

<b>DECISION-MAKER:</b>	<b>CABINET</b>		
<b>SUBJECT:</b>	<b>MINERALS AND WASTE SAFEGUARDING AND OIL AND GAS SUPPLEMENTARY PLANNING DOCUMENTS</b>		
<b>DATE OF DECISION:</b>	<b>16 FEBRUARY 2016</b>		
<b>REPORT OF:</b>	<b>LEADER OF THE COUNCIL</b>		
<b><u>CONTACT DETAILS</u></b>			
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<b>STATEMENT OF CONFIDENTIALITY</b>	
None	
<b>BRIEF SUMMARY</b>	
The Supplementary Planning Documents provide more guidance on the safeguarding of minerals and waste sites and mineral resources (including from nearby development); and oil and gas developments. They support the statutory Minerals and Waste Plan and will be material considerations in the determination of planning applications.	
<b>RECOMMENDATIONS:</b>	
(i)	to approve the final Supplementary Planning Document for Mineral and Waste Safeguarding (Appendix 1);
(ii)	to approve the final Supplementary Planning Document for Oil and Gas (Appendix 2); and
(iii)	to delegate to the Planning and Development Manager, following consultation with the Leader of the Council, the power to make minor changes or major changes which do not affect Southampton, if needed.
<b>REASONS FOR REPORT RECOMMENDATIONS</b>	
1.	To provide further guidance to the Minerals and Waste Plan.
2.	Delegated powers to facilitate final publication once approved by all 4 authorities.
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
3.	Not to approve the SPDs: this would result in a lack of useful guidance.
<b>DETAIL (Including consultation carried out)</b>	
4.	The Supplementary Planning Documents (SPDs) provide further guidance to the policies in the Hampshire Minerals and Waste Plan. This was adopted in 2013 by 5 mineral and waste planning authorities, including Southampton City

	<p>Council, and forms part of the statutory development plan. The SPDs do not have as much weight, but are a material consideration in the determination of planning applications. The SPDs have been prepared by Southampton City Council, Hampshire County Council, Portsmouth City Council and the New Forest National Park Authority. A Sustainability Appraisal and Habitat Regulations Assessment has been carried out. Public consultation on the SPDs was conducted between 29 June and 7 August 2015. This was approved under delegated powers. A summary of the responses received has been placed in the Members' Room.</p>
	<p><b>Safeguarding</b></p>
5.	<p>The Minerals and Waste Plan safeguards:</p> <ul style="list-style-type: none"> <li>• strategic mineral and waste sites (including wharves) from redevelopment to other uses unless they are relocated or there is a strong reason for the redevelopment;</li> <li>• mineral resources in the ground from sterilisation by other development without prior extraction;</li> <li>• the above sites and resources from other nearby development (e.g. residential) which may impact on them, unless there is a strong reason for the nearby development.</li> </ul>
6.	<p>The Minerals and Waste Plan sets the principles for safeguarding mineral and waste sites. Within the City this currently includes 5 mineral and waste wharves on the River Itchen and 7 waste facilities (e.g. Ashley Crescent, Empress Road, waste water treatment works). It also includes safeguarding the potential for further consideration of a mineral and waste wharf at the Port of Southampton, Dibden Bay and Marchwood Military Port.</p>
7.	<p>The Plan safeguards sites from 'nearby' development. The SPD sets a 100 metre buffer around mineral and waste sites within the urban area. This effectively gives additional guidance to where we will consider the effect of nearby development. In the Hampshire area local planning authorities are required to consult Hampshire County Council. However Southampton City Council is a minerals and waste planning authority. Therefore the SPD only requires Southampton City Council to consult Hampshire County Council for development close to the wharves, and the sand and gravel resource on the edge of the City, given their strategic significance to the City and Hampshire.</p>
8.	<p>The consultation buffer is also generally extended beyond 100 metres to include wider areas only separated by water, whilst also taking account of local circumstances. Officers will agree precise maps shortly and they have agreed that the Supermarine Wharf buffer should not extend more than 100 metres given it is a small wharf.</p>
9.	<p>When planning applications or Local Plan proposals for other developments are made in these areas, the Council should consider the effects on the mineral or waste site in line with the Plan (see para 5). The SPD does not automatically prevent development within these buffer zones. The impact on mineral and waste sites could be reduced to an appropriate level through maintaining an appropriate distance, screening with other buildings, design / layout (e.g. orientation), management (e.g. of traffic) and mitigation measures (e.g. secondary glazing). However the Plan and SPD aim to prevent incompatible developments unless the merits of the development outweigh the remaining effects on the minerals or waste site.</p>

