



NOTICE OF MEETING

CABINET MEMBER FOR PLANNING, REGENERATION & ECONOMIC DEVELOPMENT

TUESDAY, 2 FEBRUARY 2016 AT 5.00 PM

CONFERENCE ROOM A - CIVIC OFFICES

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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

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

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AGENDA

- 1 Apologies for Absence**
- 2 Declarations of Members' Interests**
- 3 Oil & Gas Development in Hampshire-Supplementary Planning Document (Pages 1 - 96)**

The purpose of the report is to seek approval for the adoption of the Oil & Gas Development Supplementary Planning Document (SPD)

RECOMMENDED that the Cabinet Member for Planning, Regeneration and Economic Development

- (1) approves the Oil & Gas Development SPD for adoption**
- (2) authorises the City Development Manager to make editorial amendments to the SPD prior to adoption, provided that the amendments do not alter the meaning of the SPD or do not affect Portsmouth.**

4 Minerals & Waste Safeguarding in Hampshire - Supplementary Planning Document (Pages 97 - 150)

Purpose of report

The purpose of the report is to seek approval for the adoption of the Minerals & Waste Safeguarding Supplementary Planning Document (SPD)

RECOMMENDED that the Cabinet Member for Planning, Regeneration and Economic Development

- (1) approves the Minerals & Waste Safeguarding SPD for adoption**
- (2) authorises the City Development Manager to make editorial amendments to the SPD prior to adoption, provided that the amendments do not alter the meaning of the SPD or do not affect Portsmouth**

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Agenda Item 3



Portsmouth
CITY COUNCIL

Title of meeting:	Cabinet Member for Planning, Regeneration and Economic Development
Date of meeting:	2 February 2016
Subject:	Oil & Gas Development in Hampshire Supplementary Planning Document
Report by:	Assistant Director of Culture & City Development
Wards affected:	all
Key decision:	No
Full Council decision:	No

1. Purpose of report

- 1.1 To seek approval for the adoption of the Oil & Gas Development Supplementary Planning Document (SPD)

2. Recommendation

- 2.1 It is recommended that the Cabinet Member for Planning, Regeneration and Economic Development**
- a) **approves the Oil & Gas Development SPD for adoption**
 - b) **authorises the City Development Manager to make editorial amendments to the SPD prior to adoption, 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 in 2013 as part of the development plan for Portsmouth. 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 plan contains a policy specifically on oil and gas development (Policy 24).
- 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, since the adoption of the Plan, oil and gas development has emerged as an issue of great interest to Hampshire's communities. For this reason, 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.

3.5 PRED approved the draft for consultation in June 2015.

4. The consultation

4.1 The draft SPD was then subject to a 6 week public consultation which ran from 29 June – 7 August 2015.

4.2 A total of 28 responses were received in relation to the draft Oil and Gas SPD. The majority of responses were received from interest groups such as Friends of the Earth and Campaign for the Protection of Rural England (CPRE), statutory consultees and regulators such as the Environment Agency and the Health and Safety Executive, local planning authorities and parish councils across Hampshire. Respondents sought clarification and amendments to certain detailed matters within the SPD. A full report on the consultation results can be found at: <http://documents.hants.gov.uk/mineralsandwaste/consultation-2015/OilGasSPDConsultationReport.pdf>

4.4 Amendments have been made to the SPD taking into account the consultation responses received. The final SPD proposed for adoption is attached as an appendix.

5. Reasons for recommendations

5.1 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.

5.2 If adopted the SPD will sit alongside the adopted HMWP, providing guidance on the implementation of specific policies within the Plan.

6. Equality impact assessment (EIA)

6.1 As the SPD is a Partnership document, Hampshire County Council has prepared an Equalities Impact Assessment for the SPD, which is published at: <http://documents.hants.gov.uk/mineralsandwaste/consultation-2015/EqualitiesImpactAssessmentEqIASafeguarding-OilandGasSPD.pdf>

6.2 The SPD provides guidance on the implementation of the policies of the adopted Minerals & Waste Plan and does not contain any additional policies over and above those in the plan. As a result, it is considered that the documents have a low if not no impact on all groups.

7. Legal Implications

7.1 No additional legal comments.

8. Director of Finance's Comments

8.1 The adoption of the recommendations in this report will not result in any additional costs being incurred by the Planning Service. The policies will be applied and managed within the existing budget resources.

.....
Signed by:

Appendix: Oil & Gas Development in Hampshire Supplementary Planning Document

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:

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Oil & Gas Development in Hampshire

Supplementary Planning Document



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

For Adoption (February 2016)



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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.

United Kingdom's demand for oil and gas is currently supplemented by imported oil and gas. This, 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 meet growing energy demands, provided this can be extracted in a sustainable way.

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 help manage the impacts on Hampshire's communities and the environment which may be associated with oil and gas development.



When proposing an oil or gas development, it is important that a careful balance is struck between any potential impact on the environment and local communities while supporting our future economic prosperity.

The Hampshire Minerals & Waste Plan (HMWP) includes robust policies relating to all issues associated with proposals for onshore oil and gas development. This Supplementary Planning Document (SPD) has been prepared following 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.

The overriding concern of the adopted HMWP is to ensure that any oil or gas proposal is the right development, in the right place, at the right time. The SPD sets out clear expectations for planning applications for oil and gas developments in Hampshire.

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 will 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

SL

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

Oliver Crosthwaite-Eyre

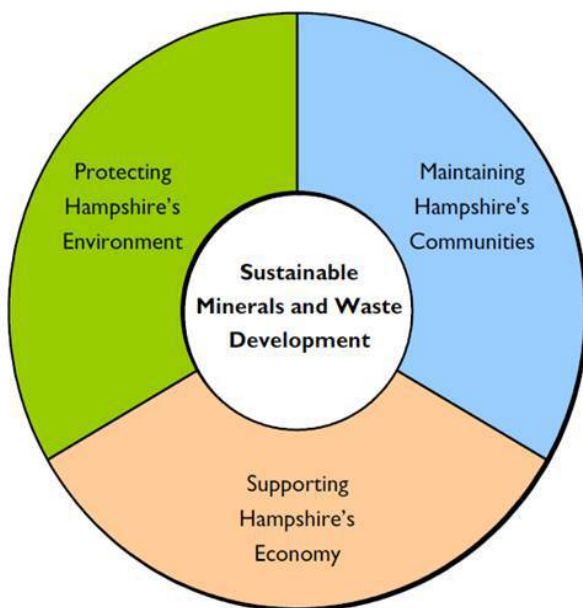
1. Introduction and purpose of the Supplementary Planning Document

- 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 and renewable energy. All households and businesses in Hampshire 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 as part of a wider package of energy supply sources.
- 1.3 'Conventional' oil and gas refers to oil and gas resources contained in sandstone or limestone rock formations which are relatively porous meaning oil and gas is trapped in reservoirs. Although the conventional oil and gas reservoirs are usually overlain by a cap rock or seal, often shale, conventional extraction does not include shale oil or gas. Oil and gas extracted from shale is often referred to as 'unconventional'. It is found where oil and gas has become trapped within the shale rock itself and has not migrated into conventional reservoirs. Natural gas, like many other commodities can be stored for an indefinite period of time in gas storage facilities for later consumption.
- 1.4 In Hampshire, conventional oil exploration, appraisal and production has been taking place for a number of years. There are three active oil fields in Hampshire 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.
- 1.5 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.

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

- 1.6 This SPD has been prepared following the adoption of the HMWP.
- 1.7 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.
- 1.8 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 economic prosperity. This approach is endorsed by national planning policy (National Planning Policy Framework (NPPF))¹ and is demonstrated in the following diagram.

Figure 1: **Balancing the environment, community and the economy in Hampshire**



Source: Hampshire Authorities, 2013

- 1.9 The adopted plan includes the policies necessary to determine whether an oil or gas proposal should be granted planning permission.
- 1.10 Since the adoption of the Plan, oil and gas development has emerged as an issue of great national and local interest, in particular with regards to the potential for hydraulic fracturing ('fracking').

1. National Planning Policy Framework: www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

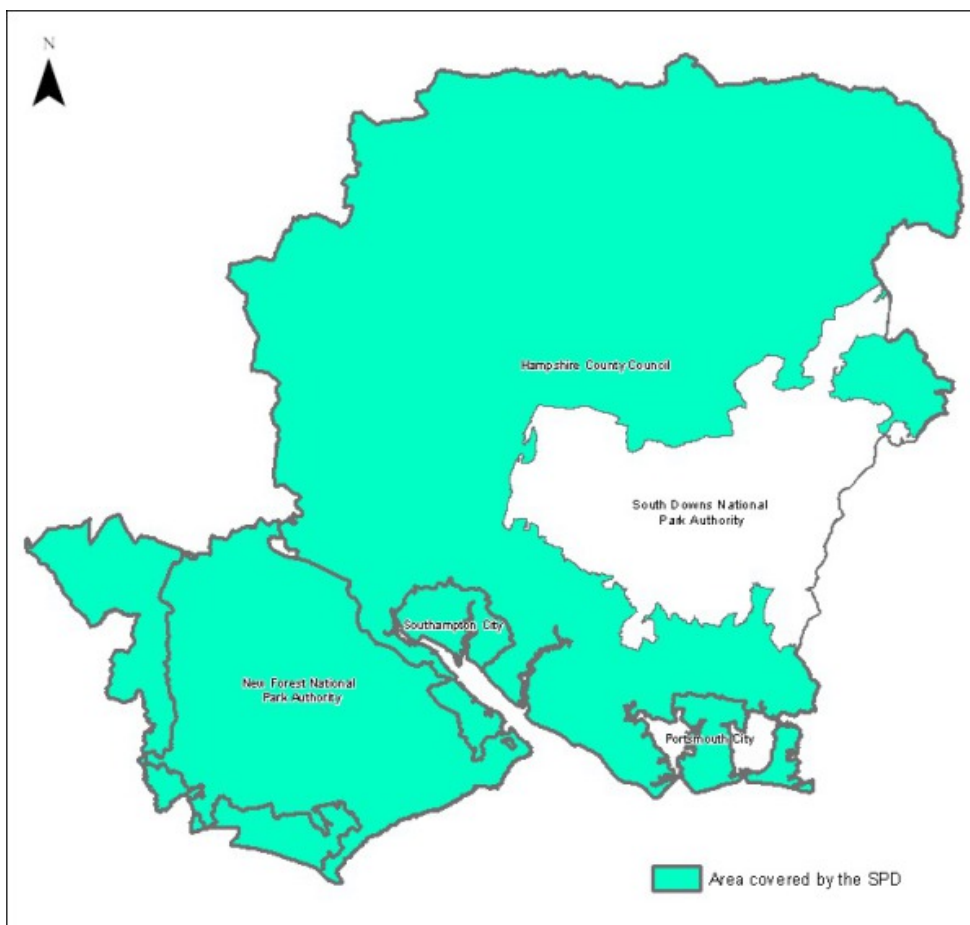
1.11 This guidance only relates to:

- conventional oil and gas;
- shale oil; and
- shale gas.

1.12 Hampshire does not have the geology which supports other forms of unconventional oil or gas.

1.13 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) although the part of the SDNPA in Hampshire 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 2: The area covered by this SPD



Source: Author - Hampshire Authorities, 2015

- 1.14 The SPD provides guidance on the implementation of the Plan's policies in the HCC, SCC, PCC and NFNPA administrative areas. Where this document refers to 'local planning authority' this relates to Hampshire's district and borough councils.

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;**
- **the role of other organisations in the planning process; and**
- **other technical guidance on oil and gas issues in the Plan area.**

- 1.15 The SPD considers the following areas:

- [Planning for oil and gas development](#);
- [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 \[See page 19\]](#);
- [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? \[See page 45\]](#);
- [How will decision making take place for oil or gas developments? \[See page 49\]](#);
- [What conditions are likely to be attached to planning permissions? \[See page 51\]](#); and
- [Monitoring and enforcement of permitted oil and gas developments \[See page 55\]](#).

- 1.16 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.

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

- 1.18 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.

How was this Supplementary Planning Document prepared?

Meeting legal requirements

- 1.19 A SPD is defined in regulation 2(1) of the Town and Country Planning (Local Planning) (England) Regulations 2012 as: '*any document of a description referred to in regulation 5 (except an adopted policies map or a statement of community involvement) which is not a local plan*'².

- 1.20 SPDs also *'add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. SPDs are capable of being a material consideration in planning decisions but are not part of the development plan'*³.
- 1.21 The form and content of SPDs is set out in Regulation 8 of the Local Planning Regulations⁴. This SPD does not conflict with the provisions of the adopted HMWP. It provides guidance on the implementation of its policies.
- 1.22 The SPD has been prepared in accordance with Part 5 of the Local Planning Regulations⁵.
- 1.23 Regulation 5 of the Local Planning Regulations prescribes, for the purposes of section 17(7)(za) of the Planning and Compulsory Purchase Act 2004 ("PCPA 2004")⁶ the descriptions of documents which are to be local development documents. This SPD relates to 1 (a) iii which relates to *'any environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land'*.
- 1.24 In preparing this SPD, the Hampshire Authorities have had regard to the matters set out in section 19(2) of the PCPA 2004 and regulation 10 of the Local Planning Regulations. The preparation of the document has also complied with all of the Hampshire Authorities relevant Statement of Community Involvement documents.
- 1.25 This SPD was adopted by the Hampshire Authorities on [add date] 2016. The adopted SPD is supported by an Adoption Statement⁷ and a Community Engagement Statement⁸ will be issued.

Meeting the duty to co-operate

- 1.26 The NPPF requires local authorities and other public bodies to co-operate on planning issues⁹. The duty applies to the production of the SPD. This is imposed through the Planning and Compulsory Purchase Act 2004¹⁰.

2. *Local plan* is defined in regulation 2(1) of the Local Planning Regulations as: "local plan" means any document of the description referred to in regulation 5(1)(a)(i), (ii) or (iv) or 5(2)(a) or (b), and for the purposes of section 17(7)(a) of the Act these documents are prescribed as development plan documents

3. National Planning Policy Framework ("NPPF"), glossary (2012): www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf2

4. Regulation 8 of the Local Planning Regulations: www.legislation.gov.uk/uksi/2012/767/pdfs/uksi_20120767_en.pdf

5. Regulation 5 of the Local Planning Regulations: www.legislation.gov.uk/uksi/2012/767/pdfs/uksi_20120767_en.pdf

6. Planning and Compulsory Purchase Act 2004: www.legislation.gov.uk/ukpga/2004/5/contents

7. Add link

8. add link

9. National Planning Policy Framework, paragraph 178-181: www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

10. Planning and Compulsory Purchase Act 2004, section 33(A)(1): www.legislation.gov.uk/ukpga/2004/5/contents

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)).

- 1.27 This engagement is documented in a Duty to Co-operate statement which has been prepared by the Hampshire Authorities to sit alongside the SPD¹¹.
- 1.28 This co-operation 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 consultees¹², other environmental organisations and the minerals industry on oil and gas issues in Hampshire.
- 1.29 The Hampshire Authorities have committed to work collaboratively with other bodies to ensure that the strategic priorities set out in the HMWP are 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

- 1.30 The preparation of this SPD has been subject to an Integrated Sustainability Appraisal (ISA)¹³ as well as Habitats Regulation Assessment (HRA)¹⁴. An Equality Impact Assessment (EqIA)¹⁵ has also been prepared.
- 1.31 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.
- 1.32 The following documents are also relevant to the SPD:
- Adopted Hampshire Minerals & Waste Plan¹⁶;
 - Hampshire Statement of Community Involvement¹⁷;

11. Hampshire Minerals and Waste Plan Supplementary Planning Documents Duty to Co-operate Statement (August 2015): www3.hants.gov.uk/planning-policy-home.htm

12. Statutory Consultees: Environment Agency, Natural England and Heritage England as well as water companies

13. Integrated Sustainability Appraisal Report (FINAL)- Supplementary Planning Documents (Hampshire Authorities, 2015): www3.hants.gov.uk/spd-consultation-2015.htm

14. Habitats Regulation Assessment Screening (Hampshire Authorities, 2015): www3.hants.gov.uk/spd-consultation-2015.htm

15. Equality Impact Assessment for the Supplementary Planning Documents (Hampshire Authorities, 2015) v1: www3.hants.gov.uk/spd-consultation-2015.htm

16. Hampshire Minerals and Waste Plan (2013): www3.hants.gov.uk/planning-policy-home.htm

- Portsmouth Statement of Community Involvement¹⁸;
- Southampton Statement of Community Involvement¹⁹;
- New Forest National Park Statement of Community Involvement²⁰;
- National Planning Policy Framework (2012)²¹;
- National Planning Practice Guidance²²;
- Onshore oil and gas development in Hampshire FAQ (2015)²³;
- Oil and Gas in Hampshire: Background Study²⁴.

17. Hampshire Statement of Community Involvement: <http://documents.hants.gov.uk/HampshireSCIAcceptedFinalMay2014.pdf>

18. Portsmouth City Council Statement of Community Involvement: www.portsmouth.gov.uk/ext/development-and-planning/planning/statement-of-community-involvement.aspx

19. Southampton City Council Statement of Community Involvement: www.southampton.gov.uk/policies/Statement%20of%20Community%20Involvement.pdf

20. New Forest National Park Statement of Community Involvement: www.newforestnpa.gov.uk/info/20040/planning_policy/106/community_involvement

21. National Planning Policy Framework: www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

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

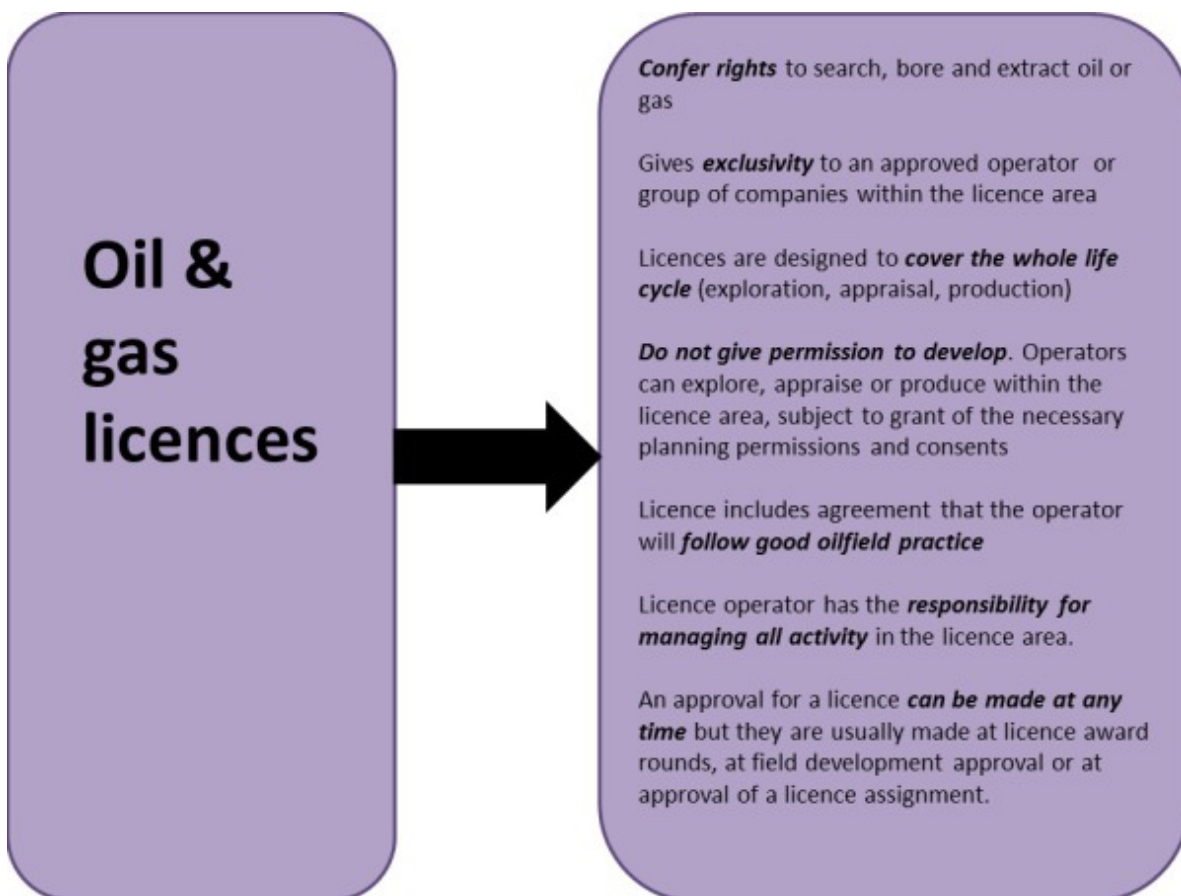
23. Onshore oil and gas FAQ: <http://documents.hants.gov.uk/mineralsandwaste/onshoreoilandgas-faq.pdf>

24. Oil and Gas in Hampshire Background Study (Hampshire Authorities, 2015) v2: www3.hants.gov.uk/spd-consultation-2015.htm

2. Oil and gas licencing in Hampshire

- 2.1 Oil and gas development can only take place where there is an oil and gas licence in place.
- 2.2 On 1st April 2015, certain functions passed from the Department of Energy and Climate Change (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.
- 2.3 Oil and gas licences are issued periodically, giving a company or group of companies (a joint venture) exclusive rights to explore for, and develop, the resource in a particular geographic location. Licences allow a company or joint venture to pursue a range of activities for conventional or unconventional oil or gas subject to planning permission and the necessary associated consents. A summary of what a licence means is summarised below.

Figure 3:What a oil and gas licence means in practice



Source: Author - Hampshire Authorities, 2015

- 2.4 The OGA regulate specific activities relating to oil and gas development, including:

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

2.5 Hampshire already has a number of licence areas which were issued through previous rounds of licencing. Licenced areas are an indication of Hampshire's potential oil and gas resources.

2.6 On 18 August 2015, the OGA announced that 27 onshore licence blocks from the 14th Onshore Oil and Gas Licensing Round will be formally offered to companies.

2.7 If and when an operator is approved for each licence, the operator is given the responsibility for managing all activity in the licence area. No method for drilling is specified in the initial licence, as it only conveys exclusivity in an area for the licensee.

2.8 The OGA states that 'final consent to any well or well operations is dependent on confirmation that all other necessary permits and consents have been obtained'. Licences do not give consent for drilling or any other operations or development. Potential operators will also need to obtain the following before any development can commence:

- consent from the landowner;
- planning permission for each stage of development (exploration, appraisal and production) from the MPA;
- regulatory consents (such as from the Environment Agency and the Health and Safety Executive); and
- any additional consents (including well consent) from the OGA for drilling operations.

2.9 The granting of a licence for the exploration of a resource does not imply that planning permission would be granted for its extraction.

2.10 Under licencing agreements, operators must agree to follow good oilfield practice.

2.11 More information on oil and gas licencing in Hampshire can be found in the latest version of the Oil and Gas in Hampshire Background Study²⁵.

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 to be '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 2015²⁶. 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, Areas of Outstanding Natural Beauty, Sites of Archaeological Interest, and Sites of Special Scientific Interest.
- 3.3 It is important to note that, whilst some development may be considered to be permitted development, it may still require new and/or variations of other associated consents or permits (see [What other regulatory regimes or agencies may be involved or have an interest in the planning process for oil or gas developments? \[See page 45\]](#)).

26. Town and Country Planning (General Permitted Development) Order 2015: www.legislation.gov.uk/uksi/2015/596/contents/made

4. Phases of oil and gas development

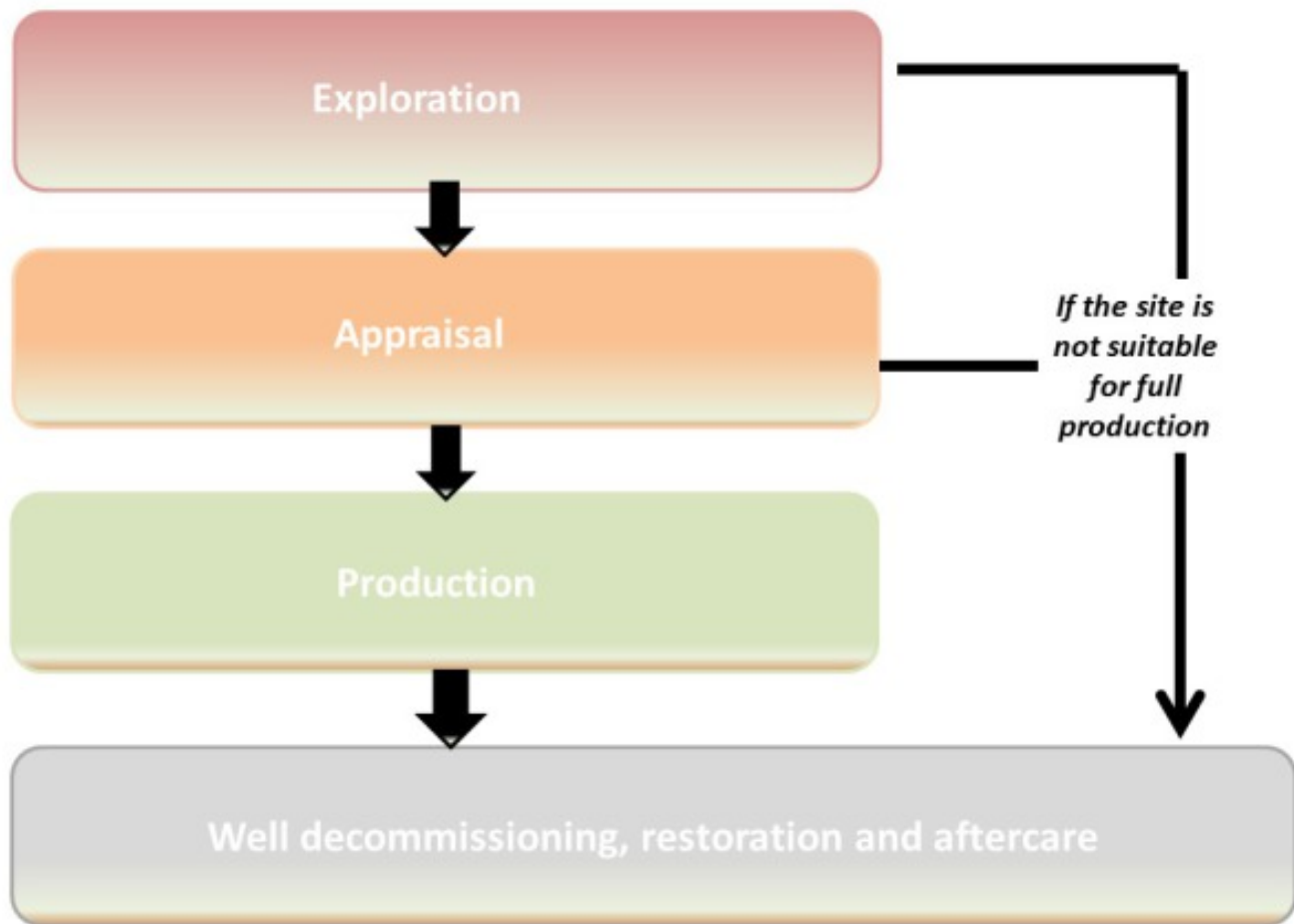
- 4.1 Oil and gas developments are very different from other mineral workings (such as sand and gravel extraction) and have a more limited land-take. They are also more flexible in their locational requirements compared to other minerals developments. The planning for the supply of oil and gas has a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

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 or other required consents;
- as the extraction of oil or gas is a continuous process of development, there is a requirement for regular monitoring, and if necessary, enforcement to secure compliance with planning conditions (see [Monitoring and enforcement of permitted oil and gas developments \[See page 55\]](#));
- following working, surface land will be restored to make it suitable for beneficial after-use (see [Restoration and aftercare of oil and gas sites](#)); and
- oil and gas development can only take place in areas where the OGA have issued a licence under the Petroleum Act 1998²⁷ (Petroleum Licence) (see [Oil and gas licencing in Hampshire \[See page 8\]](#)).

- 4.2 If development is not considered to be permitted development (see [Permitted development \[See page 10\]](#)), planning permission would be required from the relevant MPA for each phase of development.
- 4.3 There are three phases of oil and gas development (conventional and unconventional) which all require separate planning permissions and environmental permits (from the EA) for each phase of development. These phases are followed by decommissioning, restoration and aftercare.
- 4.4 The different phases of oil and gas development are illustrated in the following diagram.

Figure 4: Phases of oil or gas development

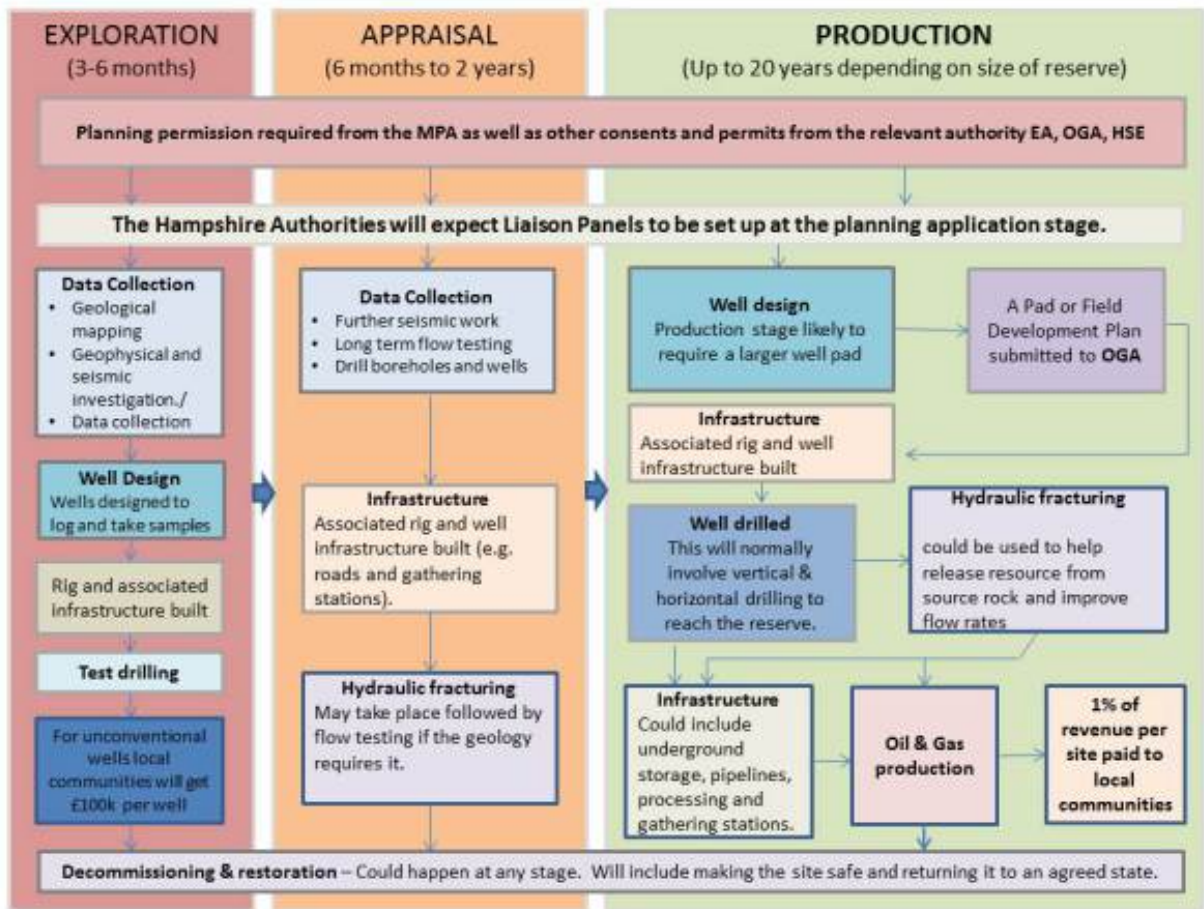


Source: Author - Hampshire Authorities, 2015

4.5 Each phase is likely to include several distinct stages, with activity and vehicle movements varying according to the stage.

4.6 The following diagram summarises what each phase involves.

Figure 5: Exploration, appraisal and production phases of oil and gas development



Source: Author - Hampshire Authorities, 2015

- 4.7 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.

Exploration

- 4.8 Exploration will take place if there is a high probability that there are viable oil or gas resources in a locality. This will be defined by assessments of the geology as well as other surveying and research in advance of this phase.
- 4.9 Exploration is the process of ascertaining the presence, extent or quality of the oil or gas deposit.

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 vertical wells which will be tested to determine if resources are present and suitable for extraction;
- may involve hydraulic fracturing, particularly for unconventional oil or gas proposals, to stimulate flow;
- restoration of the site will be an important consideration.

Appraisal

- 4.10 The appraisal phase takes place once the existence of oil or gas has been proven through exploration. 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.
- 4.11 It is important that the suitability of a 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;
- 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

- 4.12 The production phase 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.

- 4.13 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.
- 4.14 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 both 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;
- the treatment and disposal of any water or waste materials associated with the development is an important consideration;
- HGV movements are likely to be highest at this stage; and
- when the production phase ceases, the facilities should be dismantled and the site will be restored.

Decommissioning, restoration and aftercare

- 4.15 The decommissioning and restoration of the site is important. The decommissioning and restoration of a site could take place within any of the three phases of oil or gas development.
- 4.16 On completion of drilling operations, a well may be suspended to allow for future testing. If it is concluded that there is no commercially viable oil or gas resources present or if the extraction of resources has been completed, then the well will be abandoned, in accordance with the latest Oil and Gas United Kingdom Standards.
- 4.17 Once the decision has been made to abandon a well, it will be made safe and the site infrastructure will be removed.
- 4.18 The site will then be restored to its former use or, in some circumstances, an appropriate new use or for other environmental benefits (See [Restoration and aftercare of oil and gas sites](#)).
- 4.19 A period of aftercare will commence following restoration to ensure that the land returns to a state that is the same or better than it was prior to operations commencing.

5. Planning Performance Agreements

- 5.1 The Localism Act 2011²⁸ provides for the opportunity to enter into a Planning Performance Agreement (PPA). PPAs are a project management tool that 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 a planning 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 planning 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 consultees²⁹.
- 5.4 There are costs associated with PPAs. Applicants should consult the relevant Hampshire Authority to discuss potential costs of PPAs.
- 5.5 The need and suitability of a PPA will be discussed at the pre-application stage (see [Pre-application discussions \[See page 19\]](#)).

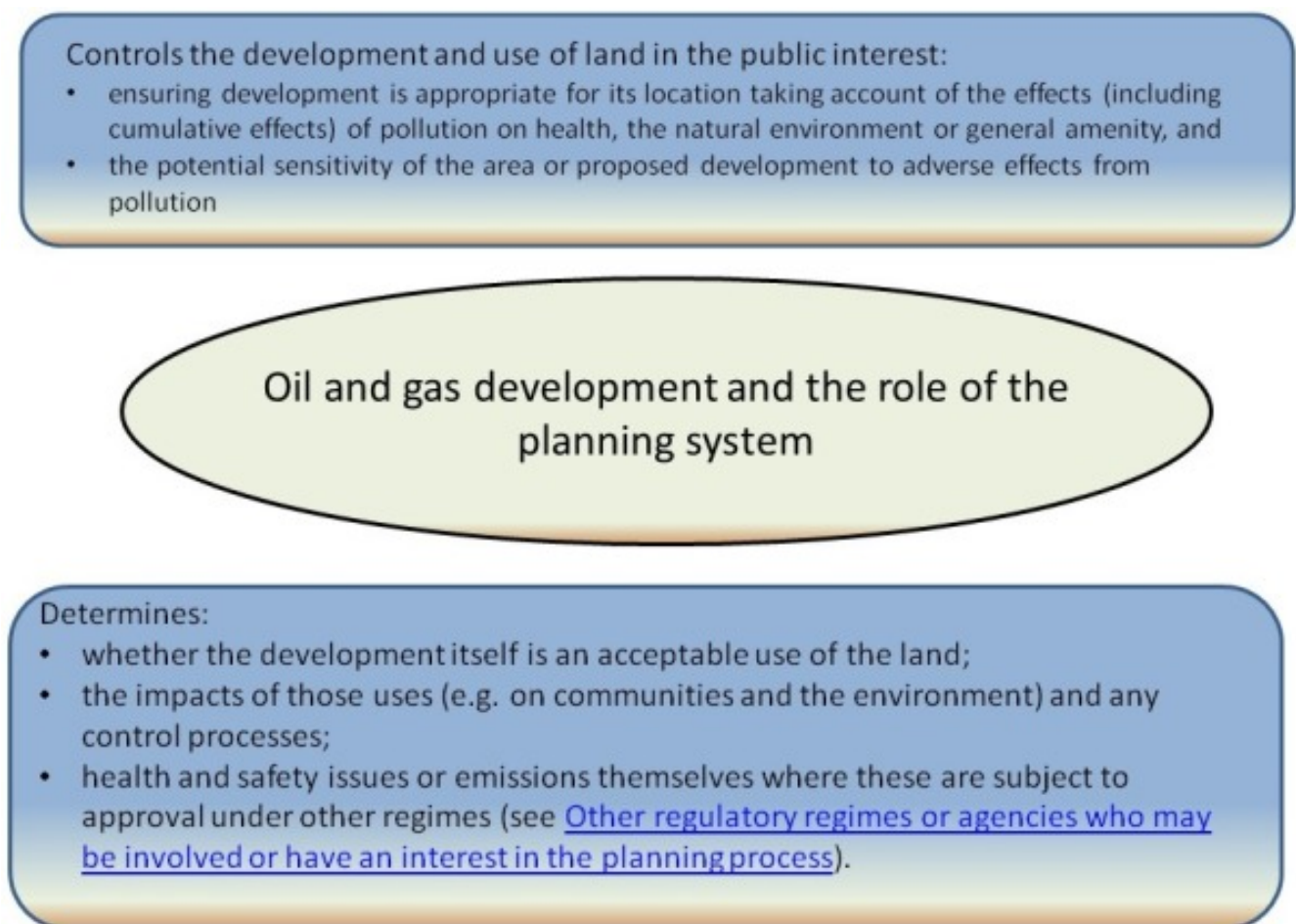
28. Localism Act 2011: www.legislation.gov.uk/ukpga/2011/20/contents/enacted

29. 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) as well as water companies

6. Preparing a planning application for oil or gas development in Hampshire

- 6.1 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 development and the 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 6: Oil and gas development and the planning system



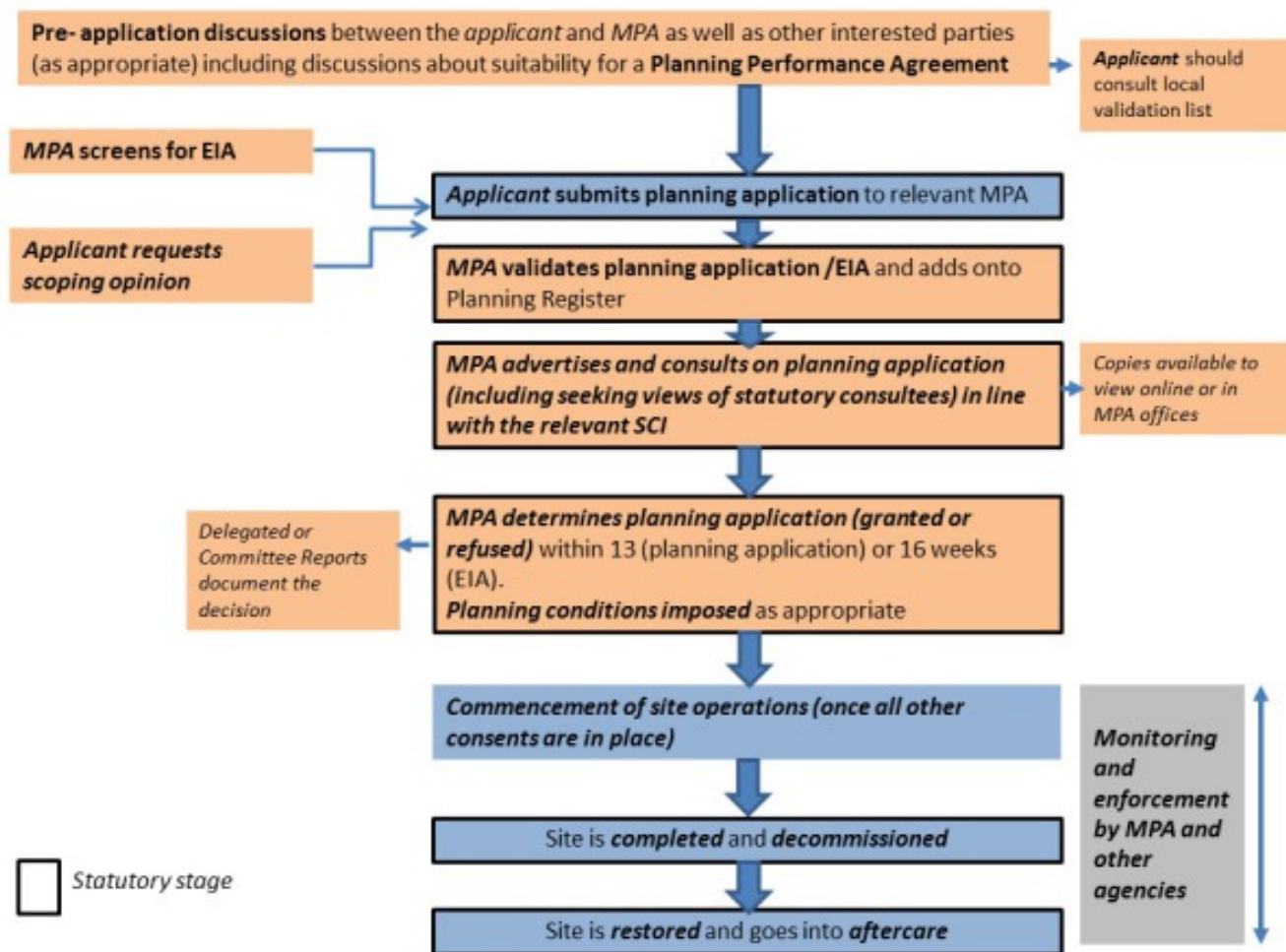
Source: Author - Hampshire Authorities, 2015

- 6.2 Oil and gas development can only take place in areas where the Oil and Gas Authority (OGA) (which is part of the Department of Energy and Climate Change) has issued a licence under the Petroleum Act 1998³⁰ (Petroleum Licence) (see [Oil and gas licencing in Hampshire \[See page 8\]](#)).

30. Petroleum Act 1998: www.legislation.gov.uk/ukpga/1998/17/contents

- 6.3 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. The following diagram provides a summary of the planning process.

Figure 7: The planning process for all phases of oil and gas development



Source: Author - Hampshire Authorities, 2015

- 6.4 The Hampshire Authorities are responsible for processing and determining any planning application for the different phases of onshore oil and gas development (see [Planning for oil and gas development](#)) within their administrative areas. 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 day³¹. Applications for storage projects above this size, are dealt with under the Planning Act 2008³² and must be made to the Secretary of State for Energy and Climate Change³³. Hampshire's district and borough councils do not determine minerals applications.

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

32.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

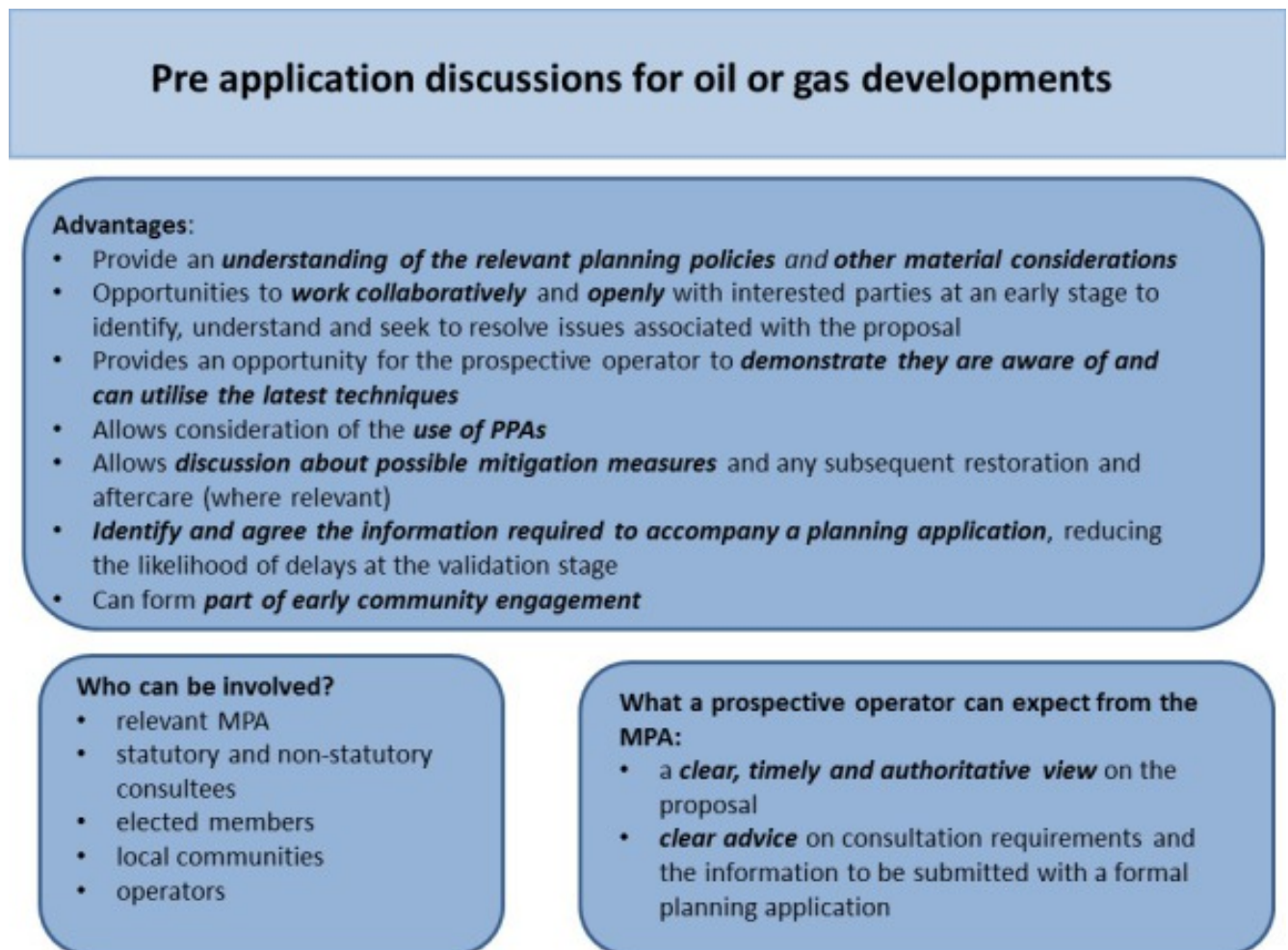
- 6.5 The Hampshire Authorities encourage pre-application discussions in advance of any submission of an application for oil and gas development (see [Pre-application discussions \[See page 19\]](#)).
- 6.6 An operator must submit a separate and valid planning application to the relevant MPA to seek planning permission for each of the exploration, appraisal or production phases (see [Preparing a planning application \[See page 17\]](#)).
- 6.7 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.
- 6.8 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? \[See page 47\]](#)).
- 6.9 A number of other organisations may be involved in the planning process for oil and gas development. 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 \[See page 45\]](#)). Twin tracking planning applications for oil and gas development alongside applications for other consenting requirements is encouraged, where appropriate.
- 6.10 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? \[See page 49\]](#)).
- 6.11 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? \[See page 26\]](#))
- 6.12 The remaining parts of this section consider the main issues associated with the planning process for oil or gas developments.

