# Local Plan Representations

## On behalf of Essar Energy Transition (EET)

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# 1. Introduction

## Purpose of Statement

1.1 These representations have been prepared on behalf of Essar Energy Transition (EET), by Essar Oil UK, trading as Essar Energy Transition Fuels (EET Fuels) in response to Cheshire West & Chester Council's (the Council) Regulation 18 consultation on the Local Plan Issues and Options.

1.2 Essar Energy Transition Fuels is part of Essar Energy Transition, which has been formed to secure new at-scale investment to support the region's energy transition. Alongside Essar Energy Transition Fuels (EET Fuels), Essar Energy Transition includes Essar Energy Transition Hydrogen (EET Hydrogen), Essar Energy Transition Hydrogen Power (EET Hydrogen Power), Essar Energy Transition Retail (EET Retail), Stanlow Terminals Limited (STL) and the recently acquired Thornton Science Park.

## Background

1.3 EET Fuels operates the Stanlow Manufacturing Complex and Tranmere Oil Terminal. Together the refinery, terminal and pipelines are a nationally important facility producing approximately 17% of road fuels used in the UK as well as a wide range of aviation fuels, shipping fuels and other oil-based feedstocks for the plastics and other industries. Thus, ensuring that these operations are not prejudiced by inappropriate development in their vicinity is very important in maintaining the security of refining capacity and fuel supply security within the UK, but equally important is Essar Energy Transition's planned energy transition investments at these sites which will deliver the UK's future energy and industrial needs as set out in further detail in these representations.

1.4 Stanlow enables employment of approximately 1,600 people (with 800 directly employed by the company). EET Fuels is a high paying employer, with workers earnings four times the average income for Cheshire West and Chester and 58% of employees living in Cheshire, where these incomes are boosting the local economy.

1.5 EET Fuels processes 9 million tonnes of crude oil a year, all of which arrives via the deep water facilities at Tranmere. The Refinery produces a range of oil products including about one fifth of Britain's transport fuels annually - about 4.4 billion litres of diesel, 3 billion litres of petrol and 2 billion litres of jet fuel. The sites play a critical part in the national economy. Stanlow is one of just 4 large scale refineries remaining in the UK following the closure of Grangemouth earlier this year and Lindsey currently in administration. The importance of the limited number of refineries remaining should not be underestimated and they should be given adequate protection and continue to be considered as Critical National Infrastructure.

1.6 EET Fuels is a major transport fuel supplier in North West England with customers including most of the major retail brands operated by the international oil companies and the supermarkets, together with ten airports, including Manchester, Liverpool, Leeds-Bradford and Cardiff airports and the region's trains and buses. This effectively means that whatever mode of transport is used in the region, it is likely to be running on fuel provided by these facilities.

1.7 EET Fuels' operations are advantaged over some refineries in that they have an enhanced ability to convert the low value heavy end of the barrel to more sought-after products such as petrol. In addition to petrol, diesel and other fuel oils, EET Fuels also produce large quantities of a wide range of oil based chemical products on Stanlow Manufacturing Complex including propylene, ethyl benzene and toluene, used in the chemicals industry locally and nationally.

1.8 The Stanlow Manufacturing Complex and connected Tranmere Oil Terminal represent Critical National Infrastructure. Upper Tier Control of Major Accident Hazard sites (COMAH) such as these are a finite resource; that is to say that there are very few installations in the UK that are able to accommodate such activities. The economic contributions that these sites make to the regional economy are extremely site specific and impossible to reproduce elsewhere. The sites are linked to deep sea access, nationwide pipelines, extensive rail and road infrastructure; and they are embedded within a complex cluster of high-value industries that have evolved around the complex

and the wider industrial cluster in Cheshire West & Chester. These are all crucial spatial features that facilitate their economic contributions, and would be impossible to replicate at another site. They also provide locations ideally equipped for hydrogen and carbon capture and storage given the existing infrastructure and that a range of a Hazardous Substance Consents (HSCs) are already in place.

1.9 Stanlow sits within Origin which is one of the most important industrial and employment clusters in the UK, including 1,300 businesses employing 24,100 people. Origin is at the forefront of advanced plans to respond to the Climate Emergency through several transformational projects. Most significant is HyNet, an industry-led initiative to develop world-leading Carbon Capture Usage and Storage (CCUS), low carbon hydrogen production and Hydrogen Power.

1.10 Essar Energy Transition's vision is to be a leading producer of low carbon fuels and develop a world-leading energy transition hub in the North West of England. Consequently, its future investment plans are focused on enabling EET Fuels and other local businesses' decarbonisation. This includes building new energy transition and industrial decarbonisation infrastructure: low carbon hydrogen production and related infrastructure to enable the regional hydrogen economy, sustainable aviation fuels production, carbon capture and onsite link to the Liverpool Bay CO2 Transport and Storage System, which is under construction, as well as proximity to future additional CO2 storage in the Morecambe Net Zero system. The planned connections to the Stanlow site from both CO2 networks provide the opportunity to develop a CO2 aggregation hub at the Tranmere Oil Terminal, alongside shipping and intermediate storage of other transition molecules to enable the energy transition. The Stanlow site in a unique position at the forefront of HyNet, the leading industrial decarbonisation cluster unlocking the hydrogen economy in the North West. HyNet is one of the four CCUS clusters announced by the government and is in fact one of two 'Track 1 clusters' prioritised for government funding. Essar Energy Transition are committed to encouraging inward investment to Ellesmere Port, Cheshire West & Chester and the wider net zero economy along the North West Energy Corridor and Cheshire Science Corridor.

