a future meeting prior to public consultation.

.....  
Signed by:  
City Development Manager

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

| <b>Title of document</b>   | <b>Location</b>  |
|--|--|
| Portsmouth Plan, January 2012  | Copies are available from the City Development Team or at <a href="http://www.portsmouth.gov.uk">www.portsmouth.gov.uk</a> |
| The Hard - supplementary planning document, June 2012                  | Copies are available from the City Development Team or at <a href="http://www.portsmouth.gov.uk">www.portsmouth.gov.uk</a> |
| City Centre Masterplan - supplementary planning document, January 2013 | Copies are available from the City Development Team or at <a href="http://www.portsmouth.gov.uk">www.portsmouth.gov.uk</a> |
| Seafront Masterplan - supplementary planning document, April 2013      | Copies are available from the City Development Team or at <a href="http://www.portsmouth.gov.uk">www.portsmouth.gov.uk</a> |

The recommendation(s) set out above were approved / approved as amended / deferred / rejected

by ..... on .....

.....  
Signed by: