

HAMPSHIRE MINERALS & WASTE PLAN

Oil & Gas Development in Hampshire

Supplementary Planning Document



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

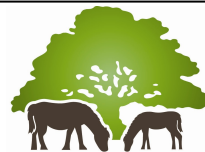
Draft (June 2015)



Hampshire
County Council



Portsmouth
CITY COUNCIL



NEW FOREST
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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.

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

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

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

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



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

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

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

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

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

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

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



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



Councillor Simon Letts - Leader - Southampton City Council

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

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Have Your Say on this SPD

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

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

All documents associated with this consultation are available to view on the Hampshire County Council website¹.

1. Hampshire County Council website: www3.hants.gov.uk/planning/mineralsandwaste.htm

The document is also accompanied by the following documents:

- Oil and Gas in Hampshire: Background Study²;
- Integrated Sustainability Appraisal³;
- Habitats Regulation Assessment⁴; and
- Equality Impact Assessment⁵.

Comments are also welcomed on the content of these documents.

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

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

Tel: 0300 555 1389 (HantsDirect)

Email: planning.policy@hants.gov.uk

Website: www.hants.gov.uk/county-planning

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

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

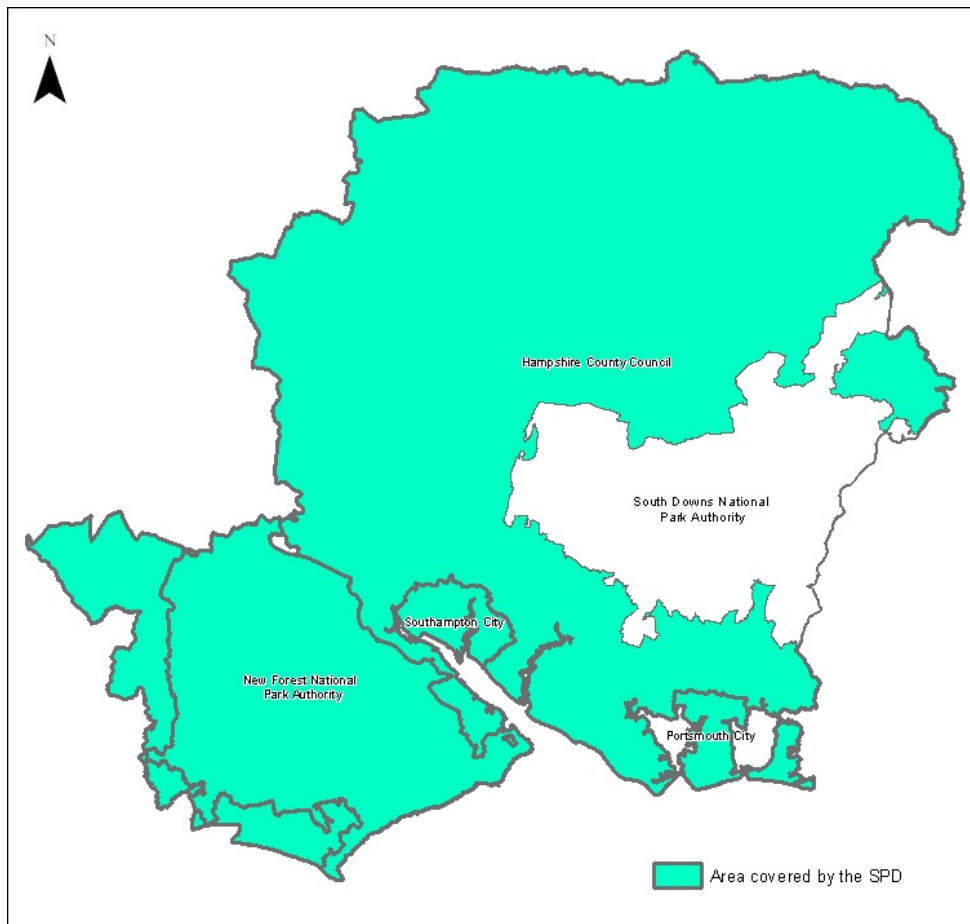
4.Interim Habitats Regulation Assessment Screening (Hampshire Authorities, 2015)

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

1. Introduction

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

Figure 1: The area covered by this SPD



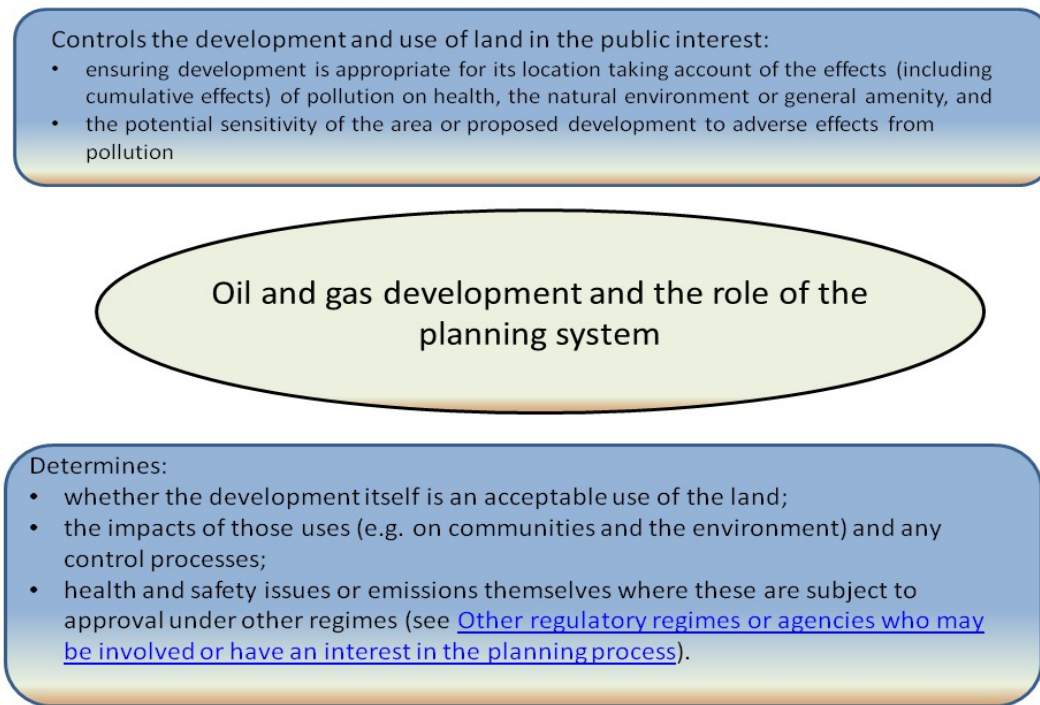
Source: Author - Hampshire Authorities, 2015

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

Oil and gas development and the planning system

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

Figure 2: Oil and gas development and the planning system



Source: Author - Hampshire Authorities, 2015

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

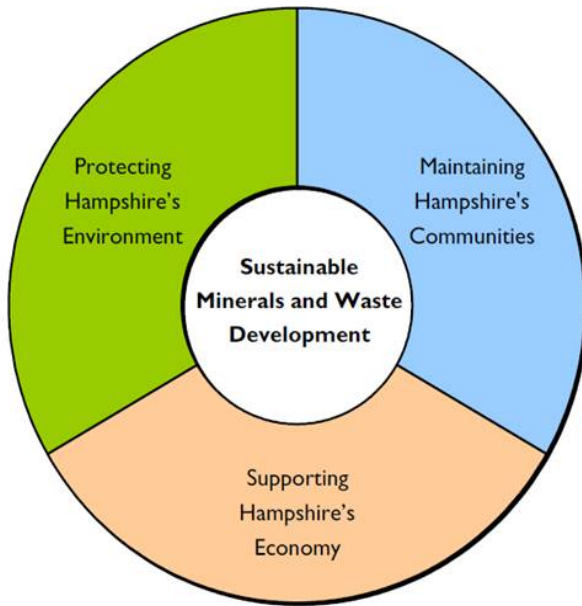
- 1.12 When determining planning applications, responses received as part of the public consultation will be taken into account, as appropriate (see [Why is community engagement important to the planning process? \[See page 53\]](#)).
- 1.13 In addition to gaining planning permission, there are a number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

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

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

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

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



Source: *Hampshire Authorities, 2013*

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

This SPD includes a description of the:

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

1.21 The SPD considers the following areas:

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

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

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

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

Meeting the duty to co-operate

1.24 The NPPF sets out a 'duty to co-operate' on planning issues between public bodies⁷.

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

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

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

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

Relevant assessments, appraisals and other useful documents

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

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

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

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

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

The following documents are also relevant to the emerging SPD:

- **Adopted Hampshire Minerals & Waste Plan¹¹;**
- **Hampshire Statement of Community Involvement¹²;**
- **Portsmouth Statement of Community Involvement¹³;**
- **Southampton Statement of Community Involvement¹⁴;**
- **New Forest National Park Statement of Community Involvement¹⁵**
- **National Planning Policy Framework (2012)¹⁶;**
- **National Planning Practice Guidance¹⁷;**
- **Onshore oil and gas development in Hampshire FAQ (2015)¹⁸;**
- **Oil and Gas in Hampshire - Background Study (2015)¹⁹.**
- **Oil and Gas in Hampshire: Background Study²⁰;**
- **Integrated Sustainability Appraisal²¹;**
- **Habitats Regulation Assessment²²; and**
- **Equality Impact Assessment²³.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Oil and gas licencing in Hampshire

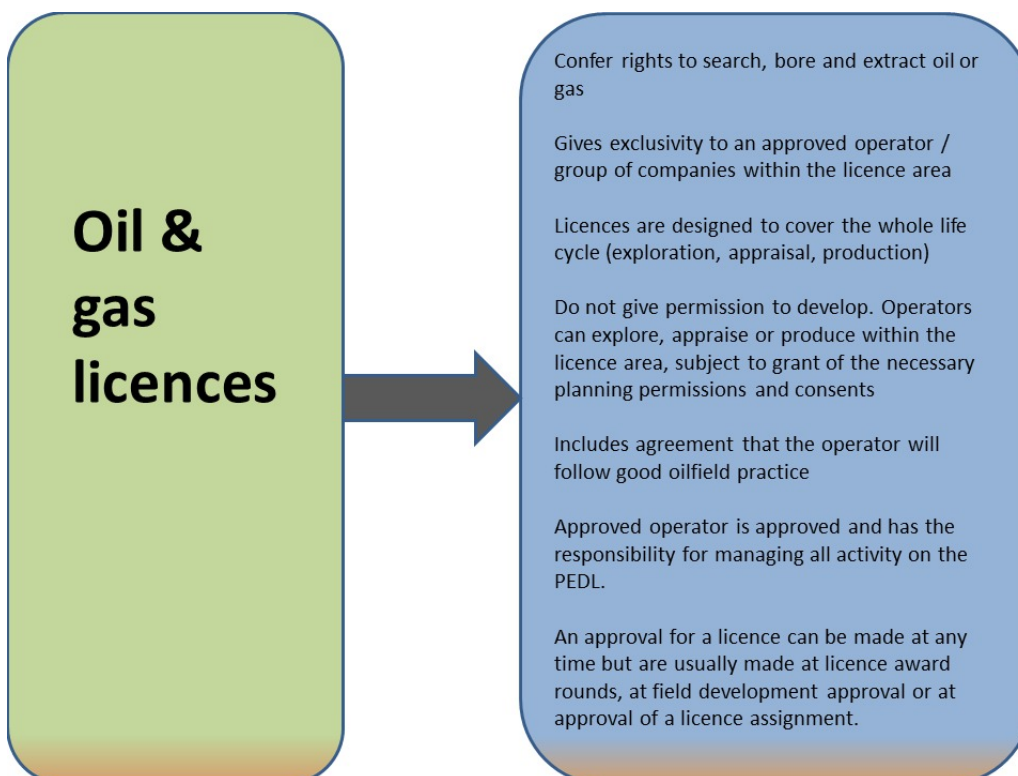
PLEASE NOTE - THIS SECTION WILL BE UPDATED FOLLOWING THE 14TH LICENCING ROUND ANNOUNCEMENT IN 2015.

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

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

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

Figure 4: What a PEDL means in practice



Source: Author - Hampshire Authorities, 2015

- 2.3 The current licencing round (the 13th Onshore Licensing Round) took place in 2008²⁴.
- 2.4 Oil and gas development within a licence area cannot take place until planning permission has been granted and the other associated consents are issued.
- 2.5 Licences for oil and gas in Hampshire have previously been issued by the DECC through the 13th round²⁵. Licenced areas are an indication of Hampshire's potential oil and gas resources (see [Appendix 1: Oil and gas licences in Hampshire \[See page 81\]](#)).
- 2.6 The 13th round included licences which were issued for shale gas in five locations in the United Kingdom, none of which were in Hampshire.
- 2.7 The issue of oil and gas licencing is being reassessed by the OGA through the 14th round of onshore oil and gas licencing²⁶. More information on the area under consideration in Hampshire in the 14th round can be found in [Appendix 1: Oil and gas licences in Hampshire \[See page 81\]](#). The opening of the 14th round was announced on 28 July 2014²⁷. Oil and gas operators had an opportunity to apply for further oil and gas licences or the renewal of licences already in place through the 13th round. Operators were given until 28 October 2014 to submit their nominations and associated paperwork. The nomination stage has now been completed and the OGA will consider the nominations before new licences are issued. The Secretary of State has full discretion to make decisions on applications for PL and will always make them in line with published policies and objectives. It was also proposed that the 14th round would re-introduce the term 'Production Licences' (PL), replacing PEDLs. PLs will cover all phases of oil and gas development (exploration, appraisal and production) (see [Phases of oil and gas development \[See page 11\]](#)).
- 2.8 The 14th round will supersede the 13th round on publication.

