

**Application Number:** 19/10476 Full Planning Permission

**Site:** FAWLEY REFINERY, BLOCK 36B, MARSH LANE, FAWLEY SO45 1TX

**Development:** Two re-fueling units consisting of Hydrogen unit & Hydrotreater including 2 stacks about 50 metres high (Block 36B); Automotive diesel oil storage tank (Block 13)

**Applicant:** Esso Petroleum Company Limited

**Target Date:** 13/08/2019

**Extension Date:** 13/09/2019

**Link to case file:** [view online here](#)

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues to consider in determining this application are whether the principle of the development is acceptable in the location proposed, the economic impact of this development, whether the submitted Environmental Statement adequately assesses the significant environmental impacts of the proposed scheme having regard to the international, national and local nature conservation designations in and around the area. Other important issues include the visual impact of the proposed scheme, highway impacts, impacts on residential amenity, and impacts on the setting of listed buildings and registered parks and gardens. These, and all other relevant considerations, are set out and considered in Section 11, of this report after which a conclusion on the planning balance is reached.

This matter is before Committee at the discretion of the Chief Planning Officer.

## 2 THE SITE

2.1 The Fawley Refinery complex is located on the west side of Southampton Water and was established in 1921, it is the largest oil refinery in the UK and provides approximately 20% of the UK refinery capacity and covers an area of more than 1,000 hectares (ha). It is also the largest heavy industrial employer in Hampshire and is the country's last manufacturer of lubricating oils and manufactures a wide range of speciality petrochemicals such as synthetic rubber. Exxon Mobil has an ongoing major investment programme of around £700m which will help secure around 2000 jobs. Located on Southampton Water, the Fawley site has strategic access to distribution logistics across southern England and export access to other markets in Europe and the Atlantic basin. Exxon Mobil operates nearly 700 km of pipeline supplied from Fawley in a network which incorporates critical fuel supplies to the South and Midlands of the country including Heathrow and Gatwick airports.

The complex comprises two principle installations, Fawley Oil Refinery on the southern side and Fawley Petrochemical Plant to the north. Block 36B is located towards the western side of the complex and Block 13 is located to the east of Block 36B. The Fawley complex is bounded to the east and

north-east by mudflats, saltmarsh and Southampton Water. The west and south of the complex is bounded by Fawley Road, the A326 and Long Lane. Beyond Fawley Road to the south east is Fawley Village and undeveloped marshland. Holbury is to the west of the complex and to the north is Cadland Road beyond which are a number of industrial properties. The complex itself contains buildings, refining and chemical process units, roads and hardstanding with occasional scrub/grassland. The site has an industrial appearance and there is a marine terminal in Southampton Water at the north-eastern boundary.

- 2.2 Block 36B is a relatively level area of land of about 2.8 ha and consists of a concrete hardstanding (which is in the process of being removed) and previously housed a steam cracker (demolished in 2012 and included a chimney in excess of 60m high). There is a sub-station building in the western corner and a drum in the eastern corner which are unrelated to the proposed development and will remain operational. The north-western corner of Block 13 where the proposed Automotive Diesel Oil (ADO) storage tank is proposed comprises predominantly bare ground with an existing storage tank which would be removed.
- 2.3 The closest residential properties to the application sites are located about 380 metres away along Cadland Park, Church Lane, Long Lane and Fawley Road. There is significant boundary planting between the site and these residential properties.
- 2.4 Opposite the site on the eastern side of Southampton Water is the Royal Victoria Country Park which is a registered historic park and garden which contains a number of listed buildings.
- 2.5 The site is in close proximity to the following designations:
  - The Solent and Southampton Water Special Protection Area (SPA)
  - The Solent and Southampton Water Ramsar Site
  - The Solent Maritime Special Area of Conservation (SAC)
  - The Solent and Dorset Coast proposed SPA
  - The New Forest SPA
  - The New Forest SAC
  - The New Forest Ramsar Site
  - The New Forest SSSI
  - Hythe to Calshot Marshes SSSI
  - Portsmouth Harbour SPA
  - Portsmouth Harbour Ramsar
  - River Itchen SAC
  - Solent and Isle of Wight Lagoons SAC

### 3 THE PROPOSED DEVELOPMENT

The proposals are for development at two locations within the Refinery complex as follows:

**Block 36B** – this is the site of the most significant level of proposed development and comprises a range of plant and vessels of an industrial appearance. The proposals are for a hydrogen plant (to generate hydrogen) and a hydrofiner (to produce Automotive Diesel Oil – AOD) .

The most significant structures would be two stacks which would be about 50

metres high with a variety of other structures up to 34.6 metres high – there would be a range of equipment of varying sizes as follows:

1. A hydrogen plant is proposed which will react natural gas and steam at high temperatures to generate hydrogen. The following plant and vessels are proposed:
  - steam methane reformer comprising a 50 metre high stack and a reformer which would be 20.3m high x 14m wide x 33m long
  - reactors
  - hydrogen - 7m high x 4.5m diameter at base
  - desulphurisation - 8m high x 2.3m diameter at base
  - high temperature shift - 7.8m high x 3.5m diameter at base
  - multiservice compressor 3.8m high x 12.6m wide x 25.4m long
  - condensate separator 5.5m high x 2m diameter at base
  - Drums
  - HD10 vacuum dryer off gas K.O. drum 3m high x 0.7m wide x 0.7m long
  - Natural gas K.O. drum and nitrogen K.O. drum each 3m high x 1.2m wide x 1.2m long
  - High pressure stripper 27.9m x 1.3m diameter at base
  - Housing for process gas air coolers and blow down air coolers 14.5m high x 9m wide x 35.3m long
  - Housing/steel support for hydrogen interstage cooler, hydrogen spill back cooler and natural gas spill back cooler 14.5m high x 11.5m wide x 38.3m long
  - Housing/steel support for steam preheater, BFW preheater, feed preheater and HP stripper economiser 18m high x 8m wide x 24m long
  - Housing/steel support for process condensate pumps 18m high x 8m wide x 24m long
  - Housing/steel support for fuel gas preheater and nitrogen spill back cooler 2.5m high x 8m wide x 16m long
  - Housing/steel support for stripped condensate pumps 10.5m high x 8m wide x 16m long
  - Fuel gas filter 1.5m high x 1.3m wide x 1.3m long
  - Pressure swing adsorption (PSA unit 3.3m high x 5m wide x 27.5m long
  - PSA vessels (x10) 7.6m high x 3.2m diameter
  - Housing for steam silencer 12.8m high x 6m wide x 12m long
2. A HD10 hydrofiner is proposed which will react distillate feed with hydrogen to generate low sulphur ADO, the key elements of the plant are:

