

# Cabinet

## DOCUMENTS FOR THE MEMBERS ROOM

Tuesday, 16th February, 2016  
at 4.30 pm

MEMBERS ROOM DOCUMENTS ATTACHED TO THE  
LISTED REPORTS

### Contacts

Cabinet Administrator

Judy Cordell

Tel: 023 8083 2766

Email: [judy.cordell@southampton.gov.uk](mailto:judy.cordell@southampton.gov.uk)

# MEMBERS ROOM DOCUMENTS

## 7 MINERALS AND WASTE SAFEGUARDING AND OIL AND GAS SUPPLEMENTARY PLANNING DOCUMENTS □ (Pages 1 - 96)

- Oil and Gas Development in Hampshire and Minerals and Waste Safeguarding in Hampshire, Supplementary Planning Documents

Monday, 8 February 2016

SERVICE DIRECTOR, LEGAL AND GOVERNANCE

# Oil & Gas Development in Hampshire and Minerals & Waste Safeguarding in Hampshire

## Supplementary Planning Documents



### *Summary Report of Consultation Responses*

October 2015

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## Executive Summary

### Introduction

- 1 Hampshire County Council, Southampton City Council, Portsmouth City Council and the New Forest National Park Authority (the 'Hampshire Authorities') are preparing Supplementary Planning Documents (SPDs) on minerals and waste safeguarding and oil and gas development.
- 2 The Hampshire Minerals and Waste Plan (adopted October 2013) (HMWP) contains robust policies on:
  - Safeguarding mineral resources;
  - Safeguarding minerals infrastructure;
  - Safeguarding waste infrastructure;
  - Safeguarding potential minerals and waste wharf and rail depot infrastructure; and
  - Oil and gas development.
- 3 The SPDs will assist with the effective implementation of the HMWP policies.

### Minerals and waste safeguarding

- 4 The draft Minerals and Waste Safeguarding in Hampshire SPD sets out in further detail what minerals and waste safeguarding is and why it is important. It aims to provide clear guidance on the implementation of the safeguarding policies and improve the way the Hampshire Authorities work with other local planning authorities (districts and boroughs), developers and other interested parties on this issue.

### Oil and gas development

- 5 The draft Oil and Gas Development in Hampshire SPD seeks to provide greater clarity and certainty on issues associated with oil and gas development in Hampshire. The SPD will set out the local expectations for oil and gas planning applications submitted and provides guidance on the implementation of the HMWP policies in relation to oil and gas.

### Purpose of the Consultation

- 6 In order to make sure that the SPDs contain the right level of guidance and that this is communicated in the most effective manner, the Hampshire Authorities produced draft SPDs and made them available for comment by interested parties.
- 7 The consultation commenced on Monday 29<sup>th</sup> June 2015 and closed on Friday 7<sup>th</sup> August 2015.
- 8 The draft SPDs were accompanied by the following supporting documents which were also available for comment:
  - Oil & Gas Development in Hampshire: Background Study;

- Integrated Sustainability Appraisal Report;
- Habitats Regulation Assessment; and
- Equality Impact Assessment.

9 An event was also held to discuss the content and approach set out in the Minerals & Waste Safeguarding SPD with interested parties such as local planning authorities, minerals and waste operators, consultants, developers and Mineral and Waste Planning Authorities. A summary of the outcomes of the event are included in Section 7.

### **Who was consulted?**

- 10 A total of 9,455 interested parties were consulted either by email (5,989 – 63%) or by post (3,466 – 37%).
- 11 Consultees included district and borough councils in Hampshire, minerals and waste industry representatives, local interest groups and surrounding mineral planning authorities.

### **Summary of Responses (Oil & Gas)**

- 12 A total of 28 responses were received in relation to the draft Oil and Gas SPD.
- 13 The majority of responses were received via email and 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.
- 14 The key issues raised are outlined under 'Key Issues'.

### **Summary of Responses (Safeguarding)**

- 15 A total of 30 responses were received in relation to the draft Safeguarding SPD.
- 16 The majority of responses were received via email and from local planning authorities, minerals and waste industry representatives, and parish and town councils from within Hampshire.
- 17 The key issues raised are outlined under 'Key Issues'.

### **Summary of Responses (Supporting documents)**

- 18 Thirteen responses were received regarding the supporting documents. None of the comments required a response from the Hampshire Authorities or a change to documents or SPDs.

## Summary of Safeguarding Event

- 19 An event was organised as part of the consultation on the draft Safeguarding SPD and was held on 21 July 2015. The event provided an opportunity for interested parties to learn more about safeguarding and discuss how it takes place on the ground.
- 20 The main purposes of the event were to:
- highlight the key issues, importance and benefits of safeguarding in Hampshire; and
  - provide an opportunity to discuss minerals and waste safeguarding in practice to ensure that safeguarding is not an obstacle to development.
- 21 The outcomes of the event will feed into the finalisation of the SPD.

## Key Issues

- 22 This section identifies the key issues that require addressing in the final SPDs.

### *Oil & Gas*

- A review of SPD is required to ensure that the content of the SPD is communicated effectively to all interested parties.
- Reference is made to Policy 2 (Climate change - mitigation and adaptation) in how it relates to proposed oil and gas development but the issue of national supply is not dealt with within the guidance document.
- It was suggested that certain methods or processes of engagement should be undertaken if an oil or gas planning application was submitted.
- The fact that water companies are statutory consultees should be made clearer.
- The role and special qualities of AONBs should be highlighted.
- References to Historic Landscape Character Area should be included.
- Further clarification is required in relation to oil and gas development taking place beneath National Parks, the risk of water turbidity problems caused by drilling, use of sustainable drainage systems and when Environmental Permits are required.
- The need for Comprehensive Risk Assessments and Flood Risk Assessments, where necessary, should be highlighted.
- Consideration of amenity impacts were raised by some consultees and these are addressed within the SPD which supports Policy 10 (Protecting public health, safety and amenity) of the HMWP.
- Additional information will be provided on the role of the Health & Safety Executive, the Environment Agency.
- Information on material considerations should be included.
- Consideration needs to be given to oil and gas networks and existing infrastructure, notably Fawley Refinery.

### *Safeguarding*

- Further justification is required on the minimum 3 hectare site size.
- Additional reference should be made in relation to safeguarding infrastructure.



- Clarification should be given on procedures for when insufficient information is provided by applicants.
- A suggestion that the guidance set out in the SPD should be included as policy within all local plans was made.
- Recommendations were made for a simple chart for local planning authorities for quick and easy reference and that minerals information be added to validation requirements.
- The need for case-by-case checks with regard to substantial existing development should be highlighted.
- Further clarification is required where local knowledge of resources exists, application of the Mineral Consultation Area and consultation across waterbodies.
- Further justification is required in relation to the safeguarding buffers suggested and terminology used.
- There should be the inclusion of the results of safeguarding policies in the Hampshire Authorities' Monitoring Report.
- A request was made for a policy on wastewater treatments.
- Reference should be made to the Hampshire Authorities' up-to-date safeguarding list on the HCC website.
- Further clarification is required on the scale of potential prior extraction, the need to recognise strategic development issues and the difference between the Mineral Safeguarding Area and Minerals Consultation Area.
- Malmstone may need to be considered for safeguarding the future.
- It was felt that the guidance is currently geared towards local planning authorities and there should be more guidance for developers.
- Further emphasis should be placed on the viability of mineral and this should be linked to the need of operators.
- Request that the SPD should include a provision that all non-minerals developments in Inset 5 (Whitehill Bordon) are referred to the Secretary of State for resolution.

## **Next Steps**

- 23 The responses received during the consultation, including the safeguarding event, will be taken into consideration during the revisions and finalisation of the draft SPDs.
- 24 Once finalised, the SPDs will taken forward for adoption by the Hampshire Authorities which is anticipated to take place during winter 2015.

## Acronyms

<b>ABP:</b>	Associated British Ports
<b>AONB:</b>	Area of Outstanding Natural Beauty
<b>BGS:</b>	British Geological Survey
<b>CIL:</b>	Community Infrastructure Levy
<b>CPRE:</b>	Campaign for the Protection of Rural England
<b>EA:</b>	Environment Agency
<b>EIA:</b>	Environmental Impact Assessment
<b>HCC:</b>	Hampshire County Council
<b>HLCA:</b>	Historic Landscape Character Area
<b>HLM:</b>	Hallam Land Management Ltd
<b>HMWP:</b>	Hampshire Minerals & Waste Plan
<b>HRA:</b>	Habitats Regulation Assessment
<b>HSE:</b>	Health & Safety Executive
<b>LPA:</b>	Local Planning Authority
<b>MCA:</b>	Minerals Consultation Area
<b>MPA:</b>	Mineral Planning Authority
<b>MSA:</b>	Mineral Safeguarding Area
<b>MWCA:</b>	Mineral & Waste Consultation Area
<b>MWPA:</b>	Minerals and Waste Planning Authority
<b>NPPF:</b>	National Planning Policy Framework
<b>PCPA:</b>	Planning & Compulsory Purchase Act
<b>SCI:</b>	Statement of Community Involvement
<b>SPD:</b>	Supplementary Planning Document
<b>SPZ:</b>	Source Protection Zone
<b>SRN:</b>	Strategic Road Network
<b>UK:</b>	United Kingdom
<b>UKOOG:</b>	UK Onshore Oil & Gas
<b>WFD:</b>	Water Framework Directive
<b>WinACC</b>	Winchester Action on Climate Change

## 1. Introduction

- 1.1 Hampshire County Council, Southampton City Council, Portsmouth City Council and the New Forest National Park Authority (the 'Hampshire Authorities') are preparing Supplementary Planning Documents (SPDs) on minerals and waste safeguarding and oil and gas development.
- 1.2 The Hampshire Minerals and Waste Plan (adopted October 2013) contains, amongst others, robust policies on:
- Safeguarding mineral resources (Policy 15);
  - Safeguarding minerals infrastructure (Policy 16);
  - Safeguarding waste infrastructure (Policy 26);
  - Safeguarding potential minerals and waste wharf and rail depot infrastructure (Policy 34); and
  - Oil and gas development (Policy 24).
- 1.3 The SPDs will assist with the effective implementation of the HWMP policies. As a guidance document, the SPDs will be a material consideration in decision-making, once adopted.

### **Minerals and waste safeguarding**

- 1.4 In Hampshire, minerals and waste safeguarding is a very important issue. Non-minerals-or-waste development can needlessly 'sterilise' mineral resources (make them inaccessible for extraction) or prejudice the operation of existing or proposed minerals or waste management sites. This can be either:
- directly, for example by building over land that contains minerals; or
  - indirectly, through the introduction of sensitive land uses in close proximity to these resources or sites.
- 1.5 Minerals and waste safeguarding is the process through which these various potential issues are avoided.
- 1.6 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.
- 1.7 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.

- 1.8 Safeguarding also helps to protect important infrastructure which is essential to Hampshire's supply of minerals and waste management requirements both now and in the future. Safeguarding is not intended to prevent development. It allows for the effective consideration of potential impacts and helps to ensure that non-minerals-or-waste developments are appropriately located and designed.
- 1.9 The Minerals and Waste Safeguarding in Hampshire SPD (hereafter referred to as the 'Safeguarding SPD') has been produced to identify where particular care is needed to prevent the unnecessary sterilisation of sand and gravel resources or encroachment of existing minerals or waste sites by non-minerals-or-waste development.
- 1.10 It is the responsibility of the minerals and waste planning authorities (MWPAs) to determine minerals and waste planning applications, as well as prepare minerals and waste policy (including policies on minerals and waste safeguarding). Developers can submit non-minerals-or-waste planning applications and it is Hampshire's other local planning authorities (LPAs) (district and borough councils) that make decisions on these developments.
- 1.11 The SPD suggests ways in which the MWPAs, developers and LPAs can work together to protect the resources and sites in safeguarded areas.
- 1.12 The purpose of the SPD is to provide guidance on the implementation of the safeguarding policies in the Hampshire Minerals & Waste Plan which sets out the following:
- How the Hampshire Authorities and Hampshire's LPAs can work constructively to ensure minerals and waste issues are taken into account as appropriate during the preparation of Local Plans;
  - How the Hampshire Authorities and Hampshire's LPAs can work constructively to ensure minerals and waste issues are taken into account as appropriate during the determination of planning applications for non-minerals-or-waste developments;
  - Guidance on what issues LPAs should consult the MWPA on in relation to minerals resources and minerals and waste infrastructure safeguarding;
  - The information used to determine Hampshire's Minerals Safeguarding Area (MSA) and allocated mineral development and waste management sites, as set out in the HMWP;
  - The agreed process for consultation with the MWPA by LPAs with regard to minerals and waste issues; and
  - Guidance to developers of non-minerals-or-waste developments on how the issues of safeguarding can best be addressed.

## Oil and Gas Development

- 1.13 Oil and gas (also known as 'hydrocarbons') play a central role in the United Kingdom's (UK) economy as they are primary sources of energy. Government energy policy makes it clear that energy supplies should come from a variety of sources including oil and gas. The whole of Hampshire's communities and economy require oil or gas in one way or another. However, oil and gas are both finite natural resources which are being increasingly depleted through our domestic, business and industrial requirements. These factors, in addition to volatile energy prices, have resulted in energy security becoming a focus for national policy. Accordingly, there is a national and local need to sustainably secure oil and gas resources.
- 1.14 '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 form in reservoirs. Although the conventional oil and gas reservoirs are usually underlying shale, conventional extraction does not include shale oil or gas. Oil and gas extracted from shale is often referred to as 'unconventional' and refers to the type of rock in which it is found. It is found where oil and gas has become trapped within the shale rock itself and has not formed conventional reservoirs. Natural gas, like many other commodities can be stored for an indefinite period of time in gas storage facilities for later consumption.
- 1.15 In Hampshire, conventional oil exploration, appraisal and production has been taking place for a number of years. This has resulted in the location of three active oil fields located at Humbly Grove near Alton, Stockbridge and Horndean where the production of oil is currently taking place. Underground gas storage also takes place at Humbly Grove.
- 1.16 Since the adoption of the Plan, oil and gas development has emerged as an issue of great interest to Hampshire's communities and other interested parties, in particular with regard to the potential for unconventional oil and gas development including hydraulic fracturing ('fracking'). Hampshire's geology means that any potential for unconventional resources lies with shale and no other form of unconventional oil or gas.
- 1.17 The Oil and Gas Development in Hampshire SPD (hereafter referred to as the 'Oil and Gas SPD') does not contain any further policies and only relates to shale as an unconventional resource.
- 1.18 The SPD includes a description of the:
- relevant planning policy guidance for oil and gas development in Hampshire;
  - issues related to planning applications for oil and gas development; and
  - other technical guidance on oil and gas issues in the Plan area.

## 2. Purpose of the Consultation

- 2.1 In order to ensure that the SPDs contain the right level of guidance and communicate this in the most effective manner, the Hampshire Authorities made the draft SPDs available for comment.

### Consultation Arrangements

- 2.2 The consultation commenced on Monday 29th June 2015 and closed on Friday 7th August 2015.
- 2.3 The SPDs were accompanied by the following supporting documents which were also available for comment:
- Oil & Gas Development in Hampshire: Background Study<sup>1</sup>;
  - Integrated Sustainability Appraisal Report<sup>2</sup>;
  - Habitats Regulation Assessment<sup>3</sup> and
  - Equality Impact Assessment<sup>4</sup>.
- 2.4 The SPDs and supporting documents were all made available to view on the HCC website<sup>5</sup>.
- 2.5 The documents were accompanied by a response form as well as a 'snap' survey service which was an online questionnaire. The response form and survey focused on the consultation questions set out in each of the draft SPDs.
- 2.6 The documents were also available for viewing at the following locations:
- Hampshire Authorities offices; and
  - Hampshire libraries (including Verwood library) and Discovery Centres.
- 2.7 An event was also held on Minerals and Waste Safeguarding on the 21st July 2015 as part of the consultation on the Safeguarding SPD. This was a focused event with delegates including industry representatives and operators, LPAs, other MWPA's, consultants/agents as well as other interested parties.
- 2.8 The event was a forum for discussing the content and approaches set out in the draft SPD. The points raised at the event are outlined in the event summary report which is available (along with the presentations) on the HCC website<sup>6</sup>. The summary of the points raised at the event are set out in this Report (see Section 7).

1. Oil & Gas in Hampshire - Background Study: <http://documents.hants.gov.uk/mineralsandwaste/consultation-2015/OilandGasDevelopmentinHampshireBackgroundStudyv1June2015.pdf>

2. Integrated Sustainability Appraisal Report: <http://documents.hants.gov.uk/mineralsandwaste/consultation-2015/IntegratedSustainabilityAppraisalReport.pdf>

3. Habitats Regulation Assessment: <http://documents.hants.gov.uk/mineralsandwaste/consultation-2015/HMWPSPDHabitatsRegulationsAssessmentJune2015v1.pdf>;

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

5. SPD Consultation: [www.hants.gov.uk/spd-consultation-2015](http://www.hants.gov.uk/spd-consultation-2015)

6. Safeguarding Event: [www.hants.gov.uk/safeguarding-event-2015.htm](http://www.hants.gov.uk/safeguarding-event-2015.htm)

- 2.9 An advert was placed in a local newspaper (the Hampshire Independent) and social media was also used, where appropriate, to increase awareness of the consultation.

### 3. Who was consulted?

- 3.1 The purpose of both SPDs is to provide guidance on the implementation of the relevant policies contained within the HMWP. As such, the documents are aimed at those that will have an interest in minerals and waste. Therefore, the following interested parties were notified of the consultation:
- district and borough councils in Hampshire;
  - surrounding (and other) mineral and waste planning authorities;
  - county councillors and members;
  - Hampshire members of parliament;
  - Hampshire parish and town councils;
  - minerals and waste operators and industry representatives;
  - local interest groups (including Friends of the Earth, Winchester Action on Climate Change (WinACC) and Frack Free Solent);
  - statutory consultees (including Natural England, Historic England and Environment Agency); and
  - Hampshire residents and businesses that have previously expressed an interest in minerals and waste issues.
- 3.2 A total of 9,455 interested parties were consulted either by email (5,989 – 63%) or by post (3,466 – 37%).
- 3.3 A duty to co-operate statement<sup>7</sup> has been compiled as part of the SPD preparation process.

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7. Duty to Cooperate Statement: <http://www3.hants.gov.uk/mineralsandwaste/planning-policy-home.htm>



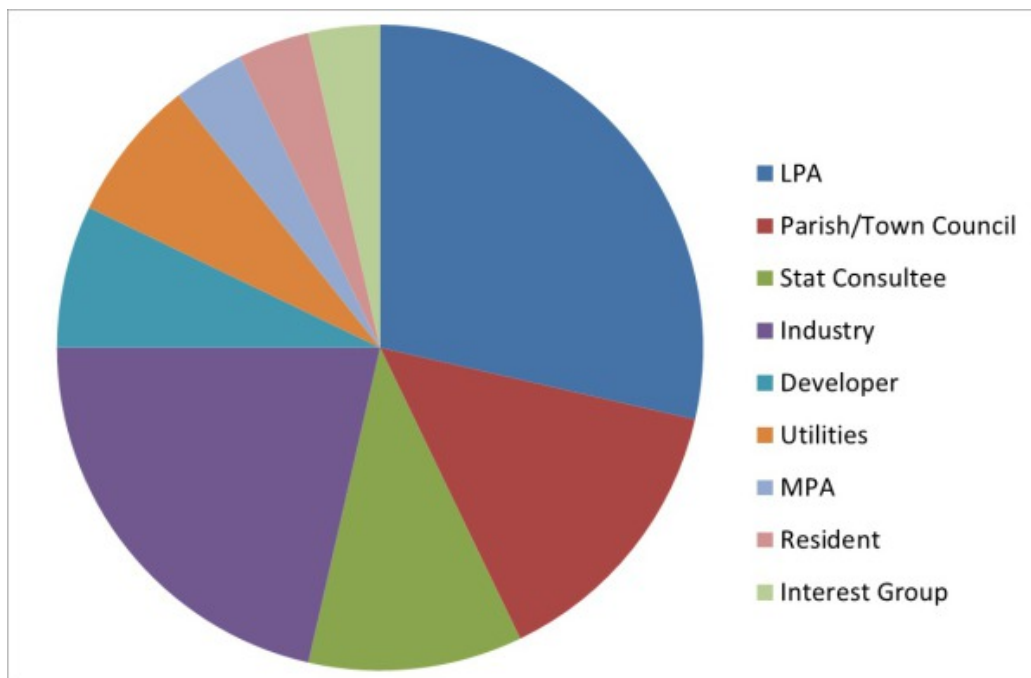
## 4. Summary of Responses (Oil & Gas)

4.1 A total of 28 responses were received in relation to the draft Oil and Gas SPD.

4.2 The majority of the responses received were from:

- interest groups such as Friends of the Earth, Campaign for the Protection of Rural England (CPRE) and Frack Free Solent;
- statutory consultees and regulators such as the Environment Agency and Health and Safety Executive;
- local planning authorities; and
- parish or town councils from within Hampshire (see Figure 1).

Figure 1: Type of respondent



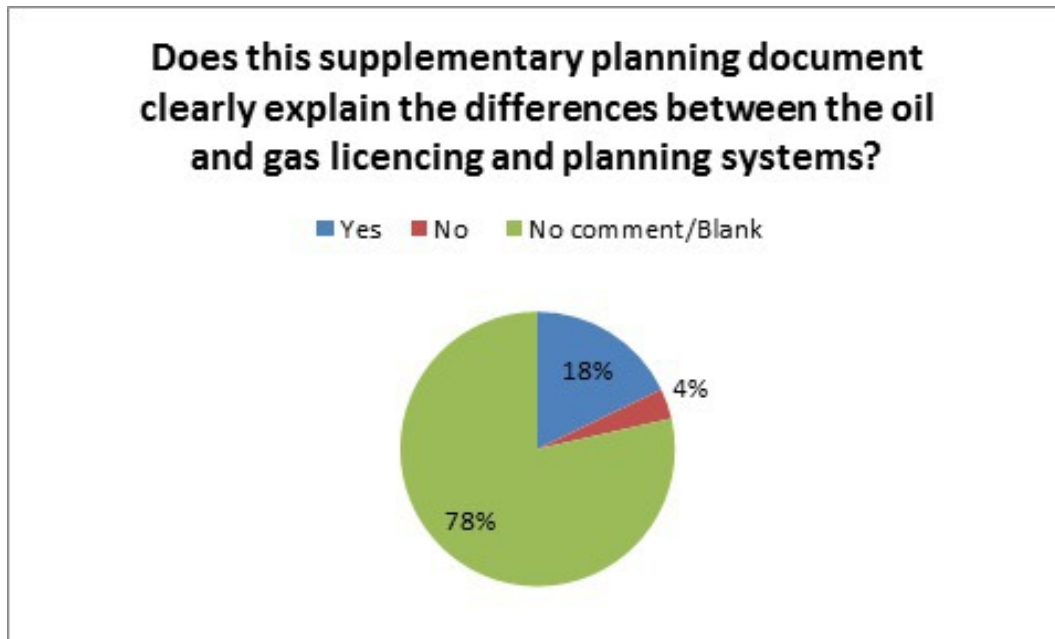
4.3 Most of the responses were received by email (22), one was received by letter and a further five were submitted via 'snap survey' which is an on-line questionnaire.

4.4 The remainder of this chapter analyses the responses received in relation to the consultation questions posed by the Hampshire Authorities.

### **Does this SPD clearly explain the differences between the oil and gas licencing and the planning system?**

4.5 Figure 2 demonstrates that of the six consultees that commented on this question the majority (18%) felt that the draft SPD clearly explained the difference between licencing and the planning system.

Figure 2: Question 1



- 4.6 Table 1 sets out the comments made in regard to the clarity of the information presented.

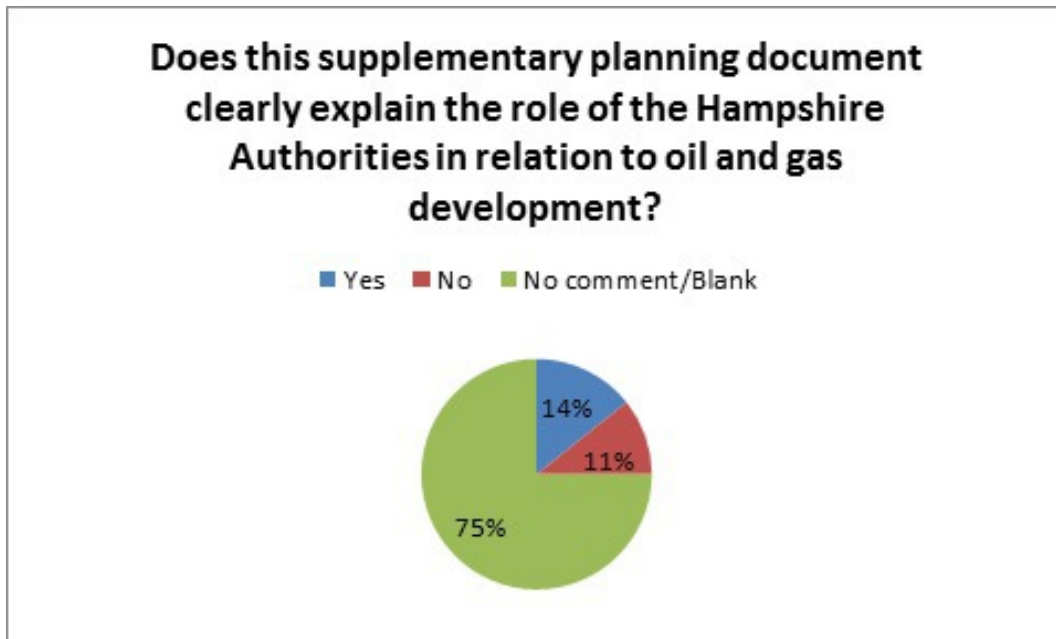
Table 1: Question 1 Responses

Consultee	Comment	Hampshire Authorities' Response
Frack Free Solent	It is in officialese and not clear to ordinary people.	The Hampshire Authorities are keen to ensure that the content of the SPD is communicated clearly to all interested parties including local residents. As such, the content will be reviewed to see if the technical content can be communicated more effectively.
Portsmouth Water	No comment.	Noted.

### **Does this SPD clearly explain the role of the Hampshire Authorities in relation to oil and gas development?**

- 4.7 Figure 3 highlights the divide in opinion on whether the role of the Hampshire Authorities is clearly explained in the draft SPD.

Figure 3: Question 2



4.8 The consultees that felt that the draft SPD was not clear were all interest groups. Those that thought it was clear were other local planning authorities. Table 2 outlines the issues raised by the respondents. The issues are predominately related to the concept and requirement for oil, gas and "fracking" as well as the national energy supply and policy context rather than the specific role of the Hampshire Authorities in processing applications.

Table 2: Question 2 Responses

Consultee	Comment	Hampshire Authorities' Response
Frack Free Solent	It allows county councillors to do what they want with regard to fracking never mind what local people want or think / I am a member of Frack Free Solent and we have made it clear what we think and we are being ignored.	The SPD has been prepared to provide additional guidance on the implementation of policies of the adopted Hampshire Minerals and Waste Plan for oil and gas development (conventional and unconventional) proposals. All planning applications would be considered on a case-by-case basis and against the policies of the adopted plan. In the event that a proposal is received, local communities and interested parties will be consulted on proposals in line with the relevant Hampshire Authorities' Statement of Community Involvement.

