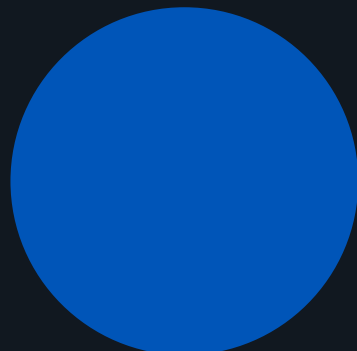
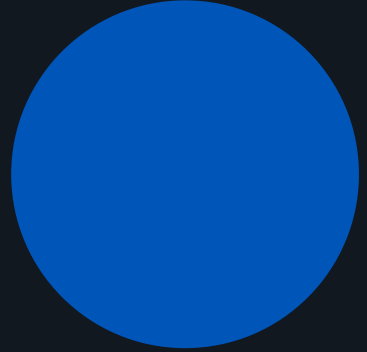
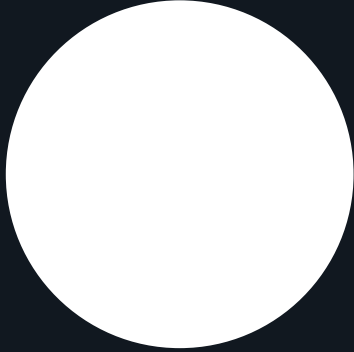




Land south of A5 Watling Street & West of Petrol Filling Station, Hinckley LE10 3ED

Planning Statement

LPA Ref: Planning Portal: 12111532

Firstplan Ref: 22271/TW/cb

Date: June 2023

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Document 1: Example Decision Notice

Section 1: Introduction

1.1 This Planning Statement has been prepared by Firstplan Ltd, on behalf of our client, CNG Fuels Ltd ('CNG Fuels'), in support of a planning application for a proposed Bio-Compressed Natural Gas ('Bio-CNG') fuelling station for heavy goods vehicles ('HGVs') refuelling at Land south of A5 Watling Street, Hinckley LE10 3ED ('the site').

1.2 This application seeks full planning permission for the following:

"Development of a Bio-CNG vehicle fuelling station comprising fuel dispenser islands, plant compound, landscaping, access, associated highway works and development".

1.3 The UK has pledged to be net zero for carbon production by 2050. The road haulage sector is currently responsible for 18% of the total UK road transport emissions, putting the sector at the core of this pledge. In 2021, the UK government set out plans to ban the sale of new petrol and diesel HGVs from 2040, heightening the urgency for fleets operating across the country to find alternative fuel solutions.

1.4 CNG Fuels are Europe's largest supplier of 100% biomethane to the transport industry. They build, develop, and operate Bio-CNG refuelling infrastructure and operate a network of Bio-CNG stations across the country. In April 2023, CNG Fuels acquired a majority stake in Renewable Transport Fuel Services Ltd, the largest supplier of renewable biomethane for UK transport. This reflects the increasing demand for Bio-CNG as haulage, logistics and distribution operators commit to reducing their carbon footprint in their transition from diesel to renewable Bio-CNG powered vehicle fleets. This development proposal for a new 12no. fuel dispenser facility within the Golden Logistics Triangle at Hinckley is in direct response to this demand.

1.5 Hinckley & Bosworth Borough Council ('HBBC') declared a climate emergency in July 2019 and has produced a Climate Change Strategy 2022-2024. This sets out a number of actions and opportunities to reduce carbon by switching from dependence on fossil fuels to cleaner resources such as renewables. The strategy includes working to decarbonise travel across the Borough by supporting stakeholders in the provision of charging points and other methods, reviewing the Council's fleet of vehicles, considering ways of incentivising businesses to adopt energy efficient measures, and monitoring and reviewing air quality across the Borough. Overall, this proposed Bio-CNG station directly supports HBBC's strategy of aiming to be carbon neutral by 2030.

- 1.6 The precise location and selection of the site results from an extensive local land search by CNG Fuels of other potential sites, which as this application will demonstrate, have otherwise proven unsuitable, unavailable, and/or unviable.
- 1.7 The circa 0.92 ha site largely comprises of agricultural land that is immediately available for development. It is located within the Golden Logistics Triangle, directly on the south side of the A5 Watling Street, which forms part of the strategic road network operated by National Highways ('NH').
- 1.8 It is situated to the north-west of a long-established BP petrol filling station ('PFS'), and within the vicinity of large employment areas including Logix Distribution Park, Harrowbrook Industrial Estate, Dodwells Bridge Industrial Estate, and Nutts Lane Industrial Estate. Within these employment areas are a number of key existing CNG Fuels' customers who are already transitioning to Bio-CNG fuelled fleets including DPD, Tesco, and Amazon.
- 1.9 Within the adopted Development Plan, the site is located on the edge of the designated countryside, and just beyond the settlement boundary that runs parallel along the north side of the A5. Accordingly, under Policies DM2 and DM4, new development in the countryside, including low carbon development, will be considered sustainable where it contributes to economic growth and job creation and does not have a significant adverse effect on the countryside.
- 1.10 The proposed Bio-CNG fuelling station will serve Bio-CNG adapted delivery vehicles that operate in the local area, alongside assisting other businesses in their transition to a low carbon future as they invest in modern, environmentally friendly biomethane powered vehicles, that in turn allow them to take advantage of the significant economic and environmental benefits that Bio-CNG offers. This includes up to 50% fuel cost savings, 50% quieter vehicles, and significantly reduced CO2 and NOx emissions when compared to diesel.
- 1.11 This planning application is submitted following pre-application discussions with HBBC (**LPA Ref: 22/10155/PREHMO**), alongside a separate highways pre-application exercise with NH and Leicestershire County Council ('LCC', as the local highway authority). Written planning pre-application advice was provided in January 2023 following a meeting with Planning Officer, Satbir Jandu and Planning Manager, Tim Hartley. The advice received confirms that HBBC consider the proposals acceptable in principle and therefore in conformity with the National Planning Policy Framework ('NPPF', July 2021) and HBBC's Local Development Plan.
- 1.12 This Planning Statement is set out as follows:

- **Section 2** – sets out the relevant background information, comprising a description of the site and surrounding area, details of any relevant planning history and pre-application advice;
- **Section 3** – details of the applicant, CNG Fuels Ltd;
- **Section 4** – provides a description of the application proposals;
- **Section 5** – sets out the relevant planning policy context;
- **Section 6** – provides an assessment of the relevant planning policy considerations;
- **Section 8** – draws conclusions.

Section 2 Background Information

a) Site and Surrounding Area

- 2.1 The site extends to circa 0.92 ha, the majority of which comprises relatively flat grassland with boundary vegetation including hedgerow and trees immediately on the south side of the A5 Watling Street. The remaining part of the site covers a section of road verge and the A5. See **Figure 1** below and the enclosed Site Location Plan (Dwg No. 042-01-CNG-101 REV D).



Figure 1: Aerial image of application site (approximately outlined in red)

- 2.2 The site's north-east and north-west boundaries include species poor hedgerows. Its eastern boundary and in the south-east corner of the site are two tree groups (Leyland Cypress), with a third tree group (Ash Dieback) in the far north-west corner. There are no Tree Preservation Orders on or immediately adjacent to the site. In terms of flood risk, it is partially situated in Flood Zone 2 (medium probability of flooding), with the majority of the site located within Flood Zone 1 (low probability of flooding).
- 2.3 In terms of immediate surroundings, there is a long-established PFS immediately to the east which is served by separate ingress/egress points off the A5. To the south is agricultural land located within the administrative boundary of Rugby Borough Council ('RBC'). Approximately 160m to the north-west is a

railway bridge, and just beyond also on the south side of the A5 is the Veolia waste management site. Lining the north side of the A5 is mature vegetation, beyond which is travellers site. Also on the north side, further to the east /north-east is a residential area and a day nursery /school. Circa 200m to the east of the site is the Watling Street/Hammonds Way roundabout that provides direct access to the established employment areas immediately to the north of the A5. Sketchley Brook runs underneath this roundabout/A5.

2.4 Dominant physical features of the surrounding area include the A5 and railway bridge, as well as established development including large employment areas to the north, with open countryside extending predominately southwards.