Fired heater of 12MW capacity with low NO<sub>x</sub> burners and stack 50m high 5m diameter at base and 0.7m diameter at the top.

HD10 hydrogenation reactors 1 and 2 each 23.3m high x 4 m diameter

Housing/steel support for HD10 reactors 31.1m high x 11m wide x 16m long

Drums:

- feed surge drum 4.5m high x 3.1m wide x 10m long
- hot separator drum 8.4m high x 2.3 diameter at base
- cold separator drum 3.3m high x 2.2m wide x 5.1m long
- stripper overheads drum 3m high x 2m wide x 4.8m long
- housing for barometric drum 21m high x 8.3m wide x 10m long
- recycle gas scrubber K.O. drum and recycle gas scrubber 23.3m high x 1.8m wide and 1.8m long
- recycle gas compressor K.O. drum 6m high x 1.4m wide x 1.4m long

- off gas scrubber K.O. drum and off gas scrubber 17m high x 3.8m wide x 3.8m long
- rich amine drum 5.4m high x 1.6m wide x 1.6m long
- housing for steam ejector seal drum 21m high x 8.3m wide x 10m long
- water collection drum 6.6m high x 0.9m diameter
- blowdown drum 2.4m high x 0.4m wide x 0.4m long
- Recycle gas compressor 2.5m high x 8m wide x 8.4m long
- Product stripper 34.6m high x 2.5m diameter at base 1.4 diameter at tip
- Vacuum dryer 15.8m high x 2.5m diameter at base and 13.2 diameter at tip.
- Pumps - a series of pumps for various purposes with maximum dimensions of 2.5m high x 4.6m wide x 8.4m long
- Housing/steel support for hot separator overhead condensers 15.2m high x 11.1m wide x 37.7m long
- Housing/steel support for air cooled exchangers 15m high x 11m wide x 38.3m long
- Housing/steel support for heat exchangers and coalescer 21m high x 8.3m wide x 10m long
- Prefilter 3.2m high x 2m wide x 5m long

The main infrastructure will be fabricated from modified steel (typically stainless steel or carbon steel) and will be similar in appearance to existing infrastructure at the Fawley complex.

**Block 13** – an existing gasoline component tank would be demolished and a new ADO tank of capacity 20,500 cubic metres measuring 15m high x 43m diameter would be constructed, a common bund would be formed with the adjacent tank (472) which would have an impermeable floor, the bund would be able to contain over 110% of the largest single tank.

Construction traffic associated with worker movements, deliveries, machinery and heavy goods vehicles (HGVs) for the whole scheme will arrive via the A326 Hythe bypass and will enter the Petrochemical complex through Gate 1 via Cadland Road. Additional, large plant (ie reactor modules) would be delivered pre-fabricated via barge to an accessible dock from which they would be transported via an abnormal load convoy during periods of low density road use to a wide load gate on the B3053 into the complex.

The application is accompanied by the following documentation: Environmental Statement (which covers air quality, noise and vibration, visual impact assessment, biodiversity, land quality, greenhouse gases and cumulative effects assessment), Planning Statement, Transport Assessment, Flood Risk Assessment and Report to Inform Appropriate Assessment.

#### 4 PLANNING HISTORY

This site is subject to a very substantial planning history related to the Oil Refinery. The most relevant to this application is the earlier Screening and then Scoping opinion that informed this application as follows:

18/10974 - Installation of 2 new hydrocarbon process units (Habitats Regulations

Screening Opinion) determined 23-8-2018 – the screening opinion concluded that it is likely that significant effects on European Sites would arise as a result of an increase in air emissions during the developments operational phase, therefore an Appropriate Assessment (AA) will be necessary prior to a decision being made on this application.

18/10980 - Installation of 2 new hydrocarbon process units (Environmental Impact Assessment (EIA) Scoping Opinion - determined 29-8-18 - agreed topics to be considered in depth in the Environmental Statement (ES).

## **5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE**

### **Core Strategy**

CS1: Sustainable development principles

CS2: Design quality

CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

CS4: Energy and resource use

CS5: Safe and healthy communities

CS17: Employment and economic development

CS24: Transport considerations

### **Local Plan Part 2 Sites and Development Management Development Plan Document**

NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development

DM2: Nature conservation, biodiversity and geodiversity

DM3: Mitigation of impacts on European nature conservation sites

DM5: Contaminated land

FAW1: Fawley Oil Refinery

### **New Forest District Local Plan Review 2016-2036 Part 1: Planning Strategy Submission Document**

The NPPF 2019 states:

Para 47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Para 48 Local Planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The Local Plan Review 2016-2036 is at an 'advanced stage' in its preparation, in that it has been submitted to the Secretary of State and is under Examination. It is therefore a material consideration which can be given weight in decision-making.

