SITE: British Petroleum Company Plc, Hamble Lane, Hamble-Le-Rice, Southampton, SO31 4NR

Ref. F/08/63033 Received: 03/06/2008 (02/09/2008)

APPLICANT: BP Oil UK Limited

PROPOSAL: Construction of 3 storage tanks for bio-ethanol, with total storage capacity of 12,000 metre cubed, together with ancillary structures (small storage tank for bitrex/methanol, one additional ship unloading arm and jetty head, associated pipework, two new gantries, blending pumps and associated equipment, drainage facilities and bunding) (Application includes Environmental Statement and is subject to Environmental Impact Assessment)

AMENDMENTS:

RECOMMENDATION:

Subject to: i) receipt and consideration of comments from the Health & Safety Executive

PERMIT

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CONDITIONS AND REASONS:

(1) The development hereby permitted must be begun within a period of three years beginning with the date on which this permission is granted. Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

(2) The development hereby approved relating to the jetty shall only be undertaken outside the overwintering bird season (1st October to the 31st March inclusively) and at no time during this period. Should alternative timing be necessary, suitable alternative times shall be agreed in writing, prior to the commencement of works, by the Local Planning Authority, in consultation with Natural England and the Environment Agency.

(3) Prior to the commencement of the development hereby permitted, full details of the position and design of all artificial lighting sources shall be submitted
to and approved in writing by the Local Planning Authority. The use of artificial lighting must comply with the 'Guidelines for the Reduction of Light Pollution' produced by the Institute of Lighting Engineers. The lighting must be designed to have luminaries to provide an asymmetric beam, allowing the luminaries to be mounted horizontally and all lighting must be shielded with hoooding to prevent direct glare and provide light in a downward direction only. Reason: To minimise the potential for light pollution and disturbance to the ecological interests of the adjacent SSSI, SPA and Ramsar sites.

4) At a distance of 10m from the site boundaries, the lighting shall not exceed a maximum of 1 Lux. Reason: To minimise the potential for light pollution and disturbance to the ecological interests of the adjacent SSSI, SPA and Ramsar sites.

5) No lighting relating to the construction works required for the development hereby permitted shall be in use between the hours of 18:00 to 07:00. Reason: To minimise the potential for light pollution and disturbance to the ecological interests of the adjacent SSSI, SPA and Ramsar sites.

6) No development approved by this planning permission shall be commenced until a scheme for surface water drainage during the construction period has been submitted to and approved in writing by the Local Planning Authority. The plan should show the drainage in all temporary bunds, wash down areas, fuel storage areas and other high risk areas related to the construction activities. Reason: To demonstrate that adequate measures have been taken to prevent the release of contaminants into controlled waters, specifically Southampton Water and the underlying major chalk aquifer and to minimise the impacts on the adjacent SSSI, SPA and Ramsar sites.

7) No development approved by this planning permission shall be commenced until a detailed scheme for the method of working/construction has been submitted to and approved in writing by the Local Planning Authority. Reason: To demonstrate that all practicable measures will be taken to prevent pollution during all the construction activities and to minimise impacts on the adjacent SSSI, SPA and Ramsar sites.

8) Construction or demolition work must only take place between the hours of 08:00 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays. Prior to the commencement of the development hereby permitted, details of the type of work that it may be required to be undertake on Saturday afternoons, Sundays or Bank Holidays, together with suitable mitigation measures to prevent noise pollution shall be submitted to and approved in writing by the Local Planning Authority. The development must then proceed in accordance with these details. Reason: To protect the amenities of nearby residential properties.
(9) No development approved by this planning permission shall be commenced until a scheme for removal and disposal of impacted soil, groundwater and NAPL encountered and therefore excavated during the proposed works, has been submitted to and approved in writing by the Local Planning Authority. The scheme should set out a strategy for addressing contamination encountered during the works. Reason: The applicant has identified the presence of hydro-carbon impacted material at the application site, (report ref: 49315967 - May 2008). Submission of a method statement will ensure the risks to controlled waters from the intrusive works on site are minimised.

(10) All works and methods of working should conform with the 'BS5228: Code of Practice for Noise and Vibration Control on Construction Open Sites', (see parts 2 and 4). Reason: To protect the amenity of neighbouring properties.

(11) No development approved by this planning permission shall be commenced until a scheme of works to deal with the dust from the site has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall then be implemented and retained to the satisfaction of the Local Planning Authority. Reason: To protect the amenity of the occupiers of the nearby properties.

(12) Prior to the commencement of the development hereby permitted, measures are to be submitted to and approved in writing by the Local Planning Authority, to prevent mud being deposited on the public highway by vehicles leaving the site must be implemented during the whole of the construction period. No vehicle shall leave the site unless its wheels have been sufficiently cleaned to prevent mud being deposited on the public highway. Reason: In the interests of highway safety.

(13) No work shall commence on site until the following information has been submitted to, and approved in writing by the Local Planning Authority:

A Desk Study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Reports Nos. 1 and 2, and BS10175:2001 Investigation of potentially contaminated sites Code of Practice, and, unless otherwise agreed with the Local Planning Authority;

(ii) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk study in accordance with BS10175:2001, and, unless otherwise agreed with the Local Planning Authority;

(iii) A detailed scheme for remedial works and measures to be undertaken to avoid the risk from contaminants and/or gases when the site is developed.
and proposals for future maintenance and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

Reason: To investigate and mitigate against potential contamination.