2.5 The site is well connected to the strategic road network. The A5 is a two-way designated trunk road running along the south-west edge of Hinckley, providing direct access to existing employment areas as well as toward the M69 (Junction 1) to the south-east, and M42 (Junction 10) to the north-west.

b) Planning History

2.6 As confirmed by HBBC's planning website and the pre-application written feedback, there are no planning records directly relating to the site.

2.7 In 1993, planning permission was first granted for the adjacent PFS following demolition of an existing garage (**LPA Ref: 93/00529/4**). Since then, various upgrade works and advertisement consents have been permitted.

2.8 The site's surroundings is currently subject to transitional change with emerging new major development as the planning history demonstrates including the following:

- In 2018, hybrid planning permission (**LPA Ref: 17/0143/HYB**) was granted for a major mixed-use scheme on the southern side of the M69 (J1). It includes full permission for 29,563 sqm of B8 facilities (full) alongside circa 49,000 sqm B1c/B2 and B8 uses. A Section 73 permission was granted in 2020 (**LPA Ref: 20/00906/CONDIT**), with further development within the wider EIA development subsequently being permitted and now coming forward.
- In 2021, a cross-boundary hybrid employment application (**LPA Ref: 21/01191/HYB**) was submitted for large scale development including distribution and industrial uses on the south side of the A5 to the north-west of the site.

- In 2022, a cross boundary hybrid planning permission (**LPA Ref: 20/00531/HYB**) was granted for a 5ha roadside services scheme alongside B2/B8 employment units and offices to the west of the A5 and just north of the M69 (J1).

2.9 Notably, other development associated with renewable energy on nearby sites have also been submitted /approved in recent years by HBBC and RBC.

2.10 In 2016/2017, a new energy storage scheme was granted full planning permission (**LPA Refs: 16/00972/FUL; 17/00503/CONDIT**) on greenfield land to the east. In 2022, HBBC and RBC granted full planning permission (**RBC Ref: R21/0622; HBBC Ref: 21/00732/FUL**) for a new circa 84 ha solar farm and battery storage system on the southern side of the A5, to the east of the A5/Hammonds Way Roundabout. In May 2023, a full planning application was validated for a ground mounted solar array on a 1.3 ha undeveloped parcel of land at Nutts Lane, to the north-east of the site (**LPA Ref: 23/00368/FUL**).

c) Pre-Application Advice

2.11 CNG Fuels engaged with HBBC prior to submission of this application through a formal pre-application advice request (**LPA Ref: 22/10155/PREHMO**). In January 2023, written advice was received from Development Management Planning Manager, Mr Christopher Brown.

2.12 The pre-application advice provided confirms that the principle of a Bio-CNG station in this location is acceptable and could be supported, subject to assessment of the wider planning and environmental considerations. Officers also confirmed that the proposals do not comprise EIA development.

2.13 The list of information required to support the application has been agreed with Officers as part of the above pre-application advice discussions and has been submitted accordingly.

2.14 NH and LCC have been separately consulted on highway related matters by CNG Fuels' transport consultants. Although multiple attempts at a follow up pre-application with NH have been made, no further response has been received from them.

Section 3 CNG Fuels

- 3.1 CNG Fuels is a leading developer, owner and operator of Bio-Compressed Natural Gas (Bio-CNG or Biomethane) fuelling stations in the UK and Europe's largest supplier of 100% renewable biomethane to transport. In April 2023, CNG Fuels acquired a majority stake in Renewable Transport Fuel Services Ltd, the largest supplier of renewable biomethane for UK transport. In turn, under a new holding company, ReFuels, this has created Europe's largest fully integrated renewable biomethane suppliers for heavy transport to meet continued rising demand.
- 3.2 CNG Fuels currently operate ten sites in the UK with several more in various stages of construction and planning. In 2022, it opened the world's largest biomethane refuelling station at Avonmouth, where up to 80 HGVs per hour can be refuelled, which in turn is capable of cutting 70,000 tonnes of CO₂ emissions every year. As of March 2023, 1,275 customer vehicles refuel daily across CNG Fuels' station network.
- 3.3 At present, CNG Fuels serves more than 80 individual customer fleets. This includes well-known household brands such as: Amazon, Royal Mail, Aldi, Waitrose, Warburtons, Evri, John Lewis, DHL, ASDA, Argos, Sainsbury's, Farmfoods, Home Bargains, Cadent and Morrisons. The construction of a Bio-CNG fuelling station at Hinckley will make the local area significantly more attractive to these and other fleet operators.
- 3.4 Bio-CNG is a sustainable and renewable energy source produced from food, animal, and water waste, that is approved and verified under the Department for Transport's Renewable Transport Fuel Obligation.
- 3.5 Bio-CNG has the additional benefit of therefore reducing a vehicle's CO₂ equivalent emissions by as much as 90%, NO₂ emissions by up to 75%, and noise by circa 50% compared to a diesel vehicle. Bio-CNG also provides up to a 40% lifetime fuel cost saving over diesel powered vehicles, with the fuel duty price on natural gas fixed by regulators until 2032. These significant financial savings allow CNG Fuels' customers to redirect investment back into their businesses.
- 3.6 CNG Fuel's refuelling stations are connected to a nearby gas distribution pipeline. Gas is drawn out of the pipeline via on-site compressors. Once compressed, the gas is stored in ground storage modules ready to be dispensed into adapted vehicles. The stations are automated, un-manned and operated

remotely meaning vehicles are fuelled independently by HGV drivers activating the fuel dispensers with a unique electronic fob system. The stations operate 24 hours, 7 days a week.

- 3.7 For reference, **Figure 2** below provides an aerial photograph of CNG Fuels' station in Warrington.



Figure 2. Existing CNG Fuels Station (Warrington)

- 3.8 No gas is produced on site, and because the gas is extracted from the pipeline system as required, only a limited amount of fuel is required to be stored on site at any one time (below the HSE threshold).
- 3.9 Specialised CNG powered vehicles are produced by Original Equipment Manufacturers (OEM's) including Scania and Iveco. CNG Fuels also have their own CNG fuelled tractor units, however, they do not operate their own delivery fleet operation. The only vehicles utilising the facility will be those belonging to CNG Fuels' customers including existing and future local business who choose to run Bio-CNG powered vehicles rather than diesel. Trips associated with the site will therefore be those of businesses already operating in the local area on the highway network.
- 3.10 To assist Officers, a copy of a planning permission for development of a Bio-CNG fuelling station in Newark-on-Trent that is now completed and operational is attached at **Document 1**.

DOCUMENT 1

- 3.11 Further background information relating to CNG Fuels, Bio-CNG, and the proposed fuelling station is set out within '**CNG Fuels Supporting Background Document**' accompanying this application. Additional information can also be found at www.cngfuels.com.

Section 4 Application Proposal

- 4.1 The application proposals comprise the development of a new Bio-CNG gas fuelling facility for the purpose of serving HGV fleets used by logistics and distribution businesses based in Hinckley and utilising the A5 which forms part of the strategic road network. This includes DPD, Tesco, and Amazon.
- 4.2 The facility will be supplied with gas from the mains supply, which will be operated and regulated by the relevant statutory undertakers. The site itself will be operated by CNG Fuels, who will be responsible for drawing the gas out of the mains network and compressing it for onsite storage in small amounts within above ground modules. The gas will then be dispensed into vehicles via dedicated fuel dispensers.
- 4.3 The site will operate 24 hours a day, seven days a week. It will be unmanned, monitored remotely by CCTV, and restricted to use by CNG Fuels customers only. Pre-registered drivers only will be able to activate the pumps by fob automation.
- 4.4 The layout and component elements forming the proposed Bio-CNG fuelling station are fully detailed on the accompanying planning drawings prepared by CNG Fuels. For ease of reference, an overview of the proposed development is also set out below.

a) Plant Compound and Fuel Pump Islands

- 4.5 The plant compound will contain the equipment to draw the gas from the mains network, compress the gas and store it in small quantities on site (typically up to 7-8 tonnes). The plant compound will be located towards the site's eastern boundary with the adjacent PFS. It will be bounded by 2.4m high security palisade fencing and will contain the following plant equipment:
- 2no. secure trailer gas loading/off-loading bays.
 - 12no. gas storage banks.
 - 3no. compressors with roof mounted coolers.
 - 1no. LV switchroom.
 - 1no. HV/LV transformer.
 - Air compressors.
 - 1no. backup generator.

