

NFNP 492/16

NEW FOREST NATIONAL PARK AUTHORITY

AUTHORITY MEETING – 21 JANUARY 2016

ADOPTION OF SUPPLEMENTARY PLANNING DOCUMENTS FOR OIL AND GAS DEVELOPMENT, AND MINERALS AND WASTE SAFEGUARDING

Report by: Sarah Applegate, Senior Policy Officer

Summary

As a Minerals and Waste Planning Authority the New Forest National Park Authority has been working jointly over several years with partners Hampshire County Council, Southampton and Portsmouth City Councils on minerals and waste issues. The Hampshire Minerals and Waste Plan was adopted in September 2013 and provides an up to date minerals and waste planning policy framework for the whole of the National Park and the rest of Hampshire. Officers have prepared a number of Supplementary Planning Documents to provide additional information regarding how some of the policies in that Plan will be implemented. These relate specifically to consideration of planning applications for oil and gas development, and also how minerals and waste infrastructure and resources should be safeguarded from other forms of development. This report sets out the details of those supplementary planning documents and recommends their adoption.

Recommendations:

- 1. That the Oil and Gas Development in Hampshire Supplementary Planning Document, as outlined in appendix 1 of the report, is adopted as supplementary guidance for the Hampshire Minerals and Waste Plan.**
- 2. That the Minerals and Waste Safeguarding in Hampshire Supplementary Planning Document, as outlined in appendix 2 of the report, is adopted as supplementary guidance for the Hampshire Minerals and Waste Plan.**
- 3. That authority is delegated to the Executive Director of Strategy and Planning to make any minor amendments to the two Supplementary Planning Documents provided they do not change the substance of the document(s).**
- 4. That authority is delegated to the Executive Director of Strategy and Planning to undertake all necessary steps to secure the process of statutory adoption including the publication of formal notices on the adoption of the supplementary planning documents.**

1. Introduction

- 1.1 The New Forest National Park, as a Minerals and Waste Planning Authority (MWPA), has a statutory duty to prepare a plan to guide minerals and waste development in Hampshire. A Plan satisfying these requirements was prepared, publically examined and duly adopted by the Authority and Southampton City Council (SCC), Portsmouth City Council (PCC), Hampshire County Council, and the South Downs National Park Authority (SDNPA) in October 2013. This is known as the Hampshire Minerals and Waste Plan (HMWP), and forms part of the National Park Authority's Development Plan with the adopted Core Strategy.
- 1.2 The Plan provides policy guidance on planning for minerals and waste development in Hampshire to 2030 by protecting the environment, maintaining its communities, and supporting the economy of Hampshire and the New Forest. However, as part of the monitoring and implementation of the HMWP, it was clear that two areas would benefit from further guidance on the implementation of the adopted HMWP's policies. These areas relate to oil and gas development and minerals and waste safeguarding.
- 1.3 Local Planning Authorities can prepare supplementary planning documents (SPDs) to provide additional guidance on adopted policy. These documents are capable of being a material consideration in planning decisions but are not part of the development plan.
- 1.4 The intention of both of the SPDs is to provide additional guidance on the application and implementation of the policies in the HMWP. They do not contain any additional policies on safeguarding or oil and gas development, or amend any of the adopted policies in Minerals and Waste Plan.

Public consultation

- 1.5 The draft SPDs were subject to a 6 week public consultation which ran from 29 June to 7 August 2015. In line with the relevant legislation both SPDs were accompanied by a number of supporting documents including a full Integrated Sustainability Appraisal, a Habitats Regulation Assessment, and an Equalities Impact Assessment.
- 1.6 A total of 9,455 interested parties were consulted either by email or by post. Consultees included district and borough councils in Hampshire, minerals and waste industry representatives, local interest groups and surrounding mineral planning authorities.

2. Oil and Gas Development

- 2.1 Since the adoption of the Plan, the issue of oil and gas development and the potential for hydraulic fracturing ('fracking') has shown itself to be an issue of interest and concern to Hampshire communities. The HMWP contains a policy setting out what and where oil and gas development will be supported, or not (Policy 24). In line with national planning policy, Policy 24 confirms that oil and gas development will only be supported within the New Forest National Park in exceptional circumstances where the reasons for designation are not compromised. Due to the interest in this subject, the minerals and waste partner authorities considered that the development of a supplementary planning document on oil and gas development would provide greater clarity and certainty to

local communities and interested parties on issues associated with this type of development. This follows the Oil and Gas Development in Hampshire event, which took place in June 2014, and was attended by a range of statutory and local stakeholders. The SPD sets out the local expectations for oil and gas planning applications submitted in Hampshire.

