

Report to	Policy & Resources Committee
Date	29 March 2018
By	Wealden Heath Countryside Policy Manager
Title of Report Decision	SDNPA Response to ESSO Pipeline Consultation

Recommendation: The Committee is recommended to:

- 1. Note the proposed scheme for the replacement pipeline**
- 2. Note the impacts on the Special Qualities of the South Downs National Park**
- 3. Recommend the draft response to ESSO to be agreed by the NPA including a request that ESSO produce a fully costed scheme of mitigation and compensation before selecting the preferred route and going to formal consultation to allow proper consideration of the route**
- 4. Endorse Members' and appropriate Officers' continued engagement with the specific consultation and technical groups that ESSO has set up, to ensure NP purposes are fully represented**

I. Introduction

- I.1 ESSO informed the SDNPA in Dec 17 that they were planning to replace 90km of the existing underground multi-fuel pipeline which feeds Heathrow and Gatwick airports with petrol, diesel and aviation fuel from Fawley Refinery near Southampton. The existing pipeline route passes through the SDNP between Lower Upham and Alton, then between Binsted and Alice Holt. It was constructed in the 1960's and is coming to the end of its lifespan.
- I.2 The new pipe will be 12 inches in diameter where the existing pipe is 10 inches, this increase in size will help to future proof the fuel supply to take account of increased air traffic. The working corridor for construction traffic along the proposed route is understood to be between 30m and 12m width. Construction depots along the route will be required as temporary working and storage areas for the duration of the works. Detailed information on the construction methodology and the proposed location of depots is not yet available.
- I.3 The project will include both the construction of the proposed pipeline and also the subsequent process of decommissioning of the existing pipeline
- I.4 Officer meetings have taken place for ESSO to set out its plans for advancing the project and for the SDNPA to outline its approach to responding to major developments based on the impacts on the Special Qualities, as agreed by SDNPA members at the NPA of Sept 14 and Dec 15, see **Appendix 1**.
- I.5 This report includes the proposed draft response for recommendation to the NPA, see **Appendix 3**

2. Policy Context.

- 2.1 This proposal impacts and could contribute to the following policies of the PMP; Policy 1, 3, 4, 5, 9, 10, 19, 24, 26, 28, 30, 31, 34, 37, 38, 47

3. Issues for consideration

- 3.1 The existing pipeline passes underground through the SDNP along the corridor shown in **Appendix 2**
- 3.2 The wider corridor (200m – 300m) that is consulted over gives ESSO the flexibility to realign the pipeline should they need to avoid obstructions or environmental constraints.
- 3.3 When assessing which routes to take forward ESSO were mindful of the Major Development Test and ESSO have looked at a route outside the SDNP in two locations
- i) to the west of Winchester, and
 - ii) to the west of Four Marks.
- 3.4 The map of sifted routes included in **Appendix 2** shows an alternative route to the west of the existing pipeline alignment which has been sifted out at this stage due to likely impacts on the River Itchen Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC).
- 3.5 In selecting the route for consultation ESSO adopted 3 main principles to aid selection. The route should;
- Avoid environmentally protected and environmentally rich areas, albeit the routes are within the SDNP;
 - Be financially and physically viable;
 - Take into account the development plans in the Local Plans.
- 3.6 The routes which are outside the park have been discounted by ESSO as failing one or more of these criteria
- 3.7 A corridor of around 200m to 300m will be consulted on, which will be narrowed down to a working corridor of around 30m when the works are in progress. A 6m wide way-leave will be required over the route of the buried pipeline for maintenance etc.