- 7no. CCTV and flood light columns.
- 2no. trailer gas offloading cabinets
- 2no. trailer gas loading dispensers.

- 4.6 Immediately to the north-west of the compound, 1no. substation is proposed, with an inlet gas meter and associated security fencing proposed in the far south-western corner.
- 4.7 To dispense the Bio-CNG, 12no. fuel pump islands positioned in two rows of six islands within the centre of the site will be provided within a road surfaced forecourt. The fuel pump islands will each be served by task lighting during hours of darkness and monitored by CCTV.
- 4.8 The proposed layout is shown on the Proposed Site Layout Plan (Dwg ref: 042-01-CNG-104-REV F).

b) Access and Parking

- 4.9 The layout has been designed in association with Odyssey Transport Consultants, alongside taking into account pre-application advice received from LCC as the local highway authority, and National Highways who manage the A5 as it forms part of the Strategic Road Network.
- 4.10 The Bio-CNG station will be served via a new priority junction on the A5 to the north, with the existing field access further to the north-west being retained. Separate ingress and egress lanes are provided allowing for right and left in/out vehicle movements. Eastbound vehicles shall access the site via a ghost-island right-turn lane arrangement, with through traffic on the A5 being unimpeded by CNG vehicles. This arrangement requires some minor lane widening on the southern, site-side of the A5 only. The access will tie into the existing kerbs to the east and west of the site.
- 4.11 The internal layout allows for vehicles to turn left and follow a one-way clockwise loop within the site, exiting back onto the A5 in forward gear.
- 4.12 Vehicle routing has been subject to swept path analysis as demonstrated in the accompanying drawings appended to the Transport Statement. This demonstrates the accesses, internal routes through the site, and egress are all appropriate for use by HGVs and maintenance cars, with the necessary visibility splays achievable in either direction commensurate with the 50mph speed limit.
- 4.13 In terms of on-site parking, 2no. secure trailer gas loading/off-loading bays are provided within the plant compound, alongside 5no. car parking bays (including 2no. EV chargers) for maintenance staff and site operatives visiting on an ad-hoc basis.

c) Surfaces, Boundary Treatment and Landscaping

- 4.14 For operational reasons, the site will be predominantly hard surfaced with asphalt, gravel, and concrete. The fuel dispenser islands and forecourt where vehicles will pull up shall specifically sit on a concrete surface and the plant compound area will be finished with gravel. Other internal access road areas and the substation / inlet gas meter compound will be provided with a tarmac surface.
- 4.15 For security purposes, the perimeter of Bio-CNG station will be bound by new palisade, V mesh, and close boarded boundary fencing at 2.4m high.
- 4.16 To accommodate the proposed highway access design, a programme of roadside vegetation removal and maintenance will be implemented. This has been informed by Delta Simons' Arboricultural Survey and Impact Assessment, and TGP's Landscape and Visual Impact Assessment that accompanying this application.
- 4.17 Alongside retaining existing hedges and trees where feasible, new soft landscaping and planting have otherwise been maximised within the non-operational areas of site, particularly along its boundaries in response Officers' pre-application advice. This includes 3no. new trees, native hedge planting, and flowering lawn mix. For further details, please see TGP's Landscape Proposals Plan.

d) Lighting and CCTV

- 4.18 The facility will operate 24 hours a day and is monitored remotely.
- 4.19 Task lighting is required to ensure vehicles can be safely re-fuelled outside of daylight hours. The lighting will be installed on 12no. lighting columns positioned to serve the fuel pump islands directly in addition to 7no. further lighting columns serving the plant compound, and 1no. adjacent to the 2no. car parking spaces by the inlet gas meter to the west.
- 4.20 The lighting will be positioned downward to minimise light spill. Low level directional lighting will also be provided within the plant compound.
- 4.21 CCTV will also be installed to each of the lighting columns to monitor operation of the site to assist CNG customers refuelling and for security reasons.
- 4.22 For further details, please see CNG Fuels' Proposed Site Lighting Plan and Synergy's External Lighting Proposal Report.

Section 5 Planning Policy & Guidance

- 5.1 The adopted Development Plan relevant to the site comprises the Local Plan 2006-2026 which comprise the Core Strategy SPD (December 2009) and Site Allocations and Development Management Policies DPD (July 2016). Other material considerations comprise the National Planning Policy Framework ('NPPF', July 2021) and its accompanying National Planning Practice Guidance ('NPPG').
- 5.2 The adopted Policies Map accompanying the Local Plan confirms the site is located on the edge of the designated open countryside, just beyond the defined settlement boundary that runs along the northern side of the A5.

National Planning Policy Framework (2021)

- 5.3 National policy is comprised of the NPPF, with the latest version published in July 2021 setting out the Government's planning policies for England.
- 5.4 The Framework at **Paragraph 7** confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, with the presumption in favour of sustainable development at the heart of the Framework.
- 5.5 **Paragraph 8** set out the three overarching objectives:

"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.”

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

5.7 **Paragraph 81** identifies 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.”

5.8 **Paragraph 110** states that it should be ensured that appropriate opportunities to promote sustainable transport modes are taken up, safe and suitable access can be achieved, and any significant impacts can be appropriately mitigated. **Paragraph 111** further confirms 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.”

5.9 **Paragraph 119** confirms that planning decisions should promote an effective use of land to meet the need for uses, while safeguarding and improving the environment.

5.10 **Paragraph 152** states 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.

5.11 **Paragraph 158** advises that when determining applications for renewable and low carbon development, local planning authorities 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 cutting greenhouse gas emissions; and

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

Hinckley & Bosworth Borough Council Local Plan 2006-2026

- 5.12 The adopted Local Plan sets out policies and proposals to meet the Borough’s development needs for employment, housing, and other types of development.

Principle Policies

- 5.13 **Core Strategy Policy 1 (Development in Hinckley)** states that to support Hinckley’s role as a sub-regional centre, the Council will inter alia, ensure there are a range of employment opportunities. **Spatial Objective 12 (Climate Change and Resources Efficiency)** of the Core Strategy also sets out that to minimise the impacts of climate change, the Council will be:

“... promoting the prudent use of resources through sustainable patterns of development, investment in green infrastructure, minimising the use of resources and energy, increasing reuse and recycling of natural resources, increasing the use of renewable energy technologies and minimising pollution, including greenhouse gas emissions.”

- 5.14 **Policy DM2 (Delivering Renewable Energy and Low Carbon Development)** confirms the Council’s commitment to reducing its environmental impact through reduction measures. Planning applications for development of renewable energy and low carbon installations at the commercial scale will be supported where all reasonable steps have been taken to avoid or mitigate any adverse impacts including cumulative, and that the development accords with other policies in the Plan, specifically relating to heritage.
- 5.15 **Policy DM4 (Safeguarding the Countryside and Settlement Separation)** advises that development in the countryside will be considered sustainable where it significantly contributes to economic growth and job creation or relates to the provision of standalone renewable energy development in line with Policy DM2 and does not have a significant adverse effect on the countryside in terms of its intrinsic

value, beauty, and open character and landscape character. Within the supporting text, it is confirmed that:

“... the principle of stand-alone renewable energy and low carbon developments outside the settlement boundary is acceptable, where the proposal meets the requirements of other policies in this plan, with particular reference to DM2: Delivering Renewable Energy and Low Carbon Development and DM10: Development and Design.” (Para 13.13)

Design, Character & Amenity

- 5.16 **Policy DM2 (Delivering Renewable Energy and Low Carbon Development)** confirms this type of development will be permitted in the countryside where it does not have a significant adverse impact on the intrinsic value, beauty, open character and landscape character of the countryside.
- 5.17 **Policy DM10 (Development and Design)** outlines that development will be permitted where it meets a good standard of design including:
- Not having a significant adverse effect on the privacy of nearby residents/occupiers of adjacent buildings, including in relation to lighting, air quality/odour, noise, vibration and visual intrusion.
 - Complementing or enhancing the character of the surrounding area with regards to scale, layout, mass, design, materials.
 - Incorporating a high standard of landscaping where it would add to the quality of the design and the sitting.
 - Providing charging points for electric/low emission vehicles.