10.	<p>The areas in Southampton where regeneration developments are most likely to be promoted adjacent to mineral and waste sites are in the city centre close to the Port, or along the River Itchen close to the mineral wharves. The City Centre Action Plan already addresses the relationship between development and the port, so the SPD represents no significant change in approach (other than consulting Hampshire County Council). In addition the River Itchen master plan work to inform the Local Plan has already taken account of these issues. It plans for a mix of uses including residential but also employment, which is likely to be appropriate adjacent to mineral wharves. The key sites within the buffer consultation zones which are proposed (or may be by others) for development for significant residential use not yet permitted are:</p> <ul style="list-style-type: none"> <li>• Drivers Wharf, adjacent to the Princes Wharf metal recycling wharf.</li> <li>• The Central Trading Estate which is adjacent to the mineral wharves but is unlikely to be developed before the wharves relocate.</li> <li>• The Willments / Hazel Road area, which is directly opposite the wharves.</li> <li>• Royal Pier and Western Gateway adjacent to the Port, although both sites are already being planned with this in mind, with residential development at Royal Pier outside the consultation zone.</li> </ul>
11.	<p>The SPD will represent an additional issue to be considered in the redevelopment of these sites.</p>
12.	<p>The Plan explains that the mineral resources are primarily sand and gravel under greenfield sites outside the City (although with small parts within the edge of the City as well). There should not be development without prior extraction of the minerals provided the extraction would be viable and appropriate. The SPD sets a requirement to consult Hampshire County Council in or within 250 metres of these areas. The SPD also introduces an order of preference. This starts with large scale prior extraction of all minerals prior to development, and goes through to small scale extraction of minerals to be used in the development on the site. The developer would need to demonstrate why the first preference is not practical. The SPD also promotes this approach outside of the formal consultation area where there is likely to be a mineral resource, including urban sites. However the SPD recognises that there are additional amenity and other constraints in such areas; and the development plan's protection of amenity policies would also apply.</p>
<b>Oil and Gas (including 'fracking')</b>	
13.	<p>There is the potential for further oil / gas operations in Hampshire, possibly in the future close to, or affecting Southampton. The Government has issued '14<sup>th</sup> round' Petroleum Exploration and Development Licences (PEDLs), which confer exclusive rights to search for and extract oil and gas. These current licences do not affect Southampton. There are likely to be future rounds of licences so this will be kept under review. It is important to emphasise that a PEDL licence is a first step, and a number of additional consents would then be required.</p>
14.	<p>The established planning policy is as follows. The National Planning Policy Framework includes a presumption in favour of sustainable development, and supports sustainable economic growth. This includes support for an adequate and steady supply of minerals, including for energy generation, and a sustainable use of energy. There should be no unacceptable impact</p>