(14) The development hereby permitted shall not be occupied / brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of condition A(iii) that any remediation scheme required and approved under the provisions of condition A(iii) has been implemented fully in accordance with the approved details (unless varied with the written permission of the Local Planning Authority in advance of implementation). Unless agreed in writing with the Local Planning Authority such verification shall comprise:

built drawings of the implemented scheme,
(ii) photographs of the remediation works in progress,
(iii) certificates demonstrating that imported and / or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 14(iii).

Note to Applicant: It is considered that, subject to compliance with the conditions and any obligations attached to this permission, the proposed development is acceptable because it will not materially harm the character of the area, the amenity of neighbours or highway safety, or the setting of the New Forest National Park and it is in accordance with the policies and proposals of the development plan, as listed below, and after due regard to all other relevant material considerations the local planning authority is of the opinion that permission should be granted.

The following development plan policies are relevant to this decision and the conditions attached to it:


Under the Town and Country Planning [Fees for Applications and Deemed Applications][Amendment][England] Regulation 2008, a fee is now required for Discharge of Condition Applications.

N.B. Conditions not fully discharged, invalidate the planning permission.
Report:

This application has been referred to Committee because it is a major application and is subject to an Environmental Impact Assessment.

In addition to the normal publicity for major development, the planning application has been advertised as a development for which an Environmental Statement has been received, as required by the Town and Country Planning (Environmental Assessment) (England and Wales) Regulations 1999.

The site and its surroundings

1. The BP Hamble Terminal is located adjacent to Southampton Water, and lies within Hamble. The site comprises bulk-handling facilities for petroleum-based products, which are then delivered to other BP Terminals within the South and Midlands areas.

2. The site is bordered to the south by Southampton Water, and to the west by industrial units, with residential properties beyond. There is also residential development, Hambleside Court, immediately adjacent to the site entrance on Hamble Lane. Further residential development lies to the north and east of the site, along with Hamble Common that lies adjacent to the eastern boundary of the Terminal site.

3. The site is designated as an employment site on the Eastleigh Borough Local Plan Review (2001-2011) Proposals Map. The site also lies adjacent to a number of ecologically sensitive areas, as set out below:
   - Solent & Southampton Water Special Protection Area
   - Solent & Southampton Water Ramsar
   - Lee-on-the-Solent to Itchen Estuary Site of Special Scientific Interest

4. Areas contained within the boundaries of the New Forest National Park also lie on the opposite side of Southampton Water, although not directly opposite the application site.

Description of application

The proposed development would comprise the following elements:

- construction of three 4,360m3 carbon steel storage tanks for bioethanol, with a total storage capacity of 12,000m3
- construction of a 200m3 storage tank for bitrex/methanol denaturing agent
- one additional ship unloading arm at the jetty head
• associated pipe work at the jetty head and within the Terminal, along with additional pipe of 10 inches diameter (0.25m) along the length of the existing jetty, approx 900m in length
• construction of 2 new gantries comprising four new arms for bioethanol, 2 arms per gantry
• denatured bioethanol blending pumps, equipment and associated facilities
• drainage facilities

Purposes of the Development

5. The application states that the proposed bioethanol storage project is required as a result of new legislation, the 'Renewable Transport Fuel Obligation Order', which came into effect in April 2008. This provides a framework to obligate suppliers of petrol and diesel in the UK to supply 5% (by volume) of all UK fuel sold on UK forecourts from a renewable source by 2010 – i.e.: 5% of all road fuel will be required to comprise bio fuel.

6. BP plans to develop an independent supply chain across the UK to ensure that current and future obligations under the RTFO can be met for both strategic and economic reasons.

7. In order to avoid quality problems, the application states that the fossil petrol component and bioethanol must arrive independently of each other at the terminal, before being blended into on-spec gasoline with 5% bio-ethanol for sale in the UK market.

8. Bioethanol cannot be supplied via pipeline, as it cannot be piped into lines used by other petroleum products. It is therefore necessary to transport the bioethanol by ship/tanker.

9. The process for the storage, distribution and blending of the bioethanol is summarised below, (as set out in the accompanying Environmental Statement).

• the 100% ethanol product will be received from importing ship via the jetty loading arm at the end of the jetty. Ethanol will be pumped along the dedicated pipeline on the Hamble jetty towards the Terminal
• the ethanol will be pumped using ship offloading pumps at an anticipated maximum flow rate of approx 630m3/hour
• all ship imported ethanol will arrive at the southern boundary of the site at the end of the site jetty, and will flow through the 10inch pipe along the southern boundary of the site towards the 3 proposed storage tanks
• prior to entering the tanks, the ethanol will be injected with a denaturant at a specifically designed injection point, so that it is not
stored in a drinkable form. The denaturant will be received on site via road vehicle and pumped to a dedicated tank.

- The ethanol is then pumped from the storage tanks to road loading gantries via new pumping and pipe work facilities.
- Two new road loading gantries, each with two loading arms, will load the ethanol into specialised road loading tankers for delivery to other BP terminals in the UK.
- The existing four gantries will export conventional gasoline, which comprises 5% or 10% ethanol into conventional gasoline road tankers. The blending of the 5% or 10% ethanol will be achieved using injection pumps and ancillary calibrated equipment affixed to the loading gantries, which blends the conventional gasoline with the ethanol as it enters the vehicle.