24. Oil and gas licencing: www.gov.uk/oil-and-gas-licensing-rounds

25. Oil and gas licencing: www.gov.uk/oil-and-gas-licensing-rounds

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

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

3. Permitted oil and gas development

- 3.1 Planning permission is required for each phase of oil and gas development from the relevant MPA. However, some minor works may be considered permitted development (and so does not require planning permission).
- 3.2 Permitted development for oil and gas is set out in the Town and Country Planning (General Permitted development) Order 2015²⁸. Part 17 of Schedule 2 of the order sets out the types of activities which are considered to be permitted development in relation to oil and gas. The order includes some restrictions on permitted development rights within areas such as National Parks, Area's of Outstanding Natural Beauty, Sites of Archaeological Interest, and Site's of Special scientific Interest.

28. 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 are more limited land-take. They are also more flexible in their locational requirements compared to other minerals developments. As such, planning for the supply of oil and gas, has a number of characteristics which may not be present in other forms of development. This includes the following considerations:

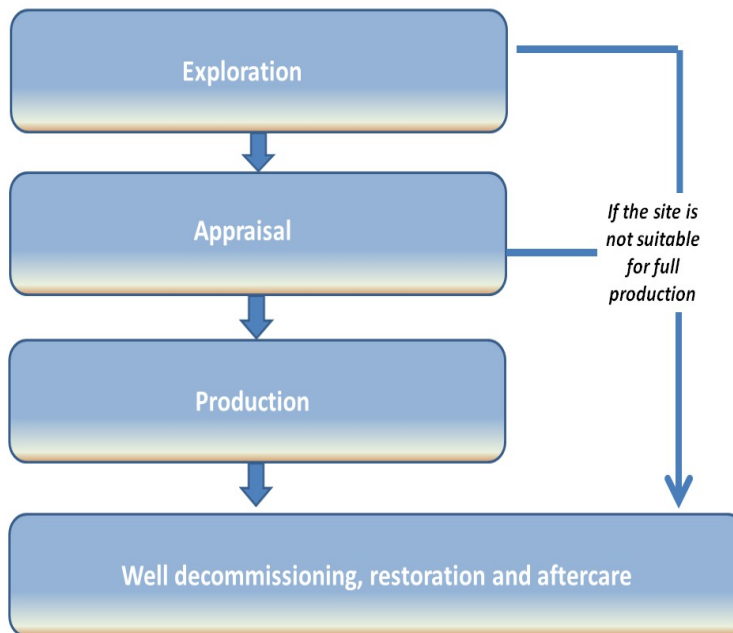
Oil and Gas Planning Characteristics:

- the location of oil and gas extraction will depend on the presence of economically viable oil or gas resources (see [Oil and gas origins](#));
- oil and gas activity is a temporary land use although it can often take place over a long period of time;
- sites will often be located on previously undeveloped land;
- most adverse effects caused by working oil or gas resources can be mitigated through conditions attached to planning permissions granted as well as other consents required;
- as the extraction of oil or gas is a continuous process of development, there is a requirement for routine monitoring, and if necessary, enforcement to secure compliance with conditions (see [Monitoring and enforcement of permitted oil and gas developments \[See page 66\]](#)); and
- following working, surface land will be restored to make it suitable for beneficial after-use (see [Restoration and aftercare of oil and gas sites](#)).
- Oil and gas development can only take place in areas where the OGA have issued a licence under the Petroleum Act 1998²⁹ (Petroleum Licence) (see [Oil and gas licencing in Hampshire \[See page 8\]](#)).

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

²⁹ Petroleum Act 1998: www.legislation.gov.uk/ukpga/1998/17/contents

Figure 5: Phases of oil or gas development



Source: Author - Hampshire Authorities, 2015

Exploration

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

Key characteristics of the exploration phase:

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

Appraisal

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

Key characteristics of the appraisal phase:

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

Production

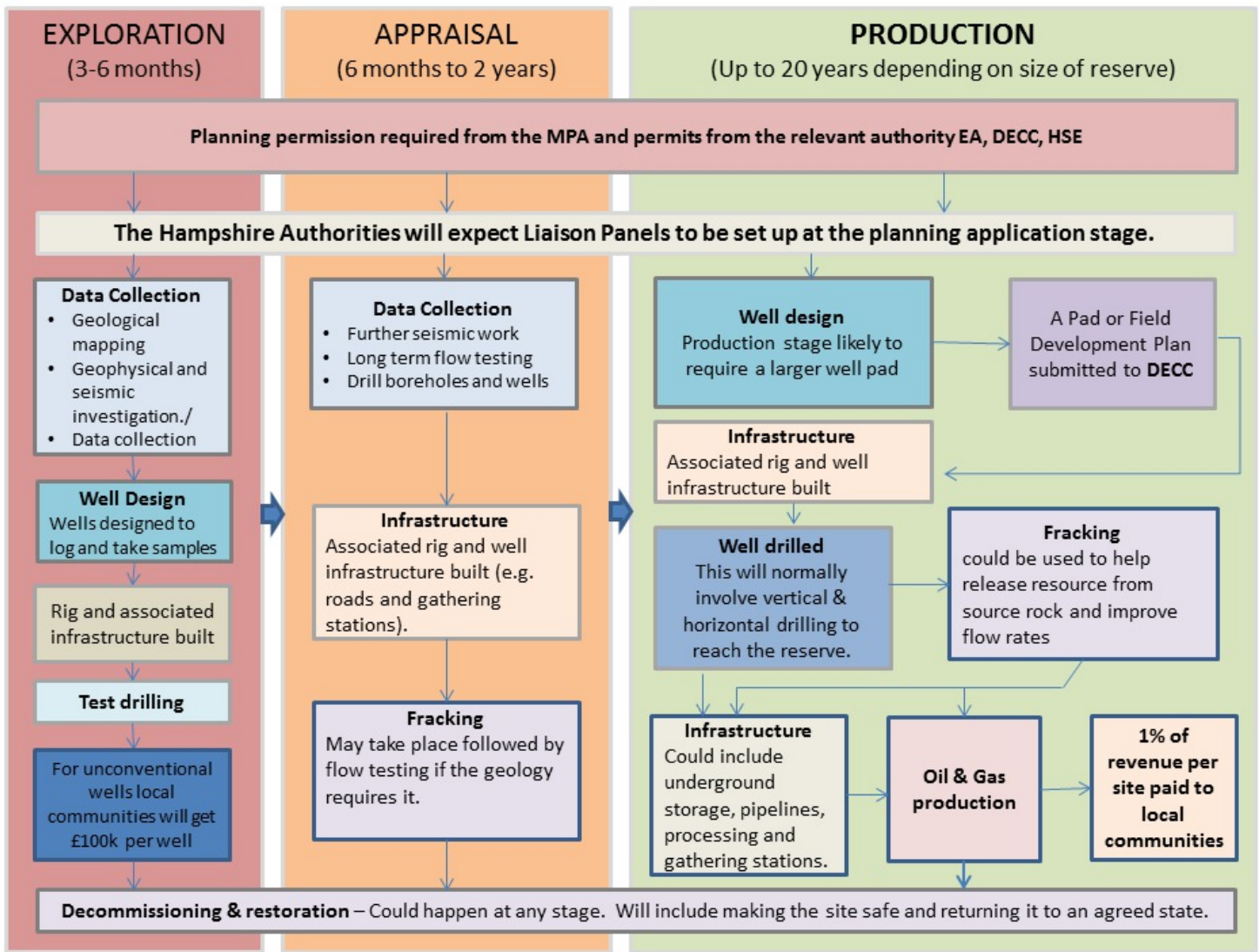
- 4.9 Once a resource has been identified as being viable and of commercial interest, planning permission may be sought for full production. Production is when full extraction of the resource is undertaken.
- 4.10 It is important that any proposal for production, justifies the number of wells required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

Key characteristics for the production phase:

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

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

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



Source: Author - Hampshire Authorities, 2015

5. Planning Performance Agreements

- 5.1 The Localism Act 2011³⁰ provides for the opportunity to enter into a Planning Performance Agreement (PPA). PPAs are a project management tool the local planning authorities (LPAs) and applicants can use to agree timescales, actions and resources for handling particular applications. They can help to provide increased certainty and transparency in the development of major schemes and in the assessment of planning applications and the decision-making process.
- 5.2 A PPA is agreed voluntarily between the applicant and the LPA prior to the application being submitted, and can be a useful focus of pre-application discussions about the issues that will need to be addressed. An agreement should cover the pre-application and application stages but may also extend through to the post-application stage.
- 5.3 PPAs can be particularly useful in setting out an efficient and transparent process for determining large and/or complex planning applications. They also encourage joint working between the applicant and LPA and can also help to bring together other parties such as statutory consultees (NE, HE & EA).
- 5.4 There are costs associated with PPAs. Applicants should consult the relevant Hampshire Authority to discuss potential costs of PPAs.

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

6. Preparing a planning application for oil or gas development

- 6.1 Oil and gas development can only take place in areas where the OGA have issued a licence under the Petroleum Act 1998³¹ (Petroleum Licence) (see [Oil and gas licencing in Hampshire \[See page 8\]](#)).
- 6.2 The Hampshire Authorities are responsible for processing and determining any planning application for onshore oil and gas development within their administrative areas. Hampshire's District and Borough Councils do not determine minerals applications. This will include any proposals for underground gas storage proposals which have an expected working capacity below 43 million standard cubic metres or maximum flow rate below 4.5 million standard cubic metres per day³². Applications for storage projects above this size, are dealt with under the Planning Act 2008³³ and must be made to the Secretary of State for Energy and Climate Change³⁴. The precise nature of what is included in a planning application for oil or gas development will depend in part on the applicant. The applicant and the OGA will already have agreed a work programme as part of the exploration licence application.
- 6.3 The following diagram provides a summary of the planning process.

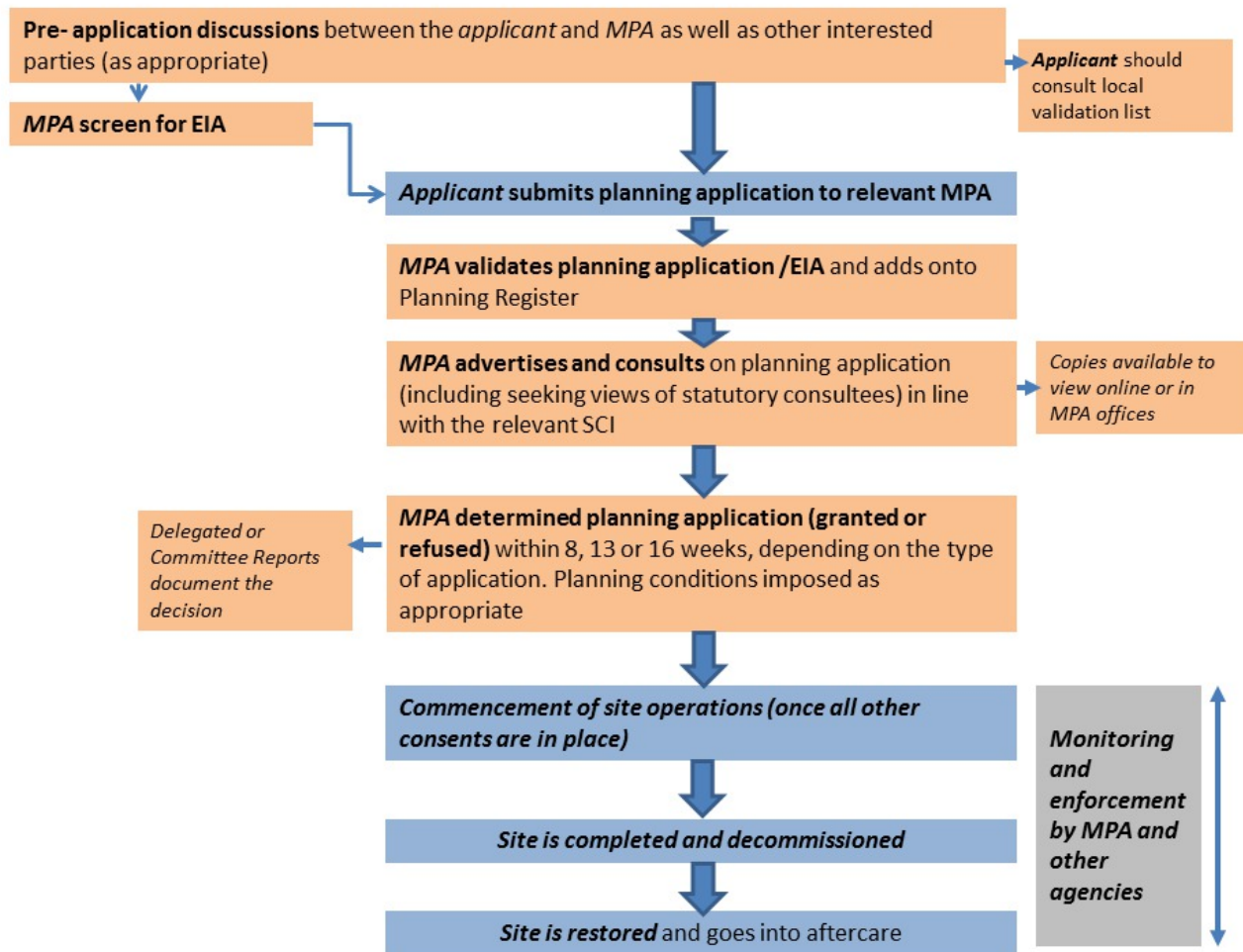
31. Petroleum Act 1998: www.legislation.gov.uk/ukpga/1998/17/contents