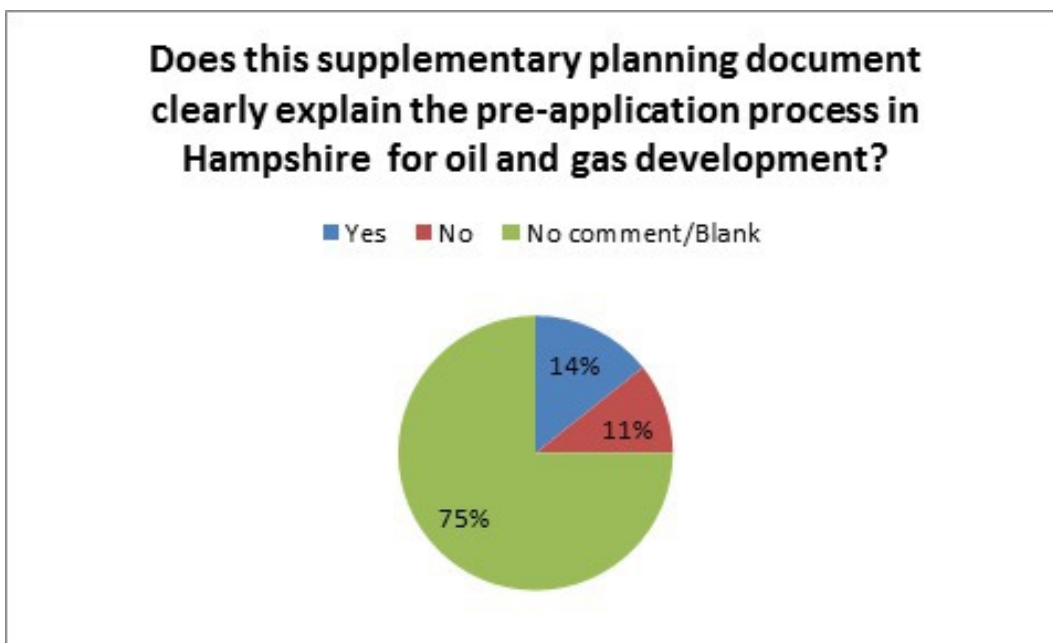
Test Valley Friends of the Earth	<p>Climate Change Paragraph 1.29 states that the following “Hampshire Waste and Mineral Plan (HMWP) policies are relevant to this HMWP Supplementary Planning Document (SPD)..... “Policies 2 (Climate change mitigation and adaptation)”.</p> <p>2.1. We welcome paragraph 6.55 on Climate Change. However, we are concerned that this SPD does not clearly fully set out the relevant policy context and the Hampshire Authorities role in relation to it, as there is a need to set out climate change commitments with regard to energy policy. “Fracking may result in unavoidable environmental impacts even if unconventional gas is extracted properly, and more so if done inadequately. Furthermore, increased extraction and use of unconventional gas is likely to be detrimental to efforts to curb climate change” (UN Environment Program)[1]</p> <p>[1] UNEP (2012) ‘Gas fracking: can we safely squeeze the rocks?’ <a href="http://www.unep.org/pdf/UNEP-GEAS_NOV_2012.pdf">http://www.unep.org/pdf/UNEP-GEAS_NOV_2012.pdf</a></p>	<p>The adopted Hampshire Minerals and Waste Plan includes policies relating to these issues. These policies will be used to determine any proposal for oil and gas. The SPD provides further guidance on these policies in relation to oil and gas proposals. It is not the role of an SPD to repeat adopted policy. If adopted, the SPD would sit alongside the adopted Plan. The adopted HMWP considers the issues of sustainable development in more detail. The SPD is focused on providing guidance on the implementation of the adopted HMWPs policies in the event that an oil or gas proposal is received. It does not relate to the issues of energy supply which is a matter addressed in national policy.</p>
CPRE Hampshire	<p>The introduction sets out the case for the ‘need’ for oil and gas, without considering the budgets set out in law in the Climate Change Act 2008 on the need to reduce carbon emissions. Fossil fuels, as the local authority is well aware, are primary contributors to greenhouse gas emissions. You state in your SPD that “the UK is increasingly reliant on oil and gas minerals”, however you refer to no evidence to support this, nor is this properly contextualised with the commitments to reduce reliance on fossil fuels (para 1.2). This year, the global talks on climate change and the reduction of emissions from fossil fuels are taking place, and yet this document sets out a business as usual, or even ‘more business as usual’ approach. This is not ‘sustainable development’. Please refer to the five principles of sustainable development set out at the beginning of the National Policy Framework, and particular the need to recognise ‘environmental limits’.</p> <p>Nor should a planning document that does not undergo proper testing and examination through a local plan process assume need as it does at paragraph 1.2. Instead this SPD should focus on supplementing national and local plan policy with the detail of local considerations. You are well aware that oil and gas developers will make the case for need to override local and national environmental considerations, and you should ensure that the SPD instead takes a more nuanced approach, allowing decisions to be made on their merits rather than pre-judged. Nor should an unmitigated need case be set out without consideration of the other spatial priorities for protected areas within the local authority area. This is simply misleading for both developers and communities, as well as risking conflict and delay during the planning process.</p> <p>We would remind the local planning authority that the UK onshore operators group, referenced throughout the SPD,</p>	<p>The adopted HMWP considers the issues of sustainable development in more detail. The SPD is focused on providing guidance on the implementation of the adopted HMWPs policies in the event that an oil or gas proposal is received. It does not relate to the issues of energy supply which is a matter addressed in national policy.</p> <p>The adopted HMWP considers the issues of sustainable development in more detail. The SPD is focused on providing guidance on the implementation of the adopted HMWPs policies in the event that an oil or gas proposal is received. It does not relate to the issues of energy supply which is a matter addressed in national policy.</p> <p>The SPD does not refer to UKOOG in this context.</p>

	are not experts on environmental impacts, nor are they independent.	
	We would suggest that it should be clear that developments may be found unacceptable in order for this SPD to be credible.	Section 7 relates to the decision making process. This reflects the wording of the adopted Plan.
Portsmouth Water	No comment.	Noted.

### Does this SPD clearly explain the pre-application process in Hampshire for oil and gas development?

4.9 Figure 4 shows that there is a difference in views on whether the draft SPD clearly explains the pre-application process. Interest groups felt that the pre-application process was not clearly explained. Those that thought the process was clearly explained included a parish council, local planning authority and mineral planning authority.

Figure 4: Question 3



4.10 Table 3 sets out the comments made in relation to how the pre-application process is explained.

Table 3: Question 3 Responses

Consultee	Comment	Hampshire Authorities' Response
Frack Free Solent	Officialese again.	The Hampshire Authorities are keen to ensure that the content of the SPD is communicated clearly to all interested parties including local residents. As such, the content will be reviewed to see if the technical content can be communicated more effectively.
Basingstoke & Deane	In terms of potential planning applications that may be	The term 'Local Planning Authority' is meant to include local borough and district councils in this context.

Borough Council	<p>forthcoming for oil and gas related proposals in Hampshire, it is noted that the document advises of the requirement for early pre-application consultation with communities and relevant stakeholders. It is suggested that this should clearly emphasise the requirement to liaise with the relevant District or Borough Council at an early stage, in addition to the Local Planning Authority (Hampshire County Council in respect of the Basingstoke and Deane Borough). This will provide the opportunity to understand and influence the proposal before the detail is fully worked up.</p>	<p>The relevant Hampshire Authority is described as the 'Mineral Planning Authority'. As this is causing confusion, this will be made clearer in the document. The Borough Council will be consulted on any proposal which impacts its administrative area in line with the provisions of the adopted Hampshire Statement of Community Involvement.</p>
Test Valley Friends of the Earth	<p>3.1 We welcome the acknowledgement of the importance of community engagement in the pre-application planning.</p>	<p>Noted. The issue of public consultation is taken into consideration in more detail in each of the Hampshire Authorities' adopted Statement of Community Involvement. More information on these can be found on the following webpage: <a href="http://www.hants.gov.uk/sci-2.htm">www.hants.gov.uk/sci-2.htm</a>.</p>
	<p>3.2 In addition, we suggest that commitment to public participation (paragraph 6.179) should state the local council's commitment to invite presentations from community representatives when unconventional oil and gas applications are under consideration. It should also commit to informing via email all those who have requested to be kept up to date (paragraph 6.185). The planning authority should also suggest that local public meetings are held during the consultation to discuss the application (paragraph 7.5).</p>	<p>Noted. The issue of public consultation is taken into consideration in more detail in each of the Hampshire Authorities' adopted Statement of Community Involvement. More information on these can be found on the following webpage: <a href="http://www.hants.gov.uk/sci-2.htm">www.hants.gov.uk/sci-2.htm</a>. Public meetings are one of the methods identified for communicating information within the consultation period.</p>
	<p>3.3 In particular the officer's report must demonstrate how due regard has been taken of all consultation responses in a transparent manner.</p>	<p>Noted. The issue of public consultation is taken into consideration in more detail in each of the Hampshire Authorities' adopted Statement of Community Involvement. More information on these can be found on the following webpage: <a href="http://www.hants.gov.uk/sci-2.htm">www.hants.gov.uk/sci-2.htm</a>.</p>
	<p>3.4 Speaking at planning committee (paragraph 6.185) should include a commitment to ensure that every effort will be made to ensure concerned residents have an opportunity to respond.</p>	<p>Noted. The issue of public consultation is taken into consideration in more detail in each of the Hampshire Authorities' adopted Statement of Community Involvement. More information on these can be found on the following webpage: <a href="http://www.hants.gov.uk/sci-2.htm">www.hants.gov.uk/sci-2.htm</a>.</p>
	<p>3.5 Paragraph 6.179 of the SPD encourages public consultation but fails to highlight the need for independence and transparency.</p>	<p>Noted. The issue of public consultation is taken into consideration in more detail in each of the Hampshire Authorities' adopted Statement of Community Involvement. More information on these can be found on the following webpage: <a href="http://www.hants.gov.uk/sci-2.htm">www.hants.gov.uk/sci-2.htm</a>.</p>

	<p>3.6 Paragraph 6.25 of the SPD fails to make clear that a 21-day consultation on the Environmental Statement is the absolute minimum necessary (as made clear by the Town &amp; Country Planning (Environmental Impact Assessment) Regulations 2011). Where environmental statements are comprehensive, considerably greater periods of time may be necessary both to ensure compliance with the Environmental Impact Assessment Directive (2011/92) and to ensure consultation.</p>	<p>Noted. The issue of public consultation is taken into consideration in more detail in each of the Hampshire Authorities' adopted Statement of Community Involvement. More information on these can be found on the following webpage: <a href="http://www.hants.gov.uk/sci-2.htm">www.hants.gov.uk/sci-2.htm</a>. The SCI includes consideration of access to information and communicating with hard to reach groups. HCC is required to consult on planning applications for a minimum of 21 days as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2012. HCC applies this minimum requirement but extends it to a minimum of 28 days. It is important to note that the Minerals and Waste Planning Authority have a duty to determine proposals within fixed timescales. Consultation responses form part of this period. Responses received outside of the consultation period will only be taken into account if prior agreement for late submissions has been made. If the proposal has been subject to Environmental Impact Assessment (EIA), consultation will be extended to six weeks.</p>
	<p>3.7 The SPD should reflect the obligation on the authority to ensure that persons with "protected characteristics" within the meaning of section 137 of the Equality Act 2010 have access to the information necessary to participate fully in the decision making process.</p>	<p>Noted. Hampshire's communities are defined in the Hampshire Authorities' adopted Statement of Community Involvement. More information on these can be found on the following webpage: <a href="http://www.hants.gov.uk/sci-2.htm">www.hants.gov.uk/sci-2.htm</a>. The SCI includes consideration of access to information and communicating with hard to reach groups.</p>
	<p>HFRS confirmed that a list of Material Safety Data Sheets (MSDS) and / or the chemical CAS numbers of ALL chemicals proposed for use at the planning application stage are only made available to them 'in response'. We suggest that this should be made a planning condition at the planning application stage.</p>	<p>Chemical usage is determined by the environmental permitting system as it is more of an issue related to the operation of the site. The suitability of planning conditions will be determined on a case by case basis. More information on planning conditions is set out in section 8 of the draft SPD.</p>
Southern Water	<p>We welcome the recognition that water companies make an important contribution to pre-application discussions about oil or gas development. It would be helpful if sewerage undertakers could be given similar recognition. We take this opportunity to point out that the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument No. 595) that came into effect on 15th April 2015 makes us a statutory consultee for 'Development involving the boring for or getting of oil and natural gas from shale' and so paragraph 6.14 should be updated accordingly.</p>	<p>Noted, amendments to para 6.14 will be made to include sewerage undertakers. Footnote 49 will also be amended to clarify the role of water companies as statutory consultees in line with the provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument No. 595).</p>

CPRE Hampshire	Para 6.15 Parish Councils could be mentioned here.	No other non statutory consultee is highlighted here. Consultees will be specific to each development.
Friends of the Earth England, Wales and Northern Ireland	Public participation is essential to a fair and transparent decision-making process. Under the Aarhus Convention's Implementation Guide, there are clear approaches that local authorities should take to ensure good standards of public participation.	Noted. Public participation is an essential part of the planning process and this is covered in section 6 of the SPD.
	In addition, we suggest that commitment to public participation (paragraph 6.179) should state the local council's commitment to invite presentations from community representatives when unconventional oil and gas applications are under consideration. It should also commit to informing via email all those who have requested to be kept up to date (paragraph 6.185). The planning authority should also suggest that local public meetings are held during the consultation to discuss the application.	The issue of public consultation is taken into consideration in more detail in each of the Hampshire Authorities' adopted Statement of Community Involvement. More information on these can be found on the following webpage: <a href="http://www.hants.gov.uk/sci-2.htm">www.hants.gov.uk/sci-2.htm</a> . Officers will review all responses received and summarises the main issues in associated reports.
	In particular the officer's report must demonstrate how due regard has been taken of all consultation responses in a transparent manner.	The issue of public consultation is taken into consideration in more detail in each of the Hampshire Authorities' adopted Statement of Community Involvement. More information on these can be found on the following webpage: <a href="http://www.hants.gov.uk/sci-2.htm">www.hants.gov.uk/sci-2.htm</a> .
	Speaking at planning committee (paragraph 6.185) should include a commitment to ensure that every effort will be made to ensure concerned residents have an opportunity to respond.	Noted. Paragraph 6.185 will be amended to include a reference to representations at planning committees.
	Paragraph 6.179 of the SPD encourages public consultation but fails to highlight the need for independence and transparency.	The issue of public consultation is taken into consideration in more detail in each of the Hampshire Authorities' adopted Statement of Community Involvement. More information on these can be found on the following webpage: <a href="http://www.hants.gov.uk/sci-2.htm">www.hants.gov.uk/sci-2.htm</a> . The SCI includes a 28 day consultation period for consultation responses which is above the minimum 21 days for statutory consultees. It is important to note that the Minerals and Waste Planning Authority have a duty to determine proposals within fixed timescales. Consultation responses form part of this period.
A 21-day consultation on the Environmental Statement is the minimum necessary (as made clear by the Town & Country Planning (Environmental Impact Assessment) Regulations 2011). Where environmental statements are comprehensive considerably	The issue of public consultation is taken into consideration in more detail in each of the Hampshire Authorities' adopted Statement of Community Involvement. More information on these can be found on the following webpage: <a href="http://www.hants.gov.uk/sci-2.htm">www.hants.gov.uk/sci-2.htm</a> . The SCI includes consideration of access to information and communicating with hard to reach groups.	

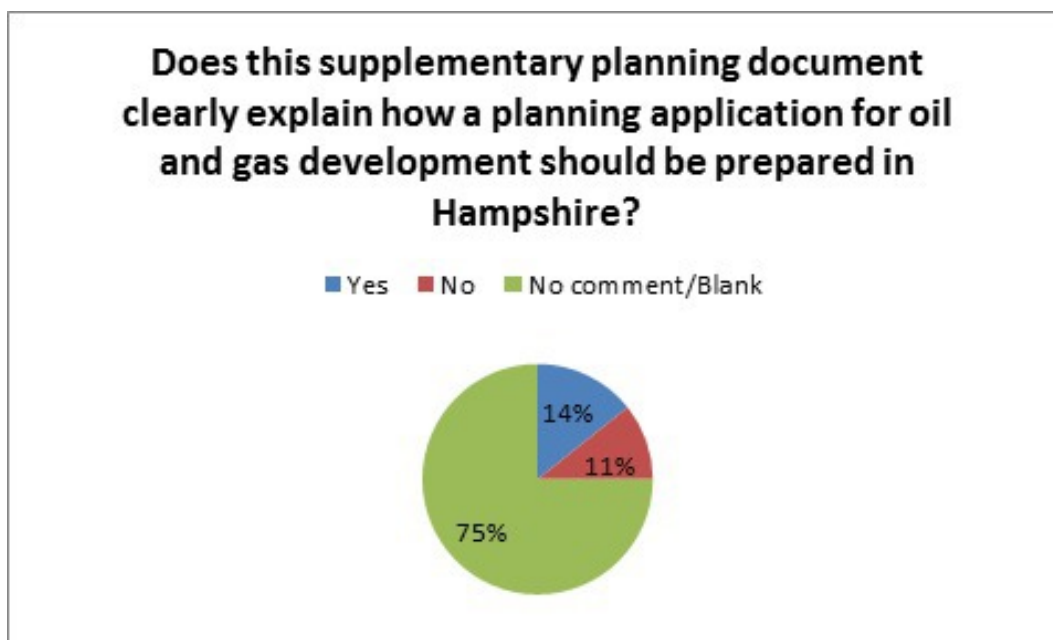


	<p>greater periods of time may be necessary both to ensure compliance with the Environmental Impact Assessment Directive (2011/92) and to ensure consultation is fair in accordance with domestic administrative law. Friends of the Earth have successfully argued for 3 month consultations where the documentation runs to thousands of pages.</p>	
	<p>The SPD should reflect the obligation on the authority to ensure that persons with “protected characteristics” within the meaning of section 137 of the Equality Act 2010 have access to the information necessary to participate fully in the decision making process.</p>	<p>Noted. Hampshire's communities are defined in the Hampshire Authorities' adopted Statement of Community Involvement. More information on these can be found on the following webpage: <a href="http://www.hants.gov.uk/sci-2.htm">www.hants.gov.uk/sci-2.htm</a>. The SCI includes consideration of access to information and communicating with hard to reach groups.</p>
Portsmouth Water	<p>Portsmouth Water welcome the statement in para 6.13 (and 6.32) that impacts should be designed out of a proposal at an early stage, and mitigation should only be applied to any residual impacts which cannot be addressed through the design of the development. It is essential to minimise the risk through good quality design.</p>	<p>Noted. An additional paragraph will be added after para 6.14 advising applicants to ensure water companies are involved in pre-applications discussions where a planning application is to be located in any Source Protection Zone (SPZ), including the newly designated ‘sub-surface SPZs’, or within 1km of an SPZ boundary.</p>

### **Does this SPD clearly explain how a planning application for oil and gas development should be prepared in Hampshire?**

- 4.11 Figure 5 shows that there is mixed opinion on whether the preparation of planning application is clearly explained in the draft SPD.

Figure 5: Question 4



4.12 Table 4 sets out the comments made on why consultees think that it is not clear and additional comments on this issue.

Table 4: Question 4 Responses

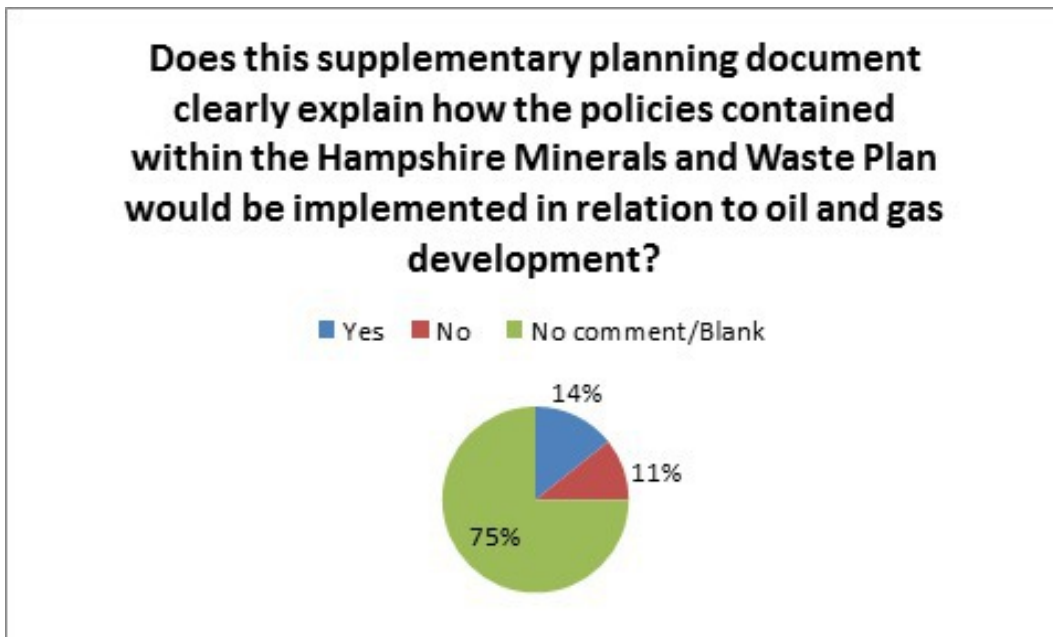
Consultee	Comment	Hampshire Authorities' Response
Frack Free Solent	Not enough emphasis is put on how the waste products from fracking will be stored on site and then transported. Not enough emphasis is put on the effect of construction traffic on local roads and residential areas. Not enough emphasis is put on how land that is used for fracking will be returned to its previous condition with due regard for all wildlife and plant conservation not to mention effects on agriculture.	Waste management practices will be determined as part of the planning application and the application for the waste permit. The SPD already includes a section which considers waste disposal issues and considerations.
Test Valley Friends of the Earth	Please see previous responses.	Noted.
CPRE Hampshire	Para 6.20 CPRE suggests that "Most" oil and gas proposals will require an EIA.	The requirement for an EIA will be dependant on the type of development proposed.
	Para 6.25 CPRE suggests that planning applications that include fracking are almost certain to require an EIA, and this could be made clear, and rather than "are likely", the first sentence should read "are almost certain" or "will" require....	National Planning Policy Guidance provides guidance on whether a proposal for onshore oil and gas extraction requires EIA and states: 'Whilst all applications must be assessed on a case-by-case basis, it is unlikely that an Environmental Impact Assessment will be required for exploratory drilling operations which do not involve hydraulic fracturing' (Reference ID: 27-119-20140306).

		On this basis, the Hampshire Authorities will retain the wording which is in accordance with National Policy.
Friends of the Earth England, Wales and Northern Ireland	See Question 2 for additions to the SPD.	Noted.
Portsmouth Water	No comment.	Noted.

**Does this SPD clearly explain how the policies contained within the Hampshire Minerals & Waste Plan would be implemented in relation to oil and gas development?**

4.13 Figure 6 shows that not all consultees believe that the draft SPD clearly explains how policies would be implemented. The responses received that felt that it was not clear were received from an interest group, a local planning authority and a neighbouring mineral planning authority.

Figure 6: Question 5



4.14 Table 5 outlines the comments received and the Hampshire Authorities' response.

Table 5: Question 5 Responses

Consultee	Comment	Hampshire Authorities' Response
Frack Free Solent	Too vague.	The Hampshire Authorities are keen to ensure that the content of the SPD is communicated clearly to all

		interested parties including local residents. As such, the content will be reviewed to see if the technical content can be communicated more effectively.
Cranborne Chase AONB	This AONB welcomes the section relating to landscape designations and countryside in paragraphs 6.65 through to 6.78. The inclusion of tranquillity and the potential impacts of development on tranquillity is an important matter for this AONB.	Noted.
	In relation to paragraph 6.78 I would strongly advise that tranquillity is one of these special qualities of the Cranborne Chase Area of Outstanding Natural Beauty as well as the New Forest National Park. It would, therefore, be appropriate to add in reference to this AONB in that paragraph.	Noted. Para 6.78 will be amended to make reference to the importance of tranquillity in Hampshire's AONBs.
Test Valley Friends of the Earth	Paragraph 1.29 states that the following "Hampshire Waste and Mineral Plan (HMWP) policies are relevant to this HMWP Supplementary Planning Document (SPD)..... "Policies 2 (Climate change mitigation and adaptation)" We welcome paragraph 6.55 on Climate Change. However, we are concerned that this SPD does not clearly fully set out the relevant policy context and the Hampshire Authorities role in relation to it, as there is a need to set out climate change commitments with regard to energy policy. "Fracking may result in unavoidable environmental impacts even if unconventional gas is extracted properly, and more so if done inadequately. Furthermore, increased extraction and use of unconventional gas is likely to be detrimental to efforts to curb climate change" (UN Environment Program). The UK Government recently amended the Infrastructure Act 2015 to include provisions to ensure that the Committee on Climate Change provides advice on the impact of unconventional oil and gas activities on the ability of the UK to meet its carbon emissions targets. We strongly urge the authority to ensure that their advice on the impact of unconventional oil and gas activities on the ability of the UK to meet its carbon emissions targets is included in this SPD.	The SPD has been prepared to provide additional guidance on the implementation of policies of the adopted Hampshire Minerals and Waste Plan for oil and gas development (conventional and unconventional) proposals. This includes Policy 2. National energy policy is not relevant to a guidance document for the adopted Hampshire Minerals and Waste Plan. Issues relating to potential emissions would be addressed by Policy 10 of the adopted plan.
	We would argue that the HMWP and HWP SPD does need to be concerned with climate change 'as a direct issue' and understand its obligations in this area. Obligations that fall to each of us, albeit individual, group and/or institution. The planning context set out in paragraph 6.55 fails to mention the particular requirement for local development documents in law (i.e. the plan-making context for decisions) to consider mitigation and adaptation of climate change (section 19 of the Planning and Compulsory Purchase Act 2004) and also paragraph 94 of the National Planning Policy Framework and paragraph 4.6 of Hampshire Waste and Mineral Plan (HMWP): "Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations." Policy DM2 also refers to reduction in carbon emissions.	Noted. Officers to look into the suitability of adding reference to S19 of PCPA 2004 and NPPF. The reference to DM2 is unclear as this is not a policy within the HMWP.
	Our second main concern is that the proposed document fails to fully reference the Hampshire Authorities' responsibility for the context of unacceptable adverse impacts as set out in national planning policy: "set out environmental criteria, in line with the policies in this Framework, against which planning applications will be assessed so as to ensure that permitted operations do not	The policies contained within the adopted Hampshire Minerals & Waste Plan are compliant with the NPPF including paragraph 143. The draft

