

# Oil & Gas Development in Hampshire

## Supplementary Planning Document



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

**Adopted February 2016**



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## Foreword

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

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



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

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

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

Hampshire's in-situ oil and gas resources may provide further opportunities to meet growing energy demands, provided this can be extracted in a sustainable way.

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



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

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

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

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

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

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

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*Seán Woodward*

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

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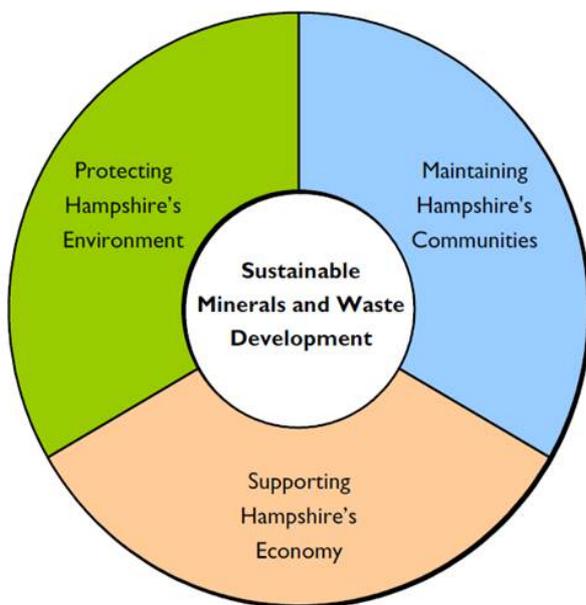
## 1. Introduction and purpose of the Supplementary Planning Document

- 1.1 This document is a SPD on onshore oil and gas development in Hampshire. It should be read in conjunction with the adopted HMWP. The SPD has been prepared to assist the implementation of the Plan's policies in relation to oil and gas development.
- 1.2 Oil and gas (also known as 'hydrocarbons') play a central role in the United Kingdom's (UK) economy as they are primary sources of energy. Government energy policy makes it clear that energy supplies should come from a variety of sources including oil and gas and renewable energy. All households and businesses in Hampshire require oil or gas in one way or another. However, oil and gas are both finite natural resources which are being increasingly depleted through our domestic, business and industrial requirements. These factors, in addition to volatile energy prices, have resulted in energy security becoming a focus for national policy. Accordingly, there is a national and local need to sustainably secure oil and gas resources as part of a wider package of energy supply sources.
- 1.3 'Conventional' oil and gas refers to oil and gas resources contained in sandstone or limestone rock formations which are relatively porous meaning oil and gas is trapped in reservoirs. Although the conventional oil and gas reservoirs are usually overlain by a cap rock or seal, often shale, conventional extraction does not include shale oil or gas. Oil and gas extracted from shale is often referred to as 'unconventional'. It is found where oil and gas has become trapped within the shale rock itself and has not migrated into conventional reservoirs. Natural gas, like many other commodities can be stored for an indefinite period of time in gas storage facilities for later consumption.
- 1.4 In Hampshire, conventional oil exploration, appraisal and production has been taking place for a number of years. There are three active oil fields in Hampshire at Humbly Grove near Alton, Stockbridge and Horndean where the production of oil is currently taking place. Underground gas storage also takes place at Humbly Grove.
- 1.5 The SPD only covers onshore oil and gas development. It does not cover offshore oil and gas as the Hampshire Authorities, as MPAs, do not determine offshore oil and gas planning applications. These would be determined by the Marine Management Organisation (MMO). The Hampshire Authorities would expect to be consulted on any offshore proposals which occur in proximity to the administrative boundaries.

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

- 1.6 This SPD has been prepared following the adoption of the HMWP.
- 1.7 HCC, PCC, SCC, NFNPA and the SDNPA worked in partnership to produce the Plan. The Plan was adopted by the partner authorities in October 2013.
- 1.8 The Plan is based upon the principle of delivering sustainable minerals (and waste) development in Hampshire up to 2030. In relation to minerals, this means ensuring Hampshire has the right minerals developments to maintain a reliable supply, at the right time, whilst protecting the environment and our communities. In doing so, it is important that Hampshire's MPAs strike a careful balance between any potential impact on Hampshire's environment and communities while supporting future economic prosperity. This approach is endorsed by national planning policy (National Planning Policy Framework (NPPF))<sup>1</sup> and is demonstrated in the following diagram.

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



Source: Hampshire Authorities, 2013

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

1. National Planning Policy Framework: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/60771/2116950.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60771/2116950.pdf)

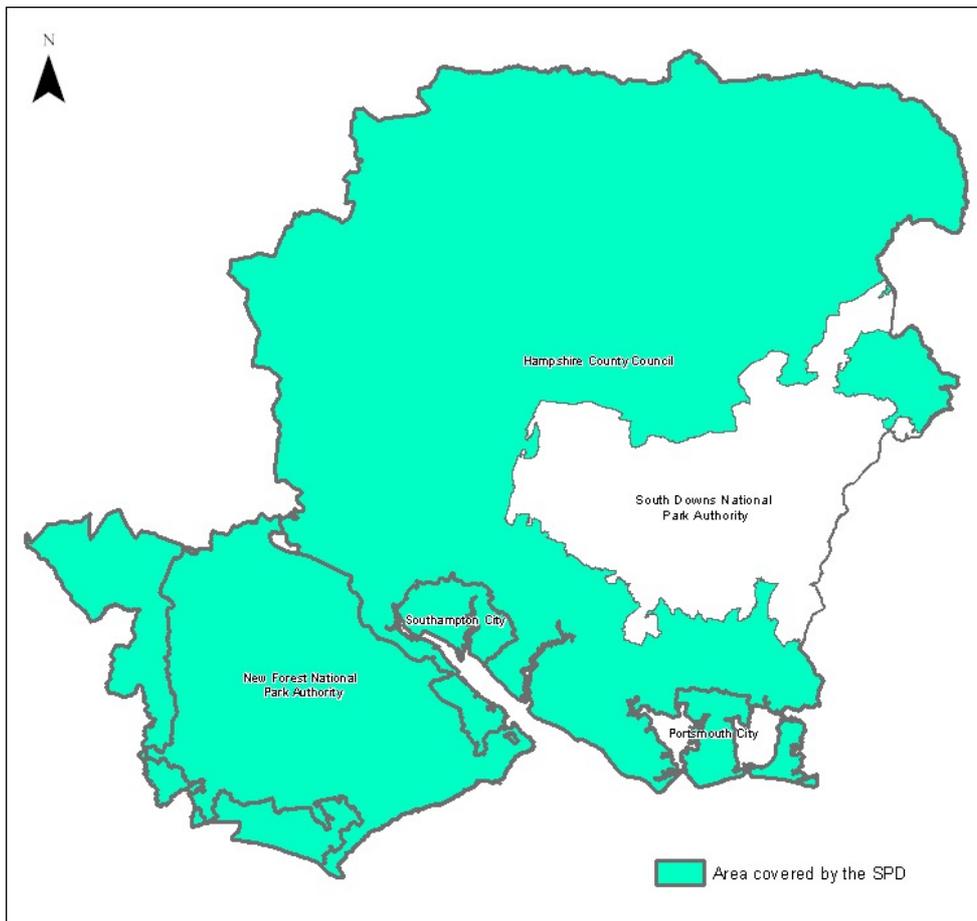
1.11 This guidance only relates to:

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

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

1.13 This SPD has been jointly prepared by HCC, SCC, PCC and the NFNPA (here after referred to as the 'Hampshire Authorities') as MPAs in Hampshire. It therefore covers the administrative areas of these authorities. The SPD does not cover the administrative area of the SDNPA although the part of the SDNPA in Hampshire is covered by the provisions of the HMWP. The SDNPA is a Hampshire MPA in its own right. The area covered by this SPD is highlighted in the following map.

Figure 2: The area covered by this SPD



Source: Author - Hampshire Authorities, 2015

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

### This SPD includes a description of the:

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

1.15 The SPD considers the following areas:

- [Planning for oil and gas development](#);
- [Oil and gas licencing in Hampshire \[See page 8\]](#);
- [Phases of oil and gas development \[See page 11\]](#);
- [Permitted development \[See page 10\]](#);
- [Planning Performance Agreements \[See page 16\]](#);
- [Pre-application discussions \[See page 19\]](#);
- [Preparing a planning application \[See page 17\]](#);
- [What issues will need to be considered as part of any planning application? \[See page 26\]](#);
- [What planning application fees will be applicable? \[See page 25\]](#);
- [What other regulatory regimes or agencies may be involved or have an interest in the planning process? \[See page 45\]](#);
- [How will decision making take place for oil or gas developments? \[See page 49\]](#);
- [What conditions are likely to be attached to planning permissions? \[See page 51\]](#); and
- [Monitoring and enforcement of permitted oil and gas developments \[See page 55\]](#).

1.16 The guidance does not contain any further policies. As a guidance document, it will not be given the same weight in decision-making as the adopted Plan although it will be given appropriate weight as supporting guidance.

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

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

## How was this Supplementary Planning Document prepared?

### Meeting legal requirements

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

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

- 1.20 SPDs also *'add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. SPDs are capable of being a material consideration in planning decisions but are not part of the development plan'*<sup>3</sup>.
- 1.21 The form and content of SPDs is set out in Regulation 8 of the Local Planning Regulations<sup>4</sup>. This SPD does not conflict with the provisions of the adopted HMWP. It provides guidance on the implementation of its policies.
- 1.22 The SPD has been prepared in accordance with Part 5 of the Local Planning Regulations<sup>5</sup>.
- 1.23 Regulation 5 of the Local Planning Regulations prescribes, for the purposes of section 17(7)(za) of the Planning and Compulsory Purchase Act 2004 ("PCPA 2004")<sup>6</sup> the descriptions of documents which are to be local development documents. This SPD relates to 1 (a) iii which relates to *'any environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land'*.
- 1.24 In preparing this SPD, the Hampshire Authorities have had regard to the matters set out in section 19(2) of the PCPA 2004 and regulation 10 of the Local Planning Regulations. The preparation of the document has also complied with all of the Hampshire Authorities relevant Statement of Community Involvement documents.
- 1.25 This SPD was adopted by the Hampshire Authorities on 18 February 2016. The adopted SPD is supported by an Adoption Statement<sup>7</sup> and a Community Engagement Statement<sup>8</sup> will be issued.

### Meeting the duty to co-operate

- 1.26 The NPPF requires local authorities and other public bodies to co-operate on planning issues<sup>9</sup>. The duty applies to the production of the SPD. This is imposed through the Planning and Compulsory Purchase Act 2004<sup>10</sup>.

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

4. Regulation 8 of the Local Planning Regulations: [www.legislation.gov.uk/ukSI/2012/767/pdfs/ukSI\\_20120767\\_en.pdf](http://www.legislation.gov.uk/ukSI/2012/767/pdfs/ukSI_20120767_en.pdf)

5. Regulation 5 of the Local Planning Regulations: [www.legislation.gov.uk/ukSI/2012/767/pdfs/ukSI\\_20120767\\_en.pdf](http://www.legislation.gov.uk/ukSI/2012/767/pdfs/ukSI_20120767_en.pdf)

6. Planning and Compulsory Purchase Act 2004: [www.legislation.gov.uk/ukpga/2004/5/contents](http://www.legislation.gov.uk/ukpga/2004/5/contents)

7. Add link

8. add link

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

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

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

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

- 1.27 This engagement is documented in a Duty to Co-operate statement which has been prepared by the Hampshire Authorities to sit alongside the SPD<sup>11</sup>.
- 1.28 This co-operation will continue once this guidance has been adopted by the Hampshire Authorities, and indeed if any proposals for oil and gas development come forward in the future. In addition, liaison will continue with statutory consultees<sup>12</sup>, other environmental organisations, and the minerals industry on oil and gas issues in Hampshire.
- 1.29 The Hampshire Authorities have committed to work collaboratively with other bodies to ensure that the strategic priorities set out in the HMWP are properly coordinated and clearly reflected in any subsequent review of the Plan, supplementary guidance and other individual Local Plans.

### **Relevant assessments, appraisals and other useful documents**

- 1.30 The preparation of this SPD has been subject to an Integrated Sustainability Appraisal (ISA)<sup>13</sup> as well as Habitats Regulation Assessment (HRA)<sup>14</sup>. An Equality Impact Assessment (EqIA)<sup>15</sup> has also been prepared.
- 1.31 A Strategic Flood Risk Assessment (SFRA) has not been prepared as the SPD does not include any policies or site allocations for oil or gas development, This means that the SFRA for the adopted Hampshire Minerals and Waste Plan can still be applied.
- 1.32 The following documents are also relevant to the SPD:
- Adopted Hampshire Minerals & Waste Plan<sup>16</sup>;
  - Hampshire Statement of Community Involvement<sup>17</sup>;

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

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

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

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

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

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

- Portsmouth Statement of Community Involvement<sup>18</sup>;
- Southampton Statement of Community Involvement<sup>19</sup>;
- New Forest National Park Statement of Community Involvement<sup>20</sup>;
- National Planning Policy Framework (2012)<sup>21</sup>;
- National Planning Practice Guidance<sup>22</sup>;
- Onshore oil and gas development in Hampshire FAQ (2015)<sup>23</sup>;
- Oil and Gas in Hampshire: Background Study<sup>24</sup>.

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

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

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

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

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

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

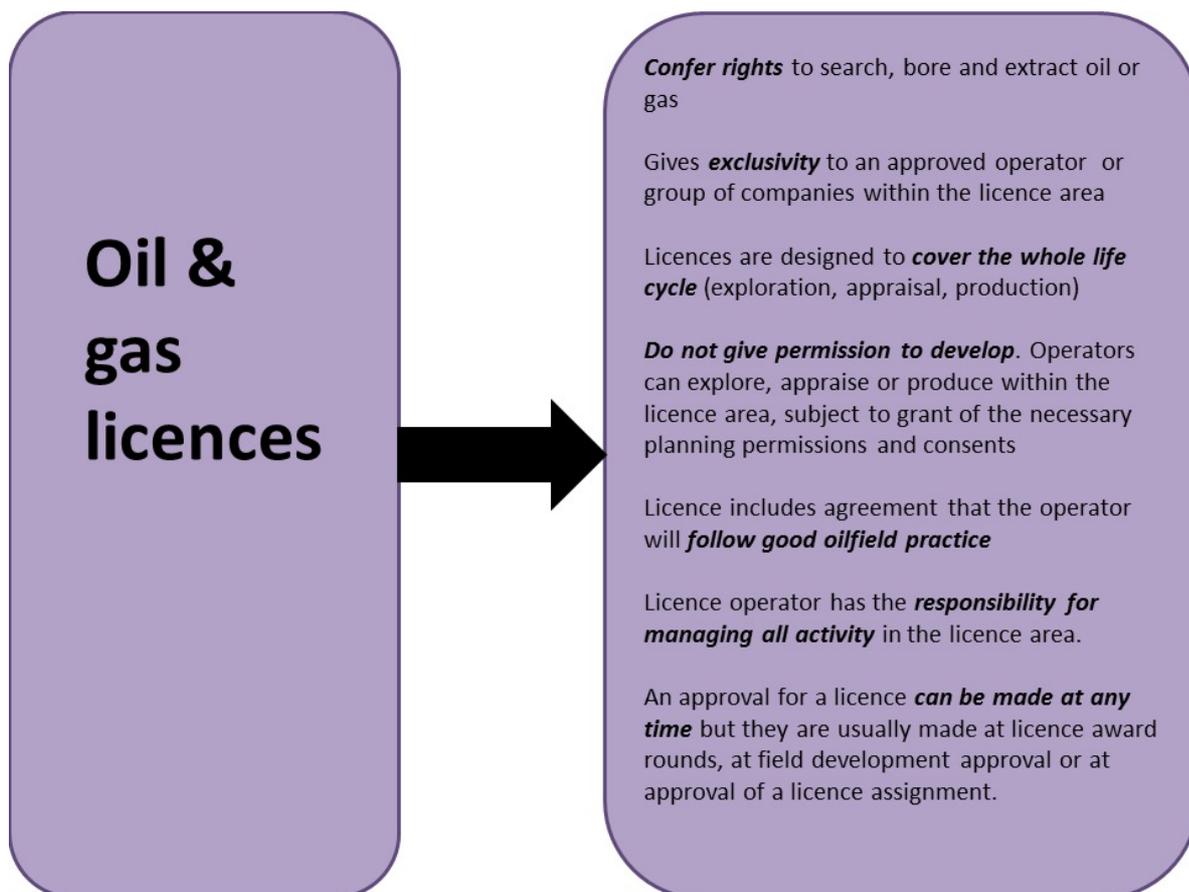
23. Onshore oil and gas FAQ: <http://documents.hants.gov.uk/mineralsandwaste/onshoreoilandgas-faq.pdf>

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

## 2. Oil and gas licencing in Hampshire

- 2.1 Oil and gas development can only take place where there is an oil and gas licence in place.
- 2.2 On 1st April 2015, certain functions passed from the Department of Energy and Climate Change (DECC) to the newly created Oil and Gas Authority (OGA), an Executive Agency of the DECC. The OGA now issue the licences for onshore and offshore exploitation of UK oil and gas resources, acting on behalf of the Secretary of State for Energy and Climate Change.
- 2.3 Oil and gas licences are issued periodically, giving a company or group of companies (a joint venture) exclusive rights to explore for, and develop, the resource in a particular geographic location. Licences allow a company or joint venture to pursue a range of activities for conventional or unconventional oil or gas subject to planning permission and the necessary associated consents. A summary of what a licence means is summarised below.