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

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

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

Figure 7: The planning process



Source: Author - Hampshire Authorities, 2015

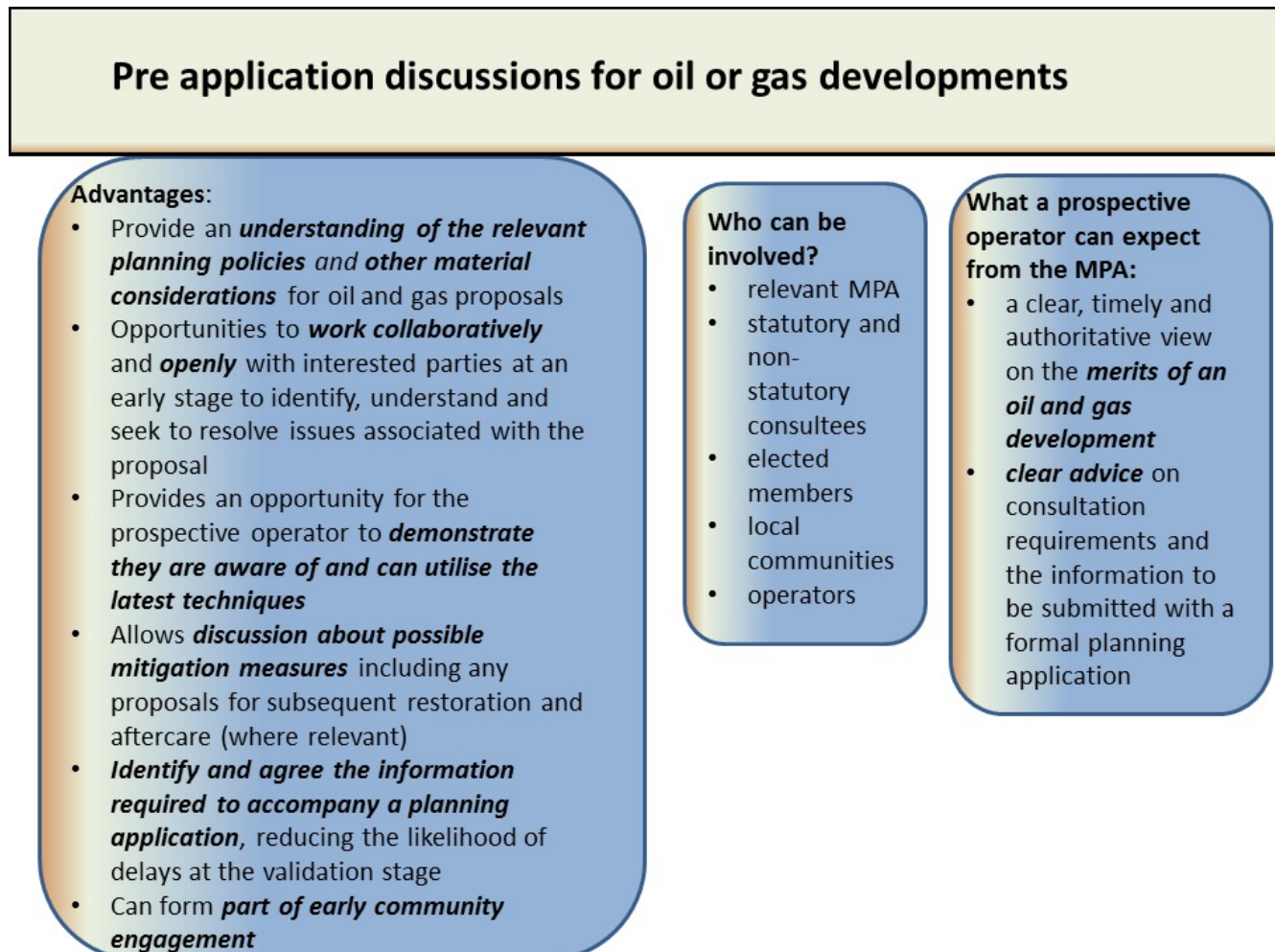
- 6.4 The remaining parts of this section consider the main issues associated with the planning process for oil or gas developments.

Pre-application discussions

- 6.5 Pre-application discussions between the prospective applicant and other interested parties are encouraged by the Hampshire Authorities for all oil and gas developments. Discussions occur in advance of the formal submission of a planning application.
- 6.6 Discussions offer significant potential to improve both the efficiency and effectiveness of the planning application process. They are a valuable part of the overarching planning application process and help to ensure that the planning process for oil or gas development is front loaded if discussions are undertaken appropriately. They allow for the anticipation and identification of issues that may cause difficulties or delays in the planning process and time for these issues to be resolved in advance of the submission of a planning application. Good quality pre-application discussion enable better co-ordination between public and private resources and improved outcomes for the community³⁵.

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

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



Source: Author - Hampshire Authorities, 2015

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

6.9 Advice will be provided in accordance with the relevant MPAs pre-application advice procedure. Applicants are encouraged to consult the local validation checklist in advance of the pre-application stage. Each MPA (HCC³⁶, SCC³⁷, PCC³⁸ and NFNPA³⁹) have a separate list which is available to view on their website.

35. National Planning Policy Framework, paragraph 188-195: www.gov.uk/government/uploads/system/uploads/attachment_data/file/60777/2116950.pdf

- 6.10 The level of information necessary for effective pre-application engagement will vary. However, in all cases, the level of information requested by the MPA will be proportionate to the phase of development and the relevant stage of the operations in considering a site for extraction. A prospective operator would not necessarily be expected to provide all of the information that would accompany a formal planning application. However, the information provided needs to be sufficient to allow the MPA to take an informed view.
- 6.11 It is useful if applicants submit information on land ownership at the pre-application stage.
- 6.12 Impacts, wherever possible, should be designed out of a proposal at an early stage and pre-application discussions help to facilitate this process. Mitigation measures should only be applied to any residual impacts which cannot be addressed through the design of the development.
- 6.13 Statutory consultees⁴⁰ for planning applications can play an important role in the pre-application discussions since they may be involved in providing advice to the MPA on a formal planning application. Relevant non-statutory consultees such as the HSE and water companies may also make an important contribution. Pre-application discussions with other non-statutory consultees can also provide prospective operators with an opportunity to share information that may be relevant to the planning applications being prepared, as well as applications for other permits, consents or licences.
- 6.14 Applicants and local planning authorities should consider the potential of entering into planning performance agreements, where this might achieve a faster and more effective application process (see [Planning Performance Agreements \[See page 16\]](#)).

Costs

- 6.15 HCC charges for pre-planning application advice will be applicable for any oil or gas proposal within the County Council's administrative area⁴¹.
- 6.16 PCC⁴² and SCC both charge⁴³ for pre-application advice for oil or gas proposals which fall within the relevant City Council administrative area.
- 6.17 The NFNPA currently offer free pre-application advice for oil and gas proposals which fall within the National Park Authority's administrative area⁴⁴.

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

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

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

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

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

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

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

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

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

When will a proposal require an Environmental Impact Assessment application?

- 6.18 Some oil or gas proposals will require an Environmental Impact Assessment (EIA). The aim of EIA is to protect the environment by ensuring that a local planning authority, when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process. The requirements for EIA are set out in Town and Country Planning (EIA) Regulations 2011⁴⁵ and National Planning Practice Guidance⁴⁶.

The regulations set out:

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

- 6.19 A particular oil or gas proposal will not necessarily give rise to all of the effects noted in the regulations. A full and detailed assessment will be required for those impacts which are likely to be significant associated with an oil or gas development.
- 6.20 The relevant MPA will carry out a screening exercise to determine whether any proposal for onshore oil and gas extraction requires an EIA upon request⁴⁷. Screening is a procedure used to determine whether a proposed project is likely to have significant effects on the environment. It should normally take place at an early stage in the design of the project. However, it can also occur after a planning application has been made or even after an appeal has been made. The screening process is summarised in [Appendix 5: Establishing whether a proposed oil or gas development requires an Environmental Impact Assessment \(EIA\) \[See page 84\]](#).
- 6.21 If the proposed oil or gas development is considered to require an EIA, the applicant is encouraged to request a Scoping Opinion⁴⁸ from the relevant MPA. This would help determine the scope of the information to be provided in the Environmental Statement (ES). The Scoping stage allows the MPA to clarify what it considers the main effects of development to be and, therefore, the aspects on which the applicant's ES should focus.

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

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

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

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

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

Table1: Oil and gas development and EIA

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

Ensuring a planning application for oil or gas development is valid

- 6.25 Each of the Hampshire Authorities have information on their individual websites about the submission of planning applications^{49 50 51 52}.

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

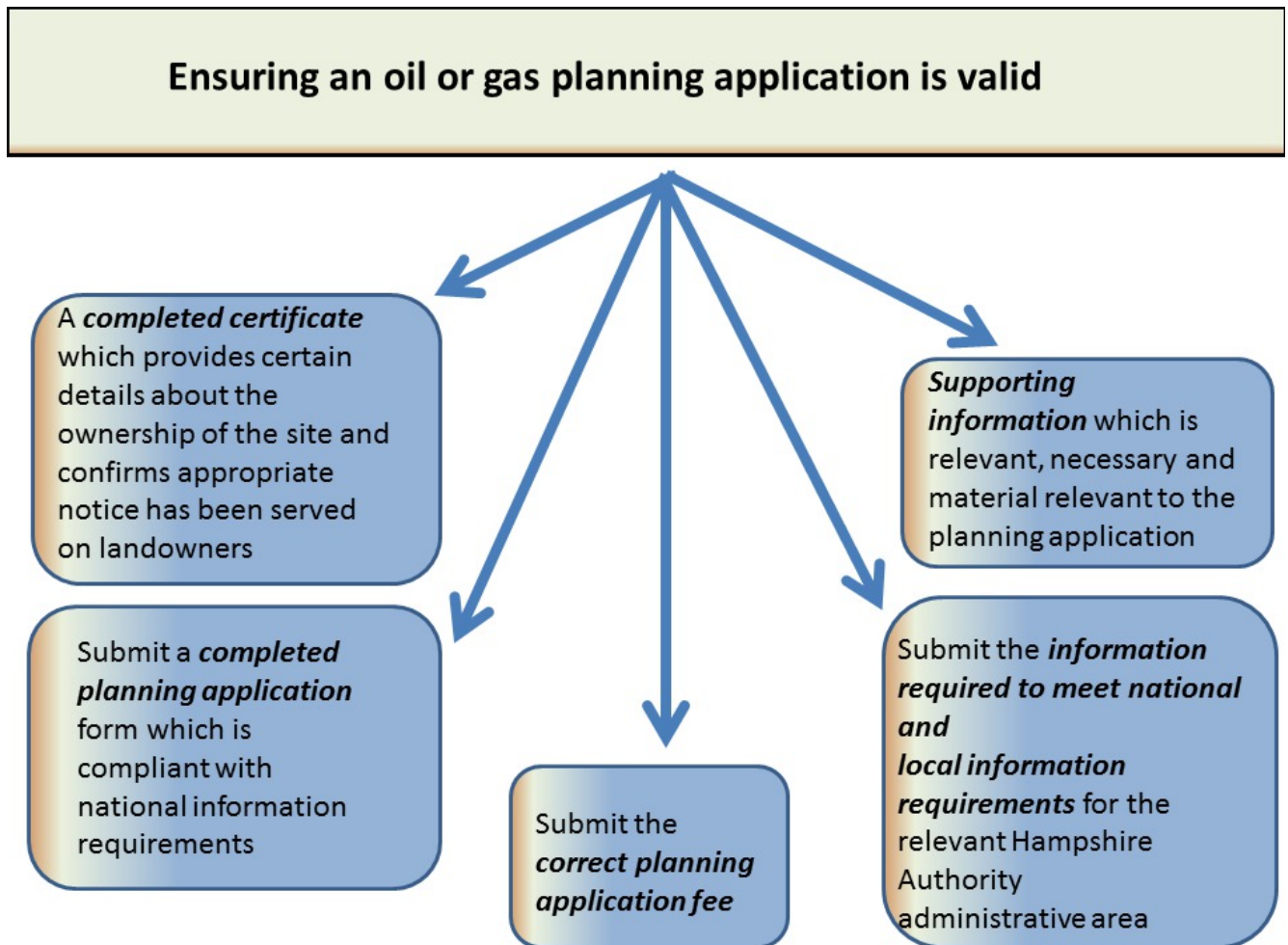
50. Southampton City Council information on the submission of planning applications: www.southampton.gov.uk/planning/

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

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

- 6.26 Applicants are encouraged to consult the local validation checklist in advance of the pre-application stage. Each MPA (HCC⁵³, SCC⁵⁴, PCC⁵⁵ and NFNPA⁵⁶) have a separate list which is available to view on their website.
- 6.27 The following diagram sets out the key areas which must be addressed to make a planning application for oil and gas development valid.

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



Source: Author - Hampshire Authorities, 2015

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

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

55. Portsmouth City Council planning application information: -planning.asp

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

- 6.28 Pre-application discussions help to guide applicants on the types of information which should be submitted with a planning application to ensure that it is valid (see [Pre-application discussions \[See page 18\]](#)). Applicants will determine how much preliminary data is necessary before seeking planning permission to undertake any exploratory drilling. Data which the operator might obtain at the exploratory stage will be used to determine the most appropriate locations for drilling. MPAs will only request supporting information that is relevant, necessary and material to the planning application in question. Requests for information will be made giving regard to the nature and scale of the proposed development and will directly relate to a matter which it is reasonable to think will be a material consideration in the determination of any planning application.
- 6.29 In some instances, an Environmental Impact Assessment (EIA) will be required (see ['Environmental Impact Assessment \(EIA\) applications' \[See page 21\]](#)).
- 6.30 Twin tracking planning applications for oil and gas development alongside applications for other consenting requirements is encouraged, where appropriate. Twin tracking may provide an opportunity for information required at the consenting or permitting stage to be used to inform the decision-making process for planning applications. This may include environmental permitting from the Environment Agency (see [Other regulatory regimes or agencies who may be involved or have an interest in the planning process \[See page 43\]](#)).
- 6.31 Impacts, wherever possible, should be designed out of a proposal at an early stage and pre-application discussions help to facilitate this process. Mitigation measures should only be applied to any residual impacts which cannot be addressed through the design of the development.
- 6.32 The Planning Portal include a standard application form for oil and gas developments in England⁵⁷.

How should notice on landowners be served?