Pre-application discussions

- 6.13 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.

- 6.14 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 community³⁴.
- 6.15 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

- 6.16 Parties involved in pre-application discussions will vary according to the type of development, the phase 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.

34. National Planning Policy Framework, paragraph 188-195: www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

- 6.17 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 (HCC³⁵, SCC³⁶, PCC³⁷ and NFNPA³⁸) has a separate list which is available to view on it's website.
- 6.18 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 phase of the oil or gas development. 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.
- 6.19 It is useful if applicants submit information on land ownership at the pre-application stage.
- 6.20 Prospective applicants should identify any potential adverse impacts and show how the scheme's design addresses these impacts. 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.
- 6.21 Statutory consultees³⁹ 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.
- 6.22 It is advisable that where a proposal is to be located in any Source Protection Zone (SPZ) (including sub-surface SPZs) or within 1 kilometre of any SPZ boundary that the relevant water companies are involved in pre-application discussions. Where necessary, the interested parties who are reliant on the SPZ should also be involved in early discussions. It should be noted that exploration in SPZ1 and 1C is highly unlikely to gain a permit from the Environment Agency.
- 6.23 Relevant non-statutory consultees such as the Health and Safety Executive and sewerage undertakers 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. There may be a charge for some pre-application services offered by other organisations.

35. Hampshire County Council validation requirements: www3.hants.gov.uk/planning-application-validation-requirements-2.pdf

36. Southampton City Council validation list: www.southampton.gov.uk/Images/National-and-Local-Validation-checklists-Sept2014_tcm63-368279.pdf

37. Portsmouth City Council planning application information: www.portsmouth.gov.uk/ext/development-and-planning/planning/pre-application-planning-advice.aspx

38. New Forest National Park planning application pages: www.newforestnpa.gov.uk/info/20132/planning_processes/12/planning_application_process

39. 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) as well as water companies. Water companies are considered to be statutory consultees for any developments involving the boring for or getting oil or gas from shale as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument No. 595)

- 6.24 Applicants and local planning authorities should discuss the potential of entering into PPA, where this might achieve a faster and more effective application process (see [Planning Performance Agreements](#)).

Costs

- 6.25 HCC charges for pre-planning application advice will be applicable for any oil or gas proposal within the County Council's administrative area⁴⁰.
- 6.26 PCC⁴¹ and SCC⁴² both charge for pre-application advice for oil or gas proposals which fall within the relevant City Council administrative area.
- 6.27 The NFNPA currently offers free pre-application advice for oil and gas proposals which fall within the National Park Authority's administrative area⁴³. Following the adoption of the SPD, applicants are advised to contact the NFNPA directly to check the status of pre-application charging at the time of preparation.

When will a proposal require an Environmental Impact Assessment application?

- 6.28 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 LPA, 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 2011⁴⁴ and National Planning Practice Guidance⁴⁵.

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
- a method for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental effects.

- 6.29 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.

40. Hampshire County Council Pre Application Advice: www3.hants.gov.uk/pre-application-2.htm

41. Portsmouth City Council Pre Application Advice: www.portsmouth.gov.uk/ext/development-and-planning/planning/pre-application-planning-advice.aspx

42. Southampton City Council Pre Application Advice: www.southampton.gov.uk/planning/planning-permission/pre-application-advice.aspx

43. New Forest National Park Pre-application advice: www.newforestnpa.gov.uk/info/20129/how_do_i_apply/201/pre-application_advice.

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

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

- 6.30 The relevant MPA will carry out a screening exercise to determine whether any proposal for onshore oil and gas extraction requires an EIA upon request⁴⁶. 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 submitted or even after an appeal has been lodged. The screening process is summarised in [Appendix 5: Establishing whether a proposed oil or gas development requires an Environmental Impact Assessment \(EIA\) \[See page 69\]](#).
- 6.31 If an oil or gas development is considered to require an EIA, the applicant is encouraged to request a Scoping Opinion⁴⁷ 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.
- 6.32 Any information prepared as part of the high level Environmental Risk Assessment or the preparation of the [Environmental Permit \[See page 45\]](#) (where required) can be used to inform, or be included as part of the ES which sets out the findings of the EIA.
- 6.33 Applicants for proposals which include hydraulic fracturing should work under the assumption that an EIA will be necessary to support a planning application for this type of development.

Ensuring a planning application for oil or gas development is valid

- 6.34 Each of the Hampshire Authorities has information on its individual website about the submission of planning applications (HCC⁴⁸, SCC⁴⁹, PCC⁵⁰ and NFNPA⁵¹).
- 6.35 Applicants are encouraged to consult the local validation checklist in advance of the pre-application stage. Each MPA (HCC⁵², SCC⁵³, PCC⁵⁴ and NFNPA⁵⁵) has a separate list which is available to view on its website.
- 6.36 The following diagram sets out the key areas which must be addressed to make a planning application for oil and gas development valid.

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

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

48. Hampshire County Council information on the submission of planning applications: www3.hants.gov.uk/make-an-application.htm

49. Southampton City Council information on the submission of planning applications: www.southampton.gov.uk/planning/

50. Portsmouth City Council information on the submission of planning applications: www.portsmouth.gov.uk/ext/development-and-planning/development-and-planning.aspx

51. New Forest National Park Authority information on the submission of planning applications: www.newforestnpa.gov.uk/planning

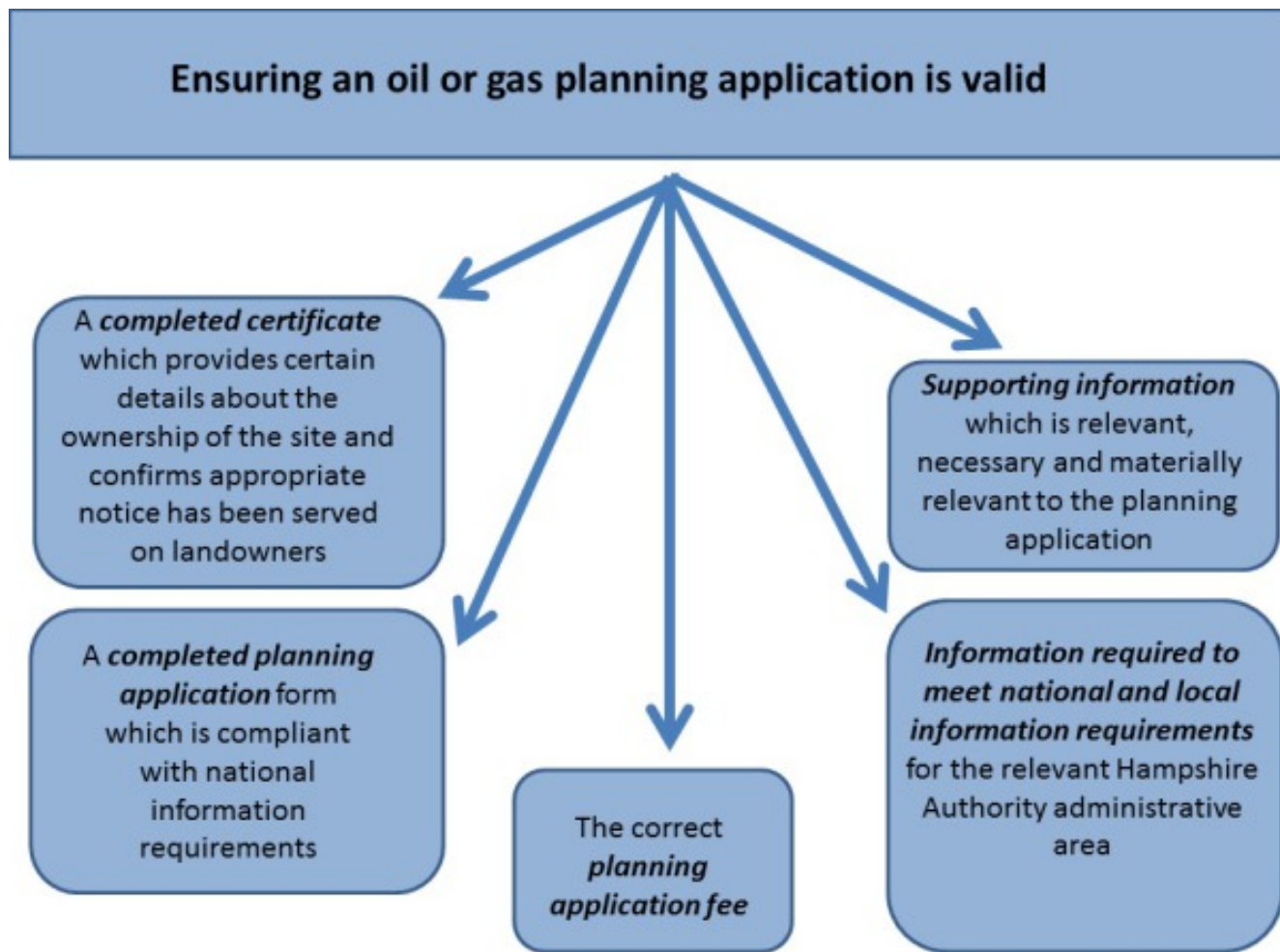
52. Hampshire County Council validation requirements: www3.hants.gov.uk/planning-application-validation-requirements-2.pdf

53. Southampton City Council validation list: www.southampton.gov.uk/Images/National%20and%20Local%20Validation%20checklists%20as%20of%2015th%20April%202015_tcm63-368279.pdf

54. Portsmouth City Council planning application information: www.portsmouth.gov.uk/ext/development-and-planning/planning/planning-application-process-and-fees.aspx

55. New Forest National Park planning application pages: www.newforestnpa.gov.uk/info/20132/planning_processes/12/planning_application_process

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



Source: Author - Hampshire Authorities, 2015

- 6.37 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 \[See page 19\]](#)). 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.
- 6.38 In some instances, an Environmental Impact Assessment (EIA) will be required (see ['Environmental Impact Assessment \(EIA\) applications' \[See page 22\]](#)).
- 6.39 Twin tracking planning applications for oil and gas development alongside applications for other consenting regimes 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 \[See page 45\]](#)).

- 6.40 The Planning Portal includes a standard application form for oil and gas developments in England⁵⁶.

How should notice on landowners be served?

- 6.41 The Petroleum Act 1998⁵⁷ vested all 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.
- 6.42 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 1990⁵⁸ and the Town and Country Planning (Development Management Procedure) Order 2015⁵⁹.
- 6.43 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.
- 6.44 The Infrastructure Act 2015⁶⁰ has amended the provisions for access to underground resources in England and Wales. This affects land which may be subject to proposals for conventional or unconventional oil or gas proposals.
- 6.45 Information on landownership is welcomed by the Hampshire Authorities at the pre-application stage (see [Pre-application discussions \[See page 19\]](#)).

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

- 6.46 Planning fees were introduced in 1981⁶¹ 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.
- 6.47 The Secretary of State has the power to make and amend regulations setting the fees that applicants for planning permission must pay to the relevant LPA. 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)⁶². National Planning guidance has more information on planning fees⁶³.

56. Standard planning application form for oil and gas developments: www.planningportal.gov.uk/uploads/1app/forms/Form035_england_en.pdf

57. Petroleum Act 1998: www.legislation.gov.uk/ukpga/1998/17/contents

58. Town and Country Planning Act 1990: www.legislation.gov.uk/ukpga/1990/8/contents

59. The Town and Country Planning (Development Management Procedure) (England) Order 2015: www.legislation.gov.uk/uksi/2015/595/contents/made

60. Infrastructure Act 2015: www.legislation.gov.uk/ukpga/2015/7/contents/enacted

61. Planning Fees 1981: www.gov.uk/government/uploads/system/uploads/attachment_data/file/7685/10.pdf,

- 6.48 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 2014⁶⁴. 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.

What issues should be considered as part of any oil and gas planning application?

- 6.49 From time to time, oil and gas exploration, appraisal or production proposals come forward in Hampshire. This section sets out the key issues which need to be addressed in any planning application for oil and gas development. It is important to note that 'material considerations' for oil and gas proposals may vary over time e.g. if there is a change of national government policy.

Compliance with National Planning Policy

National Planning Policy Framework (NPPF)

- 6.50 The NPPF⁶⁵ sets out national minerals planning policy for onshore oil and gas.
- 6.51 The Government is clear that responsibility for determining planning applications for onshore oil and gas activities, including for the exploration of shale oil or gas, lies with MPAs. Decisions will therefore continue to be taken in accordance with Local Plans such as the adopted Hampshire Minerals & Waste Plan (HMWP)⁶⁶ (see [Compliance with Local Planning Policy \[See page 27\]](#)) and the NPPF.

National Planning Practice Guidance (NPPG)

- 6.52 The NPPG was issued in 2014⁶⁷. 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.
- 6.53 The NPPG 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.

62. Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012: www.legislation.gov.uk/ukdsi/2012/9780111527290

63. National Planning Practice Guidance ref 22-001-20141047: <http://planningguidance.planningportal.gov.uk/blog/guidance/fees-for-planning-applications/>

64. Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2014: www.legislation.gov.uk/ukdsi/2014/9780111107485

65. National Planning Policy Framework: www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

66. Hampshire Minerals & Waste Plan (2103): www3.hants.gov.uk/planning-policy-home.htm

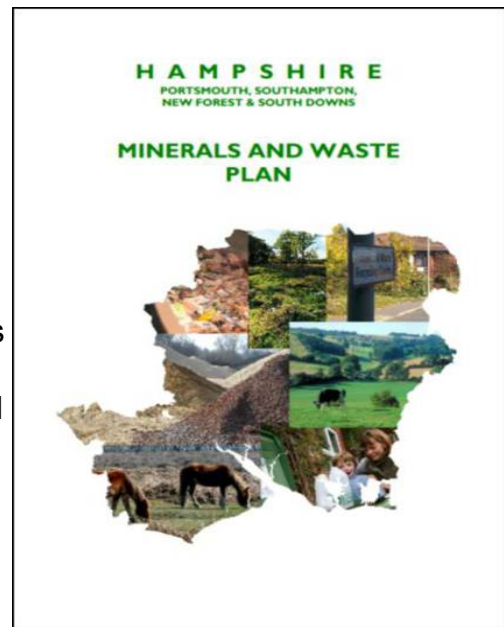
67. National Planning Practice Guidance <http://planningguidance.planningportal.gov.uk/>

6.54 The NPPG also makes it clear where issues (such as emissions, health and safety, noise and water resources) should be addressed by other regulatory agencies (i.e. not the MPA). However, whilst the planning and other regulatory regimes are separate, they are also complimentary. Therefore may be put before an MPA as part of a planning application. The MPA should assume that non-planning regimes will operate effectively.

Compliance with Local Planning Policy - The Hampshire Minerals and Waste Plan (2013)

6.55 Currently, adopted minerals policy is set out in the HMWP (2013)⁶⁸. 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 (conventional or unconventional) and to determine whether it should be granted planning permission.

6.56 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 will 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 identify any new sites (site allocations) for onshore conventional or unconventional oil and gas development.



6.57 *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.

6.58 The following Table outlines the HMWP policies that are relevant to oil and gas development proposals, dependent on their location and what the proposal entails.

68. Hampshire Minerals & Waste Plan (2013): www3.hants.gov.uk/mineralsandwaste.htm

Table 1: Hampshire Minerals and Waste Plan (2013) policies relevant to this SPD

Relevant Hampshire Minerals and Waste Plan (2013) Policies			
Sustainable Minerals and Waste Development	Protecting Hampshire's environment	Maintaining Hampshire's communities	Supporting Hampshire's economy
Policy 1 (Sustainable minerals and waste development)	Policy 2 (Climate change mitigation and adaptation)	Policy 10 (Protecting public health, safety and amenity)	Policy 16 (Safeguarding - minerals infrastructure)
	Policy 3 (Protection of habitats and species)	Policy 11 (Flood risk and prevention)	
	Policy 4 (Protection of the designated landscape)	Policy 12 (Managing traffic)	
	Policy 5 (Protection of the countryside)		
	Policy 6 (South West Hampshire Green Belt)	Policy 13 (High quality design of minerals and waste development)	Policy 24 (Oil and gas development)
	Policy 7 (Protection of the historic environment)		
	Policy 8 (Protection of soils)	Policy 14 (Community benefits)	
Policy 9 (Restoration of minerals and waste developments)			

- 6.59 In some instances, oil or gas development may have legal agreements attached to them (see [Planning obligations \[See page 53\]](#)) if they are required to make a proposal acceptable.
- 6.60 The HMWP also includes a policy which encourages community benefits (*Policy 14*) that may be associated with oil or gas developments (see [Community benefits \[See page 57\]](#)).
- 6.61 Safeguarding is the method by which mineral resources and 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. 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 HMWP⁶⁹.
- 6.62 The remaining part of this section expands upon 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.

Sustainable oil and gas developments

6.63 *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 HMWP) 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 on whether to grant planning permission.

Protecting Hampshire's environment

Ensuring oil and gas development mitigates and adapts to climate change

6.64 The way in which national energy needs are met is subject to national policy. How this need is met is not a direct issue relevant to the HMWP and its associated guidance. The main driver for the HMWP in relation to oil and gas developments is to ensure 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.



6.65 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 change.

6.66 The design of the development will also be important in the delivery of any mitigation or adaptation measures associated with the development (see 'Design of oil and gas developments').

6.67 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

6.68 Hampshire contains areas of land designated for its nature conservation value. These include international, national and locally designated sites.

- 6.69 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.

***Policy 3 (Habitats and species)* protects the following habitats and species 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.**

- 6.70 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.
- 6.71 It will be important that any oil or gas proposal which impacts the noted designations includes details of appropriate mitigation or compensation measures which will be required to protect biodiversity impacts. These measures should address the purposes of the designations of the affected areas.
- 6.72 Proposals should include details of the nature and duration of the proposed impacts as well as habitats surveys (where relevant) in their supporting information.
- 6.73 All oil or gas proposals which impact designated areas 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.
- 6.74 The design of the development will also be important to ensure the development fits into the surrounding area (see 'Design of oil and gas developments'). Restoration of the site will also be an important consideration for any proposal, at any phase (see 'Restoration and aftercare of oil and gas sites') for development located within or in proximity to sites designated for nature conservation.

Oil and gas sites in areas of landscape designation and countryside

- 6.75 Hampshire contains two National Parks. The New Forest National Park is covered by this SPD. The part of Hampshire located within the South Downs National Park is not covered by this SPD.
- 6.76 In addition, Hampshire has three Areas of Outstanding Natural Beauty located at North Wessex Downs, Cranborne Chase and West Wiltshire Downs, and Chichester Harbour.
- 6.77 Hampshire also benefits from extensive countryside outside of the designated areas which is also important and highly valued.
- 6.78 Oil and gas development, although temporary, can have an impact on the local and wider 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.
- 6.79 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.
- 6.80 Oil and gas developments should not have an unacceptable visual or noise impact. Proposals should maintain and enhance the character of the local landscape or townscape, where appropriate.
- 6.81 Proposals should include details of the nature and duration of the proposed impacts.
- 6.82 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 alternative routes be provided.



- 6.83 The design and operation of the development will also be important in ensuring it fits into the surrounding area (see 'Design of oil and gas developments'). 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, buffer zones or locating infrastructure underground. Consideration should be given to opportunities for screening to be provided in advance of the main development taking place. 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.
- 6.84 Restoration of the site will also be an important consideration in any oil or gas proposal, at any phase (see 'Restoration and aftercare of oil and gas sites') located within or outside of the designated areas in Hampshire.

Designated areas

- 6.85 National planning policy⁷⁰ attaches great weight to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The NPPF clearly states that major developments (including oil and gas developments) within designated areas should be refused planning permission except in exceptional circumstances and where it can be demonstrated they are in the public interest.
- 6.86 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. Exceptional circumstances may include where there are no other suitable locations (outside of designated areas) which can offer an alternative to extraction within the designated areas. The policy sets out matters which will need to be considered when considering such applications.
- 6.87 All proposals which impact the designated areas will need to demonstrate why there is a need for the development to be located in the designated area, options and opportunities were taken to locate the proposal outside of the designated areas and what mitigation measures will be employed to offset any impacts.
- 6.88 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.

70. National Planning Policy Framework, paragraphs 115-116 (DCLG, 2012): www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

6.89 How a proposal may impact 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 1995⁷¹ to have regard to the National Park purposes. Tranquillity is also an important issue in Hampshire's AONBs.

Countryside

6.90 Where proposals are located in the countryside outside of designated areas, it is important that the special qualities of the countryside are protected. Proposals will need to consider how the development will respect its location and what measures are proposed to address any adverse impacts.

6.91 How a proposal may impact the tranquillity of the countryside is also an important consideration.

Oil and gas sites in Hampshire's Green Belt

6.92 Oil and gas development, as a mineral development, is 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.

6.93 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.

6.94 Any proposal within the South West Hampshire Green Belt will need to demonstrate that 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 (see 'Design of oil and gas developments').

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

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

71.Environment Act 1995, section 62: www.legislation.gov.uk/ukpga/1995/25/section/62

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.**

6.96 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. It is important that the historic environment is not adversely impacted by oil and gas development. The setting of an asset will also be a key consideration.



6.97 Development should protect and wherever possible enhance the historic environment and heritage assets of both designated and non-designated sites including their setting.

6.98 The Hampshire Archaeology and Historic Buildings Record (HAHBR)⁷² and the Hampshire Historic Landscape Character Assessment⁷³ may be of assistance to applicants when preparing planning applications in areas of historic environment

6.99 The design of the development will be important as it will need to take into account historic environment features if these are relevant to the proposal (see 'Design of oil and gas developments').

Oil and gas development and the protection of soils

6.100 Hampshire has rich and diverse soils. 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 potentially at risk from oil or gas development should be protected throughout the life of the development.



6.101 Any proposed development which may impact soils or best and most versatile agricultural land must demonstrate that appropriate measures are taken to ensure 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.

72. Archaeology and Historic Buildings Record: www3.hants.gov.uk/historic-buildings-register.htm

73. Hampshire Historic Landscape Character Assessment: www3.hants.gov.uk/historic-landscape.htm

- 6.102 The UK Onshore Operators Group has produced guidelines for the consideration of soils during well construction⁷⁴.
- 6.103 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? \[See page 45\]](#)).
- 6.104 The design of the development will be important in ensuring soils are effectively managed and protected (see 'Design of oil and gas developments').

Restoration and aftercare of oil and gas sites

- 6.105 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.
- 6.106 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.
- 6.107 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.
- 6.108 Once oil and gas development has been completed, and restoration and aftercare of land is been achieved, the land can take on many uses.

Restoration may include:

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

- 6.109 The most appropriate form of afteruse will be determined on a site-by-site basis following discussions between the operator and the relevant MPA.
- 6.110 As oil and gas development takes place over three stages, it 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.
- 6.111 The design of the development will be important to the restoration of the site (see 'Design of oil and gas developments').

6.112 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 \[See page 53\]](#)). 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).

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;**
- **general character of the area; and**
- **planning policies for the area.**

6.113 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 sufficient to justify refusal of planning permission.