1.11 Essar Energy Transition's ambition is the expansion and transition of the Stanlow Manufacturing Complex into the Stanlow Energy Park which will be:

- A multi vector energy park; which both produces and uses multiple energy vectors (electricity, hydrogen, gas, liquid fuels)
- A decarbonisation superhub; providing low carbon hydrogen, power and sustainable aviation fuel,
- A focal point for the regions' emissions strategy, reducing by 12% regional CO2 emissions, by becoming the world's first 95% decarbonised refinery
- A crucial provider of regional and national energy security through the delivery of energy products across the UK
- An investment hub for local businesses building or relocating to access low carbon energy
- A circular economy energy park; seeking to utilise energy in the most efficient and circular ways

1.12 It is envisaged that Stanlow Energy Park (which consists of the Stanlow Manufacturing Complex and Thornton Science Park) will become the pre-eminent low carbon energy transition hub in the North West, supporting the region to decarbonise at scales not yet seen in the UK. Stanlow is at the centre of HyNet which is made up of several key pieces of infrastructure. Together, these will provide the North West and North Wales with low carbon hydrogen and also the opportunity to capture carbon emissions and permanently lock them away. HyNet includes:

- Hydrogen Production: EET Hydrogen
- Hydrogen transport network via underground pipeline: Cadent
- Hydrogen Storage: INEOS Inovyn and Storengy
- CO2 transport and storage: Eni

1.13 Essar Energy Transition Hydrogen at Stanlow is a critical part of HyNet which is the leading UK industrial decarbonisation cluster, unlocking the hydrogen economy in the North West and North Wales. It is an innovative, demand-led initiative that brings together regional, national and international companies which are at the forefront of the UK's transition to net zero. The key aim of HyNet is to reduce carbon emissions by providing low carbon hydrogen for industrial decarbonisation, with potential to deliver up to 10 million tonnes

per year to employers across the North West, the equivalent of taking four million cars off the road.

1.14 The Essar Energy Transition Hydrogen scheme at Stanlow is the leading low carbon hydrogen production project in the UK by size and speed to market. Together the first two low carbon hydrogen production plants (HPP1 and HPP2) will:

- Deliver 1.35GW of production
- Capture some 2.5 million tonnes per annum of CO2 - equivalent to taking 750,000 cars off the road
- Enable leading industrial companies in the region to decarbonise their energy source and make low carbon glass and chemicals
- Help to ensure that the Stanlow refinery can be the first low carbon production refinery in the world

1.15 The plans and policies currently in place, including Policy EP3 (Stanlow Special Protection Area) of the current Cheshire West & Chester Local Plan have worked to protect Stanlow against inappropriate development which is why it is ideal for the hydrogen production and carbon capture project. The Hazardous Substances Consents (HSCs), and other protections have worked to enable new nationally significant infrastructure projects to come forward.

1.16 The Stanlow Energy Park is strategically important locally, regionally and national for the following reasons:

- Energy Security – producer of approximately 20% of UK road and aviation fuels and only 1 of 4 remaining UK refineries
- Multi-Energy Vectors – Multiple energy vectors will be produced, used or transported through Stanlow which sits at the intersection of the H2 and CO2 transport systems in HyNet, underpinning HyNet development & growth
- Scale – 2000 acres, with plans for low carbon hydrogen and power, Sustainable Aviation Fuel (SAF) and storage of transition molecules at world leading scale
- Job Security - Large local employer supporting highly skilled and paid workers to the benefit of the local economy. The majority of workers are located within

CW&C; >800 own employees and >800 contractors; with creation of >3,500 construction jobs across our projects and >250 new operational roles

- Economic growth – Near term plans to channel >£3bn into Essar Energy Transition projects, with expansion potential of >£5bn, plus up to £14bn of third-party investment
- Decarbonisation – Near term plans to remove >7m tonnes CO2 / year; locally at site and regionally (low carbon power / hydrogen / SAF sold)
- Aligned to Clean Energy Superpower aim – delivers both large scale low carbon H2 production, CO2 capture and critical sustainable aviation fuels
- Delivering local Net Zero plans – a key part of the Cheshire West, Liverpool and Greater Manchester decarbonisation / Net Zero plans

1.17 It is therefore vital that the site is protected not only for its current operations but also for Essar Energy Transition's future investment plans which are now focused on decarbonisation, building new energies infrastructure for hydrogen and other low carbon fuels and developing a CO2 aggregation and shipping hub to enable the energy transition and support the UK's ambitions to move to Net Zero.

1.18 Essar Energy Transition's responses are set in the context of the following key paragraphs from the National Planning Policy Framework (NPPF).

> ***"****Planning policies and 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. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.* ***This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential****".* Paragraph 85 (Our emphasis)

> ***"****Planning policies and decisions* ***should recognise and address the specific locational requirements of different sectors****. This includes making provision for:*

a) *clusters or networks of knowledge and data-driven, creative or high technology industries; and for new, expanded or upgraded facilities and infrastructure that are needed to support the growth of these industries (including data centres and grid connections);*

b) *storage and distribution operations at a variety of scales and in suitably accessible locations that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation; and*

c) ***the expansion or modernisation of other industries of local, regional or national importance to support economic growth and resilience"***. Paragraph 87 (Our emphasis).

# 2. Responses

## Question SS12 Spatial Strategy

2.1 For reasons outlined in the below response to question SS28, it is clear that Ellesmere Port and the village of Elton are significantly constrained by existing industry and associated COMAH zones which significantly restricts the type of development which is acceptable in such locations including the Stanlow Manufacturing Complex.

2.2 Essar Energy Transition consider that the Council must therefore be mindful of this when considering the potential spatial strategy. In view of the constraints and importance of Stanlow and the wider Origin cluster, Essar Energy Transition consider that a spatial strategy which provides any significant greenfield development elsewhere in the district would be more appropriate.

## Question SS28 Ellesmere Port

2.3 Question SS28 asks if there are any constraints, including infrastructure provision, that should be considered for Ellesmere Port when developing the new Local Plan?

2.4 In terms of suitable locations for new development on the urban edge of Ellesmere Port, the Stanlow Manufacturing Complex and its associated COMAH zones present a major constraint which the Council must take into account when formulating the new local plan and considering potential growth options. Essar Energy Transition are concerned that map 7.1 which outlines the key constraints for Ellesmere Port does not include Stanlow or its associated COMAH zones.

2.5 Stanlow is designated as an Upper Tier site under the Control of Major Accident Hazards Regulations 2015 (COMAH) due to the quantity of hazardous substances present. Essar Energy Transition is therefore tightly regulated under the COMAH regime and is required to comply with a range of strict regulations. The storage of hazardous substances at or above certain thresholds, requires a Hazardous Substance Consent (HSC) pursuant to

the Planning (Hazardous Substances) Regulations 2015. Stanlow has such consent for the site.