4. Summary of Evidence

Heritage (Appendix 5)

- 4.1 SDNPA commissioned a report by Hampshire County Council Heritage Services which has identified the significant number of heritage features along the proposed route.
- 4.2 There are significant issues identified with both designated and undesignated features which will require re-routing and consents from Historic England.
- 4.3 The Scheduled ancient monument at Ganderdown Farm (**32560**) (SIb). This presents an overriding consideration for the proposal if this route were to be selected. The pipeline would need to be re-routed at this point, or Scheduled Monument Consent acquired for the work to be carried out. Consent, if granted would certainly require extensive, intensive archaeological investigations in return.
- 4.4 If Route SIa_II did need to pass through Chawton Park Grade II Registered Park and Garden, then Historic England would need to be consulted and the need for the route to cross the park be justified. Any impacts on the park would be likely to be temporary, unless of course works required the removal of landscape features such as tree lines.
- 4.5 Impacts on nearby scheduled monuments and listed buildings would be a material consideration at the planning stage.
- 4.6 The general archaeological potential along all of the routes within the Park is good to high. Having established this potential, with a large number of prehistoric field systems, funerary sites and possible settlements located along the routes, it is clear that the stripping of topsoil

along the pipeline easement would expose many archaeological features and that where the pipe trench crosses these features, the impact upon them would be severe.

- 4.7 General recommendations are included within the report.

Landscape and visual Impacts (Appendix 6)

- 4.8 The pipeline would be buried after construction is complete and the land reinstated. As a result, in theory, the visual impact could be reduced to occasional infrastructure associated with maintenance/safety and operation of the line; principally on/off valves at regular lengths along the route and below ground inspection chambers. However this minimal visual impact does rely on important features in the landscape being avoided and unaffected during construction of the pipeline, and sensitive construction and reinstatement methods for the landscape being used.
- 4.9 The removal or alteration of existing features due to the proposed pipeline construction could affect the continuity of the existing landscape – e.g. woodland, hedgerows and field patterns, ancient tracks and lanes, hedge banks and sunken lanes, distinctive open topography, scheduled monuments and archaeological features, rivers, streams and historic parkland for example. Long distance views along a scar in the landscape for example would result in both visual and landscape impacts.
- 4.10 Where the route passes through existing arable land it is considered that residual landscape and visual impacts could be neutral, however again this would rely on hedgerows and other existing features being gapped up or retained following completion.
- 4.11 Pasture and woodland would be more affected by the construction process where the permanent land cover would be broken by the construction corridor which could result in permanent landscape and visual impacts for example on open and unenclosed slopes of chalk downland and through areas of woodland where a 6m wide easement would be needed for the pipeline. This approach will require further detailed assessment.
- 4.12 The management of the existing soils and soil profile during excavations, storage, backfilling and reinstatement of the trenches, working areas and site compound(s) is considered to have significant risks to long term landscape character. The proposed and existing routes pass through several hugely differing geologies with widely differing soil profiles. The soils have very different properties – pH for example – which form the basis of the wide variety of biodiversity which is present in the SDNP.
- 4.13 In many locations the soil profile will vary from field to field and a lot of the route is within clay which will be particularly vulnerable to loss of the soil structure if worked when wet.
- 4.14 It is therefore recommended that the Soils chapter of the forthcoming Environmental Impact Assessment considers these issues in detail, whilst basing any methodology on a detailed survey and analysis of the existing soils along the routes and working areas. (For both the existing route for decommissioning works and the proposed new route where this differs.)

Tranquillity

- 4.15 Tranquillity mapping is included in **Appendix 6** of the landscape report. It shows that the existing pipeline route passes through some areas of high tranquillity where the presence of construction traffic and human activity would be detrimental to the tranquillity of the SDNPA for the duration of the works. There may also be a need for ventilating equipment and possibly pumping equipment to be permanent installations at locations along the route. These fixtures can cause vibration and humming which would need to be carefully sited to avoid detrimental impacts on tranquillity.

Trees and Arboriculture (Appendix 8)

- 4.16 In terms of trees and woodlands option **S1b & S1b_1** is the least directly damaging. However this route option would pass through the River Itchen SSSI & SAC and is likely to be unacceptable as a result.