	on the natural or historic environment or on human health.
15.	The Hampshire Plan includes a policy which supports oil and gas development subject to environmental and amenity considerations. Exploration and appraisal will be supported in acceptable locations. Commercial production will be supported provided a full appraisal has been completed and the site is in the most suitable location taking account of environmental, geological and technical factors.
16.	This SPD provides more guidance for oil and gas planning applications. This includes: <ul style="list-style-type: none"> <li>• Conventional extraction (some sites already exist in Hampshire);</li> <li>• Unconventional extraction (including 'fracking'); and</li> <li>• Exploration, appraisal, extraction, decommissioning and restoration stages.</li> </ul>
17.	In addition to a PEDL and planning permission, oil and gas operations require other licences. The planning application process determines whether a development is appropriate for its location taking account of the effects of pollution and the sensitivity of the surrounding area in environmental and amenity terms. The licencing authorities focus on ensuring that the proposal is designed and operated to appropriate standards. These consider the protection of water resources, safety, managing seismic risk, control of flaring, equipment, operations, well heads, boring, decommissioning, waste / water disposal, chemical use, environmental risk assessments and fracking plans, as follows: <ul style="list-style-type: none"> <li>• Health and Safety Executive (HSE) – safety permits.</li> <li>• Environment Agency (EA) – environmental permits, etc.</li> <li>• Oil and Gas Agency (OGA) – consent to drill.</li> </ul>
18.	The SPD provides more guidance on the following issues to help determine planning applications. At present there are no PEDLs to enable further consideration of proposals in or close to the City. The Minerals and Waste Plan, SPD and the additional licenses, permits and consents, as required and regulated by the HSE, EA and OGA, would provide an appropriate framework to control any proposed works and/or operations. Mitigation may be necessary and this would be agreed on a case by case basis. In broad terms the SPD re-iterates the policies of the Hampshire Minerals and Waste Plan and adds further guidance as follows:
19.	Mitigating and adapting to climate change – reducing emissions from the site.
20.	Nature conservation – mitigation measures to ensure no significant adverse impact, unless these are outweighed by the merits of the development.
21.	Landscape designations / countryside / townscape / design – maintain and where possible enhance, using a high quality of design, with mitigation measures to ensure no unacceptable visual impact.
22.	Local communities / amenity impact – there should be no unacceptable impact on health, safety or amenity. Many requirements will be met through an appropriate high standard of operating / management systems. In line with the National Planning Policy Guidance there should be no standard separation distances. They should be properly justified, effective and

	reasonable on a case by case basis.
23.	Lighting, noise, dust – no unacceptable impact. Gas should be collected if possible or else flaring controlled.
24.	Water resources and flood risk – no unacceptable impact (the Environment Agency are the key authority).
25.	Land stability and seismic activity – mitigation of risks and ongoing monitoring (the HSE and Oil and Gas Authority are the key authorities).
26.	Transport – maintain appropriate highway capacity and safety for all road users, mitigate the effects of traffic.
27.	Economic impact / benefit – will be taken into account in line with the national planning policy framework.
28.	Other issues covered are greenbelts, heritage, soils, public access, aerodrome safeguarding, waste disposal, and chemical use.
29.	Cumulative impact – consideration of proposals alongside the effects of other minerals and waste development and other developments.
30.	Restoration and aftercare – restoration either to the former land use or to a new agreed beneficial use.
31.	Planning conditions, developer contributions (s106 and CIL), monitoring and enforcement to cover the above issues are also set out.
32.	Community benefits – these are additional benefits an operator may choose to provide to local communities. (They would not be material in determining a planning application).
33.	The planning process is set out – public consultation, pre-application discussion, and environmental impact assessment.
34.	There is also a background report which sets out the origins of oil and gas, what a site looks like, the phases of operation, extraction processes, mineral rights, existing Hampshire sites, licencing, and key issues to be taken into account.
<b>RESOURCE IMPLICATIONS</b>	
<u>Capital/Revenue</u>	
35.	The preparation of the SPDs has been undertaken under the existing Planning Policy budget.
<u>Property/Other</u>	
36.	Some Council land interests may be affected by the planning guidance.
<b>LEGAL IMPLICATIONS</b>	
<u>Statutory power to undertake proposals in the report:</u>	
37.	Sections 17, 19 and 23 of the Planning and Compulsory Purchase Act, 2004.
<b><u>Other Legal Implications:</u></b>	
38.	None
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
39.	The SPDs are in accordance with the development plan.

<b>KEY DECISION?</b>	Yes	
<b>WARDS/COMMUNITIES AFFECTED:</b>	All	
<u>SUPPORTING DOCUMENTATION</u>		
<b>Appendices</b>		
1.	Minerals and Waste Safeguarding Supplementary Planning Document	
2.	Oil and Gas Supplementary Planning Document	
<b>Documents In Members' Rooms</b>		
1.	Summary Report of Consultation Responses	
<b>Equality Impact Assessment</b>		
<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>		No
<b>Privacy Impact Assessment</b>		
<b>Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.</b>		No
<b>Other Background Documents</b>		
<b>Other Background documents available for inspection at:</b>		
<b>Title of Background Paper(s)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>	
1.	None	