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



Source: Author - Hampshire Authorities, 2015

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

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

2.5 Hampshire has a number of licence areas which were issued through licensing rounds<sup>25</sup>. Licenced areas are an indication of Hampshire's potential oil and gas resources. License areas are allocated exclusively to a company or joint venture, giving them responsibility for managing all activity in the licence area. No method for drilling is specified in the initial licence. Licences do not give consent for drilling or any other operations or development. All oil and gas development in a licence area is 'dependent on confirmation that all other necessary permits and consents have been obtained'<sup>26</sup>. Licence holders will also need to obtain the following before any development can commence:

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

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

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

2.8 More information on oil and gas licencing in Hampshire can be found in the latest version of the Oil and Gas in Hampshire Background Study<sup>27</sup>.

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25.Oil and gas licensing rounds: <https://www.gov.uk/guidance/oil-and-gas-licensing-rounds>

26.Oil and gas onshore exploration and production: <https://www.gov.uk/guidance/oil-and-gas-onshore-exploration-and-production>

27.Oil & Gas Development in Hampshire - Background Study: [www3.hants.gov.uk/oil-gas-development.htm](http://www3.hants.gov.uk/oil-gas-development.htm)

### 3. Permitted oil and gas development

- 3.1 Planning permission is required for each phase of oil and gas development from the relevant MPA. However, some minor works may be considered to be 'permitted development' and so do not require planning permission.
- 3.2 Permitted development for oil and gas is set out in the Town and Country Planning (General Permitted development) Order 2015<sup>28</sup>. Part 17 of Schedule 2 of the order sets out the types of activities which are considered to be permitted development in relation to oil and gas. The order includes some restrictions on permitted development rights within areas such as National Parks, Areas of Outstanding Natural Beauty, Sites of Archaeological Interest, and Sites of Special Scientific Interest.
- 3.3 It is important to note that, whilst some development may be considered to be permitted development, it may still require new and/or variations of other associated consents or permits (see [What other regulatory regimes or agencies may be involved or have an interest in the planning process for oil or gas developments? \[See page 45\]](#)).

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

## 4. Phases of oil and gas development

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

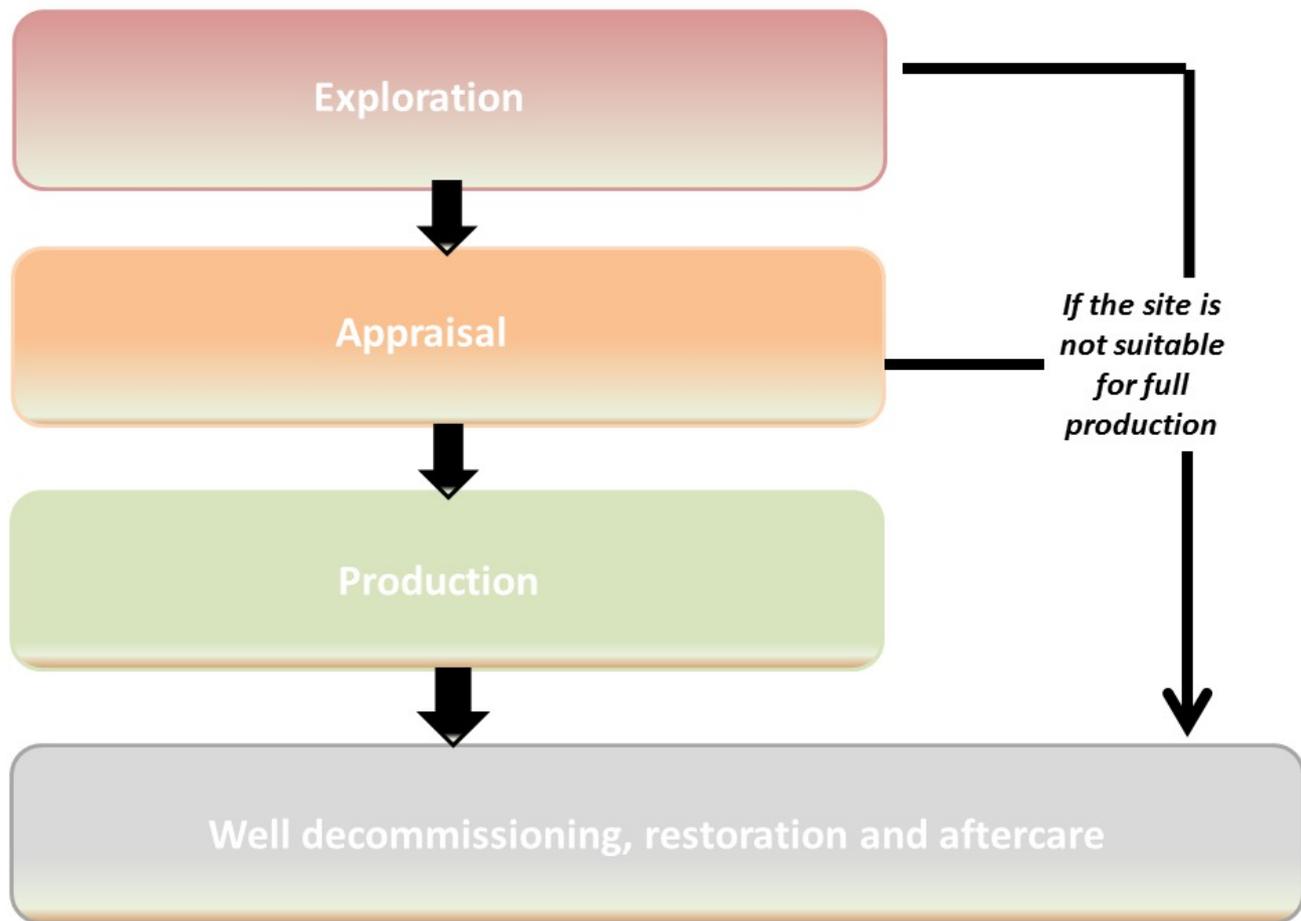
### Oil and gas planning characteristics:

- the location of oil and gas extraction will depend on the presence of economically viable oil or gas resources (see [Oil and gas origins](#));
- oil and gas activity is a temporary land use although it can often take place over a long period of time;
- sites will often be located on previously undeveloped land;
- most adverse effects caused by working oil or gas resources can be mitigated through conditions attached to planning permissions granted or other required consents;
- as the extraction of oil or gas is a continuous process of development, there is a requirement for regular monitoring, and if necessary, enforcement to secure compliance with planning conditions (see [Monitoring and enforcement of permitted oil and gas developments \[See page 55\]](#));
- following working, surface land will be restored to make it suitable for beneficial after-use (see [Restoration and aftercare of oil and gas sites](#)); and
- oil and gas development can only take place in areas where the OGA have issued a licence under the Petroleum Act 1998<sup>29</sup> (Petroleum Licence) (see [Oil and gas licencing in Hampshire \[See page 8\]](#)).

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

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

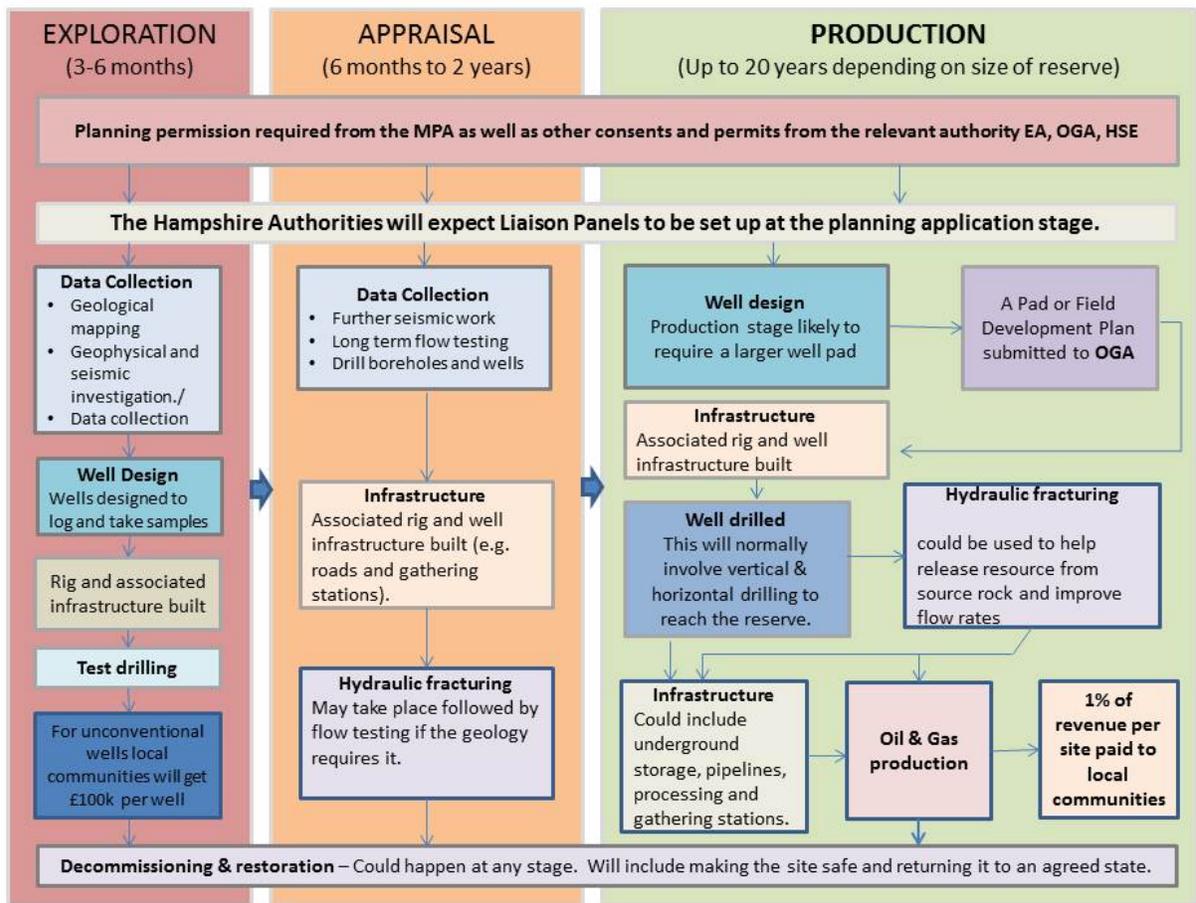
**Figure 4:** Phases of oil or gas development



Source: Author - Hampshire Authorities, 2015

- 4.5 Each phase is likely to include several distinct stages, with activity and vehicle movements varying according to the stage.
- 4.6 The following diagram summarises what each phase involves.

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



Source: Author - Hampshire Authorities, 2015

4.7 Not all exploration will lead to appraisal and not all appraisal will lead to production. This means that decommissioning and restoration could follow each phase, as required, and is therefore an important consideration.

### ***Exploration***

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

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

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

### ***Appraisal***

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

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

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

### ***Production***

- 4.12 The production phase is likely to see a more intensive level of activity as the site is established and as plant and machinery is delivered or removed from the site.

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

#### Key characteristics for the production phase:

- production will only be acceptable where any adverse impacts can be sufficiently mitigated;
- the treatment and disposal of any water or waste materials associated with the development is an important consideration;
- HGV movements are likely to be highest at this stage; and
- when the production phase ceases, the facilities should be dismantled and the site will be restored.

#### *Decommissioning, restoration and aftercare*

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

## 5. Planning Performance Agreements

- 5.1 The Localism Act 2011<sup>30</sup> provides for the opportunity to enter into a Planning Performance Agreement (PPA). PPAs are a project management tool that Local Planning Authorities (LPAs) and applicants can use to agree timescales, actions and resources for handling particular applications. They can help to provide increased certainty and transparency in the development of major schemes and in the assessment of planning applications and the decision-making process.
- 5.2 A PPA is agreed voluntarily between the applicant and the LPA prior to a planning application being submitted, and can be a useful focus of pre-application discussions about the issues that will need to be addressed. An agreement should cover the pre-application and planning application stages, but may also extend through to the post-application stage.
- 5.3 PPAs can be particularly useful in setting out an efficient and transparent process for determining large and/or complex planning applications. They also encourage joint working between the applicant and LPA and can also help to bring together other parties such as statutory consultees<sup>31</sup>.
- 5.4 There are costs associated with PPAs. Applicants should consult the relevant Hampshire Authority to discuss potential costs of PPAs.
- 5.5 The need and suitability of a PPA will be discussed at the pre-application stage (see [Pre-application discussions \[See page 19\]](#)).

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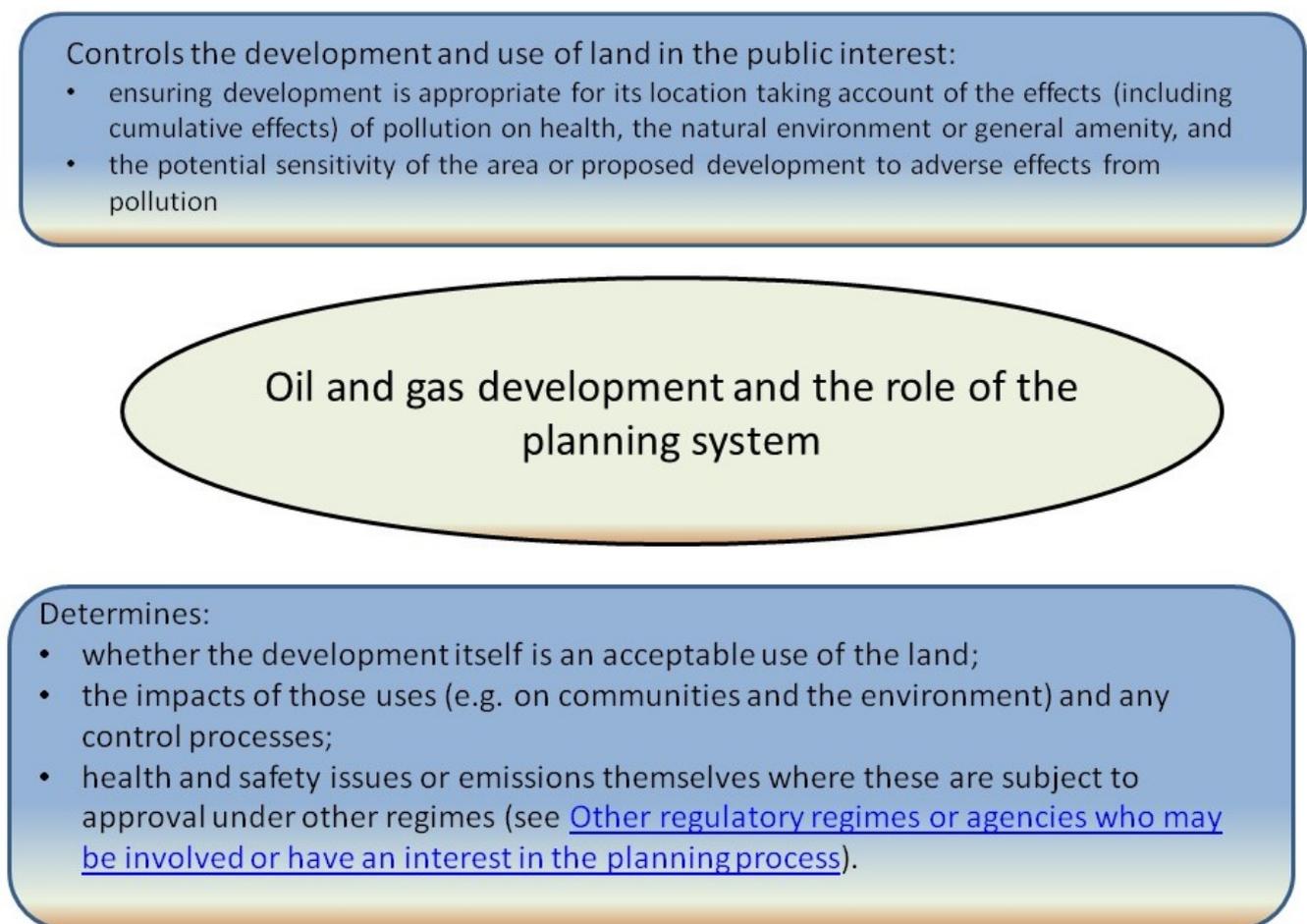
30. Localism Act 2011: [www.legislation.gov.uk/ukpga/2011/20/contents/enacted](http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted)