The following policies are considered to be material considerations in this case:

Policy 10 Mitigating the impacts of development on International Nature Conservation sites

Policy 14 Landscape character and quality

Policy 21 Employment and Development

Policy 29 Safe and healthy communities

### **Supplementary Planning Guidance and other Documents**

None relevant.

## **6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE**

### **Relevant Legislation**

#### **Planning and Compulsory Purchase Act 2004**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise

Section 19(1A) requires LPAs to include policies in their plans to "secure that the development and use of land .... contribute to the mitigation of, and adaption to, climate change".

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires that special regard shall be paid to the desirability of preserving the building or its setting or exercise of any features of special architectural or historic interest which it possesses.

#### **Environmental Protection Act 1990**

Sets out Council powers to deal with noise nuisance

For the noise to count as a statutory nuisance it must do one of the following:

- unreasonably and substantially interfere with the use or enjoyment of a home or other premises
- injure health or be likely to injure health

#### **The Conservation of Habitats and Species Regulations 2017**

Requires an Appropriate Assessment to be undertaken by the Competent Authority (NFDC) to consider the impacts that this proposal may have on the interest features of the relevant European Sites.

## The Climate Change Act 2008

Established a legally binding target to reduce the UK's greenhouse gas emissions by at least 80% in 2050 from 1990 levels. To drive progress and set the UK on a pathway towards this target the Act introduced a system of carbon budgets including a target that the annual equivalent of the carbon budget for the period ending 2020 is at least 34% lower than 1990.

## **Relevant Advice**

### National Planning Policy Framework (NPPF)

The NPPF sets out the Government's planning policies and is a material consideration in determining planning applications. At the heart of the NPPF is a presumption in favour of sustainable development. The following paragraphs are particularly relevant to the consideration of this application:

Para 7 sustainable development – which includes a social objective to support healthy communities

Para 8 the planning system has 3 overarching objectives; economic, social and environmental.

Para 11 presumption in favour of sustainable development

Paras 47 to 50 determining applications

Paras 80 to 82 building a strong, competitive economy

Para 91 promoting healthy and safe communities

Para 102 promoting sustainable transport

Para 127 achieving well designed places

Para 148 meeting the challenge of climate change, flooding and coastal change. Addressing climate change is one of the core land use planning principles which the NPPF expects to underpin both plan making and decision taking. The NPPF emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development.

Para 170 conserving and enhancing the natural environment.

Para 172 gives the highest status of protection for the 'landscape and scenic beauty' of national parks.

Para 178 ground conditions and pollution.

Paras 193 to 197 conserving and enhancing the historic environment

### Planning Practice Guidance on Noise 2014

Advises LPAs on the determination of applications where noise is an issue. Noise can override other planning concerns, but neither the [Noise policy statement for](#)

[England](#) nor the National Planning Policy Framework (which reflects the Noise policy statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development. Local planning authorities' decision taking should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- whether or not a good standard of amenity can be achieved.

#### Noise Policy Statement for England 2010

The Noise Policy Statement for England was published on 15 March 2010. It sets out the long term vision of government noise policy, to promote good health and a good quality of life through the management of noise.

#### Planning Practice Guidance on Air Quality 2014

This provides guiding principles on how planning can take account of the impact of new development on air quality.

#### Institute of Air Quality Management - Guidance on land use and development control: Planning for Air Quality 2017 v1.2

#### Institute of Air Quality Management - Assessment of dust from demolition and construction 2014

#### Planning Practice Guidance on Climate Change June 2014, last updated March 2019

Advises how to identify suitable mitigation and adaptation measures in the planning process to address the impacts of climate change. Addressing climate change is one of the core land use planning principles which the NPPF expects to underpin both plan making and decision taking.

## **7 PARISH / TOWN COUNCIL COMMENTS**

Fawley Parish Council: recommend permission with the condition that all environmental standards are met and no major planned maintenance events are to be scheduled during construction of the new plant and an appropriate plan for labour transportation is in place. The Parish Council notes the comment of HCC relating to development traffic for the design year 2021.

## **8 COUNCILLOR COMMENTS**

No comments received

## **9 CONSULTEE COMMENTS**

The following is a summary of the representations received which can be read in full via the link set out at the head of this report.

- 9.1 Environment Agency - no objection subject to a condition regarding discovery of previously unidentified contamination and advice to the



applicant in respect of the possible need for an Environmental Permit, reuse of material in line with the Environmental Permit, watching brief for any contamination and hazardous substances.

- 9.2 Natural England: advise that NFDC as competent authority should have regard for any potential impacts that this proposal may have on each European Site. Their advice is based on the assumption that NFDC intends to adopt the applicants Habitats Regulation Assessment to fulfil its duty as competent authority. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal Natural England advises that they concur with the assessment conclusions providing that all mitigation measures are appropriately secured in any permission given. A Construction Environment Management Plan is proposed to set out all mitigation measures and working practice to mitigate impacts on the environment during construction of the development, this should be secured by an appropriate mechanism.
- 9.3 In terms of protected landscapes, the site is close to the New Forest National Park and the application should be assessed carefully to establish whether the proposed development would have a significant impact or harm the statutory purposes of the National Park which are to conserve and enhance the natural beauty, wildlife and cultural heritage of the park; and to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public.
- 9.4 Southern Water - no objections and have no comments to make.
- 9.5 Environmental Health Contaminated Land - no objections subject to conditions.
- 9.6 Environmental Health Pollution - no objections subject to conditions to ensure that the development is carried out in accordance with the submitted details. They have commented in respect of construction noise, construction traffic noise, operational noise and construction and air quality in terms of construction (travelling to the site and dust and emissions from construction activities) and operation (emissions from the plant - nitrogen oxides, particulate matter, carbon monoxide and volatile organic compounds). The applicants have completed a Construction Environmental Management Plan (CEMP) which should be read in conjunction with the Environmental Statement and this demonstrates how the potential sources of noise and emissions can be controlled so that adverse effects are not experienced.
- 9.7 Hampshire County Council Highways - have reviewed the Transport Assessment and associated information submitted in support of the application. They comment in relation to the construction traffic which is likely to arise as the level of traffic generation once the development is operational is minimal. It is also confirmed that the planned route for construction traffic is acceptable and that it should be the only route for construction HGVs accessing and exiting the site. They advise that the mitigation measures proposed by the applicant which include ensuring that Fawley Pertochemical Complex does not undertake significant planned major maintenance activities during the peak construction traffic period of the proposed development, the construction workforce will be transported to the site by mini-busses and a Travel Plan is proposed.