	<p>have unacceptable adverse impacts on the natural and historic environment or human health, including from noise, dust, visual intrusion, traffic, tip- and quarry-slope stability, differential settlement of quarry backfill, mining subsidence, increased flood risk, impacts on the flow and quantity of surface and groundwater and migration of contamination from the site; and take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;”.</p>	<p>SPD supports the implementation of the HMWP and its policies which address these issues including Policy 10 (Health, Safety and Amenity) which also considers cumulative impacts.</p>
	<p>Unacceptable adverse environmental impacts The document seems to suggest that impacts can be designed out of unconventional oil and gas activities but this will not be possible in practice as shown from places where these activities have been conducted.</p>	<p>The design of conventional and unconventional oil and gas development is subject to assessment by the regulators. The Hampshire Authorities cannot pre-judge development without considering each proposal on its merits and the findings of the other regulatory bodies.</p>
	<p>We welcome the fact that cumulative visual, noise and environmental impacts are noted within the document, but we suggest that these impacts cannot be ameliorated sufficiently to allow unconventional oil and gas activities to proceed, as shown again from places where these activities have been conducted.</p>	<p>Noted. Each proposal would be considered on its own merits by the relevant Hampshire Authority.</p>
	<p>Unacceptable adverse environmental impacts We are concerned that a policy which sets out an imbalanced set of considerations for the planning authority to take into account; or one which fails to reflect the balance as set out in national planning policy - indeed a document which fails entirely to refer to carbon.</p>	<p>Noted.</p>
<p>Historic England</p>	<p>Paragraph 6.84 – this paragraph and the following box could helpfully distinguish between designated heritage assets: scheduled monuments, listed buildings, conservation areas, registered historic parks and gardens, registered battlefields and protected wrecks; and non-designated heritage assets: buildings and parks and gardens of local interest, non-scheduled archaeological sites (which might, nevertheless, be of national importance) and historic landscapes. The NPPF contains definitions of “historic environment”, “heritage asset” and “designated heritage asset”.</p>	<p>The assets included in the box are those assets set out in Policy 7 of the adopted HMWP.</p>
	<p>Reference could also be made to the Hampshire Historic Landscape Character Assessment.</p>	<p>Noted. Reference will be added to the HLCA after para 6.87.</p>
	<p>Restoration may also be an opportunity to restore historic landscape character.</p>	<p>Noted. This issue is picked up in the adopted HMWP in supporting text for Policy 9.</p>
<p>Winchester Action on Climate Change (WinACC)</p>	<p>2. Impacts on climate change HMWP Policy 2 on climate change states that developments should be ‘..... located and designed to help reduce greenhouse gas emissions’. To extract and burn any fossil fuels found in Hampshire can only increase greenhouse gas emissions. This is unavoidable and so should not be permitted. This argument is based on the widely reported results of McGlade &amp; Ekins (2015) who stated that ‘...globally, a third of oil reserves, half of gas reserves and over 80 per cent of current coal reserves should remain unused from 2010 to 2050 in order to meet the target of 2 °C.’ HMWP Policy 2 (and the SPD) needs to be updated to reflect</p>	<p>The adopted HMWP considers the issues of mitigating and adapting to climate change in more detail through Policy 2.</p>

	these recent results and to recommend that no further fossil fuel extraction should be allowed in Hampshire.	
Southern Water	We welcome the recognition that is given to water infrastructure in paragraph 6.115 and seek similar recognition for sewerage infrastructure.	Noted.
	Southern Water welcomes the recognition in the above section to the implications in terms of the amount of water required to serve any development and the need to safeguard existing water resources. As mentioned elsewhere in our representations, we are now a statutory consultee on planning applications and so paragraph 6.139 should be updated to reflect this change.	Noted, amendments to para 6.14 will be made to include sewerage undertakers. Footnote 49 will also be amended to clarify the role of water companies as statutory consultees in line with the provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument No. 595).
	Subsidence and the migration of contaminants (including the use of chemicals and waste disposal) Page 42	Noted.
CPRE Hampshire	Para 6.44 - The 2nd line should say shale "oil" and gas, not just gas.	Noted. Amendments to para 6.44 will be made.
	Para 6.47 - Noise could be mentioned here.	Noted. Amendments to para 6.47 will be made.
	Para 6.56 - It could be added that there is planned release of methane for flaring, and unplanned, so-called "rogue" methane, which both need to be planned for. Continuous monitoring could be mentioned here.	This issue is considered in more detail in the section on conditions. Monitoring requirements will be specific to each proposal.
	Para 6.65 - CPRE suggests that the SPD reiterates that the SDNP will be covered by its own SPD and MWP. The last line could add that it is "quality" countryside outside of the designated areas.	Noted. Amendments to para 6.65 will be made.
	Para 6.66 - CPRE suggests that the word "wider" be inserted before landscape in the 1st sentence.	Noted. Amendments to para 6.66 will be made.
	Para 6.68 - Noise could be added here to unacceptable impact.	Noted. Amendments to para 6.68 will be made.
	Para 6.78 - It could be clarified that development can take place under a National Park from a well head outside the designated area, and how this will be dealt with.	Noted. A statement on directional drilling from outside of designated areas will be added to the SPD.
	Para 6.108 - Whilst recognising that the buffer distance will be looked at on a case-by-case basis, 100m is likely to be insufficient distance from a noise perspective during fracking operations.	Opinions are noted.
	Para 6.116 - CPRE suggests the words "minimised and" are added before managed in the 2nd line.	Noted. Amendments to para 6.116 will be made.
	Para 6.123 - 6.125 - CPRE suggests that induced seismicity should have its own section, rather than be included with contaminants. They are quite different risks, and should be evaluated differently. The British Geological Survey should be consulted on the adequacy of the fault modelling prior to any hydraulic fracturing.	Noted. Amendments to the section titles will take place. The BGS' role is summarised in the later part of section 6 of the SPD.
Paras 6.134 - 6.141 - The traffic implications, and mitigation measures, of waste water disposal should be mentioned.	Paras 6.151-6.154 consider highway and transportation	

		<p>issues. Mitigation measures will be relevant to most of the issues identified through compliance with local planning policy. Mitigation measures will be specific to each proposal. Waste water disposal is considered under the section on subsidence and contaminants although this section will be slightly amended based on the other comments received.</p>
	<p>Para 6.143 - Strategic infrastructure also includes the transport network.</p>	<p>Paras 6.151-6.154 consider highway and transportation issues.</p>
	<p>Para 6.144 - Noise should be included in the highlighted box.</p>	<p>Noted. Amendments to the box which follows para 6.144 will be made.</p>
	<p>Para 6.159 - There are other policies in the NPPF which reiterate the protection of designated landscapes and that development must demonstrate that it is of national importance and cannot be located elsewhere.</p>	<p>Noted. The HMWP also contains policies relating to these issues which oil and gas proposals would be judged against.</p>
<p>Friends of the Earth England, Wales and Northern Ireland</p>	<p>See above for additions to the SPD.</p>	<p>Noted.</p>
<p>Portsmouth Water</p>	<p>Protection of Water Resources It is important for the MPA to recognise that the EA remit does not protect water resources from all forms of contamination which can impact upon the public water supply. For example; the EA will not consider the risk of drilling causing turbidity problems. Previous drilling operations within Portsmouth Water catchments in Hampshire have caused significant contamination of the raw water source. Increased turbidity can result in the closure of our sources and impact upon the water treatment process.</p>	<p>The information provided by the EA and water companies as consultees will be taken into account during decision-making on a planning application.</p>
	<p>Para 6.136 This paragraph states that the EA protect water resources and should be consulted in advance of any application. We believe that 'water companies' should be included within this paragraph as we actively protect groundwater and surface water assets and have additional knowledge, understanding, data and experience of these important water resources.</p>	<p>Noted, amendments to the paragraph will take place advising that water companies should be involved in pre-application discussions alongside the EA. It is also proposed that changes will be made to the pre-application section of the document to reflect this point.</p>
	<p>Para 6.137 Pre-application discussions should take place with the relevant water company as to whether adequate water resources are available in the area under all demand scenarios.</p>	<p>Noted, amendments to the paragraph will take place advising that water companies should be involved in pre-application discussions alongside the EA.</p>

	<p>Para 6.138 This paragraph should refer to the requirement for a comprehensive risk assessment to determine the potential impact on ground and surface waters.</p>	Noted, amendments to the paragraph will take place reflecting the need for a comprehensive risk assessment.
	<p>Para 6.139 As above for our comment on paragraph 6.136. Water companies should be included within this paragraph.</p>	Noted, amendments to the paragraph will take place reflecting consultation with water companies.
	<p>Para 6.148 Portsmouth Water are not comfortable that surface water drainage for oil and gas developments are recommended to use infiltration SUDs. We object to the use of infiltration SuDs at high risk sites, such as oil and gas developments.</p>	The use of sustainable drainage is suggested "where appropriate". A new paragraph has now been added which states that the Environment Agency will object to the use of infiltration sustainable drainage.
	<p>Para 6.150 Portsmouth Water believe that this paragraph should also be present, and expanded, under "Protection of water resources"? (page 42/43)</p>	This section will be merged with the section on 'protection of water resource' which will also be amended as per previous comments.
	<p>Para 6.157 Add to the text; Potential impacts on the environment / water resources should be designed out of a proposal at an early stage, and mitigation should only be applied to any residual impacts which cannot be addressed through the design of the development. It is essential to minimise the risk through good quality design.</p>	Noted. An additional statement relating to design and mitigation will be added to the section on design.
	<p>Figure 16 (page 54) – we believe that the text to the right of the water companies box should read "must be consulted on any application within any source protection zone, including sub-surface SPZs, or within 1km of an SPZ boundary"</p>	Noted, amendments to Figure 16 will be considered.
	<p>6.162 / 6.163/ plus 8.4 – Existing regulatory regimes do not provide complete protection to water resources, event those used for public water supply. For example; they do not protect against the risk of turbidity. The MPA need to take a more precautionary approach than is implied in the current text, and apply planning conditions to ensure water resources are protected where this is recommended by the EA or the relevant water company(s).</p>	The information provided by the EA and water companies as consultees will be taken into account during decision-making on a planning application.
Environment Agency	<p>Para 6.31 We support the inclusion of this paragraph encouraging the twin track approach to planning and permitting.</p>	Noted.
	<p>Section 6.135-142 We acknowledge that, based on our previous feedback, the reference to us having a blanket objection to oil and gas exploration in Groundwater Source Protection Zones (SPZ) 1 and 1C has been removed. We would however still want this section to include specific reference to this issue. It is very important that it is made clear that it is highly unlikely the Environment Agency End 2 would permit oil and gas development in SPZ 1 and 1C. We would also suggest that this section should include reference to the Water Framework Directive (WFD) and the need to ensure that the development will not compromise its objectives in relation to both surface and groundwater.</p>	Noted. Reference to developments in SPZ1 and SPZ1c will be added back into the document. Reference to the WFD will be added.

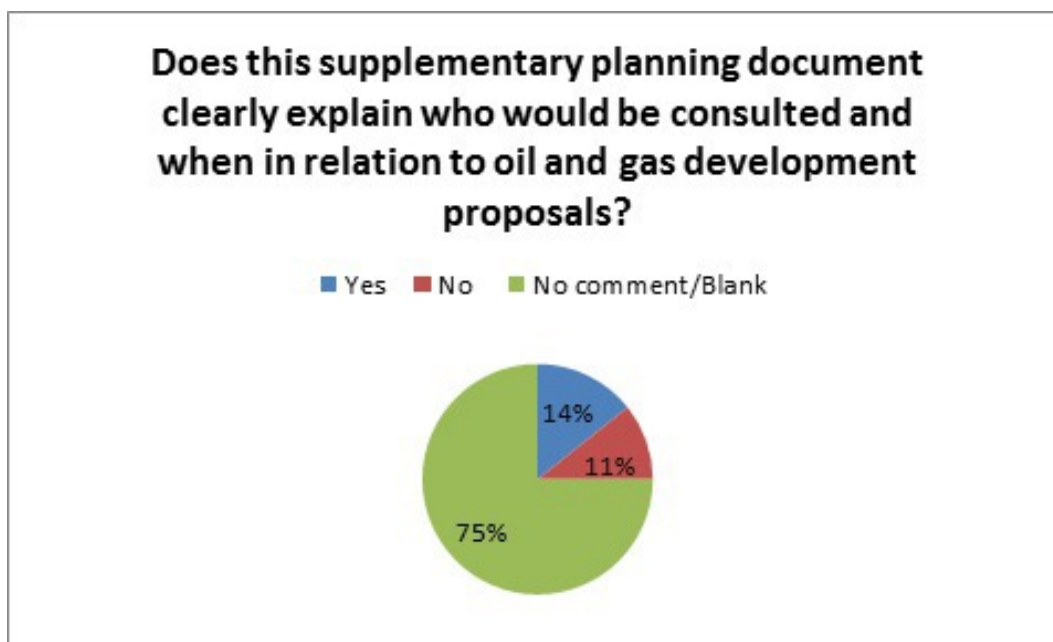


	<p>Para 6.138 We would recommend that an additional sentence is added to this paragraph highlighting the specific importance of groundwater in Hampshire for both drinking water supplies and nature conservation designations. Hampshire is reliant on Groundwater for its potable supplies and we expect all necessary measures to be taken to protect it.</p>	<p>Noted. A statement relating to the importance of Hampshire's groundwater will be added.</p>
	<p>Para 6.149 Further explanation is required here. Currently it is not specific enough and therefore not accurate. The whole country falls within a flood zone so clarification should be provided that it is developments in flood zone 2 or 3, or developments greater than 1 hectare that require a flood risk assessment.</p>	<p>Noted. The statement will be amended to clarify the need for Flood Risk Assessment in Flood Risk Zones.</p>
Fareham Borough Council	<p>Para 6.79 Suggestion that "the countryside" should be as defined by Local Planning Authorities within their Local Plans, as such any area outside of defined urban areas. All proposals for oil and gas exploration, appraisal or commercial production in the countryside should take account of landscape character, appearance and function. Where possible, the retention and conversion of existing buildings would be preferable to reduce the impact of development.</p>	<p>Noted. The definition of countryside is set out in the adopted HMWP under Policy 5.</p>
	<p>Para 6.116 Where proposals for oil and gas exploration, appraisal or commercial production are located within close proximity to existing residential dwellings, applicants should be required to submit a noise impact assessment in order to determine the noise impact of the proposal and identify appropriate noise mitigation measures. Where mitigation measures are not sufficient to reduce noise to acceptable levels for residents, then the application should not be permitted.</p>	<p>Policy 10 of the adopted HMWP addresses the issue of noise and would be used to judge any proposal. The potential requirement for noise assessments is already covered in potential areas where conditions could be attached, as set out in section 8 of the SPD.</p>

### **Does this SPD clearly explain who would be consulted and when in relation to oil and gas development proposals?**

- 4.15 Figure 7 highlights that there are mixed views on whether the SPD clearly explains who should be consulted and when. Those that felt that it did not explain clearly were local interest groups.

Figure 7: Question 6



4.16 Table 6 outlines the comments made in relation to the consultation of proposals.

Table 6: Question 6 Responses

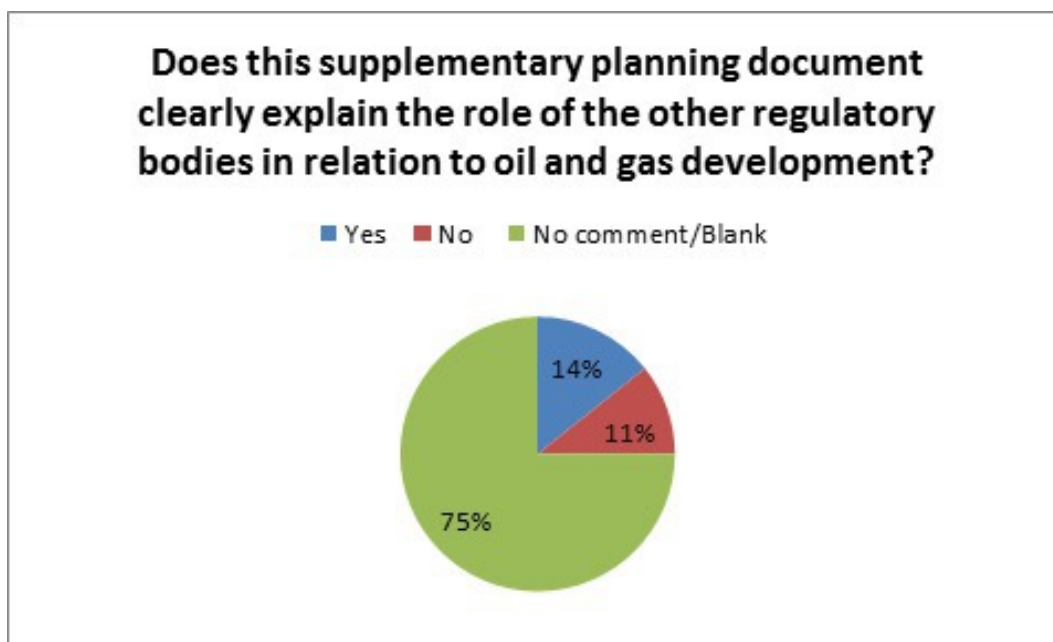
Consultee	Comment	Hampshire Authorities' Response
Frack Free Solent	There is a deliberate intent here to exclude local people from the decision by keeping them in the dark as much as possible until it is too late to raise objections.	The issue of public consultation is taken into consideration in more detail in each of the Hampshire Authorities adopted Statement of Community Involvements. More information on these can be found on the following webpage: <a href="http://www.hants.gov.uk/sci-2.htm">www.hants.gov.uk/sci-2.htm</a> . Officers will review all responses received and summarise the main issues in associated reports. All interested parties who had been asked to be kept informed of minerals and waste plan-making activities in Hampshire and oil and gas were informed of the start of the public consultation on the SPD.
Test Valley Friends of the Earth	We are concerned that there is no mention of consultation with the Hampshire Fire and Rescue Service as to an emergency plan as a planning condition of proposed unconventional oil and gas development sites. Cf. responses to Question 2 on possible well failure fires and flowback water that may need knowledge of which chemicals are likely to be encountered on an emergency response call out. From a Freedom of Information response from Hampshire Fire and Rescue	The operation of an oil and gas site will be considered in more detail through the Environmental Permitting of the site. The planning system specifically focuses on the use of the land. Environmental Permitting will also include the

	Service (HFRS) , we understand that HFRS have carried out extensive pre-planning with those petrochemical operators within the Control of Major Accident Hazard (COMAH) regulations 2015 on all aspects of [their] response. These include fire alarm systems, including toxic gas alarms and emergency generators where appropriate. This work has been done in partnership with each operator. We are concerned that consultation with HFRS as a pre-planning, planning application, monitoring requirement and allocation of costs of joint incident-response training is not specified in this SPD.	approval of any chemicals used as part of the development as well as the environmental management of the site.
Southern Water	We take this opportunity to point out that the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument No. 595) that came into effect on 15th April 2015 makes us a statutory consultee for 'Development involving the boring for or getting of oil and natural gas from shale'.	Noted, amendments to para 6.14 will be made to include sewerage undertakers. Footnote 49 will also be amended to clarify the role of water companies as statutory consultees in line with the provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument No. 595).
Friends of the Earth England, Wales and Northern Ireland	See public participation response.	Noted.
Portsmouth Water	We feel that the section entitled "Protection of Water Resources" on page 42 should read "Protection of water resources and water quality". Additionally, we request that there should be more emphasis that water companies must be consulted on any application within any source protection zone, including sub-surface SPZs, or within 1km of an SPZ boundary.	Noted. The sections name will be amended in the final version of the SPD. Amendments to para 6.14 will be made to include sewerage undertakers. Footnote 49 will also be amended to clarify the role of water companies as statutory consultees in line with the provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument No. 595).

### Does this SPD clearly explain the role of the other regulatory bodies in relation to oil and gas development?

- 4.17 Figure 8 below shows that the role of regulatory bodies is not clearly explained to all readers, most notably to interest groups who responded negatively to the question.

Figure 8: Question 7



4.18 Table 7 sets out the comments made in relation to the role of regulatory bodies.

Table 7: Question 7 Responses

Consultee	Comment	Hampshire Authorities' Response
Health & Safety Executive	<p>Thanks for asking for comments on the document.</p> <p>Overall, I think it offers a good opportunity for planners and members of the public to understand the approach of the County Council and MPA.</p> <p>However, I feel strongly that some changes should be made to the document so that it more accurately reflects the health and safety regulatory regime and sets out the level of intervention of the Health and Safety Executive (HSE).</p> <p>Also it could more accurately reflect how regulators work together to ensure that risks to health, safety and the environment are managed appropriately.</p>	Noted.
	<p>A 'guide for planners' has been produced by HSE which sets out the regulatory regime. The guide for planners is available on the HSE website <a href="http://www.hse.gov.uk/offshore/shale-gas-planners.pdf">http://www.hse.gov.uk/offshore/shale-gas-planners.pdf</a></p>	Noted. Reference will be added to this document under the HSE section.
	<p>You may wish to reiterate some of the main points it contains or introduce the guide as an appendix to the document.</p> <p>The areas that it would be most helpful to clarify are;</p> <ul style="list-style-type: none"> <li>• There is a requirement that the well is designed, constructed, operated, maintained and decommissioned in such a way that there can be no unplanned release of fluids so far as reasonably practicable.</li> <li>• The operator is required to supply details of the design and construction of the well as part of the notification and this is scrutinised by HSE specialists before drilling can start and again before decommissioning. This is to ensure the regulatory requirements and industry standards are met.</li> </ul>	Noted. Further text relating to these issues will be added at para 6.175 for clarification.

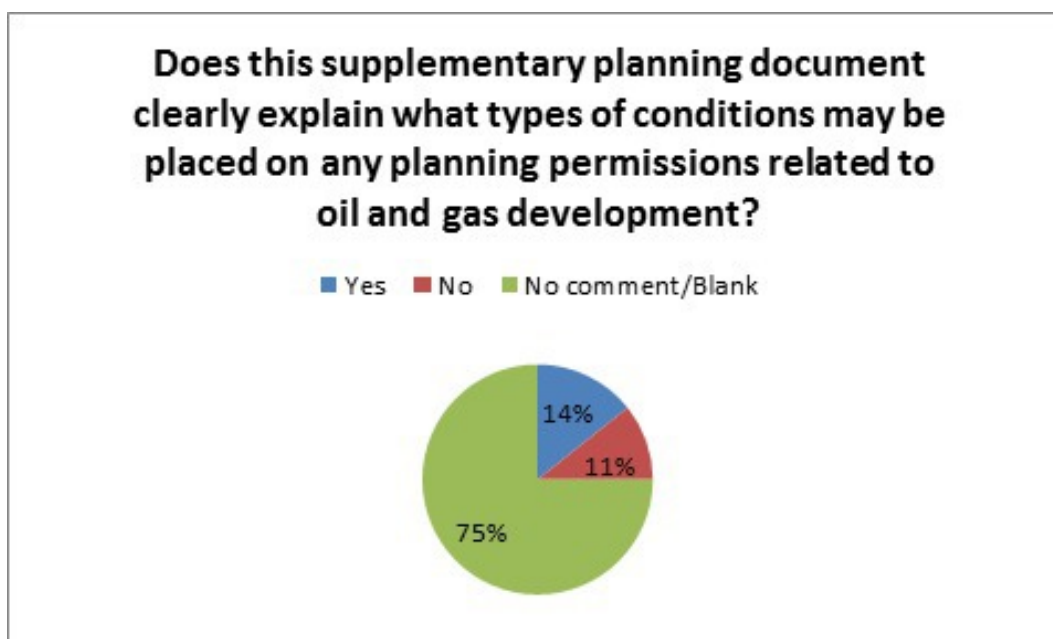
	<ul style="list-style-type: none"> <li>• HSE specialists conduct further scrutiny of the activity each week through a report supplied by the operator during construction of all onshore oil and gas wells and during any re-drilling and decommissioning activity.</li> <li>• Any unplanned release of fluids or unplanned deployment of safety equipment used to prevent a release of fluids is reportable to HSE.</li> </ul>	
	<p>The document should also provide an understanding of how HSE and the Environment Agency work together to jointly regulate shale oil and gas activity. This includes joint visits to operators before work starts and joint site visits as well as sharing knowledge and intelligence. The working together agreement is also available <a href="http://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</a> 9. It is referenced (117) but not mentioned in the document.</p>	Noted. More of a direct reference to joint working agreement will be added to the HSE section for clarification.
	<p>Para 6.125 states that HSE will be consulted on seismic activity potential. HSE inspectors cannot advise in this area, although we will expect the operator to have looked at potential seismic risks to well integrity as part of the design process. The Department for Energy and Climate Change (DECC) are the regulator for seismicity and have established the standards to be adhered to.</p>	Noted, reference to the HSE will be removed from this paragraph.
	<p>Reference 114 - BSOR – this should be the 'Borehole Sites and Operations Regulations 1995.</p>	Noted. Amendments will be made to the text. The diagram will be removed from the finalised version.
Frack Free Solent	<p>The 'other regulatory bodies' don't give a toss if land is laid waste by fracking.</p>	Opinions are noted.
Basingstoke and Deane Borough Council	<p>I note that both documents support the adopted Hampshire Minerals and Waste Plan (2015) and provide additional information to support the implementation of relevant policies, and these are generally welcomed.</p> <p>In respect of the Oil and Gas document, this assists in understanding this complex area, with a useful explanation of key organisations involved in the process and their responsibilities. It is considered that this information could be set out in an appendix or provided in a leaflet format, which would be helpful to a non-technical audience. This would be particularly beneficial for those who only wish to be informed of one aspect of this issue without the need to review the entire document.</p>	Noted. Feedback from other interested parties during the preparation of the SPD showed that there was confusion about the role of the planning system and the regulatory system. Therefore, it is important that the links and differences are highlighted.
Test Valley Friends of the Earth	<p>We are concerned that the COMAH regulations may only apply to certain sites (eg Wytch Farm or the Fawley processing plant) and that the Hampshire Authorities may need to ensure that HFRS have COMAH procedures in place for sites that may not be registered as COAMAH sites (eg the extraction sites at Stockbridge, Avington and Horndean may not have COMAH procedures in place as they may not be COMAH sites). In their FOI response, HFRS stated that the responsibility for checking alarm systems for fire warning and fire detection; alarm systems for blow-outs; hydrogen sulphide (or other toxic gas) alarm systems; alarm systems which are directly linked to emergency response centres; emergency lighting systems and generators lies with the site operator under the Regulatory Reform (Fire Safety) Order and the competent authority where COMAH is concerned. We suggest that the Hampshire Authorities and COMAH should therefore be in consultation at the pre-planning and planning stage.</p>	Noted. Feedback from other interested parties during the preparation of the SPD showed that there was confusion about the role of the planning system and the regulatory system. Therefore, it is important that the links and differences are highlighted.
	<p>HFRS stated that to date the pre-planning process for oil and gas development has involved extensive, iterative discussions to determine the specifics of proprietary chemicals, their MSDS and</p>	The operation of an oil and gas site will be considered in more

	<p>chemical CAS numbers. These are chemicals listed as 'proprietary' in documents supplied by operators to the Environment Agency (eg oxygen scavenger, Correadd, Drill-Slip, Defoamer, Well-stab). In consideration of the risks associated with the use of these proprietary chemicals, we suggest that this SPD includes the HFRS consultation on the Premises Risk Management Process as part of the planning process.</p>	<p>detail through the Environmental Permitting of the site. The planning system specifically focuses on the use of the land. Environmental Permitting will also include the approval of any chemicals used as part of the development as well as the environmental management of the site.</p>
Friends of the Earth England Wales and Northern Ireland	<p>Need to consider regulatory response to hazards / accidents.</p>	<p>Noted.</p>
Portsmouth Water	<p>No comment.</p>	<p>Noted.</p>
Environment Agency	<p>Figure 11 There are a couple of modifications which we would suggest to this figure. Firstly our previous point about including EIA scoping is also relevant here. We feel that the more that this is promoted the better. It should be made clearer that some elements of this diagram may need to be repeated for each stage of the process. Currently it looks like the diagram is for the exploration phase only and we think the purpose is to give an overview of the whole process.</p>	<p>Noted, the Hampshire Authorities will look at amending the diagram.</p>
	<p>Para 6.168 There are a couple of changes that we would suggest to this paragraph and the associated green box. Firstly we think it should contain a more complete view of our role in the planning process e.g. being a statutory consultee on flood risk. When considering a planning consultation under our statutory role we would obviously consider everything within our role/remit. Secondly we would suggest the addition of an extra bullet point in the green box which covers all waste, not just the radioactive materials that are currently mentioned. Thirdly we feel that the word 'regulate' would be more appropriate than the use of the word 'manage'. It more accurately reflects our role in the process. Figure 13 We think this figure is a good depiction of the Environment Agency's role and responsibilities in the oil and gas process. We would suggest that a box containing the word/phase 'production' is added above the 'Well decommissioning' box. We would also suggest that permitting is removed from the 'Well decommissioning box'. There needs to be a clearer way to demonstrate that permitting is a thread that runs through all of the activities in this diagram.</p>	<p>Noted. All changes to the green box have been put forward. Statement has been added to para 6.168 highlighting the EA jurisdictions. Amendments to the diagram proposed.</p>

## Does this supplementary planning document clearly explain what types of conditions may be placed on any planning permissions related to oil and gas development?