- 4.17 Modifications to route alternatives to S1b & S1b_I would therefore be required as several areas of Ancient Semi Natural Woodland are currently shown as being within the route corridor.
- 4.18 Further detail will be required on minimising the impact on trees through the construction phase – e.g. compliance with BS5837 (including an Arboricultural Impact Assessment and method statement).
- Biodiversity(Appendix 4)
- 4.19 The route cuts through many hedgerows and the species diversity and connectivity of these should be considered, in some cases they may be protected by the Hedgerow Regulations (1997). Where possible damage to hedgerows should be avoided, by utilising gateways or for important species rich hedgerows consider direct drilling. Hedgerows that need to be removed should be replaced with a similar species mix.
- 4.20 The route has been planned to avoid many designated and local wildlife sites. There are a number of local wildlife sites close to the pipeline which may be affected and measures to mitigate for these impacts will be required. Any chalk downland turf which is along the route should be carefully removed and preserved and then reinstated as soon as possible.
- 4.21 There is a range of protected species found in the vicinity of the route.
- 4.22 The protection of the varied geology and soil profiles along the route during the construction process will need to be set out in a soil management document in accordance with Defra Construction code of practice for the sustainable use of soils on construction sites¹

Access and Recreation (Appendix 7)

- 4.23 The proposed routes shown on the confidential map will impact on numerous rights of way including several long distance promoted routes and the South Downs Way where the route is not just crossed by the pipeline route but the route follows the line of these paths for some distance. Open Access land at Stephens Castle Down could be affected in combination with other biodiversity impacts.
- 4.24 During construction the timetable should take account of any major events planned for the National Trail or on other rights of way ensuring any diversions (where unavoidable) are able to accommodate event numbers and are well signed.

5. Planning process

- 5.1 It is understood that permission for the pipeline will go through the National Infrastructure Planning process which is undertaken by the Planning Inspectorate (PINS) on behalf of the Secretary of State. ESSO will apply for a Development Consent Order (DCO). The National Park Authority would be considered to be a 'relevant' Local Authority and will be invited to produce a Local Impact Report on the proposals within the DCO to submit to PINS for their consideration during the application process.

Planning policy

Overarching National Policy Statement for Energy (EN-1)(ONPSE)

- 5.2 The proposals would be considered by the Secretary of State for Business, Energy and Industrial Strategy against the policy criteria set out in the Overarching National Policy Statement for Energy (EN-1) ² and The National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4) ³, (NPSGSI) some consideration will also be given to the Local Development Plan and the relevant policies in the NPPF.

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69308/pb13298-code-of-practice-090910.pdf

² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/47854/1938-overarching-nps-for-energy-en1.pdf

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/37049/1941-nps-gas-supply-oil-en4.pdf

5.3 The ONPSE sets out several policy criteria in relation to Energy infrastructure development within or close to National Parks;

- Paragraph 5.9.8 - 9 : Reference to the need for the Infrastructure Planning Commission to have regard to the statutory purposes for which national parks and AONBs were designated and refers to the NE publication which sets out the 'Duty of Regard'⁴
- Paragraph 5.9.10 sets out the approach to Energy infrastructure development proposed within nationally designated areas and broadly follows the tests for major development in Nationally designated landscapes which is set out in the NPPF;
- Paragraph 5.9.10 sets out the need for the IPC to ensure that infrastructure projects in these areas are carried out to high environmental standards.
- Paragraphs 5.9.12 & 13 sets out the considerations for infrastructure projects which might affect the statutory purposes of designated areas from beyond their boundaries – ie in the setting of the designated area.
- Paragraphs 5.9.18 – 5.9.20 covers visual impact
- Paragraphs 5.9.21 – 5.9.23 covers mitigation of landscape and visual impact.

National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4) (NPSGSI)⁵

5.4 This NPS provides the primary basis for decisions by the IPC on applications it receives for gas supply infrastructure and gas and oil pipelines. This proposed pipeline meets the criteria for IPC decision making in paragraph 1.8 point (iv) being over 10 miles in length.