These measures should be included as part of a Construction Management Plan.

- 9.8 NFDC Environmental Design (Urban & Landscape) - No objection, the proposal is firmly embedded within the existing Refinery which includes structures of similar form and heights, therefore there are no adverse character impacts as a result of the proposal. The visual impact assessment uses an appropriate methodology and techniques to explore the potential changes to the visual aspects of the proposals on a suitable range of receptors, and has selected viewpoints at a range of distances, concluding that there may be some minor impacts during the construction phase, generated by the use of tall cranes, on the most sensitive and closest receptors. Beyond the construction phase the visual impacts will reduce the impacts to null given the context of the development. It would be reasonable to require proposals elsewhere on the site to provide a net gain in biodiversity across the development sites.
- 9.9 Marine Management Organisation Poole - Comment Only
- 9.10 Economic Development - this site has been an important facet of the New Forest economy for a number of decades both in terms of jobs created and local supply chains influenced. From an economic aspect therefore, an investment that signals the preservation of this impact is welcomed. Although it is acknowledged that the longer term employment benefits by way of job roles created is negligible, the shorter-term impact during the construction phase is noteworthy. Whilst this will not be met by an entirely local labour force, the economic impact of this on local goods and services would benefit the area immediately beyond Fawley. The economic influence of the Fawley Refinery site extends beyond the district boundary and therefore the impact of investment in this site extends to a regional and even national level.
- 9.11 Fareham Borough Council - raise no objection.
- 9.12 Eastleigh Borough Council - no objection to the principle of the development subject to consideration of the following issues: impacts on air quality, visual impact (in particular the setting of the heritage assets at Victoria Country Park which is a registered historic park and garden which contains a number of listed buildings) and vehicle movements.
- 9.13 Planning Casework Unit, Ministry of Housing Communities and Local Government - have no comment to make on the Environmental statement.

***Comments in full are available on website.***

## **10 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received which can be read in full via the link set out at the head of this report.

A total of 8 representations of support and 115 representations of objection have been received.

115 objections (including from the East Dorset Friends of the Earth, Save our Shores, New Forest Friends of the Earth, Extinction Rebellion Bournemouth and

Dorset and UCU Bournemouth University Environment Committee) have been received which raise the following concerns:

- fossil fuel processing units should not be expanded
- Detrimental impact on air pollution, , environmental and global health impacts
- Contrary to Paris Agreement, UN Sustainability Goals and UKs position of reducing adverse and negative impacts on climate change, against the New Forests sustainability and reducing climate change aims,
- adverse visual impact,
- risks of contamination to land and water,
- increased greenhouse gas emissions,
- catastrophic concerns for planet,
- against human rights,
- harm to local wildlife,
- green energy is the only option,
- rising sea levels,
- need hydrogen to fuel zero emission buses, lorries and trains not to produce Automotive Diesel Oil (ADO),
- investment should be spent on renewable energy,
- intolerable noise is already generated by the Refinery,
- increased Sulphur dioxide and nitrous dioxide emissions,
- the proposals will not improve the local economy,
- the UK does not need this investment in order to maintain its energy security and there is a risk that the investment will prove uneconomic and even unnecessary within 15 years,
- increased risk of explosion, fire and oil leaks,
- adverse impact on the National Park,
- the proposals would be contrary to Government Policy, the National Planning Policy Framework and be premature to the New Forest Local Plan 2016-2036 and contrary to the Core Strategy.
- Concerns are also raised about the operation of Exxonmobil and where their profits go.

8 letters of support have been received stating that;

- it is a great idea to produce fuel here as it will lead to a reduced carbon footprint,
- pipelines reduce freight on busy roads,
- increased job opportunities,
- won't see any difference from outside as local residents,
- helps support the whole county with respect to supplying the fuel demand, encourages investment in the UK, Exxon has provided many job opportunities (including apprenticeships and graduate schemes) and the proposals will help provide a cleaner environment by providing cleaner fuel.

## 11 OFFICER COMMENTS

### Introduction

11.1 The main issues for consideration in relation to the proposals are the principle of development and whether it delivers sustainable development ie economic, social and environmental objectives.

- The impact of the development on the local and national economy
- The visual impact of the development in terms of its impact on the surrounding landscape and setting of heritage assets within the area
- ,the impact of traffic generated during the construction phase and post construction phase on the ransport network
- the impacts of additonal , noise and vibration on both adjoining residential properties and the natural environment ,
- whether the development would result in a reduction in air and water quality,
- whether the development would result in additional waste (including land affected by contamination) that could not be mitigated
- , climate change, flood risk and coastal change. In addition it is necessary to undertake an Appropriate Assessment (AA) before a decision can be made in respect of the application.