- 2.2 A total of 28 responses were received on the draft Oil and Gas SPD. The majority of responses were from interest groups such as Friends of the Earth and Campaign for the Protection of Rural England (CPRE), statutory consultees and regulators such as the Environment Agency and the Health and Safety Executive, local planning authorities and parish councils from within Hampshire.
- 2.3 Some of the responses indicated that the document could be clearer in terms of explaining the role of the Minerals and Waste Planning Authorities in relation to oil and gas development, and how planning applications for hydraulic fracturing ('fracking') will be assessed. Amendments to the document were made to provide clarification, and it is attached at Appendix 1.

Oil and Gas licensing

- 2.4 On 17 December 2015, the Oil & Gas Authority (OGA) announced that a total of 159 blocks for onshore petroleum licences were formally offered to successful applicants under the 14th Onshore Oil and Gas Licensing Round.
- 2.5 Each of these 159 blocks was analysed and assessed in accordance with the requirements of the Conservation of Habitats and Species Regulations 2010. None of these 159 blocks are within close proximity to the National Park. The closest licence to the National Park has been awarded to South Western Energy Ltd and lies to the west of Bournemouth Airport in Dorset, which covers an extensive area much further west towards land north of Dorchester.
- 2.6 These licences do not automatically give permission for operations to begin. The necessary planning applications and regulatory consents are still required before any development can take place. The National Park Authority itself will determine any future applications for oil and gas development on sites within the National Park, with our neighbouring minerals planning authorities (Dorset, Wiltshire and Hampshire) being the respective authorities for any applications submitted for sites outside the Park.
- 2.7 The Government has since confirmed that hydraulic fracturing development at least 1200 m below the surface of national parks will be permissible, where the associated infrastructure is located outside the National Park boundary. However, even in these circumstances, adjoining authorities will need to consider the impact on the national park when determining any related planning applications for the above ground infrastructure.

3. Minerals and Waste Safeguarding

- 3.1 Minerals are a non-renewable resource and can only be worked where they are found. A large part of Hampshire is underlain by mineral deposits, such as sand and gravel, which may be required to meet the future needs of the local community for construction

materials. Allowing new building and other development to take place on top of these mineral deposits could mean they are lost, limiting their supply. In addition, the introduction of other new activities (such as housing) may be incompatible in an area where existing minerals and waste sites are located. Safeguarding helps to protect Hampshire's viable mineral resources.

- 3.2 A total of 30 responses were received in relation to the draft Safeguarding SPD. The majority of responses were from local planning authorities, minerals and waste industry representatives, and parish and town councils from within Hampshire.
- 3.3 Respondee generally felt that the SPD provided clear guidance on when to engage with the relevant Minerals and Waste Planning Authority and the appropriate information to accompany any planning application. More detailed responses on technical aspects of the document covered a number of issues including the following:
- Need justification relating to why safeguarding is only applied to sites of 3 hectares or larger
 - Need to raise awareness of the issue of safeguarding with developers
 - Identify the impact of the physical characteristics of the site on the quantity of material that can be prior extracted
 - Set out more guidance for developers
 - More emphasis on the viability of the mineral
- 3.4 Where appropriate, amendments were made to the document to reflect responses, especially for clarification purposes. The document is attached at Appendix 2.

4. Conclusions

- 4.1 If the documents are adopted, an adoption statement will be published and the supplementary planning documents will sit alongside the adopted Hampshire Minerals and Waste Plan, providing guidance on the implementation of specific policies within the Plan. Although the two documents will not form part of the development plan they will be capable of being a material consideration in planning decisions in, and around, the National Park.

Recommendations

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- 4. That authority is delegated to the Executive Director of Strategy and Planning to undertake all necessary steps to secure the process of statutory adoption including the publication of formal notices on the adoption of the supplementary planning documents.**

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Papers: **NFPA 492/16**
Appendix 1 – Oil and Gas Development in Hampshire
Appendix 2 – Minerals and Waste Safeguarding in Hampshire

Equality Impact Assessment: The SPDs do not contain any additional policies. The SPDs provide guidance on the implementation of the policies of the adopted Hampshire Minerals & Waste Plan. As a result, it is considered that the documents have a low if not no impact on all groups.