Construction Programme

10. The construction programme is expected to begin in September 2008 and will take approximately 12 months from start to completion, with the predicted year of operation being 2009.

11. The programme of works would be:

- geotechnical investigation to determine the foundation design for the new tank bases
- existing bund area to be cleared and prepared, with removal of existing central bund and regrading of bund floor
- construction of ship unloading facilities at the jetty
- installation of pipe work from jetty head to ethanol storage tanks
- construction of 4 storage tanks
- installation of truck unloading pump with additional pipe work
- installation of four new truck loading arms in two new gantries

Application Submission

12. The application is supported by the following documents:

- Environmental Impact Assessment
- Design & Access Statement
- Planning Report
- Flood Risk Assessment

Environmental Statement

13. Under the provisions of the Town and Country Planning (Environmental Assessment) (England and Wales) Regulations 1999, the application is required to undergo an environmental impact assessment and is
accompanied by the requisite environmental statement (ES) following screening and scoping advice from officers.

14. The scope of the assessment is as follows:

- construction methodology
- transport
- air quality
- odour
- noise
- ecology and biodiversity

15. No public comments were received on the environmental statement and it has not been amended during the course of the application. The application has been assessed following consideration of all the environmental information submitted and the detailed considerations are included under the relevant subject headings within this report.

Site area

16. The area of the new structures, including the regarded bund, the tanks, pumps and pipe work, will be approximately 0.87ha.

Topography

17. Ground levels across the site fall away towards the southern edge of the site – the area containing the existing storage tanks is mostly level, with the tanks being set at lower ground levels, surrounded by protective bunds. Ground levels drop at the southern edge of the site to the shore level.

Relevant planning history

18. The Terminal has been in this location since 1921 and now covers an area of approximately 21 hectares. The site contains 34 operational tanks, which store crude oil, jet fuel, diesel, unleaded motor spirit and aviation gasoline in addition to various additives.

19. The Terminal stores, in total, 142,000m3 of refined product and 146,000m3 of stabilised crude oil.

20. The most recent application prior to the current submission was received in Nov 2007, seeking permission for the increase in height of 1no petrol storage tank by 5m, to a total height of 19.26m. This application was approved in February 2008 and work is currently underway on site.
Representations received

21. 48 local residents and businesses have been notified of the application. To date, there have been no letters of representation received.

Consultation responses

22. The Head of Planning Policy & Design has raised NO OBJECTION, stating:

‘Provided there are no ecological concerns, there are no policy objections to the proposals – it lies within a site that already accommodates similar uses and does not appear to add materially to their visual impact or to traffic generated’.

23. The Head of Countryside & Recreation has raised NO OBJECTION, subject to a number of detailed conditions being attached to any permission, stating:

- ‘Nature Conservation:

- I have no objection to this application, subject to the conditions listed in the Appropriate Assessment document being attached to any permission issued. *Reason: to minimise impacts on the adjacent SSSI, SPA, and Ramsar sites.*

- I agree with the conclusions of the Environmental Statement that the application is unlikely to affect any other features of biodiversity interest (e.g. protected species).

- The application site falls within the following European/internationally designated wildlife sites:

  - **Solent & Southampton Water Special Protection Area (SPA) & Solent & Southampton Water Ramsar.**

- The application site falls within the following nationally designated wildlife sites:

  - **Lee-on-the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI)**

- The proposal can be considered to fall within *an environmentally sensitive area* as defined by the EIA regulations.
From the information provided at pre-application stage regarding type, position and scale of the proposal, it was not possible to say that the proposal would not have significant adverse effects on the environment. Furthermore, it was not possible to say that there would not be any adverse effects on the European/internationally and nationally designated wildlife sites. Therefore the proposals are considered to need an Environmental Impact Assessment.

Additionally the Council is required to undertake an ‘Appropriate Assessment’ in accordance with Regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 to assess the proposal’s impacts on the interest features of the Solent & Southampton Water Special Protection Area (SPA) and Ramsar site.

Under advice from Natural England, the government’s advisor on wildlife, the feature of interest within the Solent & Southampton Water Special Protection Area (SPA) and Ramsar site which might be affected by the proposal was identified as the wintering wildfowl and wader populations using the coastline, particularly using feeding & refuge areas. The Solent & Southampton Water Special Protection Area (SPA) is used regularly by over 20,000 waterfowl in any season, including 1% or more of the biogeographic population of Dark bellied Brent geese *Branta bernicula bernicula* along with other migratory species.

Under advice from Natural England the potential impacts of the development were identified as:

- a) Increased disturbance from noisy machinery, people and lighting (construction and operation phases)
- b) Increased pollution (construction and operation phases)

Using the information provided by the applicant in the Environmental Statement, the potential impacts of the development were assessed (see attached ‘Appropriate Assessment’ document).

The Appropriate Assessment concludes that increased disturbance from machinery, people and lighting, could in the short term and at the wrong time of year adversely affect the fauna for which the European/international sites are designated. There is also a risk of pollution incidents during the construction and operational phases of the development.

Therefore it cannot be ascertained that the proposal will not adversely affect the integrity of the European/internationally designated wildlife
sites. However, providing that appropriate conditions are applied to in any planning permission issued, the adverse effects that can be reasonably foreseen will be avoided.

- The conditions that should be applied to a permission with respect to disturbance (noisy machinery, people and lighting), and pollution are detailed in the Appropriate Assessment document attached.'