### Relevant Considerations

The principle of development

11.2 Policy FAW1 of the First Alteration of Local Plan Part 2 refers specifically to this site and states that "land may be developed for uses directly related to the petrochemical industry" provided development does not conflict with any policies in the Core Strategy or Local Plan Part 2.

Economic Impact

11.3 PPF (para 80) states that planning decisions should "help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider

opportunities for development." This advice is reflected in Policy 6 of the Local Plan Review.

- 11.4 As set out earlier in the report this site is the largest oil refinery in the UK and provides approximately 20% of the UK refinery capacity and is the largest heavy industrial employer in Hampshire and is the country's last manufacturer of lubricating oils and manufactures a wide range of speciality petro chemicals such as synthetic rubber. Exxon Mobil has an ongoing major investment programme of around £700m which will help secure around 2000 jobs. The Fawley site has strategic access to distribution logistics across southern England and export access to other markets in Europe and the Atlantic basin. There is also nearly 700 km of pipeline supplied from Fawley in a network which incorporates critical fuel supplies to the South and Midlands of the country including Heathrow and Gatwick airports. The site also plays an important role in the local supply chain within the New Forest. The site and the proposed development therefore plays a critical role within the national and international economy. The economic influence of the Fawley Refinery site extends beyond the district boundary and therefore the impact of investment in this site extends to a regional and even national level.
- 11.5 It is acknowledged that the longer term employment benefits by way of job roles created is negligible, the shorter-term impact during the construction phase is noteworthy. Whilst this will not be met by an entirely local labour force, the economic impact of this on local goods and services would benefit the area immediately beyond Fawley.
- 11.6 The applicant has stated that the proposed development will support the retention of long term employment at the Fawley complex which will be a benefit of the scheme to the economy of the area and be in line with both national and local policy.

#### Environmental Statement

- 11.7 The application is accompanied by an Environmental Statement (ES), in accordance with the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended). This describes the 'Environmental Impact Assessment', which assesses the potential environmental effects of the development during the construction and completed scheme (beneficial or adverse), the degree of impact, and mitigation measures to avoid, reduce or offset negative impacts. The issues covered are: Air Quality, Noise and Vibration, Visual Impact, biodiversity, land quality, green house gases and cumulative effect assessment.
- 11.8 It is considered that the likely environmental impacts of the development have been adequately assessed in the ES and subject to the imposition of appropriate conditions to secure the mitigation measures are considered acceptable. The various chapters of the ES are addressed further in the following paragraphs

#### Visual Impact

- 11.9 Paragraph 127 of the NPPF, Policy CS2 of the Core Strategy, and Policy 13 of the Local Plan Review all seek to ensure that development should be visually attractive and sympathetic to local character and history. The

application is accompanied by a visual impact assessment contained within the Environmental Assessment which seeks to demonstrate the impact the development would have on the surrounding area. Having considered the assessment that accompanies the application it is clear that the proposed stacks would be visible from some distant views although they would be seen in the context of other substantial structures on the site some of which are much higher. There would be taller cranes that would be utilised during the construction phase, the visual impact of these would be time limited. In terms of design the structures are by their nature functional and are appropriate to the context of the wider site.

- 11.10 The NPPF (para 172) requires that great weight should be given to 'conserving and enhancing landscape and scenic beauty' in National parks. Some of the existing structures on the site are visible from the National Park. The Environmental Statement (ES) includes an assessment of the impact from Beaulieu Heath, Blackwell Common, Solent Way and Cowleys Heath. This assessment concludes that the impact of the development would be minimal as only the two chimneys would be visible from the National Park and they would be viewed in the context of the large number of other structures on the site (many of which are taller than those proposed). Your officers have considered the evidence submitted and consider that the proposals would not detract from the special qualities of the National Park.
- 11.11 The proposals would also be visible from the Royal Victoria Country Park which is located on the opposite side of Southampton Water and is a registered historic park and garden which contains a number of listed buildings. The visual impact assessment has considered the impact of the development on recreational users of the park as well as users of the Solent Way.

#### Impact on Heritage Assets

- 11.12 Local Plan Part 2 Policy DM1 states that development proposals should conserve and seek to enhance the historic environment and heritage assets, with particular regard to local character, setting, management and the historic significance and context of heritage assets. This includes a balancing exercise between impact on Heritage Assets against public benefits which is also referred to in the National Planning Policy Framework (NPPF) 2019.
- 11.13 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate securing its optimum viable use. In this case the site is located on the opposite side of Southampton Water to the designated asset and the development is set well within the existing complex of very large structures. The visual impact assessment includes a view of the site from Victoria Park and this demonstrates that there would be very limited impacts on recreational users arising from the development such that they would be at the lower end of the scale of less than substantial harm. Whilst the visual impact assessment does

not seek to assess the impact a development would have on the setting of a listed building or park this assessment can inform the assessment on setting. Given the distance between the development and the asset it is considered the development would have limited impact on the setting of these heritage assets.

- 11.14 There is no doubt that the structures proposed are of a very functional appearance, in terms of assessing the application the design is a function of industrial process that will take place in the development.

