



Weald Action Group response to the consultation regarding proposed reforms and other changes to the planning system (National Planning Policy Framework)

10 March 2026

Overview

The Weald Action Group is a coalition of community organisers from grassroots environmental groups campaigning against exploration and extraction of oil and gas across South England.

We, with Sarah Finch as the claimant, initiated the judicial review of the Horse Hill onshore oil development, (*Finch v. Surrey County Council* ('Finch'))¹ which led to the June 2024 Supreme Court judgment on the requirement to include downstream scope 3 impacts in environmental assessment for fossil fuel developments.

In line with our remit, this response largely focuses on the proposed changes which affect onshore oil and gas development, and should be considered through that lens. On the surface these changes, such as the removal of 'great weight' from decision-making (policy M3) and the elimination of the requirement for local authorities to plan 'positively' for fossil fuels (policy M1), appear to reverse the previous positive framing of oil and gas development within planning policy. We strongly welcome this. However, we remain concerned that there are some significant loopholes/shortcomings in the framework (policy M4 and M5) and that in some cases it is regressive (policy S5).

Whilst extant government policy continues to allow for oil and gas development within licenced areas (which, it should be noted, we do not agree with) there is the opportunity within planning policy to require rigorous conditions to be met - regarding the climate, the local environment and human health - before approval can be considered. The geologically inaccurate definition of conventional versus unconventional oil and gas in government planning guidance dating back to 2014²; and the failure of the current moratorium on fracking to prevent the creep of opaque well stimulation practices such as proppant squeeze, matrix acidization and acid fracking within the onshore industry makes the adoption of these conditions even more urgent.

In addition, our experience is that many of the oil and gas companies currently exploring and producing in the South of England are limited liability companies that may fail to put aside adequate funds for restoration. The cost of site restoration should be evaluated and MPAs must be allowed to seek bonds or other financial guarantees from oil and gas operators to underpin planning conditions and provide sufficient assurance that restoration will be carried out and to a high environmental standard. In respect of this we make a specific recommendation to add a new clause to Policy M5 in our response.

We have also responded to questions relating to coal.

¹ [R \(on the application of Finch on behalf of the Weald Action Group\) \(Appellant\) v Surrey County Council and others \(Respondents\) - UK Supreme Court](#)

² This issue is elaborated on in an Annex.

Responses to consultation questions:

National decision-making policy S5: Principle of development outside settlements

39) Do you have any views on the specific categories of development which the policy would allow to take place outside settlements, and the associated criteria?

We strongly disagree in regard to the implicit inclusion of energy minerals (coal, oil and gas) in section 1a of policy S5.

39a) Please provide your reasons.

This policy includes mineral extraction in the list of activities (1a) which, “*should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework*”.

By failing to distinguish between the different types of minerals and by not specifically excluding energy minerals (coal, oil and gas) from section 1a, this policy risks undoing one of the purported intentions of the revised NPPF which is to place a “*more restrictive approach to the extraction of coal, oil and gas*”³. The “*need to transition away from using fossil fuels in order to reduce climate change impacts*” is also acknowledged in reference to national decision-making policy M3⁴.

To give an almost carte blanche recommendation of approval also runs counter to the direction of travel to “*transition to green energy and to reduce the climate impacts associated with fossil fuel extraction*”⁵. The requirement for adverse effects such as climate change, air quality, noise and landscape impacts to substantially outweigh any “*benefits*” sets an unacceptably high bar for refusal.

Crucially, this policy sits within Chapter 4 of the framework, ‘Achieving sustainable development’, the introduction to which states, “*The objective of the policies in this chapter is to meet development needs through sustainable patterns of development...*”. It is abundantly clear that oil and gas development is not sustainable development and indeed constitutes the opposite. The remaining global carbon budget with a 50% chance of keeping global average temperature rise to 1.5°C now stands at around 170Gt CO₂⁶. The IPCC has said that projections of future emissions from existing fossil fuel infrastructure will exceed this budget⁷. Indeed, a peer reviewed study in 2022 forecast that emissions from the burning of the oil, gas and coal in already operating or under development fossil fuel-producing infrastructure would equate to 936Gt CO₂⁸. In short there is zero space in the rapidly dwindling global carbon budget for any new fossil fuel developments, regardless of size, and a huge

³ Page 63:

https://assets.publishing.service.gov.uk/media/697b6bc6aacd0dc9777b4fd2/December_2025_NPPF_Consultation.pdf