- 4.19 Figure 9 shows that the draft SPD does not clearly explain what types of conditions may be placed on planning permissions to interest groups as these were the consultees that responded negatively. Those that felt they were clearly explained included a mineral planning authority, a local planning authority and a parish council all of whom may be more familiar with the use of planning conditions than other consultees.

Figure 9: Question 8



- 4.20 Table 8 sets out the comments made in relation to the types of conditions placed on planning permissions.

Table 8: Question 8 Responses

Consultee	Comment	Hampshire Authorities' Response
Frack Free Solent	Experience has shown that fracking companies would be allowed to do pretty well what they wanted regardless of local opinion or objections. There would be no controls on waste management and objections that there would be safety impacts on roads adjacent to the construction sites were swept aside at the Balcombe site until protestors made it clear that they would keep on fighting and eventually Cuadrilla gave in and abandoned the site.	An essential part of the planning process is public engagement. This is set out in section 8 of the SPD. The Environmental Permitting of oil and gas developments sit alongside the planning process regulating oil and gas developments. This considers waste management permitting. The issue of highway safety would be considered in the planning process through Policy 12 of the adopted HMWP.
Historic England	Figure 17 – in addition to a historic environment management plan, reference could be made to a pre-development archaeological assessment or archaeological watching brief as issues that may	Noted. Amendments to Figure 17 will be made.

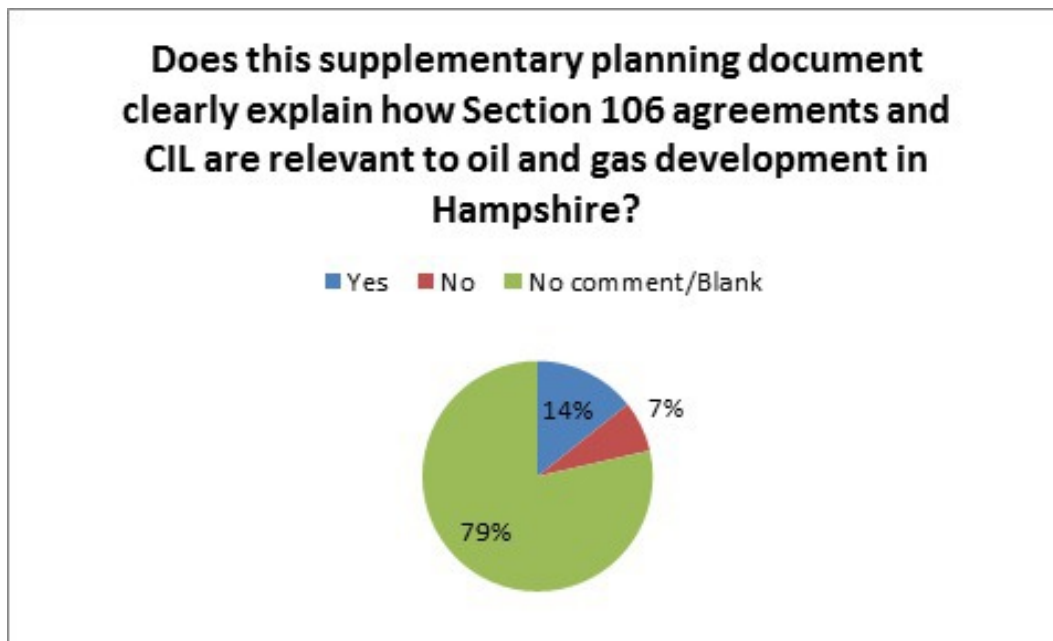
	be addressed by conditions attached to oil and gas proposals in Hampshire. Historical heritage is also relevant to the type of restoration as restoration may also be an opportunity to restore historic landscape character.	
Test Valley Borough Council	It might be helpful to provide examples of standard wording of conditions for some of the types identified to give an indication of how the topics would be covered.	The Hampshire Authorities decided not to include sample wording in case this became out of date. The SPD is guidance only. Every planning application for oil and gas development will be considered on its merits. Conditions set will therefore be specific to each site.
CPRE Hampshire	These tables are somewhat confusing, and it is not clear why some boxes are not ticked when they would seem to have an impact on that particular criterion.	The ticks relate to whether the types of conditions are relevant to the different HMWP policy issues. To ease understanding, a key will be added to reiterate this.
Friends of the Earth England Wales and Northern Ireland	See above.	Noted.
Portsmouth Water	No comment.	Noted.

### **Does this SPD clearly explain how section 106 agreements and CIL are relevant to oil and gas development in Hampshire?**

- 4.21 Figure 10 shows that the draft SPD does not clearly explain how section 106 agreements and CIL are relevant to interest groups as these were the consultees that responded negatively. Those that felt they were clearly explained included a mineral planning authority, a local planning authority and a parish council all of whom may be more familiar with section 106 agreements and CIL than other consultees.



Figure 10: Question 9



4.22 Table 9 sets out the comments made in relation to section 106 agreements and CIL.

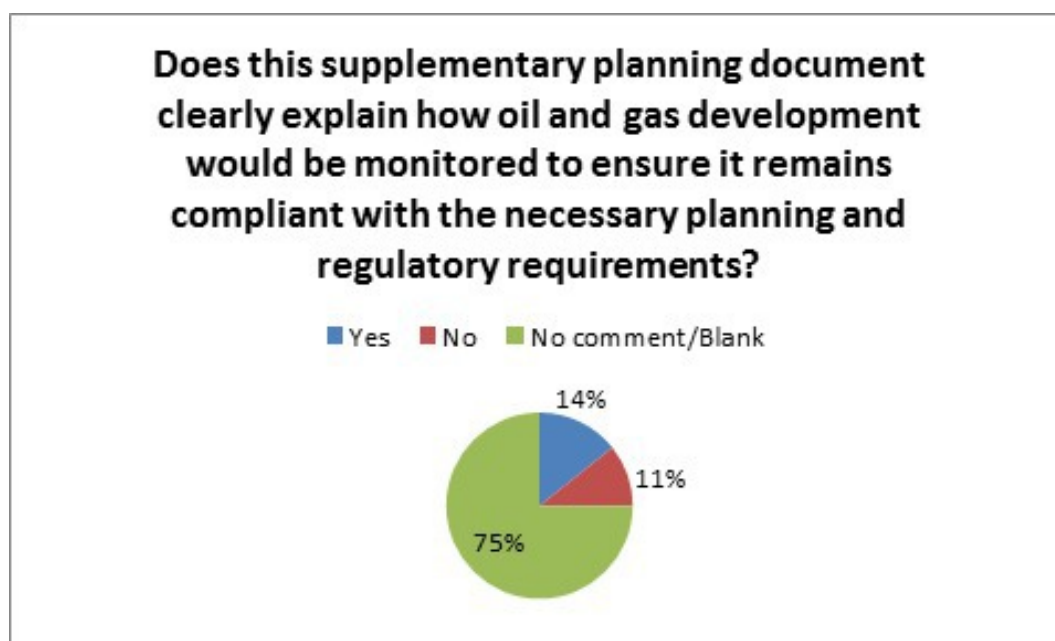
Table 9: Question 9 Responses

Consultee	Comment	Hampshire Authorities' Response
Frack Free Solent	Central Government must not be allowed to intervene in local planning decisions about fracking sites.	The Hampshire Authorities are the Minerals and Waste Planning Authorities (MWPA) in Hampshire. As MWPA, the relevant authority will determine a proposal for oil and gas development against the adopted Hampshire Minerals and Waste Plan (2013).
Test Valley Friends of the Earth	We would like to see more clarification of how Section 106 and CIL agreements are relevant to the oil and gas development in Hampshire. In particular to address the concerns raised in responses to Question 2 on the length of time post-closure of these development sites and the Local Authorities liabilities.	Section 9 of the SPD considers issues related to planning obligations and CIL. Section 10 of the SPD provides more information on monitoring developments.
Portsmouth Water	No comment.	Noted.

## Does this SPD clearly explain how oil and gas development would be monitored to ensure it remains compliant with the necessary planning and regulatory requirements?

- 4.23 Figure 11 shows that there is mixed views on whether the draft SPD clearly explains how oil and gas development would be monitored. The consultees that responded negatively were interest groups. Those that felt it was clearly explained include a mineral planning authority, local planning authority and a parish council.

Figure 11: Question 10



- 4.24 Table 10 sets out the comments made in relation to monitoring.

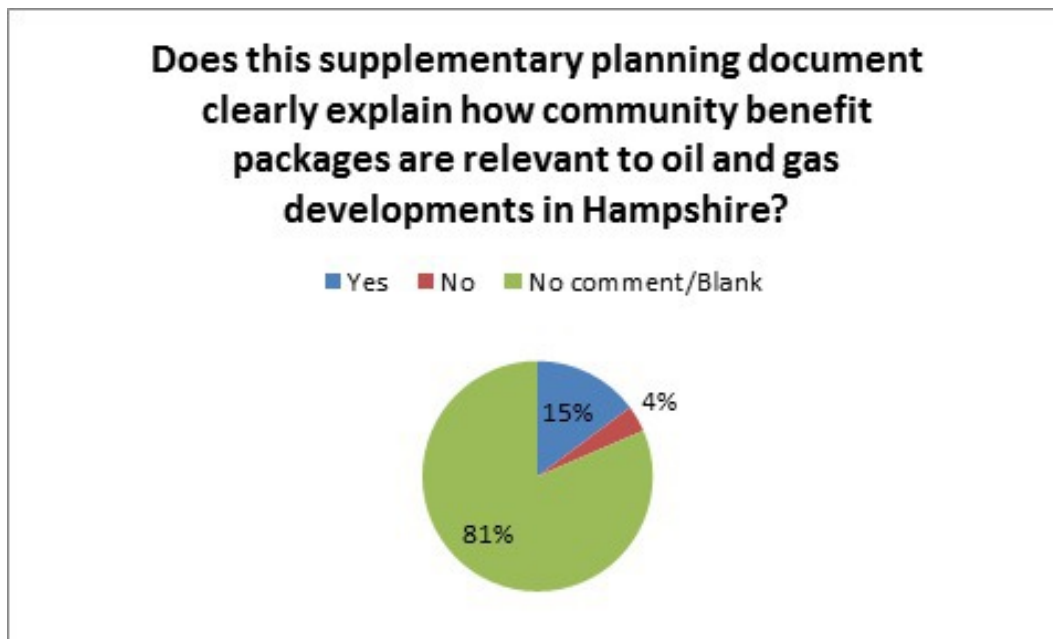
Table 10: Question 10 Responses

Consultee	Comments	Hampshire Authorities' Response
Frack Free Solent	Of course it doesn't because no monitoring would ever take place, or the 'monitors' would be bought off by the likes of Cuadrilla and similar companies.	Section 10 of the draft SPD provides more information on the monitoring of oil and gas sites.
Test Valley Friends of the Earth	See other responses.	Noted.
Friends of the Earth England Wales and Northern Ireland	See other responses.	Noted.
Portsmouth Water	No comment.	Noted.

## Does this SPD clearly explain how community benefit packages are relevant to oil and gas developments in Hampshire?

4.25 Figure 12 shows that the draft SPD clearly explains how community benefit packages are relevant.

Figure 12: Question 11



4.26 Table 11 sets out the comments made in relation to community benefits. The negative response received suggests that the concept of communities benefits is unclear rather than the way it is explained in the SPD.

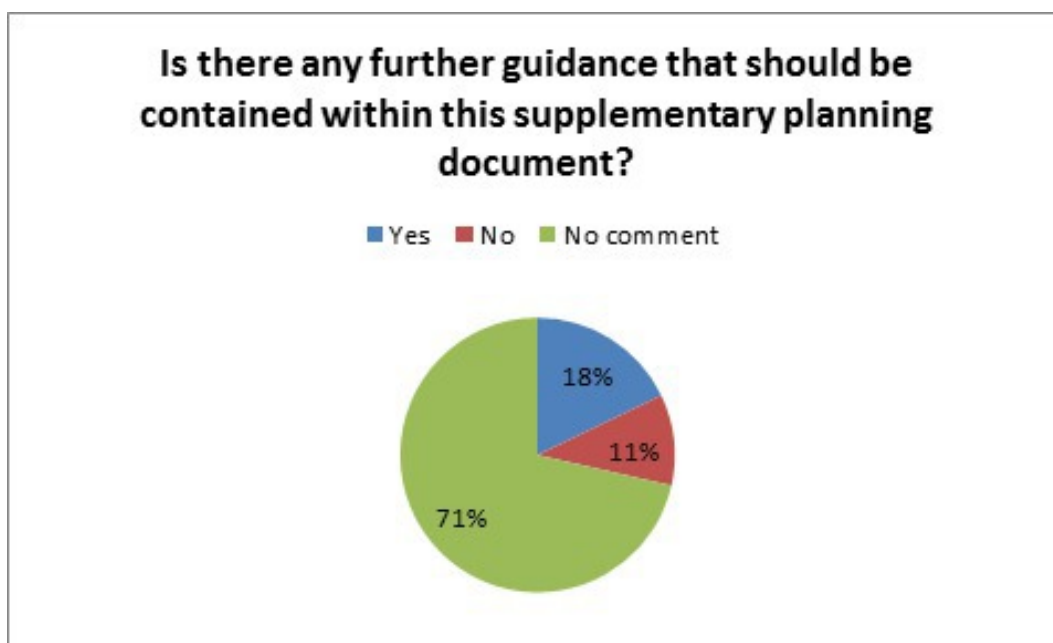
Table 11: Question 11 Responses

Consultee	Comment	Hampshire Authorities' Response
Frack Free Solent	The fracking companies are not remotely interested in benefitting communities, only in their own profits.	Opinions are noted.
Friends of the Earth England Wales and Northern Ireland	We do not consider community benefit in the form of funds to be a relevant material consideration and should be dealt with elsewhere.	Section 11 of the SPD considers the issue of community benefits. Whilst outside of the planning system, they can provide valuable source of funding for local communities. It is important that the relationship between the planning system and benefits packages is clearly defined so it is clear that they will not be taken into consideration when determining planning applications. This is why the information has been included in the SPD.
Portsmouth Water	No comment.	Noted.

## Is there any further guidance that should be contained within this SPD?

4.27 Figure 13 highlights that many of the consultees felt that there was further guidance that could be contained within the SPD.

Figure 13: Question 12



4.28 Table 12 sets out the comments and suggested areas of guidance that should be covered within the SPD.

Table 12: Question 12 Responses

Consultee	Comment	Hampshire Authorities' Response
Otterbourne Parish Council	No comment.	Noted.
Frack Free Solent	Yes, tell them to frack off. No fracking to take place anywhere in Hampshire because residents don't want it.	Opinions are noted.
The Verderers of the New Forest	No.	Noted.
Test Valley Friends of the Earth	No.	Noted.
Historic England	Nothing comes to our mind, but see our comments below. (Q13)	Noted.
Esso Petroleum Company Limited	In Section 6.143 regarding public strategic infrastructure, add to the examples of vital infrastructure after "gas" and before "networks": "and petroleum refined fuels".	Noted. Reference will be added to pipelines in para 6.143

	Locating and extracting crude oil mineral resources is important for energy supply, as recognised by the SPD. However such gains are of no application until they have been through a refinery like the one at Fawley in Hampshire. Only once refined into fuels and distributed to where they are needed, are the hydrocarbons actually usable. The Fawley refinery has a network of pipelines that supply fuels to strategic fuels terminals (from which tankers supply petrol stations and businesses), and to airports (Heathrow and Gatwick in particular).	
Test Valley Borough Council	While the SPD provides advice about the interpretation of policies within the Minerals and Waste Plan and makes reference to national guidance, it may be helpful to clarify that other material considerations may be relevant in the determination of applications and that these considerations may vary over time (for example Ministerial Statements in relation to such planning matters).	Noted. Additional text will be added at the end of para 6.42 in relation to this issue.
Friends of the Earth England Wales and Northern Ireland	See other responses.	Noted.
Portsmouth Water	As water companies are not statutory consultees, we feel that it should be emphasised that water companies must be consulted on any application within any source protection zone, including sub-surface SPZs, or within 1km of an SPZ boundary.	Amendments to para 6.14 will be made to include sewerage undertakers. Footnote 49 will be amended to clarify the role of water companies as statutory consultees in line with the provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument No. 595).

## Do you have any other comments on this SPD?

- 4.29 Table 13 sets out the additional comments made on the SPD. The comments generally relate to the area of interest of the consultee and are welcomed by the Hampshire Authorities.

Table 13: Question 13 Responses

Consultee	Comment	Hampshire Authorities' Response
County Councillor	Does this rule out fracking? If not could this be added.	The SPD has been prepared to provide additional guidance on the implementation of policies of the adopted Hampshire Minerals and Waste Plan for oil and gas development (conventional and unconventional) proposals. All planning applications would be considered on a case-by-case

		basis and against the policies of the adopted plan.
Romsey Extra Parish Council	Romsey Extra Parish Council considered these documents at its meeting on 9 July 2015 and RESOLVED to make No Comment.	Noted.
Havant Borough Council	Havant Borough Council welcomes Hampshire County Council's commitment to work with local planning authorities that fall within the Minerals and Waste Plan area around cross-boundary issues of common concern and interest. Minerals and waste safeguarding and oil and gas development are strategic issues that affect any authority that has minerals sites within its boundary. It is therefore important to fulfil the duty to co-operate in the Localism Act and the National Planning Policy Framework for our authorities to engage constructively on such issues. Havant contains oil and gas sites, as shown on the Hampshire Minerals and Waste Plan Minerals Consultation Area 2015 policies map. However, unless the development is classified as permitted development, planning permission to develop these sites for oil or gas extraction would need to be sought from the Minerals Planning Authority (i.e. Hampshire County Council). These applications would not be dealt with by Havant Borough Council.	Noted.
	The SPD explains that oil and gas resources are not safeguarded due to their depth beneath ground level and low likelihood of a resource sterilisation threat from surface level development. This means that for ordinary non oil or gas development planning applications Havant Borough Council would not need to consult Hampshire County Council.	Mineral resources are not safeguarded as they will not be sterilised by non-minerals-or-waste developments due to their depth. Existing oil and gas sites are safeguarded and are included in the MCA. It is important that if non-minerals-or-waste developments are proposed in proximity to sites identified in the MCA, that the MWPA is consulted.
	Based on this information, the SPD appears to have no specific direct impact for Havant Borough Council as a non-Minerals Planning authority and so I have no comments to make on it.	Noted. It is important to note that there are existing oil and gas sites located in Havant and oil and gas licence areas issued by the Government.
Highways England	Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN). Having examined the above document, we do not offer any comment to this proposal.	Noted.
The Verderers of	No.	Noted.

the New Forest	<p>The SPD does not appear to have any significance for the New Forest which is the Verderer's area of interest.</p> <p>Whilst the New Forest does not include any licensed areas for oil and gas exploration in, or around its borders at present the Verderers have no current concerns about such exploitation but they are concerned that the policies for exploitation within national parks have been weakened to allow exploitation in the future even though the most stringent tests may be applied.</p>	
Cranborne Chase AONB	<p>Thank you for consulting the AONB on your draft Supplementary Planning Document on oil and gas development. I note it would apply to the north western sector of Hampshire that is within this Area of Outstanding Natural Beauty. The Cranborne Chase and West Wiltshire Downs AONB has been established under the 1949 National Parks and Access to the Countryside Act to conserve and enhance the outstanding natural beauty of this area which straddles three County, one Unitary and five District councils. It is clear from the Act, subsequent government sponsored reports, and the Countryside and Rights of Way Act 2000 that natural beauty includes wildlife, scientific, and cultural heritage. It is also recognised that in relation to their landscape characteristics and quality, National Parks and Areas of Outstanding Natural Beauty are equally important aspects of the nation's heritage and environmental capital. The AONB Management Plan is a statutory document that is approved by the Secretary of State and is adopted by the constituent councils.</p> <p>It sets out the Local Authorities' Objectives and Policies for this nationally important area. The national Planning Practice Guidance [Natural Environment paragraph 004] confirms that the AONB and its Management Plan are material considerations in planning.</p> <p>The AONB is covered by a Landscape Character Assessment which gives details of the landscape character areas, of particular locations and the information can be found in the Landscape Character Assessment 2003. That document should be available in your office, and it can be viewed in FULL on our web site.</p>	Noted.
	<p>The SPD helpfully includes a glossary which starts on page 72. However, the definition of Areas of Outstanding Natural Beauty does seem to omit some crucial matters. Firstly, AONBs are part of the nation's suite of finest landscapes. Furthermore, these landscapes are nationally important and nationally designated. The definition as currently written does not make either of those two critical points. It would, I suggest, be helpful to clarify that the current processes of designation and management are covered by the Countryside and Rights of Way Act 2000. Furthermore, the primary role for the management and upkeep for individual Areas of Outstanding Natural Beauty is the responsibility of the AONB Management Plan, prepared and adopted by the constituent Local Authorities. In the majority of cases, and especially where more than one authority is involved, that Management Plan production and implementation is co-ordinated by a Board or Panel of representatives of the constituent local authorities and other interested organisations.</p> <p>The arrangements are, therefore, not quite as simple and high level as your current definition indicates. Indeed, one of the</p>	Noted. The glossary will be amended to clarify the role of AONBs

	strengths of the arrangements of the local AONB Boards/ Panels (in the historic jargon known as Joint Advisory Committees) is that nationally important landscapes are locally managed with predominantly national funds.	
Dorset County Council	Dorset County Council thanks Hampshire County Council for consulting regarding this Supplementary Planning Document, but has no comments to make.	Noted.
Test Valley Friends of the Earth	No.	Noted.
Eastleigh Borough Council	Oil and Gas in Hampshire SPD vi. We have no specific comments to make on the above document.	Noted.
Historic England	Figure 16 - we welcome the identification of Historic England as an organisation that may have a role or interest in oil and gas development.	Noted.
	In the Glossary it would be better to say that Historic England was formerly known as English Heritage.	Noted. The wording of the glossary will be amended.
Esso Petroleum Company Limited	I am writing on behalf of Esso Petroleum Company, Limited, as owners and operators of the Fawley oil refinery and petrochemical complex, and the related distribution terminals and pipelines networks. Whilst our developments and activities are not directly affected by the documents in question; we do not extract oil in Hampshire, or any other minerals. We feel it is prudent to make some comment to capture and emphasise the importance of the Fawley site, and establish a clear distinction between it, and any extraction development sites that might hereafter be proposed.	Noted.
	Fawley refinery accounts for about 20% of the refined petroleum products used in the UK (to put that in context approximately 1 in 6 of all cars in the UK runs on fuel manufactured in Fawley). Fawley operates 365 days a year producing and distributing these fuels, which are essential to the way we now live, with fuels available on demand at petrol stations, industrial premises, and airports. To emphasise the importance of the continuous operation of Fawley; when the fuel refineries and terminals were blockaded by protestors in 2000, the country was virtually at a standstill within a week. Transport (including the emergency services) was unable to refuel, and hardly any food was getting to the shops.	Noted.
	The development and infrastructure that already exists for the refinery and distribution network is different from that being contemplated in respect of any development for mineral extraction. As owners and operators of this substantial existing development, we have natural concerns that current operations and any necessary developments should not be curtailed or constrained. We would like the importance of the current refinery and distribution infrastructure to be born in mind when any decisions are being made to allow future mineral extractions on or near the Fawley petrochemical site. We have made some succinct suggestions as to changes to the two SPDs to capture the above issues. As regards the Oil & Gas Development and express recognition of the refined fuels distribution network.	Noted. In the event that a proposal is submitted for oil and gas development, public consultation will take place in line with the relevant Hampshire Authorities' Statement of Community Involvement (SCI).