2.6 In terms of legal compliance of the local plan, the Council will need to demonstrate that it has had regard specifically to Stanlow as an Upper Tier COMAH site classified as Critical National Infrastructure and to build in specific provisions to be met in order to ensure the protection of people within this location and to protect the ongoing operation of this site. The plan must explicitly provide that new development must not prejudice or conflict with the continued operation of the Stanlow Manufacturing Complex.

2.7 In addition, there is a network of pipelines which link the Stanlow Manufacturing Complex with the Tranmere Oil Terminal and other sites around the rest of the UK, for example to Grangemouth, Carrington, Anglesey, Liverpool Airport and the West Midlands. In particular, the main pipelines between Stanlow and Tranmere run around the southern and western edges of Ellesmere Port through the suggested growth options at map 5.5 of the Issues & Options Local Plan. The importance of the existing and proposed pipeline network should not be underestimated and is another reason why locationally Stanlow is at the centre of HyNet. The Stanlow Manufacturing Complex has been operating for over 100 years with infrastructure and industry built up around it and it is not practical to simply relocate the facilities elsewhere.

## Question SS74 Elton

2.8 In terms of the suggested potential growth options for Elton shown on map 5.21, Essar Energy Transition would strongly object to the allocation of option ELT02 for residential development given its proximity to the Stanlow Manufacturing Complex and as it is within the inner and middle COMAH zone associated with Stanlow. Such a use in this location would also generate an objection from the Health & Safety Executive (HSE). It is not a suitable location for residential development.

2.9 Residential development in this location would impact upon Essar Energy Transition's ability to demonstrate to the HSE that it is operating its site to reduce major accident hazards to a level where they are ALARP. The position regarding this and the HSE land use planning methodology is set out comprehensively in response to Question EP3.

2.10 The majority of this land is also owned by Essar Energy Transition and is suggested to be included within the Stanlow special policy area as outlined in the response to Question EP3.

2.11 For the reasons outlined above this land is not suitable as a housing allocation and Essar Energy Transition would object if it is taken forward as such. Moreover, Essar Energy Transition have no intention of releasing the land for residential development.

2.12 ELT01 is also located within the inner COMAH zone associated with Stanlow and any employment allocation on this site must clearly set out the restrictions associated with this.

## Question SS76 Elton

2.13 As outlined in the response to Question SS28, in terms of suitable locations for new development around the village of Elton, the Stanlow Manufacturing Complex and its associated COMAH zones present a major constraint which the Council must take into account when formulating the new local plan and considering potential growth options.

2.14 Stanlow is designated as an Upper Tier site under the Control of Major Accident Hazards Regulations 2015 (COMAH) due to the quantity of hazardous substances present. Essar Energy Transition is therefore tightly regulated under the COMAH regime and is required to comply with a range of strict regulations. The storage of hazardous substances at or above certain thresholds, requires a Hazardous Substance Consent (HSC) pursuant to the Planning (Hazardous Substances) Regulations 2015. Stanlow has such consent for the site.

2.15 In terms of legal compliance of the local plan, the Council will need to demonstrate that it has had regard specifically to Stanlow as an Upper Tier COMAH site classified as Critical National Infrastructure and to build in specific provisions to be met in order to ensure the protection of people within this location and to protect the ongoing operation of this site. The plan must explicitly provide that new development must not prejudice or conflict with the continued operation of the Stanlow Manufacturing Complex.

## Question EP1 Ellesmere Port

2.16 Essar Energy Transition generally support the vision set out for Ellesmere Port in draft policy EP1 subject to the specific comments raised in relation to question EP3 and Stanlow and Thornton Science Park along with the responses on Questions SS28 (Ellesmere Port), SS74 (Elton) and SS76 (Elton).

## Question EP3 (Stanlow & Thornton Science Park)

2.17 For the reasons set out earlier in these representations, Essar Energy Transition fully support a specific policy within the local plan for Stanlow. Essar Energy Transition consider this to be crucial to ensure that the importance of Stanlow is appropriately recognised in the local plan and provides an effective and justified policy that protects the site, as Critical National Infrastructure, in line with the requirements of the NPPF. However, the protections afforded in the current local plan must not be reduced for the reasons outlined in these representations.

### Stanlow Energy Park

2.18 However, Essar Energy Transition are concerned by the removal of some elements of the current policy within the adopted local plan (policy EP3). The current policy advises that any new development "*must not prejudice the continuing operation of the refinery*". The draft policy included within the Issues & Options consultation does not include such a provision.

2.19 The importance of the operations at Stanlow have been set out previously. Thus, ensuring that these operations are not prejudiced by inappropriate development in their vicinity is imperative in maintaining the security of refining capacity and fuel supply security within the UK, but equally important is the energy transition investments in Stanlow which will help deliver the UK's future energy needs and the path to Net Zero.

2.20 The continued operation of the Stanlow site is not limited to that which exists at the site now, but also includes future proposals at the site, some of which are already at various stages of development. The most advanced schemes are the hydrogen schemes HPP1

and HPP2, both of which have planning permission. This comprises the general level of flexibility required for a dynamic site such as this, which may fully utilise existing HSCs or indeed obtain further HSCs, together with potential future development, as previously set out.

2.21 Accordingly, when seeking to protect Critical National Infrastructure such as Stanlow, it is necessary to consider the flexibility needed for future operations as well as the range of potentially hazardous substances that may need to form part of the site's inventory. Given the dynamic nature of these facilities, it would be inappropriate to simply base any judgement on a snapshot of existing operations; a more strategic long-term view is required. Various Nationally Significant Infrastructure Projects (DCOs) have been submitted and, as such, the Council will be aware of the importance of these developments on the future demand for appropriate land within Cheshire West & Chester.

2.22 The protection of Stanlow and ensuring its ability to operate flexibility and to grow is critical to fuel security in the UK. There is also a need for a strategic joined up approach to ensure the delivery of future plans that will drive local and regional economic growth are not unduly constrained. The plans and policies in place have worked to protect Stanlow against inappropriate development which is why it is ideal for the hydrogen production and carbon capture project. The HSCs and other protections have worked to enable new nationally significant infrastructure projects to come forward.