Highways and Access

- 5.18 **Policy DM17 (Highways and Transportation)** advises that development shall be supported where inter alia, they demonstrate no significant adverse impact upon highway safety, the use of sustainable transport modes is maximised, and where it can be demonstrated that the residual cumulative impact of development on the network are no severe.

Green and Blue Infrastructure

- 5.19 **Policy DM6 (Enhancement of Biodiversity and Geological Interest)** advises that proposals must demonstrate how they conserve and enhance features of nature conservation and geological value,

including proposals for their long-term future management. The removal of on-site features with ecological value shall only be acceptable where it can be demonstrated that the proposal will result in no net loss of biodiversity and where the integrity of the local ecological networks can be secured. If harm cannot be prevented, adequately mitigated against or appropriately compensation provided, permission will be refused.

5.20 **Policy DM7 (Preventing Pollution and Flooding)** sets out that proposals will need to demonstrate that:

- It will not adversely impact the water quality, ecological value or drainage function of water bodies.
- The development does not create or exacerbate flooding by being located ware from areas of flood risk, unless adequately mitigated against.
- Appropriate containment solutions for fuels are provided.

Informal Supplementary Guidance and Relevant Government Initiatives & Plans

Local Level

5.21 Following HBBC declaring a climate emergency in July 2019, it has produced a Climate Change Strategy 2022-2024 in order to support becoming carbon neutral by 2030. A number of actions and opportunities have been identified including working towards decarbonise travel across the Borough by incentivising businesses to adopt energy efficient measures.

National Level

5.22 The UK has pledged to be net zero for carbon production by 2050. With the road haulage sector responsible for 18% of the total UK road transport emissions, in 2021, the UK government set out plans to ban the sale of new petrol and diesel HGVs from 2040, heightening the urgency for fleets operating across the country to find alternative fuel solutions.

5.23 The Department for Transport's "Transport Decarbonisation Plan" (July 2021) commits to delivering a zero-emission freight and logistics sector, supporting efficiency improvements and emission reductions in existing fleets, with the Renewable Transport Fuel Obligation continuing to strongly support the use of sustainable low carbon fuels.

5.24 The "Future of Freight: A Long-Term Plan" (15th June 2022) sets out the Government's long-term vision for the UK freight sector, with two priority areas being planning and enabling the transition to net zero by 2050. According to this Plan:

“When planning policies and decisions do not adequately consider the freight industry’s needs, it can impact other transport network users and local communities negatively.”

- 5.25 It therefore states that there is a need for a joined-up approach between the planning system, local authorities, and the industry to support the Government’s levelling up agenda, and prioritise land needed for these uses, with sites supporting freight activities, such as refuelling stations, to be strategically located near transport links. This is further evidenced within in the Government’s consultation on proposed reforms to national planning policy, which concluded on 2nd March 2023.

Section 6 Planning Considerations

6.1 The application proposals comprise the development of a small greenfield plot to deliver a Bio-CNG fuelling station comprising 12no. fuel pump islands, associated plant, landscaping, and access from the A5 Watling Street. As will be demonstrated, this development will provide critical fuel infrastructure within this part of the Golden Logistics Triangle, to support the continued unmet needs of business operators with HGV fleets.

6.2 The relevant planning considerations are discussed below.

a) Principle of Development

6.3 The NPPF (2021) confirms support for the production and use of renewable and low carbon energy as part of the movement to a low carbon economy. It also states that planning decisions should help to create the conditions in which businesses can invest, expand, and adapt, where significant weight is placed on the need to support economic growth and productivity, alongside the promotion of sustainable transport.

6.4 In land use terms, the proposed Bio-CNG station site is located outside of a settlement boundary, and within the designated open countryside. The key principle local planning policies in this instance are therefore Policies DM2 and DM4, as confirmed in HBBC's pre-application response, which goes on to conclude that:

"The proposal is not considered to be a rural business or a stand-alone renewable energy development. It can though be considered to significantly contribute to economic growth and job creation in its wider context and does relate to low carbon development and so is considered to be supported by Policy DM4.

In addition, given the nature of the development and the wider and related support that is offered by Policy DM2 and by the NPPF taken as a whole, it is considered that the principle of the development is supported."

6.5 Nonetheless, for completeness, a full review of the proposed development, including its sustainability and economic credentials, the site selection process, and its impact on the countryside is provided.

Sustainability Credentials

- 6.6 Bio-CNG supplied by CNG Fuels network of stations is a sustainable and 100% renewable gas that is derived entirely from food, animal, and water waste that is approved and verified under the Department for Transport's Renewable Transport Fuel Obligation.
- 6.7 The fuel is also significantly more environmentally friendly to operate with vehicles being 50% quieter and emitting 90% less CO₂ and 75% less NO_x compared to comparable diesel vehicles. These significant environmental and noise benefits will not only be felt locally, but also nationally across the highway road network, within town centres, and wherever deliveries by the new generation of adapted vehicles are made. For further information, please refer to CNG Fuels Supporting Background Document which accompanies this application.
- 6.8 Alongside Policy DM2, Paragraphs 152 and 159 of the NPPF also support the move towards a low carbon economy. Similar commitments are also outlined within the Government's 'Transport Decarbonisation Plan' (July 2021) and 'Future of Freight: A Long-Term Plan' (June 2022), where the planning system is identified as a key enabler to assisting in the transition to net zero. This focus on planning is further evidenced within the Government's Levelling Up Bill and proposed reforms to national planning policy. The Government has already set out plans to ban the sale of new petrol and diesel HGVs from 2040, heightening the urgency for diesel fleets to transition to alternative fuels.
- 6.9 At a local level, a climate emergency was declared in July 2019, with HBBC's adopted Climate Change Strategy 2022-2024 seeking to incentivise businesses to adopt energy efficient measures in order to decarbonise travel across the Borough as to support becoming carbon neutral by 2030.
- 6.10 CNG Fuels' proposed Bio-CNG station therefore provides a more sustainable and renewable alternative fuel source to diesel and is specific to operators of delivery and distributions fleets, which is a notoriously difficult industry to decarbonise and a significant polluter currently accounting for 18% of the UK's road transport emissions.
- 6.11 Importantly, CNG Fuels' proposals are immediately able to respond to HBBC and Government's above objectives to directly assist in the wider transition towards a net zero economy.

Responding to an unmet need for a Bio-CNG station and significantly contributing to economic growth and job creation

- 6.12 A number of national logistic and distribution operators based in and around Hinckley are already investing in the replacement of their legacy diesel fleets with CNG adapted vehicles.

- 6.13 CNG Fuels have an extensive and growing list of clients and following the development of the station, with negotiations between CNG Fuels and prospective customers are commercially sensitive. The following locally based companies however have signed up to the proposed Bio-CNG fuelling station at Hinckley: DPD, Tesco, and Amazon.
- 6.14 At present, the Hinckley area lacks a Bio-CNG station capable of meeting operators' existing and future demand. It is clear that the proposals will plug this gap to directly respond to already identified unmet needs of businesses.
- 6.15 In turn, the proposals will deliver substantial economic benefits to the area, with operators benefiting from up to 40% cost savings from adopting Bio-CNG fleet vehicles that will lead to increased employment opportunities for the local community as the financial savings are redirected, and businesses expand. The proposals therefore will be a catalyst for the sustainable modernisation of existing businesses.
- 6.16 The new station represents a significant financial investment into Hinckley by CNG Fuels, which is anticipated to increase the overall attractiveness and sustainability of nearby employment areas including Harrowbrook Industrial Estate and Logix Park, for new operators seeking new premises within the Golden Logistics Triangle.

CNG Fuels' operational requirements and site sequential exercise

- 6.17 Accompanying this application is CNG Fuels Supporting Background Document which fully sets out:
1. The specific operational requirements which must be met in order for CNG Fuels to viably operate its fuelling stations, and
 2. The site sequential exercise that has been undertaken to inform the selection of this application site.
- 6.18 In summary, the following criteria is carefully taken into account by CNG Fuels when identifying a location for a new Bio-CNG station:
- **Proximity to local area demand from customer base:** CNG Fuels' stations do not operate their own distribution operation and therefore its stations must be located in proximity to its customer base. The logistics and distribution networks operate within fine margins to ensure the supply of goods and services. Operators can therefore not incur significant detours to fuel their HGV fleets. For a

Bio-CNG station to be viable, it must already be well-connected to the strategic road network as built as close as possible to the arterial trucking routes or logistics hubs.