- The Head of Environmental Health has raised NO OBJECTION, stating:

  - 'Chapter 11 of the EIA supplied with the application refers to contamination of soils and controlled waters on the application site. Specifically 11.2.1 refers to an IPPC application with site investigation data, and 11.3.1/2, which refer to preliminary and ongoing intrusive site investigations, which have confirmed the presence of hydrocarbon contamination, and also confirm spillages of crude oil, diesel and jet fuel.

- Unfortunately, the application does not include any details of the previous report findings or of the ongoing investigations findings. On this basis, we recommend conditions with respect to land contamination be imposed.

- We have considered the air quality report that was attached to the application and we have no concerns about the extra traffic movements in the surrounding area, part of which is covered by a single Air Quality Management Area.'

- The Head of Transportation and Engineering had originally raised a holding objection to the proposals, pending clarification of the figures outlined in the supporting information relating to additional traffic movements as a result of the development.

- Following the receipt of additional comments and clarification on these points, the Head of Transportation & Engineering has raised no objection, stating:

  - 'I agree the impact is going to be slight on existing flows in Hamble Lane. I'm still a bit concerned about the additional tankers in the early morning when the ambient noise level is low. At this time of the day, a passing heavy vehicle will be much more noticeable so any extra will be more disturbing. The 1dBA mentioned in the letter relates to a noise average level. However, this is an issue which Environmental Health can comment on & I don't have an objection on highway safety/traffic impact grounds.'
24. The Head of Economic Development has raised NO OBJECTION, stating:

‘This is unlikely to generate much employment, but it is important that BP are able to diversify into bio-fuels, especially given the current oil market. The location seems appropriate’.

25. Hampshire County Council Highways has made no comment, stating that given the scale of the application, it can be dealt with by EBC’s own Engineers.

26. Natural England has raised no objection to the proposals, stating:

‘Thank you for your letter of 6 June 2008 including the Environmental Impact Assessment requesting Natural England’s comments on the above proposal. An appropriate assessment has been prepared for the above proposals after comments made by Natural England on 2 April and 2 May 2008. We are in receipt of the assessment and our revised comments are as follows:

Environmental Impact Assessment (EIA) Regulations 1999

As stated, Natural England has received the full Environmental Statement (ES), prepared by URS dated May 2008, with the above application. We are satisfied with the results of the ES, based on conclusions informed by wintering bird survey, and in particular Section 13.2.5 Ecology and Biodiversity and are satisfied that development may now proceed in accordance with its findings.

Assessment under the Conservation (Natural Habitats &c.) Regulations 1994

- In light of the appropriate assessment’s (and ES) conclusions Natural England’s opinion this proposal in its current form is unlikely to have a significant effect on the interest features of the above SPA/Ramsar/SAC site provided conditions to the effect of the following are attached to any planning permission granted:
  - All conditions outlined in Part D of Eastleigh Borough Council’s appropriate assessment with reference F/08/63033 are applied to any planning permission given.
  - Advice under S28I of the Wildlife & Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000)
• It is Natural England’s advice that the above SSSI is unlikely to be adversely affected by the above proposal.’

27. The Environment Agency has raised no objection but has requested that a number of conditions relating to pollution prevent measures, drainage measures and a method/construction statement, as well as a number of informatives be attached to any consent issued.

28. BAA has raised no objection, stating that the proposals do not conflict with safeguarding criteria.

29. New Forest District Council has raised no objection to the proposals.

30. The New Forest National Park Authority, originally expressed concern regarding the application, stating:

• ‘The site lies approximately 2.4km from and is visible from the New Forest National Park. Landscape and visual impact would therefore appear to be the key issues to consider.

• With this in mind, the National Park Authority has concerns over the visual impact of the proposed development, based on the information provided. It would appear that a greater level of detail would be required in order to fully assess the landscape impact of the proposed development. To this end, a photomontage and/or elevational drawing showing relative heights of tanks and gantries (short and long range views) in comparison with the existing might be beneficial.

• Whilst there is some mention to lighting, it is not evident that the intensity, spill and timing have been established. Measures to mitigate the impact of the development would also need to be carefully considered.

• In summary, it is the view of the National Park Authority that further information would be required in order to fully assess the landscape impact of the proposed development’.

• Following consideration of the detailed elevations and plans along with the proposed conditions relating to lighting, the New Forest NPA has now confirmed they have no objection to the proposals, stating:

• ‘On close examination of the drawings and information you have sent me, I do not think that the BP Oil Terminal proposals will have a large detrimental effect on the New Forest National Park and therefore, I do not object to the proposals’.
31. Hamble-le-Rice Parish Council has raised no objection to the proposals.

32. The Health & Safety Executive has been consulted but to date, no comment has been received.

33. Southampton City Council has been consulted but to date, no response has been received.

34. The Hampshire & Isle of Wight Wildlife Trust has been consulted but to date, no response has been received.

Policy context: designation applicable to site

- Within Built-Up Area Boundary
- Adjacent to Site Of Special Scientific Interest
- Adjacent to Special Conservation Area
- Adjacent to Ramsar site

Development plan policies

- RPG9 Regional Planning Guidance for the South-East
- Draft South-East Plan 2006
- Hampshire County Structure Plan 1996-2011: T5
- Hampshire Local Transport Plan (2006-2011)

Planning policy guidance / statement

- PPS1 – Delivering Sustainable Development
- PPG9 – Nature Conservation
- PPG13 – Transport
- PPS23 – Planning and Pollution Control
- PPG24 – Planning & Noise

Policy commentary

35. The above policies combine to form the criteria that this application will be assessed with particular regard to the visual impact, the relationship to and impact on the adjoining SSSI, SPA and Ramsar sites, the setting of the New Forest National Park and highway issues.