⁴ Page 66:

https://assets.publishing.service.gov.uk/media/697b6bc6aacd0dc9777b4fd2/December_2025_NPPF_Consultation.pdf

⁵ Page 63:

https://assets.publishing.service.gov.uk/media/697b6bc6aacd0dc9777b4fd2/December_2025_NPPF_Consultation.pdf

⁶ <https://globalcarbonbudget.org/fossil-fuel-co2-emissions-hit-record-high-in-2025/>

⁷ https://www.ipcc.ch/report/ar6/syr/downloads/report/IPCC_AR6_SYR_LongerReport.pdf

⁸ <https://iopscience.iop.org/article/10.1088/1748-9326/ac6228>

excess of emissions from existing oil, gas and coal infrastructure which will now need to close before the end of its economic life.

Given that policy S5 is a national decision-making policy and once finalised cannot be reinterpreted or departed from in local plan making, it is imperative that it is amended to clarify that section 1a does not include energy minerals.

National decision-making policy CC2: Mitigation of climate change

43) Do you agree with the approach to mitigating climate change through planning decisions in policy CC2?

We partly agree with this policy regarding the explicit link it now makes between mitigating climate change and not increasing fossil fuel extraction (section 1g) - with the caveats outlined in our response to question 43a and 109a.

43a) If not, what additional measures could be taken to ensure climate change mitigation is given appropriate consideration?

Policy CC2 states that development proposals should, “g) not increase the extraction of fossil fuels unless it is in accordance with policy M5”.

Linking policy CC2 to national decision-making policy M5 unfortunately has the effect of partially negating the intention of section 1g. Onshore oil and gas policy M5 as it is currently worded allows exploration, appraisal and production to be approved in licenced areas with no safeguards proposed to ensure that protection of the climate, local environment and human health are prioritised in decision-making. Please see our response to question 109a for a fuller explanation of the shortcomings of policy M5.

47) Do you have any other comments on actions that could be taken through national planning policy to address climate change?

Plan-making policy M1: Planning for a sufficient supply of minerals

Q100) Do you agree with the proposed prohibition on identifying new coal sites in policy M1, and to the removal of coal from the list of minerals of national and local importance?

We strongly agree.

Q100a) Please provide your reasons, particularly if you disagree.

We strongly support the strengthened approach against coal extraction in policy M1. The prohibition against new coal extraction is consistent with the UK’s statutory climate obligations and the need to transition rapidly away from high carbon fuels.

We recommend further clarification in the wording to remove any ambiguity over the commercial extraction of coal from coal tips. Ambiguity in the proposed policy could be used by developers to suggest that the wording 'new sites' could solely refer to virgin coal seams. Developers could possibly argue that coal within coal tips is not a 'new site' as it has already been extracted from the ground or is an extension to an existing site. This could result in legal challenges to planning decisions due to

different parties' interpretations of the proposed policy. We recommend adding the following clarification to the proposed policy:

“The development plan should not identify new sites or extensions to existing sites for peat or coal extraction, including from within abandoned mining waste such as coal tips, slag heaps, etc, except where the removal of the coal is necessary, but its removal is incidental to the main purpose of that activity.”

This exception is consistent with existing wording used by the Mining Remediation Authority.

We also recommend adding a further prohibition to exceptions 2a, 2b and 2c, which does not allow the commercial sale of any coal that is extracted in any of these circumstances.

Q101) Do you agree with how policy M1 sets out how the development plan should consider oil and gas?

We partly agree.

Q101a) Please provide your reasons, particularly if you disagree.

This new policy removes the old requirement to plan “*positively*” for oil and gas developments which is a very welcome move. It continues to require plans to separate out the three phases of fossil fuel development – exploration, appraisal and production, and it clarifies that plans should not identify new sites or extensions to existing onshore oil and gas sites outside of licenced areas.

In addition, we recommend that policy M1 should disallow the identification of new oil and gas sites or extensions within licenced areas.

The policy should also make clear that individual planning applications should not cover more than one phase at a time: exploration, appraisal or production. Unfortunately, Planning Practice Guidance currently allows this (paragraph 94)⁹. This paragraph has not been revised since 2014. In light of the drastic changes that have taken place in terms of our understanding of climate science and the fact that the remaining global carbon budget to have a chance of staying below 1.5°C now equates to just four years of current emissions, it is crucial that each phase of oil and gas development is accorded the same level of scrutiny and not wrapped up into a single application. It should be noted with due seriousness that the 25 year production period for a new oil or gas field now extends beyond the 2050 deadline for reaching net zero.