- **Viable gas and other utility connections:** A Bio-CNG station is unable to operate without viable utility connections. Gas is the most important connection. In the UK, gas is delivered through National Grid's high pressure National Transmission System to distribution companies. Thereafter, gas under high pressure is delivered into the Local Transmission System and moved around the network comprising of different types of pipelines. As a minimum, a station requires high-pressured gas to operate. This is defined as any gas pipeline pressured at 1bar and above. Accordingly, not all sites will be able to offer a viable connection, with due diligence undertaken by CNG Fuels at the start of the site selection process.
- **Appropriate HGV site access and manoeuvring:** CNG Fuels' stations are typically used by 16.5m Articulated Vehicles. A site will therefore need to be able to accommodate an appropriate safe access and manoeuvring space for vehicles both within the site itself, and to/from the highway.
- **Site availability and ownership structure:** CNG Fuels are only able to progress a site on either a freehold basis or a long leasehold (20 years+). When a site is not available or being marketed on these terms, it is discounted.

6.19 As presented in CNG Fuels' Supporting Background Document, a range of potential sites within the Hinckley area have been assessed against the above criteria. In this instance, the application site is identified as being the only suitable, available and viable location for a new Bio-CNG station.

6.20 Should this development not be progressed, it is relevant to highlight that it is likely that in the short to medium term, local operators will have no choice than to continue to operating diesel fuelled vehicles.

Impact on the countryside

6.21 Policy DM4 requires that any development proposed within the countryside meets certain criteria set out below to ensure the countryside is safeguarded from unsustainable development.

Policy DM4 Criteria	Applicant Response
<i>It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside.</i>	Criteria satisfied – the proposals will have no significant adverse effect on the countryside as evidenced by HBBC's pre-application response, and TGP's Landscape and Visual Impact

	Assessment that has informed the design and layout approach – discussed further below.
<i>It does not create or exacerbate ribbon development.</i>	<u>Not applicable</u> – the proposals do not involve the construction of any new buildings. It therefore will not create or exacerbate ribbon development (buildings located along a road frontage at single depth, as defined by the Local Plan).
<i>If within Green Wedge, it protects its role and function in line with Core Strategy Policies 6 & 9</i>	<u>Not applicable</u> – the site is not within a Green Wedge.
<i>If within the National Forest, it contributes to the delivery of the New Forest Strategy in line with Core Strategy Policy 21</i>	<u>Not applicable</u> – the site is not within the National Forest.

6.22 Furthermore, Policy DM10 also advises that development will be permitted where it meets good standards of design which would, complement or enhance the character of the surrounding area, taking into account inter alia: scale, layout, design, materials.

6.23 As HBBC's pre-application response confirms:

“Although the application site is classified as open countryside, it is bound on two sides by the A5 and a fuel filling station. The proposed development will fit in the existing building line along the A5 and is of a similar nature to the surrounding commercial development.

The proposed development will not contain any tall buildings or the canopy typically associated with fuel filling stations. The tallest element will be a gas flue vent stack at 7.1m and where possible, soft landscaping and planting have been incorporated into the scheme.

Taking into account the above, it is considered that given the nature of the development and its siting in relation to the highway and neighbouring uses any impact on the countryside is limited and is outweighed by wider benefits of the proposed scheme. It will be important though that boundary treatments and landscaping within the site limit the detrimental impact of the proposal on the countryside.

The scheme is not considered contrary to Policy DM10 as it relates to the character of the area.”

- 6.24 The proposed general arrangement is similar to existing CNG stations across the UK and takes into account the site’s prevailing physical character, not least the existing PFS immediately to the east.
- 6.25 Nonetheless, in response to HBBC’s pre-application response, specific care has been taken to ensure where feasible, appropriate boundary treatments and landscaping is retained/proposed throughout non-operational areas of the site.
- 6.26 A Landscape and Visual Impact Assessment (LVIA) has been undertaken by TGP Landscape Architects to inform the proposals layout and landscaping strategy.
- 6.27 The LVIA assesses that the site is located in the A5 corridor on the urban edge in a landscape that is heavily influenced by the presence of built form and infrastructure, with the proposals resulting in the minor loss of 0.74ha of agricultural land locally, and some vegetation on the boundary with the A5.
- 6.28 The Bio-CNG station shall only directly affect a small, localised change on the surrounding landscape character, and will not adversely affect the adjacent West Midlands Green Belt with mitigation measures, including the gain of 200m of native hedgerow along the southern boundary, to help screen the site overtime.
- 6.29 Accordingly, in terms of residual landscape effects, the LVIA confirms that:

“The sensitivity of the landscape fabric to change as a result of the proposed development is low due to the presence of existing urban characteristics on the A5 corridor. The magnitude of change would be slight, leading to a minor effect. This is not considered significant. “

- 6.30 It goes onto assess that the proposed Bio-CNG station will not impact on the adjacent West Midlands Green Belt or its purpose.
- 6.31 With regards to potential visual effects, the potential visibility of the new station within the 5km study area is largely limited to land south of the A5 corridor following a viewpoint assessment having been carried out on a selection of key viewpoint locations.
- 6.32 During construction, the visual effects would be temporary, intermittent of a short-term duration. The effect on visual amenity for road users, residential properties, and users of the nearest PRow would be moderate/minor.
- 6.33 At the operational phase, there would not be any significant effects resulting from the proposal due to the nature of the development, its location, proposed mitigation, and distance of many receptors from the site. As planting mitigation becomes established, any visual effects would be further reduced overtime, with the proposed boundary planting and amenity tree planting within the site adding texture and pattern to the local landscape, breaking up and screening views of the development.
- 6.34 Overall, the LVIA states there would be no significant effects in relation to the landscape character in this urban edge landscape.

The Historic Environment

- 6.35 In line with Policy DM2, CNG Fuels' proposals will not have any adverse impact on designated or non-designated heritage assets and their settings, and as such accord specifically Council's heritage policies under DM11 and DM12, alongside other relevant policies within the Development Plan covered in the next sections below.
- 6.36 In principle terms, a proposed Bio-CNG station on this site is an entirely appropriate type of development and is fully in accordance with the NPPF and Local Plan Policies DM2, DM4 and DM10.

b) Access and Highways Considerations

- 6.37 Paragraph 111 of the NPPF advises 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.”

- 6.38 Policy DM17 supports the above, alongside the use of sustainable transport modes being maximised, with Policy DM10 supports the provision of charging points for electric/low emission vehicles.
- 6.39 A Transport Statement (TS) alongside detailed access drawings have been prepared by CNG Fuel's transport consultants, Odyssey. This is informed by and responds to the pre-application feedback received from NH and LCC.
- 6.40 The TS has also reviewed the cross-boundary hybrid employment application (LPA Ref: 21/01191/HYB) to the north-west of the site and considers that the proposed Bio-CNG station is not reliant upon the bridge works associated with this application.
- i. Access
- 6.41 The proposed access points and internal site journeys have all been reviewed by Odyssey, who have undertaken swept path analysis and confirm that vehicles can safely enter, negotiate the Bio-CNG station and exit onto the A5 Watling Street.
- 6.42 The new priority junction has been designed to CD123 standards without any deviations from the standards requested by NH. As the access drawings demonstrate, 4.5 x 160m visibility splays are achievable from the proposed access in either direction commensurate with the 50-mph speed limit. In response to NH concerns about the visibility splays from the proposed site crossing the existing egress, further investigation has revealed that visibility on the southern side of the A5 from the PFS is currently restricted by hedgerow growth. Subsequently, an appropriate programme of roadside vegetation maintenance is proposed as part of this application.
- 6.43 Once within the Bio-CNG station site, a one-way clockwise system is implemented allowing vehicles to access the 12no. pumps and egressing in forward gear back onto the A5 Watling Street travelling eastwards and westwards. There will be no entry gates or barriers to the station site, with a new ghost-island right turn lane arrangement allowing for through traffic on the A5 to be unimpeded.
- 6.44 The Bio-CNG station site will also accommodate 5no. car parking bays, with 2no. EV charging points. As the site is unmanned these parking spaces are required for operational and maintenance personnel only undertaking routine checks or maintenance.