2.23 Whilst the HSE land use planning policy provides guidance for Local Planning Authorities (LPAs) on the assessment of planning applications in close proximity with COMAH sites, it does not take account of the knock on effect to the operation of the COMAH site and its safety planning requirements.

2.24 The HSE's approach to providing LUP advice is based on the following general principles:

- The advice is based on the residual risk to people which remains after all reasonably practicable measures, as required by the Health and Safety at Work etc. Act 1974 and its relevant statutory provisions, have been taken at the establishment which has the benefit/entitlement of an HSC

- Account is taken of the maximum quantities of hazardous substances permitted by the consent and any conditions attached to the consent (Planning Practice Guidance, Hazardous Substances, paragraph 068)
- Where beneficial, the advice takes quantitative account of the frequency aspect of risk as well as hazard – that is the likelihood of an event as well as its consequences
- However, where the quantification of risk is difficult, uncertain, or potentially misleading, the advice is based on residual risk as represented by the consequences of a representative foreseeable major accident. This approach, which was endorsed by the ACMH, is known as the 'Protection Concept' approach and takes into account the likelihood of accidents in a semiquantitative way
- Furthermore, and most importantly, it should be recognised that actual major accidents and their effects may differ both in character and in scale from the representative one. Consequently, a benefit of the Protection Concept is that LUP advice based on it should provide a high degree of protection against more likely smaller major accidents and also very worthwhile protection against unlikely, but foreseeable, larger ones
- The advice is based on cautious best-estimate assumptions with some overestimation preferred where justification is difficult
- Account is taken of the size and nature of the proposed development, the inherent vulnerability of the exposed people and the ease of evacuation or other emergency procedures. Some types of development (e.g. schools and hospitals) are regarded as more sensitive than others (e.g. light industrial) with the advice weighted accordingly
- The advice is based on the risk of serious injury, not just fatality, with particular weight given to proposed development which might result in large numbers of casualties in the event of an accident. There is also an aspect of vulnerability taken into account i.e. schools verses workplaces for example.

*The Protection Concept*

2.25 The Protection Concept is based on the principle of protecting populations potentially exposed to a hazard. The HSE aims to recommend a separation distance between the development and the hazard to provide a high degree of protection.

2.26 The worst events are identified and thereafter a representative one ("Representative Worse Case Scenario"), with the aim of representing all potential events, is chosen to determine a separation distance based on a level of harm that could be experienced by an individual.

2.27 The HSE considers the use of a Representative Worst Case Scenario to be the most appropriate means of providing its LUP Public Safety advice in the long-term, given the inherent unknowns concerning the range of major hazards events that can or could arise from incidents involving the large scale storage of highly flammable liquids, in combination with the freedoms inherent in planning HSCs.

*Cautious Best Estimate*

2.28 In view of the uncertainties involved in predicting risk, particularly at residual levels, where low likelihood events can have high consequence levels, the HSE uses a 'Cautious Best Estimate' ("CBE") approach when providing its LUP advice.

2.29 A CBE approach may tend toward the upper bound estimation when justification of assumptions and methods is difficult.

*How the HSE's LUP principles are put into practice*

2.30 The HSE notifies the LPA of a consultation distance or zone for all sites where an HSC is in place. In most cases the HSE identifies an Inner (red), Middle (green) and Outer (blue) Zone within the Consultation Zone.

2.31 When considering planning applications, the HSE uses a categorisation scheme which groups development types broadly according to size, nature (indoor/outdoor), inherent vulnerability of the exposed population, proportion of time people are likely to be present, and ease of evacuation/other emergency measures.

2.32 The decision-making matrix from the HSE's LUP methodology is reproduced below.

| Level of Sensitivity | Development in Inner Zone | Development in Middle Zone | Development in Outer Zone |
|---|---|---|---|
| 1 | DAA | DAA | DAA |
| 2 | AA | DAA | DAA |
| 3 | AA | AA | DAA |
| 4 | AA | AA | AA |

**DAA** = **Do not Advise A**gainst development
**AA** = **A**dvise **A**gainst development

2.33 As such, whilst it may be possible for development proposals around the site to comply with the requirements of the HSE's land use planning policy, changes to the land uses around the boundary of Stanlow will have implications on their safety planning and requirements under the Control of Major Accident Hazards Regulations 2015. The regulations require every COMAH operator to prepare and keep a document setting out their major accident prevention policy as part of a Safety Report.

2.34 Major accident prevention should be based on the principle of reducing risk to a level as low as is reasonably practicable ("ALARP") for both human and environmental risks. However, the ideal should always be, wherever possible, to avoid a hazard altogether. 'All measures necessary' includes measures for mitigating the effects of major accidents. Such a Safety Report exists for Stanlow, the objective of the operator being to always manage risks to the ALARP standard.

2.35 As set out above, within HSE's land use planning methodology developments are categorised into one of four sensitivity levels (SL1, SL2, SL3, SL4) and a decision matrix is used to provide advice on such developments in the Inner, Middle and Outer zones around the Hazardous Installation. These land use planning zones are produced by HSE.

2.36 Any change in circumstances may impact on Essar Energy Transitions ability to demonstrate to the HSE that it is operating its site to reduce major accident hazards to a level where they are ALARP. For example, additional mitigation may be needed for Essar Energy Transition to comply with their requirements and the cost of such which, depending on the level of mitigation may be significant, would be borne by them and not the '*agent of change'* contrary to paragraph 200 of NPPF.

2.37 This is the critical point as such additional mitigation requirements borne out of changes of land use in the vicinity of the site have the potential to significantly impact on the operation of Stanlow and the flexibility that it needs to operate in a dynamic and changing market. It is also in a unique position at the forefront of HyNet, the leading industrial decarbonisation cluster, unlocking the hydrogen economy in the North West. There aren't many of these types of facilities in the country, so it is vital that they are given adequate protection and should be considered as a national resource.

2.38 In view of the above, Essar Energy Transition would respectfully request that the draft policy EP2 is amended to include the explicit protection for Stanlow included in the current local plan policy (EP3) namely that any new development must not prejudice the continuing operation of Stanlow. Appropriate consideration must also be given to potential future developments given Stanlow's central position of HyNet and Origin.