It is also necessary that this practice be disallowed to avoid abuse of the planning system. Allowing planning applications that combine these phases or introduce production stages prematurely risks granting consent for commercial oil and gas development before the commercial viability of the reservoir has been properly demonstrated through exploration and appraisal.

Oil and gas should also be removed from the list of minerals of national and local importance (page 108, Annex B: Glossary).

National decision-making policy M3: Assessing the benefits of mineral development

⁹ <https://www.gov.uk/guidance/minerals#planning-for-hydrocarbon-extraction>

Q105) Do you agree with the exclusion of development involving onshore oil and gas extraction from policy M3?

We strongly agree that the application of “*great weight*” (replaced with “*substantial weight*” in policy M3) to the benefits of mineral extraction, should not apply to onshore oil and gas.

Q106) Please provide your reasons, particularly if you disagree.

This is an important change from the previous NPPF. As one of the biggest contributors to climate change it is of course crucial that we transition away from oil and gas use. The “*great weight*” argument has frequently been cited in planning statements putting these developments at a significant advantage when in reality they contribute very little to the national or local economies where they are situated. UK onshore oil currently contributes around 2% and onshore gas 0.75% to total national production. In light of the government’s current energy and climate policies it is reasonable and fitting to exclude onshore oil and gas from policy M3.

National decision-making policy M4: Considering the impacts of mineral development

Q107) Do you agree that policy M4 sufficiently addresses the impacts of mineral development, noting that other national decision-making policies will also apply?

We strongly disagree, specifically in relation to the provisions made (or lack thereof) to ensure restoration and aftercare at oil and gas sites.

Q108) Please provide your reasons, particularly if you disagree.

With specific regards to onshore oil and gas developments we do not agree that bonds or other financial guarantees should only be sought in exceptional circumstances as per section 1c in draft policy M4. However, given that existing policy M4 is intended to apply to large-scale aggregate sites which are the main focus of minerals development plans in this country, we have addressed this issue in our response to question 109a regarding policy M5.

National decision-making policy M5: Development involving peat, coal or onshore oil and gas

Q109) Do you agree with the approach to coal, oil and gas in policy M5?

We partly agree

Q109a) Please provide your reasons, particularly if you disagree.

Oil and gas

a. Include conditions regarding climate, the local environment and human health:

Regarding onshore oil and gas this policy states that “*..onshore oil and gas extraction, should not be approved unless it is necessary: a. To facilitate the exploration, appraisal or production of oil and gas within licenced areas;*”.

We welcome the presumption against approval in the first instance. This is a change in tone and direction compared to previous iterations of the NPPF. However, this presumption is immediately undermined by the wording in 2a. As read this essentially allows approval of oil and gas development

solely because it is within a licenced area. **Although we acknowledge that this is still, unfortunately, government policy, this consultation provides for the opportunity within planning policy to include and require additional rigorous conditions to be met in policy M5 - regarding the climate, the local environment and human health - before approval is considered. It also provides for the opportunity to further restrict approval to conventional oil and gas only.**

Such conditions are particularly crucial given the limitations of the current moratorium on fracking for onshore oil and gas which only covers high volume hydraulic fracturing. As such it has failed to stop applications for, and the practice of, other forms of fracking including low volume hydraulic fracturing (sometimes called a “proppant squeeze”), acidisation, acid fracking and other well stimulation processes, for which there is no stringent regulatory oversight.

Examples of where it is known that low volume or other types of fracking has taken place, or are proposed include:

- A “proppant squeeze” stated to be “low volume stimulation”, was used at Wressle in Lincolnshire in 2021 by Egdon Resources¹⁰ and the company has since applied to drill two more boreholes at the site and to be able to frack these¹¹.
- Other examples of companies seeking to frack using low volume hydraulic fracturing methods include: Europa Oil & Gas at Burniston in North Yorkshire (using a “proppant squeeze”)¹²; and Rathlin Energy at West Newton-A in East Yorkshire (using “reservoir stimulation”)¹³.
- In early 2025 Egdon Resources announced they wanted to frack, in their words, a giant shale gas field around Gainsborough in Lincolnshire¹⁴.
- In 2024 the Environment Agency confirmed that acidisation has taken place at Wytch Farm¹⁵.