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

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

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

Figure 6: Oil and gas development and the planning system



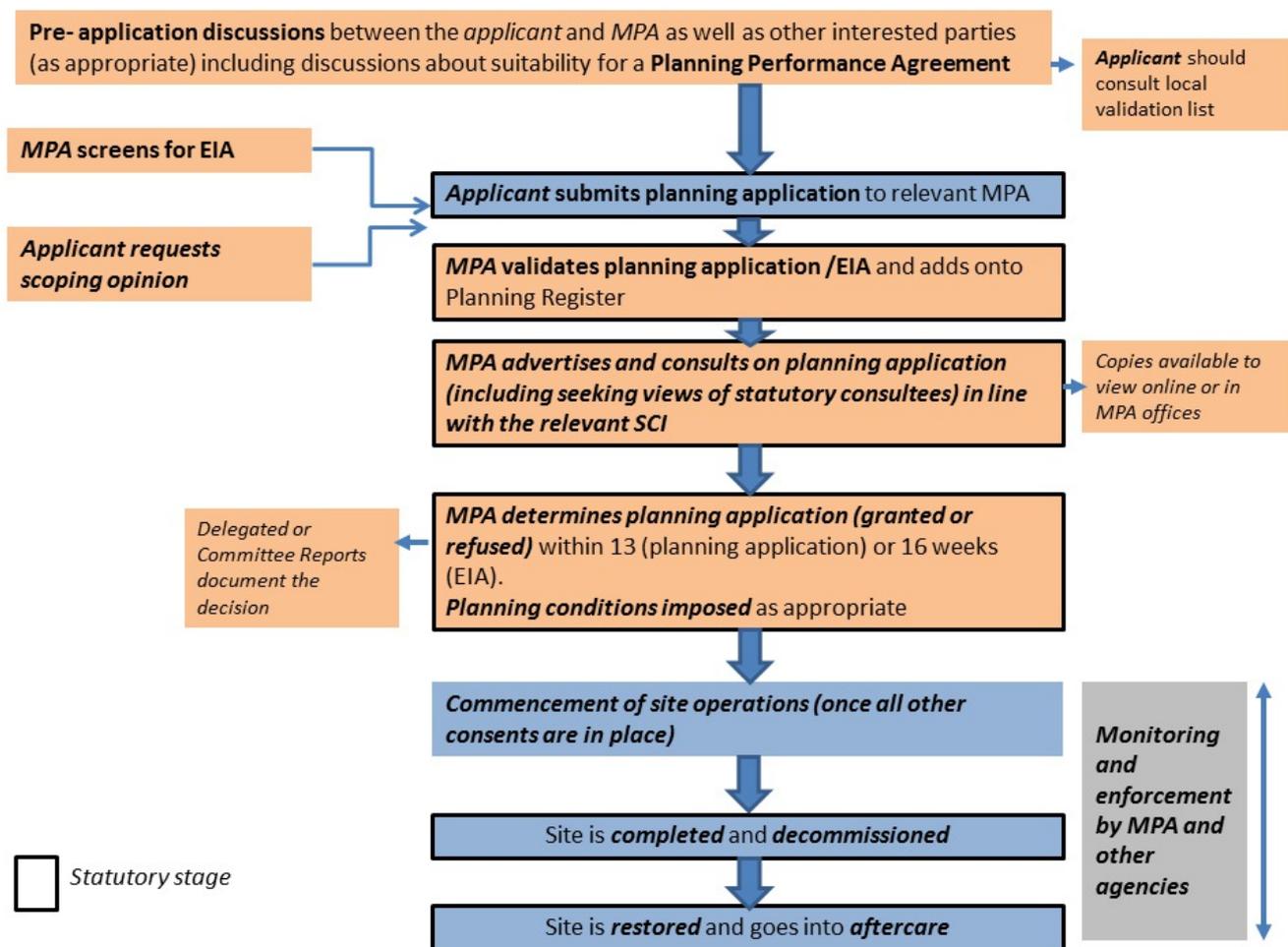
Source: Author - Hampshire Authorities, 2015

- 6.2 Oil and gas development can only take place in areas where the Oil and Gas Authority (OGA) (which is part of the Department of Energy and Climate Change) has issued a licence under the Petroleum Act 1998<sup>32</sup> (Petroleum Licence) (see [Oil and gas licencing in Hampshire \[See page 8\]](#)).

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

- 6.3 In some cases, some minor initial works associated with oil or gas developments may be considered to be permitted development and therefore would not require planning permission (see [Permitted development \[See page 10\]](#)). If activities are not considered to be permitted development, planning permission will be required before any operations can begin. The following diagram provides a summary of the planning process.

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



Source: Author - Hampshire Authorities, 2015

- 6.4 The Hampshire Authorities are responsible for processing and determining any planning application for the different phases of onshore oil and gas development (see [Planning for oil and gas development](#)) within the respective administrative areas. This will include any proposals for underground gas storage proposals which have an expected working capacity below 43 million standard cubic metres or maximum flow rate below 4.5 million standard cubic metres per day<sup>33</sup>. Applications for storage projects above this size, are dealt with under the Planning Act 2008<sup>34</sup> and must be made to the Secretary of State for Energy and Climate Change<sup>35</sup>. Hampshire's district and borough councils do not determine minerals applications.

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

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

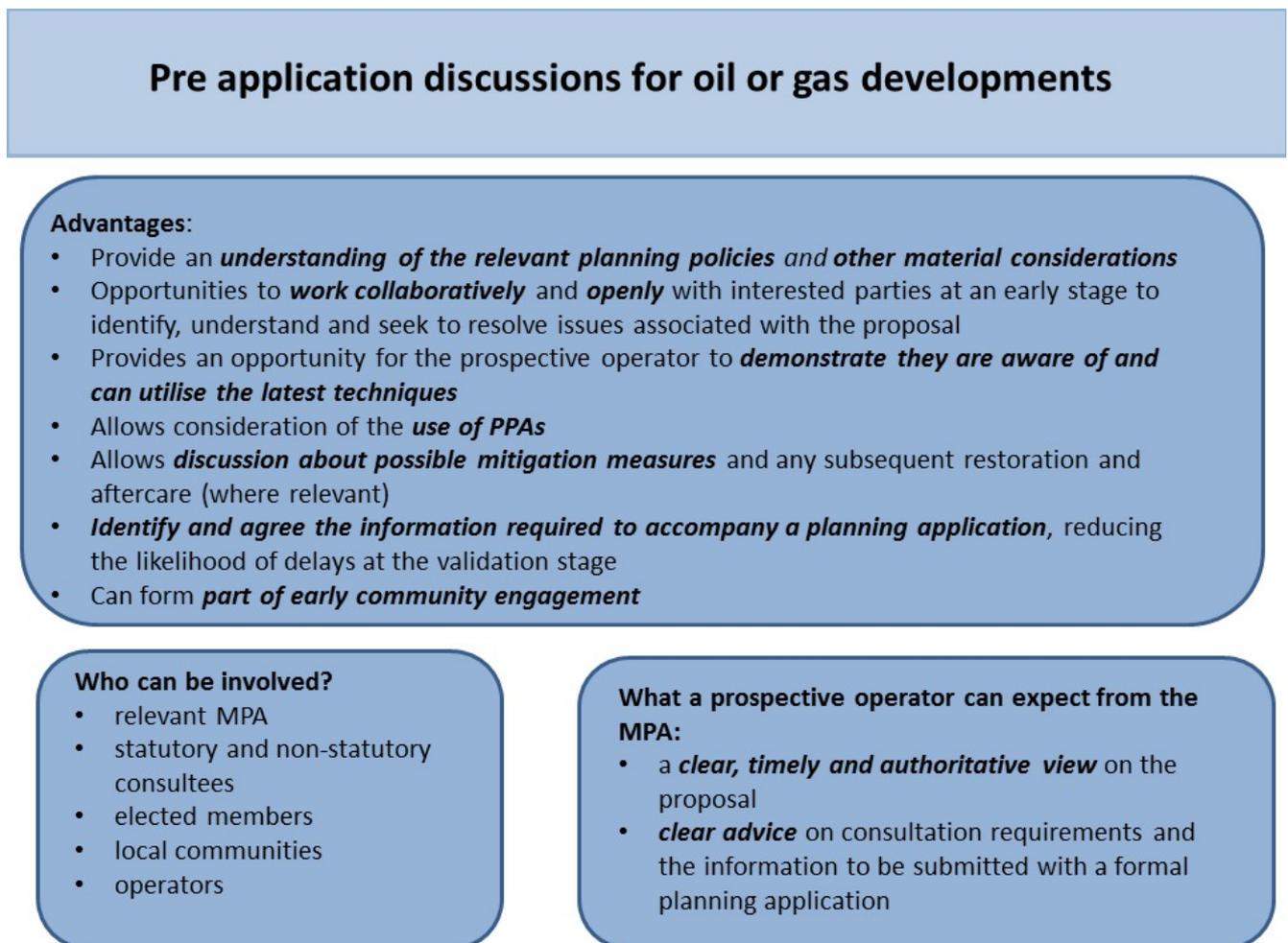
- 6.5 The Hampshire Authorities encourage pre-application discussions in advance of any submission of an application for oil and gas development (see [Pre-application discussions \[See page 19\]](#)).
- 6.6 An operator must submit a separate and valid planning application to the relevant MPA to seek planning permission for each of the exploration, appraisal or production phases (see [Preparing a planning application \[See page 17\]](#)).
- 6.7 The precise nature of what is included in a planning application for oil or gas development will depend in part on the applicant. The applicant and the OGA will already have agreed a work programme as part of the exploration licence application.
- 6.8 When determining planning applications, responses received as part of the public consultation will be taken into account as appropriate (see [Why is community engagement important to the planning process? \[See page 47\]](#)).
- 6.9 A number of other organisations may be involved in the planning process for oil and gas development. In addition to gaining planning permission, there are a number of other consents which will also be required before oil or gas developments can commence (see [Other regulatory regimes or agencies who may be involved or have an interest in the planning process \[See page 45\]](#)). Twin tracking planning applications for oil and gas development alongside applications for other consenting requirements is encouraged where appropriate.
- 6.10 The relevant MPA is required to determine planning applications for onshore oil or gas developments within statutory timescales (from validation to decision) (see [How will decision making take place for oil or gas developments? \[See page 49\]](#)).
- 6.11 Following development, it is essential that an oil or gas development site is restored to ensure an effective afteruse (see [What issues will need to be considered as part of any planning application? \[See page 26\]](#))
- 6.12 The remaining parts of this section consider the main issues associated with the planning process for oil or gas developments.

## Pre-application discussions

- 6.13 Pre-application discussions between the prospective applicant and other interested parties are encouraged by the Hampshire Authorities for all oil and gas developments. Discussions occur in advance of the formal submission of a planning application.

- 6.14 Discussions offer significant potential to improve both the efficiency and effectiveness of the planning application process. They are a valuable part of the overarching planning application process and help to ensure that the planning process for oil or gas development is front loaded if discussions are undertaken appropriately. They allow for the anticipation and identification of issues that may cause difficulties or delays in the planning process and time for these issues to be resolved in advance of the submission of a planning application. Good quality pre-application discussion enable better co-ordination between public and private resources and improved outcomes for the community<sup>36</sup>.
- 6.15 The following diagram sets out what can be achieved by pre-application discussions, who can be involved, and what an operator can expect from these discussions.

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



Source: Author - Hampshire Authorities, 2015

- 6.16 Parties involved in pre-application discussions will vary according to the type of development, the phase of development, and the nature of the issues. Each party involved has an important role to play in ensuring the efficiency and effectiveness of pre-application engagement.

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

- 6.17 Advice will be provided in accordance with the relevant MPAs pre-application advice procedure. Applicants are encouraged to consult the local validation checklist in advance of the pre-application stage. Each MPA (HCC<sup>37</sup>, SCC<sup>38</sup>, PCC<sup>39</sup> and NFNPA<sup>40</sup>) has a separate list which is available to view on its website.
- 6.18 The level of information necessary for effective pre-application engagement will vary. However, in all cases, the level of information requested by the MPA will be proportionate to the phase of development and the relevant phase of the oil or gas development. A prospective operator would not necessarily be expected to provide all of the information that would accompany a formal planning application. However, the information provided needs to be sufficient to allow the MPA to take an informed view.
- 6.19 It is useful if applicants submit information on land ownership at the pre-application stage.
- 6.20 Prospective applicants should identify any potential adverse impacts and show how the scheme's design addresses these impacts. Pre-application discussions help to facilitate this process. Mitigation measures should only be applied to any residual impacts which cannot be addressed through the design of the development.
- 6.21 Statutory consultees<sup>41</sup> for planning applications can play an important role in the pre-application discussions since they may be involved in providing advice to the MPA on a formal planning application.
- 6.22 It is advisable that where a proposal is to be located in any Source Protection Zone (SPZ) (including sub-surface SPZs) or within 1 kilometre of any SPZ boundary that the relevant water companies are involved in pre-application discussions. Where necessary, the interested parties who are reliant on the SPZ should also be involved in early discussions. It should be noted that exploration in SPZ1 and 1C is highly unlikely to gain a permit from the Environment Agency.
- 6.23 Relevant non-statutory consultees such as the Health and Safety Executive and sewerage undertakers may also make an important contribution. Pre-application discussions with other non-statutory consultees can also provide prospective operators with an opportunity to share information that may be relevant to the planning applications being prepared, as well as applications for other permits, consents or licences. There may be a charge for some pre-application services offered by other organisations.

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

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

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

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

41. Statutory consultees may include the Environment Agency who also encourage pre-application discussions for pre-planning and pre-permitting as well as Natural England and Historic England (formerly English Heritage) as well as water companies. Water companies are considered to be statutory consultees for any developments involving the boring for or getting oil or gas from shale as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument No 595)

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

### Costs

- 6.25 HCC charges for pre-planning application advice will be applicable for any oil or gas proposal within the County Council's administrative area<sup>42</sup>.
- 6.26 PCC<sup>43</sup> and SCC<sup>44</sup> both charge for pre-application advice for oil or gas proposals which fall within the relevant City Council administrative area.
- 6.27 The NFNPA currently offers free pre-application advice for oil and gas proposals which fall within the National Park Authority's administrative area<sup>45</sup>. Following the adoption of the SPD, applicants are advised to contact the NFNPA directly to check the status of pre-application charging at the time of preparation.

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

- 6.28 Some oil or gas proposals will require an Environmental Impact Assessment (EIA). The aim of EIA is to protect the environment by ensuring that a LPA, when deciding whether to grant planning permission for a project which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects and takes this into account in the decision making process. The requirements for EIA are set out in Town and Country Planning (EIA) Regulations 2011<sup>46</sup> and National Planning Practice Guidance<sup>47</sup>.

### The regulations set out:

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

- 6.29 A particular oil or gas proposal will not necessarily give rise to all of the effects noted in the regulations. A full and detailed assessment will be required for those impacts which are likely to be significant.