ii. Highways and Vehicle Movements

- 6.45 The Bio-CNG station will be open 24 hours per day allowing vehicle movements to be spread out over the course of the day, and outside of peak times. The proposals do not include any facilities for vehicle drivers (i.e., there are no buildings or WCs) and the station will be strictly operated to ensure that parking by non CNG staff is prohibited, and ad hoc parking and layovers do not occur. It is therefore not expected to disrupt existing travel patterns and create demand for layovers, with a sufficient number of pumps proposed to accommodate expected demand whilst ensuring there is some spare capacity during times of maintenance/repair of the pumps to avoid build-up impeding the surrounding highway.
- 6.46 The Bio-CNG station is to cater primarily to existing HGVS associated with logistic and distribution business in the area and already on the highway network. A first principles assessment has been undertaken based on data from a similar CNG Fuels facility at Warrington, with the junction capacity assessment demonstrating that there is sufficient capacity on the network with the forecast demand applied. Furthermore, the proposed junction was found to have the capacity to accommodate the proposal without causing queuing on the A5.
- 6.47 As covered above, in response to pre-application advice received, the TS demonstrates that suitable access/egress arrangements are achievable to facilitate HGV access to and from the site safely. The development shall also not have an adverse effect on pedestrians and cyclists.
- 6.48 The TS has demonstrated that the existing railway bridge, circa 160m to the northwest, is not a constraint given, i) HGVS using the new station would already be using the highway network and be aware of the height restrictions, ii) the relatively low number of bridge strikes recorded in the most recent data available, and iii) on-site traffic signage mitigation proposed.
- 6.49 Positively, the TS concludes that:

“...it is considered that the proposals could be accommodated without detriment to the operation of the local highway network. As such, the development proposals would not result in a ‘severe’ impact and are considered to be acceptable and in accordance with both national and local policy.”

- 6.50 As the proposals will not have a severe impact on the local or wider highway network, it is considered acceptable in highway terms when considered against the NPPF and Local Plan Policies DM10 and DM17.

c) Amenity Considerations

6.51 In terms of amenity, Policies DM7 and DM10 outline that development will need to demonstrate that it would not interfere, have a significant adverse effect on the privacy of nearby residents/ occupiers of adjacent buildings, including in relation to lighting, air quality/odour and noise.

6.52 The nearest residential properties to the application site are located at a traveller site to the north of the A5, as confirmed by Planning and Pollution Control Officers at the pre-application stage. To the south, and west of the site is agricultural land, with no Public Rights of Way within or adjacent to the site providing public access.

6.53 Positively, as set out within HBBC's written response concludes:

"There would be no overlooking or shadowing caused as a result of the proposed development."

"... the proposed development complies with Policy DM10 with regard to the impact on neighbours".

6.54 Regarding other amenity matters, HBBC made the following pre-application comments:

"There are no air quality or odour concerns associated with the proposals. Further information will need to be provided to ensure compliance with Policy DM7. See consultee response from HBBC Pollution for further information."

6.55 Alongside this, the Pollution Officer provided the following feedback:

"Noise impact will need to be considered in the application bearing in mind the 24 hour use and nearby residential/traveller site use."

Details of site lighting should also be provided with any application and demonstrate that light levels off site fall within current guideline levels."

6.56 Relevant technical assessments have subsequently been undertaken and accompany this application in response to Officer comments.

iii. Noise

- 6.57 The site layout has been developed with input from CNG Fuel's noise consultants, ECC to ensure any potential impact is mitigated to within acceptable levels.
- 6.58 In terms of existing background noise levels, whilst the site is undeveloped, it is located adjacent to an existing PFS and immediately off the A5, a key transport corridor within the Golden Logistics Triangle, serving nearby large scale employment area areas with potentially noise associated operations and movements.
- 6.59 A Noise Impact Assessment (NIA) undertaken in accordance with BS4142 by ECC accompanies this application. The NIA evaluates the potential worst case noise impact of the proposed operations and equipment. Positively, it confirms that:

"The assessment has shown that during the respective daytime and night time operation of all services will be of low impact at the nearest receptors under the worst case operating conditions with typical refuelling only conditions expected to result in low impact and therefore no adverse impact.

On the basis of this assessment it is considered that noise does not pose a material constraint to planning permission for the development of the site being granted."

- 6.60 Accordingly, it has been demonstrated that the Bio-CNG station can operate on a 24/7 basis without resulting in an adverse noise impact.

iv. Air Quality and Odour

- 6.61 The site is not located within or in the immediate vicinity of an Air Quality Management Area.
- 6.62 The proposed Bio-CNG fuelling station will distribute gas that has been entirely sourced from food, animal, and water waste. In air quality terms, Bio-CNG is significantly cleaner through reducing a vehicle's equivalent emission by up to 90% (CO₂) and 75% (NO_x) over diesel powered vehicles. All HGVs using the facility will be 100% powered by Bio-CNG only with no diesel or other dual fuel vehicles able to re-fuel at the site. The station will not be open to members of the public, with access restricted to registered CNG customers only.

6.63 Notwithstanding the above, an Air Quality Assessment ('AQA') have been prepared by Redmore Environmental in support of this application. It assesses the baseline conditions and potential effects as a result of the proposed Bio-CNG station during construction and operational phases.

6.64 During the construction phase, with good practice dust control measures to be implemented, the residual significance of potential air quality impacts is predicted to be not significant. Similarly, during the operational phase of the proposed development, road traffic exhaust impacts are produced to not be significant.

6.65 Positively, the AQA concludes that:

“Based on the assessment results, air quality factors are not considered a constraint to planning consent for the development.”

6.66 In terms of odour, during regular operation the CNG station does not emit any gas to the ground or atmosphere. In the unlikely event that there is a leak or emergency release, the gas is lighter than air so will quickly rise and dissipate. This scenario would indicate a fault with the plant and immediate remedial measures would be taken to eliminate the problem to avoid affecting site operations. As such, any adverse effect would be short in duration, as well as extremely infrequent.

v. Lighting and CCTV

6.67 The proposed facility will operate on a 24 /7 basis, and therefore there is a need for lighting outside of daylight hours. Task lighting is required at each of the fuel dispenser islands, within the plant compound, and adjacent to the inlet gas meter and 2no. parking bays to the west. Within the surrounding area are a number of existing light sources including street lighting, amenity lighting to the travellers site, and flood lighting to the forecourt of the adjacent PFS.

6.68 CNG Fuel's lighting scheme will comprise a 1no. 4m height lighting column mounted on each fuel dispenser island in addition to 6no. columns located within the plant compound and 1no. column in the western part of the site, adjacent to the inlet gas meter/2no. parking bays – 19no. in total. The lamps will be angled downward containing light spill within the site. Additional low level directional, safety and emergency lighting will also be provided.

6.69 The facility is unmanned and operated remotely. CCTV cameras will be installed to the 19no. lighting columns previously mentioned. The CCTV and lighting installed will be focussed on the specific

operational areas of use i.e., the fuel dispensers and plant compound. It will not impact on the privacy of neighbouring occupiers, cause glare towards neighbouring land, the adjacent public highway, or detrimentally impact on any protected or notable species in ecological terms.

- 6.70 This is demonstrated by the Lighting Scheme and External Lighting Report prepared by Synergy Building Services, which accompanies this application.
- 6.71 In terms of overspill, under normal operating conditions, lighting is concentrated around the task areas and pumps with a small amount of overspill. The 1 lux contour (bright moonlight) is almost completely contained within the site boundary. The 0.1 lux and 0.3 lux contours (low moonlight) pass into the agricultural land but drops to less than 0.1 lux within a few metres. In terms of adjacent roadways, there will be not affect from lighting as the 0.1 lux contour does not reach the carriageway.
- 6.72 The requirements for BSEN 12464-2 for Zone 2 are met (i.e. falling below the 5% allowed), with luminaires selected to reduce direct upward light to low levels within these requirements. It is intended that 'warm white' LED light sources (3000K colour temperature) with zero UV and reduced blue component light content are used in keeping with the site's context in proximity to fields, to reduce any potential impact on wildlife. Overall, it is confirmed that the proposed development's effect on surroundings areas is minimal.
- 6.73 Subsequently, the proposed development is therefore considered to comply with the NPPF and Local Plan Policy DM7 and DM10 in relation to protecting amenity.

d) Trees and Landscaping

- 6.74 The proposed layout has been informed by a Tree Survey and Arboricultural Assessment ('AIA') prepared by Delta Simons, alongside highway safety, landscape, and ecological considerations as well as CNG Fuel's maintenance requirements.
- 6.75 Where possible, existing trees and vegetation have been retained. As confirmed by the AIA, produced in accordance with BS 5837:2012:
- There are no TPO or veteran trees on or adjacent to the site.
 - There are a very limited range of species on, and immediately adjacent to the site, with the distribution of tree groups limited to boundary features, comprising Ash and Leyland Cypress Trees.
 - A total of three groups of trees were surveyed. All trees surveyed are early mature, or young, with all groups appearing to be in poor to moderate condition.