Comment on consultation responses

36. Please see report below.
Comment on representations received

37. No letters of representation have been received in respect of this application.

Assessment of proposal: Development plan and / or legislative background

38. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states:

39. “If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.

Principle of Development

40. The need for the development arises from the Government’s Road Fuels Transport Obligation legislation, which requires that 5% of transport fuels supplies be made up of fuels derived from renewable sources by 2010. This legislation forms part of the Government’s strategy to reduce reliance on fossil fuels and to increase use of renewable products, and contributes towards the Government’s aim of tackling climate change.

41. PPS1: Delivering Sustainable Development sets out the Government’s overarching policies for the delivery of sustainable development through the planning system. Paragraph 19 states that “…significant adverse impacts on the environment should be avoided and alternative options which might reduce or eliminate those impacts should be pursued”.

42. Although there are no specific policies within the Eastleigh Borough Local Plan Review (2001-2011) relating to the BP site, the plan does deal with the issue of environmental sustainability.

43. Policy 34.ES states that planning permission will only be granted for proposals which make an appropriate contribution towards the Government’s target to reduce levels of carbon dioxide and other greenhouse gases in the atmosphere by maximising the proportion of energy that is generated from renewable resources.

44. The supporting planning statement states that the “…proposed use of ethanol will allow BP to deliver a more environmentally sustainable product in order to comply with Government legislation”.

45. Bioethanol is an alcohol-based bio-fuel, which is derived from agricultural products, and the supporting information states that the emissions from bioethanol are less harmful than from fossil based fuels.

46. As such, the proposed development is considered to be in line with the Government’s objectives and the guidance contained within Policy 34.ES and the principle is therefore considered acceptable, subject to consideration of the proposed development in relation to the environmental interests around the site, landscape impact, highway issues and amenity, and other relevant material considerations.

**Siting and Design**

47. The proposed storage tanks would be positioned towards the southern boundary of the site, on an area that is currently vacant, but which previously housed two storage tanks, and is surrounded by landscaped bunds. The existing bunds would be removed to allow for the installation of the proposed tanks.

48. The proposed tanks for the storage of bioethanol be positioned in a row, north to south, in line with the existing tanks which lie to the north of the proposed location. The tanks would measure approximately 15m in height and approximately 16m in diameter. The three tanks would be linked by an elevated walkway.

49. The tanks are lined carbon steel with single walls and double floor construction, with fixed roofs and floating decks inside, to prevent vapour loss. The existing bund around this area will be regraded to form 3m bunds around the perimeter of this area and between the individual tanks.

50. The tank proposed for the storage of the denaturant would be positioned adjacent to the southern most bioethanol storage tank, again within the previously developed area. This tank would measure 6m in height and approximately 4.2m in diameter.

51. The submitted plans suggest that all four tanks will be painted white.

52. The proposed additional ship-unloading arm will be positioned at the eastern side of the existing jetty, along side the existing 5 unloading arms. The new arm would measure approximately 16m in height, as do three of the existing arms on the jetty.

53. The proposed pipe work will be 10 inch in diameter, and would be installed leading from the jetty, alongside existing pipe work, then run along the southern edge of the site to the new storage tanks and blending/injecting equipment, which will be sited to the west of the new storage tanks. The
pipe work will then run through the site to the proposed denaturant offloading point and new truck loading facility, and also providing a link to the existing gantries.

54. The proposed truck loading facility will be positioned towards the north-west area of the site, to the north of the underground storage tanks, on the existing hard surfaced area. The facility is essentially an open-sided structure with a roof providing loading facilities for two trucks. The structure would measure 7.5m in height at ridge height and cover a footprint of 12.8m by 18m.

Landscape & Visual Impact

55. In terms of the visual impact of the proposed development, the three new storage tanks and the additional unloading arm on the jetty are considered to be the most visible elements of the proposals, due to the relatively open nature of the southern boundary of the site and views across Southampton Water.

56. Policy 59.BE of the adopted Local Plan, although perhaps not written with a development of this nature in mind, requires proposals to take full and proper account of the context of the site and be appropriate in mass, scale and materials, amongst other criteria, both in themselves and in relation to adjoining buildings, spaces and views.

57. Particular consideration needs to be given to the potential visual and landscape impact of the proposals due to the presence of the New Forest National Park, which lies on the opposite side of Southampton Water. The nearest parts of the National Park are approximately 2.4-2.6km from the application site.

58. Section 62(2) of the 1995 Environment Act places a general duty on all relevant authorities (including local planning authorities) to have regard to the two statutory purposes of the National Parks and to ensure that they take account of Park purposes when coming to decisions or carrying out their activities relating to or affecting land within the National Parks.

59. The New Forest National Park has two statutory purposes, these being to conserve and enhance the natural beauty, wildlife and cultural heritage of the Park and secondly, to promote opportunities for understanding and enjoyment of its special qualities. The key issue in respect of this application is therefore the consideration of the potential visual impact in relation to the natural beauty, or landscape, of the Park.