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

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

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

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

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

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

- 6.30 The relevant MPA will carry out a screening exercise to determine whether any proposal for onshore oil and gas extraction requires an EIA upon request<sup>48</sup>. Screening is a procedure used to determine whether a proposed project is likely to have significant effects on the environment. It should normally take place at an early stage in the design of the project. However, it can also occur after a planning application has been submitted or even after an appeal has been lodged. The screening process is summarised in [Appendix 5: Establishing whether a proposed oil or gas development requires an Environmental Impact Assessment \(EIA\) \[See page 68\]](#).
- 6.31 If an oil or gas development is considered to require an EIA, the applicant is encouraged to request a Scoping Opinion<sup>49</sup> from the relevant MPA. This would help determine the scope of the information to be provided in the Environmental Statement (ES). The Scoping stage allows the MPA to clarify what it considers the main effects of development to be and, therefore, the aspects on which the applicant's ES should focus.
- 6.32 Any information prepared as part of the high level Environmental Risk Assessment or the preparation of the [Environmental Permit \[See page 45\]](#) (where required) can be used to inform, or be included as part of the ES which sets out the findings of the EIA.
- 6.33 Applicants for proposals which include hydraulic fracturing should work under the assumption that an EIA will be necessary to support a planning application for this type of development.

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

- 6.34 Each of the Hampshire Authorities has information on its individual website about the submission of planning applications (HCC<sup>50</sup>, SCC<sup>51</sup>, PCC<sup>52</sup> and NFNPA<sup>53</sup>).
- 6.35 Applicants are encouraged to consult the local validation checklist in advance of the pre-application stage. Each MPA (HCC<sup>54</sup>, SCC<sup>55</sup>, PCC<sup>56</sup> and NFNPA<sup>57</sup>) has a separate list which is available to view on its website.
- 6.36 The following diagram sets out the key areas which must be addressed to make a planning application for oil and gas development valid.

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

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

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

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

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

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

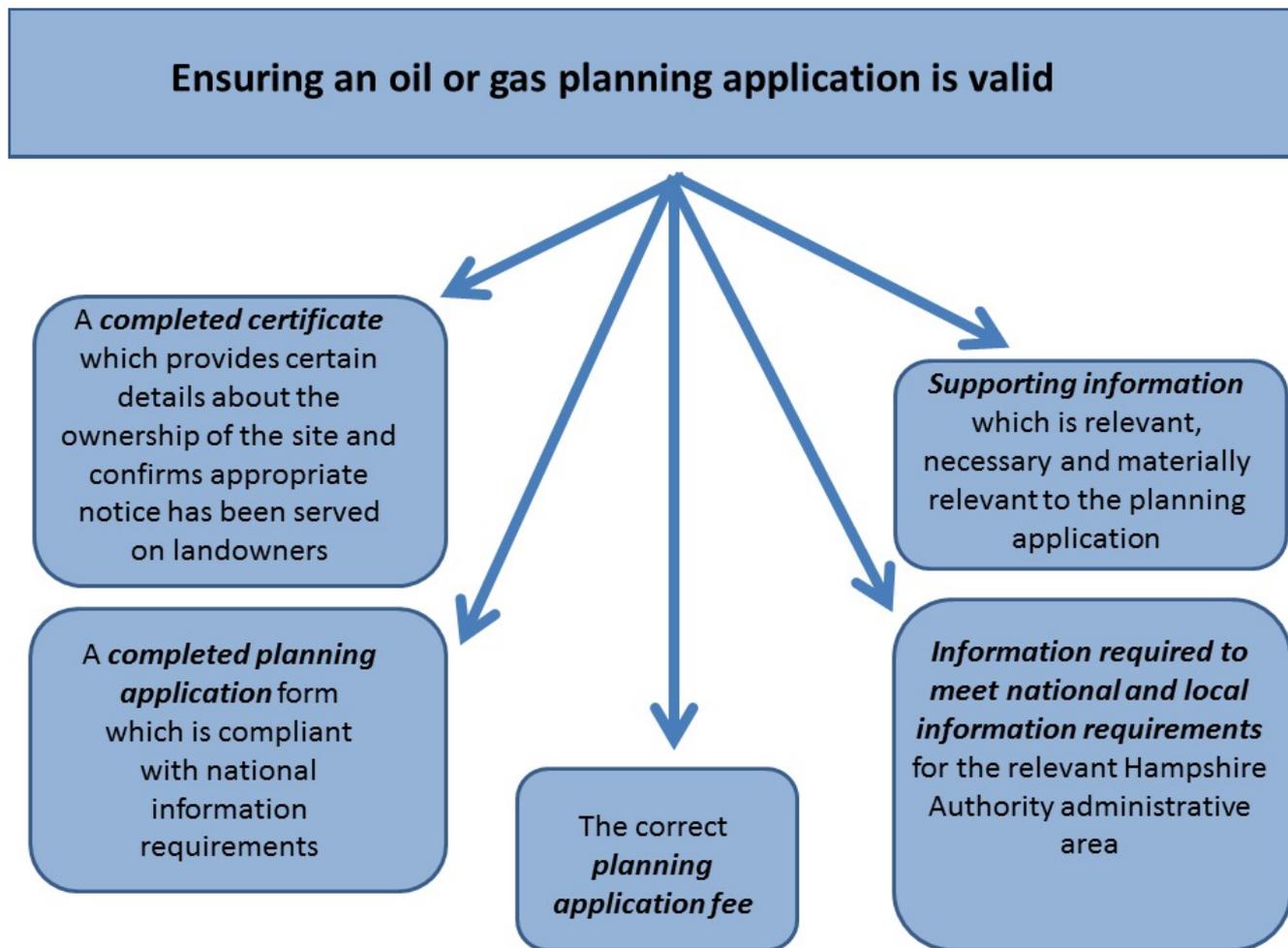
54. Hampshire County Council validation requirements: [www3.hants.gov.uk/planning-application-validation-requirements-2.pdf](http://www3.hants.gov.uk/planning-application-validation-requirements-2.pdf)

55. Southampton City Council validation list: [www.southampton.gov.uk/Images/National%20and%20Local%20Validation%20checklists%20as%20of%2015th%20April%202015\\_tcm63-368279.pdf](http://www.southampton.gov.uk/Images/National%20and%20Local%20Validation%20checklists%20as%20of%2015th%20April%202015_tcm63-368279.pdf)

56. Portsmouth City Council planning application information: [www.portsmouth.gov.uk/ext/development-and-planning/planning/planning-application-process-and-fees.aspx](http://www.portsmouth.gov.uk/ext/development-and-planning/planning/planning-application-process-and-fees.aspx)

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

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



Source: Author - Hampshire Authorities, 2015

- 6.37 Pre-application discussions help to guide applicants on the types of information which should be submitted with a planning application to ensure that it is valid (see [Pre-application discussions \[See page 19\]](#)). Applicants will determine how much preliminary data is necessary before seeking planning permission to undertake any exploratory drilling. Data which the operator might obtain at the exploratory stage will be used to determine the most appropriate locations for drilling. MPAs will only request supporting information that is relevant, necessary and material to the planning application in question.
- 6.38 In some instances, an Environmental Impact Assessment (EIA) will be required (see ['Environmental Impact Assessment \(EIA\) applications' \[See page 22\]](#)).
- 6.39 Twin tracking planning applications for oil and gas development alongside applications for other consenting regimes is encouraged where appropriate. Twin tracking may provide an opportunity for information required at the consenting or permitting stage to be used to inform the decision-making process for planning applications. This may include environmental permitting from the Environment Agency (see [Other regulatory regimes or agencies who may be involved or have an interest in the planning process \[See page 45\]](#)).

- 6.40 The Planning Portal includes a standard application form for oil and gas developments in England<sup>58</sup>.

### How should notice on landowners be served?

- 6.41 The Petroleum Act 1998<sup>59</sup> vested all rights and ownership of oil and gas resources to the Crown. This means that oil and gas resources are not owned by the surface landowner.
- 6.42 Where someone other than the sole owner of land applies for planning permission to develop land, they are legally required to give notice of the planning application to owners or tenants of any part of the land to which the application relates. This is set out in the Town and Country Planning Act 1990<sup>60</sup> and the Town and Country Planning (Development Management Procedure) Order 2015<sup>61</sup>.
- 6.43 Part 4 (26) of the Order applies in the case of an application for planning permission for development consisting of the winning and working of minerals by underground operations. The rationale for these provisions is that any owner or tenant of land should be made aware that a planning application is going to be submitted in relation to the land in which they have an interest to ensure they have the opportunity to make representations.
- 6.44 The Infrastructure Act 2015<sup>62</sup> has amended the provisions for access to underground resources in England and Wales. This affects land which may be subject to proposals for conventional or unconventional oil or gas proposals.
- 6.45 Information on landownership is welcomed by the Hampshire Authorities at the pre-application stage (see [Pre-application discussions \[See page 19\]](#)).

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

- 6.46 Planning fees were introduced in 1981<sup>63</sup> with the intention that users and potential beneficiaries of the planning system, rather than taxpayers, meet the costs incurred by Local Planning Authorities (LPAs) in processing and determining planning applications.
- 6.47 The Secretary of State has the power to make and amend regulations setting the fees that applicants for planning permission must pay to the relevant LPA. The Scale of Fees for different categories of development are set out in the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended)<sup>64</sup>. National Planning guidance has more information on planning fees<sup>65</sup>.

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

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

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

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

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

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

- 6.48 The Government has recently amended the 2012 regulations with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2014<sup>66</sup>. This clarifies that, for the purposes of onshore oil and gas development, fees should be calculated on the basis of the area of the above ground works only. As part of the changes, it is also intended to increase fees for planning applications for onshore oil and gas development by 10% on the basis of surface area works. Any changes will be reflected in revised fees guidance in due course.

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

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

### Compliance with National Planning Policy

#### National Planning Policy Framework (NPPF)

- 6.50 The NPPF<sup>67</sup> sets out national minerals planning policy for onshore oil and gas.
- 6.51 The Government is clear that responsibility for determining planning applications for onshore oil and gas activities, including for the exploration of shale oil or gas, lies with MPAs. Decisions will therefore continue to be taken in accordance with Local Plans such as the adopted Hampshire Minerals & Waste Plan (HMWP)<sup>68</sup> (see [Compliance with Local Planning Policy \[See page 27\]](#)) and the NPPF.

#### National Planning Practice Guidance (NPPG)

- 6.52 The NPPG was issued in 2014<sup>69</sup>. The guidance sets out a number of planning issues that should be addressed in relation to oil and gas development. The NPPG is a live document and is updated as required. It is important that applicants view the live version when preparing planning applications for oil or gas developments. It should be read alongside other planning guidance and the NPPF.
- 6.53 The NPPG was published following the public examination of the adopted HMWP (see [Compliance with Local Planning Policy \[See page 27\]](#)). However, the adopted Plan is compliant with its provisions.

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

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

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

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

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

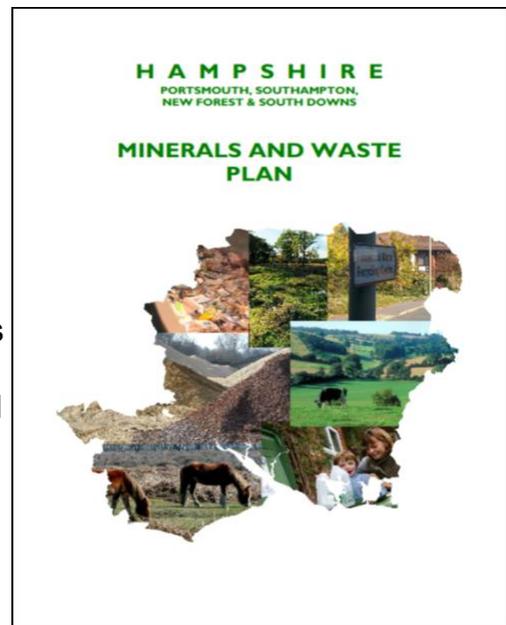
69. National Planning Practice Guidance <http://planningguidance.planningportal.gov.uk/>

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

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

6.55 Currently, adopted minerals policy is set out in the HMWP (2013)<sup>70</sup>. The Plan provides a robust planning framework including adequate safeguards for potential environmental, community or amenity impacts from the development. The Hampshire Authorities will use all relevant policies to consider any proposal for oil or gas development (conventional or unconventional) and to determine whether it should be granted planning permission.

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



6.57 *Policy 1 (Sustainable minerals and waste development)* of the adopted Plan sets out a presumption in favour of sustainable development and indicates that minerals development that accords with policies in the HMWP will be approved without delay, unless material considerations indicate otherwise.

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

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

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

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

- 6.59 In some instances, oil or gas development may have legal agreements attached to them (see [Planning obligations \[See page 53\]](#)) if they are required to make a proposal acceptable.
- 6.60 The HMWP also includes a policy which encourages community benefits (*Policy 14*) that may be associated with oil or gas developments (see [Community benefits \[See page 57\]](#)).
- 6.61 Safeguarding is the method by which mineral resources and minerals and waste facilities are protected from inappropriate development. Oil and gas deposits are found at much deeper levels under the ground than the other minerals worked in Hampshire and are less threatened by surface development. As a result, safeguarding of oil and gas resources is not required. The extent of oil and gas resources is also commercially sensitive information which is unavailable to the MPA. However it is still important that existing oil and gas infrastructure is safeguarded. Hampshire's existing oil and gas sites are safeguarded through the policies of the HMWP relating to safeguarding minerals infrastructure (*Policy 16: Safeguarding - minerals infrastructure*). Any subsequent update to the list following the adoption of this SPD will be reflected in the most recent Monitoring Report which sets out information on the performance of the HMWP<sup>71</sup>.
- 6.62 The remaining part of this section expands upon the key policy areas and issues which are relevant to oil and gas proposals in Hampshire. The issues are presented in the order they appear in the HMWP i.e. by policy.

## Sustainable oil and gas developments

6.63 *Policy 1 (Sustainable minerals and waste development)* of the adopted Hampshire Minerals & Waste Plan sets out the presumption in favour of sustainable minerals or waste development. Applied to oil and gas development, it indicates that there will be a presumption in favour of sustainable oil or gas developments unless material considerations (such as compliance with the other policies contained within the HMWP) indicate otherwise. All other relevant policies in the Plan will be taken into account (see [What issues which will need to be considered as part of any planning application? \[See page 26\]](#)) when coming to a decision on whether to grant planning permission.

## Protecting Hampshire's environment

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

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



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

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

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

6.67 Any planning application would be required to minimise the release of methane to the atmosphere.

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

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

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

***Policy 3 (Habitats and species)* protects the following habitats and species in accordance with the level of their relative importance:**

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

- 6.70 It is important that nature conservation designations are not adversely impacted by oil or gas developments. In relation to nature conservation designations, a judgement will be made by the MPA on whether the merits of the proposal outweighs any likely environmental damage to the designated area.
- 6.71 It will be important that any oil or gas proposal which impacts the noted designations includes details of appropriate mitigation or compensation measures which will be required to protect biodiversity impacts. These measures should address the purposes of the designations of the affected areas.
- 6.72 Proposals should include details of the nature and duration of the proposed impacts as well as habitats surveys (where relevant) in the supporting information.
- 6.73 All oil or gas proposals which impact designated areas will need to consider why there is a need for the development, options and opportunities to locate the proposal outside of the designated areas and mitigation measures which can be employed to offset any impacts.
- 6.74 The design of the development will also be important to ensure the development fits into the surrounding area (see 'Design of oil and gas developments'). Restoration of the site will also be an important consideration for any proposal, at any phase (see 'Restoration and aftercare of oil and gas sites') for development located within or in proximity to sites designated for nature conservation.

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

- 6.75 Two National Parks are located within Hampshire. The New Forest National Park is covered by this SPD. The part of Hampshire located within the South Downs National Park is not covered by this SPD.
- 6.76 In addition, Hampshire has three Areas of Outstanding Natural Beauty located at North Wessex Downs, Cranborne Chase and West Wiltshire Downs, and Chichester Harbour.
- 6.77 Hampshire also benefits from extensive countryside outside of the designated areas which is also important and highly valued.
- 6.78 Oil and gas development, although temporary, can have an impact on the local and wider landscape. Landscape impacts are likely to be greater at the production stage compared to other stages due to the length of time infrastructure is likely to be in place.
- 6.79 Any proposal for oil and gas development will need to take into account the provisions of Policies 4 (*Protection of landscape designations*) and 5 (*Protection of the countryside*) of the Plan which relate to the protection of designated landscapes and the countryside. Proposals will need to consider how the development will impact any of the designations noted in the policy.
- 6.80 Oil and gas developments should not have an unacceptable visual or noise impact. Proposals should maintain and enhance the character of the local landscape or townscape, where appropriate.
- 6.81 Proposals should include details of the nature and duration of the proposed impacts.
- 6.82 Oil or gas developments could affect access to public rights of way, open spaces or outdoor recreation, whilst the development is in progress. Development could also affect routes favoured by cyclists, equestrians and walkers. Oil and gas development should not negatively affect these features to an unacceptable degree. It is standard practice for such routes to be diverted if they are impacted by a development. In such instances, it is expected that rights of way will be replaced, diverted or equivalent alternative routes be provided.