- 6.33 The Petroleum Act 1998⁵⁸ vested all the rights and ownership of oil and gas resources to the Crown. This means that oil and gas resources are not owned by the surface landowner.
- 6.34 Where someone other than the sole owner of land applies for planning permission to develop land, they are legally required to give notice of the planning application to owners or tenants of any part of the land to which the application relates. This is set out in the Town and Country Planning Act 1990⁵⁹ and the Town and Country Planning (Development Management Procedure) Order 2015⁶⁰.

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

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

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

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

- 6.35 Part 4 (26) of the Order applies in the case of an application for planning permission for development consisting of the winning and working of minerals by underground operations. The rationale for these provisions is that any owner or tenant of land should be made aware that a planning application is going to be submitted in relation to the land in which they have an interest to ensure they have the opportunity to make representations.
- 6.36 The Infrastructure Act 2015⁶¹ has amended the provisions for access to underground resources in England and Wales. This impacts land which may be subject to proposals for conventional or unconventional oil or gas proposals.
- 6.37 Information on landownership is welcomed by the Hampshire Authorities at the pre-application stage (see [Pre-application discussions \[See page 18\]](#)).

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

- 6.38 Planning fees were introduced in 1981⁶² with the intention that users and potential beneficiaries of the planning system, rather than taxpayers, meet the costs incurred by Local Planning Authorities (LPAs) in processing and determining planning applications.
- 6.39 The Secretary of State has the power to make and amend regulations setting the fees that applicants for planning permission must pay to the LPA considering the planning application. The Scale of Fees for different categories of development are set out in the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended)⁶³. National Planning guidance has more information on planning fees⁶⁴.
- 6.40 The Government has recently amended the 2012 regulations with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2014⁶⁵. This clarifies that, for the purposes of onshore oil and gas development, fees should be calculated on the basis of the area of the above ground works only. As part of the changes, it is also intended to increase fees for planning applications for onshore oil and gas development by 10% on the basis of surface area works. Any changes will be reflected in revised fees guidance in due course.

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

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

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

Regulations 2012: www.legislation.gov.uk/ukdsi/2012/9780111527290

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

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

Regulations 2014: www.legislation.gov.uk/ukdsi/2014/9780111107485

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

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

Compliance with National Planning Policy

National Planning Policy Framework (NPPF)

- 6.42 The NPPF⁶⁶ sets out national minerals planning policy for onshore oil and gas.
- 6.43 The Government is clear that responsibility for determining planning applications for onshore oil and gas activities, including for the exploration of shale gas, will be with MPAs. Decisions will therefore continue to be taken in accordance with Local Plans such as the adopted Hampshire Minerals & Waste Plan (HMWP)⁶⁷ (see [Compliance with Local Planning Policy \[See page 27\]](#)) and the NPPF.

National Planning Practice Guidance (NPPG)

- 6.44 The NPPG was issued in 2014⁶⁸. The guidance sets out a number of planning issues that should be addressed in relation to oil and gas development. The NPPG is a live document and is updated as required. It is important that applicants view the live version when preparing planning applications for oil or gas developments. It should be read alongside other planning guidance and the NPPF.
- 6.45 The planning practice guidance was published following the public examination of the adopted HMWP (see [Compliance with Local Planning Policy \[See page 27\]](#)). However, the adopted Plan is compliant with its provisions.
- 6.46 The guidance also makes it clear where issues (such as emissions, health and safety and water resources) should be addressed by other regulatory agencies (i.e. not the MPA). These may be relevant to the planning process and therefore may be put before an MPA as part of a planning application.

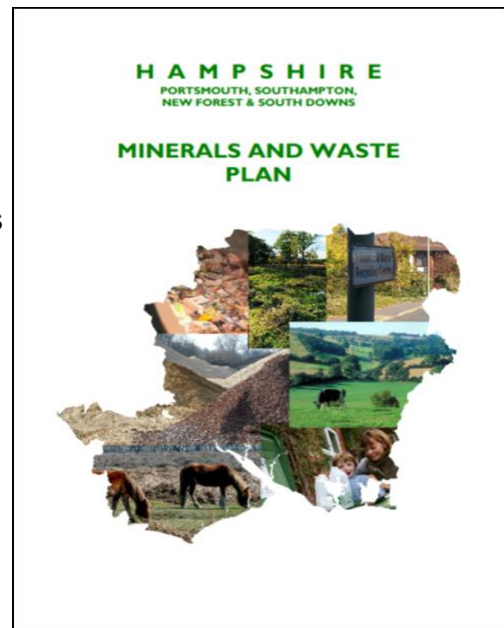
66.National Planning Policy Framework: www.gov.uk/government/publications/national-planning-policy-framework--2

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

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

Compliance with Local Planning Policy

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



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

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

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

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

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

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

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

- 6.51 Safeguarding is the method by which mineral resources and the minerals and waste facilities are protected from inappropriate development. Oil and gas deposits are found at much deeper levels under the ground than the other minerals worked in Hampshire and are less threatened by surface development. As a result, safeguarding of oil and gas resources is not required due to the depth of the resource, the ability to utilise directional drilling and the small surface area requirements of well pads. The extent of oil and gas resources is also commercially sensitive information which is unavailable to the MPA. However it is still important that existing oil and gas infrastructure is safeguarded. Hampshire's existing oil and gas sites are safeguarded through the policies of the HMWP relating to safeguarding minerals infrastructure (*Policy 16: Safeguarding - minerals infrastructure*). Any subsequent update to the list following the adoption of this SPD will be reflected in the most recent Monitoring Report which sets out information on the performance of the HMWP⁷⁰.
- 6.52 In some instances, oil or gas development may have legal agreements attached to them (see [Planning obligations \[See page 64\]](#)). The HMWP also includes a policy which encourages community benefits (*Policy 14*) which may be associated with oil or gas developments (see [Community benefits \[See page 68\]](#)).
- 6.53 The remaining part of this section highlights the key policy areas and issues which are relevant to oil and gas proposals in Hampshire. The issues are presented in the order they appear in the HMWP i.e. by policy.

Ensuring oil and gas development mitigates and adapts to climate change

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



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

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

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

Oil and gas sites in areas of nature conservation designation

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

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

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

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

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

- 6.59 It will be important that any oil or gas proposal which impacts the noted designations include details of appropriate mitigation or compensation measures which will be required to protect biodiversity impacts. In doing this, consideration on how proposals may impact the principles and purposes of the designations will be required.
- 6.60 Guidance on the law affecting European sites and SSSI has been prepared by Defra⁷¹, replacing the advice previously set out in Circular 06/05: Biodiversity and Geological Conservation⁷².
- 6.61 Proposals should include details of the nature and duration of the proposed impacts as well as habitats surveys in their supporting information.
- 6.62 All oil or gas proposals which impact the designations will need to consider why there is a need for the development, options and opportunities to locate the proposal outside of the designated areas and mitigation measures which can be employed to offset any impacts.
- 6.63 The design of the development will also be important to ensure the development fits into the surrounding area (see design). Restoration of the site will also be an important consideration for any proposal, at any phase (see restoration and aftercare).

Oil and gas sites in areas of landscape designation and countryside

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

71.ADD

72. Biodiversity and geological conservation: circular 06/2005: www.gov.uk/government/publications/biodiversity-and-geological-conservation-circular-06-2005

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

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



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

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

Designated areas

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

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

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

- 6.75 Applicants should look to agree a programme of work with the MPA as part of the planning application which takes account, as far as is practicable, the potential impacts on local landscape designations and operational considerations over the expected duration of operations.
- 6.76 How a proposal may impact the tranquillity is an important consideration, especially within designated areas. Tranquillity is one of the special qualities of the New Forest National Park. The National Park Authority has recently conducted a mapping exercise which maps tranquil areas. This will need to be taken into account when considering planning applications in the national park area. Where development may be proposed outside of the boundaries of the New Forest National Park but the development may have the potential to impact the national park area, the park's neighbours and other statutory bodies are required by Section 62 of the Environment Act 1995⁷³ to have regard to the National Park purposes.

Countryside

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

Oil and gas sites in Hampshire's Green Belt

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

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

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

73.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.**

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



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

6.85 The Hampshire Archaeology and Historic Buildings Record (HAHBR) may be of assistance to applicants when preparing planning applications in areas of historic environment⁷⁴.

Oil and gas development and the protection of soils

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

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



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

- 6.88 The UK Onshore Operators Group have produced guidelines for the consideration of soils during well construction⁷⁵.
- 6.89 Details of the mud systems in use should be declared during the planning application stage and, where required, should be in accordance with the environmental permitting process (see [What other regulatory regimes or agencies may be involved or have an interest in the planning process? \[See page 43\]](#)).

Restoration and aftercare of oil and gas sites

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

Restoration may include:

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

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

75.UK Onshore Operators Group information on soils: www.ukoog.org.uk/environment/water-and-soil

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

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

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

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

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

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

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

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

6.101 The National Planning Policy Framework⁷⁶ and the National Planning Practice Guidance⁷⁷ detail what constitutes a material planning consideration. This includes ensuring that new development is appropriate for its location 'taking account of the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution'.

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

Dust and emissions

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

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

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

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

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

Health

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

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

6.112 Public Health England has produced a review of the potential public health impacts of shale extraction and concludes the risks to public health are low if operations are properly run and regulated⁷⁹.

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

Noise

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

Lighting

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

Visual impact

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

Aerodrome safeguarding

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

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

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

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

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

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

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

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

6.122 Safeguards are in place to mitigate the risks of seismic activity⁸⁰. This includes a Traffic Light system to address concerns and monitor seismicity during fracking operations.

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

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

6.125 Well design and barrier planning is subject to detailed guidance as set out in Oil and Gas UK's Well Integrity guidelines⁸¹, particularly in regard to the installation and testing of barriers to prevent leaching of chemicals into nearby soil.

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

81.add]

- 6.126 It is likely that each stage of oil and gas development will generate some form of waste which will require management or disposal. Waste generated may include:
- drill cuttings from drilling activities; and
 - flowback water.
- 6.127 It is important that any waste is managed in an appropriate way. Any proposal for oil and gas development will need to ensure it has adequately considered this issue, as required.
- 6.128 Waste disposal issues will be considered by the EA through Environmental Permitting.
- 6.129 Some of the wastes generated during oil and gas development will require disposal (e.g. to landfill). This may include drill cuttings.
- 6.130 Oil and gas extraction can produce mining wastes which need to be effectively managed. This is set out in the European Mining Waste Directive⁸² 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 2010⁸³ which are regulated by the Environment Agency.
- 6.131 Muds associated with drilling operations will be made up of various chemicals. The EA provides more information on drilling muds⁸⁴.
- 6.132 Flowback water will be collected and contained on-site in closed tanks. This water will then need to be discharged to the sewer system or transported to a waste water treatment works. Flowback water may contain Naturally Occurring Radioactive Materials (NORM) at low levels. Procedures for the management of NORM are well established in the United Kingdom. These will include pretreatment prior to conventional water treatments.


Water resources

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

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

83. Environmental Permitting (England and Wales) Regulations 2010

84. Environment Agency guidance: www.gov.uk/government/uploads/system/uploads/attachment_data/file/384623/LIT_10064.pdf / www.gov.uk/government/uploads/system/uploads/attachment_data/file/384624/LIT_10065.pdf

- 6.135 Proposals should include information on the likely amount of water required and the potential impacts on⁸⁵ local available water resources. This will be particularly important when proposals include hydraulic fracturing. When proposing a site for unconventional oil or gas development, applicants must ensure that there is sufficient water and infrastructure for their operations and, where necessary, would need to apply for an abstraction license from the EA.
- 6.136 All proposals should include detailed investigations into the potential impact associated with the proposed development on ground water and surface water courses.
- 6.137 In the event that a planning application is submitted to the MPA for consideration, the MPA will consult the EA and will take into account the advice provided in coming to a conclusion on the potential impact on water resources. Where risks to the environment are significant (for example where development is proposed contrary to the EA Groundwater Protection Policy and Guidance⁸⁶, the EA are likely to object to any planning application for the construction and operation of individual wells.
- 
- 6.138 EA guidance⁸⁷ is very clear that as an organisation they will object to:
- hydrocarbon exploration, extraction infrastructure or activity / shale gas extraction infrastructure or activity within a Source Protection Zone 1 (SPZ1);
 - hydrocarbon exploration, extraction infrastructure or shale gas activity outside SPZ1 that would have an unacceptable effect on groundwater. It also makes the following statement about conventional gas and oil exploration:
- 6.139 The EA is also clear that where development does proceed, that they will expect Best Available Techniques to protect groundwater to be applied where any associated drilling or operation of the boreholes passes through a groundwater resource.
- 6.140 Waste water following the extraction process (for both conventional and unconventional) returns to the surface following its use. This requires management, treatment and disposal. Proposals will need to include information on the measures which will need to be put in place for the appropriate management of waste water as well as fuels and oils.
- 6.141 In the event that oil or gas sites are located in proximity to each other, operators are encouraged to work together to ensure the efficient provision of water treatment infrastructure, as appropriate, in order to reduce cumulative impacts.

Public strategic infrastructure

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

86.EA Groundwater Protection Guidance: www.gov.uk/government/uploads/system/uploads/attachment_data/file/297347/LIT_7660_9a3742.pdfADD

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

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

Cumulative impacts associated with oil or gas development

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

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

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

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

Oil and gas proposals should consider their:

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

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

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

Oil and gas development and flood risk

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

- 6.148 Applicants should expect to submit a Flood Risk Assessment where a site is located in a flood risk zone.
- 6.149 Water companies will be a consultee for oil and gas proposals within their catchment within the HCC administrative area⁸⁸.

Oil and gas development and managing associated transport

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

Design of oil or gas developments

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

Economic impact of oil or gas developments

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

- 6.158 An Environmental Statement (see [Preparing a planning application \[See page 17\]](#)) of an oil or gas proposal will consider the issue of economic need for a proposal both on a national, regional and local scale.
- 6.159 The HMWP does not include any policies which directly relate to the potential economic impact or benefits associated with development, with the exception of community benefits. Where this issue is of importance to an oil or gas proposal, the MPA will therefore rely on the policies and direction of the NPPF⁸⁹, as appropriate. The NPPF specifically states that when determining planning applications, local planning authorities should give great weight to the benefits of the mineral extraction, including to the economy⁹⁰.