60. In addition, Policy C1 of the Draft South East Plan relates specifically to the New Forest National Park. The Secretary of State’s proposed changes
to this plan, which are currently out for consultation, propose changing the wording of this policy to state that ‘high priority will be given to conserving and enhancing land and its specific character within the New Forest National Park’, making the setting of the Park a material consideration in planning decisions.

61. As outlined above, the proposed storage tanks will be sited on an existing vacant area of land within the Terminal, which previously housed two 12.5m high tanks. The new tanks will be positioned in a straight line, one behind the other, and will measure approx 15m in height, and are adjacent to existing tanks of varying heights which lie to the west, north and east of the proposed site. It is also noted that work is underway on site to increase the height of one of the existing tanks to over 19m, higher than the proposed tanks.

62. As such, the proposed storage tanks will not be viewed in isolation and will blend into the existing backdrop of neighbouring tanks, which are of varying sizes. The position of the tanks within the existing Terminal site means that there is no increase in the area of the overall site, and whilst the new tanks will be visible to the south of the site, it is not considered that they would be any more prominent than the existing tanks to either side.

63. Similarly, the proposed unloading arm will sit alongside the existing facilities on the jetty and again, whilst this will be an additional piece of equipment, it is no higher than the existing arms and is not considered to result in any additional or unacceptable visual impact to the surrounding area.

64. Whilst the new development will be visible from areas that lie within the New Forest National Park, these views would be from oblique angles further to the west and east along the shoreline of Southampton Water. There is also a reasonable separation in terms of distance between the nearest points within the National Park and the application site.

65. It is therefore considered that the proposed development would not be so intrusive as to be detrimental to the setting or special qualities of the National Park, nor would it undermine the purpose of the Park to conserve and enhance the natural beauty of its landscape. Following initial concern, confirmation has now been received from the National Park Authority that following detailed consideration of the plans, no objection is being raised on these grounds.

66. The additional pipe work will lie against existing pipe work along the jetty and will then be at a low level across the site, and is not considered to pose any risk of visual impact outside the boundaries of the site. The new
truck loading facility is also well positioned within the site and will be partially screened by the underground tanks, when seen from the south. As such, is not considered result in any detrimental impact.

67. The issue of lighting must also be considered in terms of visual impact and the potential for and impacts of light pollution.

68. Policy 36.ES of the Eastleigh Borough Local Plan Review (2001-2011) states that permission will be refused for proposals which do not incorporate well designed lighting, where lighting is required. The policy goes on to state that lighting should be concentrated in areas where it is required and spillage should be minimised, with the position of lighting not detracting from the character of the locality.

69. The issue of lighting is touched upon within the Environmental Statement, primarily in terms of the potential disturbance to ecological interests and a number of safeguards are proposed to ensure that light pollution will be kept to a minimum. A number of conditions are therefore recommended requiring details of the design and siting of the proposed lighting to be submitted for approval, as well as restrictions on the hours during which lighting required for construction works can be used, as well as the actual levels of luminance.

70. These conditions have been considered both by the National Park Authority and also from an ecological perspective by the Council’s Biodiversity Officer and Natural England, and no objections have been received on these grounds.

71. It is therefore considered that whilst elements of the proposed development will be visible from foreshore, Southampton Water and the neighbouring National Park, the resulting visual impact would not be so detrimental as to be unacceptable, or to warrant a refusal of permission. The proposals are therefore considered to comply with the policy guidance contained within the development plan.

**Biodiversity & Ecological Impact**

72. As noted above, the application site lies in close proximity to a number of ecologically sensitive and important locations, which are of both international and national significance.

73. The Solent & Southampton Water Special Protection Area (SPA) and Solent & Southampton Water Ramsar site, which are European/Internationally designated sites, lie adjacent to the application site. This area supports rare, vulnerable and endangered plant species as well as being of European ornithological importance for a number of bird
species, including breeding gulls, terns and wintering waterfowl and nationally important numbers of migratory and over-wintering waders and waterfowl.

74. In addition, the Lee-on-the-Solent to Itchen Estuary Site of Special Scientific Interest (SSSI), which is a nationally designated wildlife site, lies to the east of the Terminal. This area is considered to be of high ornithological importance and supports a number of nationally scarce coastal plants.

75. Policy 21.NC of the adopted local plan states that development which is likely to adversely affect the integrity of a European nature conservation site will not be permitted.

76. Policy 22.NC goes on to state that development which is likely to have a direct or indirect adverse affect on a Site of Special Scientific Interest will not be permitted, unless the Council is satisfied that the reasons for the development clearly outweigh the harm to the nature conservation value of the site.

77. Policy 24.NC states that development will not be permitted where it would adversely affect species or habitats that are protected by legislation, unless appropriate measures are proposed which would acceptably mitigate the impact on those species.

78. This is supported by Policy 25.NC, which states that development which will adversely affect a habitat or feature of importance for wild fauna and flora will not be permitted, unless it can be demonstrated that the benefits outweigh the impacts, the adverse impacts are unavoidable and that appropriate measures are undertaken to mitigate or compensate for any impact.

79. In light of the ecological designations affecting the application site and its environs, the proposal can be considered to fall within ‘an environmentally sensitive area’ as defined by the Environmental Impact Assessment regulations.