6.114 The successful completion of the restoration of the site will be subject to monitoring and enforcement 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 \[See page 55\]](#).

6.115 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.

Maintaining Hampshire's communities

Protecting health, safety amenity impacts from oil or gas developments

- 6.116 Oil and gas development 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.
- 6.117 The NPPF⁷⁵ and the NPPG⁷⁶ set out 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'*.
- 6.118 Oil and gas operators should 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.
- 6.119 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.
- 6.120 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.
- 6.121 National planning guidance⁷⁷ indicates that 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. Further guidance is provided on above ground distances between oil and gas developments and nearby sensitive receptors which is dependent on specific circumstances, site specific assessments and other forms of mitigation measures.
- 6.122 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.

75. National Planning Policy Framework: www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

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

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

- 6.123 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. Oil and gas developments should meet these standards. These agencies include:
- the Environment Agency as part of its responsibility for protecting and improving the environment and as the regulatory body for issuing Environmental Permits (see [Appendix 3: Role of the Environment Agency \[See page 72\]](#)); as well as
 - local Environmental Health Officers at district and borough councils.
- 6.124 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. Mitigation could involve screening the apparatus or locating infrastructure underground.
- 6.125 The design of an oil or gas site will be an important element of addressing many of the issues noted (see 'Design of oil and gas developments').

Dust and emissions

- 6.126 Oil and gas development should not cause unacceptable dust or release emissions to the atmosphere, land or water (subject to appropriate standards). The issue of emissions must be taken into account in any oil or gas proposal.
- 6.127 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

- 6.128 Oil and gas development should not have an unacceptable impact on human health and this is clearly addressed in *Policy 10 (Protection of public health, safety and amenity)*.
- 6.129 Applicants should expect to submit a Health Impact Assessment as part of any planning application for unconventional oil or gas development.
- 6.130 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

- 6.131 Oil and gas development should not cause unacceptable noise. It is important that any noise generated from oil or gas developments is appropriately minimised and 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

- 6.132 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 relevant MPA as part of the planning process.

Visual impact

- 6.133 Oil and gas development should not have an unacceptable visual impact (see 'Protection of designated areas and the countryside' and 'Countryside'). Developers should demonstrate what measures they have put in place to minimise the visual impact of development, particularly in sensitive or designated areas.

Aerodrome safeguarding

- 6.134 Oil and gas development should not endanger aircraft from bird strikes and structures.
- 6.135 Bird-strike zones around aerodromes cover significant parts of Hampshire.
- 6.136 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.
- 6.137 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 at those locations.
- 6.138 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

6.139 Oil and gas development should not cause an unacceptable impact on subsidence.

Seismicity

6.140 Safeguards are in place to mitigate the risks of seismic activity⁷⁸. These safeguards include a 'Traffic Light' system to address concerns and monitor seismicity during hydraulic fracturing operations⁷⁹.

6.141 The MPA will consult the OGA on the issue of potential seismic impacts. The MPA will take into account the advice of the OGA in coming to a decision on the potential impacts associated with any proposal.

Migration of contaminants (including the use of chemicals)

6.142 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.

6.143 Well design and barrier planning is subject to detailed guidance as set out in Oil and Gas UK's Well Integrity guidelines⁸⁰, particularly in regard to the installation and testing of barriers to prevent leaching of chemicals into nearby soil.

Waste disposal

6.144 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.

6.145 Any proposal for oil and gas development will need to ensure it has adequately considered the management of waste, as required.

6.146 Waste disposal issues will be considered by the Environment Agency through Environmental Permitting.

6.147 Some of the wastes generated during oil and gas development will require disposal (e.g. to landfill). This may include drill cuttings.

78. Written Ministerial Statement by Edward Davey: Exploration for Shale Gas

79. Traffic Light Monitoring System: www.gov.uk/government/publications/traffic-light-monitoring-system-shale-gas-and-fracking

80. Oil and gas well integrity guidelines (Oil and Gas UK, 2012): <http://oilandgasuk.co.uk/product/well-integrity-guidelines-issue-1-july-2012/>

- 6.148 Oil and gas extraction can produce mining wastes which need to be effectively managed. This is set out in the European Mining Waste Directive⁸¹ 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 2010⁸² which are regulated by the Environment Agency.
- 6.149 Muds associated with drilling operations will be made up of various chemicals. The Environment Agency provides more information on drilling muds⁸³.
- 6.150 Flowback water will be collected and contained in closed tanks. This water will then need to be discharged to the sewer system, if acceptable 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 pre-treatment prior to conventional water treatments.

Protection of water and water resources (including flood risk)

- 6.151 Hampshire's groundwater is of great importance for drinking supplies and nature conservation designations. The county is reliant on groundwater for its potable supplies. It is expected that all necessary measures will be taken to protect water resources. The need to protect water resources is given further weight by the Water Framework Directive⁸⁴ which is designed to preserve, restore and improve the water environment.
- 6.152 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 or up or downstream from its location. 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.
- 6.153 The Environment Agency protects water resources and therefore 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 Environment Agency and the relevant water company in advance of any planning application being submitted.

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

82. Environmental Permitting (England and Wales) Regulations 2010

83. Environment Agency guidance: 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

84. Water Framework Directive: http://ec.europa.eu/environment/water/water-framework/index_en.html

- 6.154 Proposals should include information on the likely amount of water required and the potential impacts on locally available water resources⁸⁵. This will be particularly important where 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. It may be necessary to apply for an abstraction license from the Environment Agency and to consult the relevant water company. The MPA will also seek the views of the relevant water company when oil and gas proposals are submitted in their areas.
- 6.155 All proposals should include detailed investigations into the potential impact associated with the proposed development on ground water and surface water courses. This should include a comprehensive risk assessment to determine the potential impact on ground and surface waters.
- 6.156 It is highly unlikely that the Environment Agency would permit oil and gas development in Source Protection Zone 1 and 1 C.
- 6.157 Potential impacts on water resources should be designed out of a proposal at the earliest possible stage. Mitigation measures should only be applied to any residual impacts.
- 6.158 The MPA will consult the Environment Agency and will take into account the advice provided by the agency in coming to a conclusion on the potential impact on water resources. The Environment Agency sets out clear Groundwater Protection Policy and Guidance⁸⁶.
- 6.159 Where development proceeds, the Environment Agency will expect the application of best available techniques to protect groundwater where any associated drilling or operation of the boreholes passes through a groundwater resource.
- 6.160 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 to be put in place for the appropriate management of waste water as well as fuels and oils.
- 6.161 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.
- 6.162 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.



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

86.Environment Agency Groundwater Protection Guidance: www.gov.uk/government/uploads/system/uploads/attachment_data/file/297347/LIT_7660_9a3742.pdf

- 6.163 Applicants should expect to submit a Flood Risk Assessment where a site is located in a Flood Risk Zones 2 and 3 or if the development is over 1 hectare in size.
- 6.164 Surface water run-off needs to be carefully managed and controlled at oil and gas sites. The management, maintenance, monitoring procedures and risks will need to be carefully considered at the pre-application stage and will need to form part of the overall waste management plan for the site.
- 6.165 Water companies will be a consultee for oil and gas proposals within their catchment within the HCC administrative area⁸⁷.

Public strategic infrastructure

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

Cumulative impacts associated with oil or gas development

- 6.167 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 in the locality. 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;**
- **noise;**
- **health and safety;**
- **lighting;**
- **water resources;**
- **public safety;**
- **visual impact;**
- **land stability; and**
- **seismicity etc.**

- 6.168 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.

- 6.169 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.

⁸⁷ 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 of Community Involvement (2014)

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

Oil and gas development and managing associated transport

- 6.171 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.
- 6.172 Any proposal will need to consider the provision of *Policy 12 (Managing traffic)* of the HMWP. Oil and gas development 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 in these areas.
- 6.173 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

- 6.174 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.
- 6.175 The sustainable design and operation of oil and gas development is critical in ensuring potential impacts are reduced or avoided.
- 6.176 Many of the aspects highlighted earlier in this section will relate to the design of the overall development in one way or another.
- 6.177 Potential impacts on the environment and communities should be designed out of a proposal at the earliest possible stage. Mitigation measures should only be applied to any residual impacts which cannot be addressed through the design of the development.

Supporting Hampshire's economy

Oil and gas development

- 6.178 *Policy 24 (Oil and gas development)* will be used to judge all oil and gas proposals which are received in Hampshire. Planning permission is required for each phase of oil or gas development. The policy includes criteria for the different phases.

Economic impact of oil or gas developments

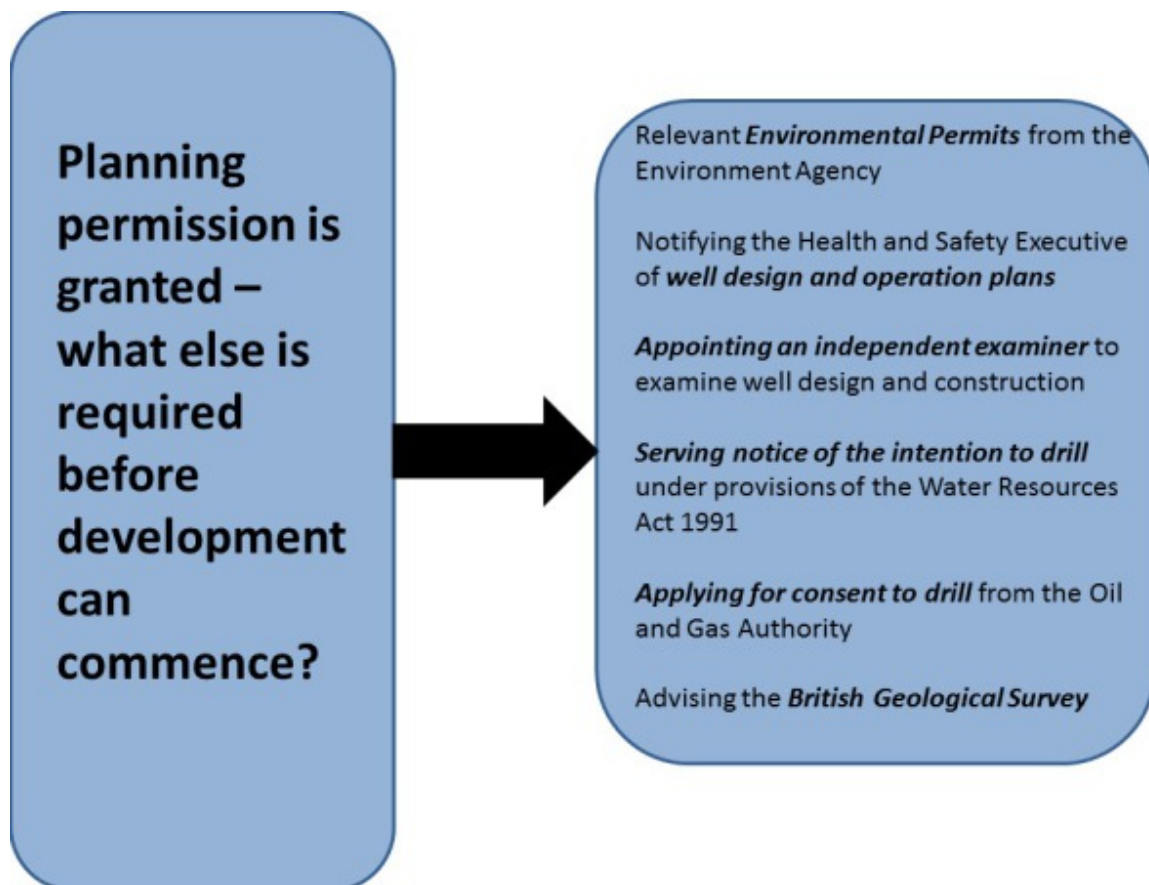
- 6.179 An Environmental Statement (see [Preparing a planning application \[See page 17\]](#)) for an oil or gas proposal will consider the issue of economic need for a proposal on a national, regional and local scale.

6.180 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, the MPA will therefore rely on the policies and direction of the NPPF⁸⁸, as appropriate. The NPPF specifically states that when determining planning applications, local planning authorities should give great weight to the benefits of mineral extraction, including to the economy⁸⁹.

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

6.181 An applicant will also need to go through a number of other regulatory processes before development can commence, aside from gaining planning permission. The following diagram highlights these processes.

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



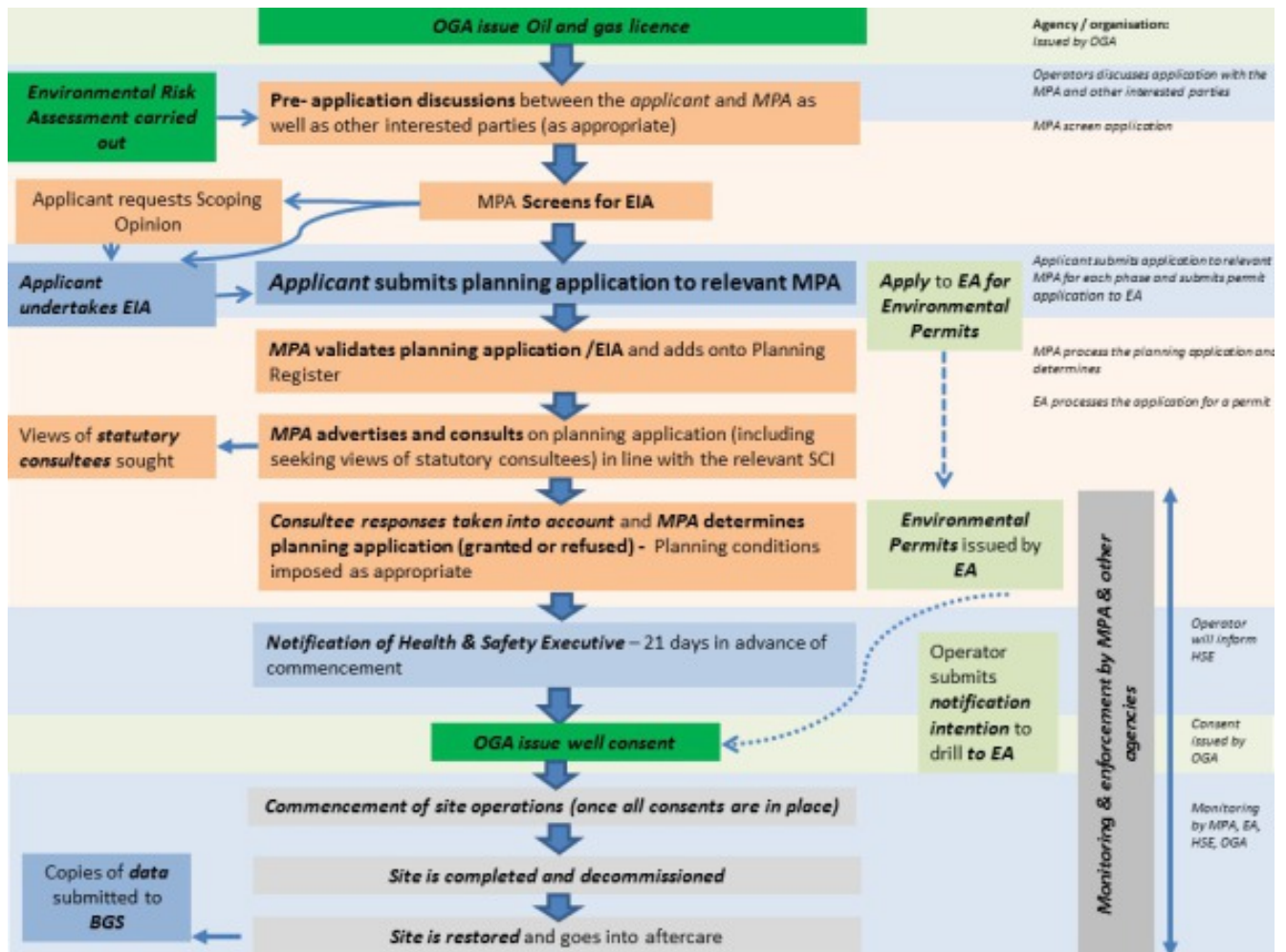
Source: Author - Hampshire Authorities, 2015

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

88. National Planning Policy Framework: www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

89. National Planning Policy Framework, paragraph 144: www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Figure 11: How the planning system links to the regulation system for each phase of oil or gas development



Source: Author - Hampshire Authorities, 2015

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](#). Agencies such as the Oil and Gas Authority, the Environment Agency and the Health and Safety Executive all have a role to play in the regulation of the oil and gas industry, with responsibilities to ensure that the extraction of oil and gas (both conventional and unconventional) is conducted in a manner that the risks to people and the environment are properly managed and controlled.

- 6.183 [Appendix 2: Role of the Oil and Gas Authority \[See page 70\]](#), [Appendix 3: Role of the Environment Agency \[See page 72\]](#) and [Appendix 4: Role of the Health and Safety Executive \[See page 74\]](#) provide more information on the role of the other agencies and interested parties which link to the planning process and have an interest in oil and gas development in Hampshire.
- 6.184 The MPAs will assume that these regimes will operate effectively when determining planning applications. Whilst matters which will be addressed by the other regulatory bodies 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.
- 6.185 [Appendix 5: Role of other agencies \[See page 77\]](#) provides information on a number of other organisations who may also be consulted on planning applications for conventional or unconventional oil and gas development or have an interest in development in Hampshire. These may include Natural England, the British Geological Survey, Hazardous Substance Authorities, Historic England and water companies. 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?

- 6.186 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.
- 6.187 Hampshire County Council's Statement of Community Involvement (SCI)⁹⁰ 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.
- 6.188 Portsmouth City Council⁹¹, Southampton City Council⁹² and the New Forest National Park Authority⁹³ have their own SCIs which would be complied with if a proposal were to be received for oil and gas development within their administrative areas.

90. Hampshire Statement of Community Involvement: <http://documents.hants.gov.uk/HampshireSCIAdoptedFinalMay2014.pdf>

91. Portsmouth Statement of Community Involvement: www.portsmouth.gov.uk/ext/development-and-planning/planning/statement-of-community-involvement.aspx

92. Southampton Statement of Community Involvement: www.southampton.gov.uk/modernGov/mgIssueHistoryHome.aspx?Id=10117

93. New Forest National Park Statement of Community Involvement: www.newforestnpa.gov.uk/info/20040/planning_policy/106/community_involvement

- 6.189 In the event that a proposal impacts on 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 1995⁹⁴ to have regard to the National Park purposes.
- 6.190 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.
- 6.191 The Office for Unconventional Gas and Oil⁹⁵ 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.
- 6.192 When determining planning applications, responses received as part of the public consultation, will be taken into account, as appropriate. Summary of the responses received will be documented in any decision report produced by the MPA (see [Why is community engagement important to the planning process? \[See page 47\]](#)).
- 6.193 Interested parties have an opportunity to request to make a representation on an oil and gas proposal when the proposal is being considered at the planning committee of the relevant Hampshire Authority. Each of the Hampshire Authorities have their own procedures in place for this and these are documented in the SCIs (see above).
- 6.194 The Hampshire Authorities encourage the formation of site liaison panels to ensure that local communities can examine oil or gas proposals and engage with other interested parties. A number of Hampshire's existing oil fields have established liaison panels. Liaison Panels are useful throughout the planning process. Relevant water companies should be invited to take part in liaison panels where a site is located within 1 km of a SPZ (including sub-surface SPZs).

94.Environment Act 1995, section 62 www.legislation.gov.uk/ukpga/1995/25/section/62

95.Office for Unconventional Gas and Oil: 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 in Hampshire?

- 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 regard to the demand for hydrocarbons and national energy policy⁹⁶.
- 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. 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 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? \[See page 45\]](#)) for an oil or gas proposal will be the same, regardless of the phase of the development. 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.

When determining planning applications the MPA will have regard to the following:

- the fact that previous phases of development may 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;
- safeguards which are proposed to protect the environment and local communities, in line with the policies of the HMWP. These may include mitigation measures;
- 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.

96. National Planning Policy Guidance: <http://planningguidance.planningportal.gov.uk/blog/guidance/minerals/planning-for-hydrocarbon-extraction/>

- 7.5 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:
- 13 weeks - all oil and gas planning applications; or
 - 16 weeks - applications for oil or gas development which are 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 \[See page 16\]](#)).
- 7.6 In the event that planning applications are not determined within the timescales set (and no extension has been agreed between the applicant and the MPA), the applicant can appeal to the Planning Inspectorate to determine the planning application on the grounds of non-determination.
- 7.7 The Secretary of State has the powers to call in any significant planning applications for his determination.
- 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? \[See page 51\]](#)) and potentially a Section 106 agreement where relevant (see [Planning obligations \[See page 53\]](#)). Community benefits packages may also be established which are associated with oil and gas developments but are outside of the planning process (see [Community benefits \[See page 57\]](#)).

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

- 8.1 MPAs 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 \[See page 53\]](#)) if conditions cannot be applied.
- 8.2 There are strict measures in place in legislation and guidance which determine in what instances planning conditions can be imposed⁹⁷.

In summary, a condition must be:

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

- 8.3 Further guidance is set out in the National Planning Practice Guidance⁹⁸.
- 8.4 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.

Basic principles of conditions

- **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 through conditions once planning permission has been granted. 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 other 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.**

97.Paragraph 203-206 of the National Planning Policy Framework (DCLG, 2012): www.gov.uk/government/uploads/system/uploads/attachment_data/file/60772/116950.pdf

98.National Planning Practice Guidance: <http://planningguidance.planningportal.gov.uk/blog/guidance/use-of-planning-conditions/what-approach-should-be-taken-to-imposing-conditions>

- 8.5 Conditions applied to planning permissions will be specific to each individual oil or gas proposal and can cover a variety of issues. Examples of the types of matters conditions may cover for oil and gas development are included in [Appendix 6: Issues which may be addressed by planning conditions \[See page 78\]](#).

9. Planning obligations

- 9.1 Planning authorities are able 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? \[See page 51\]](#)).

Section 106 agreements

- 9.2 Agreements under section 106 (S106) of the Town and Country Planning Act 1990⁹⁹ can be used to secure planning obligations. 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 a S106 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.

Community Infrastructure Levy (CIL)

- 9.4 Financial contributions towards infrastructure provision are now governed by the Community Infrastructure Levy Regulations (CIL) 2010 (as amended)¹⁰⁰. 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.
- 9.5 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.
- 9.6 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 for CIL if ancillary buildings, such as offices in excess of 100sqm gross internal floor space are proposed.

99. Section 106 of the Town and Country Planning Act 1990: www.legislation.gov.uk/ukpga/1990/8/contents

100. Community Infrastructure Levy Regulations 2014: www.legislation.gov.uk/ukdsi/2014/9780111106761/contents

- 9.7 The introduction of CIL has resulted in the restriction of the use of S106 agreements to secure infrastructure funding. 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.
- 9.8 There should be no circumstances where a developer is paying CIL and S106 for the same infrastructure.