<p>Godshill Parish Council</p>	<p>I am writing on behalf of Godshill Parish Council to advise that it agrees that the UK needs to develop a fracking industry, and that Hampshire should make its contribution. There would seem to be little threat to the National Parks and AONBs from horizontal drilling and extraction hundreds of metres underground. Therefore, provided that the surface area sites are not allowed within national parks, and are carefully positioned so that the great transport burden they generate is borne by roads suitable for the heavy lorries, with none of this transport traversing any part of the National Parks, Godshill Parish Council would be willing to support such development. As HM Government is currently in the process of changing the rules, Godshill Parish Council may be able to provide additional comments when all the information is available in October.</p>	<p>Noted.</p>
<p>Winchester Action on Climate Change (WinACC)</p>	<p>1. Assumptions about 'sustainability' It is clearly a nonsense to claim, as in the Foreword and elsewhere in the SPD, that 'Hampshire's in-situ oil and gas resources may provide further opportunities to extract oil and gas resources to meet growing energy demands, if this represents sustainable development.' Oil and gas are finite fossil fuels that obviously cannot be developed sustainably (once extracted and used they are gone forever and are not available to future generations).</p> <p>3. Gas as a temporary 'bridging' fuel Gas, and particularly shale gas, is often presented as a fuel that will 'bridge' the necessary transition between fossil fuels and renewables as energy sources. This is a specious argument for several reasons. Shale gas is itself a fossil fuel. Several studies in the last year have shown that shale gas, at least on a 20-year timescale, is likely to have a greater impact on global warming than the coal which it is supposed to replace. Because of the urgency with which global warming needs to be tackled it makes more sense to invest in off-the-shelf renewable technologies now rather than waiting until shale gas runs out.</p> <p>4. Pre-development monitoring There are many well documented examples in the peer-reviewed scientific literature where exploration for shale gas and the use of hydraulic fracturing (fracking) in the USA are apparently associated with polluted aquifers and with methane leaks into the atmosphere. The only certain way to rebut observations suggesting that an aquifer has been polluted or a well is leaking gas is to monitor the area around a proposed well, both above and below ground, for at least a year before any development takes place. Pre-development monitoring should be included as a pre-requisite to giving planning permission for any development that includes, or could potentially include, hydraulic fracturing.</p> <p>5. Operational monitoring Section 10.2 of the SPD describes how the MPAs will monitor operations. Given the current squeeze on council funding how will the MPAs ensure that they will have the resources to carry out such monitoring in a timely and professional manner?</p>	<p>The adopted HMWP is based on the principles of sustainable development. The Plan includes Policy 1 (Sustainable minerals and waste development) which clearly states that there should be a presumption in favour of development unless material considerations indicate otherwise (eg the other policies in the Plan).</p> <p>Noted. National energy policy is not relevant to the SPD which relates specifically to providing additional guidance on the implementation of the policies of the adopted HMWP.</p> <p>The planning systems, the regulation of developments and the monitoring of oil and gas developments takes place in a very different way to what takes place in the USA. The SPD seeks to provide additional guidance on the implementation of the policies of the adopted HMWP which is relevant to Hampshire.</p> <p>HCC actively monitors all existing oil and gas sites in Hampshire. Oil and gas sites fall within the monitoring fee regime (Monitoring fees: <a href="http://www.legislation.gov.uk/uksi/">www.legislation.gov.uk/uksi/</a></p>

		<p><a href="http://www.hants.gov.uk/monitoring-and-enforcement-homepage.htm">2006/994/regulation/2/made</a>) which means HCC can charge for monitoring visits. More information on this can be found on the HCC website: <a href="http://www.hants.gov.uk/monitoring-and-enforcement-homepage.htm">www.hants.gov.uk/monitoring-and-enforcement-homepage.htm</a></p>
	<p>6. Initiation of horizontal drilling and water demand Planning permission will be required for each of the three phases of oil and gas development viz. (exploration, appraisal and production). A fourth phase, well completion and abandonment, is discussed later.</p>	<p>Section 4 of the document sets out more information on the three phases of development as well as well completion, abandonment and restoration.</p>
	<p>Figure 6 in the SPD attempts to detail the three phases yet it does not clearly indicate the implication of the change from fracking vertical appraisal wells to fracking horizontal production wells. This change is important because it could involve an almost 8-fold increase in the demand for water for fracking. For example, in the USA, fracked shale gas wells now have median consumption values of 19 million litres of water whereas other gas wells use less than 2.5 million litres (about the size of an Olympic swimming pool). Southeast-east England, including Hampshire, has already been defined as an area of 'serious water stress' by the EA. It is very important to establish, at the early....</p>	<p>Noted. Hydraulic fracturing is a process which can be used for both conventional and unconventional extraction. Issues of water use are considered in section 6 of the document.</p>
Southern Water	<p>Southern Water provides water and wastewater services to much of Hampshire. We recognise that there are potential opportunities for oil and gas development in Hampshire and would not wish to hinder economic development in the region. However, we acknowledge that there are potential risks inherent with activities of this nature which must be assessed, regulated and mitigated before such operations are allowed to commence. Therefore, we welcome the above document in principle as it provides further guidance on the consideration of planning applications for this type of development. Our main concern is to ensure that any activity would not compromise the quality of groundwater in the Chalk aquifer across our area, which we treat and supply to our customers. Accordingly, we request that appropriate Hydrogeological Risk Assessments are carried out prior to the commencement of any drilling. Also we are keen to ensure that flowback water is safely and effectively disposed of and so encourage the provision of a Waste Management Plan to address this issue.</p>	<p>Noted. Section 8 considers the types of conditions which could be included on planning permissions related to water resources. Section 6 considers issues related to flow back water.</p>
CPRE Hampshire	<p>Para. 1.3 2nd and 3rd lines - Oil and gas do not form in conventional reservoirs, they migrate into them from source rocks, usually shale below the reservoirs. Nor is the cap rock or seal always a shale, and this could be confused with the terms used for shale oil and gas. This would be better rephrased as follows – “....relatively porous meaning oil and gas are trapped in reservoirs.” Or as “....relatively porous meaning oil and gas migrate into reservoirs.” The next sentence 3rd line, could better read as “.....conventional oil and gas reservoirs are usually overlain by a cap rock or seal, often shale”. The 7th line similarly could better say “...shale rock itself and has not migrated into conventional reservoirs”.</p>	<p>Noted, paragraph 1.3 will be amended.</p>

	<p>Para. 4.1 This section could usefully include something about seismic studies, especially 3D, which may take place alongside drilling exploration wells. In the highlighted box, the 2nd bullet point refers to small wells, this is not a very meaningful phrase, and is either an error, and should read “a small number” of wells. The last part of the same bullet point should perhaps say “tested” rather than “fractured”, as by no means all exploration wells will be fractured, but many will be tested. The message on fracturing in unconventional targets is covered in the 3rd bullet point.</p>	Noted. The word 'small' has been removed. The other part of the sentence has also been amended as per comment.
	<p>Para.4.10 Transport could be usefully included in the highlighted bullet point section.</p>	Noted, the box has been amended to include transportation issues
	<p>Paras 6.183 and 6.184 These paragraphs should include oil, i.e shale “oil and” gas.</p>	The paragraphs have been amended to refer to 'shale' rather than specify oil or gas.
Friends of the Earth England Wales and Northern Ireland	No.	Noted.
Portsmouth Water	<p>Para 1.37 Should confirm that if a proposal is received the MPA will liaise with the consultees already mentioned and the relevant water company.</p>	The requirement for consultation is addressed in paragraph 1.37. Amendments to para 6.14 will be made to include sewerage undertakers. Footnote 49 will also be amended to clarify the role of water companies as statutory consultees in line with the provisions of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument No. 595).
	<p>Para 4.6, 4.8 and 4.10 Exploration / Appraisal / Production – should all refer to; should only be permitted where a risk assessment has demonstrated to the satisfaction of the EA and the relevant water company(s) that there will be no adverse impact on ground water quality.</p>	This issue is considered in more detail in section 6 of the document and does not need to be referred to in section 4. The SPD should be read in the whole.
Environment Agency	<p>We welcome the production of this guidance and think it is generally well laid out and informative. We do however have a few comments to make that you will hopefully find helpful.</p>	Noted.
	<p>Para 1.5 The final sentence of this paragraph is slightly misleading. We understand the intention of this but it should be clearer that this guidance relates to ‘conventional’ oil and gas and not just shale. We suggest that an addition is made to the end of the sentence such as “Therefore, this guidance only refers to shale oil and gas and conventional oil and gas development.”</p>	Noted, the paragraph has been amended to reflect the comments received.
	Section 3	Noted. An additional paragraph has been added

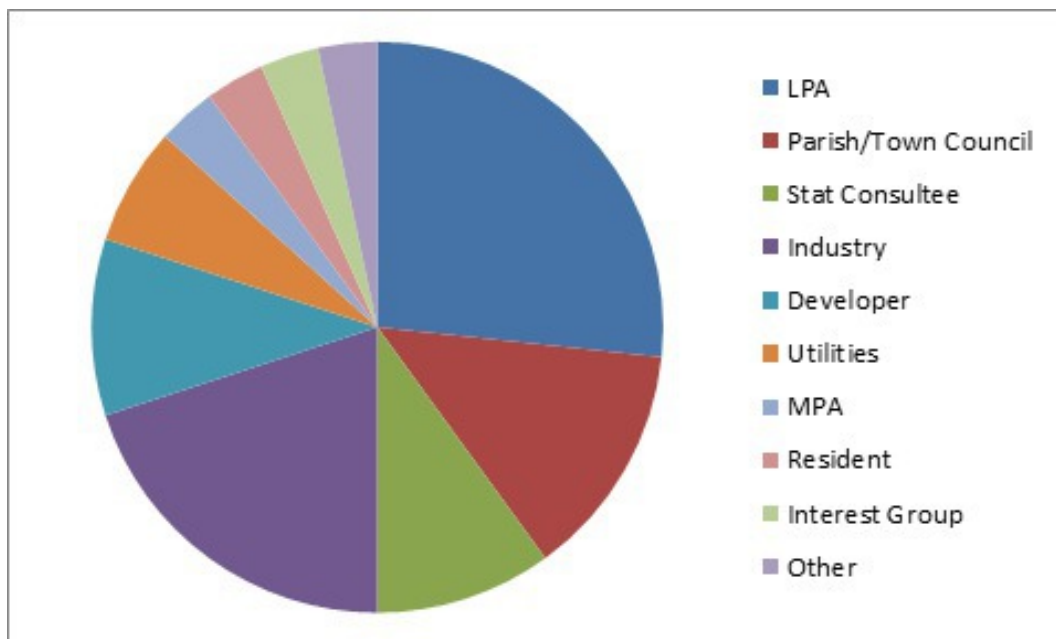
	We would suggest that an additional paragraph is added here to make readers aware that some oil and gas development that is classified as permitted development under planning may still require new and/or variations to other consents/ permits.	including the comments received.
	Para 4.3 Para 4.3 We think this paragraph needs to be made clearer to ensure the reader understands that each individual phase of oil and gas development requires a separate planning permission. Whilst we recognise this is the intention of this paragraph the wording with respect to this is slightly confusing. It may also be worth noting here that a separate permit(s) will also be required for each stage.	Noted. Para 4.3 will be amended as per comments received.
	Para 4.5 A very minor point, but it should read oil or gas, rather than 'and'.	Noted, typo has been corrected.
	Para 4.6 The green box below this paragraph uses the word 'fractured' in bullet point two. Our view is that this is a very emotive word to use, especially when referring to conventional as well as unconventional exploration. We would suggest either removing this or replacing it with something like 'explored' instead.	Noted. The word 'fractured' has been replaced with the word 'tested' as per other comments.
	Para 4.10 There is an opportunity in the final bullet of the green box associated with this paragraph to include a reference to gaining environment enhancements, where possible, as part of decommissioning and restoration.	Noted. The text has been amended to include reference to environmental enhancements.
	Figure 7 Whilst we recognise that it is not a statutory requirement we suggest that there is an opportunity here to promote EIA Scoping by including it in this diagram. There may be a way of colour coding the diagram to denote which stages are statutory.	Noted. The diagram will be reviewed and amended accordingly.
	Para 6.31 We support the inclusion of this paragraph encouraging the twin track approach to planning and permitting.	Noted.
Whitehill Town Council	Many thanks for extending the deadline; having reviewed it the Council does not want to make any comments on it.	Noted.

4.30 Please note that comments made on the supporting documents are set out in Section 6.

## 5. Summary of Responses (Safeguarding)

- 5.1 A total of 30 responses were received in relation to the draft Safeguarding SPD. It should be noted that two responses were received from Test Valley Borough Council.
- 5.2 The majority of the responses received were from:
- local planning authorities;
  - minerals and waste industry representatives; and
  - parish or town councils from within Hampshire (see Figure 14).

Figure 14: Type of respondent

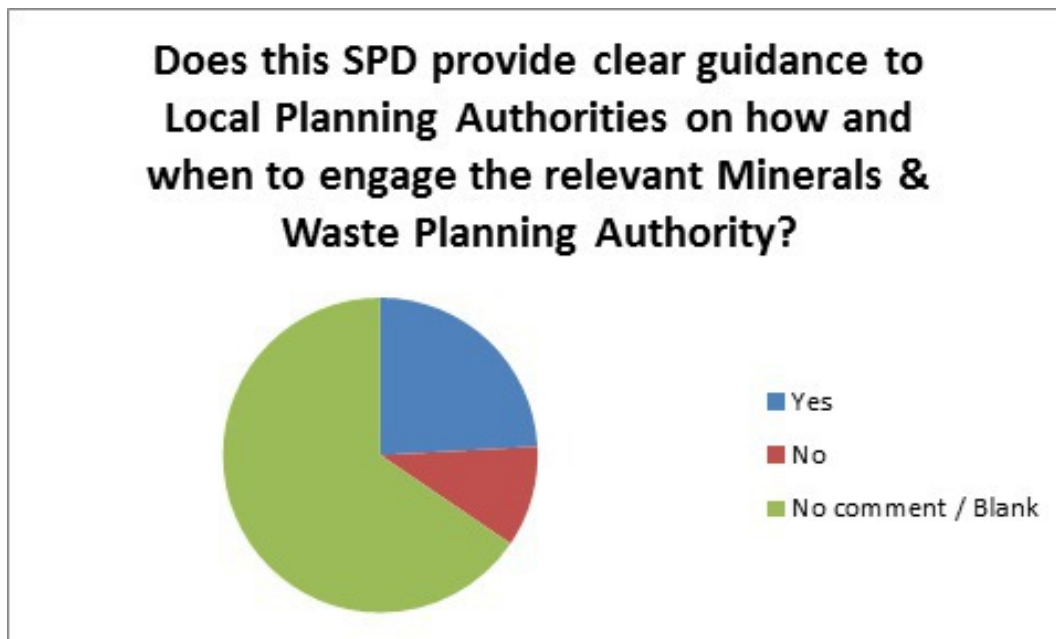


- 5.3 Most of the responses were received by email (23), one was received by letter and a further five were submitted via 'snap survey' which is an on-line questionnaire. One was also submitted verbally to a HCC officer.
- 5.4 The remainder of this chapter analyses the responses received in relation to the consultation questions posed by the Hampshire Authorities.

### **Does this SPD provide clear guidance to Local Planning Authorities on how and when to engage the relevant Minerals & Waste Planning Authority?**

- 5.5 Figure 15 shows that the majority of those that provided a response felt that the draft SPD did provide clear guidance on how and when to engage with the relevant MPA. The consultees that provided a negative response included a local resident and a developer.

Figure 15: Question 1



5.6 Table 14 sets out the comments made in relation to consultation and the Hampshire Authorities' response.

Table 14: Question 1 Responses

Consultee	Comment	Hampshire Authorities' Response
New Forest District Council	Application of the MCA is often done by automated systems (is at NFDC) - It is easier for us to consult the MWPA on everything!	The 3ha size limit was chosen in order to alleviate the pressures on both the LPA and the MWPA, while avoiding relevant consultations being missed due to work loads. It is also considered to be a reasonable size to capture those developments which are likely to sterilise a viable mineral resource. The purpose of setting out which developments the MWPA's do not need to be consulted on is to reduce the requirements for consultation for the district and borough councils. If there are any other technical opportunities to explore, the Hampshire Authorities are keen to work with the LPAs to identify them.
Test Valley Borough Council	The advice provided within the SPD provides greater clarity on how Local Planning Authorities should liaise with the Minerals and Waste Planning Authority (MWPA) and what responses / approaches will be expected. Mineral Consultation Area (MCA) layers provided to Local Planning Authorities continue to recognise these constituent parts to make it easier to undertake the appropriate consultation. In relation to consulting the MWPA on non-minerals / waste planning applications, there are different ways of interpreting	The need for consistent language is noted and Figure 4 has been amended. The request for a "No comment" response is noted and text has been added that it will be endeavoured to provide these responses to Figure 3.

	<p>some of the guidance within the SPD. Therefore, the consistency of the phrasing could be clarified looking at the text box on page 32 of the SPD, Figure 4 (e.g. use of the word 'near') and the general text on this matter in the SPD.</p> <p>The Council welcomes the clear position presented in Figure 3 that "If no response is provided it can be assumed that the MWPA has no comment to make". However, it would be helpful if the MWPA could confirm in writing that there is 'no comment' when this circumstance arises so the position is absolutely clear.</p>	
Quarryplan (GB) Limited on behalf of Tarmac Trading Limited	No the SPD does provide guidance although this needs to be improved by more references to infrastructure and the consideration of prior mineral extraction from all developments irrespective of size. It should be a policy within all Local Plans.	Prior mineral extraction is indeed encouraged in all developments, however it is unlikely to be practical to require careful consideration of mineral issues at most small sites due to viability issues.
Mineral Products Association	The use of flowcharts is helpful in simplifying and explaining the process	Noted.
D. K. Symes Associates	But, it is important that the LPAs are made fully aware of the extent of the MSA and that the mineral issue is made clear to the prospective developer.	Noted. The LPA will be provided with the latest MCA annually and it is hoped this guidance will ensure developers are better and more frequently informed.
Resident	Please see attached paper	Response under "Other" comments.

### **Does this SPD provide clear guidance to developers on when to engage the relevant Minerals & Waste Planning Authority?**

- 5.7 Figure 16 highlights that respondents generally felt that the draft SPD provided clear guidance on when to engage with the relevant MPA. Those that responded negatively included a local resident, industry representative and developer.

Figure 16: Question 2



5.8 Table 15 outlines the comments made in relation to when to engage and the Hampshire Authorities' response.

Table 15: Question 2 Responses

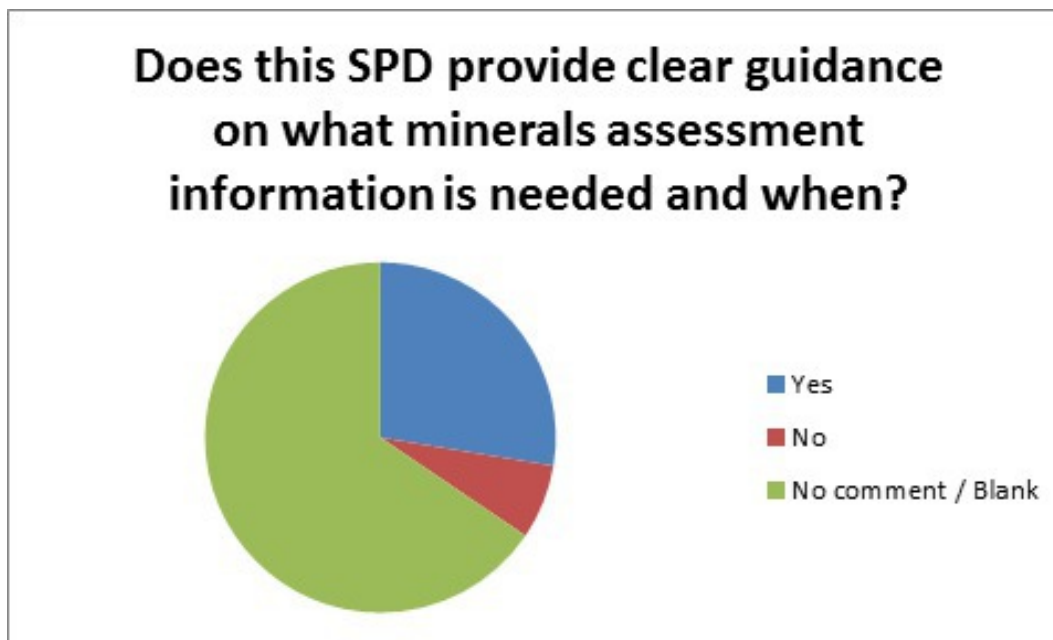
Consultee	Comment	Hampshire Authorities' Response
Barton Willmore on behalf of Hallam Land Management Ltd	See attached covering letter.	Response under "Other" comments.
Quarryplan (GB) Limited on behalf of Tarmac Trading Limited	No developers need to be made fully aware of the need to engage with the MWPA within Local Plans and development criteria checklists. It should be a fundamental policy in all Local Plans. Please see the response to Question 1 and 3 for details of when engagement is necessary and the information required.	The Hampshire Authorities agree that engagement with developers is of utmost importance and have pursued a number of engagement activities surrounding the consultation for this SPD as a springboard for raising awareness of minerals and waste safeguarding issues. Suggestions for other engagement methods and relevant contacts are welcomed.
Mineral Products Association	The use of flowcharts is helpful in simplifying and explaining the process.	Noted.
D. K. Symes Associates	Again, how does a developer know his site is in an MSA. This needs to come from the LPA hence it is important that the comments in Q.1 are fully implemented.	Noted.
Resident	Please see attached paper.	Response under "Other" comments.



## Does this SPD provide clear guidance on what minerals assessment information is needed and when?

- 5.9 Figure 17 shows that the draft SPD provides clear guidance to the majority of those that responded. Those that responded negatively included a resident and industry representative.

Figure 17: Question 3



- 5.10 Table 16 provides further suggestions for guidance on mineral assessments within the SPD.

Table 16: Question 3 Responses

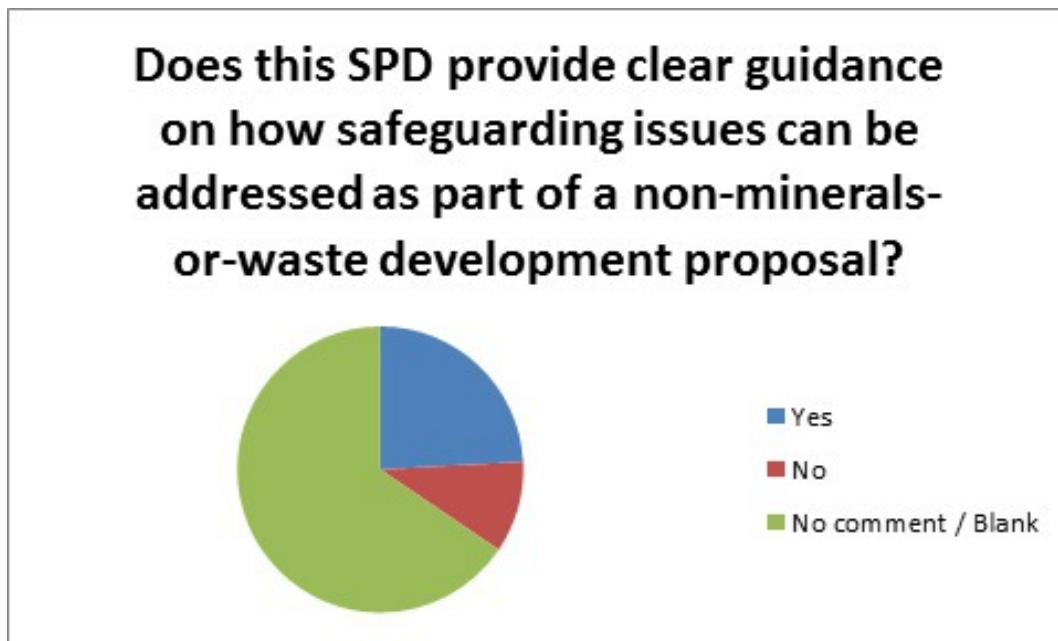
Consultee	Comment	Hampshire Authorities' Response
Test Valley Borough Council	Given the type of information that may be required alongside planning applications, which is likely to be time consuming to collect, it would be important that the Minerals and Waste Planning Authority give clear guidance to the Local Planning Authority on the adequacy of such information and the way forward should insufficient information be provided. This would include whether the absence of such evidence would be significant enough to substantiate a reason for refusal that could be upheld.	Noted. The SPD provides more guidance on the type and level of detail of information required to ensure the issue of safeguarding is adequately addressed. The MWPA can also provide more guidance in relation to specific proposals on request. In preparing any response to a consultation on a planning application from a district or borough council, the MWPA will make it clear whether the issue of safeguarding has been addressed adequately through the planning process and what comments the authority has on the proposal in this respect. Text has been added to the section on "Consideration of comments received from the Minerals and Waste Planning Authority (MWPA)".
Quarryplan (GB) Limited on behalf of	No, the information should be prepared by a geologist experienced in mineral developments. In addition the inclusion of laboratory analysis is recommended and a	The Hampshire Authorities agree that these methods should be recommended and text has been added in the section on "Information developers may need to provide".

Tarmac Trading Limited	clear demonstration of how the use of the minerals is to be maximised.	
Mineral Products Association	Perhaps some examples of typical cost of undertaking assessments would be helpful, to highlight that these are not excessively expensive or burdensome, particularly if compared with other assessments that developers have to undertake as a matter of course eg ecological & protected species, landscape and visual, transport, archaeological, flood risk etc. Information from our members suggests that costs of undertaking reasonably detailed resource assessments (for the purposes of assessing the viability of resources for mineral extraction) range from c£400-800 per ha, depending on the size of the site (larger sites have economies of scale).	Noted. It is not considered to be prudent to include information on costings in SPD as charges may change and each cost will be determined on a case by case basis. The inclusion of potential costings in the SPD may be construed as limiting businesses that provide these services in some way and is prone to making the SPD out of date when this information changes. However, the Hampshire Authorities do appreciate the usefulness of this type of information and can use it when advising and in discussions with developers.
D. K. Symes Associates	In principle the SPD give clear guidance, but it may be better to ensure some flexibility as each case will be different so alternative approaches may be more suitable.	The Hampshire Authorities agree that there is a need for flexibility, while balancing this with the requests from interested parties that clear guidance is provided. It is hoped that the inclusion of "case by case basis" wording reflects this.
Resident	Please see attached paper.	Response under "Other" comments.

### **Does this SPD provide clear guidance on how safeguarding issues can be addressed as part of a non-minerals-or-waste development proposal?**

- 5.11 Figure 18 shows that the majority of respondents felt that the draft SPD did provide clear guidance on how safeguarding can be addressed as part of a non-minerals-or-waste proposal. Those that felt it was not clear included a utility company, local resident and a developer.

Figure 18: Question 4



5.12 Table 17 highlights the comments made in relation to addressing safeguarding issues.

Table 17: Question 4 Responses

Consultee	Comment	Hampshire Authorities' Response
New Forest District Council	Do not like the requirement on local planning authorities to tell developers to approach the MWPA if development is proposed within the MCA. The MWPA should do that themselves upon consultation and it should not be up to districts to inform the developers to speak to the MWPA.	The earlier developers are made aware of the need to speak to the MWPA, the quicker any potential issues and questions can be resolved, thereby speeding up the planning process for all parties involved.
Test Valley Borough Council	The SPD provides a useful overview of how such matters can be addressed. The Local Planning Authority would be dependent on clear advice from the MWPA through consultation responses on relevant applications.	Noted.
Quarryplan (GB) Limited on behalf of Tarmac Trading Limited	Yes, subject to the alterations suggested in this response.	Noted.

Portsmouth Water	We have no specific feedback on the consultation document, however, if an application for a waste or mineral site is made with a Source Protection Zone 1, 2 or 3, including sub-surface SPZ's, or within 1km of an SPZ boundary to one of the Portsmouth Water Company catchments then we would want to be consulted by the Minerals Planning Authority on the application. The developer should be advised to contact the Company so that we can be involved in pre-application discussion.	Applications to which this SPD applies are unlikely to be mineral or waste applications themselves, however information will be passed on to the relevant MWPA teams regarding minerals and waste applications.
Resident	Please see attached paper.	Response under "Other" comments.

## Can you suggest any improvements for how the guidance outlined in this SPD can be applied by Local Planning Authorities?