#### Highway Implications

- 11.15 The NPPF encourages appropriate opportunities to promote sustainable transport, the need for that development should be served by safe and suitable access for all users; and that any significant impacts on the transport network or highway safety, can be cost effectively mitigated to an acceptable degree.
- 11.16 The advice in paragraph 109 is clear that "development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".
- 11.17 The application is supported by an assessment of Traffic Generation and Distribution which advises that the implications of the development, once operational, on traffic movements would be negligible as the development would be highly automated with existing staff being employed within the new development and therefore result in a low additional workforce requirement.
- 11.18 The Transport Assessment sets out that construction traffic associated with construction worker movements, deliveries, machinery and heavy goods vehicles (HGVs) will arrive via the A326 Hythe bypass and will enter the Petrochemical complex through Gate 1 via Cadland Road. Additional, large plant (ie reactor modules) would be delivered pre-fabricated via barge to an accessible dock from which they would be transported via an abnormal load convoy during periods of low density road use to a wide load gate on the B3053 into the complex.
- 11.19 The Highway Engineer has assessed the proposals and is of the opinion that the planned route is acceptable and considers that it should be the only permitted route for construction HGVs accessing the site. The site, with committed development is likely to generate 129 vehicular trips including 126 mini-buses and 3 HGVs during the am peak hour (07:00 to 08:00) and 129 trips during the pm peak hour (18:00 to 19:00) during the construction period. The applicant has carried out an assessment of the capability of the highway network to accommodate the construction traffic forecast for Hardley Roundabout and the Heath Roundabout, the modelling that has been carried out indicates that both junctions could operate within capacity. The applicant has proposed various mitigation measures including ensuring that Fawley petrochemical complex does not undertake significant planned major maintenance activities during the peak construction traffic period. A package of mitigation measures proposed has demonstrated that the traffic generated during the construction period can be accommodated without detrimental impact on the capacity of the adjoining highway network . This mitigation can be

secured by conditions requiring approval and implementation of a Construction Management Plan and Travel Plan.

## Noise and Vibration

- 11.20 Guidance on noise is contained in the National Planning Practice Guidance and the Noise Policy Statement for England 2010 advises Local Planning Authorities on the determination of applications where noise is an issue. Noise can override other planning concerns, but neither the Noise Policy Statement for England nor the National Planning Policy Framework (which reflects the Noise policy statement) expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development. Local planning authorities' decision taking should take account of the acoustic environment and in doing so consider:
- whether or not a significant adverse effect is occurring or likely to occur;
  - whether or not an adverse effect is occurring or likely to occur; and
  - whether or not a good standard of amenity can be achieved.
- 11.21 A noise and vibration assessment is included in the Environmental Statement which has been undertaken in accordance with the Noise Policy Statement for England (NPSE) and assesses the impacts upon the closest residential properties in Cadlands Park Estate, Long Lane and Church Lane. The report concludes that construction noise levels and construction traffic noise will be within acceptable limits. The Environmental Health Officer has commented in respect of construction noise, construction traffic noise and operational noise and vibration.
- 11.22 In terms of construction noise it is anticipated that construction will last about 2 years with most being confined to normal daytime working hours (08:00 - 18:00 Mon to Fri and 08:00 - 12:00 Sat), however works may be required occasionally outside these hours into the evening and night time. Whilst there will be noise associated with the construction phase the noise would be within acceptable limits and could be controlled by a condition relating to a Construction Environmental Management Plan (CEMP).
- 11.23 The application indicates that there will be an increase of 3% to the total traffic flow during construction (a worst case estimate based on traffic flows generated during the height of construction activity). An increase in traffic flow of 25% equates to a 1dB change in traffic noise, therefore the increase will be less than 1dB which is indicative of a negligible magnitude of impact on noise sensitive receptors (such as residential properties) for short term change in road traffic noise.
- 11.24 Once the development is completed operational noise is predicted to be below the lowest background sound levels at receptor locations, similarly vibration is not considered to be an issue as no significant sources of vibration are proposed. It should be noted that both operational and construction noise is already subject to extensive controls under the Environmental Permit enforced by the Environment Agency.
- 11.25 The levels of noise and vibration generated are expected to be well within acceptable limits in accordance with national and local policy and



guidance.

#### Air Quality

- 11.26 The National Planning Practice Guidance contains advice about air quality and guiding principles on how planning can take account of new development on air quality.
- 11.27 An assessment of likely air quality impacts is contained in the Environmental Statement (ES) and this has been undertaken in accordance with current relevant air quality guidance. The impacts of interest are from construction traffic travelling to the site, dust and emissions from construction activities and emissions from the operational plant (nitrogen oxides, sulphur oxides, particulate matter, carbon monoxide and volatile organic compounds).
- 11.28 The Environmental Health Officer has commented on each of these areas of interest in terms of impact on human health receptors only (not in relation to impacts on ecological receptors or on climate change) as follows:
- 11.29 Impacts from construction traffic travelling to the site - the number of vehicle movements on the local road network will be limited to 28 HGV movements per construction day and 176 light duty vehicle movements per construction day, current assessment guidance in the Institute of Air Quality Management - Guidance on land-use planning and development control scopes out further detailed assessment of the impact of the traffic. The use of barges is proposed to import materials onto site during construction and operation (20 throughout the whole development phase), the number of shipping movements is considered minimal in terms of any impact on air quality. Construction emissions - the site is about 400 metres from the nearest relevant receptor which means that the impacts are considered minimal. In order to avoid any impact from dust a Construction Environmental Management Plan could agree dust suppression techniques and should follow good practice, such as not idling equipment on site, watering of the site, reducing stockpiles etc.
- 11.30 Operational emissions from proposed plant: the long term impact from emissions (nitrogen dioxide and particulate matter [PM10 and PM 2.5]) are determined as negligible as are the short term impact from emissions (nitrogen dioxide, sulphur dioxide and carbon monoxide).
- 11.31 Operational emissions from fugitive emissions: additional fugitive emissions of volatile organic compounds released from valves and flanges in connection with the proposed development has been assessed to be a less than 1% of the air quality assessment level, as such the impact is deemed insignificant.
- 11.32 Operational emissions from traffic: operational traffic would be minimal and not significant in terms of impact on air quality.
- 11.33 Impact on Air Quality Management Areas (AQMA) and Clean Air Zones (CAZ) Local AQMAs and CAZs which may be impacted by the proposed development are located in the neighbouring authorities of Southampton and Eastleigh. These are areas where the air quality concentrations of pollutants are either close to or exceeding air quality limit values and therefore are vulnerable to any increases in pollutant concentrations. The CEMP could include a requirement that HGV construction traffic should

avoid the A35 route into Southampton, unless required, to avoid the Southampton CAZ.