2.39 In addition to the above, and to assist the Council in formulating the wording of draft policy EP2, some further wording changes have been suggested below at paragraph 2.53, largely to ensure that it is reflective of existing and proposed operations on the Stanlow site.

Thornton Science Park

2.40 Essar Energy Transition purchased Thornton Science Park from the University of Chester in July 2025 on the basis of its current planning status, which make it an attractive site for delivering on the county's science, innovation and skills agenda, due to the ability to utilise its previous industrial facilities for research and hands-on industrial skills development.

2.41 The Science Park has been at the forefront of scientific and industrial research and development and is a key asset to the Cheshire Science Corridor. It has also played a significant role in identifying sustainable energy sources to address meeting the UK's 2050 net zero emissions target.

2.42 Essar Energy Transition plans for Thornton Science Park to play a key role in its regional energy transition hub by undertaking research and innovation across the energy sector including sustainable fuels and chemicals. It will also be the UK headquarters for Essar Energy Transition including:

- EET Fuels, which is transitioning Stanlow Manufacturing Complex to become the UK's first low carbon refinery and leading producer of low carbon fuels
- EET Hydrogen, which is developing one of the first large scale, low carbon hydrogen production hubs in the world
- EET Hydrogen Power, which is developing Europe's first hydrogen fuelled combined heat and power plant
- Stanlow Terminals Ltd, which the UK's largest independent bulk liquid storage terminal, and is developing enabling transport and storage infrastructure for biofuels and new energies

2.43 Thornton Science Park is already home to some important occupiers including the UK Geo-energy Observatory operated by the British Geological Survey (BGS) and funded by UKRI. The groundbreaking facility delivers unique research infrastructure that will help the UK explore the potential of geothermal energy to decarbonise the energy used for heating its homes and businesses, which is a critical step in tackling climate change.

2.44 Thornton therefore provides a significant opportunity to cluster industry and innovation with partners working collaboratively including skills training and empowering future workforces around energy transition.

2.45 Having just completed the purchase of the Thornton Science Park, Essar Energy Transition are reviewing its opportunities and constraints as the site will need to undergo redevelopment to provide the facilities, buildings and infrastructure needed to maximise the important role the Science Park will play within the energy transition hub. The Science

Park will play a positive role in the local, regional and national economy, creating and safeguarding jobs within the energy and industrial sector.

2.46 Essar Energy Transition would therefore welcome the relevant part of policy EP2 to be sufficiently flexible to enable the delivery of an energy transition hub which includes the office headquarters of the various Essar Energy Transition related companies outlined previously.

Land to the East

2.47 Essar Energy Transition control further land to the east of the existing Stanlow boundary. A suggested revised boundary to include this land is shown on the plan at **Appendix A**.

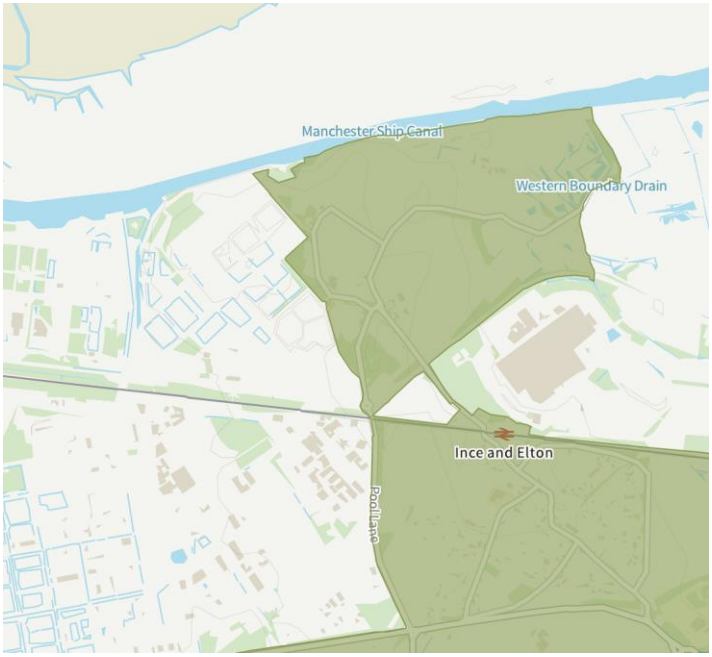
2.48 The land sits within an area broadly defined as Eastern Growth District of the Ellesmere Port Industrial Area (Origin) to the east of the Stanlow Manufacturing Complex. The Eastern Growth Distrct includes all land to the east of Pool Lane. This includes the communities of Ince and Elton, the major industrial plants of Encirc Glass and CF Fertilizers, and the major resource recovery and energy park of Protos.

2.49 Essar Energy Transition would therefore suggest that further land should be released from the Green Belt and incorporated into the Stanlow policy area for the purposes of draft policy EP2. Such an approach would align with the wider aspirations of Origin by ensuring that there is maximum flexibility on the land available to deliver the many important projects that Essar Energy Transition are looking to deliver at Stanlow. For example, a hydrogen export pipeline is proposed in this area to send low carbon hydrogen produced at Stanlow to Encirc Glass, which is critical to their decarbonisation plans.

2.50 Moreover, some of these parcels of land have already been identified as potential growth areas in the Ellesmere Port Industrial Area: Development and Infrastructure Investment Framework (May 2021), including the area to the east of Pool Lane close to the Thornton Science Park. These areas of land no longer serve their original purpose.

2.51 Essar Energy Transition acknowledge that there are existing built environment constraints in their area including the settlement of Ince which includes a large number of listed buildings and the settlement of Elton to the south. It is however clear that in view of

existing development that has already taken place across the Green Belt in this location, it does not really serve a purpose, and a large area has already been removed to enable the delivery of Protos as shown on the plan overleaf.




2.52 Indeed, it is considered that the land would fall within the definition of Grey Belt as it does not strongly contribute to Green Belt purposes a, b, or d.

2.53 As such, Essar Energy Transition would be happy to discuss the appropriate location of an extended 'Stanlow boundary' in this area.