5.13 Table 18 outlines the suggestions made in relation to how the guidance can be applied by LPAs.

Table 18: Question 5 Responses

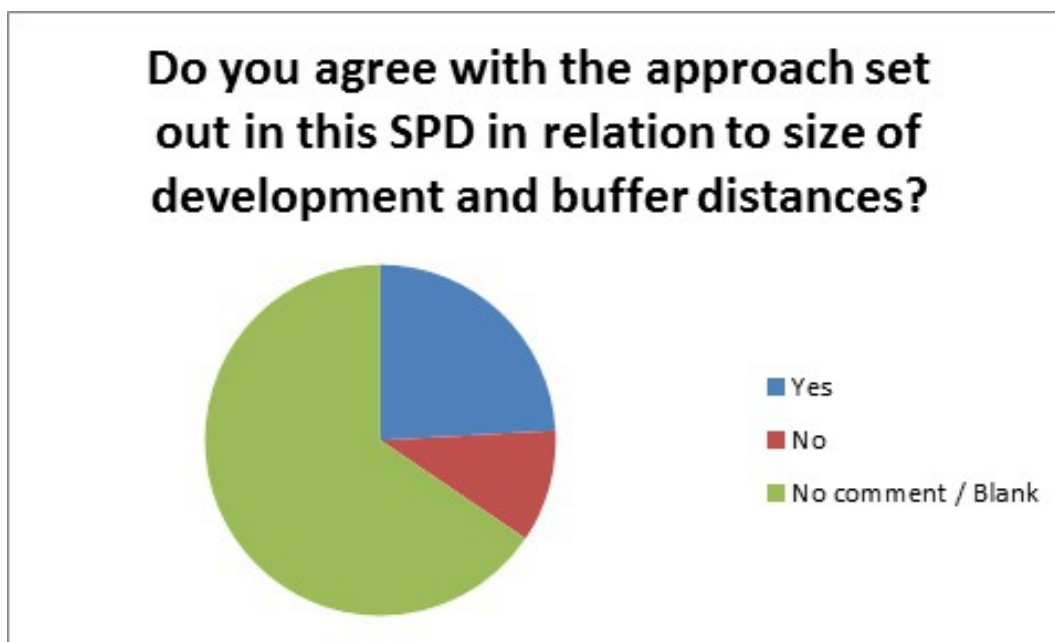
Consultee	Comment	Hampshire Authorities' Response
Barton Willmore on behalf of Hallam Land Management Ltd	See attached covering letter.	Noted.
Quarryplan (GB) Limited on behalf of Tarmac Trading Limited	The guidance needs to be included as a policy within all Local Plans.	The adopted Hampshire Minerals and Waste Plan already includes policies on minerals and waste safeguarding. The SPD has been prepared to provide additional guidance on the implementation of these policies. The HMWP is part of the development plan for Hampshire so should be taken into account, where relevant, by other local planning authorities. The guidance does not have the same status as national policy or the Hampshire Minerals and Waste Plan, but sits alongside them. However, it serves to highlight the need for Local Plans to address national mineral safeguarding policy.
Dorset County Council	Paragraph 4.20 refers to Hampshire CC keeping the Online Policy Map up-to-date for LPAs to cross-reference with their own information. My comment is that it could be unrealistic to expect Districts/Boroughs to pro-actively check the County online system - it may be better to send the information directly to Districts/Boroughs as and when it is updated.	Noted. GIS files of the MCA are and will continue to be sent to the local planning authorities for their use at least annually, balancing the need for prompt updates and the additional administrative burden that frequent updates may impose. The MCA can also be viewed via the online policies map.
Mineral Products Association	Perhaps produce a more sophisticated flowchart (Fig 3) setting out measures expected to be taken and evidence provided at different stages eg by a developer when proposing development in or within the buffer of the MCA, and put up front in a summary document/	The Hampshire Authorities will look to provide a summary leaflet for local planning authorities and developers highlighting how safeguarding need to be taken into account at each stage.

	leaflet. Making the process as easy to understand as possible is essential given that districts have not applied safeguarding in the past.	
Historic England	No.	Noted.
D. K. Symes Associates	<p>1. It is very important that the LPA is fully aware of the MSA as it may affect their area.</p> <p>2. Any pre-app advice for non mineral development needs to identify whether minerals are likely to be an issue. This is the responsibility of the LPA.</p> <p>3. Should minerals be specifically referred to in local validation requirements?</p>	<p>1. Noted.</p> <p>2. Noted. The Hampshire Authorities would welcome district and borough councils highlighting this as an issue at the pre-application stage.</p> <p>3. This is up to the LPAs, but as mineral issues will not apply equally depending on the type of application and size of the development, it may not be appropriate to have such validation requirements.</p>
Esso Petroleum Company Limited	<p>In Section 3.17, the first assessment that MWPA should undertake, which should be added as the first bullet point it, "Current planning use and extent of prior development".</p> <p>Whilst the MCA should have informed the MSA, so that developed area should be excluded to meet the states objective of the first line of Section 2.6. Those with substantial existing developments would want to see that this is the first check that MWPA makes when considering the application on a 'case-by-case' basis. It is also consistent with the request for information in 3.18, which requires statements as to the planning status on site-setting.</p>	Agreed, this bullet point has been added.
Resident	Yes. Please see attached paper.	Response under "Other" comments.

### Do you agree with the approach set out in this SPD in relation to size of development and buffer distances?

- 5.14 Figure 19 shows that of the 10 consultees that responded, seven agreed with the approach set out in the draft SPD. The three consultees that responded negatively included industry representatives and a utilities company.

Figure 19: Question 6



5.15 Table 19 sets out the comments from consultees in relation to buffers and suggestions for alternative approaches and distances.

Table 19: Question 6 Responses

Consultee	Comment	Hampshire Authorities' Response
Test Valley Borough Council	<p>The definition of appropriate buffer distances and sizes of development that would trigger consultation should be established in a robust way to ensure that appropriate consideration is given to the long term safeguarding of resources, avoiding the unnecessary sterilisation of mineral resources, and ensuring appropriate consideration is given to potential amenity implications of minerals and waste infrastructure. In relation to this latter point, the Council considers that the 250 metre buffer should be applied to urban areas as well as rural areas to give an opportunity to fully consider potential noise and amenity impacts that could arise on sensitive developments given the range of mineral and waste infrastructure and the differences in the impacts they may generate.</p> <p>It would be helpful to ensure that the approach to buffers and site sizes is such that appropriate mechanisms are in place to address circumstances where smaller parcels of land come forward for non-minerals / waste development that form part of a wider area where safeguarding could be a relevant matter (both within or adjacent to the MCA). There is reference to this scenario on page 33 of the SPD.</p>	<p>This is one of several responses on buffers received both through the consultation and the safeguarding event that was organised during the consultation period. The Hampshire Authorities have noted the differing viewpoints on buffers and the issues raised. On balance, the buffers have been kept to the proposed values, but will be regularly reviewed as to their effectiveness. Text to this effect has been added in a separate section on "Monitoring of the Supplementary Planning Document".</p> <p>The issue of piecemeal development is a particular challenge for safeguarding. The Hampshire Authorities will use all information at their disposal to monitor this issue and also welcome any support the LPAs can offer through the sharing of information they may have.</p>

	<p>In addition, it is indicated that mineral resources may be present outside the mineral safeguarding area (pages 23 and 27 of the SPD). Based on the SPD as currently prepared it is assumed that there would be no requirement for mineral assessments or investigations outside the MCA. If there is local knowledge / information that suggests that resources may be present it would be useful to clarify how this should be picked up or approached in the determination of an application and what role the MWPA would take.</p>	<p>The MCA cannot cover all possible areas where minerals could be, as this would not give a good indication of where minerals are likely to be viable. Therefore, the SPD can only encourage that if local information is available or gained on mineral resources, that the maximum use possible is made of these resources. The MWPA is happy to discuss any information of this sort that is provided and text to that effect has been added to the section on "Avoiding sterilisation of mineral resources".</p>
<p>Barton Willmore on behalf of Hallam Land Management Ltd</p>	<p>See attached covering letter.</p>	<p>Response under "Other" comments.</p>
<p>Quarryplan (GB) Limited on behalf of Tarmac Trading Limited</p>	<p>No, the 3 hectare area appears arbitrary and mineral sterilisation should be considered irrespective of the size of the development. The buffer distance of 50 metres within urban areas is not sufficient, 150 metres is recommended. It is not clear what is meant by directly opposite in relation to a water body.</p>	<p>The 3ha area is a balance between reducing the workload on both LPAs and MWPA's which, if too onerous, may lead to the applications that would result in the greatest sterilisation of resources being missed or not addressed in a timely manner. It is also considered to be a reasonable size to capture those developments which are likely to sterilise a viable mineral resource, as in the MWPA's experience even some larger sites have been shown not to be viable. The buffer distance of 50m within urban areas is an error in the Appendix to the draft SPD and will be corrected to the value of 100m. This is one of several responses on buffers received both through the consultation and the safeguarding event that was organised during the consultation period. The Hampshire Authorities have noted the differing viewpoints on buffers and the issues raised. On balance, the buffers have been kept to the proposed values, but will be regularly reviewed as to their effectiveness. Text to this effect has been added in a separate section on "Monitoring of the Supplementary Planning Document".</p>

		These areas are selected using officer judgement as to where there may be additional potential impacts beyond 100m due to the open nature of water bodies and text to this effect has been added to the section on the "Minerals and Waste Consultation Area".
Mineral Products Association	No. The >3ha threshold is arbitrary. It is not necessarily the size but the location of development but their location that can lead to unnecessary sterilisation of resources. There is no evidence provided about the 'analysis of past planning applications and estimates of viable mineral resources' that has been used to determine this as a suitable threshold that will ensure resources are safeguarded. More likely it is based on consultation with LPAs and concerns over the workload that may result if smaller developments are referred to the County, which is no basis for ensuring that safeguarding is applied properly. We welcome the reference to keeping this under review, but a safer approach would be to apply a smaller threshold or no threshold at all (with necessary exclusions for very small scale development that would clearly not affect safeguarding) and keep that under review, adjusting as necessary if workload proved excessive and unmanageable.	The 3ha area is a balance between reducing the workload on both LPAs and MWPA's which, if too onerous, may lead to the applications that would result in the greatest sterilisation of resources being missed or not addressed in a timely manner. It is also considered to be a reasonable size to capture those developments which are likely to sterilise a viable mineral resource, as in the MWPA's experience even some larger sites have been shown not to be viable.
Portsmouth Water	No comment.	Noted.
D. K. Symes Associates	The buffer distances are assumed to be those at para. 2.14.	This is correct.

### **Do you have any suggestions on how the Hampshire Authorities could liaise more effectively with Local Planning Authorities and developers on safeguarding issues?**

- 5.16 Table 20 sets out the suggestions from consultees on how the Hampshire Authorities can liaise more effectively with LPAs.

Table 20: Question 7 Responses

<b>Consultee</b>	<b>Comment</b>	<b>Hampshire Authorities' Response</b>
Otterbourne Parish Council	NO COMMENTS	Noted.
The Verderers of the New Forest	No.	Noted.
Barton Willmore on behalf of Hallam Land Management Ltd	See attached covering letter.	Noted.



Quarryplan (GB) Limited on behalf of Tarmac Trading Limited	The list of mineral and waste sites and infrastructure needs to be complete and updated annually. The list needs to be circulated to all LPAs.	Currently the safeguarded list is updated annually through the monitoring of the Plan (as documented in the Monitoring Report). This is then reflected in the updated MCA which is also distributed to district and borough councils at least annually. A list of safeguarded sites can also be circulated to LPAs alongside the updated MCA.
Mineral Products Association	Use a simplified summary document to keep raising the profile of safeguarding and the process to be followed, as set out in our response to previous questions	The Hampshire Authorities will look to provide this information in a leaflet.
Historic England	No.	Noted.
Portsmouth Water	We have no specific feedback on the consultation document, however, if an application for a waste or mineral site is made with a Source Protection Zone 1,2 or 3 , including sub-surface SPZ's, or within 1km of an SPZ boundary to one of the Portsmouth Water Company catchments then we would want to be consulted by the Minerals Planning Authority on the application. The developer should be advised to contact the Company so that we can be involved in pre-application discussion.	Please see response to comment on Q4.
D. K. Symes Associates	See Q.5.	Noted.
Persimmon Homes South Coast (D. K. Symes Associates as agent)	No comment.	Noted.
Resident	Yes. Please see attached paper	Response under "Other" comments.

## Is there any further guidance that should be contained within this SPD?

5.17 Table 21 sets out further guidance areas that could be contained within the SPD.

Table 21: Question 8 Responses

Consultee	Comments	Hampshire Authorities' Response
Otterbourne Parish Council	No comment.	Noted.
The Verderers of the New Forest	No.	Noted.
Barton Willmore on behalf of	See attached covering letter.	Noted.

Hallam Land Management Ltd		
Quarryplan (GB) Limited on behalf of Tarmac Trading Limited	The Annual Monitoring Report produced by Hampshire should identify developments where sterilisation was considered and the results.	The Hampshire Authorities will consider collating this information for the next Monitoring Report. A section on monitoring of the SPD has been added.
Mineral Products Association	It would be helpful to stress that safeguarding is about long term conservation of resources and infrastructure, necessary to secure steady and adequate supply of minerals for future generations, and not only for the Plan period. This would help clarify its purpose and reduce mis-understanding that it somehow implies minerals an expectation that minerals in these areas may be permitted and worked or that they relate to the forecast need through the Plan period.	Agreed - text to this effect has been added to the section on "Safeguarding Mineral Resources".
Historic England	No.	Noted.
D. K. Symes Associates	It could be helpful to make it clearer that the quantity of mineral that may be 'prior extracted' will depend upon the physical characteristics of the site to ensure that the non-mineral development is not jeopardised either practically or economically.	The sequential approach to prior extraction discussed in the section on "Avoiding sterilisation of mineral resources" outlines the opportunities for different levels of extraction that developments should consider. Safeguarding is not a bar to non-mineral developments, however whether planning permission should be granted will depend on the circumstances of each proposal and the decision will lie with the LPA. This is already stated in the section on "Mineral resources".
Persimmon Homes South Coast (D. K. Symes Associates as agent)	At page 23 the SPD defines 3 broad categories of extraction. For the medium to smaller scale and incidental sites the advice is that the mineral extraction can be 'permitted' as part of the non-mineral development proposals. This is not the case for the larger scale sites where the advice is that a separate mineral permission is required. Further detailed advice needs to be prepared to provide confidence to the developer that, <ul style="list-style-type: none"> <li>• the restoration of the site will not adversely impact on the non-mineral development.</li> <li>• because the after use of the site will be for some form of non-mineral development an appropriate / proportionate degree of weight needs to be given to the 'mineral' policies on restoration.</li> </ul>	As mentioned by the response this is a very specific example and the Hampshire Authorities are guided by the Hampshire Minerals and Waste Plan when deciding individual mineral planning applications. However the Hampshire Authorities recognise there may be many different circumstances that lend themselves more or less to prior extraction. It is most likely that flexibility that can be shown when these issues are brought to the MWPA's attention early in the process and the Hampshire Authorities are keen to work with LPAs and developers on combined proposals of this nature. Text to this effect has been added to the section on "Avoiding sterilisation of mineral resources".

	<ul style="list-style-type: none"> <li>• the principle / acceptance of the non-mineral development is secured ahead of, or at the same time as the mineral application / permission is achieved.</li> <li>• a recognition that longer timescales may need to apply to enable non-mineral development to be implemented.</li> </ul> <p>A current example is the Preferred Mineral site at Hamble where the developer is willing to see prior extraction take place, but only on the understanding that a substantial part of the site will be permitted for non-mineral development (residential). This is of mutual benefit as without the 'certainty' of a non-residential use, then no minerals will be released. However if a non-mineral use can be secured then the minerals can be excavated.</p> <p>It is appreciated that this is a site specific example but it does highlight the need for the SPD to address this area which is needed to provide the assurance to the developer that prior extraction will not blight the development prospects for the site.</p>	
Resident	Yes. Please see attached paper.	Response under "Other" comments.

## Do you have any other comments on this SPD?

5.18 Table 22 outlines the additional comments and suggested content received from the consultees.

Table 22: Question 9 Responses

Consultee	Comment	Hampshire Authorities' Response
New Forest District Council	Do not agree with proposed 3 week period in relation to the call in of planning applications where minerals and waste safeguarding issues have not been taken into account appropriately. All planning applications determined against MWPA would be taken to committee.	The Hampshire Authorities received legal advice on the content of this wording and it is in line with the Town and Country Planning Act 1990.
Romsey Extra Parish Council	Romsey Extra Parish Council considered these documents at its meeting on 9 July 2015 and RESOLVED to make No Comment.	Noted.

<p>Havant Borough Council</p>	<p>Thank you for consulting Havant Borough Council on the above draft supplementary planning documents. The comments of the Borough Council are set out below.</p> <p>Havant Borough Council welcomes Hampshire County Council's commitment to work with local planning authorities that fall within the Minerals and Waste Plan area around cross-boundary issues of common concern and interest. Minerals and waste safeguarding and oil and gas development are strategic issues that affect any authority that has minerals sites within its boundary. It is therefore important to fulfil the duty to co-operate in the Localism Act and the National Planning Policy Framework for our authorities to engage constructively on such issues.</p> <p>Hampshire Minerals and Waste Plan – Draft Minerals and Waste Safeguarding in Hampshire SPD Comment:</p> <p>The Hampshire Minerals and Waste Plan Minerals Consultation Area 2015 policies map shows that there are superficial sand and gravel sites and brick clay sites in Havant Borough, mostly in the undeveloped gap between Havant and Emsworth. It also shows three safeguarded Minerals and Waste infrastructure sites, in Brockhampton, on land between Crookhorn and Farlington and on land adjacent to the A3(M) between Purbrook and Leigh Park.</p> <p>The guidance in paragraphs 4.10 and 4.14 on when the Minerals and Waste Planning Authority should be consulted on local plan preparation and on non-minerals or waste development proposals that could affect these sites is generally clearly set out, as is the process for consultation on page 30 (figure 3). This guidance should help to avoid unnecessary consultation as well as ensuring that Hampshire County Council is consulted when it needs to be on new local plan allocations or future non-minerals or waste development proposals that could affect a minerals resource.</p> <p>I did not feel however that it was clear from pages 32-34 of the SPD as to which sites fall within the Minerals Consultation Area (MCA) and which sites are safeguarded. I understand from discussion with your planning officers that safeguarded sites are known sites which are part of the Plan and are defined on the Minerals Consultation Area 2015 policies map and that the MCA is all of those sites collectively. I feel that it would be desirable for this to be better explained, either in the body of the SPD or in the glossary.</p> <p>There are a number of housing allocations in the Havant Borough Local Plan (Allocations) which are either within or adjacent to safeguarded minerals sites as indicated on the Hampshire Minerals and Waste Plan 2015 policies map. The Havant Borough Local Plan (Allocations) policies for these allocations contain a requirement for Hampshire County Council to be consulted on development proposals for these areas.</p>	<p>The Hampshire Authorities will rename the safeguarding area that is used for consultation as the Minerals and Waste Consultation Area (including the MCA) in order to increase awareness of the waste infrastructure aspect of the (previously named) MCA. The Hampshire Authorities welcome the inclusion of relevant minerals and waste issues as considerations in Local Plans, as well as further liaison with LPAs on any of these issues.</p> <p>The Hampshire Authorities are also keen to liaise closely over any potential future development that may affect minerals and waste safeguarding. Early discussions will be best placed to avoid creating uncertainties.</p>
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	<p>It is anticipated that there may be a future requirement for Havant Borough to accommodate additional housing, employment and associated infrastructure development under a new Partnership for Urban South Hampshire (PUSH) Spatial Strategy 2016-2036, when it is finalised. The Minerals sites identified by HCC are currently protected against development to some degree by policy AL2 of the Havant Borough Local Plan (Allocations) (Urban Area Boundaries and Undeveloped Gaps between Settlements). Should additional housing be required within the MCA that cannot be accommodated within the urban area, this would not necessarily cause a conflict with the need to safeguard minerals but it could generate pressure for minerals sites to undergo prior extraction (subject to a separate planning application to Hampshire County Council being approved) to address the safeguarding issue, if the criteria in Policy 15 of the Hampshire Minerals and Waste Local Plan 2013 cannot be successfully demonstrated. It will therefore be important for our authorities to liaise closely over any potential future development in this area.</p> <p>Havant Borough Council would not wish any potentially important development sites to be undermined by uncertainties created by the need for prior extraction of minerals.</p>	
Highways England	<p>Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such Highways England works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.</p> <p>Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN).</p> <p>Having examined the above document, we do not offer any comment to this proposal.</p>	Noted.
Rushmoor Borough Council	<p>[NB: This comment is in response to an invitation to the safeguarding event]</p> <p>Whilst we are probably not able to attend, I am concerned at the inclusion of RM023 as a 'safeguarded' waste infrastructure site. The use is unauthorised, the retrospective application referred to was, I understand, withdrawn in the face of a recommendation to refuse, and enforcement action by Rushmoor (and possible action by the Environment Agency) is under way.</p>	<p>RM023 (Universal Car Spares) is permitted for waste uses. The site is used as a waste transfer, vehicle dismantling and scrapyards. The comment made is in relation to RM035 (Universal Car Services Ltd) which is a different site in the Hollybush Lane area.</p>

New Forest District Council	<p>In response to your consultation in respect of the Draft Minerals and Waste Safeguarding in Hampshire Supplementary Planning Document I only have one comment to make in relation to consultation with the County in respect of pre-application advice. We charge for any pre-application advice that we give and undertake to reply within 20 working days of receipt of the request for advice. Any delays in receiving advice from the County could result in us having to refund pre-application fees which would not be acceptable. I would therefore hope that your responses are timely such that we can meet our target response times.</p>	<p>The Hampshire Authorities encourage the consideration of safeguarding issues at the pre-application stage, to ensure this important issue is taken into account as early in the planning process as possible. The Hampshire Authorities are willing to have further discussions on operational arrangements with LPAs to accommodate different working practices.</p>
Savills on behalf of Thames Water	<p>Thames Water Utilities Ltd (Thames Water) Property Services function is now being delivered by Savills (UK) Limited as Thames Water's appointed supplier. Savills are therefore pleased to respond to the above consultation on behalf of Thames Water in relation to their statutory undertakings. Thames Water are the statutory sewerage undertaker for the Hart and Rushmoor Districts and parts of the Basingstoke &amp; Deane, East Hants and Winchester Districts and as such have a number of existing sewage/wastewater treatment works in these Districts. We have the following comments on the draft SPD on behalf of Thames Water:</p> <p>Paragraph 2.29 sets out that Policy 26 (Safeguarding - waste infrastructure) of the HMWP provides the policy framework for waste infrastructure safeguarding in Hampshire and that this applies to wastewater treatment sites.</p> <p>Thames Water support the need for specific wastewater treatment policy as fundamentally, waste water treatment has different geographical and technical requirements from other forms of waste management or waste treatment that form the majority of waste proposals that the HMWP is intended to provide policy guidance for. For example, wastewater treatment plants are constrained by the location of the sewerage network and need to be located close to where the sewerage network terminates (which is generally low lying ground to enable flows to gravitate and avoid high energy consumption associated with unnecessary pumping) and need to be located close to a suitable receiving water course into which the treated effluent can be discharged. In relation to existing wastewater treatment plants the existing discharge point can often be a critical issue as effluent discharges can form a significant proportion of river flows which are required to be maintained by the Environment Agency. Hence, these are reasons why a specific wastewater policy is required. We trust the above is satisfactory, but please do not hesitate to contact me if you have any queries.</p>	<p>The adopted HMWP includes a policy on waste water treatment (Policy 31). The SPD cannot introduce new policy. These comments will be noted in the Monitoring Report, which reviews the performance of the HMWP.</p>
Natural England	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>The Supplementary Planning Documents</p> <p>Whilst we welcome the opportunity to comment on the SPDs, we have no comments to make at this time.</p>	<p>Noted.</p>
Selborne Parish Council	<p>Selborne Parish Council support the response made by the South Downs National Park Authority to this consultation document.</p>	<p>Noted. However, it should be noted that the South Downs</p>

		National Park Authority did not submit a response.
Otterbourne Parish Council	NO COMMENTS	Noted.
The Verderers of the New Forest	No.	Noted.
Test Valley Borough Council	Paragraph 4.22 of the SPD (page 35) establishes that Local Planning Authority (LPA) proposal maps should include information on the Mineral Safeguarding Area, mineral site allocations and waste site allocations, as well as a cross reference to the most up to date list of safeguarded sites. Due to the timing of progressing plans differing, there may be cases where LPA proposal maps do not include all the most up to date information. Therefore it will need to be explicit within the SPD that developers should continue to have regard to the Hampshire Authorities' interactive online policy map as well as those provided by the LPA. If you have any queries on the above comments please do not hesitate to get in contact.	Agreed - text has been added in the section on "Policies Map".
Barton Willmore on behalf of Hallam Land Management Ltd	Policy 15 (safeguarding – mineral resources) of the adopted Hampshire Minerals and Waste Plan sets out criteria where development without the prior extraction of the mineral resources in the MCA may be permitted. In situations where a LPA is minded to approve a non-minerals development in the Hampshire MCA that would lead to the sterilisation of a resource, either before or as part of the development, wherever this is practicable. The consideration of prior extraction in a sequential approach that maximises the quantities of minerals recovered. HLM fully support the approach taken in Policy 15 (Safeguarding – mineral resources) which aims to avoid the needless sterilisation of proven mineral resources by promoting the prior extraction of minerals using a sequential based approach according to the scale of extraction (larger, medium to smaller, and incidental extraction). HLM consider this to be a sound approach to avoiding sterilisation of mineral resources. However, HLM question the value of the Minerals and Waste Safeguarding SPD in its current form. Whilst at the heart of this document is the need for early engagement with the Minerals Authority, HLM consider that the key messages could be presented in a more concise manner with the Mineral Authorities requirements clearly brought out of the document. HLM would welcome more effective working with Local Planning Authorities and consider that a more apparent link between Hampshire's Policies and the Local Plan requirement could be made. This could be achieved through simple cross referencing of documents. Overall, whilst HLM welcome further guidance in respect of Policy 15 of the Minerals and Waste Plan the current SPD should be simplified to clearly set out its expectations with respect to minerals. We trust that the above representations are helpful to you and await confirmation of their receipt. In the meantime, should the Council have any queries or require any further clarification on the above matters, please do not hesitate to contact me.	The Hampshire Authorities appreciate the comments. It was always intended to make the SPD as simple and useful as possible. There have been a few comments suggesting simplifying the information, however as the majority of comments have been asking for further information and clarifications, as well as welcoming the guidance, on balance it may not possible to simplify the guidance further without losing relevant detail. In response to this and other comments for simplified information, the Hampshire Authorities will look to provide summary leaflets for developers and for LPAs.

<p>Basingstoke and Deane Borough Council</p>	<p>I note that both documents support the adopted Hampshire Minerals and Waste Plan (2015) and provide additional information to support the implementation of relevant policies, and these are generally welcomed.</p> <p>In terms of the Minerals and Waste document, the highlighted actions are already undertaken in terms of consultations both for individual planning applications and in respect of potential site allocations. This is facilitated by the provision of detailed GIS information, to ensure that sites are mapped, and through detailed site assessment work for plan-making purposes.</p> <p>However, the approach outlined for consultations on development proposals is slightly confusing and would benefit from improved clarity, and potentially included in an appendix. This would aid understanding for Local Planning Authorities in applying the approach, and could be detached from the main document for easy reference.</p>	<p>The Hampshire Authorities will look to provide a summary leaflet with this information.</p>
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<p>Quarryplan (GB) Limited on behalf of Tarmac Trading Limited</p>	<p>The comments set out below have been made by Quarryplan (GB) Limited on behalf of Tarmac Trading Limited (Tarmac - previously Lafarge Tarmac Limited), operators or a number of sites throughout Hampshire, Portsmouth and Southampton. Tarmac undertakes a variety of activities including mineral extraction, recycling, concrete and asphalt manufacture, bagging and marine wharves.</p> <p>The comments are set out below in relation to particular paragraphs or sections of the Supplementary Planning Document (SPD). The nine specific questions at the start of the SPD are also addressed.</p> <p>Paragraph 2.27 Safeguarded Infrastructure</p> <p>The list provided at 2.27 fails to identify asphalt plants (coated roadstone plants) which is a major omission and should be rectified.</p> <p>2.32 Safeguarded Infrastructure</p> <p>The list of safeguarded mineral infrastructure in Appendix B of the HMWP is far from complete and fails to identify a substantial number of concrete batching plants and asphalt plants. Surely to be effective this list needs to be complete.</p> <p>3.2 Avoiding Sterilisation of Mineral Resources</p> <p>Prior extraction of minerals in advance of a non-mineral development is supported. However in reality prior extraction is often complicated due to a number of different factors including the following:</p> <p>Depth of deposit (particularly soft sand or clay) may result in very lengthy extraction timescales that are incompatible with the non-mineral development timescales.</p> <p>Extraction of deep deposits results in deep voids which are unsuitable for non-mineral development unless infilled.</p> <p>Value of sterilised minerals is often minimal in comparison with the value of the non-mineral development.</p> <p>Opportunities to process minerals on-site in advance of non-mineral development may be very limited.</p> <p>Requirements for use of minerals within the proposed development (either processed or unprocessed) are usually limited.</p> <p>Opportunities for stockpiling and removal of mineral to existing mineral processing sites should be fully explored on all development sites, irrespective of the size of the site or the amount of mineral involved.</p> <p>3.6 Separate Planning Permission</p> <p>It is not clear at what point the prior extraction of minerals would become a development in its own right which warranted specific planning permission.</p> <p>3.10 Consideration of existing or future minerals and waste infrastructure</p> <p>Reference should be made to infrastructure for clarity.</p> <p>3.12 Pre-Application</p> <p>It is not clear from the text whether engagement with a non-mineral developer regarding potential mineral sterilisation would be undertaken through the chargeable pre-application advice process.</p> <p>It is not considered reasonable for a non-mineral developer to have to pay for minerals advice from MWPA when the development concerned will probably involve significant chargeable pre-application advice consultation with the LPA.</p> <p>3.19 Mineral Exploratory Data</p> <p>The mineral assessment should be carried out by a suitably</p>	<p>2.27 - Agreed, as manufacture of coated materials is safeguarded, it has been added to the list of site types in the section on "Safeguarding Minerals and Waste Infrastructure" and the list has been made inclusive rather than exclusive.</p> <p>2.32 - Agreed, the list of safeguarded sites in the HMWP is incomplete and now out of date, therefore it needs to be updated every year along with the MCA.</p> <p>3.2 - Noted.</p> <p>3.6 - The need for a separate minerals planning application would need to be considered on a case by case basis, however an example has been added in way of clarification in the section on "Avoiding sterilisation of mineral resources".</p> <p>3.10 - Agreed - text has been added.</p> <p>3.12 - The early discussions with the MWPA are not currently chargeable. Should that change in the future, applicants would be informed before any charges are applied.</p> <p>3.19 - Recommendations regarding the use of experienced geologists and laboratory analysis has been added to the section on "Mineral exploratory data". The comment regarding the borehole diagram is noted and clarification text has been added. The Hampshire Authorities support appropriate utilisation of the extracted resources by encouraging developers to contact mineral operators directly, as it is believed mineral operators will have the expertise to advise on these matters.</p>
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qualified and experienced geologist familiar with mineral development.