Section 278 agreements

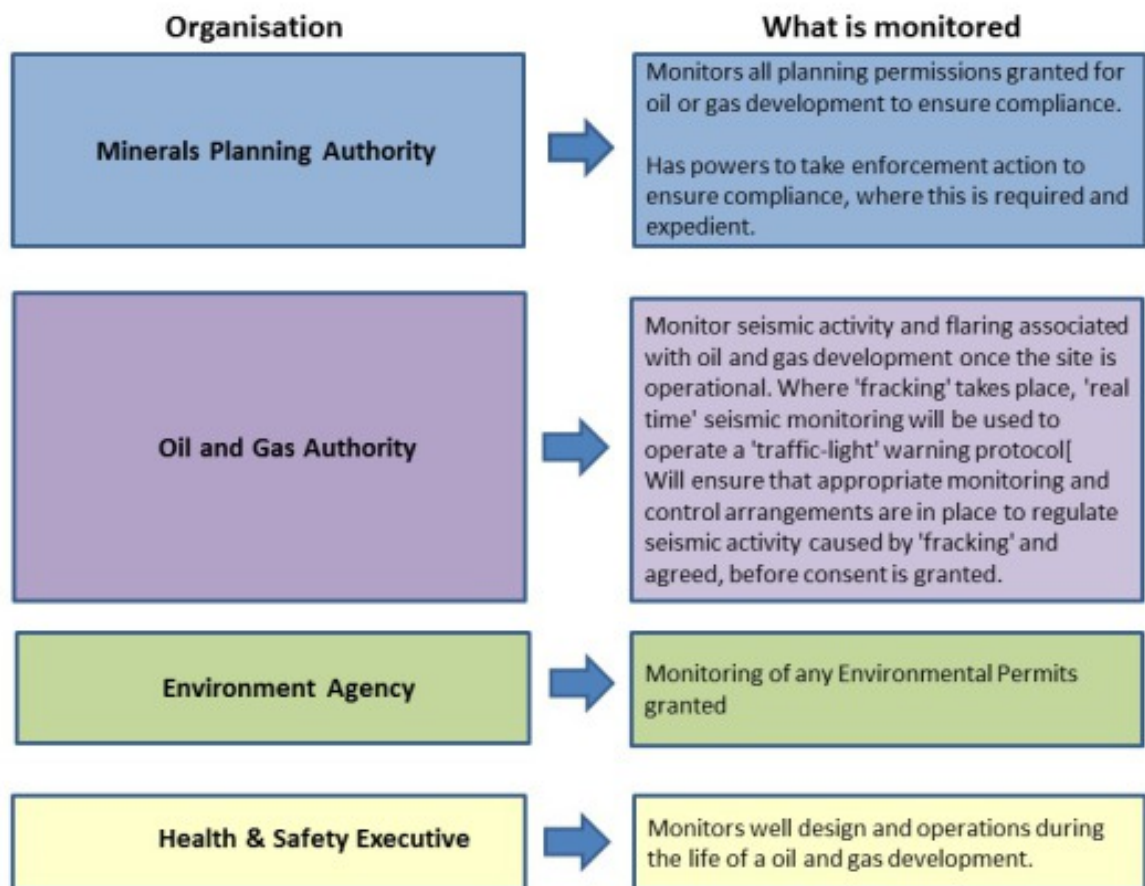
- 9.9 Improvements to the highway network may be required in order to facilitate safe access and egress into a site where oil or gas extraction is proposed, or to mitigate any formerly mentioned impacts that are identified. In order for the works to be implemented, an agreement is needed under section 278 of the Highways Act 1980¹⁰¹ which gives permission for the applicant to carry out approved works on the highway on behalf of the local highway authority.

101.Highways Act 1980: www.legislation.gov.uk/ukpga/1980/66/section/278

10. Monitoring and enforcement of oil and gas developments in Hampshire

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 12: **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). 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 in terms of compliance with the planning permission granted. This involves unannounced and regular site visits for the total life of the development i.e. from when the site is granted planning permission through to when the site has been fully restored and aftercare has been completed.
- 10.4 All of the Hampshire Authorities will investigate any breaches of planning control discovered or reported.
- 10.5 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 2014¹⁰². Additional site visits may be undertaken but these will not be subject to a charge.
- 10.6 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.
- 10.7 More information on enforcement is available on the relevant Hampshire Authority's website (HCC¹⁰³, PCC¹⁰⁴, SCC¹⁰⁵ and NFNPA¹⁰⁶).

Monitoring by other regulators

- 10.8 Monitoring will also be carried out by the other regulators which include the Environment Agency, Health and Safety Executive and the Oil and Gas Authority in line with their own monitoring procedures.

102. 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

103. HCC enforcement: www3.hants.gov.uk/monitoring-and-enforcement-homepage-3.htm

104. Portsmouth City Council enforcement policy: www.portsmouth.gov.uk/ext/community-and-environment/community/enforcement-policy.aspx

105. Southampton City Council enforcement: www.southampton.gov.uk/planning/planning-enforcement/

106. New Forest National Park Authority enforcement: 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. However, this provision lies 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 encourages such benefits as source of funding for local projects. 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 scheme¹⁰⁷. This commitment has been set out in the UKOOG Community Engagement Charter¹⁰⁸.

107. UKOOG information on community benefits: www.ukoog.org.uk/community/benefits

108. Oil and Gas industry community charter: 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 of 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 and Winchester City Council 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. AONBs are designated by the Countryside and Rights of Way Act 2000. The role and management of AONBs are set out in AONB Management Plans.

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.

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 benefits: Minerals developments such as oil and gas can provide community benefits in their local 'host' areas which are outside of the planning process. 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.

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 for 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.

Enforcement: Use of enforcement powers to ensure compliance with planning permissions granted or to regularise unauthorised development.

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.

Environmental Risk Assessment (ERA): An ERA is intended to provide a systematic and prioritised review of the environmental risks associated with the operations proposed, and a demonstration of the safe and environmentally responsible management of these operations.

Equality Impact Assessment (EqIA): A process designed to ensure that a policy, project or scheme does not discriminate against any disadvantaged or vulnerable people.

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 Local Plans, 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.

Highways England: Highways England (formerly the Highways Agency) is a government-owned company with responsibility for managing the core road network in England.

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 was formerly part of English Heritage.

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 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.

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.

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 (CO₂) released into the atmosphere.

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. Where this document refers to 'local planning authority' this relates to Hampshire's districts and borough councils.

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 tonnes per annum.

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.

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.

National Planning Practice Guidance (NPPG): The NPPG sits alongside the NPPF, providing guidance on its application. It is a live document and is subject to updates as required.

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.

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.

Petroleum Exploration and Development Licences (PEDL): Petroleum Exploration and Development Licences (PEDL) can be issued by OGA for onshore drilling and exploration activities.

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 Performance Agreements (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.

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.

Registered parks and gardens: Registered parks and gardens are identified by Historic England. 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.

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.

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 SPD.

South Downs National Park: The National Park was formally established on 1 April 2011 and includes areas within 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.

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.

Supplementary Planning Document (SPD): Any document of a description referred to in regulation 5 (except an adopted policies map or a statement of community involvement) which is not a local plan. SPD also 'add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

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.

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)

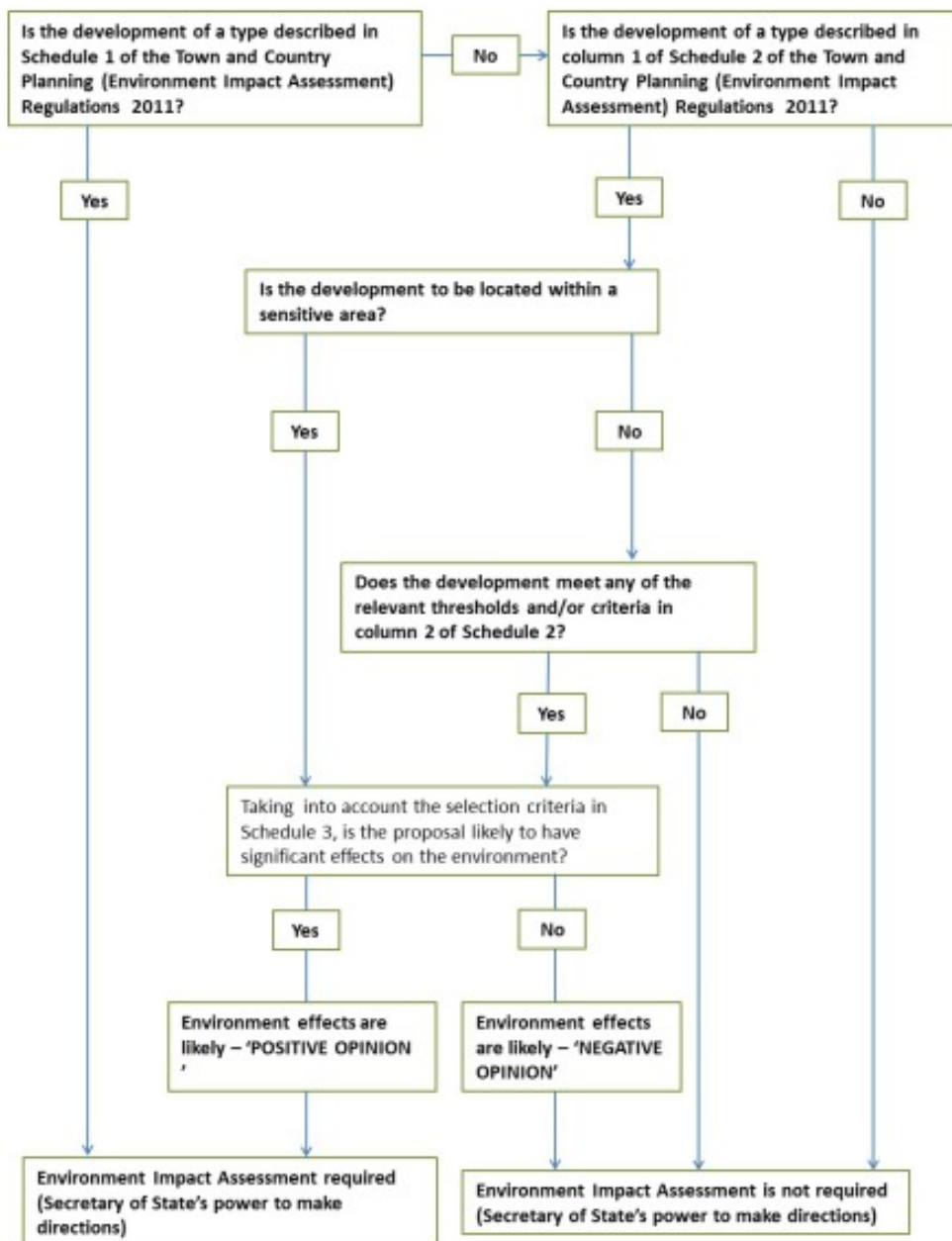
Urban areas: An area characterised by higher population density and vast human features in comparison to areas surrounding it. Urban areas may be cities, towns or conurbations.

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.

Appendices

Appendix 1: Establishing whether a proposed oil or gas development requires an Environmental Impact Assessment (EIA)

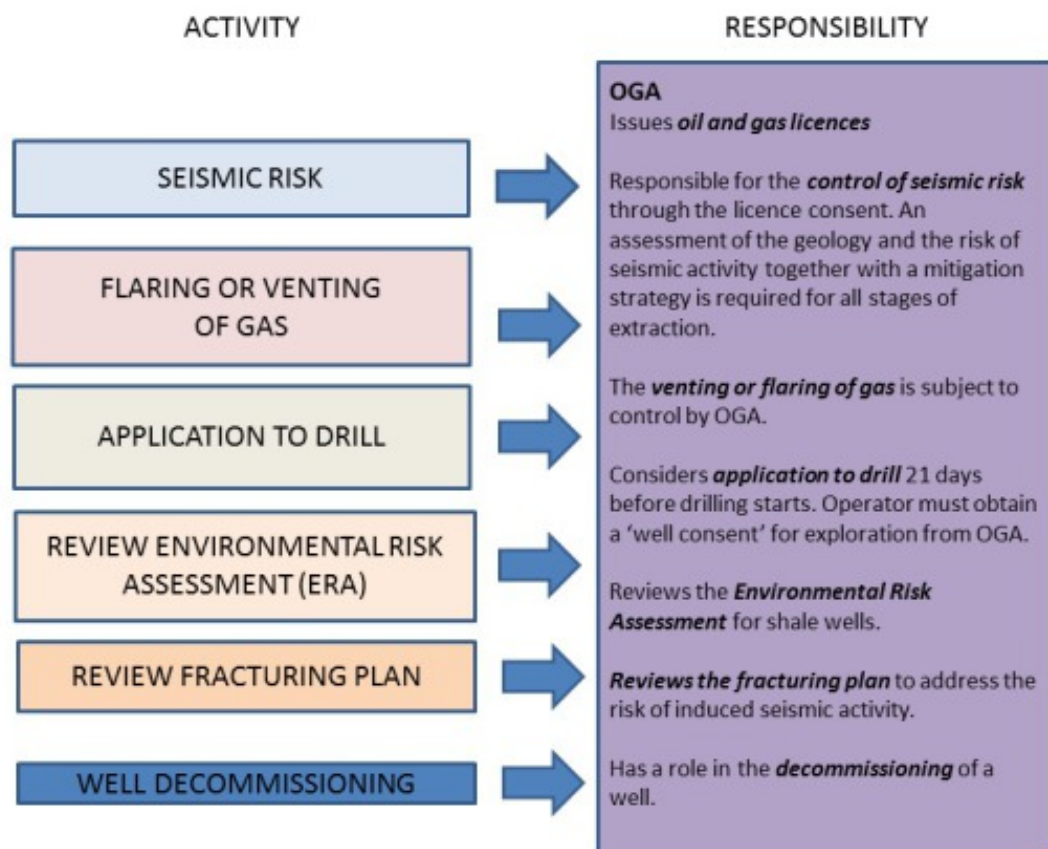


Source: Author - Hampshire Authorities, 2015, amended from DCLG, 2013

Appendix 2: Role of the Oil and Gas Authority

The Petroleum Act 1998¹⁰⁹ 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 Oil and Gas Authority (OGA)¹¹⁰. 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 issues oil and gas licences (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 development. The following diagram highlights the roles and responsibilities of the OGA in relation to oil and gas development and the planning system.

OGA roles and responsibilities



Source: Author - Hampshire Authorities, 2015

An Environmental Risk Assessment (ERA) is intended to provide a systematic and prioritised review of the environmental risks associated with the operations proposed, and a demonstration of the safe and environmentally responsible management of these operations¹¹¹.

109. Petroleum Act 1998: www.legislation.gov.uk/ukpga/1998/17/contents

110. Oil and Gas Authority: www.gov.uk/government/organisations/oil-and-gas-authority

If a proposal includes the intention to 'frack', the OGA would impose the controls¹¹² which include:

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

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.

111. 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.pdf)

112. Oil and Gas Authority: www.gov.uk/government/organisations/oil-and-gas-authority

Appendix 3: Role of the Environment Agency

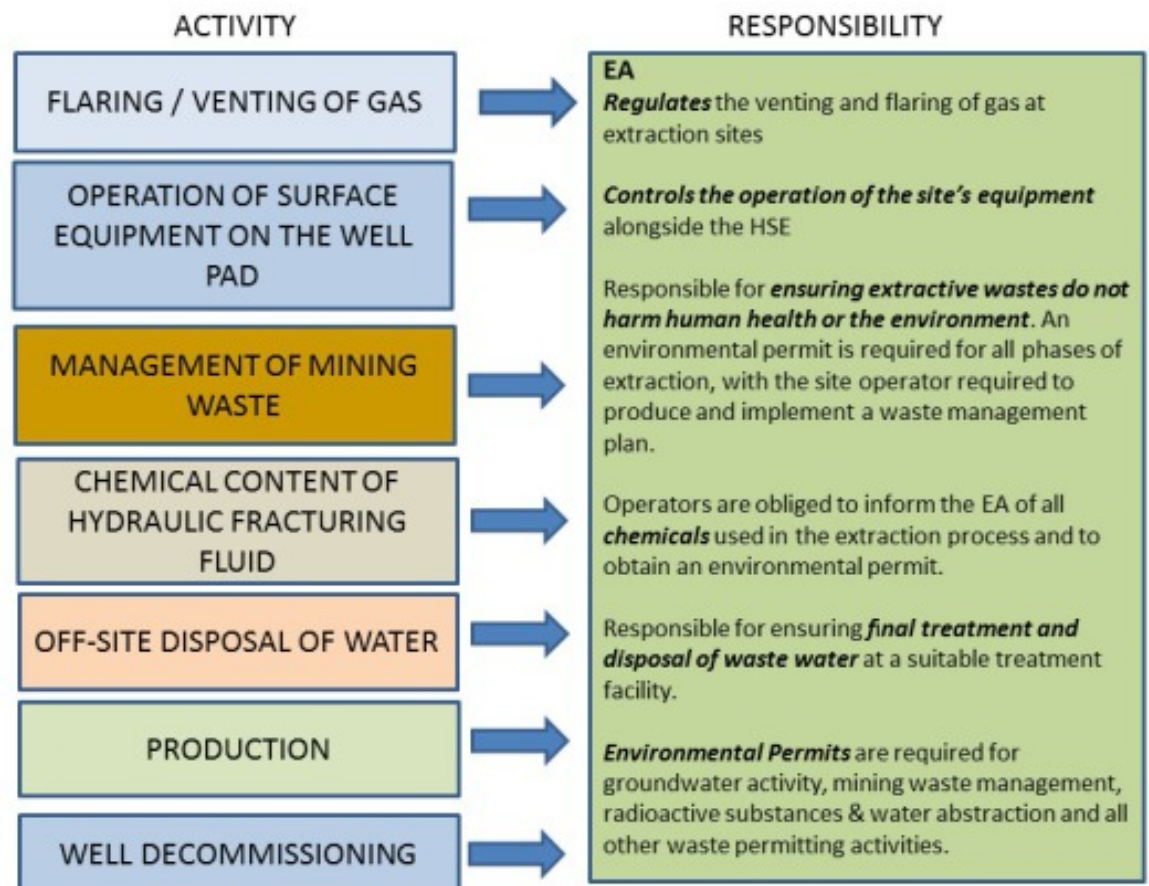
The EA is a statutory consultee in the land use planning process. The EA will consider all issues relevant to its remit when consulted on an oil and gas development.

The EA:

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

The following diagram highlights the roles and responsibilities of the EA in relation to oil and gas development and the planning system.

Environment Agency roles and responsibilities



Source: Author - Hampshire Authorities, 2015

In England and Wales, onshore oil and gas exploratory activities require environmental permits issued under the Environmental Permitting Regulations¹¹³ and other permissions from the Environmental regulator, depending on the methods used and the geology of the site. Environmental permits will be required for oil and gas developments^{114 115}. Other issues may be considered as part of the environmental permitting process.

Environmental Regulation requires a notice to be served on the regulator under section 199 of the Water Resources Act 1991¹¹⁶ to ‘construct a boring for the purposes of searching for or extracting minerals’.

The EA has issued a number of guidance documents relating to onshore oil and gas operations and more specifically shale gas extraction and hydraulic fracturing^{117 118 119}.

The EA works closely with the Health and Safety Executive on the regulation of shale oil and gas activity¹²⁰ (see [Appendix 4: Role of the Health and Safety Executive \[See page 74\]](#)).

113. www.gov.uk/government/publications/environmental-permitting-of-onshore-oil-and-gas-facilities

114. Environmental Permitting: www.gov.uk/environmental-management/environmental-permits

115. Permitting for oil and gas developments: www.gov.uk/government/publications/environmental-permitting-of-onshore-oil-and-gas-facilities

116. Water Resources Act 1991: www.legislation.gov.uk/ukpga/1991/57/contents

117. Guidance on Environmental Risk Assessment for shale gas exploratory operations: www.gov.uk/government/uploads/system/uploads/attachment_data/file/296949/LIT_8474_fbb1d4.pdf

118. Guidance on Regulation of exploratory shale gas operations: www.gov.uk/government/uploads/system/uploads/attachment_data/file/297015/LIT_7284_231c35.pdf

119. Environmental Permitting Regulations EPR (2010): www.legislation.gov.uk/ukdsi/2010/9780111491423/contents

120. www.hse.gov.uk/aboutus/howwework

Appendix 4: Role of the Health and Safety Executive

The HSE is the health and safety regulator for Great Britain. Its responsibilities include onshore oil and gas exploitation activities.

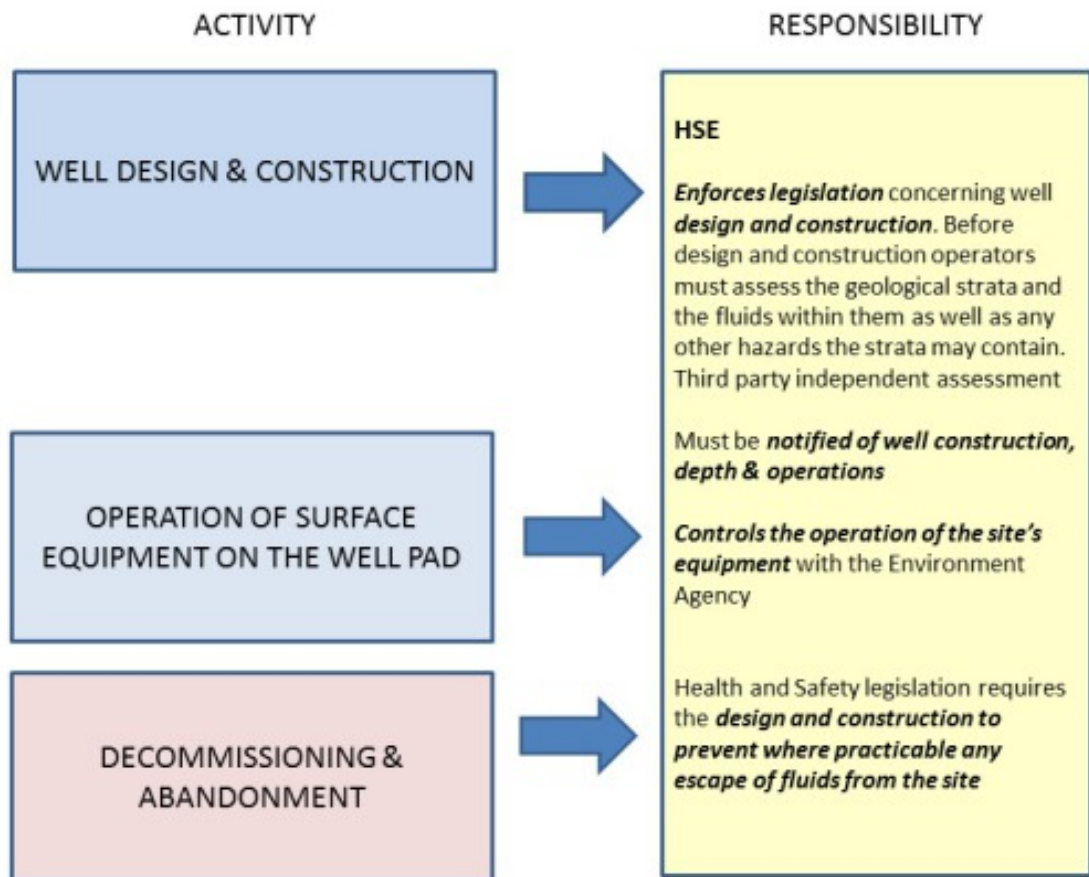
The HSE ensures that well operator complies with specific health and safety regulation in particular to the extraction of oil or gas and to prevent, so far as is reasonably practicable those working on sites or others who could be affected by the work.

The HSEs role is to:

- **regulate 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 before development commences;**
- **ensure the safety of drilling operations; and**
- **monitors oil and gas operations from a well integrity and site safety perspective.**

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

Role of the Health and Safety Executive



Source: Author - Hampshire Authorities, 2015

The HSE is not a statutory consultee for oil and gas developments although the organisation plays a role as a non statutory consultee as the enforcing authority for health and safety activities¹²¹.

There is a requirement that a well is designed, constructed, operated and decommissioned to ensure that there are no unplanned release of fluids. An operator is required to supply details of the decision and construction of a well. This is scrutinised by the HSE before drilling can commence and before decommissioning.

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 and 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 Act¹²².