- 11.34 The Esso Refinery currently operates under a Permit issued by the Environment Agency, this sets conditions for the operation of the site including emission limits and the agreement of various Management Plans including noise and odour. It is understood that the applicant has been issued a variation to their permit to take account of the operation of the proposed development
- 11.35 In conclusion on this issue, the submitted air quality assessment which models the likely impacts on human health is accepted, air quality impacts arising from the construction phase of the development could be controlled through the CEMP.

#### Impact on Nature conservation

- 11.36 Prior to submission of this application this Authority issued a screening opinion to the effect that the proposals could result in likely significant effects on the internationally designated sites listed in Section 2.5 of this report and that, as a result this Council, as the competent authority, must complete an Appropriate Assessment (AA) to determine if the proposals may affect the protected features of the designated sites before deciding to grant planning permission for the development. The application is accompanied by a Report to Inform the Appropriate Assessment which has been the subject of consultation with Natural England and the Environment Agency. The Council has also engaged the services of an Ecological Consultant to carry out an independent assessment of the information that has been submitted. The conclusion is that the proposals would not result in adverse effects on the Integrity of European Sites either alone or in combination with other plans and projects, having regard to the suite of mitigation measures that would be implemented.

#### Pollution and Waste

- 11.37 The Environmental Assessment seeks to demonstrate that the development will not cause any form of pollution including how waste from the development would be dealt with. The potential for adverse effects from the proposed development arises from the need to carry out excavation works of potentially contaminated material and groundwater. The assessment focuses on human receptors and the potential for adverse effects to arise in respect to soil and water environment.
- 11.38 The Environmental Statement includes a chapter which addresses the matter of land quality and associated contaminated land matters in terms of human and environmental receptors (soils and water environment). Impacts on human receptors would be controlled by legislation such as the Health and Safety at Work Act (during the construction phase), Construction Design and management Regulations and the Contaminated Land: Applications in Real Environments (CL:AIRE) Definition of Waste Code of Practice which would lead to the effect on human receptors being minor. The risk to environmental receptors (soil) can also be controlled through compliance with CL:AIRE which would also result in a minor effect. The Environment Agency has commented on the Environmental Statement and has advised that it has no objection. Environmental Health Officer (Pollution) have commented on the Environmental Statement in terms of land quality and have raised no objection subject to conditions to

ensure that any contamination is dealt with in an appropriate manner.

## Climate Change

### Green House Gas Emission

- 11.39 The NPPF emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. It also states that climate change is one of the core land use planning principles which should underpin decision making. The Climate Change Act 2008 sets the commitment of the UK to reduce its net green house gas (GHG) emissions by 80% below the 1990 levels by 2050 and requires the Government to establish 5-year carbon budgets.
- 11.40 The Environmental Statement (ES) includes much detail about the likely impact of the development on greenhouse gas emissions. In order to meet UK demand for Ultra Low Sulphur Diesel (ULSD), transport fuel suppliers imported approximately 50% of finished ULSD into the UK in 2017. The proposals will result in a proportion of this being produced in this country thereby reducing the need for imported diesel. This would lead to reduced transport emissions reducing the need to import diesel by ship from overseas. The European Union Emissions Trading Scheme (EU ETS) (or replicated scheme if the UK leaves the EU without remaining in this scheme) puts a price per ton on carbon dioxide (CO<sub>2</sub>) emissions. This scheme incentivises manufacturers to invest to reduce their emissions. A percentage of imported diesel to the UK is from countries who are not party to the EU ETS (eg. Russia where about one third of UK diesel is currently imported from) and who have no current plans to create a similar scheme to reduce emissions.
- 11.41 The Government has committed that all new cars and vans sold in the UK will be zero emission by 2040 and almost all cars and vans will be zero emission by 2050. The applicant has pointed out that the emissions from vehicles would happen regardless of where the fuel is made therefore this proposal would not, in itself result in increased emissions. The applicant has also stated that the decision to invest in this proposal has been made in the full knowledge and expectation of the stated timelines and the understanding that they will be met. The UK market for diesel is not expected to grow and the development is not reliant upon any increased volumes of diesel being consumed in the UK, the development is entirely concerned with replacing import of diesel.
- 11.42 In addition to the above commitments, the Government has confirmed its ambition to see at least 50% of all new cars and 40% of all new vans being ultra-low emission vehicles (hybrid vehicles - part electric and part carbon fuelled) by 2030. In order to reach the 2040 and 2050 commitments there will be a transition period during which ultra-low emissions fuels will be essential to that achievement. The proposed development will produce some of the ultra-low sulphur diesel that will be used during this transition period for cars and vans until 2050. In addition, at present there is no battery/electric technology that can power commercial vehicles and moving plant so it will be important to have a supply of low emission diesel fuels post 2040 and 2050.
- 11.43 The Environmental Statement concludes that the effect of the proposed development on the global climate is not considered significant because

of the above reasons and partly due to the fact that diesel produced at the Refinery will reduce the number of shipping imports bringing diesel in to the country. This is a conclusion that is accepted by officers.

