

RESPONSE TO THE CONSULTATION ON THE PROPOSED REFORMS TO THE NATIONAL PLANNING POLICY FRAMEWORK FROM THE WEALD ACTION GROUP, SEPTEMBER 2024



The **Weald Action Group (WAG)** is a collaboration of local groups campaigning against exploration and extraction of onshore oil and gas across the Weald and the Isle of Wight in the South East of England.

We are writing by email because the main policy of concern to us in the NPPF is not explicitly included in the consultation - namely the “*Oil, gas and coal exploration and extraction*” **paragraphs 221-223** - and no changes have been proposed to this section of the framework (please see our response to **Question 81** below).

We welcome the proposed strengthened policies in **Chapter 9 (Supporting green energy and the environment)** which provide a welcome shift to enable the rapid deployment of renewable energy at scale. As this set of policies seeks to “*direct decision makers to give significant weight to the benefits associated with renewable and low carbon energy generation, and proposals’ contribution to meeting a net zero future*” the NPPF should at the same time reduce the weight given to fossil fuel exploration and extraction which inevitably results in the generation of energy from these sources.

Failing to review the policies on fossil fuel exploration and extraction is, in our view, a significant omission in the overall context of the Government’s target to achieve Net Zero by 2050 (and zero carbon electricity generation by 2030). Increasing the weight on one side of the scales, has to mean that the weight given on the other side is reduced in order to achieve the policy goals of the Government.

We welcome the removal of restrictions on the development of onshore wind and had previously called for this in our response to the Levelling Up and Regeneration Bill consultation. We support the reintegration of large scale wind projects into the NSIP regime (**Question 72**), with the caveat that environmental safeguards are maintained and impacts are carefully assessed before any decisions are made.

We also urge that the term “*green energy*” be defined in the NPPF and that this definition excludes projects that derive energy from fossil fuels (including CCS technologies, which have yet to be proven to deliver at scale). These technologies that seek to try to mitigate the emissions from fossil fuels should be subject to their own policies and not wrapped up with policies which are specific to renewables. We therefore agree, in part, with your **Question 73** (that the proposed changes to the NPPF give greater support to renewable energy) but would like to see more clarity of definition of the phrase “*low carbon energy*”. This phrase is unclear, open to interpretation and could lead to legal wrangles.

We agree in part with **Question 74**, that additional protections for habitats are put in place, but would urge caution around the adoption of “*compensatory mechanisms*”. These must not be used to allow development within important habitats for wildlife e.g. peat bogs, which are also an important carbon sink.

Responding to **Question 81** (Do you have any other comments on actions that can be taken through planning to address climate change) we consider that the major change that is needed in planning policy in this regard is the introduction of a strong discouragement to the exploration and extraction of fossil fuels and as such Paragraphs 221 and 223 should be amended.

With regards to onshore oil and gas the words in the current NPPF (at **paragraph 221(a)**) encourage minerals planning authorities to “*plan positively for*” the exploration and extraction of these resources. This now stands in contradiction to the overall thrust of the proposed revisions elsewhere

which is for a rapid shift away from fossil fuels. There should be no presumption in favour of planning for onshore oil and gas.

With regards to coal there is currently a presumption against the granting of planning permission in **paragraph 223**. However, paragraphs **223(a) and 223(b)** provide caveats. These were likely used by Cumbria County Council when they approved the proposed West Cumbria coal mine three times between 2019 and 2020, erroneously judging that the benefits of the mine outweighed its environmental impact. This decision has now been overturned by the recent High Court judgement. However, this case shines a spotlight on the current flaws in the planning framework regarding coal which should be rectified.

There is also a need to bring planning policy in line with the Supreme Court decision [Finch vs. Surrey County Council](#). The Court ruled: *“The council’s decision to grant planning permission for this project... was unlawful because... the [Environmental Impact Assessment] for the project failed to assess the effect on climate of the combustion of the oil to be produced”*. In light of this we consider that a requirement to assess scope 3 emissions for fossil fuel developments should be included within the NPPF. It should apply to all fossil fuel proposals, not just those which require an EIA, removing the loophole of a developer applying for multiple applications below the EIA threshold.

As such we propose that the following changes are made to **paragraphs 221 and 223 (see text in bold and struck through text)**:

“221. Minerals planning authorities should:

*a) **when determining planning applications regarding when planning for on-shore oil and gas development: adopt a presumption against such applications;** clearly distinguish between, and plan positively for, the three phases of development (exploration, appraisal and production); whilst ensuring appropriate monitoring and site restoration is provided for; **and fully assess all the environmental impacts that will arise from their decisions and in doing so give great weight to the potential scope 3 greenhouse gas emissions, the impacts of these on climate stability and the overall government target to achieve Net Zero by 2050 (and zero carbon electricity by 2030).***

b) encourage underground gas and carbon storage and associated infrastructure if local geological circumstances indicate its feasibility;

c) indicate any areas where coal extraction and the disposal of colliery spoil may be acceptable;

*d) encourage the capture and use of methane from **oil production sites and abandoned oil and gas sites, and** coal mines in active and abandoned coalfield areas; and*

e) provide for coal producers to extract separately, and if necessary stockpile, fireclay so that it remains available for use.”

“223. Planning permission should not be granted for the extraction of coal. unless:

a) the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or

b) if it is not environmentally acceptable, then it provides national, local or community benefits which clearly outweigh its likely impacts (taking all relevant matters into account, including any residual environmental impacts).”

Amending the policy in the ways suggested would provide clear guidance for MPAs when making decisions regarding fossil fuel applications. It would also provide consistency and clarity to decision makers and developers and provide a further incentive to shift away from damaging proposals, to those the Government seeks to encourage elsewhere in this set of revisions.

It will be a missed opportunity, and hamper the shift to renewables, if the fossil fuel policies in the current NPPF are not revised as part of this exercise.