- 6.83 The design and operation of the development will also be important in ensuring it fits into the surrounding area (see 'Design of oil and gas developments'). Developments should effectively mitigate any landscape or visual impacts, appropriate to the character and nature of its location. Details of mitigation measures to protect the landscape in proximity to a proposal will need to be included within a planning application. This may include screening, buffer zones or locating infrastructure underground. Consideration should be given to opportunities for screening to be provided in advance of the main development taking place. In such instances, it will be important to ensure that enough time is planned to allow natural screening to grow to provide a sufficient height and density to be effective.
- 6.84 Restoration of the site will also be an important consideration in any oil or gas proposal, at any phase (see 'Restoration and aftercare of oil and gas sites'), located within or outside of the designated areas in Hampshire.

### ***Designated areas***

- 6.85 National planning policy<sup>72</sup> attaches great weight to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The NPPF clearly states that major developments (including oil and gas developments) within designated areas should be refused planning permission except in exceptional circumstances and where it can be demonstrated they are in the public interest.
- 6.86 Policy 4 of the Plan states that developments will not be permitted in Hampshire's National Parks or Areas of Outstanding Natural Beauty except in exceptional circumstances. Exceptional circumstances may include where there are no other suitable locations (outside of designated areas) which can offer an alternative to extraction within the designated areas. The policy sets out matters which will need to be considered when considering such applications.
- 6.87 All proposals which impact the designated areas will need to demonstrate why there is a need for the development to be located in the designated area, options and opportunities were taken to locate the proposal outside of the designated areas and what mitigation measures will be employed to offset any impacts.
- 6.88 Applicants should look to agree a programme of work with the MPA as part of the planning application which takes account, as far as is practicable, the potential impacts on local landscape designations and operational considerations over the expected duration of operations.

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72. National Planning Policy Framework, paragraphs 115-116 (DCLG, 2012): [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

6.89 How a proposal may impact tranquillity is an important consideration, especially within designated areas. Tranquillity is one of the special qualities of the New Forest National Park. The National Park Authority has recently conducted a mapping exercise which maps tranquil areas. This will need to be taken into account when considering planning applications in the national park area. Where development may be proposed outside of the boundaries of the New Forest National Park but the development may have the potential to impact the National Park area, the park's neighbours and other statutory bodies are required by Section 62 of the Environment Act 1995<sup>73</sup> to have regard to the National Park purposes. Tranquillity is also an important issue in Hampshire's AONBs.

### **Countryside**

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

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

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

6.92 Oil and gas development, as a mineral development, is considered to be a temporary use. It is therefore not considered to be inappropriate in the Green Belt provided that it preserves the openness of the designation and does not conflict with the purpose of including the land within the Green Belt.

6.93 Hampshire has one Green Belt designated in the south west of the county. Any proposal for oil and gas development located in the South West Hampshire Green Belt will need to consider the provisions of *Policy 6 (South West Hampshire Green Belt)* of the HMWP.

6.94 Any proposal within the South West Hampshire Green Belt will need to demonstrate that it is an appropriate location for this type of facility. The proposal will need to demonstrate, as far as possible, that it can enhance the beneficial use of the Green Belt. The design, operation and restoration of the site will therefore be important considerations (see 'Design of oil and gas developments').

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

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

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

**The historic environment includes:**

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

**6.96** Any proposal for oil and gas development which may have an impact on the historic environment or assets will need to consider the provisions of Policy 7 (Conserving the historic environment and heritage assets) of the HMWP. It is important that the historic environment is not adversely impacted by oil and gas development. The setting of an asset will also be a key consideration.



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

**6.98** The Hampshire Archaeology and Historic Buildings Record (HAHBR)<sup>74</sup> and the Hampshire Historic Landscape Character Assessment<sup>75</sup> may be of assistance to applicants when preparing planning applications in areas of historic environment

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

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

**6.100** Hampshire has rich and diverse soils. Any proposal for oil and gas development will need to consider the provisions of *Policy 8 (Protection of soils)* of the HMWP. Development should protect, and wherever possible, enhance soils. Soils potentially at risk from oil or gas development should be protected throughout the life of the development.



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

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

75. Hampshire Historic Landscape Character Assessment: [www3.hants.gov.uk/historic-landscape.htm](http://www3.hants.gov.uk/historic-landscape.htm)

- 6.102 The UK Onshore Operators Group has produced guidelines for the consideration of soils during well construction<sup>76</sup>.
- 6.103 Details of the mud systems in use should be declared during the planning application stage and, where required, should be in accordance with the environmental permitting process (see [What other regulatory regimes or agencies may be involved or have an interest in the planning process? \[See page 45\]](#)).
- 6.104 The design of the development will be important in ensuring soils are effectively managed and protected (see 'Design of oil and gas developments').

#### **Restoration and aftercare of oil and gas sites**

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

#### **Restoration may include:**

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

- 6.109 The most appropriate form of afteruse will be determined on a site-by-site basis following discussions between the operator and the relevant MPA.
- 6.110 As oil and gas development takes place over three stages it may be appropriate to restore the site at the end of each stage, rather than allowing the operator to keep the site on hold before moving on to the next stage. This issue will be addressed on a case-by-case basis.
- 6.111 The design of the development will be important to the restoration of the site (see 'Design of oil and gas developments').

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

6.112 The MPA will ensure the proper restoration and aftercare of a site through imposition of suitable planning conditions and, where necessary, through Section 106 Agreements (see [Planning obligations \[See page 53\]](#)). Any conditions attached to planning permissions related to restoration will be drafted in such a way that, even if the interest of the applicant applying for permission is subsequently disposed of, the requirements for restoration and aftercare should still be fulfilled (whether by a new operator, or in the case of default, by the land-owner).

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

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

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

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

6.114 The successful completion of the restoration of the site will be subject to monitoring and enforcement to ensure compliance with any planning permissions granted. More information on monitoring can be found in the [Monitoring and enforcement of permitted onshore oil and gas developments \[See page 55\]](#).

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

## Maintaining Hampshire's communities

### Protecting health, safety amenity impacts from oil or gas developments

- 6.116 Oil and gas development should not result in or give rise to unacceptable amenity impacts. All proposals will need to consider the provisions of *Policy 10 (Protection of public health, safety and amenity)* of the HMWP. Many of the criteria under *Policy 10* will be fulfilled by oil and gas operators adopting appropriate management systems such as International Standards Organisation controls and other operational controls at their sites.
- 6.117 The NPPF<sup>77</sup> and the NPPG<sup>78</sup> set out what constitutes a material planning consideration. This includes ensuring that new development is appropriate for its location *'taking account of the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution'*.
- 6.118 Oil and gas operators should agree a programme of work as part of the planning application process, with the relevant MPA which:
- reduces the potential impacts on the local community; and
  - maintains an appropriate separation from occupied properties and sensitive receptors.
- 6.119 High operating standards, sensitive working practices and site management are essential for all oil or gas developments to minimise the harm to local communities and the environment.
- 6.120 Proposals will need to set out the investigation work carried out as part of preparing the proposals, as well as any proposed mitigation and monitoring measures.
- 6.121 National planning guidance<sup>79</sup> indicates that there *'is no standard minimum separation distance for proposals for hydrocarbon extraction. Any proposed separation distance should be effective, properly justified but reasonable'* and sets out issues to be taken into account when coming to this approach. Further guidance is provided on above ground distances between oil and gas developments and nearby sensitive receptors which is dependent on specific circumstances, site specific assessments and other forms of mitigation measures.
- 6.122 The adopted HMWP states that it is standard practice for operational mineral extraction sites to have a minimum buffer of 100 metres (where appropriate) from the nearest sensitive receptors, though this distance will be reviewed on a case-by-case basis.

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

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

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

- 6.123 In some instances, appropriate standards of the control (e.g. for emissions and protecting water resources) are set by other agencies. Often these standards are based on national legislation, policy and guidance. Oil and gas developments should meet these standards. These agencies include:
- the Environment Agency as part of its responsibility for protecting and improving the environment and as the regulatory body for issuing Environmental Permits (see [Appendix 3: Role of the Environment Agency \[See page 71\]](#)); as well as
  - local Environmental Health Officers at district and borough councils.
- 6.124 The MPA will use appropriate planning conditions, having regard to issues for which they have responsibility, to mitigate any adverse impacts on the local community's health, safety and amenity. Mitigation could involve screening the apparatus or locating infrastructure underground.
- 6.125 The design of an oil or gas site will be an important element of addressing many of the issues noted (see 'Design of oil and gas developments').

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

- 6.126 Oil and gas development should not cause unacceptable dust or release emissions to the atmosphere, land or water (subject to appropriate standards). The issue of emissions must be taken into account in any oil or gas proposal.
- 6.127 The issue of flaring is also an important consideration. Proposals should include details of how the sequential approach has been applied in determining the management of gas during the development. Utilisation of gas is the preferred option and this may necessitate connection to the grid. In such instances, proposals should include information on the connection route. Where utilisation is not a viable option, flaring may be required. Proposals in these instances should therefore include information on the method and flaring infrastructure required. In the event that gas sites are located in proximity to each other, operators are encouraged to work together to ensure efficient provision of gas collection.

### ***Health***

- 6.128 Oil and gas development should not have an unacceptable impact on human health and this is clearly addressed in *Policy 10 (Protection of public health, safety and amenity)*.
- 6.129 Applicants should expect to submit a Health Impact Assessment as part of any planning application for unconventional oil or gas development.
- 6.130 The location of public strategic infrastructure such as water, electricity and gas networks may also restrict oil or gas developments in some instances. Where proposals are likely to impact such infrastructure, the planning application should consider how impacts can be mitigated.

### **Noise**

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

### **Lighting**

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

### **Visual impact**

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

### **Aerodrome safeguarding**

- 6.134 Oil and gas development should not endanger aircraft from bird strikes and structures.
- 6.135 Bird-strike zones around aerodromes cover significant parts of Hampshire.
- 6.136 Locating sites within these zones may impact oil and gas development in a number of ways, including:
- operation;
  - types of infrastructure;
  - working,
  - restoration and after use of sites.
- 6.137 Other hazard zones, such as those around military installations, chemical plants and storage areas for dangerous substances, cover some areas of Hampshire and can also restrict certain types of development at those locations.
- 6.138 Applicants will need to take into account the height of rigs and other associated infrastructure, as well as levels of illumination if development is located within a safeguarding zone.

**Subsidence**

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

**Seismicity**

6.140 Safeguards are in place to mitigate the risks of seismic activity<sup>80</sup>. These safeguards include a 'Traffic Light' system to address concerns and monitor seismicity during hydraulic fracturing operations<sup>81</sup>.

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

**Migration of contaminants (including the use of chemicals)**

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

6.143 Well design and barrier planning is subject to detailed guidance as set out in Oil and Gas UK's Well Integrity guidelines<sup>82</sup>, particularly in regard to the installation and testing of barriers to prevent leaching of chemicals into nearby soil.

**Waste disposal**

6.144 It is likely that each stage of oil and gas development will generate some form of waste which will require management or disposal. Waste generated may include:

- drill cuttings from drilling activities; and
- flowback water.

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

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

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

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

81. Traffic Light Monitoring System: [www.gov.uk/government/publications/traffic-light-monitoring-system-shale-gas-and-fracking](http://www.gov.uk/government/publications/traffic-light-monitoring-system-shale-gas-and-fracking)

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

- 6.148 Oil and gas extraction can produce mining wastes which need to be effectively managed. This is set out in the European Mining Waste Directive<sup>83</sup> which aims to reduce as far as possible any adverse effects on the environment, as well as any resultant risk to human health from the management of waste from the extractive industries. Almost all of the Directive is transposed in the UK through the Environmental Permitting (England and Wales) Regulations 2010<sup>84</sup> which are regulated by the Environment Agency.
- 6.149 Muds associated with drilling operations will be made up of various chemicals. The Environment Agency provides more information on drilling muds<sup>85</sup>.
- 6.150 Flowback water will be collected and contained in closed tanks. This water will then need to be discharged to the sewer system, if acceptable or transported to a waste water treatment works. Flowback water may contain Naturally Occurring Radioactive Materials (NORM) at low levels. Procedures for the management of NORM are well established in the United Kingdom. These will include pre-treatment prior to conventional water treatments.

***Protection of water and water resources (including flood risk)***

- 6.151 Hampshire's groundwater is of great importance for drinking supplies and nature conservation designations. The county is reliant on groundwater for its potable supplies. It is expected that all necessary measures will be taken to protect water resources. The need to protect water resources is given further weight by the Water Framework Directive<sup>86</sup> which is designed to preserve, restore and improve the water environment.
- 6.152 Oil and gas development should not have an unacceptable impact on coastal, surface or groundwaters. It should not result in increased flood risk to the area in which it is located or up or downstream from its location. Any proposal which impacts a flood risk area will need to take into account the provisions of policies 11 (*Flood risk*) and 10 (*Protection of public health, safety and amenity*) of the HMWP in relation to impact on water resources.
- 6.153 The Environment Agency protects water resources and therefore has a key role to play in the regulation of oil and gas development in relation to the water environment. It is advisable that applicants discuss proposals for the protection of ground and surface waters with the Environment Agency and the relevant water company in advance of any planning application being submitted.

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

84. Environmental Permitting (England and Wales) Regulations 2010

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

86. Water Framework Directive: [http://ec.europa.eu/environment/water/water-framework/index\\_en.html](http://ec.europa.eu/environment/water/water-framework/index_en.html)

- 6.154 Proposals should include information on the likely amount of water required and the potential impacts on locally available water resources<sup>87</sup>. This will be particularly important where proposals include hydraulic fracturing. When proposing a site for unconventional oil or gas development, applicants must ensure that there is sufficient water and infrastructure for their operations. It may be necessary to apply for an abstraction license from the Environment Agency and to consult the relevant water company. The MPA will also seek the views of the relevant water company when oil and gas proposals are submitted in its area.
- 6.155 All proposals should include detailed investigations into the potential impact associated with the proposed development on ground water and surface water courses. This should include a comprehensive risk assessment to determine the potential impact on ground and surface waters.
- 6.156 It is highly unlikely that the Environment Agency would permit oil and gas development in Source Protection Zone 1 and 1 C.
- 6.157 Potential impacts on water resources should be designed out of a proposal at the earliest possible stage. Mitigation measures should only be applied to any residual impacts.
- 6.158 The MPA will consult the Environment Agency and will take into account the advice provided by the agency in coming to a conclusion on the potential impact on water resources. The Environment Agency sets out clear Groundwater Protection Policy and Guidance<sup>88</sup>.
- 6.159 Where development proceeds, the Environment Agency will expect the application of best available techniques to protect groundwater where any associated drilling or operation of the boreholes passes through a groundwater resource.
- 6.160 Waste water following the extraction process (for both conventional and unconventional) returns to the surface following its use. This requires management, treatment and disposal. Proposals will need to include information on the measures to be put in place for the appropriate management of waste water as well as fuels and oils.
- 6.161 In the event that oil or gas sites are located in proximity to each other, operators are encouraged to work together to ensure the efficient provision of water treatment infrastructure, as appropriate, in order to reduce cumulative impacts.
- 6.162 In relation to flood risk, oil and gas proposals should incorporate flood protection, resilience and resistance measures if these are required on site. Development should also not result in an increase in surface water run-off. In some instances, it may be appropriate for oil and gas developments to be accompanied by sustainable drainage systems. All built infrastructure should also have site drainage systems as part of their design.



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

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

- 6.163 Applicants should expect to submit a Flood Risk Assessment where a site is located in a Flood Risk Zones 2 and 3 or if the development is over 1 hectare in size.
- 6.164 Surface water run-off needs to be carefully managed and controlled at oil and gas sites. The management, maintenance, monitoring procedures and risks will need to be carefully considered at the pre-application stage and will need to form part of the overall waste management plan for the site.
- 6.165 Water companies will be a consultee for oil and gas proposals within their catchment within the HCC administrative area<sup>89</sup>.