The graphical representations of borehole positions are not considered necessary or particularly helpful.

Laboratory analysis of the site investigation results in relation to accepted (aggregate) mineral specifications is of particular importance and should be a fundamental requirement.

It is also important for the non-mineral developer to demonstrate that any mineral removed in advance is used for its maximum potential and that there are deliverable proposals to utilise such mineral.

#### 4.6 LPA Consultation

The bullet point list does not specifically refer to mineral infrastructure and does not identify concrete batching plants, asphalt plants, rail and wharf sites. It would be much clearer if these types of sites were specifically included.

As has been referred to previously the list of safeguarded mineral infrastructure in Appendix B of the HMAWP fails to identify a substantial number of concrete plants and asphalt plants.

#### 4.10 Local Plan Preparation

The bullet point list of sites does not specifically refer to mineral infrastructure such as concrete plants, asphalt plants, wharves and rail depots and it would be much clearer if these sites were to be included.

#### 4.14 Development Proposals

It is not clear how the figure of 3 hectares was determined as an appropriate size to warrant consultation. Surely any non-mineral development within the MCA that sterilises mineral should be consulted on. Even a very small development area could result in some sterilisation, especially when a buffer zone is applied for future mineral development which could result in a very substantial affected area.

There could be numerous developments of less than 3 hectares in relatively close proximity which would effect a much larger area, even without a buffer zone.

The principle of prior extraction should apply irrespective of the size of the development.

The bullet point list of sites does not specifically refer to infrastructure (concrete plants, asphalt plants, rail and wharf sites) and it would be much clearer if these sites were to be included.

In addition it is not clear what is meant by "adjacent". It would be helpful to identify a specific distance, a buffer zone, of within 250 metres in rural areas and 150 metres in urban areas.

#### 4.22 LPA Policies Maps

Reference to concrete plants, asphalt plants, rail and wharf sites should be included in the up to date list of safeguarded sites for clarity.

#### Appendix 1

Reference to concrete and asphalt plants needs to be included in both tables in Appendix 1 as do safeguarded rail and wharf sites.

The distance suggested for consultation in urban areas of 50 metres is considered too small. A distance of 150 metres is more appropriate.

4.6 / 4.10 / 4.14 / 4.22 /

Appendix 1 and 2 - Mineral sites are referred to in the bullet point list and throughout the document and include concrete and asphalt plants and wharves and rail depots.

A list is available in the section on "Mineral infrastructure".

4.14 - Please see answers to Q6 regarding the development size limit. 'Adjacent' refers to the buffers applied to the MCA, and this information has been added.

Appendix 1 and 2 (buffers) - Response under Question 6.

"Directly opposite" refers to areas selected using officer judgement as to where there may be additional potential impacts beyond 100m due to the open nature of water bodies and text to this effect has been added to the section on the "Minerals and Waste Consultation Area".

In most cases a change of use application will not lead to opportunities for mineral extraction, so it is practical to reduce the workload on LPAs and MWPA's by excluding this type of application. The Hampshire Authorities will endeavour to stay informed of any more significant cases where prior extraction opportunities may arise.

	<p>The same comments can be made for Appendix 2 as have been made for Appendix 1 above. Reference to concrete and asphalt plants needs to be included as do safeguarded rail and wharf sites.</p> <p>The distance suggested for consultation in urban areas of 50 metres is considered too small. A distance of 150 metres is more appropriate.</p> <p>It is not clear what is meant by “directly opposite” where a site is adjacent to a water body. What does “adjacent” actually mean? This needs to be explained.</p> <p>In the table listing types of non-mineral and waste development where the MWPA should not be consulted reference is made to change of use proposals. Where the change of use is to residential use from some form of non-residential use the MWPA should be consulted if the development falls within the criteria.</p>	
<p>Mineral Products Association</p>	<p>No</p>	<p>Noted.</p>
<p>Adams Henry Consulting Ltd on behalf of Associated British Ports</p>	<p>ABP welcomes the production of the SPD in order to provide further guidance to those involved in matters relating to Minerals and Waste development. That being said, however, ABP has a number of points it would like to raise on the content of the draft document.</p> <p>Regulation 8(3) of the Town and Country Planning (Local Planning)(England) Regulations 2012 makes it clear that a supplementary planning document must not conflict with the adopted development plan. It is ABP’s position that, as currently drafted, the SPD does not yet accurately reflect the content of the adopted Hampshire Minerals and Waste Plan or matters agreed at the examination into the plan in certain regards, meaning that it is in danger of being contradictory to the adopted plan.</p> <p>ABP’s main concerns in this regard relate to the latter part of section 2 of the draft SPD that deals with Minerals and Waste Infrastructure (paragraphs 2.26 to 2.38). The text of the SPD as presently drafted does not yet accurately reflect the content of the plan in respect of the slightly different approach the plan takes to safeguarding existing minerals and waste infrastructure and the safeguarding of potential minerals and waste wharf infrastructure.</p> <p>Attached to this letter is a revised version of paragraphs 2.26 to 2.38 of the draft SPD which attempts to correct some of the inaccuracies, and which explains in further detail why the corrections are being suggested. Although these are collectively relatively minor changes, they bring the text into line with the content of the adopted HMWP.</p> <p>On a related matter, and it is fully appreciated that this issue may be beyond the scope of the current consultation, ABP considers that the Hampshire Mineral Consultation Area (MCA) should similarly distinguish between existing Minerals and Waste Infrastructure and potential Minerals and Waste Infrastructure areas. At present, by simply combining these two categories together the MCA is confusing when considered alongside the relevant policies of the adopted HMWP.</p> <p>I trust that the above and the attached are self-explanatory. If, however, you have any questions or queries then I would be very happy to explain matters further.</p>	<p>2.27 / 2.29 - The lists of safeguarded infrastructure in the HWMP are inclusive, not exclusive, therefore the use of the wording "the safeguarding of the following" would not be appropriate.</p> <p>2.30 - Agreed, text has been added.</p> <p>2.31 - Agreed, text has been amended.</p> <p>2.32 / 2.34 - This SPD guides when consultation with the MWPA should take place, not the basis for decisions regarding the appropriateness of proposed developments (these are in the HMWP). Therefore there is no need to separate out minerals and waste wharves and rail depots from other safeguarded infrastructure for the purposes of this SPD, while it may add complexity and confusion to do so.</p> <p>2.3X - This bullet point lists refers to issues covered by policies other than Policy 16.</p> <p>2.36 - As safeguarding can apply to potential and planned sites, it cannot be said that it only applies to existing minerals and waste uses.</p> <p>2.37 - It is the former position, therefore the proposed addition is agreed and has been added.</p>

ABP'S SUGGESTED CHANGES TO PARAGRAPHS 2.26 TO 2.38 OF THE DRAFT SAFEGUARDING SPD – AUGUST 2015

Minerals and waste infrastructure

Mineral Infrastructure

2.26 Safeguarding the infrastructure that supports the supply of minerals for

Hampshire is just as important as safeguarding mineral resources. Existing and planned minerals sites are essential as they contribute to meeting

Hampshire's demand for aggregates and for some types of waste management. Safeguarding allows the MWPA to recommend refusal and resist other types of future non-minerals development which could be incompatible with existing or planned mineral infrastructure and uses.

2.27 Policy 16 (Safeguarding - mineral infrastructure) of the HMWP provides the policy framework for the safeguarding of the following mineral infrastructure in Hampshire.

Safeguarding of mineral infrastructure applies to the following types of sites in

Hampshire:

- aggregate wharves, including ancillary plant;
- aggregate rail depots, including ancillary plant;
- aggregate recycling sites;
- sand and gravel quarries (sharp sand and gravel, soft sand, silica sand);
- clay quarries;
- chalk quarries;
- oil and gas development sites;
- concrete batching; and
- sites allocated in the HMWP for the above functions.

Waste Infrastructure

2.28 Safeguarding waste infrastructure that supports waste management

provisions in Hampshire is important to allow Hampshire to sustainably manage its waste arisings. Non-waste developments can impact the

operation of existing sites or viability of planned sites.

2.29 Policy 26 (Safeguarding - waste infrastructure) of the HMWP provides the policy framework for the following waste infrastructure safeguarding in Hampshire.

Safeguarding of waste infrastructure applies to the following types of waste sites in Hampshire:

- household waste recycling centres (HWRC);
- composting sites;
- material recovery facilities (MRF);
- waste transfer stations (WTS);
- metal recycling sites;
- energy recovery facilities (ERF);
- waste water treatment sites;
- other specialist waste management uses (such as hazardous waste and waste water treatment);

- landfill sites; and sites allocated in the HMWP for the above functions.

Potential minerals and waste wharf and rail depot infrastructure

2.30 Safeguarding potential minerals and waste wharf and rail depot infrastructure allows consideration of potential minerals and waste interests on these sites when any relevant future planning decisions are made.

2.31 Policy 34 (Safeguarding potential minerals and waste wharf and rail depot infrastructure) of the HMWP safeguards areas, so that their appropriateness for use as a minerals or waste wharf or rail depot can be considered, if they become available or are released from their current uses.

Safeguarding considerations for minerals and waste infrastructure

2.32 Existing minerals and waste infrastructure safeguarded at the time of the adoption of the HMWP is set out in Appendix B - List of safeguarded minerals and waste sites of the Plan. All minerals and waste infrastructure required to meet current and future demands for minerals and waste management is safeguarded. This includes sites allocated in the HMWP.

2.3X In addition, Appendix B of the HMWP also sets out the safeguarded potential minerals and waste wharf areas that are the subject of policy 34 of the HMWP.

2.33 All further minerals infrastructure granted planning permission following the adoption of the HMWP which meet the criteria for safeguarding outlined in paragraphs 6.23 and 6.156 of the HMWP will also be safeguarded. The safeguarding status of minerals and waste infrastructure sites will be reviewed by the relevant MWPA and will be considered through the monitoring of the HMWP. The updated list of safeguarded minerals and waste sites will be made online and reflected in update to the MCA (Minerals Consultation Area (MCA) [see page 15]).

2.34 The supporting text for policies 16 (Safeguarding - mineral infrastructure), 26 (Safeguarding - waste infrastructure) and 34 (Safeguarding potential minerals and waste wharf and rail depot infrastructure) of the HMWP provides more information and guidance on issues associated with the safeguarding of existing minerals and waste infrastructure and of potential minerals and waste wharf areas.

2.3X In particular the HMWP, in support of policy 16, details:

- potential issues of encroachment which may impact the operation of mineral infrastructure (see paragraph 6.26 of the HMWP);
- reasons why minerals or waste infrastructure may have been safeguarded (see paragraphs 6.23 and 6.151 - 6.53); what happens if alternative uses of wharf and rail depots are proposed (see paragraph 6.26);
- potential for regeneration and how this may impact minerals sites e.g. wharves and rail depots (see paragraph 6.29);
- circumstances where it may be undesirable to continue safeguarding a minerals or waste site (see paragraphs 6.30 and 6.158); and
- safeguarding of further waste sites that are permitted following the adoption of the HMWP (see paragraph 6.156).

2.35 Minerals processing, waste management or waste disposal can potentially impact sensitive receptors (such as housing or schools) in the proximity of sites. New, non-minerals-or-waste development in the vicinity of such sites could prejudice the continued operation, or potential future operation, of minerals or waste activity. Hence, the key concern is the possible location of new sensitive land uses near sites.

2.36 The identification of land as a safeguarded minerals or waste site is not an absolute bar on alternative development that might impact that site, in line with provisions that have been set out in the HMWP. The circumstances of each individual case will need to be considered. However, in respect of existing minerals and waste uses the general presumption will be that minerals and waste uses will be protected, unless outweighed by the merits of the development, in accordance with the HMWP.

2.37 It is not entirely clear from paragraph 2.37 whether the careful assessment and consideration process to determine whether a development is appropriate close to a safeguarded site involves a consideration of the matters listed in the bullet points, or whether the bullet point matters are subsequently applied to a development which has first gone through such a process and found to be appropriate in principle.

If the former position is the case, then ABP consider that a further bullet point along the lines of *'the overall compatibility of the development with the minerals and waste use'* should be added.

Where development is close to a safeguarded site, careful assessment and consideration will be required to establish whether or not the development can proceed without inappropriately constraining the safeguarded site. This will ensure that non-minerals-or-waste development sites can be developed whilst maintaining the ability of the minerals or waste safeguarded site to operate. These developments should consider issues such as:

- the overall compatibility of the development with the minerals or waste use;
- the distance of the development from the safeguarded site;
- the presence of any buildings to screen the development;
- the ability of the development to introduce layout, design and other mitigation measures to mitigate its potential effect on the safeguarded site;
- existing planning conditions on the minerals and waste infrastructure; pre-existing conditions, such as background noise and lighting; and
- whether the merits of the development (for example its ability to deliver strong regeneration benefits) clearly outweigh any remaining impact on the site.

2.38 Considering the relevant issues at the design stage is likely to offer the greatest opportunities to eliminate or reduce potential impacts. Adaptations could be made to:

- the design of the non-minerals-or-waste development itself e.g. the orientation or building materials; or
- its surroundings e.g. through the use of a specifically landscaped buffer zone; or
- the way the development is used e.g. by changing the proposed traffic movements.

	<p>The Hampshire Authorities encourage discussions regarding minerals and waste safeguarding issues with the relevant MWPA as soon as possible and particularly prior to the submission of a planning application.</p>	
<p>Eastleigh Borough Council</p>	<p>Thank you for consulting Eastleigh Borough Council on the above documents. Comments on these documents are set out below.</p> <p>Minerals and Waste Safeguarding in Hampshire SPD</p> <p>The Minerals and Waste Safeguarding in Hampshire SPD provides useful information and guidance both to LPA's and developers. We make the following specific comments:</p> <p>i. Paragraph 2.24: This paragraph states 'The Hampshire Authorities acknowledge that safeguarding is not a bar to non-mineral developments. Whether planning permission should be granted or not for non-minerals-or-waste development will depend on the circumstances of each individual proposal and the decision lies with the LPA'. The principle of this statement is agreed. The MWPA may wish to highlight the opportunity that prior extraction offers in meeting both needs for development and needs for minerals materials.</p> <p>ii. Box on page 23: larger, medium to small and incidental extraction are discussed. It would be useful if there could be an indication of what volume of extraction these would broadly be within this text (e.g. tonnes to be extracted. This could be in the form of an approximate figure, a range for each scale of extraction, or a proportion of total minerals expected to be extracted for each scale).</p> <p>iii. Paragraph 3.12-3.16: These paragraphs are about pre-application discussions with developers. It is beneficial to all parties when pre-application discussions take place that the LPA determining the non-minerals-or-waste element of the development proposals is made aware of the discussion, or indeed included in them. A line in here which encourages developers to engage with both the MWPA and the district authority would support this.</p> <p>iv. Paragraph 3.18: Information developers may need to provide. The MWPA may wish to give consideration to recommending LPAs include this information as a validation requirement where appropriate.</p> <p>v. Paragraph 3.19: Mineral exploratory work. The MWPA may wish to suggest this could be undertaken as part of the initial ground investigation works typically undertaken by developers early in the process.</p> <p>If clarification or further information relating to these comments is requires, please do not hesitate to contact us using the information at the top of this letter.</p>	<p>i. Noted.</p> <p>ii. The Hampshire Authorities do not currently have this information. As the principles of safeguarding are applied and prior extraction becomes more common, this information may become more readily available. In the meantime, decisions will need to be made on a case by case basis.</p> <p>iii. Agreed, relevant text has been added to this section.</p> <p>iv. This is up to the LPAs, but as mineral issues will not apply equally depending on the type of application and size of the development, it may not be appropriate to have such validation requirements.</p> <p>v. Agreed, relevant text has been added to this section.</p>
<p>Historic England</p>	<p>We note in paragraph 2.22 that Malmstone is not safeguarded in Hampshire for the reasons set out in paragraphs 6.16 and 6.17 of the HMWP, i.e. that a resource has not identified or worked for over half a century and there is no evidence that is sourced in Hampshire other than recycling from old buildings. Historic England is part-funding a Strategic Stone Study of England on a county by county basis. Unfortunately Hampshire has yet to be studied but when it is, should a source of Malmstone be identified, we hope that the County Council will consider safeguarding it for conservation works.</p>	<p>The Hampshire Authorities welcome any new evidence regarding mineral resources and their use in Hampshire and will consider it carefully when it is available. This can be considered in any review of the Plan in due course.</p>
<p>Portsmouth Water</p>	<p>We have no specific feedback on the consultation document, however, if an application for a waste or mineral site is made with a Source Protection Zone 1,2 or 3 , including sub-surface</p>	<p>Please see response to comment on Q4.</p>

	<p>SPZ's, or within 1km of an SPZ boundary to one of the Portsmouth Water Company catchments then we would want to be consulted by the Minerals Planning Authority on the application. The developer should be advised to contact the Company so that we can be involved in pre-application discussion.</p>	
D. K. Symes Associates	<p>The focus appears to be directed to ensuring good consultation between the MWPA and the LPAs. It could be helpful to be more clear on the advice to developers as to what is expected of them. Having proved the presence of mineral is the first stage. Making sure that it is needed by the mineral industry is equally important as there appears little benefit in recovering minerals by prior extraction if they are not used by the mineral industry. It is clearly unreasonable to expect a developer to go to considerable extra cost (and probably timescale) to make available a quantity of mineral if he is then expected to incur yet further cost for the mineral to be removed from site. This is in effect creating a waste product, or could be seen as the development subsidising the mineral industry which is not what the policy says. This could be secured at the non-mineral application stage by asking the developer to demonstrate what steps have been taken to ensure the mineral is needed by the industry.</p>	<p>If there is no interest in the mineral, then prior extraction is not feasible and would not be expected. The list of information expected from developers includes "evidence of discussions with local operators to confirm the viability of prior extraction" and text has been added on discussing the viability of both extraction and the development with operators in the section on "Avoiding sterilisation of mineral resources".</p>
Persimmon Homes South Coast (D. K. Symes Associates as agent)	No comment	Noted.
New Milton Sand and Ballast (Land & Mineral Management responded on their behalf)	<p>The Supplementary Document is helpful in providing guidance but further clarification and additional information is needed to give clear guidance to developers, local planning authorities and industry alike.</p> <p>Mineral Resources / Mineral Consultation Areas</p> <p>The plan showing the Mineral Consultation Areas 2015 with various infrastructure and geological deposits should be an integral part of the Supplementary Document.</p> <p>We are pleased to note that all mineral deposits are included in the Mineral Consultation Area but it is important that the Mineral Consultation Area includes a buffer zone around them. Minerals could well be sterilised by development adjacent to the mineral deposit and the mineral planning authority should be alert to that possibility.</p> <p>It is considered important that, in areas where mineral working is commonplace including the sand and gravel producing area between Lymington and New Milton, a more detailed plan of the Mineral Consultation Area should be produced to clearly demarcate the extent of the mineral deposit and the necessary buffer zones which should be included in the consultation process around them.</p>	<p>A map of the current MCA is not produced in the SPD as it would quickly become out of date.</p> <p>The comments regarding buffers on the mineral resource are noted and are in line with what is proposed in this SPD.</p> <p>The comments regarding information the mineral industry might have are noted and have been added to the section on "Mineral exploratory data".</p> <p>Consultation with industry is fully encouraged by this SPD, but could not be mandated. Agree, 'sterilisation' will be added to the glossary.</p>



Consequently, one of the aims of the Supplementary Document should be for the mineral planning authority to produce and maintain, in liaison / close co-operation with the mineral industry, detailed plans of the mineral resources in mineral producing areas including relevant buffer zones to clarify the full extent of the Mineral Consultation Areas. The mineral industry will have an understanding of the exploitable resources in their area and the industry's ability to extract such resources without undue adverse environmental impact. It is also possible that the mineral industry would hold drilling or environmental information and may be prepared to cooperate with the developer especially where prior extraction is possible.

It must be remembered that safeguarding is required not just for the few years of any current Plan period but, because mineral resources can only be worked where they occur and building developments are usually permanent, safeguarding must fully protect the nation's resources over a very long timescale.

Consultation with Industry.

The Supplementary Document explains that there will be consultation between the local planning authority and the Mineral and Waste Planning Authority. The definition of Minerals Consultation Area, and the duty to do-operate, confirms that there will be consultation with the minerals industry but the guidance does not fully explain the full consultation process. The guidance should require that where a development is proposed either within or adjacent, perhaps 250 metres, to a Mineral Consultation Area, i.e. a planned or potential mineral reserve, operating quarry or facility, or a Mineral Safeguarding Area the local operator of the facility or the mineral owner must be notified and allowed to provide an informed industry view whether or not the development would sterilise a viable mineral deposit. Sterilisation may not be immediate but could impact in the long term. The local mineral operator's view, including whether or not the resource could be exploited, should be a valuable material consideration in the determination of a planning application in such an area. Time must be allowed for such a process especially where the developer is required to provide geological information,

Definition of Sterilisation

The term "sterilisation" is well known industry jargon but it is not always understood by the general public and a definition should be included,.

Definition of MCAs and MSAs

The difference between Mineral Consultation and Mineral Safeguarding Areas are blurred. The following definitions were accepted recently by the Inspector to the examination in public of the Somerset Minerals Plan and the Council may find them helpful.

Mineral Consultation Areas - where the county's District and Borough councils are required to consult the Mineral Planning Authority over proposed non-mineral development.

Mineral Safeguarding Areas - of known specific minerals resources designated by the County Council so they are not needlessly sterilised by non-mineral development.

General

The definitions of MSA and MCA have been reviewed and the MCA will now be referred to as the Minerals and Waste Consultation Area (including the Mineral Consultation area) has been added in order to highlight the inclusion of minerals and waste infrastructure. The general comment is noted.

	<p>One of the criticisms, generally, of Mineral Consultation Areas which the industry is from time to time made aware of, is that they are known to mineral planning authorities but often overlooked by District authorities or that they do not appear in title searches. That is a matter for dialogue and sound procedures between the two authorities.</p>	
Esso Petroleum Company Limited	<p>I am writing on behalf of Esso Petroleum Company, Limited, as owners and operators of the Fawley oil refinery and petrochemical complex, and the related distribution terminals and pipelines networks. Whilst our developments and activities are not directly affected by the documents in question; we do not extract oil in Hampshire, or any other minerals. We feel it is prudent to make some comment to capture and emphasise the importance of the Fawley site, and establish a clear distinction between it, and any extraction development sites that might hereafter be proposed.</p> <p>Fawley refinery accounts for about 20% of the refined petroleum products used in the UK (to put that in context approximately 1 in 6 of all cars in the UK runs on fuel manufactured in Fawley). Fawley operates 365 days a year producing and distributing these fuels, which are essential to the way we now live, with fuels available on demand at; petrol stations, industrial premises, and airports. To emphasise the importance of the continuous operation of Fawley; when the fuel refineries and terminals were blockaded by protestors in 2000, the country was virtually at a standstill within a week. Transport (including the emergency services) was unable to refuel, and hardly any food was getting to the shops.</p> <p>The development and infrastructure that already exists for the refinery and distribution network is different from that being contemplated in respect of any development for mineral extraction. As owners and operators of this substantial existing development, we have natural concerns that current operations and any necessary developments should not be curtailed or constrained. We would like the importance of the current refinery and distribution infrastructure to be born in mind when any decisions are being made to allow future mineral extractions on or near the Fawley petrochemical site. We have made some succinct suggestions as to changes to the two SPDs to capture to above issues. As regards the Safeguarding document, a procedural step to ensure that existing development is carefully considered in relation to each case-by-case review of planning applications for mineral extraction.</p>	Noted.
Fareham Borough Council	<p>Fareham fully recognise the need for a regular supply of minerals for the construction industry to be able to deliver the development arising from the economic growth and new homes that are required in the borough over the next 20 years. The role that Mineral Safeguarding Areas (MSAs) and MCAs play in this is recognised and as such, MSAs will be taken into account in deciding the most appropriate locations for growth, alongside environmental, transport, infrastructure and economic factors, which emerge through the production of the Borough's Local Plan Review. No potential locations for housing or employment have been identified at this stage, however, as a general statement, it is possible that once all factors are taken into account, the most appropriate development locations may be located within MSAs.</p>	Noted, clarification has been added to the section on "Consideration of comments received from the Minerals and Waste Planning Authority".