Suggested Changes to Draft Policy EP2 (Stanlow & Thornton Science Park)

2.54 Essar Energy Transition would suggest the following wording for draft policy EP2:

> *Land at Stanlow (to be identified on the policies map) will be safeguarded for nationally significant petrochemical and related industries. Any new development must not prejudice the continuing operation of the refinery and must not conflict with the continuing operation of existing businesses in the Stanlow area as identified on the policies map.*

*New developments are encouraged to support the low carbon energy transition, and where appropriate include measures to decarbonise heavy industrial processes (see section 28 'Energy' and approach to low carbon fuel).*

*The development of land at Stanlow (as shown on the policies map) for employment or related sui generis uses will also be supported.*

*All development proposals should include public safety and security measures and will be required to meet health and safety legislation.*

*Proposals involving freight movements, warehousing and logistics should, where possible, maximise opportunities to transport products by non-road modes of transport including pipelines and the Manchester Ship Canal.*

*Development should minimise and mitigate any impacts on the local environment, health, residential amenity, potential for pollution, noise generation and flood risk.*

*Thornton Science Park is located within Stanlow and identified for research and development and employment uses. The central landscape area is important for the character and quality of the science* park and should be retained and enhanced with any development proposals.

2.55 The reasons for the suggested changes above are outlined below.

2.56 The reasons for the need to protect the existing and proposed operations at Stanlow have been comprehensively outlined earlier in these representations and the suggested changes above reflect the existing protections within the current Local Plan.

2.57 For the reasons outlined below in relation to Question EP4, there are significant areas within Stanlow that are greenfield and are required for future development and to meet the aims for the Stanlow Energy Park outlined earlier in these representations. There are also other compatible uses which would come forward within the Stanlow policy area which would not create issues with the COMAH zones. As such, the suggested wording is intended to ensure that the policy is clear that development of any land within the Stanlow

policy area is supported for the uses outlined in the draft policy including on both brown and greenfield land and also development associated with the existing refinery operations, the low carbon energy transition and other employment or related sui generis uses.

2.58 The other suggested changes are minor and intended to provide flexibility particularly in relation to freight movements as it is not always possible to move freight by the suggested means given the nature of the proposals and operations.

2.59 In terms of the reference to minimising and mitigating any visual impacts, given the existing context and nature of the refinery and other consent proposals within Stanlow policy area, including the two hydrogen schemes, a pragmatic approach to visual impact must be undertaken. The majority of the new projects and schemes that will come forward will be of a significant scale and will be viewed as part of the existing industrial context. It is therefore not considered necessary to include visual impacts in this part of the draft policy.

2.60 With regards to Thornton Science Park, Essar Energy Transition would therefore welcome the relevant part of policy EP2 to be sufficiently flexible to enable the delivery of an energy transition hub, which includes the office headquarters of the various Essar Energy Transition related companies outlined previously. A slight wording change is therefore suggested which would bring the draft policy more in line with policy EP5 of the current Local Plan.

## Question EP4 (Stanlow & Thornton Science Park)

2.61 Essar Energy Transition support the re-use of previously developed land (PDL) within Stanlow as large parts of the manufacturing complex are PDL but, equally, the development of Stanlow outlined above also requires the delivery of highly important schemes on greenfield land. There are significant areas within Stanlow that are greenfield and are required for future development and to meet the aims for the Stanlow Energy Park outlined earlier in these representations.

2.62 Essar Energy Transition would therefore suggest the final sentence of draft policy EP2 be amended as follows:

*"the development of land at Stanlow (as shown on the policies map) for employment or related sui generis uses will be supported"*

2.63 This will ensure that the policy is effective and flexible.

## Question HW 1 Health and wellbeing

2.64 Essar Energy Transition are concerned that the provisions within Policy DM34 (Development in the vicinity of hazardous installations) of the current Local Plan have not been carried into draft Policy HW1. Policy DM34 of the current local plan states:

*"Development in the vicinity of hazardous installations, including proposed new installations for which planning permission or hazardous substances consent has been given, will be supported providing it would not result in a significant increase in the number of people being subjected to threshold levels of risk.*

*Exceptions to this policy may be considered in existing built-up areas or where there is an existing commitment to development, in order to achieve a balance between the need for investment and regeneration within the existing urban areas and the degree of risk involved".*

2.65 In addition, the current Local Plan also has a policy relating to new or extensions to hazardous installations.

2.66 The wording now proposed as part of draft policy HW1 in the Issues & Options draft is as follows:

"*Hazardous substances consent or development proposals in the vicinity of hazardous installations which creates new hazardous installations, extends existing hazardous installations will be supported providing that they do not result in a significant increase in the number of people being subjected to threshold levels of risk.*

*Applications for underground hazardous waste storage will be supported providing it is demonstrated that it is the most sustainable option, that ground stability would not be affected and that mineral reserves would not be sterilised".*

2.67 Paragraph 16.5 of the Local Plan Issues & Options suggests in relation to the current policies:

> *"The approach towards hazardous installations and development in the vicinity of these, including hazardous pipelines, is currently set out in Local Plan (Part Two) policies DM 33 and DM34. The intention is to incorporate them into section 21 'Health and wellbeing' in the new Local Plan.*

2.68 The wording of draft policy HW1 does not seem to include provision for how to assess development proposals within the vicinity of hazardous installations which do not create new hazardous installations or extends existing hazardous installations. Nor does it make any reference to pipelines as suggested in paragraph 16.5.

2.69 Essar Energy Transition therefore consider that the wording of this policy needs to be reviewed to ensure that it provides appropriate protection to hazardous installations and in particular Stanlow for the reasons outlined in relation to Question EP3.

## Questions FW1 & FW3 Flood Risk & Water Management

2.70 There are several watercourses which pass through the Stanlow Manufacturing Complex including the River Gowy, Thornton Brook and Mill Brook. In addition, Essar Energy Transition control an area of land to the south of the A5117 which is identified as a flood storage area which provides a flood alleviation scheme that protects Stanlow. As such, managing flood risk and protecting the operation of the manufacturing complex at the Stanlow site is a key issue for Essar Energy Transition.

2.71 Essar Energy Transition are therefore concerned that development within flood zones or development where flood risk and drainage is not appropriately mitigated further upstream in the wider river catchment area may put pressure on the existing flood storage area and in turn impact upon the operation of the Stanlow Manufacturing Complex.