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

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

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

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

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

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

- 6.168 Oil and gas proposals should consider the:

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

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

<sup>89</sup> Hampshire County Council will consult all water companies where an oil or gas proposal will impact their catchment area. This is in line with the provisions of the adopted Hampshire Statement of Community Involvement (2014)

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

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

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

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

- 6.174 It is essential that all oil and gas proposals should be of the highest quality design. Any proposal will need to consider the provisions of *Policy 13 (High quality design and operation of minerals and waste development)* of the HMWP.
- 6.175 The sustainable design and operation of oil and gas development is critical in ensuring potential impacts are reduced or avoided.
- 6.176 Many of the aspects highlighted earlier in this section will relate to the design of the overall development in one way or another.
- 6.177 Potential impacts on the environment and communities should be designed out of a proposal at the earliest possible stage. Mitigation measures should only be applied to any residual impacts which cannot be addressed through the design of the development.

### **Supporting Hampshire's economy**

#### **Oil and gas development**

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

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

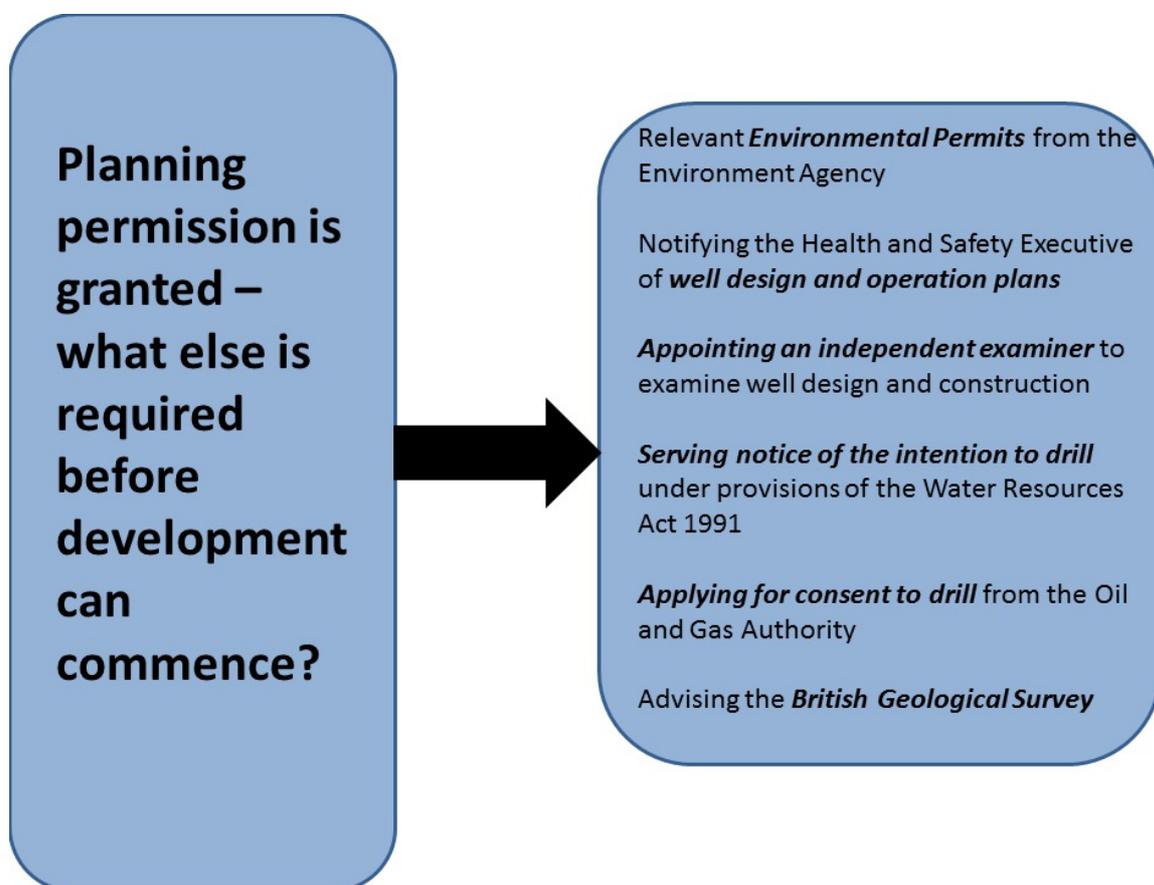
- 6.179 An Environmental Statement (see [Preparing a planning application \[See page 17\]](#)) for an oil or gas proposal will consider the issue of economic need for a proposal on a national, regional and local scale.

6.180 The HMWP does not include any policies which directly relate to the potential economic impact or benefits associated with development, with the exception of community benefits. Where this issue is of importance, the MPA will therefore rely on the policies and direction of the NPPF<sup>90</sup>, as appropriate. The NPPF specifically states that when determining planning applications, local planning authorities should give great weight to the benefits of mineral extraction, including to the economy<sup>91</sup>.

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

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

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



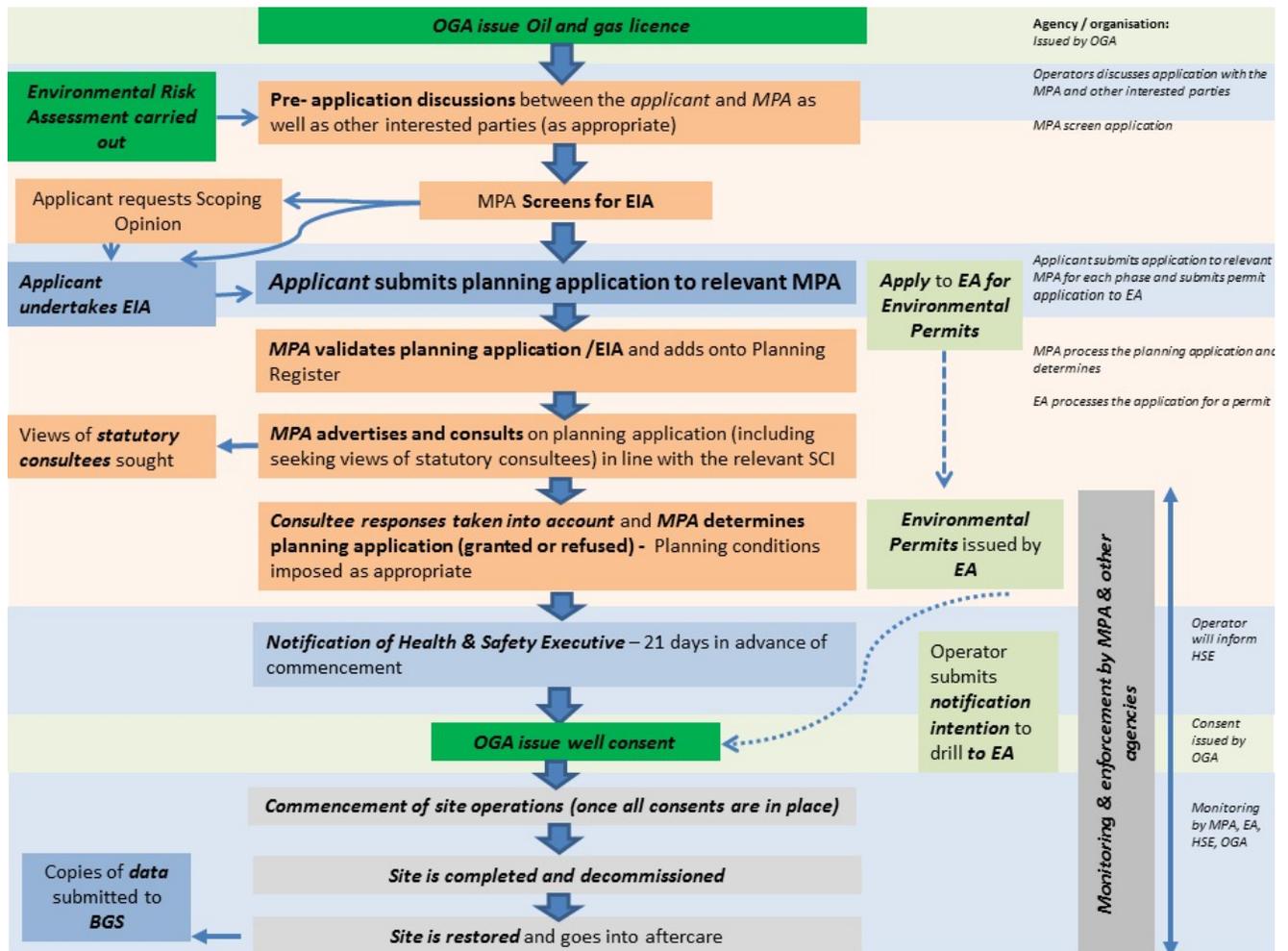
Source: Author - Hampshire Authorities, 2015

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

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

91. National Planning Policy Framework, paragraph 144: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

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



Source: Author - Hampshire Authorities, 2015

6.183 Oil and gas operations, as with other industrial activities, are regulated under a number of different regimes and are one of the most tightly regulated business sectors. These regimes are separate but complementary to the planning system. Therefore, some issues of importance to the planning process may be covered by other regulatory regimes. This is highlighted in the diagram on the outline process located in [Planning for oil and gas development](#). Agencies such as the Oil and Gas Authority, the Environment Agency and the Health and Safety Executive all have a role to play in the regulation of the oil and gas industry, with responsibilities to ensure that the extraction of oil and gas (both conventional and unconventional) is conducted in a manner that the risks to people and the environment are properly managed and controlled.

- 6.184 [Appendix 2: Role of the Oil and Gas Authority \[See page 69\]](#), [Appendix 3: Role of the Environment Agency \[See page 71\]](#) and [Appendix 4: Role of the Health and Safety Executive \[See page 73\]](#) provide more information on the role of the other agencies and interested parties which link to the planning process and have an interest in oil and gas development in Hampshire.
- 6.185 The MPA will assume that these regimes will operate effectively when determining planning applications. Whilst matters which will be addressed by the other regulatory bodies may be put before the MPA as part of the planning process, the MPA will not carry out its own assessment as it will rely on the assessment of the other relevant regulatory bodies. However, before granting planning permission the MPA will need to be satisfied that these issues can or will be adequately addressed by taking the advice from the relevant regulatory body. The MPA will use this information to make a judgement on potential impacts and to make a decision on whether planning permission should be granted and what conditions should be applied.
- 6.186 [Appendix 5: Role of other agencies \[See page 76\]](#) provides information on a number of other organisations who may also be consulted on planning applications for conventional or unconventional oil and gas development or have an interest in development in Hampshire. These may include Natural England, the British Geological Survey, Hazardous Substance Authorities, Historic England and water companies. There may be additional consents and orders which must be obtained, such as diverting or altering rights of way or temporary road orders.

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

- 6.187 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.
- 6.188 Hampshire County Council's Statement of Community Involvement (SCI)<sup>92</sup> sets out the parameters for consultation on any minerals or waste planning application submitted for consideration within the HCC administrative area. The SCI sets out the minimum requirements for publicising planning applications received by the County Council.
- 6.189 Portsmouth City Council<sup>93</sup>, Southampton City Council<sup>94</sup> and the New Forest National Park Authority<sup>95</sup> each has their own SCIs which would be complied with if a proposal were to be received for oil and gas development within its administrative area.

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

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

94. Southampton Statement of Community Involvement: [www.southampton.gov.uk/modernGov/mgIssueHistoryHome.aspx?IId=10117](http://www.southampton.gov.uk/modernGov/mgIssueHistoryHome.aspx?IId=10117)

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

- 6.190 In the event that a proposal impacts on an area outside of the determining Hampshire Authority's administrative area, adjacent areas will be consulted in line with the provisions of the relevant SCI. In terms of the New Forest National Park, the Park's neighbours and other statutory bodies are required by Section 62 of the Environment Act 1995<sup>96</sup> to have regard to the National Park purposes.
- 6.191 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.
- 6.192 The Office for Unconventional Gas and Oil<sup>97</sup> has also made it a priority to help people understand the facts about shale gas development, including supporting local authorities' engagement with communities to help resolve any issues.
- 6.193 When determining planning applications, responses received as part of the public consultation, will be taken into account, as appropriate. Summary of the responses received will be documented in any decision report produced by the MPA (see [Why is community engagement important to the planning process? \[See page 47\]](#)).
- 6.194 Interested parties have an opportunity to request to make a representation on an oil and gas proposal when the proposal is being considered at the planning committee of the relevant Hampshire Authority. Each of the Hampshire Authorities has its own procedures in place for this and these are documented in the SCIs (see above).
- 6.195 The Hampshire Authorities encourage the formation of site liaison panels to ensure that local communities can examine oil or gas proposals and engage with other interested parties. A number of Hampshire's existing oil fields have established liaison panels. Liaison Panels are useful throughout the planning process. Relevant water companies should be invited to take part in liaison panels where a site is located within 1 km of a SPZ (including sub-surface SPZs).

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

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

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

- 7.1 Planning applications for any phase of oil or gas development will be considered on a proposal's individual merits. The Hampshire Authorities will use the relevant adopted policies set out in the Hampshire Minerals & Waste Plan to determine any proposal for development (see [Compliance with Hampshire's planning policy \[See page 27\]](#)). The Hampshire Authorities will also refer to the national planning policies, as appropriate, in particular with regard to the demand for hydrocarbons and national energy policy<sup>98</sup>.
- 7.2 *Policy 1 (Sustainable minerals and waste development)* of the adopted Hampshire Minerals & Waste Plan sets out the presumption in favour of sustainable minerals or waste development. All other relevant policies in the Plan will be taken into account (see [What issues which will need to be considered as part of any planning application? \[See page 26\]](#)) when coming to a decision.
- 7.3 To ensure that timescales are met, it is important that planning applications, when submitted, are accompanied by sufficient information to allow for the full consideration of any environmental impacts and proposed mitigation measures.
- 7.4 Pollution control and health and safety requirements, some of which will be regulated by other consents and permits (see [What other regulatory regimes or agencies may be involved or have an interest in the planning process? \[See page 45\]](#)) for an oil or gas proposal will be the same, regardless of the phase of the development. Before granting planning permission, the MPA will need to be satisfied that the issues can or will be adequately addressed. The MPA will use the information provided by the regulator to make a judgement on potential impacts and come to a decision on whether planning permission should be granted.

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

- the fact that previous phases of development may have taken place on a particular site is likely to be material in determining the suitability of continuing to use that site only insofar as it establishes the presence of hydrocarbon resources. Production will only be acceptable where any adverse impacts can be sufficiently mitigated;
- safeguards which are proposed to protect the environment and local communities, in line with the policies of the HMWP. These may include mitigation measures;
- responses received as part of the public consultation will be taken into account, as appropriate. The responses received will be documented in any decision report produced by the MPA;
- possible cumulative effects arising from any existing or approved phases of hydrocarbon extraction.

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

- 7.5 An MPA is required to determine planning applications for onshore oil or gas developments within the statutory timescales (from validation to decision) which are as follows:
- 13 weeks - all oil and gas planning applications; or
  - 16 weeks - applications for oil or gas development which are accompanied by an Environmental Statement; or
  - such a period as may be agreed with the applicant in accordance with a Planning Performance Agreement (see [Planning Performance Agreements \[See page 16\]](#)).
- 7.6 In the event that planning applications are not determined within the timescales set (and no extension has been agreed between the applicant and the MPA), the applicant can appeal to the Planning Inspectorate to determine the planning application on the grounds of non-determination.
- 7.7 The Secretary of State has the powers to call in any significant planning applications for his determination.
- 7.8 Any planning permission granted for oil or gas development will be accompanied by planning conditions (see [What conditions are likely to be attached to planning permissions? \[See page 51\]](#)) and potentially a Section 106 agreement where relevant (see [Planning obligations \[See page 53\]](#)). Community benefits packages may also be established which are associated with oil and gas developments but are outside of the planning process (see [Community benefits \[See page 57\]](#)).

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

- 8.1 MPAs have powers to impose a planning condition when granting permission for development. The Hampshire Authorities will consider whether otherwise unacceptable development could be made acceptable through the use of planning conditions or planning obligations (see [Planning obligations \[See page 53\]](#)) if conditions cannot be applied.
- 8.2 There are strict measures in place in legislation and guidance which determine in what instances planning conditions can be imposed<sup>99</sup>.

### In summary, a condition must be:

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

- 8.3 Further guidance is set out in the National Planning Practice Guidance<sup>100</sup>.
- 8.4 Conditions can enhance the quality of development and enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission.

### Basic principles of conditions

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

99.Paragraph 203-206 of the National Planning Policy Framework (DCLG, 2012): [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

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

- 8.5 Conditions applied to planning permissions will be specific to each individual oil or gas proposal and can cover a variety of issues. Examples of the types of matters conditions may cover for oil and gas development are included in [Appendix 6: Issues which may be addressed by planning conditions \[See page 77\]](#).