	<p>As such, there is a need for a pragmatic and flexible approach to ensure the effective and timely delivery of development and which does not impact on the financial viability of the proposed development. In this context, Fareham strongly supports the reference that safeguarding does not prohibit non-minerals development; and the reference to policy 15, which acknowledges that in some cases the need for development might outweigh the need for safeguarding.</p> <p>Fareham would also welcome more guidance in the SPD on the information that the MPA would expect to see submitted as part of a planning application for development within a MCA.</p>	
Whitehill Town Council	<p>Many thanks for extending the deadline; having reviewed it the Council does not want to make any comments on it.</p>	Noted.
Partnership for Urban South Hampshire (PUSH)	<p>Para. 2.24 explain that: "there will be an expectation that local planning authorities will not normally permit other types of development (non minerals) within the Mineral Consultation Area (MCA) unless the safeguarding issue has been appropriately addressed through prior extraction or by fulfilling the criteria in Policy 15 (of the Minerals and Waste Plan). The Hampshire Authorities acknowledge that safeguarding is not a bar to non-minerals development. Whether planning permission should be granted or not for non-minerals or waste development will depend on the circumstances for each individual proposal and the decision lies with the Local Planning Authority".</p> <p>PUSH is currently preparing a strategy to address a significant need for economic growth and new homes aligned to transport and other infrastructure and the protection of the environment. PUSH fully recognises the need for a supply of minerals for the construction industry to be able to deliver these needs, and the role that Mineral Safeguarding Areas (MSAs) and MCAs play in this. It is anticipated that the location of MSAs will be taken into account in deciding the most appropriate locations for growth. A wide range of other environmental, transport, infrastructure and economic factors will also need to be taken into account. PUSH has no views on potential locations at this stage. However, as a general statement, it is possible that once all factors are taken into account it could be considered that the most appropriate locations for growth would be areas which might affect MSAs.</p> <p>In these cases PUSH considers there will be a need for a pragmatic and flexible approach to ensure the effective and timely delivery of these developments of strategic importance. The focus may need to be on extracting some of the minerals in these areas for development use as an integral part of the onsite construction process (e.g. small and medium scale extraction).</p> <p>In this context PUSH strongly supports the reference that safeguarding is not a bar to non-minerals development; and the reference to policy 15 which acknowledges that in some cases the need for development might outweigh the need for safeguarding. PUSH would also like to see 1 or 2 additional sentences added which recognise the strategic development issues outlined in this response; and would welcome a dialogue on the precise wording and on potential development locations in due course.</p>	<p>Noted. The Hampshire Authorities will liaise with PUSH to agree suitable wording to address the strategic development issues outlined.</p>

Resident	<p>This response is solely concerned with the proposals within the drafts Supplementary Planning Document (SPD) for determining non-mineral development applications which may sterilise in perpetuity the 'known economically viable resources of soft sand and potentially silica sand at Whitehill &amp; Bordon' that 'are subject to a know development pressure'.</p> <p>By failing to refuse consent or object to the Louisburg Barracks planning application Hampshire County Council (HCC) acting as Minerals Planning Authority (MPA) acquiesced to the sterilisation in perpetuity of the available minerals in 40% of the Minerals Safeguarding Area (MSA) designated in Inset Map 5 of the Hampshire Minerals and Waste Plan (HMWP).</p> <p>This response proposes that the remaining 60% of the resource identified within the MSA by Inset Map 5 be subject to special treatment. The proposal is that the draft SPD be amended to include a provision stipulating that all proposals for non-mineral development within the area designated in Inset Map 5 of the (HMWP) are automatically referred to the Secretary of State for resolution by the (MPA). (see paragraph 4.25 of the draft SPD).</p> <p>Background Paragraph 2.20 of the SPD consultation document states: 'the HMWP identifies the known economically viable resources of soft sand and potentially silica sand at Whitehill &amp; Bordon in east Hampshire for specific safeguarding. These resources have been specifically safeguarded as they are subject to a know development pressure'.</p> <p>Whitehill/Bordon is the only safeguarded site which is singled out within the consultation document and Policy 15 of the HMWP as being subject to know development pressure. This unique status demonstrates the significance of the affected mineral resource. It follows that the resource demands exceptional consideration and a detailed explanation of the manner in which the safeguarding of the identifies vast mineral resource will be addressed by the MPA.</p> <p>Known development pressure It is undeniable that a substantial conflict exists between the EHDC local plan joint core strategy and the HMWP over non-mineral development at Whitehill/Bordon.</p> <p>The EHDC local plan proposes non-mineral development of the total area identified as an MSA in the HMWP Inset Map 5. The EHDC local plan therefore represents a proposal to sterilise in perpetuity some 41 million tonnes of a scarce mineral resource which cannot be replaced. At current usage rates, the 41 million tonnes of soft sand/ silica sand represents approximately 140 years of supply to the county.</p> <p>The conflict arises because HMWP seeks to safeguard this vast irreplaceable mineral resource by county minerals Policy 15. It is clear from Policy 15 that permission from the MPA is mandatory if non-mineral development without prior extraction of the mineral resource is proposed. Permission may be granted only if the MPA (HCC) is satisfied that one of four conditions is of sufficient merit to justify sterilisation of the safeguarded mineral.</p>	<p>Policy 15 of the HMWP sets out under what circumstance permission may be granted for a development that sterilises mineral resources. The permission will be granted (or refused) by whichever authority has the remit to decide the planning application in question, which will not necessarily be the MWPA. The role of this SPD is to ensure that appropriate consideration has been taken of minerals and waste safeguarding issues, as well as that the MWPA is appropriately involved. Its purpose is, indeed, to assist in adhering to the principles of sustainability that the response discusses.</p>
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In the case of Whitehill/Bordon Policy 15 is specific – ‘development without prior extraction of mineral resources in the minerals safeguarding area may be permitted if d) the merits of the development outweigh the safeguarding of the mineral’.

There is no mention of the power to ‘permit’ the mineral resource to the sterilised being delegated to the LPA or suggestion that Policy 15 authorises the LPA alone to decide whether ‘the merits of the development outweigh the safeguarding of the mineral’.

It is important to note that whilst Policy 15 of the HMWP requires the MPA to grant ‘permission’ Policy 16: Safeguarding – minerals infrastructure of the HMWP only authorises the ‘Hampshire Authorities’ to object to incompatible development.

Policy 16: ‘The Hampshire Authorities will object to incompatible development unless it can be demonstrated that: (paragraphs a. – d.).

If HCC is asked to respond to proposals that are incompatible with HMWP Policy 16 HCC may ‘object’. However if HCC is asked to respond to proposals that are incompatible with HMWP Policy 15 HCC has either to grant or withhold ‘permission’.

#### **Responsibility for safeguarding minerals in the draft SPD**

In the draft SPD consultation document at paragraph 2.24, HCC (MPA) proposes to abnegate responsibility for determining whether “*the merits of the development outweigh the safeguarding of the mineral*” in favour of the LPA. The draft SPD states:

“The safeguarding of land for mineral resources and the inclusion of this land within the MSA and thereafter the MCA does not give any presumption that mineral working will be permitted. However, in line with national policy, there will be an expectation that LPAs will not normally permit other types of development (non-minerals) within the MCA in order to avoid needless sterilisation of the mineral resources, unless the safeguarding issue has been appropriately addressed through prior extraction or by fulfilling the criteria in Policy 15 (safeguarding mineral resources) of the HMWP. The Hampshire Authorities acknowledge that safeguarding is not a bar to non-mineral developments. Whether planning permission should be granted or not for non-minerals - or waste - development will depend on the circumstances of each individual proposal **and the decision lies with the LPA.**”

I hold that paragraph 2.24 is badly drafted and does not completely and fully reflect the true responsibility for safeguarding minerals resources that falls to the MPA. There is some move to acknowledge that HCC (acting as MPA) has ultimate responsibility for preventing mineral sterilisation in paragraph 4.25 of the consultation document:

"Where the LPA is minded to approve a planning application which has been recommended for refusal by the MWPA on mineral sterilisation grounds, they will inform the MWPA of this intention and will not determine the application until either the MWPA has confirmed that it does not wish to refer the application to the Secretary of State, or a period of 21 days has passed, whichever is the shorter. This period will allow the MWPA to request the Secretary of State to call in the application where this is considered necessary. It is expected that such requests will only be made in exceptional circumstances. Wherever possible, in order to avoid delays in the process, the MWPA's initial response to the LPA will include a statement indicating whether or not a request to the Secretary of State will be made in the event that the LPA is minded to approve the application".

Paragraph 4.25 therefore establishes that one notified of a non-mineral application affecting the MSA, HCC (acting in its capacity as MPA) will decide whether or not to recommend refusal to the LPA and will have also decided whether to have the issue referred to the Secretary of State.

It follows that HCC will have considered all the facts and reached a conclusion on whether the merits of the development outweigh the safeguarding of the mineral. HCC must therefore have balanced the requirements set out in the EHDCLP against the absolute responsibilities of HCC acting as the MPA. HCC will have considered the NPPF guidance.

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-making." NPPF para. 14

"Resolution 42/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs". NPPF para. 5

"...minerals are a finite resource, and can only be worked where they can be found, it is important to make best use of them to secure their long term conservation". NPPF para. 142

"When determining planning applications local authorities should give great weight to the benefits of the mineral extraction including the economy and not normally permit other development proposals in MSAs where they might constrain potential future use for these purposes." NPPF para. 144

The interested LPA may opt to disregard the National Planning Policy Framework but the responsibility for minerals safeguarding rests firmly with the MPA alone.

#### **Impartiality of HCC**

When deciding any mineral planning application involving the land encompassed by Insert Map 5 and the EHDC local plan, the position of HCC has been heavily compromised. HCC cannot be accepted as an independent and impartial quasi-judicial tribunal when determining any issues relating to the safeguarding of the mineral resources within Inset Map 5.

1. HCC has a significant financial interest in the proposed development at Whitehill/Bordon. At the

EHDC local plan examination in public on 31st October 2013, HCC made representation in the capacity of 'interested landowner' in collaboration with Defence Infrastructure Organisation, The Homes & Communities Agency and East Hampshire District Council (as Landowners) in SOCG/06 (Statement of Common Ground).

The argument advanced in SOCG/06 by HCC and others is:

*"The parties content that the policy justification (paragraph 6.18) is a clear and robust steer from the County Council (as the minerals planning authority) that mineral extraction or long-term 'safeguarding' of the sand resource must not delay or deter the proposed development; in this regard, this statement allows criterion (d) of Policy 15 to be met where the merits of the development do outweigh the safeguarding of the mineral."*

2. HCC relied on the SOCG/06 interpretation of the wording of Policy 15 when deciding not to object to the EHDC planning application for the Louisburg Barracks site north of the B3002 (Station Road) Bordon. The HCC decision taken by officers acting under delegated authority sterilised in perpetuity minerals within some 40% of the area identified in the MSA Inset Map 5 of the HMWP. Clearly the outcome of the Louisburg Barracks application was predetermined.

**Who, within HCC, has a democratic mandate to take Inset Map 5 mineral decisions?**

The decision not to raise objection to the Louisburg Barracks planning application was made by officers claiming to be acting using delegated authority. However, this is a questionable position.

The HCC Statement of Community Involvement (SCI) adopted in May 2014, established on page 44 at paragraph 4.4.8 that where HCC has a financial interest in the outcome of any planning application, or that the matter is not of a minor and/or temporary nature, the application cannot be delegated to officers for resolution.

The document (SOCG/06) establishes that HCC, as landowner, has a financial interest in the outcome of any application for the development of Whitehill/Bordon. The minerals within the MSA are not of a minor or temporary nature. It follows that the decision-making body in HCC must be regulatory committee in accordance with the HCC SCI.

Referral to the Secretary of State of Whitehill/Bordon non-minerals applications

It is undeniable that, currently, minerals safeguarding decisions within HCC involving the MSA at Whitehill/Bordon identified in Inset Map 5 are being taken by officers claiming delegated authority with opportunity provided for democratic involvement or scrutiny by elected councillors or the affected public.

SOCG/06 demonstrates beyond question that both EHDC and HCC are landowners, who have significant financial and political interest in the successful non-mineral development of Whitehill/Bordon within the boundaries of Inset Map 5.

	<p>Only automatic referral to the Secretary of State can provide the impartiality and transparency that a decision affecting such a manifestly nationally important scarce mineral resource contained within the MSA defined by Inset Map 5 demands.</p> <p>"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-making." NPPF para.14</p> <p>"Resolution 42/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs". NPPF para. 5</p> <p>"...minerals are a finite resource, and can only be worked where they can be found, it is important to make best use of them to secure their long term conservation". NPPF para. 142</p>	
Savills on behalf of Inland Homes Plc (Inland)	<p>The below comments are made by Savills on behalf of Inland Homes Plc (Inland) who have an interest in the delivery of a number of key regeneration sites in Southampton including Chapel Riverside.</p> <p>Chapel Riverside is allocated for waterfront development by Policy AP26 Chapel Riverside in Southampton City Council's (SCC) adopted City Centre Action Plan (CCAP). As stated at paragraph 5.73 of the CCAP, the Itchen Riverside "...provides one of the main opportunities to create a waterside residential / leisure mixed use community, including family accommodation, to enhance the attractiveness of the city centre as a place to live. In the short term, the key development site opportunity is at Chapel Riverside, offering the potential for a mixed marine / leisure / residential led waterside development."</p> <p>Inland are keen to ensure that the minerals and waste safeguarding guidance proposed in the draft Minerals and Waste Safeguarding in Hampshire Supplementary Planning Document (SPD) does not jeopardise the delivery of the Chapel Riverside allocation and other waterfront regeneration sites in Southampton and the surrounding area.</p> <p>Consultation Zone Clarification</p> <p>It is understood through conversations with Southampton City Council that the references to a 50m urban consultation zone in Appendices 1 and 2 of the SPD are in error and that a consultation zone of 100m should be referred to, in line with Hampshire County Council's published Minerals Consultation Area (MCA). Paragraph 2.14 of the SPD specifies the following buffers which are applied to the published MCA:</p> <ul style="list-style-type: none"> <li>• 250m around safeguarded mineral resources;</li> <li>• 250m around minerals and waste infrastructure in rural areas; and</li> <li>• 100m around minerals and waste infrastructure in urban areas (and including address points directly opposite sites where the site is adjacent to a water body).</li> </ul> <p>As stated in paragraph 4.9:</p>	<p>Buffers - The consideration that 100m is a sufficient buffer in urban areas is noted.</p> <p>2.14 - Sites on the Isle of Wight would not be included as they are not part of the area that this SPD or the HMWP cover. The concept of addresses opposite water refers to areas that are selected using officer judgement as to where there may be additional potential impacts beyond 100m due to the open nature of water bodies and text to this effect has been added to the section on the "Minerals and Waste Consultation Area".</p> <p>2.37 - The buffers to be contained in the MCA are for guidance and for the administrative purposes of consultation amongst LPAs and the MWPA's. A development could be further away than 250m from minerals and waste sites and still need to consider impacts between the two types of infrastructure. Therefore this is considered sensible advice, while not representing a consultation requirement.</p> <p>Regeneration - It is not the intention of minerals and waste safeguarding to prevent appropriate development, including regeneration, as is set out in the SPD and the HMWP itself.</p>



"As the MCA already incorporates appropriate buffers, Hampshire's LPAs do not need to apply additional buffering when deciding when to consult the MWPA unless they are aware of particular circumstances that may warrant this (e.g. elements of a planning application, such as a haul road, that may extend the impact of the development beyond its site boundaries)."

As such, the below comments relate to the proposed application of the stated MCA buffers. Suggested amendments to the draft SPD have been made with removed text struck through and additional text underlined. Paragraph 2.14

Inland recognise the importance of ensuring the sustainable supply of minerals and management of waste arisings and support the adoption of safeguarding and consultation areas. However, there is a need to balance the protection of minerals and waste sites and infrastructure with the delivery of waterfront regeneration. As stated in paragraph 6.23 of the Hampshire Minerals and Waste Plan (HMWP)

"... there are regeneration opportunities which could lead to the redevelopment of infrastructure, such as wharves located in the cities of Southampton and Portsmouth, and these need to be managed." Paragraph 6.29 of the HMWP states that: "The waterside nature of wharves in Southampton and Portsmouth Harbour are particular examples of this as their location often means they present strong potential for regeneration."

Given the importance of waterside regeneration projects, Inland consider that a 100m MCA buffer zone is sufficient within urban areas. The 100m urban MCA buffer does not unduly risk jeopardising recognised and allocated sites needed for regeneration, in particular in Southampton and Portsmouth and provides sufficient protection to minerals and waste infrastructure in urban areas as already set out. However, further clarification is required upon the treatment of water bodies. What is meant by directly opposite? This would mean that sites across a water body from safeguarded sites would be considered within the MCA regardless of distance, such as sites on the Isle of Wight directly opposite safeguarded areas on the mainland.

It is suggested that Paragraph 2.14 be amended as follows:

- "100m around minerals and waste infrastructure in urban areas ~~(and including address points directly opposite sites where the site is adjacent to a water body)~~"

Paragraph 2.37

Greater clarity is sought upon the application of safeguarding policy in relation to paragraph 2.37. Taking into account the guidance in paragraph 4.9, that additional buffers should not be applied to the MCA, and in paragraph 3.17, that a key criterion for the application of safeguarding policies is the location of a proposal within the MCA, it is suggested that Paragraph 2.37 be amended as follows:

*"Where development is proposed within an MCA close to a safeguarded site, careful assessment and consideration will be required to establish whether or not the development can proceed without inappropriately constraining the safeguarded site. This will ensure that non-minerals-or-waste development sites can be developed whilst maintaining the ability of the minerals or waste safeguarded site to operate. These developments should consider issues such as:"*

Paragraph 4.14

Paragraph 4.14 states that the Local Planning Authority (LPA) should consult the Minerals and Waste Planning Authority (MWPA) upon development proposals within the MCA when certain criteria are met. This is inconsistent with the approach stated in the adopted HMWP which states at paragraph 6.20 that:

*"The MCA is sent to district and borough council's and requires them to consult the MPA when any development proposal comes forward within the MCA."*

Should the approach set out in paragraph 4.14 be adopted it is not clear what is meant by the term 'adjacent' in relation to existing or safeguarded sites or the term 'near' in the accompanying Figure 4, which is similarly undefined. Reference is made to Appendix 2 but the terms 'adjacent' and 'near' are not defined.

The use of the terms 'adjacent' or 'near' would seem to imply the adoption of additional buffer zones over and above the MCA for the purposes of establishing whether consultation is necessary. However, as previously stated, paragraph 4.9 of the SPD is clear that there is no need for LPAs to adopt additional buffers when deciding whether to consult the MWPA.

It is suggested that greater clarity be provided over the requirement for consultation with the MWPA and that this should reflect the buffer zones inherent in the MCA.

Appendices 1 and 2

As set out in the HMWP and paragraphs 2.11 of the SPD the Hampshire MCA covers the following:

- mineral resources in the MSA that are considered to be economically viable (and thereafter any updates based on newly available information);
- minerals and waste sites allocated in the HMWP;
- minerals infrastructure identified for safeguarding through Policy 16 (Safeguarding - mineral infrastructure) and as set out in Appendix B - List of safeguarded minerals and waste sites of the HMWP (and thereafter any updates to this list);
- waste infrastructure identified for safeguarding through Policy 26 (Safeguarding - waste infrastructure) and as set out in Appendix B - List of safeguarded minerals and waste sites of the HMWP (and thereafter any updates to this list);
- and
- potential sites and areas identified for safeguarding for wharf and rail depots safeguarding through Policy 34 (Safeguarding potential minerals and waste wharf and rail depot infrastructure).

The MCA includes the following buffers for those sites and areas covered:

- 250m around safeguarded mineral resources;
- 250m around minerals and waste infrastructure in rural areas; and
- 100m around minerals and waste infrastructure in urban areas (and including address points directly opposite sites where the site is adjacent to a water body).

The consultation criteria presented in Appendices 1 and 2 mirror the above criteria. Comments made in relation to Paragraph 2.14 also apply to Appendices 1 and 2.

Inland stress the importance of ensuring that safeguarding issues do not jeopardise the delivery of key regeneration schemes. The stated MCA buffers are considered to be more than sufficient to ensure that potential developmental impacts on safeguarded sites are adequately considered.

The SPD must ensure that the guidance provided is in accordance with adopted policy in the HMWP that clearly stresses the importance of regeneration schemes and does not conflict with or undermine the ability of LPAs to deliver waterfront development that is key to meeting the objectives of their adopted Local Plans.

Given the extents of the MCA, based upon the proposed buffer zones, it is clear that any increase to the urban buffer would risk sterilising waterfront regeneration opportunities, including the delivery of the key Chapel Riverside allocation.

5.19 Please note that comments made on the supporting documents are set out in Section 6.

## 6. Summary of Responses (Supporting documents)

6.1 Table 23 sets out the comments made on the supporting documents. No changes are required in response to these comments.

Table 23: Supporting document Responses

Consultee	Comments	Hampshire Authorities' Response
Natural England	Habitats Regulations Assessment We concur with the conclusion of the HRA in relation to the SPDs. Integrated Sustainability Appraisal We concur with the findings of the Appraisal. We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.	Noted.
Otterbourne Parish Council	No comment.	Noted
Frack Free Solent	Just words.	Your opinions are noted.
The Verderers of the New Forest	No.	Noted.
Barton Willmore on behalf of Hallam Land Management Ltd	See attached covering letter.	Noted.
Quarryplan (GB) Limited on behalf of Tarmac Trading Limited	No.	Noted.
Mineral Products Association	No.	Noted.
Historic England	Only that we are grateful for the changes made in response to our comments on the Scoping Report.	Noted.
Portsmouth Water	No.	Noted.
D. K. Symes Associates	No.	Noted.
Persimmon Homes South Coast (D. K. Symes Associates as agent)	No comment.	Noted.
Resident	No.	Noted.
Friends of the Earth England Wales and Northern Ireland	Our response above is based on ensuring that the [oil and gas] SPD better reflects the purpose of HRA, Sustainability appraisal and equalities.	Noted.

## 7. Summary of Safeguarding Event

7.1 As part of the consultation on the draft Safeguarding SPD, an event was organised on 21 July 2015 which provided an opportunity for interested parties to learn more about safeguarding and to discuss how it takes place on the ground.

### The main purposes of the event were to:

- highlight the key issues, importance and benefits of safeguarding in Hampshire; and
- provide an opportunity to discuss minerals and waste safeguarding in practice to ensure that safeguarding is not an obstacle to development.

7.2 The Minerals and Waste Safeguarding in Hampshire Event included a wide range of speakers with varying interests in this type of development in Hampshire. The day also included Question and Answer (Q&A) sessions and table workshops on safeguarding scenarios.

7.3 The concluding points of the event were as follows:

- Minerals and waste safeguarding is a very important issue for Hampshire. Non-minerals-or-waste developments have the potential to sterilise viable sand and gravel or brick-making clay resources which could be needed to meet Hampshire's future demand for aggregates. Minerals are essential as they help to provide the materials to facilitate other developments such as housing.
- It is also essential that existing and potential minerals and waste sites are protected to ensure we have enough mineral and can sustainably manage our waste. Safeguarding is not about preventing or stalling development.
- Early consideration of safeguarding issues in the planning process where non-minerals-or-waste developments are proposed within the MCA will ensure that safeguarding issues are adequately considered within the planning process. This will ensure that issues are addressed at the earliest of stages so opportunities can be explored and to ensure that there are no delays in the planning process. Constructive and effective joint working will reduce delays in determining non-minerals-or-waste developments in the MCA.

7.4 The main outcomes of the event will feed directly into the consultation on the draft SPD and thereafter the finalisation of the SPD.

A Summary Report has been prepared by the Hampshire Authorities as a reflection of the event and its main outcomes. All documents associated with the event are available to view on the HCC website<sup>8</sup>.

8. <http://www.hants.gov.uk/safeguarding-event-2015.htm>

## 8. Key Issues

8.1 This section identifies the key issues that require addressing in the final SPDs.

### Oil & Gas

- A review of the SPD is required to ensure that the content is communicated effectively to all interested parties.
- The issue of climate change, energy demand and supply are important and some consultees felt that the SPD should be addressing these issues more directly. However, the SPD is a guidance document for supporting the implementation of the policies contained within the adopted Hampshire Minerals & Waste Plan. As such, reference is made to Policy 2 (Climate change - mitigation and adaptation) in how it relates to proposed oil and gas development but the issue of national supply is not dealt with within the guidance document.
- The Hampshire Authorities are required to follow the public engagement arrangements set out in their Statements of Community Involvement (SCIs). It was suggested that certain methods or processes should be undertaken if an oil or gas planning application was submitted. The SCIs include a variety of methods and the Hampshire Authorities would seek to employ the most suitable methods available to ensure local communities were effectively engaged in the process.
- The fact that water companies are statutory consultees should be made clearer. It should also be highlighted that they should be involved in pre-application discussions and consulted where Source Protection Zones are involved.
- The special qualities of AONBs are given equal weight to National Parks especially in relation to tranquillity. The role of AONB Management Plans should be highlighted.
- References to Historic Landscape Character Area should be included and the need for pre-development archaeological assessments.
- Further clarification is required in relation to oil and gas development taking place beneath National Parks.
- Further clarification is required in relation to risk of water turbidity problems caused by drilling.
- Further clarification is required in relation to the use of sustainable drainage systems.
- Highlight the need for Comprehensive Risk Assessments and Flood Risk Assessments, where necessary.
- Amenity impacts were raised by some consultees and these are addressed within the SPD which supports Policy 10 (Protecting public health, safety and amenity).
- Additional information will be provided on the role of the Health & Safety Executive and the Environment Agency.
- Consideration needs to be given to oil and gas networks and existing infrastructure, notably Fawley Refinery.
- Additional information on material considerations should be included.
- Further clarification is required on when Environmental Permits are required.

### Safeguarding

- Further justification is required on why a minimum 3 hectare site size was selected to determine whether the Hampshire Authorities are consulted.

- Greater emphasis is required in relation to safeguarding infrastructure.
- Developers need to be made more aware of the Mineral Consultation Area.
- Clarification should be given on procedures for when insufficient information is provided by applicants.
- A recommendation was made that mineral assessment are undertaken by specialist.
- A suggestion was made that typical costs could be included in the guidance but it was felt by the Hampshire Authorities that this could be quickly out-of-date and could be misleading to interested parties.
- It has been suggested that the guidance set out in the SPD should be included as policy within all local plans. The policies are contained within the adopted Hampshire Minerals & Waste Plan (HMWP) and the SPD seeks to support the implementation of these policies. Local Plans are required to show the Minerals Safeguarding Area on their Proposals Maps and this is set out in the HMWP.
- Recommendations were made from interested parties that a simple chart for local planning authorities should be included as part of the guidance for quick and easy reference.
- The need for case-by-case checks with regard to substantial existing development proposals should be highlighted.
- Further clarification is required where local knowledge of resources exists outside of the Mineral Consultation Area.
- Further justification is required in relation to the safeguarding buffers suggested and the basis for these should not be officer resources. It is suggested that the distances are reduced and reviewed and then increased, if necessary. Clarification is also required where the terms 'near' or 'adjacent' are used.
- Further clarification of consulting across waterbodies is required.
- It is suggested that the Hampshire Authorities' Monitoring Report should include developments where sterilisation was considered and the results.
- The impact of the physical characteristics of the site on the quantity of material that can be prior extracted needs to be included.
- Further clarification is required on how local planning authorities should apply the Mineral Consultation Area.
- A request was made for a policy on wastewater treatments however, the SPD cannot introduce new policy and the HMWP includes Policy 31 (Liquid waste and waste water management).
- It should be highlighted that developers need to refer to the Hampshire Authorities' up-to-date safeguarding list on the HCC website.
- Recommendations were made that minerals information should be included in the validation requirements set out by local planning authorities, where relevant.
- Further clarification is required on the scale of potential prior extraction, possibly with ranges of extracted material.
- Malmstone may need to be considered for safeguarding in the future.
- It was felt that the guidance is currently geared towards local planning authorities and there should be more guidance for developers.
- Further emphasis should be placed on the viability of mineral and this should be linked to the need of operators.
- Further clarification is needed to recognise strategic development issues.
- Further clarification is needed to differentiate between the Mineral Safeguarding Area and the Mineral Consultation Area. A request was made that the SPD should include a provision that all non-minerals developments in Inset 5 (Whitehill Bordon) are referred to the Secretary of State for resolution. However, Policy 15 (Safeguarding - mineral

resources) addresses this issue and it is for the local authority to determine an application for non-housing development not the MPA and therefore, not the remit of the SPD.



## 9. Next Steps

- 9.1 The responses received during the consultation, including the safeguarding event, will be taken into consideration during the revisions and finalisation of the draft SPDs.
- 9.2 If necessary, further targeted consultation may be required with specific interested parties as part of this finalisation.
- 9.3 It should be noted that the SPDs are likely to be subject to factual updates in response to new information being released, most notably in relation to oil and gas. This information will not change the approach but may result in revised background information.
- 9.4 The SPDs will then be taken forward for adoption by the Hampshire Authorities which is anticipated to take place during winter 2015. Following adoption, an Adoption Statement and a Community Engagement Statement will be issued.

**If you require further information on the SPDs, please contact HCC by:**

**Calling: 0300 5551389 (Hantsdirect)**

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

**Writing to: Strategic Planning, Economy, Transport and Environment  
Department, Hampshire County Council, The Castle, Winchester, Hampshire.  
SO23 8UD**

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

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

**Telephone: 0300 555 1389 or 01962 846591**

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

Write to:

Minerals and Waste Planning Policy

Strategic Planning

Economy, Transport & Environment Department

Hampshire County Council

Floor 1 Elizabeth II Court West

Winchester SO23 8UD

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

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