- The proposed development requires the removal of one complete tree group with poor retention value, and a section of another tree group of moderate retention value. The remainder of trees are to be retained.
- As part of the proposed development's landscaping scheme, new tree planting will provide mitigation to provide a varied age range within the tree stock, allow retained trees to grow to maturity, whilst providing younger tree space to grow.
- A number of recommendations are proposed including for new tree planting, and providing adequate protection to root protection areas, and tree management.

6.76 A landscape proposals scheme (Dwg no. D333.L.001 EXT REV C) has been produced by TGP Landscape Architects. Key proposed landscaping features include:

- 3no. new trees within the western part of the site.
- New native hedge planting (200 linear meters) partly along the northern boundary and across the entire southern boundary.
- New hedgerow mix (400 sqm) along the site's northern boundary directly adjacent to the A5.
- New flowering lawn mix grass seed (690 sqm) in various non-operational areas of the site.
- Boundary fencing treatments for security purposes including 2.4m high close boarded timber fencing.

6.77 These landscape and planting proposals, informed by technical surveys, are considered to be in accordance with the NPPF and Local Plan Policies DM2, DM6, and DM10.

e) Ecology

6.78 An Ecological Impact Assessment ("EclA") has been prepared by Delta Simons in support of the application. This follows the Preliminary Ecological Appraisal submitted to the Council at the pre-application stage.

6.79 The EclA confirms that there are no relevant internationally, nationally, or regionally designated statutory sites to consider. Whilst the application site falls within several SSSI Impact Risk Zones, the closest being Burbage Wood and Aston Firs SSS1 4km to the north-east, the proposed development does not meet any of the risk criteria identified. Given its distance and isolation from the SSSI, no impacts are anticipated.

- 6.80 There are no considered to be any likely adverse impacts on identified Local Wildlife sites, with environmental best practice measures required during the construction and operational phases to mitigate any potential impacts from dust in relation to the Dismantled Railway LWS, located 65m to the north-west of the site.
- 6.81 The majority of the site comprises of poor semi-improved grassland with intact species-poor hedgerow to the north-east and along the north-west boundary. The eastern boundary of the site is characterised by a line of Leyland cypress. The habitats present on the site are widespread at both a local and national scale, with none considered to be rare. The boundary hedgerow is not considered important against the Hedgerow Regulations, but are Habitats of Principal Importance, with the compensation as far as possible, to be provided by new landscaping.
- 6.82 With regards to habitats, overall habitat loss is unavoidable to accommodate the proposed development. The EcIA however confirms that the habitats present on site are widespread with none considered to be rare. It also advises on the need for appropriate landscape and planting mitigation and management to ensure the potential residual effects are negligible and of neutral significance, and that the long-term biodiversity value of retained/proposed habitats are promoted.
- 6.83 In terms of species:
- The construction phase will result in a minor loss of suitable bird nesting habitat, namely tress. As such, suitable habitat will need to be removed either outside the main bird nesting season or require a nesting bird check by a suitably experienced ecologist immediately prior to removal. With the proposed landscaping strategy, there is anticipated to be a negligible residual effect on birds in the local area that is of neutral significance.
 - The site does not provide any roosting potential and limited opportunities for foraging and commuting bats. Unnecessary light spill onto boundary vegetation has been minimised by the proposed lighting scheme, with a minor adverse effect anticipated that is not significant taking into account the overall suitability of the site and its immediate surrounding area.
 - With an appropriate precautionary approach to be adopted, there is anticipated to be a negligible effect on otter and badger, and a non-significant minor adverse effect on hedgehog during the operational phase.
- 6.84 The non-residential application site is less than 1ha, with no floorspace being created. As such, in line with the Government's deferral for small sites, there is no mandatory requirement to deliver 10% biodiversity net gain. Notwithstanding this, opportunities and enhancements for biodiversity have been

provided where possible within non-operational areas of the scheme to offset these losses, as set out within the site's landscape proposals. As the EclA concludes:

“Whilst there is likely to be a temporal delay in achieving the biodiversity objectives for the Site (i.e. whilst new habitats become established), it is anticipated that in the long term there will be no significant residual effects on habitats or protected species resulting from the Proposed Development.”

6.85 In summary, it has been demonstrated that the proposals seek to maximise ecological and biodiversity opportunities on this site. The proposed development is therefore in accordance with the NPPF and Local Plan Policy DM6 and DM7.

f) Ground Conditions

6.86 Accompanying this application is a Phase 1 Preliminary Risk Assessment (“PRA”), Phase 2 Site Investigation and Ground Assessment, and Soakaway Investigation Report.

6.87 In summary, the Phase 1 PRA prepared by Thomas Consulting confirms that:

- The site currently consists of open pastureland where potential pollution from past fertiliser is identified, with exposure at the construction stage to workers considered low.
- It expected that the adjacent petrol filling station is fitted with a suitable drainage network designed to prevent contamination off-site.
- Runoff is unlikely to exceed the site with the site to be designed with suitable levels and drainage.
- It is suspected that infiltration methods to discharge surface water from the site will not be feasible due to the superficial strata underlying the site (alluvium – sand with clay and gravel). Instead, it is likely these will need to be discharged into Sketchley Brook following treatment.
- Pollutant linkages transporting contamination off-site towards the adjacent agricultural land and to groundwater are not significant, with very limited quantities of pollutant expected to reach the aquifer having a low impact.

6.88 It therefore recommends that a Phase 2 detailed site investigation be completed to fully assesses the risks associated with contamination. This shall include a borehole survey /trial pit work and Chemical testing using samples from the boreholes alongside infiltrating testing compliant with the guidance in BRE365 to determine the permeability on-site.

6.89 Accordingly, GeoEnviro Solutions Ltd have produced a Soakaway Investigation Report to inform the Phase 2 Site Investigation and Ground Assessment prepared by bEk Enviro Ltd, which outlines that:

- Soakaway testing (to BRE365) was carried out to determine the possible use of soakaways for surface water drainage. This subsequently confirms that the percolation rate of the shallow strata does not support their use at this site.
- There was no visual/olfactory evidence for the presence of contamination identified during the intrusive site investigation. There were no elevated contaminants of concern above the commercial assessment criteria within any of the samples subsequently tested, with no one of the samples proving positive in respect of asbestos.
- The potential risks to controlled waters are considered to be very low to negligible. The potential risks to concrete and service pipes are considered to be low.
- The site's underlying sandy clays are deemed suitable to sustain the loads associated with the new station's proposed bases.
- No risks to human health were identified.

6.90 It has been demonstrated that the proposed development is acceptable in terms of ground conditions and therefore complies with the NPPF and Local Plan Policy DM7.

g) Flood Risk and Drainage

6.91 A Flood Risk Assessment and Drainage Strategy has been prepared by Thomas Consulting.

6.92 The majority of the 0.92 ha site is located within Flood Zone 1, with its footprint partially situated in Flood Zone 2. The proposed development is classified as being falling "Less Vulnerable" to flood risk, where less vulnerable developments are deemed acceptable in Flood Zone 2.

6.93 The site is not a source protection zone and is at medium risk to groundwater vulnerability.

6.94 As soakaways have been found unviable (as covered above), following the SuDS hierarchy, a connection to Sketchley Brook is proposed, with SuDS techniques including geocellular storage tanks and restricted run-off discharge (flow control chamber) and full retention oil separator, with a future climate change (40%) accounted for.

6.95 The entirety of the site's paved impermeable area runoff is to be drained via rainwater gullies and channel drainage that is then passed through the full retention separator prior to being stored within a geocellular attenuation tank under the parking bay in the south-easter corner of the forecourt. From

here, the water then flows into a flow control chamber where water is pumped eastwards to discharge into Sketchley Brook. All surface water drained from the forecourt will be treated through a SPeL Puraceptor.