121. More guidance on the role of the HSE for oil and gas developments: www.hse.gov.uk/offshore/shale-gas-planners.pdf

122. Section 199 of Water Resources Act 1991: www.legislation.gov.uk/ukpga/1991/57/contents

The HSE conducts scrutiny of all activities associated with oil and gas development through weekly reports supplied by the operators during construction of wells, during any drilling or decommissioning. Any unplanned release of fluids or unplanned deployment of safety equipment used to prevent a release of fluids is reported to the HSE.

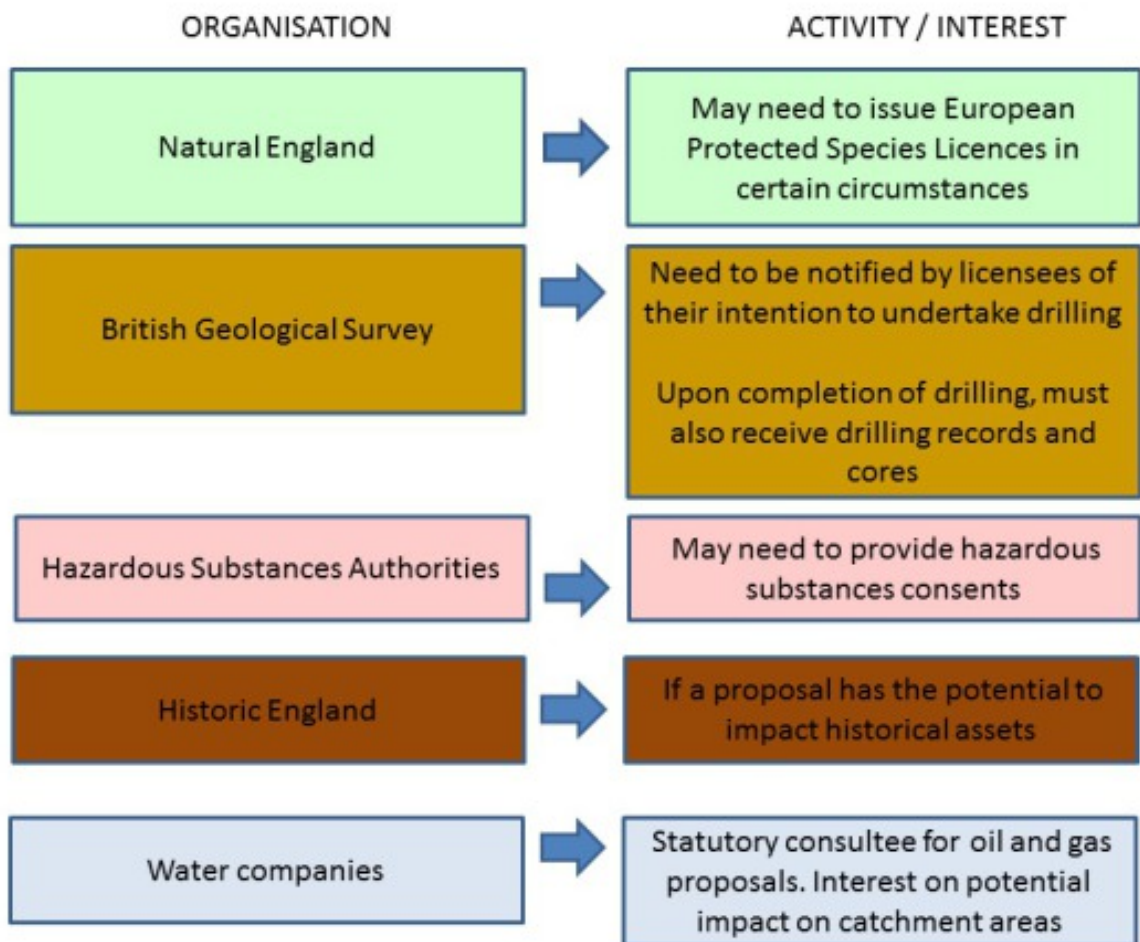
The HSE worked jointly with the EA on the regulation of shale oil and gas activity. This includes pre-commencement joint site visits as well as sharing knowledge and experience. The HSE has issued joint guidance with the EA relating to shale gas extraction and hydraulic fracturing¹²³.

123. The Environment Agency and the Health and Safety Executive: Working together to regulate unconventional oil and gas development: www.hse.gov.uk/aboutus/howwe-work/frame.cfm/aa/hse-ea-oil-gas-nov12.pdf

Appendix 5: Role of other agencies

A number of other organisations may also be consulted on planning applications 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.

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



Source: Author - Hampshire Authorities, 2015

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

Appendix 6: Issues which may be addressed by planning conditions

Conditions applied to planning permissions will be specific to each individual oil or gas proposal and can cover a variety of issues. 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 is not an exhaustive list. There may be instances where conditions which are not highlighted may be applied. The Hampshire Authorities can only apply conditions if they meet the test highlighted above. **The ticks in the table represent where a condition may be of relevance to one of the policies in the adopted Hampshire Minerals and Waste Plan (2013).**

Issues which may be addressed by planning conditions attached to oil and gas proposals in Hampshire

How the issues may relate to other key issues / areas (Policies of the adopted HMWP)	<i>Habitats and species</i>			<i>Landscape and countryside</i>			
	<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 (Policies of the adopted HMWP)	Historic environment			Soils		
	Pre-development archaeological report	Historic environment management plan	Archaeological watching brief	Soil management plan	Stripping of topsoil during the construction	Storage of topsoil
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)	Emissions and dust							
	<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)	Noise and vibrations			
	<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)	Lighting	Water resources							
	Details of proposed lighting, including siting, height, design and position of floodlights (including implementation)	Water management	Hydrogeology or Hydrological monitoring	Hydrological risk assessment	Water storage	Construction of the boreholes to prevent uncontrolled discharge of chemicals into groundwater or surface water	Prevention of uncontrolled discharge of water	Storage of oils, fuels, lubricants or other liquid materials	Location and use of spill kits
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)	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	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

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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Email: planning.policy@hants.gov.uk

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Strategic Planning

Economy, Transport & Environment Department

Hampshire County Council

Floor 1 Elizabeth II Court West

Winchester SO23 8UD

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Agenda Item 4



Portsmouth
CITY COUNCIL

Title of meeting:	Cabinet Member for Planning, Regeneration and Economic Development
Date of meeting:	2 February 2016
Subject:	Minerals & Waste Safeguarding in Hampshire Supplementary Planning Document
Report by:	Assistant Director of Culture & City Development
Wards affected:	all
Key decision:	No
Full Council decision:	No

1. Purpose of report

- 1.1 To seek approval for the adoption of the Minerals & Waste Safeguarding Supplementary Planning Document (SPD)

2. Recommendation

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

- a) approves the Minerals & Waste Safeguarding SPD for adoption
- b) authorises the City Development Manager to make editorial amendments to the SPD prior to adoption, 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 in 2013 as part of the development plan for Portsmouth. 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 A 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 PRED approved the draft for consultation in June 2015.

4. The consultation

- 4.1 The draft SPD was then subject to a 6 week public consultation which ran from 29 June – 7 August 2015. The consultation consisted of emails and letters to interested parties and a county-wide workshop event in Winchester.

4.2 In addition to the results of the workshop, 30 responses were received. The majority of responses were received from local planning authorities, minerals and waste industry representatives, and parish and town councils from across Hampshire.

4.3 The responses largely sought clarification of the SPD. There was also a feeling that it was too heavily weighted towards use by district councils, and further guidance for developers was sought. A full report on the consultation results can be found at: <http://documents.hants.gov.uk/mineralsandwaste/consultation-2015/OilGasSPDConsultationReport.pdf>

4.4 Amendments have been made to the SPD taking into account the consultation responses received. The final SPD proposed for adoption is attached as an appendix.

5. Reasons for recommendations

5.1 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.

5.2 If adopted the SPD will sit alongside the adopted HMWP, providing guidance on the implementation of specific policies within the Plan.

6. Equality impact assessment (EIA)

6.1 As the SPD is a Partnership document, Hampshire County Council has prepared an Equalities Impact Assessment for the SPD, which is published at:

<http://documents.hants.gov.uk/mineralsandwaste/consultation-2015/EqualitiesImpactAssessmentEqIASafeguarding-OilandGasSPD.pdf>

6.2 The SPD provides guidance on the implementation of the policies of the adopted Minerals & Waste Plan and does not contain any additional policies over and above those in the plan. As a result, it is considered that the documents have a low if not no impact on all groups.

7. Legal Implications

7.1 No additional legal comments.

8. Director of Finance's Comments

8.1 The adoption of the recommendations in this report will not result in any additional costs being incurred by the Planning Service. The policies will be applied and managed within the existing budget resources.

.....
Signed by:

Appendix: Minerals & Waste Safeguarding in Hampshire Supplementary Planning Document

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:

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

For adoption (February 2016)

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Foreword

Safeguarding is vital as it helps to protect important viable mineral resources, avoiding the needless sterilisation of resources. It also protects the sites which are essential to the sustainable supply of minerals and waste management requirements within Hampshire, both now and in the future by ensuring that their operations are not prejudiced by other non-minerals-or-waste developments.

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

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.

Upon adoption, the document will then sit alongside the adopted HMWP, providing further guidance on the implementation of the plans safeguarding policies, It should 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)



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



Councillor Simon Letts - Leader (Southampton City Council)



Oliver Crosthwaite-Eyre - Chairman (New Forest National Park Authority)



1. Introduction and purpose of the Supplementary Planning Document

- 1.1 A large part of Hampshire is underlain by mineral deposits, such as sand and gravel and brick-making clay, which may be required to meet the future needs for construction materials. Allowing new building and other development to take place on top of these mineral deposits could mean they are lost permanently, limiting their supply.
- 1.2 Furthermore, meeting the needs for minerals, as well as for waste management, depends on having the right sites in the right places.
- 1.3 Non-minerals-or-waste development can 'sterilise' mineral resources (make them inaccessible for potential extraction) or prejudice the operation of existing or proposed minerals or waste management sites ('infrastructure'). 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.
- 1.4 Minerals and waste safeguarding is the process through which these various potential issues are avoided.
- 1.5 In Hampshire, minerals and waste safeguarding is a very important issue.

Minerals safeguarding helps to protect Hampshire's viable mineral resources. Minerals are non-renewable resource that can only be worked where they are found.¹

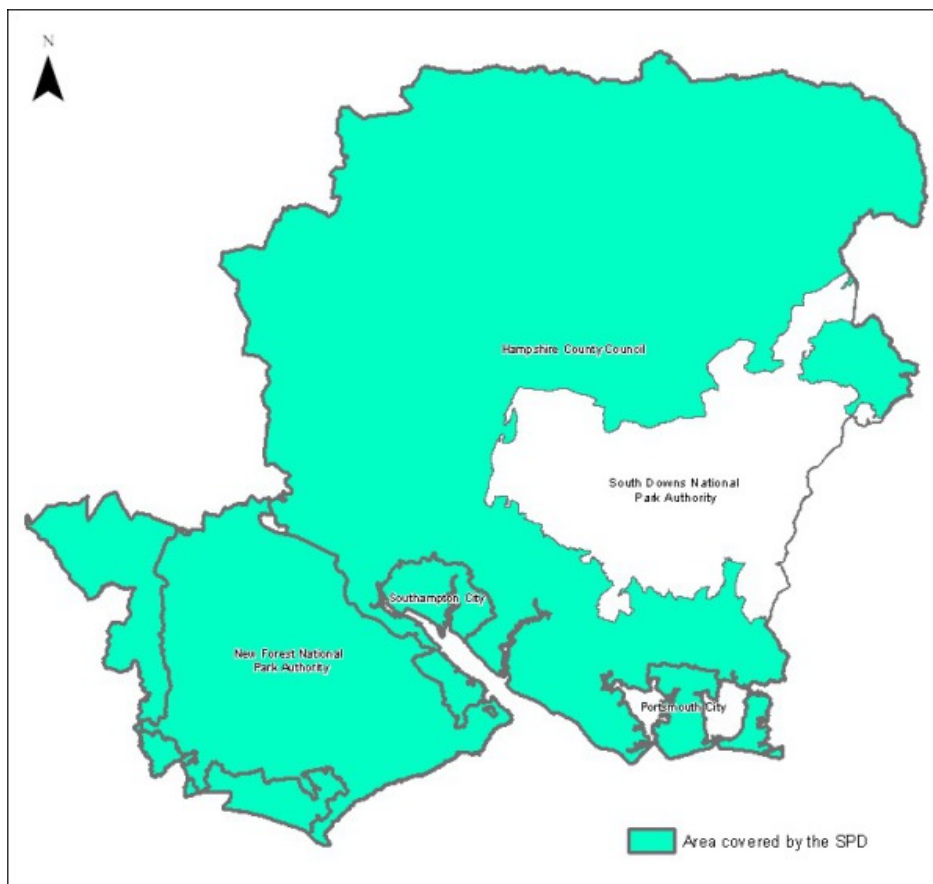
Minerals and waste safeguarding also helps to protect important infrastructure which is essential to Hampshire's supply of minerals and waste management requirements both now and in the future. The introduction of other new activities (such as housing) may be incompatible in an area where existing minerals and waste sites are located.

¹Key information in this document is drawn out through the use of highlight boxes.

Minerals and waste 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.

- 1.6 The adopted Hampshire Minerals & Waste Plan (hereafter referred to as the HMWP or 'the Plan') (2013)² 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)³.
- 1.7 The 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 in their administrative areas. It does not cover the SDNPA area. The area covered by this SPD is highlighted in the map below.

Figure 1: The area covered by this Supplementary Planning Document



2. Hampshire Minerals & Waste Plan (2013): www3.hants.gov.uk/planning-policy-home.htm

3. The HMWP covers the whole of the New Forest National Park administrative area, but only the part of the SDNP that lies in Hampshire

Why is this Supplementary Planning Document required?

- 1.8 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 at an advanced stage of the planning process for non minerals or waste developments, making any opportunities to sustainably address safeguarding issues more difficult.
- 1.9 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 developers, to ensure the issue of minerals and waste safeguarding is appropriately addressed, particularly during the early planning application stages.
- 1.10 The National Planning Policy Framework sets out the use of Supplementary Planning Documents to provide further guidance, and what weight they would carry.⁴

Purpose of the Supplementary Planning Document

- 1.11 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.
- 1.12 It is the responsibility of the MWPAs to determine minerals and waste planning applications, as well as preparing minerals and waste policy (including minerals and waste safeguarding). Developers submit non-minerals-or-waste planning applications to Hampshire's LPAs (the relevant District and Borough Councils or to Unitary and National Park Authorities) who will determine such proposals. This guidance suggests ways in which the MWPAs, developers and LPAs can work together to protect the resources and sites in safeguarded areas and ensure that development is compatible with meeting the reasons for the safeguarding.

4. National Planning Policy Framework (2012), pg 56: www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

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 [Background to minerals and waste safeguarding in Hampshire \[See page 13\]](#) and [Minerals and Waste Consultation Area \(MWCA\) \(including the Mineral Consultation Area \(MCA\)\) \[See page 18\]](#));
- the agreed process for consultation with the MWPA by LPAs with regard to minerals and waste issues (see [Minerals and waste safeguarding procedures in Hampshire \[See page 32\]](#)); and
- guidance to developers of non-minerals-or-waste developments on how the issues of safeguarding can best be addressed (see [Safeguarding and the preparation of planning applications for non-mineral-or-waste uses \[See page 21\]](#)).

How does this guidance link to the adopted Hampshire Minerals and Waste Plan (HMWP)?

- 1.13 This guidance has been prepared following the adoption of the HMWP.
- 1.14 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).

- 1.15 This document provides further guidance on the implementation of the HMWP policies. It does not contain any new policy. As a guidance document, legally it cannot be given the same weight in decision-making as the adopted HMWP.

How was this Supplementary Planning Document prepared?

Meeting legal requirements

- 1.16 A supplementary planning document (“SPD”) is defined in Regulation 2(1) of the Town and Country Planning (Local Planning) (England) Regulations 2012⁵ as: *‘any document of a description referred to in regulation 5 (except an adopted policies map or a statement of community involvement) which is not a local plan’*⁶
- 1.17 A SPD will also *‘add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan’*⁷.
- 1.18 The form and content of SPDs is set out in Regulation 8 the Local Planning Regulations. This SPD does not conflict with the provisions of the adopted HMWP. It provides guidance on the implementation of its policies.
- 1.19 The SPD has also been prepared in accordance with Part 5 of the Local Planning Regulations.
- 1.20 Regulation 5 of the Local Planning Regulations prescribes, for the purposes of section 17(7)(za) of the Planning and Compulsory Purchase Act 2004 (“PCPA 2004”)⁸ the descriptions of documents which are to be local development documents. This SPD relates to 1 (a) iii which relates to *‘any environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land’*.
- 1.21 In preparing this SPD, the Hampshire Authorities had regard to the matters set out in section 19(2) of the PCPA 2004 and Regulation 10 of the Local Planning Regulations.
- 1.22 The document's preparation has also complied with all of the Hampshire Authorities relevant Statement of Community Involvement⁹ documents.
- 1.23 The SPD was subject to a public consultation which ran from 29 June - 7 August 2015¹⁰.
- 1.24 To support the preparation of this SPD, a number of other documents were also prepared (see [Relevant assessment and appraisal \[See page 11\]](#)).
- 1.25 Following the consultation, the SPD was revised, as appropriate, then taken forward for adoption by each of the Hampshire Authorities. An Adoption Statement and a community engagement statement sit alongside this guidance document.

5. Town and Country Planning (Local Planning) (England) Regulations 2012: www.legislation.gov.uk/ukxi/2012/767/pdfs/ukxi_20120767_en.pdf

6. *Local plan* is defined in regulation 2(1) of the Local Planning Regulations as: “local plan” means any document of the description referred to in regulation 5(1)(a)(i), (ii) or (iv) or 5(2)(a) or (b), and for the purposes of section 17(7)(a) of the Act these documents are prescribed as development plan documents (NPPF (Glossary): www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

7. National Planning Policy Framework (“NPPF”), glossary (2012): www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

8. Planning and Compulsory Purchase Act 2004: www.legislation.gov.uk/ukpga/2004/5/contents

9. Statement of Community Involvement: www3.hants.gov.uk/sci-2.htm

10. Public consultation on the SPD: www3.hants.gov.uk/spd-consultation-2015.htm

Meeting the duty to co-operate

- 1.26 The National Planning Policy Framework (NPPF) requires local authorities and other public bodies to co-operate on planning issues¹¹. The duty applies to the production of the SPD. This is imposed through the Planning and Compulsory Purchase Act 2004¹². 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 Communities and Local Government);
 - 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).
- 1.27 This engagement is documented in a Duty to Co-operate statement which has been prepared by the Hampshire Authorities to sit alongside the SPD¹³.
- 1.28 This engagement will continue following the adoption of this guidance document by the Hampshire Authorities.
- 1.29 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 assessment and appraisal

- 1.30 The preparation of this SPD has been subject to an Integrated Sustainability Appraisal (ISA)¹⁴ as well as Habitats Regulation Assessment (HRA)¹⁵. An Equality Impact Assessment (EqIA)¹⁶ has also been prepared.
- 1.31 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.

11. National Planning Policy Framework (DCLG, 2012), paragraph 178-181: www.gov.uk/government/publications/national-planning-policy-framework--2

12. Planning and Compulsory Purchase Act 2004, section 33 (A) (1): www.legislation.gov.uk/ukpga/2004/5/contents

13. Hampshire Minerals and Waste Plan Supplementary Planning Documents Duty to Co-operate Statement (August 2015): www3.hants.gov.uk/planning-policy-home.htm

14. Integrated Sustainability Appraisal Report (FINAL)- Supplementary Planning Documents (Hampshire Authorities, 2015): www3.hants.gov.uk/spd-consultation-2015.htm

15. Habitats Regulation Assessment Screening (Hampshire Authorities, 2015): www3.hants.gov.uk/spd-consultation-2015.htm

16. Equality Impact Assessment for the Supplementary Planning Documents (Hampshire Authorities, 2015) v1: www3.hants.gov.uk/spd-consultation-2015.htm

1.32 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.

1.33 The following documents are also relevant to the SPD:

- Adopted Hampshire Minerals & Waste Plan¹⁷;
- Hampshire Statement of Community Involvement¹⁸;
- Portsmouth Statement of Community Involvement¹⁹;
- Southampton Statement of Community Involvement²⁰;
- New Forest National Park Statement of Community Involvement²¹
- National Planning Policy Framework²²;
- National Planning Practice Guidance²³

17. Hampshire Minerals and Waste Plan (2013): www3.hants.gov.uk/planning-policy-home.htm

18. Hampshire Statement of Community Involvement: <http://documents.hants.gov.uk/HampshireSCIAdoptedFinalMay2014.pdf>

19. Portsmouth City Council Statement of Community Involvement: www.portsmouth.gov.uk/ext/development-and-planning/planning/statement-of-community-involvement.aspx

20. Southampton City Council Statement of Community Involvement: www.southampton.gov.uk/policies/Statement%20of%20Community%20Involvement.pdf

21. New Forest National Park Statement of Community Involvement: www.newforestnpa.gov.uk/info/20040/planning_policy/106/community_involvement;

22. National Planning Policy Framework: www.gov.uk/government/publications/national-planning-policy-framework--2

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

2. Background to 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 [Safeguarding Mineral Resources \[See page 13\]](#)); and
- the effective operation of important minerals and waste land uses (see [Safeguarding Minerals and Waste Infrastructure \[See page 14\]](#)).

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 \(MSA\) \[See page 16\]](#)); and
- the Mineral and Waste Consultation Area (MWCA), which is based on the MSA, but also includes minerals and waste sites and infrastructure (see [Minerals and Waste Consultation Area \(MWCA\) \(including the Mineral Consultation Area \(MCA\)\) \[See page 18\]](#)).

Safeguarding Mineral Resources

2.3 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.

2.4 *Policy 15 (Safeguarding - mineral resources)* of the HMWP²⁴ provides the policy framework for mineral resource safeguarding in Hampshire. However it is important to note that safeguarding relates to the long term conservation of resources and infrastructure, necessary to secure steady and adequate supply of minerals for future generations, and is likely to remain relevant beyond the Plan period (2013 - 2030).

As detailed in the HMWP, 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.

2.5 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 demand. Safeguarding mineral resources and raising awareness of the location of potentially viable resources can help ensure such opportunities are spotted and maximised.

24. Hampshire Minerals and Waste Plan (2013): www3.hants.gov.uk/planning-policy-home.htm

- 2.6 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.
- 2.7 The HMWP 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.
- 2.8 Brick-making clay is important to maintain the productivity of Hampshire's brickworks. Consideration should be given to the proximity to the brickworks of a site which 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 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.

- 2.9 Hampshire also has 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, mainly related to their demand, scarcity or uncertainty over the location of deposits.
- 2.10 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 MWCA (see [Minerals and Waste Consultation Area \(MWCA\) \(including the Mineral Consultation Area \(MCA\)\) \[See page 18\]](#)). While this guidance outlines consultation procedures between the LPAs and the MWPA for when planning applications are submitted (as set out in [Development Proposals \[See page 35\]](#)), the Hampshire Authorities encourage developers to approach the relevant MWPA as early as possible regarding any potential minerals and waste safeguarding issues.

Safeguarding Minerals and Waste Infrastructure

- 2.11 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 development proposal will need to be considered on a case-by-case basis. However, the general presumption will be, in accordance with the HMWP, that minerals and waste uses will be protected, unless there are genuine and exceptional planning reasons why this protection should not apply.

Minerals infrastructure

- 2.12 Safeguarding the infrastructure (different types of sites) that supports the supply of minerals for Hampshire is just as important as safeguarding the mineral resources themselves. 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.
- 2.13 *Policy 16 (Safeguarding - mineral infrastructure)* of the HMWP provides the policy framework for the safeguarding of mineral infrastructure in Hampshire.