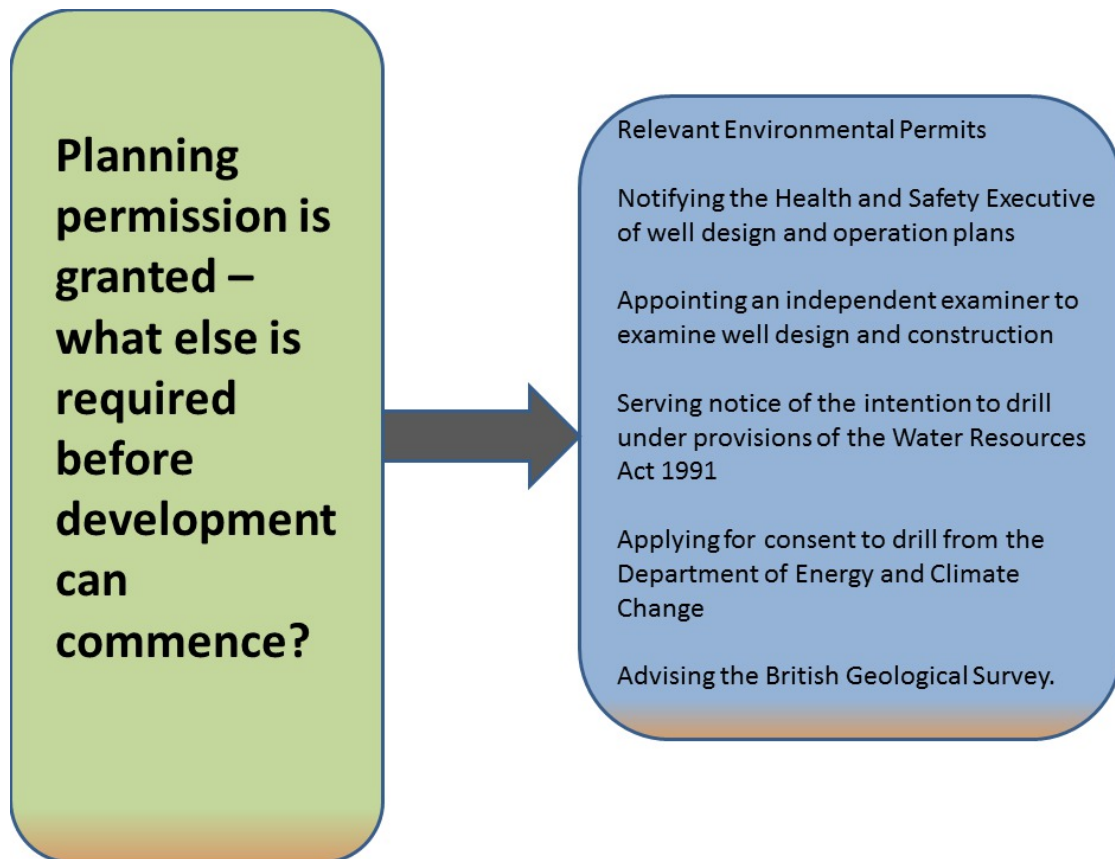
What other regulatory regimes or agencies may be involved or have an interest in the planning process for oil or gas developments?

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

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

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

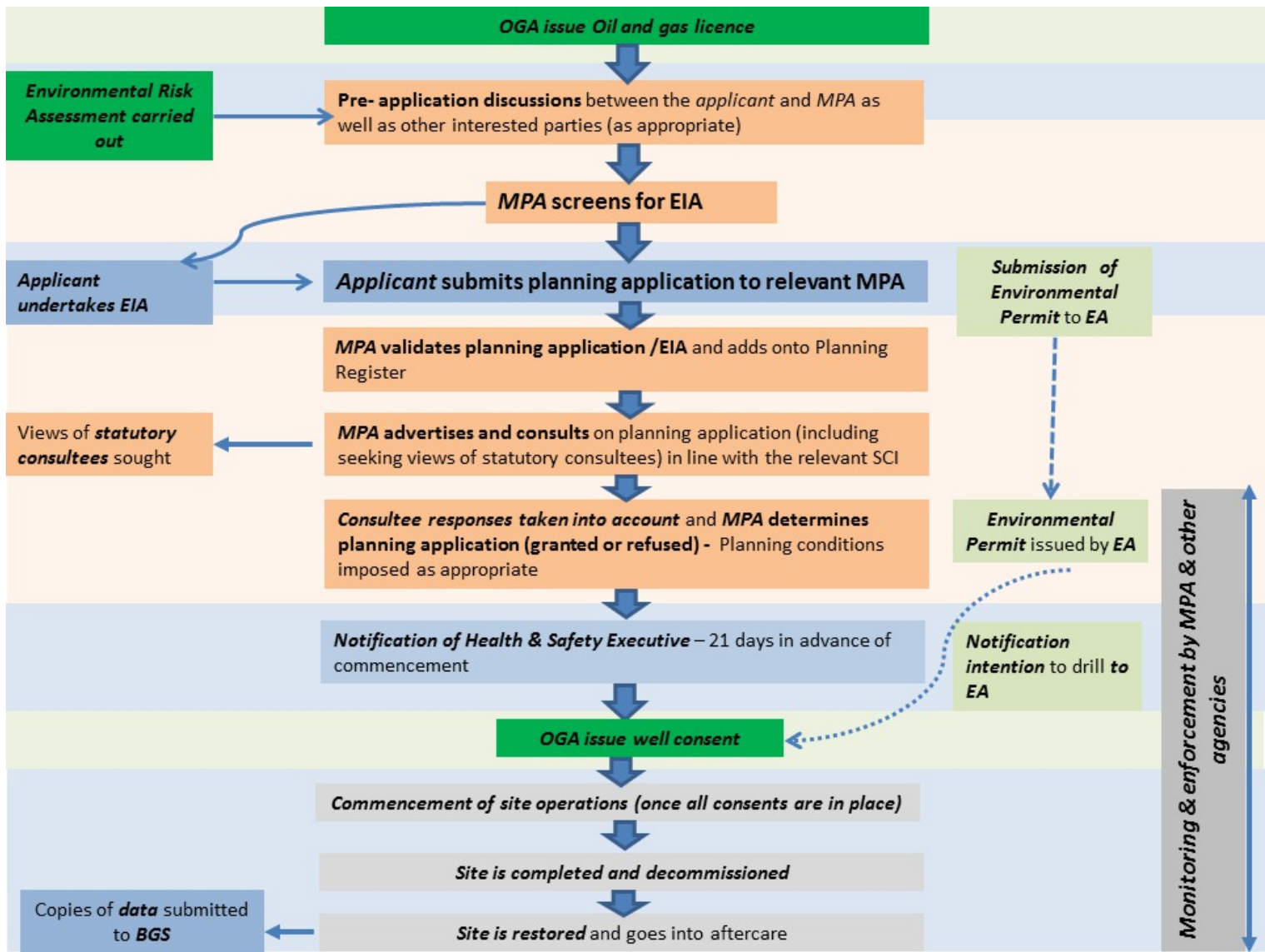
Figure 10: What other measures need to be addressed before oil or gas development can commence?



Source: Author - Hampshire Authorities, 2015

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

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



Source: Author - Hampshire Authorities, 2015

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

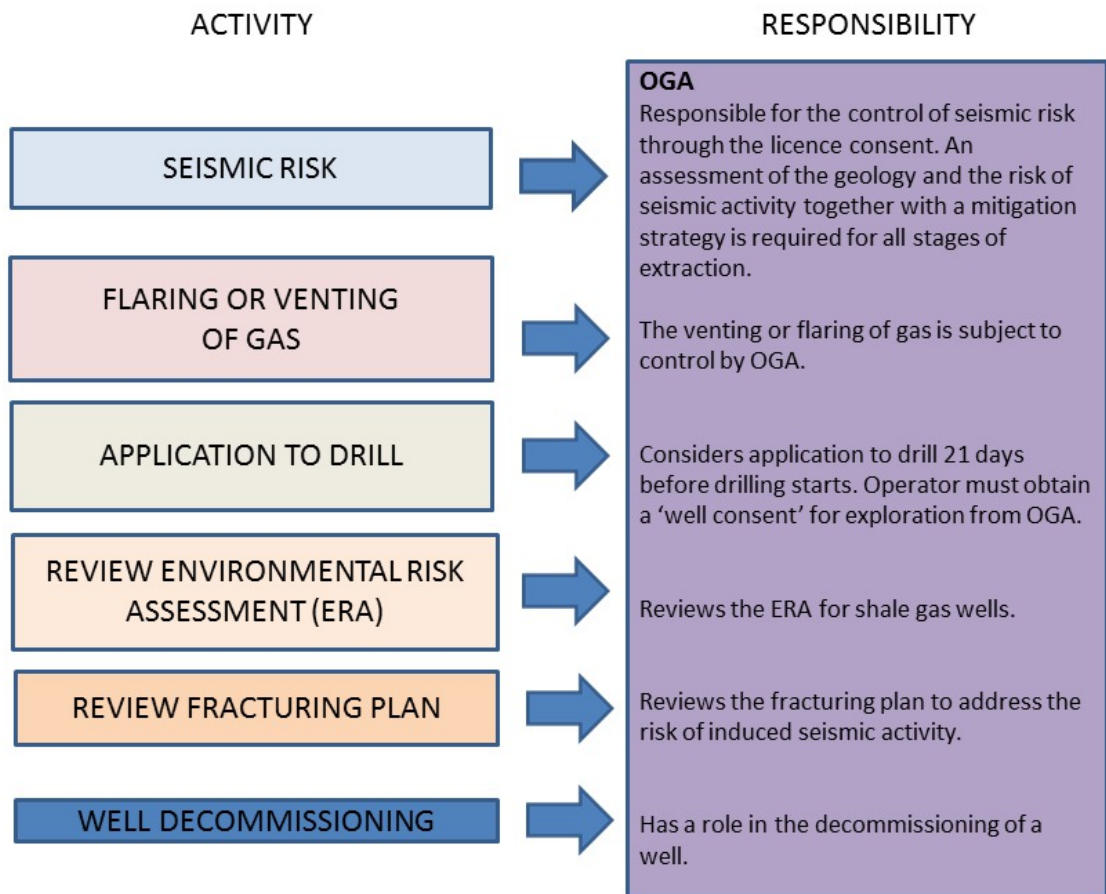
Oil and Gas Authority (OGA)

- 6.164 The Petroleum Act 1998⁹¹ vested all the rights and ownership of oil and gas resources to the Crown (see [Mineral right ownership for oil or gas](#)) and these are administered by the OGA (formerly DECC)⁹². The OGA works with government and industry to make sure that the UK gets the maximum economic benefit from its oil and gas reserves. The OGA issue PEDL (see [Onshore oil and gas licencing in Hampshire \[See page 8\]](#)) and guidance on oil and gas development. The MPA will consult the OGA on all planning applications for oil and gas. The following diagram highlights the roles and responsibilities of the OGA.

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

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

Figure 12: OGA roles and responsibilities



Source: Author - Hampshire Authorities, 2015

- 6.165 An Environmental Risk Assessment (ERA) is intended to provide a systematic and prioritised review of the environmental risks attending on the operations proposed, and a demonstration of the safe and environmentally responsible management of these operations⁹³.
- 6.166 If a proposal includes the intention to 'frack', the OGA would impose the controls⁹⁴ which include:
- a geological assessment identifying faults;
 - a 'Frack Plan'; and
 - monitoring of seismic activity before, during and after 'fracking'.
- 6.167 Finally, the OGA will check that the environmental regulator, e.g. the Environment Agency, and Health and Safety Executive have no objections to the proposed operations, before consent is given.

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

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

Environment Agency (EA)

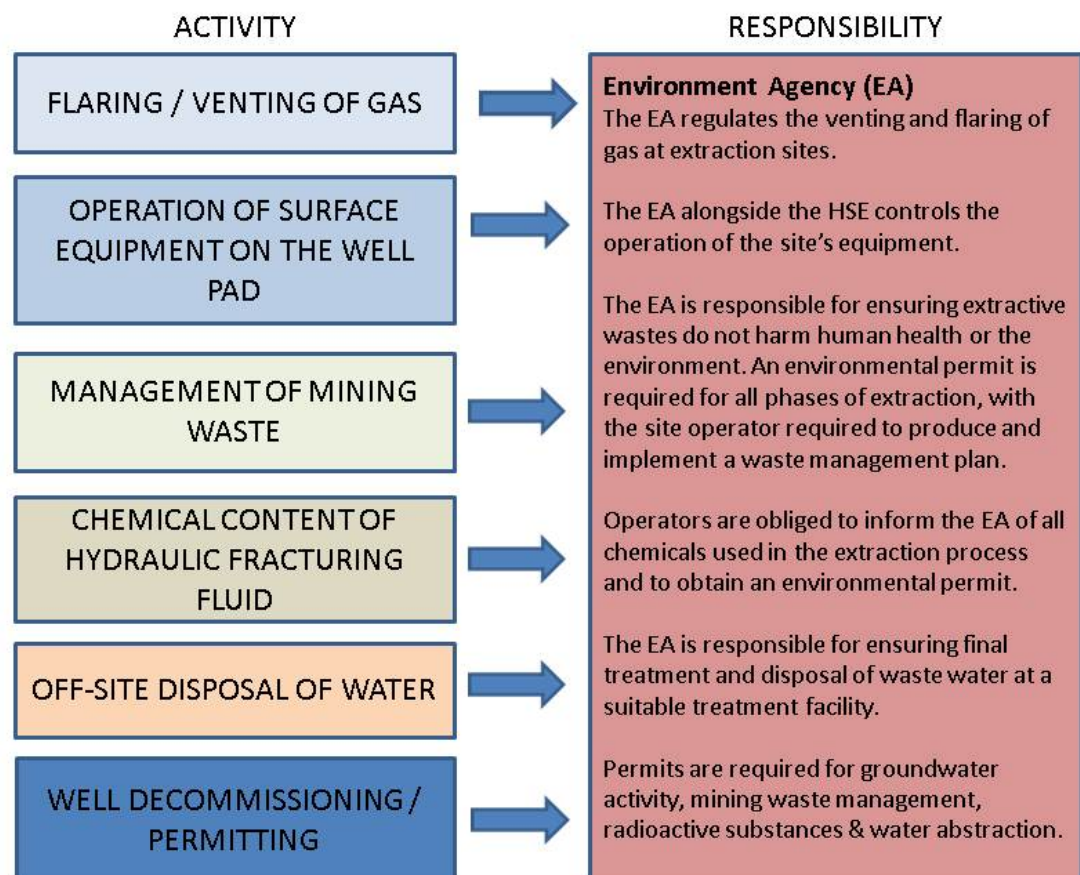
6.168 In England and Wales, onshore oil and gas exploratory activities require environmental permits issued under the Environmental Permitting Regulations⁹⁵ and other permissions from the Environmental regulator, depending on the methods used and the geology of the site.