2.72 It is noted the Cheshire West Local Flood Risk Management Strategy (2016) is being updated. Essar Energy Transition would be happy to input into the preparation of this document if considered helpful and would also welcome the opportunity to review its findings/conclusions.

## Question GI1 Green Infrastructure, Biodiversity & Geodiversity.

2.73 Essar Energy Transition support the aims of draft policy GI1 but consider that appropriate flexibility must be built into the policy to ensure the policy is suitable and effective in a range of scenarios. Essar Energy Transition consider that criteria 1 of draft policy GI1 which states that "proposals for new development must not result in any net loss of natural assets and deliver a net gain, in line with national policy," is not consistent with NPPF. Paragraph 187 of NPPF advises, amongst other things, that planning policies should contribute to and enhance the natural environment by "minimising impacts on and providing net gains for biodiversity…". It does not suggest that development must not result in any net loss of natural assets.

2.74 Essar Energy Transition acknowledge that the protection and enhancement of protected sites, habitats and should follow the mitigation hierarchy.

2.75 However, the Stanlow Manufacturing Complex and connected Tranmere Oil Terminal represent Critical National Infrastructure. Upper Tier Control of Major Accident Hazard (COMAH) sites such as these are a finite resource; that is to say that there are very few installations in the UK that are able to accommodate such activities. The Stanlow Manufacturing Complex has been operating for over 100 years with infrastructure and industry built up around it and it is not practical to simply relocate the facilities elsewhere. The economic contributions that these sites make to the regional economy are extremely site specific and impossible to reproduce elsewhere. The sites are linked to deep sea access, nationwide oil pipelines, extensive rail and road infrastructure; and they are embedded within a complex cluster of high-value industries that have evolved around the complex. These are all crucial spatial features that facilitate their economic contributions, and would be impossible to replicate at another site. They also provide locations ideally equipped for hydrogen and carbon capture, given the existing infrastructure and that a range of HSCs are already in place.

2.76 The plans and policies in place have worked to protect Stanlow against inappropriate development which is why it is ideal for sustainable aviation fuel, low carbon hydrogen production and carbon capture projects. The HSCs and other protections have, to date, worked to enable new nationally significant infrastructure projects to come forward.

2.77 As such, in the case of development within Stanlow there must be a balance between achieving mitigation on site and the need to maximise the use of land for which it is allocated for the local plan in the context of the unique opportunities the site provides. The strategic importance of Stanlow has already been outlined earlier in these representations and maximising the development opportunities within its boundary is paramount in supporting the energy transition within the North West and nationally.

2.78 Moreover, in terms of BNG the current Local Plan policy (DM44) and the Council's Interim BNG Statement applies Strategic Significance as an extra obligation for biodiversity units which increase the overall requirement. The new local plan policy GI1 should ensure that Strategic Significance is applied as per the Local Nature Recovery Strategy (LNRS) which provides a 15% incentivisation if the BNG units are within the LNRS.

2.79 The new policy should also be in line with mandatory BNG legislation rather than creating additional and more onerous obligations on developers by stipulating that the Chester Ecological Network is enhanced. This is at odds with the BNG legislation which allows BNG units to be purchased in other areas outside of the local authority area subject to the spatial risk multiplier.

## Question GI2 Green Infrastructure, Biodiversity & Geodiversity

2.80 Essar Energy Transition do not consider that a tree replacement policy is appropriate given the introduction of mandatory BNG which enables schemes to compensate for loss of habitats off-site through the purchase of credits or biodiversity units from habitat banks. This is the most appropriate option for schemes such as those being promoted at Stanlow which are large scale industrial developments in locations where extensive landscaping schemes are not appropriate for practical, safety and operational reasons.

## Question GI3 Green Infrastructure, Biodiversity & Geodiversity

2.81 Essar Energy Transition would not support a new Local Plan policy which sought to go above the 10% mandatory BNG requirement set nationally. Such an approach would significantly affect the viability of scheme across the Borough and is unnecessary.

## Question EN1 Energy Supplies and Energy Related Developments

2.82 Essar Energy Transition do not have any specific comments on draft policy EN1 and note that is it a general policy designed to relates to a whole range of energy related projects. However, if we are to realise the potential local economic benefits (jobs and inward investment) into the area that new energy transition projects can bring, then the new infrastructure that these projects will need, such as grid connections and pipelines to carry the new power or sustainable fuels across the region, will need to be facilitated by the local plan. Essar Energy Transition would therefore ask that criteria 6 of the draft policy is flexible enough to enable the delivery of new infrastructure when needed.

## Question EN5 Sustainable Energy & Heat

2.83 Essar Energy Transition are concerned that draft policy EN4 is not very precise, and it is not clear what type of development proposals it relates to. The wording should be amended to make this clearer and in order for the policy to be effective.

2.84 The first criterion is not consistent with NPPF as it refers only to zero carbon or net negative carbon energy. NPPF, paragraph 165 clearly states that, "*to help increase the use and supply of renewable and low carbon energy and heat, plans should" amongst other things, "provide a positive strategy for energy from these sources, that maximises the potential for suitable development*". It should therefore be amended to include low carbon energy in with the NPPF.

2.85 In terms of the second criterion, this refers solely to electricity storage whereas the first criterion refers more broadly to energy. This should be broadened to support proposals for energy storage and not just electricity storage.

2.86 The final sentence of the draft policy suggests all scheme should consider the use of air source heat pump or ground source heat pumps. In terms of industrial development and the need for high temperature heat, such technologies are likely not appropriate.

## Question EN6 Low Carbon Fuel and Carbon Capture

2.87 Essar Energy Transition have significant concerns overdraft policy EN5. In comparing the draft policy against the current policy EN7 in the Local Plan, the draft policy is much descriptive on the types of technologies that will be supported rather more generally setting out support for a range of low carbon technologies. That potentially mean that the new policy as drafted may become out of date relatively quickly given the pace at which existing and new technologies are developing, and Government policy and guidance is developing.

2.88 Essar Energy Transition are concerned that proposals for grey hydrogen are not being supported. The refinery currently utilises grey hydrogen and Essar Energy Transition may need to bring forward schemes that include grey hydrogen to facilitate the continued operation of the refinery. The refinery has in place a roadmap for decarbonisation, however until such a time that a low carbon hydrogen market has been established, grey hydrogen will be required to enable the continued operation of the refinery. The importance of this has already been comprehensively set out at earlier in these representations.