It is also likely that these types of processes have been used at other sites. For example, statements by UK Oil & Gas in 2021 raised questions about whether acid stimulation had been used in the Kimmeridge limestone reservoir at the Broadford Bridge oil site in West Sussex¹⁶.

Like high volume hydraulic fracturing, all these well stimulation processes have the potential to contaminate potable aquifers, regardless of whether the targeted rock formation is limestone, sandstone or shale. In addition, forcing fracking chemicals, which can be the same chemicals for any well stimulation, into unknown destinations has the added possibility that they may trigger seismic events. For example, Europa Oil & Gas are proposing to use a higher volume of fluid in their

¹⁰ <https://drillordrop.com/2021/07/29/wressle-small-scale-frack-successful-egdon/>; The Hydraulic Fracture Plan for proppant squeeze operation at Wressle is here:

<https://drillordrop.com/wp-content/uploads/2021/07/wressle-hydraulic-fracture-plan.pdf>

¹¹ <https://drillordrop.com/2025/10/29/planning-update/>

¹² Reference to the Hydraulic Fracture Plan required for the “proppant squeeze” is mentioned in the Planning Statement, 17th February 2025 (for example see page 6):

<https://onlineplanningregister.northyorks.gov.uk/Register/Planning/Display/NY/2025/0030/ENV#undefined>

¹³ <https://drillordrop.com/2025/07/31/west-newton-fracturing-heading-for-approval/>. Rathlin Energy will also be required to submit a Hydraulic Fracture Plan. See:

<https://engageenvironmentagency.uk.engagehq.com/environmental-regulation-of-west-newton-a-well-site/widgets/124340/faqs#question35231>

¹⁴ <https://drillordrop.com/2025/02/25/heyco-confirms-shale-gas-fracking-plan-in-gainsborough/>

¹⁵ https://www.whatdotheyknow.com/request/acid_stimulation_at_wytch_farm_o#incoming-2868433

¹⁶ <https://drillordrop.com/2019/03/21/new-questions-as-oil-company-rules-out-acid-injection-in-weald-wells/>

“proppant squeeze” at Burniston than was actually used to frack Preston New Road in 2019 and which induced seismic events, including a 2.9ML earthquake.¹⁷

It is not known how widespread the use of low volume hydraulic fracturing (including “proppant squeeze” operations) and other types of fracking could be in the absence of a comprehensive ban. What is clear though is that as conventional resources wane, onshore oil and gas developers’ attention is increasingly turning to the exploitation of harder to extract oil and gas from unconventional reservoirs. These are likely to require significant well stimulation to produce commercial volumes of hydrocarbons.

Finally, we also recommend that the presumption against approval is also extended to the identification of new oil and gas sites or extensions within licenced areas, and that planning permission beyond the current permitted dates should also not be allowed. Emissions are generated at every stage of oil and gas activities in the UK - from exploration and drilling, through to production, processing, and decommissioning. Emissions occur when natural gas and associated by-products are released during venting, flaring, dehydration, gas processing, and compression, as well as through leaks from equipment (known as fugitive emissions).

b. Address methane emissions from onshore oil and gas sites

Paragraph 228d) in the extant NPPF states that Mineral Planning Authorities should, “*encourage the capture and use of methane from coal mines in active and abandoned coalfield areas*”. This wording should also be applied to methane from active and abandoned oil and gas sites. Methane is a highly potent greenhouse gas¹⁸ and its release from oil and gas sites represent an often poorly monitored source of climate pollution.

c. Add a new clause regarding bonds or other financial guarantees

We recommend that a new clause 5 is added to policy M5 as follows:

“5. In the case of onshore oil and gas, proposals should provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should be considered by MPAs and sought if considered appropriate.”

Whether or not a bond will be required of an oil and gas operator is determined by application by MPAs of policy M4 of the draft National Planning Policy Framework. This reads:

“when determining planning applications, local planning authorities should...provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances”. (our emphasis)

Guidance on “*exceptional circumstances*” is contained in Paragraph: 048 Reference ID: 27-048-20140306 of National Planning Guidance. This states:

¹⁷ <https://drillordrop.com/fracturing-and-seismic-assessment/>

¹⁸ <https://www.iea.org/reports/global-methane-tracker-2024>

“A financial guarantee to cover restoration and aftercare costs will normally only be justified in exceptional cases. Such cases, include:

- *very long-term new projects where progressive reclamation is not practicable, such as an extremely large limestone quarry;*
- *where a novel approach or technique is to be used, but the minerals planning authority considers it is justifiable to give permission for the development;*
- *where there is reliable evidence of the likelihood of either financial or technical failure, but these concerns are not such as to justify refusal of permission.*

However, where an operator is contributing to an established mutual funding scheme, such as the Mineral Products Association Restoration Guarantee Fund or the British Aggregates Association Restoration Guarantee Fund, it should not be necessary for a minerals planning authority to seek a guarantee against possible financial failure, even in such exceptional circumstances.”