5.5 Section 2.21 provides guidance for decision makers on Biodiversity, landscape and visual matters.

5.6 Section 2.22 provides guidance on impacts on water quality and resources

5.7 Section 2.23 provides guidance on soil and geology.

National Planning Policy Framework

5.8 Paragraph 115 of this document states that great weight should be given to conserving landscape and scenic beauty, wildlife and cultural heritage in National Parks, the Broads and Areas of Outstanding National Beauty;

5.9 Paragraph 116 then goes on to say that planning permission should be refused for major development in these areas except in exceptional circumstances and where it can be demonstrated to be in the public interest and meets the following tests;

- The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Local Plan documents may also be considered relevant by PINS;

The East Hants/SDNPA Joint Core Strategy 2014

5.10 The Joint Core strategy 2014 contains the following overriding policy which is relevant to the proposal

⁴<http://webarchive.nationalarchives.gov.uk/20130402204840/http://archive.defra.gov.uk/rural/documents/protected/npaonb-duties-guide.pdf>

⁵https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/37049/1941-nps-gas-supply-oil-en4.pdf

5.11 Policy CP2 Spatial Strategy

- *New development must fully acknowledge the constraints and opportunities of the South Downs National Park and the form, scale and location of development must ensure that the duty and purposes of the National Park are delivered. In particular, major new development will only be considered if it supports National Park purposes*

Winchester/ SDNPA Joint Core strategy 2013

5.12 The Winchester/SDNPA Joint Core Strategy 2013 contains the following overriding policy which is relevant to the proposal.

5.13 Policy CP19 - South Downs National Park.

- *New development should be in keeping with the context and the setting of the landscape and settlements of the South Downs National Park. The emphasis should be on small-scale proposals that are in a sustainable location and well designed. Proposals which support the economic and social wellbeing of the National Park and its communities will be encouraged, provided that they do not conflict with the National Park's purposes.*
- *Development within and adjoining the South Downs National Park which would have a significant detrimental impact to the rural character and setting of settlements and the landscape should not be permitted unless it can be demonstrated that the proposal is of overriding national importance, or its impact can be mitigated.*

5.14 The emerging South Downs Local Plan (Submission Version, September 2017).

5.15 Partnership Management Plan – Shaping the future of your South Downs National Park 2014-2019 This proposal impacts and could contribute to the following policies of the PMP; Policy 1, 3, 4, 5, 9, 10, 19, 24, 26, 28, 30, 31, 34, 37, 38, 47.

6. Next Steps

- 6.1 ESSO will be following the National Infrastructure Planning Process, looking to make a preferred route announcement in Autumn 2018, with an application submission in 2019 and the project starting in 2021
- 6.2 It is proposed that the SDNPA will request that a fully costed scheme of mitigation, or where mitigation is not possible that suitable compensation forms part of the scheme brought forward with the preferred route option/announcement to enable proper consideration and a full response to be made.

7. Other Implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	Yes – NPA April 2018
Does the proposal raise any Resource implications?	No
How does the proposal represent Value for Money?	No VfM issues
Are there any Social Value implications arising from the proposal?	No
Have you taken regard of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	No implications arising directly from this decision
Are there any Human Rights implications arising from the	No

proposal?	
Are there any Crime & Disorder implications arising from the proposal?	No
Are there any Health & Safety implications arising from the proposal?	No
Are there any Data Protection implications?	No
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy	No

8. Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
None			

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Appendices

Appendix 1 [Position Statement](#)

Appendix 2 [Map of the Proposal](#)

Appendix 3 [Draft Response](#)

Appendix 4 [Biodiversity Impact Report](#)

Appendix 5 Cultural Heritage Impact Report

Appendix 6 Landscape Impact Report

Appendix 7 [Access Impact Report](#)

Appendix 8 [Trees and woodlands Impact Report](#)

SDNPA Consultees

Chief Executive; Director of Countryside Policy and Management; Director of Planning; Chief Finance Officer; Monitoring Officer; Legal Services, Environment and Infrastructure Strategy Lead

External Consultees

None

Background Documents

[NPA Sept 14](#)

[NPA Dec 15](#)