Safeguarded mineral infrastructure, as set out in the HMWP, includes the following types of site 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;
- manufacture of coated materials; and
- sites allocated in the HMWP for the above functions.

Waste infrastructure

- 2.14 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.
- 2.15 *Policy 26 (Safeguarding - waste infrastructure)* of the HMWP provides the policy framework for waste infrastructure safeguarding in Hampshire.

Safeguarded waste infrastructure, as set out in the HMWP, includes 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.

Safeguarding potential minerals and waste wharf and rail depot infrastructure

- 2.16 Safeguarding potential minerals and waste wharf and rail depot infrastructure allows consideration of potential minerals and waste interests on these sites when any relevant future planning decisions are made.
- 2.17 *Policy 34 (Safeguarding potential minerals and waste wharf and rail depot infrastructure)* of the HMWP safeguards areas, so that their appropriateness for use as a minerals or waste wharf or rail depot can be considered, if they become available or are released from their current uses.

Mineral Safeguarding Area (MSA)

- 2.18 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'²⁵.
- 2.19 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 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.

25. National Planning Policy Framework, paragraph 143 (DCLG, 2012): www.gov.uk/government/publications/national-planning-policy-framework--2

- 2.20 While the MSA is based on the best available knowledge, the extent or availability of mineral resources cannot be known for certain. For example, the BGS data is provided with certain limitations²⁶. 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, based on the best information available at the time any development proposal is being considered ²⁷.
- 2.21 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. As the boundaries of the viable mineral resource are not absolute, sites adjacent or nearby may need to be assessed in terms of impact on mineral resources. To account for this, a buffer is added to the MSA.
- 2.22 The MSA is included within the Minerals and Waste Consultation Area (MWCA). More information can be found in the section on the [Minerals and Waste Consultation Area \(MWCA\) \(including the Mineral Consultation Area \(MCA\)\) \[See page 18\]](#).
- 2.23 The safeguarding of land for minerals resources and the inclusion of this land within the MSA and thereafter the MWCA does not give any presumption that mineral working will be permitted. However, in line with national policy²⁸, there will be an expectation that LPAs will not normally permit other types of development (non-minerals) within the MWCA in order to avoid needless sterilisation of the mineral resources, unless the safeguarding issue has been appropriately addressed. Safeguarding issues can be addressed through prior extraction or by fulfilling the criteria in *Policy 15 (Safeguarding – mineral resources)* of the HMWP. The Hampshire Authorities acknowledge that safeguarding is not a bar to 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.
- 2.24 There is an acknowledged need for new homes and employment development in Hampshire. The most appropriate locations for this development will depend on a wide range of planning factors. Where such locations fall within the identified MSA the starting presumption is that the developer will address the safeguarding issue prior to the development commencing. That is not to say that the MSA will prevent or seriously delay the development, though it will be an important consideration. Rather, a pragmatic approach will be taken that maximises opportunities for prior extraction wherever possible whilst still ensuring the timely delivery of the development. Early discussions between the developer, the LPA and the MWPA are key to ensuring this is achieved.

26. DiGMapGB-50 Additional Information Note (BGS): www.bgs.ac.uk/mineralsuk/maps/digmap.html

27. see [Safeguarding and the preparation of planning applications for non-mineral-or-waste uses \[See page 21\]](#)

28. National Planning Policy Framework (2012), para144: www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

2.25 *Policy 15 (Safeguarding - mineral resources)* sets out criteria where development without the prior extraction of the mineral resources in the MWCA may be permitted. In situations where a LPA is minded to approve a non-minerals development in the Hampshire MWCA 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. \[See page 21\]](#)

Minerals and Waste Consultation Area (MWCA) (including the Mineral Consultation Area (MCA))

- 2.26 National planning policy requires MWPA's to set out a Minerals Consultation Area (MCA) based on the defined MSA²⁹. The purpose of the MCA is for LPAs to consult the mineral planning authority and take account of the local minerals plan before determining a planning application on any proposal for non-minerals development within the MCA. In Hampshire, besides mineral resources and mineral infrastructure, the HMWP also safeguards waste infrastructure. The Hampshire Authorities have set out a combined Minerals and Waste Consultation Area (MWCA) that includes both the MCA and the safeguarded waste infrastructure.
- 2.27 The MWCA is defined and published (separately to the HMWP) by HCC (on behalf of the Hampshire Authorities). It is used as a basis for LPAs to consult the relevant MWPA.
- 2.28 The MWCA covers the HCC and the NFNPA administrative areas as well as small adjacent parts of the cities of Southampton and Portsmouth and the wharves.

In Hampshire, the MWCA covers the:

- mineral resources in the MSA that are considered to be economically viable³⁰;
- 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*³¹;
- 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*³²; 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)*).

29. National Planning Policy Framework, paragraph 143 (DCLG, 2012): www.gov.uk/government/publications/national-planning-policy-framework--2

30. and thereafter any updates based on newly available information

31. and thereafter any updates to this list: www3.hants.gov.uk/pd-facts-and-figures.htm

32. and thereafter any updates to this list: www3.hants.gov.uk/pd-facts-and-figures.htm

- 2.29 If areas subject to redevelopment are located within the MWCA, 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 \[See page 31\]](#)).
- 2.30 The purpose of safeguarding minerals and waste infrastructure is to ensure Hampshire can meet current and future demands for minerals and waste management. As the available and planned infrastructure and the demand for minerals and waste management change, so will the need to safeguard specific sites. 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. This includes sites allocated in the HWMP.
- 2.31 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 in the annual Monitoring Report. The current list of safeguarded minerals and waste sites is available online³³ and reflected in updates to the MWCA. This list is regularly updated.
- 2.32 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 minerals or waste 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 or waste 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).
- 2.33 The Town and Country Planning Act 1990³⁴ places a requirement on a LPA to consult with the MWPA on development in an area (such as MWCA) 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 \[See page 32\]](#).

33. Minerals & Waste Site List: www.hants.gov.uk/pd-facts-and-figures.htm

34. Town and Country Planning Act 1990, Schedule 1, paragraph 7 www.legislation.gov.uk/ukpga/1990/8/schedule/1

The MWCA includes the following buffers:

- **250 metres around safeguarded mineral resources;**
- **250 metres around minerals and waste infrastructure in rural areas; and**
- **100 metres around minerals and waste infrastructure in urban areas (and including areas directly opposite sites where the sites are adjacent to a water body³⁵).**

- 2.34** The buffers are applied in order to account for the indicative nature of the mineral resource mapping and for impacts that may arise from developments that are near (but not immediately adjacent to) minerals or waste infrastructure. They are based on existing guidance³⁶, officer experience and consultation with stakeholders³⁷. They will be kept under review.
- 2.35** The mineral resources identified in the MWCA 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 MWCA, 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 \[See page 31\]](#)).

The Hampshire Authorities currently have the following administrative arrangements:

- **The MWCA 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 MWCA. The MWCA should also be reflected in all LPA's Local Plans in accordance with the provisions of this SPD and the NPPF;**
- **The MWCA 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 MWCA will be produced in an electronic format, as Geographic Information System (GIS) layers that can be used by the LPAs. The MWCA 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 \[See page 35\]](#)).**
- **The MWCA will be accompanied by a PDF version of the current minerals and waste site safeguarding list; and**
- **The MWCA will be made available to view on the HCC website as part of the live Policies Map (see [Policies Map \[See page 37\]](#)).**

35. These areas are selected using officer judgement as to where there may be additional potential impacts beyond 100m due to the open nature of water bodies, while also considering local circumstances and the scale of the safeguarded facility.

36. BGS, Mineral Safeguarding in England: good practice advice: www.bgs.ac.uk/downloads/start.cfm?id=2069

37. Safeguarding SPD Consultation Report: <http://documents.hants.gov.uk/mineralsandwaste/consultation-2015/OilGasSPDConsultationReport.pdf>

3. Safeguarding and the 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
 - preserving these mineral resources for future generations.
- 3.3 Additionally, it also represents an opportunity to increase the sustainability of development proposals by considering the minerals as a resource through the on-site use of local minerals, including any material that is extracted through incidental activities (such as excavating for footings or landscaping).
- 3.4 The aim of *Policy 15 (Safeguarding - mineral resources)* is to avoid the needless sterilisation of viable mineral resources. Therefore, in order to minimise the sterilisation of resources, the Hampshire Authorities encourage the maximum viable level of prior extraction. To help achieve this, the Hampshire Authorities promote the use of the following framework for consideration of prior extraction (using a sequential approach).
- 3.5 The starting assumption is that large scale extraction should take place. However, it will be up to the developer to justify why this is not practicable or why a lower level of extraction (medium to smaller scale or incidental) should be accepted by the MWPA.

- **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 MWCA, as these activities are likely to occur with any relevant proposed development. This may include excavating the foundations and footings or landscaping works associated with the development.

The Hampshire Authorities also promote this approach for sites outside the MWCA whenever suitable mineral resources are found, subject to amenity issues.

- 3.6 Any proposals for non-minerals development falling within the MWCA and likely to impact mineral resources must be accompanied by a proportionate assessment of the nature and extent of the mineral resource that may be present and the potential for its extraction. This work should include input from mineral operators in order to determine the need for the mineral, the viability of its extraction and options for avoiding impacts on the viability of the development itself.
- 3.7 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.
- 3.8 Early discussions with the LPA and the MWPA will help explore how this can be best achieved and whether a separate planning permission is required from the MWPA. It is expected that prior extraction would form part of the planning application for non-minerals-or-waste uses where this relates to the overall development of the site. This would be determined by the relevant LPA. However, if larger scale mineral 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 (e.g. if the site is extracted, then restored).

- 3.9 Maximising the opportunity for large scale extraction may require consideration of additional issues such as restoration that would be compatible with future non-minerals-or-waste development and that longer timescales may apply. As large scale extraction is likely to be the preferred option for the MWPA, the Hampshire Authorities are particularly keen to work with LPAs, developers and mineral operators on such proposals in order to resolve any relevant issues.
- 3.10 The Hampshire Authorities also welcome any new information on the potential availability of minerals and discussions about sites that may be affected by this information.

Recycled aggregates

- 3.11 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.
- 3.12 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.
- 3.13 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

- 3.14 It is important to consider current and potential mineral and waste uses or infrastructure in proximity to a proposed development site. This is in order to avoid prejudicing the operation of these sites.
- 3.15 The operation of minerals or waste management sites can potentially impact sensitive receptors (such as housing or schools, but also certain types of business uses) 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 sites that may affect the viability of operations at that site due to the new impacts that may arise.
- 3.16 Where development is close to a safeguarded minerals or waste 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 effectively. 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 and effective consideration of safeguarding issues has been demonstrated.

- 3.17 Further information on safeguarding minerals and waste infrastructure and the relevant safeguarding considerations to be considered can be found in [Safeguarding Minerals and Waste Infrastructure \[See page 14\]](#).

Safeguarding and the design of development

- 3.18 Considering the relevant safeguarding issues at the design stage is likely to offer the greatest opportunity 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, building materials or type of window glazing; 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.

Pre-application discussions

- 3.19 Developers should identify whether their proposed development site is located within the MWCA at the earliest stage possible, as this is an indication that there may be minerals and waste issues which need to be addressed. The Hampshire Authorities encourage discussions with both the relevant LPA and MWPA at the earliest opportunity to facilitate this process.
- 3.20 Pre-application discussions allow the developer, the LPA 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** (e.g. changes to ground levels or use of landscaping to facilitate extraction); and
 - potential **opportunities for the prior extraction of minerals**, including sustainable use of the mineral within the development itself (thus reducing the need to import aggregates and export waste).
- 3.21 Pre-application discussions present the best opportunity to plan the timing of any workings, incorporate sustainable mineral use in the design of a development and/or adapt the design of the development in order to mitigate effects on safeguarded sites.
- 3.22 The Hampshire Authorities would welcome LPAs making developers aware that their site is located within the MWCA and advising them to discuss their proposals with the relevant MWPA.
- 3.23 Consideration of safeguarding issues at the pre-application stage helps speed up the planning application process and reduces the likelihood of the MWPA recommending to the LPA that 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

3.24 Where a development proposal is located within a MWCA the MWPA will need certain information in order to assess:

- the **current planning use** and extent of prior development;
- 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.

3.25 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.

Generally relevant information includes:

- **site setting (such as nature conservation designations, landscape character, proximity to local communities, highways infrastructure, utilities etc);**
- **the planning status of the site; and**
- **whether the merits of the development (for example its ability to deliver strong regeneration benefits) clearly outweigh any impacts on mineral resources or mineral or waste infrastructure.**

3.26 If the development may impact mineral resources, required information includes:

- **the mineral potential e.g. quality and quantity (see [Mineral exploratory data \[See page 26\]](#));**
- **any likely opportunities for the prior extraction of mineral resources and how these can be maximised;**
- **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 MWCA / MSA in proximity to the site; and**
- **evidence of discussions with local operators to confirm the viability of prior extraction, where relevant.**

3.27 If the development may impact current or proposed minerals or waste infrastructure, required information includes:

- **the overall compatibility of the development with the minerals or waste use;**
- **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 potential effect on and from the safeguarded site;**
- **existing planning conditions on the minerals and waste infrastructure;**
- **pre-existing conditions, such as background noise and lighting; and**
- **capacity of the minerals and waste site and whether this capacity is proposed to be provided elsewhere in Hampshire.**

Mineral exploratory data

3.28 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 could be undertaken as part of the initial ground investigation works and should include boreholes and/or trial pits.

3.29 The MSA and MWCA layers are based on BGS data, most of which can be found on their website, including scans of borehole information that the BGS holds³⁸. This data is meant to be used at a 1:50,000 scale which 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. This work should be undertaken by appropriately qualified experts.

3.30 There are a number of different ways that borehole sampling can take place. In Hampshire, sampling techniques have been integrated into two preferred approaches - non stratified and stratified. The following diagrams highlight what the preferred borehole sampling techniques in Hampshire look like. Please note that stratified sampling can refer to either sampling only within the MWCA or only outside the MWCA.

Figure 2: Stratified systematic borehole sampling (samples only outside the MWCA)

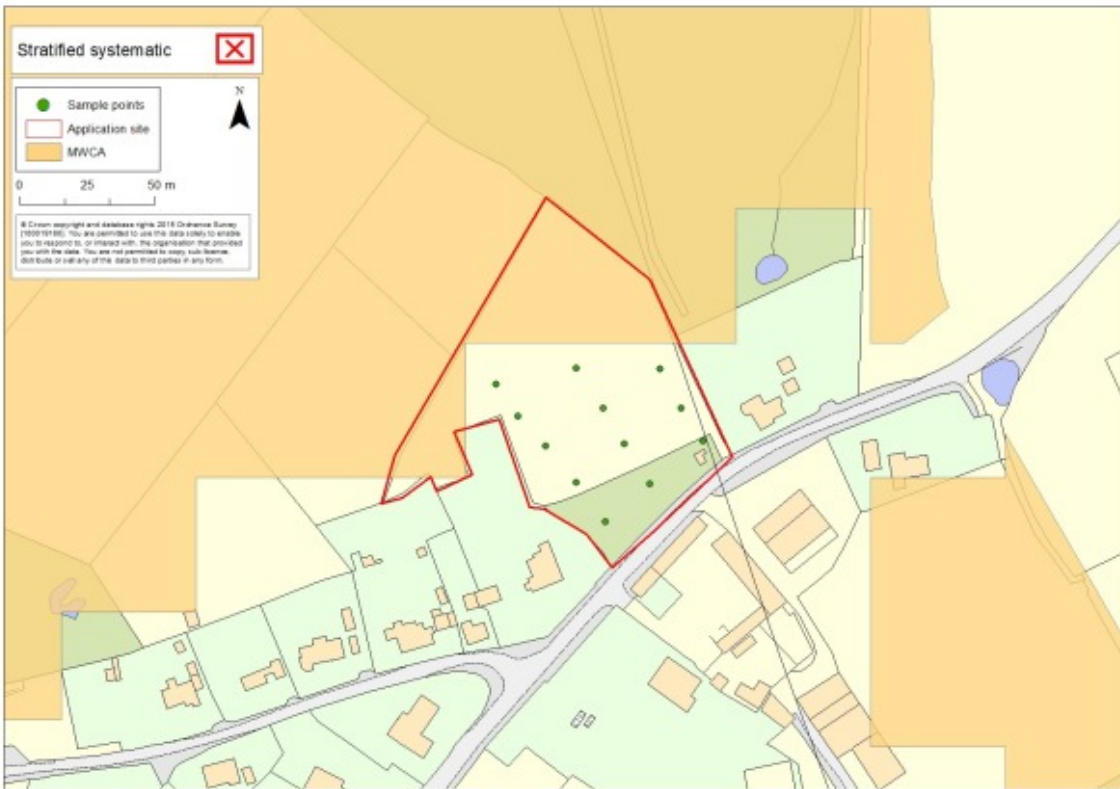


Figure 3: Stratified random borehole sampling (samples only within the MWCA)

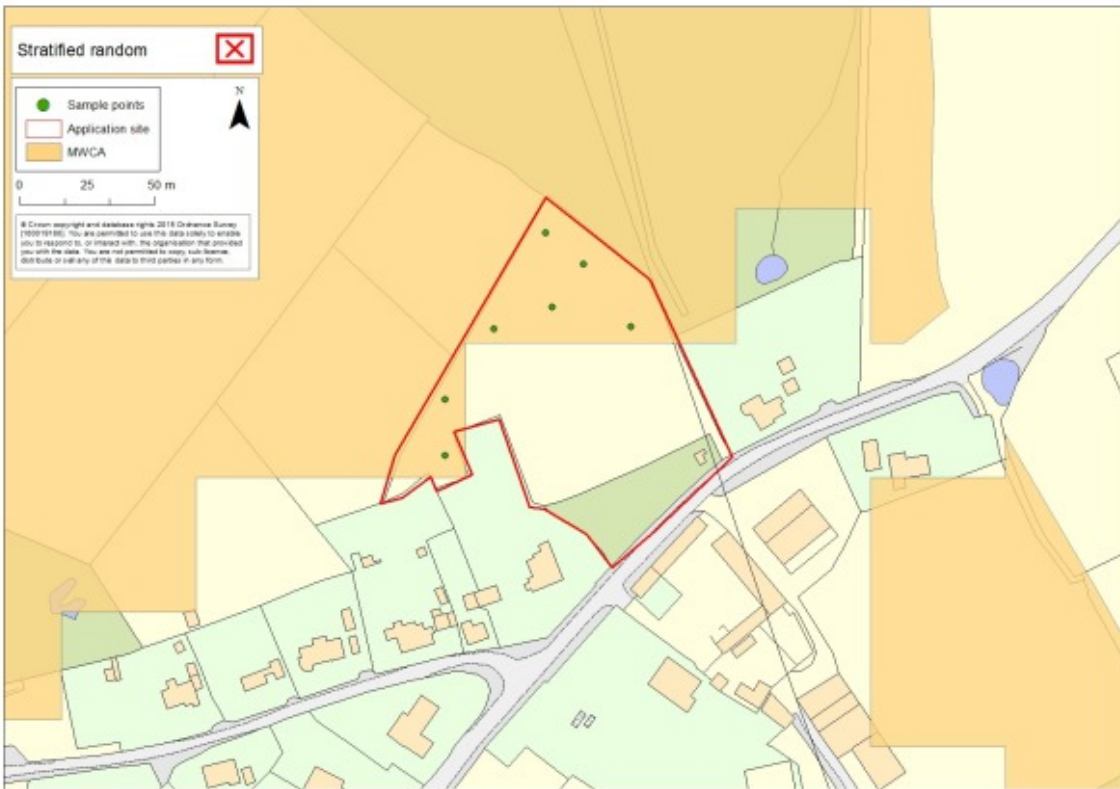


Figure 4: Non-stratified systematic borehole sampling (samples from whole development proposal area)

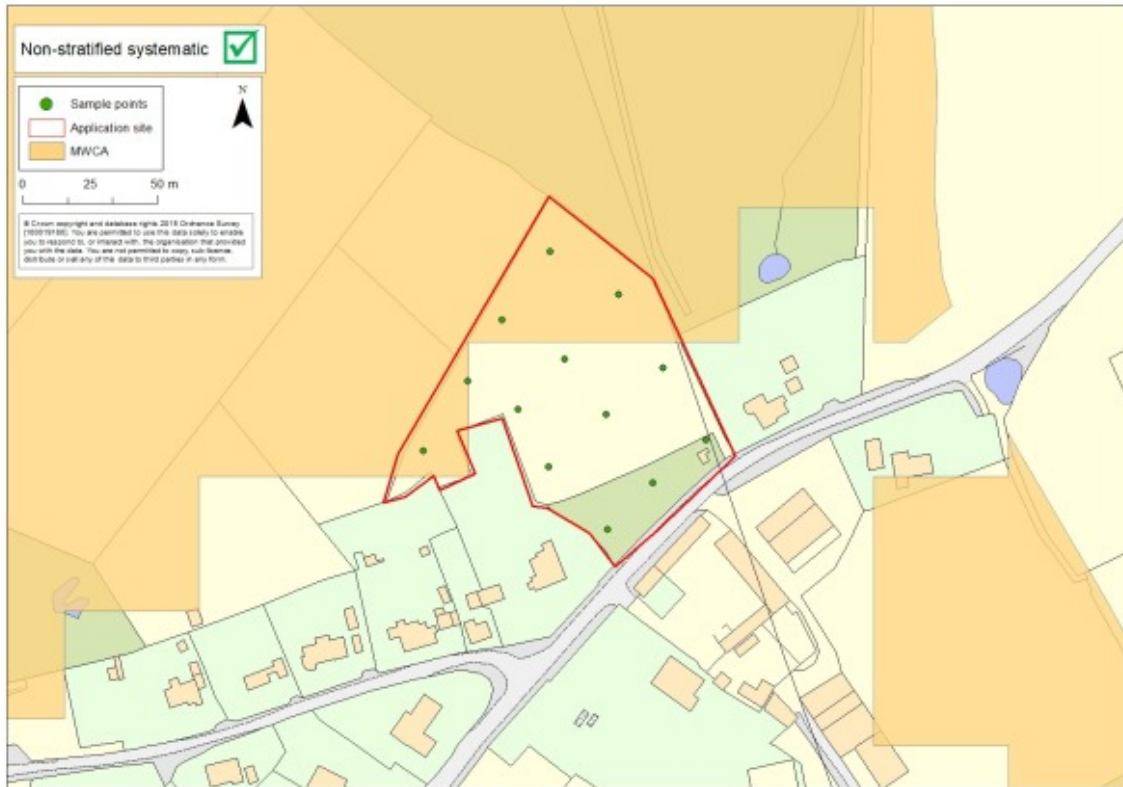
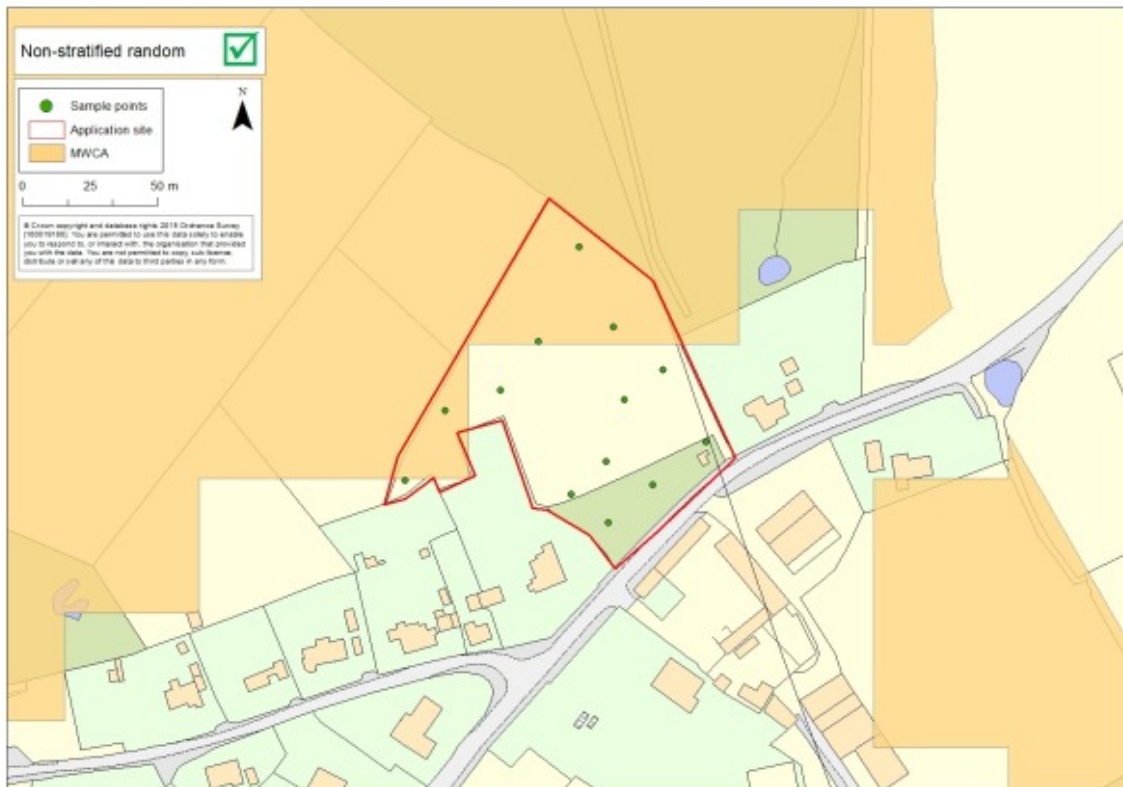


Figure 5: Non-stratified random borehole sampling (samples from whole development proposal area)



3.31 The following table provides more information on the characteristics of the different sampling techniques.

Table 1: Mineral resource sampling techniques

	Non stratified systematic	Non stratified random	Stratified systematic	Stratified random
A pattern of sample points can be identified and taken using a map of the study area, for example every 10 meters. Patterns of sample points may vary, but to be systematic they must be regular	✓	✓	✓	
The area can be divided into known sections based on physical characters			✓	✓
Random number of sample points can be identified and taken within the study area at any location, at any number of times		✓		✓

3.32 The non-stratified sampling is preferred in Hampshire for the following reasons:

- the mineral resources included in the MWCA will only be indicative and the exact location of the resources may differ; and
- non-stratified sampling will ensure that a more thorough assessment is undertaken.

