

PLANNING STATEMENT ADDENDUM (1 MARCH 2024) TO APPLICATION REF: 23/00613/FUL

Proposed Bio-CNG vehicle fuelling station comprising fuel dispenser islands, plant compound, landscaping, access, associated highway works and associated development at Land South Of A5 Watling Street & West Of Petrol Filling Station Hinckley Leicestershire LE10 3ED

Introduction

Since the Applicant's planning application (23/00613/FUL) was formally submitted to Hinckley & Bosworth Borough Council ('HBBC') in June 2023, the following changes have taken place:

- In response to formal application feedback received from the relevant Highway Authorities and Applicant's operational requirements, some minor amendments to original proposed layout are now required.
- The National Planning Policy Framework ('NPPF') has been updated, the latest update being in December 2023, which introduced a number of changes to extant NPPF versions (dated: July 2021 & September 2023).

For completeness and to aid Officers' consideration of the scheme, this Planning Statement Addendum is now provided, which summarises the proposed minor layout amendments, reviews the updated December 2023 version of the NPPF and provides an assessment of the changes and any policy implications in respect of the proposed development.

Application Proposal – Minor Amendments

The following amendments only to the originally submitted proposal are now being sought:

1. **A revised site access with a new left in/right out only arrangement** – this now replaces the original arrangement for a ghost island right turn lane priority junction on the A5 and associated widening works. It follows feedback received at a meeting held with Leicestershire County Council ('LCC') and National Highways ('NH'), where Officers specifically raised concerns for vehicles routing from the station site via the existing low bridge on the A5. The new arrangement now physically prevents HGVs from turning left out of the site, with all vehicles now being routed south-east towards the Hammond's Way roundabout. These amendments have been scoped with the relevant Highway Authorities, with LCC raising no objections in principle. At the time of writing, a Stage 1 Road Safety Audit Brief is still awaiting sign-off from NH, with a final RSA and Designers Response to follow.
2. **Re-configuration of far south-west corner** – to accommodate installation of equipment (gas analyser housing/odorant injection skid) which results in the removal of 1no. car space.
3. **Corresponding revised application site boundary** – the principle of which was agreed with HBBC Development Management Team Leader (Tim Hartley) via email on 11th September 2023.

Accordingly a Transport Statement Addendum, alongside other relevant updated technical reporting, and the following suite of drawings are formally submitted to HBBC:

New Drawing Name	New Drawing No.	Original Submitted Drawing (now superseded)	Original Drawing No. (now superseded)
Site Location Plan	042-01-CNG-101 REV G	Site Location Plan	042-01-CNG-101 REV D

Existing Site Plan	042-01-CNG-102 REV G	Existing Site Plan	042-01- CNG-102- REV D
Proposed Site Block Plan	042-01-CNG- 103 REV J	Proposed Site Block Plan	042-01-CNG-103 REV F
Proposed Site Layout Plan	042-01-CNG-104 REV J	Proposed Site Layout Plan	042-01-CNG-104 REV F
Proposed Site Lighting Plan	042-01-CNG-106 REV I	Proposed Site Lighting Plan	042-01-CNG-106 REV F
Proposed Site Elevations Plan	042-01-CNG-105 REV E	Proposed Site Elevations Plan	042-01-CNG-105 REV D
Proposed Left In/Right Out Access on A5 Watling Street	22-240-007 REV H	Proposed Site Access & Right Turn Lane on Watling St	22-240-001 REV I

Updated Policy Review – NPPF December 2023

The Framework at Paragraph 7 continues to confirm that the purpose of the planning system is to contribute to the achievement of sustainable development including the provision of commercial development and supporting infrastructure in a sustainable manner.

Paragraph 8 continues to set out the three overarching objectives of the planning system:

“a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”

Paragraph 10 continues to confirm that at the heart of the Framework is a presumption in favour of sustainable development.

Paragraph 38 continues to advise that that local planning authorities should work with applicants to secure developments that will improve the economic, social, and environmental conditions of the area.

Paragraph 85 (formerly Paragraph 81) continues to identify the importance that the government places on supporting economic growth and assisting businesses as they evolve. It states:

“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.”

Paragraph 86 Part d (formerly Paragraph 82, Part d) continues to note that planning policies should be:

“be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances”

Paragraph 87 (formerly Paragraph 83) continues to advise that:

“Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.”

Paragraph 89 (formerly Paragraph 85) continues to state:

“Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”

Paragraph 114 (formerly Paragraph 110) continues to seek to ensure that for specific applications for development, appropriate opportunities to promote sustainable transport modes can be – or have been taken up given the type of development and its location.

Paragraph 115 (formerly Paragraph 111) continues to confirm that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

Paragraph 123 (formerly Paragraph 119) continues to state that:

“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or ‘brownfield’ land.”

Paragraph 157 (formerly Paragraph 152) continues to state that the planning system should support the transition to a low carbon future in a changing climate, which includes support for renewable and low carbon energy and associated infrastructure.

Paragraph 163 (formally Paragraph 158) continues to require that local planning authorities, when determining planning applications for low carbon development, should:

“a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to **significant** cutting greenhouse gas emissions;

b) approve the application if its impacts are (or can be made) acceptable...”

red = new wording.

The additional emphasis provided through the introduction of ‘significant’ into Paragraph 163 further highlights the increasing importance and recognition placed on development proposals which directly contribute to meeting Net Zero by 2050. CNG Fuels are a market leader in the decarbonisation of the haulage industry in allowing operators of heavy goods vehicle (HGV) fleets to remove their reliance on fossil fuels, and therefore the amended NPPF (December 2023) increases the level of policy support for the proposed CNG station.

The new insertion of Paragraph 164 also requires the following:

“In determining planning applications, local planning authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights). Where the proposals would affect conservation areas, listed buildings or other relevant designated heritage assets, local planning authorities should also apply the policies set out in chapter 16 of this Framework.”

Our added emphasis

Paragraph 164 states that local planning authorities should now give “*significant weight*” in support of energy and efficiency and low carbon heating improvements (e.g. solar panels and heat pumps). Whilst this policy is directed to the adaptation of existing domestic / non-domestic buildings, the overriding principle of supporting measures that can improve the sustainability and carbon reduction strikes a clear parallel with the proposed development, which seeks to allow existing businesses to adapt and transition away for diesel to renewably sourced, low carbon biomethane thereby supporting energy efficiency and reducing carbon and greenhouse gases.

Conclusions

Overall, it is clear that the updated NPPF (December 2023) has strengthened policy support for development proposals which contribute towards reducing greenhouse emissions and achieving Net Zero by 2050.

Indeed, the latest iteration of the NPPF goes further than previous versions of the NPPF by emphasising that all new renewable or low carbon energy projects make a valuable contribution in “*significantly*” cutting greenhouse emissions. Given that applicants are not required to demonstrate an overall need for renewable or low carbon energy schemes, it

is arguable that there is now effectively a presumption in favour of these types of projects, which include Bio-CNG refuelling stations for HGVs.

Accordingly, the proposed Bio-CNG refuelling station (including these latest minor proposal amendments) remains fully supported by the NPPF (December 2023) and indeed, its latest publication has strengthened support for the development proposal, which is a significant material consideration in the determination of the application.