The EA:

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

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

Figure 13: Environment Agency roles and responsibilities



Source: Author - Hampshire Authorities, 2015

95.Environment Agency webpage's on Unconventional Oil & Gas - www.environment-agency.gov.uk/business/topics/126689.Asp.

- 6.170 Environmental permits will be required for oil and gas developments⁹⁶⁹⁷.
- 6.171 Environmental Regulation requires a notice to be served on the regulator under section 199 of the Water Resources Act 1991⁹⁸ to 'construct a boring for the purposes of searching for or extracting minerals'.
- 6.172 The EA has issued a number of guidance documents relating to onshore oil and gas operations and more specifically shale gas extraction and fracking^{99 100 101 102103}.

Health and Safety Executive (HSE)

The HSE:

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

- 6.173 The HSE ensures that safe working practices are adopted by onshore operators as required under the Health and Safety at Work Act 1974¹⁰⁴, and regulations made under the Act such as the Borehole Site & Borehole Regulations 1995¹⁰⁵ and Offshore Installation & Wells Regulations 1996¹⁰⁶. These are set out in the following diagram.

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

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

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

99.Environment Agency webpage's on Regulating Unconventional Gas - www.environment-agency.gov.uk/business/topics/133885.aspx

100.Environment Agency Guidance Note: Regulation of exploratory shale gas operations - http://a0768b4a8a31e106d8b0-50dc802554eb38a24458b98ff72d550b.r19.cf3.rackcdn.com/LIT_7284_231c35.Pdf

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

102.The Environment Agency and the Health and Safety Executive:Working together to regulate unconventional oil and gas developments- http://a0768b4a8a31e106d8b0-50dc802554eb38a24458b98ff72d550b.r19.cf3.rackcdn.com/LIT_7317_e1b401.pdf

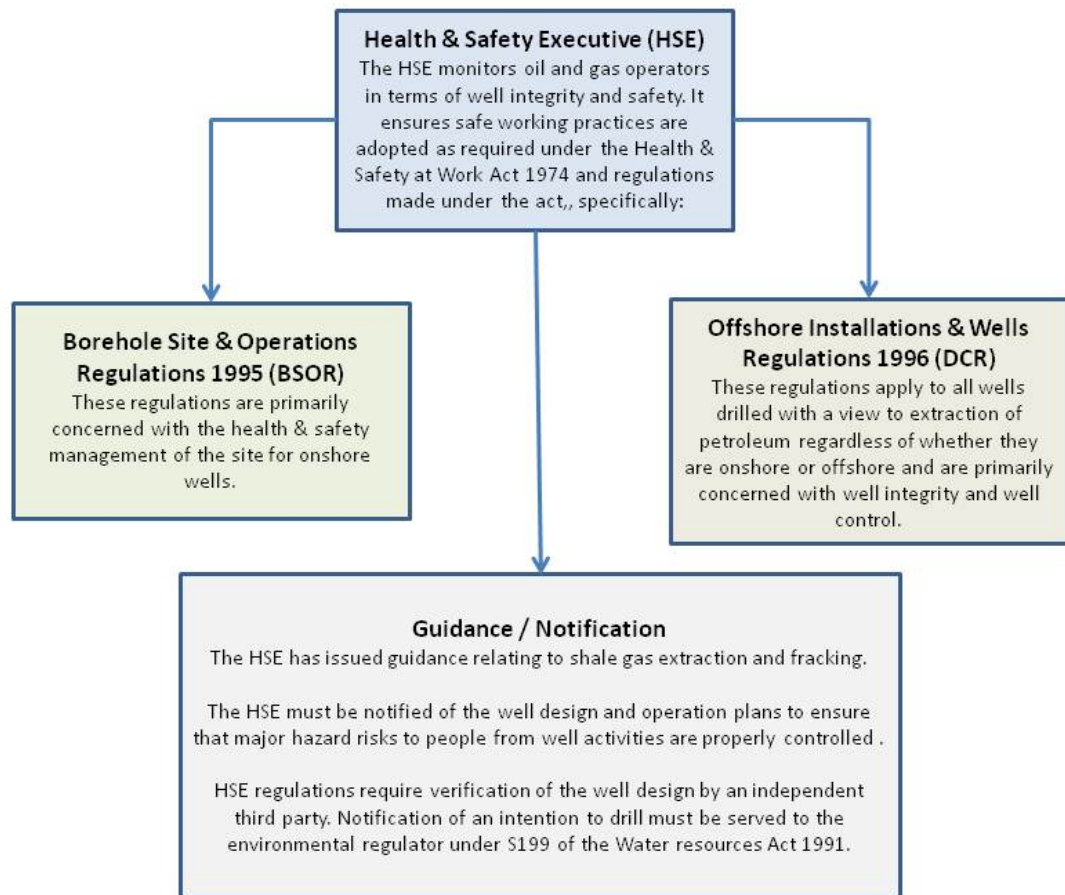
103.Environmental Permitting Regulations EPR (2010)

104.Health and Safety at Work Act 1974: www.legislation.gov.uk/ukpga/1974/37

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

106.Offshore Installations & Wells Regulations 1996: www.hse.gov.uk/foi/internalops/hid_circs/enforcement/spcenf170.htm

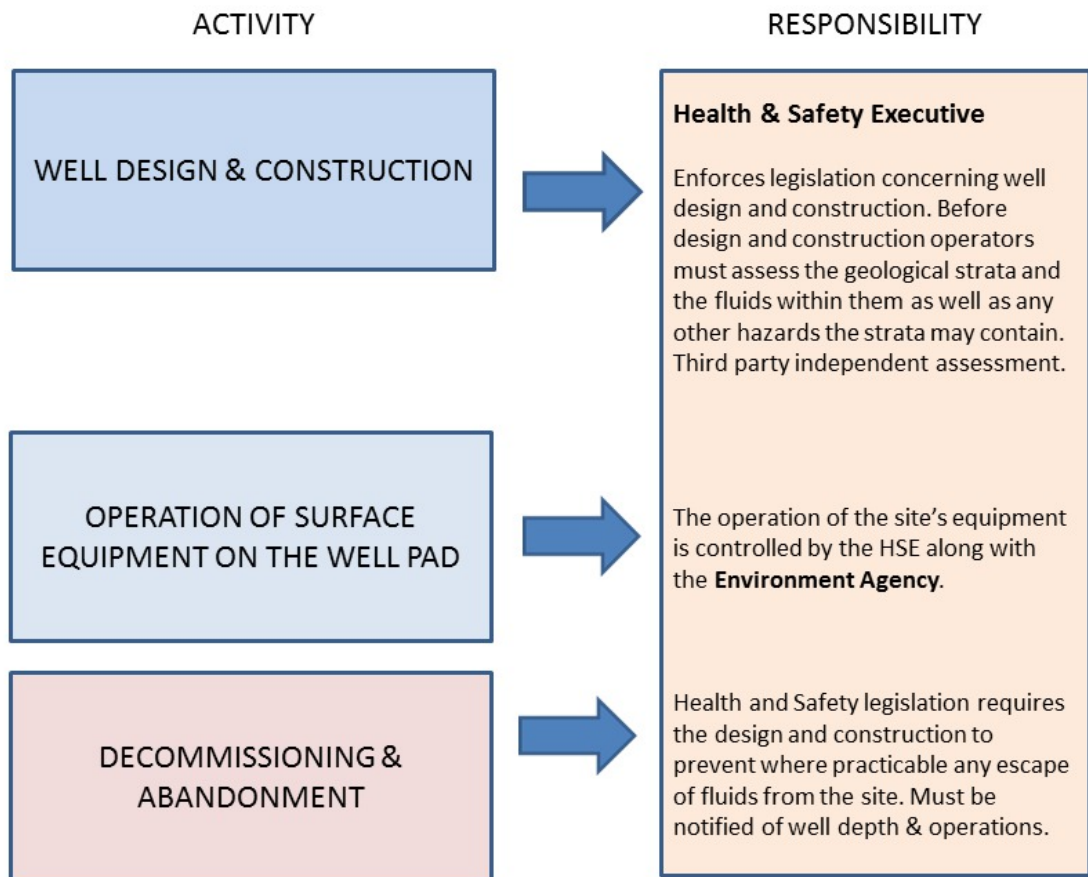
Figure 14: Legislative role of the HSE



Source: Author - Hampshire Authorities, 2015

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

Figure 15: Role of the Health and Safety Executive



Source: Author - Hampshire Authorities, 2015

- 6.175 The HSE must be notified of the well design and operation plans to ensure that major accident hazard risks to people from well and well related activities are properly controlled, subject to the same stringent regulation as any other industrial activity. HSE regulations also require verification of the well design by an independent third party. Notification of an intention to drill has to be served to the environmental regulator under section 199 of the Water Resources Act¹⁰⁷.
- 6.176 The HSE has issued guidance relating to shale gas extraction and fracking¹⁰⁸.

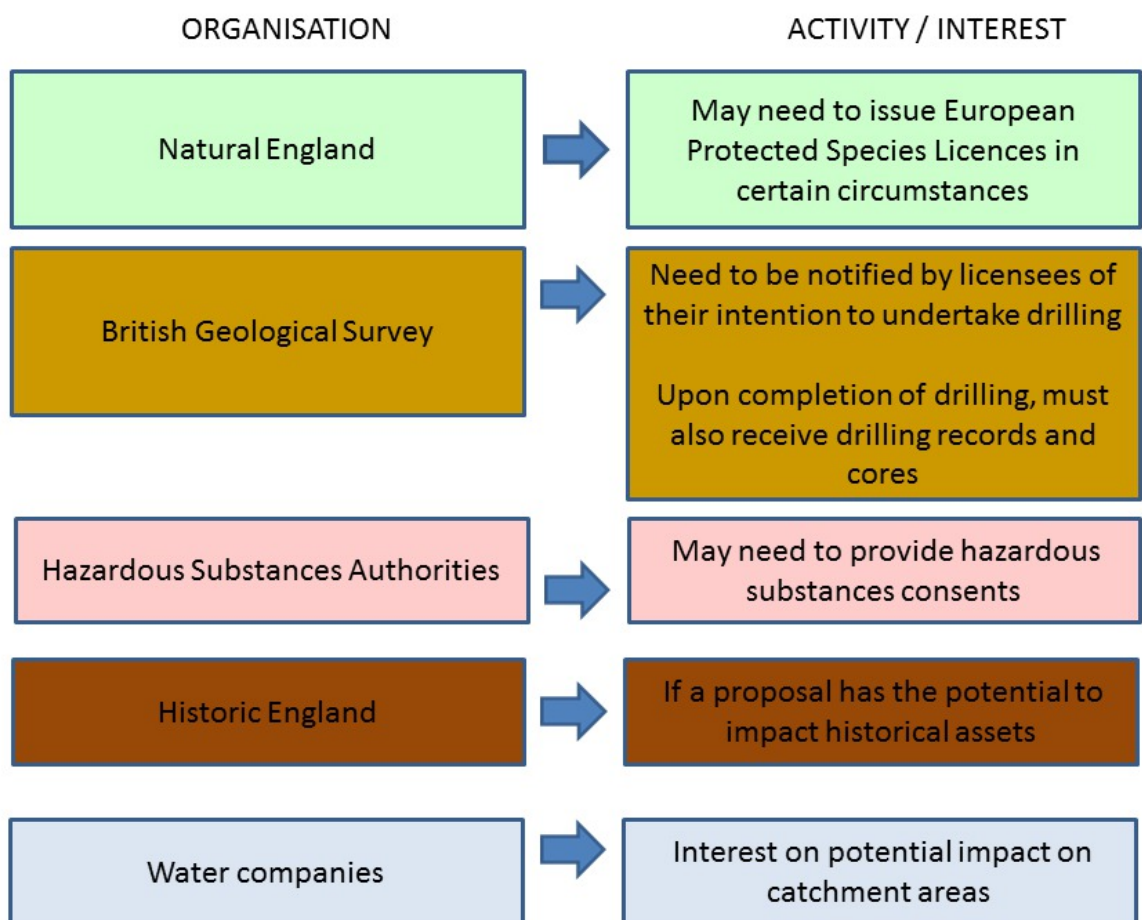
107. S199 of Water Resources Act 1991: www.legislation.gov.uk/ukpga/1991/57/contents

108. The Environment Agency and the Health and Safety Executive: Working together to regulate unconventional oil and gas developments - http://a0768b4a8a31e106d8b0-50dc802554eb38a24458b98ff72d550b.r19.cf3.rackcdn.com/LIT_7317_e1b401.pdf

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

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

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



Source: Author - Hampshire Authorities, 2015

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

Why is community engagement important to the planning process?