80. During discussions held at pre-application stage regarding the type, position and scale of the proposed development, it was not possible to say that the proposal would not have significant adverse effects on the environment. Furthermore, it was not possible to say that there would be no adverse effects on the European/internationally and nationally designated wildlife sites listed above. The applicants were therefore advised that the proposals were considered to need an Environmental Impact Assessment, (EIA) which has been duly undertaken and the application is supported by an Environmental Statement.
81. In addition to the EIA, as the proposed development has the potential to affect European and Internationally designated sites, the Council is required to undertake an ‘Appropriate Assessment’ in accordance with Regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 to assess the proposal’s impacts on the interest features of these areas - the Solent & Southampton Water Special Protection Area (SPA) and Ramsar site.

82. Under advice from Natural England, the government’s advisor on wildlife, the features of interest which might be affected within the Solent & Southampton Water Special Protection Area (SPA) and Ramsar site, were identified as the wintering wildfowl and wader populations which use the coastline, particularly using feeding & refuge areas.

83. The Solent & Southampton Water Special Protection Area (SPA) is used regularly by over 20,000 waterfowl in any season, including 1% or more of the biogeographic population of Dark bellied Brent geese *Branta bernicula bernicula* along with other migratory species.

84. The potential impacts of the development have been identified as increased disturbance from noisy machinery, people and lighting (during both the construction and operation phases) and increased pollution, again during both the construction and operational phases.

85. In terms of construction, the supporting Environmental Statement, (ES), states that although pollution during construction is unlikely to occur, if it does occur, there could be an impact. The work on both the site and the jetty will be subject to the existing high level of health and safety and pollution controls. Measures are already in place on site to deal with spills and leaks, which provide barriers to potential pollution pathways to prevent pollution of surface waters.

86. In line with Natural England’s comments, the ES identifies the construction phase as having the potential to disturb the overwintering population of Brent Geese using the intertidal areas close to the site. Assuming planning permission is granted, construction work is scheduled to commence in August/September this year and it is noted that the works most likely to cause disturbance to the overwintering birds are the works to the jetty and the construction of the storage tanks. The ES states that the works to the jetty will last approximately 6 months with the on-site work lasting for approximately 12 months.

87. The ES states that the works to the jetty are proposed to take place during the spring/summer months, and therefore largely outside the overwintering bird period, and completely outside the core overwintering period, which
runs from December to February inclusive. The ES therefore concludes that it is unlikely that this work will significantly adversely affect the Brent Geese population and SPA/Ramsar site.

88. Similarly, the ES concludes that the construction work for the storage tanks will not result in unacceptable noise impact/disturbance to the overwintering bird population and SPA/Ramsar sites.

89. Using the information provided within the Environmental Statement, the Council has considered the potential impacts of the development through the Appropriate Assessment process, as outlined above.

90. The Appropriate Assessment, (AA) concludes that increased disturbance from machinery, people and lighting, could in the short term and at the wrong time of year adversely affect the fauna and wildlife for which the European/international sites are designated. There is also a risk of pollution incidents during the construction and operational phases of the development.

91. As such, it cannot be ascertained that the proposal will not adversely affect the integrity of the European/internationally designated wildlife sites. However, providing that appropriate conditions are applied to any planning permission issued, the adverse effects that can be reasonably foreseen will be avoided.

92. These conditions are summarised below:

- Work relating to the jetty to be undertaken outside the overwintering period of 1st October to 31st March inclusive
- Full details of the position and design of artificial lighting to be submitted to the Council for approval
- Restrictions on the level of luminance and the hours of operation for lighting
- Details of surface water drainage measures to be submitted to the Council for approval
- Detailed scheme for method of working/construction to be submitted to the Council for approval, prior to work commencing on site.

93. Natural England has been consulted on both the application and the Council’s AA and has confirmed that it is satisfied with the results of the applicant’s ES and the AA, and therefore considers that the proposed development is unlikely to have a significant effect on the SPA/Ramsar/SSSI interests, provided that the conditions recommended within the AA are adhered to. As such, Natural England raises no objection to the proposals.
94. The Council’s Head of Countryside supports this view, and again has no objection to the proposals, subject to the conditions outlined in the AA being attached to any permission issued.

95. The Environment Agency has also been consulted on the proposals and whilst raising no objection, has requested that conditions be attached requiring details of measures to deal with the excavation and removal of potential contamination, surface water drainage and a method/construction statement. A number of informatives have also been requested.

96. The Head of Environmental Health has also been consulted and again, although raising no objection to the proposals, has requested that a number of conditions be attached in respect of potential contamination due to the known presence of hydrocarbon contamination and previous spillages of crude oil, diesel and jet fuel. Conditions have also been recommended in respect of hours of work, no burning on site and dust prevention measures.

**Highway Issues**

97. In terms of the construction phase, the ES states that a maximum of 10 additional HGVs will require access to the site, with the construction period expecting to last for a maximum of 12 months. The additional vehicles associated with the construction phase equate to approximately 0.2% of the existing daily flow of traffic. As such, the ES concludes that the construction traffic will have a negligible impact on the overall road network.

98. It is anticipated that should permission be granted, the storage tanks will become operational in 2009. Once operational, the 100% ethanol would be transported in specialised road loading tankers to other BP Terminals within the south of England and the Midlands, which are unable to receive bioethanol via pipeline or ship. The ES states that the additional tanker movements to transport the 100% ethanol would result in additional traffic equating to 0.2% of the existing total traffic flows.