## 9. Planning obligations

- 9.1 Planning authorities are able to grant permission subject to planning obligations, as well as conditions, in order to bring development in line with the objectives of the development plan. Planning obligations can only be sought for improvements that are necessary to make the development acceptable in planning terms which cannot be secured by planning condition (see [What conditions are likely to be attached to planning permissions? \[See page 51\]](#)).

### Section 106 agreements

- 9.2 Agreements under section 106 (s106) of the Town and Country Planning Act 1990<sup>101</sup> can be used to secure planning obligations. It is the land itself that is bound by the agreement, rather than the landowner or applicant.

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

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

- 9.3 It may be necessary for a s106 agreement to be entered into in respect of an oil or gas development in order to secure improvements necessary to make the development acceptable in planning terms. Typically such mitigation will be required off-site and therefore cannot be conditioned, such as ensuring HGVs do not use inappropriate roads to travel to the site or providing land off-site to mitigate the ecological impact of the development.

### Community Infrastructure Levy (CIL)

- 9.4 Financial contributions towards infrastructure provision are now largely governed by the Community Infrastructure Levy Regulations (CIL) 2010 (as amended)<sup>102</sup>. This allows the district, borough and unitary authorities to levy a charge on development in order to fund the infrastructure needed to support the local development plan.
- 9.5 CIL is not administered by County Councils. However the County Council has a responsibility to collect CIL on behalf of the local authority where appropriate.
- 9.6 CIL is not levied on buildings which people don't normally enter, or only enter to perform maintenance, and therefore the majority of oil and gas development would only be liable for CIL if ancillary buildings, such as offices in excess of 100sqm gross internal floor space are proposed.

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

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

- 9.7 The introduction of CIL has resulted in the restriction of the use of s106 agreements to secure infrastructure funding. Consequently contributions cannot be secured for infrastructure that is intended to be funded by CIL and is included on a list published by the local authority, known as a Regulation 123 list.
- 9.8 There should be no circumstances where a developer is paying both CIL and s106 contributions for the same infrastructure.

### **Section 278 agreements**

- 9.9 Improvements to the highway network may be required in order to facilitate safe access and egress into a site where oil or gas extraction is proposed, or to mitigate any formerly mentioned impacts that are identified. In order for the works to be implemented, an agreement is needed under section 278 of the Highways Act 1980<sup>103</sup> which gives permission for the applicant to carry out approved works on the highway on behalf of the local highway authority.

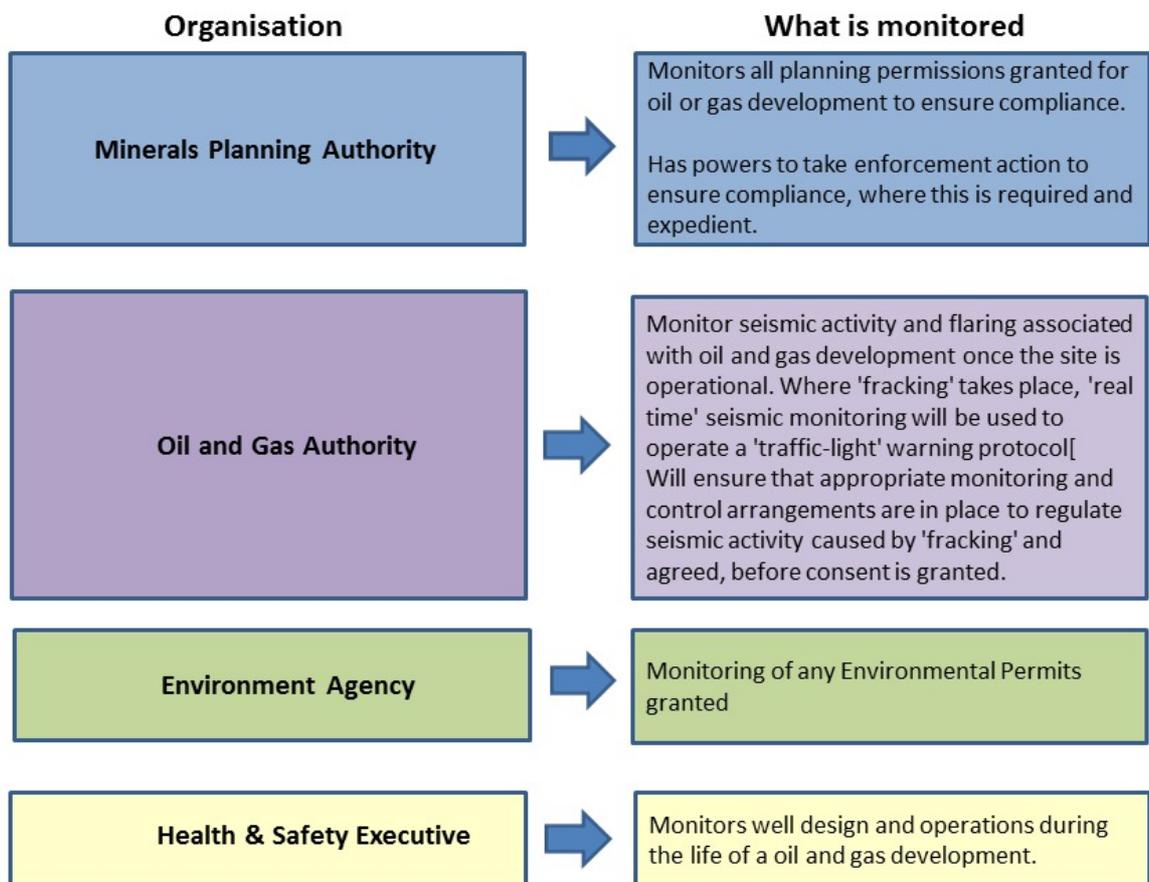
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103.Highways Act 1980: [www.legislation.gov.uk/ukpga/1980/66/section/278](http://www.legislation.gov.uk/ukpga/1980/66/section/278)

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

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

Figure 12: **Monitoring of oil or gas developments**



Source: Author - Hampshire Authorities, 2015

## Monitoring by the Hampshire Authorities

- 10.2 If planning permission is granted for oil or gas development, the development will be required to operate within the conditions imposed through the grant of planning permission. Monitoring of planning permissions helps to ensure that all development is compliant with any planning permissions (and associated conditions or legal agreements). The frequency with which sites are visited will depend on the nature and scale of the development. If breaches are found to be taking place at existing sites, more visits will need to be undertaken.
- 10.3 HCC and the NFNPA actively monitor all oil and gas development in terms of compliance with the planning permission granted. This involves unannounced and regular site visits for the total life of the development i.e. from when the site is granted planning permission through to when the site has been fully restored and aftercare has been completed.
- 10.4 All of the Hampshire Authorities will investigate any breaches of planning control discovered or reported.
- 10.5 All of the Hampshire Authorities, as Minerals Planning Authorities, can charge for a maximum of eight site visits for monitoring mineral site operations within any 12 month period. This is in line with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2014<sup>104</sup>. Additional site visits may be undertaken but these will not be subject to a charge.
- 10.6 If required, all of the Hampshire Authorities have powers to take enforcement action to ensure compliance with planning permissions granted by that authority. Where a breach of planning control is identified, the relevant Hampshire Authority will take appropriate and proportionate action to address any breaches, where it is expedient to do so.
- 10.7 More information on enforcement is available on the relevant Hampshire Authority's website (HCC<sup>105</sup>, PCC<sup>106</sup>, SCC<sup>107</sup> and NFNPA<sup>108</sup>).

## Monitoring by other regulators

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

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

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

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

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

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

## 11. Community benefits

- 11.1 Minerals developments such as oil and gas can provide community benefits in the local 'host' areas. The Hampshire Authorities encourage the use of community benefits associated with oil and gas development. However, this provision lies outside of the planning process.

### Community benefits:

- **may result from the actual development, or through the restoration of the site; and**
- **can be used to address local issues.**

- 11.2 In Hampshire, community benefit funds associated with many mineral extraction and waste sites in Hampshire have already been used to fund local infrastructure improvements such as play areas and replacement village hall roofs.
- 11.3 Community benefits are not part of the planning process although *Policy 14 (Community benefits)* of the HMWP encourages such benefits as source of funding for local projects. It is important to note that community benefit schemes or packages will not be taken into account during the decision-making process for oil or gas developments or for any other minerals or waste development in Hampshire.
- 11.4 All members of the UK Oil Operators Group (UKOOG) have signed up to a community benefits scheme<sup>109</sup>. This commitment has been set out in the UKOOG Community Engagement Charter<sup>110</sup>.

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

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

## Glossary and acronyms

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

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

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

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

**Areas of Outstanding Natural Beauty (AONB):** Areas of countryside considered to have significant landscape value, and protected to preserve that value. Originally identified and designated by the Countryside Commission under Sections 87 and 88 of the National Parks and Access to the Countryside Act 1949. Natural England is now responsible for designating AONBs and advising Government and other organisations on their management and upkeep. AONBs are designated by the Countryside and Rights of Way Act 2000. The role and management of AONBs are set out in AONB Management Plans.

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

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

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

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

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

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

**Community benefits:** Minerals developments such as oil and gas can provide community benefits in the local 'host' areas which are outside of the planning process. In relation to *Policy 14 (Community benefits)* of the HMWP, negotiated agreements are agreements between minerals and waste developers and local communities as a source of funding for local benefits.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Green Belt:** An area designated in Local Plans, providing an area of permanent separation between urban areas. The main aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The most important quality of a Green Belt is its 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.

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

**Hampshire Authorities:** The Hampshire Authorities comprises Hampshire County Council, Southampton City Council, Portsmouth City Council and the New Forest National Park Authority that 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.

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

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

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

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

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

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

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

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

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

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

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

**Local Planning Authority (LPA):** The local authority or council that is empowered by law to exercise statutory development planning functions for a particular area of the UK. Where this document refers to 'local planning authority' this relates to Hampshire's districts and borough councils.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Petroleum Licences:** Petroleum Licences can be issued by OGA for onshore drilling and exploration activities.

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

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

**Planning Performance Agreements (PPA):** PPAs are a project management tool the Local Planning Authorities (LPAs) and applicants can use to agree timescales, actions and resources for handling particular applications.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Section 106 Agreement (s106):** The Town and Country Planning Act 1990 allows a person interested in any land to enter into a legally-binding agreement or planning obligation with a local planning authority (LPA) when applying for planning permission. The obligation is termed a section 106 Agreement. These agreements are a way of dealing with matters that are necessary to make a development acceptable in planning terms. They are increasingly used to support the provision of services and site specific infrastructure.

**Section 278 agreement (s278):** A legal agreement between developers or other interested parties and the Local Authority for changes and improvements to highways.

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

**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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## United Kingdom (UK)

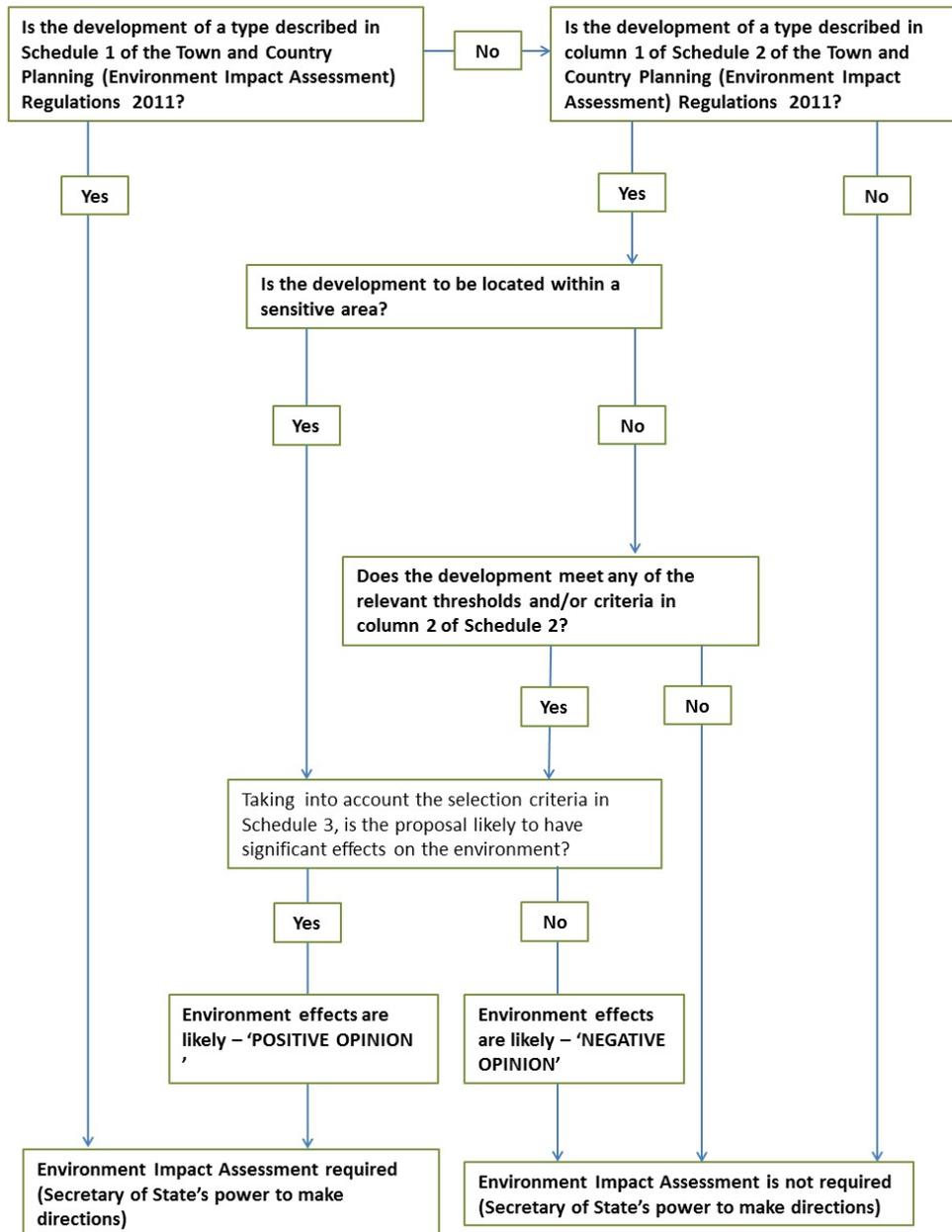
**Urban areas:** An area characterised by higher population density and vast human features in comparison to areas surrounding it. Urban areas may be cities, towns or conurbations.

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

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

## Appendices

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

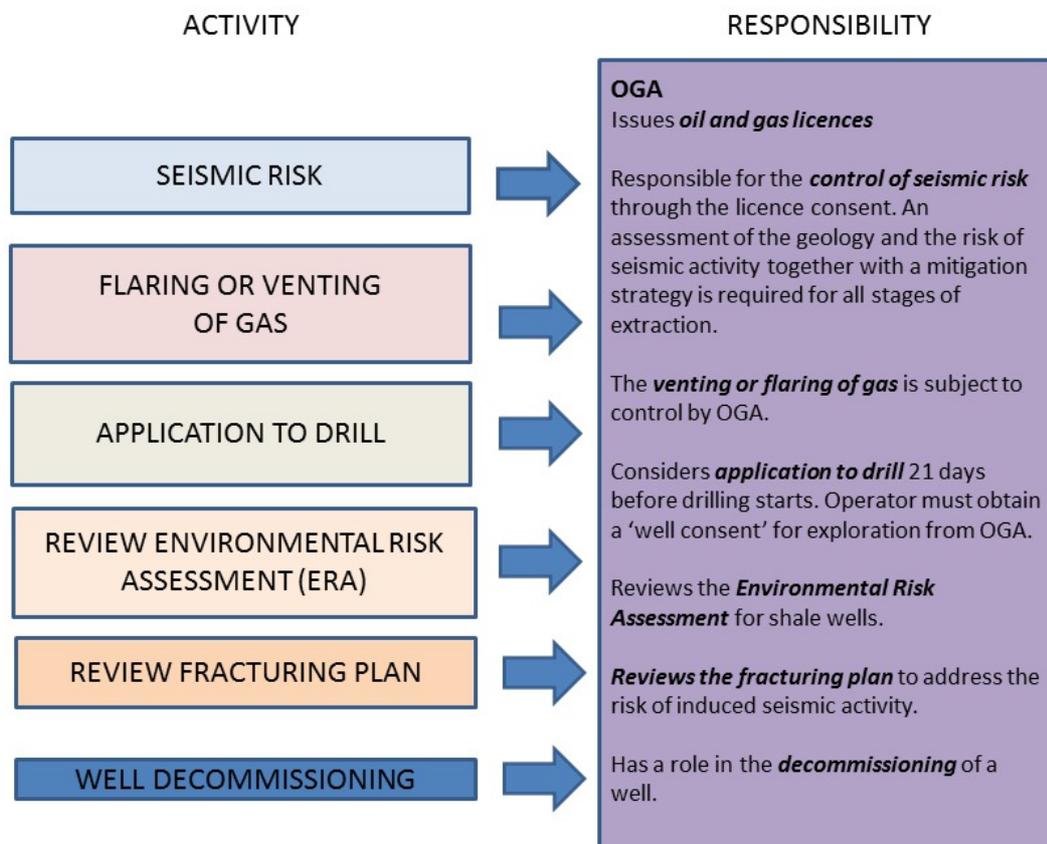


Source: Author - Hampshire Authorities, 2015, amended from DCLG, 2013

## Appendix 2: Role of the Oil and Gas Authority

The Petroleum Act 1998<sup>111</sup> vested all the rights and ownership of oil and gas resources to the Crown (see [Mineral right ownership for oil or gas](#)) and these are administered by the Oil and Gas Authority (OGA)<sup>112</sup>. The OGA works with government and industry to make sure that the UK gets the maximum economic benefit from its oil and gas reserves. The OGA issues oil and gas licences (see [Onshore oil and gas licencing in Hampshire \[See page 8\]](#)) and guidance on oil and gas development. The MPA will consult the OGA on all planning applications for oil and gas development. The following diagram highlights the roles and responsibilities of the OGA in relation to oil and gas development and the planning system.