- 6.179** Public consultation will form an important part of every oil or gas planning application in Hampshire. Following submission of a planning application, the local community and other interested parties in the location of the proposal will be consulted. The views of interested parties and the local communities will be taken into account when coming to a decision.
- 6.180** Hampshire County Council's Statement of Community Involvement (SCI)¹⁰⁹ sets out the parameters for consultation on any minerals or waste planning application submitted for consideration within the HCC administrative area. The SCI sets out the minimum requirements for publicising planning applications received by the County Council. It includes a commitment for the authority to consult water companies on all oil or gas proposals within their catchment areas.
- 6.181** Portsmouth City Council¹¹⁰, Southampton City Council¹¹¹ and the New Forest National Park Authority¹¹² have their own SCIs which would be followed if a proposal were to be received for oil and gas development within their administrative areas.
- 6.182** In the event that a proposal impacts an area outside of the determining Hampshire Authority's administrative area, adjacent areas will be consulted in line with the provisions of the relevant SCI. In terms of the New Forest National Park, the park's neighbours and other statutory bodies are required by Section 62 of the Environment Act 1995¹¹³ to have regard to the National Park purposes.
- 6.183** For shale gas development, the industry's own Charter sets out that communities must be engaged from the very start of any planning application process.
- 6.184** The Office for Unconventional Gas and Oil¹¹⁴ has also made it a priority to help people understand the facts about shale gas development, including supporting local authorities' engagement with their communities to help resolve any issues.
- 6.185** When determining planning applications, responses received as part of the public consultation, will be taken into account, as appropriate. The responses received will be documents in any decision report produced by the MPA.

109. Hampshire Statement of Community Involvement: www.hants.gov.uk/mineralsandwaste/sci-2.htm

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

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

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

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

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

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

- 7.1 Planning applications for any phase of oil or gas development will be considered on a proposal's individual merits. The Hampshire Authorities will use the relevant adopted policies set out in the Hampshire Minerals & Waste Plan to determine any proposal for development (see [Compliance with Hampshire's planning policy \[See page 27\]](#)). The Hampshire Authorities will also refer to the national planning policies, as appropriate, in particular with regards to the demand for hydrocarbons and national energy policy¹¹⁵.
- 7.2 *Policy 1 (Sustainable minerals and waste development)* of the adopted Hampshire Minerals & Waste Plan sets out the presumption in favour of sustainable minerals or waste development. Applied to oil and gas development, it indicates that there will be a presumption in favour of sustainable oil or gas developments unless material considerations (such as compliance with the other policies contained within the HWMP) indicate otherwise. All other relevant policies in the Plan will be taken into account (see [What issues which will need to be considered as part of any planning application? \[See page 26\]](#)) when coming to a decision.
- 7.3 To ensure that timescales are met, it is important that planning applications, when submitted, are accompanied by sufficient information to allow for the full consideration of any environmental impacts and proposed mitigation measures.
- 7.4 No hypothetical future activities for which consent has not yet been sought will be taken into account during the determination of a planning application, as further appraisal and production phases will be the subject of separate planning applications and assessments.
- 7.5 Pollution control and health and safety requirements, some of which will be regulated by other consents and permits (see [What other regulatory regimes or agencies may be involved or have an interest in the planning process? \[See page 43\]](#)) for an oil or gas proposal will be the same, regardless of the phase of the development. Many issues put before the MPA as part of the planning process may be covered by other regimes. In such instances, the MPA will rely on the assessment of the regulatory bodies. However, before granting planning permission, the MPA will need to be satisfied that the issues can or will be adequately addressed. The MPA will use the information provided by the regulator to make a judgement on potential impacts and come to a decision on whether planning permission should be granted.
- 7.6 Proposals for any phase or type of oil or gas development will only be permitted if:
- there is a clear need for the development; and
 - suitable safeguards are put in place to protect the environment and local communities, in line with the policies of the HMWP. These may include mitigation measures.

115.National Planning Policy Guidance: add

When determining planning applications the MPA will have regards to:

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

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

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

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

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

- 8.1 MPA's have powers to impose a planning condition when granting permission for development. The Hampshire Authorities will consider whether otherwise unacceptable development could be made acceptable through the use of planning conditions or planning obligations (see [Planning obligations \[See page 64\]](#)) if conditions cannot be applied.
- 8.2 There are strict measures in place which highlight in what instances planning conditions can be imposed¹¹⁶. These are where a condition is considered to be:

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

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

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

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

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

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

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

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

How the issues may relate to other key issues / areas (Policies of the adopted HMWP)	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	✓	✓	✓	✓

9. Planning obligations

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

Section 106 agreements

- 9.2 Agreements under section 106 of the Town and Country Planning Act 1990¹¹⁷ can be used to secure planning obligations and it is the land itself that is bound by the agreement, rather than the landowner or applicant.

Section 106 agreements can be used to:

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

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

Community Infrastructure Levy (CIL)

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

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

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

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

Section 278 agreements

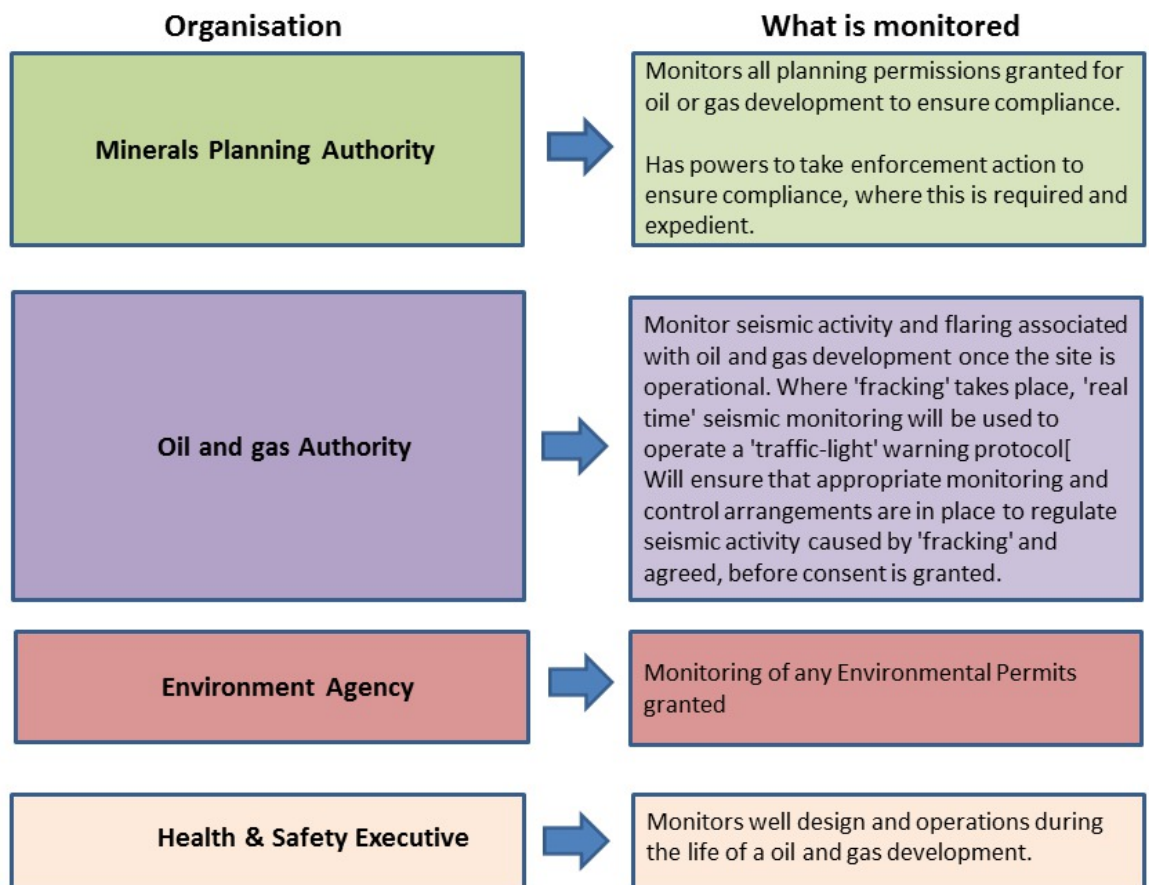
- 9.9 It is essential that all oil and gas developments have a safe and suitable access onto the highway network and where possible minimise the impacts of its generated traffic through the use of alternative methods of transport in line with the provisions of *Policy 12 (Managing traffic)* of the HMWP (see [What issues will need to be considered as part of any planning application? \[See page 26\]](#)).
- 9.10 Improvements to the highway network may be required in order to facilitate safe access and egress into a site where oil or gas extraction is proposed, or to mitigate any formerly mentioned impacts that are identified. Such works would need to be agreed with the local highway authority and secured by planning condition. In order for the works to be implemented, an agreement is needed under section 278 of the Highways Act 1980¹¹⁹ which gives permission for the applicant to carry out approved works on the highway on behalf of the local highway authority.

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

10. Monitoring and enforcement of oil and gas developments

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

Figure 18: Monitoring of oil or gas developments



Source: Author - Hampshire Authorities, 2015

Monitoring by the Hampshire Authorities

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

- 10.3 HCC and the NFNPA actively monitor all oil and gas development granted by the relevant organisation in terms of compliance with the planning permission granted. This involves unannounced and regular site visits. The relevant Hampshire Authority will investigate any breaches of planning control discovered or reported.
- 10.4 All of the Hampshire Authorities, as Minerals Planning Authorities can charge for a maximum of eight site visits for monitoring mineral site operations within any 12 month period. This is in line with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2014¹²⁰. Additional site visits may be undertaken but these will not be subject to a charge.
- 10.5 If required, all of the Hampshire Authorities have powers to take enforcement action to ensure compliance with planning permissions granted by that authority. Where a breach of planning control is identified, the relevant Hampshire Authority will take appropriate and proportionate action to address any breaches, where it is expedient to do so.
- 10.6 More information on enforcement is available on the relevant Hampshire Authority's website^{121 122123 124}.

Monitoring by other regulators

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

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

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

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

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

124. 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, outside of the planning process. Community benefits:
- may result from the actual development, or through the restoration of the site; and
 - can be used to address local issues.
- 11.2 In Hampshire, community benefit funds associated with many mineral extraction and waste sites in Hampshire have already been used to fund local infrastructure improvements such as play areas and replacement village hall roofs.
- 11.3 Community benefits are not part of the planning process although *Policy 14 (Community benefits)* of the HMWP encourage such benefits as source of funding for local benefits. It is important to note that community benefit schemes or packages will not be taken into account during the decision making process for oil or gas developments or for any other minerals or waste development in Hampshire.
- 11.4 All members of the UK Oil Operators Group (UKOOG) have signed up to a community benefits scheme¹²⁵. This commitment has been set out in the UKOOG Community Engagement Charter¹²⁶.

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

126.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 to the known archaeological sites and finds, historic buildings, designed and historic landscapes, parks and gardens and industrial monuments in the county. The unitary authorities of Southampton and Portsmouth maintain their own Historic Environment Records.

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

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

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

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

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

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

Carbon dioxide (CO₂): The most important greenhouse gas produced by human activities.

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

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

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

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

Countryside: Areas that are not urbanised.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Fracking: See '*Hydraulic fracturing*'

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Low carbon technologies: These are a range of technologies developed to specifically reduce the amount of carbon dioxide (CO₂) released into the atmosphere.

Local Planning Authority (LPA)

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

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

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

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

Million tonnes (mt)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

United Kingdom (UK)

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

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

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

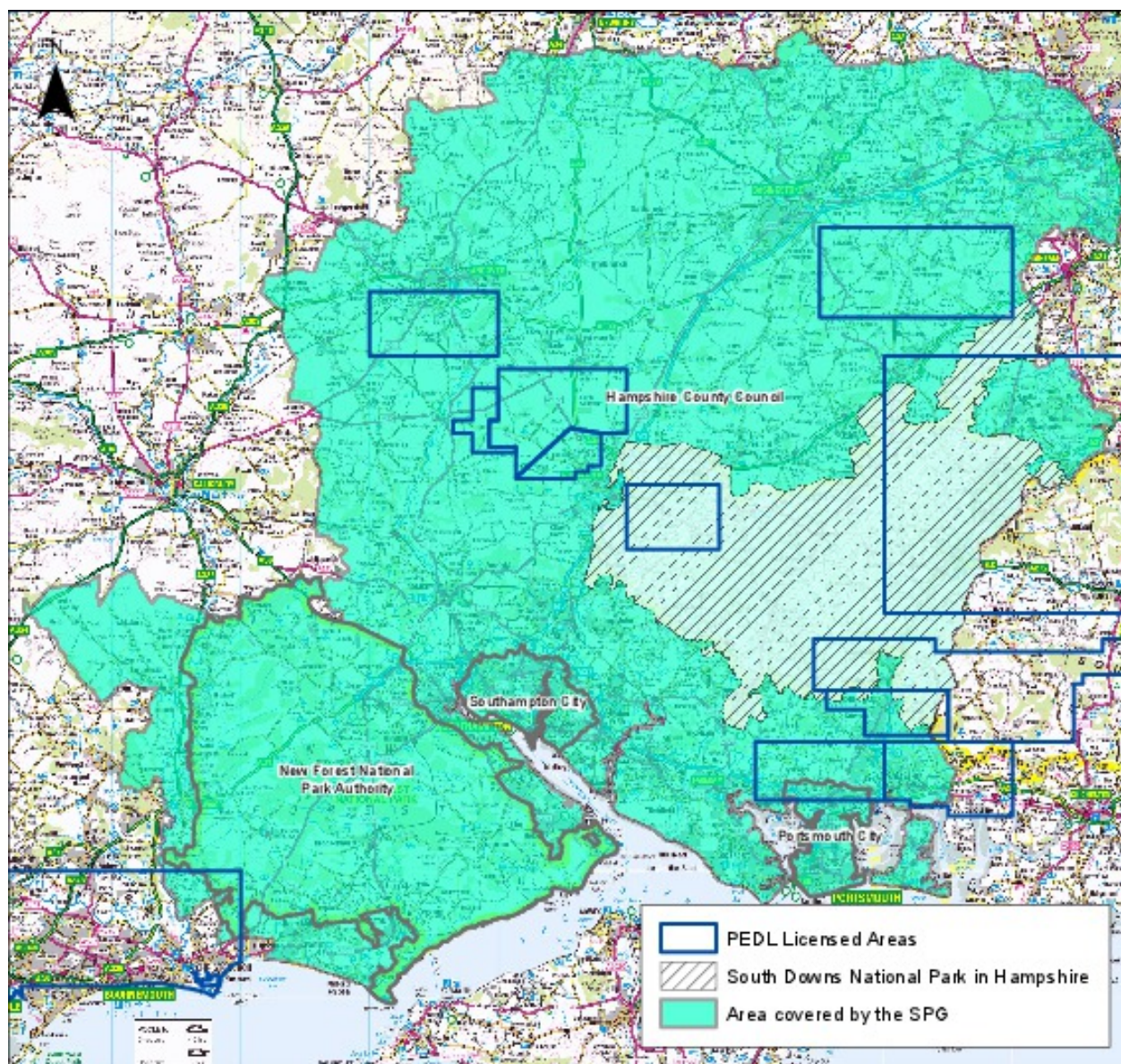
Waste Water Treatment Works (WWTW): A facility where sewage volumes are reduced by de-watering and aerobic and anaerobic biological treatment.