Policy M4 in the draft NPPF is intended to apply to large-scale aggregate sites which are the main focus of minerals development plans in this country.

Onshore oil and gas exploration and production sites are very different from other forms of mineral extraction. They are much smaller but much more intensively developed. They are frequently completely covered with a thick pad of aggregate etc. which, if restoration is to be achieved to the ‘high environmental standards’, has to be removed and disposed of in accordance with environmental regulations. Hardcore from an oil or gas production site may be contaminated to some degree and so there is an appreciable cost incurred in its removal and legal disposal.

Oil and gas operators are currently not being required to provide bonds even though they are high risk ventures developing small sites intensively for relatively short terms with a large level of expenditure required for the necessary restoration. Many onshore operators are funded through the Alternative Investment Market (AIM), a lightly regulated and highly speculative segment of the London Stock Exchange where persistent losses and declining share values are common. Also a number of these Special Purpose Vehicle (SPV) site operators with restoration obligations are being supported by a parent company which is not party to any s106 agreement or actually obligated to restore a site.

We therefore contend that MPAs are putting public funds at risk unnecessarily by not obtaining bonds. This is because the test of *“exceptional circumstances”* is one which is inappropriate for the onshore sector:

- The first test relates to sites of scale and refers to long term reclamation. In 2019 Surrey County Council declined to require a bond from a UK Oil & Gas subsidiary. The reason they gave was that: *“in the context of the restoration, hydrocarbon development occupies a much smaller footprint than the more traditional and more extensive (by area) forms of mineral working, i.e. sand and gravel extraction. In view of the above context, the CPA does not consider there are exceptional circumstances to warrant a bond or security deposit, which is consistent with all existing hydrocarbon developments in Surrey. The CPA are satisfied that if there is a recommendation for approval, then the provision for the restoration of the site can*

be dealt with by condition, and the requirement of a detailed scheme, with no requirement for a financial bond.” We doubt that any onshore oil and gas site is going to fall within this category because they occupy a smaller area.

- The next category relates to a “*novel approach*” or technique but the Government does not currently accept that novel approaches are being applied in the onshore oil and gas sector (although Weald Action Group disagrees).
- That effectively only leaves the final ground which requires “*reliable evidence of the likelihood of either financial or technical failure*”. We contend that assessing the prospect of technical failure is outside the competence of officers working for the mineral planning authority. We think they would be unlikely to dispute this. In the case of likely financial failure, this is almost impossible to evidence at the point of grant and minerals planning authorities tend to rely on the financial assessment conducted by the North Sea Transition Authority.

Consequently, bonds are not being obtained for restoration under current policy even though there is a clear and obvious need. **Our contention is that the current criteria for requiring a bond in the case of the onshore oil and gas operators are unsuitable and need revision.**

As the new policy M4 (1c) relating to bonds also applies to the mainstream aggregates industry, we therefore propose our amendment to M5 which specifically deals with the oil and gas industry.

Coal:

With regards to coal, a further prohibition should be added to exceptions 2a, 2b and 2c, to prohibit the commercial sale of any coal that is extracted in any of these circumstances.

Q110) Are there any other exceptional circumstances in which coal extraction should be permitted?

No.