99. In addition to the transportation of the 100% ethanol, conventional gasoline comprising 5%(E5) or 10%(E10) ethanol in the future will also be exported. The ES states that it is expected that the tanker movements for the blended fuel would remain the same as the current movements for the transportation of gasoline. It is expected that the E5 product would generate 9.5 tankers per day, or 19 two-way movements and that if the requirement for the proportion of bioethanol rises to 10%, then 19 tankers per day, or 38 two-way movements would result. The ES concludes that the impact on local roads will be insignificant.
100. Policy 101.T of the adopted local plan states that development which results in additional traffic on the local road network will only be permitted if the Council is satisfied there is a proven need for the development in the location, and that contributions towards the implementation of the Local Transport Plan and/or other transport proposals may be required.

101. The Head of Transportation & Engineering originally expressed concern over the proposals, requesting clarification of the figures used in the assessment of the additional traffic movements generated by the proposals.

102. The applicants have confirmed that the additional traffic arising from the scheme is associated with tankers transporting 100% ethanol from Hamble to other terminals, and tankers transporting denaturant to the Hamble terminal. The tankers that will transport the E5 and E10 fuel from Hamble are the same as those that currently transport fuel from Hamble, the only difference being that this fuel in future years will be blended with a proportion of ethanol.

103. Clarification has also been provided in respect of the predicted 0.2% maximum increase in traffic flow associated with the scheme. Traffic survey data has been used to calculate the expected traffic flows for 2009 and 2010, without the additional tanker flow associated with the development – this allows natural traffic growth to then be included within calculations for future years when the E5 or E10 scenario will be operational. The percentage change between the base scenarios and the “with development” scenarios shows the maximum increase in traffic flow to be 0.2%.

104. The ES makes reference to guidance set out by the Institute of Highways and Transportation on what constitutes a significant impact on the local highway network, as well as guidance from the Institute for Environmental Assessment and Highways Agency relating to significance criteria. Any increase in traffic which is less than 10% is considered to be not significant and negligible, in that its bearing is too small to measure meaningfully. The ES concludes that the 0.2% increase in traffic flow resulting from the proposals is therefore negligible.

105. These comments have now been considered by the Head of Transportation & Engineering, who has confirmed he has no objection to the proposals.

106. It is noted that the tanker movements peak between 5am and 6am, to avoid the commuter traffic peak between 8am and 9am. The remaining movements are then relatively constant throughout the rest of the day. The Head of Transportation & Engineering had expressed concern that
additional tanker movements in the early hours of the morning could give rise to additional noise and disturbance to residents. However, the Head of Environmental Health has not raised an objection on noise grounds and again, due to the minimal increase in traffic movements at this time, it is not considered that an objection or refusal of permission could be sustained on these grounds.

107. As such, whilst it is accepted that there will be a slight increase in overall traffic movements once the storage tanks become operational, the proposals are considered acceptable in terms of highway safety and impact, and to comply with the relevant policy guidance within the development plan.

Air Quality, Noise & Odour

108. Policy 33.ES of the adopted local plan states that where new development appears likely to have a significant impact on air quality in the locality, the Council will require a suitable air quality assessment to be carried out prior to the consideration of the application.

109. Air quality monitoring was undertaken as part of the Environmental Impact Assessment for the proposals, with potential impact being considered for both the construction and operational phases. Monitoring was undertaken within residential areas near to the application site and within the existing AQMA on Hamble Lane.

110. The ES concludes that the impact associated with increases in road traffic generated as a result of the construction and operational phases of the development are expected to be insignificant. It is also noted that the Head of Environmental Health has raised no objection to the proposals on these grounds.

111. There are no additional emission sources associated with the proposals and due to the design of both the storage tanks and tanker loading facilities, the ES concludes that the possibility of fugitive emissions will be insignificant and will have no impact on the background air quality at the site and within the surrounding area.

112. With regards to odour, it is noted that the storage and handling of bio-ethanol could give rise to fugitive emissions of ethanol. However, it is not considered that there is a risk of odour nuisance/disturbance arising during the construction phase, as no substances with the potential to cause odour nuisance are to be stored on site.

113. During the operational phase of the development, the proposed storage tanks are designed with a floating internal roof, which prevents fugitive
emissions and meets best practice requirements for the storage of volatile materials. There is the potential for emissions during unloading/loading of ethanol as vapours can be displaced but these procedures will be carried out in accordance with best practice controls on site. Accordingly, the ES concludes that the risk of odour nuisance is insignificant.

114. Again, it is noted that the Head of Environmental Health has raised no objection in respect of this issue.

115. With regard to noise, Policy 29.ES of the adopted local plan states that industrial or commercial development which would result in any noise-sensitive premises being subject to a loss of amenity by means of an increase in noise and/or vibration exposure will not be permitted.

116. The ES predicts that construction noise would be within acceptable levels and that once operational, the noise associated from the proposals will be insignificant.

117. It is noted that the Head of Environmental Health has raised no objection to the proposals in respect of noise and it is also recommended that a condition be attached restricting limiting working hours to further limit the potential for noise disturbance to adjoining properties.

Planning obligations/considerations

118. No requirement for planning obligations has been raised in respect of this proposal.

Other material considerations

119. It is considered that there is no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and / or legislative background.

Conclusion

120. In light of the report above, it is recommended that planning permission be granted, subject to the conditions outlined in the agenda.