Appendices

Appendix 1: Oil and gas licences in Hampshire

This appendix sets out the onshore oil and gas licences in Hampshire. This is based on the licence information available from the DECC, for Hampshire, at the time of the publication of this guidance¹²⁷ The existing licences are located across Hampshire and across areas covered by this guidance and within the administrative areas covered by HCC, SCC, PCC and the NFNPA.

Onshore licences in Hampshire (2013) as issued by DECC



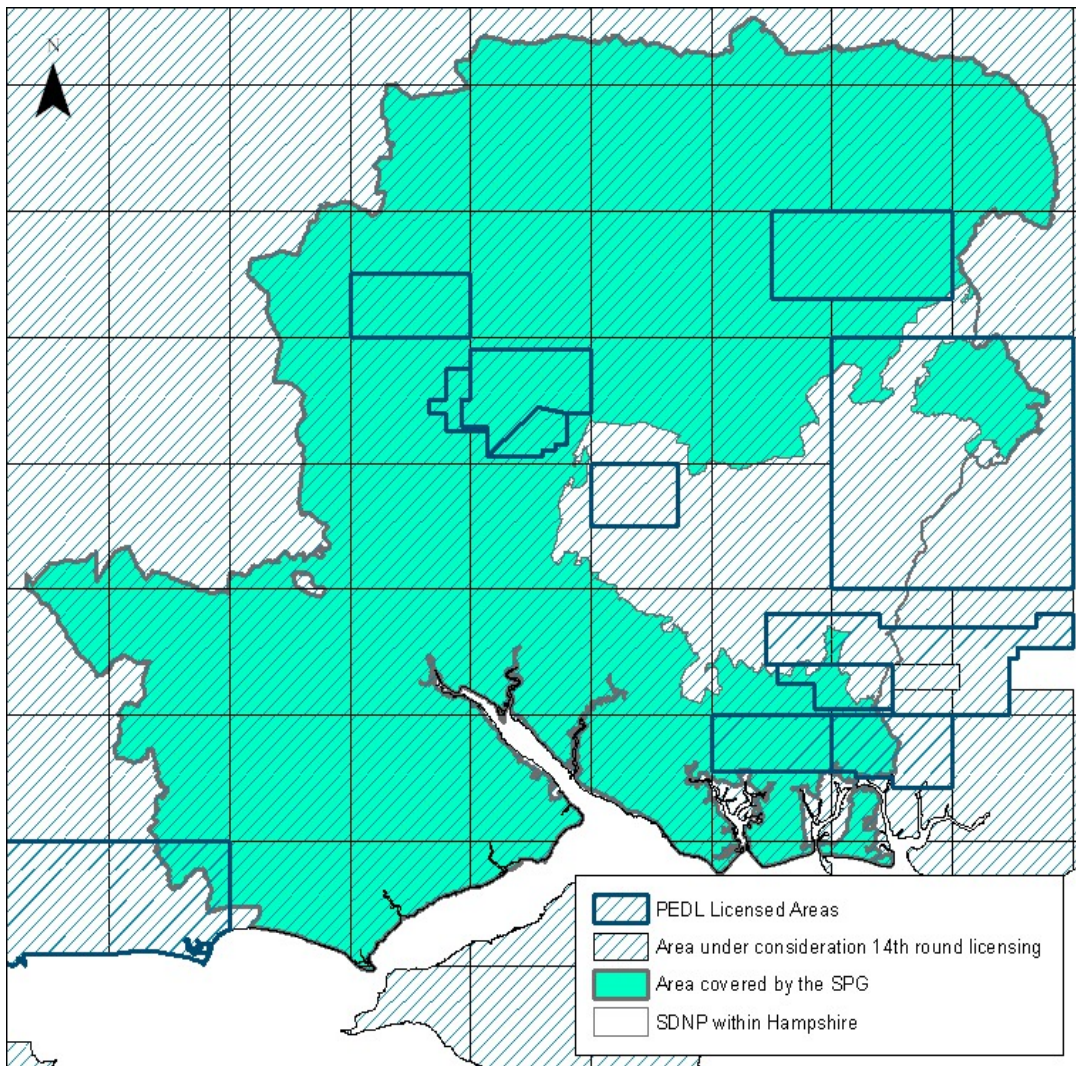
Source: Author - Hampshire Authorities, 2015, based on data from DECC

127. Oil and Gas licences: www.gov.uk/oil-and-gas-licence-data.

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

The necessary Strategic Environmental Assessment (SEA) report for the 14th licencing round was issued by the DECC in December 2013 for consultation¹²⁸. The report identified, described and evaluated the likely significant effects on the environment of DECC's proposals to invite applications for new licences, the reasonable alternatives to that plan, and how these effects can be reduced or offset. This identified the whole of the SPG area as for consideration for licencing, as demonstrated in the following map.

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

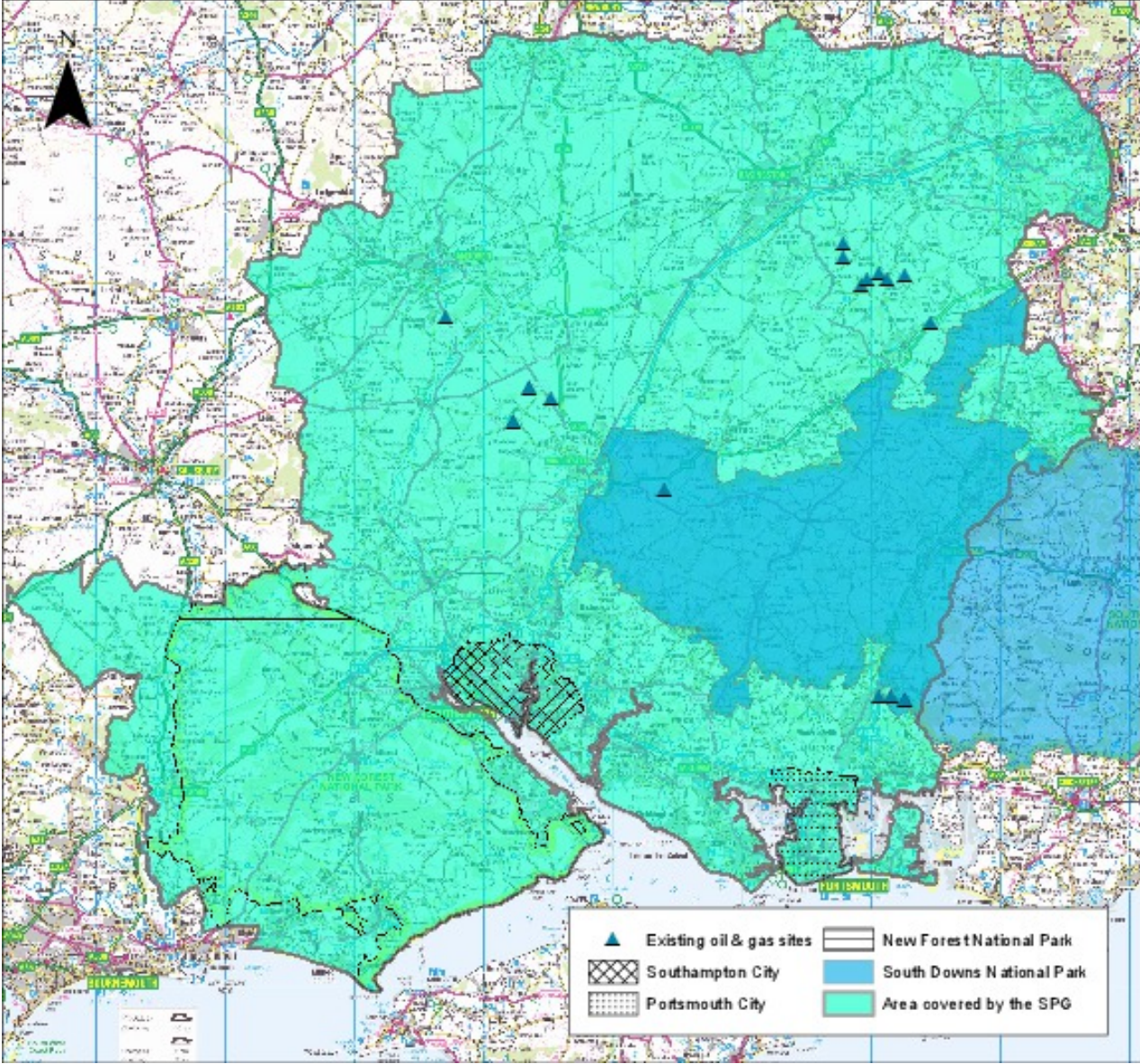


Source: Author - Hampshire Authorities, 2015

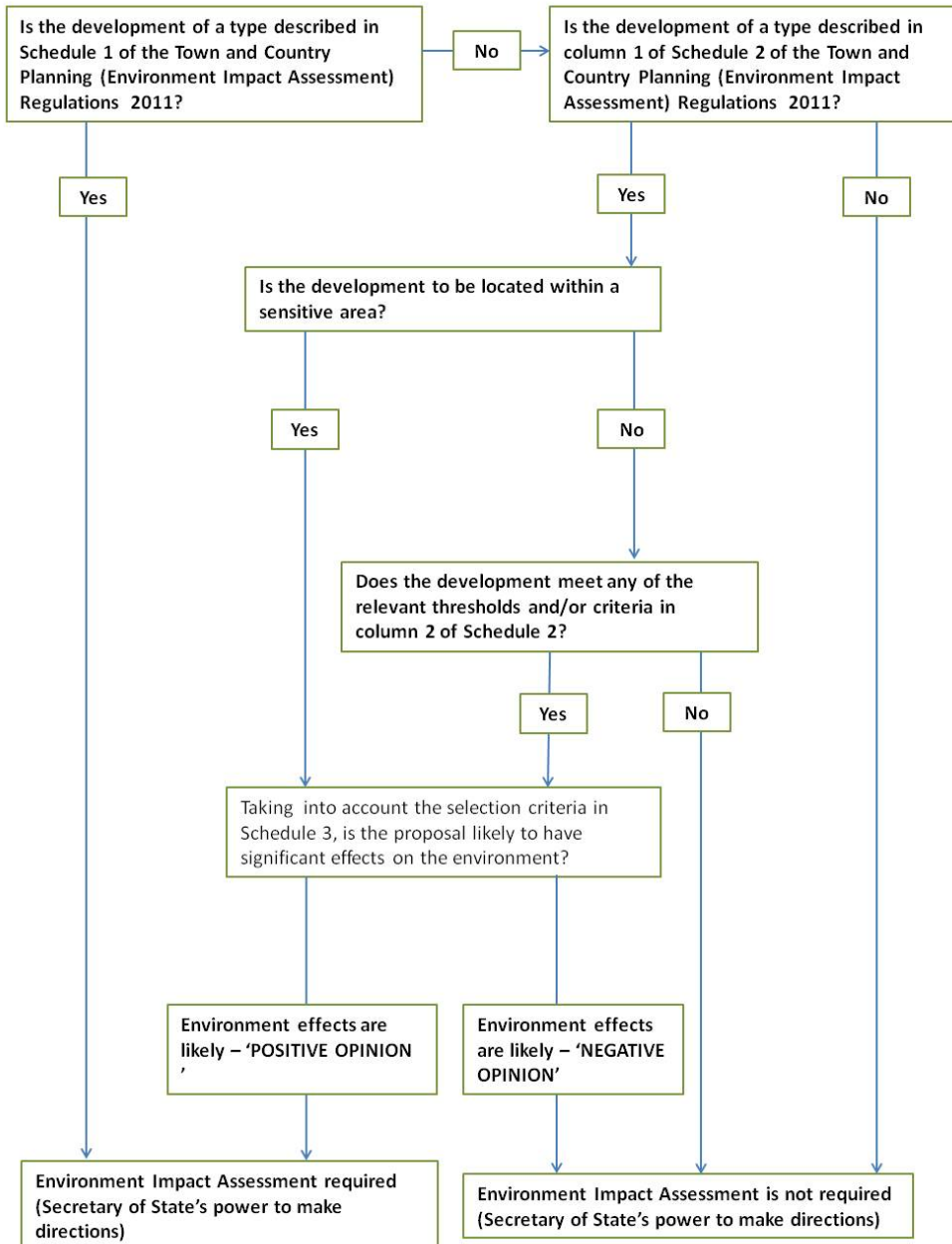
128. SEA consultation on 14th round of onshore oil and gas licencing: www.gov.uk/government/uploads/system/uploads/attachment_data/file/273997/DECC_SEA_Environmental_Report.pdf.

Appendix 2: Current permitted oil and gas developments in Hampshire

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



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



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

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

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