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INTRODUCTION

- 4.1 Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 does not make any specific reference to the inclusion of an assessment of planning policy. However, it is considered to be good practice to undertake a review of planning policy at a local and national level in order to consider whether the proposed development and the potential significant environmental implications conform to such policy.
- 4.2 It is considered that this approach identifies the key environmental policy issues associated with a particular development. In this respect, it is not the role or purpose of the ES to set out the planning balance but to objectively consider those policies relevant to the prospective development.

NATIONAL POLICY

National Planning Policy Framework

- 4.3 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Underpinning the NPPF is a presumption in favour of sustainable development, which is woven into both plan-making and decision taking.¹
- 4.4 In terms of sustainable development, the NPPF identifies three dimensions; economic, social and environmental sustainability. These dimensions give rise to the need for the planning system to perform a number of roles:
- an economic role - contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements;
 - a social role - supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and supports its health, social and cultural wellbeing; and
 - an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change by moving towards a low carbon economy.
- 4.5 These roles should not be undertaken in isolation, because they are not mutually exclusive; in order to achieve sustainable development, economic, social and environmental gains should be sought simultaneously through the planning system.

¹ Paragraph 14, NPPF.

- 4.6 The NPPF refers to specific categories of minerals; under this framework, the term ‘energy minerals’ is used as an umbrella definition for *inter alia* hydrocarbons such as shale gas.
- 4.7 Within the NPPF, emphasis is placed on the requirement for the MPA to “clearly distinguish between the three phases of development; exploration, appraisal and production” when planning for onshore oil and gas development, including unconventional hydrocarbons.
- 4.8 Unconventional hydrocarbons are emerging as a form of energy supply and there is a need to establish, through exploratory drilling, whether or not there are sufficient recoverable quantities of unconventional hydrocarbons present to facilitate economically viable full-scale production.
- 4.9 However, the Government warns that “although substantially less costly than offshore development, onshore operations are still high cost and high risk ventures. Even when hydrocarbons are found, development will not necessarily follow. However, exploration is valuable in its own right as it extends the knowledge of the country’s resources”.
- 4.10 The NPPF acknowledges that unconventional hydrocarbon exploration is a relatively new economic venture in the UK and, as a result, it is anticipated that the number of unconventional hydrocarbon developments will continue to grow.
- 4.11 The NPPF recognises that minerals are essential in supporting sustainable economic growth and maintaining our quality of life. The NPPF therefore places great importance on the need to ensure there is a sufficient supply of material to provide infrastructure, buildings, energy and goods that communities need.
- 4.12 There is also recognition that energy minerals are a finite resource and therefore can only be worked where they are found.
- 4.13 The NPPF policies that are particularly relevant in the context of the exploratory borehole are;
- competitive economy;
 - sustainable transport;
 - natural environment;
 - historic and cultural environment; and
 - minerals.

Competitive Economy

- 4.14 The government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meet the challenges of both global competition and a low carbon future.
- 4.15 The NPPF notes that “planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be

placed on the need to support economic growth through the planning system”.

Sustainable Transport

- 4.16 All developments that generate significant amounts of movements should be supported by a Transport Statement or a Transport Assessment. Both plans and decisions should take into account whether;
- the opportunities for sustainable transport models have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe and suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost effectively limits the significant impacts on the development.
- 4.17 The policy then states that development should only be prevented or refused on transport grounds where residual cumulative impacts of development are severe.
- 4.18 A key tool to facilitate sustainable development is a traffic management plan. All development which generates significant amounts of movements should be required to produce a Travel Plan.

Conserving the Natural Environment

- 4.19 Paragraph 109 of the NPPF states that “the planning system should contribute to and enhance the natural and local environment by; protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; and minimising possible impacts on biodiversity and providing net gains in biodiversity where possible.
- 4.20 In preparing plans to meet development needs, the aim should be to minimise pollution and other adverse effects on the local and natural environment.
- 4.21 In order to prevent unacceptable risks from pollution and land instability, planning policy and decision making should ensure that the new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment and general amenity, and the potential sensitive to the area or proposed development to adverse effects from pollution, should be taken into account.

Conserving and Enhancing the Historic Environment

- 4.22 Paragraph 128 of the NPPF states that “*in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contributions made by their setting. The level of detail should be proportional to the assets importance*

and no more than is sufficient to understand the potential impact of the proposal on their significance.”