2.89 Not being able to progress a scheme which utilises grey hydrogen in the short term will therefore significantly impact up on the ability of the refinery to operate and, as such, Essar Energy Transition would request that the wording of the third bullet point is amended to allow schemes involving grey hydrogen at Stanlow which relate to the operation of the refinery. Alternatively, or alongside such a change, wording could also be added to draft policy EP3. Such an approach would ensure that the continuing operation of the refinery is not compromised in line with NPPF paragraph 85 which states that,

"*planning policies and decisions should help create conditions in which business can invest, expand and adapt*" and paragraph 87 which states the planning policies should make provision for, *"the expansion or modernisation of other industries of local, regional and national importance to support economic growth the resilience"*.

2.90 Criteria 2 suggests that waste or waste products used to generate fuels should ensure that waste has followed the waste hierarchy and is being used for the most beneficial purpose. The final part of the sentence is subjective with no way of assessing what is the most beneficial use.

2.91 The suggestion at criteria 3 does not align with Government policy on carbon capture which currently involves a bidding and selection process owing to carbon capture being a constrained resource which is intended to be utilised by the biggest carbon emitters. The policy should therefore align with the standard decarbonisation approach where carbon capture is for hard to abate emitters not just within Cheshire West & Chester. The carbon capture schemes currently being promoted are of a strategic regional scale.

2.92 Essar Energy Transition have no issue with the intent of criteria 4 and welcome the 'where possible' caveats within the policy. However, current rules for CO2 capture/transport/storage set by the Department for Energy Security and Net Zero (DESNZ) actually prohibits the use of CO2 captured within HyNet. As such, this part of the policy is not aligned with current Government policy.

2.93 In terms of criteria 6, this uses the word 'must' where all the other criteria use 'should'. As such, this should be amended to be consistent with the rest of the policy.

## Question MS4 Oil and Gas Developments

2.94 It is unclear whether draft policy MS4 is intended to relate to refineries such as Stanlow but as it is located in the section of the local plan which relates to minerals supply and safeguarding and there is not reference in the supporting text to Stanlow that it is not. Essar Energy Transition would welcome clarification on this point if, as envisaged is not intended to relate to Stanlow, this should be made clear in the policy or supporting text.

2.95 If the policy is intended to cover refineries such as Stanlow then Essar Energy Transition would make the following comments.

2.96 In terms of criteria 6, minimising above ground structures, this is not relevant to schemes at Stanlow given the existing context and nature of the refinery. The majority of the new projects and schemes that will come forward will be of a significant scale and will be viewed as part of the existing industrial context. Moreover, safety must always be prioritised over visual impact. Above ground infrastructure and pipelines often require visual inspection and to be physically clear of vegetation that may directly or indirectly damage infrastructure or be combustible. It is therefore clear that a pragmatic approach should be undertake to the application of the criteria depending on the context of the site.

2.97 Criteria 8 does not acknowledge the different phases of projects lifetime such as the construction phase where there is likely to be more traffic and/or noise.

# 3. Conclusions

3.1 Stanlow employs approximately 1,600 people and processes 9 million tonnes of crude oil a year, all of which arrives via the deep water facilities at Tranmere. The refinery produces a range of oil products including about one sixth of Britain's transport fuels annually – about 4.4 billion litres of diesel, 3 billion litres of petrol and 2 billion litres of jet fuel. The sites play a key part in the national economy. Stanlow is one of just 4 large scale refineries in the UK.

3.2 Essar Energy Transition therefore fully support the provision of a specific policy within the local plan for Stanlow. Essar Energy Transition consider this to be crucial to ensure that the importance of Stanlow continues to be appropriately recognised in the local plan and provides an effective and justified policy that protects the site, as Critical National Infrastructure, in line with the requirements of the NPPF.

3.3 In protecting the site in line with the NPPF, it is vital that the site is protected not only for its current operations but also for Essar Energy Transition's future investment plans which are now focused on decarbonisation, building new energies infrastructure for the production of low carbon hydrogen and other alternative fuels and developing a CO2 aggregation and shipping hub at both Stanlow Manufacturing Complex and Tranmere Oil Terminal to enable the energy transition and support the UK's ambitions to move to Net Zero. It is in a unique position at the forefront of HyNet, the leading industrial decarbonisation cluster unlocking the hydrogen economy in the North West.

3.4 Stanlow is one of just 4 large scale refineries remaining in the UK following the closure of Grangemouth earlier this year and Lindsey currently in administration. The importance of the limited number of refineries remaining should not be underestimated and they should be given adequate protection and continue to be considered as a national resource.

3.5 The plans and policies currently in place, including Policy EP3 (Stanlow Special Protection Area) of the current Cheshire West & Chester Local Plan have so far worked to protect Stanlow against inappropriate development which is why it is ideal for the hydrogen production and carbon capture projects. The Hazardous Substances Consents (HSCs), and other protections have worked to enable new nationally significant infrastructure

projects to come forward. The protections afforded in the current local plan must not be reduced for the reasons outlined in these representations.

3.6 The Local Plan must also provide the policy framework to support Essar Energy Transition's future investment plans at Stanlow. It is envisaged that Stanlow Energy Park will become the pre-eminent low carbon energy hub in the North West supporting the region to decarbonise at scales not yet seen in the UK.

3.7 Essar Energy Transition along with other partners, developers, landowners and Cheshire West & Chester Council can work collaboratively to deliver the significant opportunities along the Mersey corridor as part of Origin and the North West Energy Corridor. The number of National Significant Infrastructure Projects in this area demonstrates its strategic importance to the Government's ambitions for Net Zero.

2.98 Having just completed the purchase of Thornton Science Park, Essar Energy Transition are reviewing its opportunities and constraints as the site will need to undergo redevelopment to provide the facilities, buildings and infrastructure needed to maximise the important role the Science Park will play within the energy transition hub. The Science Park will play a positive role in the local, regional and national economy, creating and safeguarding jobs within the energy sector.

2.99 Essar Energy Transition would be happy to discuss any aspect of these representations and would welcome a meeting to provide further information.

# Appendix 1:

## Suggested Stanlow Policy Area