To ensure that a comprehensive assessment is undertaken on a site, the Hampshire Authorities recommend that:

- a combination of borehole and trial pits are used;
- the borehole depths are to at least 5 metres³⁹;
- limitations on depth should be noted in any assessment e.g. water strike; and
- a non-stratified sampling technique is applied.

3.33 The Hampshire Authorities also recommend that the information should be prepared by a geologist experienced in mineral developments and that laboratory analysis of the site investigation results is conducted, including testing the material to accepted aggregate specifications.

3.34 Additional information (e.g. drilling or environmental information) may also be available from the mineral industry and it is recommended that the developer contacts relevant organisations directly or through a mineral operator.

39. This depth is considered sufficient to give information on mineral resources potentially suited to small and medium scale extraction and indication of resources suitable for large scale extraction.

Redevelopment proposals

- 3.35 In some instances, previously developed land may come forward for redevelopment. This may include land released from Ministry of Defence uses. All such areas are likely to be outside of the MSA and MWCA as they have previously been considered as urban (see [Mineral Safeguarding Area \(MSA\) \[See page 16\]](#)). However, this land may also lie in areas where the MWPA has knowledge of the geology in the area or there are known mineral resources. The redevelopment may provide an opportunity to examine whether prior extraction of the mineral resources can take place, before the land is redeveloped (i.e. to avoid needless sterilisation). If the land lies outside the MSA, it is not safeguarded. However, the Hampshire Authorities encourage the sustainable use of minerals wherever they are found as part of any relevant re-development proposal.
- 3.36 Use of minerals found under a development site will have the same benefits as identified in the section on [Avoiding sterilisation of mineral resources, \[See page 21\]](#) as discussed for new development sites.
- 3.37 The Hampshire Authorities promote the sequential approach to the consideration of prior extraction, as outlined in the section on [Avoiding sterilisation of mineral resources \[See page 21\]](#), but also recognise that previously developed land may have additional amenity or other constraints on development and on the potential for prior extraction.

4. Minerals and waste safeguarding procedures in Hampshire

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.

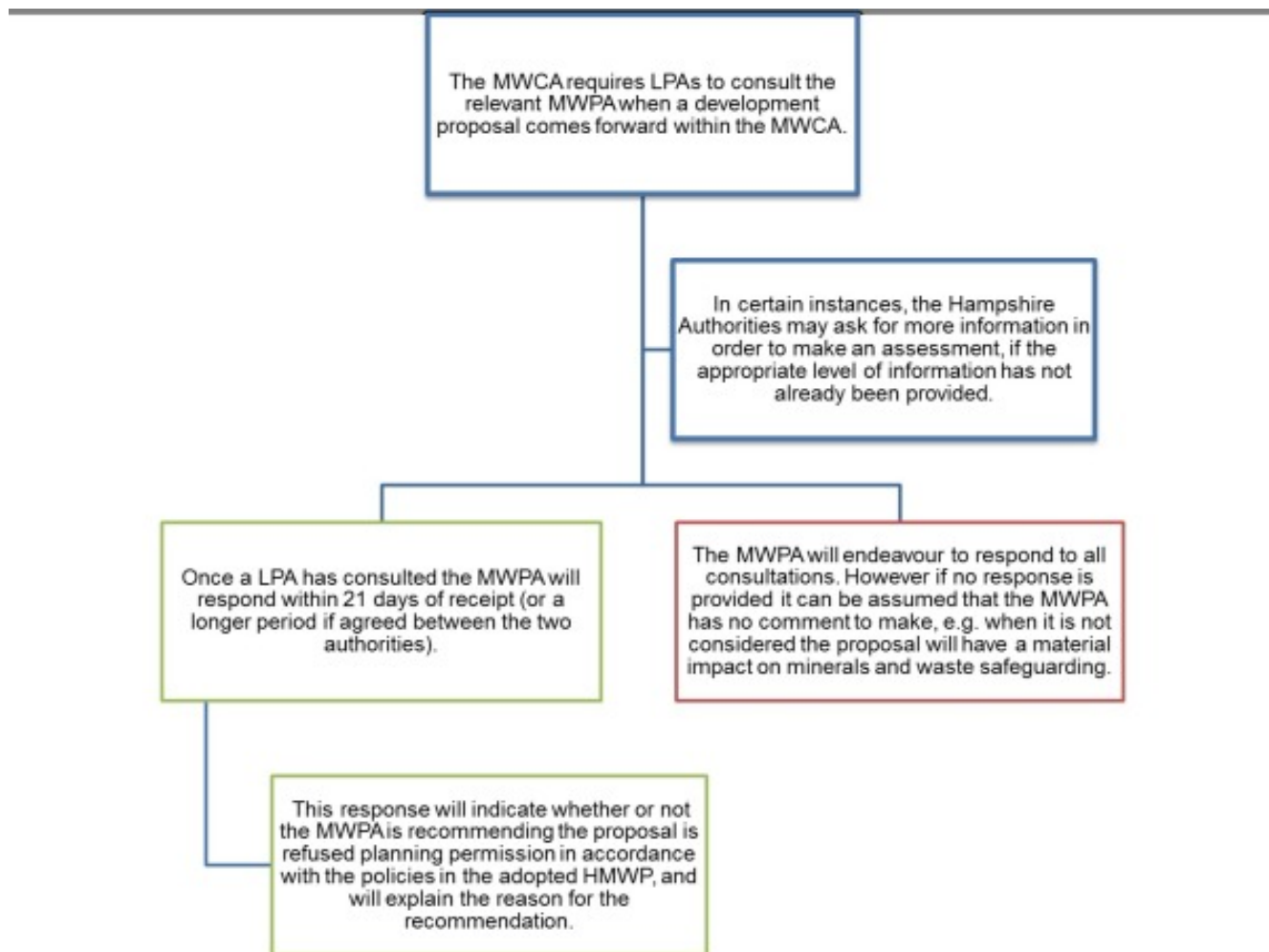
4.3 This guidance does not involve any changes to these current arrangements.

General consultation arrangements

4.4 As set out in [Minerals and Waste Consultation Area \(MWCA\) \(including the Mineral Consultation Area \(MCA\)\) \[See page 18\]](#), Hampshire has a MWCA 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 6: 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 MWCA (including site allocations);
- there is a **potential impact on the future operation 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 operation 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 wharf or rail depot safeguarding**. These sites are safeguarded so that they can be considered for their suitability for minerals or waste uses.

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 \[See page 34\]](#)); and
- proposals for non-minerals-or-waste development ([Development Proposals \[See page 35\]](#)).

If the LPA has any doubt on whether to consult the MWPA, consultation should take place.

4.8 As the MWCA 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

4.9 Consultation as part of Local Plan preparation is important for a number of reasons. Most notably, to ensure that the MWCA is included as 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 the MWPA on all development allocations or policy proposals that may have the potential to impact minerals or waste safeguarding. This includes where the proposal:

- fully or partially overlies potential mineral resources, as indicated by the MWCA;
- is within or adjacent to an existing mineral or waste site, as indicated by the MWCA;
- is within or adjacent to a safeguarded mineral or waste site, as indicated by the MWCA; or
- is a new designation of land fully or partially within the MWCA⁴⁰.

4.10 The reasons for consultation are set out in more detail in [Appendix 1: Consultation with the MWPA on LPA Local Plan work \[See page 47\]](#).

⁴⁰including Conservation Area, Green Belt, Air Quality Management Area or Site of Importance for Nature Conservation

- 4.11 In order for a proposed Local Plan to be consistent with the adopted HMWP, any site allocations that meet one or more of the above criteria will need to address the relevant safeguarding policies in the HWMP. This can be achieved if the LPA shows how it has considered the specific impact that allocation could have on the relevant minerals or waste safeguarding and includes any appropriate development considerations and / or mitigation.

Neighbourhood Plans

- 4.12 While Neighbourhood Plans can differ from Local Plans in their scale and preparation procedures, they may still need to consider minerals and waste safeguarding issues if sites are being proposed within the MWCA. 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. Parish and Town Councils and other groups can view the MWCA on the online Policies Map (see [Policies Maps \[See page 37\]](#)). Hampshire County Council (on behalf of the Hampshire Authorities) can also provide electronic GIS files to Councils and groups upon request.

Development Proposals

- 4.13 When a planning application is received by a LPA for a non-minerals-or-waste development and the site is located within the MWCA, the LPA should apply the following tests to decide whether consultation with the MWPA is required.

The LPA should consult on all relevant development proposals within the MWCA 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:

- overlies mineral resource (as indicated by the MWCA) and has a total proposal area of over 3 hectares (ha); OR
- is within or adjacent to an existing mineral or waste site (as indicated by the MWCA)⁴¹ OR
- is within or adjacent to a safeguarded or allocated mineral or waste site (as indicated by the MWCA)⁴².

- 4.14 By applying the above criteria, LPAs can reduce the number of planning applications which require consultation with the relevant MWPA.
- 4.15 Consultation with the MWPA is important for a number of reasons. In order to clarify the above guidance, [Appendix 2: Consultation with the MWPA on non minerals or waste planning applications \[See page 48\]](#) includes examples of different proposals that are and are not of relevance to the MWPA in terms of consultation on minerals and waste safeguarding issues.

41. In order to capture adjacent proposals, appropriate buffers have been added to the existing safeguarded sites. The buffers are discussed in the section on the [MWCA \[See page 18\]](#).

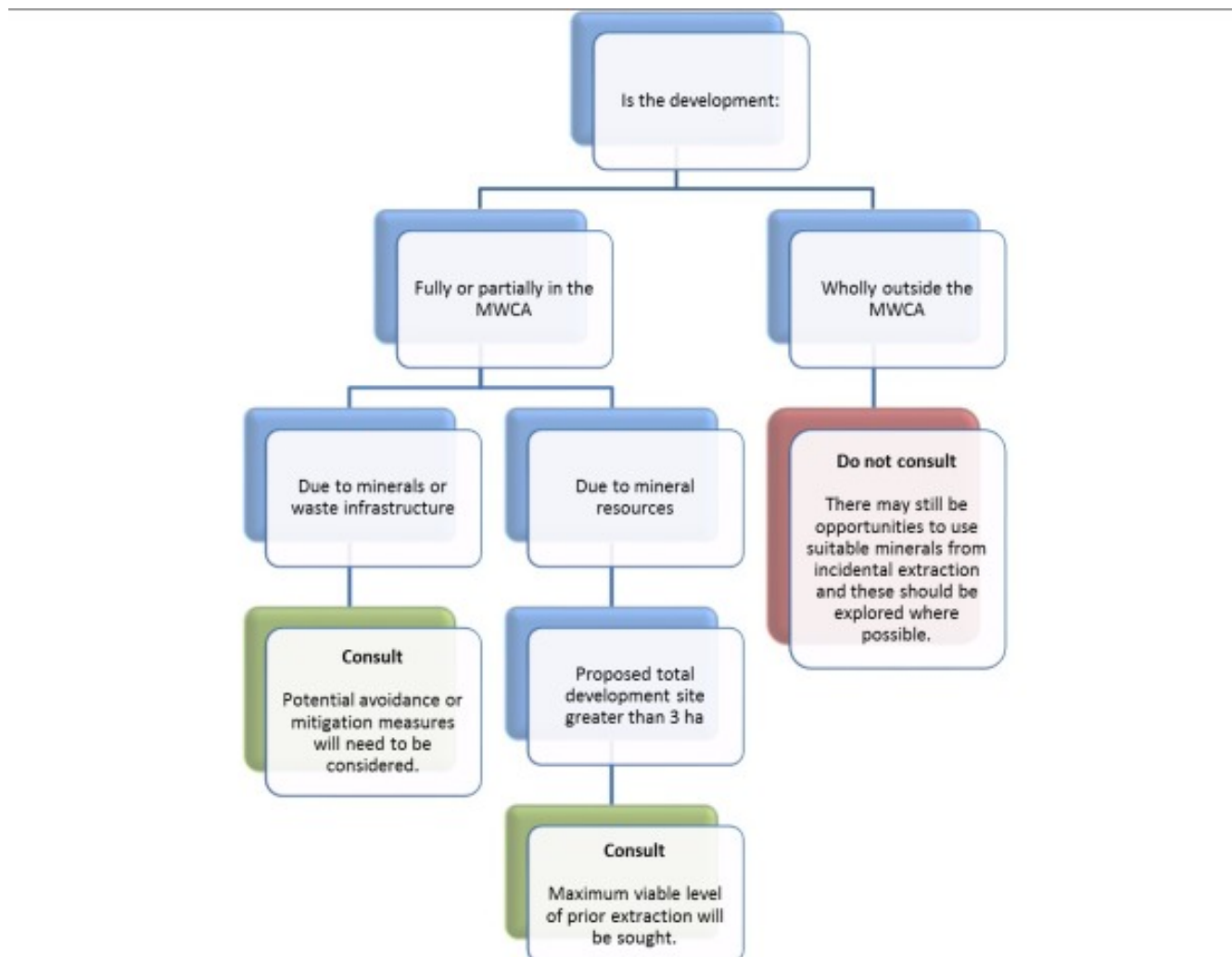
42. In order to capture adjacent proposals, appropriate buffers have been added to the safeguarded and allocated sites. The buffers are discussed in the section on the [MWCA \[See page 18\]](#).

4.16 A threshold of 3 ha is advised by the Hampshire Authorities. This is based on consultation with interested parties, analysis of past planning applications and estimates of viable mineral resources. It particularly considers that most prior extraction from proposed development sites will be of a medium to small scale, therefore a greater area will be required for a viable quantity of minerals to be available for extraction. It also balances the need to safeguard mineral resources and the viability of smaller non-minerals developments. The threshold will be kept under review and updated as necessary, in consultation with the LPAs. It has the following implications:

- **A certain size of site is required in order to make mineral extraction viable. In contrast, even smaller developments may affect the viability of safeguarded minerals or waste sites. Therefore, the 3 ha threshold is only applied when a non-mineral development may have an impact on potential mineral resources (as indicated by the MWCA) and no threshold is 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 by the relevant Hampshire Authority on the grounds of minerals or waste safeguarding. However, consideration should be made if a proposal sits alongside other piecemeal development (i.e. other small proposal clusters within the MWCA) 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 MWCA, 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 [Safeguarding Mineral Resources \[See page 13\]](#) and [Avoiding sterilisation of mineral resources \[See page 21\]](#)).**
- **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 7: Decision chart for consulting the MWPA on development proposals



Source: Hampshire Authorities, 2015

4.18 There is no need to consult the MWPA on developments that have no implications for mineral or waste safeguarding. Examples of these are given in [Appendix 2: Consultation with the MWPA on non minerals or waste planning applications \[See page 48\]](#). 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 when consulted.

Policies Maps

4.19 The Hampshire Authorities have published a live and interactive online Policies Map⁴³. This map includes the most up-to-date information on safeguarded mineral resources as well as minerals and waste infrastructure. It also includes the sites allocated in the HMWP.

- 4.20 The Hampshire Authorities will seek to keep the Online Policies Map up-to-date and available on the HCC website 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.
- 4.21 LPAs should keep their electronic policy information up-to-date and revise printed copies when cost effective to do so.
- 4.22 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.
- 4.23 Developers should give full regard to the LPA Policies Map, however due to the time that it takes to develop and adopt plans, there may be cases where the LPA Policies Map does not include all the most up-to-date information. Therefore developers should continue to have regard to the most up-to-date information provided directly by the MWPAs.
- 4.24 The Hampshire Authorities are monitoring the implementation of the HMWP following its adoption. A Monitoring Report is produced annually and 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 website⁴⁴.

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 planning application, alongside all other material considerations.
- 4.26 In its response, the MWPA will make it clear whether the issue of safeguarding has been addressed adequately through the planning process and what comments the authority has on the proposal in this respect.
- 4.27 If there is insufficient information accompanying the planning application for the MWPA to come to a view on the associated minerals and waste safeguarding issues, further information is likely to be requested. As this may introduce delays to the process of assessing and determining development proposals it is recommended that LPAs work with developers and the MWPA as early as possible to ensure this information is obtained and provided at the early stages of the proposed development. The information the MWPA may need is discussed in the section on [Information developers may need to provide \[See page 25\]](#).

44. Hampshire County Council website (policy information): www.hants.gov.uk/pd-facts-and-figures.htm

- 4.28 Where the LPA is minded to approve a planning application which has been recommended for refusal by the MWPA on mineral or waste safeguarding 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 planning 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 planning application.

Monitoring of the Supplementary Planning Document

- 4.29 The SPD will sit alongside the adopted HMWP and will be monitored through the same process, that is through an annually prepared Monitoring Report.
- 4.30 Particular consideration will be paid to the effectiveness of:
- the SPD as a tool for developers;
 - the SPD as a tool for LPAs;
 - the buffer distances around the mineral resource and mineral and waste infrastructure;
 - the 3ha limit on consultation requirements regarding non-minerals-or-waste-development that affects mineral resources; and
 - the SPD as an awareness raising tool.
- 4.31 If issues are identified, a view will be taken on the need to revise local procedures or the SPD itself.

Glossary and acronyms

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 (CLUDP): 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 comprise 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. excavating foundations or footings or as part of landscaping schemes.

Landfill: The deposit of waste (e.g. municipal, inert, hazardous) 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. Where this document refers to 'local planning authority' this relates to Hampshire's Districts and Borough Councils.

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 relevant Minerals and Waste Planning Authority before certain non-mineral planning applications made within the area are determined. The Hampshire Mineral Consultation Area incorporates the Mineral Safeguarding Area and is encompassed in the Minerals and Waste Consultation Area (see *Minerals and Waste Consultation Area*).

Mineral and Waste Consultation Area (MWCA): An area identified to ensure consultation between the relevant Local Planning Authority, the minerals and waste industry and the relevant Minerals and Waste Planning Authority before certain non-mineral planning applications made within the area are determined which may impact safeguarded mineral resources or safeguarded minerals and waste infrastructure. In Hampshire the MWCA incorporates the Minerals Consultation Area (which incorporates the Mineral Safeguarding Area) as well as safeguarded minerals and waste sites.

Mineral resources: Mineral aggregates and hydrocarbons, which occur naturally within 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 is 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): The NPPF sets out the Government's planning policies for England and how these are expected to be applied.

National Planning Practice Guidance (NPPG): The NPPG sits alongside the NPPF, providing guidance on its application. It is a live document and is subject to updates as required.

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.

Non stratified systematic: Random number of sample points can be identified and taken within the study area at any location, at any number of times using a systematic approach.

Non stratified random: Random number of sample points can be identified and taken within the study area at any location, at any number of times.

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 local 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.

Random: Random number of sample points can be identified and taken within the study area at any location, at any number of times.

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 fulfil a particular function, or waste being prepared to fulfil that function, in a facility or in the wider economy.

Regeneration: Investment in an urban area by improving what is there.

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.

Rural areas: Areas that are not urban in nature (see Urban areas).

Safeguarding: The method of protecting needed facilities or mineral resources and of preventing inappropriate development from affecting these.

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. Usually, where sites are threatened, the course of action would be to recommend refusal to the proposal or negotiate an acceptable resolution.

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.

Sterilisation: Land-use or other change on or near land that contains minerals that prevents potential future extraction of the mineral resources.

Stratified borehole sampling: The area can be divided into known sections based on physical characters.

Stratified random borehole sampling: Random number of sample points can be identified and taken within the study area at any location, at any number of times.

Stratified systematic borehole sampling: The area can be divided into known sections (e.g. area known to contain minerals) and each sectional sampled using a systematic approach.

Supplementary Planning Document (SPD): Any document of a description referred to in regulation 5 (except an adopted policies map or a statement of community involvement) which is not a local plan. SPD also 'add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

Systematic: A pattern of sample points can be identified and taken using a map of the study area, for example every 10 meters. Patterns of sample points may vary, but to be systematic they must be regular.

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 MWPA 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 quarry or processing site	<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>**Please note that if the safeguarded site includes a wharf or rail depot site, the LPA should also consult Hampshire County Council if the proposal is not within its administrative area.**</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 100 metres (or directly opposite where the site is adjacent to a water body) 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 MWCA	

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 quarry or processing site	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. **Please note that if the safeguarded site includes a wharf or rail depot site, the LPA should also consult Hampshire County Council if the proposal is not within its administrative area.**
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 100 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 MWCA 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	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 MWPA's):

Type of non-minerals & waste proposal	Should the MWPA be consulted?
Dwellings	
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
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
Development of a tennis court (associated with a dwelling)	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
Demolition of dwellings or buildings where there are no plans for development of the land	NO
Permission for establishing a business from home	NO
Details submitted as reserve matters for residential or commercial developments (if not within the MWCA)	NO
Recreation	
Provision of open or recreational space as part of a development (not located in proximity to existing minerals or waste use)	NO
Development of an enclosure	NO
Other developments	
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
Demolition of cartsheds	NO
Placement of a mobile home within an existing caravan park	NO
Siting of portable cabins or containers	NO
Change of use	NO
Tree Preservation Orders	NO

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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