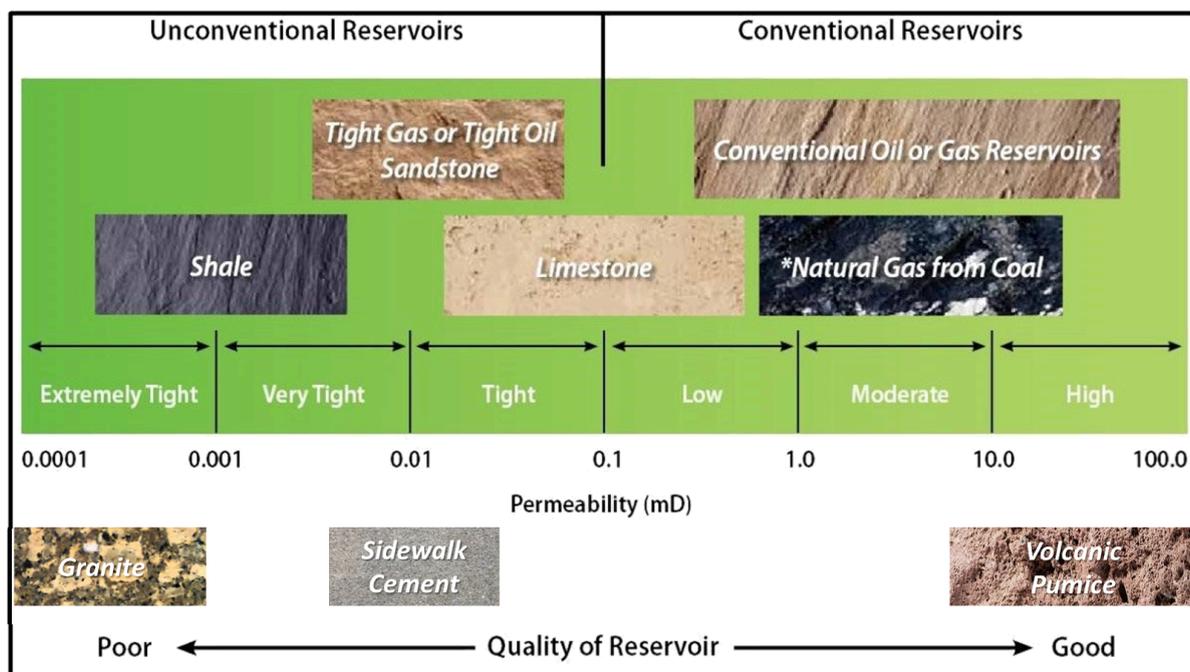
Annex: Geologically inaccurate definition of conventional versus unconventional hydrocarbons in government planning practice guidance

The definition of conventional and unconventional hydrocarbons in the Guidance on planning for mineral extraction in plan making and the application process (planning practice guidance), dates back over a decade and has no scientific justification. It states, “*Conventional hydrocarbons are oil and gas where the reservoir is sandstone or limestone. Unconventional hydrocarbons refers to oil and gas which comes from sources such as shale or coal seams which act as the reservoirs*”¹⁹.

This definition is overly simplistic and geologically inaccurate. In petroleum geology, the key factor distinguishing conventional and unconventional reservoirs is typically reservoir permeability and whether stimulation techniques are required to allow hydrocarbons to flow to the wellbore, rather than the type of reservoir rock alone. Unconventional low-permeability (“tight”) reservoirs can occur in a variety of geological formations, including sandstones and limestones as well as shales, and often require stimulation techniques to achieve commercial production²⁰.

For example, the Kimmeridge Clay limestone intervals in the Weald Basin in the South East of England have permeability values typically between 0.005 and 0.03 millidarcies, well within the range generally associated with unconventional reservoirs that require well stimulation. This contrasts with the implication in planning guidance that limestone reservoirs are inherently “conventional”.

This issue is illustrated in the figure below (modified from both Oil and Gas Authority and US Department of Energy sources), which shows how the conventional/unconventional distinction is related to reservoir permeability rather than rock type.



The continued reliance on this ill-defined classification creates several problems and loopholes within the planning framework. For example:

¹⁹ Paragraph 91: <https://www.gov.uk/guidance/minerals>

²⁰ <https://onlinelibrary.wiley.com/doi/10.1155/2017/4251209>

- It can allow developments to be described as “conventional”, even when novel or unconventional practices such as low volume fracking or acid fracking are being proposed, thereby potentially arousing less concern in the local population and from MPAs.
- There is little regulatory scrutiny or oversight of well stimulation techniques when these are proposed under the guise of conventional development. This is extremely concerning given, for example, the significant data deficiencies surrounding stimulation chemicals - many of which are listed as trade secrets or lack toxicological data - and the potential to mobilise heavy metals and generate high volumes of toxic waste streams.
- It introduces confusion between geological terminology, statutory definitions in other legislation, and planning policy terminology.
- It undermines transparency in planning decision-making by relying on a classification that does not accurately reflect how geological reservoirs behave in practice.

In light of this serious failing we urgently request that the government consult on and correct the definition in its planning guidance to ensure that planning policy reflects correct geological understanding and provides a clear and scientifically robust framework for assessing oil and gas extraction proposals.