- 6.96 Off-site runoff is restricted to not exceed pre-development greenfield runoff rates for any storm duration.
- 6.97 The proposals have considered and appropriately responded to the flood risk and drainage requirements of this site in accordance with the NPPF and Local Plan Policy DM7.

Section 8 Conclusions

- 8.1 This application proposes a Bio-CNG gas fuelling station that will provide renewable and more environmentally friendly refuelling infrastructure for local logistics and distribution operators in Hinckley, creating the opportunity for businesses to convert their HGV vehicle fleets from diesel to Bio-CNG powered.
- 8.2 This Planning Statement, together with pre-application advice received from Hinckley & Bosworth Borough Council, has identified that the proposals comply with the policy context for the site including Policies DM2 and DM4 and is entirely acceptable in this location.
- 8.3 The use of 100% renewable biomethane fuel will result in significant reductions in CO₂, NO_x, and noise emissions over traditional diesel engine vehicles. The decarbonisation of the logistics sector is fully supported at national and local level, and this application proposal responds directly to the Council's Climate Emergency declared in July 2019.
- 8.4 The site, which sits on the edge of the designated countryside, just beyond the settlement boundary and adjacent to a PFS, is available for immediate development. In accordance with the Local Plan, the proposals will contribute to the overall attractiveness and future economic success and sustainability of the established employment areas within the Golden Logistics Triangle including Logix Distribution Park, Harrowbrook Industrial Estate, Dodwells Bridge Industrial Estate, and Nutts Lane Industrial Estate. The proposals will also provide tangible environmental benefits and can come forward without any adverse impact on the highway network, countryside, neighbour amenity, or ecological features.
- 8.5 Accordingly, the application proposals fully comply with the policies contained within the NPPF and Hinckley & Bosworth Borough Council's Development Plan. It is therefore respectfully requested that full planning permission is granted.

Document 1

Notice of Decision

Mr Tim Williams
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SE1 3XF

Town and Country Planning Act 1990 (as amended)

Application for:	Full Planning Permission
Application No:	19/01631/FUL
Applicant:	CNG Fuels Ltd
Agent:	Mr Tim Williams
Proposal:	CNG vehicle fuelling facility comprising 8 No. fuel pump islands, associated plant, landscaping and alterations to access.
Site Address:	Plot 30A Stephenson Way Newark On Trent Nottinghamshire

Newark and Sherwood District Council as Local Planning Authority in pursuance of their powers under the said legislation **Grant Full Planning Permission** for the development described in the above application, subject to the following conditions.

Conditions:

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason:

To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried out except in accordance with the following approved plans, reference

- 012/01/PS/001 Rev D - Proposed Site Layout
- 012/01/PS/002 Rev E - Site Block Plan
- 012/01/PS/003 Rev B - Proposed Site Elevation Views
- 012/01/PS/004 Rev D - Site Vehicle Simulation

- 012/01/PS/006 Rev A - Site Location Plan
- 012/01/PS/007 Rev B - CNG Station Lighting Layout
- 012/01/PS/008 Rev A - Existing Site Plan

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason:

So as to define this permission.

03

Prior to first occupation/use of the development hereby approved full details of a soft landscape scheme shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

Full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

Reason:

Insufficient details of the soft landscaping have been provided and this is required in the interests of visual amenity and biodiversity and to meet the policies NUA/E/1 and NUA/E/2 of the Development Plan.

04

The approved soft landscaping shall be completed during the first planting season following the first occupation/use of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping shall be completed prior to first occupation or use.

Reason:

To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

05

No part of the development hereby permitted shall be brought into use until the access is constructed with provision to prevent the unregulated discharge of surface water from the site to the (prospective) public highway which is subject to a Section 38 Agreement with the Highway Authority in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the (prospective) public highway shall then be retained for the life of the development.

Reason:

To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

Note to Applicant

01

The Lead Local Flood Authority offer the following advice:

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration - watercourse - sewer as the priority order for discharge location.
3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

02

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

03

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

A copy of the decision notice and the officer/committee report are available to view on the Council's website.

Authorised Officer on behalf of Planning Development, Newark and Sherwood District Council

Date: 11 October 2019

Note: Attention is drawn to the attached notes.

Important note:

This permission refers only to that required under the town and country planning acts and does not include any consent or approval under any other enactment, byelaw, order or regulation, including the passing of plans for the purpose of the building regulations which requires additional approval and a separate application must be submitted.

Approval of details (Reserved Matters): Applicants who receive an approval of details, known as “reserved matters”, under previous outline permission are reminded of the requirements as to commencement of the development within the time specified in the conditions attached to the outline permission and to ensure that any other conditions attached to that outline permission are complied with.

Discharge of Conditions: Please note the Discharge of Condition incurs a nationally set fee and the service normally has 8 weeks to respond to each request from date of receipt. Further details are available on our website at: www.newark-sherwooddc.gov.uk/planning/whathappensafterpermissionisdecided/

Appeals to the Secretary of State: If you disagree with the decision of the Local Planning Authority to grant it subject to conditions, then you can appeal to the Planning Inspectorate. It is important to note that there are different time periods in which you can appeal from the date of this notice. Please note, if you seek an inquiry you are asked to give the Planning Inspectorate and local planning authority at least 10 days’ notice that you intend to submit an inquiry appeal. Further information is available on the Planning Inspectorates website at www.gov.uk/appeal-planning-inspectorate or contact their customer support team by telephone 0303 444 5000 or email enquiries@planninginspectorate.gov.uk

Minor Amendments (not applicable to Listed Building Consent): If you wish to make alterations to a scheme after it has been granted planning approval, some minor changes to approved plans can be dealt with under an amended plan procedure. If this is an option you wish to pursue, the relevant application forms entitled “Application for a non-material amendment following a grant of planning permission” should be completed and returned to us along with scaled plans showing the proposed amendments and a fee. You can submit (and view guidance) your applications online or alternatively, please telephone our Customer Services on 01636 650000 who can arrange for a set to be posted to you.

We will in most cases accept the following as minor amendments to previously approved plans:

- Reduction in the volume/size of the building/extension
- Reduction in the height of the building/extension
- Amendments to windows/doors/openings that will not have any impact on neighbouring properties

However, this advice is given on an informal basis only and is therefore not binding on any future recommendation, which may be made to the Council or any formal decision by the Council. We consider the following to normally take a development beyond the scope of the permission and will therefore require a fresh application to be submitted:

- Significant increase in the volume of the building/extension
- Significant increase in the height of the building/extension
- Changes which would conflict with a condition on the original approval
- Additional and/or repositioned windows/doors/openings that will have an impact on neighbouring properties
- Changes which would alter the description of development from the original application
- Amendments that would warrant re-consultation either of neighbours, council departments or statutory bodies

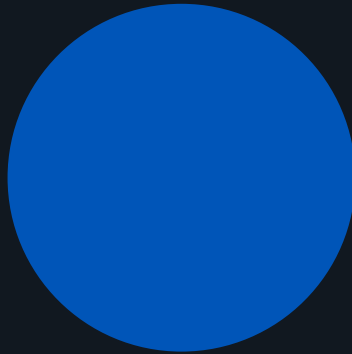
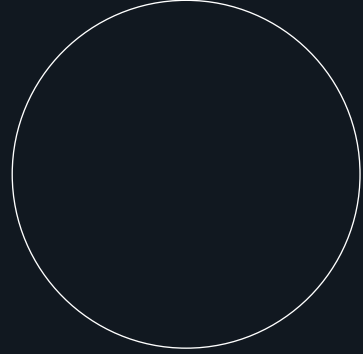
Further details are available on our website at:

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Disposal of any building waste: If you are having any building or remedial work done on your home or constructing a new dwelling, you have a ‘Duty of Care’ to ensure your waste is disposed of properly. Any contractor you employ or even if you arrange to have any construction or demolition waste removed yourself, the person you give it to must be a registered waste carrier. You should ask to see their Waste Carriers Licence and obtain a receipt for any waste which is removed. To ensure they are registered, you can also check with the Environment Agency online or by

telephoning 08708 506506.

Help to keep our District a cleaner and less polluted place.



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