### OGA roles and responsibilities



Source: Author - Hampshire Authorities, 2015

An Environmental Risk Assessment (ERA) is intended to provide a systematic and prioritised review of the environmental risks associated with the operations proposed, and a demonstration of the safe and environmentally responsible management of these operations<sup>113</sup>.

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

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

If a proposal includes the intention to 'frack', the OGA would impose the controls<sup>114</sup> which include:

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

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

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113. 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](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)

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

## Appendix 3: Role of the Environment Agency

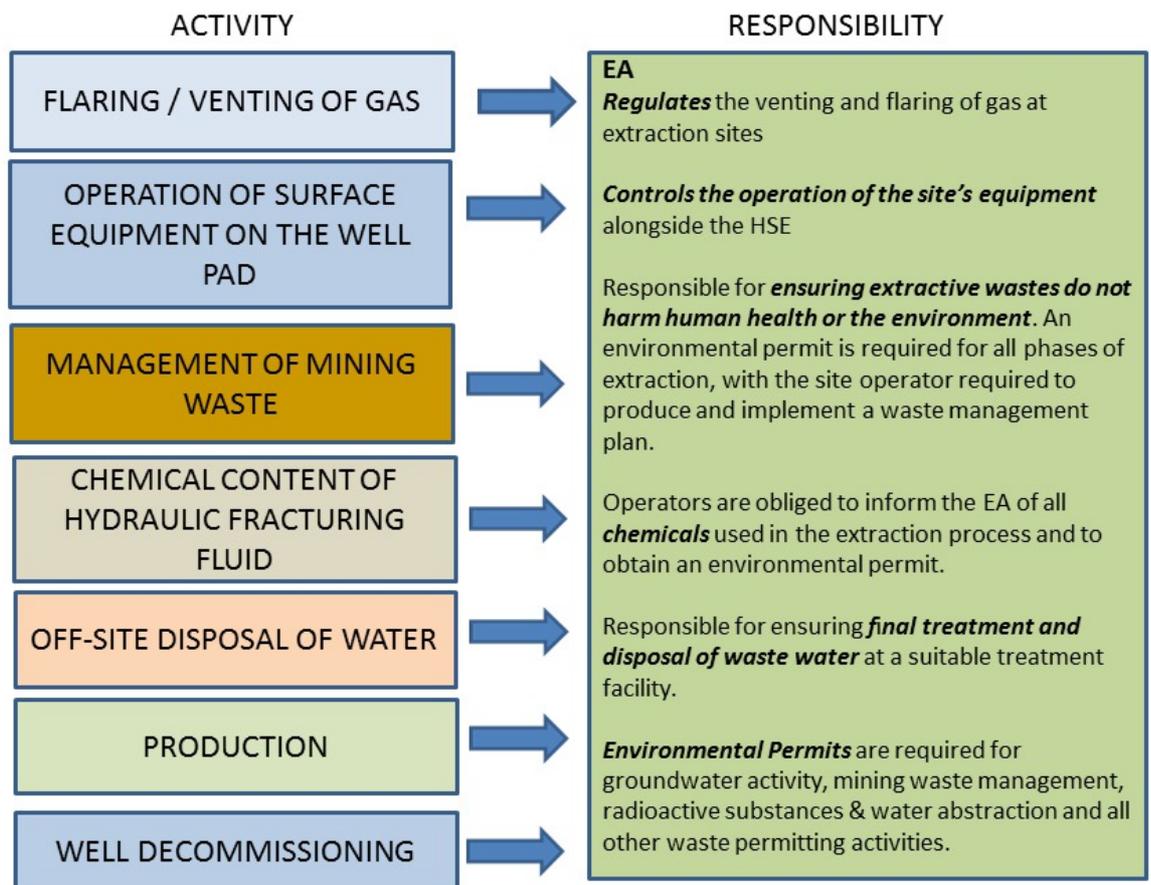
The EA is a statutory consultee in the land use planning process. The EA will consider all issues relevant to its remit when consulted on an oil and gas development.

### The EA:

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

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

### Environment Agency roles and responsibilities



Source: Author - Hampshire Authorities, 2015

In England and Wales, onshore oil and gas exploratory activities require environmental permits issued under the Environmental Permitting Regulations<sup>115</sup> and other permissions from the Environmental regulator, depending on the methods used and the geology of the site. Environmental permits will be required for oil and gas developments<sup>116 117</sup>. Other issues may be considered as part of the environmental permitting process.

Environmental Regulation requires a notice to be served on the regulator under section 199 of the Water Resources Act 1991<sup>118</sup> to 'construct a boring for the purposes of searching for or extracting minerals'.

The EA has issued a number of guidance documents relating to onshore oil and gas operations and more specifically shale gas extraction and hydraulic fracturing<sup>119 120 121</sup>.

The EA works closely with the Health and Safety Executive on the regulation of shale oil and gas activity<sup>122</sup> (see [Appendix 4: Role of the Health and Safety Executive \[See page 73\]](#)).

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

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

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

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

119. Guidance on Environmental Risk Assessment for shale gas exploratory operations: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/296949/LIT\\_8474\\_fbb1d4.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/296949/LIT_8474_fbb1d4.pdf)

120. Guidance on Regulation of exploratory shale gas operations: [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/297015/LIT\\_7284\\_231c35.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297015/LIT_7284_231c35.pdf)

121. Environmental Permitting Regulations EPR (2010): [www.legislation.gov.uk/ukdsi/2010/9780111491423/contents](http://www.legislation.gov.uk/ukdsi/2010/9780111491423/contents)]

122. [www.hse.gov.uk/aboutus/howwework](http://www.hse.gov.uk/aboutus/howwework)

## Appendix 4: Role of the Health and Safety Executive

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

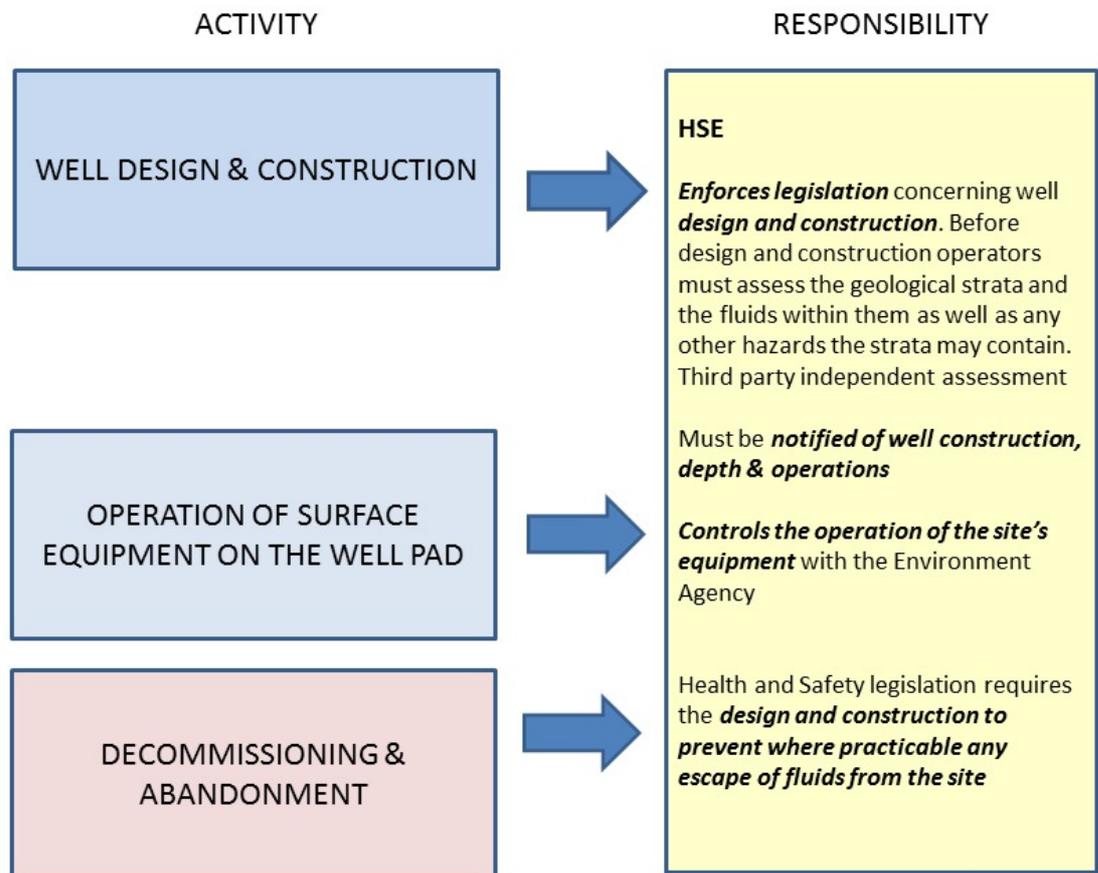
The HSE ensures that well operator complies with specific health and safety regulation in particular to the extraction of oil or gas and to prevent, so far as is reasonably practicable those working on sites or others who could be affected by the work.

### **The HSEs role is to:**

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

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

## Role of the Health and Safety Executive



Source: Author - Hampshire Authorities, 2015

The HSE is not a statutory consultee for oil and gas developments although the organisation plays a role as a non statutory consultee as the enforcing authority for health and safety activities<sup>123</sup>.

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

The HSE must be notified of the well design and operation plans to ensure that major accident hazard risks to people from well and well related activities are properly controlled and subject to the same stringent regulation as any other industrial activity. HSE regulations also require verification of the well design by an independent third party. Notification of an intention to drill has to be served to the environmental regulator under section 199 of the Water Resources Act<sup>124</sup>.

123. More guidance on the role of the HSE for oil and gas developments: [www.hse.gov.uk/offshore/shale-gas-planners.pdf](http://www.hse.gov.uk/offshore/shale-gas-planners.pdf)

124. Section 199 of Water Resources Act 1991: [www.legislation.gov.uk/ukpga/1991/57/contents](http://www.legislation.gov.uk/ukpga/1991/57/contents)

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

The HSE worked jointly with the EA on the regulation of shale oil and gas activity. This includes pre-commencement joint site visits as well as sharing knowledge and experience. The HSE has issued joint guidance with the EA relating to shale gas extraction and hydraulic fracturing<sup>125</sup>.

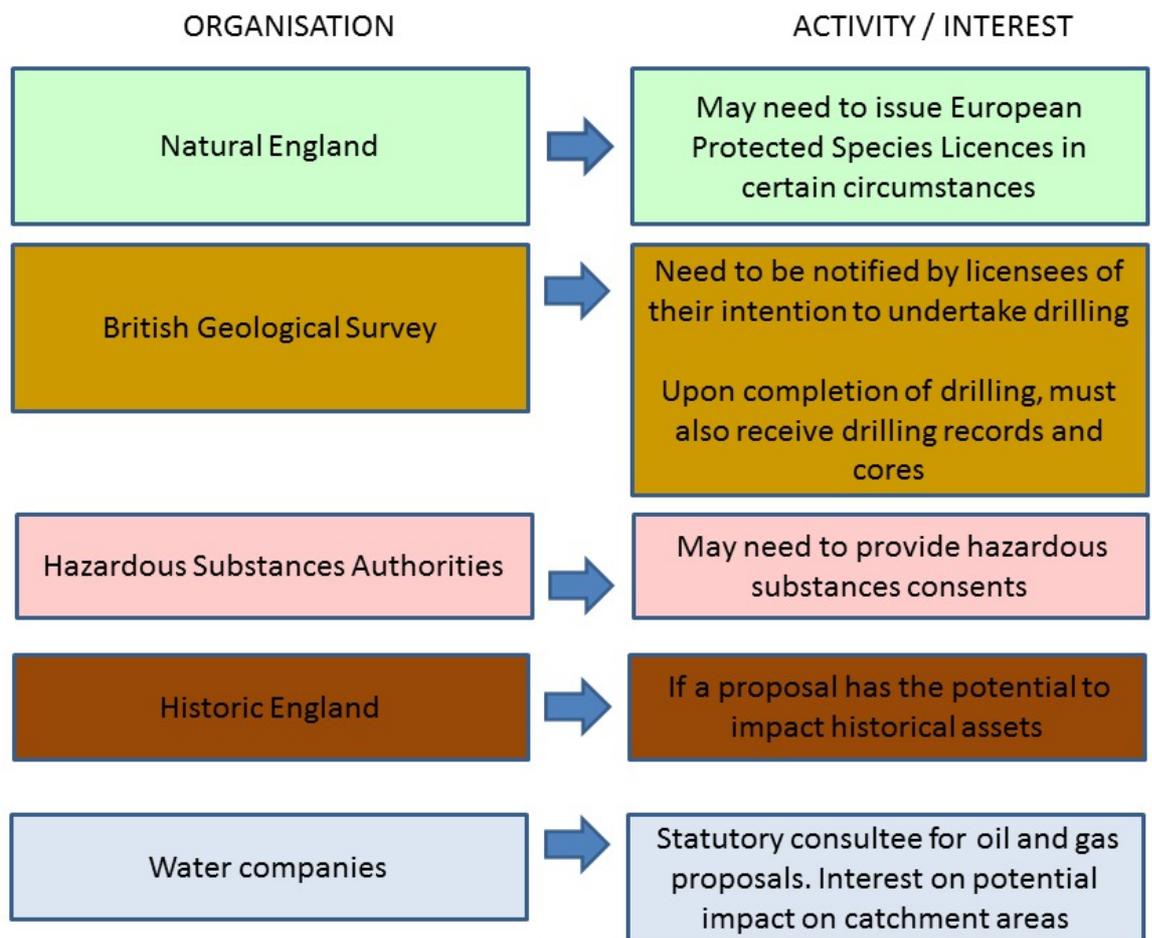
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125. The Environment Agency and the Health and Safety Executive: Working together to regulate unconventional oil and gas development: [www.hse.gov.uk/aboutus/howwework/framework/aa/hse-ea-oil-gas-nov12.pdf](http://www.hse.gov.uk/aboutus/howwework/framework/aa/hse-ea-oil-gas-nov12.pdf)

## Appendix 5: Role of other agencies

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

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



Source: Author - Hampshire Authorities, 2015

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

## Appendix 6: Issues which may be addressed by planning conditions

Conditions applied to planning permissions will be specific to each individual oil or gas proposal and can cover a variety of issues. Examples of the types of subjects conditions may cover for oil and gas development are included in the following table.

**It is important to note that this table is not an exhaustive list.** There may be instances where conditions which are not highlighted may be applied. The Hampshire Authorities can only apply conditions if they meet the test highlighted above. **The ticks in the table represent where a condition may be of relevance to one of the policies in the adopted Hampshire Minerals and Waste Plan (2013).**

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

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

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



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







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

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

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