#### Flood Risk and Coastal Change

11.44 The site lies entirely within Flood Zone 1 which is at lower risk of flooding. In addition the Flood Risk Assessment indicates that the risk of surface water flooding is also low as a result there are no adverse implications of these proposals in respect of flooding. The Environment Agency have raised no concerns in this regard

#### Other Matters Raised by Interested Parties

11.45 Fossil fuel processing units should not be expanded - while this point is noted there are no policies that specifically prevent the expansion of the plant at this site subject to the consideration of all relevant issues. Policy FAW1 of the Local Plan Part 2 (which is proposed to be saved in the Local Plan Review 2016-2036) permits the development of the site for uses directly related to the petrochemical industry.

11.46 Green energy is the only option - this is clearly a goal to aim for, however ADO is still needed to run vehicles and the governments policies still assume that people will continue to use diesel for many years to come, the proposed development would not alter this situation.

11.47 Investment should be spent on renewable energy and the UK does not need this investment to in order to maintain its energy security - this is a matter which is beyond the scope of the assessment of this planning application.

11.48 Increased risk of explosion, fire and oil leaks - these matters are dealt with by other Regulators such as the Environment Agency and Health and Safety Executive.

11.49 Operation of Exxonmobil and where their profits go - these matters are not planning considerations for assessment as part of this application.

## **12 CONCLUSION ON THE PLANNING BALANCE**

In conclusion, this site is the largest oil refinery in the UK and provides approximately 20% of the UK refinery capacity and the site plays an important role within the national and international economy. This proposal for significant investment brings significant benefits to the ongoing future of the Refinery. The above assessment sets out a detailed appraisal of the proposals and it is concluded that there would be limited visual impact arising from the development and users of the Royal Victoria Country Park would experience a very low magnitude of change. The highway impacts arising from the development would be negligible during the operation of the development and the impacts during construction would be within acceptable limits, subject to appropriate controls. In terms of noise and vibration these impacts would also be within acceptable limits and would be controlled through the Construction Environmental Management Plan (CEMP). Air quality matters have been the subject of close scrutiny by our

Environmental Health Officer who has concluded that any impacts would be minimal. With regard to ecological impacts these have been closely examined and the Appropriate Assessment has concluded that no significant adverse impacts are likely to arise from the development. With regard to pollution and waste these have also been assessed in detail and it has been found that any issues can be satisfactorily controlled by conditions. The matter of climate change has been examined in detail and the proposals are unlikely to give rise to concerns based on the assessment carried out above. While a large number of objections have been received to this application it cannot be a vehicle to prevent the use of carbon fuelled vehicles particularly as emissions from vehicles would still occur regardless of where the fuel is made. On balance this proposal is considered to be worthy of support.

### 13 OTHER CONSIDERTIONS

#### Crime and Disorder

Not relevant

#### Local Finance

Local financial considerations are not material to the decision on this application

#### Human Rights

In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

#### Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

## 14. RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
  
2. The development permitted shall be carried out in accordance with the following approved plans: 036B/021134/01/020/000901 Rev. D001, 000902 Rev. D001, 000903 Rev. D001, 000904 Rev D001, 000905 Rev. D001, 000906 Rev. D001, 000907 Rev. D0001, 000908 Rev D001, 000909 Rev. D001, 000910 Rev. D001, 000912 Rev. D001, 000913 Rev. D001, REF/021120/01/020/000911 Rev. D001, Planning Statement, Environmental Statement, Report to Inform the Appropriate Assessment, Flood Risk Assessment and Construction Environmental Management Plan.  
  
Reason: To ensure satisfactory provision of the development.
  
3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.  
  
Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.
  
4. During any (site clearance, removal of floor slab and) foundation excavations a suitably qualified contaminated land consultant shall carry out a **watching brief** with regards to asbestos, hydrocarbons and any other ground contamination. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority.  
  
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS5 of the Local Plan for the New Forest District Council outside the National Park (Core Strategy) and Policy DM5 of the Local Plan for the New Forest

District outside the National Park. (Part 2: Sites and Development Management).

5. Prior to importation or reuse of material for the development (or phase of) a Materials Management Plan (MMP) in accordance with CL:AIRE Definition of Waste Code of Practice shall be submitted to and approved in writing by the Local Planning Authority. All works will be undertaken in accordance with the approved document.

Reason: To ensure that it is known where material (site-won and imported) is re-used and disposed of dependent on it's suitability

6. The development shall be carried out in accordance with the Construction Environmental Plan (document number F4ST-WGR-00-EN547) and as updated by email dated 8th August 2019 unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In order to ensure that the development take place in an appropriate manner and in order to safeguard the amenities of the area.

7. One month prior to the commencement of the main contract start for the development the applicant shall submit for the written approval of the Local Planning Authority a detailed Travel Plan. The approved details shall be implemented when the main contract starts and retained throughout the duration of construction.

Reason: In the interests of highway safety.

8. One month prior to the commencement of the main contract start for the development a Construction Management Plan, to include details of provision to be made on site for construction access, the turning of delivery vehicles and lorry routing as well as provisions for removing mud from vehicles and a programme of works has been submitted to and approved in writing by the local Planning Authority. The approved details shall be implemented prior to the start of the main contract and retained throughout the duration of construction.

Reason: In the interests of highway safety.

**Notes for inclusion on certificate:**

1. The development subject to this notice falls within a highlighted proximity of a mains gas pipe which is considered a major hazard.

The applicant/agent/developer is strongly advised to contact the pipeline operator PRIOR to ANY works being undertaken pursuant to the permission granted/confirmed by this notice.

Address is:

Southern Gas Networks Plc  
SGN Plant Location Team

95 Kilbirnie Street  
Glasgow  
G5 8JD  
Tel: 0141 184093 OR 0845 0703497  
Search online at:  
[www.linesearchbeforeyoudig.co.uk](http://www.linesearchbeforeyoudig.co.uk)  
SGN personnel will contact you accordingly.

**Further Information:**

Steve Clothier  
Telephone: 023 8028 5588