- 4.23 Paragraph 132 requires that great weight should be given to the conservation of a designated heritage asset, and that the heritage significance of such an asset can be harmed or lost through alteration or destruction of the asset or from development within its setting. Substantial harm to, or loss of, a Grade II listed building or registered park or garden should be exceptional, and wholly exceptional to assets of the highest significance (notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings parks or gardens, and World Heritage Sites) (paragraph 133). For a development which had such an effect to obtain planning permission, it would need to provide substantial public benefits which outweighed the effect, or fulfil a number of other specific criteria (paragraph 133). Less than substantial harm should be weighed against the wider public benefits of the proposed development (paragraph 134).
- 4.24 Paragraph 135 requires that both direct and indirect effects on the heritage significance of non-designated heritage assets should be taken into account when determining an application.

Facilitating the Sustainable Use of Materials

- 4.25 Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods the country needs.
- 4.26 In preparing the Local Plan, Local Planning Authorities should set out the environmental criteria, in line with policies in the NPPF, against which planning applications will be assessed so as to ensure that permitted operations do not have an unacceptable adverse impact on the natural and historic environment or human health.
- 4.27 When determining planning applications, local planning authorities should;
- give great weight to the benefits of mineral extraction, including to the economy;
 - ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment or human health;
 - ensure that any unavoidable noise, dust or particle emissions and any blasting vibrations are controlled, mitigated or removed at source and establish appropriate noise limits for extraction in proximity to noise sensitive properties; and
 - provide for restoration and aftercare at the earliest opportunity.

Planning Practice Guidance

- 4.28 The Planning Practice Guidance (PPG) contains supplementary clarification and assistance to the information contained within the NPPF. The PPG was

published in March 2014 by the Department for Communities and Local Government (DCLG).

- 4.29 The Minerals section of the PPG Guidance states that *“as an emerging form of energy supply, there is a pressing need to establish - through exploratory drilling - whether or not there are sufficient recoverable quantities of unconventional hydrocarbons such as shale gas.....present to facilitate economically viable full scale production”*.
- 4.30 Paragraph 120 considers the potentially contentious nature of unconventional hydrocarbon exploration and urges that *“individual applications for the exploratory phase should be considered on their own merits. They **should not** take account of hypothetical future activities for which consent has not yet been sought, since the further appraisal and production phases will be subject to separate planning applications and assessments.”*

Shale Gas and Oil Policy Statement

- 4.31 The Shale Gas and Oil Policy Statement was published in August 2015 by the Department for Energy and Climate Change (DECC) and DCLG).
- 4.32 The Statement recognises that there is a national need to explore and exploit the UK’s shale gas and oil resources in a safe, sustainable and timely way. The Statement emphasises that having a clean, safe and secure supply of natural gas is a key requirement if the UK is to successfully transition to a low carbon economy.
- 4.33 Natural gas is vital to the UK economy, providing one third of our energy supply. The Statement suggests that exploring and developing shale gas and oil resources could potentially bring substantial benefits and help to meet UK objectives for secure energy supplies, economic growth and lower carbon emissions.
- 4.34 The Statement recognises the potential economic benefits of building a new shale gas industry both locally and nationally by;
- Nationally benefitting from development of a new industrial sector;
 - Developing shale resources that would deliver investment in key domestic energy infrastructure, boosting the UK’s capital stock and leading to increased productivity and growth.
 - It is estimated that a thriving shale industry would mean cumulative investment of £33billion and support 64,500 jobs in the gas, oil, construction, engineering and chemical sectors at peak. Locally, this may result in new facilities and jobs for local communities.
- 4.35 The statement suggests that shale gas has the potential to form a bridge whilst renewable energy, improved energy efficiency and nuclear generating capacity are developed. Studies have shown that the carbon footprint of electricity from UK shale gas would be significantly less than unabated coal and also less than Liquefied Natural Gas.

LOCAL POLICY

Nottinghamshire Minerals Local Plan 2005

- 4.36 Nottinghamshire County Council formally adopted the Minerals Local Plan on 5th December 2005, in accordance with the requirements of the Town and Country Planning Act 1990 and the Town and Country Planning (Development Plan) (England) Regulations 1999.
- 4.37 Nottinghamshire County Council is the MPA for Nottinghamshire. It is responsible for preparing the Minerals Local Plan and determining planning applications for the winning and working of minerals.
- 4.38 The plan sets out the framework for minerals planning in Nottinghamshire. The purpose of the plan is to balance society's need for minerals against the environmental harm that mineral extraction can cause.
- 4.39 In addition, the Mineral Local Plan aims to:
- secure the provision of sufficient minerals to meet reasonable needs; and
 - encourage the optimum use of minerals from primary and secondary sources.
- 4.40 The following paragraphs set out the policies that are relevant to the proposed development.
- 4.41 Policy M2.1 states that *“planning permission for minerals development will only be granted where it has been demonstrated that the Plan’s sustainable development objectives have, where appropriate, been fully addressed”*. Underlying this text, there is the expectation that the MPA ensures that mineral activities do not have an unacceptable adverse impact on the natural and historic environment or human health. This is then followed by the expectation that restoration and aftercare practices are mindful of the environment.
- 4.42 Policy M3.1 outlines the information requirements in support of planning applications.
- 4.43 Policy M3.3 discusses the potential for adverse visual impact of the proposed development. The Policy details a list of conditions that may be imposed to mitigate any adverse visual impacts. Policy M3.4 goes on to detail screening and landscape proposals as a mitigating measure, however, the policy recognises that this is typically associated with long-term development proposals.
- 4.44 Policy M3.5 states that *“planning permission for minerals development will only be granted where noise emissions outside the boundary of the mineral workings do not exceed acceptable levels”*. The Policy also confirms that conditions may be imposed in order to satisfy the requirements of the Policy.

- 4.45 Policy M3.7 states that *“planning permission for minerals development will only be granted where dust generation will not lead to an unacceptable impact”*. The Policy recommends a dust assessment study to be undertaken in such instances where a significant amount of dust may be generated by virtue of the development and its associated operations.
- 4.46 Policy M3.8 outlines that *“planning permission for minerals development will only be granted where surface water flows are not detrimentally altered; groundwater levels, where critical, are not affected; and there are no risks of polluting ground or surface waters.”* Policy M3.9 deals with flooding.
- 4.47 Policy M3.12 refers explicitly to highways and transport issues stating that *“Planning permission for minerals development will only be granted where measures are in place to the County Council’s satisfaction that prevents damage to the highway.”* It then goes on to say that such policy is also intended to *“prevent mud and other deleterious material contaminating public highways”*. This policy considers that lorry routing may be a critical consideration alongside vehicular movements contained within Policy M3.13. Policy M3.13 states that *“planning permission for minerals development will only be granted where the highway network can satisfactorily accommodate the vehicle movements likely to be generated and would not cause unacceptable impact upon the environment and disturbance to local amenity”*. Policy M3.14 addresses vehicle routing.
- 4.48 Policy M3.16 affords protection to agricultural land. It seeks to protect “the best and most versatile agricultural land (grades 1, 2 and 3a) unless proposals will not affect the long term agricultural potential of the land.
- 4.49 Policy M3.17 covers Biodiversity and seeks to prevent development that will adversely affect the integrity of habitats or features in UK and Local Biodiversity Action Plans unless there is an overriding need for the development and compensatory habitat can be provided. Policies M3.18, 19 and 20 deal with international, national and local designated sites respectively.
- 4.50 Policy M3.22 states that *“operators must demonstrate that landscape character and local distinctiveness are fully taken into consideration within development proposals”* and permission will not be granted for development which has an adverse impact on these unless there are reasons of overriding public interest or where the impact can be reduced to acceptable levels.
- 4.51 Policy M3.24 deals with archaeology and permission will not be granted for development which would destroy or degrade nationally important remains. For remains of less than national importance, permission will be granted where the importance of the development outweighs that of the remains and where provision for excavation and recording is made. Policy M3.25 deals with designated heritage assets and their settings and permission will not be granted for development which causes an unacceptable level of harm.
- 4.52 Policy M3.27 deals with cumulative impacts and permission will not be granted for development which would, cumulatively, result in significant adverse impacts on the environment or local communities.

- 4.53 Policy M5.1 cites that *“proposals for minerals exploration will be permitted, subject to satisfactory environmental, amenity and reclamation safeguards”*. The plan recognises that mineral exploration is essential in identifying mineral provisions and their viability but also emphasises the need for safeguarding measures to be in place to minimise any potential environmental impact.
- 4.54 The Plan then goes on to discuss each potential environmental impact in turn. Under Policy M5.1, the Plan states that *“although sites can be very visible, this rarely causes conflict since activities are temporary”*. In terms of noise, the Plan recognises the potential for conflict where drilling rigs are situated in close proximity to residential properties. The Plan therefore advises that boreholes should be located away from any sensitive receptors, however, if this is not possible, it is imperative to impose mitigation measures to minimise any noise impact. Similarly, the Plan recognises the potential for temporary traffic generation to generate significant pressure on the local highway system and proposes to minimise any impacts through mitigation measures such as routeing and temporary signposting. In respect of water pollution the Plan advises that care should be taken to protect surface and groundwater from contamination and to avoid damage to aquifers.
- 4.55 Policy M5.2 deals with deep boreholes in sensitive areas but the application site is not considered to be within a sensitive area, as defined in the Plan, so this policy is not considered further.
- 4.56 Policy M5.3 deals with the retention of haul roads and hardstandings and states that proposals to retain these following exploratory drilling will not be permitted unless there are clear agricultural or other benefits.
- 4.57 Chapter 13 of the Plan deals with Oil, Coalbed Methane and Mine Gas but because of the age of the Plan it does not specifically address shale gas exploration. However in preparing this ES regard has been had to principles contained in policies M13.6 and M13.7. Policy M13.6 deals with the situation where deep boreholes may conflict with other underground mineral resources and seeks to ensure that their exploitation will not be unreasonably affected. Policy M13.7 covers reclamation and states that conditions will be imposed to ensure that sites are restored to their original condition as soon as practicable once the development is no longer required.

Emerging Minerals Local Plan

- 4.58 Nottinghamshire’s Minerals Local Plan submission draft was subject to public consultation in Spring 2016. The Plan is therefore still at its early stages of production. However the work that has been done to date does provide an indication as to how the Council see the future policy for minerals in the County developing in respect of shale gas proposals:

Policy MP12: Hydrocarbon Minerals

“Exploration

1. *Proposals for hydrocarbon exploration will be supported provided they do not give rise to any unacceptable impacts on the environment or residential amenity....”*

4.59 In addition the draft Plan has an updated set of development management policies, as follows:

- Policy DM1: Protecting Local Amenity supports minerals development where it can be demonstrated that any potential adverse impacts on amenity can be avoided or mitigated to an acceptable level.
- Policy DM2: Water Resources and Flood Risk supports development that can demonstrate that surface water flows and groundwater quality and levels would not be detrimentally altered, that there are no risks of polluting ground or surface water and that water resources are used as efficiently as possible. In respect of flood risk the policy requires that there should be no unacceptable impacts on flood flows or storage, the integrity and function of flood defences or local land drainage systems. The policy also seeks, where the opportunity exists, for restoration proposals to incorporate flood risk reduction measures. Finally the policy looks for mineral development to incorporate sustainable drainage systems unless it can be demonstrated that alternative measures are acceptable.
- Policy DM3: Agricultural Land and Soil Quality only supports mineral development on the best and most versatile agricultural land (Grades 1, 2 and 3a) subject to certain tests including where it can be demonstrated that proposals will not affect the long term agricultural potential of the land or soils. In respect of soil quality the policy also requires that measures are taken to protect and maintain it during the stripping, storage and replacement phases of the development.
- Policy DM4 deals with the protection and enhancement of biodiversity and geodiversity.
- Policy DM5 deals with landscape character and requires that proposals should not adversely impact on the character and distinctiveness of the landscape.
- Policy DM6 covers the historic environment and supports proposals that do not have an adverse impact on designated or non designated heritage assets or where the public benefits of the development outweigh the harm. In respect of archaeology the policy requires that proposals for minerals development on sites of archaeological importance must ensure that satisfactory mitigation measures are in place.
- Policy DM7 supports minerals development that will not have an unacceptable impact on rights of way.
- Policy DM8 deals with cumulative impacts.
- Policy DM9 covers highway safety, vehicle movements and routeing and supports mineral development where:
 - the highway network can satisfactorily accommodate the vehicle movements likely to be generated;
 - those movements would not have an unacceptable impact on the environment or local amenity;

- where appropriate, adequate routeing schemes have been put in place to minimise impacts; and
 - measures have been put in place to minimise mud/materials on the public highway.
- DM10 deals with airfield safeguarding.
 - Policy DM11 identifies that the County Council will seek to negotiate planning obligations to control mineral operations or secure sustainable development objectives which cannot be achieved by planning condition.
 - Policy DM12 cover restoration, aftercare and after use.
 - Policy DM18 deals with mineral exploration which will be permitted subject to satisfactory environmental, amenity and restoration safeguards.
- 4.60 The requirements of the draft policies are similar to the requirements of the adopted policies in the existing Minerals Local Plan and have been taken into account in the preparation of this ES.

Bassetlaw Core Strategy and Development Management Policies DPD

- 4.61 The Bassetlaw Core Strategy and Development Management Policies development plan document was adopted in 2011 and relevant policies that have been taken into account in the preparation of the ES are DM8 Historic Environment; DM9 Green Infrastructure, Biodiversity, Geodiversity, Landscape and Open Spaces and Sports Facilities; and DM12 Flood Risk, Sewerage and Drainage.